

EAST AYRSHIRE COUNCIL**CABINET****MINUTES OF SPECIAL MEETING HELD ON WEDNESDAY 8 JULY 2009 AT 1000 HOURS IN PATNA PRIMARY SCHOOL, 32 CARNSHALLOCH AVENUE, PATNA**

PRESENT: Councillors Iain Linton, John MacKay, Maureen McKay, Jim Buchanan, Hugh Ross, Robert McDill and Kathy Morrice; Church Representatives Bill McGregor and John McHugh; Teacher Representative Iain Harvey; and Parent Representative David Fraser.

ATTENDING: Elizabeth Morton, Depute Chief Executive/Executive Director of Corporate Support; Graham Short, Executive Director of Educational and Social Services; Alex McPhee, Executive Head of Finance and Asset Management; Bill Walkinshaw, Head of Democratic Services; Martin Rose, Head of Human Resources; John Griffiths, Head of Leisure; Alan Neish, Head of Planning and Economic Development; Eddie Fraser, Head of Service: Community Care; Kay Gilmour, Head of Service: Community Support; Robin Gourlay, Head of Service: Facilities Management; Andrew Sutherland, Head of Service: Schools; Gwen Barker, Community Planning and Partnership Manager; Stuart McCall, Legal and Procurement Services Manager; Dot Grieve, Principal Officer, Community Learning and Development; and Christine Baillie, Administrative Officer.

APOLOGIES: Councillors Douglas Reid, Jim Todd and Jim Roberts.

CHAIR: Councillor Iain Linton, Depute Leader of the Council.

LIFELONG LEARNING**OUTCOME OF CONSULTATION ON PATNA PRIMARY SCHOOL AND NURSERY CLASS, SUPPORTED LEARNING CENTRE AND ST XAVIER'S PRIMARY SCHOOL**

- 1E.** There was submitted a report dated 26 June 2009 (circulated) by the Executive Director of Educational and Social Services which set out the views expressed, and the issues raised, resulting from the public consultation exercise which proposed that Patna Primary School and Nursery Class and Supported Learning Centre and St Xavier's Primary School continued in a new build campus, adjacent to the site of the present buildings of Patna Primary School and Nursery Class and Supported Learning Centre, together with a log of responses received (circulated at the meeting).

Cabinet, having taken account of all the issues raised in the consultation, agreed:-

- (i) that Patna Primary School and Nursery Class and Supported Learning Centre and St Xavier's Primary School should continue in a new build campus, adjacent to the site of the present buildings of Patna Primary School and Nursery Class and Supported Learning Centre;
- (ii) that a replacement for the Community Library, football pavilion and Community Centre be built as part of the Campus;

- (iii) that the existing buildings of Patna Primary School, Nursery Class and Supported Learning Centre be demolished as soon after the new campus is operational, as is practically possible;
- (iv) that following the move of the pupils of St Xavier's Primary School to the new campus, the present site of St Xavier's Primary School be considered as surplus to the requirements of the Department of Educational and Social Services and transferred to the Department of Finance and Asset Management for disposal in accordance with Council procedures;
- (v) that the Executive Head of Finance and Asset Management develop a business case to take this project forward with immediate effect;
- (vi) that local Elected Members, Parent Councils, staff, Diocese of Galloway and appropriate members of the community be kept informed of, and involved in, developments of the design of the campus at relevant stages; and
- (vii) otherwise, to note the contents of the report.

OUTCOME OF CONSULTATION ON DARVEL NURSERY SCHOOL AND DARVEL PRIMARY SCHOOL

2E. There was submitted a report dated 26 June 2009 (circulated) by the Executive Director of Educational and Social Services which set out the views expressed, and the issues raised, resulting from the public consultation exercise which proposed that pre-5 education at the existing Darvel Nursery School building be discontinued with effect from 30 June 2011, or as soon as possible thereafter, together with a log of responses (circulated at the meeting). Further, that Darvel Nursery School, staff and children should relocate to the site of a newly extended and refurbished Darvel Primary School building from 1 July 2011, or as soon as possible thereafter.

Cabinet, having taken account of all the issues raised in the consultation, agreed:-

- (i) that pre-5 education at the existing Darvel Nursery School building be discontinued with effect from 30 June 2011, or as soon as possible thereafter;
- (ii) that Darvel Nursery School, staff and children relocate to the site of a newly extended and refurbished Darvel Primary School building from 1 July 2011, or as soon as possible thereafter;
- (iii) that following the move of the staff and children of Darvel Nursery School to the new campus, the present site of Darvel Nursery School be considered as surplus to the requirements of the Department of Educational and Social Services and transferred to the Department of Finance and Asset Management for disposal in accordance with Council procedures;
- (iv) that the Executive Head of Finance and Asset Management develop a business case to take this project forward with immediate effect;
- (v) that local Elected Members, Parent Councils, staff and appropriate members of the community be kept informed of, and involved in, developments of the design of the campus at relevant stages; and
- (vi) otherwise, to note the contents of the report.

**USE OF ADDITIONAL (2 FTE) FUNDING FROM THE SCOTTISH GOVERNMENT
TO SUPPORT THE CURRICULUM FOR EXCELLENCE**

- 3E.** There was submitted a report dated June 2009 (circulated) by the Executive Director of Educational and Social Services which sought approval to utilise funding for two teachers (£80,000) allocated from the Scottish Government for session 2009/10 to appoint an additional Curriculum for Excellence Co-ordinator at secondary Principal Teacher level and to use the remaining allocation to part-fund the existing Curriculum for Excellence Co-ordinator.

Cabinet agreed:-

- (i) to approve the use of the £80,000 (2 FTE) allocation from the Scottish Government to support the Curriculum for Excellence in session 2009/10;
- (ii) to approve the appointment of a secondary Principal Teacher and use of the balance of the resource to ensure the present Curriculum for Excellence Co-ordinator remained in post until June 2010;
- (iii) to remit to the Executive Director of Educational and Social Services to look at the possibility of including teacher representation on the Leadership and Management Board; and
- (iv) otherwise, to note the contents of the report.

**NON-ELECTED MEMBER REPRESENTATION - THIRD CHURCH
REPRESENTATIVE AND TEACHER REPRESENTATIVE**

- 4E.** There was submitted a joint report dated 25 June 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support and the Executive Director of Educational and Social Services which (i) advised the Cabinet of the resignations of Dr Ivy Barclay as Third Church Representative and Iain Harvey, Teacher Representative on Cabinet; and (ii) informed the Cabinet that the Depute Chief Executive/Executive Director of Corporate Support had made appropriate arrangements to seek nominations for a third Church Representative and a Teacher Representative, to be appointed to serve on the Cabinet, as soon as possible, for the remaining life of the Cabinet and the current Council.

Cabinet agreed:-

- (i) to note the resignations of Dr Ivy Barclay as third Church Representative with effect from 30 June 2009 and Iain Harvey, as Teacher Representative, with effect from 13 August 2009;
- (ii) to note that the Depute Chief Executive/Executive Director of Corporate Support had made appropriate arrangements to advertise in the local press seeking nominations for a third Church Representative to serve on the Cabinet while dealing with education business;
- (iii) to note that the Depute Chief Executive/Executive Director of Corporate Support had made appropriate arrangements to obtain a nomination for a Teacher Representative to serve on the Cabinet while dealing with education business;
- (iv) to note that the representatives would be appointed to serve for the remaining life of the Cabinet and the current Council, with full voting rights, subject to them remaining eligible to hold such appointment; and

- (v) otherwise, to note the contents of the report.

CHAIR'S REMARKS

5. The Chair advised, in terms of Standing Order 18 and in accordance with Section 50B(4)(b) of the Local Government (Scotland) Act 1973 as amended, that it was his intention to circulate for consideration the undernoted item as a decision was required as a matter of urgency.

'KEEP JOHNNIE WALKER IN KILMARNOCK' CAMPAIGN

6. There was submitted a report dated 7 July 2009 (circulated at the meeting) by the Depute Chief Executive/Executive Director of Corporate Support which advised of the decision of Diageo Plc to enter into a 90 day consultation period in respect of their proposed closure of their Johnnie Walker, Kilmarnock packaging plant over a two year period, with the loss of approximately 700 jobs by the end of 2011, and to out-contract to their party logistics company, Malcolm Group, their Johnnie Walker, Hurlford consolidation warehouse, resulting in 64 dispatch warehouse jobs at Hurlford being transferred under TUPE regulations and with Diageo exiting the site in early 2010.

Cabinet agreed:-

- (i) to approve the utilisation of up to £50,000 from General Fund balances in respect of the "Keep Johnnie Walker in Kilmarnock" Campaign;
- (ii) to delegate authority to incur expenditure in this regard to the Head of Democratic Services; and
- (iii) otherwise, to note the contents of the report.

CHAIR'S REMARKS

7. The Chair advised that this was Iain Harvey's last official Cabinet meeting as Teacher Representative as he was, in fact, retiring from teaching and went on to say that "Iain had served first on the Education Committee of East Ayrshire and subsequently the Cabinet as the Teachers' representative. His tenure dates back to the first days of the Council in 1996. He had therefore survived four elections, thirteen years in office and nearly 1,000 formal papers on Education. It is also worth noting that he had been a participant in the implementation of 3 sets of national educational policies - first the Conservative policies of the then Westminster Government, then both Westminster and Holyrood based Labour policies and lastly the current policies of the SNP national administration.

In addition to his duties as the Teachers' Representative at Cabinet, he had also been the local association secretary of the Educational Institute of Scotland (EIS) throughout this period, the Joint Secretary of the Joint Negotiating Committee for Teachers (JNCT) and had sat on a number of corporate committees and groups. Occasionally, he had too, been seen in front of a Chemistry Class at Loudoun Academy. Indeed having started his teaching career at Kilmarnock Academy in August 1973 he had seen over 35 years of teaching from the days of Ayr County Council, through Strathclyde and now to East Ayrshire.

It is clear then that Iain had made a significant role in the life of the Education Service here. Most notably, he had been a key player in forging the agreements

under "A Teaching Profession for the 21st Century" (the McCrone Agreement). East Ayrshire was the first Education Authority to record a full set of agreements covering the key areas of this landmark national agreement. His was a key role at this important point in the history of the Service.

Iain had therefore played a key role in shaping Education Service in this area. His interested, sage and sometimes waspish questions at Cabinet will be missed, so too will his unfailing courtesy and sense of humour. He will be very much missed and this is definitely the end of an era in the history of a complete service. He has much to be proud of and we have much to thank him for. Everyone wishes Iain well for a long and happy retirement.

The Chair then presented Iain with a small gift as a token of the Council's appreciation.

Iain Harvey then intimated his thanks to Elected Members and Officers past and present and wished them all success for the future.

Church Representatives Bill McGregor and John McHugh, Teacher Representative Iain Harvey and Parent Representative David Fraser left the meeting at this point (Church Representative John McHugh having joined the meeting during Item 6 above).

COMMUNITY PLANNING AND EQUALITIES

EAST AYRSHIRE COMMUNITY PLANNING PROCESS - 2008/09 ANNUAL PERFORMANCE REPORT

8. There was submitted a report dated 25 June 2009 (circulated) by the Chief Executive which presented to the Cabinet the 2008/09 Annual Performance Report for Community Planning in East Ayrshire.

Cabinet agreed:-

- (i) to note the progress made in respect of implementing Community Planning within East Ayrshire;
- (ii) to note and endorse the 2008/09 Annual Performance Report;
- (iii) to remit Officers to consolidate the information contained in the 2008/09 Annual Performance Report into the Council's wider Public Performance Report; and
- (iv) otherwise, to note the contents of the report.

SCOTTISH COMMUNITY EMPOWERMENT ACTION PLAN - CELEBRATING SUCCESS: INSPIRING CHANGE

9. There was submitted a report dated 29 June 2009 (circulated) by the Chief Executive which advised the Cabinet on the Scottish Community Empowerment Action Plan and which highlighted issues from an East Ayrshire perspective.

Cabinet agreed:-

- (i) to note the range of work nationally and locally which had been progressed to promote wider community engagement; and

- (ii) that the Depute Chief Executive/Executive Director of Corporate Support submit a report on developing Social Enterprise within East Ayrshire to a future meeting of Cabinet.

COMMUNITY WELLBEING

MOVING AND HANDLING SERVICE

- 10.** There was submitted a report dated June 2009 (circulated) by the Executive Director of Educational and Social Services which provided information on the development of the Moving and Handling Service within Educational and Social Services and which recommended the adoption and implementation of a “Safer Moving and Handling Policy” across Educational and Social Services.

Cabinet agreed:-

- (i) to approve the “Safer Moving and Handling Policy” for implementation within Educational and Social Services;
- (ii) that initial discussions take place in respect of the development of Shared Services in the moving and handling service across the three Local Authorities in Ayrshire;
- (iii) that the feasibility of extending the moving and handling service provision to informal carers be considered within a future report to Cabinet; and
- (iv) otherwise, to note the contents of the report.

FINANCIAL GUARDIANSHIP AND ACCESS TO FUNDS

- 11.** There was submitted a report dated June 2009 (circulated) by the Executive Director of Educational and Social Services which outlined the legislative background to changes in the routes to access the funds of adults who no longer had the capacity to do so themselves.

Cabinet agreed:-

- (i) to authorise the Head of Community Care to apply to the Office of Public Guardian to register the Council as being a fit organisation to access the funds of those individuals with low value estates in order to undertake day to day budgetary and financial tasks on their behalf;
- (ii) to authorise the Head of Community Care on an interim basis pending a full review of procedures, to obtain an approved list of solicitors and accountants who would fulfil the function of financial guardian within an agreed fee structure;
- (iii) to authorise the Head of Community Care, on an interim basis pending a full review of procedures, to contract with those solicitors and accountants to fulfil the function of financial guardian within an agreed fee structure; and
- (iv) otherwise, to note the contents of the report.

GRANT FUNDING APPLICATIONS

12.1 EAST AYRSHIRE (SOUTH) FORUM ON DISABILITY

There was submitted a report dated 26 June 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which informed Cabinet of a grant funding request from the East Ayrshire (South) Forum on Disability and which made recommendations accordingly.

Cabinet agreed:-

- (i) to the funding request of £2,780 for the East Ayrshire (South) Forum on Disability; and
- (ii) otherwise, to note the contents of the report.

12.2 EAST AYRSHIRE ACCESS PANEL (NORTH DISTRICT) AND CUMNOCK AND DOON VALLEY ACCESS PANEL

There was submitted a report dated 26 June 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which informed Cabinet of a joint grant funding request from the East Ayrshire Access Panel (North District) and Cumnock and Doon Valley Access Panel and which made recommendations accordingly.

Cabinet agreed:-

- (i) to approve the total funding request of £8,405 for the East Ayrshire Access Panel (North District) (£4,800) and Cumnock and Doon Valley Access Panel (£3,605); and
- (ii) otherwise, to note the contents of the report.

ENVIRONMENT AND REGENERATION

AYRSHIRE HOUSEHOLD RECYCLING SCHEME

- 13.** There was submitted a report (circulated) by the Executive Director of Educational and Social Services which informed Members of the decision made by the Ayrshire Household Recycling Scheme to cease trading.

Cabinet agreed:-

- (i) to note the closure of Ayrshire Household Recycling; and
- (ii) otherwise, to note the contents of the report.

FOUR TOWNS ENQUIRY BY DESIGN

- 14.** There was submitted a report dated 16 June 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought the formal approval of Cabinet to authorise the Head of Planning and Economic Development to sign a negotiated contract with the Prince's Foundation for the Built Environment (PFBE).

Cabinet agreed:-

- (i) to authorise the Depute Chief Executive/Executive Director of Corporate Support to negotiate a contract in compliance with Best Value principles with

the Prince's Foundation for the Built Environment in terms of Item 20(1) of the Council's Standing Orders Relating to Contracts and Tendering; and

- (ii) to authorise the Depute Chief Executive/Executive Director of Corporate Support to award the contract to the Prince's Foundation for the Built Environment on completion of the negotiation process.

**REDEVELOPMENT AND IMPROVEMENT OF THE FLORAL CLOCK AT
KILMARNOCK RAILWAY STATION**

15. There was submitted a report dated 24 June 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which updated Cabinet on the progress with developing an improved project for the floral clock in the foreground of Kilmarnock Railway Station and which sought authority to (i) appoint a contractor to carry out the work; and (ii) enter into a licence agreement with Network Rail to safeguard the Council's investment in the site.

Cabinet agreed:-

- (i) to note the contents of the report, with specific regard to the proposed scheme for the redevelopment of the floral clock site, the financial implications and the benefits of the scheme and agreed to proceed with the project on a phased basis including a reduction in maintenance costs as detailed in Paragraph 6 of the report;
- (ii) to give authority to the Head of Planning and Economic Development to appoint a contractor to carry out the work on site, on the basis of the outcome of the tender process, subject to the necessary funding becoming available;
- (iii) that the Council enter into a licensed agreement with Network Rail to safeguard the Council's investment in the project; and
- (iv) to remit to the Head of Planning and Economic Development to look at the feasibility of seeking private sponsorship towards part of the project.

**KILMARNOCK CONSERVATION AREA REGENERATION SCHEME -
APPROVAL OF GRANT APPLICATION FOR ADDITIONAL WORKS - GEORGE
TANNAHILL AND SONS AT 75-81 JOHN FINNIE STREET, KILMARNOCK**

16. There was submitted a report dated 24 June 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought approval of a Conservation Area Regeneration Scheme (CARS) grant that was outwith the delegated authority granted by Cabinet to the Head of Planning and Economic Development.

Cabinet agreed to approve an additional CARS grant of £104,706 for a major scheme of conservation, repair and maintenance at 75-81 John Finnie Street, Kilmarnock, with the Head of Planning and Economic Development being authorised to increase the offer of grant by up to 10% subject to the verification of any further additional costs by the CARS Project Officer.

MANAGEMENT AND RESOURCES

HEALTH AND SAFETY - PROCUREMENT OF EXTERNAL CONSULTANT

17. There was submitted a report dated 24 June 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought Cabinet's approval to appoint Chalker Training Limited to undertake a compliant review of the Council's health and safety arrangements.

Cabinet agreed:-

- (i) to approve the recommendation that Chalker Training Limited be appointed to provide consultancy services relating to health and safety for a period of 21 days in accordance with Paragraph 20(1) of the Council's Standing Orders Relating to Contracts; and
- (ii) otherwise, to note the contents of the report.

CORPORATE PROCUREMENT STRATEGY AND E-PROCUREMENT STRATEGY

18. There was submitted a report dated 26 June 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought approval to implement the reviewed Corporate Procurement Strategy 2007-2010 and the new E-Procurement Strategy 2008-2010.

Cabinet agreed:-

- (i) to approve the implementation of the reviewed Corporate Procurement Strategy 2007-2010 and the new E-Procurement Strategy 2008-2010; and
- (ii) otherwise, to note the contents of the report.

ANNUAL REPORT ON COMPLAINTS AND COMMENTS - 2008/2009

19. There was submitted a report (circulated) by the Chief Executive which provided the Cabinet with information which related to the formal complaints received and resolved by Council Services for the period 1 April 2008 to 31 March 2009.

Cabinet, having noted the undernoted amendments to the table shown in Paragraph 3.1 of the report in respect of 07/08 figures for Educational and Social Services, agreed to note the annual return for complaints and comments for the period 1 April 2008 to 31 March 2009:-

Department	Complaints		Improvements		Positive Comments	
	07/08	08/09	07/08	08/09	07/08	08/09
Chief Executive's	4	1	0	0	5	8
Corporate Support	4	12	2	1	12	40
Educational and Social Services:	29	40	5	4	27	11
Neighbourhood Services:	72	69	15	26	1079	962
TOTAL	109	122	22	31	1123	1021

EXCLUSION OF PRESS AND PUBLIC

20. Cabinet resolved "That under Section 50A(4) of the Local Government (Scotland) Act 1973, as amended, the Press and public be excluded from the meeting for the

following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Schedule 7A of the Act”.

SEVERANCE ARRANGEMENTS

21. There was submitted a report dated 2 July 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought approval of severance arrangements for 3 employees within the Departments of Corporate Support and Educational and Social Services.

Cabinet agreed to approve the severance arrangements as detailed in Appendix A to the report.

The meeting terminated at 1138 hours.