

EAST AYRSHIRE COUNCIL**CABINET****MINUTES OF MEETING HELD ON WEDNESDAY 17 AUGUST 2011 AT 1000 HOURS IN THE COUNCIL CHAMBERS, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

PRESENT: Councillors Douglas Reid, John MacKay, Maureen McKay, Robert McDill, Jim Roberts, Barney Menzies and Kathy Morrice; Church Representative Ian Rennie; and Parent Representative David Fraser.

ATTENDING: Fiona Lees, Chief Executive; Elizabeth Morton, Depute Chief Executive/Executive Director of Neighbourhood Services; Alex McPhee, Executive Director of Finance and Corporate Support; Bill Walkinshaw, Head of Democratic Services; Craig McArthur, Head of Finance; Martin Rose, Head of Human Resources; David Mitchell, Head of Legal, Procurement and Regulatory Services; Alan Neish, Head of Planning and Economic Development; Susan Taylor, Head of Service, Children, Families and Criminal Justice; Eddie Fraser, Head of Service: Community Care; Andrew Sutherland, Head of Service: Schools; Bryan Campbell, Team Leader Food Safety/Health & Safety; and Christine Baillie, Senior Administrative Officer.

APOLOGIES: Councillors Iain Linton, Jim Buchanan, Hugh Ross, and Jim Todd; Church Representative Maria Dorrian; and Teacher Representative Bryce Wilson.

CHAIR: Councillor Douglas Reid, Leader of the Council.

PROMOTING LIFELONG LEARNING**MORATORIUM ON RURAL SCHOOL CLOSURES**

- 1E.** There was submitted a report dated 11 July 2011 (circulated) by the Executive Director of Educational and Social Services which sought approval for a formal position on the Moratorium on Rural School Closures proposed by the Cabinet Secretary for Education and Lifelong Learning.

Cabinet agreed:-

- (i) to the Cabinet Secretary's request for applying a Moratorium on the Closure of Rural Schools in East Ayrshire;
- (ii) that in exceptional circumstances the Executive Director of Educational and Social Services be authorised to contact the Scottish Government regarding a suspension of the Moratorium; and
- (iii) otherwise, to note the contents of the report.

ESTABLISHMENT OF BUSINESS AND SKILLS ENTERPRISE CENTRES IN EAST AYRSHIRE SECONDARY SCHOOLS (Item 2.2(i), Page 1515, 07/12)

- 2E.** There was submitted a report dated 28 July 2011 (circulated) by the Executive Director of Educational and Social Services which provided an update on the Business Enterprise Fund and which sought approval to establish Business

Enterprise and Skills Enterprise Centres (BESC) in each of the nine secondary schools in East Ayrshire.

Councillor Jim Roberts, seconded by Councillor Douglas Reid moved approval of the recommendations as detailed in the report, namely:-

- (i) to approve the establishment of individual Business Enterprise and Skills Centre programmes in each of the nine secondary schools in East Ayrshire;
- (ii) to welcome the support and involvement of local and national Business Leaders working within our schools to support and challenge Head Teachers in the development of the BESC's;
- (iii) to receive annual updates on the progress of the Business Enterprise and Skills Centre programmes in each school; and
- (iv) otherwise, to note the contents of the report.

Councillor Maureen McKay, seconded by Councillor Barney Menzies moved as an amendment that whilst supporting the establishment of a Business and Skills Enterprise Centres schools programme we regret the spend and subsequent withdrawal of £1M from the Council's budget and propose that if this project does go forward, any associated costs be met from alternative non-Council funding.

On a division by a show of hands the motion was carried by 6 votes to 3.

**GLOBAL SCHOOLS EXCHANGE IN PARTNERSHIP WITH SRI LANKA
(Item 3E, Page 1725, 07/12)**

- 3E.** There was submitted a report dated 10 August 2011 (circulated) by the Executive Director of Educational and Social Services which sought approval to continue links between schools in East Ayrshire and those in Central Province Sri Lanka.

Councillor Douglas Reid, seconded by Councillor Jim Roberts moved approval of the recommendations as detailed in the report, namely:-

- (i) to approve the continued link between the Gampola Region of Sri Lanka and East Ayrshire Council;
- (ii) to seek annual update reports on progress in further developing the Global Citizen links; and
- (iii) otherwise, to note the contents of the report.

Councillor Maureen McKay, seconded by Councillor Barney Menzies, moved as an amendment that East Ayrshire Council formally withdraws any contact and support links with Sri Lanka on the principle of Human Rights.

On a division by a show of hands the motion was carried by 5 votes to 3.

Church Representative Ian Rennie and Parent Representative David Fraser left the meeting at this point.

IMPROVING COMMUNITY HEALTH AND WELLBEING

SOCIAL WORK SUSTAINABILITY: CHILDREN AND FAMILIES SERVICE PROGRESS REPORT (Item 7, Pages 1160, 1161, 07/12)

4. There was submitted a report dated 26 July 2011 (circulated) by the Executive Director of Educational and Social Services which advised of progress in implementing the new service design for the Children and Families Social Work Service and associated changes as set out in the Social Work Sustainability Plan and which sought approval for specific developments arising from the workstreams.

Cabinet agreed:-

- (i) to note the progress made against key indicators as set out at paragraph 5 of the report;
- (ii) to note the impact of the service changes on the overall performance of the service as outlined at paragraph 5.1 of the report;
- (iii) to note the work undertaken with independent sector provider organisations as detailed at Appendix 2 of the report;
- (iv) to note the work being progressed on a shared service basis with North Ayrshire Council and South Ayrshire Council in respect of joint commissioning and contract management;
- (v) to approve the specific changes to existing agreements as set out at paragraph 4.17 of the report; and
- (vi) otherwise, to note the contents of the report.

Cabinet noted that the grievances referred to at paragraph 9.2 of the report had been withdrawn.

DEVELOPMENT OF EAST AYRSHIRE VIOLENCE AGAINST WOMEN PARTNERSHIP

5. There was submitted a report dated 4 August 2011 (circulated) by the Executive Director of Educational and Social Services which advised of the development of the East Ayrshire Violence Against Women Partnership (EAVAWP).

Cabinet agreed:-

- (i) to note the progress being made in establishing the EAVAWP; and
- (ii) otherwise, to note the contents of the report.

Cabinet noted that in paragraphs 9.2 and 10.1 the Gender Equality Duty and the Equality Act 2006 should read Equality Act 2010 and that the duty on public authorities did not come into effect until 2012.

IMPROVING COMMUNITY SAFETY

AUDIT OF EAST AYRSHIRE COUNCIL BY THE FOOD STANDARDS AGENCY 24-26 MAY 2011

6. There was submitted a report dated 3 August 2011 (circulated) by the Executive Director of Finance and Corporate Support which advised of an audit of East

Ayrshire Council's Food Law Enforcement Service, between 24-26 May 2011, by the Food Standards Agency.

Cabinet, having considered the audit report agreed:-

- (i) to approve the Action Plan as detailed within Annex A of the audit report;
- (ii) to refer the report to the Governance and Scrutiny Committee for its interest; and
- (iii) otherwise, to note the contents of the report.

DELIVERING COMMUNITY REGENERATION

CATRINE ENVIRONMENTAL HERITAGE PROJECT - REQUEST FOR A CONTINGENCY AND BRIDGING LOAN FACILITY (Item 11, Page 1556, 1557, 07/12)

7. There was submitted a report dated 10 August 2011 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which sought authority to commit the Council to provide additional financial support to Catrine Community Trust in the form of a 10% contingency loan facility where this was required to secure confirmed external funding and also the provision of bridging loan finance to cover cash flow delays in payment of Scottish Rural Development Programme (SRDP) Grants.

ADJOURNMENT/RECONVENTION OF MEETING

8. Cabinet adjourned at 1152 hours and reconvened at 12 Noon with the same Members and Officers present and in attendance, under exception of Susan Taylor, Head of Service: Children, Families and Criminal Justice; Andrew Sutherland, Head of Service: Schools and Bryan Campbell, Team Leader: Food Safety/Health and Safety.

Continuation of Consideration of Item

Cabinet agreed:-

- (i) to confirm the Council's commitment to provide a loan facility of up to 10% of the SRDP Rural Priorities Grant, amounting to up to £0.205M for the contingency element and provide a further loan of £0.024M to cover interest on the weir bridging loan facility, as detailed in paragraph 4.4 of the report, subject to written confirmation of the Water Abstraction Licence;
- (ii) to provide a secured bridging loan facility up to a maximum of £0.466M to cover delays in the payment of SRDP Grants, subject to written confirmation of the Water Abstraction Licence;
- (iii) to authorise the Head of Finance to put in place the appropriate financial and management controls and administer the Project Management Group to reduce the financial risks identified and to monitor the Council's financial exposure;
- (iv) to authorise the Head of Finance to negotiate loan terms and conditions in respect of recommendations (i) and (ii) above;

- (v) to authorise the Solicitor to the Council to prepare associated loan documentation in relation to the contingency loan facility and the bridging loan facility; and
- (vi) otherwise, to note the contents of the report.

STRATEGIC PLANNING, MANAGEMENT AND RESOURCES AND EQUALITIES

EFFICIENT GOVERNMENT RETURN

9. There was submitted a report dated 26 July 2011 (circulated) by the Executive Director of Finance and Corporate Support on the proposed Efficient Government Return for approval prior to submission to CoSLA for incorporation into a Scotland-wide report for the Scottish Government.

Cabinet agreed:-

- (i) to approve the proposed Efficient Government submission;
- (ii) due to the timescales involved i.e. that the submission had to be with CoSLA by Friday 19 August 2011, to implement recommendation (i) above, prior to any consideration by the Governance and Scrutiny Committee under the call in arrangements; and
- (ii) otherwise, to note the contents of the report.

SHARED SERVICES - JOINT WORKING IN AYRSHIRE

10. There was submitted a report dated 8 August 2011 (circulated) by the Executive Director of Finance and Corporate Support which updated Members on the progress in relation to the Shared Services Agenda and the work undertaken on a Pan-Ayrshire basis in this respect over the last 12 months. The report also sought approval for the allocation of funds to allow for the establishment of a Shared Services Development Fund.

Cabinet agreed:-

- (i) to endorse the steps taken and proposed to date, in respect of joint working arrangements Pan-Ayrshire;
- (ii) to approve the commitment of £50,000 to establish a Shared Services Development Fund;
- (iii) that the Executive Director of Finance and Corporate Support and other relevant Officers report back to Cabinet annually on progress made;
- (iv) to note that individual reports would be brought to the appropriate decision-making forum as they arose; and
- (v) otherwise, to note the contents of the report.

PARTICIPATION IN SCOTTISH HUB INITIATIVE

11. There was submitted a report dated 8 August 2011 (circulated) by the Executive Director of Finance and Corporate Support which sought approval for East Ayrshire Council to participate in the South West Hub Territory.

Cabinet agreed:-

- (i) to note the progress and next steps within the established South West Territory;
- (ii) to approve the signing of the Letter of Intent and Memorandum of Understanding by the Chief Executive on behalf of East Ayrshire Council; and
- (iii) that the Head of Corporate Infrastructure be nominated to attend the Territory Board meetings with the Capital Programme Manager as substitute, and that the Head of Corporate Infrastructure be given the appropriate delegated authority to take decisions on behalf of the Council.

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AFFILIATIONS TO OUTSIDE ORGANISATIONS 2011/2012

12. There was submitted a report dated 8 August 2011 (circulated) by the Executive Director of Finance and Corporate Support which invited the Cabinet to consider the background, aims and objectives and activities of those organisations which had sought association with, and affiliation of, the Council.

Cabinet agreed:-

- (i) to affiliate or not to affiliate as outlined in the recommendations detailed in Appendix 1; and
- (ii) that the appropriate Departments make payment of the affiliation fees to those approved organisations.

TAX INCREMENTAL FINANCING

13. There was submitted a report dated 11 August 2011 (circulated) by the Chief Executive which sought approval for the Council to submit an initial application for a Tax Incremental Finance Project to support the future implementation of the draft Kilmarnock Integrated Urban Development Plan.

Cabinet agreed:-

- (i) to approve the preparation and submission by the Council of an initial bid for Tax Incremental Financing to support the implementation of key projects within the draft Kilmarnock Integrated Urban Development Plan;
- (ii) in the event of the Council's approach being approved by Scottish Futures Trust and Scottish Government, details of the developed proposal be submitted to Cabinet for approval;
- (iii) due to the timescales involved i.e. that the submission had to be lodged by Friday 19 August 2011, to implement recommendation (i) above prior to any consideration by the Governance and Scrutiny Committee under the call in arrangements; and
- (iii) otherwise, to note the contents of the report.

EXCLUSION OF PRESS AND PUBLIC

14. 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 items of business on the grounds that they involved the likely disclosure of exempt information as defined in the Paragraphs of Schedule 7A of the Act as shown against each item".

STRATEGIC PLANNING, MANAGEMENT AND RESOURCES AND EQUALITIES

UPDATE ON THE COUNCIL'S REDUNDANCY PAYMENTS SCHEME (PARA 1)

- 15.** There was submitted a report dated 1 August 2011 (circulated) by the Executive Director of Finance and Corporate Support which advised on a number of employees who had left the Council's service under the Council's Redundancy Payments Scheme via the Head of Human Resources' delegated authority.

Cabinet agreed to note the number of employees who had left the Council's service on the grounds of redundancy in terms of the Head of Human Resources' delegated authority as detailed in Appendix A to the report.

IMPROVING COMMUNITY HEALTH AND WELLBEING

SOCIAL WORK COMPLAINTS REVIEW PANEL (PARAS 3 & 7)

- 16.1** There was submitted a report dated 1 August 2011 (circulated) by the Social Work Complaints Review Panel on their findings and recommendations from a meeting held on 20 January 2011.

Cabinet agreed:-

- (i) to accept the Panel's decision not to uphold the complaint;
- (ii) that the Head of Community Care undertake a review of communication arrangements as referred to in paragraph 6.5 of the report; and
- (iii) otherwise, to note the contents of the report.

- 16.2** There were submitted and noted for information the Minutes of a meeting of the Social Work Complaints Review Panel held on 20 January 2011 (circulated).

The meeting terminated at 1238 hours.