

PLEASE NOTE THAT THE MINUTE REQUIRES TO BE APPROVED AS A CORRECT RECORD AT THE NEXT COUNCIL MEETING AND MAY BE AMENDED

EAST AYRSHIRE COUNCIL

CABINET

MINUTES OF MEETING HELD ON WEDNESDAY 24 JANUARY 2018 AT 1000 HOURS IN THE COUNCIL CHAMBERS, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

PRESENT: Councillors Douglas Reid, Elena Whitham, Gordon Jenkins, John McGhee, Tom Cook, Iain Linton, Fiona Campbell, Clare Maitland, Neil McGhee and Jim McMahan; Church Representative Shaheen Mirza; Parent Representative Jacqueline Livingston; and Teacher Representative Graham Boyd.

ATTENDING: Fiona Lees, Chief Executive; Alex McPhee, Depute Chief Executive and Chief Financial Officer: Economy and Skills; Chris McAleavey, Depute Chief Executive: Safer Communities; David Mitchell, Chief Governance Officer; Alan Ward, Head of Education; Linda McAulay-Griffiths, Head of Education Designate; Andrew Kennedy, Head of Facilities and Property Management; Paul McGowan, Head of Human Resources; Kerr Chalmers, Traffic and Road Safety Manager; Julie Hope, Strategic Education Manager; Graham McGinn, Strategic Education Manager; Erik Sutherland, Senior Manager Planning and Performance; and Christine Baillie, Democratic Services Team Leader.

ALSO ATTENDING: Eddy Graham, IBP Strategy & Research; and Douglas Hutchison, Regional Improvement Lead, South West Educational Improvement Collaborative.

APOLOGIES: Councillor Jim Roberts and Church Representative Maria Dorrian.

CHAIR: Councillor Douglas Reid, Leader of the Council.

CHAIR'S REMARKS

1. The Chair welcomed to the meeting pupils and teachers from Cumnock Academy, Auchinleck Academy, Barshare Primary, Greenmill Primary and Hillside School and also Douglas Hutchison, Regional Improvement Lead for the South West Educational Improvement Collaborative.

ORDER OF BUSINESS

2. The Chair, at his discretion and in terms of Standing Order 19, agreed to alter the order of business and take Item 5E first.

DECLARATIONS OF INTEREST

3. No declarations of interest were intimated.

PROCEDURE FOR THE NAMING OF NEW SCHOOLS ETC WITHIN EAST AYRSHIRE - MERGER OF BARSHARE PRIMARY SCHOOL, SUPPORTED LEARNING CENTRE AND EARLY CHILDHOOD CENTRE AND GREENMILL PRIMARY SCHOOL AND EARLY CHILDHOOD CENTRE: MERGER OF AUCHINLECK ACADEMY AND CUMNOCK ACADEMY AND SUPPORTED LEARNING CENTRE; AND HILLSIDE ADDITIONAL SUPPORT NEEDS SCHOOL (Item 1.1E(vi), Page 1197, 12/17)

- 4E. There was submitted a report dated 24 January 2018 (circulated) by the Depute Chief Executive and Chief Financial Officer: Economy and Skills which outlined the

proposals received for names for the new build establishments to replace the current Auchinleck Academy; Cumnock Academy and Supported Learning Centre; Barshare Primary School, Supported Learning Centre and Early Childhood Centre; Greenmill Primary School and Early Childhood Centre and Hillside Additional Support Needs School. From the proposals submitted and subsequent reasons given for each, Cabinet were asked to make a decision on the names for each of the respective schools and campus.

Cabinet, having considered all proposals submitted, together with the reasons given for each proposal, agreed:-

- (i) that the names for the new build establishment be as follows:-
 - the Campus - The Barony Campus;
 - the Secondary School and Supported Learning Centre - The Robert Burns Academy;
 - the Primary School and Supported Learning Centre - Lochnorris Primary School;
 - Early Childhood Centre - Cherry Trees Early Childhood Centre; and
 - Hillside Additional Support Needs School - no change.
- (iii) otherwise, to note the contents of the report.

ADJOURNMENT/RECONVENTION OF MEETING

- 5. The meeting adjourned at 1010 hours and reconvened at 1022 hours with the same members present.

EMPLOYEE ATTITUDE SURVEY 2017

- 6E. There was submitted a report dated 10 January 2018 (circulated) by the Depute Chief Executive: Safer Communities which informed of the findings of the Employee Attitude Survey which had been carried out within the Council during October and November 2017.

Cabinet received a presentation from Eddy Graham from IBP Strategy and Research on the findings of the survey. Members then had the opportunity to ask questions of Mr Graham.

Cabinet agreed:-

- (i) to the future actions detailed at paragraphs 16 to 19 of the report;
- (ii) to remit to the Depute Chief Executive: Safer Communities to report to a future Cabinet on the actions to be taken around the areas, identified from the survey, which required a renewed focus of activity; and
- (iii) otherwise, to note the contents of the report.

CONSULTATION RESPONSE - EMPOWERING SCHOOLS: A CONSULTATION ON THE PROVISIONS OF THE EDUCATION (SCOTLAND) BILL

- 7E. There was submitted a report dated 11 January 2018 (circulated) by the Depute Chief Executive and Chief Financial Officer: Economy and Skills which presented for consideration and endorsement the proposed East Ayrshire Council response to the Scottish Government Consultation on Empowering Schools: A Consultation on the Provisions of the Education (Scotland) Bill.

Councillor Fiona Campbell, seconded by Councillor Iain Linton, moved:-

- (i) approval of the Council's response to the Empowering Schools: A Consultation on the provisions of the Education (Scotland) Bill consultation subject to various amendments proposed by Councillor Campbell and shown as an appendix to this minute;
- (ii) that, due to the timescales involved for submitting the response to the Scottish Government i.e. 30 January 2018, the recommendation at (i) above be implemented in advance of any consideration by the Governance and Scrutiny Committee under the call-in process as to delay the decision would mean that the response would not be submitted by the deadline;
- (iii) to remit to the Depute Chief Executive and Chief Financial Officer: Economy and Skills to submit the response to the Scottish Government by the due date;
- (iv) to remit to the Depute Chief Executive and Chief Financial Officer: Economy and Skills to write, on behalf of Cabinet, to Scottish Ministers expressing concerns on the short timescales given for responding to the consultation; and
- (iv) otherwise, to note the contents of the report.

Councillor Tom Cook, seconded by Councillor John McGhee, moved as an amendment:-

- (i) to approve the proposed response to the Empowering Schools: A Consultation on the provisions of the Education (Scotland) Bill consultation as detailed in the report;
- (ii) that, due to the timescales involved for submitting the response to the Scottish Government i.e. 30 January 2018, the recommendation at (i) above be implemented in advance of any consideration by the Governance and Scrutiny Committee under the call-in process as to delay the decision would mean that the response would not be submitted by the deadline;
- (iii) to remit to the Depute Chief Executive and Chief Financial Officer: Economy and Skills to submit the response to the Scottish Government by the due date;
- (iv) to remit to the Depute Chief Executive and Chief Financial Officer: Economy and Skills to write, on behalf of Cabinet, to Scottish Ministers expressing concerns on the short timescales given for responding to the consultation; and
- (iv) otherwise, to note the contents of the report.

On a division by a show of hands the motion was carried by 7 votes to 4.

SOUTH WEST EDUCATION IMPROVEMENT COLLABORATIVE PLAN 2018

- 8E.** There was submitted a report dated 16 January 2018 (circulated) by the Depute Chief Executive and Chief Financial Officer: Economy and Skills which sought approval of the draft South West Educational Improvement Collaborative Plan 2018 and to delegate authority to the Head of Education Designate, in consultation with the Cabinet Member for Skills and Learning, to agree any further textual amendments to the Plan, to be submitted to the Scottish Ministers by the end of January 2018.

Cabinet agreed:-

- (i) to approve the Annual Plan, subject to any minor textual amendments being approved by the Head of Education - Designate in consultation with the Cabinet Member for Skills and Learning and to note that Cabinet would receive reports on future annual plans;

- (ii) to have a mid-year review involving all four authorities aligned with the Collaborative;
- (iii) that, due to the timescales involved for submitting the response to the Scottish Government i.e. end January 2018, the recommendation at (i) above be implemented in advance of any consideration by the Governance and Scrutiny Committee under the call-in process as to delay the decision would mean that the response would not be submitted by the due date; and
- (iv) otherwise, to note the contents of the report.

**GENERAL SERVICES 10 YEAR CAPITAL INVESTMENT PROGRAMME UPDATE
(Item 3E, Pages 1670, 1671, 12/17)**

9E. There was submitted a joint report (circulated) by the Depute Chief Executive: Safer Communities and Depute Chief Executive and Chief Financial Officer: Economy and Skills on progress with regard to the 10 Year General Services Capital Investment Programme to 2025/26 and which sought approval to extend the programme to 2027/28, and incorporated appropriate amendments.

Cabinet agreed:-

- (i) to increase the scope and funding for Crosshouse Primary School and Crosshouse Communication Centre project with a total project budget of £6.200m;
- (ii) to allocate a specific Additional Support Needs allocation of £1.500m to the Netherthird Primary and Early Childhood Centre replacement project and a further £2.500m to the proposed Stewarton Campus development, and remit to the Head of Education Designate to update a future Cabinet on the overall analysis of the Additional Support Needs demands and future requirements;
- (iii) to note the current position in relation to the finalisation of a stage 4 project cost before contract award and that the project cost be set at a total value of £68.000m to allow the project to proceed;
- (iv) to allocate £8.750m for the development of a new build Netherthird Primary and Early Childhood Centre;
- (v) to note the position in relation to St Sophia's relocation project and remit to the Head of Education Designate to undertake a further consultation on the future options for the school and reallocate the project budget of £3.000m to the Future Schools Development Fund until the outcome of further consultation was completed, with an allocation being retained to improve the existing sports field at Galston;
- (vi) to note the position in relation to Bellsbank new build project and remit to the Head of Education Designate to undertake a further consultation on the future options for the school and reallocate the project budget of £4.650m to the Future Schools Development Fund until the outcome of further consultation was completed;
- (vii) to retain a contingency fund to support the ongoing major school refurbishment and extension programme and that officers report the utilisation of contingencies as part of the regular updates through East Ayrshire Performs;

- (viii) to note the proposed additional allocation to Dunlop Primary and Early Childhood Centre with the adjustment to the project schedule due to a slower than anticipated increase in school roll;
- (ix) to note the position in relation to Kilmaurs with a rephrasing of the project within the proposed programme due to the scope of the project being uncertain until the requirements of the Early Years expansion programme were confirmed;
- (x) to the increased investment in Loanhead Primary to meet the full requirements of new Early Years accommodation, improved school internal and external facilities and upgrade of the existing facilities, with a new project budget of £4.150m;
- (xi) to note the current progress on the further refurbishment projects including Loudoun Academy and Stewarton Academy and to the development of an integrated campus design at Stewarton Academy/Nether Robertland Primary;
- (xii) to commission space strategies to undertake a review of existing accommodation at Grange Campus, St Joseph's Campus and review accommodation demands at other Secondary Schools;
- (xiii) to note the position in relation to the review of requirements and funding for early years' expansion and that a further submission would be made to the Scottish Government in February 2018;
- (xiv) to establish an Economic Growth fund utilising existing balances within the capital programme allocated from £5.000m Economic Regeneration and Development, £5.000m Kilmarnock Town Centre Regeneration, £1.050m Rowallan speculative, £4.000m Moorfield Phase 3 with an additional allocation of £25.100m over the 10 year capital programme;
- (xv) to drawdown from the Economic Growth fund £2.000m to contribute towards the Halo project;
- (xvi) to drawdown from the Economic Growth fund £1.200m to deliver up to seven smaller scale speculative units in Moorfield development;
- (xvii) to add a further £1.200m to the Galston Town Centre development of the old Co-op site to create a new scheme that reinstates the library, local office and retail facility with improved public realm;
- (xviii) to note the progress on the Dalrickie Mill Project and to increase the budget allocation to £0.996m;
- (xix) to note the contribution made by the Scottish Government towards the New Cumnock Flood Scheme and reallocate the £4.000m budget from the Environmental Risk Contingency Fund across the capital programme;
- (xx) to the additional allocation of £2.000m to further improve roads maintenance, bridge repairs including maximising improvements around future schools building projects;
- (xxi) to the reallocation and reprofiling of £1.755m of capital balances and the priority allocation of the component renewal budget for 2018/19;
- (xxii) to the further investment in Cemeteries with £0.175m allocated to extend Dalmellington Cemetery, £0.123m to provide new parking at Fenwick and £1.000m to manage a programme of path, road and wall improvements over the 10 year programme;

- (xxiii) to note the review of options for the Galleon and to establish a short term Member/Officer working group, comprising four elected members, one from each of the political parties and one from the three individual members, to review the proposed options for new or refurbished Leisure Facilities in Kilmarnock and report back to Cabinet with the initial allocation of £13.850m within the Capital Programme for planning purposes;
- (xxiv) to note the position in relation to works to support the Leisure Trust facilities and the allocation of £0.100m from the Transformation fund for drainage at Annanhill Golf Course and £0.300m from the Energy Efficiency Fund for heating and lighting improvements;
- (xxv) to increase the Transformation Strategy Fund to £5.000m and note the priorities set in relation to the business case priorities for spend;
- (xxvi) to allocate £0.300m from the transformation fund to support the development of East Ayrshire Woodlands within the Knockroon Campus development;
- (xxvii) to the allocation of £0.150m from the transformation fund to facilitate improvements to the Netherthird Sports pitches and pavilion with the view of supporting a community asset transfer following the relocation of Cumnock Rugby Club;
- (xxviii) to allocate £0.100m from the Transformation fund to support developments in the catering point of sale designs and an additional kiosk at William McIlvanney Campus to support increased uptake in school meals;
- (xxix) to allocate £0.100m from the Transformation fund to provide a range of new equipment and reconfigure gym areas at Stewarton Leisure Centre and William McIlvanney Campus to further support the public offer for sports and leisure at each facility;
- (xxx) to note the position in relation to the community planning workstream on accommodation and the current work to maximise the utilisation of the Council's office space and remit to the Depute Chief Executive and Chief Financial Officer: Economy and Skills to progress a final agreement with NHS Ayrshire and Arran Health Board that apports appropriately costs associated with shared occupation of buildings;
- (xxxi) to allocate £0.265, from the transformation fund to reconfigure the accommodation at North West Area Centre to support integration of Health and Social Care staff;
- (xxxii) that Civic Centre North was surplus to the Council's requirements for office accommodation and remit to the Depute Chief Executive and Chief Financial Officer: Economy and Skills to take forward negotiations with NHS Ayrshire and Arran to determine any requirement for development and potential funding sources;
- (xxxiii) to allocate a further £2.500m to the Energy Efficiency Fund to support the Council's commitment to climate change and reducing the carbon footprint through the use of ring fenced funding to new build and refurbishment projects across the Council and Leisure Trust properties;
- (xxxiv) to allocate £4.920m over three years to the Ayrshire Roads alliance on a spend to save basis to support the transition to 100% LED street lights;

- (xxxv) to allocate up to £0.150m to support a bid to the Low Carbon Travel and Transportation Challenge Fund to expand the travel hub approach and increase access to electric charging infrastructure across the Authority;
- (xxxvi) to allocate £0.120m to fund the installation of 10GB Council owned fibre between Rothesay House, Cumnock and the new Knockroon Campus;
- (xxxvii) to support the capital investment of £0.700m in a Health and Social Care Partnership Management Information System;
- (xxxviii) to note the position in relation to staffing that support the delivery of the capital programme and agree to establish the programme support team, making permanent existing temporary project roles across Facilities and Property Management and ICT within the overall funding of the capital programme; and
- (xxxix) otherwise, to note the contents of the report.

Church Representative Shaheen Mirza; Parent Representative Jacqueline Livingston; and Teacher Representative Graham Boyd left the meeting at this point.

ADJOURNMENT/RECONVENTION OF MEETING

10. The meeting adjourned at 1305 hours and reconvened at 1317 hours with the same members present.

STRATEGIC PRIORITY: SUPPORTING OLDER PEOPLE TO LIVE INDEPENDENTLY IN THE COMMUNITY

11. There was submitted a report dated 8 January 2018 (circulated) by the Director of Health and Social Care which provided the annual performance monitoring report for the Strategic Priority - Supporting Older People to Live Independently in the Community, for consideration and approval.

Cabinet agreed:-

- (i) to approve the Strategic Priority Annual Report for 2016/17 for Supporting Older People to Live Independently in the Community;
- (ii) to note that the report would be considered by the Governance and Scrutiny Committee; and
- (iii) otherwise, to note the contents of the report.

PROPOSED INSTALLATION OF TRAFFIC CALMING MEASURES FENWICK ROAD, KILMAURS

12. There was submitted a report dated 11 January 2018 (circulated) by the Depute Chief Executive: Safer Communities which (i) advised of an objection received to the Road Humps Notice published in respect of the proposed speed tables and raised junction in Fenwick Road, Kilmaurs; and (ii) sought approval for the speed tables and raised junction as currently proposed.

Cabinet, having considered the maintained objection detailed in paragraph 8 of the report and the corresponding comments by the Chief Governance Officer and the Traffic and Road Safety Manager, agreed that a local inquiry not be held.

Cabinet thereafter agreed:-

- (i) to approve the speed tables as advertised; and
- (ii) otherwise, to note the contents of the report.

Councillor John McGhee left the meeting at this point.

EXCLUSION OF PRESS AND PUBLIC

13. 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 the Paragraph 1 of Schedule 7A of the Act".

VOLUNTARY SEVERANCE

14. There was submitted a report dated 11 January 2018 (circulated) by the Depute Chief Executive and Chief Financial Officer: Safer Communities which sought approval for a severance, on the grounds of voluntary redundancy, in respect of one employee within Economy and Skills (Education).

Cabinet agreed:-

- (i) to approve in relation to the circumstances detailed at paragraphs 5 and 6 of the report the severance offer and release the employee from 30 March 2018; and
- (ii) otherwise, to note the contents of the report.

The meeting terminated at 1347 hours.

APPENDIX**EAST AYRSHIRE COUNCIL****CABINET - 24 JANUARY 2018****CONSULTATION RESPONSE – EMPOWERING SCHOOLS: A CONSULTATION
ON THE PROVISIONS OF THE EDUCATION (SCOTLAND) BILL****Suggested changes****Point 1, last sentence**

Remove “are concerned that attempting to enshrine all of this in legislation may limit flexibility and create additional bureaucracy” and replace with:

“would ask the Scottish Government to ensure that legislation does not limit flexibility or create additional bureaucracy”

Point 5, second sentence

Delete “Rather than regulation”

Point 10, add sentence at the end:

“We are therefore fully supportive of the proposed direction of travel.”

Point 14, delete second sentence

“We would question why this needs to be in legislation”

Point 16

First sentence after quote Delete “Local authorities are” and replace with “The Council is”

Second sentence delete “authorities have taken”

Point 18, final paragraph

Delete “is contradictory and unworkable” and replace with “should be reviewed”.

Point 19, insert sentence at end:

“We are therefore supportive of the proposed direction of travel.”

Point 23, final paragraph

Delete last sentence “If such a situation arose as the result of a change in legislation, Scottish Government would be liable for the associated costs.”

Point 33

Delete “like many other authorities”

Point 37, first sentence

Delete “Some local authorities – including East Ayrshire – have” and replace with “The Council has”

Insert “other councils” so it reads “while other **councils** have reduced this support”

Point 43, first and second sentences

Delete “again the proposal to legislate for every aspect does raise significant questions. By enshrining all aspects in law there is a concern” and replace with “it will be important”

Replace “could be” with “is not”

Add “by the legislation” at the end.

So the complete point should read:

“The broad areas are not contentious, but it will be important that the existing strong relationships between schools and parents is not negatively impacted by the legislation.

Point 45, second paragraph, first sentence

Delete “This appears to” and replace with “Whilst we support this initiative, it may”

Point 46, third paragraph, first sentence

Delete “again wonder how this will sit with legislation – it will be important that” and replace with “would ask that”

Point 47, second paragraph, delete third and fourth sentences:

“Is the Bill suggesting a regulatory approach or is this to be good practice guidance for ELC? What is the benefit of legislating effective communication with parents when the Care Inspectorate and Education Scotland already require this?”

Point 49, add to end of last sentence

“and we are pleased to see this recognised in the proposals.”

Point 52, delete second paragraph:

“We note the interesting language around curriculum - formal and extended. In Curriculum for Excellence the curriculum is the totality of experiences, there is no separation into formal and extended curriculum.”

Point 52, last paragraph, last sentence

Delete “question the need for this to be legislative” and replace with “ask that any legislation allows for maximum flexibility.”

Point 53, delete first sentence:

“There is no requirement to have a statutory duty to support pupil participation.”

Point 53, last sentence

Change “would” to “could” and add “unless flexibility is built in.” to the end of the sentence.

Point 54, second paragraph, delete first two sentences:

“We are pleased to note the mention of wellbeing here. It is not clear however, how a range of professionals will work in a Regional Improvement **Education** Collaborative or how this fits with our existing Children’s Services and GIRFEC agenda.”

Point 57, second paragraph, first sentence

Delete “Again we would question why this collaborative working would need to be statutory”

Point 57, second paragraph, second and third sentences

Delete “– making this statutory will add an unnecessary layer of bureaucracy to this process. The Collaborative should not be an additional layer of management, it should enhance our existing provision” and replace with

“. Any legislation should include sufficient flexibility to ensure we are able to use it to enhance our existing provision.”

Point 58, delete first sentence

As previously outlined, there are concerns over whether these Plans are not necessary or helpful.

Question 19, delete second paragraph

“Whilst the list of functions is comprehensive, the case for the establishment of the EWC has not been sufficiently set out.”

Question 23, delete last sentence

“However, given the large number of groups potentially to be included this is a further reason why the proposed scale of this organisation would be unworkable.”