

EAST AYRSHIRE COUNCIL

GOVERNANCE AND SCRUTINY COMMITTEE

**MINUTES OF MEETING HELD ON FRIDAY 1 APRIL 2011 AT 1000 HOURS IN
THE COUNCIL CHAMBERS, COUNCIL HEADQUARTERS, LONDON ROAD,
KILMARNOCK**

PRESENT: Councillors Tom Cook, Willie Coffey, John McGhee, Alan Brown, Stuart Finlayson, Jimmy Kelly and Drew Filson.

ATTENDING: Elizabeth Morton, Depute Chief Executive/Executive Director of Neighbourhood Services; Graham Short, Executive Director of Educational and Social Services; Kay Gilmour, Head of Service: Community Support; Craig McArthur, Head of Finance; Martin Rose, Head of Human Resources; David Mitchell, Head of Legal, Procurement and Regulatory Services; Alan Wasson, Audit Manager - IT; Ian McArthur, Health and Safety Manager; and Stuart Nelson, Administrative Officer.

ALSO ATTENDING: David Richardson, Audit Manager, Audit Scotland.

APOLOGIES: Councillors Helen Coffey, John Campbell and Elaine Dinwoodie.

CHAIR: Councillor Tom Cook, Chair.

PREVIOUS MINUTES

1. There were submitted and approved as a correct record, the Minutes of the meeting held on 11 March 2011 (circulated).

The Chair confirmed, and it was noted, that, with regard to Item 3, a report on the Alcohol and Drugs Partnership Strategy, which was due to be finalised by early April 2011, would be submitted to Cabinet and to this Committee at an early date and this comprehensive report would respond to the issues raised by the Committee relative to National Outcome 6; that with regard to Items 5, 6, 10 and 12, the information requested by Members at the last meeting was provided within the Matters Arising Update Report at Item 2 on the Agenda; that with regard to Item 6(vii), the Depute Chief Executive/Executive Director of Neighbourhood Services had had further discussions with Councillor Stuart Finlayson; that with regard to Items 6(viii), (ix), (x), the decisions of the Committee had been related to the relevant Officers for attention in consideration of the preparation of future indicators; and that with regard to Item 9, the Depute Chief Executive/Executive Director of Neighbourhood Services had provided further information to Councillor Jimmy Kelly.

MATTERS ARISING UPDATE REPORT

2. There was submitted a report dated 18 March 2011 (circulated) by the Executive Director of Finance and Corporate Support which provided a consolidated response to information requests made by Members at the last meeting.

Arising from discussion, and in response to questions put by Members, the Officers concerned provided clarification relative to the following, namely:-

- origin of the 30 years age measure for lamp standards;
- reasons for the relative performance of the Roads Section in respect of Indicator 5: Invoices (percentage of invoices paid within 30 days);

- the estimated percentage of personal carers employed by the private sector within East Ayrshire who are qualified to SSSC standards;
- targeting of COSHH toolbox talks and manual handling training according to the respective roles and responsibilities of individual employees, and the provision of relevant induction and refresher training for employees; and
- the arrangements for reporting/recording of health and safety related incidents by employees.

It was agreed:-

- (i) that further information be provided within the Matters Arising Update Report to the next meeting by (a) the Executive Director of Finance and Corporate Support on the powers available to the Council where a private water supply to a premise fails to meet the required standard; in further clarification as to how many of the 1,075 domestic noise complaints received during 2009/10 could be attributed, whether collectively or individually, to the 166 premises identified as having been subject to more than one complaint and separately, how many of the 166 premises were also being dealt with by the Anti-Social Behaviour Team; and on the number of premises at which food hygiene inspections were carried out, outwith the A and B frequency categories (6 months and 12 months); and (b) the Executive Director of Educational and Social Services on occupancy levels within each individual school in East Ayrshire;
- (ii) to note that the Depute Chief Executive/Executive Director of Neighbourhood Services would clarify with Scottish Power proposals for the undergrounding of electricity supplies to street lights within Wellwood Avenue and Middlefield Drive in Muirkirk, and would respond directly to Councillor Jimmy Kelly on this matter; and
- (iii) otherwise, to note the terms of the report.

AUDIT

INTERNAL AUDIT PLAN 2011/2012

3. There was submitted a report (circulated) by the Chief Auditor which advised of the Internal Audit Plan for 2011/2012.

Having heard the Depute Chief Executive/Executive Director of Neighbourhood Services and the Head of Human Resources in further explanation of the arrangements in place to ensure that the Internal Audit Section is sufficiently resourced to undertake its responsibilities during the 2011/12 year, it was agreed to approve the Internal Audit Plan 2011/2012 as set out in the report.

ANNUAL AUDIT PLAN 2010/11

4. There was submitted a report dated February 2011 (circulated) by Audit Scotland which provided a summary of findings arising from the 2010/11 audit of the Council and other relevant work carried out by Audit Scotland.

David Richardson, Audit Manager, Audit Scotland, highlighted aspects of the report, particularly in relation to financial management and budgetary control and the arrangements in place to enable the Council to respond to the current financial

constraints, procurement, Common Good assets and the introduction of International Financial Reporting Standards.

During discussion, (i) the Head of Legal, Procurement and Regulatory Services provided further information on recent work undertaken by the Council in conjunction with Scotland Excel in respect of the Council's procurement arrangements and the development of an Improvement Action Plan, and on the merits of membership of Scotland Excel in general terms; and on the potential for legal challenge in relation to management of Common Good assets; (ii) the Head of Finance confirmed the financial provisions which had been made in respect of the potential non recovery of funds from Icelandic Banks; and (iii) David Richardson provided an explanation of the depreciation of asset components.

It was agreed to note the terms of the report which showed positive outcomes over a range of areas covered by the audit.

The Chair thanked David Richardson for his attendance and David then left the meeting.

PERFORMANCE

HEALTH AND SAFETY PERFORMANCE REPORT 2010/11: QUARTER 3 (OCTOBER - DECEMBER 2010)

5. There was submitted a report dated 9 March 2011 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which provided information on health and safety performance for Quarter 3: 2010/2011 (October - December 2010).

During discussion, Officers provided clarification in response to questions asked by Members relative to the following, namely:-

- the nature of the RIDDOR reportable disease identified at Quarter 3, 2010/11;
- timescales and arrangements for the reporting of incidents to the Health and Safety Section;
- arrangements for health and safety related training for Trade Union Representatives;
- arrangements for the carrying out of fire risk assessments at individual properties and validation of these;
- the targeting of different types of health and safety related training to employees in accordance with their individual roles and responsibilities; and
- the practical testing of fire safety arrangements within Council properties.

It was agreed:-

- (i) to note, as advised by the Health and Safety Manager, that the breakdown of the number of verbal and physical incidents experienced by Council staff was as follows: verbal - 44, physical - 46, verbal and physical - 34, sexual nature/content - 7 and use of weapon - 22 (total 153); and that this type of information would feature in future performance update reports;
- (ii) to, otherwise, note the position in relation to health and safety performance at Quarter 3, 2010/11; and

- (iii) to note the pro-active and reactive management actions taken in respect of the matters identified.

SCRUTINY

REVIEW OF HEALTH AND SAFETY

6. There was submitted a report dated 25 March 2011 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which advised of the final report, and recommendations, of the review of the Council's health and safety arrangements and outlined the steps which had been taken to address the matters identified within the final report.

During discussion, and in response to questions asked by Members, the relevant Officers provided clarification on progress made, following the original report into the review of the Council's health and safety arrangements, with regard to the monitoring and supervision of contractors carrying out work on behalf of the Council in terms of health and safety aspects, including issues associated with corporate killing, the basis of the Council's responsibilities in this respect, the current practices in place and development of arrangements for the reporting of relevant information to Elected Members; on the importance of all employees recognising their respective roles and responsibilities in relation to health and safety; and on arrangements around the use of point of work risk assessments.

It was agreed:-

- (i) to note the outcomes of the follow up review by Peter Ralston;
- (ii) to note progress against the Improvement Plan which was developed as a result of recommendations within the follow-up report;
- (iii) to note that the Depute Chief Executive/Executive Director of Neighbourhood Services would complete the full implementation of the Health and Safety Improvement Plan and had brought forward the three year health and safety roadmap;
- (iv) to note that the Depute Chief Executive/Executive Director of Neighbourhood Services would give consideration to a range of health and safety related data/information being provided on the Members' Information Portal to ensure that Members are able to have ease of access to detailed updates on progress with relevant matters; and
- (v) otherwise, to note the terms of the report.

HEALTH AND SAFETY ROADMAP

7. There was submitted a report dated 24 March 2011 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which set out the vision for health and safety within the Council and the means by which this could be achieved, thereby ensuring a record of workplace health and safety that reflected the Council's position as an exemplar Scottish Local Authority.

It was agreed:-

- (i) to note the content of the Health and Safety Roadmap provided at Appendix 1 to the report;

- (ii) to note that the Depute Chief Executive/Executive Director of Neighbourhood Services would submit progress reports on a quarterly basis to this Committee; and that arrangements were being progressed to consolidate future reporting of health and safety information, including performance data, to this Committee;
- (iii) to note that the Depute Chief Executive/Executive Director of Neighbourhood Services would consider the potential for external recognition of the Council's health and safety arrangements; and
- (iv) otherwise, to note the terms of the report.

OUTWITH PLACEMENTS

8. There was submitted a report dated February 2011 (circulated) by the Executive Director of Educational and Social Services which provided a summary of the Department of Educational and Social Services' use of outwith placements up to the end of December 2010.

The Head of Service: Community Support, in response to questions from Members provided further information on the type of provider of the placements used by East Ayrshire Council, and the arrangements/criteria around the geographical location of placements in some cases.

It was agreed:-

- (i) that the Executive Director of Educational and Social Services provide further reports to this Committee on this aspect of provision at six monthly intervals;
- (ii) that the Executive Director of Educational and Social Services would take whatever action is necessary to ensure that available resources were matched to established needs in this aspect of provision; and
- (iii) otherwise, to note the terms of the report.

The meeting terminated at 1154 hours.