

**EAST AYRSHIRE COUNCIL**

**GOVERNANCE AND SCRUTINY COMMITTEE**

**MINUTES OF MEETING HELD ON FRIDAY 19 MARCH 2010 AT 1000 HRS  
IN THE ROBERT BURNS SUITE, BURNS MONUMENT CENTRE,  
KAY PARK, KILMARNOCK**

**PRESENT:** Councillors Tom Cook, Willie Coffey, John McGhee, John Campbell, Alan Brown, Stuart Finlayson, Eric Ross and Drew Filson.

**ATTENDING:** Elizabeth Morton, Depute Chief Executive/Executive Director of Corporate Support; Graham Short, Executive Director of Educational and Social Services; David Mitchell, Head of Legal, Procurement and Regulatory Services; Andrew Sutherland, Head of Service: Schools Support; Kay Gilmour, Head of Service: Community Support; Derek Spence, Acting Head of Building and Works; Colin Houston, Chief Auditor; Robin Baker, Financial Controller; Jim Clark, Housing Improvement Programme Manager; Julie McGarry, Administration Manager; and Stuart Nelson, Administrative Officer.

**APOLOGIES:** Councillors Helen Coffey, Jimmy Kelly and Elaine Dinwoodie.

**CHAIR:** Councillor Tom Cook, Chair.

**ORDER OF BUSINESS**

1. The Chair (a) confirmed that Item 5 on the Agenda - "East Ayrshire Council's Response to Audit Scotland's 'Statutory Performance Information - The 2008 Direction: A Guide for Auditors' " had been withdrawn, as previously intimated to Members; and (b) advised that Item 7 on the Agenda - "Report on Review to Explore the Background Reasons for the Level of Complaints on Contract Upgrades to the Council's Housing Stock within the Capital Programme", would be dealt with immediately following Item 2 - "Matters Arising Update Report"; and all of this was noted.

**PREVIOUS MINUTES**

2. There were submitted and approved as a correct record, the Minutes of the meeting held on 19 February 2010 (circulated), subject to the following amendments, namely:-
  - (i) that Item 5, paragraph 3, bullet point 2 read "The Committee noted the improving performance of Planning and Economic Development following the introduction of new planning legislation and the new on-line planning system in August 2009, and following further discussion on income, noted a £750k adverse variance with the budget"; and
  - (ii) that Item 5, paragraph 4 read "It was otherwise agreed to note the position with regard to the General Fund Accounts, performance on key indicators and progress in relation to major projects included within the Capital Programme, as set out in the report."

## 2.1 MATTERS ARISING

### 2.1.1 Awarding of Contracts - Period from 5 December 2009 to 5 February 2010 (Item 3, Page 1022, 07/12)

Noted that the Head of Legal, Procurement and Regulatory Services had provided to Councillor Ross the tender specification document relative to the contract for the supply and installation of bespoke furniture for the Council Chambers contract works.

#### **MATTERS ARISING UPDATE REPORT**

3. There was submitted a report dated 4 March 2010 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which provided the Committee with a consolidated response to information requests made by Members at previous meetings.

Arising from discussion, the Committee noted further information provided by the relevant officers, as undernoted, in relation to the following matters, namely:-

- the arrangements in place to ensure the effective participation of employees and Trade Union representatives in relation to Health and Safety issues, and in this connection, the Acting Head of Building and Works and the Executive Director of Educational and Social Services provided a detailed explanation of the mechanisms and protocols in place within their respective Service areas in this regard;
- the Depute Chief Executive/Executive Director of Corporate Support confirmed the ongoing focus in reducing levels of musculo-skeletal related absence within the Authority and that this was a matter which was under constant examination and review by the Corporate Management Team; and
- the Financial Controller confirmed that the Council's contribution to the Talented Athlete Fund, under the heading of "Leisure Development Contributions" was met from the Leisure Section's Revenue budget.

It was agreed:

- (i) to note the further information provided by the officers concerned, as indicated above;
- (ii) that the Executive Head of Finance and Asset Management provide to the next meeting within the Matters Arising Update report, further information as follows:- a detailed breakdown of the various costs associated with the provision of floral baskets within Cumnock and Kilmarnock Town Centres during the 2009 season; the use made of the amount of £80,000 allocated for dealing with contaminated land at Greenbraes, Cumnock, and the balance remaining from this sum; a detailed breakdown of the cost of each of the Christmas and summer activities held within Cumnock and Kilmarnock Town Centres during 2009; and confirmation that the cost of £28,892 relative to Bridge Street/Cross Street, Galston under the heading of "Expenditure on Dangerous Buildings" within Annex 5 to Appendix 1 to the report, related to demolition costs;
- (iii) that the Depute Chief Executive/Executive Director of Corporate Support provide a report to a future meeting which would identify and provide relevant information on those derelict buildings within East Ayrshire which are known to the Council and present cause for concern;

- (iv) to note that the Depute Chief Executive/Executive Director of Corporate Support would provide to Councillor Ross, for his information, the technical reports relative to the demolition of the Orchard building at the Glaisnock Estate, Cumnock and a building at Thistle Business Park (South), Cumnock, which have been classified as dangerous buildings;
- (v) that the Depute Chief Executive/Executive Director of Corporate Support, in consultation with the Chair, would review the format of future Matters Arising Update Reports to ensure that, as far as possible, information is presented in a logical and easy-to-follow manner; and
- (vi) otherwise, to note the terms of the report.

## **SCRUTINY**

### **REPORT ON THE REVIEW TO EXPLORE THE BACKGROUND REASONS FOR THE LEVEL OF COMPLAINTS ON CONTRACT UPGRADES TO THE COUNCIL'S HOUSING STOCK WITHIN THE CAPITAL PROGRAMME (Item 9, Page 940, 07/12)**

4. There was submitted a report dated 1 March 2010 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought approval for the draft Governance and Scrutiny Outcome Report on the Review to Explore the Background Reasons for the Level of Complaints on Contract Upgrades to the Council's Housing Stock within the Capital Programme and to agree the recommendations for presentation to Cabinet.

It was agreed:

- (i) to approve the draft Outcome Review Report and the review findings contained therein, subject to amendment to Appendix III to reflect further information provided by South Ayrshire Council regarding the period of notice provided to the tenants of forthcoming improvement works;
- (ii) to note the related proposed Improvement Action Plan;
- (iii) that the Review Report be presented to the next appropriate meeting of Cabinet, together with the Improvement Action Plan, for consideration; and
- (iv) to recommend that Cabinet, in considering recommendation (v) within the report, take cognisance of the potential use by other Departments/Services of the mobile exhibition/information unit for the purpose of providing information on a range of relevant Council services/issues.

## **AUDIT**

### **AUDIT PLAN 2010/11**

5. There was submitted a report (circulated) by the Chief Auditor which advised of the Internal Audit Plan for 2010/11.

In this connection, the Chief Auditor, in response to questions put by members of the Committee, provided further information and clarification in relation to the following matters, namely:-

- management of the Audit Plan during the financial year to accommodate significant unforeseen work;
- the presentation to this Committee of the outcomes of assignments and investigations undertaken by the Internal Audit Section within the Internal Audit Annual Report;
- in general terms the origin of issues which are identified to be the subject of audit assignments/investigations; and
- the account which was taken of absence projections in preparation of the Audit Plan and the management of absence during the Plan year.

It was agreed:

- (i) to note the further information provided by the Chief Auditor, as indicated above; and
- (ii) to approve the Internal Audit Plan for 2010/11 as detailed in the report.

## **PERFORMANCE**

### **2008/09 STATUTORY PERFORMANCE INDICATORS - COUNCIL COMPENDIUM**

6. There was submitted a report dated 5 March 2010 (circulated) by the Executive Head of Finance and Asset Management which provided summary information on the Council's relative position in respect of the 2008/09 Statutory Performance Indicators (SPIs) as reported by Audit Scotland.

During discussion, the Officers concerned provided clarification relative to the undernoted matters, namely:-

- confirmation that the information provided within the Compendium is in a format specified by Audit Scotland, although in many cases, the Indicators are complemented also by the Council's wider performance framework;
- the Depute Chief Executive/Executive Director of Corporate Support provided a detailed explanation of the factors which impacted upon the performance of the Planning Section in the time taken to process planning applications, and the action which was currently being pursued to continue to build upon the improved performance within this Service area since 2008/09;
- the range of factors influencing the Council's performance in relation to Indicators "Percentage of Employees in the Highest 2% of Earners that are Female" and "Percentage of Employees in the Highest 5% of Earners that are Female";
- the Executive Director of Educational & Social Services and the Head of Service: Schools Support provided a detailed explanation of the Council's performance relative to Indicator 7, Appendix 5 "Percentage of 16 or 17 Year Olds Ceasing to be Looked After Attaining at Least One SCQF Level III English and Maths at Home", the relevancy of this Indicator in local terms, local factors impacting upon the Council's performance, and action and initiatives being pursued to continue to improve performance in this service area;

It was agreed:

- (i) to note East Ayrshire Council's performance in relation to the 2008/09 Statutory Performance Indicators, as reported in Audit Scotland's SPI Council Compendium;

- (ii) to note the changes to Audit Scotland's reporting arrangements for 2008/09;
- (iii) that the Executive Director of Neighbourhood Services provide to a future meeting, within the Matters Arising Update Report, an assessment of current capacity in terms of the total number of attendances which could be accommodated across all of our swimming pools in any year;
- (iv) that the Depute Chief Executive/Executive Director of Corporate Support provide to the next meeting, within the Matters Arising Update Report, information on the estimated additional income which the Council will receive during 2010/11 arising from the increase in planning application fees recently announced by the Scottish Government;
- (v) that the Executive Head of Finance and Asset Management provide to the next meeting, within the Matters Arising Update Report, further detailed information on the Indicator "Total Number of Claims Incurred by the Council for the Previous Reporting Year per 10,000 Population", by type of claim and amount paid out over the period 2006/07, 2007/08 and 2008/09;
- (vi) that the Executive Director of Neighbourhood Services provide to the next meeting, within the Matters Arising Update Report, further explanation in reconciliation of the Council's varied relative performance in respect of the Indicators under Waste Management, "Net Cost of Refuse Disposal per Premise" and "Percentage of Municipal Waste Recycled";
- (vii) that the Executive Director of Educational and Social Services provide a detailed report to the next meeting explaining the Council's performance relative to the Indicator "Percentage of Social Background Reports Submitted within Target Time" setting out the factors impacting on performance over the period 2006/07 to 2008/09 and the action taken to improve performance in this Service area;
- (viii) that, with regard to Indicator "Percentage of Private Bridges Failing European Standard", the Executive Director of Neighbourhood Services provide information to the next meeting, within the Matters Arising Update Report, on the number of private bridges which have been assessed for this Indicator, within East Ayrshire and the statutory powers available to the Council in this regard; and
- (ix) otherwise, to note the terms of the report.

## **SCRUTINY**

### **Gaelic Medium Education Update Report**

7. There was submitted a report (circulated) by the Executive Director of Educational and Social Services on the costs and benefits of the Gaelic Medium education provision by East Ayrshire Council.

In the course of discussion, Members examined in detail a range of issues around the Gaelic Medium education provision, including the possibility of opening discussions with South Ayrshire Council and North Ayrshire Council on the potential for joint/shared provision.

It was agreed (a) to continue consideration of this report to a future meeting pending arrangements being made for members of the Committee to visit Onthank Primary

School and Grange Academy to view first hand the Gaelic Medium education provision at these establishments and to have the opportunity to engage with service users; and (b) on the matter having been raised, that the Head of Service: Schools Support confirm that the Gaelic Youth Club, Stradagan, was continuing to operate and its means of funding.

#### **TOPICS FOR REVIEW 2010/11**

8. There was submitted a report dated 2 March 2010 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which presented for consideration, a proposed schedule for the review, during 2010/11, of those topics identified at the Governance and Scrutiny Workshop 2010, namely:- Project 1 - Anti-Social Behaviour Orders in East Ayrshire since their introduction; and Project 2 - Insurance Arrangements provided by Contractors Carrying out Work on Behalf of East Ayrshire Council.

It was agreed:

- (i) to approve the annual programme timetable for 2010/11 as set out in the report; and
- (ii) to note that scoping papers relative to each project would be reported to this Committee at the next meeting to be held on 23 April 2010.

The meeting terminated at 1250 hrs.