

**EAST AYRSHIRE COUNCIL****GOVERNANCE AND SCRUTINY COMMITTEE****MINUTES OF MEETING HELD ON FRIDAY 27 AUGUST 2010 AT 1000 HRS  
IN THE COUNCIL CHAMBERS, COUNCIL HEADQUARTERS,  
LONDON ROAD, KILMARNOCK**

**PRESENT:** Councillors Tom Cook, Willie Coffey, John McGhee, Helen Coffey, John Campbell, Alan Brown, Stuart Finlayson, Jimmy Kelly, Eric Ross and Elaine Dinwoodie.

**ATTENDING:** Fiona Lees, Chief Executive; Elizabeth Morton, Depute Chief Executive/Executive Director of Neighbourhood Services; Graham Short, Executive Director of Educational and Social Services; Eddie Fraser, Head of Service: Community Care; Bill Walkinshaw, Head of Democratic Services; Martin Rose, Head of Human Resources; Colin Houston, Chief Auditor; Robin Baker, Financial Controller; Craig Young, Team Leader, Litigation and Advice; Alex Drain, Project Manager; and Stuart Nelson, Administrative Officer.

**ALSO ATTENDING:** Peter Tait, Assistant Director, and David Richardson, Audit Manager, both Audit Scotland.

**APOLOGY:** Councillor Drew Filson.

**CHAIR:** Tom Cook, Chair.

**CHAIR'S REMARKS**

1. The Chair welcomed to the meeting Peter Tait, Assistant Director, Audit Scotland, who would be presenting the report relative to Item 4 on the Agenda, accompanied by David Richardson, Audit Manager; and, in this connection, advised that this item of business may require to be dealt with at a later point in the meeting to allow the Chief Executive to be in attendance, and this was noted.

**PREVIOUS MINUTES**

2. There were submitted and approved as a correct record, the Minutes of Meeting held on 18 June 2010 (circulated).

**2.1 MATTER ARISING - ITEM 10: REVIEW TOPIC - ANTI-SOCIAL BEHAVIOUR ORDERS AND OTHER MEASURES SINCE THEIR INTRODUCTION (Item 10, Page 1231, 07/12)**

On the matter being raised, the Head of Democratic Services confirmed that, as part of the process for the review of Anti-Social Behaviour Orders and Other Measures Since Their Introduction, arrangements had been made for a Focus Group meeting to take place on Tuesday 31 August 2010 for the purpose of obtaining the views of representatives of the Local Community Planning Forums, the Communities Federations, the Tenants and Residents Federation and the local MSYPs on the topic; and that with regard to Member involvement, in accordance with the Committee's guidelines and in line with past practice, the Chair had determined that one Member of the Committee be drawn from each of the Administration, main Opposition and minority Opposition Groups.

Following discussion, Councillor John Campbell, seconded by Councillor Willie Coffey, moved that one Committee Member from each of the Administration, main Opposition and minority Opposition Groups be invited to participate in the Focus Group meeting.

Councillor Stuart Finlayson, seconded by Councillor John McGhee, moved as an amendment that all members of the Committee be invited to participate in the Focus Group.

On a division by a show of hands, the amendment was carried by six votes to four.

Councillor Elaine Dinwoodie joined the meeting during discussion, but prior to determination, of this sub-item.

### **ARRANGEMENTS FOR DEALING WITH INFORMATION REQUESTS MADE BY MEMBERS AT MEETINGS OF THE GOVERNANCE AND SCRUTINY COMMITTEE**

3. There was submitted a report dated 19 August 2010 (circulated) by the Executive Director of Finance and Corporate Support which proposed arrangements for dealing with information requests made by Members at meetings of the Committee, to ensure the continued effectiveness of the Committee's scrutiny role.

The Committee being satisfied that the role and authority of the Chair was sufficient to enable information requests from Members to be appropriately dealt with, such as to ensure the continued effective scrutiny role of the Committee, it was agreed not to adopt the recommendations as detailed within the report.

## **PERFORMANCE**

### **2009/10 STATUTORY PERFORMANCE INDICATORS - REVIEW**

4. There was submitted a report dated 13 August 2010 (circulated) by the Executive Director of Finance and Corporate Support which provided a performance review, focussing on those Statutory Performance Indicators (SPIs) where performance had not shown improvement over the last three years (2007/08-2009/10).

During discussion, the relevant Officers responded to issues raised by Members relative to a number of the Indicators featured within the report.

It was agreed:

- (i) to note the analysis provided and the actions proposed by Executive Directors to improve performance;
- (ii) that there be the opportunity for the Committee to consider within the currently ongoing review of Anti-Social Behaviour Orders and Other Measures Since Their Introduction, the role of the Ayrshire-wide Out-of-Hours Noise Service;
- (iii) that further information be provided within the Matters Arising Update Report to the next meeting on the reasons for tenants giving up their tenancy, who were in rent arrears, as referred to in Indicator 59 (Housing and Homelessness) Tenant Arrears; and
- (iv) otherwise, to note the terms of the report.

## SCRUTINY

### SOCIAL WORK INSPECTION AGENCY - FOLLOW-UP REPORT FOR PERFORMANCE INSPECTION: EAST AYRSHIRE COUNCIL (Item 8, Page 939, 07/12)

5. There was submitted a report dated 12 August 2010 (circulated) by the Executive Director of Educational and Social Services which provided information on the Social Work Inspection Agency (SWIA) follow-up report for Performance Inspection of Social Work Services in East Ayrshire published on 9 August 2010.

During discussion, the relevant Officers provided further information relative to the following matters raised by Members, namely:-

- the development of partnership working to take forward strategic aspects, including the role of Elected Members;
- evidence to support progress made by the Council in recruiting and retaining a confident and competent Social Work workforce;
- the place of the SWIA report within the overall performance and reporting arrangements to which the Council is subject; and
- validation of information provided by clients to support the SWIA report findings.

It was agreed:

- (i) to note the Follow-Up Report for Performance Inspection of Social Work Services in East Ayrshire dated 9 August 2010;
- (ii) to note the positive progress achieved by the Service as detailed in the report;
- (iii) to accept a further report in 12 months' time in respect of progress on the Action Plan; and
- (iv) otherwise, to note the terms of the report.

### NATIONAL SCRUTINY PLAN FOR LOCAL GOVERNMENT 2010-11 AND EAST AYRSHIRE COUNCIL'S SHARED RISK ASSESSMENT: ASSURANCE AND IMPROVEMENT PLAN 2010-13

6. There was submitted a report dated 10 August 2010 (circulated) by the Executive Director of Finance and Corporate Support which provided details of the outcome of the joint scrutiny bodies' Shared Risk Assessment and advised of the receipt of their Assurance and Improvement Plan (AIP) for East Ayrshire Council for the period 2010/13; and placed this within the context of the wider National Scrutiny Plan for Local Government 2010/11 (copies of the report, the Assurance and Improvement Plan and the National Scrutiny Plan were all circulated).

In this connection, the Committee received a detailed presentation by Peter Tait, Assistant Director, Audit Scotland.

The Committee also heard the Chief Executive, who provided confirmation (i) of the action which was being taken to make progress on those assessment areas shown within the Assurance and Improvement Plan with an amber rating; (ii) that the issues highlighted within the report were subject to detailed and ongoing consideration by the Corporate Management Team; and (iii) that self-evaluation and continuous improvement continued to be an embedded part of the established and ongoing business culture of East Ayrshire Council.

During discussion, Members raised issues relative to the undernoted matters, which were, as appropriate, responded to by Peter Tait or the relevant Officers, namely:-

- the proper utilisation of the Dalmellington Area Centre and other similar properties, having regard to the current budgetary constraints affecting the public sector and other service providers;
- the future level and nature of scrutiny to which the Council would be subject and the quality and effectiveness of this; and
- the scope for improving efficiencies in the delivery of Council services, within the context of the current and likely future budgetary constraints.

It was agreed:

- (i) to note the details of the presentation by Peter Tait on East Ayrshire Council's Assurance and Improvement Plan 2010/13;
- (ii) to note the positive outcomes of the Council's first Shared Risk Assessment;
- (iii) to note that no significant areas of concern had been identified by the Local Area Network which would require specific scrutiny to be undertaken within the Council's Assurance and Improvement Plan 2010-13;
- (iv) to note the more proportionate approach to the Scrutiny Plan for East Ayrshire within the wider national context detailed within the National Scrutiny Plan for Local Government 2010/11;
- (v) to remit to the Chief Executive to ensure that appropriate arrangements were put in place to respond, as appropriate, to the planned audit and inspections proposed within the Council's Assurance and Improvement Plan 2010-13; and
- (vi) otherwise, to note the terms of the report.

The Chair thanked Peter Tait and David Richardson for their attendance and contribution to the meeting. Peter and David then left the meeting.

Councillors Helen Coffey and Eric Ross left the meeting during discussion, but prior to determination, of this item. Councillor Stuart Finlayson left the meeting following determination of this item.

#### **GAELIC MEDIUM EDUCATION UPDATE REPORT (Item 7, Page 1076, 07/12)**

7. There was submitted a report dated 22 August 2010 (circulated) by the Executive Director of Educational and Social Services which provided an update on Gaelic Medium Education provision by East Ayrshire Council.

It was agreed:

- (i) to note the outcome of a visit by Members of the Committee to Onthank Primary School and Grange Academy and the support of the teachers for the Gaelic Medium Education provision available at these schools;
- (ii) to note the cost of transporting pupils to schools in East Ayrshire for Gaelic Medium Education provision, compared to the cost of transporting pupils to schools in Glasgow for this purpose; and
- (iii) otherwise, to note the terms of the report.

### **EMPLOYEE STATISTICS 2009/10**

8. There was submitted a report dated August 2010 (circulated) by the Executive Director of Finance and Corporate Support which provided an Annual Report on Employee Statistics for the period 1 April 2009 to 31 March 2010.

During discussion, Officers responded to issues raised and questions put by Members relative to the following matters, namely:-

- the retention of teachers beyond 60 years of age;
- the impact of the roll out of personal handling training for Council staff on the occurrence of certain categories of injury which would result in appointments for staff with Occupational Health;
- the reduction in the number of incidents referred to the HSE for the period in question, and the reasons for this;
- the impact of the Teacher Refresh Scheme on the recruitment of newly qualified teachers and probationers.

It was agreed:

- (i) to note that the Head of Human Resources would provide to Councillor John McGhee further detail on the information indicated in the report on bullying and harassment in respect of the relative job status of perpetrators and recipients;
- (ii) to note the annual statistics for 2009/10 as set out in the report; and
- (iii) to note that quarterly reports would be submitted to Committee during the year in respect of the areas covered by the Annual Report.

Councillor Elaine Dinwoodie left the meeting at this point.

### **QUARTERLY EMPLOYEE STATISTICS APRIL-JUNE 2010**

9. There was submitted a report dated 12 August 2010 (circulated) by the Executive Director of Finance and Corporate Support which provided a range of employee statistics including Staffing Watch and Absence for the Council for the period 1 April to 30 June 2010.

It was agreed:

- (i) to note, as advised by the Head of Human Resources, that at paragraph 7.1 of the report, the total number of externally funded posts was 43 rather than 41 as indicated; and
- (ii) otherwise, to note the terms of the report.

### **TREASURY MANAGEMENT ANNUAL REPORT 2009/10 AND UPDATE ON 2010/11 STRATEGY POSITION**

10. There was submitted a report dated 30 July 2010 (circulated) by the Executive Director of Finance and Corporate Support which provided a summary of Treasury activity for the financial year ended 31 March 2010, and an update on the Treasury Management Strategy for 2010/11.

In this connection, the Financial Controller responded to questions put by Members relative to counter party lending and debt rescheduling.

It was agreed:

- (i) to note, as advised by the Financial Controller, that at para 5.5.2 of the report, line 2, the amount should be £98.975m, rather than £103.011m as indicated; and at para 5.6.2, line 2, the amount should be £0.842m rather than £0.874m as indicated; and
- (ii) otherwise, to note the terms of the report.

The meeting terminated at 1317 hrs.