

**EAST AYRSHIRE COUNCIL****GOVERNANCE AND SCRUTINY COMMITTEE****MINUTES OF MEETING HELD ON FRIDAY 17 DECEMBER 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 and Jimmy Kelly.

**ATTENDING:** Elizabeth Morton, Depute Chief Executive/Executive Director of Neighbourhood Services; Susan Taylor, Head of Children & Families and Criminal Justice; Craig McArthur, Head of Finance; Chris McAleavey, Head of Housing Services; David Mitchell, Head of Legal, Procurement and Regulatory Services; John Griffiths, Head of Leisure Services; Julie McGarry, Administration Manager; Celia Gray, Senior Manager, Children and Families; and Jennifer Morrison, Administrative Officer.

**APOLOGIES:** Councillors Eric Ross, Elaine Dinwoodie and Drew Filson

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

**PREVIOUS MINUTES**

1. There were submitted and approved as a correct record, the Minutes of the Meeting held on 19 November 2010 (circulated).

The Chair confirmed that information relating to all relevant matters arising from the last meeting was included within the Matters Arising Update Report under Item 2 on the Agenda; that where required, relevant information had been provided to Elected Members on an individual basis; and that, with regard to Item 11 "Fraud Risk: Alteration of Bank Account Details", the Head of Finance, in early December, had circulated to Elected Members and all officers of the Council a copy of the "East Ayrshire Council Finance Service - Fraud Awareness Bulletin No 1" which provided guidance to address the fraud risk arising from fraudulent attempts to alter creditor standing data with Bulletin No 2 being similarly issued by the Head of Finance on 16 December 2010.

**MATTERS ARISING UPDATE REPORT**

2. There was submitted a report dated 1 December 2010 (circulated) by the Executive Director of Finance and Corporate Support which provided the Committee with a consolidated response to information requests made by Members at the last meeting.

During discussion, the Head of Housing Services responded to a matter raised in respect of insurance arrangements relative to the reinstatement of fire damage to Council houses, which was noted.

**PERFORMANCE****SWIA INSPECTION OF SOCIAL WORK SERVICES IN HMP KILMARNOCK**

3. There was submitted a report (circulated) by the Executive Director of Educational and Social Services which advised of the outcome of the Social Work Inspection Agency (SWIA) Inspection of prison based Social Work Services in HMP Kilmarnock, which was undertaken in the Spring of 2010.

During discussion, the Officers concerned responded to issues raised by Members relative to the following, namely:-

- information on future consultation arrangements with prisoners, and the regularity of such consultation;
- clarification on the issue of political leadership;
- on the work Social Work carried out with remand prisoners;
- on developing the role and the strategy for working more closely with the Criminal Justice Authority to support prisoners and families; and
- clarification on the prison grade of HMP Kilmarnock.

It was agreed:

- (i) to note the positive outcome of the Social Work Inspection Agency Inspection of the Social Work Services within HMP Kilmarnock;
- (ii) that a further report be brought to this Committee to highlight the key findings from the national thematic inspection report which was due to be published in December 2010;
- (iii) that the Action Plan prepared in response to the inspection findings be presented to a future meeting of this Committee; and
- (iv) otherwise, to note the terms of the report.

#### **SOCIAL WORK BACKGROUND REPORTS TO THE CHILDREN'S HEARING**

4. There was submitted a report (circulated) by the Executive Director of Educational and Social Services which advised of progress made in the performance of the Council against the national standard and target in submitting reports to the Children's Hearing.

During discussion, the Officers concerned responded to issues raised by Members relative to the following, namely:-

- the possibility of management cover to assist in meeting the targets for submitting reports to the Children's Hearing System;
- clarification on the reasons for reports being over 60 days late;
- clarification on the ability to further improve and meet the targets for report submission; and
- the issue of the general achievability of the current national target.

It was agreed:

- (i) to note a correction to the heading of Figure 1 which should show "October 2010" and not "September 2010";
- (ii) to note the improved performance in this area and the work undertaken in progressing continuous improvement;
- (iii) that a report be submitted to this Committee in May on the year-end figures; and
- (iv) otherwise, to note the terms of the report.

Councillors Alan Brown and Stuart Finlayson jointed the meeting during discussion, but prior to the conclusion of this item.

Councillor John Campbell left the meeting at this point.

## SCRUTINY

### AUDIT SCOTLAND REPORT: PHYSICAL RECREATION SERVICES IN LOCAL GOVERNMENT

5. There was submitted a report dated 7 December 2010 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which advised of the main findings of the Audit Scotland report, Physical Recreation Services in Local Government, which was published on 21 October 2010.

During discussion, the Officers concerned responded to issues raised by Members relative to the following, namely:-

- arrangements in place to support Elected Members serving on arms-length and external organisations (ALEOs);
- the areas considered when benchmarking against South Ayrshire Council; and
- the status of the Kilmarnock Leisure Centre Trust as an ALEO.

It was agreed:

- (i) to note the key findings and messages of the Audit Scotland report;
- (ii) to remit to the Depute Chief Executive/Executive Director of Neighbourhood Services to ensure that the recommendations in the report were included in future Leisure Service Plans;
- (iii) to note that the Head of Legal, Procurement and Regulatory Services would as the Council's Monitoring Officer, provide a briefing note to Elected Members for their guidance on decision making on the council's budget in instances where they were also members of an outside body.

### FINANCE AND SERVICE STRATEGY REPORT BASED ON PERIOD 8 (14 NOVEMBER 2010)

6. There was submitted a report dated 10 December 2010 (circulated) by the Executive Director of Finance and Corporate Support which advised of the projected financial position for the year based on expenditure to 14 November 2010 (Period 8) and information provided by Executive Directors.

During discussion, the relevant Officers responded to questions from Members relative to the undernoted matters, namely:-

- clarification as to the reasons for the additional works required at Stewarton Townhouse;
- an explanation of the favourable variance in paragraph 2.12 of the report;
- Information on the extent of the outstanding repairs following the financial insolvency of the former contractor, Connaught, and an update on the novation of the contract to Lovell;
- an update on the status of the council House Building programme for Phases 1 and 2;
- confirmation that the overall value of outstanding repairs would be included in future reports; and
- that the Head of Housing Services would provide Councillor Finlayson, outwith the meeting, with information on the break-down of costs of additional investment income and the favourable cash flow position, in terms of debt charges detailed at paragraph 2.1 of the report.

It was agreed:

- (i) to note the recommendations to Cabinet on 15 December 2010 as set out in paragraph 5 of the report including a correction to 5.1(iv) to show that paragraph 2.14 of the report should be referred to (as opposed to paragraph 5.2);
- (ii) that the Depute Chief Executive/Executive Director of Neighbourhood Services provide information within the Matters Arising report to the next meeting on (a) outstanding housing repairs by category; and (b) how long employees remained on the redeployment register and the costs attributed to individuals; and
- (iii) otherwise, to note the terms of the report and the further information provided by the officers concerned.

Councillor Alan Brown left the meeting during discussion but prior to the conclusion of this item.

### **EXCLUSION OF PRESS AND PUBLIC**

- 7. The Committee 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 Paragraph 8 of Schedule 7A of the Act".

### **REVIEW OF PROCUREMENT PROCESSES FOR EVALUATION OF TENDERS (Item 19, Page 1428, 07/12)**

- 8. There was submitted a report dated 3 December 2010 (circulated) by the Executive Director of Finance and Corporate Support which invited the Committee to determine suitable terms of reference for the proposed review of current processes for the evaluation of tenders in respect of contracts for the supply of goods and services.

It was agreed

- (i) that the matters identified in paragraph 3.5 of the report be the basis of the proposed review of the evaluation processes within the Council's overall procurement arrangements;
- (ii) to remit to the Head of Legal, Procurement and Regulatory Services to undertake the proposed review and to report back the outcome thereof to a future meeting of the Committee together with an appropriate Improvement Action Plan;
- (iii) to note that the Head of Legal, Procurement and Regulatory Services had raised, and continued to progress with the Council's insurer, the possibility of a contribution from them to the proposed settlement of the legal claim referred to in paragraph 2 of the report; and
- (iii) otherwise, to note the terms of the report.

The meeting terminated at 1210 hours.