

EAST AYRSHIRE COUNCIL

GOVERNANCE AND SCRUTINY COMMITTEE

MINUTES OF MEETING HELD ON FRIDAY 23 NOVEMBER 2007 AT 1000 HRS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

PRESENT: Councillors Tom Cook, Willie Coffey, Maureen McKay, John Campbell, John Knapp, Alan Brown, Stuart Finlayson, Barney Menzies and Drew Filson.

ATTENDING: Fiona Lees, Chief Executive; Elizabeth Morton, Depute Chief Executive/Executive Director of Corporate Support; Graham Short, Executive Director of Educational and Social Services; William Stafford, Executive Director of Neighbourhood Services; Alex McPhee, Executive Head of Finance and Asset Management; Bill Walkinshaw, Head of Democratic Services; Chris McAleavey, Head of Housing; David Mitchell, Head of Legal, Procurement and Regulatory Services; Julie McGarry, Administration Manager; Michela Costa, Audit Manager; Robin Baker, Financial Controller; Joe McLachlan, Corporate Accounting Manager; Julie Jamieson, Chief Accountant; Malcolm Rae, Cleansing Services Manager; Alison Brown, Developer Contributions Officer; Anne Marie Carr, Senior Administrative Officer; Morven Templeton, Strategy and Policy Manager; and Stuart Nelson, Administrative Officer.

ALSO ATTENDING: Peter Tait, Assistant Director; Dave Richardson, Audit Manager; Mark Sims and Jamie Robertson, Senior Accountants; all Audit Scotland.

APOLOGIES: Councillors Helen Coffey and Eric Ross.

CHAIR: Councillor Tom Cook, Chair.

CHAIR'S REMARKS

1. The Chair welcomed to the meeting Peter Tait, Assistant Director, Audit Scotland, and his colleagues.

PREVIOUS MINUTES

2.1 APPROVAL AS A CORRECT RECORD

There were submitted the Minutes of Meeting held on 26 October 2007 (circulated), and the Head of Democratic Services intimated proposed amendments to Item 4 (i) and (ii) to read as follows:-

- (i) "that as Topic 1 (a best value review of the charging levels by Building and Works); was already being addressed, in accordance with the selection/rejection criteria no review be undertaken at this time but that the Committee could determine to review in the future the performance of property maintenance arrangements to ascertain if identified improvements had been achieved but that this review should not be undertaken within 12 months of the implementation date;
- (ii) that as Topic 2 (review of the vehicle tracker system); had already been addressed, in accordance with the selection/rejection criteria, no review be undertaken at this time but that the performance of the vehicle tracker system

would be subject to further review in the future as part of the Committee's ongoing work programme to be determined in January 2008."

It was agreed to approve the Minutes, as amended, as a correct record.

2.2 MATTER ARISING: GOVERNANCE AND SCRUTINY TRAINING FOR ELECTED MEMBERS (Item 5, Page 136, 07/11)

It was noted (a) as advised by the Chair, that he had invited all members of the Committee together with two further representatives from each of the SNP and Labour Groups to attend Governance and Scrutiny training to be held on Tuesday 11 December 2007, Friday 11 January 2008 and Monday 14 January 2008; and (b) as advised by the Head of Democratic Services, that arrangements would be made for the provision of appropriate training for those members who were unable to be present on the dates arranged.

REPORT TO MEMBERS AND THE CONTROLLER OF AUDIT ON THE 2006/2007 AUDIT

3. There was submitted a report dated October 2007 (circulated) by Audit Scotland which summarised the findings from the External Auditor's 2006/07 audit of East Ayrshire Council, the first year of a five year appointment.

Having heard Peter Tait, Assistant Director, Audit Scotland, in highlighting the main findings, key outcomes and outlook for the period ahead, it was agreed to note the terms of the report which, in overall terms was an excellent report and showed very positive outcomes over the range of areas covered by the audit.

The Committee also welcomed the offer from Peter Tait, on training for Committee members on the External Audit role.

WORK PROGRAMME: QUARTERLY UPDATE (Item 7, Page 122, 07/11)

4. There was submitted a report dated 12 November 2007 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which provided a quarterly update of the Governance and Scrutiny Committee's work programme.

It was agreed:

- (i) to note the quarterly update report of this Committee's work programme as detailed in Appendix I to the report;
- (ii) to approve the detailed work programme relevant to the review of the Waste Recycling Policy/Technical Evaluation of the Kerbside Recycling Scheme, as set out in Appendix II to the report, subject to (a) the inclusion of the Trades Unions as consultees at Week 4 of the programme; and (b) recognition that the programme may change in the light of operational requirements; and
- (iii) otherwise, to note the terms of the report.

MONITORING REPORTS

5.1 FINAL MEASUREMENTS ON WORKS CONTRACTS FOR THE PERIOD 1 APRIL - 31 OCTOBER 2007

There was submitted and noted a report dated 9 November 2007 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which provided, for information, details of final measurements for works contracts.

5.2 SCOTTISH QUALIFICATIONS AUTHORITY EXAM RESULTS 2007

There was submitted a report dated 12 November 2007 (circulated) by the Executive Director of Educational and Social Services which advised of the overall East Ayrshire performance in the 2007 diet of examinations.

It was agreed:

- (i) to note the terms of the report; and
- (ii) that the Executive Director of Educational and Social Services report to this Committee on the final performance of East Ayrshire in the 2007 diet of examinations, following the appeals process referred to in paragraph 3.5 of the report.

5.3 OUTWITH PLACEMENTS INCLUDING SECURE ACCOMMODATION

There was submitted a report dated 15 November 2007 (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 including secure placements up to 31 October 2007.

It was agreed:

- (i) that the Executive Director of Educational and Social Services provide future reports at six monthly intervals on this aspect of provision; and
- (ii) otherwise, to note the terms of the report.

REVIEW OF EAST AYRSHIRE COUNCIL'S COMMUNITY GRANTS SCHEME

- 6.** There was submitted a report dated 29 October 2007 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support on the review process carried out on the Council's Community Grants Scheme; and which provided, for information, a note of the outcomes and recommendations which would be subject to consideration by Council at its meeting to be held on 6 December 2007.

It was agreed:

- (i) to note the review process and the proposals detailed in paragraph 5 of the report, which would be subject to consideration by Council at its meeting to be held on 6 December 2007; and
- (ii) that further information be provided within the Council report at paragraph 5.2.3 on the number of grant applications that would fall within the proposed £500 delegation to the Head of Democratic Services.

ORDER OF BUSINESS

7. The Chair advised that the following two items of business would be brought forward on the Agenda and dealt with in the order indicated below.

REVIEW OF EFQM PATHWAY

8. There was submitted a report dated 26 October 2007 (circulated) by the Executive Head of Finance and Asset Management which advised of the outcome of the annual review of the Council's programme of EFQM assessments, and the use of Quality Scotland's EFQM Pathway software.

It was agreed:

- (i) to note the progress that was continuing to be made with EFQM assessments;
- (ii) to the continued use of the Pathway software on an annual basis for each of the Council's Service units;
- (iii) to the scope of future assessments, as set out in Section 4 of the report;
- (iv) to ongoing monitoring of the use of the Pathway product to ensure that it continued to meet the Council's need for the reconfiguration of units; and
- (v) otherwise, to note the terms of the report.

CONSIDERATION OF CALLED IN DECISION OF CABINET: WINDFARM POLICY (Item 6, Page 143, 07/11)

9. The Committee considered the called in decision of the Cabinet meeting held on 24 October 2007, relating to the Windfarm Policy (copies of the call in notice, related Cabinet report and the procedure to be followed had all been circulated).

The Committee heard Councillors Jimmy Kelly and John Knapp, two of the signatories to the call in request, who further explained the reasons for the call in and, in this connection presented a paper to the Committee in support of the submission.

The Committee then heard Councillor Jim Buchanan, Spokesperson for Environment and Regeneration, and Elizabeth Morton, Depute Chief Executive/ Executive Director of Corporate Support, accompanied by Alison Brown, Developer Contributions Officer, who outlined the reasons for the Cabinet's decision and responded to the terms of the call in request and in this connection, presented a paper to the Committee in support of their submission.

Members of the Committee then put questions to, and sought clarification on matters raised, from Councillors Jimmy Kelly and John Knapp as signatories to the call in request and also from Councillor Jim Buchanan and the Depute Chief Executive/ Executive Director of Corporate Support.

The Chair informed all parties present of the final stages of the call-in process and Councillors Jimmy Kelly and Jim Buchanan, the Depute Chief Executive/Executive Director of Corporate Support and the Developer Contributions Officer then returned to the public gallery. The Committee then proceeded to consider and deliberate the matter.

Following consideration, it was agreed to refer this matter back to Cabinet with a recommendation that the Cabinet give further consideration to the proposed

contributions disbursement policy with a view to achieving a 70:30 split and that Cabinet receive options to achieve the equivalent of this split for consideration and that Cabinet also ensure that any selected option would not result in any detriment to the local community.

The recommendation of the Committee would be submitted to Cabinet in the form of a report by the Chair, which would provide full details of the presentations and issues raised associated with the call-in.

ADJOURNMENT/RECONVENTION OF MEETING

10. The meeting adjourned at 1145 hrs and reconvened at 1150 hrs with the same Members and Officers present and in attendance, with the exception of Councillor Barney Menzies who left the meeting during the adjournment.

REVIEW OF WASTE RECYCLING POLICY/TECHNICAL EVALUATION OF THE KERBSIDE RECYCLING SCHEME (Item 4, Page 155, 07/11)

12. The Committee received an awareness raising presentation by the Executive Director of Neighbourhood Services on the key issues relating to this topic, including current Council priorities/policies.

The Executive Director of Neighbourhood Services then responded to questions put, and issues raised, by Members during discussion of pertinent matters arising from the presentation.

The Chair thanked the Executive Director of Neighbourhood Services for the presentation which had provided a useful basis to inform the Committee's forthcoming review of this topic.

Councillor John Campbell left the meeting at this point.

EXCLUSION OF PRESS AND PUBLIC

13. 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 item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 8 of Schedule 7A of the Act.

Councillor Stuart Finlayson left the meeting at this point.

GENERAL SERVICES REVENUE BUDGET 2007/08 AS AT 23 SEPTEMBER 2007 (PERIOD 6)

14. There was submitted a report dated 17 October 2007 (circulated) by the Executive Head of Finance and Asset Management which advised of the projected financial position for Revenue Services based on expenditure to 23 September 2007 (Period 6) and information provided by Executive Directors.

It was agreed:

- (i) to note the terms of the report; and

- (ii) that the Executive Head of Finance and Asset Management, in consultation with the Executive Director of Educational and Social Services, report to an early meeting of this Committee on the issues relating to the significant recurring budget pressures highlighted within the Social Services Service Performance Summary of the report submitted, particularly additional adult care package costs and fostering allowances payable through external providers.

The meeting terminated at 1220 hrs.