

EAST AYRSHIRE COUNCIL**GOVERNANCE AND SCRUTINY COMMITTEE****MINUTES OF MEETING HELD ON FRIDAY 24 SEPTEMBER 2010 AT 1000 HRS
IN THE COUNCIL CHAMBERS, COUNCIL HEADQUARTERS,
LONDON ROAD, KILMARNOCK**

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

ATTENDING: Elizabeth Morton, Depute Chief Executive/Executive Director of Neighbourhood Services; Graham Short, Executive Director of Educational and Social Services; Alex McPhee, Executive Director of Finance and Corporate Support; Bill Walkinshaw, Head of Democratic Services; Craig McArthur, Head of Finance; Malcolm Roulston, Head of Information Technology and Asset Management; David Mitchell, Head of Legal, Procurement and Regulatory Services; Dave Morris, Development Management Manager; Daniel Steel, Tourism Promotion Adviser; and Stuart Nelson, Administrative Officer.

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

APOLOGIES: Councillors John McGhee and Jimmy Kelly.

CHAIR: Councillor Tom Cook, Chair.

CHAIR'S REMARKS

1. The Chair (i) introduced and welcomed to the meeting, Craig McArthur, who had recently taken up the position of Head of Finance with the Council; and (ii) welcomed Peter Tait, Assistant Director, Audit Scotland, who would be presenting the report relative to Item 3 on the Agenda, accompanied by David Richardson, Audit Manager.

PREVIOUS MINUTES

2. There were submitted and approved as a correct record, the Minutes of the Meeting held on 27 August 2010 (circulated).

2.1 MATTERS ARISING**2.1.1 Review Topic - Anti-Social Behaviour Orders and Other Measures Since their Introduction (Item 2.1, Page 1318, 07/12)**

The Chair commented that the Focus Group meeting which had taken place on Tuesday 31 August 2010, had proved to be very useful in obtaining the views of a range of Community Representatives on this topic and that he considered that the nature and level of Elected Member involvement on the day had been appropriate and had contributed to the success of the meeting, and that this should be borne in mind for future meetings of a similar nature; and this was noted.

MATTERS ARISING UPDATE REPORT

3. There was submitted a report dated 10 September 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 previous meetings.

It was agreed, having heard the Chair:-

- (i) to note that the Depute Chief Executive/Executive Director of Neighbourhood Services would provide to Councillor Elaine Dinwoodie information to indicate the breakdown by age of those tenants who had absconded (left without giving notice) as indicated within paragraph 3.1 of the report;
- (ii) to note that the Depute Chief Executive/Executive Director of Neighbourhood Services would discuss with, and provide to, Councillor Stuart Finlayson, further information which he had requested relating to paragraph 3.1 of the report;
- (iii) that further information be provided within the Matters Arising Update Report to the next meeting on the number of tenants referred to within paragraph 3.1 of the report as having absconded (left without giving notice), evicted and evicted-short secure tenancy conversion, who had been rehoused by the Council within a period of six months from termination of their previous tenancy; and
- (iv) otherwise, to note the terms of the report.

CORPORATE GOVERNANCE

COMMUNICATION OF AUDIT MATTERS TO THOSE CHARGED WITH GOVERNANCE ON THE 2009/10 AUDIT

4. There was submitted a statement dated September 2010 (circulated) from Audit Scotland which set out relevant matters arising from the audit of East Ayrshire Council's Financial Statements for 2009/10.

Peter Tait, Assistant Director, accompanied by David Richardson, Audit Manager, both Audit Scotland, in highlighting the main findings, outcomes and outlook for the period ahead, confirmed that the proposed independent auditor's report was unqualified, that no material weaknesses had been identified in the accounting and internal control systems of the Council, and congratulated the Council on an excellent report.

In the course of discussion, Peter Tait responded to questions put by Members relative to matters arising associated with related parties' disclosures and the Council's current level of Council Tax Bad Debt Provision.

It was agreed:

- (i) to note the terms of the report and the further information provided by Peter Tait in response to questions; and
- (ii) to note the position, as explained by Officers, relative to related parties' disclosures by Elected Members and that the Chair would give consideration to this matter in consultation with Officers.

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

SCRUTINY

AWARDING OF CONTRACTS - PERIOD FROM 5 JUNE TO 10 SEPTEMBER 2010

5. There was submitted a report dated 8 September 2010 (circulated) by the Executive Director of Finance and Corporate Support which provided, for information, details of tenders which had been accepted on behalf of the Council for the period from 5 June to 10 September 2010.

The Head of Legal, Procurement and Regulatory Services responded to questions put and matters raised by Members relative to the following matters, namely:-

- the large number of contractors involved in the tendering process associated with the contract for site investigation and topographical survey services, as referred to within Section 3.1 of the report; and
- the value of the offers received to carry out the Galston Achieving Sustainable Regeneration Project and the Cumnock Creating Civic Space Project.

It was agreed:

- (i) to note the terms of the report submitted and the further information provided by the Head of Legal, Procurement and Regulatory Services; and
- (ii) that further information be provided within the Matters Arising Update Report to the next meeting on (a) with regard to the Galston Achieving Sustainable Regeneration Project, whether contingencies had been included within the estimated cost; and (b) with regard to the Cumnock Creating Civic Space project, the financial arrangements around the use by the contractor of sandstone which had been provided by East Ayrshire Council and how the arrangements applied in this case compared with similar circumstances in the past.

OUTWITH PLACEMENTS

6. There was submitted a report dated August 2010 (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 July 2010.

In the course of discussion, the Executive Director of Educational and Social Services responded to issues raised by Members relative to the following, namely:-

- how East Ayrshire Council compares with other Local Authorities in this area of provision;
- the reasons for the variation in expenditure levels in this area of provision between the Doon Academy and Loudoun Academy SEN bases; and
- the difficulties in projecting income from placements provided for other Authorities.

It was agreed:

- (i) that the Executive Director of Educational and Social Services continue to provide future reports on this aspect of provision at six-monthly intervals;
- (ii) that the Executive Director of Educational and Social Services takes whatever action is necessary to ensure that available resources are matched to established needs in this provision; and

- (iii) otherwise, to note the terms of the report.

DERELICT BUILDINGS REPORT

7. There was submitted a report dated 10 September 2010 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which identified and provided relevant information on those derelict buildings which were known to the Council and which presented cause for concern.

The Development Management Manager provided further information in response to matters raised by Members, relative to the following, namely:-

- the cost of direct enforcement action taken by Planning and Building Standards over the last five years and the proportion of this which had been recovered from the liable parties;
- direct action by Planning and Building Standards over the recent period relative to derelict buildings within New Cumnock; and
- the identification of buildings for investigation by Planning and Building Standards for potential inclusion within the Derelict Buildings list and the role of Officers from that Section in the process.

It was agreed:

- (i) to note the terms of the report and the further information provided by the Development Management Manager;
- (ii) to note that the Development Management Manager would provide information to Councillor Elaine Dinwoodie with regard to action taken or proposed in respect of buildings within Main Street, Patna; and to Councillor Stuart Finlayson to confirm the current level of dereliction of Kirkland Park House, Darvel, and the reasons for non-inclusion within the list of the former toilet block and paper shop located adjacent to Bordone's Central Cafe, Main Street, Kilmaurs;
- (iii) that the Depute Chief Executive/Executive Director of Neighbourhood Services would give consideration to the possibility of the introduction of a protocol under which some form of notice could be attached to derelict properties to indicate, for public information purposes, action being taken by East Ayrshire Council with regard to that property; and
- (iv) that the Depute Chief Executive/Executive Director of Neighbourhood Services submit a further report of this type to Committee in 12 months' time.

ADJOURNMENT/RECONVENTION OF MEETING

8. The meeting adjourned at 1142 hrs and reconvened at 1202 hrs with the same Members and Officers present and in attendance.

PLANNING, ENFORCEMENT AND LISTED BUILDING CONSENT APPEAL DECISIONS: 1 FEBRUARY TO 31 DECEMBER 2010

9. There was submitted a report dated 10 September 2010 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which presented, for information, an analysis of Planning (including Enforcement Notice) and Listed Building Appeal Decisions received from the Scottish Government Directorate of

Planning and Environmental Appeals (DPEA) during the period 1 February to 31 December 2010.

It was agreed:

- (i) to note the terms of the report; and
- (ii) that future reports of this kind provide information on the costs involved in dealing with those appeals featured within the report, including Officers' time.

OUTCOME OF 2008/09 NATIONAL FRAUD INITIATIVE AND FORWARD PLAN FOR 2010/11 INITIATIVE

- 10.** There was submitted a report (circulated) by the Executive Director of Finance and Corporate Support which provided a summary of the key outcomes of the 2008/09 National Fraud Initiative exercise; highlighted the positive action taken across Departments to deal with possible data matches identified; and set out a forward workplan in respect of the forthcoming 2010/11 initiative.

It was agreed:

- (i) to note the progress outlined in the report;
- (ii) to approve the proposed future reporting arrangements for National Fraud Initiative as set out in the report;
- (iii) to note that the Executive Director of Finance and Corporate Support would provide to Councillor Alan Brown further information on the action taken in relation to the data match description "Housing Benefit Claimants to Payroll Pensions, address quality, between bodies" as featured within Appendix I to the report; and
- (iv) otherwise, to note the terms of the report.

EAST AYRSHIRE TOURISM STRATEGY ANNUAL PERFORMANCE MONITORING REPORT

- 11.** There was submitted a report dated 13 September 2010 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which updated on progress relating to implementation of the East Ayrshire Tourism Strategy and Action Plan.

It was agreed:

- (i) to note that the report had been considered by Cabinet on 1 September 2010;
- (ii) to note the contents of the report in relation to performance monitoring of the East Ayrshire Tourism Strategy and Action Plan; and
- (iii) that the Depute Chief Executive/Executive Director of Neighbourhood Services bring forward performance monitoring reports on an annual basis both to Cabinet and to this Committee.

FINANCE AND SERVICE STRATEGY REPORT BASED ON PERIOD 4 (25 JULY 2010)

- 12.** There was submitted a report dated 6 September 2010 (circulated) by the Executive Director of Finance and Corporate Support which advised of the projected position

for the year based on expenditure to Period 4, and information provided by Executive Directors.

On the matter being raised, the Executive Director of Educational and Social Services provided further information with regard to the recent good progress being made in the recruitment of internal Foster Carers.

It was agreed:

- (i) to note the recommendations to Cabinet on 1 September 2010, as set out in paragraph 6 of the report; and
- (ii) otherwise, to note the terms of the report and the further information provided by the Executive Director of Educational and Social Services.

The meeting terminated at 1228 hrs.