

EAST AYRSHIRE COUNCIL

GOVERNANCE AND SCRUTINY COMMITTEE

MINUTES OF MEETING HELD ON FRIDAY 25 SEPTEMBER 2009 AT 1000 HRS IN NETHERTHIRD COMMUNITY CENTRE, RYDERSTON DRIVE, CUMNOCK

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

ATTENDING: William Stafford, Executive Director of Neighbourhood Services; Alex McPhee, Executive Head of Finance and Asset Management; Bill Walkinshaw, Head of Democratic Services; Andrew Sutherland: Head of Service: Schools; Joe McLachlan, Corporate Accounting Manager; Julie Jamieson, Chief Accountant; and Stuart Nelson, Administrative Officer.

ALSO ATTENDING: Peter Tait, Assistant Director of Audit (Local Government); David Richardson, Audit Manager; and Mark Simms, Senior Accountant, all Audit Scotland.

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

CHAIR: Councillor Tom Cook, Chair.

CHAIR'S REMARKS

1. The Chair introduced and welcomed Peter Tait, Assistant Director of Audit (Local Government), Audit Scotland who would be presenting Item 3 on the Agenda, accompanied by David Richardson, Audit Manager and Mark Simms, Senior Accountant.

PREVIOUS MINUTES

2. There were submitted, and approved as a correct record, the Minutes of the meeting held on 28 August 2009 (circulated).

2.1 Matters Arising

- (a) **Report on the Review of the Council's Winter Emergency Response Policy (Item 7, Page 835, 07/12)** - Noted, as advised by the Executive Director of Neighbourhood Services that he currently had under preparation an Action Plan relative to the recommendations contained within this Committee's outcome report on the review of the Council's Winter Emergency Response Policy and it was intended that this, together with the outcome report, would be submitted to Cabinet at its meeting to be held on 21 October 2009; and
- (b) **Glaisnock Trust: Internal Audit Examination of Payments: Press Release (Item 9.2(iii), Page 835, 07/12)** - Noted information provided by the Head of Democratic Services with regard to the reasons for the inclusion of comments by the Leader of the Council and the Chair of this Committee within the press release.

MATTERS ARISING UPDATE REPORT

3. There was submitted a report dated 11 September 2009 (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.

It was agreed:-

- (i) to note that the Minute of the meeting between Members of the Governance and Scrutiny Committee and representatives of Scottish Water held on 10 September 2009 would be circulated to Members of the Committee early next week, together with a copy of the presentation slides;
- (ii) to note, as advised by the Executive Director of Neighbourhood Services, that Charlene McBride had replaced Dawn McDermont as Regional Community Manager with Scottish Water, and that contact details for Charlene McBride would be circulated to Members with the note of meeting referred to in (i) above; and
- (iii) otherwise, to note the terms of the report.

CORPORATE GOVERNANCE

COMMUNICATION OF AUDIT MATTERS TO THOSE CHARGED WITH GOVERNANCE (ISA260)

4. There was submitted a statement dated September 2009 from Audit Scotland setting out relevant matters arising from the audit of East Ayrshire Council financial statements for 2008/09 which required reporting under ISA260.

Peter Tait, Assistant Director of Audit (Local Government), and David Richardson, Audit Manager, both Audit Scotland, highlighted the main findings, outcomes and outlook for the period ahead; congratulated the Council on an excellent report; and responded to questions put, and issues raised, by Members relating to the undernoted matters, namely:-

- the distinction between community assets and operational assets;
- clarification of the nature of the unqualified opinion expressed by the External Auditor in the report and the status of explanatory paragraphs within the report; and
- re-assurance that the External Auditor was satisfied that the Council had dealt with identified issues in relation to charging and internal controls within the Building and Works STO in an effective a manner as possible, and the reporting arrangements in relation to this matter.

It was agreed:-

- (i) to note the further information provided by representatives of Audit Scotland; and
- (ii) otherwise, to note the terms of the report.

The Chair thanked the Audit Scotland representatives for their attendance and contribution to the meeting.

SCRUTINY

EXCLUSION FROM SCHOOLS IN EAST AYRSHIRE 2008/09

5. There was submitted a report dated July 2009 (circulated) by the Executive Director of Educational and Social Services which advised of the exclusion of pupils from schools in East Ayrshire during the session 2008/09.

During discussion, the Head of Service (Schools) responded to questions and issues raised by Members relative to the undernoted matters, namely:-

- indications that pupil conduct and behaviour within schools had been improving in recent years, and the reasons for, and the means of measuring, same;
- the protocols in place within schools for the early recognition of dyslexia and Attention Deficit Hyperkinetic Disorder (ADHD), and the arrangements in place to effectively respond to the needs of the pupils concerned; and
- the level of exclusions of pupils engaged in college/vocational training outwith the school environment.

It was agreed:

- (i) to note the terms of the report;
- (ii) that the Executive Director of Educational and Social Services continue to report annually to this Committee on the exclusion of pupils from schools in East Ayrshire;
- (iii) that the Head of Service (Schools) consult with the Chair to identify a means of providing a measurement of pupil conduct/behaviour over time, in order that this information might be incorporated within future reports of this type; and
- (iv) that the next report on this type, if feasible, include information on the level of exclusions of pupils engaged in college/vocational training outwith the school environment.

FINANCE AND SERVICE STRATEGY REPORT TO PERIOD 4 (26 JULY 2009)

6. There was submitted a report dated 27 August 2009 (circulated) by the Executive Head of Finance and Asset Management which advised of the projected financial position for the year based on expenditure to 26 July 2009 (Period 4) and information provided by Executive Directors.

During discussion, Members raised issues and put questions relative to the undernoted matters which were, where necessary, responded to by the appropriate Officers, namely:-

- slippage on a number of projects included within the capital programme including the new Council Chamber and New Cumnock Nursery and Primary School;
- progress towards meeting the requirements of the Concord with the Scottish Government;

- progress with the structural survey at Crossroads Primary School and arrangements for remedial works;
- the timescale for the completion of lighting works and the installation of bollards within the vicinity of Netherthird Community Centre;
- progress in remedying persistent water ingress at the Cairnhill Primary School building;
- progress with regard to the application of Compulsory Purchase Order processes relating to proposed property acquisition in connections with the proposed office development in Cumnock; and
- the flood risk assessment required by SEPA relative to the New Cumnock Nursery and Primary School development, and SEPA's requirements with regard to flood risk assessment generally.

It was agreed:

- (i) to note the information provided by the Officers, as referred to above;
- (ii) that the Executive Head of Finance and Asset Management bring back a report to this Committee on the reasons for slippage on the New Cumnock Nursery and Primary School project;
- (iii) that the Executive Director of Neighbourhood Services provide further information and clarification to Members on the requirements of SEPA with regard to flood risk assessment having regard to the relevant legislation; and
- (iv) otherwise, to note the terms of the report.

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 item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 6 of Schedule 7A of the Act".

CAIRNS NURSERY WINDOW REPLACEMENT PROJECT

8. There was submitted a report dated 9 September 2009 (circulated) by the Executive Head of Finance and Asset Management which advised of the circumstances surrounding the delay which had occurred in the contract to replace windows at Cairns Nursery School, Kilmarnock.

Following discussion and questions from Members, the report was noted.

The meeting terminated at 1130 hrs.