

EAST AYRSHIRE COUNCIL

GOVERNANCE AND SCRUTINY COMMITTEE

**MINUTES OF MEETING HELD ON FRIDAY 17 JUNE 2011 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; Alex McPhee, Executive Director of Finance and Corporate Support; Graham Short, Executive Director of Educational and Social Services; Eddie Fraser, Head of Service: Community Care; Bill Walkinshaw, Head of Democratic Services; Craig McArthur, Head of Finance; Chris McAleavey, Head of Housing; Martin Rose, Head of Human Resources; Malcolm Roulston, Head of Corporate Infrastructure; David Mitchell, Head of Legal, Procurement and Regulatory Services; John Bryson, Head of Roads and Transportation; James Lally, Best Value and Performance Officer; Kenneth McKinlay, Principal, Quality Improvement; Simon Bell, Project Delivery Manager; and Stuart Nelson, Administrative Officer.

CHAIR: Councillor Tom Cook, Chair.

CHAIR'S REMARKS

1. The Chair welcomed to the meeting, as an observer within the public gallery, Richard Stevens, Independent Chair of East Ayrshire Adult Support and Protection Committee, who had an interest in respect of Item 8 on the Agenda - "Adult Support and Protection".

PREVIOUS MINUTES

2.1 Approval as a Correct Record

There were submitted and approved as a correct record, the Minutes of the Meeting held on 20 May 2011 (circulated).

2.2 Matters Arising: Internal Audit Annual Report 2010/11: First Year of Operation of Housing Asset Services (Item 3(ii), Page 1659, 07/12)

The Chair confirmed that he would be meeting with the Depute Chief Executive/Executive Director of Neighbourhood Services to discuss the timescales for submission of a report to this Committee on the first year of operation of Housing Asset Services since the introduction of the Single Business Unit in 2010, and this was noted.

CONSIDERATION OF CALLED-IN DECISION OF CABINET: PROVISION OF SERVICES TO GYPSY TRAVELLERS (Item 9, Page 1680, 07/12)

3. The Committee considered the called-in decision of the Cabinet meeting held on 1 June 2011 relating to the provision of services to gypsy travellers and, in this connection, there were submitted the following (all circulated), namely:-

- (i) procedure;
- (ii) the call-in notice; and
- (iii) the related Cabinet report.

The Committee heard Councillors Maureen McKay, William Crawford, Neil McGhee, David Shaw and Barney Menzies, signatories to the call-in, who explained the reasons for the call-in.

The Committee then heard, in turn, Councillor Iain Linton, Spokesperson for Strategic Planning, Management and Resources, and Equalities, the Depute Chief Executive/Executive Director of Neighbourhood Services and the Development Planning and Regeneration Manager, who outlined the reasons for the Cabinet's decision and responded to the terms of the call-in request.

Members of the Committee then put questions to, and sought clarification on matters raised from the signatories to the call-in and also Councillor Iain Linton, the Depute Chief Executive/Executive Director of Neighbourhood Services, the Development Planning and Regeneration Manager and the Head of Housing.

The Chair informed the parties present of the final stages of the call-in process and the signatories to the call-in and Councillor Iain Linton, the Depute Chief Executive/Executive Director of Neighbourhood Services, the Head of Housing and the Development Planning and Regeneration Manager then withdrew to the public gallery.

Arising from the verbal submissions made, the question and answer session and the subsequent debate, the following relevant issues were highlighted:

- concerns regarding the lack of Elected Member involvement in the short term working group;
- in terms of Appendix III of the report - the relevance and adequacy of the range of criteria covered by the Scottish Office Guidance; the rationale behind the selection of additional criteria; and the potential for further relevant criteria that could have been included; and
- the transparency and methodology of the scoring process.

It was agreed that in order to ensure absolute public confidence in the process used to identify a suitable site location for a Gypsy/Traveller transit site, to refer the matter back to Cabinet with the following recommendations, viz:-

- (i) that the scoring mechanism be reviewed, including particular consideration as to the introduction of further additional criteria (impact on industry and tourism and contamination issues being three possible areas to be considered);
- (ii) that arrangements be made for appropriate Elected Member involvement in that review of the scoring mechanism;
- (iii) that the site selection process thereafter be undertaken afresh, with appropriate consultation with (a) Elected Members; (b) all relevant Council Services (including in particular the Environmental Health Service); and (c) the Scottish Gypsy Travellers Association; and
- (iv) that in view of recommendations (i) - (iii) above, no further action be taken in respect of the outcome of the previous site selection process.

ADJOURNMENT/RECONVENTION

4. The meeting adjourned at 1230 hrs and reconvened at 1245 hrs.
Councillors John McGhee and John Campbell were not present at this point.

GOVERNANCE

LOCAL CODE OF CORPORATE GOVERNANCE

5. There was submitted a report dated 19 May 2011 (circulated) by the Chief Executive which (i) updated the Committee on progress in implementing the Council's Corporate Governance Action Plan for 2010/11; (ii) sought approval for the new Local Code of Corporate Governance for 2011/12; and (iii) sought agreement to a new Corporate Governance Improvement Action Plan for 2011/12.

During discussion, the Executive Director of Finance and Corporate Support and the Best Value and Performance Officer responded to questions put by Members relative to the impact of delay in achieving target timescales for those actions identified within the Improvement Action Plan 2010/11 on the review scores featured within the Local Code of Corporate Governance 2011/12; and on the nature of the evidence relative to Core Principle 2, Supporting Principle 2 within the Local Code of Corporate Governance 2011/12.

It was agreed:

- (i) to note the process of review for the Council's Corporate Governance arrangements;
- (ii) to note the good progress made in implementation of the Corporate Governance Action Plan for 2010/11, as set out in Appendix I to the report;
- (iii) to note the outcome of the scoring exercise and to approve the East Ayrshire Local Code of Corporate Governance 2011/12 as set out in Appendix II to the report;
- (iv) to note the outcome of the mapping exercise undertaken in respect of the checklist requirements of Audit Scotland's national report "Councillors and Officers: Roles and Working Relationships: Are You Getting It Right" and the existing requirements of our Local Code of Corporate Governance 2011/12, and that the requirements of the checklists were satisfied by the evidence presented to demonstrate local compliance in the East Ayrshire Local Code of Governance for 2011/12;
- (v) to approve the Corporate Governance Improvement Action Plan for 2011/12 as set out in Appendix III to the report;
- (vi) to note that the new East Ayrshire Local Code of Corporate Governance 2011/12 and the Corporate Governance Improvement Action Plan 2011/12 would be published and made available to the general public; and
- (vii) otherwise, to note the terms of the report.

Councillor John Campbell joined the meeting during discussion, but prior to determination, of this item.

SCRUTINY

FINANCE AND SERVICE STRATEGY REPORT

6. There was submitted a report dated 9 June 2011 (circulated) by the Executive Director of Finance and Corporate Support which advised of the unaudited financial position for the year ended 31 March 2011.

During discussion, the Executive Director of Finance and Corporate Support provided further information on measures which had been taken to manage the underspend on the General Fund for 2010/11 and which would be further refined for the current year.

It was agreed:

- (i) to note the recommendations to Cabinet on 15 June 2011, as set out in Section 7 of the report; and
- (ii) otherwise, to note the terms of the report.

AWARDING OF CONTRACTS - PERIOD FROM 15 APRIL TO 3 JUNE 2011

7. There was submitted a report dated 1 June 2011 (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 15 April to 3 June 2011.

On the matter having been raised, the Head of Human Resources provided further information on the tendering arrangements relative to the Recruitment Assessment Centres contract.

It was agreed to note the terms of the report.

WINTER EMERGENCY RESPONSE ARRANGEMENTS (Item 4, Page 1381, 07/12)

8. There was submitted a report dated 9 June 2011 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which advised of the Council's response to the severe winter weather of 2010/11 and of further actions to be taken in preparation for winter 2011/12.

It was agreed:

- (i) to note the analysis of the Council's response to the severe cold weather conditions which occurred in December 2010 and January 2011, as set out in the report, which showed a significant improvement in performance across all service areas;
- (ii) to note the additional action identified, all designed to further enhance service provision throughout periods of extreme winter weather;
- (iii) to note that the Depute Chief Executive/Executive Director of Neighbourhood Service and the relevant Heads of Service were progressing ongoing work to further improve call handling and responses in respect of telephone calls to the Council's emergency contact numbers; to review arrangements for the lodging of applications for the provision of grit bins at new locations; and to ensure that winter emergency response arrangements are appropriately signposted within the Council's website, to facilitate access by users; and

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

ORDER OF BUSINESS

9. The Chair advised, and it was noted, that Item 8 on the Agenda would be considered at this point.

ADULT SUPPORT AND PROTECTION (Item 6, Page 1678, 07/12)

10. There was submitted a report dated 19 May 2011 (circulated) by the Executive Director of Educational and Social Services, as submitted to Cabinet on 1 June 2011, which (i) advised of progress in the development of the Adult Protection Committee; (ii) provided information in respect of the biennial report by the Chair of the Adult Protection Committee for 2008/10 and Business Plan 2010/11; (iii) sought endorsement to develop a prevention strategy which set out the vision for East Ayrshire Community Planning Partnership to utilise the resources allocated through Scottish Government in support of implementing Part 1 of the Adult Support and Protection (Scotland) Act 2007 in terms of a future direction of travel that promoted safeguarding; and (iv) sought agreement to alterations to the establishment within the Adult Protection Unit.

It was agreed, in respect of this Committee's interests, to note the terms of the report.

DEPARTMENT OF EDUCATIONAL AND SOCIAL SERVICES - QUALITY REPORT FOR 2010

11. There was submitted a report dated May 2011 (circulated) by the Executive Director of Educational and Social Services which advised of the online publication of the Standards and Quality Report for the Department of Educational and Social Services for 2010.

It was agreed:

- (i) to note the positive progress made by the various services within the Department of Educational and Social Services against previous performance;
- (ii) that the Executive Director of Educational and Social Services continue to report to this Committee on this aspect on an annual basis; and
- (iii) otherwise, to note the terms of the report.

EMPLOYEE STATISTICS 2010/11

12. There was submitted a report dated 2 June 2011 (circulated) by the Executive Director of Finance and Corporate Support which provided an Annual Report on employee statistics for the period 1 April 2010 to 31 March 2011.

It was agreed:

- (i) to note the information provided within the report; and
- (ii) to note that quarterly reports would be submitted to this Committee throughout the year in respect of the areas covered by the Annual Report.

The meeting terminated at 1407 hrs.