

## **EAST AYRSHIRE COUNCIL**

### **GOVERNANCE AND SCRUTINY COMMITTEE - 23 APRIL 2010**

#### **TOPICS FOR REVIEW 2010/11**

#### **Report by Executive Director of Finance and Corporate Support**

#### **1. PURPOSE OF REPORT**

- 1.1** To present, for consideration, proposed scoping papers for the two reviews to be undertaken by the Committee during 2010/11 on the topics “Anti-Social Behaviour Orders in East Ayrshire since their Introduction” and “Insurance Arrangements Provided by Contractors Carrying out Work on behalf of East Ayrshire Council”.

#### **2. BACKGROUND**

- 2.1** At the Governance and Scrutiny Committee Workshop held on Thursday 28 January 2010, it was agreed, amongst other things, that two reviews be carried out during the year on the following topics, namely:- “Anti-Social Behaviour Orders in East Ayrshire since their Introduction” and “Insurance Arrangements Provided by Contractors Carrying out Work on behalf of East Ayrshire Council”.
- 2.2** Subsequently, this Committee, on 19 March 2010, agreed to approve the Annual Programme timetable for 2010/11 which set out the schedule for the carrying out of the two reviews during the 2010/11 year.

#### **3. SCOPING PAPERS**

- 3.1** The proposed scoping papers relative to the review topics “Anti-Social Behaviour Orders in East Ayrshire since their Introduction” and “Insurance Arrangements Provided by Contractors Carrying out Work on behalf of East Ayrshire Council” are provided at Appendices I and II respectively, for Committee’s consideration.

- 4. FINANCIAL/LEGAL/POLICY/COMMUNITY PLANNING IMPLICATIONS -**  
None arising directly from this report.

- 5. RISK IMPLICATIONS -** As referred to within the scoping papers relative to each of the review topics.

#### **6. RECOMMENDATION**

- 6.1** The Committee is asked to consider and approve the proposed scoping papers for each of the review topics as set out in Appendices I and II.

Alex McPhee  
Executive Director of Corporate Support

25 March 2010

SN/FM

### **LIST OF BACKGROUND PAPERS**

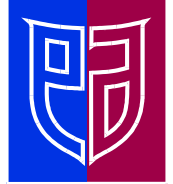
1. Topic suggestion forms.
2. Note of Workshop meeting held on Thursday 28 January 2010.

Any person wishing to inspect the background papers relative to this report should contact Stuart Nelson, Administrative Officer on Tel No (01563) 576151. Any person wishing further information on this report should contact Julie McGarry, Administration Manager on Tel No (01563) 576147.

**Implementation Officer: Stuart Nelson, Administrative Officer.**

## APPENDIX I

### EAST AYRSHIRE COUNCIL



## GOVERNANCE & SCRUTINY PROJECT PLAN 2010/11

### PROJECT 1 - REVIEW OF ANTI-SOCIAL BEHAVIOUR ORDERS SINCE THEIR INTRODUCTION

**REVIEW TOPIC:**

Review of Anti-Social Behaviour Orders in East Ayrshire since their introduction.

**OBJECTIVES:**

To examine whether Anti-Social Behaviour Orders:

1. are an effective tool to address anti- social behaviour within communities;
2. provide reassurance to communities that effective action is being taken in response to their concerns;
3. help to communicate to communities what type and level of behaviour is desired and expected by all community members.

**DESIRED OUTCOMES:**

1. To ensure the appropriate application and efficacy of ASBOs in line with legislation, as implemented by East Ayrshire;
2. To confirm that the use of ASBOs in East Ayrshire meet Community Planning aims;
3. To measure the cost effectiveness of ASBOs in East Ayrshire against benefits;
4. To measure the contribution of ASBOs in East Ayrshire to delivering safe and more socially cohesive communities.

**TERMS OF REFERENCE:**

1. To confirm and take cognisance of the relevant legislation and regulation governing Anti-Social Behaviour Orders and their implementation;
2. To confirm and evaluate the current processes which provide for the application of Anti-Social Behaviour Orders within East Ayrshire, including joint arrangements and protocols with partner agencies;
3. To consider the costs associated with the ASBO process;
4. To consider the benefits associated with the ASBO process.
5. To identify any areas for improvement and to make recommendations accordingly.

**KEY ISSUES:**

- Concerns of communities regarding anti-social behaviour;
- Effectiveness of Anti-Social Behaviour Orders as a means of dealing with anti-social behaviour;
- The nature and effectiveness of the arrangements and protocols which the Council has in place, with partners, relative to the application of Anti-Social Behaviour Orders.

**RISKS:**

- Public perception may be that the review is in response to failings of the current arrangements
- Issues may be identified over which the Council has no direct control

**VENUES:**

N/A

**TIMESCALE:**

**START: JUNE 2010**

**FINISH: NOVEMBER 2010**

**INFORMATION REQUIREMENTS AND SOURCES:****Documents/Evidence** (what/why)

- Review of National Anti-Social Behaviour Strategy
- East Ayrshire Council Anti-Social Behaviour Protocols and standard documentation
- Documentation relative to sample/typical ASBO case
- Statistical information on ASBOs in East Ayrshire from 2004 to present time.

**Witnesses** (who/why)

- Head of Housing
- Head of Legal Services
- Strathclyde Police
- Procurator Fiscal

**Consultation/Research** (what, why, who)

- ASBOF (Anti-Social Behaviour Officers Forum)
- ASBLEF (Anti-Social Behaviour Legal Officers Forum)
- East Ayrshire North and Coalfield Communities Federations
- Residents Panel/Tenants and Residents Forum

**Site Visits** (where, why, when)

N/A

**OFFICER SUPPORT:**

TBC  
Governance and Scrutiny Support Team

**TARGET BODY FOR REPORT:** (Cabinet/Council)

Cabinet

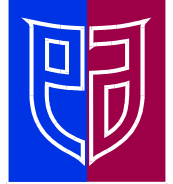
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30 March 2010

## APPENDIX II

### EAST AYRSHIRE COUNCIL

#### GOVERNANCE & SCRUTINY PROJECT PLAN 2010/11



### PROJECT 2 - INSURANCE ARRANGEMENTS PROVIDED BY CONTRACTORS CARRYING OUT WORK ON BEHALF OF EAST AYRSHIRE COUNCIL

**REVIEW TOPIC:**

Review of insurance arrangements provided by contractors carrying out work on behalf of East Ayrshire Council.

**OBJECTIVES:**

To examine how, when third party liability claims are made by East Ayrshire residents, these are properly addressed by the contractors' insurers against criteria agreed with the Council, and in accordance with recommended industry practice.

**DESIRED OUTCOMES:**

1. To ensure that contractors operating on behalf of the Council have insurance arrangements in place to properly and proportionately deal with East Ayrshire residents' claims.
2. To give comfort to our residents that where detriment is caused by contractors, negligence in the course of carrying out operations on behalf of the Council, commensurate compensation arrangements are in place.

**TERMS OF REFERENCE:**

1. To confirm and evaluate the public liability insurance arrangements which contractors operating on behalf of the Council have in place to deal with East Ayrshire residents' insurance claims.
2. To confirm and evaluate the existing processes which the Council has in place for checking contractors' insurance details to ensure that they have adequate levels of public liability insurance.
3. To identify whether there any improvements which can be made to the existing arrangements and processes and to make recommendations accordingly.

**KEY ISSUES:**

- Responsibility of contractors
- Residents' right to proportionate compensation in accordance with agreed practice and legal entitlement
- Role of EAC in ensuring and facilitating residents' access to compensation where appropriate

**RISKS:**

- Increased cost of contracts
- Public perception that the review is in response to failings of the current arrangements and unrealistic expectations of changes to these arrangements

**VENUES:**

N/A

**TIMESCALE:**

**START: SEPTEMBER 2010**

**FINISH: MARCH 2011**

**INFORMATION REQUIREMENTS AND SOURCES:****Documents/Evidence** (what/why)

- Contract conditions
- Claim documentation
- Sample/typical claim

**Witnesses** (who/why)

- Executive Director of Finance and Corporate Support (or representative)
- Head Legal, Procurement and Regulatory Services (or representatives from Legal Services and Procurement)

**Consultation/Research** (what, why, who)

- Zurich (East Ayrshire Council's Insurers)
- ALARMS (Association of Local Authority Risk Managers)
- Benchmarking (family group of authorities)
- Consumer Advice/Citizens Advice
- Tenants/residents representative body (or Residents Panel?)
- Contractors

**Site Visits** (where, why, when)

N/A

**OFFICER SUPPORT:**

Lead Officer(s) - TBC  
Governance and Scrutiny Support Team

**TARGET BODY FOR REPORT:** (Cabinet/Council)

Cabinet