

## **EAST AYRSHIRE COUNCIL**

### **GOVERNANCE AND SCRUTINY COMMITTEE**

#### **MINUTES OF MEETING HELD ON FRIDAY 18 JUNE 2010 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, Jimmy Kelly, Eric Ross, Elaine Dinwoodie and Drew Filson.

**ATTENDING:** Fiona Lees, Chief Executive; 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; Malcolm Roulston, Head of Information Technology and Asset Management; David Mitchell, Head of Legal, Procurement and Regulatory Services; John Bryson, Head of Roads and Transportation; Colin Houston, Chief Auditor; Alastair Kidd, Financial Services Manager; Craig Young, Litigation Team Leader; and Stuart Nelson, Administrative Officer.

**CHAIR:** Councillor Tom Cook, Chair.

#### **CHAIR'S REMARKS**

1. The Chair welcomed to the meeting Gillian Moore, Legal Graduate, who was undertaking a period of work experience within Legal Services.

#### **PREVIOUS MINUTES**

2. There were submitted and approved as a correct record, the Minutes of the Meeting held on 21 May 2010 (circulated).

#### **MATTERS ARISING UPDATE REPORT**

3. There was submitted a report dated 1 June 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:-

- (i) noted that the Executive Director of Finance and Corporate Support would discuss with Councillor Stuart Finlayson outwith the meeting the nature of information which he would wish to see provided within future Finance and Service Strategy Reports relative to school budgets; and
- (ii) otherwise, agreed to note the information provided in response to the matters arising as set out in the report.

## AUDIT

### INTERNAL AUDIT ANNUAL REPORT 2009/10

4. There was submitted a report dated June 2010 (circulated) by the Chief Auditor which advised of matters of significance which had arisen out of the 2009/10 audit process, and offered an opinion on the adequacy and effectiveness of the Council's systems of internal control.

It was agreed:

- (i) to note further information provided by the Chief Auditor and the Head of Legal, Procurement and Regulatory Services, in response to questions by Members, relative to measurement of the Council's compliance with best practice in relation to procurement activity, and mechanisms in place and action being taken to achieve further improvements in this area of work; and
- (ii) otherwise, to note the terms of the report submitted.

## GOVERNANCE

### LOCAL CODE OF CORPORATE GOVERNANCE

5. There was submitted a report dated 21 May 2010 (circulated) by the Chief Executive which (a) updated on progress in implementing the Council's Action Plan for 2009/10; (b) sought approval for the new Local Code of Corporate Governance for 2010/11; and (c) sought agreement to a new Action Plan for 2010/11.

Arising from discussion, the Executive Director of Finance and Corporate Support provided further detail on the nature of the work involved in, and the purpose of, the action set out within Appendix I - "Make further progress in aligning Community Planning Partners' budget contributions for key action plan priorities, eg Home Care, Social/Health Care Initiatives and Community Safety Initiatives".

It was agreed:

- (i) to note that within Appendix II to the report, page 82, column 3, bullet point 3, should read "Leaders of the Opposition".
- (ii) to note the process of review for the Council's Corporate Governance arrangements;
- (iii) to note the good progress made in the implementation of the Corporate Governance Action Plan for 2009/10, as set out in Appendix I to the report;
- (iv) to note the outcome of the scoring exercise and to approve the East Ayrshire Local Code of Corporate Governance for 2010/11 as set out in Appendix II to the report; and that in this connection, the Head of Democratic Services would consult with the Chair with a view to taking action towards improving the scoring relative to the "develop and maintain an effective Standards Committee" requirement;
- (v) to approve the Corporate Governance Improvement Action Plan for 2010/11 as set out in Appendix III to the report;
- (vi) to note that the new East Ayrshire Local Code of Corporate Governance for 2010/11 and the Corporate Governance Action Plan would be published and made available to the general public; and

(vii) otherwise, to note the terms of the report.

## **SCRUTINY**

### **CONSULTATION REPORT - EDUCATION PROVISION AT CROSSROADS PRIMARY SCHOOL (Item 1, Page , 07/12)**

6. There was submitted a report dated 11 June 2010 (circulated) by the Executive Director of Finance and Corporate Support to present for consideration the Cabinet report in relation to the Consultation Report on "Education Provision at Crossroads Primary School" in the light of the decision of Cabinet on 16 June 2010; together with an extract from the Minutes of the Cabinet meeting held on 16 June 2010 (circulated).

The Committee gave due consideration to the submitted documentation and heard the Executive Director of Educational and Social Services in detailed explanation of the process applied in taking forward consideration of the future of education provision at Crossroads Primary School, including the consultation arrangements.

Having accepted the proposals of Cabinet as outlined in the extract of Minutes of Cabinet meeting held on 16 June 2010, agreed to recommend to Cabinet as follows:-

- (i) that the Cabinet ensure that the development of a transition programme be established, in consultation with the stakeholders as outlined in paragraph 3.10 of the report by HMIE Addressing Educational Aspects of the Proposal to Close Crossroads Primary School and Transfer Children to Galston Primary School; and
- (ii) that the Executive Director of Educational and Social Services ensure that the detailed considerations carried out by Officers in terms of assessing the impact of the proposals on the wider community and the detailed considerations given in the option appraisal process of determining the potential or otherwise for the use of modular buildings on Crossroads Primary School Campus, are presented to Cabinet when it makes a final determination on the proposal in terms of Section 11(1) of the Schools (Consultation) (Scotland) Act 2010.

### **AWARDING OF CONTRACTS: PERIOD FROM 10 APRIL TO 4 JUNE 2010**

7. There was submitted and noted a report dated 25 May 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 10 April to 4 June 2010.

### **WINTER RESPONSE ARRANGEMENTS**

8. There was submitted a report dated 7 June 2010 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which provided an analysis of the Council's response to the severe weather conditions which occurred between 20 December 2009 and 15 January 2010, as agreed by this Committee on 28 January 2010.

Arising from discussion and in response to questions by Members, the Depute Chief Executive/Executive Director of Neighbourhood Services and the Head of Roads and Transportation provided further information relative to the following matters, namely:-

- Arrangements for the setting out/taking in and filling of grit bins;
- Operational issues around use of the Scottish Coal site at Chalmerston and the roads depot at Gauchalland, Galston for storage of grit/salt, and the collection of grit/salt from these locations by members of the public;
- The current policy/practice with regard to, and the ongoing review of arrangements/priorities for, the treatment of footways;
- The impact on road treatment decisions of the unpredictability of the weather conditions and the effectiveness of treatment in some particular cases;
- The cost of clearing residual grit following the winter period;
- Arrangements for the treatment of footways around accesses to schools and to what degree this had been achieved;
- The capacity for the storage of salt/grit within the barns at Gauchalland and Underwood Roads depots, which was currently under review;
- The extent to which sub-contractors were used during the winter period and for what purpose; and
- The senior officer contact during periods of severe winter weather, being the Head of Roads and Transportation

It was agreed:

- (i) to note that, as indicated by the Depute Chief Executive/Executive Director of Neighbourhood Services that at paragraph 64, additional costs (for Cleansing Services) amounted to just over £6,000;
- (ii) to approve the analysis of the Council's response to the severe cold weather conditions which occurred between 20 December 2009 and 15 January 2010 as set out in the report;
- (iii) to approve the Improvement Plan attached to the report at Appendix I, Members having (a) noted in particular that reviews were currently ongoing in relation to the Winter Service Policy, gritting routes, footway gritting and grit bins; and (b) made specific suggestions to be taken on board in taking forward the Improvement Plan, ie including Elected Members in the consultation process as referred to in Item 4.4 of the Improvement Plan; the introduction of daily update briefings for Elected Members during periods of severe winter weather; and measures relating to treatment of roads and footways, as contained within Section 1 of the Improvement Plan;
- (iv) that the Depute Chief Executive/Executive Director of Neighbourhood Services report on progress in implementing the Improvement Plan to the meeting of this Committee to be held on 22 October 2010 subject to consideration by the Chair of the appropriateness of the submission of Service Improvement Plans on an individual basis;
- (v) to note that the Chief Executive would arrange for the Health and Safety Manager to interview those members of the Committee who had expressed concerns during discussion of this item about certain working practices employed for gritting footways during the winter period; and
- (vi) otherwise, to note the terms of the report.

**REPORT ON THE REVIEW OF THE VEHICLE TRACKER SYSTEM -  
MASTERNAUT**

9. There was submitted a report dated 7 June 2010 (circulated) by the Executive Director of Finance and Corporate Support which presented, for approval, the draft outcome report by members of this Committee on their review of the Vehicle Tracker System - Masternaut; and requested Committee to agree, or otherwise, the recommendations contained in the draft report for presentation to Cabinet.

Councillor Eric Ross left the meeting at this point.

It was agreed:

- (i) to approve the draft report and the review findings contained therein; and
- (ii) that the review report be presented to the next appropriate meeting of Cabinet, for consideration of the recommendations contained therein.

**REVIEW TOPIC - ANTI-SOCIAL BEHAVIOUR ORDERS AND OTHER  
MEASURES SINCE THEIR INTRODUCTION**

10. There was submitted a report dated 7 June 2010 (circulated) by the Executive Director of Finance and Corporate Support which presented (a) for approval, the Work Review Programme relative to the review topic "Anti-Social Behaviour Orders and Other Measures since their Introduction" which had been selected for review in 2010/11; and (b) for information, the amended scoping paper for this review.

It was agreed:

- (i) to approve the Work Programme for this topic review as detailed in Appendix I to the report, subject to recognition that the Programme may change in the light of operational requirements; and
- (ii) to note the amended scoping paper relative to this review, as provided at Appendix II to the report, subject to inclusion within the review process of Cathy Jamieson MSP and MP, the Community Safety Manager and Local Community Planning Forum Representatives, as consultees or witnesses as appropriate.

**FINANCE AND SERVICE STRATEGY REPORT**

11. There was submitted a report dated 11 June 2010 (circulated) by the Executive Director of Finance and Corporate Support which advised Members of the unaudited financial position for the year ended 31 March 2010, and information provided by Executive Directors.

The relevant Directors provided further information on issues raised by Members during discussion relative to the following, namely:-

- The allocation of funding to East Ayrshire Council by the Scottish Government to assist in meeting additional expenditure to support the repair of pot holes following the severe cold weather experienced last winter, and how this allocation was calculated; and in this connection, the non-application of the "Bellwin" Scheme and the pursuit of this matter with the Scottish Government by CoSLA;
- Funding arrangements relative to the new Gargieston Primary School;

- Arrangements for the provision of relevant information to the local Community Association with regard to the Patna/St Xavier's Primary Schools Co-Location Project;
- The current position with regard to consultation with NHS Ayrshire and Arran to facilitate identification of a new location for Bellsbank Library; and
- Introduction of future programme details with regard to the Galston Community/Office Facility Project.

It was agreed:

- (i) to note the recommendations to Cabinet on 16 June 2010 as set out in paragraph 7 of the report; and
- (ii) otherwise, to note the terms of the report and the further information provided at the meeting.

### **EXCLUSION OF PRESS AND PUBLIC**

12. 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 1 of Schedule 7A of the Act".

### **BUILDING AND WORKS IMPROVEMENT AGENDA**

13. There was submitted a report dated 11 June 2010 (circulated) by the Chief Executive to provide a summary of the progress and outcomes of work undertaken in Building and Works towards the Building and Works Improvement Agenda.

Councillor Drew Filson left the meeting at this point.

Having heard the Chief Executive and the Chief Auditor, who provided a detailed explanation of the terms of the report, and in response to questions put by Members, it was agreed to note the substantial progress made and the outcome of all of the work carried out in Building and Works under the Improvement Agenda.

Councillor Alan Brown left the meeting during discussion, but prior to determination, of the preceding item.

The meeting terminated at 1323 hrs.