

**EAST AYRSHIRE COUNCIL**

**CORPORATE GOVERNANCE COMMITTEE**

**MINUTES OF MEETING HELD ON THURSDAY 23 NOVEMBER 2006 AT 1000 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

**PRESENT:** Councillors John Knapp, Jim O'Neill, Stephanie Young, Brian Reeves, Gordon Cree, Drew McIntyre, Harry Wilson, Ray Murray, Stuart Finlayson, Robert McDill, George Smith, Tommy Farrell, William Menzies, William Crawford, Eric Ross, Elaine Dinwoodie, and Jimmy Carmichael.

**ATTENDING:** Fiona Lees, Chief Executive; Elizabeth Morton, Depute Chief Executive/Executive Director of Corporate Support; Alex McPhee, Executive Head of Finance; David Mitchell, Head of Administrative and Legal Services; John Griffiths, Head of Leisure Services; Martin Rose, Head of Personnel; Julie Haig, Public Relations Officer; and Stuart Nelson, Administrative Officer.

**APOLOGIES:** Councillors Douglas Reid, John Weir, Iain Linton and Eric Jackson.

**CHAIR:** Councillor John Knapp, Chair.

**MINUTES  
SUB-COMMITTEE MINUTES**

1. There were submitted and approved, as correct records, the undernoted Sub-Committee Minutes (circulated), viz:-
  - 1.1 **APPEALS SUB-COMMITTEE OF THE CORPORATE GOVERNANCE COMMITTEE OF 8 SEPTEMBER, 27 SEPTEMBER AND 19 OCTOBER 2006 – APPENDICES I-III.**
  - 1.2 **CHAIR'S SUB-COMMITTEE OF THE CORPORATE GOVERNANCE COMMITTEE OF 16 OCTOBER 2006 – APPENDIX IV.**

Councillors Menzies, Ross and Carmichael joined the meeting at this point.

**CORPORATE GOVERNANCE  
RISK MANAGEMENT STRATEGY**

2. There was submitted a report dated 30 October 2006 (circulated) by the Executive Head of Finance which presented for consideration and approval, an updated Risk Management Strategy.

It was agreed:-

- (i) to approve the updated Risk Management Strategy as appended to the report; and
- (ii) otherwise, to note the terms of the report.

## OTHER ISSUES

### COSLA – SCOTTISH EXECUTIVE JOINT STAFFING WATCH RETURN AT 9 SEPTEMBER 2006

3. There was submitted and noted a report dated 17 October 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which advised on the number of employees employed by the Council as at 9 September 2006, as reported to COSLA as required under the Joint Staffing Watch arrangements.

### LOCAL GOVERNMENT EMPLOYEES, CRAFT EMPLOYEES AND CHIEF OFFICIALS – REVISED SPECIAL LEAVE POLICY

4. There was submitted a report dated 30 October 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought approval of proposed changes to the Council's Special Leave Policy and Procedures, subject to consultation with Trade Unions.

It was agreed to recommend to Council approval of the proposed changes to the Council's Special Leave Policy and Procedure, subject to consultation with Trade Unions.

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### LOCAL GOVERNMENT EMPLOYEES, CRAFT EMPLOYEES AND CHIEF OFFICIALS – REVISED RELOCATION SCHEME

5. There was submitted a report dated 23 October 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought approval of proposed changes to the Council's Relocation Scheme, subject to consultation with Trade Unions.

It was agreed to approve the proposed changes to the Council's Relocation Scheme, subject to consultation with Trade Unions.

### MANAGING ABSENCE – PILOT PROJECT FOR EMPLOYEE REFERRAL

6. There was submitted a report dated 30 October 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which informed on a service relating to the management of absence; and advised of the development of a Pilot Project.

It was agreed:-

- (i) to note the nature of the Employee Referral Scheme as detailed in Section 3 of the report; and
- (ii) that a Pilot of the Scheme be undertaken on the basis set out in the report, a further report on the outcome to be submitted to a future meeting of this Committee.

### SUPPORTED EMPLOYMENT SERVICE

7. There was submitted a report dated 25 October 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought approval for the development of a Supported Employment Service within East Ayrshire Council.

It was agreed:-

- (i) to approve the development of a Supported Employment Service Scheme within the Council;
- (ii) that a progress report be submitted to a future meeting of the Corporate Management Team on the take up of Supported Employment opportunities within the Council; and
- (iii) otherwise, to note the terms of the report.

#### **AWARDING OF CONTRACT**

8. There was submitted and noted, a report dated 3 November 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which provided, for information, details of a tender which had been accepted, namely:-

<b>CONTRACT</b>	<b>SUCCESSFUL CONTRACTOR</b>	<b>AMOUNT</b>
Administration of Childcare Voucher Scheme	Busy Bees Childcare Voucher Ltd, Litchfield	Estimated value £71,500

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

9. 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 items of business on the grounds that they involved the likely disclosure of exempt information as defined in paragraphs 1 and/or 11 of Schedule 7A of the Act.

#### **STAFFING**

##### **EXTENSION OF TEMPORARY EMPLOYMENT: ASSISTANT SENIOR SURVEYOR (Item 17, page 2276, 03/07)**

10. There was submitted a joint report dated 31 October 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support and the Acting Executive Director of Development and Property Services which sought approval to extend the current temporary post of Assistant Senior Surveyor within the Surveying Section of Economic Development and Property Services within the Department of Development and Property Services, for a further 6 months.

It was agreed:-

- (i) to approve the staffing proposal contained in paragraph 3 of the report; and
- (ii) otherwise, to note the terms of the report.

#### **RESTRUCTURE/RECONFIGURATION OF THE COUNTRY PARK AND COUNTRYSIDE SERVICES SECTION**

11. There was submitted a joint report dated 2 November 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support and the Executive Director of Neighbourhood Services which sought approval for amendments to the

structure of the Country Park and Countryside Services Section within the Department of Neighbourhood Services, subject to consultation with Trade Unions.

It was agreed:-

- (i) subject to Council approval of related report under (ii) below, to approve (a) the staff restructure proposals contained within the report, subject to consultation with Trade Unions; and (b) the temporary posts proposed in the report, subject to confirmation of successful external funding bids;
- (ii) to note that, since the terms of this report had not previously been considered by the Community Services Committee in accordance with the established procedure, and in view of the need to now expedite the matter, a further report would be submitted to Council on 7 December 2006, to enable the service delivery issues relating to this matter to be considered; and
- (iii) otherwise, to note the terms of the report.

**RESTORING COMMUNITIES PROGRAMME: EXTENSION OF TEMPORARY  
EMPLOYMENT (Item 13, page 1431, 03/07)**

12. There was submitted a joint report dated 6 October 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support and the Acting Executive Director of Development and Property Services which sought approval for the extension of the existing temporary full time Restoring Communities Programme – Project Officer posts within the Department of Development and Property Services, subject to consultation with Trade Unions.

It was agreed to approve the staffing proposal set out in paragraph 3.1 of the report, subject to consultation with Trade Unions.

**SENIOR ACCOUNTANT: EDUCATION OUTPOSTED FINANCE TEAM (Item 20,  
page 2438, 03/07)**

13. There was submitted a report dated 1 November 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought approval to amend the staffing structure of the Education Outposted Finance Team within the Finance Service of the Department of Corporate Support, subject to consultation with Trade Unions.

It was agreed to approve the staffing proposal set out in paragraph 3 of the report, subject to consultation with Trade Unions.

The meeting terminated at 1056 hours.

**APPENDIX I**

**EAST AYRSHIRE COUNCIL**

**APPEALS SUB-COMMITTEE OF THE CORPORATE GOVERNANCE COMMITTEE**

**MINUTES OF MEETING HELD ON FRIDAY 8 SEPTEMBER 2006 AT 1033 HRS  
IN THE MEETING ROOM, COUNCIL HEADQUARTERS,  
LONDON ROAD, KILMARNOCK**

**PRESENT:** Councillors John Knapp, Brian Reeves, Robert McDill, Ray Murray and Stuart Finlayson.

**ATTENDING:** David Mitchell, Head of Administrative and Legal Services; and Anne Marie Carr, Senior Administrative Officer.

**CHAIR:** Councillor John Knapp, Chair.

**EXCLUSION OF PRESS AND PUBLIC**

1. The Sub-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.

**GRIEVANCE APPEAL NO G19/06**

2. The Head of Administrative and Legal Services outlined to the Sub-Committee the difficulties which had come to light on 7 September 2006 regarding the inability of the appellant to ensure that all his witnesses would be present at the Hearing and advised the Sub-Committee that the onus lay with the appellant to make such arrangements as necessary to provide for attendance of all the witnesses he intended to call to the Grievance Hearing. Accordingly, in order to facilitate the efficient running of the Hearing process he advised the Sub-Committee that it would be more appropriate to reschedule the Hearing to the next scheduled meeting of the Appeals Sub-Committee on 27 September 2006. All Members of the Sub-Committee agreed to this proposal.

Both parties were then invited into the meeting and the Chair invited the Head of Administrative and Legal Services to advise the appellant and the management representative of the above proposal. The appellant was also informed of the procedure to be followed in respect of the attendance of those witnesses who are also employed by the Council.

Having heard the Head of Administrative and Legal Services, and having established that the appellant and the management representative had no objection to continuing consideration of the appeal to the meeting on 27 September, the Sub-Committee agreed:

- (i) to continue consideration of the grievance appeal to the next scheduled meeting of the Sub-Committee on 27 September 2006; and
- (ii) that the appellant be advised of the time of the meeting in due course.

The meeting terminated at 1044 hrs.

**APPENDIX II**

**EAST AYRSHIRE COUNCIL**

**APPEALS SUB-COMMITTEE OF THE CORPORATE GOVERNANCE COMMITTEE**

**MINUTES OF MEETING HELD ON WEDNESDAY 27 SEPTEMBER 2006  
AT 1000 HRS IN THE MEETING ROOM, COUNCIL HEADQUARTERS,  
LONDON ROAD, KILMARNOCK**

**PRESENT:** Councillors John Knapp, John McGhee, Isabella Macrae, Robert McDill and Neil McGhee.

**ATTENDING:** David Mitchell, Head of Administrative and Legal Services; and Anne Marie Carr, Senior Administrative Officer.

**CHAIR:** Councillor John Knapp, Chair.

**EXCLUSION OF PRESS AND PUBLIC**

1. The Sub-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 items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 1 of Schedule 7A of the Act.

**GRIEVANCE APPEAL NO G16/06**

2. There was submitted a copy of the grievance and disputes procedure together with submissions by the appellant and summary report dated 19 September 2006 by the Depute Chief Executive/Executive Director of Corporate Support which enclosed submissions by the appellant (all circulated).

**OUTCOME OF APPEAL**

3. Having heard both parties, the Sub-Committee agreed unanimously that the grounds of the appeal had not been substantiated and the appeal had not been upheld.

**GRIEVANCE APPEAL NO G20/06**

4. There was submitted a copy of the grievance and disputes procedure together with submissions by the appellant and summary report dated 19 September 2006 by the Depute Chief Executive/Executive Director of Corporate Support which enclosed submissions by the appellant (all circulated).

**ADJOURNMENT/RECONVENTION**

5. The Sub-Committee adjourned at 1142 hrs and reconvened at 1150 hrs with the same Members and officers present and in attendance.

**OUTCOME OF APPEAL**

6. Having heard both parties, the Sub-Committee agreed unanimously that the grounds of the appeal had not been substantiated and the appeal had not been upheld.

**GRIEVANCE APPEAL NO G21/06**

7. There was submitted a copy of the grievance and disputes procedure together with submissions by the appellant and summary report dated 19 September 2006 by the Depute Chief Executive/Executive Director of Corporate Support which enclosed submissions by the appellant (all circulated).

**OUTCOME OF APPEAL**

8. Having heard both parties, the Sub-Committee agreed unanimously that the grounds of the appeal had not been substantiated and the appeal had not been upheld.

**ADJOURNMENT/RECONVENTION**

9. The Sub-Committee adjourned at 1313 hrs and reconvened at 1338 hrs with the same Members and officers present and in attendance.

**GRIEVANCE APPEAL NO G19/06**

10. There was submitted a copy of the grievance and disputes procedure together with submissions on behalf of the appellant and summary report dated 19 September 2006 by the Depute Chief Executive/Executive Director of Corporate Support which enclosed submissions on behalf of the appellant (all circulated).

**ADJOURNMENT/RECONVENTION**

11. The Sub-Committee adjourned at 1424 hrs and reconvened at 1429 hrs with the same Members and officers present and in attendance.

**CONSIDERATION OF APPEAL**

12. Having heard the Head of Administrative and Legal Services, the Sub-Committee agreed:-
  - (i) to continue consideration of the grievance appeal to a further meeting of the Sub-Committee;
  - (ii) that the management representative be requested to submit a more detailed report on the substance of the original complaint by the appellant detailing the nature of the original complaint and the investigative process undertaken by management in terms of the Council's Personal Harassment Policy and Procedures;
  - (iii) that the Sub-Committee have sight of any notes or minutes of meetings, statements, reports or other relevant documentation in respect of the investigation of the appellant's complaint to allow Members to have a comprehensive understanding of the chronology of events surrounding the appellant's grievance.
  - (iv) that the necessary arrangements be made to ensure that the following officers be available at the continued Hearing, viz:- Commercial Waste and Recycling Manager; Recycling Foreman; and the Departmental Personnel Officer.

**CHAIR'S REMARKS**

13. The Chair suggested to the appellant that he may wish to give consideration to arranging representation for himself at the meeting of the Appeals Sub-Committee at which his continued Hearing would be heard, the date for which had yet to be arranged.

The meeting terminated at 1645 hrs.

**APPENDIX III**

**EAST AYRSHIRE COUNCIL**

**APPEALS SUB-COMMITTEE OF THE CORPORATE GOVERNANCE COMMITTEE**

**MINUTES OF THE RECONVENED MEETING HELD ON THURSDAY 19  
OCTOBER 2006 AT 1000 HOURS IN THE MEETING ROOM, COUNCIL  
HEADQUARTERS, LONDON ROAD, KILMARNOCK**

**PRESENT:** Councillors John Knapp, John McGhee, Isabella Macrae, Robert McDill and Neil McGhee.

**ATTENDING:** David Mitchell, Head of Administrative and Legal Services; and Julie McGarry, Assistant Administration Manager.

**CHAIR:** Councillor John Knapp, Chair.

**EXCLUSION OF PRESS AND PUBLIC**

1. The Sub-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.

**CONTINUED GRIEVANCE APPEAL NO G19/06 (Item 12, Page 2559, 03/07)**

2. There was submitted a copy of the grievance and disputes procedure together with submissions by appellant and notification of appeal (previously circulated and contained in papers for the meeting of the Sub-Committee held on 27 September 2006) and, as requested by the Sub-Committee, additional submissions by management (Department of Corporate Support) and associated Appendices.

**ADJOURNMENT/RECONVENTION/CONTINUATION OF BUSINESS**

3. The Sub-Committee adjourned at 1225 hours and reconvened at 1245 hours with the same Members and Officers present and in attendance.

**OUTCOME OF APPEAL**

4. Having heard both parties, the Sub-Committee unanimously agreed that the grounds of the appeal had not been substantiated and the appeal was not upheld.

The Sub-Committee further agreed:-

- (i) that the Corporate Health and Safety Manager be instructed to conduct a full review of health and safety arrangements at the facility; and
- (ii) that the Council's Monitoring Officer arrange for the investigation of two particular issues which had been identified by the Members of the Sub-Committee and report back further to Members in this regard.

The meeting terminated at 1545 hours.

**APPENDIX IV**

**EAST AYRSHIRE COUNCIL**

**CHAIRS' SUB COMMITTEE OF THE CORPORATE GOVERNANCE COMMITTEE**

**MINUTES OF MEETING HELD ON MONDAY 16 OCTOBER 2006 AT 0830 HOURS  
IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD,  
KILMARNOCK**

**PRESENT:** Councillors John Knapp and William Crawford.

**ATTENDING:** Fiona Lees, Chief Executive; Elizabeth Morton, Depute Chief Executive/Executive Director of Corporate Support; Martin Rose, Head of Personnel and Bill Walkinshaw, Administration Manager.

**CHAIR:** Councillor John Knapp, Chair.

**EXCLUSION OF PRESS AND PUBLIC**

1. The Sub 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.

**REQUEST FOR VOLUNTARY SEVERANCE**

2. There was submitted a report dated 11 October 2006 (circulated) by the Chief Executive which (i) sought approval of request for early retirement received from an employee within Personnel Services and one employee within Members Services of the Department of Corporate Support; one employee within the Department of Development and Property Services; and an employee within On-Site Services within the Department of Educational and Social Services; and (ii) reported on the number of employee ill-health retirements during the period 1 April 2006 to 30 September 2006.

It was agreed:-

- (i) to approve the early retirement applications as detailed in Appendix A to the report; and
- (ii) to note the number of ill-health retirements in the current financial year.

The meeting terminated at 0835 hours.