

EAST AYRSHIRE COUNCIL

CORPORATE GOVERNANCE COMMITTEE

MINUTES OF MEETING HELD ON THURSDAY 16 FEBRUARY 2006 AT 1000 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

PRESENT: Councillors John Knapp, Jim O'Neill, Douglas Reid, Gordon Cree, Drew McIntyre, Ray Murray, Stuart Finlayson, Robert McDill, Eric Jackson, George Smith, Tommy Farrell, William Menzies, William Crawford, Eric Ross, Elaine Dinwoodie and James Carmichael.

ATTENDING: Fiona Lees, Chief Executive; Elizabeth Morton, Depute Chief Executive/Executive Director of Corporate Support; James Lavery, Executive Director Development and Property Services; John Mulgrew, Executive Director of Educational and Social Services; William Stafford, Executive Director of Neighbourhood Services; David Mitchell, Head of Administrative and Legal Services; John Clayton, Head of Corporate Development and Communication, Martin Rose, Head of Personnel; and Gillian Hamilton, Administrative Officer.

IN ATTENDANCE: Tom McGlew, University of Edinburgh

APOLOGIES: Councillors Stephanie Young, Brian Reeves, Daniel Coffey, John Weir, and Iain Linton

CHAIR: Councillor John Knapp, Chair.

EMPLOYEE ATTITUDE SURVEY (Item 11, page 719, 03/07)

1. There was submitted a report dated 7 February 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which provided further information on the Employee Attitude Survey carried out during June 2005.

The Committee welcomed Tom McGlew of the University of Edinburgh who was in attendance to present his findings on the results of the Employee Attitude Survey. Following the presentation, members had an opportunity to ask questions and thereafter it was agreed:-

- (i) to note the actions to take forward the findings of the Employee Attitude Survey, as detailed in paragraph 3 of the report;
- (ii) to receive a further report on this matter in six months time; and
- (iii) otherwise to note the contents of the report and the presentation by Tom McGlew.

Councillor Jackson joined and Councillor Menzies left the meeting during consideration of the above item.

MINUTES

SUB-COMMITTEE MINUTES

2. There were submitted and approved, both as a correct record and in respect of the recommendations contained therein the undernoted Sub-Committee Minutes (circulated), viz:-
 - 2.1 **APPEALS SUB-COMMITTEE OF THE CORPORATE GOVERNANCE COMMITTEE OF 23 NOVEMBER 2005 – APPENDIX 1**
 - 2.2 **RECRUITMENT SUB-COMMITTEE OF THE CORPORATE GOVERNANCE COMMITTEE OF 17 JANUARY 2006 – APPENDIX 2**

RISK AND AUDIT SCRUTINY GROUP

3. There were submitted for information and noted Minutes of the meetings of the Risk and Audit Scrutiny Group held on 16 November and 12 December 2005 (circulated).

PERFORMANCE REVIEW GROUP

4. There were submitted for information and noted Minutes of the meeting of the Performance Review Group held on 14 December 2005 (circulated).
Councillor Menzies rejoined the meeting.

CHAIRS' MONITORING GROUP

5. There were submitted for information and noted Minutes of the meeting of the Chairs' Monitoring Group held on 1 February 2006 (circulated).

CENTRAL JOINT CONSULTATIVE COMMITTEE

6. There were submitted for information and noted Minutes of the meeting of the Central Joint Consultative Committee held on 1 December 2005 (circulated).
Councillor McIntyre left the meeting at this point.

GOVERNANCE MATTERS

BEST VALUE SERVICE REVIEW PROGRESS AND CURRENT POSITION (Item 3, page 997, 03/07)

7. There was submitted a report dated 24 January 2006 (circulated) by the Head of Corporate Development and Communication which provided an update on progress in relation to the implementation of Departmental Best Value Review Programmes.

It was agreed:-

- (i) to note the current progress in implementing the Council's Best Value Review Programme, as detailed in Appendix 2 of the report;
- (ii) to receive further update reports on the implementation of the Best Value Review Programme;
- (iii) to note that Executive Directors would continue to ensure that Service Committees were updated on the implementation of their Best Value Review Programmes; and

- (iv) otherwise to note the contents of the report.

2004/05 STATUTORY PERFORMANCE INDICATORS – COUNCIL PROFILES

8. There was submitted a report dated 24 January 2006 (circulated) by the Chief Executive which provided a summary of the Council's relative position in respect of the 2004/05 Statutory Performance Indicators as reported by Audit Scotland.

It was agreed:-

- (i) to note East Ayrshire Council's relative performance in the 2004/05 Statutory Performance Indicators; and
- (ii) otherwise, to note the contents of the report.

Councillor McIntyre rejoined the meeting.

OTHER BUSINESS

LOCAL GOVERNMENT EMPLOYEES, CRAFT EMPLOYEES AND CHIEF OFFICIALS REVISED RECRUITMENT AND SELECTION POLICY AND PROCEDURES (Item 3, page 2654, 99/03)

9. There was submitted a report dated 10 January 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought approval of proposed changes to the Council's Recruitment and Selection Policy and Procedures, subject to consultation with Trade Unions.

It was agreed to recommend to Council:-

- C (i) to approve the proposed changes to the Council's Recruitment and Selection Policy and Procedures, subject to consultation with Trade Unions; and C
- (ii) otherwise, to note the contents of the report.

RACE RELATIONS (AMENDMENT) ACT 2000 COUNCIL WIDE YEAR 3 SUMMARY UPDATE (Item 6, Page 1850, 03/07)

10. There was submitted and noted a report dated 6 February 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which provided a joint summary of the actions undertaken by the Council as a whole as well as the specific Departmental actions by the Department of Corporate Support in response to the Race Relations (Amendment) Act 2000 during year 3 of the Council's Race Equality Scheme.

SMOKING IN THE WORKPLACE POLICY (Item 3, page 836, 99/03)

11. There was submitted a report dated 17 January 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought approval of proposed changes to the Council's Smoking in the Workplace Policy, subject to consultation with Trade Unions.

It was agreed to recommend to Council:-

- C (i) to approve the proposed changes to the Council's Smoking in the Workplace Policy with effect from 26 March 2006, subject to consultation with Trade Unions; C

- (ii) to refer the revised Policy to the Executive Director of Educational and Social Services in respect of employees in residential establishments and teachers' interests; and
- (iii) otherwise to note the contents of the report.

Councillor Cree left the meeting during consideration of the above item.

COSLA – SCOTTISH EXECUTIVE JOINT STAFFING WATCH RETURN AT 10 DECEMBER 2005

12. There was submitted and noted a report dated 12 January 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which advised of the number of employees, employed by the Council as at 10 December 2005 reported to COSLA as required under the Joint Staffing Watch arrangements.

**POLICY FOR HEALTH, SAFETY AND WELFARE AT WORK
(Item 7, page 1279, 03/07)**

13. There was submitted a report dated February 2006 (circulated) by the Chief Executive which sought approval of the Council's Policy on Health, Safety and Welfare at Work, in accordance with the statutory requirements of the Health and Safety at Work etc Act 1974, Section 2 (2).

It was agreed to recommend to Council:-

- C** (i) to approve the revised Policy on Health, Safety and Welfare at Work; **C**
- (ii) that each Executive Director implement the requirements of the Policy within their own areas of responsibility;
- (iii) to allow for the review of the Policy at regular intervals; and
- (iv) otherwise to note the contents of the report.

Councillor Murray left the meeting at this point.

CORPORATE HEALTH AND SAFETY ACTION PLAN 2005/2006 AND 2006/2007

14. There was submitted a report dated 8 February 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which provided an update on progress with the Corporate Health and Safety Action Plan 2005/2006 and submitted for approval a new Corporate Health and Safety Action Plan for the period 2006/2007.

It was agreed:-

- (i) to approve the proposed Health and Safety Action Plan 2006/2007;
- (ii) that each Executive Director submit a Departmental Health and Safety Action Plan to the appropriate Committee before May 2006; and
- (iii) otherwise to note the contents of the report.

EXCLUSION OF PRESS AND PUBLIC

15. 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

BUSINESS TECHNOLOGY AND TRAINING CENTRE (Item 13, Page 1280, 03/07)

16. There was submitted a joint report dated 19 January 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support and the Executive Director of Development and Property Services which sought approval to extend the current two posts of Peer Tutor/Administrative Assistant within the Business Technology and Training Centre (BTTC) for a further temporary period from 1 April 2006 to 31 December 2007, subject to consultation with Trade Unions.

It was agreed:-

- (i) to approve the proposals contained in paragraph 3 of the report, subject to consultation with Trade Unions; and
- (ii) otherwise, to note the contents of the report.

CHILD PEDESTRIAN TRAINING CO-ORDINATOR (Item 14, page 1261, 03/07)

17. There was submitted a joint report dated 23 January 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support and the Executive Director of Development and Property Services which sought approval for amendments to the staffing structure within the Traffic, Safety and Transportation Section of the Department of Development and Property Services, subject to consultation with Trade Unions.

It was agreed:-

- (i) to approve the staffing proposals set out in paragraph 3.1 of the report, subject to consultation with Trade Unions; and
- (ii) otherwise, to note the contents of the report.

SCHOOL TRAVEL CO-ORDINATOR (Item 14, p1261, 03/07)

18. There was submitted a joint report dated 19 January 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support and the Executive Director of Development and Property Services which sought approval for amendments to the staffing structure within the Traffic, Safety and Transportation Section of the Department of Development and Property Services, subject to consultation with Trade Unions.

It was agreed:-

- (i) to approve the staffing proposal set out in paragraph 3.1 of the report, subject to consultation with Trade Unions; and
- (ii) otherwise, to note the contents of the report.

Councillor McIntyre left the meeting at this point.

WOODLANDS STRATEGY (Item 15, page 426, 03/07)

19. There was submitted a joint report dated 18 January 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support and the Executive Director of Development and Property Services which sought approval to extend the current post of Project Co-ordinator within the Department of Development and Property Services, seconded to the Ayrshire Joint Structure Plan, until 31 March 2007, subject to consultation with Trade Unions.

It was agreed:-

- (i) to approve the proposal contained in paragraph 3 of the report, subject to consultation with Trade Unions; and
- (ii) otherwise, to note the contents of the report.

HOMELESSNESS STRATEGY (Item 8, Page 1779, 03/07)

20. There was submitted a joint report dated 21 December 2005 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support and the Executive Director of Neighbourhood Services which sought approval for the extension of a temporary contract for a period up to 31 March 2007 of the current post of Housing Education Worker, within the Homeless Section of the Housing Service, subject to consultation with Trade Unions.

It was agreed:-

- (i) to approve the staffing proposal detailed in paragraph 3.3 of the report, subject to consultation with Trade Unions; and
- (ii) otherwise, to note the contents of the report.

Councillor McIntyre rejoined the meeting.

BUILDING STANDARDS – PPP SCHOOLS

21. There was submitted a joint report dated 8 February 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support and the Executive Director of Development and Property Services which sought approval to amend the establishment within the Planning, Development and Building Standards Division on a temporary basis, subject to consultation with Trade Unions.

It was agreed:-

- (i) to approve the proposals contained in Section 3 of the report, subject to consultation with Trade Unions; and
- (ii) otherwise, to note the contents of the report.

SHOPMOBILITY (Item 5, Page 1868, 03/07)

22. There was submitted a joint report dated 18 January 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support and the Executive Director of Development and Property Services which sought approval for amendments to the staffing structure of the Department of Development and Property Services, subject to consultation with Trade Unions.

It was agreed:-

- (i) to approve the staffing proposals contained in paragraph 3.1 of the report, subject to consultation with Trade Unions; and
- (ii) otherwise, to note the contents of the report.

EARLY YEARS SERVICE – TEMPORARY POST OF ADMINISTRATIVE ASSISTANT

- 23.** There was submitted a joint report dated 12 January 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support and the Executive Director of Educational and Social Services which sought approval for the re-grading and re-designation of a temporary post of Clerical Assistant within the Early Years Service within the Department of Educational and Social Services, subject to consultation with Trade Unions.

It was agreed:-

- (i) to approve the staffing proposals contained in paragraph 3.1 of the report, subject to consultation with Trade Unions; and
- (ii) otherwise, to note the contents of the report.

STRENGTHENING CHILDREN AND FAMILIES SERVICES

- 24.** There was submitted a joint report dated 23 January 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support and the Executive Director of Educational and Social Services which sought approval for an amendment to the staffing structure within the Social Work Service of the Department of Educational and Social Services, subject to consultation with Trade Unions.

It was agreed:-

- (i) to approve the staffing proposal contained in paragraph 3 of the report, subject to consultation with Trade Unions; and
- (ii) otherwise, to note the contents of the report.

SWIMMING INSTRUCTORS FOR AUCHINLECK AND LOUDOUN SWIMMING POOLS (Item 13, Page 1941, 03/07)

- 25.** There was submitted a joint report dated 23 January 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support and the Executive Director of Educational and Social Services which sought approval for amendments to the staffing structure of the Department of Educational and Social Services, subject to consultation with Trade Unions.

It was agreed:-

- (i) to approve the staffing proposals contained in paragraph 3.1 of the report, subject to consultation with Trade Unions; and
- (ii) otherwise, to note the contents of the report.

ENVIRONMENTAL HEALTH SERVICE (Item 11, Page 1954, 03/07)

- 26.** There was submitted a joint report dated 8 February 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support and the Executive Director of Neighbourhood Services which sought approval for the temporary appointment for

a period of two years of two employees in the Environmental Health Service within the Department of Neighbourhood Services, subject to consultation with Trade Unions.

It was agreed:-

- (i) to approve the staffing proposals contained in paragraph 4.1 of the report, subject to redesignation of the posts as Environmental Health Technicians and consultation with Trade Unions; and
- (ii) otherwise, to note the contents of the report.

The meeting terminated at 1147 hours.

APPENDIX I

EAST AYRSHIRE COUNCIL

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

**MINUTES OF MEETING HELD ON WEDNESDAY 23 NOVEMBER 2005
AT 0930 HRS IN THE MEETING ROOM, COUNCIL HEADQUARTERS,
LONDON ROAD, KILMARNOCK**

PRESENT: Councillors William Crawford, Robert McDill, William Menzies, Neil McGhee and Jimmy Carmichael.

ATTENDING: John Sheridan, Senior Employee Relations Officer; and Julie McGarry, Assistant Administration Manager.

CHAIR: Councillor William Crawford, 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.

DISCIPLINARY APPEAL NO D4/05

2. There was submitted copy of the Disciplinary Appeals procedure together with submissions by the Department and Notification of Appeal form and submissions by the appellant (all circulated).

ADJOURNMENTS/RECONVENTIONS

3. The Sub-Committee adjourned at 1030 hrs and reconvened at 1040 hrs with the same Members and Officials present and in attendance.

The Sub-Committee adjourned at 1140 hrs and reconvened at 1145 hrs with the same Members and Officials present and in attendance.

The Sub-Committee adjourned at 1235 hrs and reconvened at 1330 hrs with the same Members and Officials present and in attendance.

OUTCOME OF APPEAL

4. Having heard both parties, the Sub-Committee agreed, by a majority, that the grounds of the appeal had been substantiated in part and the appeal was upheld to the extent that the appellant be restored to the Social Work bank register as a Residential Worker and issued with a final written warning which would be effective in respect of any temporary appointment within the 12 month period commencing 23 November 2005. The Sub-Committee's recommendation was also that any future employment opportunities would be reviewed, to protect the appellant and the two young people directly involved in the incidents, to ensure that there would be no direct working relationship.

The meeting terminated at 1533 hrs.

APPENDIX II

EAST AYRSHIRE COUNCIL

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

**MINUTES OF MEETING HELD ON TUESDAY 17 JANUARY 2006 AT 1000 HRS
IN MEETING ROOM 2, COUNCIL HEADQUARTERS,
LONDON ROAD, KILMARNOCK**

PRESENT: Councillors Drew McIntyre, Maureen McKay, Douglas Reid, Iain Linton, John Knapp, Eric Jackson and Tommy Farrell.

ATTENDING: Fiona Lees, Chief Executive; Martin Rose, Head of Personnel; and Anne Marie Carr, Senior Administrative Officer.

CHAIR: Councillor Drew McIntyre, 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.

POST OF EXECUTIVE DIRECTOR OF EDUCATIONAL AND SOCIAL SERVICES

2. There was submitted a report dated 10 January 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which presented to the Sub-Committee the eight applications received for the post of Executive Director of Educational and Social Services and which asked the Sub-Committee to consider the applications received and thereafter to select a short-list of candidates for interview and to approve the dates and arrangements for the interviews.

It was agreed, having heard the Chief Executive, to re-advertise the post with a closing date of 17 February 2006.

The meeting terminated at 1010 hrs.