

**LEADERSHIP PANEL.**

Minutes of meeting in County Buildings, Wellington Square, Ayr,  
on 14th September 2010 at 10.00 a.m.

- Present: Councillors Bill McIntosh (Chair), Douglas Campbell, Peter Convery, Hywel Davies, Nan McFarlane, Robin Reid and Margaret Toner.
- Attending: D. Anderson, Chief Executive; J. G. Peterkin, Depute Chief Executive and Executive Director – Development and Environment; E. Howat, Executive Director – Corporate Services; H. Garland, Executive Director – Children and Community; M. Williamson, Head of Curriculum and Service Improvement; B. McInroy, Head of Service and School Management; K. Leinster, Head of Community Care and Housing; C. Monaghan, Head of Policy, Performance and Communication; A. Wilson, Head of HR and Organisational Development; V. Andrews, Head of Legal and Administration; M. Newall, Head of Planning and Enterprise; W. Gray, Property and Asset Manager; K. Dalrymple, Roads Manager; P. Linton, Performance and Change Management Manager; W. Phillips, Revenues and Benefits Manager; J. Cronin, Policy and Strategy Manager; C. Bradshaw, Assistant Public Communications Officer; D. Knight, Committee Services Officer; and A. Gerrish, Committee Administrative Officer.
- Also Present: Rev. David Gemmell, and Mairi Raeburn (in attendance for items 2 to 10 only).
- Also Attending: Karen Anderson, Anderson Bell and Christie, Architects (in attendance for item 1 only).
- Apology: Pastor Alastair Simmons.

**Community Services – Housing and Customer First.****1. Proposed Construction of New Council Houses at Thornyflat in Ayr.**

Reference was made to the Minutes of 9th February 2010 (Page 92, paragraph 8) and there was submitted a joint report (issued) of 6th September 2010 by the Depute Chief Executive and Executive Director – Development and Environment and the Executive Director – Children and Community

- (1) advising that the Design Team, in conjunction with Ayrshire Housing and Officers from the Council's Housing and Property and Asset Management Services, had now completed the work necessary to allow the Project to be tendered and for a contractor to be appointed in accordance with the Scottish Government's requirements of achieving a start on site before the end of 2010;

(2) indicating that the Project Board had signed-off the following aspects of the project:-

- site layout plan;
- housing mix;
- house designs;
- house specifications;
- project budget;
- environmental issues; and
- programme;

(3) reporting that the total indicative cost of the development remained unchanged at £4,544,400 which would be funded as follows:-

• new build subsidy	£1,050,000
• second homes Council Tax	£ 413,824
• HRA surplus	£ 563,294
• Prudential Borrowing	£2,517,282
• <b>TOTAL</b>	<b>£4,544,400</b>

(4) seeking final approval of plans to construct forty two new Council Houses at Thornyflat in Ayr, in advance of tender documents being issued for construction works later in September 2010.

Ms. Karen Anderson of Anderson Bell and Christie Architects then gave a presentation on the proposed construction of the new Council houses at Thornyflat in Ayr.

The Chair, on behalf of the Panel, thanked Ms. Anderson for her informative and exciting presentation.

Questions were raised by Members of the Panel in relation to play areas, the nearby A77 roadway and sustainability issues and the Architect and the Head of Head of Community Care and Housing responded accordingly.

**Decided:**

- (a) to approve the site plan, drawings and specifications for the Council's House Building Project at Thornyflat in Ayr; and
- (b) to request that the Executive Director – Children and Community make the necessary arrangements to invite the pupils from Dalmilling Primary School to suggest names for the streets within this development.

## **Community Services - Lifelong Learning.**

### **2. Scottish Qualifications Authority (SQA) Examination Results 2010.**

There was submitted a report (issued) of 16th August 2010 by the Executive Director – Children and Community advising of the position in relation to pupil performance levels in SQA examinations for the session 2009/10.

Questions were raised by Members of the Panel in relation to the future performance of awards and qualifications of school leavers and the Head of Curriculum and Service Improvement responded accordingly.

**Decided:** having recorded their appreciation of the work undertaken by the Head of Curriculum and Service Improvement and her staff, to note

- (1) that in all eight of the national measures, the performance in South Ayrshire was either the highest (or in line with the highest) for the last seven years; and
- (2) that the results as detailed in the report were subject to appeal and, at this stage, local authority comparator data and national data were not yet available.

### **3. School Estate Management Plan Update – June 2010.**

There was submitted a report (issued) of 26th August 2010 by the Executive Director – Children and Community

- (1) seeking approval for the updated School Estate Management Plan as contained in Appendix 1 of the report (copies previously issued); and
- (2) confirming that the updated Plan had been developed in conjunction with the Council's Asset Management Strategy.

**Decided:** to approve the updated School Estate Management Plan as contained in Appendix 1 of the report.

### **4. Assessment Spending Plan to Support the Implementation of Quality Assurance and Moderation of Assessment Activities for Curriculum for Excellence.**

There was submitted a report (issued) of 23rd August 2010 by the Executive Director – Children and Community

- (1) advising
  - (a) that on 30th March 2010, the Cabinet Secretary announced a 10 point plan to help make sure that every school was ready to implement the new curriculum in the Autumn term of 2010 and that a total of £3m funding had been put in place for Councils to help support quality assurance and moderation of assessment;
  - (b) that this would comprise a system of checks to ensure that the assessment of pupils was being applied consistently and in line with national standards; and

- (c) that this funding had been announced following consideration of advice by the Curriculum for Excellence Management Board that additional resources would be required to support the implementation of assessment approaches to Curriculum for Excellence and that South Ayrshire had been allocated £63,000 for the financial year 2010/11; and

- (2) seeking approval of the proposed spending plan as follows:-

<b>Description</b>	<b>Total £</b>
Downloads to Schools – Cluster working	41,000
Downloads for Assessment groups (Project Teams)	12,000
Downloads to Principal Teacher Networks	850
Assessment Project Team	5,650
External Consultant Payments	3,000
Developing effective collaboration with neighbouring education authorities and partners	500
<b>Total</b>	<b>£63,000</b>

**Decided:** to approve the proposed use of the funding as outlined in Section 5 in the report and as detailed at (2) above to support the implementation of quality assurance and moderation of assessment activities for Curriculum for Excellence.

**5. A Fourth Curriculum for Excellence Additional In-Service Day.**

There was submitted a report (issued) of 26th July 2010 by the Executive Director – Children and Community seeking approval for the implementation of an additional school closure day, announced by the Education Secretary in June 2010, to ensure teachers were fully supported during implementation of Curriculum for Excellence.

**Decided:** to approve the additional closure day for this session as 8th October 2010, extending the local holiday for one extra day for pupils, in order that all school staff could use the day to address specific issues relating to Curriculum for Excellence in their own schools.

**6. National Assessment Data (5-14 Pupil Performance Levels in Primary Schools) for 2009/10.**

There was submitted a report (issued) of 16th August 2010 by the Executive Director – Children and Community advising of an authority level report on the 5-14 pupil performance levels in primary schools in South Ayrshire for session 2009/10.

A question was raised by a Member of the Panel in relation to the performance levels in writing and the Head of Curriculum and Service Improvement responded accordingly.

**Decided:** to note

- (i) 5-14 pupil performance levels for reading 2009/10 – primary schools;
- (ii) 5-14 pupil performance levels for writing 2009/10 – primary schools; and
- (iii) 5-14 pupil performance levels for mathematics 2009/10 – primary schools.

## **7. Pupil Attendance for 2009/10.**

There was submitted a report (issued) of 16th August 2010 by the Executive Director – Children and Community

- (1) advising of the position in relation to pupil attendance in South Ayrshire's schools for the 2009/10 session;
- (2) informing that South Ayrshire's primary schools had maintained very good levels of attendance over the last four years; and
- (3) indicating that levels of attendance in South Ayrshire's secondary schools had improved over the last three years.

Questions were raised by Members of the Panel in relation to alternative forms of education and pupil absences and the Head of Curriculum and Service Improvement responded accordingly.

**Decided:** to note

- (a) that, in session 2009/10, the attendance level in South Ayrshire's primary schools was 95% in line with 2008/09 and that the total absence rate of 5.1% in 2009/10 was made up of 3.6% authorised absences and 1.5% unauthorised absences;
- (b) that, in session 2009/10, the attendance level in secondary schools was 91% compared with 90% in 2008/09 and that the total absence rate of 9.4% was made up of 5.2% authorised absences and 4.2% unauthorised absences;
- (c) that unauthorised absences were made up of:-
  - family holidays taken during term time (unless exceptional circumstances applied);
  - truancy, including unexplained absence;
  - exceptional domestic circumstances (unauthorised); and
  - other unauthorised absence;
- (d) that this report was based on the information currently available in SEEMIS (the Schools' Management Information System) which required to be quality assured during the national data collection process for 2009/10 and that should there be a significant change to this information, a further report would be submitted to a future meeting of this Panel at that time; and
- (e) that comparator and national data was not yet available for 2009/10.

## 8. Pupil Exclusions for 2009/10.

There was submitted a report (issued) of 16th August 2010 by the Executive Director – Children and Community

- (1) advising of the position in relation to pupil exclusions in South Ayrshire's schools for the 2009/10 session; and
- (2) informing
  - (a) that exclusion levels in South Ayrshire's primary schools had decreased over the last three years and reporting that between 2005 and 2008 exclusion levels had been below those of comparator authorities for three out of four years and lower than the national average for all four years; and
  - (b) that exclusion levels in South Ayrshire's secondary schools had decreased significantly over the last three years, however, between 2005 and 2008 exclusion levels had been above those of comparator authorities and national averages for all four years.

Questions were raised by Members of the Panel in relation to engagement with pupils and the reasons for exclusions and whether a pattern was emerging and the Head of Curriculum and Service Improvement responded accordingly.

**Decided:** to note

- (i) that in 2009/10 there had been 41 exclusions in South Ayrshire's primary schools compared with 73 in 2008/09 resulting in 72 days lost compared with 129 days lost in 2008/09;
- (ii) that in 2009/10 there had been 416 exclusions in South Ayrshire's secondary schools compared with 595 in 2008/09 resulting in 808 days lost compared with 1282 days lost in 2008/09;
- (iii) that this report was based on the information currently available in SEEMIS (the Schools' Management Information System) which required to be quality assured during the national data collection process for 2009/10 and that should there be a significant change to this information, a further report would be submitted to a future meeting of this Panel at that time; and
- (iv) that comparator and national data was not yet available for 2009/10.

**9. Provision of Free School Meals in P1 – P3.**

Reference was made to the Minutes of 8th June 2010 (Page 305, paragraph 2) and there was submitted a report (issued) of 26th August 2010 by the Executive Director – Children and Community seeking approval to extend the provision of free school meals for pupils in P1 to P3 by an additional three primary schools within South Ayrshire.

A question was raised by a Member of the Panel enquiring as to when the free school meals would be provided in these schools and the Head of Service and School Management responded accordingly.

**Decided:** to approve the introduction of a free nutritious meal to all P1 to P3 pupils attending St. Ann's, St. John's and Sacred Hearth Primary Schools.

**10. HMIe School Inspections (1st July 2009 to 30th June 2010).**

There was submitted a report (issued) of 16th August 2010 by the Executive Director – Children and Community

- (1) providing an overview of the results of HMIe school inspections which had been published between July 2009 and June 2010 and advising that an annual report would be made available detailing an analysis of trends in relation to HMIe school inspections; and
- (2) advising that these reports had been analysed at individual school level and used to inform schools' own improvement planning processes and that the information was also used to inform how Quality Improvement Officers supported and challenged individual schools.

**Decided:** having recorded their appreciation of the work undertaken by the Head of Curriculum and Service Improvement and her staff, to note the information contained within the report regarding HMIe inspections in schools.

**Community Services – Housing and Customer First.**

**11. Housing for an Ageing Population Consultation.**

There was submitted a report (issued) of 11th August 2010 by the Executive Director – Children and Community

- (1) advising that the Scottish Government had recently completed a report entitled "Wider Planning for an Ageing Population: Housing and Communities" which outlined the challenges that an ageing population would pose to Housing, Health and Social Care services across Scotland over the next twenty years and that the Government was currently seeking views and opinions on the content of the report and the suggested actions and outcomes;
- (2) informing that South Ayrshire Council had been a pilot area for the Scottish Government in relation to shifting the balance of care from the acute sector to community based services and support and that the Council was working collaboratively with the NHS and the Joint Improvement Team through to facilitate this process;

- (3) reporting that the Council's response had been developed in conjunction with a wide range of stakeholders including Community Care and Housing Services, Occupational Therapists, Sheltered Housing Wardens and tenants and residents and the proposed response was contained in the Appendix to the report; and
- (4) seeking agreement to the proposed South Ayrshire Council response to the Scottish Government's Consultation entitled "Wider Planning for an Ageing Population: Housing Communities".

**Decided:** to agree that Appendix 1 of the report subject to minor amendments forms the Council's response to the Scottish Government's Consultation entitled "Wider Planning for an Ageing Population: Housing Communities" by 29th September 2010.

## 12. **Hillcrest and McConnell Square, Girvan.**

There was submitted a report (issued) of 17th August 2010 by the Executive Director – Children and Community

- (1) advising
  - (a) that Hillcrest was a Council owned care home in Girvan with eleven people living there on a full-time permanent basis and three houses being used as respite accommodation and that the home provided high quality care but it was let down by the fact that it had no en suite facilities resulting in up to five people sharing a bathroom and toilet off a hall passageway; and
  - (b) that McConnell Square was Council owned sheltered housing comprising of twenty eight units accessible through a shared door entry system with twenty five of the twenty homes being bedsit accommodation and that these properties were of very low demand and recent allocations had been made to applicants with no care, support or age related needs;
- (2) reporting
  - (a) that tentative talks had taken place to discuss the buildings' future with the local Elected Members, Hillcrest staff, tenants and residents and family from both Hillcrest and McConnell Square and also discussions had taken place with the Friends of Hillcrest group and that feedback so far indicated a need for a clearer understanding of the type and level of provision that could be provided to replace this development; and
  - (b) that exploratory discussions had taken place with Trust Housing Association, who owned a sheltered/very sheltered housing development at Old Street, Girvan and that these discussions centred on the possibility of extending the size and model of care provided at this facility;
- (3) recommending that to allow discussions to move forward continued dialogue take place with all stakeholders and that proposals be explored with Trust Housing Association regarding the provision of a Housing with Care model to meet future demands; and

- (4) highlighting that any financial resources required to explore the feasibility of a new Housing facility would be met by Trust Housing Association.

Questions were raised by a Member of the Panel in relation to the future use of the buildings and sites and the Head of Community Care and Housing responded accordingly.

**Decided:** having recorded their appreciation of the work undertaken by the Head of Community Care and Housing and his staff,

- (i) to continue dialogue with
- (A) key stakeholders including tenants and residents, family Friends of Hillcrest, Elected Members and the Community of Girvan and South Carrick; and
  - (B) the Trust Housing Association to explore housing with care solutions in Girvan; and
- (ii) to agree that regular updates be submitted to this Panel once options had been explored.

### 13. **Safeguarding Tenancy Deposits Consultation.**

There was submitted a report (issued) of 12th August 2010 by the Executive Director – Children and Community

- (1) advising
- (a) that the Scottish Government's Review of the Private Rented Sector, published in March 2009, indicated that up to a third of private sector tenants in Scotland might have had their deposits unfairly withheld;
  - (b) that Part 4 of the Housing (Scotland) Act 2006 allowed Ministers to bring forward Regulations to approve mandatory national schemes to safeguard tenancy deposits;
  - (c) that the main objectives of the Regulations were to:-
    - reduce the number of unfairly withheld tenancy deposits;
    - ensure funds were available at the end of a tenancy; and
    - provide access to a simple and effective means of resolving disputes without resorting to legal action; and
  - (d) that the regulations proposed that tenancy deposit schemes should offer Alternative Dispute Resolution (ADR) in circumstances where the tenant and landlord did not agree on the amount to be repaid and this would remove the requirement for tenants to use the court system in order to claim deposit money they were entitled to;
- (2) seeking agreement to the proposed South Ayrshire Council response to the Scottish Government Consultation on Safeguarding Tenancy Deposits; and
- (3) intimating that the key issues highlighted in South Ayrshire Council's response were contained in Paragraph 4 of the report.

**Decided:** agree that Appendix 1 of the report subject to minor amendments forms the Council's response to the Scottish Government's Consultation entitled "Safeguarding Tenancy Deposits" by 3rd October 2010.

14. **Amendment to the Housing Allocations Policy - Removal of Priority for Re-housing for People Leaving Prison.**

There was submitted a report (issued) of 16th July 2010 by the Executive Director – Children and Community

- (1) advising
  - (a) that the Homelessness etc. (Scotland) Act 2003 had introduced provision for the planned removal of the priority need test by 31st December 2012 and as a result, all households assessed as unintentionally homeless would be entitled to permanent accommodation by 2012;
  - (b) that there was a greater emphasis on the provision of housing advice and assistance to prevent homelessness for people across all housing tenures including people leaving Prison;
  - (c) that housing options advice and the prevention of homelessness for prisoners formed an important element of the Scottish Government's homelessness agenda, with a view to significantly reducing the number of people presenting as homeless from Prison; and
  - (d) that the Government had recommended that housing advice and information be targeted to people whilst in Prison to prevent homelessness upon release and to ensure that all applicants were treated fairly and equally within Council Allocations Policies; and
- (2) seeking approval to amend the Housing Allocations Policy which would remove priority for former South Ayrshire Council tenants leaving prison.

**Decided:** to approve an amendment to the Housing Allocations Policy which would remove priority for re-housing or former South Ayrshire Council tenants leaving prison as detailed in Section 4 of the report.

**Development and the Environment – Sustainability and the Environment.**

**15. Winter Service for Roads.**

There was submitted a report (issued) of 3rd September 2010 by the Depute Chief Executive and Executive Director – Development and Environment

- (1) advising
  - (a) that under the Roads (Scotland) Act 1984, Clause 34, South Ayrshire Council had a duty to “take such steps as they consider reasonable to prevent snow and ice endangering the safe passage of pedestrians and vehicles over public roads”;
  - (b) that the Code of Practice for Highway Maintenance Management entitled ‘Well Maintained Highways’ recommended that a Winter Service Policy document and Operational Plan document be prepared;
  - (c) that a Winter Service Policy and Operational Plan for South Ayrshire Council had been drawn up using the guidance within the ‘Well Maintained Highways’ Code of Practice and that a report on the winter activities carried out from 1st October 2009 to 15 May 2010 has also been prepared; and
  - (d) that to permit preparations to take place, it was necessary to define the Standby period and therefore the period of standby payments for winter crews;
- (2) recommending that standby for winter crews should commence at 16.00 hours on 11th October 2010 and should continue until midnight on 8th April 2011;
- (3) indicating
  - (a) that the Roads Service had undertaken a comprehensive review of its Winter Service delivery and had reconfigured and optimised the carriageway routes in a hierarchical and strategic basis which had enabled the inclusion of five footway gritting routes as detailed in the Winter Operational Plan and Policy document; and
  - (b) that the use of brine to treat much of the pedestrian area of Ayr Town Centre throughout the prolonged spell of inclement weather did not meet the expectations of the Roads Service and required to be augmented with Roads Service treatment using rock salt and that it was the intention to utilise a high grade Rock Salt suitable for use in pedestrianised areas this coming winter with the service being provided by the Roads Service with the exception to this being the treatment of Turners Bridge, Ayr, which because of the nature of its construction required to be treated with a brine solution; and
- (4) reporting
  - (a) that the Revenue Budget for Winter Road Maintenance for 2010/2011 was £698,489 including an allowance for the purchase of salt and weather forecasting costs but that the anticipated expenditure on Winter Road Maintenance depended entirely on weather conditions and a fixed budget could only be achieved during a severe winter by reducing service levels; and

- (b) that in 2009/2010 South Ayrshire Council in common with most other local authority areas, experienced the worst weather conditions for 30 years which resulted in an expenditure of £836,135 and that in 2008/2009 which was also a markedly cold winter, the expenditure on Winter Road Maintenance was £854,247 and in 2007/2008 which was a milder winter, the expenditure was £474,343.

**Decided:**

- (i) to approve
- (A) the South Ayrshire Council Winter Service Policy and Operational Plan for 2010/11;
- (B) the dates for Standby for Winter Service Carriageway Treatment as being 11th October 2010 until 8th April 2011; and
- (C) the dates for Standby for Winter Service Footway Treatment as being 11th October 2010 until 8th April 2011; and
- (ii) to note the report on winter activities carried out from 15th October 2009 to 9th April 2010.

**Corporate and Community Planning – Corporate, Strategic and Community Planning.**

**16. Annual Statutory Reporting of Performance Information.**

Reference was made to the Minutes of the Council of 17th May 2010 (Page 282, paragraph 11) and there was submitted a report (issued) of 3rd September 2010 by the Head of Policy, Performance and Communication

- (1) detailing the Council's performance to 31st March 2010 against the indicators selected for statutory reporting purposes;
- (2) highlighting the global picture and issues to consider; and
- (3) indicating the next steps in relation to reporting.

Questions were raised by Members of the Panel in relation to identifying services to be delivered and consultation processes and the Head of Policy, performance and Communication responded accordingly.

**Decided:**

- (a) to approve the performance information as detailed in Appendix 1 of the report;
- (b) to agree that the relevant section of the performance reports be further considered at the forthcoming Standing Scrutiny Panels; and
- (c) to agree to the publication of this performance information prior to 30th September 2010 be made available in the Council's libraries and on its Website.

**Corporate and Community Planning – Resources and Performance.**

**17. Council Tax Collection Statistics – Cash at 31st July 2010.**

There was submitted a report (issued) of 3rd September 2010 by the Head of Corporate Resources advising

- (1) of the collection levels which had been achieved in respect of Council Tax to 31st July 2010 and the action which had been taken to achieve Best Value in the collection thereof;
- (2) that the position as at 31st July 2010 for the current year was outlined in Appendix 1 of the report and showed that the collection rate was 37.52 per cent against the target collection of 37.40 per which equated to a positive variation of £76,629 (a 8.4% increase on 31st July 2009) and was a direct consequence of advancing the Council Tax payment date to 1st April 2010; and
- (3) that in order to address increased customer demand due to the economic recession, Corporate Services staff were working controlled periods of overtime to ensure accurate benefit awards together with prompt rebilling and recovery of Council Tax and that, in the event of non-payment, Council Tax arrears would be passed earlier to Stirling Park, Sheriff Officers, to maximise recovery and minimise the impact of the economic downturn upon collections.

**Decided:**

- (a) to approve the contents of the report; and
- (b) to request the Head of Corporate Resources to provide updated figures to the next meeting of this Panel.

**18. National Fraud Initiative.**

There was submitted a report (issued) of 3rd September 2010 by the Head of Corporate Resources

- (1) advising
  - (a) that Audit Scotland ran a data matching exercise every two years in line with the Audit Commission in England which allowed participating bodies to identify possible cases of fraud, and to detect and correct any consequential under or overpayments and to assess bodies' arrangements for preventing, deterring and detecting fraud; and
  - (b) that the most recent exercise (National Fraud Initiative 2008/09) had identified £21m of outcomes (fraud, error, overpayments and forward savings); and
- (2) reporting
  - (a) that the data requirements were outlined in the Appendix of the report and that while some data sets were mandatory, Councils were required to take a decision in conjunction with external auditors in relation to the risk-based data sets;

- (b) that the Council had agreed to participate in the insurance claimants data set and discussions would take place shortly with external auditors to agree if any further risk-based matches would be undertaken;
- (c) that data required to be provided no later than 4th October 2010, and that the results of the data matching would be available from 25th January 2011; and
- (d) that nominated staff within Council Directorates would then be required to investigate the matches identified in the exercise and that the Council intended to agree a work plan focusing on high priority matches for 2010/11 as this approach would enable existing resources to be applied as required in progressing the NFI review and attempting to meet increasing and ongoing public demand within these service areas.

**Decided:**

- (i) to note the contents of this report;
- (ii) to approve the agreement of a work plan which focused on high priority matches; and
- (iii) to request that the Head of Corporate Resources provide Members with an update on the data sets being matched and progress with the exercise.

**19. Code of Practice for Casual / Temporary Workers.**

There was submitted a report (issued) of 3rd September 2010 by the Head of HR and Organisational Development

- (1) intimidating
  - (a) that it was recognised that, in order to deliver excellent customer services which met the demands and expectations of the public, managers would require optimum flexibility in the deployment of workers and as a result, over a number of years, there had been an increasing reliance on the use of casual, temporary or sessional workers and unfortunately, in many cases, the requirements set out in employment law had not been followed which, in turn, had a detrimental impact on the employees contracted in this way and on the continuity of service provision to the Council; and
  - (b) that the Trade Unions have continuously raised concerns about the 'misuse' of casual / temporary workers, particularly for long periods of time and that workers deemed to have a casual / temporary contract, however might have accrued employment protection rights either in one post or through a series of fixed term, temporary contracts across the Council due to the long term and continuous nature of the work undertaken;

- (2) advising that a joint working group had been established, involving Trade Union representatives to:-
- review the requirements for casual / temporary workers;
  - consider the number and assess the need for this high use of temporary contracts and make recommendations for alternative contractual arrangements; and
  - introduce a Code of Practice which would ensure compliance with employment law; and
- (3) reporting
- (a) that the introduction of the Code of Practice as detailed in Appendix 1 of the report supported a best value approach to recruitment and retention, as, at present, resources (time and financial) were often spent training casual or temporary employees, only for them to take these skills to another organisation when they secured permanent employment and that HR were currently working with service managers to determine the most appropriate methods of employment which ensured compliance with employment law while providing managers with maximum flexibility in deployment;
  - (b) that arrangements would be put in place to monitor the implementation of the Code of Practice and the use of casual / temporary workers in order to ascertain where different employment arrangements requires to be considered with reports being provided to Directorate Management Teams and Joint Consultative Committees on a regular basis; and
  - (c) that notwithstanding the above, it was recognised that Council was facing significant financial challenges where there was a requirement to 'right size' the organisation and that these challenges did not, however, remove the legal obligation placed on the Council relating to employees' rights, and this policy would run in tandem with the work being undertaken as part of the Organisational Change process and in addition, employment practices across the Council were being fully considered as part of the Council's Workforce Planning Strategy.

Questions were raised by Members of the Panel in relation to continuous service and posts being made permanent and the Head of HR and Organisational Development responded accordingly.

**Decided:**

- (i) to approve the new Code of Practice for the use of casual/ temporary workers; and
- (ii) to agree to the implementation of the Code with immediate effect.

## 20. Protecting Vulnerable Groups Scheme.

There was submitted a report (issued) of 3rd September 2010 by the Head of HR and Organisational Development

- (1) advising
  - (a) that the Scottish Government would implement a Protecting Vulnerable Groups (PVG) Scheme on 30th November 2010 which would deliver on the provisions outlined in the Protection of Vulnerable Groups (Scotland) Act 2007 (The Act);
  - (b) that the PVG Scheme was Scotland's response to the principle recommendations of the Richard Inquiry Report, which called for a registration system that would confirm that there was no known reason why an individual should not work, in either a paid or unpaid capacity, with vulnerable groups, i.e. children and vulnerable adults; and
  - (c) that this would be known as 'regulated work' which was defined by Schedules 2 and 3 of The Act and summarised in Appendix 1 of the report under the three main headings; and
- (2) outlining the main implications of the PVG Scheme; and
- (3) reporting
  - (a) that no additional financial costs would be incurred as a result of this agreement;
  - (b) that there might be resource implications initially, as the cost of PVG Scheme referrals would be £59 (an increase from £23), however, 'update' checks would only cost £18, which was less than the current cost of £23 and in the vast majority of cases, an 'update' only would be required; and
  - (c) that on an ongoing basis, it was anticipated that there would be no long term resource implications.

A question was raised by a Member of the Panel in relation to disclosure checks and the Head of HR and Organisational Development responded accordingly.

**Decided:** to agree that the Head of HR and Organisational Development

- (i) in conjunction with Heads of Service, prepare a comprehensive list of affected positions, including employees, volunteers, foster carers, Elected Members and sub-contractors such as taxi and bus drivers;
- (ii) review the current systems for ensuring the registration of relevant parts of the workforce, including an assessment of the need for regular re-checking of the register (current Disclosure Scotland requirements were that Disclosure checks were undertaken every three years and that the PVG Scheme contained no such requirement);

- (iii) put in place a system for referring to Disclosure Scotland where the individual was, or had been, doing regulated work, and where South Ayrshire Council had, on the referral ground, removed that individual from the position, or would have done so had the individual not left the organisation; and
- (iv) review and update the Recruitment and Selection policy to reflect the requirements of the PVG Scheme, and that a report on the updated policy be submitted to the meeting of the Council on 16th December 2010.

## 21. **Variation in Order of Business.**

Having heard the Chair in relation to the report on the Contract for Vehicle Tracking System by the Depute Chief Executive and Executive Director – Development and Environment, he proposed that this report should be confidential and dealt with in terms of paragraph 9 of Section 50(A)(4) of the Local Government (Scotland) Act 1973 and that the order of business should be varied accordingly.

**Decided:** to agree that this report should be confidential as proposed and considered later in the meeting.

## 22. **Contract for Festive Lighting.**

There was submitted a report (issued) of 31st August 2010 by the Depute Chief Executive and Executive Director – Development and Environment

- (1) advising
  - (a) that South Ayrshire Council entered into a collaborative agreement with North Ayrshire Council and Inverclyde Council for the procurement of a combined two year Lighting Maintenance Contract to the value of £2,985,926.34, in which South Ayrshire Council had taken the role of lead authority; and
  - (b) that there had been some setbacks in this contract which have been outwith the control of South Ayrshire Council and as such the earliest the contract could officially be awarded was late September 2010 with the timescale required for testing and maintenance of the existing festive lighting apparatus now being behind schedule; and
- (2) indicating
  - (a) that to enable the Roads Service to have the opportunity to undertake necessary testing and safety checks in advance of the festive lighting installation and subsequent switch-on in November 2010, works required to commence as soon as practicably possible; and
  - (b) that the Lighting Maintenance Contract had Festive Lighting included as part of the overall contract and had been won by competitive tender in the open market by Lightways and to collaborate with any other contractor could leave the Council in breach of contract and open to litigation.

Questions were raised by Members of the Panel enquiring whether the costs of festive lighting could be allocated against each town, could better Value for Money be achieved and could the lights be used for other events and the Roads Manager responded accordingly and advised that he would circulate a breakdown of the costs of the festive lighting for each town to Elected Members.

**Decided:** to approve negotiation between South Ayrshire Council Roads Service and Lightways (Contractors) Ltd, Block 6, Lochlands Industrial Estate, Larbert, Stirlingshire in respect of the Festive Lighting Programme.

**23. Exclusion of press and public.**

The Panel resolved, in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, that the press and public be excluded during consideration of the remaining items of business on the grounds that they involved the likely disclosure of exempt information in terms of paragraphs 2 and 9 of Part 1 of Schedule 7A of the Act.

**24. Contract for Vehicle Tracking System.**

There was submitted a report (issued) of 6th September 2010 by the Depute Chief Executive and Executive Director – Development and Environment

- (1) advising
  - (a) that South Ayrshire Council had entered into a collaborative agreement with North Ayrshire Council regarding the procurement of a vehicle tracking system in 2009;
  - (b) that North Ayrshire Council had been appointed as the lead authority in the procurement process; and
  - (c) that a formal tendering procedure had been followed by North Ayrshire Council as the lead authority in 2009 and approval had been given by the Chief Executive of North Ayrshire Council in terms of their Standing Orders for Contracts to accept a tender for the supply of this equipment from Exactrak Limited; and
- (2) reporting that the cost to South Ayrshire Council of participating in this collaborative contract was £79,958 over a period of three years and that the Council at its meeting on 1st July 2010 had approved the carry-forward of £90,000 from 2009/10 in order to fund this equipment.

Questions were raised by Members of the Panel in relation to the costs of maintenance, which vehicles would be fitted with the tracking system and the implications of the Internal Audit report and the relevant Officers responded accordingly.

**Decided:** to approve the acquisition of a vehicle tracking system from Exactrak Ltd. for use by the Council's Roads Service, subject to referral to the Corporate and Community Planning Standing Scrutiny Panel for consideration of the recent Internal Audit report on the collaborative Contract process.

**24. Provision of Debt Recovery and Diligence Service to South Ayrshire Council.**

There was submitted a report (issued to members only) of 3rd September 2010 by the Head of Corporate Resources

- (1) advising that, following an invitation to tender, five organisations had submitted a tender response for the provision of a debt recovery and diligence service on behalf of South Ayrshire Council; and
- (2) seeking the Panel's agreement to appoint an organisation to provide this service.

Questions were raised by Members of the Panel in relation to the assessment of tenders, scrutiny matters and data bases and the relevant Officers responded accordingly.

**Decided:**

- (a) to approve the appointment of Stirling Park LLP to provide a debt recovery and diligence service to South Ayrshire Council in respect of Council Tax, non-domestic rates, sundry debts (up to £350), housing benefit overpayment recovery and residual community charge, for a three year period;
- (b) to approve an extension to the existing contractual arrangement, at no additional cost to the Council, in order to enable the contract award process to be completed as required; and
- (c) to request the Executive Director – Corporate Services to make the necessary arrangements to include the review of procurement as a work programme for consideration by the Corporate and Community Planning Standing Scrutiny Panel.

**Community Services – Housing and Customer First.**

**25. Purchase of Property – 35 Glenmuir Road, Ayr.**

There was submitted a report (issued to members only) of 13th August 2010 by the Executive Director – Children and Community seeking the Panel's agreement to purchase 35 Glenmuir Road, Ayr.

**Decided:** to approve

- (1) to the purchase of 35 Glenmuir Road, Ayr and for the property to be used effectively within the Housing Operations function as outlined in section 4 of this report; and
- (2) the use of Commuted Sums for purchase of the property and associated costs.

The meeting ended at 11.55 a.m.