

Scrutiny Committee
11 April 2011

IRVINE, 11 April 2011 - At a Meeting of the Scrutiny Committee of North Ayrshire Council at 2.00 p.m.

Present

John Hunter, Anthea Dickson, Andrew Chamberlain, Anthony Gurney, Jean Highgate, Pat McPhee and Alan Munro.

Also Present

Peter McNamara, Ronnie McNicol and David O'Neill.

In Attendance

E. Murray, Chief Executive (part of meeting); I.T. Mackay, Solicitor to the Council (Corporate Services); C. Kirk, Corporate Director, J. Leckie, Head of Service, J. McKnight, Manager, Community & Culture, Community Development Team, A. Sutton, Manager, Information and Culture and J. McHarg, Assistant Manager (Community and Culture) (Education and Skills); L. McEwan, Communications Manager, S. Bale, Policy and Performance Officer, K. Dyson, Communications Officer and M. Anderson, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Hunter in the Chair.

Apologies for Absence

Matthew Brown, Alex Gallagher and David Munn.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 16.

2. Minutes

The Minutes of the previous meeting of the Committee held on 28 March 2011 were signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Call In: Review of Community Facilities and Libraries

At its meeting on 14 December 2010, the Executive of North Ayrshire Council received a report by the Corporate Director (Education and Skills) on proposals on the future of community halls, centres and libraries. The Executive (a) noted the information contained in the report; (b) agreed that the proposals contained therein be raised with local Elected Members and voluntary groups and fed into the ongoing Grant Thornton Review; and (c) agreed to a request from North Ayrshire Federation of Community Associations (NAFCA) that they be allowed the opportunity to present their own outline proposals to Elected Members.

At its meeting on 17 January 2011, the Scrutiny Committee heard from Councillors Hill and McNicol in support of a call in request in respect of the decision taken by the Executive at its meeting on 14 December 2010 in relation to the future of community halls, centres and libraries. The terms of the call in were outlined in the report. After a full discussion, the Scrutiny Committee agreed to scrutinise the decision of the Executive and request that the NAFCA Community Development Trust Proposals report scheduled to be considered at the meeting of the Executive on 18 January 2011 be delayed to allow the Scrutiny Committee to consider the call in at its next meeting.

At its meeting on 31 January 2011, the Scrutiny Committee considered the call in and agreed (a) to continue consideration of this item to a future meeting to allow Members to receive and examine the Grant Thornton report; (b) that Members be provided with (i) information in respect of the Change Sounding Board Action References within the Timeline document and (ii) Minutes of meetings between officers of the Council and NAFCA; and (c) that arrangements are made to respond to further questions from Members in relation to the review process.

The Committee also considered at its meeting on 31 January 2011 a call in request in relation to the decision taken by the Executive on 18 January 2011 on the NAFCA Community Development Proposal. The Executive agreed (a) to instruct the Chief Executive to meet with NAFCA to (i) reiterate the Executive's support to NAFCA; and (ii) explain the call in procedure and current process; and (b) that no further action be taken at this time. The Scrutiny Committee agreed (a) to scrutinise the decision of the Executive to (i) to instruct the Chief Executive to meet with NAFCA to reiterate the Executive's support to NAFCA and explain the call in procedure and current process; and (ii) that no further action be taken at this time; and (b) that the call in be subsumed into the call in relating to the Review of Community Facilities and Libraries

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Subsequently, all Members were provided with the Grant Thornton report on 10 March 2011, and a Members' Seminar was held on 17 March 2011. The Seminar received a presentation from Grant Thornton outlining the scope of the review, the key drivers, the approach, methodology, recommendations and financial savings. An opportunity was also provided for discussion and for Members to express their views on the review. The Seminar requested that the Grant Thornton report be considered at the next ordinary meeting of the Council, or for an early special meeting of the Council to take place.

Information on the Changing Sounding Board Action References within the Timeline document and the purpose and outcome of meetings between officers of the Council and NAFCA has been provided to Members. Arrangements were made to respond to further questions from Members in relation to the review process and responses have been provided to questions from Councillors Brown and Chamberlain. Information requested by Councillor Hunter has also been provided.

On a point of order, the Chair sought the opinion of the Solicitor to the Council on whether it was competent for the Executive to consider Item 15 on the Agenda for its meeting of 12 April 2011, namely a report on the outcome of the review of sport, leisure and recreational services, given the outstanding call in being considered by the Scrutiny Committee. The Solicitor to the Council advised the Committee that the Grant Thornton report did not itself form part of the call in and it would, therefore, be competent for the Executive to consider the report in question. Following discussion, Councillors Hunter, Dickson and Gurney recorded their disagreement with the advice provided. Councillors Chamberlain, Highgate, McPhee and Munro recorded their acceptance of the advice provided.

Thereafter, Councillor McNicol addressed the Scrutiny Committee as a signatory to the call in request and asked the Committee to investigate the matter in question. The Committee also heard from Councillor McNamara in his capacity as Portfolio-holder for Community Services.

Discussion, which included the provision of clarification by Officers and the Portfolio-holder for Community Services, took place on:-

- the background to NAFCA's presentation to the Council and the basis of its assumptions regarding the closure by the Council of community halls over a 3-year period;
- the related budget proposals previously considered;
- various pieces of correspondence between Officers of the Council and NAFCA, copies of which appeared to have been circulated to Members of the Executive at the time, but not more widely to all Elected Members;

- capacity building work undertaken by Community Learning and Development (Education and Skills) to support NAFCA;
- the role of the Change Sounding Board;
- the degree to which the various options for the future of sport, leisure and recreational services had been explored by Grant Thornton;
- the role of Cunninghame Housing Association in providing guidance and support to NAFCA in developing their proposals;
- the role of NAFCA itself and decisions taken by NAFCA;
- the extent to which NAFCA appreciated their proposals represent only one of a number of potential service delivery models;
- the rationale for examining possible models for co-locating hall and library provision;
- the legal context in which detailed information on the state of the Council's estate, including staffing and running costs, could be released to a third party, such as NAFCA;
- the apparent contraction of the scope of Grant Thornton's exploration of possible models following the initial Project Initiation Document;
- the extent to which the wording of correspondence by the Chief Executive to the Chair of NAFCA might give rise to an expectation that the Council intended to follow a particular model;
- the role of the legal firm Burness in acting as legal advisers to NAFCA in addition to providing advice to the Council itself in the context of the Grant Thornton report; and
- the role of Officers in providing information and recommendations to Grant Thornton, and clarification as to whether relevant local Elected Members were consulted.

After discussion, Councillor Highgate, seconded by Councillor McPhee, moved that the Scrutiny Committee agrees (a) to reject the terms of the call in; and (b) notwithstanding this, makes a recommendation to the Executive that it recommends to the full Council that a review of community facilities be undertaken on a facility by facility basis.

As an amendment, Councillor Gurney, seconded by Councillor Hunter, moved that, in addition to the terms of Councillor Highgate's motion, the Scrutiny Committee agree to recommend that an investigation, subordinate to the Scrutiny Committee but not necessarily limited in its membership to that Committee, be carried out into the conduct of the proposals for communities facilities and libraries. On the advice of Officers, the Chair noted that the Scrutiny Committee has the power to set its own work programme, including conducting investigations, and that this did not require to be the subject of a recommendation to the Executive. With this assurance, Councillor Gurney withdrew his amendment.

Accordingly, the Committee agreed (a) to reject the terms of the call in; and (b) notwithstanding this, make a recommendation to the Executive that it recommend to the full Council that a review of community facilities be undertaken on a facility by facility basis.

The meeting ended at 3.45 p.m.