

Scrutiny Committee  
31 January 2011

**IRVINE, 31 January 2011** - At a Meeting of the Scrutiny Committee of North Ayrshire Council at 3.00 p.m.

**Present**

John Hunter, Anthea Dickson, Matthew Brown, Andrew Chamberlain, Anthony Gurney, Jean Highgate and Alan Munro.

**Also Present**

Robert Barr, William Gibson, Alan Hill and Ronnie McNicol.

**In Attendance**

I. Mackay, Solicitor to the Council (Corporate Services); A. Herbert, Corporate Director (Finance and Infrastructure); C. Kirk, Corporate Director, J. Leckie, Head of Community and Culture and A. Sutton, Manager Information and Culture (Education and Skills); I. Colvin, Corporate Director and O. Clayton, Head of Community Care and Housing (Social Services and Health); J. M. Macfarlane, Head of Human Resources, S. Bale, Policy and Performance Officer, C. Rowney, Communications Officer and A. Little, Committee Services Officer (Chief Executive's Service).

**Chair**

Councillor Hunter in the Chair.

**Apologies for Absence**

Alex Gallagher, David Munn and Pat McPhee.

**1. Chair's Remarks**

The Chair referred to the recent death of Phil Gallie, former MP and MSP, and on behalf of the Committee, extended his condolences to the family.

**2. Declarations of Interest**

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

**3. Minutes**

The Minutes of the previous meeting of the Committee held on 17 January 2011 were signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

#### **4. Call In Request: Review of Community Warden Service**

Submitted report by the Chief Executive on a call in request in relation to a decision taken by the Executive at its meeting held on 18 January 2011 on the Review of the Community Warden Service. A copy of the report and appendices by the Corporate Director (Social Services and Health) to the Executive was attached as an appendix to the report.

The Executive agreed to approve Option 2 for the location and deployment of Community Warden teams, as described in Section 2.6 of the report and illustrated in Appendix 2.

Subsequently, the undernoted call in request was received from Councillor McNicol, supported by Councillors Gibson and R. Barr in terms of Standing Order 23:-

"We request in terms of paragraph 23.2 of the Standing Orders Relating to Meetings and Proceedings of the Council, that the decision taken by the Executive at its meeting held on January 18 2011, be called in by the Scrutiny Committee.

The Executive agreed to approve Option 2 for the local and deployment of the Community Warden Teams as described in Section 2.6 of the report and illustrated in Appendix 2.

We would like to call it in for the following reasons:-

The decision appears to contradict recommendations made in a previous report provided for the Executive by Ms Iona Colvin, which were based on the findings of an investigation carried out for the Council by consultants Blake Stevenson, and which, it was claimed, represented actions best suited to achieving the most effective and efficient use of the Community Warden Service.

The decision reduced the previously identified saving to the Council of £172,000, unless there was unspecified cross-subsidy of £15,060 from Housing Services.

The decision would reduce the service provision in some areas; would prevent the service being extended into areas identified by Blake Stevenson as having higher rates of anti-social behaviour, crime and housing incidents; and would retain the service in areas identified in the consultants report as having low levels of crime and associated problems.

According to the report provided by Ms Colvin for the Executive meeting of January 18, the decision could mean that on some occasions, 'the service cannot be provided at all in an area.'

This item is the subject of a budget plan and should be part of the budgetary process".

Councillors McNicol, Gibson and R. Barr addressed the Committee in support of the call in request. Councillor McNicol expressed concern that the Executive had disregarded the Consultant's report and the findings of the Steering Group and requested a new report on the future delivery of the Community Warden Service. Councillor Gibson stated that it was his view that this item should be discussed as part of the budgetary process.

Discussion took place on:-

- The dovetailing of the parallel processes of the Steering Group and the Consultant's review;
- The inclusion of the Steering Groups' findings in the Consultant's report;
- The operational focus of the review;
- The shortfalls of both Options 1 and 2 that can be made up by overall Housing Services' savings identified above the 20% savings target within the Housing Services General Services budget;
- The proposed reduction of one warden team to achieve the required savings and the decision by the Executive that further options for the future delivery of the service be explored;
- Consideration of the future provision of historical reports to the Executive to supplement Call in reports;
- The budgetary process in place and the forthcoming Special Budget meetings of the Executive and the Council.

After discussion, Councillor Gurney, seconded by Councillor Brown moved that the Committee agree to call in the Executive's decision in relation to the Review of the Community Warden Service. There being no amendment, the motion was carried.

Accordingly, the Committee agreed to scrutinise the decision of the Executive to approve Option 2 for the location and deployment of Community Warden teams, as described in Section 2.6 of the report and illustrated in Appendix 2.

## **5. Call In Request: Group Life Assurance Scheme**

Submitted report by the Chief Executive on a call in request in relation to a decision taken by the Executive at its meeting on 18 January 2011, on the Group Life Assurance Scheme. A copy of the report by the Head of Human Resources to the Executive was attached as an appendix to the report.

The Executive agreed (a) to withdraw the discretionary provision of the Council's current Group Life Assurance Scheme with effect from 31 March 2011 for the employees referred to at Section 1.3 of the report who are members of the Local Government Pension Schemes; and (b) to introduce a new fixed-rate of the Group Life Assurance Scheme for those employees not in the Strathclyde Pension Fund.

Subsequently, the undernoted call in request was received from Councillor McNicol, supported by Councillors R. Barr and Hill in terms of Standing Order 23:-

"We would like to request a call in of Agenda Item 12 from the Executive of North Ayrshire Council of 18 January 2011 on the proposal to discontinue the Group Life Assurance Scheme.

At the moment in the event of an employee dying whilst in the service, the benefit of one years contractual earnings is paid to dependants or other individuals as pre nominated by the employee. The proposal is to introduce a revised, discretionary, fixed rate Group Life Assurance Scheme for approx. 1282 employees who are not members of Strathclyde Pension Scheme. The Discretionary payment payable on the death of an eligible employee not in the Strathclyde Pension Scheme is fixed at £5000.

We would like to call it in for the following reasons:-

1. We believe that in implementing this scheme it is a direct attack on the low paid staff and will have a devastating impact on the bereaved family of the deceased. We are aware of the financial situation that the Council faces but are of the opinion that North Ayrshire Council have a duty of care towards a bereaved family of a Council employee. Historically, North Ayrshire Council has been sympathetic to bereaved families of employees dying whilst in the service of the Council.
2. We also believe that the financial savings being quoted are inflated. With a shrinking and younger workforce, consequentially claims and premiums should be considerably lower. With the current level of employees, the cost to the Council to provide cover at the present rate is approx. £20 per employee.

We would therefore ask the Scrutiny Committee to accept the call in and take such action as necessary to ensure that the bereaved family of an employee dying within the service of the Council continue to receive the present level of cover and consider the impact of the discontinuation of the scheme on the families of employees not within the Strathclyde Pension Scheme".

Councillors McNicol, Hill and R. Barr addressed the Committee in support of the call in request. Councillor McNicol added that savings had previously been achieved in 2010/11 by reducing the discretionary benefit of the Group Life Assurance Scheme from 2 years to 1 year. He added that it was his view that this item should be discussed as part of the budgetary process. Councillor R. Barr stated that this proposal was a direct attack on the lower paid members of staff.

Discussion took place on:-

- The duty of care the Council has for its employees, but not the families of employees;
- The adequacy of financial provision payable on the death of an eligible employee not in the Strathclyde Pension Fund;
- The withdrawal of the discretionary provision of the Group Life Assurance Scheme by other local authorities; and
- The number of employees who die whilst in the service of the Council.

The Committee agreed (a) not to scrutinise the decision of the Executive (i) to withdraw the discretionary provision of the Council's current Group Life Assurance Scheme with effect from 31 March 2011 for employees referred to at Section 1.3 of the report who are members of the Local Government Pension Schemes; and (ii) to introduce a new fixed-rate of the Group Life Assurance Scheme for those employees not in the Strathclyde Pension Fund; and (b) that the Head of Human Resources provide historical information on the number and age profile of employees who died whilst in the service of the Council, including those not members of the Local Government Pension Schemes.

## **6. Call In: Review of Community Facilities and Libraries**

Submitted report by the Chief Executive on the decision taken by the Executive at its meeting held on 14 December 2010 in relation to the Review of Community Facilities and Libraries. A copy of the report and appendix by the Corporate Director (Education and Skills) to the Executive was attached as an appendix to the report. A timeline of progress relating to library proposals and review of community facilities was tabled.

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 considered the call in request in relation to the decision taken by the Executive. After a full discussion, the Committee agreed to (a) scrutinise the decision of the Executive to (i) note the information contained in the report; (ii) agree that the proposals contained therein be raised with local Elected Members and voluntary groups and fed into the ongoing Grant Thornton Review; and (iii) agree 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; and (b) request that the NAFCA Community Development Trust Proposals report to the Executive be delayed to allow the Scrutiny Committee to consider the Call in at the next meeting.

Discussion took place on:-

- Various events referred to within the Timeline document;
- The availability of the Grant Thornton report in March 2011;
- The provision of information, including minutes, from the Change Sounding Board (CSB) to all Members of the Council;
- The meetings undertaken to advise library staff of the review process prior to the publication of a report on the Review of Community Facilities and Libraries;
- Communication with Members on local facilities within their area;
- Actions taken by Officers to implement the decision of the Executive of 14 December 2010 in relation to the provision of information to Grant Thornton and the request from NAFCA to present their outline proposals to Elected Members;
- The membership and authority of the Change Sounding Board;
- The continued work of Education and Skills to identify efficiencies within the same area being reviewed by Grant Thornton;
- Circulation to Members of the Project Initiation Document (PID) that incorporated libraries within the proposal; and
- The operation of the Council's Call-In Procedure and the stage of the procedure that halts implementation of an Executive decision.

The Committee 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 CSB 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.

## **7. Call In Request: North Ayrshire Federation of Community Associations (NAFCA) Community Development Proposal**

Submitted report by the Chief Executive on the decision taken by the Executive at its meeting held on 18 January 2011 in relation to the NAFCA Community Development Trust Proposal. A copy of the report by the Corporate Director (Education and Skills) to the Executive was attached as an appendix to the report.

The Executive noted the call in by the Scrutiny Committee and expressed the desire that NAFCA should be provided with a consistent view of the Executive's position. Accordingly the Executive agreed (a) to instruct the Chief Executive to meet with North Ayrshire Federation of Community Associations 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.

Subsequently, the undernoted call in request was received from Councillor Hill, supported by Councillors McNicol and Gibson in terms of Standing Order 23:-

"The Executive is seeking to take a further step down the road of transferring assets to a community trust BEFORE the Council has decided whether or not it is in favour of this.

This paper contains references to, and is directly linked to, an earlier paper on this subject considered at the Executive meeting of 14 December and now the subject of a call in to Scrutiny. It is inappropriate for the Executive to proceed any further with this proposal until after Scrutiny has completed its deliberations on this matter.

I would therefore request that the Scrutiny Committee agrees to call in this paper and takes account of the proposals contained within it in its ongoing deliberations in respect of the call in of the paper to the Executive on 14 December 2010".

Councillors Hill, McNicol and Gibson addressed the Committee in support of the call in request.

After discussion, Councillor Gurney, seconded by Councillor Brown moved that the Committee agree to call in the Executive's decision in relation to the NAFCA Community Development Proposal. There being no amendment, the motion was carried.

Further discussion then took place on whether this item should be incorporated into the call in relating to the Review of Community Facilities and Libraries, that was continued to a future meeting of the Committee to allow for the receipt and examination of the Grant Thornton report.

Accordingly, the Committee agreed (a) to scrutinise the decision of the Executive to (i) to instruct the Chief Executive to meet with North Ayrshire Federation of Community Associations 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.

## **8. Scrutiny Committee: Call In Request Procedure**

Submitted report by the Solicitor to the Council on the procedure for call in requests.

At its meeting on 17 January 2011, the Scrutiny Committee considered a call in request in relation to a decision of the Executive on 14 December 2010. Following discussion, a question was raised as to actions taken by Officers of the Council following the meeting of the Executive on 14 December 2010. Members sought advice from the Solicitor to the Council as to exactly when a decision of the Executive/Education Executive can be deemed to have been called in.

The Standing Orders Relating to Meetings and Proceedings of the Council and Committees stipulate the procedure for call in. The process for Members to call in a decision was outlined in the report. Standing Order 23.1 states that no action will be taken to implement the decision until the expiry of 5 further working days. Decisions can then be acted upon unless they have been called in or referred.

Members asked questions and were provided with further information in relation to:-

- Actions taken to reinforce the practical operation of the Council's Call-In Procedure, including clarification on the stage of the procedure that halts implementation of an Executive decision; and
- A report to a future meeting of the Council clarifying Standing Order 23.1.

The Committee agreed (a) to request a written explanation be submitted on the actions of the Executive on 18 January 2011 to proceed to further consider Item 9 - North Ayrshire Federation of Community Associations (NAFCA) Community Development Trust Proposal, which was subject to the Call In Procedure in respect of the Review of Community Facilities and Libraries, and in light of the decision of the Scrutiny Committee held on 17 January 2011 to request that the NAFCA Community Development Trust Proposal report to the Executive be delayed to allow the Scrutiny Committee to consider the Call in at its next meeting; and (b) that a report be submitted to the Council recommending that Standing Order 23.1 be amended to clarify that no action should be taken to implement a decision of the Executive or Education Executive once a Call In Request is received by the Chief Executive.

Councillor Munro withdrew from the meeting at this point.

## **9. Maximising Attendance at Work and Analysis of Sickness Absence Data**

Submitted report by the Head of Human Resources on sickness absence trends and absence targets.



The Council records all employee sickness absence to enable management of sickness absence and maximisation of attendance in accordance with its procedures. Absence data is provided to management on a quarterly and annual basis. Data is also reported to Audit Scotland as one of its Statutory Performance Indicators (SPIs).

A range of data was available covering the period, April to September 2010, within the appendices to the report that included:-

- The total work days available;
- Total work days lost through absence;
- Average work days lost per employee;
- Days absence - short, medium and long term;
- Causal factors of absence;
- The total workforce headcount;
- The number of employees who have had no absences; and
- The sickness absence targets agreed with Services for 2011/2012.

The data also showed comparisons with the same period in 2006, 2007, 2008 and 2009 which indicated that overall performance had improved.

Members asked questions and were provided with information in relation to:-

- The rationale for varying improvement targets for different employee categories within the Council and work towards standardising targets across all services in future years;
- The potential to improve performance in this area in comparison to other local authorities;
- The impact of service restructure and the wide range of employee categories within some services on targets achieved;
- Consideration of the introduction of a recognition scheme for those staff who attain perfect attendance over a specific period; and
- The future provision of absence rates within the Managing Absence Targets report (Appendix 2);

Noted.

## **10. Corporate Workforce Strategy**

Submitted report by the Head of Human Resources on the implementation of the Corporate Workforce Strategy.

The Workforce Strategy 2009-2012 and associated Project Plans are currently being taken forward by a cross-service Corporate Workforce Planning Group and supporting Sub Working Groups. Project Plans will be updated annually in line with the Council Plan and Single Outcome Agreement objectives.

The report provided a brief synopsis of each of the undernoted current live Projects:-

- Implementation of the Recruitment Portal;
- Assist Services with the Implementation of Personal Development Review (PDR);
- Introduce a Performance & Personal Development review procedure;
- Introduce Competency Based Recruitment & Selection;
- Implementation of the Middle Management Development Programme; and
- Review Workforce Age Profiles and Succession Plans.

Members asked questions and were provided with information in relation to:-

- The traditional interview process undertaken by the Council and work being undertaken to develop a competency based recruitment and selection approach;
- Work underway in relation to rightsizing the workforce, including the redeployment of staff within the Council and planned consultations with Trades Unions;
- The volume of expressions of interest from employees in voluntary early retirement;
- Future development of the recruitment portal; and
- Work being undertaken with Services to assist in meeting PDR targets.

Noted.

The meeting ended at 5.30 p.m.