THE MORAY COUNCIL

MINUTE OF MEETING OF THE AUDIT AND PERFORMANCE REVIEW COMMITTEE

WEDNESDAY 1 SEPTEMBER 2010

COUNCIL OFFICE, ELGIN

PRESENT

Councillors G. McDonald, G. Coull, J. Hogg, B. Jarvis, J. MacKay, P. Paul, D. Ross, M. Shand, R. Shepherd and I Young.

APOLOGIES

Apologies for absence were intimated on behalf of Councillor J Sharp and G McIntyre (ex offiicio).

ALSO PRESENT

Councillors E. McGillivray (Chairman of Communities Committee), J. Russell (Chairman of Economic Development & Infrastructure Services Committee) and A. Wright (Chairman of Policy & Resources Committee).

IN ATTENDANCE

Chief Legal Officer, Chief Financial Officer, Director of Educational Services, Director of Community Services, Head of Development Services, Team Leader (Internal Audit), Performance Management and Quality Assurance Officer, Head of Educational Development Services, Community Planning and Development Manager, Fairer Scotland Fund Manager (Item 14), Moray Leader Programme Manager (Item 12), Community Learning and Development Manager (Item 13) Karen Delaney, Team Leader Youth Work (Item 13), Emma Gordon, Planning Officer (Item 5), Anti Social Behaviour Co-ordinator (Item 6), Payments Manager (Item 8), Integrated Learning, Learning Disabilities Services Manager (Item 9) and the Principal Committee Services Officer as Clerk to the meeting.

1. ADDITIONAL BUSINESS

In terms of Standing Order 28(d), the Meeting agreed to accept as an Additional Item of Business to be transacted at the Meeting, the undernoted referral report from the Policy and Resources Committee dated 31 August 2010, on the Convener certifying that, in his opinion, it required to be considered on the grounds of urgency in order to give early consideration:-

"Performance Indicators for Legal Services – Report by Chief Legal Officer"

It was further agreed that this be taken as Item 16(a) on the Agenda.

2. DECLARATION OF GROUP DECISIONS

In terms of Standing Order 20 and the Councillor's Code of Conduct the meeting noted that there were no declarations from Group Leaders or spokespersons in regard to any prior decisions taken on how members will vote on any item on the agenda.

3. WRITTEN QUESTIONS

The Meeting noted the written question submitted by Councillor D Ross and the Council response thereto:

To ask how correspondence from MSPs are classified in the corporate logs?

COUNCIL RESPONSE

Correspondence from MSPs is initially scanned into a document management system however this does not have any analytic capability and is simply a register of received mail.

To facilitate the handling of MSP correspondence it is also logged on the corporate complaints register. This can separate enquiries -those seeking information, from enquiries by MSPs, made on behalf of constituents, about complaints. The two categories are shown separately and enquiries seeking information should not be shown as complaints.

As a supplementary question Councillor Ross asked for clarification about the wording at the second paragraph of the Council response that states that the register can separate enquiries, and that in fact they are shown separately.

In response the Corporate Complaints Officer confirmed that both types of enquiries are shown separately.

4. SINGLE OUTCOME AGREEMENT – QUARTER 1 MONITORING STATEMENTS

There was submitted a report by the Chief Executive asking committee to consider progress against completion of Key Actions for which the underlying milestones were due to have been completed in quarter 1 that address Single Outcome Agreement Local and National Outcomes.

During discussion the Chairman stated that, in his opinion, it would be useful for Members to have available for reference the full sets of quarterly monitoring statements for ease of reference and asked it these could be provided in future. In response the Chief Legal Officer advised that arrangements would be made that in future the Clerk to the meeting would ensure these were available at each meeting of this committee and any other committee as required.

Following further discussion during which clarification was sought regarding the actions being taken in regard to those milestones not currently meeting expected progress targets, it was agreed that exception reports on those milestones be submitted to the next meeting of this committee.

Thereafter the Committee agreed:-

(i) to note the performance against completion of Key Actions for which the underlying milestones were due to have been completed in quarter 1 that address Single Outcome Agreement Local and National Outcomes.

(ii) that sets of the quarterly performance monitoring statements be provided for reference purposes at each meeting of this committee and any other committee as required;

(iii) that exception reports on those milestones not being met be submitted to the next meeting of this committee.

5. CARBON MANAGEMENT PLAN

There was submitted a report by the Director of Environmental Services providing an overview of progress in achieving the targets within the Council's Carbon Management Plan. The Plan is linked to the Local Delivery Action Plan for the Greener Strategic Group and specifically Local Outcome 22 "Carbon Management and Climate Change".

During discussion clarification was sought as to whether the projects within the Plan linked to those projects within Designing Better Services programme and in response the Head of Development Services advised that he would review the Plan to ensure that they do link together.

Following further discussion, Councillor Paul raised a query about a proposed Biomass project for Speyside High School and sought clarification as to progress. In response the Director of Educational Services advised that this was a matter for Educational Services and he would provide an update on this project to Councillor Paul at the earliest opportunity.

Following discussion about impending legislation as part of the Climate Change (Scotland) Act 2009 which will place a duty on public bodies to deliver carbon reduction targets, the Chairman asked that report on the financial implications facing the Council in regard to carbon reduction and waste management be brought back by the Director to a future meeting of this committee. This was agreed.

Thereafter the committee agreed to note:-

(i) the performance to date relating to the target set within the Council's Carbon Management Plan.

(ii) the Head of Development Services is to review link between DBS projects and carbon management plan to ensure they fit together;

(iii) that the Director of Educational Services is to provide an update on the Speyside Biomass project to Councillor Paul at the earliest opportunity;

(iv) that a more detailed combined report regarding the financial implications facing the Council in relation to waste management and carbon reduction be submitted to this committee at its meeting on 27 October 2010.

6. COMMUNITY PLANNING: SAFER STRATEGY – DELIVERY AND PERFORMANCE OF OBJECTIVES

There was submitted a report by the Chief Executive asking Committee to consider the progress to date on the delivery of the 2008/10 Safer Strategy throughout Moray and how new national Scottish Government guidance requires to be incorporated into it to enhance performance.

Following consideration the Committee noted the performance to date and the development of the Safer Strategy.

7. PERFORMANCE MANAGEMENT FRAMEWORK

With reference to para 5 of the Special Meeting of Full Council dated 30 September 2009, there was submitted a report by the Chief Executive updating the Committee on the Council's revised Performance Management Framework, an element of the Moray Performs agenda, information from which had been routinely reported to Members and Management respectively since October 2009.

Following consideration the committee noted the progress in the successful implementation of the Framework.

Councillor E McGillivray left the meeting at this juncture.

8. PROCUREMENT

There was submitted a report by the Chief Financial Officer providing members with a progress report on procurement which had, through significant investment by the Council, successfully reduced costs, improved quality control of external suppliers and enhanced compliance with legal duties.

The Chief Financial Officer tempered this success by stating that the Council still had a long way to go with procurement. The Chair intimated that there is a vital role for management to get involved as procurement will not work without all management recognising it is a key role for them. This was noted.

9. REPORT ON THE WORK OF THE INTERNAL AUDIT SECTION IN THE PERIOD FROM 1ST APRIL TO 30TH JUNE 2010

There was submitted and noted a report by the Chief Financial Officer advising committee on the work of the Internal Audit section for the period 1st April 2010 to 30th June 2010.

10. PROGRESS AGAINST INTERNAL AUDIT ANNUAL PLAN

There was submitted and noted a report by the Chief Financial Officer advising Committee on progress made against the annual audit plan for the three month period to 30th June 2010.

Councillor Shepherd joined the meeting at this juncture.

11. LEARNING DISABILITY STRATEGY 2007-10 – SUMMARY OF OUTCOMES

There was submitted a report by the Director of Community Services asking the Committee to consider the outcomes achieved from and future actions identified as part of the implementation of the Learning Disability Strategy 2007-2010.

During discussion a query was raised about the keeping of personal information relating to individuals with learning disabilities and the efficacy of the current practice of having multiple files and two computer systems across the Council and the NHS. In response the Director of Community Services advised that this is a national issue and is not a unique problem to Moray. He further advised that work is being done across the three Local Authorities in Grampian and with the NHS to look at the best way that information is shared which ensures that people with these disabilities are safeguarded. The Integrated Learning Disability Services Manager advised the meeting that the Council's Learning Disabilities Team were keen to look at how the practice of sharing information could be streamlined and would be willing to undertake a pilot, provided they could obtain the agreement of the various professional bodies to look at sharing information through "Carefirst", the Council's computer system. The Director of Community Services advised that agreement for a pilot would require to come from all agencies and suggested that the way forward would be to put together a proposal and seek to get the partner agencies onboard. It was agreed that a paper be submitted by the Director to the Community Planning Board.

Thereafter the Committee agreed:-

(i) to note the Outcomes achieved and any forward actions identified as part of the implementation of the Learning Disability Strategy 2007-10; and

(ii) that the Director of Community Services draft a report on behalf of this Committee for consideration by the Community Planning Board on the possibility of the Learning Disabilities Team taking part in a pilot whereby all agencies would operate Carefirst enabling the creation of a single file per client.

12. MORAY LEADER PROGRAMME 2007-13

Under reference to paragraph 6 of the Minute of this Committee dated 23 June 2010, there was submitted a report by the Director of Environmental Services incorporating more detailed information as requested by this committee on this programme of projects and initiatives to deliver benefits to rural communities and businesses in Moray funded by the EU, Scottish Government, the Council and the private sector.

Following consideration the committee noted the contents of the report.

13. COMMUNITY LEARNING & DEVELOPMENT YOUTH WORK TEAM

Councillor Wright left the meeting during discussion of this item.

Under reference to paragraph 5 of the Minute of this Committee dated 23 June 2010, there was submitted a report by the Director of Educational Services providing further information on the work undertaken by the Youth Work Teams in Moray and the links respectively to community planning and the school curriculum.

Following consideration the committee noted the contents of the report.

14. TACKLING INEQUALITIES

There was submitted a report by the Chief Executive asking the Committee to note the significant progress being made in Moray by the Fairer Scotland Fund projects and to note the structural diagram as detailed at Appendix 1 of the report which describes the relationship between the over arching strategic framework of “More Choices, More Chances”, the Social Inclusion Strategy and the projects funded by the Fairer Scotland Fund (FSF).

During discussion clarification was sought regarding the performance information relating to the GIRFEC “(Getting it right for every child)” programme and it was agreed that a separate report on GIRFEC be provided to this Committee.

Following further consideration the committee agreed:-

(i) to note the significant progress being made by the Fairer Scotland Fund projects;

(ii) to note the structural diagram which describes the relationship between the over arching strategic framework of “More Choices, More Chances” the Social Inclusion Strategy and the projects funded by the Fairer Scotland Fund (FSF), and

(iii) that a separate report on GIRFEC be submitted to a future meeting of this committee.

Councillor Shepherd left the meeting at this juncture.

15. STATEMENT OF OUTSTANDING BUSINESS

There was submitted a report by the Chief Executive asking Committee to consider progress and timescales in relation to follow up reports and actions requested by this Committee at previous meetings.

Following consideration the Council noted the progress and timescales in relation to follow-up reports and actions requested by this Committee and that reports in relation to Moray 2020, More Choices More Chances and Harbour Conditions will be submitted to its meeting in October

Councillor Russell left the meeting at this juncture.

16. PERFORMANCE INDICATORS FOR LEGAL SERVICES

There was submitted a report by the Chief Legal Officer inviting the Committee to note for its interest the approval by the Policy and Resources Committee at its meeting on 31 August 2010 the pilot of five performance indicators for legal Services as listed in paragraph 4.4. of the report.

Following discussion, during which concern was raised regarding the omission of the Appendices to the report, Councillor Ross, seconded by Councillor Paul moved that consideration of this item be deferred to the next meeting of this Committee on 27 October 2010 in order that the full report can be provided to the Members of this Committee for consideration.

There being no-one otherwise minded, this was agreed.

17. QUESTION TIME

Councillor Ross asked that this Committee ask for separate reports regarding the flooding issues for Garmouth and Kingston come to this Committee as well as Economic Development &Infrastructure Services Committee to ensure there is a scrutiny in terms of all members across the council to this, which in his opinion, is a major problem to the local communities.

In response the Chairman stated that he was of the opinion that this does not come under the remit of this Committee, the scrutiny of agenda items is for the service committee chairs and the Convener and suggested that Full Council would be where this question could also be directed.

The Chief Legal Officer confirmed the chairman’s views as to the formal procedure to be adopted by Councillor Ross and advised that in terms of an informal approach, that perhaps a discussion with the chair of the Flood

Alleviation Sub-committee, which is a Sub-committee of the Full Council, would also be a route for him to consider.

The Head of Development Services advised that he could take the question to the Director of Environmental Services who could speak with the various Chairmen and get back to the appropriate Member as to how a report could be prepared and to which committee it is reported to.

This was noted.

18. PROGRAMME OF SCRUTINY FOR THE MEETING OF THIS COMMITTEE ON 27 OCTOBER 2010

In terms of this committee's role in scrutinising progress against strategies that link to the Single Outcome Agreement, the Chairman intimated that the Committee would wish reports on the Integrated Waste Strategy for Moray, Drug and Alcohol Action Plan and Moray Parenting Strategy be submitted to its next meeting on 27 October 2010 in terms to their linkage to national and local outcomes.

Similarly in its scrutiny role on progress of key strategies and plans, the Committee would wish that reports on Cultural Educational Strategy 2009/11, Asset Management Plan 2009/10, Local Housing Strategy and Adult Protection also be submitted to its next meeting on 27 October 2010.

In the first instance reports should address the following:

2. They should provide a brief introduction/background;
2. They should define the objective;
3. They should state associated timescales;
4. They should present the progress made towards the objective and where available provide evidence to support the impact or outcomes

This was unanimously agreed.