

THE FIFE COUNCIL - POLICY, FINANCE & ASSET MANAGEMENT COMMITTEE - GLENROTHES.

2nd August, 2007

**10.00 a.m. - 1.25 p.m.
2.00 p.m. - 2.50 p.m.**

PRESENT: Councillors Peter Grant (Chair), David Alexander, Andrew Arbuckle, Tim Brett, Pat Callaghan, Douglas Chapman, Neil Crooks, Dave Dempsey, Fiona Grant, Mark Hood, George Kay, William Kay, Alice McGarry, Tony Martin, Bryan Poole, Elizabeth Riches, Joe Rosiejak, David Ross, Alex Rowley, Mike Scott-Hayward, John Simpson and Alice Soper.

ATTENDING: Ronnie Hinds, Chief Executive; Michael Enston, Executive Director (Performance & Organisational Support); Iain Grant, Committee Manager and Steve Thompson, Committee Administrator, Law & Administration Service; Lynne Harvie, Organisational Development Manager, Policy & Organisational Development Service; Lesley Ratomska, Communications Officer, Customer Relations Management Service; Ian Robertson, Head of Service Support and Michael McArdle, Lead Professional (Estates), Service Support; Steve Grimmond Head of Community Services; Brian Livingston, Financial Services Manager and Eileen Rowand, Accounting Team Leader, Finance & Procurement Service; and John Alexander, Senior Manager, Social Work Service.

APOLOGY

FOR ABSENCE: Councillor George Leslie.

1. WELCOME AND INTRODUCTIONS

This being the first meeting of the Policy, Finance & Asset Management Committee, Councillor Peter Grant welcomed those present to the meeting and introductions were made.

2. DECLARATIONS OF INTEREST

Councillor Bryan Poole declared an interest in paragraph 15 as manager of CVS Fife. Councillor David Ross declared an interest in paragraph 15 by reason of his carrying out work for a group mentioned in the report on this item.

3. MEMBERSHIP OF COMMITTEE

Members considered a report dated 2nd July, 2007 by the Head of Law and Administration detailing the membership of the Committee.

Decision

The Committee noted the membership of the Policy, Finance & Asset Management Committee.

4. APPOINTMENT OF VICE-CHAIR

Decision

It was agreed to appoint Councillor Elizabeth Riches as Vice-Chair of the Committee.

5./

5. **MEMBERSHIP AND REMIT OF SUB-COMMITTEES**

The Committee considered a report dated 19th July, 2007 by the Head of Law and Administration advising of the membership and terms of reference of the various Sub-Committees reporting to the Policy, Finance & Asset Management Committee.

Decision

The Committee agreed as follows -

- (1) to note the membership and terms of reference of the Appeals Sub-Committee, Appointments Sub-Committee and Superannuation Fund & Pensions Sub-Committee;
- (2) that a member of the Opposition Groups be appointed to Chair the Appeals Sub-Committee, the name of the Chair to be provided to the Head of Law and Administration; and
- (3) to appoint Councillors Jim Burke and Susan Leslie as Depute Chairs of the Appeals Sub-Committee.

6. **APPOINTMENTS TO PARTNER ORGANISATIONS**

The Committee considered a report dated 19th July, 2007 by the Head of Law and Administration recommending that appointments be made to a number of partner organisations.

Decision

The Committee approved the appointments as follows -

- (a) **The Alliance (formerly Coalfield Communities Campaign)**

Decision

Motion

Councillor Peter Grant, seconded by Councillor Elizabeth Riches, moved that Councillor Arthur Robertson be appointed as the Council's voting member and no non-voting members be appointed to the organisation.

Amendment

Councillor Mike Scott-Hayward, seconded by Councillor Dave Dempsey, moved that consideration of the appointment of representatives on the organisation be referred to Council.

Vote

Amendment	-	10
Motion	-	12

The motion was carried and accordingly, it was agreed to appoint Councillor Arthur Robertson as the Council's representative on The Alliance.

(b)/

(b) **Citizens Advice and Rights Fife (CARF)**

Decision

The Committee agreed to appoint Councillors Fiona Grant and Susan Leslie as the Council's nominated Directors.

(c) **Scottish Local Government Forum Against Poverty**

Decision

The Committee agreed that three members be appointed, namely Councillors Fiona Grant, Jacqui McKenna and one member of the Opposition Groups, the name to be provided to the Head of Law and Administration.

(d) **Fife Employer Liaison Committee**

Decision

The Committee agreed that Councillor Elizabeth Riches be appointed.

7. **VACATION POWERS**

The Committee considered a report dated 19th July, 2007 by the Head of Law and Administration advising of matters dealt with under Vacation Powers in relation to (a) the attendance of Councillors Tom Adams and Arthur Robertson at meetings of The Alliance (formerly Coalfield Communities Campaign) on 8th June and 20th July, 2007 and (b) the award of a Common Good grant of £1,500 to Leslie Community Council Gala Committee towards the cost of providing entertainment at Leslie Gala on 4th August, 2007.

Arising from consideration of the report, Councillor Fiona Grant expressed her thanks for the common good award in respect of the Leslie Gala and Councillor Peter Grant confirmed that steps would be taken to carry out a review of the funding and support provided to Gala Committees across Fife and all members of Council would be given the opportunity to input to the review.

Decision

The Committee noted the matters approved under Vacation Powers.

8. **SERVICE OVERVIEWS**

(a) **Performance & Organisational Support**

The Committee considered a report by the Executive Director (Performance & Organisational Support) providing an overview of the Performance & Organisational Support Directorate which comprised three services - Policy & Organisational Development, Customer Relations Management and Law and Administration. It was indicated that the services focused on corporate governance, organisational effectiveness and performance improvement. The report outlined the key objectives, functions and responsibilities of each of the services, highlighted key aspects of the services' resources and provided a selection of performance information about each service.

Arising/

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Arising from consideration of the report, Michael Enston agreed to provide Councillor Mike Scott-Hayward with details of the level of staff employed within the Performance & Organisational Support Directorate during each of the past five years. He also agreed to (a) provide Councillor Dave Dempsey with updated figures on the number of apprentices/trainees employed by the Council and (b) circulate a briefing note to new members on the Single Status Agreement. Councillor Peter Grant confirmed that a review would be undertaken of the value of communication newsletters distributed by the Council. Councillor Mike Scott-Hayward also requested that Law & Administration should give additional priority to the production of byelaws.

Decision

The Committee noted the contents of the report and agreed that specific questions on any aspect of the report should be directed to the relevant Head of Service.

(b) Finance & Resources

The Committee considered a report dated 13th July, 2007 by the Executive Director (Finance & Resources) providing an overview of the Finance & Resources Directorate comprising Finance and Procurement (FaP) and IT Services (IT). It was indicated that both FaP and IT were predominantly support services assisting in the efficient, effective and economic delivery of frontline services. In addition, Finance also had important frontline contact with members of the public in relation to the collection of Council income i.e. Council Tax, Non-Domestic Rates and invoiced charges, the administration of Housing and Council Tax Benefit, insurance for tenants/events, and insurance claims.

The report outlined the key objectives, functions and responsibilities of the services, highlighted key aspects of the services' resources and provided a selection of facts and figures giving an indication of the scale of the contribution made to the Council by the Finance & Resources Directorate.

Decision

The Committee noted the contents of the report.

(c) Service Support

The Committee considered a report dated 24th July, 2007 by the Head of Service Support providing an overview of Service Support which was part of the Environment & Development Services Directorate and comprised five Business Units, namely Building Services, Catering & Cleaning, Corporate Asset, Facilities and Fleet Services. It was indicated that each Unit focused on delivering an extensive range of frontline services, supporting implementation of the Council's corporate priorities, and supporting other services achieve their planned objectives and performance targets. The specific areas of responsibility of each Unit were highlighted within the report, along with the main duties and functions carried out by the relevant managers.

The/

The report also provided information on resources within Service Support, highlighted the contribution made in leading cross-cutting initiatives in partnership with other Council services and Community Planning partners, and outlined key areas to be addressed in 2007/08 as part of the Service Support improvement agenda.

Decision

The Committee noted the contents of the report.

9. **MINUTES**

(a) **Fife Partnership Group of 28th March and 6th June, 2007**

The Committee considered the minutes of meetings of the Fife Partnership Group held on 28th March and 6th June, 2007.

Discussion ensued on a number of issues relating particularly to possible incorporation of the Fife Partnership and the need for wider discussion on the Community Plan, including involvement of local communities. Arising from the discussion, Councillor Mike Scott-Hayward, seconded by Councillor Dave Dempsey, moved that a full report on issues relating to incorporation of the Fife Partnership be submitted to the next meeting of this Committee.

Vote

For the motion - 2
Against the motion - 20

Decision

The Committee approved the minutes and agreed that a copy of the presentation "City Regions: The Opportunities and Challenges for Fife" be circulated to all members of the Committee.

(b) **Appeals Sub-Committee of 2nd July, 2007**

Decision

The Committee considered and approved the minute of meeting of the Appeals Sub-Committee held on 2nd July, 2007.

(c) **Appointments Sub-Committee of 5th July, 2007**

Decision

The Committee considered and approved the minute of meeting of the Appointments Sub-Committee held on 5th July, 2007.

10. **ELECTIONS 2007**

Previous Minute Reference - Paragraph 455 of 2007.P.R.302

The Committee considered a report dated 26th July, 2007 by the Chief Executive providing a review of the Scottish Parliament and Local Government elections held on 3rd May, 2007. The report covered a number of issues including the planning and management of the elections; problems arising from delays in the issue of postal votes; the unacceptably high number of Parliamentary ballot papers that required to be/

be rejected, which appeared to be attributable to the design of the form; and the conduct of the poll. With regard to rejected ballot papers, it was indicated that whilst the percentage of ballot papers rejected in Fife had increased from 2003, the total number was below the Scottish average in relation to both the Parliamentary and Local Government elections.

The report also highlighted difficulties that arose during the count in relation to the management and communications systems, and the steps taken to raise voter awareness prior to the elections. It was indicated that given the scale and complexity of the count operation, as regards the next elections serious consideration would be given to commencing the count in the morning of the day following the elections rather than overnight. The report advised that during the election period, a number of issues of concern relating to the administration of the election in Scotland had been identified and the Electoral Commission had appointed an independent election expert to lead a review of the Scottish elections. The review would cover legislation, the combination of elections, ballot paper design, postal voting, count timing issues, the electronic results system including rejected ballot papers, public awareness, roles, relationships and accountabilities and other matters. It was indicated that comments on the aspects of the election subject to review had been passed to SOLACE (Society of Local Authority Chief Executives) who would co-ordinate the views of the Returning Officers.

A number of concerns were raised by members relating to a wide variety of issues and Ronnie Hinds and Iain Grant responded to various questions and comments.

Decision

The Committee agreed as follows -

- (1) to note the arrangements made for the planning and conduct of the elections in Fife and Mid-Scotland in May, 2007;
- (2) to note the difficulties encountered prior to and during the count, the reasons for these and the factors which need to be addressed to prevent their recurrence at future elections;
- (3) to note the high level of commitment made by staff of the Council and others to the administration of the elections and the promotion of voter awareness; and
- (4) to note the work of the Scottish Elections Review and that the Chief Executive intended to submit a further report to the Committee on conclusion of that review.

C 11. POLITICAL GOVERNANCE

- (a) **Standing Orders**
Previous Minute Reference - Paragraph 4 of 2007.F.C.2

The Committee considered a report dated 5th July, 2007 by the Head of Law and Administration indicating that following the decision of Council to review Standing Orders, consultations had taken place with political groups and independent members and a number of changes were proposed. The amended Standing Orders were attached as an Appendix to the report for consideration/

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consideration prior to submission to the Council meeting on 16th August, 2007. It was indicated that the changes were designed to address a number of points which had been made by councillors in the last year as well as some matters which had been raised during the consultation period.

The report also commented on various observations made by Councillor Mike Scott-Hayward, on behalf of the Conservative Group, in a letter dated 25th July, 2007, a copy of which was also attached as an Appendix to the report.

Motion

Councillor Peter Grant, seconded by Councillor Elizabeth Riches, moved that the Committee recommend to Council that the Standing Orders, as amended, be approved.

Amendment

Councillor Mike Scott-Hayward, seconded by Councillor Dave Dempsey, moved that the amended Standing Orders be recommended for approval subject to provision being made to allow members to put questions to the Provost or Chair of a Committee specifically for a written reply with both the question and written answer being recorded in the relevant minute.

Vote

Amendment	-	2
Motion	-	13

Decision

The Committee recommended to Council that the amended Standing Orders attached to the report be approved.

(b) **Scheme of Administration**

Previous Minute Reference - Paragraph 7(b) of 2007.F.C.3

The Committee considered a report dated 5th July, 2007 by the Head of Law and Administration advising of proposed changes to the Council's Scheme of Administration to reflect the amended committee structure previously agreed by the Council on 17th May, 2007. The amended Scheme was attached as an Appendix to the report for consideration prior to submission to the Council meeting on 16th August, 2007.

Councillor Bryan Poole suggested that consideration be given to including a reference in the Scheme to the need for partnership working between Strategic Committees and external organisations and Councillor Peter Grant confirmed that the Administration would discuss this proposal with the appropriate officers. Councillor Grant also confirmed that the new committee structure recently approved by Council would be reviewed on an annual basis.

Motion

Councillor Peter Grant, seconded by Councillor Elizabeth Riches, moved that the Committee recommend to Council that the Scheme of Administration, as amended, be approved.

Amendment/

Amendment

Councillor Dave Dempsey, seconded by Councillor Mike Scott-Hayward, moved that the amended Scheme of Administration be recommended for approval subject to (a) provision being made to require Strategic Committees to refer any matter specific to a single committee to the Area Committee for that area and (b) the terms of reference for Area Committees being amended to provide for final determination of all planning applications wholly within the committee area requiring a committee decision, and which are not remitted in advance to the Planning Committee.

Vote

Amendment	-	2
Motion	-	14

Decision

The Committee recommended that Council approve the amended Scheme of Administration attached to the report.

12. **ROLES AND RESPONSIBILITIES OF COUNCILLORS**
Previous Minute Reference - Paragraph 7(c) of 2007.F.C.3

The Committee considered a report dated 5th July, 2007 by the Head of Law and Administration attaching appendices setting out proposed job descriptions for councillors, senior councillors and the Leader of the Council, as recommended by the Scottish Local Authorities Remuneration Committee. Also attached to the report was a job description for the Provost based on responsibilities currently undertaken.

In response to questions by members, Ronnie Hinds advised that the officers were currently preparing a protocol relating to the management of multi-member wards and a report would be submitted to a future meeting.

Decision

The Committee agreed as follows -

- (1) to approve the job descriptions contained in the Appendices to the report subject to adjustment to the key purpose/roles of all councillors detailed in Appendix 1 to indicate that members would champion the best interests of Fife and not "the Council and the community" as stated in the Appendix; and
- (2) that the job descriptions be issued to all members and made available to the public through Fife Direct and Local Offices.

13. **ESTABLISHMENT OF SPORT AND LEISURE TRUST**
Previous Minute Reference - Paragraph 337 of 2006.A.S.173

The Committee considered a joint report by the Head of Community Services and the Executive Director (Finance & Resources) recommending the establishment of a single Sport and Leisure Trust to manage and operate the Council's sports centres and swimming pools.

The report indicated that the use of trusts for the management and operation of sport and leisure facilities was now the predominant approach in Scotland, with more than two-thirds of local authorities delivering their sport and leisure provision using this model. It was suggested that a single sport and leisure trust offered the combined benefits/

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benefits of business focus, greater financial stability and economies of scale and in order to ensure that there were strong mechanisms to allow local community input, it was proposed to establish Area Advisory Management groups, similar to those currently existing at some sport centres, to enable local elected members and sports and community groups to influence local sports delivery. It was anticipated that this would form a key part of the trust's mechanism. In keeping with other trust arrangements developed by the Council, it was proposed to establish the sport and leisure trust as a "Company Limited by Guarantee" and the key elements of the draft Memorandum and Articles of Association were highlighted in the report.

It was intended that whilst the trust would take on responsibility for the management and operation of the Council's main sports centres and swimming pools, these facilities would remain in the ownership of the Council but would be the subject of a long term lease to the trust at a peppercorn rent of £1 per annum. It was also proposed that the trust should manage and operate the two new facilities at Duloch Park Centre and Pitreavie Athletics Training Centre, Dunfermline which would open in August, 2007. The report confirmed that the transfer of staff to the trust had been investigated and the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) would apply, thus ensuring that terms and conditions of service in place at the point of transfer would continue via the trust. An initial five year financial plan had been developed for the trust which demonstrated that the trust should be able to operate successfully and build up a satisfactory level of balances. A summary financial plan was attached as Appendix 1 to the report.

With regard to the redevelopment/replacement costs for the three major sports facilities currently operated by the Council, these were now estimated at £50m. Appendix 3 to the report set out the current predicted construction programme and indicated proposed start dates for Carnegie Leisure Centre, Fife Institute and Kirkcaldy Swimming Pool of April, 2008, April, 2009 and April, 2010 respectively. It was also intended that a Management Agreement be put in place between the trust and the Council which would define the responsibilities of both parties. The initial Management Agreement would operate for a period of five years from 1st April, 2008 until 31st March, 2013 and would be subject to quarterly review in its first year of operation.

During the course of discussion, contributions were made by a number of members on the pros and cons of establishing a trust to manage the Council's sports centres and swimming pools and it was accepted that funding the cost of redevelopment/replacement of the Carnegie Leisure Centre, Fife Institute and Kirkcaldy Swimming Pool should not be at the expense of investment in other sports facilities across Fife. It was also agreed that the Management Agreement with the trust should not preclude the Council from taking up future investment opportunities in partnership with other external organisations.

Motion

Councillor Peter Grant, seconded by Councillor Tony Martin, moved that the recommendations in the report be approved.

Amendment

Councillor Alex Rowley, seconded by Councillor Pat Callaghan, moved that the question of establishing a trust be referred to Council following a full consultation process and more details being obtained on the financial and other ramifications of setting up a trust to run the Council's sports and leisure facilities.

Vote/

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Vote

Amendment	-	7
Motion	-	14

Decision

The Committee agreed as follows -

- (1) to confirm agreement to the establishment of a single trust to manage and operate the Council's sports centres and swimming pools;
- (2) to establish a Company Limited by Guarantee to be known as the "Fife Sport & Leisure Trust";
- (3) to appoint four elected members, the Executive Director (Finance & Resources) and the Head of Community Services as Directors of the Fife Sport & Leisure Trust;
- (4) that it be remitted to Council to consider the names of the elected members to serve on the Fife Sport & Leisure Trust;
- (5) to approve the TUPE transfer of staff employed in the sports centres and swimming pools to the trust on commencement of trading; and
- (6) that it be remitted to the Heads of Community Services and Service Support and the Executive Director (Finance & Resources) to conclude the lease and Management Agreement with the trust on the basis outlined in the report, and otherwise on terms and conditions to the satisfaction of the Head of Law and Administration.

Councillor William Kay left the meeting during consideration of the above item.

14. **REINSTATEMENT OF LIBRARY AND MUSEUM CLOSURES**

The Committee considered a report dated June, 2007 by the Head of Community Services setting out proposals for the continued operation of Colinsburgh, East Wemyss, Pitteuchar and Thornton libraries, and the John McDouall Stuart Museum, Dysart which had previously been earmarked for closure in October, 2007.

It was indicated that following the Administration's announcement that they were relieving the facilities, Community Services had suspended the moves towards closure with a view to ensuring continued operation through the summer and into the future. The report advised that the part year closure proposals from October, 2007 and the saving of £46,000 which flowed from this had been built into the Community Services base budget. The implications of reinstating the closures was a requirement to identify an alternative means of saving the £46,000 which could not be contained within the overall Council budget or from balances. The report set out proposals for managing the financial implications and indicated that the costs would be met through savings from staffing costs, increased income realisation and reduction in grounds maintenance works. It was indicated that any temporary reduction in grounds maintenance would be reviewed in 2008/09. The report advised that the full year cost of operation of the facilities was £92,000 and it was anticipated that the Executive Director (Finance & Resources) would build this level of recurring cost into future years' base budget.

During/

During the course of discussion, Steve Grimmond confirmed that every effort would be made to minimise the element of reduction in grounds maintenance spend across Fife to meet the balance of the £46,000 required.

Decision

The Committee agreed to the reinstatement of budget and continued operation of Colinsburgh, East Wemyss, Pitteuchar and Thornton libraries, and the John McDouall Stuart Museum, Dysart and remitted to the Head of Community Services to achieve an equivalent level of budget saving through the proposals outlined in the report.

15. **SUPPORT FOR VOLUNTARY ORGANISATIONS - SOCIAL WORK SERVICES**

Previous Minute Reference - Paragraph 367 of 2007.A.S.189

Having declared an interest, Councillors Bryan Poole and David Ross left the meeting for this item.

The Committee considered a report dated 27th July, 2007 by the Executive Director (Social Work) setting out proposals to reinstate reductions in grant funding to voluntary organisations supported by the Social Work Service, previously agreed by the Adult Services Committee.

The report advised of the outcome of consultations held with relevant voluntary organisations affected by the grant reductions and indicated that restoring grants to the levels awarded in 2006/07 would require savings of £149,327 which would require to be identified from elsewhere within the Social Work budget. The report proposed that the savings be achieved through reduction in the number of residential and nursing home placements and complex needs adult placements.

Decision

The Committee agreed as follows -

- (1) to approve the recommended additional awards as set out in the Appendix attached to this minute, thereby restoring the funding available to the organisations to the level awarded in 2006/07; and
- (2) that the savings required to restore funding be met from general balances.

The meeting adjourned at 1.25 p.m.

The meeting reconvened at 2.00 p.m.

PRESENT: Councillors Peter Grant (Chair), Andrew Arbuckle, Tim Brett, Douglas Chapman, Neil Crooks, Dave Dempsey, Fiona Grant, Mark Hood, George Kay, Alice McGarry, Tony Martin, Elizabeth Riches, Joe Rosiejak, David Ross, Alex Rowley, Mike Scott-Hayward, John Simpson and Alice Soper.

ATTENDING: /

ATTENDING: Ronnie Hinds, Chief Executive; Michael Enston, Executive Director (Performance & Organisational Support); Iain Grant, Committee Manager and Steve Thompson, Committee Administrator, Law & Administration Service; Lynne Harvie, Organisational Development Manager, Policy & Organisational Development Service; Lesley Ratomska, Communications Officer, Customer Relations Management Service; Ian Robertson, Head of Service Support and Michael McArdle, Lead Professional (Estates), Service Support; and Brian Livingston, Financial Services Manager, Finance & Procurement Service.

APOLOGIES

FOR ABSENCE: Councillors David Alexander, Pat Callaghan, William Kay, George Leslie and Bryan Poole.

16. PROPERTY TRANSACTIONS

The Committee considered a report by the Head of Service Support on property transactions relating to (a) disposal of the Sunshine Nursery, 49 Whytescausway, Kirkcaldy; (b) an occupational sub-lease in relation to the former Robert Henryson School, Dunfermline; (c) disposal and excambion of land at Chapel, Kirkcaldy; (d) sale of the former Music House, Overton Road, Kirkcaldy; (e) disposal of the former Police Call Point, Main Street, Newmills; (f) disposal of 500 square metres of land at Westfield Avenue, Cupar; (g) sale of Mitchell Hall Cottage, 49A Main Street, Kinglassie; (h) the lease of 1 Faraday Road, Southfield, Glenrothes; and (i) the lease of properties to the Arts & Theatres Trust Fife Limited. The report also gave details of disposals of various properties that had been dealt with under expedited powers.

With regard to the proposed lease of properties to the Arts & Theatres Trust Fife Limited, it was noted that both the Adam Smith Theatre, Kirkcaldy and the Carnegie Hall, Dunfermline were considered to be Common Good properties and the granting of a long lease would be termed as a disposal of these assets and would require to be approved by the Sheriff.

In the course of discussion, Brian Livingston and Michael McArdle responded to questions by members and Councillor Peter Grant confirmed that issues relating to the Council's current policy in regard to disposal of assets would be the subject of future discussion by the Committee.

Decision

The Committee agreed as follows -

- (1) to authorise the appropriate officers to conclude the transactions detailed in the report on terms and conditions to their satisfaction subject, in the case of the lease of the Lochgelly Centre to the Arts & Theatres Trust Fife Limited, to confirmation that the lease would not affect public access to the public conveniences in the Centre;
- (2) to authorise the Head of Law and Administration to present a petition to the Sheriff to enable the leases of the Adam Smith Theatre, Kirkcaldy and the Carnegie Hall, Dunfermline to proceed; and
- (3) to note the transactions dealt with under expedited powers.

17. **JOINT NEGOTIATION & CONSULTATION FORUM (JNCF) - REVISED OPERATING PRINCIPLES**

The Committee considered a report dated 6th July, 2007 by the Executive Director (Performance & Organisational Support) indicating that following changes to the Council's political and senior management structures, membership of the Joint Negotiation & Consultation Forum (JNCF), which enabled formal negotiation and consultation between the Council and the recognised Trades Unions, required to be updated.

Decision

The Committee agreed as follows -

- (1) that the JNCF should comprise the following members/officers -

Council Representation

Chair of the Policy, Finance & Asset Management Committee or nominated substitute

Vice-Chair of the Policy, Finance & Asset Management Committee or nominated substitute

One representative of the Opposition parties, name to be provided to the Head of Law and Administration.

Management Representation

Executive Director (Performance & Organisational Support)

Executive Director (Finance & Resources) (or substitute).

Policy & Organisational Development (HR)

Human Resources Manager

Human Resources Service Manager; and

- (2) to note that a further report would be submitted to a future meeting on the outcome of the existing review of the operating principles for both the JNCF and Service Forums, and Trades Union facility time and support.

18. **EQUALITY AND DIVERSITY STRATEGY - ANNUAL REPORT AND FORWARD PLAN**

Previous Minute Reference - Paragraph 339 of 2006.P.R.224

The Committee considered a report dated 18th July, 2007 by the Executive Director (Performance & Organisational Support) reviewing the Council's Equality and Diversity Strategy 2006 - 2009 which set out the Council's approach and priorities for achieving equality of opportunity and tackling discrimination in service delivery. The report outlined the current legislative context and indicated that the Council had received and responded to three formal notices from the Commission for Racial Equality and the Disability Rights Commission where there was a perceived failure to comply with the relevant legislation. It was confirmed that action was being taken to tackle any substantive concerns raised and to revisit the legislation to ensure full compliance with the duties in the respective Acts.

Appended/

Appended to the report were details of the Council's progress to date against the Integrated Equalities Action Plan, and refreshed priorities for 2007 - 2010; the Gender Equality Scheme for 2007 - 2010 previously approved by the Council Management Team; and the Council's Equal Pay Statement which required to be published as part of the Gender Equality Duty.

Michael Enston and Lynne Harvie responded to various questions and comments from members relating particularly to the under-representation of women in senior management positions across the Council. Councillor Riches confirmed that, as the Administration's spokesperson on Human Resources issues, she intended to raise this matter with Heads of Service. There was a general consensus that members serving on the Appointments Sub-Committee would benefit from training on gender equality and employment legislation issues.

Decision

The Committee agreed as follows -

- (1) to note the progress made against year 1 objectives of the Equality and Diversity Strategy;
- (2) to endorse the priorities for 2007 - 2010;
- (3) to approve the Gender Equality Scheme and Equal Pay Statement appended to the report;
- (4) to note the duties of the Council under the various pieces of legislation; and
- (5) that it would not be appropriate to appoint an elected member spokesperson for equalities at this stage.

19. OCCUPATIONAL HEALTH SERVICE

The Committee considered a report by the Executive Director (Performance & Organisational Support) providing an update on developments relating to the new Occupational Health contract and seeking approval of the funding mechanisms for the enhanced service provision.

The report indicated that following a review of the operation of the Occupational Health Service, a new contract had been awarded for the provision of an enhanced service and would commence on 1st September, 2007. The enhanced service would now include Rehabilitation Services, and would focus on prevention rather than cure and a more holistic approach to the health and wellbeing of employees. The main elements of the contract were Assessing Fitness for Work, Prevention and Promotion, and Rehabilitation.

The report advised that it was proposed to fund Rehabilitation Services by directly recharging services in the same way as they are recharged currently for immunisations. The Assessing Fitness for Work element would be funded from the Health Promotion and Scotland's Health at Work (SHAW) budget and from income generated from the Employee Benefits programme. Prevention and Promotion would be funded through the use of in-house resources in the short term and it was intended to investigate the possibility of securing external funding to help achieve the Council's objectives in this area.

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In the course of discussion, Michael Enston agreed to provide Councillor Rowley with a breakdown of attendance issues and referrals including details of staff numbers involved, service and grading level.

Decision

The Committee noted that a new enhanced Occupational Health contract was due to commence on 1st September, 2007 and approved the funding mechanisms proposed in the report for the enhanced service provision.

20. WORKFORCE REPORT

The Committee considered a report by the Executive Director (Performance & Organisational Support) providing an overview of the trends, issues and priorities in relation to the Council's workforce. The Appendix to the report provided information on the Workforce Profile including employee numbers, equalities and establishment changes; HR Metrics including details of turnover, workforce investment, HR activity, health and attendance, and accidents and injuries; and Reward, Recognition and Performance relating to modernising employment, corporate training and leadership, and management development. Also included in the Appendix were details of action being taken by the Council to comply with key legislative developments in 2007/08.

The report also highlighted some of the key issues addressed over the last year and identified priority areas for 2007/08 including Workforce Development and Investment; Equalities and Diversity; Modernising Employment/Reward and Recognition; Health Improvement; and Modernising HR Services and Supporting People.

Michael Enston responded to questions and comments from members and agreed to provide Councillor Riches with details of the number of staff on work experience within the Council.

Decision

The Committee agreed as follows -

- (1) to endorse the priorities for 2007/08, as detailed in the report; and
- (2) to congratulate the staff involved on their contribution to the Council's achieving the Scotland's Health At Work (SHAW) Gold Award.

Councillor Douglas Chapman left the meeting during consideration of the above item.

21. FINANCIAL MONITORING REPORTS

(a) Capital Expenditure Plan 2006/07 - Final Outturn

The Committee considered a report dated 30th May, 2007 by the Executive Director (Finance & Resources) advising of the outturn position, subject to audit, for the Council's Capital Expenditure Plan for the financial year 2006/07, including the resources used to fund the Plan. The report covered capital expenditure on all Council services including Housing, Police and Fire for which there were separate programmes. It was indicated that the total approved programme had decreased to £159.906m and projects totalling £19.553m within the Plan had been re-phased to 2007/08 and would be funded/

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funded from borrowing, capital receipts, contributions and grants carried forward. Actual expenditure in 2006/07 was £142.303m which represented an increase of 40% over the 2005/06 total capital spend and an increase of 61% over the 2004/05 total.

Appended to the report was a comparison summary of actual expenditure against the approved programme by theme and sub-theme, including a breakdown on a service basis; a list of projects with significant re-phasing to 2007/08; and Prudential Code Indicators, revised for 2006/07 actual expenditure. It was confirmed that the Plan remained prudent, affordable and sustainable.

Decision

The Committee agreed as follows -

- (1) to note the outturn position for the 2006/07 Capital Expenditure Plan and the explanation of the requirement to re-phase expenditure;
- (2) to note that the figures were subject to audit and the final audited position would be reported to a future meeting;
- (3) to note that detailed capital outturn reports for 2006/07 would be submitted to meetings of the relevant Committees of the Council as part of the Council's agreed performance reporting arrangements;
- (4) to note that any projects from 2006/07 which were delayed into 2007/08 would be incorporated within the Capital Expenditure Plan for 2007/08, and the overarching 2006 - 2011 Plan; and
- (5) to note the revised Prudential Code Indicators contained within Appendix 4 to the report.

(b) Revenue Budget 2006/07 - Final Outturn

The Committee considered a report dated 30th May, 2007 by the Executive Director (Finance & Resources) providing a strategic overview of Fife Council's financial position on all revenue budgets and advising on the overall level of balances held by the Council. The report summarised the final outturn position for 2006/07, which was still subject to audit, provided an explanation of the main budget variances, and indicated the potential level of balances after commitments arising from the budget carry forward scheme and other Council decisions were taken into account. More detailed reports on the actual outturn against budget would be presented to future meetings of the relevant Committees as part of the Council's wider scrutiny and performance management reporting arrangements.

Appendices to the report highlighted expenditure against budget across all General Fund services and the Housing Revenue Account, provided details of the provisional budget carry-forward figures at individual service level, and showed the balances position for General Fund services.

Decision

The Committee agreed as follows -

- (1)/

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- (1) to note the contents of the report and that the figures were subject to audit;
- (2) to approve the recommendation of the Council Management Team to restrict the level of budget carry-forward to 1½%, with the exception of Support Services where the recommendation was no carry-forward, and the resultant figures contained in Appendix 3 to the report (subject to audit);
- (3) to disregard the Transportation Services overspend from the budget carry-forward calculations as outlined in paragraph 4.4 of the report;
- (4) to approve the carry-forward of the ring-fenced items detailed in paragraph 4.7 of the report, including the earmarking of the refund of grant from Small Business Gateway; and
- (5) to note that further detailed reports would be submitted to future meetings of the appropriate Committees on the final outturn for services in 2006/07 as part of the Council's scrutiny and performance reporting arrangements.

(c) Treasury Management - Annual Report 2006/07

The Committee considered a report dated 21st May, 2007 by the Executive Director (Finance & Resources) providing information relating to the Council's borrowing requirement, advising of annual savings achieved through debt rescheduling, and outlining performance in relation to the percentage of total debt maturing in 2007/08 and 2008/09. Appended to the report was information relating to the balance of debt outstanding at the start of the financial year, amounts borrowed, repayments during the year, and the year end position, along with details of cases where the Council had breached its investment limits during 2006/07.

Decision

The Committee noted the contents of the report.

(d) Trading Arrangements in Fife Council - 2007 Update

The Committee considered a report dated 28th May, 2007 by the Executive Director (Finance & Resources) providing an updated position statement on Trading Arrangements in Fife Council as at June, 2007. The report indicated that the Local Government in Scotland Act 2003 set out the requirement for statutory trading accounts to be maintained for "Significant Trading Operations" and that they should break even over a three year rolling period. It was indicated that the Council had adopted a two stage process for evaluating which services should become Significant Trading Operations and the results of the evaluation process were appended to the report. It was noted that only Building Services had been assessed as a Significant Trading Operation.

Decision

The Committee agreed as follows -

- (1)/

- (1) to approve the results of the evaluation process which confirmed Building Services as Fife's only Significant Trading Operation for the financial year 2007/08; and
- (2) that all Council services continue to be subjected to the Council's Significant Trading Operations criteria to reflect any changes in their operational environment, and that an annual position statement be reported to a future meeting of this Committee, as appropriate.

22. **SURVEILLANCE AUTHORISED UNDER THE REGULATION OF INVESTIGATORY POWERS (SCOTLAND) ACT 2000 - ANNUAL REPORT**

Previous Minute Reference - Paragraph 119 of 2004.P.R.75

The Committee considered a report dated 6th July, 2007 by the Head of Law and Administration, being the first annual report on surveillance authorised under the Regulation of Investigatory Powers (Scotland) Act 2000.

The report advised that a legal framework had been introduced regulating the way in which investigations conducted by local authorities should be carried out. The three main types of activity to be regulated were covert surveillance (where the subject of the surveillance was unaware that it was taking place), the use of informants, and access to communications data (to identify individuals using communications devices to commit offences). The Council had previously approved policies and procedures in respect of the three activities and the annual report detailed the extent to which the Council had conducted investigations in accordance with the agreed policies and procedures during the period 1st June, 2004 to 30th June, 2007.

The report indicated that 78 investigations had been carried out by the Housing Investigations Unit whilst Trading Standards accounted for eight investigations. It was pointed out that the practice of using informants had ceased and no such authorisations had been granted since 2004.

Decision

The Committee noted the extent to which investigatory powers had been used by Fife Council during the period June, 2004 to June, 2007.
