

SCRUTINY COMMITTEE

Minute of meeting of the Scrutiny Committee held virtually on Monday 25 April 2022 at 9.30am.

Present: Councillors S McCole, A Parrott, C Ahern (substituting for Councillor H Coates), A Bailey (substituting for Councillor X McDade), D Illingworth, A Jarvis, I Massie, C Reid, F Sarwar, L Simpson (substituting for Councillor L Barrett), F Smith, C Stewart and W Wilson.

In Attendance: B Renton, Executive Director (Communities); S Devlin, Executive Director (Education and Children's Services); C Mailer, A Day, S Crawford, L Brady, C Hendry, L Dott, C Guild, and F Robertson (all Communities); J Pepper, S Johnston, J Beveridge, J Chiles, P Davison and B Martin-Scott (all Education and Children's Services); K Donaldson, L Simpson, G Fogg, D Williams, A Brown and M Pasternak (all Corporate and Democratic Services); K Ogilvy (Health and Social Care Partnership).

Apologies: Councillors L Barrett, H Coates and X McDade.

Councillor S McCole, Convener, Presiding.

The Vice-Convener led discussion on Item 7.

1. WELCOME AND APOLOGIES

The Convener welcomed all those present to the meeting and apologies were noted as above.

2. DECLARATIONS OF INTEREST

Councillor Jarvis and Councillor Illingworth both declared a non-financial interest in Item 4.

3. MINUTE OF MEETING OF THE SCRUTINY COMMITTEE OF 9 FEBRUARY 2022

The minute of meeting of the Scrutiny Committee of 15 September 2021 was submitted and approved as a correct record, subject to the following changes relating to Item 3.

Item 3 (Item 3)

With regards to the ongoing Scrutiny Reviews, Councillor Stewart raised matters regarding timeliness of reporting to Scrutiny Committee prior to the forthcoming pre-election regulated period and with regards to political balance within the Review Sub-Group.

Item 3 (Item 7)

With regards to Business Gateway, Councillor Stewart requested that both the Chief Executive correspondence and the Memorandum of Understanding be circulated to members of the Scrutiny Committee, and further requested that the replacement contract for the project management of Business Gateway would either come back to the Scrutiny Committee or the Strategic Policy and Resources Committee before March 2022, in line with commitments given at the meeting.

4. UPDATE BY ARMS LENGTH EXTERNAL ORGANISATIONS

Update by Horsecross Arts Ltd.

There was a slide-based presentation delivered by Nick Williams, Chief Executive, Willie Anderson, Head of Finance and Administration, and Victoria Beesley, Learning and Engagement, Horsecross Arts Ltd. During the presentation, the representatives of Horsecross Arts Ltd. made specific reference to the financial position of Horsecross, Covid management, work with the Council's property services, and learning and development.

Members sought assurance on matters such as encouragement to the public to return in the wake of the COVID-19 pandemic, maintenance and renewal of equipment, and work in the local community, with particular regards to schools.

The Convener thanked Nick Williams, Willie Anderson Victoria Beesley, Horsecross Arts Ltd for their attendance.

5. SUMMARY REPORT ON CARE INSPECTORATE AND EDUCATION SCOTLAND INSPECTIONS

There was submitted a report by the Executive Director (Education and Children's Services) (22/97) providing an overview of the performance of Education and Children's Services inspected and reported over the past two years by the Care Inspectorate and Education Scotland, since the previous report of this type in 2020, and sets out the Service's approach to implementing improvement actions arising out of inspection. A report was not prepared in 2021 due to the COVID-19 pandemic, which led to a pause in inspection activity.

In response to a query from Councillor Wilson, S Johnston advised that the majority of changes had been implemented by the Care Inspectorate, including a change in indicators. S Johnston further advised that, whilst inspection activity had been paused, there had been beneficial changes in communication between the relevant bodies and the Council.

Resolved:

- (i) The contents of Report 22/97, be noted.
- (ii) The Committee agreed that Report 22/97, go to the next Executive Sub-Committee of Lifelong Learning Committee once dates have been agreed after the Local Government Elections in May 2022.

6. LOCAL GOVERNMENT BENCHMARKING FRAMEWORK 2020/21

There was submitted a report by the Chief Executive (22/98) presenting a summary of Perth and Kinross Council's performance during 2020/21 against the Local Government Benchmarking Framework (LGBF) indicators, published by the Improvement Service in March 2022.

The benchmarking data helps the Council, members of the public and other stakeholders see how Perth and Kinross Council is performing in key areas compared to other local authorities.

In response to a query from Councillor Illingworth, C Guild advised members that each service was responsible for improvement, and that this was evidenced within the service plans.

In response to a query from Councillor Ahern regarding the rate of hospital re-admissions by comparison to other Local Authorities, K Ogilvie advised that this was as a result of Perth and Kinross reporting differently, and including Day Hospitals where other Local Authorities did not.

Resolved:

The contents of Report 22/98, be noted.

7. SCRUTINY REVIEW - JUDICIAL REVIEW INTO THE CLOSURE OF ABERNYTE PRIMARY SCHOOL

There was submitted a report by the Head of Legal and Governance Services (22/108) detailing the Seventh Scrutiny Review, relating to the Judicial Review of the Call-In Notice regarding the judicial review into the closure of Abernyte Primary School.

In introducing the Item, Councillor Parrott outlined that he believed that, in undertaking judicial review, sound internal processes were followed by the Council, and that expert legal advice was fully taken account of.

With regards to a query from Councillor Bailey, Councillor Parrott advised that G Fogg had drafted the report following the conclusion of the Review Sub-Group's deliberations, and that all members of the Sub-Group had agreed the report. Councillor Parrott further advised that legal advice to the review sub-group was provided by G Fogg.

With regards to a query from Councillor Stewart regarding whether judicial reviews should continue to be delegated to Officers, G Fogg advised that this would be a matter for the Scheme of Delegation.

Motion (Councillors A Parrott and D Illingworth)

- (i) Agree the findings of the Report.**
- (ii) Agree to bi-annual reports providing an update to members of the Scrutiny Committee on Scrutiny Reviews.**

Amendment (Councillors A Bailey and C Stewart)

- (i) A new scrutiny process be initiated in the new Council term to fully examine the decision to challenge Scottish Ministers on the call-in decision with regard to Abernyste Primary School's proposed closure.
- (ii) The scrutiny panel meetings shall be held in public unless information is to be shared which needs to be kept confidential under the terms of the LG Act.
- (iii) The membership of the review panel shall be determined in public session of the Scrutiny committee.
- (iv) The scope of the review shall include the legal advice received prior to deciding to proceed with the action.
- (v) All elected members in this current term shall be invited to give evidence if they so wish.
- (vi) Agree to bi-annual reports providing an update to members of the Scrutiny Committee on Scrutiny Reviews.

In terms of Standing Order 21.6 a roll call vote was taken.

11 members voted in accordance with the Amendment:

Councillors C Ahern, D Illingworth, A Jarvis, I Massie, S McCole, A Parrott, C Reid, F Sarwar, L Simpson, F Smith and W Wilson.

2 members voted in accordance with the Motion:

Councillors A Bailey and C Stewart.

Resolved:

In accordance with the Motion.