

SCRUTINY COMMITTEE

Minute of Meeting of the Scrutiny Committee held in the Committee Room, Fourth Floor, Council Building, 2 High Street, Perth on Wednesday 23 April 2014 at 2.00pm.

Present: Councillors A Stewart, B Vaughan, R Brock, D Cuthbert, D Doogan, A Munro and A Younger.

In Attendance: G Taylor, D Henderson and J Frawley (all Chief Executive's Service); S Devlin (Education and Children's Services); J Gilruth, M Mitchell and A Taylor (all Housing and Community Care); B Renton and D Littlejohn (The Environment Service).

Councillor A Stewart, Convener, Presiding.

252. WELCOME AND APOLOGIES/SUBSTITUTES

Councillor Stewart welcomed all present to the meeting and no apologies were noted.

253. DECLARATIONS OF INTEREST

There were no Declarations of Interest made in terms of the Councillors' Code of Conduct.

254. MINUTE OF PREVIOUS MEETING

The minute of meeting of the Scrutiny Committee of 12 February 2014 was submitted, approved as a correct record and authorised for signature.

255. FOI PERFORMANCE REPORT 2013

There was submitted a report by the Head of Legal Services (14/165), describing the Council's FOI performance for the year 2013.

The Convener commended D Henderson (Information and Compliance Manager) and the FOI Team regarding the completion of 94.5% of requests within the statutory 20 working-day timescale.

In response to a question from Councillor Doogan, D Henderson clarified that the majority of FOI requests from Elected Representatives came from MSPs.

Councillor Doogan asked a question regarding the high volume of FOI requests received by The Environment Service. B Renton advised the Committee that the Service received a monthly list of requests which is closely monitored. When regular requests are identified, relevant information is then published in order to lower the number of requests.

Clarity was sought by Councillor Doogan as to why Education and Children's Services had the highest average time spent responding to a FOI request. D Henderson noted that the types of request Education and Children's Services deal with are often extremely complex and can involve gathering information from multiple sources which adds to the time taken to compile a response.

Councillor Cuthbert asked if anything could be done to increase transparency such as publishing more information. D Henderson stated that while requests can be centred on certain subjects individual requests are usually discrete therefore publishing more general information would not necessarily lead to reductions in requests. Further, it was noted that publishing past requests did not affect the total number of requests received, but could save on the time taken to deal with requests.

Following a question by Councillor Younger, D Henderson clarified that where requests involved multiple Services, time recording is split by Service. In response to a further question by Councillor Younger, D Henderson stated that the timescale of 10 working-days for Services to provide information to the FOI Team had seemed reasonable when it was set in 2005. It was also noted that the FOI Team allowed Services extensions to that timescale in extenuating circumstances. Where Services take 20 working-days or longer this becomes an issue as the response to the request will fall outwith the statutory timescale. Regarding whether the 10 working-days timescale was too demanding on Services, D Henderson stated that he would consult with colleagues. B Renton, Depute Director (The Environment Service) noted that the FOI Team are flexible and accommodate delays in extenuating circumstances.

In response to a question from Councillor Vaughan, D Henderson stated that Councillors' entitlement to information which would normally constitute an FOI request would depend on the capacity in which the information was being sought.

Councillor Vaughan noted that it was important to recognise that estimated costs to deal with FOI requests do not reflect the actual costs, as stated in paragraph 1.18 of Report 14/165. In response to a comment from Councillor Vaughan that services would benefit from reminders of time protocols, D Henderson noted that all e-mails sent with requests provide the deadline for information return.

A request was made by Councillor Cuthbert that elected members be sent an example of one of the Service monthly summaries, B Renton confirmed this would be done.

Resolved:

- (i) The content of Report 14/165 be noted;
- (ii) The FOI performance target for the Council for 2014 of 95% be noted; and
- (iii) The reporting of FOI performance information for local authorities as detailed in Report 14/165 be noted.

256. SUMMARY REPORT ON CARE INSPECTORATE AND HMI INSPECTIONS

There was submitted a report by the Executive Director (Education and Children's Services) (14/166), (i) providing an overview of the performance of Education and Children's Services inspected over the past year (2013/14) by the Care Inspectorate and Her Majesty's Inspectorate (HMI), and (ii) setting out the Services' approach to implementing improvement actions arising out of inspection.

Councillor Stewart questioned the incongruence of Council and HMI evaluations where only the latter organisation had found 'weak' quality indicators. S Devlin, Head of Education - Early Years & Primary (Education and Children's Services) stated that the two schools mentioned in the report with some quality indicators rated as 'weak' were out of line with the general Perth and Kinross trend. Extended Learning and Achievement Visits (ELAVs) are the main tool of internal evaluation and comprise of a team of two to eight officers (which can include colleagues from Children & Families and Cultural & Community Services) over two to four days, after which a report is written. There has been a change over the last eighteen months to provide timescales for identified improvements to schools. It was also noted that significant changes, such as to staffing and management, can take place in a school in the time between an ELAV and an inspection. In the case of the two schools evaluated with 'weak' performance indicators, improvements had not been implemented as they should have been. S Devlin also noted that a 'Lessons Learned' paper would be submitted to the Executive Sub-Committee of the Lifelong Learning Committee and that as part of the School Improvement Framework expectations have been sharpened.

In response to a question from Councillor Doogan, S Devlin assured the Committee that, notwithstanding the challenges presented by the requirements of the Children & Young People (Scotland) Act 2014, standards would be maintained in child day-care provision. Both Perth & Kinross and partner organisations would be supported during a time of increased pressure including the delivery of 600 hours from August 2014. S Devlin noted that in order to maintain an experience and knowledgeable workforce all Early Childhood Practitioners had been offered an increase in hours up to full time and that those on fixed term contracts had been offered permanent positions. Staff in partner organisations had been provided with access to the same training as Council employees. The Improvement Framework had been replicated appropriately for early years and this reinforced the Council's high expectations.

Responding to a question from Councillor Vaughan, S Devlin stated that there are seven Quality Improvement Officers (QIOs) involved with schools and an additional two QIOs focussed on inclusion. It was also noted that both QIOs and Head Teachers have a responsibility to lead the standard of education, monitor school performance and promote continuous improvement.

Following a question from Councillor Vaughan, B Renton advised the Committee that a report on Local Government Benchmarking Framework Variance and Comparison Report 2012/13 would recommend a development session for elected members on the national picture and also the Improvement Service's toolkit.

Resolved:

The content of Report 14/166 be noted.

257. PLANNING PERFORMANCE FRAMEWORK

There was submitted a report by the Executive Director (Environment) (14/154) presenting the response by the Minister for Local Government and Planning to the Planning Performance Framework Annual Report 2013/13. The report also identified the improvement measures to be delivered in 2013/14.

It was noted that the terms of Report 14/154 had been noted by the Enterprise and Infrastructure Committee on 2 April 2014.

D Littlejohn, Head of Planning and Regeneration (The Environment Service) gave a presentation providing members with a summary of key messages from the report including:

- Substantial improvement in performance;
- Adoption of an updated Local Development Plan (LDP) to rectify weak performance;
- Action to remove all legacy applications from the system;
- Improvement Action relating to applications subject to legal agreements; and
- Development of a Planning Concordat with the Chamber of Commerce and local business interests designed to show Perth and Kinross is Open for Business.

In response to a question from Councillor Stewart, D Littlejohn noted that although the system is plan-led, increased engagement with stakeholders around the LDP and through the Planning User Forum provide ways to bridge the gap between reality and perception. Further, the introduction of pre-application engagement with elected members for major applications was cited as a way to improve information sharing about potential issues.

Following a question from Councillor Cuthbert, D Littlejohn stated that the Customer Service Excellence Award should have been referenced in the report as a Standard, and that consultation has taken place with Angus Council, who already hold the Standard.

In response to a question from Councillor Cuthbert, D Littlejohn agreed that it was important to monitor quality as well as quantity and to find a balance between the wider community and the customer.

In response to a question from Councillor Cuthbert, D Littlejohn advised that with current resources an employment land audit was not possible but that the figure would be calculated and provided as part of the next PPF being compiled for submission in August 2014.

In answer to a question from Councillor Cuthbert, D Littlejohn advised that the use of conditions would be implemented where appropriate, with a focus on the speed of process but that there was still a place for Section 75 agreements such as in relation to the provision of affordable housing.

Further to a question about labour costs for development management and development planning from Councillor Cuthbert, D Littlejohn advised that he would need to look into the detail of this and provide information following the meeting.

Councillor Doogan asked a question about the future vision for Perth City, D Littlejohn stated that the Western expansion was an opportunity to deliver a higher quality Perth. There was a commitment to jointly masterplan a sustainable community from the outset and to work in partnership with developers. D Littlejohn then made reference to Invest in Perth and cultural changes to current processes to make Perth more attractive to investors.

In response to a question from Councillor Vaughan, D Littlejohn noted that whilst the prioritisation of supplementary guidance had been agreed by the Enterprise & Infrastructure Committee, he would continue to seek a higher priority for guidance on the spatial strategy for wind energy.

Resolved:

The content of Report 14/154 be noted.

258. PROCUREMENT CAPABILITY ASSESSMENT: UPDATE REPORT 2013

There was submitted a report by the Executive Director (Housing and Community Care) (14/167), summarising the progress made against the Procurement Strategy 2011-15 and detailing the scores attained by the Council in the Procurement Capability Assessment conducted in November 2013.

It was noted that the terms of Report 14/167 had been considered by the Strategic Policy and Resources Committee earlier in the day.

In response to a question from Councillor Stewart, M Mitchell advised that 'Meet the Buyer' events were large open events comprising of 12 – 15 public bodies. Invitations were extended to businesses where issues to do with procurement systems or policies could be dealt with. The Council also runs five 1:1 surgeries a year which have twelve slots available per day on a booked basis.

In answering a question from Councillor Cuthbert, M Mitchell noted that there had been incremental growth in improvement which is evidenced by the efficiency statement. A Taylor stated that good governance was vital and helps protect the Council against both reputational and financial damage.

Councillor Doogan asked a question about the impact of the Sustainable Procurement Policy, M Mitchell noted that the Council cannot enforce the application of the living wage on external organisations and only an increase in the minimum wage can achieve this. Companies' rate of pay cannot be taken into account when scoring. M Mitchell noted this is a live issue in procurement and J Gilruth advised Housing and Community Care were alive to this issue in regard to the provision of home care.

In response to a further question from Councillor Doogan, M Mitchell advised that the Procurement Reform (Scotland) Bill would give strong guidance nationally and is expected to steer public sector bodies to achieve toward best value through community benefits.

Councillor Younger asked a question about training and M Mitchell noted there are four levels of procurement training with levels 1, 2 and 3 delivered internally but level 4 delivered externally. It was further stated that 140 officers have been trained at level 3 with roughly 10 attendees at each of the nine level 4 courses delivered to date.

Resolved:

The content of Report 14/167 be noted.

259. NOTICE OF FIFTH SCRUTINY COMMITTEE REVIEW

There was submitted a briefing note (14/168), Councillor Stewart, Convener of the Scrutiny Committee stated that following the publication of Audit Scotland's report on charging for services, the topic of Council Charging for Services had been selected for the Fifth Scrutiny Committee Review. It was noted that the scope of the Review would be considered at the meeting of the Committee on 11 June 2014.

Resolved:

The topic of the Fifth Scrutiny Committee Review be noted.

IT WAS AGREED THAT THE PUBLIC AND PRESS SHOULD BE EXCLUDED DURING CONSIDERATION OF THE FOLLOWING ITEMS IN ORDER TO AVOID THE DISCLOSURE OF INFORMATION WHICH IS EXEMPT IN TERMS OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973.

260. MINUTE OF MEETING OF SOCIAL WORK COMPLAINTS REVIEW COMMITTEE OF 30 JANUARY 2014 FOR APPROVAL

There was submitted and noted the minute of meeting of the Social Work Complaints Review Committee (CRC) of 30 January 2014.

The Committee heard a verbal update by J Gilruth, Depute Director (Housing and Community Care) regarding the recommendation of the CRC as outlined in the minute. The Committee was advised that in situations where Housing and Community Care staff are secondary social work providers, as in prisons and hospitals, the authority has no right or power in relation to the staff of partner organisations. However, J Gilruth noted the good partnership working which exists in Perth and Kinross and his hope that partner organisations would cooperate with requests for information where possible.

Resolved:

The Committee agreed that Housing and Community Care staff hold no right or power to interview employees of partner organisations.