

# **SCRUTINY AND PERFORMANCE COMMITTEE**

Minute of hybrid meeting of the Scrutiny and Performance Committee held in the Council Chambers, 2 High Street, Perth, on Wednesday 13 September 2023 at 10.00am.

Present: Councillor C Stewart, Bailie A Bailey, Councillors K Allan, S Carr, E Drysdale, J Duff (substituting for Councillor C Shiers), A Forbes, D Illingworth (substituting for Councillor F Smith), I Massie, W Robertson, and J Welch.

In Attendance: B Renton (Executive Director, Communities); S Devlin (Executive Director, Education and Children's Services); C Mailer (Executive Lead - Strategic Planning and Transformation) C Guild and F Robertson (Communities), S Johnston (Education and Children's Services), M Dickson and K Ogilvy (Health and Social Care Partnership); and L Simpson, S Crawford, P Johnstone, J Walker, K Molley, M Pasternak and R Ramsay (all Corporate and Democratic Services).

Apology: Councillors C Shiers and F Smith

Councillor C Stewart, Convener, Presiding.

The Convener led discussion on Items 1- 5 & 8 and the Vice-Convener led discussion on items 6 & 7.

## **1. WELCOME AND APOLOGIES**

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

## **2. DECLARATIONS OF INTEREST**

No declarations of interest were made in terms of the Councillors' Code of Conduct.

## **3. MINUTE OF MEETING OF THE SCRUTINY AND PERFORMANCE COMMITTEE OF 7 JUNE 2023**

The minute of meeting of the Scrutiny and Performance Committee of 7 June 2023 was submitted and approved as a correct record subject to the following amendment:

- Councillor A Forbes submitted his apologies and Councillor B Brawn substituted.

## **4. OUTSTANDING BUSINESS STATEMENT**

### **Resolved:**

The status of actions in the Outstanding Business Statement, be noted and completed actions removed accordingly.

## **5. PERTH AND KINROSS COUNCIL ANNUAL PERFORMANCE REPORT 2022/23**

There was submitted a report by Chief Executive (23/234) providing an overview of how the Council have performed against their priorities, actions and associated key performance indicators in the period from April 2022 to March 2023, as set out within the Corporate Plan 2022-2027.

In response to a question from Councillor A Forbes, C Mailer confirmed that work had been underway with local businesses to encourage employers to sign up as Living Wage employers in Perth and Kinross.

In response to a question from Councillor K Allan regarding super-fast broadband in rural areas, B Renton advised that through Tay City Deal funding there had been significant progress. B Renton added that there are several organisations that are supporting the R100 programme out with BT. B Renton confirmed that the officer G Pinfield who had been involved in the broadband project would be happy to speak to members that are seeking further information on the work being undertaken in their ward.

In response to question from Bailie A Bailey regarding electric fleet vehicles, B Renton advised that 17 out of 160 passenger vehicle fleet are electric vehicles. B Renton added that there had been a Scottish Government grant available for leasing, but the funding came to end, and the leased cars were returned. B Renton confirmed that a report would be brought to committee in November detailing the Council's Electric Vehicle Strategy. In response to another question from Bailie Bailey, B Renton advised that data would be shared following Committee on the number of leases of internal combustion cars to replace the 17 electric vehicles.

In response to a question from Councillor E Drysdale regarding attendance figures at the Perth and Kinross Christmas Light show last year following the pandemic, B Renton advised that there had been a slight decrease in attendance figures last year compared to previous years. In response to another question from Councillor E Drysdale regarding an update on the Cross Tay Link Road and Perth Museum, B Renton confirmed that in terms of the Cross Tay Link Road the project is on track and roads are being opened as they are completed. F Robertson added that the Perth Museum construction phase of the project had been completed but advised that work on the commissioning of the building was underway and would be completed by March 2024.

In response to a question from Councillor J Welch, C Guild advised that for future years the new Corporate Delivery Improvement Plan and the Annual Performance Report would be submitted to Council together. C Guild confirmed that the Corporate Delivery Improvement Plan would highlight the actions within the Annual Performance Report which are to be made a priority and focused on in the following year.

In response to a question from Councillor I Massie regarding the support offered to the 171 young people mentioned who face disadvantage, S Devlin advised that Youth Services work with several partners across Perth and Kinross including the University of Highlands and Islands, Skills Development Scotland, Developing the

Young Workforce and Duke of Edinburgh as well as several voluntary organisations to help young individuals gain a wide range of different skills.

In response to a question from Councillor A Forbes, B Renton advised that the role out of the fourth bin should significantly help reduce costs, bring in more income and help recycling rates. B Renton confirmed that data on the benefits of introducing the grey bin would be shared following Committee.

Members thanked all Services for their preparation of the Annual Performance Report and for the positive work being undertaken across the organisation. Members commended officers for the updated layout of the report.

**Resolved:**

The contents of the Perth and Kinross Council Annual Performance Report 2022/23, be scrutinised.

## **6. FOI PERFORMANCE REPORT 2022-23**

There was submitted a report by Head of Legal and Governance Services (23/246) describing the Council's performance in relation to its obligations under the Freedom of Information (Scotland) Act 2022 (FOISA) and Environmental Information (Scotland) Regulations 2004 (EIR) for the year 2022/23.

In response to a question from Councillor E Drysdale regarding the performance in Perth and Kinross Council compared to other Local Authorities, J Walker advised that statistics are submitted quarterly to the Scottish Information Commissioner. It is possible to view what other Local Authorities have submitted and J Walker confirmed that Perth and Kinross Council are performing well compared to other authorities of a similar size and make up.

In response to a question from Councillor K Allan regarding the new case management system for recording and processing FOI Requests, J Walker advised the new system had been fully in operation since October 2023. Benefits of the new system include the reduction of time spent on the manual renaming and filing of requests and to allow officers to concentrate on the quality and speed of request responses. J Walker added that the new case management system would also allow for a disclosure log to be published which would detail all responses issued under FOI. J Walker confirmed that the use of the new system would improve transparency and potentially reduce the number of repetitive requests.

In response to a question from Councillor W Roberston regarding trends in FOI requests, J Walker confirmed that there can be certain areas that receive more requests at a particular time but in general the Council could receive requests regarding anything. In response to another question from Councillor W Robertson regarding the average cost of an FOI, J Walker confirmed that the average cost would not be calculated but Services are asked to record the time spent on fulfilling an FOI request. In response to a question from the Convener regarding officer time spent on dealing with an FOI request, J Walker advised that data would be shared with the Committee following the meeting.

**Resolved:**

- (i) Contents of Report 23/246, be noted and constructive feedback, be provided.
- (ii) It be noted that performance is improving and is back in line with pre-pandemic levels.
- (iii) It be noted that the number of requests for review remains a very small percentage of requests received, indicating good levels of customer satisfaction in terms of the quality of responses and the effectiveness of the process.

**7. DATA PROTECTION COMPLIANCE 2022-23**

There was submitted a report by Head of Legal and Governance Services (23/247) detailing the professional assessment of the Council's compliance with the UK General Data Protection Regulation (GDPR) by the Data Protection Officer, relating to the year 2022-23.

In response to a question from Councillor K Allan, J Walker reassured members that regular reminders are issued to all staff through ERIC and Managers Briefings on what data breaches are and how to avoid them. J Walker added that Data Protection training would be available to employees which sets out what could be considered as a data breach. J Walker confirmed that support would also be available to employees who are distressed when logging a data breach.

In response to a question from Councillor A Forbes regarding the ability to monitor and intercept electronic communications, L Simpson advised that even though Elected Members are not employees of the Council, their emails could be intercepted if it deemed to be necessary, however there would need to be a very compelling reason to do so and would also have to meet the legal threshold.

In response to a question from the Convener, J Walker advised that the range of activities that could lead to a data breach are very wide, and the number of transactions are so huge it would be difficult to determine where data breaches have been missed. However, J Walker confirmed that through the activity of Internal Audit, processes are examined, and checks are undertaken with the FOI Team to see if other areas of the Council are compliant with GDPR. J Walker added that Data Protection Impact Assessments are carried out on new processes that contain personal information to see what safeguards are in place and who should have access to systems, helping prevent data breaches from occurring.

In response to a question from Councillor J Duff regarding pending requests, J Walker advised that pending requests are left open indefinitely and confirmed that often requests that are currently on hold have been made from individuals who have previously been in care and may have approached the FOI Team with very minimal information and more detail is required. J Walker confirmed as part of the empathetic approach taken, those requests are left open, and individuals can come back at any time.

In response to a question from Councillor J Welch regarding the security of information, J Walker advised that all information received is converted into a PDF document and anything which could be classified as sensitive information would be reviewed before being issued. J Walker confirmed that the FOI Team work closely with

the Information Security Team and procedures are in place to reduce the risk of data breaches.

**Resolved:**

- (i) The Data Protection Officer's assessment of the Council's compliance with the requirements of data protection legislation, be noted.
- (ii) The Council's performance in terms of compliance with the GDPR, be considered.
- (iii) It be noted that the Data Protection Officer is confident that a reasonable degree of compliance with data protection legislation has been achieved during 2022-23 and that progress towards increased compliance across all Services will continue during 2023-24.

**8. PERTH AND KINROSS HEALTH AND SOCIAL CARE PARTNERSHIP (HSCP) CLINICAL AND CARE GOVERNANCE ASSURANCE REPORT**

There was submitted a report by Chief Officer, Perth and Kinross HSCP (23/248) providing assurance to Perth and Kinross Council's Scrutiny and Performance Committee on the Clinical Care and Professional Governance of the Perth and Kinross HSCP.

In response to a question from Councillor E Drysdale regarding health and adult social work and social care red risks, K Ogilvy and M Dickson reassured members that work had been ongoing to mitigate risks and confirmed that there had been slight improvements but are currently not at the stage to reduce the level of risks.

In response to a question from Councillor E Drysdale regarding drug related deaths, K Ogilvy advised that there had been a concentration of drug related deaths in Perth City due to high levels of deprivation compared to rural areas in Perth and Kinross. K Ogilvy confirmed that many residents in rural areas prefer to come into Perth City for support and treatment, but it is important that services are provided across the whole of Perth and Kinross.

In response to a question from Councillor W Robertson regarding consultation with local GPs regarding Local Development Plans, K Ogilvy advised that previously there had been gaps in the process but recently there had been improvements. K Ogilvy confirmed that a paper would be submitted to the Executive Management Team of the Health and Social Care Partnership later that week to consider two housing developments and the impact those would have on health and social care services including local GP Practices. The response would then be submitted to colleagues in Planning.

In response to a question from Councillor A Forbes regarding locum GPs in Perth Prison, K Ogilvy advised that enhanced payment had been offered to attract GPs to work in Perth Prison. In response to a follow up question from Councillor A Forbes regarding the possibility of enhanced payment to attract locum GPs in rural GP surgeries throughout Perth and Kinross, K Ogilvy advised that information would be shared following Committee.

In response to a question from Councillor E Drysdale regarding the issue of 'step down' and EMI beds, K Ogilvy advised that the Commissioning Team had been working

with local care home providers and two care homes in Crieff had agreed to introduce dementia wings in their care homes which would increase capacity. K Ogilvy confirmed that conversations are ongoing to introduce similar services in care homes in Perth City. K Ogilvy added that a Transitions Nurse had been recently employed to support residents with dementia moving from hospital into a care home which had significantly reduced the number of patients being readmitted to hospital. K Ogilvy added that in the longer term, improving dementia services would be a key focus of the HSCP Transformation Programme.

Members thanked K Ogilvy and his team for the preparation of the Assurance Report. The Convener referred to the Primary Care Premises consultation in Perth and Kinross that would be open until mid-October 2023 and suggested members encourage their residents to complete the questionnaire.

**Resolved:**

The Committee agreed to the level of Substantial Assurance provided.