

# **SCRUTINY COMMITTEE**

Minute of meeting of the Scrutiny Committee held virtually via Microsoft Teams on Wednesday 9 September 2020 at 9.30am.

Present: Councillors S McCole, A Parrott, A Bailey (substituting for Councillor M Barnacle), D Illingworth, I James (substituting for Councillor C Ahern), A Jarvis, G Laing, T McEwan F Sarwar, C Stewart and W Wilson (substituting for Councillor H Coates).

In Attendance: Councillor Caroline Shiers; B Renton, Executive Director (Housing and Environment); S Devlin, Executive Director (Education and Children's Services); G Boland, J Beveridge, J Chiles, G Doogan, B Martin-Scott, S Johnston and K Robertson (Education and Children's Services); L Simpson, F Robertson, S Walker, C Flynn, G Fogg, D Henderson, S Rodger, K Johnston, D Williams, A Brown, L McGuigan, M Pasternack and C Wright (all Corporate and Democratic Services).

Apologies: Councillors C Ahern, M Barnacle, H Coates and C Purves.

Councillor S McCole, Convener, Presiding.

## **1. WELCOME AND APOLOGIES**

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

## **2. DECLARATIONS OF INTEREST**

There were no Declarations of Interest in terms of the Councillor's Code of Conduct.

## **3. MINUTE OF THE MEETING OF THE SCRUTINY COMMITTEE OF 5 AUGUST 2020**

The minute of meeting of the Scrutiny Committee of 5 August 2020 was submitted, approved as a correct record and authorised for signature.

THE COMMITTEE UNANIMOUSLY AGREED TO VARY THE ORDER OF BUSINESS AT THIS POINT

**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.**

### **P1. HORSECROSS ARTS LTD.**

A presentation was delivered regarding the present financial position of Horscross Arts Ltd.

## **THE PUBLIC AND PRESS WERE RE-ADMITTED TO THE MEETING AT THIS POINT**

### **4. ARMS-LENGTH EXTERNAL ORGANISATIONS**

There was delivered a joint update by Horsecross Arts Ltd., Culture Perth and Kinross and Live Active Leisure Ltd. N Williams, Chief Executive, W Anderson, Director of Finance, and S Stewart, Interim Chair, Horsecross Arts Ltd., H Smout, Chief Executive, Culture Perth and Kinross, and P Cromwell, Chief Executive, Live Active Leisure Ltd., were all in attendance.

During the update, representatives outlined to members the shared challenges faced during the COVID-19 Pandemic; the acceleration of online services for the general public; financial and funding matters in the face of the COVID 19 Pandemic.

Members sought assurance on matters such as financial matters; attendance at venues; and financial matters.

Due to connectivity issues, P Cromwell was unable to participate fully during this item, and members were advised that he would be willing to accept any questions they may have in writing following the meeting.

The Convener thanked the representatives for their attendance, and they left the meeting at this point,

### **5. FOI PERFORMANCE REPORT 2019-20**

There was submitted a report by the Head of Legal and Governance Services (20/157) describing the Council's performance in regards to its obligations under the Freedom of Information (Scotland) Act 2002 and Environmental Information (Scotland) Act 2004 for the year 2019-20. The report also provided an overview of some of the Council's other information-related activities.

D Henderson advised members that this was the 15<sup>th</sup> Annual Report of this nature, adding that whilst there had been a decrease in the number of Freedom of Information requests from the year 2018-19, the number of requests was an increase on the year 2017-18.

In response to a query from Councillor Stewart regarding the breakdown of requests by service area, D Henderson advised that the highest number of requests were around the Housing and Environment service.

Councillor Illingworth praised the report, but also raised that the responses given to requests within the statutory timelines were at 91% as opposed to the target of 95%. D Henderson advised that, in the main, these were short delays and had generally been understood by those making requests.

#### **Resolved:**

The contents of Report 20/157, be noted.

## **6. DATA PROTECTION COMPLIANCE 2019-20**

There was submitted a report by the Data Protection Officer (20/157) providing a professional assessment of the Council's compliance with General Data Protection Regulation (GDPR) by the Data Protection Officer (as is required to be provided by the Data Protection Officer in accordance with legislation). The Report relates to the year 2019-20.

D Henderson, Data Protection Officer, advised members that there was reasonable and gradual improvement in this regard, and advised that many of the breaches had been due to individual error, as opposed to systematic error.

In response to a query from Councillor McEwan regarding an increase in risk of data protection breaches with the move to working from home, D Henderson advised that whilst there were different types of breach, work had been undertaken with Officers to establish protocols around this.

### **Resolved:**

The contents of Report 20/158, be noted.

## **7. EDUCATION AND CHILDREN'S SERVICES ANNUAL PERFORMANCE REPORT 2019/20**

There was submitted a report by the Executive Director (Education and Children's Services) (20/159) summarising service performance over the period of April 2019 – March 2020 in delivering better outcomes for everyone in Perth and Kinross, and reports on performance against key performance indicators.

S Devlin, Executive Director (Education and Children's Services), highlighted to members that the Report reflected the breadth and scale of the service, and displayed both areas where performance was strong and areas where further improvements could be made.

### **Resolved:**

The contents of Report 20/159, be noted.

## **8. SUMMARY REPORT ON CARE INSPECTORATE AND EDUCATION SCOTLAND INSPECTIONS**

There was submitted a report by the Executive Director (Education and Children's Services) (20/160) providing an overview of the performance of Education and Children's Services inspected and reported over the past year by the Care Inspectorate and Education Scotland, since the previous report of this type, and sets out the Service's approach to implementing improvement actions arising out of inspection.

S Johnston highlighted to members that Perth and Kinross showed strong performance against comparators and advised that Education and Children's Services were looking at ways to improve further.

In response to a query from Councillor Wilson, S Johnston advised that there had been raised expectations with regards to inspections, adding that the inspection model had changed over the past few years, which had in turn provided more clarity on expectations.

**Resolved:**

The contents of Report 20/160, be noted.

## **9. ABERNYTE PRIMARY SCHOOL**

There was submitted a report by the Executive Director (Education and Children's Services) (20/161) providing an overview of the decisions taken relating to the proposal to close Abernyte Primary School, the rationale for judicial review actions and the outcome from the School Closure Review Panel.

Prior to consideration of this Report, Councillor McCole provided members with an update regarding the agreed Scrutiny Review of ~~regarding~~ Abernyte Primary School. Councillor McCole advised that this process was due to move forward and that meetings had taken place with a number of stakeholders regarding the agreed Scrutiny Review, adding that further information would be submitted to the Scrutiny Committee as the Review process moved forward. Councillor McCole also advised members that the submitted report (20/161) was before the Scrutiny Committee at the request of the Lifelong Learning Committee.

In response to a query from Councillor McEwan regarding a potential convening of the Lifelong Learning Executive Sub-Committee prior to any judicial action being taken, L Simpson, Head of Legal and Governance, advised that action of this nature is regarded as an operational matter, but would reflect on this going forward.

In response to a query from Councillor Stewart regarding the decision to undertake judicial review, L Simpson clarified that whilst the ultimate decision rested with the Head of Legal and Governance, this was a collective decision, with consultation and advice taken from outwith.

A number of members provided comment that they welcomed the Scrutiny Review and further clarity in this regard.

**Resolved:**

The contents of Report 20/161, be noted.