

ANGUS COUNCIL

MINUTE of MEETING of the **SCRUTINY AND AUDIT COMMITTEE** held remotely on Tuesday 29 November 2022 at 2.00pm.

Present: Councillors CRAIG FOTHERINGHAM, GAVIN NICOL, CHRIS BEATTIE, JULIE BELL, LYNNE DEVINE, HEATHER DORAN, IAIN GALL, ROSS GREIG, LOUISE NICOL, RONNIE PROCTOR MBE, MARTIN SHEPHERD, LOIS SPEED and DEREK WANN.

Councillor FOTHERINGHAM, Convener, in the Chair.

1. APOLOGIES/SUBSTITUTES

There were no apologies intimated.

2. DECLARATIONS OF INTEREST

There were no declarations of interest made.

3. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Committee of 27 October 2022 was approved as a correct record and signed by the Convener.

4. SCOTTISH FIRE AND RESCUE SERVICE – QUARTERLY MONITORING REPORT FOR THE PERIOD 1 JULY 2022 TO 30 SEPTEMBER 2022

With reference to Article 4 of the minute of meeting of this Committee of 23 August 2022, there was submitted Report No 394/22 by the Local Senior Officer, Scottish Fire and Rescue Service, relating to quarter two (1 July to 30 September) of 2022 on the performance and activities in support of the priorities in the Local Fire and Rescue Plan for Angus 2020 and the wider community planning priorities.

Attached as an Appendix to the Report was the detailed breakdown and analysis of all data collected during the reporting period which also included an overview of a range of community safety engagement events and partnership working.

Scott Gibson, Group Commander provided a brief overview of the Report and was also heard in relation to the 12 key performance indicators, targets and the Community Safety Engagement Programmes and Notable Events as outlined in Appendices 1 and 2 of the Report.

Thereafter, Jason Sharp, Local Senior Officer provided an update in relation to the revised local service management arrangements. He also highlighted the significant operational activities being undertaken and confirmed that the Performance Report was in the process of being reviewed to incorporate some of the information currently provided for in Appendix 2 to the Report.

Councillors Fotheringham, Beattie, Bell, Devine and Proctor raised concerns and questions in terms of unwanted fire alarm signals; deliberate primary fires particularly at Rossie; future joint ventures at Backwater Reservoir and Lintrathen Loch; the increase in vaping amongst primary and secondary school pupils including preventative measures; and recent flooding at Justinhaugh; thereafter heard from the Group Commander in response to the matters raised.

The Group Commander intimated that he would also liaise with the Community Action team and partners in regards to Councillors Bell and Devine questions and concerns, and that further information in terms of the flooding issues at Justinhaugh would be brought forward, once this was available.

In reference to the recent flooding and storms, the Convener on behalf of the Committee, commended the hard work of the Scottish Fire and Rescue Service.

The Committee agreed to note the performance of the Scottish Fire and Rescue Service as outlined in the quarterly monitoring Report for the period 1 July to 30 September 2022.

5. POLICE SCOTLAND

(a) ANGUS LOCAL POLICING AREA QUARTERLY REPORT FOR THE PERIOD 1 JULY 2022 TO 30 SEPTEMBER 2022

With reference to Article 5 of the minute of meeting of this Committee of 23 August 2022, there was submitted Report No 395/22 by Chief Superintendent Phil Davison, which updated the Committee on the performance results for the period 1 July 2022 to 30 September 2022.

Appendix A to the Report outlined the performance in relation to the identified policing objectives and outcomes which were monitored and reviewed at the monthly Tasking and Delivery meeting. The data provided in the Report was for information purposes to allow members to conduct their scrutiny responsibilities under the Police and Fire Reform (Scotland) Act 2012.

Chief Superintendent Phil Davison, accompanied by Chief Inspector Leanne Blacklaw, Local Area Commander for Angus provided a brief introduction to the Report, thereafter Chief Inspector Blacklaw provided an informative overview of the main local policing priority areas of the Report.

Councillors Doran, Greig, Proctor and Fotheringham raised questions and sought further information in relation to domestic abuse rates including changes in methodologies going forward; speeding interventions; Angus policing numbers and capacity to cover rural Angus; and enforcement of 20 mph zones, and in response, Chief Superintendent Davison provided informative updates.

In highlighting the 16 days of action campaign, Councillor Bell raised concerns and questions related to the 57% increase in the 5 year average in regards to recorded crime for rape, and in response, Chief Superintendent Davison provided an update and by way of providing an assurance to members, confirmed that gender-based violence campaigns were making a positive impact and that increased reporting had noted significant success, particularly in Angus.

Chief Inspector Blacklaw also emphasised the proactive approach being undertaken in Angus and also highlighted the notable increase in confidence in reporting.

The Convener on behalf of the Committee also took the opportunity to commend the hard work of Police Scotland.

The Committee agreed to note the Angus Local Policing Area Quarterly Report for the period 1 July 2022 to 30 September 2022.

(b) ANGUS LOCAL POLICING PLAN 2023-2026

With reference to Article 5 (b) of the minute of meeting of this Committee of 3 March 2020, there was submitted Report No 396/22 by Chief Superintendent Phil Davison providing members with a draft of Angus Local Policing Area Local Policing Plan for 2023-2026.

The Report indicated that the Police and Fire Reform (Scotland) Act 2012 Section 47 stated that as soon as was reasonably practicable after the first strategic police plan was approved under Section 34, the local commander must prepare and submit a local police plan to the relevant local authority, for approval.

The purpose of the Local Policing Plan was to highlight the most important areas to be addressed in Angus for the next 3 years. Appendix A attached to the Report, outlined

the priorities that had been identified using a number of sources, these priorities were outlined in Section 3.1 of the Report.

Chief Superintendent Davison provided an overview of the draft Local Policing Plan for 2023/2026 highlighting that the Plan was supportive of the priorities in the Angus Community Plan 2017-2030 and that following feedback the final report would be presented to this Committee in quarter 4.

Councillors Bell and Doran sought further information in relation to raising awareness of “Bystander Training” and the continual promotion of Naloxone training including future performance measures, and in response, heard from both Chief Superintendent Davison and Chief Inspector Blacklaw.

Chief Superintendent Davison also emphasised the strong multi-agency approach in Angus that would also support a more thematic approach to reporting, in future.

At this point, the Scottish Fire and Rescue Services and Police Scotland representatives left the meeting.

6. INTERNAL AUDIT ACTIVITY UPDATE

With reference to Article 4 of the minute of meeting of this Committee of 27 October 2022, there was submitted Report No 397/22 by the Service Leader - Internal Audit providing the Internal Audit Activity update on the main findings of the Internal Audit Report issued since the date of the last meeting.

The Report provided an update in relation to the Internal Audit activity within the Council from June 2022 and provided an update on progress with the planned audit work, including new audits drawn from the audit pool; and the implementation of internal audit and counter fraud recommendations.

Paul Kelly, Azets provided a brief overview of the key areas of the End User Solutions Audit.

The Service Leader – Internal Audit provided an update on progress with the Internal Audit activity, Data Analysis/Continuous Auditing including Payroll and Creditors – Duplicate payments; and progress with implementation of actions from internal audit recommendations and counter fraud reviews.

The Committee agreed:-

- (i) to note the update on progress with the planned Internal Audit work as outlined in Appendix 1 to the Report; and
- (ii) to note management’s progress in implementing internal audit and counter fraud recommendations as outlined in Appendix 1 to the Report.

7. CORPORATE COUNTER FRAUD MID YEAR REVIEW

With reference to Article 13 of the minute of meeting of this Committee of 23 June 2022, there was submitted Report No 398/22 by the Service Leader - Internal Audit, providing a summary of the work undertaken by the Corporate Fraud Team (CFT) during the six months to 30 September 2022.

During the period to 30 September 2022, the Corporate Fraud Team (CFT) identified losses in excess of £64k (same period 2021 - £51k) from investigative work . Action was taken by Angus Council to recover these monies and where successful, the recovery of amounts resulted in income for the Council.

Additional financial benefits had accrued by the CFT’s work in disrupting fraudulent activity, preventing fraud awareness action and by improving internal controls.

The Service Leader – Internal Audit provided an update to the Report and highlighted the key areas of the Report.

Councillors Fotheringham, Gavin Nicol, Greig and Speed raised questions and sought further information in relation to Housing Tenancy Fraud, Council garages and unlicensed Houses in Multiple Occupation (HMO), and in response, the Team Leader – Counter Fraud and the Service Leader – Internal Audit provided updates.

The Committee having scrutinised, agreed to note the contents of the Report.

8. PROPOSED DETAILED RISK REPORT TO SCRUTINY AND AUDIT COMMITTEE

With reference to Article 9 of the minute of meeting of this Committee of 27 October 2022, there was submitted Report No 399/22 by the Service Leader – Internal Audit presenting detailed risk information to the Scrutiny and Audit Committee in line with the programme agreed by this Committee in June 2022 (Report 163/22 refers) and subsequently confirmed in August 2022 (Report 207/22 refers).

The Chief Executive provided an informative update on the Transforming for the Future Risk and highlighted the risk description, potential impact and regular monitoring arrangements. In referring to the Council's financial position and future budget proposals to be brought forward in February 2023, she stressed the significant challenges ahead.

In referring to the Best Value Report published in June 2022, she drew members attention to a quote from the Report which stated that "the national auditor was pleased with the impressive pace of improvement demonstrated by Angus Council since their last Best Value Reports in 2016 and 2010".

In noting the significant transformation and redesign undertaken, and in moving forward, she expressed the need for greater focus on partnership working with colleagues, partners throughout Tayside and also the public sector. In reference to the Christie Commission Report, she re-iterated it was essential to reduce duplication of services to become more efficient in order to achieve the best value from the public pound.

Also provided an informative overview of some of the existing controls and mitigating measures in place with collaborative working with other local authorities and public bodies being further explored, together with a look at how other local authorities throughout the UK were dealing with the changes to finances and service delivery. Training, development, engagement and communication with staff would continue to be developed to support the service transformation.

Councillors Doran, Bell and Shepherd raised concerns and questions related to the pace of transformation and service delivery; risk scoring and overall target score; also the longer term future of the Council, and in response, the Chief Executive provided updates. She also intimated that in reviewing the changes required and the capacity to change over the next three year period would be considerably challenging and emphasised the importance of not underestimating the challenges ahead.

It was also anticipated that the Scottish Government might bring forward transformational changes that would involve sharing resources over larger geographical areas to ensure there was sufficient resilience to deliver services.

In response to a question raised by the Convener in relation to affordability of future pay increases, the Director of Finance highlighted the projected £52 million funding gap over the next three year period, and intimated that should future pay increases not be funded through council tax increases or Scottish Government funding, that future pay increases would be difficult for the Council to afford. He also confirmed that a detailed report would be brought forward, for members consideration, to the next Angus Council meeting on 15 December 2022.

The Committee agreed to note the information presented in relation to the Transforming for the Future Risk.

9. ANGUS COUNCIL ANNUAL ACCOUNTS 2021/2 AND ANNUAL AUDIT REPORT TO MEMBERS

With reference to Article 9 of the minute of meeting of this Committee of 23 August 2022, there was submitted Joint Report No 400/22 by the Chief Executive and the Director of Finance, providing Audit Scotland's Annual Audit Report to Members on the 2021/22 Audit of Angus Council, Robert and William Strang Mortification and Angus Council Charitable Trust and requesting members of the Committee to approve the 2021/22 Audited Annual Accounts of Angus Council, Robert and William Strang Mortification and Angus Council Charitable Trust, for signature.

The Council had achieved the statutory deadline for the submission of their draft Annual Accounts for audit of 30 June 2022. The statements were prepared in accordance with the Local Authority Accounting Code of Practice and the audit would be completed with the issue of an unqualified audit opinion on 29 November 2022, subject to this Committee's approval of the Accounts, for signature.

The Auditor's Report identified four new actions for the Council to consider for 2021/22 and highlighted that limited progress had been made in addressing the actions from the 2020/21 Audit Report to Members due to workload pressures on staff and difficulties in filling vacancies. The independent and external perspective was helpful and work was in hand to address these actions as outlined in the action plan, appended as Appendix 1 to the Auditor's Report.

The unaudited accounts presented to this Committee on 23 August 2022 had been amended for a number of audit adjustments, noting that three of the audit adjustments had increased the Usable Reserve position by £0.158 million, from that reported in the Unaudited Annual Accounts in June 2022, from £56.049 million to £56.207 million. Details of the adjustments and main movements on the accounting statements were set out in Appendix C to the Report.

In terms of the Robert and William Strang Mortification and Angus Council Charitable Trust 2021/22 Annual Accounts, including Audit Certificate, the statutory deadline for the submission of the draft accounts for audit was 30 June 2022, and had been achieved. The statements were prepared in accordance with the Charity Statement of Recommended Practice. The audits would be completed with the issue of the unqualified audit opinions on 29 November 2022, subject to the Committee's approval of the Accounts, for signature. The audited accounts would be presented to a meeting of the Trustees in December 2022.

The Director of Finance provided a brief summary of the key areas of the Report, and also paid tribute to his team for all their hard work. He also extended his appreciation to the External Auditors for the expeditious manner in which the 2021/22 audit had been conducted.

Thereafter, Carole Grant, Audit Director, Audit Scotland provided a detailed overview of the key areas of the Angus Council 2021/22 Annual Audit Report.

In reference to the Angus Council Charitable Trust, Councillor Devine requested an update in relation to the timescales for implementation of the single Angus wide fund, and in response, the Director of Finance provided an update and intimated that there were proposals to bring forward a Report to the Trustees, for consideration in January 2023.

The Committee agreed:-

- (i) to note the content of Audit Scotland's Annual Audit Report covering letter, outlined in Appendix A to the Report;
- (ii) to note the content of Audit Scotland's Annual Audit Report outlined in Appendix B to the Report;

- (iii) following scrutiny, to approve for signature, in accordance with the Local Authority Accounts (Scotland) Regulations 2014, the 2021/22 Audited Annual Accounts of Angus Council; Robert and William Strang Mortification; and Angus Council Charitable Trust;
- (iv) to note the summary of the main movements within the Angus Council Audited Annual Accounts, outlined in Appendix C to the Report; and
- (v) to note the key messages and the 2021/22 Action Plan within the Annual Audit Report to Members.

10. REGULATION OF INVESTIGATORY POWERS (SCOTLAND) ACT 2022 QUARTERLY REPORT

With reference to Article 12 of the minute of meeting of this Committee of 23 August 2022, there was submitted Report No 401/22 by the Director of Legal and Democratic Services advising members of the use of surveillance powers by the Council in terms of the Regulation of Investigatory Powers (Scotland) Act 2000 in the period 1 July 2022 to 30 September 2022.

The Report indicated that Angus Council was a public authority for the purpose of the Regulation of Investigatory Powers (Scotland) Act 2000 (“RIP(S)A”) and had the power to authorise directed covert surveillance and the use of covert human intelligence sources. Covert activities covered by RIP(S)A would be lawful if the activities were authorised and if they were conducted in accordance with the authorisation.

In the period 1 July 2022 to 30 September 2022, no covert surveillance activities were authorised and there were no authorisations in respect of the use of a Covert Human Intelligence Source.

The Director of Legal and Democratic Services provided a brief overview of the Report.

The Committee agreed to note that no authorisations were granted for surveillance and other investigatory activities regulated by the Regulation of Investigatory Powers (Scotland) Act 2000 in the period 1 July 2022 to 30 September 2022.

11. COMPLAINTS AND COMPLIMENTS REPORT – 1 JULY TO 30 SEPTEMBER 2022

With reference to Article 13 of the minute of meeting of this Committee of 23 August 2022, there was submitted Report No 402/22 by the Director of Legal and Democratic Services highlighting the complaints received in Quarter 2 of 2022/23 and to provide assurance to members that work was ongoing to learn from complaints received by Angus Council; also included details of compliments received during the same quarter.

The Report provided the complaint statistics for the second quarter of 2022. Appendix 1 to the Report provided a summary of records by service.

During 1 July to 30 September 2022, Angus Council had received 71 complaints and 173 compliments. Section 5 of the Report provided further detail regarding the summary of complaints, performance indicators and also outlined examples of compliments received, samples of changes made as a result of a complaint being received and an update in relation to the Housing Repair Satisfaction Survey.

The Director of Legal and Democratic Services provided an overview of the key areas of the Report.

Councillor Doran sought further information in terms of the outstanding housing repairs statistics, and in response, the Director of Legal and Democratic Services intimated that she would require to refer the housing related question to Housing colleagues for their consideration and feedback.

Councillors Bell, Beattie and Greig raised questions and comments in terms of the process for registering compliments; SPSO; and outstanding housing repairs, and in response, the Team Leader, Members Services provided updates and also agreed to look further into the questions raised in terms of the outstanding housing repairs statistics.

The Committee agreed:-

- (i) to note the complaints statistics for the period 1 July to 30 September 2022;
- (ii) to note the compliments statistics for the period 1 July to 30 September 2022; and
- (iii) to note the complaints received by service.