

ANGUS COUNCIL

MINUTE of HYBRID MEETING of the **SCRUTINY AND AUDIT COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 23 January 2024 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, BRENDA DURNO, LOIS SPEED AND IAN MCLAREN.

Councillor FOTHERINGHAM, Convener, in the Chair.

1. APOLOGIES/SUBSTITUTES

Apologies for absence were intimated on behalf of Councillors Martin Shepherd and Derek Wann with Councillors Brenda Durno and Ian McLaren substituting respectively.

2. DECLARATIONS OF INTEREST/STATEMENTS OF TRANSPARENCY

There were no declarations of interest or statements of transparency made.

3. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Committee of 28 November 2023 was approved as a correct record and signed by the Convener.

4. REGULATION OF INVESTIGATORY POWERS (SCOTLAND) ACT 2000 – QUARTERLY REPORT

With reference to Article 12 of the minute of meeting of this Committee of 26 October 2023, there was submitted Report No 15/24 by the Director of Legal, Governance and Change 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 October 2023 to 31 December 2023.

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 October 2023 to 31 December 2023 one covert surveillance activity had been authorised and there were no authorisations in respect of the use of a Covert Human Intelligence Source.

The Service Leader, Legal and Procurement, referred to the one authorisation for covert surveillance activity and advised that no further details could be provided to members but confirmed that all relevant processes had been followed in accordance with legal requirements and that the authorised activities were conducted in accordance with the authorisation.

The Committee agreed to note that one authorisation had been granted for surveillance and other investigatory activities regulated by the Regulation of Investigatory Powers (Scotland) Act 2000, in the period 1 October 2023 to 21 December 2023.

5. ANGUSALIVE ANNUAL PERFORMANCE REPORT 2022/23

With reference to Article 4 of the minute of meeting of this Committee of 25 April 2023, there was submitted Report No 16/24 by the Director of Legal, Governance and Change presenting the ANGUSalive’s Annual Performance Report for 2022/23.

The Report highlighted some of ANGUSalive’s key achievements and developments during 2022/23 and included a financial overview. More detailed financial information was available in ANGUSalive’s report and consolidated financial statements for the period ended 31 March 2023, which were accessible direct from Office of the Scottish Charity Regulator (OSCR)/ Companies House.

The Committee were provided with an overview of statistics and achievements for the period 2022/2023 through a short video and presentation by Iain Stevens and Colin Knight, Acting Chief Executives, ANGUSalive.

Councillors Bell, Doran, Gall, Greig, Speed and Fotheringham raised questions and sought further clarification in relation to volunteers and community groups, facilities within Kirriemuir and Brechin, sessions within libraries and plans to use these resources further, what security measures were in place with regards to ANGUSalive for possible cyber-attacks, would salary and sales meet expectations for sustainability moving forward, how to increase visitor numbers to museums and how Angus compared to other local authority areas, if there was a break down as to what services were used with regards to the Access Service and what was being done to monitor and measure to ensure equality, accessibility to facilities for different ages and stages of ability and how GP referrals worked.

Iain Stevens and Colin Knight, acting Chief Executives, ANGUSalive provided detailed responses to members questions and comments. It was noted that further information would be provided to members with regards to volunteers and facilities and also to provide a break down with regards to the Access Service and what services were used.

Councillors Devine and Proctor paid tribute to ANGUSalive for their work, having noted that facilities remained open and memberships had increased under current cost of living conditions.

The Committee, having reviewed, agreed to note the ANGUSalive Annual Performance Report for 2022/23 as outlined in Appendix 1 to the Report.

6. TAYSIDE CONTRACTS ANNUAL PERFORMANCE REPORT 2022/23

With reference to Article 4 of the minute of meeting of this Committee of 31 January 2023, there was submitted Report No 17/24 by the Depute Chief Executive presenting the Tayside Contracts Annual Performance Report for 2022/23.

The Report indicated that the Council had a variety of strategic and operational mechanisms in place to monitor the ongoing performance of Tayside Contracts. The Council had also established an Officer Monitoring Group covering all the Directorates where the Council engaged Tayside Contracts in the delivery of services. Operational meetings were also held with Tayside Contracts in each of the service areas to deal with day to day matters. The governance framework provided oversight of the whole Tayside Contracts operation and its service delivery performance for Angus Council.

Appendix 1 to the Report detailed the Tayside Contracts Annual Performance Report and highlighted some of the key achievements and developments in 2022/23.

The Depute Chief provided a brief introduction to the Report.

Keith McNamara, Managing Director and Doug McKay, Head of Operations, both from Tayside Contracts provided an overview of the key highlights, recent challenges and priorities.

Thereafter the representatives responded to questions from Councillors Bell, McLaren, Speed, Devine, Durno and the Convener with regards to the climate change plan and challenges, if rock salt was as effective as marine salt, street lighting and concerns with reoccurring issues, The Turn it off campaign, staffing and recruitment challenges and if there was opportunity to increase and utilise Tay Cuisine.

The Committee, having reviewed, agreed to note the Tayside Contracts Annual Performance Report for 2022-23 as outlined in Appendix 1 to the Report.

At this point in the meeting Keith McNamara, managing director and Doug McKay left the meeting.

7. ANGUS VIOLENCE AGAINST WOMEN PARTNERSHIP ANNUAL REPORT 2022-23

With reference to Article 7 of the minute of meeting of this Committee of 22 August 2023, there was submitted Report No 18/24 by the Chief Executive presenting the Angus Violence Against Women Partnership (AVAWP) Annual Report for April 2022 to March 2023.

The Report indicated that AVAWP was a multi-agency strategic forum where leaders recognised that gender power dynamics were present in everyday life, with gender inequality giving rise to abuse, harassment and violence which must be acknowledged and addressed across the whole system in Scotland. AVAWP partners worked together to challenge and address inequalities in Angus in line with Scotland's national strategy for preventing and eradicating violence against women and girls, Equally Safe.

The Report presented the work undertaken in Angus by multi-agency partners to deliver local, Tayside and national initiatives, policies, and frameworks to improve the lives of women and children living with Gender Based Violence. AVAWP also supported work with those who commit Gender Based Violence.

The Committee heard from Mr Ewan West, Independent Chair, Angus Violence Against Women Partnership who highlighted the main points within the Report.

There were questions and comments from Councillors Bell, Devine, Doran, Speed and Proctor in relation to training, learning and development for the equally safe model, how well equipped were partners in supporting staff with regards to vicarious trauma, what number of pledges were across Angus, Community events, funding for Adult Support Roles, the activities and preventative measures that were being taken to schools and what support was being given to people in the community in a less formal way, if there was data with regards to cases where an abuser/perpetrator moves out and how long do mothers and children require to wait before a permanent solution was found.

Thereafter, the Interim Director of Children, Families and Justice, Chief Inspector Fitzgerald and Mr West provided detailed responses to members' questions.

The Committee agreed:

- (i) to note the contents of the Angus Violence Against Women Partnership Annual Report 2022-2023, attached as an Appendix to the Report; and
- (ii) to note the key trends and areas for development emerging from the Report.

8. INTERNAL AUDIT ACTIVITY UPDATE

With reference to Article 7 of the minute of meeting of this Committee of 28 November 2023, there was submitted Report No 19/24 by the Service Leader - Internal Audit providing the Internal Audit Activity update on the main findings of the Internal Audit Reports issued since the date of the last meeting.

The Service Leader provided an update with regards to vacancies within the team which had significantly impacted on delivery of the plan for 2023/24.

The plan for 2023/24 had been reviewed and the impacts detailed in the activity report in Appendix 1 to the Report. It was proposed to carry forward a number of audits to 2024/25, to request the support contractor to undertake some audits, and to add one new audit to the 2023/24 Plan.

The Convener, Councillors Speed, Proctor, Devine and Greig were heard in relation to proposed carry forwards for housing voids, children placements and self-directed support and the impact of the proposed extensions.

The Service Leader and Depute Chief Executive provided a full response to members describing resources and the best use of those within current capacity. The Service Leader – Internal Audit provided an assurance that the housing void data recording would be brought to this Committee as soon as possible.

Thereafter, the Committee agreed:-

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

- (iii) to approve the proposed changes to the 2023/24 Plan as detailed within Appendix 1 to the Report.

9. DETAILED RISK REPORTING TO SCRUTINY AND AUDIT COMMITTEE

With reference to Article 8 of the minute of meeting of this Committee of 28 November 2023, there was submitted Report No 20/24 by the Service Leader - Internal Audit presenting detailed risk information to members in line with the programme agreed by the Committee in June 2023.

The Service Leader - Digital Enablement and IT provided information to the Committee in relation to IT resilience & Cyber attack (Business Continuity) risks. The related information from the Corporate Risk Register was included within Appendix 1 to the Report.

The Committee noted that no changes had been made to the Corporate Risks since the last meeting held on 28 November 2023. It was proposed that Performance Management would be brought to the Committee on 7 March 2024.

The Committee agreed:-

- (i) to note the information presented in relation to the IT Resilience and Cyber Attack (Business Continuity) risk; and
- (ii) to amend the programme to include the Performance Management risk for discussion on 7 March 2024.

10. CORPORATE RISKS AND RISK MANAGEMENT

With reference to Article 5 of the minute of adjourned meeting of this Committee of 29 August 2023, there was submitted Report No 21/24 by the Chief Executive providing an update on progress and the work being undertaken on the Council's Risk Management Framework, including an updated corporate risk register.

The Depute Chief Executive presented the Report and advised that the Corporate Risk Monitor and risk appetite was currently being reviewed in conjunction with Zurich Municipal which would be brought to a future meeting for consideration once completed.

The Report highlighted that the legislation risk score had been lowered from 9 to 6 following the implementation of an effective system which ensured that consultations on proposed new legislation were routinely highlighted to relevant services across the council, and the likelihood score had been reduced from 3 (low to high) to 2 (low) due to this practical mitigation.

Further, as noted in Report No 218/23, the Covid-19 risk had been de-escalated to directorate level and therefore would no longer show within in the corporate risk register.

The Committee agreed:-

- (i) to note the work being undertaken to promote and embed risk management; and
- (ii) to note the corporate risk register and all risks contained therein.

11. CORPORATE GOVERNANCE – ACTION PLAN UPDATES

With reference to Article 7 of the minute of meeting of this Committee of 29 November 2022, there was submitted Report No 22/24 by the Director of Legal, Governance and Change presenting an update in relation to the Action Plan included in the 2022/23 Annual Governance Statement. It also included an update in relation to the Action Plan from the 2022/23 Scrutiny and Audit Committee Annual Report to Council, along with an update on the Best Value Action Plan.

The Report indicated that the final 2022/23 Annual Governance Statement was included in the Council's 2022/23 audited Annual Accounts and detailed improvement actions to be taken forward to strengthen the Council's corporate governance.

Following questions from Councillors Greig, Bell and Proctor with regards to the requested extension to locate adequate storage of archived documents, the Service Leader – Governance, Change & Strategic Policy provided a detailed and informative response.

Thereafter, the Committee agreed:-

- (i) to note the update to the 2022/23 Annual Governance Statement Action Plan detailed within Appendix 1 to the Report;
- (ii) to note the 2022/23 Scrutiny and Audit Committee Annual Report Action Plan to Council detailed within Appendix 2 to the Report;
- (iii) to note the update to Best Value Action Plans included within Appendices 3 and 4 to the Report;
- (iv) to approve the extension to the completion dates on specific actions as set out in Sections 3.2 and 4.2 of the Report; and
- (v) to note the arrangements for the Committee's 2023/24 self-assessment session to take place during March/April and to agree the format for the meeting, as detailed within Section 6.1 of the Report.