MINUTE A & B

Audit and Scrutiny Committee Council Chamber, Town Hall, Lerwick Monday 18 January 2010 at 10.00am

Present:

F Grains L Baisley
A Duncan R Henderson
C Miller G Robinson

J Wills

Apologies:

A Doull

In attendance (Officers):

D Clark, Chief Executive

S Cooper, Head of Environment and Building Services

I McDiarmid, Head of Planning

J Smith, Head of Organisational Development

A Jamieson, Service Manager – Housing Business Support

A Jarden, Building Standards Manager

C McIntyre, Service Manager - Internal Audit

D Williamson, Building Services Manager

L Gall, Policy Officer

D Hunter, Foreman Electrician

T Jack, Helpdesk Assistant

A Sutherland, Policy and Development Assistant

A Cogle, Service Manager - Administration

Chairperson

Mrs F Grains, Chairperson of the Committee, presided.

Circular

The circular calling the meeting was held as read.

Declarations of Interest

None.

Minute

The minute of the meeting held on 25 November 2009, was confirmed on the motion of Mr A Duncan, seconded by Mrs F B Grains.

Matters Arising

Matters Arising – Minute 28/09 – Internal Audit 2008-09 Schools Service

Mrs L Baisley said that devolved school management was becoming a more frequent topic, and asked if this audit was in response to concerns being raised in this area. The Service Manager – Internal Audit advised that the audit had highlighted problems with the control of School funds, and was not in relation to devolved school management. Mrs Baisley agreed to raise the matter under the last item regarding items for future discussion.

41/09 - Report to Members and Controller of Audit

Dr J Wills referred to page 6 of the minute, and advised that, as stated at the Council, he had not said that the budget for the new Anderson High School was to remain at £49m, but that it should cost no more than the proposal for the Knab site.

Matters Arising – Min. Ref. 36/09 – Statutory Performance Indicators 2008/09

Mr A Duncan referred to the issue regarding the recycling of bale wrap, and noted that a report had been requested for this meeting. Mrs F B Grains said that the matter had been referred to the Shetland Amenity Trust, who were still considering the matter, and a report would be produced once a complete picture was able to be presented for consideration.

41/09 - Report to Members and Controller of Audit

Mr A Duncan referred to the last paragraph of page 5, and asked if the Risk Management database had been updated. The Head of Organisational Development agreed to find out more information, and pass this on to Members after the meeting.

42/09 - Internal Audit - SIC Monthly Internal Audit Process Report

Mr A Duncan referred to the reported progress on the Roads – Network and Design audit, and asked if the outstanding matters had now been addressed. The Service Manager – Internal Audit advised that progress would be best reported by the Service Manager, and agreed that an update report would be prepared for the next meeting of the Committee.

44/09 - Single Outcome Agreement 2008/09

Mr A Duncan asked what stage the review of strategic partnerships was at, with a view to aligning these with the Single Outcome Agreement. The Head of Organisational Development confirmed that a report was planned for the Council meeting in March.

45/09 - Diesel Usage Update

Mr A Duncan said he still had concerns regarding the taking home of Council vans, and was not convinced that everything was being done to effect savings in that area. The Committee noted that the Head of Transport was committed to bringing forward a report on this matter, and the Chief Executive confirmed that he would ask the Executive Director to produce a report for the next meeting.

01/10	Post Re-Inspection 'Report on Shetland Islands Council's Building
	Standards Service
	The Committee considered a report by the Building Standards Manager (Appendix 1).
	After hearing the Building Standards Manager summarise the terms of the report, Mrs F B Grains offered her congratulations, and said she appreciated there had been a lot of complaints about the service, and this was due mainly to lack of staff. She said that the required staff had now been recruited, and they had risen to the occasion, and now provided a good service. Mrs Grains said she particularly liked the

progress made with regard to staff development and training, and the Building Standards focus group was a great help to a lot of people. She said budgetary control had also been taken on board, and reiterated her congratulations to the Building Standards Manager, and his staff, for the work they had done for the service in the short time they had been in post.

Mrs C Miller added her congratulations, and in particular said the staff development and training achievements had been remarkable. She said to have turned around the service within 10 months was also remarkable, particularly given the concern that the Verification service could have been withdrawn from Shetland. Mrs Miller said that the turn around of the service was fully down to the hard work of officers and staff. She said that it was good see that the service was communicating better with builders and architects in Shetland.

The Building Services Manager thanked Members, on behalf of his team, for their support and he would pass this on to the staff involved.

Mr A Duncan said it appeared that the Building Standards service was in a complete mess before the current Manager had taken over and rectified the position, and would like to add his congratulations also to the staff involved for the turn around of the service within such a short period of time.

Mr A Duncan said it was often said that things had to move on, but he said lessons had to be learned. He said his first question was why it had taken an external audit to reveal the serious problems which had arisen. Mr Duncan asked why the Council's Internal Audit Service had not picked up on these issues earlier, and how long these problems had been going on for, and whether there were any financial implications for the Council. Mr Duncan said his interpretation of the situation was there had been mismanagement of the service prior to this audit.

The Service Manager – Internal Audit said his service was not expert in Building Standards, and could only audit certain issues in accordance with the Audit Plan. He said the Building Standards Service was audited every 5 years, and it was now over 4 years since their last internal audit, but there had also been a number of managers in the post over that period of time. He said the audit referred to in the report was a specialist audit in the field of Building Standards.

Mrs F B Grain said the Council knew during that period of time where the Service was receiving criticism that the required staff were not in post, and efforts were being made to recruit.

Mr A Duncan said he was not disputing that, and accepted there had been staff shortages. However, he queried whether there had been any additional costs to the Council because of mismanagement.

Mrs C Miller said should could not accept staff being accused of mismanagement. Mrs F B Grains concurred, adding that the lack of staff did not mean there was mismanagement.

Mr A Duncan said that was not his interpretation of the audit report.

The Service Manager – Internal Audit confirmed the Building Standards Service had not been looked at by his Service for nearly 5 years, and a number of managers had been in place during that period. He said the audit referred to in the report was a specialist audit, and outwith the scope of the Council's Internal Audit service. He added that Members were welcome to look at the documentation concerning the last internal audit, and would refute any remarks that they had done anything wrong in carrying out their tasks.

The Head of Organisational Development said the Planning Service, including Building Standards, had been one of the first areas to come under scrutiny by the Committee, and an action plan had been considered and agreed. He said this had brought focus onto this area for the Council, and part of the action plan was to fill the required vacancies, and everyone had worked together to find solutions, including management.

Mr A Duncan referred to pages 6 and 7 of Appendix 1, and to the improvements regarding inspection works on site and team meetings, and asked what had been done in the past in respect of those areas. However, Mrs Grains said those areas had now moved on, and it was not appropriate to go over those issues. Mr Duncan disagreed, and said he was elected to do a job and to ask these sorts of questions. Mrs Miller said Mr Duncan's line of scrutiny was out of order. Mr Robinson said Mr Duncan was being very negative, and said it was an excellent report that the Committee should be commending. Mr A Duncan said he was entitled to ask questions, but would ask no more.

Mr G Robinson said he wished to add his congratulation to the Building Standards Manager and his staff for turning this around. He said he had received positive comments from service users and builders, and said it was a good indication that things were on the up.

The Service Manager Internal Audit said he was happy to have a discussion with Mr Duncan after the meeting in order to clarify the role that Internal Audit had.

Mrs L Baisley also added her congratulations to the staff involved, and asked whether the LEAN process was involved as well.

The Building Standards Manager advised that the LEAN process had not been directly involved in this service, although he personally had experience of its value.

Mrs F B Grains asked the Building Standards Manager pass on the Committee's congratulations to staff, and in particular to those who had achieved qualifications. The Committee noted the terms of the report.

02/10

LEAN

The Committee considered a report by the Head of Environment and Building Standards (Appendix 2).

After hearing the Head of Environment and Building Services summarise the report, Mrs L Baisley congratulated those involved for the improvements that had been made, but asked how sustainable they were, or would there by any attempt by management to change things back.

The Foreman Electrician said he felt that improvements could be sustained long term, adding that, for example, an emergency response team had been set up and the improvements in response times and other issues had been so good that there would be little point in going back to previous practice. He said there were inevitably some initial barriers, particular when things have been done in a certain way for so long it can be difficult to see how it could be done another way, but he said that once changes had been implemented it was clear that moving away from that would not be acceptable. He said the changes had made a big difference to the way in which day to day business is now carried out.

In response to a query from Mrs C Miller, the Foreman Electrician said that following the LEAN process there had been meetings to consider the longer terms, over the next 4 to 5 years, and maintaining that communication and momentum was important.

Dr J Wills added his congratulations, and referred to Appendix C of the report. He said this was a very a clear summary of the project, and provided very clear and particular examples of what had been done, how it had been applied. He referred to the last paragraph of the summary, and asked if Management had been trying to resist LEAN.

The Helpdesk Assistant said it had been very difficult for management to agree to go with some of the proposals, but she said some of this came from not fully understanding what staff did on the ground. She said that going out with those staff to see what they did was useful, and made the changes more meaningful from a practical point of view, rather than from a management stance.

In response to a query from Mrs L Baisley, the Head of Organisational Development said that the LEAN process was already being applied in other areas such as recruitment administration, and in some payroll and personnel processes such as sickness absences. He said that the outcome of these pilots would be considered and recommendations brought to the Council to enable a debate as to whether the Council should support adoption of the process throughout the organisation, bearing mind the resources this may require.

Mr A Duncan congratulated the LEAN team on their work, and asked if management had accepted all of their recommendations. The Foreman Electrician confirmed they had to accept the recommendations as part of the process.

Mr Duncan asked if there would be further financial support from the Scottish Government for this initiative. The Head of Environment and Building Services said that there had been one off funding available through the Improvement Service only for training, but there was no ongoing funding available.

Mr A Duncan referred to paragraph 8.2 of the report, and asked what other areas the LEAN could be applied to. The Head of Organisational Development said that it was most usefully applied to areas where processes or transactions were being repeated again and again, such as processing applications, expenses claims, etc., but there were also more complicated areas such as social care support, that it could be applied to.

Mrs C Miller said this pilot seemed to have been a positive team building experience, and that the Council should be asked soon to roll this out to other services to affect savings where possible.

Mrs F B Grains congratulated the Team on behalf of the Committee, and the Committee otherwise noted the terms of the report.

03/10 Housing Statutory Performance Indicators (SPI's) and Link to Scottish Housing Quality Standard [SHQS]

The Committee considered a report by the Head of Housing Service (Appendix 3).

The Service Manager – Housing Business Support introduced the report, and invited questions from Members.

Mr A Duncan congratulated the Housing Service on the big improvements being made, but said there was still room for some improvement and no room for complacency. Mr Duncan asked what part, if any, the Audit and Scrutiny Committee had played in those improvements. The Service Manager – Housing Business Support said that quite early on the Committee had given focus to the issues surrounding void housing, and work in that area had been accelerated because of that. She added that the appendices to the report illustrated that the service was now moving in the right direction in respect of that issue, and others, as well as policy revisions being considered.

Mr A Duncan referred to Appendix A, Section 3(b) and asked what changes could be made to avoid rent less due to voids. The Service Manager – Housing Business Support said that the service had come on a long way already in this respect, but housing demand in general meant that there were fewer voids and so in general terms the number of voids had decreased. However, she said that the service had identified the majority of long term voids were within sheltered housing and were now looking at how the Council could remodel those properties to make them more lettable.

Mr A Duncan raised some queries regarding rent management as it related to the level of arrears and their timeframes, but noted that these queries should be referred to the Head of Finance.

Mrs C Miller asked if any of the Council's tenants fell into the Fuel Poverty Bracket. The Service Manager – Housing Business Support said there had been some work done on fuel poverty across all tenures, and the majority of fuel poverty was in the private sector. She said that this had been based on fuel cost, so there would be a number of tenants affected as well. She added that properties had been identified and consideration being given to installation of central heating, district heating, or anything that could alleviate those costs.

[Dr J Wills left the meeting.]

In addition, Service Manager – Housing Business Support said that the SHQS required levels of insulation and types of heating to be looked at, but the Council had difficulty meeting the standard because there was no mains gas available, and whilst district heating was being looked at as an alternative, it was not available outwith Lerwick.

Mrs C Miller asked whether, given the adverse weather in Shetland along with the extra cost of fuel, some priority could be given to tenants in that situation. The Service Manager – Housing Business Support said the difficulty with targeting measures in that way would likely involve means testing, and so instead the service was looking at energy efficiency schemes and applying them across all properties.

Mr R Henderson asked what the normal re-let time was for a Council property. The Service Manager – Housing Business Support said the service aimed for a 2 to 4 week turnover, but the time could vary according to work required or the area concerned. Mr Henderson referred to a long standing void in his area, and agreed to discuss that with the Service Manager – Housing Business Support after the meeting.

[Dr J Wills returned to the meeting.]

[Mrs C Miller left the meeting.]

In response to a query from the Head of Organisational Development, the Service Manager – Housing Business Support said that there had been a stock condition survey carried out in 2006 which would give some indication of the quality of private accommodation, including rental accommodation as well as owner/occupier, but the SHQS did not apply to private housing. However, she added that this was an area being looked at as part of the new Local Housing Strategy.

[Mrs C Miller returned to the meeting.]

The Committee noted the terms of the report.

<u>2008/09 Statutory Performance Indicators – Comparative Analysis</u>

The Committee considered a report by the Policy Manager (Appendix 4).

The Head of Organisational Development introduced the report, adding that this type of report sometimes gave Members ways of asking deeper questions about any failures in service delivery, as well as being a way of identifying positive issues.

Regarding the figures for planning applications, the Head of Planning confirmed that additional staff have now been employed, and the Service was still in the process of recruiting. In this regard, he said that an ongoing improvement in performance was therefore expected. However, he said that what was not evidence from the figures was of course the complexity of the applications that were being processed, and asked that Members bear in mind that most authorities were experiencing a drop in the number of applications, but this was not reflected in the figures for Shetland. The Head of Planning added that the indicators did not reflect the other work being done by the Section, such as developers' workshops, which took time, but provided a good service, and was being used as an example of best practice. He said that the Council also provided a free pre-application process to members of the public, and whilst the Service did not want to be bottom of the league, other things were being done which ensured a good service level.

Regarding the number of women in the top earners category, the Head of Organisational Development said that this figure would always be much lower than other authorities due to the employment of marine staff and pilots, which other authorities did not have. Mrs C Miller said it was a requirement that Council's employed the best person for the job, regardless of whether they were a man or a woman, but issues with child care in Shetland were often cited as a possible reason for a lack of women in this category.

With regard to homecare, Mr A Duncan said the figures showed the Council in a very poor position, and asked what was being done to tackle this issue. The Head of Organisational Development said that the figures showed the Council as being at the bottom due to the small number of clients, but the percentage of clients that get intensive personal care was only a proportion of the clients that receive Social Care services.

In response to a query from Mrs F B Grains, the Head of Environment and Building Services said that he was quite comfortable with the fact that they would never score high in the category relating to recycling municipal waste, as what the Council was doing in relation to supplying the District Heating Scheme was good practice in diverting waste away from landfill. He said it was unfortunate that the statistics shown were unreasonable, and if the indicator was waste to energy, instead of recycling, the Council would be top or second top of the table.

The Committee noted the report.

05/10

Sustaining Shetland 2009

The Committee considered a report by the Head of Organisational Development (Appendix 5).

The Policy Officer introduced the report.

Dr J Wills referred to page 43 of the report, and to the figures for those not claiming eligible benefits. He said it was known that the Citizens Advice Bureau and the Council make good efforts in ensuring that people claim what they are entitled to, but he asked if there was a reluctance amongst elderly people in particular to make claims. Dr Wills raised concerns as to the lack of affordable child care and the implications this had for young people.

The Head of Organisational Development suggested that benefits uptake, fuel poverty and childcare matters could be put on the work plan for the Audit and Scrutiny Committee.

Mrs L Baisley referred to page 17 of the report, and said that she had seen figures, as part of the consultation on Blueprint for Education, in the context of Junior High Schools, which showed a higher percentage of pass rates than the two High Schools. Mrs Baisley said it would be good to have those figures clarified, as it had been suggested that the Junior High Schools would be unable to provide education in line with the Curriculum for Excellence.

Mr A Duncan said the report was very interesting, but brought to attention some concerns, particularly in terms of agriculture, where he would like to see a more detailed breakdown of the type of holdings. With regard to tourism figures, Mr Duncan said that the Economic Development Unit had put a considerable amount of money into tourism, and he said this was a reason for much more consideration being given to the length of time that cruise liners were in port, therefore providing more time for visits to local attractions. Mr Duncan also referred to benefit entitlements and said that more should be done by going out to people in their communities and explaining what they were entitled to.

Mrs F B Grains referred to figures which illustrated that community groups appeared to be flourishing, but involvement in sport and leisure activities was decreasing. The Head of Organisational Development agreed to provide more information to her after the meeting.

Mr A Duncan referred to the figures for the cost of living on page 43, and the Head of Organisational Development agreed to provide him with a copy of the reports referred to therein, for information. He said that consideration was being given to updating these reports in partnership with others such as HIE.

Referring to the cost of external travel, Mr G Robinson said that the 60% increase in boat fares was concerning, as well as the general increase in

travel costs since 2004. Mr Robinson agreed that he would raise these matters through the External Transport Forum.

Mrs L Baisley said that the general cost of fuel in Shetland would have an impact on many areas, including cost of living, compared with other parts of Scotland.

The Committee noted the report.

06/10 **Governance Update**

The Committee considered a report by the Chief Executive (Appendix 6).

After hearing the Chief Executive summarise the terms of the report, Mr G Robinson referred in particular to paragraph 2.1 of the report, and said that this definition differed from the definition given by the Audit Commission in its Best Value guidance on corporate assessment, which was: structure and process, roles and relationships; commitment and leadership; and balanced reporting and information. Mr Robinson said that in his view the terms of report represented consideration of the consequences of governance, but not good governance itself. Mr Robinson then referred to paragraph 2.3 of the report and to the ongoing Audit Scotland assessment, and to the consideration by the Chief Executive that little was being achieved at best value, and asked what research and evidence was available to back up that statement.

The Chief Executive said that Audit Scotland themselves had highlighted these areas, one example being procurement, where the Council could making savings. In addition, he said that Member were not shy of coming forward themselves and highlighting areas which they believed were taking too long to resolve or costing too much.

Mr G Robinson said that his concern was that, whilst there were instances where savings could be made or processes could have been quicker, there were also instances where there had been very good work done on behalf of the Council, an example being the performance of the Roads Service, and the burden of that was cheaper than anywhere else in Scotland.

The Chief Executive said it was difficult to make broad brush statements, but he said the Council was a Best Value Council, but there was no corporate mechanism in place to ensure that best practice was being achieved across the Council. He said there would of course be areas where there would be examples of good practice, but there was no process for co-ordinating that across the Council. He acknowledged that different departments and service areas were making their own savings, but the purpose of this report was not to praise what the Council was good at, but to address those areas where the Council was not so good.

Mr G Robinson referred to paragraph 2.5 of the report, and to the Scottish procurement scheme recently put in place, and a recent report from the

Head of Finance on the management of assets and capital programme. Mr Robinson said that progress was being made in these areas, and the main concern of Audit Scotland was regarding relationships and leadership and governance.

Mr D Clark referred to Audit Scotland's report, and said that the Council had approved a structure whereby their concerns regarding asset management and procurement would be addressed. He said Mr Robinson was correct to say that there were also concerns regarding the public coverage of high profile relationship issues between Members and officers, and the impact that that may have on decision making.

Mr Robinson then referred to paragraph 4.1.1 of the report, and said he did not recall the Council being asked to create a post for the management of the Total project, or have that project delegated. The Chief Executive confirmed that no post had been created, and that simply due to legal issues surrounding this matter, it was felt appropriate to task an officer from Legal Services with taking the lead in those matters, and it was a routine management matter upon which the Chief Executive said he did not expect to have to seek permission.

Mr Robinson referred also to paragraph 4.1.3 of the report, and asked how SOLACE were pursuing this best practice film, and when the film would be shown on SKY, and what channel. The Chief Executive advised that Local Government TV had been commissioned by SOLACE to carry out this filming. He said that he had been in discussions with SOLACE regarding the matter, and it was agreed that the Council's uniqueness of the situation regarding broadband links and Shetland Telecom, and the approach the Council had taken in addressing this unique problem. He said the matter was discussed with the Executive and with the Convener, and it was considered a good opportunity, and the short film would be broadcast on the Local Government Channel in due course. He confirmed that the cost was in the region of £9500.

Mr Robinson referred to paragraphs 5.1.1 and 8.1.1 regarding the establishment of a Finance Committee, and suggested that the report should be presented to this Committee in the first instance. The Chief Executive said that the recommendation was intended to ensure a broader debate could be held on the role and remit before a report was presented, and he hoped Members would provide their comments to him.

Regarding paragraph 5.1.2, Mr G Robinson asked for an explanation of the suggestion that housing new build and planning would be centralised. The Chief Executive said that this was being put forward for consideration as part of a wider and strategic requirement to address corporate issues, and their co-ordination.

Mr G Robinson said he had some serious concerns about the issues in this report, and was not convinced that enough research or evidence had been given to Members to make the decisions being asked of them today. He said that the report was not about governance, but about service delivery, and he said there were financial implications that were not addressed, and the terms of the report sent a poor message to staff regarding performance. In this regard, Mr Robinson said that the report

should be rejected.

Mr A Duncan asked if the terms of paragraph 5.1.2 would require the amalgamation of departments. The Chief Executive said that at this point he did not see any need for major structural changes, and the focus of this report was that any such major changes should be left for the future, but recognises that there were a couple of area that are worthy of consideration now. He said that the Council had a good structure, and provided quality services, but it could do better, and this view concurred with that of Audit Scotland.

Mrs L Baisley said that communication with the media or general public was important, and she said that people did expect a good level of service. She said that more co-ordination between departments that have different interests was required. She said that she welcomed the report, and moved that the Committee accept the recommendations. Mrs C Miller seconded.

Dr J Wills said that Mr Robinson was right. He said governance was not about high quality services, but was about how it was done. He referred to the criteria set out by Audit Scotland, including the Council's political management arrangements, best value and relationships. He said that it was quite clear that this criteria was not being met at present. Dr Wills then referred to his paper which he produced in April, and to the various points referred to therein. He said that this report had only addressed 2 of the 14 points he had made. With regard to a Finance Committee, Dr Wills said he thought that a Finance Committee remit would be too narrow, and it should be wider, and something more like a Policy and Resources Committee. Dr Wills referred to the proposal for a newsletter, and said he did not think that was required in addition to the existing staff bulletins.

Dr Wills moved as an amendment that the Committee recommend that the Council:

- 8.1.1 approve the establishment of a Policy and Resources Committee, in principle, with a separate report to the next meeting of the Council on the role, remit and membership;
- 8.1.2 agrees to the production of a draft council bulletin for consideration at the next Audit and Scrutiny meeting;
- 8.1.3 delete.

Mr G Robinson seconded.

After summing up, voting took place by a show of hands, and the result was as follows:

Amendment (J Wills)

Motion (L Baisley)

07/10

<u>Items for Future Discussion</u>

Devolved School Management

Mrs L Baisley said she was beginning to learn, or had heard a lot of things, during the course of discussions on the Blueprint for Education. She said one of the things she would like to look at was something brought to her attention, and that was the way in which the Council was one of the few that did not have devolved school management, where the Head Teacher and senior management team manage at least 80% of the school budget. She said in Shetland, that seemed to be quite the reverse, roughly 5% was managed by School management, and asked that a report be prepared for a future meeting on (1) why the Council was in the minority in this regard, given that Shetland had the highest rate per child costs; and (2) comparative figures with other local authorities be provided.

2. Adverse Weather - Staff

Mrs F B Grains said that during the recent bad weather, care workers were having to travel, and commended the flexibility of those workers, and the service they provided. Mrs L Baisley agreed, and said that care staff should be commended for arranging to get to their clients in spite of the bad weather.

Mr A Duncan said that all staff working on the gritters should be congratulated for doing a wonderful job. He said that staff had done a remarkable job, and salt stocks had been kept up very well, particularly when compared to other local authorities. The Chief Executive said he would pass on these comments to the staff involved.

The meeting concluded at 12.50 p.m.

F B Grains Chairperson