

Minute of Meeting Audit, Risk and Scrutiny Board

Date	Time	Venue
Monday, 23 January 2023	15:00	Council Chambers (Renfrewshire), Council Headquarters, Renfrewshire House, Cotton Street, Paisley, PA1 1AN

Present: Councillor Jennifer Adam, Councillor Andy Doig, Councillor Chris Gilmour, Councillor John Gray, Councillor Lisa-Marie Hughes, Councillor Robert Innes, Councillor James MacLaren, Councillor Janis McDonald, Councillor Kevin Montgomery

In Attendance

A MacArthur, Director of Finance & Resources; C Dalrymple, Head of Facilities & Property Services and L Rennie, Operations Manager (both Environment & Infrastructure Services); A Noble, Change & Improvement Officer and Lead Officer (Health & Social Care Partnership); M Conaghan, Head of Corporate Governance, C McCourt, Head of Finance & Business Services, M Boyd, Head of Transformation & OD, A McMahon, Chief Auditor, K Campbell, Assistant Chief Auditor, K Locke, Risk Manager, S Fanning, Principal HR & OD Adviser, A Black, Managing Solicitor, John Kilpatrick, Finance Business Partner and Lead Officer, D Pole, End User Technician, C MacDonald, Senior Committee Services Officer, J Barron, Assistant Committee Services Officer and D Cunningham, Assistant Committee Services Officer (all Finance & Resources).

Also in Attendance

G Devlin, Partner & National Head of Internal Audit and A Kolodziej, Senior Manager (both Azets).

Declarations of Interest

There were no declarations of interest intimated prior to the commencement of the meeting.

Recording

Prior to the commencement of the meeting the Convener intimated that this meeting of the Board would be webcast live on the Council's website.

1 **Development Programme**

K Lock gave a presentation on risk management. The presentation gave a brief overview of risk management; outlined the current framework, policy & strategy; highlighted key principles, scrutiny and challenges; intimated the latest in-house developments; and advised of the 12 areas of risk currently being considered.

DECIDED: That the presentation be noted.

2 **Summary of Internal Audit Reports for period 01 October to 31 December 2022**

There was submitted a report by the Chief Auditor relative to the requirement in terms of the Public Sector Internal Audit Standards (PSIAS) that Internal Audit communicated the results of each engagement to the Board.

The appendix to the report detailed the category of assurance, service, engagement and assurance rating and gave recommended risk ratings for each engagement as either critical, important, good practice or service improvement. A summary of findings was also provided in relation to final reports issued for those engagements completed during the period 1 October to 31 December 2022.

The report intimated that in addition to the reports listed in the appendix, Internal Audit had an ongoing commitment to arrange corporate and service initiatives, progress information security matters in partnership with ICT and Legal Services, provide regular advice to officers, provide Internal Audit services to the associated bodies for which Renfrewshire Council was the lead authority and to Renfrewshire Leisure and Renfrewshire Health & Social Care Integration Joint Board, co-ordination of the Council's Corporate Risk Management activity and management of the counter fraud, risk management and insurance team.

DECIDED: That the summary of Audit findings report for the period 1 October to 31 December 2022 be noted.

3 **Internal Audit and Counter Fraud Progress and Performance for Period to 31 December 2022**

There was submitted a report by the Chief Auditor relative to Internal Audit and Counter Fraud performance between 1 April and 31 December 2022 in terms of the delivery of the Audit Plan for the year and outlining actual performance against targets set by the Director of Finance & Resources.

No formal performance targets for fraud investigation had been established as a major part of the team's work involved being the single point of contact for the Department for Work and Pensions (DWP) Single Fraud Investigation Service and the Service Level Agreement for the work contained time targets for completing this work.

It was noted that the focus over the last year had been on increasing fraud awareness amongst employees to prevent fraud from occurring against the Council. The types of fraud referrals received to date were wide-ranging and the team's objective was to concentrate on investigating those referrals considered to contain the greatest fraud risk.

The report also detailed the progress made against local and national initiatives involving Internal Audit and the Counter Fraud Team in the period.

The report advised that the Internal Audit Team and the Counter Fraud Team were currently working on a hybrid basis and were undertaking home/site visits when the need arose.

DECIDED: That the Internal Audit and Counter Fraud Team progress and performance from 1 April to 31 December 2022 be noted.

4 **Summary of Outstanding Internal Audit Recommendations**

Under reference to Item 3 of the Minute of the meeting of the Audit, Risk & Scrutiny Board held on 18 March 2018, there was submitted a report by the Chief Auditor relative to a summary of outstanding Internal Audit recommendations.

The report provided an updated position of the critical recommendations that had been followed up during 2022/23 and had not yet been implemented. The appendix to the report detailed the recommendations that had not yet been implemented or were in the process of being implemented and the latest responses received from service management.

DECIDED: That the position in relation to the outstanding recommendations be noted.

5 **Azets Audit Strategy 2022/23**

There was submitted a report by the Director of Finance & Resources relative to Azets taking over as the Council's external auditor.

The report advised that Azets have a new five-year external audit appointment which commenced in 2022/23. In advance of the formal Audit Plan being presented to the meeting of the Audit, Risk and Scrutiny Board in March, G Devlin from Azets, as the Audit Lead, gave a presentation which provided an introduction to the Audit Team and set out their strategy for 2022/23. A copy of Azets' Audit Strategy was attached as an appendix to the report.

DECIDED: That the presentation and Audit Strategy for 2022/23 attached as an appendix to the report be noted.

6 **Absence Statistics - Quarter 3 2021/22**

There was submitted a report by the Director of Finance & Resources relative to the Council's absence statistics for the period 1 October to 31 December 2022.

The report provided information in relation to absence targets and how services and categories of staff had performed against them. An analysis of the reasons for absence for the period was included in the report. Information was also provided on supporting attendance activity levels by service and costs of sick pay and the overall number of days lost.

DECIDED: That the report on absence statistics for the period 1 October to 31 December 2022 be noted.

7 **Scottish Information Commissioner – Annual Report**

There was submitted a report by the Director of Finance & Resources relative to the Scottish Information Commissioner's Annual Report for 2021/22.

The report intimated that the Freedom of Information (Scotland) Act 2002 (FOISA) created a general right to obtain information from any designated Scottish public authority subject to limited exemptions. The Annual Report for 2021/22 referred to the lasting impact of COVID and concluded that one key impact was a significant increase in the number of appeals.

It was noted that in total there had been 73,983 FOI requests in Scotland in 2021/22 which was an increase on 69,519 from the previous year. Renfrewshire Council received 1,258 FOI requests in 2021/22 compared to 1,084 in 2010/21.

Across Scotland 3% of requests resulted in a requirement for review. The Council received 25 requirements for review in 2021/22 compared to 14 the previous financial year.

The report advised that the Council had received one valid appeal for 2021/22 and a decision was still awaited from the Commissioner.

The report advised that the low level of requirement for review compared to the volume of requests processed by the Council indicated that the Council continued to manage its responsibilities well.

DECIDED:

(a) That the content of the Scottish Information Commissioner's annual report be noted; and

(b) That the information on the numbers of FOI requests, reviews and appeals involving the Council as indicated in paragraph 3 of the report be noted.

8 **Commissioner for Ethical Standards in Public Life in Scotland - Annual Report 2021/22**

There was submitted a report by the Director of Finance & Resources relative to the annual report by the Commissioner for Ethical Standards in Public Life in Scotland.

The report provided details of the investigation of complaints about the conduct of councillors, members of devolved public bodies and MSPs and scrutiny of Scotland's Ministerial public appointments process.

It was noted that the Acting Commissioner for Ethical Standards took over in April 2021 and was faced with significant activity during a particularly challenging period due to staff movement and restructure. However, the report advised that the Commission was working with the Scottish Government to produce positive change and received an unprecedented number of reports of good practice and were able to publish a revised Code of Practice which came into effect in October 2022 prior to their year-end.

Nationally during 2021/22 the Commissioner received 330 complaints compared with 238 in 2020/21. The subject matter of the complaints was detailed in the report, however, it was highlighted that the largest category of complaints related to disrespect toward employees/public.

No specific figures relative to Renfrewshire Council were included in the Commissioner's report. However, information had been received separately from the Commissioner that, during the period covered by the report three complaints had been received compared with five in 2020/21 and five in 2019/20. All three complaints received related to disrespect to the public/council officers.

One of the complaints was dismissed at the admissibility stage and did not progress to investigation. One of the complaints progressed to investigation where the Commissioner found the Councillor had not breached the Code of Conduct and the third was still under an open investigation.

It was noted that during the year April 2021 to March 2022 the Council, as part of its programme of events and development opportunities for Councillors provided two briefings for Councillors in relation to the Code of Conduct and these were detailed within the report.

DECIDED:

(a) That the 2021/22 annual report by the Commission for Ethical Standards in Public Life in Scotland be noted; and

(b) That the actions taken in Renfrewshire in relation to the Code of Conduct and members' development opportunities be noted.

9 **Scottish Public Services Ombudsman (SPSO) Annual Report 2020/21**

There was submitted a report by the Director of Finance & Resources relative to the Scottish Public Services Ombudsman's (SPSO) Annual Report 2021/22.

The report intimated that the SPSO was the final stage for complaints about Councils, the National Health Service, housing associations, colleges, universities, prisons, most water providers, the Scottish Government and its agencies and departments and most Scottish authorities. The Health Sector was the sector about which the SPSO received most complaints (34%) with Local Authority sector receiving the second highest number (32%).

No complaint details for specific organisations were included in the report. However, information was received separately from the SPSO relative to Renfrewshire which

indicated that the number of complaints received by the SPSO was 43, compared with 31 in 2020/21. The report noted that there were 47 cases determined (these include cases carried forward from the previous year). Of the 47 complaints determined during the period, two went to investigation stage and a copy of the SPSO investigation reports relative to the two cases where the decision was “not upheld” and “upheld” were attached as appendices.

The SPSO would not generally consider a complaint unless the complainer had gone through the Council's complaints procedure fully. In 2021/22 the Council received 9,193 complaints compared with 6,179 in 2020/21.

DECIDED:

- (a) That the Annual Scottish Public Services Ombudsman report for 2021/22 be noted; and
- (b) That it be noted of the 47 complaints against Renfrewshire Council determined by the SPSO in 2021/22 none went to public investigation

10 Bulk Uplifts - Lead Officer John Kilpatrick

There was submitted a report by the Lead Officer relative to the proposed purpose, scope and terms of reference and witnesses to be called for the review of bulk uplifts in the countryside and at known fly-tipping spots.

The report intimated that the key purpose of the review would be to set out the current position in relation to bulk uplifts within Renfrewshire Council; to consider the impact of offering a free bulk uplift service for the elderly; and identify any other mitigations that could be recommended for the elderly that the Council could pursue within available resources.

Details of the proposed timetable for the review was outlined within the report.

DECIDED:

- (a) That the purpose and scope of the review be approved;
- (b) That the provisional timescale as outlined in the report be approved;
- (c) That the Lead Officer be authorised to contact any organisations recommended by the Board who might have information useful to the Board and who might be potential witnesses;
- (d) That powers be delegated to the Lead Officer in consultation with the Convener to alter the timetable having regard to the availability of evidence and witnesses throughout the course of the review; and
- (e) That the Lead Officer be authorised to make the necessary arrangements to progress the review within the agreed timescales.

11 Neighbour Disputes - Lead Officer Andrew Noble

There was submitted a report by the Lead Officer relative to the proposed purpose, scope and terms of reference and witnesses to be called for the review on neighbour disputes.

The report intimated that the key purpose of the review would be to try to establish the scale and nature of neighbour disputes in Renfrewshire; to set out the current arrangements and approaches the Council and other stakeholders had for responding to neighbour disputes; to review the current disposals/actions that were available to the Council and others to resolve neighbour disputes; and to identify any other approaches, policy changes or mitigating actions that could be available to the Council within existing resources.

A list of proposed witnesses/representatives to be invited to future meetings to provide information/evidence to the Board was outlined within the report and details of the proposed timetable for the review was attached as an appendix to the report.

It was proposed that the Information Commissioner's Office guidance on use of domestic CCTV cameras would be circulated to Board members and the Lead Officer for Neighbour Disputes would include further investigation within his review on the use of domestic CCTV. This was agreed.

DECIDED:

- (a) That the purpose and scope of the review be approved;
- (b) That the provisional timescale as outlined in the appendix to the report be approved;
- (c) That the Lead Officer be authorised to contact any organisations recommended by the Board who might have information useful to the Board and who might be potential witnesses;
- (d) That powers be delegated to the Lead Officer in consultation with the Convener to alter the timetable having regard to the availability of evidence and witnesses throughout the course of the review;
- (e) That the Lead Officer be authorised to make the necessary arrangements to progress the review within the agreed timescales; and
- (f) That the Information Commissioner's Office guidance on use of domestic CCTV cameras would be circulated to Board members and the Lead Officer for Neighbour Disputes would include further investigation within his review on the use of domestic CCTV.

EXCLUSION OF PRESS AND PUBLIC

The Board resolved that the press and public be excluded from the meeting during consideration of Item 6 as it was likely, in view of the nature of the business to be transacted, that if members of the press and public were present, there would be disclosure to them of exempt information as defined in paragraphs 1 and 14 of Part I of Schedule 7A of the Local Government (Scotland) Act 1973.

12 Summary of Internal Audit Investigation Reports for period 1 October to 31 December 2022

There was submitted a report by the Chief Auditor relative to the requirement in terms of the Public Sector Internal Audit Standards (PSIAS) that Internal Audit reported on the findings and conclusions of audit engagements to the Board. The appendix to the report provided a summary of the findings of an internal audit investigation.

DECIDED: That the summary of Audit Reports finalised during the period from 1 October to 31 December 2022 be noted.