

# **MORAY COUNCIL**

## **Minute of Meeting of the Audit and Scrutiny Committee**

**Wednesday, 10 May 2023**

**Council Chambers, Council Office, High Street, Elgin, IV30 1BX**

### **PRESENT**

Councillor Peter Bloomfield, Councillor Theresa Coull, Councillor John Cowe, Councillor John Divers, Councillor Amber Dunbar, Councillor Jérémie Fernandes, Councillor Donald Gatt, Councillor David Gordon, Councillor Sandy Keith, Councillor Graham Leadbitter, Councillor Marc Macrae, Councillor Neil McLennan, Councillor Shona Morrison, Councillor John Stuart, Ms Margaret Wilson

### **APPOLOGIES**

An apology was intimated on behalf of Mr Ivan Augustus.

### **IN ATTENDANCE**

Also in attendance at the above meeting were the Chief Executive, Depute Chief Executive (Education, Communities and Organisational Development), Head of Governance, Strategy and Performance, Chief Financial Officer, Chief Officer (Health and Social Care Moray) Head of Environmental and Commercial Services, Head of Housing and Property Services, Audit and Risk Manager, Angela Pieri, Public Sector Audit Director (Scotland) and Lindsey Robinson, Committee Services Officer as clerk to the meeting.

Councillors, Mustard, Robertson and Ross were in attendance for item 6 "Internal Audit Section Completed Projects". Councillor Colyer was in attendance for the entire meeting.

#### **1. Chair**

Councillor Leadbitter, as Chair of the Audit and Scrutiny Committee, chaired the meeting.

#### **2. Welcome**

The Committee joined the Chair in welcoming Margaret Wilson to her first meeting since joining the Committee as an external member. The second external member is Ivan Augustus, who had given his apologies.

#### **3. Declaration of Group Decisions and Members Interests \***

In terms of Standing Order 21 and the Councillors' Code of Conduct, the Committee noted the following declarations: -

On behalf of the Administration, Councillor Gatt declared that there had been group discussions on all of the Agenda items but there was no whip.

Councillors Morrison, Divers, Gatt and Bloomfield all declared that they were either members or substitute members of the Moray Integration Joint Board.

Councillor Stuart declared that he works for the Care Inspectorate but does not inspect Moray.

There were no further declarations from Group Leaders or Spokespersons in regard to any prior decisions taken on how Members will vote on any item on the agenda or any declarations of Member's interests in respect of any item on the agenda.

#### **4. Minute of the Meeting of the Audit and Scrutiny Committee of 15 February 2023**

The minute of the meeting of the Audit and Scrutiny Committee dated 15 February 2023 was submitted and approved.

#### **5. Written Questions \*\***

The Committee noted that no written questions had been submitted.

#### **6. Internal Audit Section Completed Projects**

A report by the Audit and Risk Manager advised the Committee of the work of the Internal Audit Section for the period 16 February 2023 to 10 May 2023.

Councillor Cowe joined the meeting during the discussion of this item.

During consideration of the report, Councillor Ross provided a statement to the Committee in respect of Appendix 4 – “Aberlour Early Years Learning and Childcare Scheme” of this report, to highlight his concerns and those of his constituents.

Councillor Fernandes sought clarification on the future use of the temporary classrooms and questioned whether the decision should be made by Officers or by the Education, Children's and Leisure Services (ECLS) Committee.

In response the Depute Chief Executive (Education, Communities and Organisational Development) advised that there were a number of options under consideration for the temporary classrooms and confirmed that she would be happy to bring a report to the ECLS Committee but due to the content the report it may need to be considered in the confidential session.

Councillor Gatt suggested that Appendix 4 be considered by Moray Council going forward to ensure accountability for public money.

Councillor Robertson was also of the opinion that it be heard at Moray Council to allow all 26 members the opportunity to consider the findings of the report.

In response the Chair advised that it was not the remit of the Audit and Scrutiny Committee and by considering the report at a meeting of the Council it would undermine the role of the Audit and Scrutiny Committee. He was also of the opinion that there were other mechanisms available to Elected Members to raise any issues with the Corporate Management Team (CMT).

Councillor Gatt asked that the report be moved to a confidential session to allow free discussion.

In response the Monitoring Officer sought clarification as to the reasons for confidentiality from Councillor Gatt, as the report was already in the public domain.

Councillor Gatt expressed concern that a large sum of money had been spent without the Chief Financial Officer's knowledge and the Councillors Code of Conduct does not allow for a critical discussion about Officers to be in the open session.

The Chair reminded the Committee that this Committee's remit was to scrutinise the process and to seek assurances that the risks be minimised going forward and that any issues Elected Members have with Officers should be raised with the Chief Executive.

The Chief Executive confirmed that he had not be approached by any Elected Member with regards to any issues concerning staff. He further added that the report provided the Committee with the information which had been sought. He further advised that senior management welcomed the audit and that the deadline for the high priority issues to be addressed was June 2023.

The Audit and Risk Manager confirmed that following the June 2023 deadline the audit team would revisit the service to ensure compliance against the recommendations and would then present an update report to a future meeting of this Committee.

Following further consideration, Councillor Gatt moved an amendment that Appendix 4 should be heard at the meeting of Moray Council on 28 June 2023 as a matter of urgency as he felt that a decision was needed on the use of the temporary cabins.

Following a short adjournment and legal advice from the Monitoring Officer, the Chair declared that the amendment moved by Councillor Gatt was not competent due to it being out with the purpose of the report and would undermine the Audit and Scrutiny Committee. He was further of the opinion that discussion was needed between the Administration Group and CMT with regards to agenda setting for a special or ordinary meeting of Moray Council and that, ideally, this should be after the deadline for the actions to be completed has passed.

Thereafter the Committee agreed to note the contents of the report.

## **7. Internal Audit Section Update**

A report by the Audit and Risk Manager provided the Committee with an update in the work of the Internal Audit Section.

Following consideration the Committee agreed to note the contents of the report.

## **8. Annual External Audit Plan Year Ending 2022-23**

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the Auditor's Annual Audit Plan for 2022/23.

The Chair invited the External Auditor to set out the plan to the Committee.

Following consideration the Committee agreed to note the contents of the External Auditor's Annual Plan for 2022/23.

## **9. Adult Social Care Commissioning Service**

A report by the Audit and Risk Manager advised the Committee on an audit of Adult Social Care Commissioning Service within Health and Social Care Moray (HSCM) completed by KPMG Governance, Risk and Compliance Services.

During consideration the Chief Officer HSCM advised that regular reporting would be undertaken to the Audit and Scrutiny Committee on the progress of implementing the recommendations detailed within the KPMG report.

Councillor McLennan left during discussion of this item.

Following consideration the Committee agreed to note the contents of the report.

## **10. Question Time \*\*\***

The Committee noted that no questions were asked.