

MORAY COUNCIL

Minute of Meeting of the Audit and Scrutiny Committee

Wednesday, 27 October 2021

Remote Locations via Video Conference,

PRESENT

Councillor George Alexander, Councillor Frank Brown, Councillor John Divers, Councillor Tim Eagle, Councillor Donald Gatt, Councillor Graham Leadbitter, Councillor Marc Macrae, Councillor Aaron McLean, Councillor Maria McLean, Councillor Shona Morrison, Councillor Sonya Warren

APOLOGIES

Councillor John Cowe, Councillor Ryan Edwards, Councillor Walter Wilson

IN ATTENDANCE

Also in attendance at the above meeting were the Chief Executive, Head of Governance, Strategy and Performance, Dafydd Lewis, Senior Auditor, and Lindsey Robinson, Committee Services Officer, as Clerk to the Committee.

1. Chair

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

2. Declaration of Group Decisions and Members Interests *

In terms of Standing Order 20 and the Councillors' Code of Conduct, there were no 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.

3. Minute of Meeting of 1 September 2021

The Minute of the meeting of the Audit and Scrutiny Committee dated 1 September 2021 was submitted and approved.

4. Written Questions **

The Committee noted that no written questions had been submitted.

5. Order of Business

Under reference to Standing Order 29, due to his need to leave the meeting early, the Chair agreed to a request from Councillor Eagle to ask a question prior to the start of the business on the agenda seeking clarification as to why a paper on Scrutiny was being circulated to Group Leaders and then submitted to full Council without being debated at this Committee.

In response the Head of Governance, Strategy and Performance advised that he was preparing a report to the next meeting of Council on 10 November 2021 in regard to the constitutional aspects of the Scheme of Administration in relation to the function of this Committee and as the governing body the delegation sits with full Council in relation to scrutiny and as all members of this Committee are also members of the Council he was of the opinion that this would be sufficient in terms of the members.

Councillor Eagle stated that, in his opinion it was a matter of principle that the paper should come before this Committee to allow it to be debated and make recommendations thereafter to the full council and further sought clarification that this would not be possible.

In response The Head of Governance Strategy and Performance advised that if this was his view Councillor Eagle did have the option to raise a motion at the next Council meeting seeking to add a further step in the process for agreeing the remit to be included by this Committee before going back to full Council for final consideration.

Councillor Brown sought clarification in regard to a decision taken prior to the pandemic for the formation of a Member/Officer working group to consider the policies and processes etc that this Committee should follow and as this was a matter outstanding wondered if perhaps he was so minded that Councillor Eagle raise a motion that a report in regard to this be brought to the full Council in November and asked if that would be competent.

In response the Head of Governance Strategy and Performance advised that there were two issues requiring consideration. The first in relation to the Scheme of Administration and the powers delegated to committees that solely sits wholly within the power of the full Council and the second is the issue raised by Councillor Brown which refers to the scrutiny handbook/scrutiny charter which was an issue looked at by this committee prior to the pandemic in November 2019 and which has not been resolved. He further advised that both of these issues were being rounded up within the report he is preparing for the Council meeting on the 10 November 2021. The difficulty being that one needs the other as the scrutiny handbook/charter will relate directly to the committee's remit which can only be set by full Council.

The Chair sought clarification on whether this committee could continue as it currently stands until following the local government elections that are due to be held in May 2022 following which the make up of the council may be very different and which is unknown at this time but could see an administration with a completely different view in regard to this committee.

In response the Head of Governance Strategy and Performance advised that the status quo is currently working in terms of this committee and was something that was identified for improvement which was the reason for the report being put before the Council in November but that it is within the Council's gift to leave things as they are if they choose to do so.

Councillor Leadbitter stated that whilst he was not overly concerned about the proposal to include a further step in the process he would ask Members to be mindful that they would be moving rapidly towards the budget setting period and the various reports that will come forward over a few months and the scrutiny and debate that these will require and whether there is merit in dealing with this issue

sooner rather than later as in his opinion there was a danger of it getting lost within the budget reports that will require a lot of scrutiny.

Councillor Eagle stated that he whilst he accepted that scrutiny was also undertaken at each of the service committees, he was of the opinion that it was important that this committee had the opportunity to debate on what delegated authority it should have and he was happy for this to be taken forward at the full council meeting on 10 November where he hoped that Members could come together and move forward.

6. SPSO Recommendations Report

A report by the Chief executive asked the Committee to consider the Scottish Public Sector Ombudsman (SPSO) Recommendations report to demonstrate that SPSO recommendations are considered at a senior level.

During consideration Councillor Warren sought clarification on why items 13 and 14 in the report did not have referral dates.

In response the Chief Executive apologised for the error and advised it would be amended.

Following a question from Councillor Brown about the total number of complaints received by the Council, the Head of Governance, Strategy and Performance confirmed that this detail was contained within the Complaints Annual Report 2020-21 which had been discussed by the Corporate Committee on 12 October.

Following further consideration the Committee agreed to approve the report.

Councillors Eagle and Warren left the meeting during the consideration of this item.

7. Report on the Work of the Internal Audit Section in the Period from 1 September 2021 to 31 October 2021

A report by the Deputy Chief Executive (Education, Communities and Organisational Development) advised the Committee on the work of the Internal Audit Section for the period from 1 September 2021 to 31 October 2021.

During consideration Councillor Brown sought clarification on whether or not the social media training provided for Officers would be provided for Members.

In response the Senior Auditor advised that the training could be extended to include the Members and that this would be passed to the training team.

Following further consideration, where Officers answered questions on computer security and the Council Facebook page, the Committee agreed:

- i) to note the contents of the report, and
- ii) that the social media training provided for Officers also be provided for Members

8. Question Time ***

Under reference to paragraph 9 of the Minute of the Meeting of this Committee dated 1 September 2021, Councillor Alexander sought an update on the petty cash procedures he raised at that meeting.

In response the Head of Governance, Strategy and Performance advised that all sections had been sent a survey around their petty cash use and that the process was well underway.