



# **Agenda Item 3(a)**

## **Minutes**

Draft

**FALKIRK COUNCIL**

**Minute of meeting of the Scrutiny Committee held in the Municipal Buildings, Falkirk on Thursday 4 April 2018 at 9.30 am.**

**Councillors:** David Balfour  
Lorna Binnie  
Allyson Black  
Jim Blackwood  
Niall Coleman  
Dennis Goldie  
Lynn Munro (Convener)

**Officers:** Fiona Campbell, Head of Policy, Technology and Improvement  
Douglas Duff, Head of Planning and Economic Development  
Ian Dryden, Development Manager  
Kenneth Lawrie, Chief Executive  
David Mackay, Head of Education  
Brian Pirie, Democratic Services Manager  
Stuart Ritchie, Director of Corporate and Housing  
Danny Thallon, Environment Co-ordinator

**S1. Apologies**

No apologies were intimated.

**S2. Declarations of Interest**

No declarations were made.

**S3. Minutes**

**Decision**

- (a) The minute of the meeting of the Scrutiny Committee held on 13 December 2018 was approved; and**
- (b) The minute of the meeting of the Performance Panel held on 13 December 2018 was noted.**

**S4. Rolling Action Log**

A rolling action log detailing the status of actions which had yet to be completed was presented for consideration.

The convener highlighted that a number of reports which had been requested by the committee and which had been scheduled to be submitted to this meeting (items 439, 454, 455 and 456) had not been included on the agenda. The Head of Education explained the reason for the delay in each case. The convener responded that, at the least, the Rolling Action Log should have been updated to set out these reasons. Members of the committee stated that in their view a report when called for should be submitted within a reasonable timescale and by the expected date. The convener concurred and drew the committee's attention to the findings of the review of scrutiny which had been undertaken by the Chief Executive and a working group of members earlier in the year which had found that there was a perception culturally within the Council that scrutiny was seen as a lesser function. The lack of the expected reports, she considered, demonstrated this. The Chief Executive concurred and stated that he would ensure that the findings of the review, and the committee's views, were understood by all Directors.

### **Decision**

**The committee noted the Rolling Action Log and agreed to remove actions 411, 430 and 457 from the log.**

### **S5. Report of the Anti-social Behaviour Scrutiny Panel**

The committee considered a report by the Director of Corporate and Housing Services presenting the report and recommendations of the scrutiny panel's review of Anti-social Behaviour.

A scrutiny panel, comprising the Depute Provost and Councillors Binnie, Blackwood (convener) and Grant, had undertaken a review of Anti-social Behaviour between October 2018 and February 2019. The report by the panel, and its findings, were set out in the appendix to the report.

The convener of the panel, Councillor Blackwood, summarised the work of the panel and thanked members, officers and stakeholders for their contribution to the panel's work.

Councillor Blackwood moved that the committee agrees the recommendations of the panel:-

1. The panel commends the good partnership working in place by all agencies in addressing Anti-social Behaviour and encourage this to continue and be built upon as opportunities arise;
2. Services should actively seek to engage with young people out with community facilities and through methods which suit young people;

3. Guidance should be provided for Councillors to assist in dealing with complaints relating to Anti-social Behaviour, including best practice regarding mediation, mental health training and how to have challenging conversations;
4. Requests that the Housing Allocations Scrutiny Panel includes in its work plan consideration of the link between allocations and perceived Anti-social Behaviour.

The committee discussed the panel's findings. In particular the committee welcomed the panel's recommendation that the scrutiny panel which will consider Housing Allocations, consider the link between allocations and perceived Anti-social Behaviour, and gave examples of Anti-social Behaviour. Members also welcomed the panel's recommendations that guidance should be provided to elected members to assist in dealing with complaints in regard to Anti-social Behaviour, particularly in regard to having challenging conversations.

Councillor Coleman commended the work of the panel. In praising the panel's findings he proposed the following amendment which expanded the terms of the motion:-

1. The panel commends the good partnership working in place by all agencies in addressing Anti-social Behaviour and encourage this to continue and be built upon as opportunities arise. Services should actively engage with communities when activity has been reported, being proactive rather than reactive, Services should work in partnership with other Councils ensuring that proven good practice on Anti-social Behaviour is shared and routinely updated;
2. Services should actively seek to engage with all individuals out with community facilities giving particular consideration young people, elderly isolated people, those with recognised substance abuse issues, and those with recognised mental health issues and through methods which, best suit them;
3. Services should review the support offered to victims of Anti-social Behaviour, whether the victim be directly or indirectly affected by Anti-social Behaviour or whether the victim be the recipient of vexatious Anti-social Behaviour complaints against them;
4. Guidance should be provided for Councillors to assist in dealing with complaints relating to Anti-social Behaviour, including best practice regarding mediation, mental health training and how to have challenging conversations, the Council also recognises the role of local members in issues relating to Anti-social Behaviour as legitimate advocates on behalf of constituents. The Council must recognise the role of the elected member and the expectations on the elected member of the general public;

5. Requests that the Housing Allocations Scrutiny Panel includes in its work plan consideration of the link between allocations and perceived Anti-social Behaviour, thus giving us a more rounded approach to dealing with Anti-social Behaviour from a specific service delivery point.;
6. Council though recognising the complex nature of Anti-social Behaviour ensures that collective and holistic approach is taken to information given to Councillors to enable them to assess situations correctly while being mindful that all Councillors are Registered Data Controllers, with the Information Commissioner's Office and doing so within the parameter of GDPR and potential future legislation relating to data protection.

The committee adjourned, at 10.00 a.m. to allow members the opportunity to consider the proposed amendment and reconvened at 10.15 a.m. with all members present.

With the consent of convener, Councillor Blackwood agreed to withdraw his proposed motion provided that, in addition to the terms of the amendment the committee request an update report, in 6 months time, on the implementation of the panel's findings.

## **Decision**

**The Scrutiny Committee agreed the recommendations of the Scrutiny Panel, as further expanded and set out below:-**

- (1) The panel commends the good partnership working in place by all agencies in addressing Anti-social Behaviour and encourage this to continue and be built upon as opportunities arise. Services should actively engage with communities when activity has been reported, being proactive rather than reactive, Services should work in partnership with other Councils ensuring that proven good practice on Anti-social Behaviour- is shared and routinely updated;**
- (2) Services should actively seek to engage with all individuals out with community facilities giving particular consideration young people, elderly isolated people, those with recognised substance abuse issues, and those with recognised mental health issues and through methods which, best suit them;**
- (3) Services should review the support offered to victims of Anti-social Behaviour, whether the victim be directly or indirectly affected Anti-social Behaviour or whether the victim be the recipient of vexatious Anti-social Behaviour complaints against them;**

- (4) Guidance should be provided for Councillors to assist in dealing with complaints relating to Anti-social Behaviour, including best practice regarding mediation, mental health training and how to have challenging conversations, the Council also recognises the role of local members in issues relating to Anti-social Behaviour as legitimate advocates on behalf of constituents. The Council must recognise the role of the elected member and the expectations on the elected member of the general public;**
- (5) Requests that the Housing Allocations Scrutiny Panel includes in its work plan consideration of the link between allocations and perceived Anti-social Behaviour, thus giving us a more rounded approach to dealing with Anti-social Behaviour from a specific service delivery point.;**
- (6) Council though recognising the complex nature of Anti-social Behaviour ensures that collective and holistic approach is taken to information given to Councillors to enable them to assess situations correctly while being mindful that all Councillors are Registered Data Controllers, with the Information Commissioner's Office and doing so within the parameter of GDPR and potential future legislation relating to data protection.**
- (7) The committee requested an update report on implementation of the recommendations in six months.**

#### **S6. Local Government Benchmarking Framework 2017/18**

The committee considered a report by the Director of Corporate and Housing Services providing an update on the Local Government Benchmarking Framework (LGBF) data for 2017/18.

LGBF was a national approach to preparing, comparing and improving the performance of Councils across Scotland. It had replaced the statutory performance indicators which had been required by Audit Scotland and were compiled by the Improvement Service on behalf of the Society of Local Authority Chief Executives (SOLACE). The LGBF was a suite of common performance indicators and national family group events and was used by Audit Scotland as part of its statutory performance framework and used to assess Council's Focus on improvement.

The LGBF for 2017/18 contained 77 indicators, of which 65 had been published in February 2019. These covered service cost, service delivery and customer satisfaction. Although not perfect, due to inconsistency in how the data was collected, the data, supplemented by local information could be used by the Council to drive improvement.

In regard to the indicators, from 2010/2011 to 2017/18 68% (44) had improved while 32% (21) had deteriorated.

When compared to the national average 71% (46) were better and 29% (19) were worse.

The committee had previously scrutinised the complete data set, most recently in 2018 (ref S12). Members at the time had expressed concern that the volume of information presented in a single report had restricted their ability to readily identify areas for further scrutiny. To assist the committee, each Service, would now include as part of its performance reporting (now to the Scrutiny Committee):-

- Key and important indicators from the LGBF and performance, targets, benchmarks over time by service – this will identify those areas we are seeking to improve in.
- Background and context information on those indicators locally i.e. locality information, other PIs that provide additional analysis.
- How we intend to improve and the steps we are taking to achieve that improvement.
- What further work the Service was doing on that area of service.

Members of the committee considered that the inclusion of the information, in the performance reports would assist the committee in its work. Members asked whether the LGBF information was disseminated to, and considered, by individual Services and to what extent. The Head of Policy, Technology and Improvement explained that this was the case and explained that the Corporate Management Team and Service Management Teams utilised the information to improve performance and service. The Director of Corporate and Housing Services, Head of Planning and Economic Development and Head of Education each explained how the information was used within their respective services. The Head of Policy, Technology and Improvement also explained, in response to a question, that each Council used benchmarking family groups to compare and share best practice and to learn. SOLACE oversaw the process.

In regard to indicator CHN10 - adults satisfied with local schools, members sought further information on whether the survey had been restricted to parents of pupils or included all adults. The Head of Education explained that the survey had included adults other than parents and carers and was part of a wider Scottish Household Survey. The Chief Executive explained that the sample they used from the Scottish Household Survey was small and it was this survey upon which % satisfaction indicators in the LGBF were based. The Head of Education added that the service and schools carried out their own surveys with parents. The deterioration recorded by the indicator was disappointing and the Service was looking to better understand the reasons for the dissatisfaction. It was the case however that parents tended to express concerns at a local level rather than to the centre. Attainment results were positive and schools were doing a good job so it was important to understand why 30% of adults surveyed were not satisfied with local schools.

The committee discussed CHN3 - cost per preschool education place. This was £5431, 16th most expensive. The Head of Education, in response to a question, confirmed that the costs included former social work nursery provision which was not statutory day care and which many Local Authorities did not provide. Historically the Council had agreed to provide this care. It was important, members suggested, that the Service look at its provision and determine whether additional and costly care could be provided in a less costly way or whether it should be provided at all.

In regard to ECON4 - % of procurement spent on local enterprises, members welcomed an increase from 18.4% to 32.17% and suggested that it should be higher. The Head of Planning and Economic Development stated that the Service worked closely with the procurement team to enable and support local suppliers in order that they can tender for work.

The committee highlighted ECON7 - adults satisfied with refuse collection which had reduced from 77% to 69% this ranked Falkirk Council at 31 out of 32. Mr Duff stated that the sample size was small, approximately 100 households, and was not reflective of local satisfaction. The Chief Executive concurred that small sample sizes could produce anomalous and unreflective feedback. Nationally SOLACE was looking at ways of improving this measure. Results from the Scottish Household Survey were based on a survey of adults – so a survey on waste collection would in all probability include a high proportion of waste collection service users but a lower proportion of parents so the results in regard to satisfaction of waste services and of local schools could not be equally relied upon to be reflective of user's satisfaction. Members suggested that local, larger, survey would produce more reliable indication of user satisfaction. The Chief Executive explained that local surveys were conducted, for example using the citizen's panel, but the point of the LGBF was to produce Scotland wide results for comparison across Councils. Local surveys did yield more informative and useful outputs but a national indicator had value too, albeit with caveats around the sample size and make up of the sample.

Following a question the Head of Planning and Economic Development summarised the results so far of a trend to use synthetic plastic material to fill pot holes. Indicator ECON4(c) 3% of B class roads which should be considered for maintenance treatment had increased from 39.56% to 42.09%. Should the trial prove successful, Mr Duff suggested, the indicator would improve. Again however Mr Duff questioned the robustness of the indicator. Benchmarking with other Local Authority Family groups suggested that the Council's costs were lower than Authorities of a similar size.

The committee considered that the report generally showed an improving Council. However members questioned the robustness of the data set and the validity of the Scottish Household Survey information. The Head of Policy, Technology and Improvement concurred that the value in itself of SHHS data was questionable and should be looked at in conjunction with other performance information.

Ms Campbell explained that the report gave an overview and Services would provide analysis as part of their performance reporting schedule to the Scrutiny Committee which could include the results of local surveys to supplement the national data.

The Chief Executive concurred recalling that the LGBF was an improvement on the previous Audit Scotland indicators. The information on service performance and on cost of service provision was useful. In regard to the latter cost was a more subtle issue. Higher cost was not necessarily negative - it could be an indicator of being where we wanted to be in regard to provision of a service. However cost indicators were useful when looking to drive efficiencies. For example a high cost good service was not necessarily negative but a high cost low performing service would be one which would be scrutinised. In regard to SHHS information, the Chief Executive, the committee was correct to question its value. The important question in regard to user satisfaction was what the Council was doing to measure user satisfaction. Members agreed and generally welcomed the information with the caveat that the SHHS data was not reflective necessarily of the local view. The Head of Policy, Technology and Improvement stated again that the information would be contained within performance reports and could be viewed at this level as a 'can opener' to enable members to begin to formulate their questions ahead of more detailed and contextualised information coming forward in the individual service performance reports.

## **Decision**

### **The committee noted:-**

- (1) Audit Scotland's increased focus on the use of Local Government Benchmarking Framework indicators as a means to drive improvement;**
- (2) 2017/18 Local Government benchmarking Framework data for Falkirk Council, the IJB and Falkirk Community Trust;**
- (3) the indicators that were improving and deteriorating from 2010/11 to 2017/18, set out in appendix 1 of the report;**
- (4) the indicators that compared better and worse than the national average, set out in appendix 2 of the report;**
- (5) the indicators that were in the top and bottom quartiles, set out in appendix 3 of the report; and**
- (6) that individual Service reports would be presented to future meetings for consideration.**

## **S7. Local Government Benchmarking Framework Indicator: Cost per planning application - Update report**

The committee considered a report by the Director of Development Services providing an update on the Local Government Benchmarking Framework (LGBF) indicator ECON2 on the cost per planning application which was requested by the Committee at its meeting on 5 April 2018.

The committee had called for a report on the LGBF indicator ECON2 – the cost of planning following its consideration of the LGBF suite of indicators in August 2017(ref S6). This had ranked Falkirk Council as 32 out of the 32 Scottish Local Authorities in regard to the cost of a planning application. The report on 5 April 2018 had set out:-

- details of the component costs which make up the ECON2 indicator;
- comparative information for all Scottish Local Authorities;
- contextual information and information to show recent costs and the trend;
- a detailed explanation of the planning process (including timescales) and its costs;
- an overview of Audit Scotland audit of major planning applications; and
- an overview of the national Planning Review and the recent Planning (Scotland) Bill.

The report stated that there would be a review of the cost of service provision in response to the LGBF indicator and as part of work by the Scottish Government in regard to the Planning Bill. It was recognised nationally that the methodology for calculating the cost of planning was inconsistent and unreliable. The committee had requested an update on the work undertaken in regard to the review. The report set out:-

- a summary of the findings of the cost of planning exercise carried out by the Heads of Planning Scotland and the Improvement Service;
- an update on the Council's most recent Planning Performance Framework; and
- a summary of work undertaken to identify potential service improvements to reduce the cost of the planning service and the intended actions.

Further work would be undertaken, as part of a Council of the Future project. This work would consider the planning process in regard to:-

- Local Development Plan
- strategy preparation
- technical and systems support
- development management

The latter would include a review of the Council's Scheme of Delegation with a view to reducing the costs relating to taking applications to the Planning Committee.

Members of the committee commended the work undertaken and the information provided. In regard to ECON2, members noted the improvement in the Council's ranking, to 16 out of 32, but suggested that should all Councils apply the same methodology in calculating the indicator then there was a probability that all would see an improvement in performance and as such the ranking may still not reflect the Council's position. Nonetheless the review had driven cost improvements and efficiencies in the Council's process and this was welcomed. The Head of Planning and Economic Development concurred, noting that the LGBF process was neither robust nor consistently applied. There had been improvements identified in the Council's processes which had resulted in efficiencies in costs and improvements in service and the Council of the Future project would progress these further. It was questionable whether other Local Authorities had reviewed their processes as vigorously as Falkirk Council had. The Development Manager concurred. He gave examples of various workstreams which would identify efficiencies in the process. These included a review of the process leading to consideration by the Planning Committee. The cost to the Service of taking a report to the Planning Committee was £2,000 and it was Anti-social Behaviour anticipated that this could be reduced. Additionally the review would consider the provision of a planning service. This was a service which applicants and potential applicants welcomed and which was well used, but which was expensive and currently provided free of charge to the customer.

The committee discussed the report. Members highlighted the need to share best practice with other Planning Authorities. Mr Dryden explained the process of taking a planning application to the Planning Committee, detailing the work required to assess an application and to prepare a report for the committee the work could be complex and required input from other services such as Governance. The fee for an application was £250 - £400. There was therefore no cost recovery if an application goes to Committee and the cost is borne by the Authority. In response to a question Mr Dryden confirmed that the applicant's fee is set nationally. He also confirmed that there was scope to introduce a fee for the cost of the planning service.

In regard to the cost of preparing committee reports Mr Dryden, following questions, explained the process – from submission of an application to deliberation by the Planning Committee. He suggested that a review of the Scheme of Delegation may result in fewer application types being considered by Committee. Members of the committee expressed concern that a review could diminish the role of the elected member in the process. Mr Dryden stressed that this was not the intention. Some types of applications did not require Committee approval in other Authorities and the aim of the review was to look at all options. Its aim was to look at what should be considered by the Planning Committee and what could be delegated to officers to determine.

The Head of Planning and Economic Development supported the proposed review recognising that members played an important role in the planning process. There was a drive nationally, he explained, to improve and streamline the process for the applicant, by for example, moving the process on-line where possible. In regard to technology it was suggested by members, that the need for site visits could be reduced if the Planning Committee was better able to view sites at the Committee meeting and suggested using Google maps and images taken by drones as possible solutions. The Democratic Services Manager agreed that these could be looked at. There had been a reduction in the number of additional meetings on site. This was due to work by Governance and the Committee to better understand the role of site visits. In conclusion Mr Duff stated that further work would be taken forward by the Council of the Future project. He also stated that it was likely that the introduction of the Planning Bill could have a major impact on the workload of the Planning service.

## **Decision**

**The committee noted:-**

- (1) the feedback from Scottish Government on the Council's Planning Performance Framework submission 2017-18;**
- (2) the results of the cost of the planning exercise conducted by Heads of Planning Scotland and the Improvement Service, and**
- (3) the work undertaken to identify potential service improvements to reduce the cost of the planning service and the intended actions for the service.**

## **S8. Economic Strategy Update**

The Committee had considered the Economic Strategy on 1 February 2018 (ref S30) and had requested an update on the implementation of the strategy after a year. The Head of Planning and Economic Development gave a presentation which set out:-

- background to the strategy
- growth – including town centre development and tourism
- investment – including Falkirk TIF and the Investment Zone
- inclusion – including employability activities

The presentation also highlighted performance. Mr Duff referred to a suite of indicators which showed the Council's performance against Scotland wide performance.

The committee thanked Mr Duff for the presentation. However members considered that a presentation did not afford the committee sufficient opportunity to scrutinise performance.

There had been too much information provided and members stated that they required information of this type in advance, in the format of a report to afford them the opportunity to prepare and to formulate questions. The committee discussed various elements of the presentation but considered that they had insufficient information to properly scrutinise the information and asked for a report. The Democratic Services Manager suggested, given the preparation time required and the committee's workplan that the report be submitted to the committee on 12 September when Development services was scheduled to present its performance report.

### **Decision**

**The Committee requested an update report on the impact of the Economic Strategy at its meeting on 12 September 2019.**