

**FALKIRK COUNCIL**

**Minute of meeting of the Scrutiny Committee held in the Municipal Buildings, Falkirk on Thursday 30 November 2017 at 9.30 am.**

**Councillors:** David Balfour  
Lorna Binnie  
Allyson Black (Convener)  
Nigel Harris  
Lynn Munro  
Laura Murtagh  
Pat Reid  
Ann Ritchie

**Officers:** Carl Bullough, Head of Environmental Services  
Danny Cairney, Accountancy Services Manager  
Fiona Campbell, Head of Policy, Technology and Improvement  
Gary Greenhorn, Head of Planning and Resources  
David McGhee, Head of Procurement and Housing Property  
Brian Pirie, Democratic Services Manager  
Dale Robb, Business & Members Services Manager

**S15. Order of Business**

The convener varied the order of business from that detailed in the agenda for the meeting. The following items have been recorded in the order they were taken at the meeting.

**S16. Apologies**

No apologies were intimated.

**S17. Declarations of Interest**

No declarations were made.

**S18. Minutes**

**Decision**

- (a) The minute of the meeting of the Scrutiny Committee held on 5 October 2017 was approved;
- (b) The minute of the meeting of the Performance Panel held on 19 October 2017 was noted.

## **S19. Rolling Action Log**

A rolling action log detailing the status of actions from the meeting held on 5 October 2017 which had yet to be completed was presented for consideration.

Members remarked that it was regrettable that a report on the Planning Process which had been called for on 18 August 2017 (ref SC9) had not yet been submitted to the committee. The committee had identified this as a potential item for further scrutiny as part of the scrutiny plan and had requested a report in order to consider the issue at length ahead of agreeing its recommendations to Council. The report would be available at the next meeting. However, members stated with concern that this would not allow the committee to consider the issue at today's meeting as part of its consideration of potential items for inclusion in the scrutiny plan. Members were not satisfied with the explanation provided by the Director of Development Services.

### **Decision**

**The committee noted the Rolling Action Log.**

## **S20. Food Law Enforcement Services Audit**

The committee considered a report by the Director of Development Services presenting the findings an audit of the Council's food law enforcement service.

An audit of the food law enforcement service had been undertaken by Food Standards Scotland (FSS) in December 2016. The audit had provided limited assurance and set out a number of recommendations. An action plan had been developed in consultation with FSS. A follow up inspection had been carried out in November 2017, during which the progress made in addressing the action plan points had been noted. A report on the follow up inspection would be submitted shortly by the FSS.

The Head of Environmental Services summarised the key findings of the audit and set out the actions taken by the Service to address the findings.

Members indicated their concern at the limited assurance provided and sought further detail on the actions required to address the key recommendations and requested detail on progress made. The Head of Environmental Services stated that, at the time of the audit, the Service had 3 key posts vacant. These had been filled (with 2 interviews taking place today). The Service had addressed the key recommendations and was confident that the remaining issues would be addressed shortly. He confirmed that in regard to staff training, all records had been updated and training provided where required.

In response to a question in regard to the Food Safety Enforcement Policy, the Head of Environmental Services confirmed that this was up to date. He also confirmed that the Food Service Plan 2016/17 had been approved and would be revised annually.

Members highlighted the particular pressures on the service to the port in Grangemouth and asked whether the staffing levels were sufficient. In response, the Head of Environmental Services confirmed that the service would be fully staffed shortly and that the staffing compliment exceeded that of comparable Local Authorities. With increased staffing levels, the service would be able to allocate sufficient time to internal monitoring activities.

The committee asked that the report on the follow up inspection is submitted for consideration when it is available.

### **Decision**

**The committee noted the report and requested a follow up report on the findings of the follow up inspection by Food Standard Scotland.**

## **S21. Local Government Benchmarking Framework LGBF Performance Information Children Services**

The committee considered a report by the Director of Children's Services which provided context in regard to Children's Services' Local Government Benchmarking information.

The committee had considered a report, on 17 August 2017 (ref SC6), on the Local Government Benchmarking Framework (LGBF). Following discussion on the information in regard to Children's Services, in particular in regard to the cost per pupil in pre-school, primary school and secondary school, the committee had called for a detailed report on the reliability of the LGBF data, which had been collated by the Improvement Service (IS), and had requested information which the service considered provided an accurate picture of how the Service was performing. The committee had indicated that this was a potential area for inclusion in the Scrutiny Plan. In particular the committee sought assurance on the cost per pupil provided and commentary on this compared to other Local Authorities.

The report set out the methodology by which costs are calculated by the IS and the key reasons for inconsistency nationally in the way which costs are calculated. The key reasons for inconsistency are:-

There are a number of reasons why costing information may vary between local authorities:-

- Income from Early Years "wrap around care" places and provision is not included. (Key in Falkirk's figures);

- Treatment of Enhanced/ASN provision costs in mainstream schools;
- Treatment of peripatetic or visiting teachers; and
- Different levels of Service may be provided, this is particularly relevant for Early Years where non-statutory childcare services are in place.

Additionally, costs were overstated as a consequence of the Service restructure which saw the Catering and Cleaning function move into Children's Services.

The adjusted costs, taking the factors above into account, were:-

	CHN1 <u>Primary</u>	CHN2 <u>Secondary</u>	CHN3 <u>Early Years</u>
Cost Per Pupil (Submitted)	£ 4,785	£ 6,865	£ 4,951
Cost Per Pupil (Adjusted)	<u>£ 4,368</u>	<u>£ 6,588</u>	<u>£ 4,834</u>
Scottish Average	<u>£ 4,744</u>	<u>£ 6,729</u>	<u>£ 3,857</u>

The adjusted cost per primary pupil of £4,368 showed that primary schools operate very efficiently and placed Falkirk Council in the top quartile nationally, not 17<sup>th</sup> as the LGBF suggested.

Similarly for cost per secondary pupil, the adjusted cost of £6,558 placed Falkirk Council in the second quartile, not 21<sup>st</sup> out of 32 as stated in the LGBF.

In regard to cost per pre-school pupil, the cost of £4,834 placed Falkirk Council 21<sup>st</sup> not 29<sup>th</sup>. However this is due, in the main, to the fact that the "cost" does not include income and Falkirk Council provides non-statutory extended day care, whereas a number of Local Authorities do not, which inflates Falkirk's "cost"

The Head of Planning and Resources gave a detailed summary of the report. The committee thanked the Head of Planning and Resources for a thorough and informative explanation. Members stated that the report and the summary provided clarified the position in regard to the Service LGBF performance and as a consequence this would no longer be an area for further scrutiny in regard to the Scrutiny Plan. However, members asked several questions in regard to the information provided.

In response to a question on the cost of pre-school per pupil and in particular whether the provision was profitable, the Head of Planning and Resources explained that the true cost was approximately £10 per hour for baby care based on 70% uptake compared against the charge of £4.80 per hour. The charge was broadly comparable with those of other Local Authorities. However it was a matter for Council to determine whether the charge should be increased.

The Head of Planning and Resources stated, in response to a question on the impact of Pupil Equity Funding, that the LGBF was based on cost not income.

The committee sought clarification on the process for determining primary class configuration. In Falkirk, configuration models are determined at the centre with teachers allocated to schools on the basis of number of classes. The Head of Planning and Resources confirmed that this would continue in 2018/19 and led to efficient class configuration. He confirmed there is consultation with head teachers in regard to the class configuration. It was for the head teacher to manage staff and workload. He confirmed that nationally there was shortage of teachers and of supply teachers.

Following questions, the Head of Planning and Resources explained the rationale for catering and cleaning division's move to Children's Services, stating that the majority of the services provided were for Children's Services establishments.

## **Decision**

**The committee noted the report.**

## **S22. Antisocial Behaviour**

The committee considered a report by the Director of Corporate and Housing Services presenting information on the ways in which the Council and its partners deal with antisocial behaviour.

The committee had identified antisocial behaviour on 17 August 2017 (ref SC9) as a potential area for further scrutiny and had asked for a report on how the Council tackles such behaviour so that the matter could be considered further, ahead of the committee identifying topics for inclusion on the scrutiny plan. Additionally the Executive had, on 17 October 2017 (ref EX49) referred the matter of antisocial behaviour to the committee following consideration of a motion.

The report set out mechanisms to tackle antisocial behaviour with particular reference to council tenants. In collaboration with partners such as Police Scotland, Scottish Fire and Rescue Service, NHS and SACRO, the Council's services are:-

- Conflict Resolution Services;
- Community Safety Team;
- Restorative Justice; and
- Community, Learning and Development.

The report provided a detailed summary of each service.

The Head of Procurement and Housing Property gave a detailed overview of the services provided.

The committee thanked the Head of Procurement and Housing Property for the report and for thorough summary of the services provided. Members indicated that it was likely that the issue of antisocial behaviour in particular in regard to Council tenants would be recommended for inclusion in the scrutiny plan. The committee then discussed the report in detail.

Members considered that tackling issues at an early stage could prevent escalation, highlighting examples where minor issues such as the time taken to fix door entry systems, or remove litter, had caused or exacerbated antisocial behaviour. Members considered that although standards were in place to respond to “low level” issues, there were examples of instances where the standards had not been adhered to and this had caused neighbour disputes to escalate. Members also queried whether the sanctions available were strong enough to deter antisocial behaviour and suggested the complainants needed to have confidence in the mechanisms in place. Often, it was suggested, matters are not reported. In response, the Head of Procurement and Housing Property accepted that where there were delays, this should be addressed. Tenants sign a good neighbour agreement which sets out what is expected of them. While it is not necessarily straight forward to deal with, the public need to have confidence in the systems in place to address antisocial behaviour. He agreed that the Council had to be, and be seen to be, responsive.

The committee discussed the arrangements to tackle and deal with antisocial behaviour and suggested that there was a need to build the public’s understanding of, and confidence in, the arrangements and stated that it was vital that interventions were in place to prevent escalation.

Members accepted that the causes of antisocial behaviour were varied and often complex. For example the mix of tenancies within a housing block and the mental health issues within the communities. In regard to the latter point, the Head of Policy, Technology and Improvement summarised the work of the Community Planning Partnership.

The committee discussed the timescales set out in procedures for dealing with issues, such as the removal of litter in a Council tenancy. The Head of Procurement and Housing Property confirmed that timescales were in place and these were necessary, in some cases statutory. However, he confirmed that if a deadline for action had elapsed the matter would not be dropped and would remain on record. Cases would not have to “start again” if the antisocial behaviour repeated itself. In response, the committee suggested that the advice given by officers had been unclear or inconsistent on occasion.

In considering the agencies with which the Council worked, members highlighted that budget cost and future cuts would impact on their ability to deliver current services.

Following the discussion, the committee agreed to recommend antisocial behaviour to Council for inclusion in the scrutiny plan. The scope of the review would focus on council tenancies but would consider arrangements for mixed tenancies, causes of antisocial behaviour, prevention and enforcement and communication with the community.

### **Decision**

**The committee agreed to recommend the topic of antisocial behaviour to council for inclusion in the Scrutiny Plan for 2018.**

### **S23. Scrutiny Plan: The Role of Elected Members in Engaging in the Complaints Process**

The committee considered a report by the Director of Corporate and Housing Services summarising the ways in which elected members can raise and track constituents' enquiries and engage in the complaints process.

The committee had identified the role of elected members in engaging in the complaints process on 17 August 2017 (ref SC9) as a potential topic for further scrutiny and had asked for an issues report so that the matter could be considered further, ahead of committee identifying topics for inclusion on the scrutiny plan.

The report set out the methods by which members can raise constituents' enquiries, the introduction of the Customer First system and highlighted developments made to the system following consultation with members. The report also highlighted inconsistencies in the way in which enquiries are handled by complaints officers.

The Business and Members Services manager gave a summary of the report.

The committee thanked the Business and Members Services manager for the report and thorough response to the issues raised by members on 17 August.

The Business and Members Services manager confirmed, in response to questions, that the Customer First system which logged and tracked enquiries and complaints was not widely used by elected members. Since the Local Government elections in May 2017, there had been an uptake in use, particularly by newly elected members. The Business and Members manager confirmed that members could use other means of raising enquiries but emphasised that they would be logged on Customer First regardless of the method used e.g email, telephone call or face to face

contact. Following discussion with members, a post box email address would be set up to assist members to raise enquiries without having to access the web based form. This was discussed further with members indicating that they would find a generic email address useful. It was reiterated, however, that some members would prefer to raise enquiries by direct contact with officers.

The committee discussed the enquiries and complaints processes and suggested that flow charts for each could be useful to help members understand the various stages.

The committee discussed their ability to track enquiries and complaints using Customer First. Currently they were not able to do so. However, the Head of Policy, Technology and Improvement suggested that the access requested could be arranged and suggested that it would be useful to establish a users group, with elected members, to look at this further, together with other issues raised by users.

The committee sought clarification as to how MP and MSP enquiries are handled. The Head of Policy, Technology and Improvement agreed to investigate further, in particular whether there was a protocol in place.

Following the discussion, the committee welcomed the steps taken to adjust the processes following consultation with elected members and confirmed that it was not necessary to further scrutinise this area of business, given in particular the proposal to establish a users group and the creation of a generic email address.

## **Decision**

**The committee noted:-**

- (1) the role of elected Members in engaging in the complaints process on behalf of constituents, and**
- (2) the development of the Customer First system and the associated training proposals.**

## **S24. Scrutiny Plan**

The committee considered a report by the Director of Corporate and Housing Services summarising topics which had been identified for consideration ahead of the committee recommending items for inclusion on the scrutiny plan for 2018.

These were:-

- Responses to Anti Social Behaviour;



- Pupil Equity Fund – the use and effect of the pupil equity fund was raised at the last performance panel. It was suggested that if this was considered for inclusion it would not start until the end of the next calendar year to allow projects to come to fruition.
- External funding – alternative ways of funding and commissioning. The way the Council funds external organisations via grants has been questioned by Members. A scrutiny panel could look at alternative methods of commissioning such services e.g. public social partnerships, tendering etc;
- Members enquiries and complaints;
- The cost of the planning process – this issue emerged following discussion on the Local Government Benchmarking information. A report on this would be presented to the next meeting.
- Community involvement in the delivery of services – work on this issue was being progressed through the community planning partnership's locality planning arrangements. In the coming months workshops etc. on co production with local communities would be organised. It was therefore suggested that scrutiny of this topic might be premature.
- Local Government Benchmarking Framework – Children's Indicators – Again this was raised during the discussion on the Local Government Benchmarking overview report.

Council had agreed on 29 March 2017 (ref FC86) to include fly tipping on the Scrutiny Plan. At its meeting on 5 October 2017 (ref SC14), the committee agreed to recommend the Allocations Policy for inclusion in the plan. The Head of Policy, Technology and Improvement summarised the topics for consideration and recommended that any review of Community Involvement in the delivery of service could be carried out in 2019 and therefore not included in the 2018 plan.

The committee highlighted that it could not determine whether a review of the Planning Process could be recommended to Council because the report by the Director of Development Service, which had been requested by the committee on 17 August (ref SC9) had not yet been submitted for consideration.

Members reiterated their frustration and indicated that this should be highlighted to Council in the Scrutiny Plan report and that this could come forward as a recommendation following consideration of the report at the next meeting.

After discussion, the committee identified the following items:-

- antisocial behaviour;

- Pupil Equity Fund – as a potential item for 2019; and
- community involvement in the delivery of services – as a potential item for 2019.

Members also asked that the report to Council on 6 December 2017 highlights the position in regard to the Planning Process and that the committee may propose this as a fourth item following its meeting on 1 February 2018.

### **Decision**

**The committee agreed to:-**

**(1) recommend to Council the following scrutiny plan for 2018:-**

- fly tipping;
- housing allocations; and
- antisocial behaviour;

**(2) highlight the use and effect of the Pupil Equity Fund and community involvement in the delivery of as potential topics for 2019.**