ABERDEEN, 26 September 2017. Minute of Meeting of the AUDIT, RISK AND SCRUTINY COMMITTEE. <u>Present</u>:- Councillor Flynn, <u>Convener</u>; Councillor Yuill, <u>Vice-Convener</u>; Councillor Barney Crockett and Councillors Councillor Donnelly, the Depute Provost, Allard, Bell, Cooke, Copland (as substitute for Councillor Nicoll), Duncan, Graham, Lumsden, Avril MacKenzie, McLellan, McRae (as substitute for Councillor Jackie Dunbar), Reynolds, Sellar and Townson.

The agenda and reports associated with this minute can be located at the following link:

https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?Cld=507&Mld=4310&Ver=4

Please note that if any changes are made to this minute at the point of approval, these will be outlined in the subsequent minute and this document will not be retrospectively altered.

REQUEST TO MOVE ITEM 10.1 INTO EXEMPT OR PUBLIC

1. At the start of the meeting, Councillor Lumsden sought advice as to whether the confidential appendix at item 10.1 on the agenda could be brought into exempt business or into the public part of the meeting. The Head of Legal and Democratic Services advised that the appendix had been issued as confidential in terms of Section (50)(A)(b) of the Local Government (Scotland) Act 1973 and that disclosing the information may lead to a breach in the Data Protection Act and that any item declared as confidential required the press and public to be excluded whilst the Committee discussed the item.

The Head of Legal and Democratic Services advised that a redacted version of the confidential appendix had been prepared and would issued to all members and those in attendance at the meeting.

The Committee went into recess for 30 minutes to allow the document to be circulated and for members and those in attendance to read the document.

DETERMINATION OF EXEMPT BUSINESS

2. The Convener proposed that item 11.1 of today's agenda (article 27 of this minute refers) be considered with the press and public excluded.

The Committee resolved:-

In terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973, to exclude the press and public from the meeting for item 11.1 so as to avoid disclosure of exempt information of the class described in paragraph 6.

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MEMBERS ARE REQUESTED TO INTIMATE ANY DECLARATIONS OF INTEREST

3. Councillor Nicoll and Councillor Lumsden declared an interest in item 11.1 (Garthdee Alpine Sports) by virtue of their position as Directors of Garthdee Alpine Sports Board, they considered that the nature of their interest required them to leave the meeting at that item on the agenda.

Councillor Cooke declared an interest in items 9.8 (ALEO Assurance Hub – Terms of Reference) and 9.13 (ALEO's – Management by Services Internal Audit) by virtue of his position as Director of Sport Aberdeen, he considered that the nature of his interest did not require him to leave the meeting at that item on the agenda.

The Committee resolved:-

to note the declarations of interest.

MINUTE OF PREVIOUS MEETING OF 27 JUNE 2017

4. The Committee had before it the minute of its previous meeting of 27 June 2017.

The Committee resolved:-

to approve the minute as a correct record.

COMMITTEE BUSINESS STATEMENT

5. The Committee had before it the Committee Business Statement as prepared by the clerk.

The Committee resolved:-

- (i) subject to the decisions taken later on the agenda, to delete items 2 (Whistleblowing Policy) and 3 (ALEO Assurance Hub Terms of Reference); and
- (ii) to otherwise note the content of the business statement.

COMMITTEE TRACKER

6. The Committee had before it the Committee tracker which presented a list of reports to be discussed at future meetings of the Committee.

The Committee resolved:-

to note the content of the Committee Tracker.

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ANNUAL REPORT TO MEMBERS AND THE CONTROLLER OF AUDIT ON THE 2016/17 ACCOUNTS

7. The Committee had before it a report by KPMG, External Auditors which provided a summary of their opinions and conclusions on significant issues arising from the audit of the 2016/17 Aberdeen City accounts and the associated Charitable Trusts.

Councillor Crockett, the Lord Provost, requested the Head of Finance to advise the Committee of the awards that the Finance Team had won over the financial year, whereupon the Head of Finance gave details of the awards.

The Committee resolved:-

- (i) to note that an unqualified independent audit opinion had been issued for the annual accounts and the registered charities for the financial period 1 April 2016 to 31 March 2017;
- (ii) to note the awards the Finance Team had achieved over the financial period; and
- (iii) to otherwise note the content of the report.

AUDITED ANNUAL ACCOUNTS 2016/17 - CG/17/111

8. The Committee had before it a report by the Head of Finance which presented (1) the Council's audited annual accounts for 2016/17 and (2) the audited annual accounts for 2016/17 for those registered charities where the Council is the sole trustee and is subject to statutory requirements for separate accounts and audit opinions.

The report appended the Council's audited annual accounts and those for the Charitable Trusts.

The report recommended:-

That the Committee -

- (a) approve the Council's audits annual accounts 2016/17 for signature by the Head of Finance, Chief Executive and Council Leader; and
- (b) approve the audited annual accounts 2016/17 for those registered charities where the Council is the sole trustee, and nominate a trustee to sign the accounts.

Members asked various questions in relation to the audited accounts specifically around the Bond and how the downgrading of the UK Sovereign rating affected the Council, wherein the Head of Finance advised that at the present time the ratings did not affect the Council's Bond.

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The Committee resolved:-

- to note the thanks from the Head of Finance to all staff involved with the preparation of the annual accounts and to KPMG for the help and support since their appointment as External Auditors; and
- (ii) to otherwise approve the recommendations contained in the report.

INTERNAL AUDIT PROGRESS REPORT - IA/17/014

9. The Committee had before it a report by the Internal Auditor which advised on Internal Audit's progress against the approved 2016/17 and 2017/18 Internal Audit plans.

The report recommended:-

That the Committee -

- (a) approve the rescheduling of audits relating to PECOS and the Fixed Asset Register so that they are scheduled to be reported to Committee in February 2018; and
- (b) review, discuss and comment on the issues raised within the report and the attached appendices.

The Internal Auditor advised that the Internal Audit team had been understaffed due to resignations and that positions had been filled and training was underway. This will mean that some of the audits scheduled for the November Committee meeting may be delayed. There had also been delays in Services providing requested information and responding to draft reports which had impacted on progress.

Councillor Cooke stated that it was important Services responded as requested and this was supported by the Committee.

The Committee resolved:-

- to approve the rescheduling of audits relating to PECOS and the Fixed Asset Register so that they are scheduled to be reported to Committee in February 2018; and
- (ii) to otherwise note the content of the report.

INFORMATION GOVERNANCE REPORT & THE GENERAL DATA PROTECTION REGULATION - CG/17/109

10. The Committee had before it a report by the Head of Legal and Democratic Services which presented (1) the annual report on the Council's Information Governance Performance; and (2) information relating to the incoming General Data Protection Regulation and the Council's readiness approach.

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The report recommended:-

That the Committee -

- (a) note the information provided about the Council's information governance performance at sections 3.1 to 3.6 of the report and in the Information Governance Report at Appendix 1;
- (b) note the information about the General Data Protection Regulation (GDPR) and its anticipated impact on the Council at sections 3.7 to 3.11 of the report; and
- (c) note the Council's GDPR readiness approach as part of the Council's wider information assurance improvement plan at sections 3.2 to 3.14 of the report.

Councillor Lumsden sought guidance as to whether the Council had a system in place to track emails that were sent to and from all Council email accounts, wherein the Head of IT and Transformation advised that there was a mechanism in place and that there were records of all emails.

Councillor Duncan sought information relating to data governance standards and whether they would be reported back to this Committee, wherein the Information Manager advised that the Data Office had just been established and the standards would develop with the Transformation Programme.

The Convener made reference to a previous report which was redacted before issuing to the public and requested that Internal Audit review the processes in place for determining what information is released to the public.

The Committee resolved:-

- (i) to request officers to submit a report to a future meeting of this Committee providing an update on the position with data governance standards as they are developed as part of the Transformation Programme; and
- (ii) to request Internal Audit to undertake a review of the processes in place for determining what information can be released to the public; and
- (iii) to otherwise approve the recommendations contained within the report.

RIPSA - OFFICE OF THE SURVEILLANCE COMMISSIONER'S INSPECTION REPORT - CG/17/112

11. The Committee had before it a report by the Head of Legal and Democratic Services presented the recommendations arising from an inspection undertaken by the Office of the Surveillance Commissioners (OSC) of the Councils governance of covert activities and compliance with the Regulation of Investigatory Powers (Scotland) Act 2000) (RIPSA).

The report recommended:-

That the Committee -

(a) note the inspection report;

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- (b) instructs the Head of Legal and Democratic Services to ensure that this Committee receives updates on the Council's activities in accordance woth paragraph 10.1 of the OSC Inspection Report; and
- (c) notes that guidance on test purchases has been amended and communicated to all staff involved with RIPSA activity.

The Committee resolved:-

to approve the recommendations contained in the report.

RISK SYSTEM REVIEW - CG/17/103

12. The Committee had before it a report by the Head of Legal and Democratic Services which provided an update on progress with implementing the agreed actions to support the delivery of the Risk and Assurance Improvement project.

The report recommended:-

That the Committee -

- (a) note the progress made in delivering the project; and
- (b) note the Corporate Risk Register and the actions identified to improve risk controls.

Councillors asked various questions in relation to the Corporate Risk Register and whether the actions would be complete by the timescales identified, wherein the Risk Manager advised that he hoped the majority of the actions would be complete.

The Convener sought clarity around the amended due date in relation to the self assessment control action for the planning for emergencies risk as the progress stated 40% with the date allocated as 31 August 2017, wherein the Risk Management advised that he would seek an update from the Head of Communities and Housing and circulate to the Committee.

The Committee resolved:-

- (i) to note that a report providing an update on Risk Management would be submitted to the Committee's meeting on 23 November 2017;
- (ii) to note that an update in relation to the self assessment control action would be provided to the Committee;
- (iii) to note that information relating to financial penalties against the Bond Governments Risk would be circulated to the Committee; and
- (iii) to otherwise approve the recommendations contained in the report.

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SCOTTISH PUBLIC SERVICES OMBUDSMAN AND INSPECTOR OF CREMATORIA COMPLAINT DECISIONS - CG/17/102

13. The Committee had before it a report by the Head of Legal and Democratic Services which provided information on all Scottish Public Services Ombudsman (SPSO) and Inspector of Crematoria decisions made in relation to Aberdeen City Council since the last reporting cycle.

The report recommended:-

that the Committee note the details of the report and recommends any additional actions as appropriate.

The Committee resolved:-

to approve the recommendation contained in the report.

ALEO ASSURANCE HUB - TERMS OF REFERENCE - CG/17/108

14. The Committee had before it a report by the Head of Legal and Democratic Services which (1) sought approval of the terms of reference for the ALEO Assurance Hub; (2) set out the ALEO Governance Framework; and (3) provided an update on the Audit Scotland Performance Audit on ALEO's.

The report recommended:-

That the Committee -

- (a) approve the ALEO Assurance Hub terms of reference as set out in Appendix A to the report;
- (b) provide feedback and note the ALEO Governance Framework as set out in Appendix B to the report;
- (c) note the proposed scheduling as set out in Appendix C to the report and further note the Assurance Hub would first report to this Committee at its meeting on 23 November 2017; and
- (d) note the progress update with regards to the Audit Scotland Performance Audit on ALEO's.

Councillor Duncan sought assurance regarding the frequency of reports being submitted to this Committee, wherein Mr Robertson advised that following each ALEO Assurance Hub meeting a report would be presented to this Committee for their consideration.

The Committee resolved:-

- (i) to note that following each ALEO Assurance Hub meeting, a report would be submitted to this Committee for their consideration; and
- (ii) to otherwise approve the recommendations contained in the report.

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WHISTLEBLOWING POLICY - CG/17/110

15. The Committee had before it a report by the Interim Head of Human Resources which provided details on the implementation, communication and monitoring of the Whistleblowing Policy.

The report recommended:-

That the Committee notes the details on the implementation, communication and monitoring of the Whistleblowing Policy.

Councillor Cooke sought clarification in relation to education of staff on the policy and also on the promotion of the policy on the zone as it was difficult to find, wherein the Interim Head of Human Resources advised that all managers were made aware of any changes to policies and that she would discuss the promotion and ongoing education of staff with team members.

Councillor Duncan sought assurance that where a complainant had raised a complaint via the policy that consensus was reached with them in relation to the scope of the investigation and where there were disagreements that these are recorded, wherein the Monitoring Officer advised that consensus would be reached where possible and that he would record any disagreements in the process for future complaints.

The Committee resolved:-

- (i) to note that the Interim Head of Human Resources would discuss the promotion on the zone and education of staff on the whistleblowing policy with her team members:
- (iii) to note that the Monitoring Officer would in the future record any disagreement between the complainant and himself around the scope of the investigation; and
- (iii) to otherwise approve the recommendation contained in the report.

BUILDING MAINTENANCE - YEAR END STOCK CHECKS - IA/AC/1802

16. The Committee had before it a report by the Internal Auditor which presented an audit in relation to the Building Maintenance Year End Stock Checks which was undertaken to provide assurance over the accuracy of the 2016/17 year end stock taking process and to review the stock procedures.

The report recommended:-

That the Committee review, discuss and comment on the issues raised within the report and the attached appendix.

The Committee resolved:-

to note the content of the report and endorse the recommendations for improvement as agreed by the Service.

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HOUSING BENEFIT AND COUNCIL TAX REDUCTION - IA/AC/1723

17. The Committee had before it a report by the Internal Auditor which presented an audit in relation to Housing Benefit and Council Tax Reduction which considered whether (1) entitlement being paid was supported by the appropriate documentary evidence; (2) the calculations were accurate; and (3) the Housing Benefit had been properly recorded for subsidy purposes.

The report recommended:-

That the Committee review, discuss and comment on the issues raised within the report and the attached appendix.

The Committee resolved:-

to note the content of the report and endorse the recommendations for improvement as agreed by the Service.

DISCLOSURE CHECKS - IA/AC/1721

18. The Committee had before it a report by the Internal Auditor which presented an audit in relation to Disclosure Checks which considered whether the arrangements in place ensured that appropriate checks were being undertaken for employees and volunteers.

The report recommended:-

That the Committee review, discuss and comment on the issues raised within the report and the attached appendix.

The Vice Convener asked whether the agency worker recruitment form had been amended to give details of the disclosure check required wherein, the Interim Head of Human Resources advised that she would liaise with staff and provide a response to the Committee.

Councillor Townson asked whether Councillors should receive a PVG check, wherein the Head of Legal and Democratic Services advised that he would discuss the issue with colleagues and provide a briefing paper to all members.

The Committee resolved:-

 in relation to a question as to whether the agency worker recruitment form had been amended to give details of the disclosure check required to note that the Interim Head of Human Resources would liaise with staff and provide a response to the Committee;

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- (ii) in relation to a question relating to whether Councillors should receive a PVG check, to note that the Head of Legal and Democratic Services would discuss the issue with colleagues and provide a briefing paper to all members; and
- (iii) to otherwise note the content of the report and endorse the recommendations for improvement as agreed by the Service.

ALEO'S - MANAGEMENT BY SERVICES - IA/AC/1722

19. The Committee had before it a report by the Internal Auditor which presented an audit in relation to ALEO's – Management by Services which considered how services managed their ALEO's including payments and performance.

The report recommended:-

That the Committee review, discuss and comment on the issues raised within the report and the attached appendix.

The Committee resolved:-

to note the content of the report and endorse the recommendations for improvement as agreed by the Service.

BUSINESS CONTINUITY PLANNING - IA/AC/1804

20. The Committee had before it a report by the Internal Auditor which presented an audit in relation to Business Continuity Planning which was undertaken to ensure that Business Continuity Plans were in place as required by the Business Continuity Policy and that arrangements adequately manage identified risks.

The report recommended:-

That the Committee review, discuss and comment on the issues raised within the report and the attached appendix.

The Committee resolved:-

to note the content of the report and endorse the recommendations for improvement as agreed by the Service.

ATTENDANCE MANAGEMENT - IA/AC/1805

21. The Committee had before it a report by the Internal Auditor which presented an audit in relation to Attendance Management which tested corporate compliance with the policy and to determine if it had a positive effect on attendance.

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The report recommended:-

That the Committee review, discuss and comment on the issues raised within the report and the attached appendix.

Councillor Cooke sought assurance that managers were aware of the Attendance Management Policy, wherein the Interim Head of Human Resources advised that training for managers was about to commence for all policies.

The Committee resolved:-

to note the content of the report and endorse the recommendations for improvement as agreed by the Service.

CORPORATE LANDLORD RESPONSIBILITIES - IA/AC/1806

22. The Committee had before it a report by the Internal Auditor which presented an audit in relation to Corporate Landlord Responsibilities which was undertaken to ensure that the Council had systems in place to provide assurance over compliance with the legal requirements in relation to its Corporate Landlord role for properties under its control.

The report recommended:-

That the Committee review, discuss and comment on the issues raised within the report and the attached appendix.

The Committee resolved:-

to note the content of the report and endorse the recommendations for improvement as agreed by the Service.

HEALTH AND SAFETY - SCOTTISH SCHOOLS EDUCATION RESEARCH CENTRE (SSERC) IA/AC/1803

23. The Committee had before it a report by the Internal Auditor which presented an audit in relation to Health and Safety – SSERC which considered whether arrangements were in place within the Council adequately managed risk responsibility in relation to hazard information, handling and disposal of chemicals, safety in microbiology, material of living origin and routing fume cupboard testing.

The report recommended:-

That the Committee review, discuss and comment on the issues raised within the report and the attached appendix.

Councillor Graham sought clarification as to whether a report would be submitted to the Corporate Health and Safety Committee in relation to the internal audit, wherein the

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Head of Policy, Performance and Resources advised that a report would be submitted to the Corporate Health and Safety Committee to provide an update on the progress made with implementing the audit recommendations.

The Committee resolved:-

- (i) to note that a report would be submitted to a future meeting of the Corporate Health and Safety Committee to provide an update on the progress made with implementing the recommendations contained in the internal audit report; and
- (ii) to otherwise note the content of the report and endorse the recommendations for improvement as agreed by the Service.

INTERNAL AUDIT FOLLOW UP ON RECOMMENDATIONS - IA/17/015

24. The Committee had before it a report by the Internal Auditor which advised on the progress made by Services with implementing recommendations that were agreed in Internal Audit reports issued since 2015.

The report recommended:-

That the Committee review, discuss and comment on the issues raised within the report and the attached appendices.

The Committee resolved:-

to note the content of the report and request all Services to undertake the work required to complete the outstanding audit recommendations.

WELLINGTON BRAE INVESTIGATION CHI/17/241

25. The Committee had before it a report by the Interim Director of Communities, Housing and Infrastructure which provided the Management response to the review undertaken by the Corporate Investigation Team (CIT) into the circumstances surrounding the Wellington Brae project.

The Interim Director of Communities, Housing and Infrastructure introduced the report and explained the different sections within the Investigation report and the management response to each of the recommendations.

The report recommended:-

That the Committee -

- (a) notes the Investigation Report and recommendations; and
- (b) notes the Management response to the recommendations of the investigation report.

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At the start of the meeting, Councillors, the press and public were provided with a redacted version of the confidential appendix.

The Convener proceeded through Appendix 1 and the redacted version of Appendix 2 page by page allowing members to raise questions. Councillors raised various concerns on the circumstances surrounding Wellington Brae. Councillors also acknowledged that there was an ongoing management investigation.

During the discussion, the Convener proposed that the Committee suspend Standing Order 37.2 (Length of Meetings) to enable the meeting to continue beyond four hours. The Committee agreed unanimously to suspend Standing Order 37.2 and continue with the meeting.

At this stage in the proceedings, the Committee went into private session and the press and the public left the meeting.

Councillors asked various questions in relation to the confidential appendix and requested information relating to the background to the Wellington Brae incident from the initial storm damage in December 2015 to the closure of the path in February 2016. They also asked whether a draft report was ever issued to a Council Committee in relation to Wellington Brae.

The Committee resolved:-

to request the Interim Director of Communities, Housing and Infrastructure to provide a response to the Committee relating to the background of the Wellington Brae incident between December 2015 and February 2016 and also to advise whether a draft report on Wellington Brae was ever issued to Committee.

At this stage in the proceedings, the Committee returned to public session.

The Convener moved, seconded by Councillor Nicoll:-

That the Committee -

- (a) approve the recommendations contained in the report:
- (b) instructs the Director of Communities, Housing & infrastructure to report back to the Audit, Risk and Scrutiny Committee at a future date to provide evidence of how the wider Service Review of the Planning and Sustainable Development Service referred to in paragraph 3.8.5 is taking full account of the need to implement additional safeguards to ensure that any debatable land ownership and contract procurement issues are appropriately escalated, resolved and recorded; and
- (c) requests that the report be issued to Audit Scotland for their consideration.

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Councillor Lumsden moved as an amendment, seconded by Councillor Donnelly:-

That the Committee -

- (a) note the Investigation Report and Recommendations and in particular in the Recommendations section of Appendix 1 paragraphs 6.18 ("Sustrans funding would have been made available irrespective of who owned the affected land..."); 4.64 ("... it seems obvious that emergency work was undertaken as there was an immediate and identifiable health and safety risk..."); 4.67 ("It was appropriate for Councillor Young to seek advice from the Monitoring Officer in order to address any perception that he was conflicted in his interests"); 4.68 ("The Monitoring Officer has stated that based on the information available to him at the time, Councillor Young did not require to declare a conflict of interest because he had not been asked to make a decision as a Councillor on the works or the grant, but rather to provide his consent as a landowner."); and paragraph 7.9 ("Councillor Young's actions did not contravene the ICT Acceptable Use Policy as the emails did not concern any confidential information, were not protectively marked, and had been addressed to Councillor Young");
- (b) to note the Management Response to the recommendations of the Investigation Report;
- (c) instructs the Director of Communities, Housing & infrastructure to report back to the Audit, Risk and Scrutiny Committee at a future date to provide evidence of how the wider Service Review of the Planning and Sustainable Development Service referred to in paragraph 3.8.5 is taking full account of the need to implement additional safeguards to ensure that any debatable land ownership and contract procurement issues are appropriately escalated, resolved and recorded:
- (d) instructs the Chief Executive on behalf of Aberdeen City Council to apologise to former councillor Young for the failure to follow council policy and procedure detailed in Appendix 1 which placed him in a vulnerable position; and
- (e) requests that the report be issued to Audit Scotland for their consideration.

On a division, there voted:-

<u>For the motion (8)</u> – the Convener, the Vice Convener and Councillors Allard, Cooke, McRae, McLellan, Nicoll and Townson.

<u>For the amendment (9)</u> – Councillors Crockett, Bell, Donnelly, Duncan, Graham, Grant, Lumsden, Avril MacKenzie, and Sellar

The Committee resolved:-

to adopt the amendment.

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DECLARATIONS OF INTEREST

In accordance with article 3 of this minute, Councillors Lumsden and Nicoll left the meeting prior to discussing the following item of business.

EXEMPT INFORMATION

In accordance with the decision taken at article 2 if this minute, the following item of business was considered with the press and public excluded.

GARTHDEE ALPINE SPORTS - IA/AC/1701

26. The Committee had before it a report by the Internal Auditor which presented an audit in relation to Garthdee Alpine Sports (GAS) which reviewed the financial systems and records to ensure that appropriate internal control mechanisms were in place covering all aspects of the establishment.

The report recommended:-

That the Committee review, discuss and comment on the issues raised within the report and the attached appendix.

Councillors sought assurance that the recommendations contained within the audit report would be actioned by the Company, wherein the Head of Policy, Performance and Resources advised that he was is dialogue with the staff within the centre and that he would submit a report to a future meeting of this Committee providing an update on the progress made with implementing the recommendations contained in the internal audit report.

Councillor Yuill asked if there was an option for Sport Aberdeen to take over the management of the centre, wherein the Head of Policy, Performance and Resources had been instructed to undertake a review of sports provision across Aberdeen to include all existing organisations providing sports facilities and to provide a sports strategy for the city and that he would be reporting back to a future meeting of the Finance, Policy and Resources Committee.

The Committee resolved:-

- to note that the Head of Policy, Performance and Resources would submit a report to a future meeting of this Committee providing an update on the progress made with implementing the recommendations contained in the internal audit report;
- (ii) to note that the Head of Policy, Performance and Resources had been instructed to undertake a review of sports provision across Aberdeen to include all existing

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organisations providing sports facilities and to provide a sports strategy for the city and report back to a future meeting of the Finance, Policy and Resources Committee;

- (iii) to otherwise note the content of the report and endorse the recommendations for improvement.
- COUNCILLOR STEPHEN FLYNN, Convener

AUDIT, RISK AND SCRUTINY COMMITTEE 26 September 2017