

**MINUTE**  
**of**  
**CABINET**

**Minute of virtual meeting held at 10.00am on 27 August 2020.**

**Present:**

Councillor Tony Buchanan (Leader)  
Councillor Caroline Bamforth  
Councillor Danny Devlin

Councillor Alan Lafferty  
Councillor Colm Merrick  
Councillor Paul O’Kane

Councillor Buchanan, Leader, in the Chair

**Attending:**

Caroline Innes, Deputy Chief Executive; Margaret McCrossan, Head of Accountancy (Chief Financial Officer); Murray Husband, Head of Digital and Community Safety; Gerry Mahon, Chief Officer - Legal and Procurement; and Paul O’Neil, Committee Services Officer.

**DECLARATIONS OF INTEREST**

**1334.** There were no declarations of interest intimated.

**REGULATION OF INVESTIGATORY POWERS (SCOTLAND) ACT 2000**

**1335.** The Cabinet considered a report by the Chief Officer – Legal and Procurement, providing details of the results of the Investigatory Powers Commissioner’s Office (IPCO) inspection of the Council’s surveillance practice undertaken in November 2019. The report also sought approval for amendment of the Council’s Procedure on Covert Surveillance to reflect the recommendations made in the IPCO report following the inspection; and to report on the surveillance activity undertaken by the Council during 2019/20. A copy of the Inspector’s findings was appended to the report.

Whilst noting that the Regulation of Investigatory Powers (Scotland) Act 2000 (referred to as RIPSAs) came into effect on 2 October 2000, the report explained that the purpose of the Act was to ensure that public authorities made only lawful use of covert surveillance and covert human intelligence sources. Furthermore, the Act regulated these activities by requiring that surveillance operations be justified and authorised by a senior officer of the Authority.

The report highlighted that the Investigatory Powers Commissioner’s Office oversaw the regulatory framework and carried out regular inspections every 3 years of all public bodies who carried out covert surveillance in terms of the Act, and made various recommendations in relation to the procedures adopted by those bodies. It was noted that the Council’s most recent inspection had taken place between October and December 2019.

It was noted that the Inspector's report made two specific recommendations as to future practice. These related to the need for applicants to thoroughly address necessity, proportionality and collateral intrusion for each subject for whom surveillance was sought within an overarching application, and the management of evidence obtained during surveillance activities. A number of observations in praise of good practice were also made.

The report also sought approval for amendment of the Council's Procedure on Covert Surveillance to reflect the recommendations made in the IPCO report following the inspection. A copy of the proposed revised version was appended to the report. Details of the surveillance activity undertaken by the Council during 2019/20 were also outlined.

Having heard the Chief Officer – Legal and Procurement in response to Councillor Bamforth clarify the definition of covert surveillance, the Cabinet:-

- (a) noted the results of the Investigatory Powers Commissioner's Office (IPCO) inspection of the Council's surveillance practice undertaken in November 2019;
- (b) approved the amendment of the Council's Procedure on Covert Surveillance to reflect the recommendations made in the IPCO report following the inspection; and
- (c) noted the surveillance activity undertaken by the Council during 2019/20.

#### **CABINET WORK PLAN 2019/20 PROGRESS AND CABINET WORK PLAN 2020/21**

**1336.** Under reference to the Minute of the meeting of the Cabinet of 4 April 2019 (Page 795, Item 848 refers), when the Cabinet agreed amongst other things that progress against the Cabinet Work Plan be reviewed in April 2020 and updated on an annual basis thereafter, the Cabinet considered a report by the Chief Executive, providing an update on the progress made against the 2019/20 Cabinet Work Plan and submitting for consideration the draft Work Plan for 2020/21. Details of the progress made against the 2019/20 Plan together with a copy of the draft Plan for 2020/21 were appended to the report.

The report explained that the Plan set out a forward programme of strategy and policy work along with key routine areas of business covering budget and performance monitoring; detailed the progress made against the 2019/20 plan; and highlighted the items of business included in the draft Plan for 2020/21.

Furthermore, the Cabinet Work Plan was a forward planning exercise which would continue to ensure the strategic focus of the Council was maintained. It would also ensure cross-cutting strategy issues were identified and that the Cabinet made the most efficient and effective use of the time available to discuss and approve strategies, monitor performance and oversee the use of resources.

The Cabinet:-

- (a) approved the content of the draft work plan for 2020/21;
- (b) agreed that progress against the plan be reviewed in April 2021 and updated on an annual basis thereafter.

## CONTINUED USE OF THE SOCIAL WORK CASE MANAGEMENT SOLUTION

**1337.** Under reference to the Minute of the meeting of the Cabinet of 6 February 2020 (Page 1082, Item 1175 refers), when it was agreed to approve an exemption from tendering procedures to enable the award of a contract to OLM for Carefirst to the value of £180,000 for the period 1 April 2020 to 30 September 2021, the Cabinet considered a report by the Deputy Chief Executive, seeking approval of the revised planned commitment of the use of the current Social Work Case Management Solution from September 2021 to a new end date of March 2023 to allow the appropriate procurement and implementation of a replacement solution.

The report explained the approval of the extension would support the planned replacement of the Social Work Case Management Solution; ensuring suitable provisions were in place to support the transitional period. Furthermore, it would provide stability for the critical business application throughout the programme, a sufficient contingency period would be allowed to ensure success, and provision for continuity of service during a period of significant technical change.

Having heard the Head of Digital and Community Safety in further explanation, the Cabinet approved the request to further extend the contract with OLM for Carefirst to the additional contract value of £180,000 to cover the period 1 October 2021 to 31 March 2023 (18 months).

## ESTIMATED REVENUE BUDGET OUT-TURN 2020/21

**1338.** The Cabinet considered a report by the Head of Accountancy (Chief Financial Officer), detailing the projected revenue budget out-turn for 2020/21 and providing details of the expected year-end variances together with summary cost information for each of the undernoted services as at 30 June 2020 and subsequent assessment of pressures arising from COVID-19.

- (i) Objective and Subjective Summaries;
- (ii) Education Department;
- (iii) Contribution to Integration Joint Board;
- (iv) Environment Department;
- (v) Environment Department – Support;
- (vi) Chief Executive’s Office;
- (vii) Chief Executive’s Office – Support;
- (viii) Corporate and Community Services Department – Community Resources;
- (ix) Corporate and Community Services Department – Support;
- (x) Other Expenditure and Income;
- (xi) Joint Boards;
- (xii) Contingency – Welfare;
- (xiii) Health and Social Care Partnership; and
- (xiv) Housing Revenue Account.

Whilst noting that as at 30 June 2020, the estimated year end position showed a net overspend of £2,877,000 based on current information and taking account of additional grant funding confirmed and anticipated to date, the report indicated that for General Fund services the projected overspend was £2,392,000 and together with the projected shortfall in Council Tax collection of £450,000 the total forecast overspend on General Fund services was £2,842,000.

This reflected a much improved position from that reported to Council on 24 June 2020 and was due to various increases in anticipated grant funding (including assumptions as to Government support for income losses from sales, fees and charges), together with very close expenditure controls across all departments.

The report also sought approval for a number service virements and operational budget adjustments, details of which were outlined in the report. It was noted that a number of operational variances required management action to ensure that expenditure would be in line with budget at the end of the financial year. At this time, it was expected that management action would lead to all overspends being recovered, that all underspends were consolidated wherever possible and that spending up to budget levels did not take place.

The Cabinet, having noted the reported probable out-turn position, agreed:-

- (a) to approve the service virements and operational adjustments as set out in the notes in the report;
- (b) to instruct departments to continue to avoid all non-essential spending;
- (c) management action be taken to remedy any avoidable forecast overspends; and
- (d) all departments continue to closely monitor their probable outturn position.

### **GENERAL FUND CAPITAL PROGRAMME 2020/21**

**1339.** The Cabinet considered a report by the Head of Accountancy (Chief Financial Officer), monitoring expenditure as at 30 June 2020 against the approved General Fund Capital Programme 2020/21 and recommending adjustments where necessary in light of issues that had arisen since the programme had been approved.

Whilst noting that the latest developments relating to the programme, including the latest income and expenditure movements and cash flow management issues, the report indicated that the projected shortfall of £425,000 which represented 0.86% of the resources available was within manageable limits.

The report highlighted that COVID-19 would have a significant effect on both the timing and the cost of capital projects and this report reflected an element of rescheduling of current and future schemes in line with available resource capacity. The full extent of potential cost increases was not yet known but further reports would provide updates as the situation becomes clearer. These delays in the programme had resulted in a net decrease in borrowing required for the year of £1.678m. It was clarified that this was not a saving as the planned borrowing would just be delayed until next year.

The Cabinet:-

- (a) **agreed to recommend to the Council** that the movements within the General Fund Capital Programme 2020/21 be approved; and
- (b) noted the shortfall of £425,000 and that income and expenditure on the programme would be managed and reported on a regular basis.

**HOUSING CAPITAL PROGRAMME 2020/21**

**1340.** The Cabinet considered a joint report by the Head of Accountancy (Chief Financial Officer) and Director of Environment, monitoring expenditure as at 30 June 2020 against the approved Housing Capital Programme 2020/21 and recommending adjustments where necessary in light of issues that had arisen since the programme had been approved.

Whilst noting that the latest developments relating to the programme, including the latest income and expenditure movements and cash flow management issues, the report indicated that the projected shortfall of £135,000 which represented 1.1% of the resources available was within manageable limits.

The Cabinet:-

- (a) **agreed to recommend to the Council** that the movements within the Housing Capital Programme 2020/21 be approved; and
- (b) noted the shortfall of £135,000 and that income and expenditure on the programme will be managed and reported on a regular basis.

CHAIR

