

## Item 6. Question Time

The following Questions have been received by the Head of Corporate Governance.

One supplementary question will be allowed in each case which will be answered by the recipient of the original question.

Questions (1) – (7) – *and the responses in each case* - have been carried forward from the 10 December 2021 meeting as requested by the Members concerned.

(1) Mr A Jarvie

To the Leader of the Council

Which member of Council Staff will be tasked with answering this question on your behalf?

*I answer my own questions, however officers are asked to provide factual information when this is needed in order to provide a response.*

(2) Mr A Jarvie

To the Leader of the Council,

As Leader of the Council, following my question at a previous Council meeting, can you assure me there is no coalition agreement with the SNP Group?

*I refer you to my answer at the Council on 9 September 2021.*

(3) Mr A Jarvie

To the Leader of the Council,

As Leader of the Council, do you find it acceptable that an artwork which cost the public purse nearly £400,000 is not 'fully accessible' to disabled people as was promised?

*The total sum allocated to the Gathering Place project was £367,159 which includes the abortive costs of the Tilting as agreed at CIAC on 1<sup>st</sup> July 2016. The cost of constructing the existing Gathering Place was £263,000.*

*The specification and design of the increased disabled access was reported and agreed by CIAC on 21 November 2019. The specification agreed was:*

*BS8300. Part 1 (External Environment) Paragraph: 10.4 (p.48) Make the piece accessible as much as possible. (Note this wording is taken from the British Standard)*

*Annex C: Table C1 - Self-propelled wheelchair Turning Circle 1500mm*

*Following CIAC on 18 November 2021, it has been confirmed by the Project Management team and Clerk of Works that it has been built to the specification agreed by CIAC. The Project has delivered enhanced access within the resources approved.*

(4) Mr R MacWilliam

To the Leader of the Council

Which Highland Council budget will meet the additional costs arising as a result of unauthorised spending beyond the agreed Inverness City Arts budget?

*There has been no unauthorised additional spend to the ICArts programme budget.*

(5) Mr R MacWilliam

To the Leader of the Council

When will a detailed breakdown of the ICArts programme expenditure become available for public scrutiny?

*ICArts Working Group Minutes were presented for approval, in public, at meetings of the City Area Committee. The minutes are published on the Council's Website along with a series of annual reports to CIAC on the progress of the project programme and press releases. This has included financial updates on the projects. The total costs of all the projects are in the public domain as discussed at the last meeting of the City Committee on 18 November 2021.*

*As requested at CIAC on 18 November 2021, detailed financial costings were shared with all CIAC Members on 10<sup>th</sup> February 2022. This included information regarded as commercially sensitive and unable to be shared publicly.*

(6) Mr R MacWilliam

To the Leader of the Council

What measures are Highland Council taking to support the community food growing strategy?

The Council appointed a Community Food Growing Co-ordinator to support the development of a food growing strategy and progress and co-ordinate the actions within the strategy. Progress updates are provided to the Recovery, Improvement and Transformation Board. The Council's food growing strategy – Growing Our Future – was agreed at the Communities and Place Committee on 24 February 2022. The strategy contains an action plan which contains a series of actions to support food growing across the Highlands. The strategy and action plan can be found here:

(7) Mr R MacWilliam

To the Leader of the Council

What measures are in place to consult communities on the sale of 'common good' assets?

*The process for considering the sale of common good assets, including public consultation, is set out under the Community Empowerment Act. Details of the process, past and current consultations are detailed at the following link: [https://www.highland.gov.uk/info/20010/community\\_planning/830/common\\_good\\_asset\\_changes](https://www.highland.gov.uk/info/20010/community_planning/830/common_good_asset_changes)*

For Questions 8 to 25 below - responses will follow.

(8) Mr J Gordon

To the Chair of the Health, Social Care and Wellbeing Committee

An Adult support and protection/ large scale investigation involving Highland Council, NHS Highland and Police Scotland was commissioned after the Covid-19 outbreak at Home Farm in Portree in 2020.

Has this report been completed, and can you provide the Council with a copy?

A Large-Scale Investigation (LSI) is a multi-agency response to circumstances where there is concern about an adult, or adults, who may be experiencing harm or are at risk of harm. An LSI looks into the management of adult support and protection issues - in this case, within a Care Home. An action plan is then drawn up with multi agency (including The Care Inspectorate) involvement. Action plans will vary but could include issues relating to care plans, infection control measures, training deficits, etc with all actions assigned with expected completion dates.

An LSI differs from a Significant Case Review (SCR). A SCR is a multi-agency process for establishing the facts of, and learning lessons from, situations where an adult has died or been significantly harmed. The purpose of such a review is to establish whether there are any corporate lessons to be learned about to protect adults considered to be at risk of harm. The review is a process for learning and improving services and also a means of recognising good practice.

To conclude, an LSI does not result in a final report as it is set up to identify actions to ensure the safe delivery of care to the residents of the care home. That approach was quite appropriate and timely. By contrast, an SCR is a learning review which is carried out retrospectively. The timing of that will depend on other legal processes which may be ongoing, and members will be aware that the Crown Office is continuing to investigate. It is also possible that there will be civil proceedings. Notwithstanding that the Highland Chief Officer

Group has established a multi-agency Significant Case Review Panel within Highlands to consider appropriate learning.

The SCR would ultimately report into Adult Protection Committee and the Highland Public Protection Chief Officers Group.

(9) Mr A Jarvie

To the Leader of the Council

Why are the fees paid with public money to the artists of the Gathering Place not disclosed to the public?

As outlined to your question on this matter to Council in December, the individual artist fees for the Gathering Place cannot be publicly disclosed as this is regarded as exempt information due to commercial sensitivity. The Artist Fee is private because the viability of the Artists business depends on retaining confidentiality in respect of fees charged for individual contracts. The provision of services by the Artist was fully compliant with the Council's Financial Regulations and Contract Standing Orders. Details of the payments have been shared with CIAC Members on a confidential basis.

(10) Mr A Jarvie

To the Chair of the Corporate Resources Committee

Following the disclosure of multiple bullying allegations against staff of this Council, why was the Union's request for establishment of a panel, including Councillors, to resolve the matter not taken forward?

A panel was set up with the GMB Union Representatives who raised issues and a series of meetings took place at the end of last year with the union reps, ECO Resources and Finance and Interim Head of HR.

(11) Mr A Jarvie

To the Chair of the Education Committee

Have you read the report from the inquiry into abuse of Children in Scottish Borders schools?

Yes

(12) Mr A Jarvie

To the Chair of the Economy and Infrastructure Committee

Do you think the current division of roads funding is fair for all areas of the Highlands?

The Council has responsibility for around 6,700 kilometres of roads, 3,337 bridges, retaining walls and culverts and around 230,000 items of street furniture (including streetlights). The current allocation division of funding ensures that this is distributed fairly to all areas of Highland to ensure ongoing revenue maintenance and capital works.

You should however note that the Roads Improvement Project – Project Brief was approved at the Redesign Board on the 18 February 2022. The Project Brief includes setting out the vision, purpose, scope and objectives of the work of the Project, it also provides a useful reference point from which to measure project progress.

Section 3 under Financial Resources includes: -

- As a priority, identify and seek agreement to an objective and more sophisticated policy for the allocation of budget/funds
- Establish assessment criteria and parameters for prioritising resource across the Highlands – criteria to be based on and informed by empirical evidence of need, recognising factors such as geography, winter maintenance demands, population, and intensification of use to achieve greater value for money

If an alternative model of distributing the funding is identified from this significant project, then that will be reported through the Redesign Board to Council for Member agreement.

(13) Mr A Jarvie

To the Chair of the Economy and Infrastructure Committee

Are you confident the forthcoming Short Term Lets Licensing regime will resolve both the concerns many Highland communities have, but also not harm such an important sector for our economy?

The Scottish Government has introduced a new mandatory licensing system for short-term lets. Under the legislation, local authorities are required to establish a short-term let licensing scheme by 1 October 2022. The Council are currently preparing for the administration of the scheme and are developing required policies such as on licence duration, temporary exemptions, temporary licences, and the setting of fees. To assist with this process, we are awaiting publication of the final version of the Scottish Government guidance for local authorities which we understand will be published in March. Ahead of this the Council are preparing some general, initial advice for operators which we aim to publish shortly. The Council will provide updates via our website on implementation as the scheme progresses. In preparing our policies we are committed to engaging with industry representatives. Our intention is to undertake this formally once we have considered the Scottish Government guidance and drafted our policies for consideration.

In addition, the Scottish Government have introduced legislation which enables The Highland Council, as planning authority, to designate all or parts of its region as a Short-term Let Control Area. The purpose of a control area is to help manage high concentrations of secondary lettings, by requiring the owners of dwellinghouses to seek planning approval prior to using them for short-term letting.

As you will be aware at the specific request of all Ward 20 Members, a decision was made by full Council to progress a Control Area for Ward 20 (Badenoch and Strathspey). Subsequently, detailed consideration of the proposal was undertaken at E&I Committee Meeting on 2 December 2021, with agreement to progress to consultation stage.

This consultation is ongoing and is scheduled to close on Monday 7<sup>th</sup> March 2022. After which, a review of all comments will be made and a further report considering all benefits and risks (including all impacts on local communities) will be brought forward for Member's detailed consideration. This report will also seek Member's approval that they wish to proceed with the Short-term Let Control Area for Ward 20 (Badenoch and Strathspey).

The Scottish Government's aim is to ensure local authorities have appropriate regulatory powers to balance the needs and concerns of their communities with wider economic and tourism interests.

(14) Mr P Saggars

To the Chair of the Economy and Infrastructure Committee

Can you explain what steps will be put in place to ensure the roads budget is spent in full this coming year, and who will be responsible for ensuring that?

To ensure delivery of the programme it has been essential to obtain area committee approval to the programme early in the calendar year and this has been achieved. Works are ongoing to design plan and deliver the programme using a mixed economy of both internal resources and external contractors. The Project Design Unit are supporting the roads area teams in both the design, planning, and delivery and this will also include the procurement of external contractors.

The Executive Chief Officer – Infrastructure, Environment and Economy is overseeing the delivery of the programme work and will ensure that it is delivered on time and to budget, with regular reports to both the E&I Committee and the Local Committees to ensure scrutiny. The roads teams also have regular engagement with ward Members throughout the year.

(15) Mr P Siggers

To the Leader of the Council

What lessons have been learned from the saga of the Gathering Place and measure put in place to ensure something like that can't happen again?

We want to ensure that public art projects can happened again.

(16) Mr R MacWilliam -

To the Leader of the Council

Do you agree that Prince Andrew has proven himself unfit to hold the title 'Earl of Inverness'?

The Council has not taken a position on this matter.

(17) Mr R MacWilliam

To the Leader of the Council

Have you had any recent discussions with senior managers with intention to deploy further Highland Council resources in the fabrication of vexatious complaints to the Standards Commission for Scotland about the conduct of her political opponents?

I have not sought the referral of any member of this Council to the Commissioner for Ethical Standards, but I support the right of anyone to use the channels available to them to seek the Commissioner's view without fear of recrimination.

(18) Mr R MacWilliam

To the Leader of the Council

In considering the damning contents of the Scottish Public Services Ombudsman report of 10<sup>th</sup> Feb.2022 into the handling of Town Centre Fund allocations and the sole award to the Citizens Advice Bureau project in Nairn, including that Highland Council had "not followed appropriate processes", that "the decision-making process has been lacking in transparency"; and agreeing with the complainant that a statement from Highland Council which claimed that this project had been the "most compelling bid" when in reality your Administration had secretly resolved to make this project the sole bid, do you accept that there are benefits to allocating public funds through democratic and inclusive process rather than by simply following what can only be described as the 'pet project' model?

The Council will be appealing the decision by the Scottish Public Services Ombudsman. All Nairnshire Committee Members were involved in project

identification and unanimously recommended that this project benefit from investment, not just Members of the Administration. That is what localism sets out to do.

(19) Mr R MacWilliam

To the Leader of the Council

Do you believe the process of Town Centre funding allocations in Inverness have been immune to your Administration's 'pet project' model of resource allocation?

I do not accept your ill-informed comments about pet projects. Officers have made their recommendations to members in a professional and objective way. I am insulted for them that you think otherwise. The applications will be considered on 8<sup>th</sup> March and are open for view and discussion

(20) Mr R MacWilliam

To the Leader of the Council

What process is currently in place to ensure that members of staff, Elected Members and the public can report suspected violations of the code of conduct for Local Government employees?

Staff can raise concerns regarding suspected breaches of the code of conduct for Local Government employees with their Line Manager, relevant Head of Service or Executive Chief Officer or with the Head of HR. Staff also have access to the Whistleblowing procedure for cases that meet the relevant criteria. Elected Members can raise any concerns with relevant Head of Service, Executive Chief Officer, Chief Executive, or with the Head of HR. Members of the public would follow the corporate complaints procedure.

(21) Mr R MacWilliam

To the Leader of the Council

What safeguards are in place currently to ensure that concerns raised by either family or staff members about the provision of services for children in the care of Highland Council are dealt with promptly and professionally?

There are a number of formal structures in place to deal with any concerns being raised by family or staff members or any member of the public. All such complaints will be dealt with in the same manner.

Families can raise concerns directly with the worker or service. Account always requires to be taken of the right to confidentiality. If a family member is unhappy about the approach taken, they can, submit a complaint.

Staff can raise any concern through their line management and supervision structure, or they can raise it with the Head of Service or HR. Staff also have

the option of contacting the Care Inspectorate or Scottish Social Services Council (SSSC) directly. If they suspect malpractice or wrongdoing, they can report this information to an independent officer within the Council or via the Whistleblowing Policy. Very specific criteria relates to this Policy.

(22) Mr R MacWilliam

To the Chair of the Health, Social Care and Wellbeing Committee

Why there has there been no statement, either public or in private, to Members of Highland Council on the serious allegations of service failure which she announced would be reported to Police Scotland during the Committee meeting in November?

At the Health, Social Care and Wellbeing Committee in November 2021, I advised I had received a number of allegations suggesting young people had experienced harm and difficulty. Due to this, I said at the conclusion of the committee meeting that I would pass this information to Police Scotland. Following the Health, Social Care and Wellbeing Committee I emailed both the Child Protection Committee and Police Scotland both agencies acknowledged receipt of my correspondence the following day.

Some weeks later Police Scotland advised me the matter was being dealt with via due process. I will ensure Members are informed as and when Police Scotland have concluded their enquires and reported their findings.

(23) Mr R MacWilliam

To the Chair of the Health, Social Care and Wellbeing Committee

Are there any whistle-blowing concerns currently being processed in relation to services for children in the care of Highland Council?

Yes. However, it is not appropriate to comment any further on an ongoing confidential investigation.

(24) Mr R MacWilliam

To the Chair of the Health, Social Care and Wellbeing Committee

What actions have been taken to ensure that Highland Council staff are encouraged to report concerns over deficiencies in residential care services?

A full review of residential services is due to conclude in mid-March. The findings and recommendations of this will be reviewed with an action plan then identified. Staff have been actively involved in this review. I am unable to agree or disagree that there are deficiencies within the service whilst the review is ongoing.

Monthly team and management meetings have provided regular forums for all staff to raise issues and concerns as well as identify solutions. As with all services, informal and formal supervision sessions provide appropriate routes for reporting and discussing any ongoing issues/concerns.

Any inspections of residential houses have resulted in action plans stemming from the Care Inspectorate findings or recommendations.