

Accounts Commission Findings

West Dunbartonshire Council – Update on Best Value Progress Report

Following the original Best Value audit carried out on West Dunbartonshire Council in 2006, the Accounts Commission held a public hearing and subsequently issued findings. The Commission then considered a further report and issued findings on it in January 2008. The Commission published its findings on a second progress report in July 2009. At that time the Commission recognised that a number of services continued to demonstrate good levels of performance. However, we criticised the extent and pace of progress against key improvement priorities and in developing effective working relationships between elected members and senior officers. The Commission requested a further report from the Controller of Audit in early course, and accepts this update as fulfilling that requirement. We acknowledge the co-operation and assistance given to the audit process by the council.

The Commission finds that the Council has still not made sufficient progress against many of the areas identified in the original Best Value audit as priorities for immediate improvement. We acknowledge that the Council has now agreed an improvement plan, although progress towards achieving that has been slow. Many of the issues raised in this update report have been matters of concern for some time. We are concerned that elected members do not appear to have been sufficiently engaged with the improvement agenda.

The Council faces significant pressures in achieving operational sustainability and financial stability, and starts from the position of a very low level of free reserves at 31 March 2009. This in itself is a matter of concern; the more so because the Council has made limited progress on ensuring appropriate strategic leadership and effective relationships between members and senior officers. We cannot, therefore, be confident of the Council's ability to make difficult decisions that address these financial difficulties.

We consider that, in order to achieve a sustainable financial position, the Council must establish systems to ensure the management, monitoring and reporting of progress against projected savings. Key milestones must be clear, and senior members must be in the position to deliver active, regular and robust scrutiny of their achievement. We are concerned that West Dunbartonshire Council has not yet demonstrated its capacity to deliver such progress.

We welcome the steps the Council has taken in response to our previous recommendation that it should secure appropriate external peer support for both members and senior officers. We recommend that the Council takes urgent steps to make the most effective use of this external support in order to make faster progress with its improvement plan. The Commission will also seek regular updates from its appointed auditor to provide it with assurance that the financial position of the Council is being addressed effectively.

On behalf of the Commission, Audit Scotland also continues to work closely with other scrutiny bodies to deliver a shared risk assessment of West Dunbartonshire Council. An Assurance and Improvement Plan should be available in May 2010. This should provide a schedule for audit and inspection work to assess the use of resources and the performance of key services.

**SELECTED STATUTORY PROVISIONS FOR REPORTS BY THE CONTROLLER OF AUDIT
AND PROCEDURE OF THE ACCOUNTS COMMISSION**

**AN AMALGAMATION OF EXCERPTS FROM THE LOCAL GOVERNMENT (SCOTLAND) ACT
1973, THE ETHICAL STANDARDS IN PUBLIC LIFE ETC (SCOTLAND) ACT 2000 AND THE
LOCAL GOVERNMENT IN SCOTLAND ACT 2003**

S102 1973 Act - Reports by the Controller of Audit

- (1) The Controller of Audit may, and if so required by the Commission, shall make reports to the Commission with respect to -
- (a) the accounts of local authorities audited under this part of this Act;
 - (b) any matters arising from the accounts of any of those authorities or from the auditing of those accounts being matters that the Controller considers should be considered by the local authority or brought to the attention of the public;
 - (c) the performance by a local authority of their duties under Part 1 (best value and accountability) and Part 2 (community planning) of the Local Government in Scotland Act 2003.
- (2) The Controller of Audit shall send a copy of a report made under subsection (1) above to
- (a) any local authority named in the report; and
 - (b) any other person the Controller thinks fit.
- (2A) A local authority shall, forthwith upon their receiving a copy of a report sent to them under subsection (1) or (2) above, supply a copy of that copy report to each member of the authority and make additional copies available for public inspection.

S3 2003 Act - Action by Accounts Commission following report by Controller of Audit

On a report being made to it by the Controller of Audit under section 102(1) of the Local Government (Scotland) Act 1973 the Accounts Commission may do, in any order, all or any of the following, or none of them -

- (a) direct the Controller of Audit to carry out further investigations;
- (b) hold a hearing;
- (c) state its findings.

S4(2)(b) 2003 Act

Findings which do not follow a hearing shall be treated as the findings of the members of the Commission holding a hearing.

- (3) Findings may include recommendations and the persons to whom those recommendations may be made include the Scottish Ministers.
- (4) The Accounts Commission shall give a copy of findings so made to any member or officer of a local authority who was named in the report upon which proceeded the hearing to which the findings relate.
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S103E 1973 Act - Action by local authorities

- (1) A local authority receiving a copy of findings shall consider those findings at a meeting of the authority within three months of receiving them or within such longer period as the Commission may specify in writing.
- (2) The duty imposed on a local authority by subsection (1) above shall be discharged only by that authority and not by a committee or sub committee or an officer.
- (3) Where findings received by a local authority contain recommendations, the authority shall decide -
 - (a) whether to accept any or all of those recommendations;
 - (b) what, if any, action to take in response to those recommendations.
- (4) A meeting under subsection (1) above shall not be held unless, at least seven clear days before the meeting, there has been published, in a newspaper circulating in the area of the local authority concerned, a notice which -
 - (a) states the time and place of the meeting;
 - (b) indicates that the meeting is to be held in order to consider the findings of the Commission and any recommendations in those findings; and
 - (c) describes the nature of those findings and of any such recommendations.
- (5) The local authority shall, as soon as practicable after that meeting -
 - (a) notify the Commission of any decisions made in pursuance of subsection 3 above; and
 - (b) publish, in a newspaper circulating in the area of the local authority, a notice containing a summary, approved by the Commission, of any such decisions.
- (6) A notice under subsection 5(b) above shall not need to summarise any decision made while the public were excluded from the meeting -
 - (a) under section 50A (2) of this Act (confidential matters) or in pursuance of a resolution under section 50A (40) of this Act (exempt information); but
 - (b) in a case where section 50C and 50D of this Act (availability for inspection after meetings of minutes, background papers and other documents) apply in relation to the meeting, shall indicate the documents which, in relation to that meeting, are open for inspection in accordance with those sections.