

CITY OF EDINBURGH COUNCIL
GOVERNANCE, RISK AND BEST VALUE COMMITTEE

Item No 3

9 November 2021

DEPUTATION REQUESTS

Subject	Deputation
3.1 In relation to Item 8.3 – Capacity to deliver the 2021/22 Internal Audit plan	Keep Edinburgh Moving (written submission only)

**Deputation from Keep Edinburgh Moving to the
Governance, Risk and Best Value Committee 9 November 2021
Agenda item 8.3 - Capacity to Deliver the 2021/22 Internal Audit Plan**

Thank you Convenor and committee for accepting and reading our deputation.

Before continuing, we would like to highlight that nothing being communicated here is a criticism of the Chief Internal Auditor, or the internal audit team.

It is clear there is a serious resource issue and the reasons for that are highlighted in the Chief Internal Auditor's report in sections titled:

- Ongoing Challenges Impacting the Council's Ability to Support IA Annual Plan Delivery (sections 4.17 to 4.20)
- Current Challenges Associated with Delivery of the 2021/22 IA Annual Plan (section 4.21 to 4.27)

We are concerned to see there is such a capacity issue with carrying out internal audits across the council, which calls into question its commitment to ensuring good governance against a background of an ongoing whistle blowing inquiry, red listed audits and public concern with probity in the public space more generally.

In particular we believe that the proposed delay of the Active Travel internal audit which was previously scheduled for completion by end September 2021 could have a serious impact.

- The previous Internal Audit covering Spaces for People, which is an Active Travel project, was graded Red. This was presented at the GR&BV committee in August 2021, but only covered the period up until October 2020. Various management assurances had been provided that the areas leading to the negative grading had been remedied - surely a timely further audit on a 'Red' graded scheme should be prioritised, rather than postponed? Particularly since it's postponement takes place at the same time as COP26.
- However, at the August 2021 meeting there was a deputation from South West Edinburgh in Motion (SWEM) - one of the local community groups comprising KEM - listing a number of concerns which had arisen since that audit had been completed, suggesting that many issues had not been remedied or that new issues were emerging. SWEM requested that the committee approve further audits or logging of risks as a matter of urgency and gave examples of many areas where it appears proper procedures are not being followed.
 1. Misleading Integrated Impact Assessment
 2. Consultation approach failing to meet council's own quality standards
 3. Consultation data protection breach
 4. Reliance on flawed market research introducing new risk
 5. Supplier conflicts of interest
 - 5.1. Research carried out by organisations that stand to benefit if the research has a positive response.
 - 5.2. Road safety audits carried out by the same company designing the scheme in effect marking their own work.
 6. Collision data missing from Road Safety Audit briefing process
 7. Failure to log near miss or accident data

8. Failure to manage complaints in line with SPSO guidelines for local authorities
9. Questionable process for recommending and prioritising schemes
10. Lack of data to justify scheme designs or requirement for schemes

The full deputation is available on this link:

<https://democracy.edinburgh.gov.uk/documents/b18619/Deputations%2010th-Aug-2021%2010.00%20Governance%20Risk%20and%20Best%20Value%20Committee.pdf?T=9>

- However, as an Active Travel audit was scheduled for completion by end September 2021, it felt as though this was in hand and no mention was made at the August meeting of the potential delay of an audit due to begin in less than a month.
- To discover in November that not only has the audit not been completed, but that it will be delayed further is a real concern.
- The reason given to justify delay is “*Deferral into 2022/23 recommended by IA as programme will continue throughout the next plan year*”. The fact that the programme will continue on the foundations of the seriously flawed and hugely controversial Spaces for People programme, without further independent review of processes being followed is a serious risk to the council and Edinburgh citizens. The schemes being put in place involve budgets of £millions and have serious negative consequences for many people in Edinburgh. We are unaware of any Spaces for People Active Travel programme which has data evidencing it has been successful against objectives - in fact the data we are aware of suggests the opposite. There is a risk that flawed project implementation could be detrimental to the Council’s ability to achieve Net Zero goals.
- At COP26, Spaces for People in Edinburgh is being presented as a case study of eco-ableism (by Inclusion Scotland at an event titled “Disability-inclusive climate action: rights and obligations”). An extract from the case study states “...*Spaces for People schemes were put in place far too hastily and without adequate consultation or Equality Impact Assessments, and are in effect creating ‘no-go’ areas for disabled people in city centres in Scotland, including Edinburgh and Stirling. The Edinburgh Access Panel, RNIB and Guide Dogs have recently asked Edinburgh City Council to put the Spaces for People scheme on hold to allow it to be independently audited.*” Extract from page 8/13 <https://inclusionScotland.org/wp-content/uploads/2021/10/Inclusion-Scotland-Its-Our-Planet-Too-Climate-Change-Disabled-People-and-Climate-Action-Report.pdf>. Many of the Active Travel projects which will be covered by the Internal Audit are simply extensions of the Spaces for People programme, and more than 60% of the schemes have been officially graded by the council as having a negative impact on disabled people.
- The level of controversy around Active Travel schemes in Edinburgh has been sustained for months, with the process and approach being core to the issues which have led to dozens of press articles and TV news reports.
- Few, if any, Council policies in recent years have been more controversial or attracted more criticism. It is inconceivable that the council should risk even creating the possible impression that internal audit of these areas was being delayed until after the Council elections in May, when voters will make an assessment of the current administration’s record of delivering high profile projects.
- It is unfortunate that perhaps coincidentally, 4 of the 10 council audits scheduled for delay are in the Place directorate and in the previous batch of audits, the Place directorate was the only one with no green audits.

- The Executive Director of Place has provided a formal management response and lessons learned following the Spaces for People "red" rating. This response was just published on Friday 5 November in relation to item 7.2 of the forthcoming Transport & Environment Committee meeting on Thursday 9 November 2021 and available on this link <https://democracy.edinburgh.gov.uk/documents/s40131/7.2%20-%20Spaces%20for%20People%20-%20Internal%20Audit.pdf>. We do not feel it is appropriate in a deputation to this committee, to respond in detail to a report for another committee, but we would like to log that some of the actions listed under "Lessons Learned" do not seem to have applied in recent practice. For example:

Internal Audit's observation	Place response - "Lessons Learned"	KEM concern lessons have not been learned
<p>Prioritisation</p> <p><i>"...Review of the model methodology and project team assessment approach confirmed that they were largely based on professional judgement with limited justification available to support prioritisation outcomes other than the numeric scores generated by the model."</i></p>	<p><i>"The recommendations from Internal Audit in terms of scoring and prioritisation were taken into account in presenting the outcome of the Potential Retention of Spaces for People Measures presented to Transport and Environment Committee on 17 June 2021 and to the City of Edinburgh Council on 24 June 2021".</i></p>	<p>There was indeed scoring and prioritisation. However the scoring methodology itself seems to have been based largely on the "professional judgement" of a few officers, with limited justification. For example, can the Active Travel team provide hard evidence their methodology for scoring impact and then categorising that score for disabled people (eg neutral, minor negative, significant negative) was robustly based on the input from disability experts? (Noting here that claims in the report to CEC on 24 June that disability experts had been "consulted" on scoring does not equate to an acceptable level of change in response to that consultation.)</p>
<p>Outcome publication</p> <p><i>"prioritisation outcomes (scoring and prioritisation ratings) could not be easily located on the Council website, and were not shared with stakeholders prior to approval by CIMT and subsequent implementation."</i></p>	<p><i>"In the future, if prioritisation criteria are used, these will be published on any dedicated project pages online. "</i></p>	<p>For the report above: "Potential Retention of Spaces for People Measures" the actual scoring and weighting of those scores was not published (other than the final category the score fell into). It is not made clear how it was deemed acceptable in the report to prioritise schemes for retention where over 60% of them have a negative</p>

		impact on disabled people around accessibility.
<p>Public survey</p> <p><i>“Given time taken to analyse responses, the full population of responses received had not been cross referenced to ongoing SfP initiatives and incorporated (where appropriate) into the prioritisation process prior to completion of the audit (October 2020). It is acknowledged that work was in progress to summarise key themes and map them against initiatives for subsequent Transport and Economy Committee paper”</i></p>	<p><i>“In reviewing schemes included within the Travelling Safely programme, feedback to the consultation on the Potential Retention of Spaces for People measures has been considered as schemes have been developed for Experimental Traffic Regulation Order (ETRO) publication.”</i></p>	<p>Serious concerns were raised that the consultation did not meet basic quality standards. Comments from the 17,600 responses had also not been analysed prior to the report and recommendations being put to committee.</p> <p>Also, given the scheme is branded “Travelling Safely”, public feedback from other channels is just as important when developing schemes into proposals for continuation toward permanency.</p> <p>However, an FOI reference 32278 is a request for data on near misses relating to Spaces for People. The published response is: “We do not record this information in a way in which it can be reported on. Therefore, unfortunately, we are unable to provide you with the information you requested as this would fall into the category of a “manifestly unreasonable” request. The Spaces for People programme has received over 11,780 emails, there have also been reports submitted through customer care and through Confirm. These emails and systems would need to be interrogated to identify if health and safety incidents and near misses have been mentioned. An officer would be required to locate and examine the 11,780 emails in order to identify if they relate to reported health and safety incidents involving the</p>

		<p><i>Spaces for People infrastructure including any reported near misses. At an estimated 5 minutes to assess each email and extract and collate the information, this process would take 981 hours to complete.”</i></p> <p>Furthermore, it is concerning that no process appears to exist to document or collate emails from the public raising issues related to Spaces for People.</p>
<p>Use of feedback <i>“where public feedback was incorporated into projects, no audit trail was available to confirm that this was completed.”</i></p>	<p><i>“In future, design and review documentation will include a requirement to state how public feedback has been incorporated into designs.”</i></p>	<p>At the last Transport and Environment Committee less than 2 weeks ago on 26 October, a senior council officer was unable to give a single example of how feedback from 5,000 responses from the public to the Low Emission Zone consultation had resulted in any changes to the proposal.</p> <p>At the meeting before that, on 14 October, a report recommending extending the Lanark Road scheme to an ETRO, was based on a seriously flawed process (complaint upheld) outwith the normal Consultation and quality assurance system, and failed to evidence how public feedback had informed the recommendations and also did not include any mention or analysis of comments provided by respondents.</p>

We recognise that all areas of the council are important and proper internal audits are essential for all of them. However at this point in time, we strongly suggest that including the Active Travel audit in the list for delay, is not appropriate for two reasons.

- First, the retained schemes are entering an ETRO process, meaning that it is urgent to ensure timely examination and scrutiny of the surrounding council processes. Minimal and insufficient budget (previously circa £800k and now reduced to circa £250k) is being retained to be able to make significant changes or remove schemes put through onto the ETRO process, therefore the expectation is that they will become permanent.
- Second, claims to have learned lessons do not seem to have been implemented in practice, so the proposed Active Travel audit becomes even more necessary.

We ask that the council sources appropriate resource so that this can be put back on track as soon as possible for a robust internal audit, with a prompt report, before any more Active Travel projects are progressed through to ETRO.

Thank you for considering our deputation.

Yours,

David Hunter and Derryck Reid

Keep Edinburgh Moving