

## Minute

### Education, Leisure and Housing Committee

Wednesday, 5 February 2020, 10:30.

Council Chamber, Council Offices, School Place, Kirkwall.



### Present

Councillors Gwenda M Shearer, Alexander G Cowie, Stephen G Clackson, Barbara Foulkes, Steven B Heddle, J Harvey Johnston, W Leslie Manson, John A R Scott, James W Stockan and Owen Tierney.

Hugh Halcro-Johnston.

Councillors Andrew Drever and Graham L Sinclair (who had been invited for Item 14).

### Clerk

- Sandra Craigie, Committee Clerk.

### In Attendance

- James Wylie, Executive Director of Education, Leisure and Housing.
- Peter Diamond, Head of Education (Leisure, Culture and Inclusion).
- Frances Troup, Head of Housing, Homelessness and Schoolcare Accommodation Services.
- Edward Abbott-Halpin, Principal, Orkney College (for Items 1 to 5).
- Jonathan McCabe, Head Teacher, Eday Primary School (for Items 1 to 4).
- Laura Cromarty, Transport Manager (for Items 12 to 15).
- Keith Foubister, Works and Inspection Manager (for Items 1 to 8).
- Paul Kemp, Strategic Finance Manager.
- Lesley Mulraine, Service Manager (Housing and Homelessness).
- Karen Walter, Early Learning and Childcare Delivery Plan Programme Manager (for Items 12 to 15).
- Georgette Herd, Solicitor.
- Peter Trodden, Solicitor.
- Luke Fraser, Team Leader (Policy and Planning) (for Items 1 to 13).

### Observing

- Anne Harrison, Catering Manager (for Items 1 and 2).
- Carol McManus, Service Improvement Officer (for Items 1 to 4).
- David Hartley, Communications Team Leader.

## **Apologies**

- Councillor John T Richards.
- Councillor Magnus O Thomson.
- Jo Hill, Teacher Representative.
- Mary Maley, Teacher Representative.

## **Declarations of Interest**

- No declarations of interest were intimated.

## **Chair**

- Councillor Gwenda M Shearer.

## **1. Disclosure of Exempt Information**

The Committee noted the proposal that the public be excluded from the meeting for consideration of Item 14, as the business to be discussed involved the potential disclosure of exempt information of the classes described in the relevant paragraphs of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 as amended.

Councillor John A R Scott joined the meeting at this point.

## **2. Revenue Expenditure Monitoring**

After consideration of a joint report by the Executive Director of Education, Leisure and Housing, the Executive Director of Corporate Services and the Head of Finance, copies of which had been circulated, and after hearing a report from the Strategic Finance Manager, the Committee:

Noted:

**2.1.** The revenue financial summary statement in respect of Education, Leisure and Housing for the period 1 April to 31 December 2019, attached as Annex 1 to the joint report by the Executive Director of Education, Leisure and Housing, the Executive Director of Corporate Services and the Head of Finance, indicating the following:

- A net General Fund underspend of £893,800.
- A net Non-General Fund overspend of £142,300.

**2.2.** The revenue financial detail by Service Area statement, in respect of Education, Leisure and Housing for the period 1 April to 31 December 2019, attached as Annex 2 to the joint report by the Executive Director of Education, Leisure and Housing, the Executive Director of Corporate Services and the Head of Finance.

**2.3.** The explanations given and actions proposed in respect of significant budget variances, as outlined in the Budget Action Plan, attached as Annex 3 to the joint report by the Executive Director of Education, Leisure and Housing, the Executive Director of Corporate Services and the Head of Finance.

Councillor W Leslie Manson joined the meeting during discussion of this item.

### **3. Housing Revenue Account**

#### **Revenue Repairs and Maintenance Programme – Expenditure Monitoring**

After consideration of a joint report by the Executive Director of Education, Leisure and Housing and the Head of Finance, copies of which had been circulated, and after hearing a report from the Head of Housing, Homelessness and Schoolcare Accommodation Services, the Committee:

Noted:

**3.1.** The summary position of expenditure incurred, as at 31 December 2019, against the approved revenue repairs and maintenance programme in respect of the Housing Revenue Account, as detailed in section 4.2 of the joint report by the Executive Director of Education, Leisure and Housing and the Head of Finance. which indicated an overspend of £230,000 as at 31 March 2020, against an approved budget of £1,303,200.

The Committee scrutinised:

**3.2.** The explanations given in respect of significant budget variances, as detailed in Appendix 1 to the joint report by the Executive Director of Education, Leisure and Housing and the Head of Finance, and obtained assurance on progress being made with delivery of the approved revenue repairs and maintenance programme in respect of the Housing Revenue Account.

### **4. Education Scotland**

#### **Inspection of Eday Community School and Nursery Class**

After consideration of a report by the Executive Director of Education, Leisure and Housing, copies of which had been circulated, and after hearing a report from the Head of Education (Leisure, Culture and Inclusion), the Committee:

Noted:

**4.1.** That Eday Primary School and Nursery Class was inspected by Education Scotland in September 2019.

**4.2.** That Education Scotland's evaluation for Eday Primary School focussed on the following four areas:

- Leadership of change.
- Learning, teaching and assessment.
- Raising attainment and assessment.
- Ensuring wellbeing, equality and inclusion.

**4.3.** That, of the four areas inspected for the primary stage, one received a satisfactory grading and three received a weak grading.

4.4. That Education Scotland's evaluation for Eday Primary School's Nursery Class focussed on the following four areas:

- Leadership of change.
- Learning, teaching and assessments.
- Securing children's progress.
- Ensuring wellbeing, equality and inclusion.

4.5. That, of the four areas inspected, for the Nursery Class, all four received a satisfactory grading.

4.6. That four areas of improvement were identified by Education Scotland as outlined in section 4.6 of the report by the Executive Director of Education, Leisure and Housing.

The Committee resolved to **recommend to the Council**:

4.7. That having reviewed the letter to parents and summarised inspection findings, attached as Appendices 1 to 3 respectively to the report by the Executive Director of Education, Leisure and Housing, assurance was obtained that action had been taken or agreed as necessary.

4.8. That the Executive Director of Education, Leisure and Housing should submit a report, to the next meeting of the Committee, providing an update on progress made in respect of the improvement areas identified by Education Scotland in relation to the inspection of Eday Primary School and Nursery Class.

## 5. College Management Council Sub-committee

After consideration of the draft Minute of the Meeting of the College Management Council Sub-committee held on 20 January 2020, copies of which had been circulated, the Committee:

Resolved:

5.1. On the motion of Councillor Gwenda M Shearer, seconded by Councillor J Harvey Johnston, to approve the Minute of the Meeting of the College Management Council Sub-committee held on 20 January 2020 as a true record.

The Committee resolved to **recommend to the Council**:

5.2. That the recommendation at paragraph 3 of the Minute of the Meeting of the College Management Council Sub-committee held on 20 January 2020, attached as Appendix 1 to this Minute, be approved.

Hugh Halcro-Johnston left the meeting at this point.

## 6. Council House Rents

After consideration of a report by the Executive Director of Education, Leisure and Housing, copies of which had been circulated, and after hearing a report from the Service Manager (Housing and Homelessness), the Committee:

Noted:

**6.1.** That a consultation, undertaken in December 2019, in relation to the annual increase for Council house rent levels to take effect from 1 April 2020, proposed an increase of the Consumer Price Index as of September 2019, namely 1.8%.

**6.2.** The results of the consultation on the annual increase for Council house rent levels, as detailed in section 4 of the report by the Executive Director of Education, Leisure and Housing.

The Committee resolved to **recommend to the Council**:

**6.3.** That, with effect from 1 April 2020, Council house rents should increase by 1.8%.

## 7. Housing Revenue Account – Draft Budget

After consideration of a joint report by the Executive Director of Education, Leisure and Housing and the Head of Finance, copies of which had been circulated, and after hearing a report from the Head of Housing, Homelessness and Schoolcare Accommodation Services, the Committee:

Resolved **to recommend to the Council** that the draft revenue budget for the Housing Revenue Account for financial year 2020 to 2021, attached as Appendix 1 to the joint report by the Executive Director of Education, Leisure and Housing and the Head of Finance, be submitted to the Policy and Resources Committee for consideration through the budget setting process.

## 8. Housing Revenue Account

### Revenue Repairs and Maintenance Programme

After consideration of a joint report by the Executive Director of Education, Leisure and Housing and the Head of Finance, copies of which had been circulated, and after hearing a report from the Head of Housing, Homelessness and Schoolcare Accommodation Services, the Committee:

Resolved, in terms of delegated powers, that, subject to an adequate budget being made available, the undernoted revenue repairs and maintenance programme for 2020 to 2021 in respect of the Housing Revenue Account be approved:

- Cyclical Maintenance – £60,000.
- Planned Maintenance – £500,000.
- Reactive Repairs – £297,700.
- Voids/Improvements/Adaptations – £328,000.
- In-House Professional Fees (Development and Infrastructure) – £197,400.

## **9. Home Energy Efficiency Programme for Scotland: Area Based Schemes**

After consideration of a report by the Executive Director of Education, Leisure and Housing, copies of which had been circulated, and after hearing a report from the Team Leader (Policy and Planning), the Committee:

Noted:

**9.1.** That, as the Scottish Government had not published guidance for the 2020 to 2021 Home Energy Efficiency Programme for Scotland: Area Based Schemes at this time, there was no confirmation of the level of funding reserved for Orkney, although expectations were that the figure would be in line with previous years' allocations of approximately £1,300,000.

**9.2.** That, from previous experience of the Home Energy Efficiency Programme for Scotland: Area Based Schemes programme, it was anticipated that a bid for funding amounting to £1,000,000 would deliver installations to approximately 150 properties, which would be an achievable scale of project, particularly if other funding, such as Warm Homes Fund and Energy Company Obligation funding, was obtained.

The Committee resolved to **recommend to the Council:**

**9.3.** That powers be delegated to the Executive Director of Education, Leisure and Housing, in consultation with the Chair and Vice Chair of the Education, Leisure and Housing Committee, to submit bids for Home Energy Efficiency Programme for Scotland: Area Based Schemes funding, on an annual basis, together with any other fuel poverty or energy efficiency funding that may become available as and when funds were opened.

## **10. Low Cost Home Ownership Scheme – Proposed Golden Share**

After consideration of a report by the Executive Director of Education, Leisure and Housing, copies of which had been circulated, and after hearing a report from the Team Leader (Policy and Planning), the Committee:

Noted:

**10.1.** That Orkney Housing Association Limited had approached the Council to seek support in its application to the Scottish Government to enable a Golden Share to be implemented in respect of any new supply Shared Equity properties developed in Kirkwall in the coming years.

**10.2.** That implementation of the Golden Share would allow Orkney Housing Association Limited to retain a percentage share in each new supply Shared Equity low cost home ownership property development by Orkney Housing Association Limited in Kirkwall from 2020 onwards.

**10.3.** That implementation of a Golden Share would not impact upon Orkney Housing Association Limited's existing low-cost home ownership properties, only those built after any approval was granted.

**10.4.** That, as the Council was the strategic housing authority for Orkney, prior to approving the request from Orkney Housing Association Limited, the Scottish Government was seeking assurance that the Council supports implementation of the Golden Share.

On the motion of Councillor W Leslie Manson, second by Councillor Barbara Foulkes, the Committee resolved to **recommend to the Council**:

**10.5.** That the request from Orkney Housing Association Limited towards implementation of a Golden Share in new supply Shared Equity properties developed in Kirkwall be deferred, to the next meeting of the Committee, to enable officers to provide clarity on the concept of Golden Share.

## **11. Draft Suspension Policy**

After consideration of a report by the Executive Director of Education, Leisure and Housing, together with an Equality Impact Assessment, copies of which had been circulated, and after hearing a report from the Head of Housing, Homelessness and Schoolcare Accommodation Services, the Committee:

Noted:

**11.1.** That the Housing (Scotland) Act 2014 introduced amendments to the allocations provisions contained within the Housing (Scotland) Act 1987, specifically in respect of suspensions from the Council's waiting list, including a framework that social landlords could choose to use in order to suspend offers of housing to applicants at the point the apply for housing.

**11.2.** That consultation on proposed amendments to the Lettings Policy included reference to suspensions, with over 50% of the respondents suggesting that a separate policy would be beneficial.

**11.3.** The draft Suspension Policy, attached as Appendix 1 to the report by the Executive Director of Education, Leisure and Housing, which included a section on appeals, which, if approved, would require to be reflected in the Scheme of Delegation to Officers.

**11.4.** The proposal that the Suspension Policy be implemented in tandem with the revised Lettings Policy, namely no later than 1 April 2021.

The Committee resolved to **recommend to the Council**:

**11.5.** That the Suspension Policy, attached as Appendix 2 to this Minute, be approved, to be implemented no later than 1 April 2021.

**11.6.** That the Scheme of Delegation to Officers be amended to reflect the appeals process detailed within the Suspension Policy.

## **12. Lettings Policy – Review**

After consideration of a report by the Executive Director of Education, Leisure and Housing, together with an Equality Impact Assessment, copies of which had been circulated, and after hearing a report from the Head of Housing, Homelessness and Schoolcare Accommodation Services, the Committee:

Noted:

**12.1.** That consultation on proposed changes to the Council's Lettings Policy was undertaken during September and October 2019, the outcome of which was reported to the Committee on 13 November 2019.

**12.2.** That, should the draft Lettings Policy, attached as Appendix 1 to the report by the Executive Director of Education, Leisure and Housing, be approved, a process of implementation, as detailed in section 5.6 of the report by the Executive Director of Education, Leisure and Housing, would follow, which might result in further adjustments to the Lettings Policy in order to clarify procedures.

**12.3.** That the draft Lettings Policy included a section on appeals which, if approved, would require to be reflected in the Scheme of Delegation to Officers.

The Committee resolved to **recommend to the Council:**

**12.4.** That the revised Lettings Policy, attached as Appendix 3 to this Minute, be approved for implementation no later than 1 April 2021.

**12.5.** That the Scheme of Delegation to Officers be amended to reflect the appeals process detailed within the Lettings Policy.

### **13. House Build Programme**

After consideration of a report by the Executive Director of Education, Leisure and Housing, copies of which had been circulated, and after hearing reports from the Head of Housing, Homelessness and Schoolcare Accommodation Services and the Team Leader (Policy and Planning), the Committee:

Noted:

**13.1.** That, although the Council's house build programme had delivered 230 properties since 2011, the programme had slowed over the last five years due to financial constraints on the Housing Revenue Account.

**13.2.** That there was only one Council house build project currently under construction, being 32 properties at Carness, Kirkwall.

**13.3.** That, to date, the level of Scottish Government grant funding awarded, at £59,000 for each unit of housing, had created challenges in respect of delivering further Council housing developments.

**13.4.** That, due to the level of borrowing required and match-funding requirements for Council and Orkney Housing Association projects, it had not been possible to utilise all of the available funding from the Scottish Government for affordable housing development over the last few years.

**13.5.** That the current funding round ran until March 2021 and the Scottish Government had applied pressure on the Council to maximise use of the available funding over the next financial year.



**13.6.** That, in order to maximise use of available funding, four projects utilising Council owned land were being developed, as follows:

- Four one-bedroom properties at Watersfield, Kirkwall.
- Two two-bedroom properties at Repeater Road, Kirkwall.
- Two two-bedroom properties at MacDonald Park, St Margaret's Hope.
- Eight one-bedroom properties at Garson, Stromness.

**13.7.** That, in addition to the four Council-led projects, it was proposed that the Council seek a number of design and build contracts of between two and six-unit housing projects, in Kirkwall, Stromness, Finstown and St Mary's.

**13.8.** The Stage 1 Capital Project Appraisals in respect of the four proposed house build projects and the design and build contracts, attached as Appendices 1 to 5 to the report by the Executive Director of Education, Leisure and Housing.

**13.9.** That, in order to maximise available Scottish Government grant funding, officers will progress a programme of "off the shelf" property purchases utilising existing delegated authority.

**13.10.** That, in order to maximise use of time limited Scottish Government grant funding, the various house build projects were viewed as an exception to the Capital Project Appraisal process.

The Committee resolved to **recommend to the Council:**

**13.11.** That, as an exception to the Capital Project Appraisal process, in order to maximise time limited Scottish Government grant funding, the Executive Director of Education, Leisure and Housing should submit, to the Policy and Resources Committee, Stage 2 Capital Project Appraisals in respect of the undernoted proposed house build projects:

- Four one-bedroom properties at Watersfield, Kirkwall.
- Two two-bedroom properties at Repeater Road, Kirkwall.
- Two two-bedroom properties at MacDonald Drive, St Margaret's Hope.
- Eight one-bedroom properties at Garson, Stromness.
- Design and build contracts for delivery of two to six-unit housing projects in Kirkwall, Stromness, Finstown and St Mary's.

## **14. School Bus Contract 2020 to 2025**

On the motion of Councillor Gwenda M Shearer, seconded by Councillor Alexander G Cowie, the Committee resolved that the public be excluded from the meeting for this item on the grounds that it involved the disclosure of exempt information as defined in paragraph 9 of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 as amended.

After consideration of a report by the Executive Director of Education, Leisure and Housing, together with an Equality Impact Assessment, copies of which had been circulated, the Committee:

Resolved to **recommend to the Council** what action should be taken with regard to the school bus contracts for the period 2020 to 2025.

**The above constitutes the summary of the Minute in terms of the Local Government (Scotland) Act 1973 section 50C(2) as amended by the Local Government (Access to Information) Act 1985.**

## **15. Conclusion of Meeting**

At 12:55 the Chair declared the meeting concluded.

Signed: G M Shearer.