



Communities Committee

Tuesday, 03 March 2020

NOTICE IS HEREBY GIVEN that a Meeting of the **Communities Committee** is to be held at **Council Chambers, Council Office, High Street, Elgin, IV30 1BX** on **Tuesday, 03 March 2020 at 09:30.**

BUSINESS

1 Sederunt

2 Declaration of Group Decisions and Members Interests *

3 Resolution

Consider, and if so decide, adopt the following resolution:
"That under Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting for Item 13 of business on the grounds that it involves the likely disclosure of exempt information of the class described in the relevant Paragraphs of Part 1 of Schedule 7A of the Act."

4 Minute of meeting dated 17 December 2019 **7 - 12**

5 Written Questions **13 - 14**

6 No Access Policy **15 - 30**

Report by the Depute Chief Executive (Economy, Environment and Finance)

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Item which the Committee may wish to consider with the Press and Public excluded

13 Building Services Trading Operation Budget 2019/20 - Budget Monitoring [Para 9]

- Information on terms proposed or to be proposed by or to the Authority;

Summary of the Communities Committee functions:

To deal with matters relating to Housing/HMOs, Housing Regeneration, Homelessness, Social Inclusion, Equalities, Community Safety, Anti-Social Behaviour (including road accidents) and Community Liaison.

Any person attending the meeting who requires access assistance should contact customer services on 01343 563217 in advance of the meeting.

GUIDANCE NOTES

* **Declaration of Group Decisions and Members Interests** - The Chair of the meeting shall seek declarations from any individual or political group at the beginning of a meeting whether any prior decision has been reached on how the individual or members of the group will vote on any item(s) of business on the Agenda, and if so on which item(s). A prior decision shall be one that the individual or the group deems to be mandatory on the individual or the group members such that the individual or the group members will be subject to sanctions should they not vote in accordance with the prior decision. Any such prior decisions will be recorded in the Minute of the meeting.

** **Written Questions** - Any Member can put one written question about any relevant and competent business within the specified remits not already on the agenda, to the Chair provided it is received by the Proper Officer or Committee Services by 12 noon two working days prior to the day of the meeting. A copy of any written answer provided by the Chair will be tabled at the start of the relevant section of the meeting. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than 10 minutes after the Council has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he or she can submit it in writing to the Proper Officer who will arrange for a written answer to be provided within 7 working days.

*** **Question Time** - At each ordinary meeting of the Committee ten minutes will be allowed for Members questions when any Member of the Committee can put a question to the Chair on any business within the remit of that Section of the Committee. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than ten minutes after the Committee has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he/she can submit it in writing to the proper officer who will arrange for a written answer to be provided within seven working days.

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THE MORAY COUNCIL
Communities Committee

SEDERUNT

Councillor Louise Laing (Chair)
Councillor Paula Coy (Depute Chair)
Ms Anna Bamforth (Member)
Ms Jane Bartecki (Member)
Mrs May McGarrie (Member)
Councillor James Allan (Member)
Councillor Theresa Coull (Member)
Councillor Gordon Cowie (Member)
Councillor Lorna Creswell (Member)
Councillor Ryan Edwards (Member)
Councillor Donald Gatt (Member)
Councillor Aaron McLean (Member)
Councillor Maria McLean (Member)
Councillor Ray McLean (Member)
Councillor Laura Powell (Member)
Councillor Derek Ross (Member)
Councillor Sonya Warren (Member)

Clerk Name: Caroline Howie
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Minute of Meeting of the Communities Committee**Tuesday, 17 December 2019****Council Chambers, Council Office, High Street, Elgin, IV30 1BX****PRESENT**

Councillor George Alexander, Ms Anna Bamforth, Councillor Theresa Coull, Councillor Gordon Cowie, Councillor Paula Coy, Councillor Lorna Creswell, Councillor Donald Gatt, Councillor Louise Laing, Mrs May McGarrie, Councillor Aaron McLean, Councillor Maria McLean, Councillor Ray McLean, Councillor Derek Ross, Councillor Sonya Warren

APOLOGIES

Ms Jane Bartecki, Councillor Ryan Edwards

IN ATTENDANCE

The Acting Head of Housing and Property; the Building Services Manager; the Housing Needs Manager; the Acting Housing Strategy and Development Manager and Mrs C Howie, Committee Services Officer as clerk to the meeting.

1 Chair of Meeting

The meeting was chaired by Councillor Louise Laing.

2 Declaration of Group Decisions and Members Interests *

In terms of Standing Order 20 and the Councillors' Code of Conduct, there were no declarations from Group Leaders or Spokespersons in regard to any prior decision taken on how Members will vote on any item on the agenda or any declarations of Member's interests in respect of any item on the agenda.

3 Resolution

The meeting resolved that in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting during consideration of the items of business appearing at the relevant paragraphs of this minute as specified below, so as to avoid disclosure of exempt information of the class described in the appropriate paragraphs of Part 1 of Schedule 7A of the Act.

Paragraph Number of Minute	Paragraph Number of Schedule 7A and Reason
15, 16, 17, 18 and 19	9 Information on terms proposed or to be proposed by or to the Authority

4 Written Questions **

The Committee noted that no written questions had been submitted.

5 Minute of meeting dated 9 October 2019

The minute of the meeting of the Communities Committee dated 17 December 2019 was submitted and approved.

6 The Moray Affordable Housing Programme

Under reference to paragraph 9 of the Minute of the meeting dated 28 May 2019 a report by the Depute Chief Executive (Economy, Environment and Finance) informed Committee of progress on the Affordable Housing Investment Programme in Moray.

Following consideration the Committee agreed:

- i. to note progress on the Moray Strategic Local Programme 2019/20;
- ii. to bring forward the development opportunities detailed at paragraph 4.8 of the report into the 2019/20 programme;
- iii. to note progress on the Bilbohall masterplan area; and
- iv. that further reports on programme progress will be presented to the Committee.

7 Scottish Social Housing Charter Compliance

Under reference to paragraph 11 of the Minute of the meeting dated 27 August 2019 a report by the Depute Chief Executive (Economy, Environment and Finance) informed Committee of the details of the Council's landlord report from the Scottish Housing Regulator and progress on the Annual Performance Report to tenants and other customers.

Following consideration and review of the Council's performance against the Scottish Social Housing Charter in 2018/19 the Committee agreed to note the Annual Performance Report to tenants and other customers.

8 Rapid Rehousing Transition Plan

Under reference to paragraph 5 of the Minute of the meeting dated 20 November 2018 a report by the Depute Chief Executive (Economy, Environment and Finance) informed Committee of progress on development of Moray's Rapid Rehousing Transition Plan.

Following consideration the Committee agreed:

- i. to note the level of funding made available by the Scottish Government to deliver the Council's Rapid Rehousing Transition Plan (RRTP);
- ii. to the revisions to the RRTP Action Plan, as detailed at Section 4 of the report;
- iii. that officers can prepare a revised RRTP Action Plan, as detailed at Section 4 of the report;
- iv. that the revised RRTP can be presented to Committee at the meeting on 3 March 2020; and
- v. to note progress on the RRTP will be reported to Committee as part of the review of the Local Housing Strategy.

9 Housing and Property Services - Service Plan 2019/20

Under reference to paragraph 10 of the Minute of the meeting dated 28 May 2019 a report by the Depute Chief Executive (Economy, Environment and Finance) asked Committee to consider the proposed Housing and Property Services Service Plan for 2019/20.

Following consideration the Committee agreed to note the budget monitoring report for the period to 31 October 2019.

10 Housing and Property Services Budget Monitoring - 31 October 2019

Under reference to paragraph 6 of the Minute of the meeting dated 27 February 2019 a report by the Depute Chief Executive (Economy, Environment and Finance) presented the budget position for the Housing Revenue Account and General Services Other Housing Budget for the period up to 31 October 2019.

Following consideration the Committee agreed to note the budget monitoring report for the period to 31 October 2019.

11 Strategic Housing Investment Plan 2020/2021 - 2024/2025

Under reference to paragraph 6 of the minute of the meeting dated 5 February 2019 a report by the Depute Chief Executive (Economy, Environment and Finance) asked Committee to approve the council's draft Strategic Housing Investment Plan (SHIP) 2020/21-2024/25.

Following consideration the Committee agreed:

- i. to note the draft SHIP was submitted to the Scottish Government in November 2019; and
- ii. that further progress reports on the SHIP be presented to Committee as required.

12 Housing Investment 2019/20

A report by the Depute Chief Executive (Economy, Environment and Finance) informed Committee of the budget position to 31 October 2019 for the Housing Investment Programme for 2019/20.

Following consideration the Committee agreed to note the position as at 31 October 2019 with regards to the Housing Investment Programme for 2019/20.

13 Housing Performance Report - Quarters 1 and 2 for 2019-20

Under reference to paragraph 11 of the minute of the meeting dated 27 August 2019 a report by the Depute Chief Executive (Economy, Environment and Finance) informed Committee of the Housing Service's for the period from 1 April 2019 to 30 September 2019.

Following consideration the Committee agreed to note performance outlined in the report.

14 Question Time ***

Councillor Laing was of the opinion it would be advantageous for the Tenant Representatives to have an item on the agenda where they could raise any queries they may have.

In response the Chair advised it had been practice for the Tenant Representatives to raise any issues with Councillors at the Tenants Forum; the Councillors then raised queries as Committee when required.

The Tenant Representatives advised they were happy with the current arrangement.

15 Council New Build - Report on Tender - Banff Road, Keith

Under reference to paragraph 9 of the Minute of the meeting dated 28 May 2019 a report by the Depute Chief Executive (Economy, Environment and Finance) presented an evaluation of the tender received for the Council New Build Programme Phase 7 project at Banff Road, Keith.

Following consideration the Committee agreed:

- i. to accept the tender received from Springfield Properties plc for Banff Road, Keith, Phase 1;
- ii. that the acquisition of additional land at Banff Road can be presented for approval to Moray Council; and
- iii. to note that progress on the delivery of the Council's new build programme will be reported to this Committee.

16 Council New Build - Report on Tender - Stynie Road, Mosstodloch Phase 2

Under reference to paragraph 9 of the Minute of the meeting dated 28 May 2019 a report by the Depute Chief Executive (Economy, Environment and Finance) presented an evaluation of the tender received for the Council New Build Programme Phase 8 project at Stynie Road, Mosstodloch Phase 2.

Following consideration the Committee agreed:

- i. to accept the tender received from Springfield Properties plc for Stynie Road, Mosstodloch Phase 2; and
- ii. that progress on the delivery of the Council's new build programme is reported to a future meeting of this Committee.

17 Report on Tender - Consultancy - Bilbohall, Elgin

Under reference to paragraph 11 of the Minute of the meeting dated 2 April 2019 a report by the Depute Chief Executive (Economy, Environment and Finance) presented an evaluation of the tenders received for the design team required to develop and submit a planning application for the housing and associated infrastructure included in the Bilbohall Masterplan.

Following consideration the Committee agreed to:

- i. note progress on the tendering procedure for a multi-disciplinary design team to prepare a planning application for housing and infrastructure at Bilbohall;
- ii. accept the tender received from Collective Architecture;
- iii. the acquisition of the Bilbohall site at R12/R6 being presented for approval to Moray Council;
- iv. note the proposed purchase by the Council of the Bilbohall site at R12/R6 would be subject to the "buy-back" conditions detailed in paragraph 7.3 of the report; and
- v. note that further reports on the design team's progress will be presented to Committee.

18 Report on Tender - Consultance - Former Spynie Hospital, Elgin

Under reference to paragraph 7 of the Minute of the meeting dated 27 August 2019 a report by the Depute Chief Executive (Economy, Environment and Finance) presented an evaluation of the tender received for the design team required to develop and submit a planning application for housing and associated infrastructure at the former Spynie Hospital site, Elgin.

Following consideration the Committee agreed to:

- i. note progress on the tendering procedure for a multi-disciplinary design team to prepare a planning application for housing and infrastructure at the former

Spynie Hospital, Elgin;

- ii. accept the tender received from Collective Architecture; and
- iii. note that further reports on the design team's progress will be presented to Committee.

19 Building Services Trading Operation Budget 2019/20 - Budget Monitoring

Under reference to paragraph 19 of the Minute of the meeting dated 2 April 2019 a report by the Depute Chief Executive (Economy, Environment and Finance) presented the budget monitoring information for the period to 31 October 2019 for the Building Services Trading Operation.

Following consideration the Committee agreed to note the:

- i. financial information for the period to 31 October 2019, as detailed in Appendix I of the report;
- ii. revised year end forecast to 31 March 2020 as detailed in Appendix I of the report;
- iii. Building Services operating performance, Business Plan 2017 - 2020 and financial improvement update as set out in sections 6 and 7 of the report; and
- iv. Building Services Direct Labour Organisation Improvement Plan 2019/2020 progress, as detailed in Section 7 and Appendix II of the report.

WRITTEN QUESTIONS



REPORT TO: COMMUNITIES COMMITTEE ON 3 MARCH 2020

SUBJECT: NO ACCESS POLICY

BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND FINANCE)

1. REASON FOR REPORT

- 1.1 This report asks the Communities Committee to consider and approve a No Access Policy for Council tenants. The policy aims to reduce barriers faced by the Council in accessing tenants' homes to carry out statutory landlord duties in relation to the improvement, repair and servicing of its housing stock.
- 1.2 This report is submitted to Committee in terms of Section III (G) (2) and (3) of the Council's Scheme of Administration relating to exercising all the functions of the Council as a Housing Authority and the management and maintenance of the Council's housing stock.

2. RECOMMENDATION

2.1 It is recommended that the Communities Committee:

- (i) notes the Council's new legal duty to install satisfactory smoke and carbon monoxide alarms of a required specification in all Council housing stock by February 2021;**
- (ii) consider and approve the draft No Access Policy as set out in Section 7 and APPENDIX I to assist in achieving this;**
- (iii) approve a period of consultation with tenants and stakeholders; and**
- (iv) considers the consultation feedback at the meeting in April 2020.**

3. BACKGROUND

- 3.1 Moray Council, as a social landlord, has a duty under the Housing (Scotland) Act 1987, as amended by the Housing (Scotland) Acts 2001 and 2006 to ensure all council housing stock meets the legally prescribed 'Tolerable Standard' in terms of property condition and safety. The legislation also provides that landlords, or any authorised persons, can access the property to carry out inspections and any identified remedial works, provided 24 hours' notice has been given in writing. Where entry is refused by a tenant, forcible

entry can be made provided the tenant has been given every opportunity to give access voluntarily.

- 3.2 The rights and responsibilities of both the tenant and the Council in relation to access to property are set out in the secure Scottish tenancy agreement which is signed by every tenant at the start of each tenancy.
- 3.3 Where tenants do not engage or provide access, Moray Council has an escalation and forced entry process in place as part of its Gas Safety Management Procedures to allow legal duties in relation to gas safety to be met. This process is based on the Council's legal right to access under the legislation. The current Gas Safety Management Policy was approved by this Committee on 17 October 2017 (paragraph 11 of the minute refers) and agreed that the full cost of forcing entry should be passed onto those tenants who fail to give the Council access.

4. NEW TOLERABLE STANDARD LEGISLATION

- 4.1 In response to the tragic Grenfell Tower disaster, the Scottish Government have amended the tolerable standard through the introduction of the Housing Scotland Act 1987 (Tolerable Standard) (Extension of Criterion) Order 2019. This further extends the already high standard of protection regarding fire and carbon monoxide in social housing and brings it in line with the high standards already in place in the private rented sector. This places a new duty on the Council to ensure all housing stock have:
 - 'satisfactory equipment for detecting fire and giving warning in the event of fire or suspected fire'; and
 - 'satisfactory equipment for giving warning if carbon monoxide is present in a concentration that is hazardous to health'.
- 4.2 The Scottish Government 'Tolerable Standard Guidance: Satisfactory Fire Detection and Satisfactory Carbon Monoxide Detection' can be found at <http://spman.moray.gov.uk/MANComRepDraftSite/HandPLib/Communities%20Committee/2020-03-03%20Communities/No%20Access%20-%20APP%20II%20-%20Fire%20Detection%20BSI%20Standards%205839%20part%206.pdf> and provides further details on specifications. The upgrade work required includes mandatory interlinked alarms, specified locations of alarms and risk assessments to meet the required standard.
- 4.3 The new tolerable standard comes into force in February 2021. The Scottish Housing Quality Standards (SHQS) will be amended to reflect this change and the Scottish Housing Regulator will monitor the Council's compliance from this date through the Annual Return on the Charter (ARC).
- 4.4 The necessary upgrade work to meet this new requirement is already being carried out in all void properties. An improvement programme has been developed for the remaining tenanted properties. This includes the procurement of suitable electrical contractor(s). When contractor(s) are in place, all tenants will receive a letter explaining the new legislation, the work required and what they will need to do to ensure the work can take place, i.e. give access to the contractor. The main risk the Council faces in completing

this programme presents where tenants' fail to engage or give access to carry out the required upgrade.

- 4.5 On 12 February 2020, the Council approved the Housing Revenue Account budget for 2020/21 (paragraph 12 of the draft Minute refers). The budget allocates £2.2m for smoke and carbon monoxide alarm upgrades.

5. NO ACCESS ISSUES

- 5.1 The Council recently offered heating upgrades to 418 tenants. The works will assist the Council to comply with another statutory requirement i.e. the Scottish Government's Energy Efficiency Standards for Social Housing (EESH). Of the 418 tenants, 202 tenants (48%) accepted the upgrade. However 15 tenants (4%) have refused while the remaining 201 tenants (48%) have not replied. That is a combined total of 52% of tenancies that will require extra communication, negotiation, further assistance or where forced entry could be considered necessary. Similar levels of no access for planned works have been evident in previous years and it can be assumed that the smoke and carbon monoxide alarm upgrade programme will face similar constraints. This is comparable to Falkirk Council who had an initial 60% no access rate for their smoke and carbon monoxide alarm improvement programme.
- 5.2 The Council recognise that having work carried out in the property can be disruptive and daunting for some tenants and that valid refusal reasons are often associated with age, frailty or physical /mental health issues. Other common refusal reasons include affordability, pet issues or not wanting the disruption in their home.
- 5.3 Such no access issues can prevent the Council carrying out its statutory duties as a landlord and can cause major disruption to essential maintenance, improvement and servicing programmes. Given the level of no access cases that the Council has been experiencing over a number of years, there is clearly a need for a comprehensive and robust escalation process which allows staff within the Housing Service to resolve these barriers to access in a structured way.

6. FORCED ENTRY AND COSTS

- 6.1 Forced entry will always be considered a last resort. The Council's forced entry rates for dealing with gas servicing over the past three reporting years have decreased significantly. Cases of forced entry appointments have decreased 52% since 2016/17 with the number of actual forced entries decreasing 36%. This has been attributed to:
- escalation process that was implemented through internal procedures;
 - raising the profile of the importance of access with tenants; and
 - increasing the re-charging rates for forced entry in line with rising costs which may have acted as a deterrent.
- 6.2 2018/19 figures show that, of the Council's 4,796 gas properties, 30 cases (0.6%) progressed to a forced entry appointment. Of these, 21 tenants (0.4%) gave access to the property at the appointment. Only 9 cases (0.19%)

required a forced entry. Officers aim to mirror these low forced entry rates through the proposed escalation process.

- 6.3 Current forced entry rates for gas servicing vary between £89.17 and £169.80. These are based on the Schedule of Rates held by the Direct Labour Organisation (DLO) which includes the costs of trades' time and any materials required to repair the damage caused by forcing entry such as locks. The forced entry rates for the No Access Policy will be calculated in the same way and will depend on which trades' are used for the specific work required.

7. PROPOSED NO ACCESS POLICY

- 7.1 A draft No Access Policy (**APPENDIX I**) has been developed to ensure access to Council properties where necessary. The draft policy adopts the same escalation and forced entry process as is currently in place for gas servicing. The draft policy includes a focus on customer contact to make mutually convenient appointments wherever possible in an attempt to minimise the number of no access cases. Staff will communicate with tenants who do not respond or refuse works, identify the reasons and individual circumstances and whether the tenant needs support or assistance to allow the works to take place. Despite this assistance, some tenants may still refuse to engage or co-operate without a valid reason. In these circumstances, the Council would be required to exercise its legal right to gain access. Officers aim to keep forced entries to a minimum in line with gas forced entries.

- 7.2 This broadened No Access Policy will primarily assist the Council to deliver its smoke and carbon monoxide alarm upgrade programme. Implementation of the policy will also ease service delivery in other scenarios where the Council, as a social landlord, is required to meet any further legislation, regulation or contractual obligations. These include:

- servicing of all heating types, smoke alarms and carbon monoxide alarms;
- improvement programmes required to meet any new safety or energy efficiency legislation;
- to address any new build Council house defects within the first year of occupation; and
- property condition surveys and inspections, including surveys for energy performance certificates (EPCs) and asbestos surveys.

- 7.3 The draft policy has been developed with this in mind and is intended to be applicable to various scenarios where the Council, as a social landlord, requires access to any of its housing stock.

8. CONSULTATION

- 8.1 It is proposed that a consultation on the draft No Access Policy will be open from 3 March 2020 to 24 March 2020, to allow tenants and other relevant stakeholders the opportunity to respond. The consultation will include:
- the publication of the draft No Access Policy on the Council's website along with an online survey which will be shared across the Council's social media platforms; and
 - feedback from relevant stakeholders with a vested interest as follows:
 - Moray Council tenants;

- the Register of Interested Tenants;
- Moray Tenant's Forum;
- Community Councils and Area Forums.

9. FUTURE ACTION

- 9.1 A further progress report with the outcome of the consultation process, along with a final No Access Policy, will be presented to this Committee in April 2020.
- 9.2 Subject to the consultation feedback, and Committee's approval in April, supporting operational procedures will be developed and implemented to support the policy and staff.
- 9.3 Officers will continue to highlight the Council's legal right of access for essential work in an attempt to raise tenants' awareness around the implications of no access cases to the tenant and the Council, as well as promoting the provision of support and assistance for tenants who need it. This information will be incorporated at sign-up interviews as well as articles in the Tenant's Voice newsletter and Council social media pages to encourage higher access rates.

10. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

The No Access Policy supports Priority 1 of the LOIP 'Growing, diverse and sustainable economy' and Priority 4 of the Local Housing Strategy to improve the condition and energy efficiency of social housing stock.

(b) Policy and Legal

This policy has been developed in line with the legal provisions set out within the Housing (Scotland) Act 1987, as amended by the Housing (Scotland) Acts 2001 and 2006 and the Housing Scotland Act 1987 (Tolerable Standard) (Extension of Criterion) Order 2019.

(c) Financial implications

There are no financial implications arising from this report.

(d) Risk Implications

Non-compliance by the Council in respect of their statutory duties under the Housing Scotland Act 1987 (Tolerable Standard) (Extension of Criterion) Order 2019 in relation to satisfactory smoke and carbon monoxide alarms presents a number of significant risks. It can lead to serious injury to life for those living in a non-compliant property. This risk also extends to neighbouring properties. The Council need to safeguard their tenants and minimise the risk to the Council of any potential prosecution or intervention from the Scottish Housing Regulator.

(e) Staffing Implications

Due to the scale of the improvement programme, external contractors are required and have been appointed through the necessary procurement process.

(f) Property

There are no property implications arising from this report.

(g) Equalities/Socio Economic Impact

Article 1 and 8 of the Human Rights Act 1998 provides basic rights to property and privacy. The policy content would provide objective justification to impede these rights due to the Council using proportionate means to adhere to legal duties in relation to tenant safety.

(h) Consultations

Consultation on this report has taken place with the Acting Head of Housing and Property Services, Housing Services Manager, Building Services Manager, Property Services Manager, Acting Housing Strategy and Development Manager and Officers within the Housing Service, Legal Services Manager, Deborah O'Shea (Principal Accountant), the Equal Opportunities Officer and Caroline Howie (Committee Services Officer). Any comments have been incorporated into the report.

11. CONCLUSION

11.1 This report provides the Communities Committee with an update on new legislative provisions amending the tolerable standard in relation to smoke alarms and carbon monoxide detectors, as well as a draft No Access Policy for consultation to assist the Council with compliance of the new standard.

Author of Report: Emma Armit, Senior Housing Officer (Policy)
Background Papers: With author
Ref:



MORAY COUNCIL
Housing and Property Services
No Access Policy

1. Scope of the Policy

- 1.1 This policy sets out the framework used by Moray Council to ensure access to all of its social housing stock when required. Moray Council have many legal, regulatory and contractual duties as a social landlord. These include ensuring its social housing stock meets national legal standards in terms of conditions, as well as ensuring the safety of all their tenants. To enable the Council to meet these duties, it is vital that there are no barriers to accessing any of its tenant's houses when necessary. Where barriers do exist the Council will work with the tenant to ensure the access is mutually agreeable, providing support to the tenant where required.

2. Strategic context

- 2.1 The No Access Policy will assist the Council to meet the aims and priority four of its Local Housing Strategy 2019 – 2024 'To improve the stock condition and energy efficiency of housing in the social sector' as well as the Moray 2027 - Corporate Plan.

3. Objectives and Principles of the Policy

- 3.1 The overall aim of Moray Council's No Access Policy is to ensure that its social housing stock is safe and meets all minimum required standards as set out in legislation, regulation and any contractual obligations.
- 3.2 The specific objectives of the Policy are:
- to ensure a robust escalation process is in place to provide the tenant with the opportunity to give access at a mutually convenient time while advising that it may lead to forced entry where no access is provided;
 - to allow the Council to exercise its legal right as a landlord to enter the property, having given the tenant the legally required notice of 24 hours,

to inspect the property's condition or carry out works required to meet any legal, regulatory and/or contractual obligations;

- to provide a fair and transparent process to gain access to the property where the tenant has either:
 - not agreed to give access; or
 - ignores any contact requesting access;
- to ensure that any forced entries are carried out with minimum disruption, complying with relevant legislation and good practice;
- to ensure that any tenant(s) who do not allow access to a Council property are re-charged for any associated costs the Council incurs by having to force entry.

3.3 The principles underpinning the Policy are:

- the Council will implement supporting procedures to ensure compliance. These will incorporate agreed good practice to ensure consistency;
- staff training will be provided to ensure that staff are equipped to carry out the roles expected of them;
- communication with tenants and service users will be in 'plain language'; and
- performance will be monitored to ensure the policy is being adhered to.

4. **Legal Provisions, Regulations and Standards**

4.1 The primary housing legislation governing the rights of a landlord in relation to property condition and repairs, including access to carry out necessary repairs, is contained within the Housing (Scotland) Act 1987 as amended by the Housing (Scotland) Acts 2001, 2006 and the Housing (Scotland) Act 1987 (Tolerable Standard) Extension of Criterion) Order 2019.

4.2 [Section 86 of the Housing \(Scotland\) Act 1987](#) sets out a 'Tolerable Standard' which is the minimum standard required for all housing. Any property below this standard is unfit for human habitation. The [Housing \(Scotland\) Act 1987 \(Tolerable Standard\) \(Extension of Criterion\) Order 2019](#) revises the tolerable standard to include:

- satisfactory equipment for detecting and warning in the event of fire or suspected fires; and
- satisfactory equipment for early detection and warning of carbon monoxide (CO) at hazardous levels.

4.3 [Schedule 4 of the 2001 Act](#) states that landlords have a duty to ensure that a house is wind and watertight and reasonably fit for human habitation, both at the beginning of the tenancy and throughout its term:

- 1) The landlord in a Scottish secure tenancy must—
 - (a) ensure that the house is, at the commencement of the tenancy, wind and watertight and in all other respects reasonably fit for human habitation, and
 - (b) keep the house in such condition throughout the tenancy.
- 2) The landlord must, before the commencement of the tenancy—
 - (a) inspect the house and identify any work necessary to comply with the duty in paragraph 1(a), and
 - (b) notify the tenant of any such work.
- 3) The landlord must—
 - (a) ensure that any work necessary to comply with the duty in paragraph 1(b) is carried out within a reasonable time of the tenant notifying the landlord, or the landlord otherwise becoming aware, that it is required, and
 - (b) make good any damage caused by the carrying out of the work.
- 4) The landlord, or any person authorised by it in writing, may at any reasonable time, on giving 24 hours' notice in writing to the tenant or occupier, enter the house for the purpose of—
 - (a) viewing its state and condition,
 - (b) carrying out any work necessary to comply with the duty in paragraph 1(b) or 3.

4.4 [Part 3 of the Housing \(Scotland\) Act 2010](#) governs the performance of

social landlords through the introduction of the [Scottish Social Housing Charter](#) outcomes. This set out the standards and outcomes tenants can expect from social landlords regarding the quality and standard of their home, as well as the value for money regarding the services they receive.

- 4.5 Outcome 4 - Quality of Housing - All council properties should meet the Scottish Housing Quality Standards (SHQS) at the time of allocation, meaning they are clean, tidy and in a good state of repair. These standards describe what all social landlords should be achieving in all their properties unless there are exemptions. This outcome also incorporates the Energy Efficiency Standard for Social Housing (ESSH) which plays a vital part in meeting national energy efficiency standards set by the Scottish Government's aim of warm, high quality, affordable, low carbon homes across Scotland. [SHQS Technical Guidance for Social Landlords](#) sets out the minimum housing standards required.
- 4.6 The Scottish Secure Tenancy Agreement (SST) is a legally binding contract based on the above legislation and must be signed by all tenants. It protects both the tenants' and the Council's interests as well as setting out the responsibilities of both parties.
- 4.7 Section 5 of the SST states Moray Council's right and responsibilities as a landlord to carry out any work (repairs) necessary to put the house into a state which is wind and watertight and, in all respects, reasonably fit for human habitation. This duty includes:
- taking into account the extent to which the house falls short of any current building regulations and or safety standards; and
 - keeping in repair the structure and exterior of the house;
 - keep in repair and in proper working order, any installations in the house provided by us for:
 - the supply of water, gas and electricity;
 - sanitation (for example basins, sinks, baths, showers, toilets);
 - hot water heating;

- space heating (for example central heating) including fireplaces, flues and chimneys.
 - the right of access in order to lay wires, cables and pipes for the purposes of telecommunications, water, gas, electricity.
- 4.8 It explains the Council's right to enter the property, having given 24 hours' notice in writing. Where entry is refused, forcible entry can be made provided the tenant has been given every reasonable opportunity to give access voluntarily. The tenant will be liable for the costs of any damage reasonably caused by the Council due to forcing entry to the property.
- 4.9 Other relevant provisions include, but are not restricted to, the following:
- The Gas Safety (Installation and Use) Regulations 1998 as amended by the [Gas Safety \(installation and Use\) \(Amendment\) Regulations 2018](#). These are supported by the Health and Safety Executive's (HSE's) Approved Code of Practice (ACOP).
 - [General Data Protection Regulations \(GDPR\)](#) and the [Data Protection Act 2018](#) - The Council will ensure that any information obtained will be processed and used accordingly.
 - [Equality Act 2010](#)
 - [Human Rights Act 1998](#) – right to property (article 1 of protocol 1) and right to privacy (article 8) apply however the safety of tenant's would provide an objective justification with these rights due to it being a proportionate means to a legitimate aim.

5. Reasons for access

- 5.1 The main reasons the Council would require access are listed as follows:

Servicing

- 5.2 Any legally required safety checks or services to all heating system types, gas appliances, flues, chimneys, smoke alarms, carbon monoxide alarms or any other landlord duty covered by Section 4 above. This would include any tenant installed systems the Council have taken over responsibility for.

Improvement Works

- 5.3 Any improvement work or upgrade needed to meet new safety or energy efficiency legislation, regulations or standards will be prioritised. The Council must fulfil its duties as a landlord in terms of safety of tenants, neighbours and communities. This may include electrical re-wiring, upgrades to smoke alarms and carbon monoxide alarms, energy efficiency measures such as insulation, heating system upgrades, carrying out EPC surveys, asbestos surveys etc.

New Build Council Housing

- 5.4 Each new Council house has a one year defects period to identify and/or address any issues with the property. The terms of construction contracts requires each contractor to fulfil their obligations in terms of addressing any defects within a set timescale. These include value for money and a set specification for standards.

Property Inspections

- 5.5 The Council has the right to access any of its properties to view the condition of the property so long as they have given the tenant 24 hours' notice in writing.
- 5.6 This list is not exhaustive and will apply to any situation where the Council need access to a property to inspect or carry out work required to meet any legal and regulatory standard or contractual obligation.
- 5.7 Each scenario will be assessed in accordance with the relevant legislation in relation to it at the time.

6. Notice

- 6.1 The Council will always attempt to make contact with the tenant(s) to give prior warning of any work/inspection required, giving as much notice as possible to arrange a mutually convenient time for the work/inspection to be carried out.

Contact

- 6.2 Following any initial, unsuccessful attempts to make contact, the Council will send an appointment letter to the tenant. If the tenant does not provide access to the property, the Council will leave a No Access Letter explaining the need for access and giving the tenant five working days to respond to make an alternative appointment.
- 6.3 Where the tenant does not respond to the No Access Letter a second appointment letter will be sent out. If the tenant does not provide access for a second time, the Council will leave a No Access Letter 2, again explaining the need for access and giving the tenant five working days to respond to make a suitable appointment.
- 6.4 Where the tenant does not respond to any contact or fails to give access to the property, a third warning letter will be hand delivered to the tenant giving a final opportunity to make contact and arrange an appointment that suits them or the Council will force entry to their home to carry out the necessary work/inspection.

7. Special Circumstances

- 7.1 The Council will always take into account any special circumstances that tenants may have which may affect access to carry out any work. Where it is identified that the tenant has any physical or mental impairment, medical issues, disabilities and/or vulnerabilities that will prevent the work or inspection from going ahead, the Council will work with the tenant to try and find a mutually convenient solution to allow the work to be carried out with minimal disruption or where possible delay the work to a more convenient time.
- 7.2 The Council will provide assistance to the tenant. The level of assistance provided will depend on whether the tenant has household and/or family members who could be reasonably expected to support and assist them. The Council will use its discretion to establish the level of assistance that will need to be provided in line with the circumstances of each case.

8. Forced Entry

- 8.1 Where the tenant has failed to engage or give access, the Council will follow their supporting escalation procedures, up to and including forced entry to the property where necessary. Each case will be assessed and authorised by the relevant Housing or Service Manager.
- 8.2 A Notice of Intention to Enter (NOITE) will be hand delivered to the property giving a minimum of 24 hours' notice from the date and time of the appointment specified in the notice.
- 8.3 The Area Housing Officer and any relevant tradesperson will be present at each forced entry. If there is any concern in relation to safety the Council will liaise with Police Scotland regarding their attendance at the forced entry appointment.
- 8.4 The Council will ensure the property is secure following a forced entry and will change locks where necessary. The Council will leave information at the property advising the tenant where they can collect new keys and of the re-charges they will incur for not allowing access to the property. The Council will request the tenant shows suitable identification before allowing the new keys to be collected.

9. Re-chargeable Costs

- 9.1 The Council will re-charge the tenant(s) for any costs associated with the enforcement of a NOITE. The re-charges will be based on the Schedule of Rates held by the DLO for the relevant financial year. This will include the costs of trades' time and any materials required to repair the damage caused by forcing entry such as locks.
- 9.2 In cases where the tenant initially agrees to give access for the work but then refuses at a later stage, the Council will also seek to recover any abortive costs that have been incurred at the date of the subsequent refusal. This may include design costs, materials, bespoke materials and so on.

9.3 In line with the Council's Rechargeable Repairs Policy, where re-charges cause financial pressure, affordable repayment agreements will be offered to the tenant. Any re-charges not paid will be escalated to the Council's debt recovery process which can lead to any future offers of housing being suspended.

10. Complaints

10.1 Any tenant who is not satisfied with the manner in which the Council has dealt with any aspect of the no access process should contact the Housing Services Manager in the first instance who will investigate and respond within 14 days.

10.2 If the tenant is still not satisfied, the Council also has a corporate Complaints Policy. The Complaints Policy and explanatory information are available on the Council website and from any Council Office or Access Point.

11. Performance Monitoring

11.1 The Scottish Social Housing Charter sets out the outcomes and standards that all social landlords should aim to achieve when performing their landlord functions. The outcomes are as follows:

- the customer/landlord relationship;
- housing quality and maintenance;
- access to housing and support; and
- getting good value from rents and service charges.

11.2 The Charter places a statutory duty on Moray Council to complete the Annual Return on the Charter (ARC) to the Scottish Housing Regulator (SHR). The ARC provides key information on the Council's performance throughout the financial year in relation to the quality and maintenance of its housing stock using national indicator 6 - percentage of stock meeting the Scottish Housing Quality Standards (SHQS).

11.3 The Council internally monitor the number of forced entries to Council properties throughout the year

12. Review of Policy

12.1 This policy will be reviewed in 2023, unless an earlier review is required due to organisational or legislative changes.

DRAFT



REPORT TO: COMMUNITIES COMMITTEE ON 3 MARCH 2020

SUBJECT: HOUSING INVESTMENT 2019/20

BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND FINANCE)

1. REASON FOR REPORT

- 1.1 This report informs the Communities Committee of the budget position to 31 December 2019 for the Housing Investment Programme for 2019/20.
- 1.2 This report is submitted to Committee in terms of Section III G (3) of the Council's Scheme of Administration relating to the maintenance of the Council's housing stock.

2. RECOMMENDATION

- 2.1 **It is recommended that the Committee considers and notes the position as at 31 December 2019 with regards to the Housing Investment Programme for 2019/20.**

3. BACKGROUND

Investment Programme

- 3.1 **APPENDIX I** shows income and expenditure for 2019/20. The Appendix includes expenditure of £7.493m on the Council house new build programme as 'Other Capital Expenditure'. This, however, is now the subject of a separate monitoring report and the figure is provided for information only. Spend of £7.964m was achieved on the Housing Investment Programme to 31 December 2019, which represents 61% of the agreed programme. Commitments are currently standing at £11.611m, which represents 89% of the programme. This commitment will increase further during the year as more projects are progressed. The level of expenditure within the individual budget headings which make up the programme are shown in paragraphs 3.2 to 3.5 below. The expenditure figure represents all payments which have progressed through the finance system to 31 December 2019. The Housing Investment Programme for 2019/20 continues to reflect investment required to maintain the housing stock at the Scottish Housing Quality Standard (SHQS), attain the Moray Standard (TMS) and replace life expired elements such as kitchens, heating and windows on a lifecycle basis. It also includes capital expenditure aimed at achieving the Energy Efficiency Standard for Social Housing (ESSH) by 2020 and moving towards ESSH2.

- 3.2 **APPENDIX II** shows expenditure on Response and Void Repairs. Spend was £2.473m to 31 December 2019 and represents 62% of the agreed programme. Commitment currently stands at £3.587m and represents 90% of the budget. Recent changes to the voids process has reduced average void costs and repair timescales. This has had a positive impact on the budget position to date and the latest outturn projection to financial year end anticipates no budget pressures in this area.
- 3.3 **APPENDIX III** shows expenditure on Estate Works. Spend of £0.341m was achieved to 31 December 2019 and represents 52% of the agreed programme level. Commitment currently stands at £0.473m and represents 73% of the programme.
- Asbestos – During the current financial year, a total of 42 properties had asbestos removal work. This includes 17 properties with asbestos tanks and 28 properties with associated debris or other asbestos containing materials (ACM's). A survey programme of the properties is ongoing and ACMs will be removed on a planned basis when found.
 - Miscellaneous – The commitment within miscellaneous includes some high value contract payments. One of these contracts relates to an essential fire protection system upgrade in a sheltered housing complex. This will be recoded to the sheltered housing budget and is expected to result in an overspend.
- 3.4 **APPENDIX IV** shows expenditure on Cyclic Maintenance. Spend of £0.489m was achieved to 31 December 2019 and represents 51% of the agreed programme level. Commitment currently stands at £0.804m and represents 84% of the budget.
- 3.5 **APPENDIX V** shows expenditure on Planned Maintenance and Other Investments. Spend of £4.661m was achieved to 31 December 2019 and represents 63% of the agreed programme level. Commitment currently stands at £6.747m and represents 92% of the programme.
- Central Heating – This is on target to spend the budget for 2019/20.
 - EESSH Programme – Whilst commitment stands at 92% of the budget, additional heating upgrades are being brought forward to the EESSH programme to offset high rates of tenant refusals.
 - Insulation – a number of properties have been identified for internal wall insulation before year-end which will result in significantly increased expenditure in this budget heading. The works will also contribute to the achievement of EESSH for these properties.

General Programme Updates

- 3.6 A tender has been accepted for a consultant to carry out a Stock Condition Survey. Officers have recently met with the consultant and agreed the key milestones of the project. The survey, which will cover a sample of 25% of the housing stock, will assess the internal and external condition of the stock and provide a costed programme of planned maintenance over the next 30 years. As well as lifetime component replacement, the programme will include improvements to meet the Scottish Housing Quality Standard and both EESSH1 and EESSH2.
- 3.7 Contractors involved in the Warm Homes Fund heating project being carried out in conjunction with Perth and Kinross Council, Scottish and Southern

Energy (SSE) and Scotia Gas Networks (SGN) have now commenced work on site and have completed 87 out of 104 installations to date. Due to slippage in the Perth and Kinross programme, the Council has obtained additional grant funding for 20 air source heat pump installations to be completed by 31 March 2020.

- 3.8 The Council has been successful in its application to the Warm Homes Fund Round 4 with £1.072m awarded for heating upgrades to a further 245 Council properties. The upgrades will involve the replacement of electric or solid fuel heating with energy-efficient gas systems. Work will commence in spring of 2020. This funding will make a significant contribution to meeting EESSH compliance for Council properties.
- 3.9 Smoke Detector Servicing – A programme to upgrade smoke alarms in all Council properties will be carried out to meet new fire safety regulations. The contract to deliver the programme is currently out to tender with a return date of 6 March 2020. It is anticipated that works will commence in April 2020 with completion planned for February 2021 to comply with the new regulations. Upgrades will also be carried out to properties as part of void and planned maintenance works.

Income and Expenditure for Private Sector Housing

- 3.10 **APPENDIX VI** shows the position with regard to grant expenditure for Private Sector Housing Grant to 31 December 2019. This budget in Category B is now the responsibility of the Moray Integration Joint Board and the information is only for noting at this Committee. The legally committed figure of £474k represents 95% of the allocated budget. Spend to 31 December 2019 was £397k which represents 79% of the allocated budget. There has been £8k repaid to this budget which has impacted on the legally committed and spend figures. There is every expectation that the budget figures will be met. The legally committed figure in Category C of £76k represents 72% of the allocated budget. Spend to 31 December 2019 was £15k which represents 14% of the allocated budget. There has been £29k repaid to this budget which has impacted on the legally committed and spend figures.

4. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

This proposal relates to:

Priority 1 - Creating a growing, diverse and sustainable economy; and
Priority 2 - Empowering and connecting communities.

(b) Policy and Legal

Maintenance and improvement works are carried out in order to meet statutory legal requirements and in accordance with current relevant policies.

(c) Financial implications

The financial implications associated within this report are dealt with in paragraphs 3.1 to 3.9 above, with details of the Council house new build programme now being the subject of a separate monitoring report.

(d) Risk implications

Failure to expend agreed budgets may affect the Council's ability to maintain stock at the SHQS, replace life expired elements and attain the EESSH. Budget Managers are aware of responsibilities for managing budget allocations and approval for variance will be sought from Committee in line with the Financial Regulations.

(e) Staffing implications

There are no staffing implications associated with this report.

(f) Property

The improvement and maintenance of the housing stock will ensure that it remains sustainable in the longer term both physically and environmentally.

(g) Equalities/Socio Economic Impact

There are no equalities issues associated with this report as it is to inform the Committee on budget monitoring.

(h) Consultations

Consultations have taken place with the Acting Head of Housing and Property Services, Property Resources Manager, Building Services Manager, Legal Services Manager, Principal Accountant (Deborah O'Shea), Caroline Howie (Committee Services Officer) and the Home Improvement Services Manager, who agree with the sections of the report relating to their areas of responsibility.

5. CONCLUSION

5.1 Housing investment for both the Council's housing stock and the private sector enables the Council to address the identified priorities to improve the quality of housing stock in Moray. More specifically, the investment in the Council's housing stock enables it to be maintained at the Scottish Housing Quality Standard, allows for replacement of life expired elements and makes progress towards the attainment of both the Moray Standard and the Energy Efficiency Standard for Social Housing.

Author of Report: Daska Murray, Senior Housing Officer (Information)
Background Papers: Held on file/sharepoint
Ref:

INVESTMENT PROGRAMME INCOME AND EXPENDITURE 2019/20

31 December 2019
(all amounts in £'000)

HOUSING INVESTMENT PROGRAMME

	Annual Budget 2019/20	Expenditure plus commitments to date	% expenditure plus committed to date	Expenditure to date	% Budget spent to date	Budget balance
Expenditure						
Response & Void Repairs	4,007	3,587	90%	2,473	62%	1,534
Estate Works	651	473	73%	341	52%	310
Cyclic Maintenance	955	804	84%	489	51%	466
Planned Maintenance (Revenue)	1,125	703	62%	394	35%	731
Planned Maintenance (Capital)	5,884	5,742	98%	4,018	68%	1,866
Other Investment (Revenue)	10	2	20%	2	20%	8
Other Investment (Capital)	350	300	86%	247	71%	103
Sub Total	12,982	11,611	89%	7,964	61%	5,018
Other Capital Expenditure						
New Build - Capital Costs	17,131			7,493		
Total	30,113			15,457		
Funded by						
HRA Revenue	6,748			3,699	55%	
Government Grant	6,898			4,542	66%	
Use of Council Tax Discount	525			0	0%	
Prudential Borrowing	12,237			7,216	59%	
Capital Receipts	0			0	n/a	
Useable Capital Receipts	0			0	n/a	
C.F.C.R	3,705			0	0%	
Total	30,113			15,457	51%	

INVESTMENT PROGRAMME EXPENDITURE 2019/20

31 December 2019
(all amounts in £'000)

Item 7

RESPONSE AND VOIDS REPAIRS

	Annual Budget 2019/20	Expenditure plus commitments to date	% expenditure plus committed to date	Expenditure to date	% Budget spent to date	Budget balance
West Area Office	1,137	1,257	111%	847	74%	290
East Area Office	881	750	85%	492	56%	389
Void House Repairs	1,429	1,376	96%	930	65%	499
Gas Heating Repairs	560	204	36%	204	36%	356
	4,007	3,587	90%	2,473	62%	1,534

INVESTMENT PROGRAMME EXPENDITURE 2019/20

31 December 2019
(all amounts in £'000)

ESTATE WORKS

	Annual Budget 2019/20	Expenditure plus commitments to date	% expenditure plus commitments to date	Expenditure to date	% Budget spent to date	Budget balance
Garage Upgrades	25	11	44%	6	24%	19
Asbestos	258	98	38%	92	36%	166
Landscape Maintenance	35	31	89%	18	51%	17
Estates/Forum Upgrades	258	186	72%	78	30%	180
Miscellaneous	75	147	196%	147	196%	-72
	651	473	73%	341	52%	310

INVESTMENT PROGRAMME EXPENDITURE 2019/20

31 December 2019
(all amounts in £'000)

CYCLIC MAINTENANCE

	Annual Budget 2019/20	Expenditure plus commitments to date	% expenditure plus committed to date	Expenditure to date	% Budget spent to date	Budget balance
Gas Servicing	213	192	90%	186	87%	27
Solid Fuel Servicing	41	37	90%	16	39%	25
Air Source Heat Pump Servicing	82	74	90%	8	10%	74
Smoke Detector Servicing	120	167	139%	35	29%	85
PPR & External Painterwork	271	240	89%	201	74%	70
General Servicing	88	94	107%	43	49%	45
Inspections/House Surveys	140	0	0%	0	0%	140
	955	804	84%	489	51%	466

INVESTMENT PROGRAMME EXPENDITURE 2019/20

31 December 2019
(all amounts in £'000)

PLANNED MAINTENANCE & OTHER INVESTMENTS

	Annual Budget 2019/20	Expenditure plus commitments to date	% expenditure plus committed to date	Expenditure to date	% Budget spent to date	Budget balance
Kitchens and Bathrooms	1,375	1,251	91%	987	72%	388
Central Heating	2,527	2,597	103%	1,608	64%	919
ESSH Programme	1,189	1,091	92%	782	66%	407
Doors and Windows	793	803	101%	641	81%	152
Sub Total (Capital)	5,884	5,742	98%	4,018	68%	1,866
Rainwatergoods	200	140	70%	52	26%	148
Roof and Fabric Repairs	225	194	86%	112	50%	113
Plumbing Upgrades	200	4	2%	2	1%	198
Electrical Upgrades	150	195	130%	110	73%	40
Safety & Security	20	28	140%	2	10%	18
Common Stairs	20	32	160%	6	30%	14
Insulation	200	5	3%	5	3%	195
Sheltered Housing	10	1	10%	1	10%	9
Decoration Vouchers	50	45	90%	45	90%	5
Shower Installations	50	59	118%	59	118%	-9
Sub Total (Revenue)	1,125	703	62%	394	35%	731
Disabled Adaptations	350	300	86%	247	71%	103
Sub Total (Other Capital)	350	300	86%	247	71%	103
Enabling Projects	10	2	20%	2	20%	8
Sub Total (Other Revenue)	10	2	20%	2	20%	8
Total	7,369	6,747	92%	4,661	63%	2,708

**PRIVATE SECTOR HOUSING GRANT
SCHEME OF ASSISTANCE - 2019/20**

31 December 2019
(all amounts in £'000)

CATEGORY	Budget Allocation 2019/20	Spend to date	Balance	Legally Committed	Completed Cases
Independent Living					
Category A (Revenue)	8	0	8	8	0
Category B	500	397	103	474	50
Category C	105	15	90	76	10
Overall Total	613	412	201	558	60

CATEGORY DESCRIPTIONS	
Category A	External agency running costs
Category B	Grant Assistance to aid Independent Living - Adaptations
Category C	Grant Assistance to aid Independent Living - House Condition Works



REPORT TO: COMMUNITIES COMMITTEE ON 3 MARCH 2020

SUBJECT: SCOTLAND'S HOUSING NETWORK 2018/19 PERFORMANCE BENCHMARKING

BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND FINANCE)

1. REASON FOR REPORT

- 1.1 To inform the Committee of the Council's performance in 2018/19 in comparison with benchmarking peer groups.
- 1.2 This report is submitted to Committee in terms of Sections III (A) (4) and III (G) (15) of the Council's Scheme of Administration relating to public performance reporting and monitoring the Council's Performance Management Framework for the Communities Services.

2. RECOMMENDATION

- 2.1 **It is recommended that the Communities Committee scrutinises and notes performance outlined in this report.**

3. BACKGROUND

- 3.1 Each year, social landlords must submit an Annual Return on the Charter (ARC) to the Scottish Housing Regulator. The Council's ARC was submitted in May 2019 and the results for all social landlords were published on 31 August 2019. On 17 December 2019, this Committee were informed of the Council's performance in 2018/19 and a comparison with national and local authority averages (paragraph 7 of the draft Minute refers). Actions to address performance issues are reported to this Committee as part of the Housing Performance Report. The Housing Performance Report for 2018/19 was considered by this Committee on 27 August 2019 (paragraph 11 of the Minute refers).
- 3.2 The Housing Service is a member of Scotland's Housing Network (SHN), an organisation which produces benchmarking data for social housing landlords across Scotland. In November 2019, the SHN presented their findings on the 2018/19 ARC performance at a briefing for officers and tenant representatives. In addition to the national and local authority averages, the SHN produce peer group averages which compare the landlord's performance

against social landlords of a similar size. Moray is within Peer Group 8 (small local authority) which includes the following landlords; Angus, Clackmannanshire, East Dunbartonshire, East Renfrewshire, East Lothian, Midlothian, Perth and Kinross, Stirling, South Ayrshire, Orkney and Shetland. The benchmarking results indicated that the Council's performance during 2018/19 was generally comparable with the peer group.

- 3.3 A summary of the Council's performance on the key ARC indicators and the peer group average can be found in **APPENDIX I**. The national average and local authority averages have previously been considered by this Committee but have been included for additional context. In future, peer group averages will be incorporated within the annual report relating to the Scottish Social Housing Charter Compliance.

4. PERFORMANCE ANALYSIS

- 4.1 The 2018/19 performance is summarised below under 6 themes:

Overall Satisfaction

- 4.2 The 2018 tenant survey found that 79.6% of tenants were satisfied with the overall service provided by their landlord (*indicator 1*). This was slightly below the peer group average (85.7%). Improvement actions relating to the 2018 survey were reported to this Committee on 27 August 2019 (paragraph 12 of the Minute refers).

The Customer/Landlord Relationship

- 4.3 The 2018 tenant survey identified that 76.3% of tenants felt that the Council was good at keeping them informed about services and decisions (*indicator 3*). This was below the peer group average (87.0%).
- 4.4 In 2018/19, 58.8% of 1st stage complaints and 42.2% of 2nd stage complaints were upheld (*indicator 4*). This was close to the peer group averages of 55.6% and 45.6% respectively. The Housing Service responded to 78.7% of 1st stage complaints within the Scottish Public Sector Ombudsman (SPSO) timescale of 5 working days (*indicator 5*). For 2nd stage complaints, 64.4% were responded to within the SPSO timescale of 20 working days. This is comparable with the peer group averages of 80% for 1st stage complaints and 65.9% for 2nd stage complaints.
- 4.5 The 2018 tenant survey identified that 68.8% of tenants were satisfied with the opportunities given to them to participate in their landlord's decision making processes (*indicator 6*) however just over a quarter of respondents were 'neither satisfied nor dissatisfied' and therefore performance was lower than the peer group average (81%).

Housing Quality and Maintenance

- 4.6 At 31 March 2019, 92.5% of properties met the Scottish Housing Quality Standard (SHQS) (*indicator 7*) which is below the peer group average of 96.4%. There were 241 properties which did not meet the SHQS but the remainder were exempt (220 properties) because they were either 'hard to treat' or classed as an abeyance (where work cannot be done for 'social' reasons such as the tenant refusing remedial works). It is intended to reduce

the non-compliant properties to 141 during 2019/20 with the aim of completing the remainder during the following year.

- 4.7 All social landlords must meet the Energy Efficiency Standard for Social Housing (EESH) (*indicator C33*) by December 2020. At 31 March 2019, 57.4% of properties met the EESH which is below the peer group average (77.1%). The Council has an ongoing investment programme of EESH compliance works to its housing stock. It is anticipated that planned works will produce significant improvements on this indicator in the period leading up to December 2020.
- 4.8 Tenants satisfied with the standard of their home when moving in (80.7%) (*indicator 9*) was slightly below the peer group average (84.6%). However, out of the 109 responses received in 2018/19, just 14 tenants expressed dissatisfaction with the standard of their home when moving in.
- 4.9 The 2018 survey found that 73.9% of tenants were satisfied with the quality of their home (*indicator 10*). This is below the peer group average (84.6%).
- 4.10 In 2018/19, the average time to complete emergency repairs (*indicator 11*) was 2.6 hours which was better than the peer group average of 4.2 hours. Non-emergency repairs (*indicator 12*) were completed within an average of 7.5 working days which was also better than the peer group average of 8.9 days.
- 4.11 The Council completed 82.7% of non-emergency repairs right first time (*indicator 13*) in 2018/19 which was below the peer group average of 89.8%.
- 4.12 The Council kept 93% of non-emergency repairs appointments (*indicator 14*). This was similar to the peer group average (94.1%).
- 4.13 At 31 March 2019, 100% of the Council's properties which required a gas safety record had a gas safety check completed by the anniversary date (*indicator 15*). This performance was slightly better than the peer group average (99.9%).
- 4.14 The 2018 Tenant Survey found that 78.6% of tenants were satisfied with the repairs service (*indicator 16*). This was below the peer group average of 87.6%.

Neighbourhood and Community

- 4.15 The 2018 tenant survey found that satisfaction with the management of the neighbourhood (*indicator 17*) at 80.3% was below the peer group average of 84.9%.
- 4.16 The percentage of tenancy offers refused (32.2%) (*indicator 18*) was better than the peer group average (39.2%). A low refusal rate helps to minimise void periods and rent loss.
- 4.17 In 2018/19, 87.1% of antisocial behaviour cases were resolved within local target timescales (*indicator 19*) which is better than the peer group average (84.3%).

Access to Housing and Support

- 4.18 Tenancy sustainment (*indicator 20*), where tenancies lasted for more than 12 months, was higher in Moray (93.5%) than the peer group average (89.5%).
- 4.19 The turnover of properties (*indicator 21*) in Moray (6.9%) was lower than the peer group average (8.1%). Low turnover can reduce opportunities for housing list applicants to be rehoused.
- 4.20 The Council approved 69.2% of medical adaptations and completed these within an average of 45.4 days (*indicators 22 and 23*). By comparison the peer group average was 82% and 41.7 days respectively. The governance arrangements for adaptations have now transferred to the Integration Joint Board which has established a governance group to drive improvements in the delivery of adaptations. The Housing service is represented in this group.
- 4.21 The proportion of court actions resulting in eviction (*indicator 24*) in Moray (17.2%) was similar to the peer group average (16.4%). All court actions in 2018/19 were for rent arrears with 10 resulting in eviction. The Housing Service only uses eviction as a last resort where all efforts to engage with the tenant have been unsuccessful.
- 4.22 The average stay in temporary accommodation (85 days) (*indicator 25*) was shorter than the peer group average (132 days). The Council made an offer of temporary accommodation to all homeless households who required it (*indicator 26*). The refusal rate for temporary accommodation (7.6%) (*indicator 27*) is better than the peer group average (12.2%). Most refusals were for a private sector hostel used by the Council but it is expected that performance will improve since the contract ended on 31 March 2019. The most common reason for refusing a property was location.
- 4.23 Although temporary accommodation survey response rates remains low, 85.5% of households accommodated were satisfied with the quality of their temporary accommodation (*indicator 28*) which is similar to the peer group average (87.3%).

Getting Good Value from Rents and Service Charges

- 4.24 The overall average weekly rent (*indicator C17*) for a Council home in Moray (£59.88) is significantly lower than the peer group average (£69.53). Moray has the lowest overall average weekly rent of all local authorities and housing associations.
- 4.25 The 2018 survey found that 83% of tenants feel their rent is good value for money (*indicator 29*) which was similar to the peer group average (82.9%).
- 4.26 The Council collected 99.2% of the total rent due (*indicator 31*) which is similar to the peer group average 98.9%.
- 4.27 The Council had the lowest rent arrears (2.4%) (*indicator 32*) of all local authorities. The peer group average was 7.6%.
- 4.28 The rent lost through properties being vacant (*indicator 34*) in Moray was 0.9%, which is similar to the peer group average of 1%. The time to re-let

empty properties in Moray (47.5 days) was higher than the peer group average (38.7 days).

5. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

The monitoring and management of performance assists the Council to continue to improve housing services and helps to manage assets more effectively to provide the best outcomes for tenants and other service users. It also promotes safer communities and adults living healthier, sustainable independent lives safeguarded from harm, which meets the key objectives of the Corporate Plan and the Housing and Property Service Plan.

(b) Policy and Legal

Reporting on Scottish Social Housing Charter performance indicators is a legal requirement under the Housing (Scotland) Act 2010.

(c) Financial implications

There are no financial implications arising directly from this report.

(d) Risk Implications

There are no risk implications arising directly from this report.

(e) Staffing Implications

There are no staffing implications arising directly from this report.

(f) Property

There are no property implications arising directly from this report.

(g) Equalities/Socio Economic Impact

There are no equalities/socio economic impact implications arising directly from this report.

(h) Consultations

Consultation on this report has been carried out with the Acting Head of Housing and Property, senior managers within Housing and Property and the Committee Services Officer (Caroline Howie) and comments, where relevant to their areas of responsibility, have been incorporated in this report.

6. CONCLUSION

6.1 The report provides the Committee with an update on the Council's performance on the Scottish Social Housing Charter and comparison with peer group averages.

Author of Report: Daska Murray, Senior Housing Officer (Information)
Background Papers: With author
Ref:

ARC Indicator Number	Description	Moray 2018/19	ARC National Average 2018/19	Local Authority Average 2018/19	SHN Peer Group Average 2018/19
OVERALL SATISFACTION					
1	Percentage of tenants satisfied with the overall service provided by their landlord	79.6	90.1	85.7	85.7
THE CUSTOMER/LANDLORD RELATIONSHIP					
3	Percentage of tenants who feel their landlord is good at keeping them informed about their services and decisions	76.3	91.6	81.4	87.0
4	Percentage of complaints upheld	1st stage	58.8	55.6	50.8
		2nd stage	42.2	51.3	43.7
5	Percentage of complaints responded to in full in the last year, within the Scottish Public Services Ombudsman (SPSO) Model Complaint Handling Procedure (CHP) timescales	1st stage (5 working days)	78.7	86.9	80.0
		2nd stage (20 working days)	64.4	83.8	71.3
6	Percentage of tenants satisfied with the opportunities given to them to participate in their landlord's decision making processes	68.8	86.5	76.6	81.0
HOUSING QUALITY AND MAINTENANCE					
7	Percentage of stock meeting the Scottish Housing Quality Standard (SHQS)	92.5	94.1	94.3	96.4
C33	Percentage of properties meeting the Energy Efficiency Standard for Social Housing (EESH)	57.4	87.6	78.0	77.1
9	Percentage of tenants satisfied with the standard of their home when moving in	80.7	90.8	82.7	84.6
10	Percentage of existing tenants satisfied with the quality of their home	73.9	88.1	85.2	84.6
11	Average length of time taken to complete emergency repairs (hours)	2.6	3.7	4.1	4.2
12	Average length of time taken to complete non-emergency repairs (working days)	7.5	6.6	8.1	8.9
13	Percentage of reactive repairs carried out in the last year completed right first time	82.7	92.5	91.6	89.8
14	Percentage of repairs appointments kept	93.0	95.6	94.9	94.1
15	Percentage of properties that require a gas safety record which had a gas safety check and record completed by the anniversary date	100.0	99.9	100.0	99.9
16	Percentage of tenants who have had repairs or maintenance carried out in last 12 months satisfied with the repairs and maintenance service	78.6	91.7	86.9	87.6
NEIGHBOURHOOD AND COMMUNITY					
17	Percentage of tenants satisfied with the management of the neighbourhood they live in	80.3	87.8	84.1	84.9
18	Percentage of tenancy offers refused during the year	32.2	36.3	39.9	39.2
19	Percentage of anti-social behaviour cases reported in the last year which were resolved within locally agreed targets	87.1	87.9	87.4	84.3
ACCESS TO HOUSING AND SUPPORT					
20	Percentage of new tenancies sustained for more than a year (all sources)	93.5	88.8	89.1	89.5
21	Percentage of lettable houses that became vacant in the last year	6.9	8.6	7.8	8.1
22	Percentage of approved applications for medical adaptations completed	69.2	84.7	85.3	82.0
23	The average time to complete applications (calendar days)	45.4	49.4	37.6	41.7
24	Percentage of court actions initiated which resulted in eviction and the reasons for eviction	17.2	19.9	17.7	16.4
25	Average length of time in temporary or emergency accommodation (calendar days)	85.1	102.1	102.1	132.4
26	Percentage of households requiring temporary or emergency accommodation to whom an offer was made	100.0	90.6	90.6	109.3
27	Percentage of temporary or emergency accommodation offers refused in the last year by accommodation type	7.6	10.0	10.0	12.2
28	Of those households homeless in the last 12 month the percentage satisfied with the quality of temporary or emergency accommodation (LAs only)	85.5	88.5	88.5	87.3
GETTING GOOD VALUE FROM RENTS AND SERVICE CHARGES					
C17	Overall average weekly rent (£)	59.88	79.08	74.30	69.53
29	Percentage of tenants who feel that the rent for their property represents good value for money	83.0	83.2	82.4	82.9
30	Rent collected as percentage of total rent due in the reporting year	99.2	99.1	98.9	98.9
31	Gross rent arrears as a percentage of rent due for the reporting year	2.4	5.7	6.6	7.6
34	Percentage of rent due lost through properties being empty during the last year	0.9	0.9	0.9	1.0
35	Average length of time taken to re-let properties in the last year (calendar days)	47.5	31.9	39.4	38.7



REPORT TO: COMMUNITIES COMMITTEE ON 3 MARCH 2020

SUBJECT: HOUSING AND PROPERTY SERVICES BUDGET MONITORING – 31 DECEMBER 2019

BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND FINANCE)

1. REASON FOR REPORT

- 1.1 This report presents the budget position for the Housing Revenue Account (HRA) and General Services Other Housing Budget for the period up to 31 December 2019.
- 1.2 This report is submitted to Committee in terms of section III G (1) of the Council's Scheme of Administration relating to the management of budgets.

2. RECOMMENDATION

- 2.1 It is recommended that Communities Committee considers and notes the budget monitoring report for the period to 31 December 2019.**

3. BACKGROUND

- 3.1 The Council agreed the HRA Budget for 2019/20 at a special meeting on 27 February 2019 (paragraph 6 of the Minute refers). Housing and Property budget monitoring reports are presented to each cycle of meetings.

4. HOUSING REVENUE ACCOUNT TO 31 DECEMBER 2019

- 4.1 **APPENDIX I** details the HRA budget position to 31 December 2019.
- 4.2 The main expenditure variances relate to:–
- 4.2.1 **Supervision and management** – there are a range of variations within this budget resulting in a net underspend of £361k. There were underspends in staffing (£226k), Training (£8k), Tenant Participation (£4k), insurance premiums (£184k), non domestic rates (£8k), Postages (£6k) and other minor cumulative underspends (£7k). This was reduced by overspends in voids (£74k) and council tax (£8k).
- 4.2.2 **Sheltered Housing** – there was an underspend of £10k due to lower than expected energy costs (£5k) and the transfer of the rates liability for the

communal facilities at Gurness Circle to the Moray Integration Joint Board (£6k). This was reduced by minor cumulative overspends (£1k).

- 4.2.3 **Repairs and maintenance** – there was an underspend of £623k in the repairs and maintenance budgets. Underspends include planned maintenance (£443k), response repairs (£157k) and voids (£23k). The transfer of some costs from revenue to capital (one off boiler replacements) explains in part the reason for the underspend in the planned maintenance budget.
- 4.2.4 **Bad and doubtful debts** – there was an underspend of £50k to date due to fewer write offs than expected being approved in the period.
- 4.2.5 **Downsizing Incentive Scheme** – there was an underspend of £13k with fewer transfers than expected completed by 31 December 2019.
- 4.2.6 **Service Developments** – the budget of £39k included provision for ICT improvements (£5k), a review of the Housing Business Plan (£12k) and funding for the Research and Information Officer within the Community Safety Team (£22k). The budget is showing a minor underspend of £3k to date.
- 4.2.7 The income at 31 December 2019 was £18k higher than expected. This is due mainly to new rents from new build (£3k), an increase in non dwelling rents (£2k) and other income (£13k) recovered from rechargeable repairs.

5. **HRA PROJECTED OUTTURNS 2019/20**

5.1 **APPENDIX I** also details projected outturns for 2019/20.

5.2 Expenditure

- 5.2.1 **Supervision and management** - an underspend of £424k is projected. This variance results from projected underspends in staffing (£290k), Insurance Premiums (£175k), shared accommodation costs (£45k) and other minor cumulative net underspends (£18k). This is reduced by a projected overspend in voids (£104k)
- 5.2.2 **Sheltered Housing** - an underspend of £10k is projected due to lower energy costs (£4k) and the transfer of the rates liability for the communal facilities at Gurness Circle to the Moray Integration Joint Board (£6k). This is an appropriate transfer given that these facilities are now being used to provide day care services for older people.
- 5.2.3 **Repairs and Maintenance** - an underspend of £650k is projected. Planned/ Cyclical works are projected to underspend (£868k) but this will be reduced by overspends in response repairs (£143k) and voids (£75k).
- 5.2.4 **Financing costs** - an underspend of £469k is projected due to lower borrowing requirements, lower expenditure on new build and the continued level of Capital from Current Revenue (CFCR) used to keep borrowing to a minimum.

- 5.2.5 **Bad and Doubtful debts** - an underspend of £125k is projected due to lower write-offs than originally expected.
- 5.2.6 **CFCR** - the level of Capital from Current Revenue (CFCR) is projected to increase by £1.759m due to underspends elsewhere across the HRA budget and to keep borrowing to a minimum.
- 5.2.7 **Downsizing Incentive Scheme** – it is currently projected that the budget will underspend at year end (£5k).
- 5.2.8 **Service Developments** – an underspend of £5k is currently projected due to the Business Plan costing less than expected and there is also a small underspend in the ICT budget.
- 5.2.9 **Total expenditure on the HRA** - is projected to be £71k higher than budgeted.
- 5.3 Income
- 5.3.1 Minor variations are projected for income on non-dwelling rents, house rents and other income during 2019/20.
- 5.3.2 Total income to the HRA is projected to be £71k higher than originally budgeted for 2019/20.
- 5.4 Overall, a surplus balance of £1.172m is projected for the HRA budget in 2019/20.

6. OTHER HOUSING BUDGET

- 6.1 **APPENDIX II** provides details of the budget position to 31 December 2019.
- 6.2 **Planning and Development** consists of Improvement Grants and Affordable Housing budgets. There were underspends of £110k to date. This includes underspends in discretionary grants (£68k), admin costs (£2k) and income (£40k).
- 6.3 **Housing Management** relates to the Gypsy/Traveller budget. The position at 31 December 2019 shows an underspend of £1k.
- 6.4 **Homelessness/Allocations** comprises of Homelessness and Housing Support services. There was an overspend of £31k in this budget. Overspends in housing support (£16k) and temporary accommodation (£31k) was reduced by an underspend in the homelessness budget (£16k). Homelessness is a “high risk” budget and pressures can quickly arise if homelessness increases. Service Managers continue to closely monitor this budget.
- 6.5 **Miscellaneous General Services Housing** comprises of House Loans, a maintenance bond from Grampian Housing Association and the new complex needs development at Urquhart Place, Lhanbryde. The budget is showing an underspend of £24k. An underspend at Urquhart Place (£33k) reduced by an overspend in the maintenance bond (£9k) which is now exhausted.

- 6.6 **The Building Services Budget** is reported in detail separately on this Committee's agenda and any surplus achieved will return to the HRA.
- 6.7 **The Property Services Budget** includes the budgets for the Design Team and Property Resources. There was an underspend of £665k to date with underspends in Design (£423k) and Property Resources (£242k). The main underspend in Design is within the Industrial Estate Portfolio (£430k) which relates to an insurance settlement following a fire at one of the units in Islabank, Keith. There was also a small underspend in Energy (£1k). These underspends were reduced by overspends in Architectural Services (£7k) and Estates (£1k). The main underspends in Property Resources included shared buildings (£48k), Maintenance staffing (£3k), consultancy (£17k) and central repairs and maintenance (£176k). This was reduced by an overspend in Quantity Surveyor staffing costs (£2k).
- 6.8 As at 31 December 2019, the Other Housing budget shows a net underspend of £769k.

7. **OTHER HOUSING PROJECTED OUTTURNS 2019/20**

- 7.1 **APPENDIX II** also indicates the projected outturns for 2019/20.
- 7.2 **Planning and Development** is projected to underspend by £75k. This assumes that discretionary grants are likely to underspend based on current projections.
- 7.3 **Housing Management** is projected to underspend by £4k. The main reason for this is end of year recharges – the Housing Revenue part funds the staffing element (£2k) and other minor recharges (£2k) are also anticipated.
- 7.4 **Homelessness/Allocations** projects an overspend of £7k. An overspend in housing support (£24k) is reduced by an underspend in the homelessness budget (£17k), with temporary accommodation expected to be on budget.
- 7.5 **Miscellaneous General Services Housing** –projects an underspend of £24k. The main reason for this is lower than anticipated repairs and maintenance costs relating to Urquhart Place.
- 7.6 **Building Services** projected outturn is considered in further detail in the separate report on the Committee's agenda.
- 7.7 **Property Services** projects an underspend of £250k. Projections include an underspend in Design (£437k) which is reduced by an overspend in Property Resources (£187k). The main underspend in Design is within the Industrial Estates Portfolio (£444k) which relates to the insurance settlement as stated in 6.7 of this report. The underspend is reduced by an overspend in Architect software costs (£7k). The overspends in Property Resources relates mainly to a reduction in property fees (£386k) and Quantity Surveyor staffing (£1k). This is reduced by underspends in shared buildings (£43k), Maintenance staffing (£5k) and central repairs and maintenance (£152k).

- 7.8 **Housing and Property Savings** – Staffing savings (£100k) are projected to be achieved by year end.
- 7.9 **Housing and Property Allocations** – is projected to overspend (£32k) due to lower than expected service recharges.
- 7.10 Overall, it is now projected that the Other Housing Budget in General Services will underspend by £414k on the agreed budget.

8. **SUMMARY OF IMPLICATIONS**

(a) **Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

The provision of new affordable housing, the maintenance of the Council's housing stock and dealing with homelessness are priorities identified within the Corporate Plan, the Council's Local Housing Strategy, the Strategic Housing Investment Plan (SHIP) and the Housing and Property Service Plan.

(b) **Policy and Legal**

There are no policy or legal implications arising from this report.

(c) **Financial Implications**

The financial implications of this report are considered in Sections 4 and 5 of this report and detailed in **APPENDICES I and II**.

(d) **Risk Implications**

Budget Managers are aware of their responsibilities for managing budget allocations and approval for variance will be sought from the Committee in line with Financial Regulations.

(e) **Staffing implications**

None.

(f) **Property**

None.

(g) **Equalities/Socio Economic Impact**

There are no equalities/socio economic impacts arising from this report.

(h) **Consultations**

This report has been prepared in close consultation with Finance staff. Consultation on this report has been carried out with Deborah O'Shea (Principal Accountant), Legal Services Manager, Senior Managers within Housing and Property Services, and Caroline Howie (Committee Services Officer) who all agree the content of the report where it relates to their area of responsibility.

9 CONCLUSION

9.1 This report sets out the budget position for the HRA and General Services Housing budgets to 31 December 2019 and also comments on the variances on these budgets.

Author of Report: Richard Anderson, Head of Housing and Property Services

Background Papers: Held by author

Ref: CC/JS/LS – Housing Budgets –

Housing Revenue Account

Appendix I

Budget Monitoring to 31st December 2019

Service Description	Annual Budget 2019-20	Budget to 31st December 2019	Actual to 31st December 2019	Variance to 31st December 2019	Projected Outturn to 31st March 2020	Projected Variance to 31st March 2020
Expenditure	£,000	£,000	£,000	£,000	£,000	£,000
Supervision & Management	4,272	2,467	2,106	361	3,848	424
Sheltered Housing	33	26	16	10	23	10
Repairs and Maintenance	6,707	4,399	3,776	623	6,057	650
Financing Costs	4,325	0	0	0	3,856	469
Bad & Doubtful Debts	250	75	25	50	125	125
CFCR	3,705	0	0	0	5,464	(1,759)
Downsizing Incentive Scheme	72	54	41	13	67	5
Service Development	39	30	27	3	34	5
Total Gross Expenditure	19,403	7,051	5,991	1,060	19,474	(71)
Income	£,000	£,000	£,000	£,000	£,000	£,000
Non-dwelling rents	214	165	167	2	214	0
House rents	19,062	14,315	14,318	3	19,100	38
IORB	35	0	0	0	38	3
Other income	92	69	82	13	122	30
Total Income	19,403	14,549	14,567	18	19,474	71
Surplus / (Deficit) for the year	0	7,498	8,576	1,078	0	0
Accumulated Surplus Balance brought forward			1,172		1,172	
Estimated Surplus Balance at 31st March			1,172		1,172	

General Services Housing & Property

Appendix II

Monitoring to 31st December 2019

Service Description	Annual Budget 2019-20 £'000	Budget to 31st December 2019 £'000	Actual & Committed to 31st December 2019 £'000	Variance at 31st December 2019 £'000	Projected Outturn 2019-20 £'000	Projected Variance 2019-20 £'000
Planning & Development	263	115	5	110	188	75
Housing Management	16	25	24	1	12	4
Homelessness / Allocations	1952	1540	1571	(31)	1959	(7)
Miscellaneous General Services Housing	(20)	(15)	(39)	24	(44)	24
Building Services	0	0	0	0	0	0
Property Services	981	1368	703	665	731	250
General Services Housing & Property Savings	100	0	0	0	0	100
General Services Housing & Property Allocations	(170)	0	0	0	(138)	(32)
General Services Housing & Property Total	3122	3033	2264	769	2708	414



REPORT TO: COMMUNITIES COMMITTEE ON 3 MARCH 2020

SUBJECT: MORAY HOME ENERGY EFFICIENCY PROGRAMME

BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND FINANCE)

1. REASON FOR REPORT

- 1.1 This report provides the Communities Committee with details of progress on the Moray Home Energy Efficiency Programme.
- 1.2 This report is submitted to Committee in terms of Section III G (2) of the Council's Scheme of Administration relating to the exercise of all the functions of the Council as a housing authority.

2. RECOMMENDATION

2.1 It is recommended that the Communities Committee:-

- (i) considers and notes the progress made on the delivery of the Moray Home Energy Efficiency Programme; and**
- (ii) agrees that further reports on progress will be presented to this Committee.**

3. BACKGROUND

- 3.1 The Home Energy Efficiency Programme for Scotland (HEEPS) is a Scottish Government initiative to tackle fuel poverty by improving the energy efficiency of existing homes. The programme offers home insulation to people who are at risk of fuel poverty. The cost of the measures to households is discounted by a combination of Scottish Government grant and Energy Company Obligation (ECO) funding provided by utility companies. Only private sector households are eligible for HEEPS funding but ECO is available to all tenures, including council housing.
- 3.2 Since 2013/14, the Scottish Government has provided the Council with an annual funding allocation from the Home Energy Efficiency Programme Scotland: Area-Based Schemes (HEEPS:ABS) for energy efficiency improvements to homes in Moray. Details of the Council's historic allocations are provided below:

2013/14	£0.787M
2014/15	£1.102m
2015/16	£1.015m
2016/17	£0.906m
2017/18	£1.286m
2018/19	£1.453m

Over the years, the Moray HEEPS programme has generally spent all, or almost all, of its budget allocation.

3.3 On 25 September 2018, this Committee was provided with details of the Scottish Government’s funding allocation of £1.453m for the 2018/19 Moray HEEPS programme (paragraph 9 of the Minute refers).

3.4 The Scottish Government’s guidance on the HEEPS scheme expects that programmes will focus mainly on insulation measures to solid wall properties with no or “hard-to-treat” cavities. During 2013/14 to 2017/18, the Moray programme has delivered measures to nearly 1,000 properties as shown below:

Year	Private sector	Council	Grampian Housing Assoc	Total
2013/14	275	43		318
2014/15	151	53		204
2015/16	135			135
2016/17	128	33		161
2017/18	96	30	10	136
Total	785	159	10	954

3.5 The UK Government’s Flexible Eligibility Scheme allows councils to secure higher levels of ECO funding for energy efficiency improvements to households at the highest risk of fuel poverty and “vulnerability to cold”. The Council has produced a Statement of Intent (Sol) which provides details of the households in Moray which are eligible for “LA-flex”. The key criteria are a combination of household income/qualifying welfare benefits and the type of construction of the property. The Council’s Sol is published on its website at <http://www.moray.gov.uk/downloads/file120919.pdf>.

MORAY HEEPS:ABS PROGRAMME 2018/19 OUTTURN

4.1 The Scottish Government’s 2018/19 HEEPS guidance required councils to focus their HEEPS:ABS programmes on improving solid wall and hard-to-treat properties with measures to be targeted to fuel poor households, specifically those living in Council Tax bands A-C properties, or D if they have a poor energy efficiency rating.

4.2 The Council uses the Energy Savings Trust’s Home Analytics database to identify properties that may be suitable for HEEPS:ABS measures. Before properties can be included in the programme, they receive a technical survey to confirm their construction type and their suitability for either external wall insulation (EWI) or internal wall insulation (IWI). Where cavity wall insulation

is required, householders are signposted to Home Energy Scotland's helpline for advice.

- 4.3 The Council's proposals for the 2018/19 programme sought to continue delivery of EWI to properties of non-traditional construction, but also introduced provision of IWI for the first time. The programme made provision for measures to 184 private and 30 social rent houses.

Internal Wall Insulation programme

- 4.4 The Scottish Government required that measures funded by the 2018/19 programme should be completed by the end of August 2019. Unfortunately the tendered contractor for delivery of the IWI programme pulled out, and an alternative contractor had to be found. As a result the IWI programme did not begin until February 2019, but progressed successfully thereafter, with an extension of deadline agreed by the Scottish Government. The full 2018/19 grant allocation of £1.453m was spent by December 2019. The programme completed measures to 178 private properties and 93 social rented properties. Total spend on the HEEPS programme, including ECO funding and client contributions was £2.270m. The 2018/19 IWI programme did not require any financial contribution from the householder.
- 4.5 The 2018/19 programme introduced a large-scale programme of IWI to solid wall properties of traditional construction. IWI works by adding a layer of insulation boarding to the inside of the external walls. The IWI programme focussed on pre-1930 and period properties with a stone facing appearance which, for planning and heritage reasons, are not considered suitable for EWI.
- 4.6 Due to the cost, time and disturbance involved in removing fixtures and fittings, kitchen and bathroom areas are excluded from the scope of works. Similarly, period details such as cornicing and fireplaces are excluded from the scope of works. Initially the 2018/19 IWI programme focussed on former Council houses built during the 1920s, i.e. where fuel poverty is most prevalent and where period features are least prevalent. The 2018/19 IWI programme did not require a householder contribution. On average, IWI costs considerably less than EWI, at £7,700 per property and were delivered free to the householder.

External Wall Insulation programme

- 4.7 Over the years, the HEEPS programme has insulated the vast majority of qualifying properties in Moray and there are now only a residual number which have not yet been treated, pepper-potted in various locations across Moray. Following a protracted tender process, an EWI contractor was appointed in April 2019. Engagement has involved returning to properties whose owners may have declined or not responded to previous offers of insulation. Due to the high cost of EWI, owners were asked to make a small contribution of £500 towards the cost of measures, which averaged at around £12k per property. The contractor has encountered difficulties in finding suitable properties, and finding home owners who are interested in participating in the scheme. The main reason for non-take up was no response to offer letters. A small number of non-participants were private landlords who were difficult to identify and contact. It is not possible to

approach private landlords directly in writing due to the constraints of General Data Protection Regulations (GDPR).

2018/19 Outturn

- 4.8 Officers had been of the view that delivery of the IWI programme would be challenging due to the significant disruption to the household and resulting in reduction in room sizes, albeit minimal, and redecoration. However, the programme has been much more successful than anticipated and has achieved a take up rate of approximately 20%.
- 4.9 Unfortunately due to the difficulties in engaging householders, private sector EWI works will now be included in the 2019/20 programme. The IWI programme successfully took up the grant instead. The final outturn for 2018/19 HEEPS:ABS is:

Measure	Private Sector		Council		Total	
	Target	Actual	Target	Actual	Target	Actual
Internal wall insulation (IWI)	96	178	0	42	96	220
External Wall Insulation (EWI)	86	0	30	51	116	51
Total	182	178	30	93	212	271

5. MORAY HEEPS:ABS PROGRAMME 2019/20

- 5.1 On 7 June 2019, the Scottish Government wrote to the Council confirming that the Council's share of the 2019/20 national HEEPS:ABS budget would be £1.436m. The target group for measures should continue to be those fuel poor households in most need of assistance.
- 5.2 The Council's 2019/20 HEEPS:ABS proposals, submitted to the Government on 26 April 2019, set out details of an insulation programme to properties of solid wall construction across Moray. The 2019/20 programme will focus on IWI but will include an element of EWI as slippage from 2018/19. The Government require that measures are completed by end June 2020, but officers have requested an extension of time to end August 2020 which is currently under consideration.
- 5.3 The planned outputs for the 2019/20 HEEPS programme are as follows:

Measure	Private sector	Council	Total
Internal wall insulation (IWI)	160		160
External Wall Insulation (EWI)	30	20	50
Total	190	20	210

- 5.4 The total cost of the programme is estimated at £2.153m, funded by Scottish Government grant of £1.436m, ECO of £120k and owner and social landlord contributions of £370k. As the total cost of measures is likely to exceed the funding available from grant and ECO, owners will be asked to make a contribution to the cost of IWI measures, as well as EWI.

- 5.5 Due to the success of the 2018/19 IWI programme, the Council has made a direct award of contract to the existing contractor via the Scotland Excel framework for the 2019/20 programme, with an option to continue into a future 2020/21 programme should grant funding become available.
- 5.6 The measures in the 2019/20 programme will continue to be targeted to fuel poor households living in properties within Council Tax bands A-C. The qualifying criteria are available on the Council's website at http://www.moray.gov.uk/moray_standard/page_41080.html. The Council will continue to use the Energy Saving Trust's Home Analytics database to target properties at greatest risk of fuel poverty.

Customer Contributions 2019/20

- 5.7 During the 2018/19 IWI programme officers became aware that the properties prioritised through analysis of the Home Analytics database were larger, and their measures more costly, than had been anticipated. Due to a reduction in the availability of ECO funding, and the higher than anticipated cost of works, the 2019/20 IWI programme will introduce a requirement for householder contributions. For properties qualifying for IWI measures, households qualifying under the Council's Sol i.e. those with low incomes or in receipt of benefits will not be required to make a financial contribution, but these measures will attract ECO funding. Households not qualifying under the Council's Sol will be required to make a financial contribution, but at a level proportionate to the value of the works, at a rate of approximately 7%. Owners seeking to raise funding for their contribution will be directed to the Scottish Government's HEEPS Loan Scheme. This Scheme offers owners interest-free loans to help them meet the cost of measures.
- 5.8 As householder engagement on the EWI programme began during 2018/19, the customer contribution will be held at £500 per property.

6. ENERGY ADVICE SERVICES

- 6.1 The HEEPS:ABS funding allocation makes provision for a small proportion of funds to be used for enabling activities. Some of this activity is delivered in the form of local energy advice services. During 2018/19 officers provided funding to the Keith-based Rural Environmental Action Project (REAP) to provide energy advice services to householders to include home visits. This activity will complement the services available via Home Energy Scotland as it includes home visits. Some of this activity has already identified properties suitable for HEEPS:ABS measures, as well as energy switching, energy saving advice and fuel debt advice, on a tenure neutral basis. Funding to REAP will continue during the 2019/20 programme, up to September 2020.

7. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LIOP))

Addressing poverty and promoting healthy communities is a key priority of the Corporate Plan and the 10 Year Plan. Delivery of the HEEPS:ABS programme will contribute to the achievement of this priority, as well as

contributing towards corporate carbon reduction targets by helping reduce energy consumption from domestic buildings.

(b) Policy and Legal

Part 4 of the Climate Change (Scotland) Act 2009 places duties on public bodies relating to climate change. Moray Council has declared a Climate Change Emergency. Delivery of the HEEPS:ABS programme will contribute to the achievements of these aims and requirements.

(c) Financial implications

The report provides details of progress in delivering energy efficiency measures to housing stock in Moray, including Council houses, funded from external sources, mainly the Scottish Government's Home Energy Efficiency Programme for Scotland (HEEPS). Any ECO funding secured for Council properties will help reduce expenditure on energy efficiency measures from Housing Revenue Account.

(d) Risk Implications

There are no risk implications arising from this report.

(e) Staffing Implications

There are no staffing implications arising from this report.

(f) Property

This report provides details of improvements carried out to Council houses to meet statutory standards of energy efficiency.

(g) Equalities/Socio Economic Impact

The energy efficiency proposals set out in this report will be targeted to the homes of fuel poor and older person households.

(h) Consultations

This report has been subject to wider consultation with the Acting Head of Housing and Property Services, the Principal Quantity Surveyor, the Asset Manager, the Home Improvement Services Manager, Deborah O'Shea, Principal Accountant, the Legal Services Manager, the Payments Manager and Caroline Howie (Committee Services Officer). Any comments received have been reflected in the report.

8. CONCLUSION

8.1 This report provides details of progress on the delivery of the Moray Home Energy Efficiency Programme.

Author of Report: Fiona Geddes, Acting Housing Strategy and Development Manager
Background Papers: Held by Acting Housing Strategy and Development Manager
Ref:



REPORT TO: COMMUNITIES COMMITTEE ON 3 MARCH 2020

SUBJECT: GYPSY/TRAVELLERS ACTION PLAN

BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND FINANCE)

1. REASON FOR REPORT

- 1.1 To provide the Committee with details of the Scottish Government/Convention of Scottish Local Authorities (COSLA) joint Action Plan to improve the lives of Scotland's Gypsy/Travellers.
- 1.2 This report is submitted to Committee in terms of Section III G (3) of the Council's Scheme of Administration relating to the management and maintenance of sites for Gypsy/Travellers.

2. RECOMMENDATION

2.1 It is recommended that the Communities Committee:-

- (i) considers and notes the details of the joint Action Plan on Gypsy/Travellers agreed by the Scottish Government and COSLA;**
- (ii) considers and notes the implications for the Council's approach to assessing and meeting the needs of Gypsy/Travellers in Moray; and**
- (iii) agrees that the Council participate in COSLA's Gypsy/Traveller Negotiated Stopping Pilot.**

3. BACKGROUND

- 3.1 On 9 October 2019, the Scottish Government and COSLA published the joint Action Plan, "Improving the lives of Gypsy/Travellers: 2019-2021".
- 3.2 The Action Plan recognises that Gypsy/Traveller communities experience poorer outcomes in terms of living standards, education, health and employment, and often face extreme and persistent stereotyping and hostility. The plan commits both national and local government to protect and promote the human rights of Gypsy/Travellers in Scotland, to tackle the discrimination and inequalities they face and to ensure their needs are met on an equal basis with other communities. The plan sets out a broad range of actions to improve the lives of Gypsy/Travellers and address inequalities. These actions

aim to secure long-term change on accommodation and improved access to services, better living standards and better representation.

- 3.3 COSLA will be accountable for supporting the majority of actions to be taken forward by local authorities. As part of the plan delivery arrangements, it is expected that all local authorities will implement agreed actions in a way that is relevant to and best meets local needs.
- 3.4 Some progress has been made on the allocation of resources to support the Action Plan. COSLA has recruited a Policy and Participation Officer to progress a number of priority activities for local government, including work to deliver a Local Leaders network and to track and monitor progress in implementing the plan at a local level. It is likely that a further £10k will be allocated for community research and engagement.
- 3.5 On 14 January 2019, the Scottish Parliament passed a motion with cross-party support recognising the human rights aspect of the plan and the importance of partnership work with local government.

4. ACTIONS FOR LOCAL GOVERNMENT

- 4.1 The Action Plan will focus on five areas that will deliver better outcomes for the Gypsy/Traveller community: *more and better accommodation; improving access to public services; better incomes in and out of work; tackling racism and discrimination; and improvement Gypsy/Traveller representation*. These actions will be taken forward across local government and will involve a range of service areas including housing, planning, education and children's services. The actions will also involve NHS Scotland and Health and Social Care Partnerships. The Community Wellbeing Board of COSLA will support the majority of actions relevant to local government but some actions will be overseen by the Children and Young People Board and the Health and Social Care Board.
- 4.2 Although the Action Plan is at an early stage, COSLA has made some progress on the development of Delivery Plans with actions related to "*more and better accommodation*" being taken forward as a priority. These include:
 - setting aside £2m in 2020/21 for immediate improvements to existing public sector Gypsy/Traveller sites across Scotland.
 - reviewing the funding arrangements for investment in Gypsy/Traveller sites through local authority Strategic Housing Investment Plans (SHIP).
 - strengthening the local approach to assessing Gypsy/Traveller accommodation needs as part of the Housing Needs and Demand Assessment (HNDA).
 - working with Gypsy/Traveller communities to gain a better understanding of their accommodation needs and preferences.
 - working with the Scottish Housing Regulator to ensure that public sector sites meet a National Minimum Standard.

- reviewing national planning policy to ensure that Gypsy/Travellers have a stronger voice, at both national and local level, in guiding the future development of their places.

4.3 A key early priority of the Action Plan has been for COSLA to work with a small number of local authorities to develop and test positive approaches to managing unauthorised encampments and developing learning and recommendations for consideration across local government. On 15 August 2019, Elected Members received a brief from the Acting Head of Housing and Property on the Negotiated Stopping Pilot.

5. NEGOTIATED STOPPING

5.1 Managed - or negotiated - stopping for Gypsy/Travellers is based on a successful model implemented by Leeds City Council. It is seen as an alternative to the traditional enforcement based approach to 'unauthorised' encampments. The approach involves open dialogue and negotiation between the Council and Gypsy/Travellers who pass through the area. The purpose is to enable Gypsy/Travellers to stay for an agreed limited period of time – the Leeds model specifies 28 days – on the condition that they adhere to a Code of Conduct specified by the Council. Following the departure of the encampment, the stopping place would not be used by any travellers for a specified period – the Leeds model specifies 12 months.

5.2 Negotiated stopping can offer potential benefits to both the settled and travelling communities by reducing the number of 'unauthorised' encampments at unsuitable locations, while still supporting the preservation of the Gypsy/Traveller culture. This approach enables local authorities, where appropriate, to move Gypsy Travellers to a negotiated stopping place if there is suitable space available. Studies of the 'Leeds' model have reported benefits such as cost savings in relation to moving on unauthorised encampments, better community cohesion by breaking down negative stereotypes, reduced instances of anti-social behaviour and better access to services, such as education and health, for Gypsy Travellers.

6. MORAY APPROACH TO GYPSY/TRAVELLERS' ACCOMMODATION

6.1 Moray does not formally provide halting or stopping places for Gypsy/Travellers. For a number of years, the Council's approach to Gypsy/Travellers' accommodation has centred on the management of unauthorised encampments. The Council's *Protocol and Guidelines for the Response to Unauthorised Encampments* is in some ways similar to the Negotiating Stopping model in that it recognises that Gypsy/Travellers may continue to occupy places which are not considered unsuitable as long as they comply with a Code of Conduct. The Code requires that they behave responsibly, do not engage in antisocial behaviour and generally look after the site. It also provides a structured and multi-agency approach to dealing with unauthorised encampments.

6.2 The Council actively manages unauthorised encampments to ensure that the Code of Conduct is upheld. This function is delivered by a part-time Gypsy/Traveller Liaison Officer based in the Housing Service. The Council may seek eviction if the site is considered unsuitable or if there is a breach of the Code which cannot otherwise be addressed. However, as there are no

authorised sites in Moray, the Council cannot direct Gypsy/Travellers to any other site in the area following eviction. Similarly, the Council has not been in a position to suggest no return to a site within a fixed period as is the case with the Leeds model.

- 6.3 Unauthorised encampments in Moray tend to occur in a small number of regularly used places. These are often on publicly owned land (Moray Council/Highlands and Islands Enterprise), and often on industrial land. There were 57 encampments in 2013/14 but the number has significantly reduced in recent years with 20 in 2017/18 and 25 in 2018/19. To date there have been 26 in 2019/20.
- 6.4 In 7 December 2010, following public consultation, this Committee rejected proposals for halting sites at various locations in Moray (paragraph 5 of the Minute refers). This followed an extensive assessment by officers of available land for suitable sites.
- 6.5 In 2016, a Moray family was granted planning permission on appeal for a Gypsy/Traveller site at Doohill. The decision by a government appointed reporter was partially based on the lack of authorised halting sites in Moray and the disadvantage this would cause to the family in continuing their way of life.
- 6.6 In 2017, in conjunction with Aberdeen City and Aberdeenshire Councils, Moray Council commissioned a Grampian Gypsy/Traveller Accommodation Needs Assessment. The research was carried out by the University of Aberdeen and Grampian Region Equality Council (GREC) and completed in March 2018. Although the research does not provide a definitive number of sites required, the researchers estimated that a site for 6 pitches somewhere in Moray would be justified. They also suggested that the identification of potential Gypsy/Traveller sites should be considered as part of Local Development Plan land designation decisions.
- 6.7 The GREC research was reflected in the Council's Housing Needs and Demand Assessment (2018) which provided the evidence base for the Local Housing Strategy (LHS) 2019. The LHS identified the outcome "*Gypsies/ Travellers have access to appropriate short and long term accommodation to meet their needs*" but recognised that the allocation of suitable sites would be identified in the Local Development Plan. The proposed Moray Local Development Plan 2019 indicates that proposals for Gypsy/Traveller sites, whether halting or permanent, will be favourably considered where the proposal is in accordance planning policy and where there is an identified need and an accepted shortfall in provision. The plan, however, does not designate any land for sites.

7. THE NEGOTIATED STOPPING PLACES PILOT

- 7.1 Along with East Ayrshire, Perth and Kinross, West Dunbartonshire and Highland, Moray has been identified by COSLA as one of the five local authorities to participate in the Negotiated Stopping Pilot. The Pilot will consider and examine:

➤ the approaches to managing encampments in five local authorities;

- the testing of ways of working – including policy/operational changes and whether the Negotiated Stopping model is effective in local areas;
 - the challenges local authorities may face in implementing Negotiated Stopping and the support they may need from partners;
 - ways of improving and increasing engagement between local authorities and Gypsy Traveller communities on a local level;
 - regional / pan-local authority approaches;
 - cost savings from implementing negotiated stopping;
 - ways of support politicians to understand the issues and to communicate the benefits of new approaches to local communities; and
 - Gypsy/Travellers' experiences of current approaches and service needs.
- 7.2 The Action Plan clearly signals a new focus and priority being given to securing better outcomes for the Gypsy/Traveller community across a broad range of policies and services. Given the significance of the partnership between local and national government, as well as Ministerial and cross-party support, it is likely that an emerging national policy framework and new guidance will require local authorities, as part of their strategic housing function, to strengthen their approach to assessing and making provision for Gypsy/Travellers' accommodation.
- 7.3 In identifying a suitable form of accommodation, it is expected that the new guidance will require local authorities to take account of Gypsy/Traveller needs and preferences and to engage with the Gypsy/Traveller community in doing so. This assessment and engagement will inform the development of the Local Housing Strategies and their links and alignment with Local Development Plans. The Action Plan includes a review of housing investment programmes to ensure that Gypsy/Traveller needs are appropriately resourced. This would suggest that funding will be allocated to local authorities to meet these needs as part of their SHIPs and affordable housing programmes.
- 7.4 The pilot will produce recommendations to COSLA Leaders and Boards to inform policy/political decision-making but would also offer benefits to the local authorities who participate.
- 7.5 Participation in the pilot would enable the Council, including Members and officers, to consider if stopping places are an appropriate approach to addressing Gypsy/Traveller accommodation needs in Moray and to explore the local issues and drivers that may emerge. It will evaluate the Council's existing approach to managing encampments and identify improvements in local practice where appropriate. The pilot would present an opportunity for the Council to engage with the Gypsy/Traveller community to better understand their accommodation needs. This understanding can be used to inform the assessment of Gypsy/Traveller accommodation needs in Moray to be carried out as part of the development of the Council's LHS.
- 7.6 An important part of the pilot will be working with researchers and the Gypsy/Traveller community to map out traditional stopping places and travelling routes to consider if it would be practical to re-open them. This would give the Council an opportunity to assess the suitability of sites in Moray as potential stopping places.

- 7.7 Although there is no dedicated funding, COSLA will provide support and advice to participating local authorities and will work with them and key partners to evaluate and share learning from the pilot. COSLA intends for the pilot to be a 'light touch' initiative focusing on bringing people and agencies together to build capacity and networking between participating areas and to support engagement with Gypsy/Traveller communities. It is expected that COSLA's newly recruited Policy and Participation Officer will be the key resource for local authority participants. COSLA is also looking to draw in support from third sector partners.
- 7.8 The findings and recommendations of the pilot will be shared across COSLA's political leadership and will be considered by the Ministerial Working Group on Gypsy/Travellers and with the Scottish Parliament's Cross Party Group on Gypsy/Travellers.

8. **SUMMARY OF IMPLICATIONS**

(a) **Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

The LHS focuses on a set of outcomes that contribute to the achievement of the Council's wider strategic aims and priorities of the Corporate Plan.

(b) **Policy and Legal**

Work on the Action Plan may have implications for local policy and practice in managing Gypsy/Traveller encampments. Participation in the Negotiated Stopping pilot will enable the Council to evaluate its local approach in the context of the emerging national policy framework.

(c) **Financial implications**

There are no immediate financial implications arising from this report. Progress on the outcomes of the Action Plan may require changes to the Council's approach to providing and managing Gypsy/Traveller accommodation. This could have an implication for Council budgets.

(d) **Risk Implications**

The pilot will consider the risks associated with sites in Moray that may be considered as halting places.

(e) **Staffing Implications**

There are no major staffing implications arising directly from this report. It is anticipated that the "light touch" approach to participation in the negotiated stopping pilot would be accommodated from within existing staffing resources.

(f) **Property**

There are no property requirements/implications arising directly from this report.

(g) **Equalities/Socio Economic Impact**

The housing needs of equalities groups are identified in the LHS. Gypsy/Travellers are a recognised ethnicity within equalities legislation. The Council to assess the housing needs of all equalities groups as part of the development of the LHS. When balancing the needs of the various

equalities groups, consideration should be given to the vulnerability of Gypsy/Travellers and the relevance of stopping/halting places to the Council's public sector equality duties.

(h) Consultations

Consultation on this report has taken place with the Depute Chief Executive (Economy, Environment and Finance), the Chief Officer of Moray Integration Joint Board, the Acting Housing Strategy and Development Manager, the Housing Services Manager, Deborah O'Shea (Principal Accountant), Morag Smith (Legal Services Solicitor), Equal Opportunities Officer, Caroline Howie (Committee Services Officer) and any comments have been incorporated into the report.

9. CONCLUSION

- 9.1 The report provides details of the joint Action Plan agreed by the Scottish Government for the improvement of the lives of Gypsy/Travellers in Scotland. The report sets out implications for the Council's approach to assessing and meeting the accommodation of Gypsy/Travellers in Moray and recommends participation in COSLA's Negotiated Stopping pilot.**

Author of Report: Graeme Davidson, Acting Head of Housing and Property Services

Background Papers: with author

Ref:

QUESTION TIME

