

## **THE MORAY COUNCIL**

### **MINUTE OF MEETING OF THE COMMUNITIES COMMITTEE**

**TUESDAY 8 JUNE 2010**

**COUNCIL OFFICE, ELGIN**

#### **PRESENT**

Councillors E. McGillivray (Chairman), J.S. Cree, J. Hogg, B. Jarvis, G. Leadbitter, M. McConachie, J. Mackay, I. Ogilvie, J. Russell, R. Shepherd and D. Stewart

#### **APOLOGIES**

Apologies for absence were intimated on behalf of Councillors F. Murdoch, J. Sharp and G. McIntyre (ex-officio)

#### **ALSO PRESENT**

Councillors A. McDonald, G. McDonald, A. McKay, D. Ross (in respect of Item 9) and A. Wright (ex-officio).

#### **IN ATTENDANCE**

Chief Housing Officer, Housing Needs Manager, Mrs D O'Shea, Principal Accountant, Housing Strategy & Policy Manager, Home Improvements Services Manager, Senior Area Housing Manager, Housing Support Manager, Homelessness Strategy & Development, Mrs A Scott, Principal Solicitor (Commercial & Conveyancing), and Mrs C Carswell, Committee Services Officer as Clerk to the meeting.

### **1. DECLARATION OF GROUP DECISIONS**

In terms of Standing Order 20 and the Councillors' Code of Conduct, the meeting noted that Councillor Stewart declared that the SNP had discussed Item 9 "Halting Sites for Gypsies/Travellers" on the agenda. Thereafter the meeting noted that there were no other declarations from group leaders or spokespersons in regard to any prior decisions taken on how members would vote on any item on the Agenda.

### **2. ORDER OF BUSINESS**

In terms of Standing Order 28, the meeting agreed to take Item 15 "Homelessness Housing Support Services Review" and also Item 16 "Building Services Trading Operation Budget 2009/10 to consider the confidential items together at that time, before the coffee break in order to give members a better understanding before discussion of Item 6 "Section 32A – The Use of the Private Rented Sector to Discharge Homeless Duty" and Item 7 "Prevention of Homelessness".

### 3. EXEMPT INFORMATION

The Meeting agreed, in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, that 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 paragraph of Part I of Schedule 7A of the Act.

<u>Para No. of Minute</u>	<u>Para No. of Schedule 7A</u>
8	1 & 6
9	9

### 4. WRITTEN QUESTIONS

The Committee noted that no written questions had been submitted.

### 5. PRIVATE SECTOR HOUSING IMPROVEMENTS AND REPAIRS GRANT POLICY

There was submitted a report by the Director of Community Services seeking approval for the Private Sector Housing Improvements and Repairs Grant Policy, a policy to support the Scheme of Assistance for Home Owners and Private Tenants in Moray.

Following consideration, the Committee agreed to:-

- (i) approve the Private Sector Housing Improvements and Repairs Grants Policy; and
- (ii) note that a further report proposing supporting policy for Disabled Adaptations would be presented to the Communities Committee in August 2010.

### 6. PRESSURED AREA STATUS FOR SPEYSIDE AND CAIRNGORMS NATIONAL PARK

There was submitted a report by the Director of Community Services advising the Committee of the outcome of the application to the Scottish Government for Pressured Area Status for Speyside and the Cairngorms National Park areas of Moray.

The Chief Housing Officer advised that in relation to Elgin, Lossiemouth and Forres Rural, the existing designation on these areas expires in March 2011 and officers were currently reviewing the necessary data for supporting consideration of a

decision whether or not to seek a renewal of that designation and that a report would be brought back to this Committee in October 2010.

Following discussion during which Members stated their various views on the issue. Councillor Hogg stated that he would not wish to see 'Pressured Area Status' being expanded as it removed the opportunity for people to own their homes and moved that 2.1 (iii) of the recommendation be deleted from the report as he considered Officers should spend no further time on the issue. Councillor J Mackay seconded the motion.

As an amendment Councillor McGillivray seconded by Councillor Cree moved that recommendation 2.1 (iii) remain within the report.

On a division there voted:-

For the motion (3):- Councillors J. Hogg, J. Mackay and R. Shepherd.

For the amendment (8):- Councillors J. Cree, B. Jarvis, G. Leadbitter, M. McConachie, E. McGillivray, I. Ogilvie, J. Russell and D. Stewart.

Absentions (0)

Accordingly the amendment became the finding of the meeting and the Committee agreed:-

- (i) to note the Pressured Area Status designation for Speyside and Cairngorms National Park;
- (ii) to note the actions taken to publicise this; and
- (iii) that Officers should update the key indicators used in Pressured Area Status applications and present the findings of this analysis to Communities Committee in October 2010, with a view to extend and/or expand the areas covered.

## **7. HALTING SITES FOR GYPSIES / TRAVELLERS**

With reference to para 16 of Minute of meeting of the Moray Council dated 12 May 2010 there was submitted a report by the Director of Community Services presenting details of a proposed consultation model as part of the planning application process for the provision of three Gypsies / Traveller halting sites in Moray at Arradoul, Nether Dallachy and Forres respectively.

Prior to consideration of this item of business Councillor McGillivray stated that he was very disappointed that the integrity of this Committee was brought into question over this item of business after it was discussed by this Committee at the meeting on 13<sup>th</sup> April 2010 with regard to a breach of confidence by either Officers or Members of the Council. He further stated that a breach of this confidentiality, if repeated,

could have serious implications and he hoped that this was an isolated case. This was noted.

The Chief Housing Officer advised that since the report had been written, a letter had been received from the agents acting on behalf of Crown Estate in relation to the proposal for Nether Dallachy and whilst the letter does not definitively state that the Crown Estate would not enter into a lease with the Council, the letter does leave no doubt that it would be contrary to normal policy of the Crown Estate to run counter to the views expressed by the local community. She further advised that Officers were seeking a definitive statement from the Crown Estate via their agent but it did seem unlikely that the proposed consultation would take place in the case of the proposal relating to Nether Dallachy.

Councillor McGillivray advised that he had received a letter from Rathven & Arradoul Community Council which Members will receive a copy of and it would form part of the consultation process should the committee decide to proceed. He further advised that Councillors G. McDonald, A. McDonald, D. Ross and A. McKay had requested the opportunity to speak at the Committee.

Councillor Stewart asked for a suspension of standing orders on the grounds that there was now only two halting sites instead of the three with the Crown Estates refusing permission and also the material change with the new UK Government and Prime Minister, the latter having stated the wider financial position of the public sector was more serious than had been thought which is likely to impact on Council budgets in due course.

Mrs Scott, Principal Solicitor (Commercial & Conveyancing) advised that in terms of suspension of standing orders there needed to be an acceptance that there had been a material change in circumstances since the last decision and although there had been an announcement from the Government in relation to the financial position of the public sector, the proposal for halting sites was contained within the Council's capital plan current which Members voted on and agreed and unless there was a change in the capital plan then there was a financial provision for the proposal. In terms of the fact that that it may now only be two sites, this was a major policy and strategy issue for the Council which had been agreed in terms of moving forward and these issues were all known to Members when the decision was reached at the last committee and the legal advice would be that there had been no material change since the last committee and not to suspend standing orders.

Councillor McGillivray stated that after receiving the legal advice that the committee should not suspend standing orders.

The meeting then proceeded to consider the consultation model and its objectives, methodology, audience, timescales and processes including how the consultation exercise will be evaluated.

It was noted the model draws upon the Scottish Government Guidance "PAN 81 Community Engagement, Planning People" to ensure that best professional practice is promoted.

On the invitation of the Chair Councillors G. McDonald, A. McDonald, D. Ross and A. MacKay addressed the meeting and highlighted matters which were of particular concern to them.

There followed lengthy discussion during which the Chief Housing Officer and the Principal Solicitor (Commercial & Conveyancing) responded to the various concerns expressed by individual Members regarding the proposed halting sites.

In response to concerns raised regarding unauthorised gypsy / traveller encampments and public consultation in particular the Chief Housing Officer advised that the Council was governed by existing legislation and due to the Council having no halting site(s) then they are constrained in its actions to move unauthorised encampments.

In response to a query about a “public event” which was envisaged in the consultation model the meeting noted that this was not a public meeting but a process often used in planning consultations where staff would be available in a public forum with plans of what was proposed on public display and an opportunity for members of the public to ask questions of staff on a one to one basis in addition to which members of the public would have an opportunity to complete a pro forma questionnaire in response to the proposals on display.

Councillor McConachie proposed that given the cost of a consultation exercise and the public feelings which were at the moment running high in these three areas he suggested the idea of providing halting sites be dropped at present and looked at again in future when the Council and the country are in a healthier financial position.

Mrs Scott, Principal Solicitor (Commercial & Conveyancing) advised that this was not a competent motion for the Committee to consider as it was effectively suspending standing orders. There was a Committee decision to take these sites forward and go through a consultation process and the Committee needed to agree a model for the consultation process. She further advised that the Committee on 13<sup>th</sup> April 2010 had discussed whether or not to go through a consultation process before selecting the preferred sites and the decision was to show that the Committee supported these are possible halting sites and agreed to have a full consultation prior to submitting a planning application.

Following further lengthy discussion, Councillor Stewart, seconded by Councillor Ogilvie moved that recommendation 2.1 (i) be amended to read “it be agreed the proposed consultation arrangements subject to inclusion of at least one public meeting with Forres & Arradoul residents prior to the meeting in October 2010”.

As an amendment, Councillor McGillivray, seconded by Councillor Russell moved the recommendations as contained in the report apart from 2.1 (iii) which should be amended to read “agrees that the outcome of the consultation process is reported to Committee before planning applications are submitted in respect of the two proposed halting sites”.

On a division there voted:-

For the motion (7) Councillors B. Jarvis, G. Leadbitter, J. Mackay,  
M. McConachie, I. Ogilvie, R. Shepherd and D. Stewart

For the amendment (4) Councillors J.S. Cree, J. Hogg, E. McGillivray and  
J. Russell

Abstentions (0)

Accordingly the motion became the finding of the meeting and the Committee agreed:-

- (i) to approve the consultation model subject to the inclusion of at least one public meeting with Forres & Arradoul residents respectively prior to meeting of this Committee in October 2010;
- (ii) to invite a representative from each of the relevant Community Councils and Area Forums to address the Communities Committee at its meeting in October 2010; and
- (iii) to note the Chief Legal Officer would submit to the meeting of this Committee in August guidance to the approach of (ii) above.
- (iv) that the outcome of the consultation process be reported to Committee before planning applications are submitted in respect of the two proposed halting sites.

## **8. HOMELESSNESS HOUSING SUPPORT SERVICES REVIEW (Para 1 & 6)**

Under reference to paragraph 15 of the Minute of the Meeting of the Communities Committee dated 13 April 2010, there was submitted a report by the Director of Community Services presenting detailed proposals for a new Housing Support Service in Moray.

Councillor Cree asked for a report to come back on the number of monthly referrals, monthly referrals as repeats, total annual case loads in order to know how much it was costing in terms of capita.

Following discussion, the Committee agreed:-

- (i) the proposals to establish a new housing support service;
- (ii) the staffing structure proposed in Appendix 1 of the report;
- (iii) that a Change Management Plan be developed;
- (iv) the potential budget savings;

- (v) to a report being brought to a future Committee on the number of monthly referrals, monthly referrals as repeats, total annual case loads in order to know how much it was costing in terms of capita; and
- (vi) that further progress reports would be presented to the Committee.

#### **9. BUILDING SERVICES TRADING OPERATION BUDGET 2009/10 – BUDGET MONITORING (Para 9)**

There was submitted and noted a report by the Director of Community Services presenting the budget monitoring information for the period to 31 March 2010 for the Building Services Trading Operation.

The Chief Housing Officer advised that since the report was written, FRS17 arrangements means that the surplus has increased by around £100,000 which would be distributed, 6% goes to general services and 94% to the Housing Revenue Account and this would impact on the Housing Budget Monitoring report.

#### **10. SECTION 32A – THE USE OF THE PRIVATE RENTED SECTOR TO DISCHARGE HOMELESS DUTY**

There was submitted a report by the Director of Community Services providing Committee with information relating to the amendment of Section 32A of the Housing (Scotland) Act 1987 (Regulation 5).

Following discussion, the Committee agreed:-

- (i) to note the amended legislation in relation to the discharge of homeless duties; and
- (ii) the proposals for the use of Section 32A in Moray.

#### **11. PREVENTION OF HOMELESSNESS**

There was submitted a report by the Director of Community Services providing the Committee with information relating to a visit to North Ayrshire Council to identify good practice in relation to the prevention of homelessness.

During discussion, the Chief Housing Officer advised that North Ayrshire had significantly affected the way in which they spent money on homelessness and were in a situation where bed and breakfast use was minimal, if Moray had the possibility of ceasing bed and breakfast use then there would be significant savings to be had.

Councillor Wright felt that this was a good example of sharing best practice and he would take this back to COSLA as he was of the opinion that this did not happen often enough.

Following consideration, the Committee agreed:-

- (i) to note the findings of the visit to North Ayrshire Council; and
- (ii) that actions identified be progressed.

## **12. HOUSING QUARTERLY PERFORMANCE REPORT – 4<sup>TH</sup> QUARTER AND ANNUAL 2009 / 10**

There was submitted a report by the Director of Community Services outlining the performance of the Housing Service for the period 1 January to 31 March 2010 and for the year 2009/10.

Following consideration, the Committee agreed:-

- (i) to note the performance outlined in the report;
- (ii) to note the actions being taken to seek improvements where required; and
- (iii) the targets proposed for 2010/11.

## **13. HOUSING INSPECTION – IMPROVEMENT PLAN PROGRESS**

There was submitted a report by the Director of Community Services presenting the Committee with the second six monthly progress report on the Improvement Plan agreed in response to issues raised by the Scottish Housing Regulator's Inspection of the Council's housing services in 2008 and publication of the inspection report in January 2009.

Following consideration, the Committee agreed to note:-

- (i) the progress report;
- (ii) that the report would be considered by the Housing Sub Committee and Audit and Performance Review Committee in June 2010; and
- (iii) that a further progress report would be presented to this Committee in December 2010.

## **14. HOUSING BUDGET MONITORING – NEAR ACTUAL OUTTURN 2009/10**

There was submitted a report by the Director of Community Services presenting near actual outturns for the Housing Revenue Account (HRA) and General Services Other Housing Budget for the period to 31 March 2010.

During discussion, the Chief Housing Officer advised the meeting that the surplus which came in as income to the account had increased by around £100,000 but she



reminded Members that there was slippage which the Council would need to account for as previously agreed by Committee and this would require to be accounted for in the current financial year which would mean effectively committing almost £300,000 of the surplus to deal with the slippage carried forward.

Following consideration, the Committee agreed:-

- (i) to note the near actual outturn for 2009/10; and
- (ii) that slippage amounting to £290k be carried forward to 2010/11.

## **15. HOUSING INVESTMENT 2009/10**

There was submitted a report by the Director of Community Services informing Communities Committee of the unaudited position to 31 March 2010 for the Housing Investment Programme for 2009/10 and proposing revisions to the proposed budgets within the Investment Strategy for 2010/11 to allow for slippage.

Following consideration, the Committee agreed:-

- (i) to note the unaudited position with regards to the Housing Investment Programme for 2009/10; and
- (ii) the revisions to individual budgets within the Investment Strategy for 2010/11.

## **16. QUESTION TIME**

Councillor Jarvis asked what had been done regarding the usage of Bishopmill House and to calm the growing fears for its future especially with its proposal for being temporary accommodation.

In response, the Chief Housing Officer advised that they were not at that stage as yet, feasibility work was progressing, the Corporate Management Team have asked that a report be submitted by the end of August and it was hoped at that stage to determine what was feasible as the Council were not sure yet whether it would be cost effective.