

MINUTE
of
CABINET

Minute of Meeting held at 10.00am in the Council Chamber, Council Headquarters, Giffnock on 18 February 2016.

Present:

Councillor Jim Fletcher (Leader)	Councillor Ian McAlpine
Councillor Tony Buchanan (Deputy Leader)	Councillor Mary Montague
Councillor Danny Devlin	Councillor Vincent Waters
Councillor Elaine Green	

Councillor Fletcher, Leader, in the Chair

Attending:

Lorraine McMillan, Chief Executive; Caroline Innes; Deputy Chief Executive; Andy Cahill, Director of Environment; Margaret McCrossan, Head of Accountancy (Chief Financial Officer); Louise Pringle, Head of Business Change and Revenues; Andy Corry, Head of Environment (Environmental Services and Roads); Phil Daws, Head of Environment (Housing and Property Services); John Buchanan, Operations Manager; Sharon McMurtrie, Planning Manager (Projects); Steven Skelly, Revenues and Business Support Manager; and Paul O'Neil, Committee Services Officer.

Apology:

Councillor Alan Lafferty.

DECLARATIONS OF INTEREST

1912. Councillor Buchanan declared a financial interest in the items relating to (a) the Delivery Partnership Agreement with the Department for Work and Pensions and the Update on Preparations for Universal Credit; and (b) Universal Credit and the Funding of Supported and Temporary Accommodation on the grounds that he was an employee of the Department for Work and Pensions. He left the meeting prior to the consideration of the items.

Variation in the Order of Business

In accordance with the terms of Standing Order 19, the Leader of the Council altered the order of business to facilitate the conduct of the meeting.

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Councillor Buchanan left the meeting at this stage.

DELIVERY PARTNERSHIP AGREEMENT WITH THE DEPARTMENT FOR WORK AND PENSIONS AND UPDATE ON PREPARATIONS FOR UNIVERSAL CREDIT

1913. The Cabinet considered a report by the Deputy Chief Executive, providing an update on the arrangements for the Delivery Partnership Agreement with the Department for Work and Pensions (DWP), setting out the respective roles and responsibilities for implementation of Universal Credit in East Renfrewshire from February 2016. A copy of the draft agreement was appended to the report.

The report explained that as part of the arrangements for commencing the roll-out of Universal Credit within East Renfrewshire, the Council was required to enter into a standard Delivery Partnership Agreement (DPA) with the DWP for Universal Credit going live in East Renfrewshire on 15 February 2016. In order to meet this deadline, the Deputy Chief Executive had entered into the agreement prior to the matter being reported to the Cabinet, and homologation was now being sought of the action taken in this regard.

The report also proposed that as the agreement was subject to minor amendment, delegated authority was being sought for the Deputy Chief Executive to agree such changes and that in the event of a material change being made this would be reported back to a future meeting of the Cabinet for consideration.

The report concluded by highlighting that Council departments and partner agencies continued to make good progress in mitigating the effects of welfare reforms and proactive steps had been taken to prepare for the introduction of Universal Credit in East Renfrewshire.

The Cabinet:-

- (a) homologated the action taken by the Deputy Chief Executive in entering into the Delivery Partnership Agreement with the Department for Work and Pensions for implementation of Universal Credit in East Renfrewshire from February 2016;
- (b) agreed that delegated authority be granted to the Deputy Chief Executive to make any final, minor changes to the agreement, with anything material being reported back to a future meeting of the Cabinet for consideration; and
- (c) noted the preparations that had been made for Universal Credit roll-out in East Renfrewshire.

UNIVERSAL CREDIT AND THE FUNDING OF SUPPORTED AND TEMPORARY ACCOMMODATION

1914. The Cabinet considered a report by the Director of Environment, advising on the potential financial impacts of Universal Credit on the funding of homeless temporary accommodation and supported accommodation within East Renfrewshire.

Whilst noting that the introduction of Universal Credit and the Benefit Cap (i.e. the maximum amount which could be paid in benefit to households) was being reduced from £350 per week to £258 per week from as early as April 2016, the report explained that the restrictions imposed by the Benefit Cap would apply to all benefit claimants impacting most on those housed in homeless temporary accommodation and/or supported accommodation because of the high rents that were charged due to support services costs.

The report explained that as a result, this would place a significant pressure on the funding arrangements for both the Council's supported accommodation at Connor Road and the homeless temporary accommodation at Overlee House and elsewhere. Details of the financial impact of the gradual implementation of Universal Credit at Connor Road and homeless accommodation at Overlee House and elsewhere covering the financial years 2016/17 to 2018/19 were outlined in the report.

In order to address the potential shortfall, the report proposed that a financial contribution of £97,600 in 2016/17 be made from the Welfare Reform Contingency Fund to cover the cost of appropriate support at Connor Road, Overlee House and other homeless accommodation. This funding would allow the provision of services at Connor Road, Overlee House and the Council's dispersed short-stay flats to continue at the same level as was provided at present in that period. Furthermore, to mitigate the threat to future provision at Connor Road, consideration had been given as to whether those properties could be considered as "exempt properties" in terms of the relevant legislation.

The report concluded by proposing that negotiations with Barrhead Housing Association be held, along with investigations into any other steps which might be taken into mitigating the impact of Universal Credit and the Benefit Cap on homeless temporary accommodation.

The Cabinet:-

- (a) approved a financial contribution of £97,600 in 2016/17 from the Welfare Reform Contingency Fund to cover the cost of appropriate support at Connor Road, Overlee House and other short-stay flats;
- (b) approved the proposal to enter into discussions with Barrhead Housing Association with regard to achieving "exempt accommodation" status for the Connor Road accommodation through them acting as landlord; and
- (c) noted that further work was underway to determine if any reconfiguration was possible which might allow some of the homeless temporary accommodation at Connor Road, Overlee House and/or the Council's dispersed short-stay flats being considered as "exempt accommodation".

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Councillor Buchanan re-entered the meeting at this stage.

EAST RENFREWSHIRE RENEWABLE ENERGY FUND

1915. The Cabinet considered a report by the Director of Environment, providing details of the positive outcomes of the Whitelee Wind Farm Fund since its inception and seeking approval to establish a new East Renfrewshire Renewable Energy Fund to operate from later in 2016. Details of the applications submitted to the Whitelee Fund and the Whitelee Small Fund together with a breakdown of their origin since 2012 were appended to the report.

Whilst noting that the Whitelee Wind Farm Fund had been a major success and had enabled significant community-led investment into local facilities and activities, the report highlighted that in total £756,072 had been awarded in grants. In addition, the Small Grant Fund had received a total allocation of £25,000 over the period 2011-13 and of this allocation only £11,864 had been awarded.

The report explained the reasons why a review of the Fund was required and highlighted that as a result of the success of the Council in managing an effective Community Benefits Fund for Whitelee, Scottish Power Renewables had agreed to direct their Middleton Wind Farm community benefits package to the Council to manage.

Details of the arrangements that were being progressed to establish a new East Renfrewshire Renewable Energy Fund were outlined in the report which would see the Council managing the £30,000 per year (backdated and index linked from July 2013) from funding from the Middleton Wind Farm. It was noted that the legal agreement with Scottish Power Renewables required that the money be used for the benefit of or to meet the local needs of the local community within East Renfrewshire Council and within 10km of the wind farm centre which covered the vast majority of East Renfrewshire

The report highlighted that for efficiency reasons it was proposed to combine the income from both Whitelee and Middleton Wind Farms and to operate a single Fund with a single set of criteria with eligibility across the whole of the Council area. Furthermore, it was proposed that no priority or preference would be given to any settlement area and all applications would be considered on their merit. It was noted that given the poor uptake of the Whitelee Small Grant Fund scheme, it was proposed that this be withdrawn.

In addition, it was noted that maintaining the 87.5% maximum grant rate would be unsustainable in the long term and as a result, it was proposed to reduce the intervention rate to a maximum of 75%. Furthermore, it was proposed that £40,000 of the integrated Fund be ring-fenced annually to fund Council-led initiatives to alleviate fuel poverty and improve energy efficiency in properties, particularly focusing on older and/or vulnerable members of our community.

The report also referred to the composition of the new Panel highlighting that in order to represent the wider community it was proposed that the Chief Executive of Voluntary Action East Renfrewshire be invited onto the Panel. The Panel would also comprise three elected Members and an officer from the Environment Department. It was noted that as the new Renewable Energy Fund would be available across the East Renfrewshire area there was no longer the need or justification for specific representation from any specific area. In addition, the report proposed that the new Panel should meet as soon as possible to determine the current outstanding 2015 applications in accordance with the terms of the existing Whitelee Wind Farm Fund;

The report concluded by highlighting that the new East Renfrewshire-wide Renewable Energy Fund would continue to offer local communities the opportunity to invest in their areas, and highlighted that the revised Fund would also allow the Council to further address fuel poverty and promote energy efficiency. Details of the main changes proposed to the Fund were also outlined in the report.

The Cabinet:-

- (a) noted the success of the Whitelee Wind Farm Fund;

- (b) approved in principle the establishment of a new East Renfrewshire Renewable Energy Fund as outlined in the report, to replace the Whitelee Wind Farm Fund from later in 2016;
- (c) agreed that Councillors Green (substitute – Councillor O’Kane), Lafferty (substitute – Councillor McAlpine); and Waters (substitute - Provost Carmichael) be the Council’s representatives on the Panel of the new Fund;
- (d) noted that the chairperson of the Panel be decided by the members of the Panel;
- (e) approved the inclusion of the Chief Executive of East Renfrewshire Voluntary Action as a voting member of the Panel;
- (f) agreed that the new Panel should meet as soon as possible to determine the current outstanding 2015 applications in accordance with the terms of the existing Whitelee Wind Farm Fund; and
- (g) agreed that prior to the Panel meeting again in 2016, appropriate consultation be carried out in relation to the priorities of the proposed new Fund.

TENANT PARTICIPATION AND ENGAGEMENT

1916. Under reference to the Minute of the meeting of 2 October 2014 (Page 1182, Item 1240 refers), when it was agreed to approve the improved Customer Engagement Strategy for Housing Services, the Cabinet considered a report by the Director of Environment, providing details of the views of the Scottish Housing Regulator in relation to the Council’s Customer Engagement and Tenant Participation Strategy following a complaint the Regulator had received about the Council. The report also sought approval of amendments to the strategy in response to the findings of the Regulator. A copy of the Scottish Housing Regulator’s response to the complaint was appended to the report.

The report provided background information regarding tenant participation in East Renfrewshire in terms of the Housing (Scotland) Act 2001, and the establishment of the Council’s Customer Engagement Strategy (CES) which introduced a range of additional methods of engagement in order to encourage participation and to obtain better customer feedback. It was noted that part of the CES saw the replacement of the previous Housing Services Liaison Group (HSLG) with a Registered Tenants Organisation (RTO) Forum. The Forum had been established to be open to geographical RTO’s with meetings held twice a year. However, the East Renfrewshire Council Tenants and Residents Federation had been excluded from the RTO Forum on the basis that all of its members already attended the Forum through membership of their RTO’s.

The report highlighted that the Federation had objected to the CES at the time and submitted a complaint to the Council in June 2015 which was not upheld. As a result, the Federation subsequently made a complaint to the Scottish Housing Regulator in July 2015 on a number of grounds although the Council had not seen a copy of the complaint. It was noted that the Regulator had concluded that there had been a “Significant Performance Failure” by the Council due to the failures identified in the Regulator’s decision letter of 4 December 2015.

The report explained that as a result of the Regulator’s decision, it was proposed to continue with the wider approach to tenant participation and engagement as approved by the Cabinet; continue to work with the RTO’s and the Federation to address the issues raised in the

Regulator's letter of 4 December 2015; extend the frequency of the RTO forum to 4/6 meetings per year; include the East Renfrewshire Tenants and Residents Federation as a participant in the RTO Forum; and review the Council's registration criteria for RTO's operating within East Renfrewshire.

The Cabinet approved the following amendments to the Customer Engagement and Tenant Participation Strategy:-

- (a) include the East Renfrewshire Tenants and Residents Federation as a participant in the Registered Tenants Organisation (RTO) Forum;
- (b) extend the frequency of the RTO Forum to 4/6 times a year and expand its role as a scrutiny body;
- (c) review the Council's registration criteria for RTOs operating within East Renfrewshire; and
- (d) agreed that the Director of Environment write to the Chief Executive of the Scottish Housing Regulator seeking clarification of how the Regulator arrived at the two conclusions detailed in the decision letter of 4 December 2015 as to why there had been a 'Significant Performance Failure' and also what proposals the Regulator had regarding accountability and the right of appeal against decisions.

UPDATE TO KERBSIDE RECYCLING SERVICE IMPROVEMENT AND THE CHARTER FOR HOUSEHOLD RECYCLING AND CODE OF PRACTICE

1917. Under reference to the Minute of the meeting of 20 August 2015 (Page 1559, Item 1665 refers) when the Cabinet agreed to move to a 4 bin system of collection, subject to the Capital Programme Appraisal process, the Cabinet considered a report by the Director of Environment, providing an update regarding the changes to the proposal for kerbside collections.

The report explained that since the date the Cabinet had agreed to move to a new system of collection, a national Charter for Household Recycling and a supporting Code of Practice had been published. It was noted that the Charter and Code of Practice had been developed by the Zero Waste Task Group convened by COSLA the aim of which was to create more consistent collection services across the country with a focus on increasing participation and recovery of high quality materials in support of a circular economy.

Whilst noting that councils were being asked to sign up to the Charter on a voluntary basis, and that by doing so would be able to access funding from Zero Waste Scotland to meet the requirements of the Charter, the report explained that by doing so this would require a divergence from the recently approved options of kerbside collection and involve significant changes to the Council's kerbside collection scheme. Details of the implications of complying with the Charter were outlined in the report.

The report sought approval for the Council to commit to signing the Charter for Household Recycling and the supporting Code of Practice which would involve a new proposal for kerbside collections. However, it was noted that in doing so, the Council's kerbside collection method would not meet all the requirements of the Code of Practice, in the first instance. Whilst the system would require a capital outlay of £1.35 million, the report indicated that the new arrangements would realise an estimated £300,000 in revenue savings annually in terms of residual waste avoidance once fully rolled out.

The Cabinet:-

- (a) supported the new proposal for kerbside collections, acknowledging that in doing so, the Council's kerbside collection method would not meet all the requirements of the Code of Practice, in the first instance;
- (b) noted that a decision would be required in future years, and as funding became available, as to how the Council would meet the requirements of the Code of Practice; and
- (c) noted that the proposal would be subject to the Council's consideration of its General Fund Capital Programme at the Council's Budget Meeting on 9 March 2016.

WRITE-OFF OF IRRECOVERABLE RENT, COURT EXPENSES, SHELTERED HOUSING WARDEN AND INSURANCE CHARGES

1918. The Cabinet considered a report by the Director of Environment, seeking approval to write-off as irrecoverable Rents, Court Expenses, Sheltered Housing Warden and Insurance Charges totalling £92,067.64.

The Cabinet:-

- (a) noted the write-off sum up to the value of £92,067.64 of irrecoverable Rents, Court Expenses, Sheltered Housing Warden and Insurance Charges, without prejudice to subsequent recovery procedure; and
- (b) approved that £91,226.64 of this amount be written off against the Housing Revenue Account and that £841.00 be written off against the Non-Housing Revenue Account being debt accrued by applicants during the homelessness process.

CHAIR

