

**The Highland Council  
No. 14 2020/2021**

Minutes of Meeting of the Highland Council held REMOTELY on Thursday, 10 September 2020 at 10.35am and adjourned/resumed on Friday, 11 September 2020 at 9.00am.

**1. Calling of the Roll and Apologies for Absence  
A' Gairm a' Chlàir agus Leisgeulan**

**Present:**

Mr G Adam	Mrs D Mackay
Mr B Allan	Mr D Mackay
Mr R Balfour	Mr W MacKay
Mrs J Barclay	Mr G MacKenzie
Mr A Baxter	Mrs I MacKenzie
Mr B Boyd	Mr S Mackie
Mr R Bremner	Mr A Mackinnon
Mr I Brown	Ms A MacLean
Mr J Bruce	Mr C MacLeod
Mrs C Caddick	Mr D MacLeod
Mrs I Campbell	Mr D Macpherson
Miss J Campbell	Mr R MacWilliam
Mrs G Campbell-Sinclair	Mrs B McAllister
Mrs H Carmichael	Mr J McGillivray
Mr A Christie	Mr H Morrison
Mr I Cockburn	Mr C Munro
Mrs M Cockburn	Ms L Munro
Mrs M Davidson	Ms P Munro
Mr J Finlayson	Mrs M Paterson
Mr M Finlayson	Mr I Ramon
Mr C Fraser	Mr M Reiss
Mr L Fraser	Mr A Rhind
Mr R Gale	Mr D Rixson
Mr J Gordon	Mrs F Robertson
Mr K Gowans	Mrs T Robertson
Mr A Graham	Ms E Roddick
Mr J Gray	Mr K Rosie
Mrs P Hadley	Mr G Ross
Mr T Heggie	Mr P Saggars
Mr A Henderson	Mr A Sinclair
Mr A Jarvie	Ms N Sinclair
Ms E Knox	Mr C Smith
Mr B Lobban	Ms M Smith
Mr D Louden	Mr B Thompson
Mrs L MacDonald	Mrs C Wilson
Mr A MacInnes	

**In Attendance:**

Chief Executive	Executive Chief Officer, Infrastructure & Environment
Executive Chief Officer, Communities & Place	Executive Chief Officer, Performance & Governance
Executive Chief Officer, Education & Learning	Executive Chief Officer, Property & Housing
Executive Chief Officer, Health & Social Care	Executive Chief Officer, Resources & Finance
	Executive Chief Officer, Economy

**Mr B Lobban in the Chair**

Apologies for absence were intimated on behalf of Ms K Currie and Mr N McLean.

## 2. **Declarations of Interest** **Foillseachaidhean Com-pàirt**

The Council **NOTED** the following declarations of interest:-

Item 9 – Mr A Christie (Non-Financial)

Item 10 – Mr A Christie (Non-Financial)

Item 12 – Mr A Jarvie (Non-Financial)

Item 13(i) – Mr A Christie (Non-Financial), Mr A Jarvie (Non-Financial), Mrs M Cockburn (Non-Financial), Mrs D MacKay (Non-Financial), Mr R Balfour (Non-Financial), Mr C MacLeod (Non-Financial) and Mr P Saggars (Non-Financial)

Item 13(iii) – Mr A Christie (Non-Financial)

Item 13(iv) – Mr R Bremner (Non-Financial)

Item 13(v) – Mr S Mackie (Non-Financial)

Item 14 – Mr A Jarvie (Non-Financial)

Item 15 – Mr A Christie (Non-Financial), Mr A MacInnes (Financial), Mr A MacKinnon (Financial), Ms L Munro (Non-Financial), Mr T Heggie (Non-Financial), Mr B Thompson (Non-Financial), Mr A Jarvie (Non-Financial) and Mr K Gowans (Financial)

Item 16 – Ms L Munro (Non-Financial)

Item 18 – Mr A MacInnes and Mr A MacKinnon (both Financial) and Ms L Munro, Mr D Rixson and Mr K Rosie (all Non-Financial)

Prior to the commencement of the formal business, the Convener highlighted that this was Scotland's Suicide Prevention Week and also World Suicide Prevention Day. As such, the importance of talking about this issue and specifically engaging in open and honest discussion of mental health matters was emphasised. Suicide was currently the leading cause of death amongst young people and it was hoped that everyone would therefore find a way to play a part in preventing something which had affected so many young people and families across the world.

At this point in the meeting, Mr D Macpherson queried as to whether the Convener could provide confirmation that no Elected Member of the Council would face investigation or sanction for stating the contents of any public document during discussion at the meeting. In response, the Convener advised that he could provide no such confirmation.

## 3. **Confirmation of Minutes** **Daingneachadh a' Gheàrr-chunntais**

There had been submitted for confirmation as a correct record the Minutes of Meeting of the Council held on 30 July/3 August 2020 as contained in the Volume which had been circulated separately – which were **APPROVED** – subject to the following -

Following an issue raised by Mr A Baxter at the meeting whereby it was stated that various responses (which it had been agreed would be issued by Officers to Members in regard to a number of issues) were still awaited, it was **AGREED** that this would be followed up by the Head of Corporate Governance and the required responses issued to Members as a matter of priority.

Also, in relation to Item 11 within the Minutes (Employee Engagement and Wellbeing Survey), it was **AGREED** that a correction should be provided in relation to the last bullet point of discussion whereby it had been suggested at the meeting that disaggregated data should be shared with 'all Members through Strategic Committee meetings' and not just 'Strategic and Area Chairs' as had been detailed.

#### 4. Minutes of Meetings of Committees Geàrr-chunntasan Choinneamhan Chomataidhean

There had been submitted for confirmation as correct records, for information as regards delegated business and for approval as appropriate, the Minutes of Meetings of Committees contained in Volume circulated separately as undernoted:-

Easter Ross Area Committee 20 February  
Gaelic Committee 3 August -

**APPROVED** – subject to the following -

It was **AGREED** that confirmation should be provided for Members as to which specific Executive Chief Officer now had responsibility for Gaelic issues as it was understood that this was now the Executive Chief Officer (Performance & Governance) and not the Executive Chief Officer (Economy & Infrastructure) as had previously been understood to be the position.

Education Committee 6 August  
Housing & Property Committee 13 August  
Communities & Place Committee 19 August  
Easter Ross Area Committee 20 August  
Corporate Resources Committee 20 August -

#### **Notice of Amendment – Item 4 – Rec (v) - Post of Depute Chief Executive**

With reference to the Minutes of the Meeting of the Corporate Resources Committee held on 20 August, the following Notice of Amendment has been received in accordance with Standing Order 13 –

“Following the number of countersigners reaching the required threshold of eight, the decision reached by the Committee will be suspended pending consideration by the Full Council.”

Signed: Mr P Saggars Mr R Bremner Mr A Baxter Mr A Sinclair Mr S Mackie  
Dr I Cockburn Mr J Bruce Mr G MacKenzie Mr D Macpherson  
Mrs G Campbell-Sinclair

During discussion, Members raised the following issues:-

- it was highlighted that a number of Members had expressed concern over being ‘blindsided’ by remarks made at the Corporate Resources Committee meeting by the Budget Leader and the Depute Leader of the Council in relation to the recruitment process for this post, specifically on the basis that such remarks had not in fact been ‘binding’ (a fact not known to Members at the time) and as such they might have voted differently at the meeting had they been aware of this situation;
- in light of the above, Members should now have a clear choice as to whether to freeze recruitment to this post until such time as a full Business Case had been brought to the full Council;
- there had been reports to the Corporate Resources Committee in relation to the Council’s current and serious financial position and it was therefore considered strange that this recruitment process had been initiated without the prior approval of Members and at a time of a 100% ban being in place on recruiting

new frontline staff and when many Council Services were very stretched;

- there was a need for a full report to be brought to the full Council at the earliest opportunity which covered the Business Case for this post, the benefits which the post would bring and whether the management restructuring process had delivered the promised savings;
- there should be consideration given as to whether now was the appropriate time to consider taking on additional costs of approximately £200k which this post would involve and as such a motion would be put forward at the appropriate time to suspend this appointment process until an immediate review of the current restructure had been concluded and that, together with a full Business Case, had been submitted to the full Council;
- Member Seminars had been previously held whereby Members had had the opportunity to work together with Officers on issues of importance and had come to a shared understanding and consensus. As such, there was now an urgent need to reinstate those Seminars in order to include Members in governance and decision making across Council issues and remove any elements of frustration and distrust;
- there was significant concern that responses had not been provided to legitimate issues raised at the Corporate Resources Committee meeting and that Members had been misled over the intent of the amendment put forward at the meeting by Administration Members;
- it had not been considered that it was necessary to submit a Notice of Amendment given the discussion on the day of the Committee meeting but there had been numerous occasions since when it was clear that opinion differed from what had actually been agreed;
- the arrangement of Seminars would allow input from all Members on issues of importance and this was welcomed;
- there was a need to take stock and to reflect on current issues and the Members Seminars would allow this, not least in relation to governance and decision making;
- it had been agreed that information would be provided for Members when the senior management restructure had been completed but this had been delayed due to the pandemic and it was therefore surprising that the recruitment to the post of Deputy Chief Executive was going ahead;
- reference was made to the Minutes of the Corporate Resources Committee meeting whereby it had been stated that 'it was surprising that the recruitment of a Deputy Chief Executive was being progressed at this time and there was concern that Members had not been aware that the post was being advertised'. The Chair of the Committee had advised that it was 'inappropriate to comment on the matter' but had indicated that 'matters relating to the workforce fell within the Committee's remit in the Scheme of Delegation and therefore questions in relation to the appointment of a Deputy Chief Executive were appropriate and particularly whether this appointment was critical to ensure the safer provision of key Council services'. Also in terms of the Minutes of the meeting, it had been highlighted that 'the main premise of the senior management restructure (agreed in April 2019) was that it was going to generate savings and confirmation was sought on whether there had been an increase in the number of Heads of Service in addition to the appointment of the Executive Chief Officers'. In addition, concern had been expressed at the meeting in regard to the level of the severance payments to senior management as detailed in the Annual Accounts;
- the terms 'blindsided' and 'misled' had been used by some Members during the debate and it was felt that these terms were inappropriate and unfortunate;
- it was inevitable that any organisation of a comparable size to Highland Council would need to have a Deputy Chief Executive in place and this had been

previously agreed by the Council;

- in relation to the careful targeting of resources at the present time, it was considered that the recruitment to this post represented a process of rebuilding in order to ensure that a strong, stable and well-run senior management team was in place for the future;
- it was noted that one of the current Executive Chief Officers was already 'acting up' as Depute Chief Executive with a small honorarium and it was therefore questioned as to why it was still felt necessary to create a new standalone post at the present time;
- it appeared that there were currently approximately 19 Heads of Service across the Council but the previous understanding had been that 15 Heads of Service at that time would be reduced to around 11 when the Executive Chief Officers were appointed but this did not appear to have happened;
- on the basis that a considerable number of Executive Chief Officers had been appointed, it was questioned as to whether and where a 'skills gap' still existed across the Council;
- it was imperative that due process was followed in terms of recruitment at a senior management level and that any proposals in this regard had prior Member approval;
- clarification was sought on the recruitment process for this post as it appeared that it was in fact still being advertised and had not been frozen since the Corporate Resources Committee meeting;
- there had always been an atmosphere of respect in the Chamber but it was felt that the tone of the current debate at times had not met that standard and this was regrettable;
- the need for a post of Depute Chief Executive had been made already, not least in light of the current circumstances in dealing with the pandemic;
- in relation to the Seminars, it was expected that the Executive Chief Officers, who were already reviewing their teams, would contribute to future discussions;
- there was a need to have someone in place to deputise for the Chief Executive if this proved necessary;
- it was not in the best interests of the Council as a whole to delete this post at this time;
- there was concern at the criticism of comments made by Members which was viewed as an attempt to stifle debate and as such it was stressed that all Members of the Council had the right to be able to speak openly on any issue during discussion in the Chamber;
- it was understood and acknowledged that a decision had previously been taken on recruitment to the post of Depute Chief Executive but that did not mean that Members could not now take stock of the current situation and change their minds if they so wished;
- circumstances had changed greatly since the start of the year and a number of questions remained unanswered, including whether and how this post should be filled in light of the financial position now facing the Council;
- whilst agreeing with the urgent arrangement of Seminars, it was considered that a final report, together with a business case, on this issue should come back to the full Council for consideration;
- it was imperative that the Council took steps to build in additional resilience at the present time and the filling of this post would meet that requirement and ensure that the senior management team was 'fit for purpose', both now and in the coming months and years;
- the Chief Executive had done an excellent job since coming to the Council but she needed to have a full team in place and as such it was important that any review of this issue was undertaken quickly;
- a dangerous phase of the pandemic was approaching and steps had to be

taken to ensure that the correct senior management team was in place, including in relation to succession planning, across the Council; and

- a positive approach was being sought in regard to this issue and it was a matter of regret that there had been no Member Seminars arranged since last November as they offered a way forward in terms of addressing this issue which would be judged in the public domain and had to be resolved urgently.

Thereafter, Mr R Bremner, seconded by Mr G MacKenzie, **MOVED** the suspension of the active recruitment to the post of Depute Chief Executive. Also, to further request that the Chief Executive reinstate, with urgency, the Member Seminars that were regularly held to update Members with progress in respect of the organisational structure and transition. These Seminars would offer Members the opportunity to review progress following the previously held governance workshops and offer the ability for Members to have input to the process as was previously the case.

As an **AMENDMENT**, Mr A Christie, seconded by Mrs T Robertson, moved that the Council should proceed with the recruitment to the post of Depute Chief Executive and also reinstate, with urgency, the Members Seminars that were regularly held to update Members with progress in respect of the organisational structure and transition. These Seminars would offer Members the opportunity to review progress following the previously held governance workshops and offer the ability for Members to have input to the process as was previously the case.

On a vote being taken, the **MOTION** received 34 votes and the **AMENDMENT** received 33 votes and the **MOTION** was therefore **CARRIED**, the votes having been cast as follows:-

#### **For the Motion:**

B Allan, R Balfour, A Baxter, B Boyd, R Bremner, I Brown, J Bruce, I Cockburn, M Cockburn, C Fraser, K Gowans, P Hadley, A Jarvie, E Knox, D Loudon, L MacDonald, A MacInnes, Mr D Mackay, G MacKenzie, I MacKenzie, S Mackie, C MacLeod, D MacLeod, D Macpherson, R MacWilliam, J McGillivray, A Rhind, E Roddick, K Rosie, P Sagers, A Sinclair, N Sinclair, C Smith and M Smith.

#### **For the Amendment:**

G Adam, J Barclay, C Caddick, I Campbell, J Campbell, H Carmichael, A Christie, M Davidson, J Finlayson, M Finlayson, L Fraser, R Gale, J Gordon, A Graham, J Gray, T Heggie, A Henderson, B Lobban, Mrs D Mackay, W MacKay, A Mackinnon, A MacLean, B McAllister, H Morrison, C Munro, L Munro, M Paterson, M Reiss, D Rixson, F Robertson, T Robertson, G Ross and B Thompson.

#### **Decision**

The Council **AGREED** to suspend the active recruitment to the post of Depute Chief Executive and also to further request that the Chief Executive should reinstate, with urgency, the Members Seminars that were regularly held to update Members with progress in respect of the organisational structure and transition. These Seminars would offer Members the opportunity to review progress following the previously held governance workshops and offer the ability for Members to have input to the process as was previously the case.

Also arising from the Minutes of the Corporate Resources Committee, Members raised the following issues:-

- Page 190 – Item 4 – Corporate Revenue Monitoring Report – a commitment had been given at the meeting that further and more detailed information would be provided in regard to the Transformation Change Fund and also in relation to Severance Payments to Senior Management but this had not yet been received;
- Page 191 – Item 4 – it had been stated in the Minutes that the ‘Chair advised that the Administration and the Committee were fully supportive of the Chief Executive’ but it was suggested that reference to ‘the Committee’ was not an accurate reflection from the meeting and that this wording should therefore be removed;
- (At this point, reference was also made to the deletion of wording from the Minutes of a previous Lochaber Area Committee meeting without reference to the Chair of that Committee and, following discussion, it was agreed that this matter would be followed up by the Head of Corporate Governance);
- Pages 190/191 – at the meeting, it had been agreed that further detail would be provided for all Members of the Committee on the current number of Heads of Service across the Council (and the related cost savings in this regard) and also in relation to the settlement figures for previous staff members who had now left the Council (as detailed in the Accounts) but this had not yet been received;
- Pages 190/191 – it had been stated in the Minutes that the Council was in a far stronger financial position than it had been for ‘a number of years’ but reference had actually been made (at the meeting) by the Chair to ‘15/20 years’ and it was suggested that this should be clarified (within the Minutes); and
- Page 188/189 – Item 3 – Corporate Resources Budget Sub Committee - on the basis that the Chair of the Committee had personally recalled this item at the meeting (without the agreement of the Committee), it was queried as to which Standing Order allowed the Chair to take this course of action. In response, the Chair acknowledged that he had not in fact had the authority to take this course of action and apologised accordingly.

At this point, it was **AGREED** that the Chair of the Corporate Resources Committee, in conjunction with the Head of Corporate Governance, would check the Minutes for accuracy in relation to the issues which had been raised and, if necessary, a revised version would be forwarded to all Members of the Committee thereafter. Also, it would be ensured that action was taken by the relevant Officers in terms of issuing the detailed information which it had been agreed would be forwarded to Members of the Committee but had not yet been received.

Health, Social Care and Wellbeing Committee, 26 August  
 City of Inverness Area Committee, 27 August  
 Isle of Skye and Raasay Committee, 31 August

The Minutes, having been moved and seconded, and in taking account of the issues raised above, were otherwise **APPROVED** as circulated.

## 5. Community Planning Board Bòrd Dealbhadh Coimhearsnachd

There had been circulated for noting Minutes of Meeting of the Community Planning Board held on 28 February 2020 (approved by the Board on 21 August 2020) which were **NOTED**.

**6. Climate Change Working Group  
Buidheann-Obrach Atharrachadh na Gnàth-shìde**

There had been circulated for approval Minutes of Meeting of the Climate Change Working Group held on Tuesday, 11 August 2020 which were **APPROVED**.

**7. Brexit Working Group  
Buidhean Obrach Brexit**

There had been circulated for approval Minutes of Meeting of the Brexit Working Group held on Monday, 17 August 2020 which were **APPROVED** – subject to the following:-

Item 6 – Brexit & European Update - it had been stated that it was feared that the Highlands would lose ‘approximately £90m per year in funding from 2021 through the loss of market access in particular’ but it was highlighted that this should be corrected to read as follows - ‘£90m in grants and £120m through market access restrictions making a total of £210m and that with a multiplier effect the total loss to the Highlands could be as much as a third of a billion pounds after Year 1’.

**8. Membership of Committees, etc  
Ballarachd Chomataidhean, msaa**

The Council **AGREED** the following:-

Communities & Place Committee – Mr R Balfour to replace Mr B Lobban  
Brexit Working Group – Mr J Bruce to fill the current vacancy  
Housing and Property Committee – Vice Chair – Mr L Fraser  
Pension Board – Mrs M Paterson

**9. Joint HC/NHS Monitoring Committee – Joint Chairs  
Co-Chomataidh Sgrùdaidh Chomhairle na Gàidhealtachd/NHS Co-  
Chathraichean**

**Declaration of Interest** – Mr A Christie declared a non-financial interest in this item as a non-Executive Director of NHS Highland but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors’ Code of Conduct, concluded that his interest did not preclude him from taking part in the discussion.

It was **AGREED** that the Chair of the Health, Social Care and Wellbeing Committee should replace the Leader of the Council as the Council Co-chair of the HC/NHS Highland Joint Monitoring Committee.

This change would also require to be agreed by NHS Highland and the Committee Remit updated accordingly.

**10. Joint HC/NHS Adult Protection Committee  
Co-Chomataidh Dìon Inbheach Chomhairle na Gàidhealtachd/NHS**

**Declaration of Interest** – Mr A Christie declared a non-financial interest in this item as a non-Executive Director of NHS Highland but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors’ Code of Conduct, concluded that his interest did not preclude him from taking part in the discussion.

It was **AGREED** that Ms L Munro should be appointed to the Joint Adult Protection Committee.

## 11. Corporate Resources Sub Committee

There had been re-circulated Report No RES/14/20 dated 30 July 2020 by the Executive Chief Officer - Resources and Finance.

At this point, the Chair of the Corporate Resources Committee proposed that the wording in the recommendations of the original report should now be changed as follows – recommendation (i) ‘oversee’ to now read ‘consider’ and recommendation (iv) ‘be held in private’ to now read ‘be held in public’.

During discussion, Members raised the following issues:-

- it was suggested that formation of this Sub Committee represented a layer of unnecessary ‘bureaucracy’ as what was being proposed in relation to the remit was already being undertaken by the Corporate Resources Committee;
- it had been an error by the Chair to remove this item during discussion at the Corporate Resources meeting and as such this did not reflect well on the Administration;
- submission of the Minutes of Meetings of any new Sub Committee to the parent Committee did not allow for comprehensive debate, discussion or scrutiny;
- as had already been suggested, it was not clear as to what the need was for a new Sub Committee when budget issues were already within the remit of the Corporate Resources Committee;
- it had been highlighted that there could be a need to engage with subject matter experts and it was queried as to whether there would be additional expenditure in terms of such engagement;
- it had been stated that the Council was facing unprecedented financial challenges but also that it was in a far stronger financial position than had been the case in previous years and it was suggested that both statements could not be accurate at the same time and therefore required clarification;
- in relation to the importance of the subject matter, it was felt that a detailed business case was needed in terms of the proposal to create a Sub Committee with fewer Members than the parent Committee;
- it was also suggested that a more appropriate way forward would be to arrange additional or special meetings of the Corporate Resources Committee as opposed to creating a new Sub Committee; and
- in contrast to other views which had been expressed, it was felt that there would be no reduction in the level of scrutiny by the Corporate Resources Committee and that additional consideration of budget issues by a Sub Committee allowed for much greater transparency.

Thereafter, Mr A MacKinnon, seconded by Dr I Cockburn, **MOVED** the recommendations within the original report for the formation of a Corporate Resources Budget Sub Committee – subject to amendments to recommendation (i) whereby the word ‘oversee’ would be replaced with ‘consider’ and recommendation (iv) whereby ‘held in private’ would be replaced with ‘held in public’.

As an **AMENDMENT**, Mr D MacLeod, seconded by Mr A Baxter, moved that there was no value in forming a new Sub Committee as its stated purpose was a restatement of the functions of the Corporate Resources Committee itself and it was therefore proposed that it should not be appointed.

On a vote being taken, the **MOTION** received 53 votes and the **AMENDMENT** received 9 votes, with 1 abstention, and the **MOTION** was therefore **CARRIED**, the votes having been cast as follows:-

**For the Motion:**

G Adam, B Allan, R Balfour, J Barclay, B Boyd, R Bremner, I Brown, J Bruce, C Caddick, I Campbell, J Campbell, H Carmichael, A Christie, I Cockburn, M Cockburn, M Davidson, J Finlayson, M Finlayson, C Fraser, L Fraser, R Gale, J Gordon, K Gowans, A Graham, J Gray, T Heggie, A Henderson, E Knox, B Lobban, D Louden, L MacDonald, A MacInnes, Mrs D Mackay, W MacKay, G MacKenzie, A Mackinnon, A MacLean, C MacLeod, B McAllister, J McGillivray, H Morrison, C Munro, L Munro, M Paterson, M Reiss, D Rixson, F Robertson, T Robertson, E Roddick, K Rosie, G Ross, N Sinclair, and B Thompson.

**For the Amendment:**

A Baxter, A Jarvie, D Mackay, I MacKenzie, S Mackie, D MacLeod, P Saggars, A Sinclair and C Smith.

**Abstention:**

D Macpherson

**Decision**

The Council **AGREED** that the Corporate Resources Budget Sub Committee should:-

- (i) consider budget, monitoring and outturn activities across the Council's revenue and capital budgets;
- (ii) comprise 11 Elected Members, drawn from membership of the Corporate Resources Committee and selected on the basis of political balance;
- (iii) be a sub-committee of, and report to, the Corporate Resources Committee;
- (iv) meet monthly, be held in public, and engage with subject matter experts as considered appropriate; and
- (v) submit minutes of the Sub-Committee's meetings to the Corporate Resources Committee for consideration and approval.

**Decision**

The Council **AGREED**:-

- (i) that the Corporate Resources Sub Committee should consider budget, monitoring and outturn activities across the Council's revenue and capital budgets;
- (ii) comprise 11 Elected Members, drawn from membership of the Corporate Resources Committee and selected on the basis of political balance;
- (iii) be a sub-committee of, and report to, the Corporate Resources Committee;
- (iv) meet monthly, be held in public, and engage with subject matter experts as considered appropriate; and
- (v) submit minutes of meetings to the Corporate Resources Committee for consideration and approval.

## 12. Question Time (Public) Am Ceiste

The following questions had been received by the Head of Corporate Governance from members of the public in terms of Standing Order 11a –

**Declaration of Interest – Mr A Jarvie declared a non-financial interest in this item as a Director of High Life Highland but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors’ Code of Conduct, concluded that his interest did not preclude him from taking part in the discussion.**

(i) Ms B Irvine

To the Chair of the Education Committee

“Many schools before COVID struck didn’t have their full allocation of staff with some requiring 5 teachers in various subjects across the board.  
7 September 2020

Now with the impact of COVID on education and learning the Deputy First Minister John Swinney has stated –

“Extra staff as schools re-open. Funding of £50 million will be ring-fenced for the recruitment of approximately 850 extra teachers and around 200 additional support staff as local authorities plan for the re-opening of schools”.

<https://www.gov.scot/news/funding-for-more-teachers/>

Announced on 4 September 2018, The Scottish Government is investing over £60 million in additional school counselling services across all of Scotland. £12 million will go to local authorities for 2019/20, rising to £16 million a year thereafter.

<https://www.gov.scot/news/mental-health-in-schools/>

The Scottish government announced in Sept 2019 £15m to recruit 1,000 classroom assistants to work with children who have additional support needs (ASN).

<https://www.gov.scot/news/additional-support-for-learning/>

Can the Highland Council therefore provide information as to what allocation of those funds mentioned above they received and also what recruitment has been carried out as per above?”

The response had been circulated.

In terms of a supplementary question, and with reference to the table presented at Paragraph 5.5 where it had been stated that ‘out of the £2.2m ringfenced for extra staff, £800,000 had been spent already’, it was queried as to what this had been spent on, specifically how many teaching support staff and where. Also, from the table, it appeared that the remaining £1.4m was being used to possibly plug the budget gap. In regard to counselling, the First Minister had said, “the commitment we have made to put counsellors into secondary schools, every secondary school across the country, is on track and this is due to be completed at the end of October 2020” and it was queried at where Highland Council was in getting counsellors into all secondary schools as this was only a month and a half away.

In response, the Chair of the Education Committee confirmed that he would respond when he had the information to hand. In terms of the counselling and the allocation, and making sure that counsellors were in schools by October, a report was to go to the Education Committee on 30 September which would give more detail and, as indicated in the initial response, the Council was aiming to have local solutions for local schools. In this regard, and in some parts of Highland, schools already had counselling

in place, either through an outside organisation or through Council staff. In this respect, it was advised that Ms Irvine should forward an email to the Chair regarding the first part of her question and he would make sure that she got a response (which would also be circulated to all Members of the Council).

(ii) Ms J Matheson

To the Leader of the Council

“Since Roseanna Cunningham MSP announced that the new Crown Estates funding arrangement would see “100% of revenue generated” going to coastal communities to enable them to fund local projects, and “more decisions .... taken at a local level”, how can Highland Council justify its proposal to disregard Scottish Governments method of funding allocation when coastal communities are in desperate need of funding to support the ongoing increase in tourism.”

The response had been circulated.

In terms of a supplementary question, and whilst appreciating that this matter would be discussed later in the meeting, it was suggested that if the Council approved the proposal (and even if they rejected it), a great deal of time and taxpayers’ money had already been spent at a time when resources were stretched more than ever. The purpose of these funds could not have been made clearer by the Scottish Government and it was therefore queried as to how the development of the strategy in line with the report could be justified as it was at such extreme variance from what the Council had been asked to put in place.

In response, it was confirmed that the report on the agenda had come from an Officer and referred to a compromise position following a Members’ Seminar. It could be that the decision later in the day would be different from what was being recommended and in fact it was expected that Motions and Amendments would be put forward. As such, it was not considered fair to say that the Council was disregarding the Scottish Government’s instructions. The Council was taking local decisions.

(iii) Mr D Ogg

To the Leader of the Council

“In view of the fact that coastal communities have an ongoing lack of adequate job opportunities, does the Council not consider that it would be more appropriate for any administration of the Crown Estates Fund to be undertaken by people located in those communities rather than simply handing the job to “competent Officers (currently) running the LEADER/FLAG programmes which are nearing closure”.

The response had been circulated.

In terms of a supplementary question, it was noted that the reply highlighted the challenge of ensuring that population imbalance, which inevitably led to a positivity of representation of west coast rural and coastal areas compared to more populous Wards elsewhere and (notwithstanding the good work of Councillors Baxter and Thompson) did not, in turn, lead to the inevitability of a lack of devolution of decision making and commensurate employment. Given the all Member nature of this decision making process, queried as to how the Council would ensure that the interests of rural coastal communities on the west coast of the Council area were represented to the extent that the capabilities of and employment opportunities for members of these communities helping to run their own affairs was recognised.

In response, it was highlighted that the recommendation was that the distribution was put to Area Committees and the likelihood was that the Lochaber Area Committee would be able to deal with some of these requests. Also, the money, as it stood at the moment, took a lot of account of sea area which meant that Lochaber would benefit substantially, whatever the final decision was when taken.

### **Question Time (Members)**

#### **Am Ceiste**

The following Questions had been received by the Head of Corporate Governance in terms of Standing Order 11 –

- (i) Mr A Graham

To the Chair of the Housing & Property Committee

“What is the current balance on the Landbank Fund, the total currently advanced, total current commitments and the available Fund balance at present?”

The response had been circulated.

In terms of a supplementary question, queried as to whether all Members of the Council could be provided with a schedule of the advances made from the Landbank Fund in 2019/20 and also those proposals already made in 20/21, including details of the project locations and the number of housing units involved.

In response, confirmed that that information could be provided and could either be circulated to all Members by email or made part of a forthcoming, or next, Housing and Property Committee meeting.

- (ii) Mr A Graham

To the Leader of the Council

"Could you give an update on the current position with rollout of fibre broadband to the Highlands, and what the Council is doing to progress it?"

The response had been circulated.

In terms of a supplementary question, and given that Internet access was now nearly a household necessity, queried as to whether it could be emphasised that all Highland households needed fast broadband access as soon as possible during meetings with the Parliamentary Under Secretary for State of Scotland and the Minister for Energy, Connectivity and the Islands.

In response, confirmed that this issue had already been raised and a positive response received. It was therefore hoped that this would now be moved forward for the Highland area.

- (iii) Mr D Rixson

To the Chair of the Tourism Committee

“A recent report to the Tourism Committee showed the degree of enthusiasm for developing local tourist infrastructure projects – often involving the provision of toilets

and motor-home facilities. One of the problems which emerged was that of the 13 projects agreed under the first two rounds only 1 had actually completed. What actions do you propose to encourage the extension of the RTIF scheme and speed up delivery in the future?"

The response had been circulated.

In terms of a supplementary question, and on the basis that the current Summer period had exposed the inadequacies of the rural tourist infrastructure, queried as to what actions were proposed to encourage the extension of the RTIF scheme.

(As the Chair of the Tourism Committee had had to unavoidably leave the meeting, it was confirmed that a response would be provided by her for Councillor Rixson in due course).

(iv) Mr R Bremner

To the Leader of the Council

"How many employees of Highland Council took their full complement of holidays within the last holiday year?"

The response had been circulated.

In terms of a supplementary question, it was highlighted that holidays were an important part of the wellbeing of Council staff and employees but budget pressures could often mean that cutting costs to services brought added pressure that was not conducive with allowing staff and employees to enjoy those holidays. Therefore, queried what steps the Administration would take to ensure that an ethos existed within the Council to reduce pressure on staff and employees in order that they could enjoy and benefit from holiday entitlement comfortably within the year of allocation.

In response, it was confirmed that the staff had had an extraordinary year and work had been undertaken alongside Trade Unions following which a decision had been taken for them to be enabled to take leave before the end of August if they so wished. It would be important, as the Council increased welfare discussions with both staff and the Trade Unions, to ensure that this process was working well, that decision making was fair and staff were encouraged to take their leave.

(v) Mr D Loudon

To the Chair of the Corporate Resources Committee

"Would you confirm that in 2018/19 employees earning £50,000 a year or more numbered 300 and in 2019/20 this increased to 574 employees earning £50,000 a year or more and explain if you think this represents excellence in cost control?"  
(See Annual Accounts Page 33)

The response had been circulated.

In terms of a supplementary question – queried whether it was accepted that costs had risen from £538m in 2016/17 to £604m in 2019/20 and, if so, should the public accept that efforts to save money had been successful.

In response, it was confirmed that the main increase had been in relation to pay increases which had been set by the Scottish Government.

(vi) Mr D Louden

To the Chair of the Corporate Resources Committee

“Would you confirm that total non-specific Grant support received from the Scottish Govt in 2018/19 was £498,728,000 and total non-specific Grant support received from the Scottish Govt in 2019/20 was £523,525,000 and this represented an increase of just under £25m rather than a much quoted £4m cut?”  
(See Annual Accounts Page 113)

The response had been circulated.

In terms of a supplementary question, it was highlighted that on 14 February 2019 the money available to provide existing services had reduced by just under £5m. On that basis queried as to whether it was accepted (as reported in the Annual Accounts) that £25m more had been received in the year from the Scottish Government rather than £5m less?

In response, it was confirmed that this would be investigated and a response provided, with a copy of the response also being circulated to all Members.

(vii) Mrs M Cockburn

To the Leader of the Council

“There are many businesses working hard to comply with Government guidelines and we must ensure that they are supported. However, I have had to report some companies for not adhering to these Covid-19 policies.

Does Highland Council have the manpower and support in the relevant team to ensure that the Highlands is a safe and compliant place in the workplace and for visitors now and the immediate future?”

The response had been circulated.

In terms of a supplementary question, and whilst acknowledging the sterling work which the team have been doing, it was queried as to whether the Council could identify and support resources where possible as the increased incidents of reporting of establishments not complying was worrying and there had to be an emphasis on the public safety profile in the Highlands and protection of staff. As such, it was imperative to improve consumer confidence in relation to compliance by establishments which could increase footfall and revenue.

In response, and in expressing appreciation for the acknowledgement of the value of the Environmental Health team, it was confirmed that a detailed briefing would be circulated to Members on staff recruitment numbers and resource levels and future needs would be discussed with the Head of Environmental Health.

(viii) Ms M Smith

To the Chair of the Corporate Resources Committee/Budget Leader

“Have you now arrived at a near final figure of what the Administration’s budget gap is?”

The response had been circulated.

(There was no supplementary question).

(ix) Mr K Gowans

To the Chair of the Corporate Resources Committee

“What is the Council’s budget to fund planning enforcement action?”

The response had been circulated.

In terms of a supplementary question, it was queried as to whether it was agreed that this was not prudent financial management of a service given that the Council would not always be able to reclaim from third parties and that provided an element of risk which had not been assessed in either financial or reputational terms.

In response, it was confirmed that this was currently being investigated and the outcome would be communicated to Mr Gowans in due course.

(x) Mr K Gowans

To the Chair of the Environment & Infrastructure Committee

“Given the significant amounts of housing developments in the east of Inverness, some 4 -5,000 currently being built or planned, what progress has been made in identifying funding and securing land to build new primary and secondary schools as matter of urgency and will you agree to bring a comprehensive report advising of the progress to a meeting of E&I this year?”

The response had been circulated.

In terms of a supplementary question, it was queried as to whether it was agreed that the current developer contributions needed to be revised upwards in areas of high demand and frontloaded to serve the needs of areas in which they were located and if so whether a report could be submitted in this regard.

In response, it was confirmed that developer contributions had been recently upgraded but could be further reviewed to ensure that they had been set at the right level and a report submitted to Committee.

(xi) Mr K Gowans

To the Chair of the Environment & Infrastructure Committee

“Given the significant amounts of housing developments in the east of Inverness, some 4 -5,000 currently being built or planned, what progress has been made in identifying funding and securing land to build an indoor sports facility to service expanding settlements in the east of the Inverness and hinterland and will you agree to bring a comprehensive report advising of the progress to a meeting of E&I this year?”

The response had been circulated.

In terms of a supplementary question, and given the lack of phased infrastructure development which was often retrospective to housing development, queried as to whether it could be ensured that the provision of sports facilities and schools were forward phased to be at the front end as a condition of any new housing development.

In response, it was confirmed that developer contributions were taken to help with this and that sports facilities would be upgraded at the same time as new schools were built and secondary schools were extended in the area.

(xii) Mr K Gowans

To the Leader of the Council

“A new nursery was due to be opened adjacent to Milton of Leys Primary School in August 2019. This date was missed and the opening date was put back to August 2020. Understandably, this has been now delayed in some part due COVID-19.

Given the pressure on school and nursery rolls and the imminent provision of 1140 hours of free nursery care funded by the Scottish Government, *this is particularly concerning*. Can you provide the other reasons for the delays and provide me and the community with a realistic opening date?”

The response had been circulated.

In terms of a supplementary question, it was queried as to what progress had been made on this matter given that Ward Members had not been updated since October 2019.

In response, it was confirmed that Officers had reported that they had been in touch with Local Members but that they would be reminded to provide a further update to all Local Members as soon as possible. Also, Officers had been in touch with the contractor and it was hoped that there would be no obstructions to this much needed facility. Information had been provided on the reconfiguration of classrooms and the potential construction methods for the extension.

(xiii) Mr S Mackie

To the Leader of the Council

“Do you believe that the self-imposed restriction of five Members’ Motions affords for the effective scrutiny of the Council and provide adequate opportunity for all elected Members to shape, debate and decide Council policy?”

The response had been circulated.

In terms of a supplementary question, it was queried as to whether the Leader believed that the Local Authority was affording every opportunity for Members to influence policy, given that she had sent an email on 23 August instructing Administration Members to ‘drown out’ Opposition Motions which she described as being ‘disruptive and negative’ and whether, in hindsight, she now agreed that this was a wholly inappropriate attempt to rein in scrutiny of the Local Authority and, in light of earlier speeches about ‘language and unity’, an example of hypocrisy.

In response, it was confirmed that the email which had been referred to was an internal document for the Independent Group and therefore there would be no comment on that document.

(xiv) Mr A Baxter

To the Leader of the Council

“What is the revised timetable for the Car Parking Review including plans for full implementation?”

The response had been circulated.

In terms of a supplementary question, it was queried whether, further to the answer provided, this budget saving now fell into the category of ‘unachievable’.

In response, the Leader confirmed that her understanding of the car parking review was that there had been a modest sum put against car park extensions in the current year. There was no doubt that the extra income anticipated was now unachievable unless communities themselves came forward to request the installation of new car parks.

(xv) Mr A Baxter

To the Leader of the Council

“Which recommendations made by the Highland Commission for Local Democracy has the Council implemented in full?”

The response had been circulated.

In terms of a supplementary question, it was queried as to why there had been so little action several years after the Commission had reported and as such information was sought on how the Council had strengthened local democracy and localism, not including the already established Area Committees which had been in place when the Commission had met.

In response, it was confirmed that there were now more Area Committees which were a key part of localism and there had been substantial discussion at a local level on how to improve democratic decision-making at that level, e.g. participatory budgeting and the encouragement of other methods of involving the community.

(xvi) Mr A Baxter

To the Chair of the Communities & Place Committee

“Why, when reopening recycling centres, has the Council kept them closed at weekends?”

The response had been circulated.

In terms of a supplementary question, it was queried as to why recycling centres, other than in Inverness, had remained closed at weekends.

In response, it was confirmed that this was likely due to overtime costs and budget issues but it was hoped that opening times would be adjusted towards the end of the month as part of Phase 4.

(xvii) Mr A Baxter

To the Leader of the Council

“When, and how, as Leader of the Council have you been in contact with the Scottish and UK Governments to discuss what opportunities there are to realign the City-Region Deal to address new economic priorities in the Highlands and what has been the outcome?”

The response had been circulated.

In terms of a supplementary question, and in regard to the political leadership requested at the Council meeting on 25 June 2020 to seek a review of the City-Region deals, queried as to why this had not yet been provided, the matter having instead been left to Officials.

In response, it was confirmed that this matter had been discussed by Officials with the UK and Scottish Governments, alongside unofficial talks with various key players, and a positive indication had been received that a review was likely. The process was complex in terms of cashflow and agreement of projects and it was important to decide on the best way of keeping Members updated. In the meantime, discussions would be continued with Ministers to keep the issue moving forward.

(xviii) Mr A Baxter

To the Leader of the Council

“What was the final total cost to the Council, including all agency fees, for the recent employment of the interim Executive Chief Officer for Education and Learning?”

The response had been circulated.

In terms of a supplementary question, and with regard to a response received at the Council meeting on 25 June that the Leader was happy to circulate monetary arrangements but did not have that information at the time, it was queried as to why Members had not been told on 25 June 2020 that this appointment was subject to confidentiality arrangements.

In response, it was confirmed that the detail of the timing of the information provided would have to be investigated.

(xix) Mr A Baxter

To the Chair of the Housing & Property Committee

“What areas within your Committee remit are you planning to devolve to Area Committees?”

The response had been circulated.

In terms of a supplementary question, it was queried as to why Area Committees could not formally receive an element of capital receipts from the disposal of Council property in their areas.

In response, it was confirmed that this was within the remit of the Housing and Property Committee and work was about to be embarked upon in terms of introducing a corporate landlord model and an asset management approach to dealing with properties. This would give Area Committees substantially more information on the capital assets in their area and allow them to be much more robust in their scrutiny. Part of the rationale for introducing an asset management approach was that it enabled a more efficient and strategic approach to be taken. That might happen on a cross-area basis so there was a substantial debate to be had about how best to allocate control of capital receipts between the centre and Area Committees. Information was needed first and that would take a year or two of work but it would empower Area Committees substantially.

(xx) Mr A Baxter

To the Chair of the Communities & Place Committee

“What areas within your Committee remit are you planning to devolve to Area Committees?”

The response had been circulated.

In terms of a supplementary question, it was queried as to what functions of the Communities and Place Committee the Chair would like devolved to the Lochaber Area Committee

In response, it was confirmed by the Chair that he would like to see environmental health, playpark budgets, burials and extensions to burial grounds devolved to the Area Committee.

(xxi) Mr A Baxter

To the Chair of the Economy & Infrastructure Committee

“What areas within your Committee remit are you planning to devolve to Area Committees?”

The response had been circulated.

In terms of a supplementary question, it was queried as to why the request made by Members at the end of the last Council term for consideration to be given to the devolution of planning to Area Committees had not been undertaken.

In response, it was confirmed that this had not yet been discussed but it was still on the agenda. It was considered that the current system of North and South Planning Application Committees worked well but the Chair of the Economy and Infrastructure Committee was happy to discuss the matter if it was felt that improvements could be made to the current process.

(xxii) Mr A Baxter

To the Chair of the Education Committee

“What areas within your Committee remit are you planning to devolve to Area Committees?”

The response had been circulated.

In terms of a supplementary question, and in light of the Chair of the Education Committee's response that further Education Committee functions could be devolved to Area Committees, it was queried as to the timescale for this evaluation and when recommendations would be made for changes to the Scheme of Delegation in relation to Education Committee functions.

In response, it was confirmed that Members had been invited to a Seminar on Attainment and it was hoped to present detailed information at Area Committee level on attainment in respect of individual schools. Other areas that could be decided at local level required to be discussed at the Education Committee and the Chair confirmed that he was happy to have a discussion with Mr Baxter in that regard.

(xxiii) Mr A Baxter

To the Chair of the Corporate Resources Committee

"When will the process of dis-aggregating Service budgets to Area Committees be complete and will you confirm which budgets will be devolved?"

The response had been circulated.

In terms of a supplementary question, it was queried as to why the Council decision, in February 2019, to review disaggregated budgets and improve local decision-making through a new approach to retention and monies for local allocation had not been implemented.

In response, it was confirmed that this was being looked into at present. It was necessary to bear in mind that the Council was going through a restructuring at senior level but the issue raised was important and steps would be taken to get it back on track.

(xxiv) Mr D Macpherson

To the Chair of the Corporate Resources Committee

"How many staff are currently employed by the Highland Council today, how does this number compare with the number employed at the 2018-19 year end (at 31/03/2019) and the 2017-18 year end (at 31/03/2018) and could I have a breakdown by each Executive Chief Officer department?"

The response had been circulated.

In terms of a supplementary question, it was queried as to what the ideal target was in relation to the number of Highland Council employees required to carry out all Council services efficiently.

In response, it was confirmed that it was not possible to specifically answer that question but that the Administration was happy with the current complement of staff and had made a commitment that there would be no redundancies. Staff were the most important element of the Council and their efforts, particularly during the Covid-19 pandemic, were commended.

(xxv) Mr A Jarvie

To the Chair of the Communities & Place Committee

“How is a 50% increase in brown bin fees over three years consistent with this Council’s declaration of a climate emergency?”

The response had been circulated.

In terms of a supplementary question, and given the Council’s declaration of a climate emergency, it was queried as to how the Council could be serious about meeting its obligations when it appeared to do no more than the minimum required and to put the profit of a service ahead of the environment.

In response, it was confirmed that when the brown bin service had initially been considered, the target price had been £50 but it had been introduced at a lower price to encourage people to take up the scheme and had become one of the most successful services the Council had implemented. The increase in price to £50 had encouraged more people to use recycling centres and the service was so popular that requests had been made for it to be rolled out elsewhere.

(xxvi) Mr A Jarvie

To the Chair of the Corporate Resources Committee

“How many vehicles has the Council SORN’d to receive a road tax refund and placed on lay-up insurance during Covid?”

The response had been circulated.

In terms of a supplementary question, and having visited the Recycling Centre in Inverness recently where a large number of vehicles had not moved since the Covid-19 lockdown (and there were similar examples in other Council locations), and on the basis that every vehicle which had not moved or was not being used was costing between £140 to £600 per vehicle in road tax, it was queried as to whether everything possible was being done to save money given the significant financial difficulties facing the Council.

In response, it was advised that the written response had confirmed the current situation with the Council’s Fleet and any further questions on this issue should be directed to the Council’s Transport and Logistics Manager.

(xxvii) Mr A Jarvie

To the Leader of the Council

“At Council on 31 October 2019, a motion was passed on the change developer contribution policy yet no policy change appears to have taken place. When will this happen?”

The response had been circulated.

In terms of a supplementary question, it was highlighted that a motion had been passed on the change to the Developer Contribution Policy but there had been no progress on this due to staff working on matters relating to Covid-19. However, six

months had passed between the change to the policy and the start of the Covid-19 crisis and it was therefore queried as to what Covid-19 response staff had been working on in October 2019.

In response, it was confirmed that staff had not been working on Covid-19 in October 2019 and disappointment was expressed that no progress on changes to developer contributions had been made. As such, discussions would be held with Officers and the Chair of the Economy and Infrastructure Committee to expedite this matter.

(xxviii) Mr S Mackie

To the Chair of the Corporate Resources Committee

“How many ratepayers have received a Council Tax payment holiday during Covid?”

The response had been circulated.

In terms of a supplementary question, and on the basis that in March the Council’s website had shown a permanent link to Council Tax payment holidays on the Council Tax page but this navigation had been removed between mid-March and April, it was queried if this navigation would reappear given how many constituents across the region were facing hardship due to Covid-19.

In response, it was confirmed that this matter would be investigated and a response provided for Mr Mackie.

(xxix) Mr S Mackie

To the Leader of the Council

“How many hours of Continual Professional Development have the whole Executive Leadership team received or undertaken in the past 12 months?”

The response had been circulated.

In terms of a supplementary question, and given that Members were responsible for Senior appointments, it was queried as to whether the Leader would commit to ensuring that Continual Professional Development (CPD) was embedded in Senior Officer roles and the amount of CPD logged in hours from now on.

In response, Leader undertook to discuss this matter with the Chief Executive.

(xxx) Mrs I MacKenzie

To the Chair of the Corporate Resources Committee

“We are we halfway through the financial year, but the Council is not yet fully charging for parking permits and residents have contacted me confused. Why are we losing out on much needed revenue?”

The response had been circulated.

In terms of a supplementary question, it was queried as to whether the new parking permit system would be operating at full capacity to allow all parking permit applications to be processed to bring in much needed revenue and whether any

surplus income generated would be ringfenced to the locality and made available to invest locally as agreed by each Local Committee.

In response, it was confirmed that the parking permit scheme would be operating at full capacity but that this would be wholly dependent on the Covid-19 situation. In terms of surplus funds being raised from the scheme, this would be investigated and a response provided for Mrs MacKenzie.

(xxxi) Mrs I MacKenzie

To the Chair of the Economy & Infrastructure Committee

“Why are we not able to create a Highland Rover ticket to create a much needed income in the Highland Region as previously agreed to explore at the former EDI Committee as, with the Stay vacation boom, this would be both welcomed for value to users and income to the Council?”

The response had been circulated.

In terms of a supplementary question, it was queried as to how revenue raised from the Council Rover Scheme would be used and whether it would be ringfenced to local communities to supplement income for tourist related maintenance and infrastructure.

In response, it was confirmed that a Visitor Management Plan was being prepared and the use of any surplus income would require to be considered at a later date.

(xxxii) Mr A Sinclair

To the Chair of the Education Committee

“What assessment has been made as to why the Highland Council cannot attract applicants for senior education posts, in what is one of the most competitive recruitment fields within Local Government?”

The response had been circulated.

In terms of a supplementary question, and on the basis that there had been two Local Authorities who had been unable to appoint a Director/Executive Chief Officer for Education, it was queried as to whether those Local Authorities were Highland Council and Scottish Borders Council.

In response, it was confirmed that the two Local Authorities were Highland Council and Scottish Borders Council and that over the last few years there had been a number of other Councils also in a similar position with difficulties in recruiting at a senior level. In this regard, the difficulty in recruiting at a senior level was a growing problem both in Scotland and the wider UK.

(xxxiii) Mr A Sinclair

To the Leader of the Council

“Can you detail the total spend to date of City-Region Deal Funding within Wick and East Caithness?”

The response had been circulated.

In terms of a supplementary question, and given that it was an extremely high-profile package of taxpayers' money with significant public and political interest across the region, it was queried as to whether the Leader would support efforts to provide a breakdown in spend by Council Ward from this point forward.

In response, it was confirmed that there had been maps and scripts prepared which had been circulated to Members in relation to spend (and it was recalled that Thurso had had a substantial spend). It was also agreed that discussion would be undertaken with the relevant Officer to determine what else would be possible in this regard.

(xxxiv) Mr D MacLeod

To the Chair of the Corporate Resources Committee

“What Council fund was each of the last financial year's severance payments taken from?”

The response had been circulated.

In terms of a supplementary question, it was queried whether details could be provided in relation to the total cost of severance payments made through the Council's General Fund for the last year.

In response, it was confirmed that this would have to be obtained and provided in due course.

(xxxv) Mr A Baxter

To the Leader of the Council

“What representations have you made to the Chief Executive about Members' concerns that micromanagement is hindering the operation of the Council and disempowering staff?”

The response had been circulated.

In terms of a supplementary question, and with reference to an email on 25 August from the Leader which confirmed that she and the Convener were to meet with the Chief Executive to discuss micro-management holding up the operation of the Council and disempowering staff, it was queried as to what the outcome of that meeting had been.

In response, it was confirmed that this was a quote from an internal Independent Group summary which had been circulated on behalf of the Independent Group and no details would be shared.

(xxxvi) Mr D Macpherson

To the Chair of the Corporate Resources Committee

“How many Janitors' houses does Highland Council currently own throughout its Highland and Islands school communities, and of these janitor houses, can you please give an update on the number that are empty and the length of time that they have been empty for, including how much revenue has not been collected in housing rent and council tax, (listing the element within this 'education & housing estate' that are

within the 'Empty Homes Council Tax Penalty' for properties that have remained empty for over one full year and continue to be empty today)?"

The response had been circulated.

In terms of a supplementary question, it was queried as to what assurances could be given to Members that every possible step was being taken to reduce homelessness for citizens and to create much needed revenue for the Council from its vacant housing stock.

In response, and in relation to housing stock, reassurance was provided that everything possible was being done to free up houses for rent and every effort was being made to make vacant properties available for rental as permitted by law.

(xxxvii)Mr D Macpherson

To the Leader of the Council

"Is it acceptable that Elected Members of Highland Council are being encouraged and instructed to complete F.O.I. (Freedom of Information) requests in order to obtain information that should be made readily available to them by virtue of their position as publicly elected Highland Councillors?"

The response had been circulated.

In terms of a supplementary question, it was queried why, if Members were not supposed to send Freedom of Information Requests to obtain information, a Member had shared recently that they had been advised by an FOI Officer that they should and at FOI induction training 3 years prior this had been reiterated.

In response, it was confirmed that any Member could put in a Freedom of Information Request if they so wished. However, if a Member could not obtain the information from asking Officers involved in those services or if there were any issues with this, then information should be sought from the Service Chair or the Leader of the Council.

### **13. Notices of Motion Brathan Glusaid**

The following Notices of Motion had been received in accordance with Standing Order 10.1.

In this regard, there had also been circulated Financial Impact Statements from the Executive Chief Officer, Resources & Finance.

#### **Emergency Notice of Motion:-**

'Throughout the pandemic we have received information on national and Highland wide numbers infected with Covid-19. However, as powers to implement lock downs and restrictions are moving to more local areas, we believe we require more localised information.

We are aware that detailed information is shared on a daily basis with a range of authorities, including senior council officers, but there are currently restrictions in place about who this is shared with such as with elected members. This has a detrimental impact on our ability to plan, make informed decisions and provide advice and reassurance to our communities.

This Council calls on the First Minister to reconsider the flow of information from the Scottish Government Resilience Rooms to local authorities and to review the current protocols to enable more timeous and appropriate sharing of information to enable enhanced partnership working with the Scottish Government and resilience partners and, critically, improved local decision making and representation.'

Signed: Mrs M Davidson Mr A Christie Mr A Jarvie Mr J Gray

During discussion, Members raised the following issues:-

- as part of planning for a second wave of the Covid-19 virus, it was expected that there would be a move to more localised lockdowns and as such more localised decision making and as such it was hoped that this Motion would have cross-Party support;
- the situation was moving very rapidly and there was a need to request more local information from the Scottish Government as a matter of urgency, not least so that the Council was in the strongest possible position to support local communities;
- it was important for the Scottish Government to review how information was distributed in future and to lift restrictions on some of the NHS statistics in particular (which were currently only provided for Senior Officers in the Resilience Group) so that they could be used in local decision making;
- it was suggested that the flow of information had been disappointing in some cases and had been dealt with differently by different Health Boards in the absence of any national directive from the Scottish Government and this situation needed to be improved;
- building up knowledge and expertise in the Highlands for the future would enable the best decisions to be made in conjunction with the Scottish Government and NHS Highland;
- whilst not disagreeing with the terms of the Notice of Motion, there was some concern about confidentiality issues and as such it was felt that there was a need for more detail to be provided on proposed future structures;
- it was also stressed that medical decisions should not form part of any future structure/decision making process;
- it would be imperative for very strong conditions to be attached to any future sharing of information;
- it had to be acknowledged that the Council had the best knowledge of the Highland area and local circumstances and would be best placed to make decisions on when and where to share future information;
- there had to be an assessment of the potential increased workload for Council staff in any new arrangement for the sharing of information;
- it was suggested that as an amendment the second paragraph of the Motion should be removed and the following wording added to the third paragraph 'including a localised breakdown of previously Highland-wide statistics' (to be inserted between 'sharing of information' and 'to enable partnership working');
- it was noted that any confidential information would only be shared with Elected Members of the Council;
- there was a need to ensure that public expectations of any new arrangement were correctly managed in order not to give the idea that all information would be released when this might not be the case in some circumstances;
- it was suggested that the following wording should be added to the Notice of Motion and/or the Amendment – 'the Council further commits to improving communication and working arrangements with NHS Highland's public health colleagues'; and

- whilst not taking away from the national strategy, and in taking account of the very best public health advice at a local level, there was a need for a Highland wide strategy to deal with any future stages of the pandemic.

Thereafter, Mrs M Davidson, seconded by Mr A Christie, **MOVED** the terms of the Notice of Motion as detailed.

As an **AMENDMENT**, Ms E Roddick, seconded by Mr R MacWilliam, moved that the second paragraph of the Motion should be removed, the following wording added to the third paragraph 'including a localised breakdown of previously Highland-wide statistics' (to be inserted between 'sharing of information' and 'to enable partnership working') and that the Council should further commit to improving communication and working arrangements with NHS Highland's public health colleagues.

On a vote being taken, the **MOTION** received 47 votes and the **AMENDMENT** received 20 votes and the **MOTION** was therefore **CARRIED**, the votes having been cast as follows:-

#### **For the Motion:**

G Adam, J Barclay, A Baxter, J Bruce, C Caddick, I Campbell, J Campbell, H Carmichael, A Christie, M Davidson, J Finlayson, M Finlayson, L Fraser, R Gale, J Gordon, A Graham, J Gray, T Heggie, A Henderson, A Jarvie, B Lobban, Mrs D Mackay, Mr D Mackay, W MacKay, I MacKenzie, S Mackie, A Mackinnon, A MacLean, C MacLeod, D MacLeod, D Macpherson, B McAllister, J McGillivray, H Morrison, C Munro, L Munro, M Paterson, M Reiss, D Rixson, F Robertson, T Robertson, G Ross, P Saggars, A Sinclair, N Sinclair, C Smith, and B Thompson.

#### **For the Amendment:**

B Allan, R Balfour, B Boyd, R Bremner, I Brown, G Campbell-Sinclair, I Cockburn, M Cockburn, C Fraser, K Gowans, P Hadley, E Knox, D Louden, L MacDonald, A MacInnes, G MacKenzie, R MacWilliam, P Munro, E Roddick and K Rosie.

#### **Decision**

The Council **AGREED** the terms of the Notice of Motion as detailed.

Prior to consideration of the undernoted Notices of Motion (i) to (v) which had been listed on the agenda for the meeting, it was **NOTED** that Standing Order 10.1, which confirmed the previous agreement by the Council that only 5 Notices of Motion could be considered at any one meeting, could be re-considered by the Council at the next Review of Standing Orders.

At this point, and on being advised by Mr A Baxter that he had been forced to submit a Freedom of Information request in order to have sight of other Notices of Motion submitted (but not selected) for this meeting, the Convener **AGREED** that he would discuss this matter with Mr Baxter following the meeting.

#### **Declarations of Interest**

The following Members declared non-financial interests in this item (i) but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that their interests did not preclude them from taking part in the discussion –

**Mr A Christie – General Manager, Inverness, Badenoch & Strathspey Citizens Advice Bureau (CAB)**

**Mr A Jarvie, Mrs M Cockburn and Mr R Balfour – Directors of Inverness, Badenoch & Strathspey CAB**

**Mrs D MacKay – Director of East Sutherland & Caithness CAB**

**Mr C MacLeod – Director of Skye & Lochalsh CAB**

**Mr P Siggers – Director of Nairn CAB**

(i)'Council recognises the desire amongst the Highland population to make the post-pandemic future a greener one.

Council recognises the environmental advantages to remote working where it suits the employee, as well as the potential for local employment to reverse the process of rural depopulation.

Council resolves that, with all new appointments, a review is carried out prior to recruitment, to establish whether the role could be fulfilled just as effectively by remote working. If the conclusion is that the job lends itself (wholly or in part) to remote working, then those opportunities should be extended to all applicants.'

Signed: Mr D Rixson Mr R Gale

During discussion, Members raised the following issues:-

- the Highland public wanted a greener future and this Notice of Motion was about amplifying that message by including remote working as part of the future of the Council on the basis that it had already been demonstrated that it could work successfully;
- the Covid-19 crisis had provided an opportunity for remote working which had been embraced and now it had to be carried forward as part of the Council culture;
- this had to be a choice made by each employee but it was considered that it could aid wellbeing, as well as helping with the pursuit of environmental goals, reducing the Council's corporate carbon footprint and acting as an example for others;
- ultimately, it was hoped that this could cover all employees of the Council over the next 30/40 years but it had been deliberately submitted on the basis of applying to new employees only at this time;
- if agreed, it was suggested that this could be the starting point for a sensible and practical policy across the Council;
- operational requirements had to be paramount but all applications for flexible working should be considered by Line Managers;
- it was felt that this could help to address issues of depopulation in rural areas of the Highlands in particular by attracting people to come and live and work in the area;
- it had already been proved over recent months that working with TEAMS was very successful and as such there was a need to build and expand upon that success;
- it had to be acknowledged that remote working offered more flexible working opportunities for those with disabilities, parents of young children and those with caring responsibilities;
- even before Covid-19, both UHI and Highlands & Islands Enterprise had incorporated remote working into their recruitment strategies and following these examples would help the Council to build on its reputation as an inclusive and modern employer;
- if agreed, it was anticipated that all future vacancies would be considered for

remote working and advertised as such if suitable;

- a small amendment was suggested in terms of adding the following wording to the end of the Motion – ‘The Council will update its HR strategy to enable remote working for all those that aren’t location or office dependent, identify and target areas of depopulation when recruiting and use targeted recruitment to attract candidates with disabilities and caring responsibilities’;
- it was clear that not all employees wanted to work from home and as such it was imperative that the choice was their own;
- it was noted that discussions were currently ongoing at a national level with a view to perhaps introducing a requirement for employers to offer remote working in future;
- a small amendment was therefore suggested to include the following wording at the beginning of the third paragraph – ‘A review is carried out during recruitment to ask if applicants would like to consider remote working’;
- it was suggested that consideration should also be given to commencing discussion with Trade Unions in relation to existing staff where roles were suitable for home working and in cases where they might wish to make this choice;
- it was essential that any reviews were undertaken quickly to reduce any potential increase in staff workload and that issues of mental health were also quickly addressed;
- whilst offering remote working, it would also be important to take account of the benefits of face-to-face interaction, particularly in relation to new employees;
- it should be highlighted that teaching online had been very successful, particularly in light of the introduction of new and emerging technologies;
- whilst agreeing with the terms of the Motion, it would also be important to take account of unintended consequences, such as new employees living out with the Highland area which would not address one of the aims of addressing depopulation in rural areas;
- there was a need to take account of the fact that some areas in the Highlands still had connectivity issues and this would be a factor for remote working;
- it was suggested that the Council should now start to consider ways in which to change the balance towards remote working for all employees over a period of time through the development of HR procedures to support home working and engagement with employee representatives and Trade Unions; and
- there was a need to provide practical aids where necessary for those employees working from home and to recognise and acknowledge the sacrifices which they and their families had been making in this regard over recent months.

Thereafter, Mr D Rixson, seconded by Mr R Gale, **MOVED** the terms of the Notice of Motion as detailed.

As an **AMENDMENT**, Ms E Knox, seconded by Mr A Jarvie, moved that the Council should update its HR strategy to enable remote working for all those who weren’t location or office dependent, identify and target areas of depopulation when recruiting and use targeted recruitment to attract candidates with disabilities and caring responsibilities. Also, that a review be carried out during recruitment to ask if applicants would like to consider remote working.

On a vote being taken, the **MOTION** received 36 votes and the **AMENDMENT** received 31 votes and the **MOTION** was therefore **CARRIED**, the votes having been cast as follows:-

**For the Motion:**

G Adam, J Barclay, C Caddick, I Campbell, J Campbell, H Carmichael, A Christie, M Davidson, J Finlayson, M Finlayson, L Fraser, R Gale, J Gordon, A Graham, J Gray, T Heggie, A Henderson, B Lobban, Mrs D Mackay, W MacKay, A Mackinnon, A MacLean, D MacLeod, D Macpherson, B McAllister, H Morrison, C Munro, L Munro, M Paterson, M Reiss, D Rixson, F Robertson, T Robertson, G Ross, N Sinclair, and B Thompson.

**For the Amendment:**

B Allan, R Balfour, A Baxter, B Boyd, R Bremner, I Brown, J Bruce, G Campbell-Sinclair, I Cockburn, M Cockburn, C Fraser, K Gowans, P Hadley, A Jarvie, E Knox, D Louden, L MacDonald, A MacInnes, Mr D Mackay, G MacKenzie, I MacKenzie, S Mackie, C MacLeod, R MacWilliam, J McGillivray, P Munro, E Roddick, K Rosie, P Saggars, A Sinclair and C Smith.

**Decision**

The Council **AGREED** the terms of the Notice of Motion as detailed.

(ii) This Council recognises from its own poverty and inequality data that large areas of the Highlands have over 70% and based on data provided by the CAB up to 90% of households in fuel poverty and commits to doing all in its power to resolve the inequity that has arisen due to the regional distribution charges for electricity provision.

To that end, this Council will write to the Minister of State (Minister for Business, Energy and Clean Growth) the Rt Hon Kwasi Kwarteng MP in support of the cross-party Early Day Motion EDM #552 that; "calls on the Government to replace the current electricity distribution system with one that replicates that of gas and telecoms and share the cost of energy distribution equally across the UK.'

Signed: Mr R Gale Mrs T Robertson

During discussion, Members raised the following issues:-

- fuel poverty was one of the most prevalent aspects of hardship in the Highlands with approximately 70% of households being affected and as many as 90% in Caithness and Sutherland;
- Highland residents paid more in relation to distribution costs as compared with larger urban areas and the differences could be substantial e.g. average costs in the Highland were £122 per year compared with £95 per year in the south of Scotland and £65 in London;
- at the present time, tourism income had all but disappeared due to the pandemic and this, together with higher electricity costs, had created a serious situation for many people;
- households often had to make a choice between eating or heating which in effect meant that food poverty came with fuel poverty which was an unacceptable situation;
- it was therefore essential that lobbying of the UK Government was undertaken in order to highlight and seek a solution for the issues which had been raised;
- it was important to acknowledge that the consequences of fuel poverty were often misery, discomfort, ill health and debt and this had to be addressed;
- choice of heating was often limited in many Highland areas to oil or coal and it

was considered that replacing the current electricity distribution system would improve this situation whilst also lowering costs;

- there was a need to arrange a meeting with Ofgem as soon as possible to discuss such issues as the additional 2p per kw/hr, the waste of switched off wind power overnight, opportunities to decarbonise transport and home heating, possible provision of low cost hydrogen as an alternative to natural gas, contracts for difference (especially in relation to tidal power), longer life for generation projects and the grid to be balanced more easily through the use of pump storage hydro;
- the terms of the Notice of Motion represented a very considered and constructive introduction to this topic and was welcomed;
- it was considered that Energy Policy/Fuel Poverty was a 'black and white issue' and as such the current UK policy was wrong and had to be reviewed;
- it was imperative that the Council took a corporate view on this issue in order to add a strong voice to the calls for it to be reviewed at a national level in order to make the policy 'fit for purpose';
- it was inconceivable that power lines were located in the Highlands and yet the area was in fact penalised in terms of costs and at the very least there was a need for some form of premiums to be introduced for bills (whereby the area generating the electricity was allowed some form of discount);
- it was suggested that, in order to make this a more permanent policy area, the Council should agree to undertake to lobby and to look at what could be done realistically in the meantime to support as many people as possible by adding the following wording to the end of the Motion – 'that the Council further commits to lobby to resolve this inequity and as a start agree to create a presumption in favour of renewable energy with new Council House developments (depending on local circumstances and being economical for tenants);
- the Highland area should not be in a position of having to endure fuel poverty which disproportionately affected the elderly and those with young babies and as such the Council needed to do more wherever possible, including through focus groups, lobbying and starting a campaign/awareness raising attitude on this issue;
- a very small percentage of the constraints payments to switch turbines off would in fact pay for all fuel poverty in a single Ward in the Caithness area;
- there was a need for everyone to work together, alongside the MPs and MSPs for the area, in terms of addressing this issue; and
- in terms of the proposed additional wording in relation to 'creating a presumption in favour of renewable energy with new Council House developments', it was suggested that it would not be appropriate to restrict future tenants in relation to their choice of energy provider but that proposal could be considered in the first instance at Strategic Committee level as and where appropriate.

### **Decision**

The Council **AGREED** the terms of the Notice of Motion as detailed.

*(At this point, the meeting adjourned - 5.30pm – and resumed the following day, Friday, 11 September at 9.00am.)*

Prior to consideration of the remaining Notices of Motion, the Chief Executive advised that information had been released on the previous day (10 September) by the First Minister and, having considered it overnight, it was her intention to call an urgent meeting on the following Monday with the Convener and Group Leaders to discuss the implications for the Highland Council as a priority.

In summary, it was noted that the First Minister had confirmed that Scotland was not yet ready to move to Phase 4 due to the increase in Covid-19 cases and would therefore remain in Phase 3 until at least October. In addition, it was noted that the number of people from separate households who were allowed to meet had been reduced, there was increasing concern about the potential for students returning to Universities and potentially catching Covid-19 and passing it on to elderly people, working from home remained the preferred position but would be reviewed again on 1 October, a new contact tracing app had been launched on the previous day and the average daily rate had now increased to 55 from 14 with the 'R' number having risen to 1.5.

Information had also been received which it was considered could have substantial financial implications for the Council and a resultant impact on decision making and the delivery of key services.

In this regard, the Executive Chief Officer (Resources & Finance) advised that if there had been prior knowledge of this information, the recommendations within the Revenue Budget report would have been different. As such, it was considered even more unlikely that the budget gap presented in the current report would be the expected outcome for the current financial year and a larger deficit was now envisaged as it was not expected that any further grant funding would be received from the Scottish Government. In addition, it was not likely that the expected £12m from the Income Recompense Scheme would be received.

A letter had been received from the Cabinet Secretary for Finance which sought powers for Local Authorities to borrow and it was considered that the Scottish Government approach to the UK Government could be potentially very helpful and, if successful, could provide the Council with further resource and greater certainty on which to base decisions.

Overall, it was suggested that there was therefore a need to all time for this approach from the Scottish Government to the UK Government to make progress before taking any further decisions.

The Leader of the Council referred to the letter which had been received from the Cabinet Secretary and expressed her view that it could be a 'game changer' in terms of how the Council could close the budget gap in the current financial year and also in regard to the huge difference which it could make to the Highland area. As such, more time was needed before coming to any firm decisions on revenue budget proposals.

The Depute Leader highlighted the fast-changing situation and specifically the new information which had been received and which required detailed consideration/evaluation by both Members and Officers in the first instance. As such, and on the basis that it would be ill advised for any final decision to be taken on the budget gap at the present time, it was suggested that a Special Meeting should be arranged to allow further detailed consideration of future options and possibilities, including any changes which might come forward in regard to the Income Recompense Scheme. In the meantime, it would be important for the Council to support the Scottish Government in its discussions with the Treasury.

Following a short recess to allow consideration of the new information which had been received, it was **AGREED** that Item 15 on the agenda – Revenue Budget 20/21 Update Report - should now be deferred and a Special Meeting arranged within 10 days to allow discussion in relation to this situation to continue at that time.

It was also **AGREED** that, in the meantime, a Briefing for all Members should be undertaken by the Chief Executive at the beginning of the following week – Monday, 14 September - at a time to be advised.

### **Notices of Motion (continued)**

**Declaration of Interest – Mr A Christie declared a non-financial interest in this item as a non-Executive Director of NHS Highland but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors’ Code of Conduct, concluded that his interest did not preclude him from taking part in the discussion.**

(iii) The Highland Council welcomes developments between HC-One and NHSH regarding the transfer of ownership to NHSH and for them to deliver care.

Given the exceptional nature of the situation of the costs involved the Scottish Government have agreed to provide capital funding to NHSH for the purchase of Home Farm. These exceptional costs are also prevailing with the revenue costs and even more so as they will be re-occurring at an estimated £1.2m per annum, which Highland Council has not budgeted for.

The impact of Covid-19 will have an impact on council budgets that are already over stretched and the Council agrees to write to the Scottish Government asking for an assurance that all revenue funding regarding Home Farm would be met by the Scottish Government.’

Signed: Mr J Gordon Mr J Finlayson Mr C Munro Mr C MacLeod

During discussion, Members raised the following issues:-

- the tragic events at Home Farm over recent months had caused great distress to the Skye & Raasay communities and had also highlighted some of the shortcomings which had occurred in Care Homes across the country which continued to be investigated;
- during the period when deaths had been occurring at Home Farm, Local Members had sought to have meetings with NHS Highland, Highland Council and national politicians to get information and to discuss how matters could be improved, both for the short and long term, in order to ensure that there was a safe and reputable Care Home on the island;
- the health, safety and wellbeing of residents and the confidence of relatives in relation to provision had been the main factors for consideration, irrespective of any additional costs to be incurred. As such, it had always been the strong hope and expectation that any funding required to improve the situation and give solace to the families and the wider community would be forthcoming;
- the recent good news regarding the NHS Highland buy-out of Home Farm, supported by the Scottish Government, had been well received by the local community but it had come as a surprise to all that, as part of the rescue package, the running costs of Home Farm would not be covered. In this respect, a lot needed to still be done to restore confidence in Home Farm and it was hoped that support would come from the Scottish Government in terms of covering the revenue costs as it was well documented that many Local Authorities were facing financial pressures and budget gaps;
- above all, Home Farm needed to be fully funded in all areas in order to fully restore confidence;
- the sense of community anxiety and grief over recent months had been palpable and the Scottish Government involvement in the transfer of Home Farm to NHS Highland was welcomed. However, there was still deep concern

in relation to the private provider and a situation which was viewed as privatising profits when at the same time the losses were effectively being socialised;

- as such, it was hoped that the Council could write to the Scottish Government to request that the revenue costs (estimated at £1.2m per annum) be met for the first two years at least;
- the First Minister's recent announcement of her intention to consider a National Care Scheme was welcomed;
- the lack of communication and information from Home Farm, with the exception of what was reported in the press, was staggering and extremely distressing for all concerned;
- thanks had to be conveyed to all Members, and especially the Leader of the Council, Mr A MacKinnon and Ms L Munro, for their care and support for Ward 10 which had not gone unnoticed by the wider community;
- Home Farm had strong links with the community and it was extremely concerning that many staff members were now suffering mental issues as a result of what had happened and as such it was imperative that they received help from NHS colleagues as and when required;
- there had been shock at a national level when the true extent of Covid-19 cases at Home Farm had been revealed and the inability to protect the most vulnerable was a terrible indictment on society and should never have been allowed to happen;
- evidence would be presented to a future large scale investigation but this would come too late for the residents who had passed away;
- there had been repeated calls for privatisation of the NHS to be halted but it had to be acknowledged that health & social care had been privatised for many years, including within Scotland, and as such capitalism had a 'loud voice' within the care sector where residents were often sadly treated as a commodity and this had to be changed;
- the proper standard of care had not been delivered in a private setting and whilst the transfer of Home Farm was welcomed, Highland Council could not be expected to meet the future revenue costs from current resources and as such it was of extreme importance that a letter was sent to the Scottish Government to seek clarity on this situation;
- it was noted that a letter from the Cabinet Secretary for Health had now been received by the Leader of the Council in which it had been confirmed that the Scottish Government would meet the revenue costs for a period of one year. Whilst this was welcomed, it was still the case that urgent discussions would still be needed in terms of future years and this would be progressed as soon as possible in order to identify a long term solution;
- the staff within Home Farm had been heroic and there was a need to acknowledge their bravery in the most difficult of circumstances;
- thanks had to be conveyed to Mr J Gordon for the way in which he had handled this extreme situation with both dignity and restraint at all times;
- in also thanking all of the Skye Councillors, it was stressed that there was a need to reflect and proceed with caution in terms of what would be provided in the future across the Highlands by private companies working in partnership with the public sector. In this regard, it was hoped that if a 'one care' system was introduced by the Scottish Government, it could be piloted in the Highlands;
- thanks should also be conveyed to Council Officers, and especially Mrs F Malcolm, for the reports which had been produced during this difficult time;
- consideration should be given to the submission of a future report assessing the risks of another similar situation occurring in the Highland area and what actions could be put in place to stop this happening;
- the lack of information had been a real issue for the Skye Members and this had to be the subject of future discussion with NHS Highland in order to ensure

- that this was not the case in the future; and
- it had to be highlighted that care was a 'right' and should never be considered a 'commodity'; and
- an offer to arrange a Seminar on 'Test and Protect' would be followed up and all Members encouraged to attend at a future date.

### **Decision**

The Council **AGREED** the terms of the Notice of Motion as detailed.

**Declaration of Interest – Mr R Bremner declared a non-financial interest in this item as a Board Member of Albyn Housing Association but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that his interest did not preclude him from taking part in the discussion.**

(iv)'Council agrees to bring an immediate report to the next appropriate Strategic Committee on its readiness for commencement of mass evictions of tenants from private and social housing due to months of build-up of rent arrears as a result of Covid-19 contributing to loss of earnings and redundancies.

This is an ideal opportunity to purchase off the shelf quality modular pods available from several Scottish distributors almost overnight. Council should work with Registered Social Landlords and other partners to identify suitable land sites on their portfolios to place these pods that in terms of quality are high end. In terms of price, they vary for a 3 bed unit from as little as £40,000 to £110,000 which is still cheaper than a traditional build which averages £120,000 to £160,000 per unit. This is doubly important at a time when some traditional construction companies will inflate their costs considerably due to Covid and pass these onto the tax payer.

These pods could be initially temporary but may be there for a considerable time to help solve our desperate housing crisis.

To this end planning consents should be expedited once the sites are identified.'

Signed: Mr C Fraser Ms M Smith Dr I Cockburn Mr D Louden

During discussion, Members raised the following issues:-

- this was an extremely important issue and as such it was welcomed that the Scottish Government had recently confirmed that there would be no enforced evictions for the next six months so the Council had that period of time to put additional measures in place to help and support any households facing eviction;
- it was acknowledged that the Council already had a Homelessness Prevention Strategy already in place, and this was not meant to increase the workload of hard working Housing Officers at this time, but it was felt that additional steps needed to be taken now to prevent the serious issues which could arise from future homelessness in the Highlands;
- many families were already struggling with reduced income/job losses at a time when security of incomes was crucial and in this regard there was serious concern in terms of what might happen when the current furlough scheme was ended;
- there could be many unintended consequences arising from the pandemic and reference was made to the potential impact on children who were subjected to increased levels of stress in households badly affected by the current situation;

- modular pods were already being used successfully across the country, including by a number of other Councils, and the potential savings to the Council and the homelessness budget in particular should be highlighted;
- it was also pointed out that modular pods could be effectively moved from location to location relatively easily as and when this was needed;
- it had been previously agreed that a Seminar would be arranged in relation to homelessness but this had not yet happened and now needed to be arranged as a matter of urgency;
- consideration should be given as to what the Council could do with its own land in order to make the best possible use of available budgets and to help as many people as possible in the area;
- whilst agreeing fully with the intentions behind the Notice of Motion, it was felt that there were other ways to proceed and as such it was suggested that the Council should commit to a report being submitted to the next Housing & Property Committee on anticipated homelessness levels, including consideration of the potential Covid-19 economic impact on homelessness and commenting on national and local homelessness policies and resources. This report also to further detail the prevention and rapid re-housing strategies available to the Housing Service;
- in addition, and in order to protect vulnerable residents from homelessness, unemployment and to avoid mental health stress, it was suggested that the Council should instruct the Leader to write to the Chancellor of the Exchequer to demand that the Coronavirus Job Retention Scheme (Furlough) be extended from its present end date of 31/10/20 until at least 31/3/21 on the basis that this extension would give further protection and re-assurance to Highland residents, whilst also supporting local businesses and recognising the economic dependency that the Highland area had on the tourism and hospitality sectors;
- further, that the Council should continue to seek suitable sites for development for social housing and, alongside site identification, Officers should carry out a cost comparison (including whole life costings) of off-site fabrication against traditional construction. In this regard, Officers should also explore the potential of locally sourced off-site fabrication supply as part of the new Council House building programme, recognising the huge benefit the Council's Housing Capital Programme brought to the Highland economy, and a Seminar on this issue should be arranged at an early date;
- it was stressed that the main focus above all had to be on keeping people in their own homes and preventing homelessness and it was recognised that a key part of this would be an extension to the current furlough scheme;
- whilst not disagreeing with the aims of the Notice of Motion, there was concern that the use of modular pods could be viewed as going back about 60 years when a lot had been learned over the past decades and as such the key priority had to be on preventing homelessness in the first place and the continuation of integrated affordable housing across the Highland area;
- prevention and early intervention were key to addressing this issue and it was stressed that information had to be provided for all Highland residents who faced the threat of eviction to make them aware that making contact with the Citizens Advice Bureaux, Highland Council and other charity organisations should be their first step in getting advice on the way forward;
- it was feared that ending the furlough scheme in the coming weeks could create multiple issues, including homelessness, which could have a severe and detrimental impact for many years;
- there was a need for a radical rethink in terms of what land was currently available in the Highlands and how this could be used in future, specifically with reference to the Inner Moray Firth Development Plan;

- the amendment which had been put forward would give the Leader the opportunity to write to the UK Government and to add to the voices already calling for an extension to the Furlough Scheme and this was welcomed;
- decent homes for all had to be a priority in the Highlands so the proposal to use the powers within Local Development Plans in relation to the future use of land/green space should be followed up;
- whilst welcoming the input from all Members on this issue, there was a need to move away from language which referred to 'slums' and 'ghettos' as this was in no way the intention behind the Notice of Motion which had been submitted on the basis of trying to identify provision for a future situation where there could be the potential for great need;
- there should be a focus on regeneration of unused land within individual Wards in order to identify opportunities for future development;
- the housing crisis (created by a lack of national investment at a local level) was not something of the Council's making but there were actions that could be taken, such as identifying the need for and building the correct number of houses in the Highlands and not allowing this process to be hindered unnecessarily in any way;
- there was real concern that there was the potential for civil unrest across the country if the furlough scheme was ended in the following month;
- it had to be acknowledged that some private landlords were responsible for families having to live in appalling conditions and this had to be addressed wherever and whenever possible as a priority;
- there should be a focus on buildings across the Highlands in order to identify opportunities for re-development and conversion in future;
- it was considered that the existing systems in place to prevent homelessness were not entirely satisfactory and the purpose of the Notice of Motion was to highlight that high-quality modules were also available as a possible solution and could be viewed at locations within the Highlands if necessary.

Thereafter, and having received confirmation that a report would be submitted to the next Housing & Property Committee, a letter would be sent to the Chancellor of the Exchequer by the Leader in relation to the issues raised regarding the furlough scheme, work would be continued to seek sites for development of social housing and a Seminar would be arranged to further discuss the issues raised – all to be completed by March 2021 – the signatories to the Notice of Motion agreed to accept the amendment which had been put forward at the meeting.

### **Decision**

Members **AGREED** as follows;-

- (i) that a report should be submitted to the next Housing & Property Committee on anticipated homelessness levels, including consideration of the potential Covid-19 economic impact on homelessness and commenting on national and local homelessness policies and resources. This report also to further detail the prevention and rapid re-housing strategies available to the Housing Service.
- (ii) that, in order to protect vulnerable residents from homelessness, unemployment and to avoid mental health stress, the Leader should write to the Chancellor of the Exchequer as soon as possible to demand that the Coronavirus Job Retention Scheme (Furlough) be extended from its present end date of 31/10/20 until at least 31/3/21 on the basis that this extension would give further protection and re-assurance to Highland residents, whilst also supporting local businesses and recognising the economic

dependency that the Highland area had on the tourism and hospitality sectors.

- (iii) that the Council should continue to seek suitable sites for development for social housing as part of the ongoing process and, alongside site identification, Officers should carry out a cost comparison (including whole life costings) of off-site fabrication against traditional construction. In this regard, Officers should also explore the potential of locally sourced off-site fabrication supply as part of the new Council House building programme, recognising the huge benefit the Council's Housing Capital Programme brought to the Highland economy. All of these actions to be completed by March 2021 at the latest; and
- (iv) that a Seminar, to include discussion of all the issues raised at the meeting, should be arranged at an early date.

**Declaration of Interest – Mr S Mackie declared a non-financial interest in this item on the basis that a planning application had now been submitted (which contained his name) but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that his interest did not preclude him from taking part in the discussion.**

(v) In order to reflect the geographical, demographic and logistical challenges in our diverse range of communities in Highland it is clear that the one size does not fit all in a planning context. The current guidance states that one of the definitions of a major planning application is when it meets the threshold of 90 houses, (recently changed from 50 houses). Clearly, the impact of any developments is extremely variable across the region, city, towns, villages and settlements.

In addition, another criterion that has been recently changed is that for the number of objections that triggers an application being referred to the relevant Planning Applications Committee has risen from 5 to 8. Again, this does not take into account the variances in population density across the region. Regardless of how many Ward Councillors request referral of a planning application, under the current scheme of delegated powers the decision remains at the discretion of the Area Planning Officer.

This motion calls for these inconsistencies be resolved in the following ways:

1. Initially, the planning threshold for major development to be reduced to 50 houses with immediate effect for all new applications;
  2. Proposals will be brought to the relevant Committee to agree the introduction of a graduated or graded criterion to determine what constitutes a major development, relative to the area or environment. (For example; 5 houses for settlement areas, 10 houses for villages, 20 houses for towns, 50 houses for city locations)
  3. Proposals will be brought to the relevant Committee to agree the number of objections required to refer an application to the relevant Planning Applications Committee be set at 5 for city and towns and 3 for villages and settlements or thereby.
  4. In instances where two or more local Ward Councillor advise the Area Planning Officer that they wish any planning application to be referred to the relevant Planning Application Committee for determination, it will be mandatory to do so.
- These are measured and proportionate adjustments that will enable all Elected Members to better represent the integrity of their communities.'

Signed: Mr K Gowans Mrs G Campbell-Sinclair Dr I Cockburn Mr D Macpherson

During discussion, Members raised the following issues:-

- support had been received from Members across the Council for what was not a 'political motion' but rather a proposal for Members to be given the opportunity to determine what they considered to be appropriate thresholds to define when planning applications were to be determined using delegated powers;
- the Highland Council area covered a land mass larger than Belgium with a diverse range of geographical, logistical and economic challenges. In this regard, and in most cases, the geography defined the 'character' of communities but for planning applications the same threshold was used for all (regardless of size, population or location) and this did not take account of the current variations and needs of local communities in a balanced way;
- currently, eight objections from eight different households were needed before a planning application was submitted to a Planning Applications Committee which had an adverse effect on areas of low population;
- it was reasonable to assume that that Local Members were best placed to comment on local planning applications as they knew their communities best;
- the Notice of Motion had been submitted to enable a more proportionate, appropriate and considered use of delegated powers to represent local needs and was intentionally not prescriptive in order to allow Local Members to use their own expert local knowledge and judgement in terms of informing and defining what was an appropriate level in each of the contexts which had been laid out;
- overall, the Notice of Motion sought a collaborative and inclusive solution and one which would enable Members to better represent their constituents;
- it was felt that this Notice of Motion would be welcomed by residents across the Highlands in that it would provide more control for Local Members on local planning issues;
- it had to be highlighted that the current arrangements made it especially difficult in remote and rural areas where it could be extremely difficult to achieve objections from eight people, not least in terms of geography;
- the terms of the Motion addressed the frustrations felt by constituents in relation to planning applications and if agreed would provide greater scrutiny of the process than at present and more local input;
- there was a need to speed up the current process whilst also retaining control and the proposals being put forward would address these issues as well as meeting the aims of the localism agenda;
- there were inconsistencies in the wording of the Motion and it had to be clarified that the Council had no control over the first two issues which had been identified and that other changes being suggested in terms of the current process were likely to lead to an increase in the number of Planning Application Committee meetings needed in future;
- whilst not disagreeing with the principles of the Motion, there was a need to fully understand the potential impact/implications and it was therefore proposed that a Seminar should be arranged as soon as possible to allow detailed consideration with a report to be submitted (with recommendations) to the next Economy & Infrastructure Committee;
- environmental and planning matters were of the utmost importance but, whilst not disagreeing with the intent of the Notice of Motion, it had already been stated that the Council did not have the power to deal with some of the issues which had been raised and in that regard a Seminar in the first instance would be extremely helpful. Also, there was a need to consider the potential impact of any changes in terms of the length of meetings, staff support and associated cost implications;
- as opposed to what had been suggested, there was a need instead to

encourage a greater number of citizens to become involved in the planning process;

- the Council were currently dealing with a higher number of planning applications than any other Local Authority in Scotland and any agreed changes would have to take account of the potential impact on the Service/Officers;
- there was a need to support this Notice of Motion as it was essentially restoring the arrangements which had been in place previously. In this regard, new requirements had been submitted to the Council in December 2019 for approval without a detailed document or presentation at the time and as such some Members had not been fully aware of the changes until the start of the current year;
- the most important factor was having due process in place across the Council in terms of ensuring that the right decision was made in the right way and the terms of the Notice of Motion would provide that reassurance;
- it was suggested that the new requirements which had been in place since the end of the previous year had been detrimental to planning on a democratic level and as such the arrangement of a Seminar would be welcomed as it would allow this and other planning issues to be fully debated and discussed by all Members;
- since the end of March, the new arrangements for online meetings had proved successful and very effective and it was considered that this could enable more Members to become involved in the planning process in future and also help with the handling of any potential increased volume of applications coming forward;
- it was also suggested that consideration needed to be given as to whether the current two Planning Application Committees were sufficient and if not whether there would be merit in dividing the process across local areas;
- the arrangement of a Seminar was not necessarily agreed by all as previous Planning Seminars were viewed as having limited success;
- the terms of the Notice of Motion promoted localism and increased control for local residents across the Highlands and it was expected that this would be welcomed;
- there was a need to take action on the proposals quickly and to put training in place where necessary for any new agreed proposals;
- there was concern regarding what was viewed by some Members as the 'default position' of the Council in terms of arranging Seminars in the first instance to discuss new proposals/take decisions and it was not felt that such Seminars had been productive in the past. As such, it was suggested that previous proposals put forward by Members should now be considered as part of a new review of the planning process, including the proposal to return planning decisions to local Area Committees;
- the introduction of virtual meetings had overall worked very well and in this regard particular reference was made to the South Planning Application Committee whereby it was considered that the meeting process had actually been improved. In this respect, Officers from across the Highlands could now present reports and visualisations at any meeting and it was suggested that this should be used as a starting point for involving all Members of the Council (regardless of location) in the planning process;
- there appeared to be a general consensus that there needed to be change but it was important that it was accepted that this needed to be informed change and that Planning Officers were entitled to be given the opportunity to give advice in this regard;
- it was also important to make the distinction on what could be done nationally in comparison with what could be done at a local level in relation to the planning process;

- this was a very timely and appropriate Motion to bring to the full Council and it was highlighted that in certain aspects it only sought consideration (as opposed to a decision) and as such it would only be appropriate to arrange a Seminar if this could be organised within a short timescale; and
- the arrangement of a Seminar for all Members of the Council (within a short timescale) to allow detailed discussion of the proposals within the Notice of Motion was accepted by the movers/seconders of the Motion – with the proviso that a report would be submitted to the Full Council before the end of the year reflecting the views put forward by Members at the Seminar.

### **Decision**

The Council **AGREED** that a Seminar should be arranged (within a short timescale) to allow detailed discussion of the proposals within the Notice of Motion – with the proviso that a report would be submitted to the Full Council before the end of the year reflecting the views put forward by Members at the Seminar.

#### **14. Recovery Action Plan: Progress to 30 June 2020 - Update Report Bòrd Ath-shlànachaidh – Aithisg Ùrachaidh**

**Declaration of Interest – Mr A Jarvie declared a non-financial interest in this item as a Director of High Life Highland but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that his interest did not preclude him from taking part in the discussion.**

There had been circulated Report No. HC/25/20 dated 27 August 2020 by the Executive Chief Officer, Transformation.

There had also been circulated Additional Report No. HC/30/20 dated 6 September 2020 by the Executive Chief Officer, Education.

Further, there had been circulated Minutes of Meetings of the Recovery Board held on 24 August 2020.

During discussion, Members raised the following issues:-

- the Chair of the Recovery Board thanked Members for their excellent contributions. Progress had been made and Phase 2 had now been reached with Phase 3 to follow in the last quarter of 2020 and Phase 4 in the first quarter of 2021. However, external factors had impacted on the key priorities identified, such as the Covid-19 virus itself, Government support and national statistics in terms of unemployment and welfare;
- the Chair of the Recovery Board too was congratulated for allowing robust scrutiny and questioning to take place at meetings and for the collegiate approach which had been adopted;
- three areas of slippage had been identified but it was anticipated that two of those would be resolved prior to the next Council meeting. However, some Members questioned if the re-branding of the Council should be a priority at present and that instead greater emphasis should be placed on communication so that, in preparation for any future lockdowns, lessons could be learned, particularly in relation to previous communication with Community Councils and local Resilience Groups as it was considered that regular briefings with these groups would have helped and could have avoided unnecessary duplication;
- with limited staff resources, it was therefore important to concentrate on those aspects of the Recovery Programme which were considered to be urgent and

the general consensus was that re-branding was not. As such, it was important to streamline work and to support the Senior Management Team;

- alongside the work of the Recovery Board, the Brexit Working Group, the Tourism Committee and the Redesign Board were also looking at key tasks which needed to be addressed and progress would be reported in due course;
- although there were areas of concern about recovery, most of these were out with Council control e.g. the potential end of the furlough scheme on 31 October and outbreaks of the virus both locally and nationally. All of these issues would create additional economic pressures and increase the reliance on welfare support;
- whilst there were currently adequate supplies of personal protective equipment, this was a very fast changing situation and had to be closely monitored;
- with Brexit taking place in December, there was considerable concern raised in relation to this timescale as there appeared to be limited scenario planning, very little 'no-deal' planning, few meetings with key stakeholders, a need for more progress with the Council's Capital Programme (including identification of "shovel ready" projects) and more re-assurance that these matters would be addressed timeously;
- before the extension to Brexit had been granted, 'Operation Yellowhammer' had been set in place where consideration had been given to establishing warehouses to store food stuffs and goods and, given that Brexit was to take place on 1 January, and the potential for winter weather to hinder the transport of goods, it was suggested that this should be revisited as a matter of urgency;
- supporting the Highland economy was essential but it was difficult to see how this could be fully achieved when the Council had frozen levels of expenditure, including within the Capital Programme;
- it had been stated in the report that the 'restoration of political governance' was now 'complete' but it was suggested that, as part of the proposed future Seminars, an anonymous Members' Survey should be undertaken to seek views on further improvements in this regard. In response, the Chair of the Recovery Board suggested that in the first instance the political Group Leaders should meet to outline concerns and to discuss the questions to be asked within a survey;
- it had been understood that Climate Change would be central to the recovery process but there was no indication of how this would be achieved. In response, it was highlighted that the next Recovery Board meeting was scheduled to look at this particular issue in more depth;
- with many families struggling to feed their children, there was a lack of awareness as to where help could be found in this respect and this had to be urgently addressed; and
- the Customer Relationship Management system had to be a key business process for a service organisation such as Highland Council and should not be considered solely as an IT issue. Careful consideration of the requirements of the system was necessary and it was suggested that a Seminar could highlight how it could work better for individuals, communities and groups across the Highland area.

In relation to the Additional Report No. HC/30/20, the following issues were raised:-

- following representations from Members and communities, the expansion of the 1140 hours Early Learning and Childcare (ELC) was moving forward in a phased manner and the Chair of Education confirmed that the review of the expansion delivery plans would be considered at the Education Committee meeting on 30 September;
- the expansion of ELC was an important part of the Council's Recovery Plan

and would provide families with an opportunity to access additional childcare at the earliest opportunity;

- Council Officers were fully engaging with the Scottish Government in relation to the ELC expansion and were working in partnership to assess risks, identify mitigating actions and accelerate the programme as safely and appropriately as possible;
- with the increase in Covid-19 cases, contingency planning was still necessary for all education settings;
- there would be unknown challenges as winter approached and this was a concern;
- the success of the return of pupils to schools in August was commended but it was important not to become complacent and not to underestimate the stress which this had placed on all staff involved with the process;
- details of the location of the further 30 settings which had been based on an initial readiness assessment (and had been referred to in the report) were sought. However, it was noted that this was not possible until consultations had been concluded and a full assessment carried out following which Local Members would be informed; and
- it was hoped that the report to the next Education Committee meeting would continue to build on the progress made and work towards the full implementation of 1140 hours across Highland.

### **Decision**

The Council **NOTED** the latest progress on the Council's Recovery Action Plan to 30 June 2020, the associated implications and pressures on resources in the delivery of the Recovery Programme and the latest update on Personal Protective Equipment.

In regard to the Additional Report, it was **AGREED** that funds could be released to enable circa 30 settings to provide 1140 hours of ELC as soon as possible, with some prior to the October holidays where safe and practical to do so, and overall no later than January 2021.

It was also **NOTED** that the additional costs of moving settings would be in the region of £250k and that updated costs would be reported to the Corporate Resources and Education Committees and that the Education Committee on 30 September would receive a detailed report on the review of 1140 hours provision and information relating to individual settings.

The Council further **AGREED** the Minutes of Meeting of the Recovery Board held on 24 August 2020.

## **15. Revenue Budget 2020/21 – Update Report Buidseat Teachd-a-steach**

### **Declarations of Interest**

**Mr A Christie** declared a non-financial interest in this item as a non-Executive Director of NHS Highland but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that his interest did not preclude him from taking part in the discussion.

**Ms L Munro, Mr T Heggie, Mr B Thompson and Mr A Jarvie** also declared non-financial interests as Directors of High Life Highland but, having applied the test, concluded that their interests did not preclude them from taking part in the discussion.

**Mr A MacInnes and Mr A MacKinnon declared financial interests in this item as Directors of Organic Sea Harvest and confirmed that they would leave the meeting (by turning off cameras and microphones) during discussion.**

**Mr K Gowans declared a financial interest in this item on the basis that a family member was an employee of High Life Highland but, having applied the test, concluded that his interest did not preclude him from taking part in the discussion.**

There had been circulated Report No. HC/26/20 by the Executive Chief Officer, Resources & Finance.

### **Decision**

It was **AGREED** to **DEFER** consideration of this item to a Special Meeting on a date to be confirmed – on the basis that a Briefing for all Members of the Council would be undertaken by the Chief Executive on Monday, 14 September.

## **16. Boundary Review Ath-sgrùdadh Chrìochan**

**Declaration of Interest – Ms L Munro declared a non-financial interest in this item on the basis that her Ward could be adversely affected by the proposals but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that her interest did not preclude her from taking part in the discussion.**

There had been circulated Report No. HC/27/20 dated 2 September 2020 by the Executive Chief Officer, Performance & Governance

During discussion, Members raised the following issues:-

- the Boundary Commission's proposals had disappointed Elected Members and communities and, in their entirety, were unacceptable. As such, there had been little account taken of the effect on remote and rural areas. It was therefore important to put forward a strong case to reject these proposals and the methodology used and to lobby Scottish Ministers to increase the number of Councillors for Highland;
- it was important to be clear and to emphasise within the response that Members considered the proposals an affront to democracy and should be rejected. If they were implemented, there would be vast swathes of Highland which would, in effect, be left with no representation;
- when Members had met to discuss the proposals, the second recommendation within the report – to approach the Boundary Commission to change their recommendations to more appropriately reflect the requirements of a large Local Authority that had a mixture of urban, rural and island wards – had not been specifically agreed and a request was made for it to now be removed;
- the Islands (Scotland) Bill, the legislation which had triggered this review, had been put in place to ensure that island communities received proper representation and yet the proposals meant that the Isles of Skye and Raasay would lose a Councillor;
- the parity for the Islands was 1:800 while on the mainland it was 1:2,800;
- the combined Island Authorities had a land mass which would fit into the land mass of Sutherland which faced exactly the same challenges which underpinned the Island (Scotland) Bill, namely remoteness, peripherality and

- small population. Similar issues therefore necessitated similar levels of support;
- the Island Authorities had their own dedicated Local Authorities as well as their own MPs and MSPs and a dedicated Scottish Government Minister for the Islands and consequently they received additional funding. In contrast, Caithness, Sutherland and a portion of Ross Shire shared 1 MP and 1 MSP over a considerably large land mass;
  - Sutherland would be reduced to only 4 Elected Members but if the Islands (Scotland) Bill was applied, it would be eligible for 13;
  - Caithness had reduced from 10 to 8 Members after the last review and the proposals being put forward would reduce this again to 7 with the argument being made that the population was reducing. However, the Caithness Elected Members were working collectively not only to slow the decline in population but to reverse it with initiatives to improve the socio-economics for the area. There was also an active voluntary sector which Elected Members sought to support but with reducing numbers this would become more difficult;
  - in determining representation, there was a need to take account of geography, remoteness, travel time and spread of population within an area;
  - localism was vital and what was being proposed, based solely on a numerical formula, was unrealistic;
  - despite the Chair of the Commission acknowledging the need to take account of local ties, this had not been followed up by the Boundary Commission within these proposals which were considered to be out of touch with the democratic needs of the Highlands;
  - the omission of rural mainland areas from the Bill was an error as they too required to have the same protected status as the islands;
  - a more holistic approach was needed e.g. the population of some areas of Highland grew dramatically during the tourist season, resulting in many issues which Elected Members had to deal with;
  - reference should be made to the work carried out by the Commission on Highland Democracy in terms of highlighting what form of representation was needed in Highland;
  - comparisons were made to Norway which had a similar population to Scotland and had a significantly high level of representation. In this regard, many other European countries had a lower number of electors per ward than the UK.;
  - it was noted that as the Commission's proposals would be the subject of consultation, Members individually could make representations, as could constituents and political parties;
  - it might be necessary, if agreement wasn't reached, to run the next election on the current boundaries. Whilst this was not ideal, it would be significantly better than what was now being proposed;
  - the Elections Manager was commended for the detailed consultation which he had carried out with Members at Ward Business Meetings; and
  - there were some proposals in the review which were welcomed i.e. the boundary changes to the Black Isle.

### **Decision**

The Council **AGREED** to reject the proposals in their entirety as they stood and to approach the Scottish Government to review the remit of the Boundary Commission in regard to rural Authorities to lift the cap on total Councillor numbers and provide for greater discretion in the application of parity ratios.

It was also **AGREED** that the second recommendation within the report – to approach the Boundary Commission to change their recommendations to more appropriately reflect the requirements of a large Local Authority that had a mixture of urban, rural

and island wards – should be removed.

## **17. Employee Engagement Wellbeing Action Plan Plana Gníomh – Sunnd**

There had been circulated Report No. HC/28/20 dated 31 August 2020 by the Executive Chief Officer, Resources & Finance.

During discussion, reference was made to anonymous contact which had been made by staff with an Elected Member which concerned allegations of corporate bullying within the Council. As such, it was suggested that details of these allegations should be provided to the Chief Executive and the Head of HR in the first instance following which a report could be submitted to the full Council if necessary.

In terms of the Action Plan which had been submitted, it was stressed that this should be viewed as a support measure for staff and a ‘building block’ for the way forward. It was also acknowledged that staff had to be at the centre of everything which was undertaken by the Council, both now and in the future.

### **Decision**

The Council **NOTED** the Employee Engagement Wellbeing Action Plan at Appendix 1 to the report.

It was also **AGREED** that comments made at the meeting in relation to allegations of corporate bullying within the Council should be discussed with the Chief Executive and the Head of HR in the first instance and that if necessary a report should be submitted to a future meeting of the Council thereafter.

## **18. Crown Estate Net Revenue Oighreachdan a’ Chrùin**

### **Declarations of Interest**

**Mr A MacInnes and Mr A MacKinnon declared financial interests in this item as Directors of Organic Sea Harvest and confirmed that they would leave the meeting (by turning off cameras and microphones) during discussion.**

**Ms L Munro declared a non-financial interest in this item on the basis that her Ward could gain substantially from the proposals but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors’ Code of Conduct, concluded that her interest did not preclude her from taking part in the discussion.**

**Mr D Rixson and Mr K Rosie declared non-financial interests in this item on the basis of being a Council appointee on the Isle of Rum Community Trust and a Board Member of Thurso Community Development Trust respectively but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors’ Code of Conduct, concluded that their interests did not preclude them from taking part in the discussion.**

There had been circulated Report No. HC/29/20 dated 24 August 2020 by the Executive Chief Officer, Infrastructure & Environment.

During discussion, Members raised the following issues:-

- there had already been significant discussion on this issue so the recommendations within the report would be formally moved at the end of the discussion;
- this was a very important issue and many areas of the Highlands would welcome the potential benefits which could arise. In this regard, there would be opportunities to provide a focus on funding for local and sustainable projects in addition to current avenues of funding which, whilst welcome, were often much more restrictive and did not cover all areas;
- rurality was a problem and often meant that certain areas were not able to gain the benefits afforded to larger and more urban areas;
- as little central administration of the funds as possible would be helpful and should be the aim from the outset;
- the benefits for rural areas in particular should be maximised as much as possible;
- it was expected that there would be differing views in relation to the de minimis level and in this respect a 'compromise' amendment would be put forward at the appropriate time seeking agreement for a funding distribution model with a de minimis allocation of £75k and a 7.5% strategic fund (which would be set out in a table) to apply to the initial tranche of funding available to the Council;
- the main aim of the Crown Estate funding was to deliver benefit to coastal communities and this had to be pursued;
- it was expected that the share of funding for coastal areas would reflect the criteria laid out by the Scottish Government and as such projects had already been considered in relation to economic recovery, community resilience, climate control and issues in regard to living in rural communities, including sustaining and energising these communities to meet future challenges;
- thanks should be conveyed to the Executive Chief Officer, Infrastructure & Environment, for the report which had already been the subject of much discussion and represented an opportunity to invest in local communities across the area;
- the opportunities presented as part of this funding could be transformational and as such were an excellent example of 'pure devolution' in that significant levers for funding could be directed towards local areas;
- it was not felt that rural areas of the Highlands had benefitted greatly from the City Region Deal (although it was accepted that there had been significant constraints on expenditure). However, this new opportunity for future funding could considerably help rural areas with some of the ongoing issues, such as transport, health, connectivity and de-population which were constant challenges, along with the expectation that the ending of the furlough scheme would make these challenges even worse at a local level;
- the new funding arrangements had been made quite clear by the Scottish Government in that coastal communities were to receive 100% of revenue generated from marine assets and as such these communities were looking forward to being advised as to how Local Authorities would use this opportunity to enhance localism;
- the current level of engagement from local organisations who were seeking to work collaboratively with the Council, and the genuine desire to provide match funding where and when needed, was encouraging;
- the 'compromise' amendment which was to be put forward would ensure that every area across the Highlands would receive additional funding and this would also take account of the impact on individual areas in relation to activities being undertaken and having an impact on their immediate vicinity;
- it had to be acknowledged that all areas of the Highlands had unmet need and

there was therefore a need to support the recommendations in the report;

- disparity would risk undermining localism or 'place based decision making' and as such the £100k de minimis option would allow all Local Committees to progress with local recovery initiatives whilst still allowing the largest share of the funding to go to remote coastal communities;
- the effect of reducing the de minimis level to zero would be very unfortunate for some areas, particularly as a substantial share of the Crown Estate income came from the Posts of the Cromarty Firth and Nigg;
- the circumstances and climate of coastal communities in the Highlands were very unique and presented their own challenges and it would therefore be very important that any decision taken proved that the Council was listening to those communities;
- both the Scottish Government and the Crown Estates had given clear directions on this funding and it was essential that the Council took account of these directions;
- it was important to pay tribute to the work undertaken over many years on this issue and in this regard the considerable contribution from the previous Lochaber Councillor, Dr Michael Foxley, was highlighted;
- there was no fixed methodology for distribution of Crown Estate funding but it had been agreed to use the sea bed area and that was of significant benefit to the Highlands and had to be strongly supported;
- in relation to the purpose, eligibility and broad principles of this funding, a strategic approach was imperative in order to ensure that the Highland economy recovered from the current Covid-19 situation and this would be the best way to help both coastal and non-coastal areas;
- in agreeing with the need for a strategic approach, it was stressed that how any future funding was spent was every bit as important as how much was received. In this regard, it was therefore intended to submit an amendment at the appropriate time for funding to be allocated to areas and distributed in line with the sea-bed methodology, with no 'central pot' and no de minimis level. Also, in terms of Paragraph 7.3, to add 'any such local challenges' and, in terms of resourcing, to ask that a report be submitted outlining the resources needed to administer the funds as justification for the proposed levels of staffing;
- it was disappointing that this had been referred to as an 'Officer's report' on the previous day as it was understood that it had in fact been considered and approved by Members of the Administration before being submitted to the full Council;
- in agreeing with removal of the 'central pot', it was suggested that this would ensure that coastal areas would receive maximum benefit and have opportunities for future transformation by using the funding to its fullest potential;
- the Crown Estate methodology was very clear and it had to be accepted that it was based on the sea bed and the coastline;
- it should be accepted that local communities were best placed to decide on how any future funding should be spent and as a message of respect to them there should be very few restrictions placed on it;
- there had been a number of comments made during the debate in relation to the distribution of the City/Region Deal but it should be noted that the Highland Council was the only Local Authority to have introduced a 'regional' aspect to this as all others had dealt solely with City Deals;
- there was a need to take account of the detail within the report in respect of eligible geography;
- it should be noted that the distribution formula had not been 'set in stone' by the Scottish Government and would be reviewed at a future date; and
- in relation to the distribution of the Town Centre Fund, some of the comments

made at the meeting were corrected by confirming that some areas of the Highlands had actually given up some parts of their funding to ensure that all areas received funding.

Thereafter, Mrs T Robertson, seconded by Ms L Munro, **MOVED** the recommendations within the report as follows:-

- (i) the funding distribution model as set out in the report to apply to the initial tranche of funding available to the Council;
- (ii) the governance structure recommended within the report;
- (iii) the details of scheme eligibility as recommended within the report:
  - a. broad eligibility principles
  - b. eligible applicants
  - c. eligible geography
  - d. rates available;
- (iv) the administration resource requirements to support communities and Members in preparing, administering and managing the fund for the initial tranche of funding available to the Council; and
- (v) that the scheme be advertised and applications sought as soon as practicable to support the economic recovery and the development of projects.

As a **FIRST AMENDMENT**, Mr R Bremner, seconded by Mr J Finlayson, moved as follows:-

Amendment to Recommendation (i) within the report to read – ‘agree the funding distribution model with a Strategic Fund of 15% and a de minimis amount of zero’; and

Amendment to Paragraph 5.4 (final bullet point) within the report to read – ‘Funding for the administration of the Scheme to be a maximum of £100k.

<b>AMENDMENT - Bremner / Finlayson</b>				
2017/2018	£1,292,405.46			
2019	£1,742,299.32			
<b>Total amount</b>	<b>£3,034,704.78</b>			
15% for Strategic Projects and Admin	<b>£455,205.72</b>			
	De minimis allocation	% Top Up By Sea Area	Amount Top Up	Final Allocation
<b>DIMINIMIS</b>				
Inverness	£0.00	0.47%	£12,123.65	£12,123.65
Dingwall & Seaforth and Black Isle	£0.00	0.85%	£21,925.74	£21,925.74
Nairn	£0.00	0.47%	£12,123.65	£12,123.65
Wester Ross, Strathpeffer and Lochalsh	£0.00	13.47%	£347,458.52	£347,458.52
Lochaber	£0.00	17.91%	£461,988.28	£461,988.28
Skye and Raasay	£0.00	19.60%	£505,581.82	£505,581.82
Sutherland	£0.00	27.15%	£700,334.00	£700,334.00
Easter Ross	£0.00	4.19%	£108,081.01	£108,081.01
Caithness	£0.00	15.88%	£409,624.45	£409,624.45
<b>Total Diminimis</b>	<b>£0.00</b>	<b>99.99%</b>		
<b>Total 2017-19</b>	<b>£3,034,704.78</b>			
Less 15% Strategic Projects and Admin	£2,579,499.06			
Less £0k diminimis	£2,579,499.06			

As a **SECOND AMENDMENT**, Ms E Knox, seconded by Mrs L MacDonald, moved agreement of a funding distribution model with a de minimis allocation of £75k and a 7.5% strategic fund as set out in the table below to apply to the initial tranche of funding available to the Council.

WITH £75,000 DE MINIMIS				
2017/2018	£1,292,405.46			
2019	£1,742,299.32			
Total amount	£3,034,704.78			
7.5% for Strategic Projects and Admin	£227,602.86			
DE MINIMIS				TOTAL
Inverness	£75,000.00	0.47%	£10,020.88	£85,020.88
Dingwall & Seaforth and Black Isle	£75,000.00	0.85%	£18,122.87	£93,122.87
Nairn	£75,000.00	0.47%	£10,020.88	£85,020.88
Wester Ross, Strathpeffer and Lochalsh	£75,000.00	13.47%	£287,194.13	£362,194.13
Lochaber	£75,000.00	17.91%	£381,859.45	£456,859.45
Skye and Raasay	£75,000.00	19.60%	£417,891.98	£492,891.98
Sutherland	£75,000.00	27.15%	£578,865.67	£653,865.67
Easter Ross	£75,000.00	4.19%	£89,335.07	£164,335.07
Caithness	£75,000.00	15.88%	£338,577.79	£413,577.79
Total de minimis	£675,000.00	99.99%		
Total 2017-19	£3,034,704.78			
Less 7.5% Strategic Projects and Admin	£2,807,101.92			
Less £75,000 de minimis	£2,132,101.92			

As a **THIRD AMENDMENT**, Mr A Jarvie, seconded by Mr S Mackie, moved as follows:-

Paragraph 2.1 within the report – replace with ‘the funding distributed to the Areas by the same sea methodology by which they are received’;

Paragraph 7.3 – add the following – ‘Other such specific local challenges’; and

Paragraph 13 – replace with ‘A report to come back outlining the administration resources needed to administer the fund in the initial phase and anticipated continuing resource thereafter’.

On a vote between the **THIRD AMENDMENT** and the **SECOND AMENDMENT**, the **THIRD AMENDMENT** received 24 votes and the **SECOND AMENDMENT** received 26 votes, with 5 abstentions, and the **SECOND AMENDMENT** was therefore carried forward to the next round of voting, the votes having been cast as follows:-

#### **For the Third Amendment**

A Baxter, R Bremner, B Campbell, I Cockburn, J Finlayson, R Gale, J Gordon, A Henderson, A Jarvie, Mr D Mackay, I MacKenzie, S Mackie, A MacLean, C MacLeod, D MacLeod, D Macpherson, H Morrison, C Munro, M Reiss, K Rosie, A Sinclair, N Sinclair, C Smith and B Thompson.

**For the Second Amendment**

G Adam, B Allan, B Boyd, I Brown, J Campbell, H Carmichael, A Christie, M Davidson, M Finlayson, C Fraser, L Fraser, K Gowans, A Graham, J Gray, T Heggie, E Knox, D Loudon, L MacDonald, Mrs D Mackay, G MacKenzie, R MacWilliam, B McAllister, L Munro, F Robertson, E Roddick and G Ross.

**Abstentions**

J Bruce, M Cockburn, B Lobban, D Rixson and T Robertson.

In a vote between the **SECOND AMENDMENT** and the **FIRST AMENDMENT**, the **SECOND AMENDMENT** received 24 votes and the **FIRST AMENDMENT** received 26 votes, with 6 abstentions, and the **FIRST AMENDMENT** was therefore carried forward to the next round of voting, the votes having been cast as follows:-

**For the Second Amendment**

G Adam, B Boyd, I Brown, J Campbell, H Carmichael, A Christie, M Davidson, M Finlayson, C Fraser, L Fraser, K Gowans, A Graham, J Gray, T Heggie, E Knox, D Loudon, L MacDonald, G MacKenzie, R MacWilliam, B McAllister, L Munro, F Robertson, E Roddick and G Ross.

**For the First Amendment**

B Allan, A Baxter, R Bremner, B Campbell, I Cockburn, M Cockburn, J Finlayson, R Gale, J Gordon, A Henderson, A Jarvie, Mr D Mackay, I MacKenzie, S Mackie, A MacLean, C MacLeod, D MacLeod, D Macpherson, H Morrison, C Munro, M Reiss, K Rosie, A Sinclair, N Sinclair, C Smith and B Thompson.

**Abstentions**

J Bruce, R Gale, B Lobban, A MacLean, D Rixson and T Robertson

In a final vote between the **MOTION** and the **FIRST AMENDMENT**, the **MOTION** received 26 votes and the **FIRST AMENDMENT** received 28 votes, with 1 abstention, and the **FIRST AMENDMENT** was therefore **CARRIED**, the votes having been cast as follows:-

**For the Motion**

G Adam, I Brown, J Campbell, H Carmichael, A Christie, M Davidson, M Finlayson, C Fraser, L Fraser, R Gale, A Graham, J Gray, T Heggie, E Knox, D Loudon, L MacDonald, G MacKenzie, A MacLean, B McAllister, J McGillivray, L Munro, D Rixson, F Robertson, T Robertson, E Roddick and G Ross.

**For the First Amendment**

B Allan, A Baxter, B Boyd, R Bremner, B Campbell, I Cockburn, M Cockburn, J Finlayson, J Gordon, K Gowans, A Henderson, A Jarvie, Mrs D Mackay, Mr D Mackay, I MacKenzie, S Mackie, C MacLeod, D MacLeod, D Macpherson, R MacWilliam, H Morrison, C Munro, M Reiss, K Rosie, A Sinclair, N Sinclair, C Smith and B Thompson.

**Abstention**

B Lobban

**Decision**

The Council **AGREED** as follows:-

Amendment to Recommendation (i) within the report to read "Agree the funding distribution model with a Strategic Fund of 15% and a 'de minimis' amount of zero; and

Amendment to Paragraph 5.4 (final bullet point) within the report to read “Funding for the administration of the Scheme to be a maximum of £100k.

Table Attached to above – as follows -

2017/18 - £1,292,405.46

2019 - £1,742,299.32

Total Amount - £3,034,704.78

15% for Strategic Projects & Admin - £455,205.72

	De minimis Allocation	% Top Up By Sea Area	Amount Top Up	Final Allocation
Inverness	0.00	0.47%	£12,123.65	£12,123.65
Dingwall & Seaforth & Black Isle	0.00	0.85%	£21,925.74	£21,925.74
Nairn	0.00	0.47%	£12,123.65	£12,123.65
Wester Ross, Strath & Locahalsh	0.00	13.47%	£347,458.52	£347,458.52
Lochaber	0.00	17.91%	£461,988.28	£461,988.28
Skye & Raasay	0.00	19.60%	£505,581.82	£505,581.82
Sutherland	0.00	27.15%	£700,334.00	£700,334.00
E Ross	0.00	4.19%	£108,081.01	£108,081.01
Caithness	0.00	15.88%	£409,624.45	£409,624.45
Total De minimis	0.00	99.99%		
Total 2017-19			£3,034,704.78	
Less 15% Strategic Projects & Admin			£2,579,499.06	
Less 0k de minimis			£2,579,499.06	

## 19. Scheme of Delegation – Coronavirus Sgeama Tiomnaidh – Inbhean Malairt

It was noted that, on 28 August 2020, the Scottish Government had introduced further regulations to control risks from Covid19, the Health Protection (Coronavirus, Restrictions) (Directions by Local Authorities) (Scotland) Regulations 2020.

In this regard, amendments to the Scheme of Delegation were proposed to take account of the new regulations.

At this point in the meeting, it was **NOTED** that discussions in relation to a Member-led review of the Scheme of Delegation and Governance Structures across the Council were due to commence in the following week.

**Decision**

The Council **APPROVED** the following amendments to the Scheme of Delegation to include the new Regulations and to make minor amendments to clarify existing delegations related to Public Health and Covid19:-

**Page 140 Environmental Health**

<b>Statute</b>	<b>Description of power or duty</b>	<b>Title of Officer/level of post to which delegated</b>
Coronavirus Act 2020	To exercise the appropriate duties of office under the relevant provisions of the listed legislation, including any related orders, regulations or other instruments:- a) made thereunder, or b) any modification or re-enactment of the foregoing	Environmental Health Manager and any Officers designated by the Environmental Health Manager
The Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020	Power to serve notice or give a direction	Environmental Health Officer
The Health Protection (Coronavirus, Restrictions) (Directions by Local Authorities) (Scotland) Regulations 2020		
Coronavirus Act 2020, Section 58 of and Schedule 28 <i>Powers relating to the transportation, storage and disposal of dead bodies and other human remains.</i>	Power to give a direction	Environmental Health Officer
The Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020, Regulation 7(12)(b)	Designate a person for the purposes of the regulations	Environmental Health Manager
The Health Protection (Coronavirus, Restrictions) (Directions by Local Authorities) (Scotland) Regulations 2020 Regulation 11(9)(b)		
Public Health etc. (Scotland) Act 2008 Section 5(1)	designate persons for the purpose of exercising, on behalf of the authority, the functions of	Environmental Health Manager

“local authority competent person”

<b>Statute</b>	<b>Description of power or duty</b>	<b>Title of officer/level of post to which delegated</b>
The Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020	Power to serve notice	Trading Standards Officer
The Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020, Regulation 7(12)(b)	Designate a person for the purposes of the regulations	Trading Standards Manager

## 20. Deeds Executed Sgrìobhainnean Lagha a Bhuilicheadh

It was **NOTED** that a list of deeds and other documents executed on behalf of the Council since the meeting held on 30 July/3 August 2020 were available on the Council's Website (but not in the Members' Library as had been stated on the agenda).

### **ADDITIONAL URGENT ITEM**

#### **Compensation Payments for SJC Casual Workers**

There had been circulated Report No. HC/31/20 dated 7 September 2020 by the Head of Human Resources.

#### **Decision**

The Council **AGREED** Option 3 as outlined in Section 4 of the report to compensate all casual workers affected i.e. casual workers who had received some or no payment for work undertaken, however less than they would normally receive due to COVID and bring their earnings up to the average of the previous 3 pay periods which could amount to c£136,000.

It was also **AGREED** that the period for payment should cover 3 months only.

The meeting ended at 3.40pm.

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**The Highland Council**  
**No. 15 2020/2021**

Minutes of **Special Meeting** of the **Highland Council** held REMOTELY on Thursday,  
1 October 2020 at 10.30am.

**1. Calling of the Roll and Apologies for Absence**  
**A' Gairm a' Chlàir agus Leisgeulan**

**Present:**

Mr G Adam	Mrs D Mackay
Mr B Allan	Mr D Mackay
Mr R Balfour	Mr W MacKay
Mr A Baxter	Mr G MacKenzie
Mr B Boyd	Mrs I MacKenzie
Mr R Bremner	Mr S Mackie
Mr I Brown	Mr A Mackinnon
Mr J Bruce	Ms A MacLean
Mrs C Caddick	Mr C MacLeod
Mrs I Campbell	Mr D MacLeod
Miss J Campbell	Mr D Macpherson
Mrs G Campbell-Sinclair	Mr R MacWilliam
Mrs H Carmichael	Mrs B McAllister
Mr A Christie	Mr J McGillivray
Mr I Cockburn	Mr N McLean
Mrs M Cockburn	Mr H Morrison
Ms K Currie	Mr C Munro
Mrs M Davidson	Ms L Munro
Mr J Finlayson	Ms P Munro
Mr M Finlayson	Mrs M Paterson
Mr C Fraser	Mr M Reiss
Mr L Fraser	Mr A Rhind
Mr R Gale	Mr D Rixson
Mr J Gordon	Mrs F Robertson
Mr K Gowans	Mrs T Robertson
Mr A Graham	Ms E Roddick
Mr J Gray	Mr K Rosie
Mrs P Hadley	Mr G Ross
Mr T Heggie	Mr P Saggars
Mr A Henderson	Mr A Sinclair
Mr A Jarvie	Ms N Sinclair
Ms E Knox	Mr C Smith
Mr B Lobban	Ms M Smith
Mr D Louden	Mr B Thompson
Mrs L MacDonald	Mrs C Wilson
Mr A MacInnes	

**In Attendance:**

Chief Executive	
Executive Chief Officer, Performance & Governance	Executive Chief Officer, Infrastructure & Environment
Executive Chief Officer, Communities & Place	Executive Chief Officer, Property & Housing
Executive Chief Officer, Education & Learning	Executive Chief Officer, Resources & Finance
Executive Chief Officer, Health & Social Care	Executive Chief Officer, Transformation & Economy

## Mr B Lobban in the Chair

Apologies for absence were intimated on behalf of Mrs J Barclay and Mr I Ramon.

### 2. **Declarations of Interest** **Foillseachaidhean Com-pàirt**

The Council **NOTED** the following declarations of interest:-

Item 4 – Mrs D MacKay and Mr K Gowans (both Financial)

Item 4 – Mrs M Cockburn, Mr B Thompson, Mr A Christie, Mr A Jarvie and Ms L Munro (all Non-Financial)

Item 4.3 – Mr A MacInnes and Mr A MacKinnon (both Financial)

Item 5 – Mr A Christie (Non-Financial)

### 3. **Leader of the Opposition – Appointment** **Ceannard nan Dùbhlannach – Cur an Dreuchd**

Following the SNP Group's Annual General Meeting, and subsequent nomination, the Council formally **AGREED** the appointment of the new Leader of the Opposition - Mr R Bremner.

### 4. **Revenue Budget Update Report – October 2020** **Aithisg Ùrachaidh Buidseat Teachd-a-steach na – Dàmhair 2020**

#### Declarations of Interest

**Mrs D MacKay declared a financial interest in this item as a member of the NHS Highland Board but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, and in terms of her dispensation, confirmed that she would take part in the discussion.**

**Mr A MacInnes and Mr A MacKinnon declared financial interests in this item as Directors of Organic Sea Harvest and confirmed that they would leave the meeting during this item by turning off their cameras and microphones.**

**Mr K Gowans declared a financial interest on the basis of a family member being an employee of High Life Highland but, having applied the test, confirmed that he would take part in the discussion (other than any specific/detailed discussion on High Life Highland).**

**Mrs M Cockburn and Mr A Jarvie declared non-financial interests as members of Inverness, Badenoch & Strathspey Citizens Advice Bureau but, having applied the test, concluded that their interests did not preclude them from taking part in the discussion.**

**Mr B Thompson, Mr A Jarvie and Ms L Munro declared non-financial interests as Directors of High Life Highland but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that their interests did not preclude them from taking part in the discussion.**

**Mr A Christie declared a non-financial interest as a non-Executive Director of NHS Highland but, having applied the test, concluded that his interest did not preclude him from taking part in the discussion.**

There had been circulated Report No. HC/32/20 dated 24 September 2020 by the Executive Chief Officer, Resources and Finance.

Introducing the report, the Depute Leader of the Council referred to the unprecedented challenges over the previous six months as a result of the Covid-19 crisis and summarised the background to this budget update which had been deferred from the Council meeting on 10/11 September 2020. In this regard, reference was made to correspondence which had been sent by the Scottish Government, Cabinet Secretary for Finance, to the Chancellor of the Exchequer (contained within the report) outlining a number of funding flexibilities which could be offered to Local Authorities to help deal with recent additional pressures and risks, including the ongoing prevalence of Covid-19. Four options had been outlined and whilst he considered that Options 1 and 2 were less relevant to the Highland Council, Options 3 and 4 were of significantly more potential benefit and as such were being considered in more detail.

Key recommendations within the report, along with information in relation to the Crown Estate and the Roads Investment Fund, were also summarised.

The Leader of the Council expressed disappointment that no further guidance had been issued at the CoSLA Leaders' meeting in the previous week in relation to the Income Recompense Scheme, with only £90-£100m (one third of what had been predicted) being offered. As such, the importance of support for Local Authorities was emphasised and it was highlighted that the risks to the Council at present outweighed the opportunities. A letter had therefore been sent to the Cabinet Secretary for Finance in relation to accessing approximately £3m of income from second homes and it was stressed that critical decisions were now required, not least because the current budget gap forecast could have the effect of halving the Council's reserves which had taken so long to build up again.

During discussion, Members raised the following issues:-

- whilst welcoming an acceptance from the Depute Leader that there were benefits from the Options which had been detailed in the report, there was concern that Options 1 and 2 (adjustment to capital grant funding and capital receipts flexibility) were not being considered to be of significant benefit to the Council, particularly the £7-8m under Option 1 which could be used to off-set the Income Recompense Scheme;
- capital funds might not be able to be spent during the current year due to Covid-19 related industry delays and it would therefore be helpful to use the £3m of second homes income now even if it required to be repaid over three years;
- in terms of the Options which had been listed, there was around £92m of fiscal flexibility available. In this regard comparisons were drawn with English Local Authorities, many of whom were currently in a much worse financial position than the Highland Council, and as such it was suggested that the approach set out in the report appeared to be overly negative;
- in relation to Option 4, there was a proposed 20 year payback but it was suggested that a longer period might be preferable in light of the uniqueness of the current situation;
- following the deferring of this report on 11 September, concern was expressed at the length of time which had been taken to provide further financial detail for Members;
- with reference to the budget gap forecast of £11.254m, it was disappointing that the Scottish Government had not responded as positively as had been hoped to the Council's request for flexibility around the use of Council Tax income from second homes and it was suggested that further lobbying on this issue should be

undertaken;

- it was suggested that the Options in the report to raise funds should not be used until overspends had been accrued;
- it was expected that any funds distributed through the 'Barnett formula' for Scottish Local Authorities would be fully distributed by the Scottish Government;
- it was highlighted that many English Local Authorities had more commercial interests than was the case in Scotland and were therefore experiencing more significant financial challenges as a result;
- it would be extremely important to continue to lobby the Scottish Government for additional funds which did not require to be repaid;
- it was felt that although the report was fiscally prudent, it required additional vision, planning and leadership from the Administration;
- it was imperative that advantage was taken of interest rates which were at a historically low level in order to drive the economy forward and mitigate the negative effects of both Covid-19 and Brexit in particular and in this regard it was noted that many countries around the world were currently borrowing for this reason;
- it was vital that homes continued to be built in the Highlands, not least to retain young people in the area wherever possible in terms of planning for the future;
- in contrast to other comments, it was felt that borrowing on a short or long-term basis to pay for current expenditure did not demonstrate good financial management and that instead consideration should be given as to what might not actually be affordable in the future;
- the importance of tourism to the Highland economy could not be emphasised highly enough;
- it was noted that in-depth work on funding packages with CoSLA and other Local Authorities was ongoing and further detail would be provided in due course;
- considerable work had gone into building up the Council's reserves and as such it was considered that they were there to be used, not least to minimise the impact on communities, alongside the options which the Council had received in relation to future financial flexibility;
- it had to be acknowledged that the financial challenges being faced were mainly a result of the current Covid-19 crisis which was unprecedented and although borrowing to fund revenue budgets was not ideal, it should be considered at the present time;
- attention was drawn to the importance of playparks for the mental and physical wellbeing of children who had suffered throughout lockdown. In this regard, it was proposed that the £100k Playpark Fund should be retained to allow essential maintenance and re-opening of parks, with the first bids to come to the next full Council meeting in October. Also, Wards with unspent Covid-19 money, especially in deprived areas, should be allowed to spend their money on projects to assist children and adults post-Covid-19, such as contributing to playpark equipment, if they chose to do so;
- the Cabinet Secretary for Finance had confirmed on the previous day that the Scottish Government had already passed on more funding to Local Authorities than had been received in consequentials and were also developing a 'lost income scheme'. In addition, a letter had been sent to the Chancellor of the Exchequer in relation to a package of fiscal flexibilities which had been referred to as a 'game changer' by the Leader of the Council;
- it was queried as to whether the Council could afford to fund playparks in the current circumstances;
- it was important to be flexible when considering future borrowing levels and to work in partnership wherever and whenever possible;
- given the scale of the challenges being faced, and not least in light of expectations that further phases of Covid-19 were likely, it was considered that Options 1 and 2

within the report would not be sufficient but that a detailed focus should be given to Option 4 in particular;

- it would perhaps be beneficial for a 'post Covid-19' cross-party Working Group to be set up to consider the options available at that time in regard to future expenditure;
- in relation to the monthly income and expenditure reporting format, it was confirmed that this was presented regularly to the Corporate Resources Committee;
- Council reserves were currently at their highest level in thirteen years and as such it was suggested that they should be used before further borrowing was contemplated;
- in terms of accessing financial information, it was confirmed that a new system was being developed for Members and, following Covid-19 related delays, should be available for use in the coming months, alongside a Seminar in this respect;
- it was acknowledged that the early predictions of a £90m overspend as a result of Covid-19 had been inaccurate but this had been based on a worst-case scenario at that time;
- it would be preferable for the Council if additional borrowing was only considered as a last resort;
- there was support for Options 3 and 4 within the report but further detail was required in the first instance and a report would need to be brought back to the Council prior to a final decision being taken;
- it should be recognised that the Highland Council already had the third highest level of borrowing of all Scottish Local Authorities;
- the impact of additional borrowing on future generations was also highlighted and had to be taken into account as part of any future decision by the Council; and
- in relation to the Barnett consequential, it was clarified that £50m had been issued to the Scottish Government and the Highland Council's share of this had been duly passed on (around £2-3m). In addition, there was a second tranche of funds of £90m which was still being discussed by CoSLA.

Thereafter, the Convener, seconded by Mrs M Davidson, **MOVED** the recommendations as detailed in the report.

As a **FIRST AMENDMENT**, Dr I Cockburn, seconded by Mr D Loudon, moved that the following items listed in Table 10.4 of the report be re-instated - Highland Deal, Rural Transport and Playparks, with the first two items to be financed from the Second Home Council Tax and Playparks to be funded from the accounting error of £100k in the Table on Page 20 of the report (Improvement in HLH/Eden Court deficit position).

At this point, the Leader referred to the three items which were being detailed in the amendment – Highland Deal, Rural Transport and Playparks – and advised that the proposal within the report was for these items to be delayed (and not removed).

The Leader also sought clarification from Officers as to whether there had in fact been an accounting error of £100k on Page 20 of the report as had been stated. (Upon checking, it was subsequently confirmed by the Head of Corporate Finance & Commercialism that there had not been an error in this regard).

As a **SECOND AMENDMENT**, Ms M Smith, seconded by Ms P Munro, moved as follows:-

- to retain the £100k Playpark Fund under Contingencies Item 10 to enable some playparks to re-stock by Spring 2020 and further to allow the first bids to come to the next full Council meeting in October; and

- to allow Wards with unspent Covid-19 money, especially in deprived areas, to spend money on projects to assist children and adults post Covid-19, such as contributing to Playpark equipment.

On a vote being taken between the **FIRST AMENDMENT** and the **SECOND AMENDMENT**, the **FIRST AMENDMENT** received 27 votes and the **SECOND AMENDMENT** received 37 votes, with 5 abstentions, and the **SECOND AMENDMENT** was therefore **CARRIED**, the votes having been cast as follows:-

#### **For the First Amendment**

B Allan, B Boyd, R Bremner, I Brown, J Bruce, G Campbell-Sinclair, I Cockburn, M Cockburn, K Currie, C Fraser, K Gowans, A Jarvie, E Knox, D Louden, Mr D Mackay, G Mackenzie, I Mackenzie, S Mackie, D MacLeod, R MacWilliam, J McGillivray, N McLean, E Roddick, K Rosie, P Sagers, A Sinclair and C Smith.

#### **For the Second Amendment**

G Adam, R Balfour, C Caddick, J Campbell, H Carmichael, A Christie, M Davidson, J Finlayson, M Finlayson, R Gale, J Gordon, A Graham, J Gray, P Hadley, T Heggie, B Lobban, L MacDonald, Mrs D Mackay, W Mackay, A MacLean, C MacLeod, B McAllister, H Morrison, C Munro, L Munro, P Munro, M Paterson, M Reiss, A Rhind, D Rixson, F Robertson, T Robertson, G Ross, N Sinclair, M Smith, B Thompson and C Wilson.

#### **Abstentions**

A Baxter, B Campbell, L Fraser, A Henderson and D Macpherson.

Thereafter, and following a short adjournment, the Administration agreed to accept the second part of the Second Amendment, namely for Wards with unspent Covid-19 money, especially in deprived areas, to spend money on projects to assist children and adults post Covid-19, such as contributing to Playpark equipment.

It was also agreed that early consideration would be given (in the first instance by the relevant Strategic Committee) to the proposal to retain the £100k Playpark Fund under Contingencies Item 10 to enable some playparks to restock by Spring 2021 with a view to coming to a conclusion on this by the December Council meeting. In response to this agreement, the mover and seconder of the second amendment confirmed that it was now withdrawn.

#### **Decision**

The Council **NOTED** the changing context as outlined in the report and **AGREED** to take these factors into consideration as part of any future decision making.

Members also **AGREED** following recommendations as presented in the report to the Council meeting on 10/11 September:-

- to lobby both the UK and Scottish Governments for additional funding as outlined;
- the release of the £3m Crown Estate Investment Funds;
- the release of the £2.293m Roads Investment Funds;
- to hold back spend on the remaining investment funds as detailed in Section 10.4 of Appendix 2 until there was greater certainty on the budget position;
- to note the medium-term financial context and acknowledge the significant financial risks facing the Council;
- to note that budget update reports would continue to be provided to all Council

- meetings as agreed at the Council meeting on 25 June; and
- to progress the capital projects as outlined in Appendix 2 to the report.

It was further **AGREED** to set aside the sum of £10.9m from the Council's General Fund non-earmarked reserve to offset the expected increase in the Council's budget gap arising as a result of reduced expectations of funding from the income recompense scheme and changed expectation that the income from second homes council tax would be able to offset the budget gap as outlined in Section 5 of the report.

In addition, it was **AGREED** to allow Wards with unspent Covid-19 money, especially the deprived areas, to spend money on projects to assist children and adults post Covid-19, such as contributing to Playpark equipment.

Also, that early consideration should be given (in the first instance by the relevant Strategic Committee) to the proposal to retain the £100k Playpark Fund under Contingencies Item 10 to enable some playparks to restock by Spring 2021 with a view to coming to a conclusion on this by the December Council meeting.

## 5. Learning Estate Improvement Programme and Capital Priorities Prògram Tasgaidh / Priomhachasan Calpa na h-Oighreachd Ionnsachaidh

**Declaration of Interest – Mr A Christie declared a non-financial interest in this item as a non-Executive Director of NHS Highland but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that his interest did not preclude him from taking part in the discussion.**

There had been circulated Report No. HC/33/20 dated 25 September 2020 by the Executive Chief Officer, Resources and Finance.

During discussion, Members raised the following issues:-

- it should be noted that the report was not a review of the Capital Plan but rather a re-affirmation of decisions already taken;
- the response timescale for the Learning Estate Improvement Programme and Capital Priorities (LEIP) was short but the Council was fortunate to have already made key priority decisions. Community consultation had been undertaken and Members, Officials, other stakeholders and members of the public were thanked for their involvement. In summary, the Tain 3-18 Campus project continued to be developed to meet the August 2024 completion date and Broadford Primary School had been nominated as the Council's priority for inclusion in Phase 2 of the LEIP, with Nairn Academy as the second priority;
- it was welcomed that the Estate Strategy Manager would be attending a Ward Business Meeting to discuss issues relating to St Clement's School, Dingwall;
- consultation with families had indicated a strong desire for Park Primary School to be relocated back to its original site and it was hoped that this could be achieved by April 2021 through the use of modular units, with full detail on this in the report;
- there was strong support for the much needed work in relation to the schools which had been detailed in the report;
- the poor state of repair and/or over-capacity of many other schools across the Highlands was also highlighted;
- the Passivhaus design approach, considered to be the most likely way to achieve the required energy efficiency outcome, was welcomed and it was hoped that locally sourced materials would be used as much as possible;

- the urgent need to start work on the new North Coast Care Facility was emphasised;
- the importance of future action, in addition to having projects 'shovel' and 'bid' ready', was stressed;
- attention was drawn to the fast-growing population in Inverness and resultant school capacity issues;
- it was noted that work was ongoing to improve planning gain from new housing developments;
- clarification was sought and received on future capacity planning for schools and in this regard Members were urged to contact the relevant Area Education Manager for information on specific schools if required;
- a status update on works at Inverness High School was sought and provided; and
- the importance of efficient project management in relation to school improvements was emphasised.

### **Decision**

The Council **AGREED**:-

- (i) that, following its formal inclusion in Phase 1 of the LEIP, the Tain 3-18 Campus project should continue to be developed to meet the August 2024 completion date expected for all Phase 1 projects, with a commitment to fund the project from the Capital Programme and deliver it in line with the Scottish Government's outcomes-based revenue funding model, all as outlined in Section 5 of the report;
- (ii) that Broadford Primary School should be nominated as the Council's priority for consideration by the Scottish Government for inclusion in Phase 2 of the LEIP with Nairn Academy also nominated as the next priority, as outlined in Section 6;
- (iii) that capital funding be allocated from the School Estate Improvement budget heading to enable Park Primary School to return to the Park campus while the long-term options for a new build were considered as outlined in Section 7; and
- (iv) to reaffirm the commitment for a replacement care facility to serve the Sutherland North Coast area and that an options appraisal be carried out on the alternative capital or revenue funding approaches as outlined in Section 8 and brought back to the Council meeting on 29 October with recommendations to ensure delivery of this commitment as a matter of urgency.

The meeting ended at 2.45pm.

## The Highland Council

Minutes of Meeting of the **Economy and Infrastructure Committee** held Remotely on **Wednesday, 2 September 2020 at 10.30 am.**

### Present:

Mr R Balfour (am only)  
Mr B Boyd  
Mrs C Caddick  
Mrs H Carmichael  
Mrs M C Davidson  
Mr K Gowans  
Mr J Gray  
Mr A Henderson  
Mr D Louden

Mr W MacKay  
Mr A MacInnes  
Mr D MacLeod  
Mr C Munro  
Mr D Rixson  
Mrs T Robertson  
Mr A Sinclair (am only)  
Ms M Smith

### Non-Members also present:

Ms J Barclay  
Mr A Baxter  
Mr R Bremner  
Mr A Christie (am only)  
Mr J Finlayson (am only)  
Mr R Gale (am only)

Mr A Graham (am only)  
Mr J McGillivray (am only)  
Mr D Mackay (am only)  
Mr D Macpherson  
Mr B Thompson

### In attendance:

Executive Chief Officer Environment and Infrastructure

**An asterisk in the margin denotes a recommendation to the Council. All decisions with no marking in the margin are delegated to Committee.**

**Mrs T Robertson in the Chair**

### Business

#### 1. Apologies for Absence Leisgeulan

An apology for absence was intimated from Mr P Saggars.

## 2. **Declarations of Interest** **Foilseachaidhean Com-pàirt**

The Committee **NOTED** the following declarations of interest:-

Item 7 – Mr A Henderson (non financial)

Item 8 – Mr D Louden, Mr A Henderson, Mr A MacInnes and Mr D Rixson (all non financial)

Item 9 – Mr C Munro (non financial)

Item 15 – Mr K Gowans (financial)

Item 17– Mr D Rixson and Mrs T Robertson (both non financial)

## 3. **Good News** **Naidheachdan Matha**

The Chair informed Members of a list of good news and outstanding achievements, which was **NOTED** by the Committee.

## 4. **Development and Infrastructure Service Revenue Budget - Monitoring** **Sgrùdadh Buidseat Teachd-a-steach Seirbheis an Leasachaidh is a' Bhun-structair**

There had been circulated Report No. ECI/13/2020 dated 12 August 2020 by the Executive Chief Officer Infrastructure and Environment.

During discussion, the following main points were considered:-

- the legibility of some of the hard copy papers was not DDA compliant and this should be taken into consideration in future;
- a significant amount of the £10m overspend related to an estimated shortfall in many Service income streams. It was highlighted that the amount of business grants which had been paid out were in excess of the income received to date. It was explained not all of the income had been reclaimed, however the income was received in Quarter 2;
- it was questioned why the Roads budget had a predicted year-end overspend of £5m while in Quarter 1 there was a £2.5m underspend. Further detail was provided on predicted income levels and on work and projects which had continued during the Covid crisis, as well as some which had been paused to focus on essential or emergency issues, and on required recruitment which had taken place;
- the new format of the report was welcomed;
- clarification was sought, and received, that the budget figures for car parking included on street permits and enforcement, and budgeted income from the paused car park review. The August 2020 parking income had been around 78% of the 2019 level. A revised timetable for continuation of the car park review was being developed in consultation with Members;
- information was sought, and provided, on the effect of lockdown on the Corran Ferry income and the extent to which the service had returned to normal, taking into account the significant increase in visitors in recent weeks. Further detail would be provided to Councillor A Baxter outwith the meeting by the Head of Roads and Transport;
- in relation to Covid business grants, many small businesses were facing a difficult winter and pressure should be put on the Scottish Government to continue to provide support for businesses;

- the figures in the report were two months behind and it would be beneficial if there was a means of providing Members with up to date budget information. The complexities of financial reporting were highlighted and it was proposed a seminar be held for Members; and
- information was sought on when capital reporting would resume, however this was still being discussed at corporate level.

The Committee **NOTED**:-

- i. the more detailed reporting of gross income and gross expenditure to improve scrutiny of net budgets as set out in the Appendices;
- ii. the Revenue Monitoring position for the period to 30 June 2020;
- iii. net spend at the end of quarter 1, totaled £15.876m;
- iv. based on the best available information to date, a service budget gap of £10.916m is forecast to end 2020/21;
- v. many areas of the service rely on income to pay for services and this was significantly disrupted this year because of covid impacts. A loss of income is the key driver of the service's budget gap;
- vi. the budget gap may change positively or negatively depending on: applying expenditure and recruitment controls, aligning services to meet budget savings agreed; income recovery in 2020/21;
- vii. further adjustments will be made in future quarterly reporting to reflect the updated apportionment of costs and savings across the new structure; and
- viii. **AGREED** to consider providing a separate briefing to Members on budget issues.

## 5. National Planning Framework 4 Frèam Dealbhaidh Nàiseanta 4

There had been circulated Report No. ECI/14/20 dated 18 August 2020 by the Executive Chief Officer Infrastructure and Environment.

A presentation was given outlining the Indicative Regional Spatial Strategy (iRSS) vision for Highland to 2050. The process and purpose of the work to be undertaken was summarised.

During discussion, the following main points were considered:-

- the report was welcomed;
- information was sought on whether the list of 14 candidate National Developments was complete, with reference to the lack of renewables projects and free port initiatives. It was explained that some projects would be regional rather than national;
- several key routes were not featured on the map, including the third link to the outer isles, Mallaig to Lochboisdale, the Corran Ferry, and the Tobermory to Kilchoan Ferry. It would be useful to include Mallaig on the list of port improvements, given their aspirations for an £80m improvement and the importance of strategic ports on the west coast;
- more emphasis should be put on fish farming and aquaculture because, despite the environmental concerns, their economic value was important. Reference was made to the possibility of seaweed harvesting in future;

- specific mention should be made of free ports and their value to the Highlands;
- consideration could be given to referencing the Wester Ross Biosphere in the document;
- the impact of fish farming on wild Atlantic salmon, particular the problem of sea lice and escaped farmed fish, was highlighted and reference was made to projects in other countries to develop land-locked fish farming;
- reference to a green circular economy in paragraph 2 of the draft Strategy was considered apt and should be put into practice;
- attention was drawn to the importance of equality of access to services and investment in the economy; and
- with reference to the importance of Highland tourism to the whole economy of Scotland, and the recent environmental and littering problems experienced in Highland, there was a call for a national campaign for environmental care not only directed at visitors but at local residents too.

The Committee:-

- i. **APPROVED** the Highland Indicative Regional Spatial Strategy at Appendix 1 for submission to Scottish Government to inform NPF4, subject to consideration of the points made by Members during discussion; and
- ii. **AGREED** to lobby for a national environmental care campaign.

## 6. Draft Housing in the Countryside Supplementary Guidance Taisheadas air an Dùthaich

There had been circulated Report No. ECI/15/20 dated 14 August 2020 by the Executive Chief Officer Infrastructure and Environment.

During discussion, the following main issues were considered:-

- it was felt the draft guidance did not reflect all the key issues previously raised, albeit many issues would be covered in the Inner Moray Firth local plan review. Specifically, there was mention of the encouragement of rural opportunities but it was not clear how this would be achieved. The specific design criteria did not appear to be detailed. More detail had been anticipated on housing groupings and roads;
- there was some tension between the draft guidance and the aspirations of small rural communities to grow and develop, which was also an aim of the Scottish Government;
- some areas of the guidance were too prescriptive and it was important not to overburden people with unnecessary expenses and bureaucracy;
- the Housing in the Countryside Policy had caused issues in rural wards, for example in relation to sequential development and affordable housing issues. New models of digital home working could attract higher income residents to the Highlands and this could cause changes in the average cost of housing to the detriment of local residents on lower salaries. It was important therefore to facilitate affordable development and entrepreneurship in relation to tourism;
- the above comments were responded to, with explanations provided, and it was clarified that the guidance was only draft and would be consulted on before being brought back to Members. The Housing in the Countryside

policy could not be changed at present and the purpose of this supplementary guidance was explained;

- it was suggested the term 'land manager' was too prescriptive and should be amended to be more inclusive of other occupations;
- reference to development on sloping ground in section 6.2.7 was too prescriptive;
- Section 5.6.7 of the report in relation to the removal of support for holiday lets should be reconsidered; and
- attention was drawn to the third bullet point of section 1.0.6 of the draft guidance, 'ensure that new rural housing does not place an undue strain on public services' and it was suggested this be amended to 'public and private', noting the potential impact of additional houses on private access roads.

The Committee:-

- i. **AGREED** the Draft Housing in the Countryside Supplementary Guidance at Appendix 1 of the report for approval for public consultation;
- ii. **NOTED** that the finalised Housing in the Countryside Supplementary Guidance will be reported back to Committee later this year, prior to seeking adoption from the Scottish Government; and
- iii. **NOTED** that, from the point of Committee approval, the Revised Housing in the Countryside Supplementary Guidance will become a material consideration in the determination of planning applications;
- iv. **AGREED** to amend the word 'land manager' in the consultation document;
- v. **AGREED** to amend the wording in section 6.2.7 of the consultation document in relation to sloping ground to be less prescriptive;
- vi. **AGREED** to reconsider section 5.6.7 of the report, 'to no longer support for holiday letting homes in the countryside that are capable of being used as permanent residential accommodation'; and
- vii. **AGREED** to add the words 'and private' to the third bullet point of section 1.0.6 of the draft guidance.

## 7. Inverness and Highland City Region Deal Update Cunntas às Ùr mun Chùmhnant Baile Roinne

**Declaration of Interest: Mr A Henderson declared a non-financial interest in this item as the Chair of HiTRANS but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that his interest did not preclude him from taking part in the discussion.**

There had been circulated Report No. ECI/16/20 dated 13 August 2020 by the Executive Chief Officer Infrastructure and Environment.

During discussion, the following main points were considered:-

- with reference to the highly competitive digital skills market, it was important to invest in recruiting and retaining people with the required skills and to give proper consideration to the design of jobs;
- the resource implications at section 3 of the report were not considered complete;

- the resolution of the court case in relation to the R100 project, as described in section 7.2 of the report, was welcomed and would allow the project to be rolled out;
- it was important to aim for full fibre coverage across the Highlands, noting the £20m of funding that was intended to fill in any coverage gaps from the R100 project. Specific reference was made to the need for improved coverage in Wester Ross;
- in future reports it would be helpful to see the original timetable for projects to facilitate scrutiny of any slippage;
- it was important regular scrutiny committee meetings were restarted and it was suggested insufficient action had been taken on this since June 2018;
- a Members' seminar was required and it was important issues around the city region deal were taken up at a political level; and
- in relation to the city region deal funding for further projects, it was important to formalise discussion between the Council and the Scottish Government and, given the complexity of the issues, there might be merit in inviting a Scottish Government representative to a meeting.

The Committee **NOTED**:-

- i. progress with the City-Region Deal during 2020 and that a review of the implications of Covid-19 is underway by projects within the programme; and
- ii. the intention to hold a Members' Seminar.

## **8. Highland LEADER Programme Cunntas às Ùr mu Phrògram Leader**

### **Declarations of Interest:**

**Mr A Henderson declared non-financial interests in this item as the Council's representative on Caol Regeneration, the Chair of HiTRANS, the Chair of the Harbours Management Board and as a close relative was a member of the Glenfinnan Facilities Trust but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that his interests did not preclude him from taking part in the discussion.**

**Mr A MacInnes and Mr D Rixson declared non-financial interests in this item as a member of a Working Group within Staffin Community Trust and as a member of the Harbours Management Board respectively but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that their interest did not preclude them from taking part in the discussion.**

**Mr D Louden declared non-financial interests in this item having been a member of the LEADER Board (Inner Moray Firth North) and as a member of the Harbours Management Board but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that his interests did not preclude him from taking part in the discussion.**

There had been circulated Report No. ECI/17/20 dated 18 August 2020 by the Executive Chief Officer Infrastructure and Environment.

During discussion, information was sought, and provided, on ongoing building industry delays due to material availability and price increases as a result of Covid, and what the Council's potential liability for this might be. It was explained that to date all applicants had indicated they would finish on target and, with only 25 live projects remaining, the risks of delays were reducing every day.

The Committee:-

- i. **NOTED** the progress to date and the key achievements of the Highland LEADER and European Marine Fisheries Fund (EMFF) programmes;
- ii. **NOTED** the ongoing discussions at individual, regional and national level with Scottish Government around coping with the impacts of CV19 and the potential risk to the council if these cannot be satisfactorily concluded; and
- iii. **AGREED** an update to be brought to Members in respect of Section 7: Risk to the Council.

## 9. Strategic Timber Transport Scheme 2020/21 Projects Maoin Còmhdhail Fiodha Ro-innleachdail

**Declaration of Interest: Mr C Munro declared a non-financial interest in this item as a close relative was an employee of Scottish Woodlands but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that his interest did not preclude him from taking part in the discussion.**

There had been circulated Report No. ECI/18/20 dated 13 August 2020 by the Executive Chief Officer Infrastructure and Environment.

Reference was made to extracting timber from the Ardnamurchan Peninsula and the impact this would have on the A861. In terms of the private money being received, it was queried if this could be diverted to the A861 or if this would go directly to the two schemes on the private roads. It was explained that it was a 3<sup>rd</sup> party bid to ensure that the timber was extracted using improved forest roads and extraction by sea. The benefit to the Highland Council was that that the extraction of timber avoided using the public road network with the indirect benefit of reduced road maintenance.

The Committee:-

- i. **NOTED** the award to date of £1.08m of STTS grant funding for the delivery of the 2020/21 schemes and there maybe potential for further grant funding later in 2020;
- ii. **NOTED** that preparatory work for potential STTS bids is ongoing;
- iii. **AGREED** that subject to the availability of funds as decided at the annual budget setting stage and the continuation of the national STTS programme, that up to £0.5m be allocated under the road structural (capital) funding as match funding for 2021/22 and future years; and
- iv. **AGREED** that for 2021/22 and in future years, should STTS match funding bids be unsuccessful any residual match funding will be reallocated across the Areas using the Road Condition Survey parameters.

## 10. Annual Road Safety Update Aithisg Bhliadhnaìl Sàbhailteachd Rathaid

There had been circulated Report No. ECI/19/20 dated 4 August 2020 by the Executive Chief Officer Infrastructure and Environment.

In discussion, the following main points were considered:-

- the impact of Covid-19 on 2020 statistics was likely to make this year very different compared to other years road safety targets and road collision statistics;
- Road traffic collision data relating to deer collisions would be forwarded to Councillor D Rixson;
- given the increase in tourism to this area, consideration was being given to what improvements could be made to road signage to improve road safety. There was also a programme to replace passing place signage on single track roads;
- in response to support for the 20mph speed zones that had been introduced, it was explained that these had been 18-month temporary traffic orders, which would require a formal process to be made permanent. In terms of any further 20 mph speed zones being introduced, this would require going through the statutory process to determine what was best for a particular road. It was queried if there was an opportunity to introduce a Highland wide 20mph speed scheme. It was advised that the safer routes to school budget had significantly increased this year and therefore more 20mph zones should be possible;
- the Flexible Deployment Scheme allowed the safety camera unit to enforce at locations of concern identified by local residents, Local Authority and Police etc. Any evidence of concern on roads should be forwarded to the Road Safety Officer for consideration. A process map of how the Flexible Deployment Scheme worked would be forwarded to Councillor A MacInnes;
- there was an upward trend on collision statistics involving older drivers and this was worrying. The main area of concern, which was a national issue, was fitness to drive, and discussions had been held with Partner Agencies on this issue; and
- while progress on improving road safety statistics was being made, there were still too many fatalities or seriously injured on our roads. In terms of the ageing population, one mitigation that could be looked at was improved bus services. Also, there was an increase of traffic on our roads and consideration should be given to the pedestrianisation of streets to make them safer for the public.

Thereafter, the Committee **NOTED**:-

- i. progress made to the 2020 national road casualty reduction targets;
- ii. the work of the Road Safety Team;
- iii. there will be an upcoming new Scottish Road Safety Framework and a new Highland Council Road Safety Plan;
- iv. the significant increase in the SRTS Grant funding awarded to Highland Council this year. SRTS budget for financial year 2020/21 is £1,037,000; and
- v. the planned implementation of both temporary and permanent 20mph speed limits.

## 11. Electric Vehicle Infrastructure – Update Report 2020 Bun-structair Charbadan Dealain

There had been circulated Report No. ECI/20/20 dated 11 August 2020 by the Executive Chief Officer Infrastructure and Environment.

In discussion, the following main points were considered:-

- the Rural Tourist and Infrastructure Fund would be considered as an opportunity to expand the Electric Vehicle (EV) network;
- different Electric Vehicle (EV) chargers and timings of chargers were discussed and in particular, it was noted that the rapid chargers were expensive to install particularly in rural areas. More detail on EV charges would be included in future reports;
- providing infrastructure would encourage EV uptake and enable the development of rural car clubs which could help to address fuel poverty;
- while the focus was on providing an EV network, consideration would also be given to other new low carbon technologies such as Hydrogen powered vehicles;
- there was good engagement with Schools which was important to educate the next generation of young drivers on EV. If Members had any ideas on engagement with pupils on this issue, they were asked to contact the Energy Engineer;
- the EV charger project for Poolewe would be completed soon;
- officers were working with external organisations to align EV programmes with their objectives, such as tourist organisations. Initiatives such as park and ride facilities were supported to reduce traffic on roads and would be considered if funding was available;
- the location of EV charge points would be considered carefully;
- in terms of a benchmarking of what Highland Council was doing with EV compared to other Local Authorities, the Council was part of the Northern Road Collaboration and information was gathered on what other Councils were doing on EV charging. Information on this would be incorporated in future reports;
- a fee was to be introduced to offset electricity costs and therefore the tariff for using EV charges was being reviewed; and
- in relation to the EV rollout with partner agencies such as Caledonian MacBrayne, further communication with ferry companies would be made. There was an EV Forum that included a number of organisations in the Highlands and Islands and the next meeting was in November, 2020.

Thereafter, the Committee:-

- i. **NOTED** the contents of the report which provide a summary of the two primary strands of EV infrastructure work:
  - update on the delivery progress of the Electric Vehicle Infrastructure project;
  - the development of a Strategic Control Plan; a strategic piece of work comprising the approach towards future vision, internal structure and funding bids associated with electric vehicle infrastructure;
- ii. **AGREED** that a Member Workshop (Green Recovery Vision Workshop - Electric Vehicle Infrastructure) be held to help inform the Strategic Control

Plan. The Workshop would be held on 7 September, 2020; and  
 iii **AGREED** to explore whether there were opportunities within the Rural Tourist Infrastructure Fund Scheme to expand the EV infrastructure network.

## **12. Spaces for People and Bus Priority Rapid Development Fund Maoin Leasachadh Grad Àiteachan do Dhaoine agus Prìomhachas Bhusaichean**

There had been circulated Report No. ECI/21/20 dated 8 August, 2020 by the Executive Chief Officer Infrastructure and Environment.

In discussion, the following main points were considered:-

- there were various active travel solutions suggested for the Poolewe and Gairloch area and these would be shared with Councillor D MacLeod;
- the centre of the City of Inverness needed to be made as safe as possible to support the easing of lockdown. The Spaces for People Fund and other similar funds from the Scottish Government required to be spent wisely to promote physical distancing, such as introducing measures at pinch points in the City such as Academy Street and Margaret Street. Not all the measures that had introduced for spaces for people had been supported and people had found measures introduced confusing and signage not appropriate. It was explained that the temporary interventions introduced had been done quickly in response to the Covid-19 crises and were done to ensure the safety of everyone. Where some interventions had not worked well, these issues would be addressed going forward. In terms of the longer term vision for Academy Street this had been discussed recently by Officers in order to reinvigorate the design process in order to meet the desired outcome for this area of the City;
- it was queried what steps were being taken to introduce ergonomic design into the design of the City's streetscapes. It was advised that the future was to consider sustainable forms of traffic and provide street layouts that meets this aspiration;
- it was requested that the traffic signal priorities at Millburn Road, Inverness should be reviewed in order to ease traffic congestion in this busy city centre location
- businesses would like to see more areas of the City Centre pedestrianised, like the High Street, which would encourage the public to visit the City Centre;
- any rural locations had come under incredible pressure this summer with increased tourism and it was queried if the scheme could be applied to rural hotspots such as Morar. It was explained that there were a serious of suggested spaces for people interventions in rural areas across the Highlands and any other suggestions to be added to the list for review would be welcomed. However, there was only a limited amount of funding available for these interventions;and
- the Scottish Government's Programme for Government announcement included £500m for public transport priorities in Scotland and hopefully there would be an opportunity for the Council to obtain some of this funding.

Thereafter, the Committee:-

- i. **NOTED** the progress made to implement the Spaces for People Highland project;
- ii. **APPROVED** the roll out of improvement measures at four key interventions in Inverness;
- iii. **NOTED** the funding success and approve the roll out of data capture measures; and
- iv. **NOTED** the funding success in respect of the Bus Priority Rapid Development fund; and
- v. **AGREED** that the Traffic Signal priorities at Millburn Road, Inverness would be reviewed to ease traffic congestion in the area.

### 13. Minutes Geàrr-chunntas

The Committee **NOTED** Minutes of the Planning Applications Committees (PAC) for:-

- i. South PAC – 26 May 2020;
- ii. North PAC – 9 June 2020;
- iii. South PAC – 16 June 2020;
- iv. North PAC – 26 June 2020.

### 14. Exclusion of the Public Às-dùnadh a' Phobail

The Committee **RESOLVED** that, under Section 50A (4) of the Local Government (Scotland) Act 1973, the public be excluded from the meeting for the following items on the grounds that they involved the likely disclosure of exempt information as defined in Part 1 of Schedule 7A of the Act, the relevant paragraphs being shown.

### 15. Academy Zero Project Acadamaidh Neoini

#### Paragraphs 6 and 9

**Declaration of Interest:** Mr K Gowans declared a financial interest in this item as an employee of Inverness College UHI but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that his interest did not preclude him from taking part in the discussion.

There had been circulated to Members only Report No. ECI/22/2020 dated 24 August, 2020 by the Executive Chief Officer Infrastructure and Environment.

The Committee **AGREED** the recommendations detailed in section 2.1 of the report.

**16. Property Transactions Monitoring Report  
Aithisg Sgrùdaidh Ghnothachasan Seilbhe**

**Paragraphs 6 and 9**

There had been circulated to Members only Report No. ECI/23/2020 dated 14 August 2020 by the Executive Chief Officer Infrastructure and Environment.

The Committee **NOTED** the monitoring statements for General Fund and Property Account transactions as approved by the Head of Development and Regeneration under delegated authority as well as the Budgeted Sales for 2020/2021 and beyond.

**17. Housing Development Initiatives  
Iomairtean Leasachaidh Taigheadais**

**Paragraphs 6 and 9**

**Declaration of Interest:**

**Mr D Rixson and Mrs T Robertson declared non-financial interests in this item as Council appointees to the Lochaber Housing Association and the Highland Housing Association respectively but having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that their interests did not preclude them from taking part in the discussion.**

There had been circulated to Members only Report No. ECI/24/20 dated 14 August 2020 by the Executive Chief Officer Infrastructure and Environment.

Subject to the clarification of funding for the Mid-market Rent units, the Committee **APPROVED** the recommendations contained within the report.

The meeting ended at 3.55 pm.

## The Highland Council

Minutes of Meeting of the **Housing and Property Committee** held remotely on Wednesday 9 September 2020 at 10.30am.

### Present:

Miss J Campbell	Mr D Mackay
Mrs G Campbell-Sinclair	Mrs A MacLean
Mr M Finlayson	Mrs L Munro
Mr C Fraser	Mrs F Robertson
Mr L Fraser	Ms E Roddick
Mr A Graham	Mr P Saggars
Mr A Henderson (substitute)	Ms M Smith
Mr A Jarvie	Mr B Thompson
Mrs B McAllister	

### Non-Members also present:

Mr R Bremner	Mr B Lobban
Mr H Carmichael	Mr J McGillivray
Mr J Finlayson	Mrs I Mackenzie
Mr R Gale	Mr D Macpherson

### Also in attendance:

Mrs M MacKay, Tenant Participation Representative

### Officials in Attendance:

Mr M Rodgers, Executive Chief Officer, Property and Housing  
 Mr D Goldie, Head of Housing and Building Maintenance, Housing and Property  
 Mr B Cameron, Housing Policy & Investment Manager, Housing and Property  
 Mr J McHardy, Housing Development Manager, Development and Infrastructure  
 Mr M Mitchell, Service Finance Manager, Corporate Resources  
 Mrs L Dunn, Principal Administrator, Performance and Governance  
 Miss M Zavarella, Clerical Assistant, Performance and Governance

**An asterisk in the margin denotes a recommendation to the Council.  
 All decisions with no marking in the margin are delegated to Committee.**

**Mr B Thompson in the Chair**

## BUSINESS

### 1. Apologies for Absence Leisgeulan

Apologies for absence were intimated on behalf of Mrs J Barclay and Mrs L MacDonald.

### 2. Declarations of Interest Foillseachaidhean Com-pàirt

The Committee **NOTED** the following declarations of interest:-

Item 3: Mr L Fraser (Financial) and Mrs A MacLean (Non-Financial)  
 Item 6: Mr B Thompson, Mrs L Munro and Mr A Jarvie (Non-Financial)

**3. Housing Revenue Account (HRA) and Non-HRA Budget Monitoring Statement to 30 June 2020**

**Aithris Sgrùdaidh Buidseat Cunntas Teachd-a-steach Taigheadais agus Neo-thaigheadais gu 30 Ògmhios 2020**

**Mr L Fraser declared a financial interest in this item on the grounds he undertook work for the Housing Service in Nairn but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that his interest did not preclude him from taking part in the discussion on the basis his work was so remote and minor it would not impinge on his work on the Committee.**

**Mrs A MacLean declared a non-financial interest in this item as Chair of Ross-shire Woman's Aid and a director of Ross and Cromarty Citizens Advice Bureau but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that her interest did not preclude her from taking part in the discussion.**

There had been circulated Report No HP/10/20 dated 21 August 2020 by the Executive Chief Officer Housing & Property.

During discussion, the following main points were raised:-

- clarification was sought on the current uses of temporary accommodation and it was confirmed that Members would be circulated with an area breakdown in this regard;
- how the Service could better ensure tenants kept their properties up to standard, given the detrimental impact houses and gardens falling into a state of disrepair had on the amenity and safety of neighbours and the wider neighbourhood environment, and also the cost implications to the Council;
- the potential to reinstate the pilot scheme introduced in Ross and Cromarty to develop as a spend to save initiative a regular inspection and reporting regime for properties and gardens. The Head of Housing and Building Maintenance confirmed he would have further discussions with local Members on this matter;
- the importance of early intervention in managing tenants who might be experiencing difficulties and the fact an annual inspection regime might help identify other underlying issues that might not otherwise have been picked up; and
- the potential for community groups to provide support to tenants in their communities where this was required.

In response, it was confirmed the issues raised by Members were challenging and, in some cases, extended beyond the sphere of housing management, for example where tenants were experiencing mental health issues and required a more holistic approach. Early intervention was key and therefore the intelligence gathered from housing and other Council staff, Members and the community was essential, in terms of persuading tenants to change behaviours, providing

support, and making referrals to statutory agencies. In addition, a summary was provided on the complexities presented by housing tenancy law in respect of the enforcement action.

During further discussion, Members raised the following main points:-

- clarification was sought and provided that any expansion of the Garden Aid scheme would need to be costed and built into the HRA revenue estimates for future years;
- confirmation was sought and provided that significant capital and revenue funds had been set aside for environmental improvements to enable local projects to be progressed and the proposal to recommence the Rate Your Estate initiative involving Members and tenants was welcomed;
- while the issues raised by Members were pan Highland, the Area Committees were best placed to develop local solutions;
- the need for a firmer stance to be taken in relation to those tenants who did not keep their properties/gardens up to standard despite being fit to do so;
- an assurance was sought and provided that new tenant inspections were being carried out;
- new approaches and innovative ways of working were required to better manage the challenges around issues of anti-social behaviour, void properties, and the Council's homelessness obligations, including more Member engagement and support and Council's housing staff improving the avenues of communication with tenants, tenant participation groups and communities;
- the need to consider the how a regular inspection regime could be targeted to deliver the best value for the Council;
- the potential to use the environmental budget more strategically in the future to improve heating systems and target fuel poverty;
- the need for a multi-layer approach through the Area Committees and local community partnerships to support the Housing Service;
- the potential to share examples of good practice of community initiatives, supported by the Council, that were making a real difference to housing estates and tenants; and
- the Chair advised that he would reflect on the points in relation to the structure of the Committee agenda going forward, including a focus on sharing good practice.

In response to some of the points raised, reference was made to the changing environment for Council housing and the need for the traditional approaches to housing management arrangements to be revised to take account of the wider issues. Discussions were ongoing on the Service structure and how services were delivered in future, including the need for a more multi-agency and functional approach.

Thereafter, the Committee:-

- i. **APPROVED** the budget position on the Housing Revenue Account and non-Housing Revenue Account; and
- ii. **NOTED** that an area breakdown of the current uses of temporary accommodation would be provided.

**4. Housing Revenue Account (HRA) Capital Monitoring Report to 30 June 2020**  
**Aithisg Sgrùdaidh Cunntas Teachd-a-steach Taigheadais gu 30 Ògmhios 2020**

There had been circulated Report No HP/11/20 dated 21 August 2020 by the Executive Chief Officer Housing & Property.

During discussion, the following main points were raised:-

- whether the costs of projects had increased due to the impact of the pandemic. It was confirmed that future reports would include information on the impact on project costs as a result of COVID-19;
- confirmation be circulated to the Committee that tenants, including those in new builds, could change their gas supplier after 30 days of occupancy;
- the scope to reduce the figure for capital projects which could be charged to revenue below the current threshold to fund more borrowing for new builds. It was confirmed this would require the Council's financial regulations to be reviewed which was within Members gift;
- an explanation was sought and provided on the approach taken in relation to the location of and mix of houses in new build developments, with specific reference to meeting demand from tenants who wished to upsize and those with accessibility issues; and
- the work being undertaken as a Council in consultation with other agencies in terms of profiling the Council's capital plan going forward taking cognisance of socio-economic factors. It was confirmed that the Housing Need and Demand Assessment, which was currently being reviewed in consultation with colleagues in Planning, informed local development plans and local housing strategy.

The Committee:-

- i. **APPROVED** the budget position on the Housing Revenue Account Capital Programme Monitoring Report;
- ii. **NOTED** that future reports would include further information on the impact on project costs as a result of COVID-19; and
- iii. **NOTED** that confirmation would be circulated to the Committee that tenants, including those in new builds, could change their gas supplier after 30 days of occupancy.

**5. Annual Monitoring Report 2019/2020: Highland Housing Register Allocations**  
**Aithisg Sgrùdaidh Bhliadhnail 2019/2002: Riarachaidhean Clàr Taigheadais na Gàidhealtachd**

There had been circulated Report No HP/12/20 dated 21 August 2020 by the Executive Chief Officer Housing & Property.

During discussion, the following main points were raised:-

- it would be more cost effective for the Council to purchase properties on the open market rather than undertaking adaptations to existing properties as a measure to close the gap between demand and lets for wheelchair accessible and level access housing;

- linked to the above, the potential for planning policy to be used to increase the supply of private housing to meet demand for specialist designed houses for those on the waiting list. The Head of Housing and Building Maintenance confirmed he would have discussions with planning colleagues on this matter and report back to Mr A Jarvie;
- concern at the percentage target which had been set for wheelchair accessible houses in new build developments compared to the level of demand from applicants. It was confirmed this target would be reviewed in consultation with the planners and as part of the review of the local housing strategy;
- confirmation was sought and provided that a detailed analysis was being undertaken of offers being refused and the outcome of this would be reported to the Committee;
- it was important the allocations policy did not inadvertently bias against particular groups and in this regard it would be helpful to have a breakdown of lets by age;
- the opportunities for more new Council house builds to be designed and constructed as life-long and dementia friendly properties for tenants to reduce the requirement for adaptations in the future;
- an assurance was sought and provided that officers were continuing to explore all opportunities for the provision of affordable housing in Nairn and its surrounds;
- officers be commended on the investment in new build specially designed houses in Ward 8: Dingwall and Seaforth to meet the particular needs of applicants on the waiting list;
- concern that in relation to the Unsuitable Accommodation Order, the burden of supporting some tenants to sustain their tenancies would fall on the Housing Service, and the need for a more holistic approach to be progressed;
- the review of the points allocated for different housing needs be welcomed and confirmation was sought and provided the other HHR landlords were following the same points system;
- a point in regard to whether the other HHR landlords accepted all tenants in line with the Council's statutory duties. The Housing Policy & Investment Manager confirmed that HHR landlords followed the same allocation policy and that he would raise any particular issues Members had with housing partners; and
- options for buying properties on the open market be investigated and the outcome reported to Committee, including the issues around the re-purchase of former Council houses from an asset management perspective.

The Committee **NOTED**:-

- i. information contained in the Annual Monitoring Report on housing allocations which demonstrated that the policy was achieving its objectives;
- ii. process for consulting on proposed changes to the Mutual Exchanges Policy and the Allocation Policy;
- iii. that a detailed analysis was being undertaken of the offers being refused and the outcome of this would be reported Committee;
- iv. that a breakdown of lets by age would be circulated to the Committee; and

- v. options for buying properties on the open market would be investigated and the outcome reported to Committee.

**6. Property, FM Services Revenue Monitoring Report to 30 June 2020  
Aithisg Sgrùdaidh Teachd-a-steach Seilbh, Seirbheis Rianachd  
Ghoireasan gu 30 Ògmhios 2020**

**Declarations of Interest: Mr B Thompson, Mrs L Munro and Mr A Jarvie declared a non-financial interest in this item as Directors of High Life Highland but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that their interest did not preclude them from taking part in the discussion.**

There had been circulated Report No HP/13/20 dated 25 August 2020 by the Executive Chief Officer Housing & Property.

The Chair welcomed the report and explained that it presented the opportunity for the same level of scrutiny of the Property and Facilities Management (FM) Services as that provided to the Housing Service and he welcomed feedback on the report. In addition, he paid particular tribute to the Catering, Cleaning, and FM staff for their excellent work in preparing the school estate for reopening and he expressed his appreciation to all involved.

During discussion, it was suggested that there was a need for a broader planned approach to be undertaken which would provide further information on the ongoing property maintenance requirements to get buildings up to the required standards and associated costs which would then inform the long-term property strategy and future capital planning. In response, the Executive Chief Officer Housing & Property explained that this concept, the Corporate Landlord, was being adopted as agreed at the last meeting of the Committee and that there would be regular reporting on this and also Asset Management going forward. Continuing, he provided further information on this model including the commissioning of a stock conditioning survey and the timeline for completion.

The Committee **NOTED**:-

- i. the more detailed reporting of gross income and gross expenditure to improve scrutiny of net budgets as set out in the Appendices attached to the report;
- ii. net spend at the end of quarter 1 totalled £10.774m;
- iii. based on the best available information to date, a service budget gap of £3.128m to the end of 2020/21 was presently forecast, largely due to essential Covid responses;
- iv. almost every area of service relied on income to pay for services and this was significantly disrupted this year because of Covid impacts. Spend addressing Covid related issues was the key reason for the service's forecast budget gap;
- v. the budget gap might change positively or negatively depending on the application of expenditure and recruitment controls, adjusting services to meet previously agreed budget savings; in-year income recovery, identifying new income and procurement opportunities, drawing down any further Government grant support and any new Covid related recovery costs;

- vi. that further adjustments would be made in future quarterly reporting to reflect the updated apportionment of costs and savings across the new ECO structure, improved monthly profiling of income and expenditure and any other resourcing issues emerging including any potential Brexit impacts; and
- vii. the significant effort and support applied by the Property, Catering, Cleaning and FM teams in preparing the physical school estate for fully reopening on the 18 August 2020. The Property & FM teams were also providing phased support to bring the HLH estate back into operational use.

The meeting was closed at 12.55pm.

## The Highland Council

Minutes of Meeting of the **Nairnshire Committee** held remotely Wednesday 16 September 2020 at 10.30 am.

### Present:

Mr L Fraser  
Mr T Heggie

Mrs L MacDonald  
Mr P Saggars

### In attendance:

Ms K Lackie, ECO Performance & Governance  
Mr M Rodger, ECO Housing & Property  
Ms A Clark, Acting Head of Policy, Chief Executive's Office  
Mr W Munro, Interim Ward Manager, Chief Executive's Office  
Mr J Henderson, Housing Investment Officer, Community Services  
Ms S MacLennan, Housing Manager (South), Community Services  
Mr D Mackenzie, Corporate Communications & Engagement Officer, Chief Executive's Office  
Mrs L Dunn, Principal Administrator, Chief Executive's Office

### Also in attendance:

Area Inspector V Tough, Police Scotland (Item 3)  
Mr I McKenzie, Highland Third Sector Interface (Item 4.ii)

**An asterisk in the margin denotes a recommendation to the Council. All decisions with no marking in the margin are delegated to the Committee.**

**Mr T Heggie in the Chair**

## BUSINESS

### 1. Apologies for Absence Leisgeulan

There were no apologies for absence.

### 2. Declarations of Interest Foillseachaidhean Com-pàirt

Item 5: Mr L Fraser (non-financial)  
Item 6: Mr L Fraser (non-financial)

### 3. Police Scotland Area Performance Report Poileas Alba – Geàrr-chunntas Dèanadais Sgìreil

There had been circulated Report No **NC/06/20** dated 1 September 2020 by the Area Inspector.

During discussion, the following main points were raised:-

- Confirmation was provided that a small number of fixed penalty notices had been issued for breaches of the new coronavirus regulations that had had been introduced by the Scottish Government;
- It was noted that there had been a sharp rise in homelessness presentations and that this had mainly been due to relationship breakdown. It was queried, and confirmation was provided, that there had not been a similar rise in the number of domestic abuse cases;
- A warm welcome was made to Chief Inspector Jenny Ballentine who would be based at Nairn Police Station and Chairing the Community Planning Partnership;
- Confirmation was provided that the number of officers on shift were reduced if they had to attend hospital due a medical issue but the Control Room deployed additional support/officers from Inverness for priority issues; and
- The Committee noted that performance results were very positive and commended staff for their work particularly in view of the challenges currently being presented.

The Committee **NOTED** the progress made against the objectives set within the Highland Local Policing Plan:-

- i. 2017-20 Year 3, attached as Annex A to the report, for the period covering 1 April 2019 - 31 December 2019; and
- ii. 2020-23, Year 1, attached as Annex B to the report, for the period covering 1 April 2020 – 30 June 2020.

#### **4. Highland Council and Local Community COVID-19 Response Comhairle na Gàidhealtachd agus Freagairt COVID-19 na Coimhearsnachd Ionadail**

##### **i. The Highland Council: Local Community Hub**

The Acting Ward Manager gave a verbal report on the Local Community Hub during which he advised that, in line with Scottish Government guidance for local authorities, a local hub had been set up in Nairn initially operating five days a week but was now on standby. In addition, the people in Nairnshire had support from the Highland Council freephone helpline and the hubs had been supported by Highland Council officials and volunteers from High Life Highland.

The Local Community Hub was supported by the Ward Manager and the Distribution Hub in Inverness supported the co-ordination of food deliveries to local hubs for distribution. There was also a virtual hub which provided specific support to those shielding and support and guidance to local community hubs. To give an indication of the scale of the operation, during the busiest period (April, May and June 2020), there were in excess of 971 individuals in receipt of the Scottish Government food parcels; 552 cases of support for food; and there was direct food provision for 797 people in the Highland Council area. Although now significantly reduced,

there were still pockets of support required for people in local infection outbreaks areas.

There had been significant collaboration with partners including prescription deliveries by the British Red Cross along with support from the Nairn Task Force. The Nairn Hub also worked with local supermarkets to use all options available to ensure people had access to food and welfare support was also provided. Overall, Nairnshire had responded positively either via community groups or through the local hub to ensure that the needs of the local community were being met.

In terms of recovery, Emergency Liaison Groups had been established to respond to any specific difficulties going forward and close collaboration with agency partners and voluntary groups would continue.

In conclusion, the Ward Manager provided further information on the learning outcomes and on the financial support that had been received which included £2.26m being distributed across the Highlands with Nairnshire attracting 14 separate awards of £14,941. There were also £4,238 of COVID Ward Discretionary awards with a number of applications still pending. There were a number of other awards through the HTSI Wellbeing Fund, Response, Recovery and Resilience, Supporting Communities (HIE) and the Wellbeing Fund as well as £2.62m of Business grants being awarded in the Nairn area.

During discussion, Members praised the work of rural Community Councils who had applied for grants and provided much needed support to people in rural Nairnshire. The infrastructure and experience of the Nairn Task Force was reassuring in the event that there would be a further lockdown during the winter period. Further information was also provided on the steps that had been taken to ensure that contact was maintained with individuals that had been identified to ensure they continued to be supported going forward.

Thereafter, the Committee **NOTED** the verbal report on the local Community Hub.

## ii. Community Response

Mr Iain McKenzie, Highland Third Sector Interface, gave a verbal report on the Third Sector and community response to COVID-19 in Nairnshire. It was explained that the Highland Third Sector Interface had been set-up under the Community Empowerment Act 2012 and its three key pillars of activity were to promote and support the third sector, promote and support volunteering, and promote and support social enterprise.

In terms of COVID-19, a website ([www.covidhelp4highland.org](http://www.covidhelp4highland.org)) had been established to help the third sector organisations. A community action register had been set up comprising of 357 organisations of which seven were based in the Nairn area. A register for volunteers was also set up with over 2,000 people registered and approximately 300-500 volunteers had been deployed. In addition, other methods of support included provision of a telephone helpline; provision of e-learning courses

and training activities; and holding frequent and regular meetings through different network platforms. With regard to the Support in Communities Fund, £8,700 had been awarded to organisations in Nairn which was approximately 7% of the total fund. However, a significantly higher proportion had been awarded to organisations based in Inverness many of which provided Highland wide services.

During discussion, the following main points were raised:-

- It was noted that there had been a high level of volunteer activity in response to the pandemic. It was felt that they needed a more prominent base within the local community and it was hoped this would be established through the local workshops that were planned to be undertaken on a regular basis;
- The new model that had been implemented through the Highland Third Sector Interface was welcomed and opportunities to strengthen the local infrastructure in Nairn should be maximised;
- It was anticipated that the level of enquiries for advice and support would increase and further information was sought and provided on how local interest would be maintained once COVID-19 was not as prominent; and
- It was highlighted that High Life Highland had provided volunteers with professional skills and this combined with volunteers with local knowledge gave added value to the local community response.

Thereafter, the Committee **NOTED** the verbal report on the Third Sector and community response to COVID-19 in Nairnshire.

**5. Nairnshire Housing Revenue Account (HRA) Capital Programme 2021/22  
Prògram Calpa Cunntas Teachd-a-steach Taigheadais Siorrachd Inbhir  
Narann 2021/22**

**Declaration of Interest: Mr L Fraser declared a non-financial interest in this item as a Sub-Contractor for the Housing Service in Nairn but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that his interest did not preclude his involvement in the discussion.**

There had been circulated Report No **NC/07/20** dated 25 August 2020 by the Executive Chief Officer Housing and Property.

During discussion, the following main points were raised:-

- It was noted that a significant sum (60%) was being spent on energy improvements and it was queried, and confirmation was provided, that all opportunities to supplement the spend were explored in order to maximise resources;
- Confirmation was provided that further information would be provided on the Environmental Improvement works that would be undertaken and also on the priorities identified from Rate Your Estate initiative; and

- Tribute was paid to the tragic loss during lockdown of the local Housing Maintenance Officer and, although he would be greatly missed, it was reassuring that his work was being continued.

The Committee:-

- NOTED** the allocation of resources to the Nairnshire Area as set out at 5.7 of the report;
- NOTED** the guideline investment priorities as set out in section 5.2 of the report;
- AGREED** the proposed one-year HRA Capital Programme for Nairnshire 2021/22 as set out in Appendix 2 to the report;
- NOTED** the position relating the current year HRA Capital Programme;
- NOTED** that updates on the Housing Revenue Account Capital Programme would continue to be provided through ward briefings and at future local committees as requested by local Members, in addition to being reported to Housing and Property Committee; and
- NOTED** that further information would be provided on the Environmental improvement works that would be undertaken and also the priorities identified from Rate Your Estate initiative.

**6. Housing Performance Report – 1 April 2020 to 30 June 2020  
Coileanadh Taigheadais: 1 Giblean 2020 gu 30 Ògmhios 2020**

**Declaration of Interest: Mr L Fraser declared a non-financial interest in this item as a Sub-Contractor for the Housing Service in Nairn but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that his interest did not preclude his involvement in the discussion.**

There had been circulated Report **NC/08/20** dated 31 August 2020 by the Executive Chief Officer Housing and Property. In addition, the Housing Manager provided an update on the Housing Team's response to COVID-19 during which she advised that prior to lockdown focus was concentrated on the Nairn sheltered housing tenants during which preventive measures were implemented and many of these continued to be place. This included closing the common rooms at the two sheltered housing complexes within Nairn; hand sanitising units had been installed and the cleaning regime increased; wardens replaced daily visits with telephone calls and the help call system; staff also used telephone, email and text messaging to undertake welfare checks and provide assistance; the Area Team was also involved in manning the Highland Council Helpline and staff continued to deal with tenancy issues throughout lockdown; as part of the housing response staff were proactive in converting available stock into temporary emergency accommodation; an emergency repairs service was also provided during lockdown; and there was housing representation on the Emergency Liaison Group.

During discussion, the following main points were raised:-

- The Committee commended the Housing team for their efforts and excellent performance during such difficult and unique conditions. The Committee requested that their appreciation be conveyed to the team;

- The proactive approach to rent arrears, which was understandable in the current climate, was welcomed and it was hoped that this sympathetic manner would continue;
- Regarding the administrative error on the time taken to complete emergency repairs, it was queried whether action had been taken to ensure this was not repeated in future; and
- Although the team had a good and clear understanding of the issues, there were future challenges ahead such as when furlough came to an end and unemployment was likely to increase. However, the new houses at Lochloy might provide an opportunity to address these serious challenges.

The Committee **NOTED** the information provided on housing performance for the period 1 April to 30 June 2020.

**7. Nairn Common Good Fund – Quarter 1 2020/21 Monitoring Report  
Maoin Math Coitcheann Inbhir Narann – Aithisg Sgrùdaidh Cairteil 1  
2020/21**

There had been circulated Joint Report No **NC/09/20** by the Executive Chief Officer, Communities and Place and Executive Chief Officer Resources and Finance.

During discussion, the following main points were raised:-

- It was felt that the maintenance charge proposed by High Life Highland for the Splash Pad was high as it had been anticipated that the costs would have at least been similar or lower to that of the original paddling pool. It was suggested that the position should continue to be monitored and reviewed after 12 months. It was stressed that the Common Good Fund would be responsible for paying for the maintenance and upkeep of this facility and there should be proper cognisance of this;
- Although understandable, it was disappointing that the facility could not be used during the summer due to COVID-19;
- Confirmation was sought and provided that there would be no metering charge for water rates for the facility. It was also highlighted that there was a water storage system therefore as there was a pump system usage/costs could be less; and
- It was accepted that the Committee had a duty of care and it was recognised that decisions were being based on the information currently available. Assurance was provided that any outstanding issues would be resolved and the final costs of the Splash Pad would be reported to a future meeting of the Committee.

The Committee **NOTED** the:-

- i. position of the Nairn Common Good Fund as shown in the Quarter 1 Revenue Monitoring Statement;
- ii. progress on delivery of the Splash Pad on the Links and the annual maintenance costs; and
- iii. any outstanding issues regarding the Splash Pad would be resolved and the final costs reported to a future meeting of the Committee.

**8. Minutes of Previous Meeting**  
**Geàrr-chunntas na Coinneimh Roimhe**

There had been circulated and **NOTED** Minutes of Meeting of the Nairnshire Committee held on 11 March 2020, which were approved by the Council on 30 July 2020.

The meeting was concluded at 11.56am.

## The Highland Council

### Pensions Committee and Pension Board

Minutes of Meeting of the Pensions Committee and Pension Board held Remotely on Wednesday, 23 September 2020 at 10.30am.

#### Present:

##### **Pensions Committee**

Mr R Gale  
 Mr R Bremner  
 Mrs H Carmichael  
 Mr J Gray  
 Mr B Lobban  
 Mr D Louden  
 Mr A MacInnes (substitute)  
 Mr P Saggars  
 Mr B Thompson

##### **Pension Board**

Mrs C Caddick, The Highland Council  
 Mr R Fea, Representative for other Employers  
 Mr D MacSween, Unison  
 Mr E Macniven, GMB

#### **Non-Members in Attendance**

Mr A Henderson  
 Mr D MacPherson

#### **Officials in attendance:**

Mr E Foster, Head of Corporate Finance and Commercialism  
 Mr J Gibson, Joint Secretary (Trade Unions' Side)  
 Mr C MacCallum, Payroll & Pensions Manager  
 Mrs M Grigor, Finance Manager (Corporate Budgeting, Treasury and Taxation)  
 Ms C Stachan, Accountant  
 Ms D Sutherland, Corporate Audit Manager  
 Mrs L Dunn, Principal Administrator  
 Mr A MacInnes, Administrative Assistant

#### **Also in attendance:-**

Ms J Brown, Engagement Leader, Grant Thornton  
 Mr J Boyd, Audit Director, Grant Thornton  
 Mr R Bilton, Hymans Robertson

**An asterisk in the margin denotes a recommendation to the Council. All decisions with no marking in the margin are delegated to the Committee.**

**Mr R Gale in the Chair**

## BUSINESS

### 1. **Apologies for Absence** **Leisgeulan**

Apologies for absence were intimated on behalf of Mr C Fraser and Mr A Mackinnon of the Pensions Committee, Mrs M Paterson, Mr C Nicolson, Ms L Mackay and Mr D Main of the Pension Board.

### 2. **Declarations of Interest** **Foillseachaidhean Com-pàirt**

There were no declarations of interest.

### 3. **Legal Implication on using Highland Council Pension Fund for Highland Council Capital Projects** **Buaidh Laghail a thaobh a bhith a' cleachdadh Maoin Peinnsein Chomhairle na Gàidhealtachd airson Phròiseactan Calpa Chomhairle na Gàidhealtachd**

The Head of Corporate Finance and Commercialism gave a briefing on the possibility of the Highland Council Pension Fund investing in capital projects.

It was advised that there were no legal reasons to stop the Fund investing in Council capital projects. Members were reminded of their fiduciary duty to the Pension Scheme beneficiaries and that there were a number of considerations that Members would need to take before pursuing this option. These considerations were highlighted as:- whether the investment would fit within the Fund's investment strategy to get the required level of returns to meet the Fund's liabilities and whether such an investment would have a tolerable level of risk whilst noting that the Fund already carried risk in terms of Employers being able to meet their Employer contributions.

Continuing, if it was decided to make investments in the public sector, it would be appropriate to consider any Local Authority that might require investment rather than just The Highland Council or any other of the Employers' in the Fund, as the Fund was looking to maximise its return and minimise its risk. Also, the arrangements for setting up and operating such an investment, which would involve additional costs, would need to be considered.

In discussion, it was highlighted that the primary function of the Pension Committee was to ensure the Pension Fund met its commitments to the pension fund members. Also, the doubling up of risk meant that there was a need to be wary of making Highland Council investments. It was suggested that there might be less risk in investing in housing which could be self-funding and therefore more certainty in the return. It was highlighted that all aspects of each investment proposal would require to be carefully considered to ensure appropriate net benefits to the members of the pension fund.

Thereafter, the Committee **NOTED** the briefing on using the Highland Council Pension Fund for Highland Council capital projects.

**4. Internal Audit  
In-Sgrùdadh**

**4a Highland Council Pension Fund Internal Audit Annual Report 2019/20  
Aithisg In-Sgrùdaidh Maoin Peinnsein Chomhairle na Gàidhealtachd 2019/20**

There was circulated Report No. PC/1/20 by the Corporate Audit Manager.

Following consideration, the Committee **NOTED** the contents of the report and the audit opinion provided.

**4b Highland Council Pension Fund Internal Audit Annual Plan 2020/21  
Plana In-Sgrùdaidh Bliadhnail Maoin Peinnsein Chomhairle na Gàidhealtachd  
2020/21**

There was circulated Report No. PC/2/20 by the Corporate Audit Manager.

Following consideration, the Committee **APPROVED** the 2020/21 Audit Plan.

**5. Governance Policy Statement 2020/21  
Poileasaidh Riaghlaidh 2020/21**

There was circulated Report No. PC/3/20 by the Head of Corporate Finance & Commercialism.

In discussion, reference was made to the date on which the Triennial Actuarial Valuation of the Fund occurred, shortly after a significant downturn in stock markets and before a good recovery. It was explained that the Fund's Actuary would cover any implications of this for the Fund in his presentation at item 12 of these minutes.

Further, it was highlighted that a correction required to be made to Paragraph 9.2b of the Pension Board Constitution by removing the word 'of' and replacing it with 'or', to read: – "that person ceases to be an elected councillor or an employee Member".

Thereafter, the Committee **APPROVED** the Highland Council Pension Fund Governance Policy Statement, subject to the following correction:-

*Appendix 4 – Pension Board Constitution:- Paragraph 9.2b to read:-*

*"that person ceases to be an elected councillor or an employee Member"*

**6. Service Plan 2020/21  
Plana Seirbheis 2020/21**

There was circulated Report No. PC/4/20 by the Head of Corporate Finance and Commercialism.

In discussion, the following main points were considered:-

- Reference was made to an increase in pension administration costs of around 20%, oversight and governance costs an increase of 22%; and Management and Fund Manager fees, an increase of 15% with an overall increase in costs of 16.1% in one year. The reasons for this increase were queried. It was

explained that there had been no budget for these costs last year, but that these costs had always been charged to the Fund. In order to provide clarity on these costs a budget had now been set for them. It was explained that the Fund Manager fees made up the greatest proportion of the total Fund costs. These fees were linked to the investment performance and value of investments;

- In terms of Fund Manager fees for managing equities and private equity, it was queried what proportion the Fund was invested in each as the fees perhaps were larger than expected. It was explained that while detailed figures were not available, the proportion of equities in the portfolio was significantly greater than private equity;
- In relation to Performance Indicator targets, it was highlighted that if these were set at 100%, then these targets would be difficult to achieve. An undertaking was given to review these targets in order to set targets that were challenging but realistic;
- As at the last full triennial valuation in 2017, the Fund was 101% funded and this was to be commended. It was also highlighted that the 2019/20 pension fund costs had come in under budget;
- It was queried how much of the Fund's administration, oversight and governance costs related to local spend or to national and international suppliers. It was explained that pension administration and central support staff costs related to local staff within Highland. Computer and IT costs related to the purchase of systems from national companies. Pension investment support was also local based staff, but the Investment Consultant was not based in Highland; and
- In terms of the total pension fund costs, it was queried if there was any benchmarking of this as a percentage of pension fund assets and how the Fund compared against other Local Government Pension Funds on management costs. An undertaking was given to provide this information in a future report.

Thereafter, the Committee **APPROVED**:-

- i. the Pension Fund Service Plan 2020/21;
- ii the Pension Fund Budget for 2020/21; and **NOTED**
- iii that Pensions Administration Performance Indicator targets would be reviewed; and
- iv that information would be provided in a future report on how the Fund's management costs compared against other Local Government Pension Funds.

## **7. Pension Fund Contributions and Administration Tabhartasan agus Rianachd Maoin Peinnsein**

There was circulated Report No. PC/5/20 by the Head of Corporate Finance and Commercialism.

In discussion, information would be provided to Councillor D Louden in relation to clarification on a point in the Annual Accounts relating to reversal of items relating to post-employment benefits.

The Committee **NOTED** the terms of the report.

## 8. **Training Policy and Training Plan 2020/21** **Poileasaidh Trèanaidh agus Plana Trèanaidh 2019/20**

There was circulated Report No. PC/6/20 by the Head of Corporate Finance & Commercialism.

In particular, it was confirmed that Pension Board Members received the same invites to training as Pension Committee Members.

Thereafter, the Committee:-

- i. **NOTED** the assessment and training resources provided by The Pensions Regulator and the requirement for newly appointed Board and Committee members to complete induction training (section 6 and section 8 of the report);
- ii. **NOTED** the adoption of the CIPFA Local Pensions Boards Technical Knowledge and Skills framework (section 7 of the report), including the self-assessment matrix and the guide for local pension boards issued by CIPFA (section 9 and Appendix 2 of the report);
- iii. **NOTED** the training delivered to date on pension fund matters (Appendix 3 to the report);
- iv. **AGREED** the training policy and programme for 2020/21 set out within the report (section 11 of the report);
- v. **NOTED** that details of individual attendance at Pensions Committee, Investment Committee and training would be reported in the Pension Fund Annual Report and Annual Accounts 2020/21 (section 12 of the report); and
- vi. **NOTED** that Pension Fund training Webinars would be sent to Members of the Committee/Board.

## 9. **Highland Council Pension Fund: Monitoring of Retirements** **Maoin Peinnsein Chomhairle na Gàidhealtachd: Sgrùdadh Cluaineis**

There was circulated Report No. PC/7/20 by the Head of Corporate Finance & Commercialism.

In particular, it was highlighted that redundancies were approved or otherwise by the Employment Release Sub Committee and unless there were exceptional circumstances there should always be a saving to the Council. There would be costs to the Employer from the early release of pension, but these should be offset by the saving in salary. There would be no additional costs to the Pension Fund as a result of a redundancy, as the Employer would meet the costs of redundancy. An undertaking was given to review the Summary of Retirements table in the report to provide better clarity of the data.

The Committee **NOTED** the details of the retirements as outlined in the appendices to the report.

## 10. **Risk Management Update** **Fios às Ùr mu Rianachd Chunnairt**

There was circulated Report No. PC/8/20 by the Head of Corporate Finance and Commercialism.

In discussion, the efforts of staff in dealing with the challenging circumstances with the Covid-19 crises was recognised and a review would be undertaken of the staffing arrangements in place to ensure that the Pension Fund was managed appropriately.

It was felt that the main risks to Pension Fund investments were the implications of Covid-19 and Brexit. Also, given that staff were being advised to work from home if possible, the Council needed to ensure that its staff were able to do this effectively and safely.

The Committee **NOTED**:-

- i. the updated risk register extract and compliance with the Pension Fund Regulator requirements; and
- ii the Chair would raise the matter of workstation assessments for those employees working from home with the Central Safety Committee.

**11. External Annual Audit  
Sgrùdadh Bliadhnail on Taobh A-muigh**

**11a External Annual Audit Report to Members of the Pensions Committee and the Controller of Audit  
Aithisg In-sgrùdaidh Bhliadhnail on Taobh A-muigh do Bhuill de Chomataidh nam Peinnsean agus Rianadair an Sgrùdaidh**

There was circulated Report No. PC/9/20 by the External Auditor, Grant Thornton. The report concluded the 2019/20 audit of the Pension Fund. Officers help and support in enabling External Auditors to undertake the audit during the Covid-19 crises was acknowledged.

During a summary of the report, the findings from the external audit work for the financial year ended 31 March 2020 were highlighted and it was confirmed that it was planned to issue an unqualified audit opinion on the annual report and accounts. As such, the report was being presented as a draft to the Committee following which it would be signed by the Chief Finance Officer on behalf of the Highland Council Pension Fund.

Detail was also provided on the identified audit risks and associated conclusions as follows – risk of fraud in revenue, management override of controls and Covid-19.

During discussion, a point was made that life expectancy seemed to have changed in recent years and the assumption that people would live longer seemed to have started to reverse. Therefore, the liability of the Pension Fund had shown a small decline. It was advised that the Fund's Actuary made various assumptions when estimating the pension fund liabilities and one of these related to mortality rates.

The Committee **NOTED** the terms of the report.

**11b Letter of Representation 2019/20  
Litir Riochdachaidh 2019/20**

There was circulated (Report No. PC/10/20) a copy of the annual audit letter of representation 2019/20.

The Committee **AGREED** that the letter be signed on behalf of the Highland Council.

**11c Audited Accounts 2019/20  
Cunntasan Sgrùdaichte 2019/20**

It was noted that the Audited Statement of Accounts (Report No. PC/11/20) for the financial year 2019/20 were available for viewing at the following weblink:-

[https://www.highland.gov.uk/downloads/file/22881/audited\\_accounts\\_april\\_2019\\_to\\_march\\_2020](https://www.highland.gov.uk/downloads/file/22881/audited_accounts_april_2019_to_march_2020)

In this regard, the value of the Pension Fund at the end of March 2020 had decreased, but since then the value of the Fund had rebounded strongly. The Fund was a long-term investor, but it was emphasised that there would always be short term fluctuations in the value of the Fund's investments.

There had been a steady increase in all categories of members in the Fund and in particular, members claiming their pension benefits had increased substantially over the last six years to around 10,500 which reflected the age profile of employees within the scheme.

Continuing, the contributions received from employees and employers in 2019/20 was for the first time outweighed by the value of pensions paid. However, there was sufficient cashflow from employees/employers' contributions and pension fund investments to pay for members benefits. However, it did highlight the need to have good investment returns to help pay for benefits.

During discussion, the ageing workforce within the Council was highlighted and it was queried if this would have a significant effect on the Fund in future. It was explained that this should not be a concern, as part of the triennial valuation process and setting of contribution rates, the age profile of scheme members would be taken into account. Also, the Fund's investments were well diversified and this had turned out to be a good strategy as the investments had performed well.

Thereafter, the Committee **APPROVED** the Annual Accounts for 2019/20 as detailed.

**12. Actuarial Update**

There was circulated Report No. PC/12/20 by the Fund's Actuary, Hymans Robertson.

Mr Rob Bilton from Hymans provided an update on the current challenges for the Pension Fund which included:-

- a brief on the McCloud consultation including an estimate of the potential immediate and future costs for the Fund and employers based on the remedy outlined in the consultation;
- an update on the Scottish Cost Management valuation for 2017 and how it might impact employer and member contributions for the Fund; and
- a brief on the Goodwin ruling regarding equality of survivor benefits in same sex marriages, again including the funding implications for the Fund.

In particular, reference was made to the reduction in value of investments in the Fund around the triennial valuation date as a consequence of Covid-19 affecting markets, but since then there had been a rebound in the value of investments. It was advised that when contribution rates were set for Employers, rates were not directly set at the fund value on a particular date, as there would be short-term fluctuations in markets. Therefore, the valuation took a long-term view of the future of the economy and demographics such as life expectancy.

The Committee **NOTED** the report.

**13. Investment Sub Committee: Minutes of Meeting**  
**Fo-chomataidh Tasgaidh: Geàrr-chunntas na Coinneimh**

The Minutes of meeting of the Investment Sub-Committee held on 6 September, 29 November 2019 were circulated for information and **NOTED** and the Minutes of 13 March 2020 were circulated for confirmation and **APPROVED**.

The meeting ended at 12.15 p.m.

## The Highland Council

Minutes of Meeting of the **Audit and Scrutiny Committee** held in the Council Chamber, Council Headquarters, Glenurquhart Road, Inverness on Thursday, 24 September 2019 at 10.30am.

### Present:

Mr G Adam	Mr G MacKenzie
Mr R Balfour	Mr S Mackie
Mrs J Barclay (substitute)	Mrs A MacLean
Mr B Boyd	Mr D Macpherson
Mr R Bremner	Mrs M Paterson
Mrs M Davidson	Mr P Saggars
Mr D Louden	Mr B Thompson

### Non-Members also present:

Mr A Baxter	Mr A Jarvie
Mr R Gale	Ms E Knox
Mr K Gowans	Mr D MacPherson
Mr A Henderson	Mr R MacWilliam.

### Officials in Attendance:

Ms D Manson, Chief Executive  
 Ms L Denovan, Executive Chief Officer - Resources & Finance  
 Ms K Lackie, Executive Chief Officer - Performance & Governance  
 Mr M MacLeod, Executive Chief Officer - Infrastructure & Environment  
 Mr S Fraser, Head of Corporate Governance  
 Mr C Howell, Head of Infrastructure  
 Mr F MacDonald, Head of Property & Facilities Management  
 Ms S McKandie, Head of Revenues and Customer Services  
 Mr J Shepherd, Head of ICT & Digital Transformation  
 Ms T Urry, Head of Roads & Transport  
 Ms E Johnston, Corporate Audit & Performance Manager  
 Miss D Sutherland, Corporate Audit Manager  
 Mr S Carr, Corporate Performance Manager  
 Ms R Cleland, Corporate Communications Manager  
 Mrs M Grigor, Finance Manager  
 Mr D Mackenzie, Trading Standards Manager  
 Mr B Murison, Revenues Manager  
 Ms A MacNeill, Senior Public Relationship Officer  
 Mr R Bamborough, Senior Sustainability Officer  
 Mr J Campbell, Senior Auditor  
 Mr P Hankinson, Senior Auditor  
 Mr S Manning, Principal Traffic Officer  
 Miss J MacLennan, Principal Administrator  
 Mrs L Dunn, Principal Administrator  
 Ms M Zavarella, Administrative Assistant

### Also in attendance:

Ms J Brown, Director, Public Sector Assurance, Grant Thornton

**An asterisk in the margin denotes a recommendation to the Council.  
All decisions with no marking in the margin are delegated to Committee.**

**Mr G MacKenzie in the Chair**

**1. Apologies for Absence  
Leisgeulan**

Apologies for absence were intimated on behalf of Mrs J Barclay.

**2. Declarations of Interest  
Foillseachaidhean Com-pàirt**

The Committee **NOTED** the following declarations of interest:-

Item 6: Mr A Henderson (non-financial)

Item 7: Mrs M Davidson (non-financial)

**3. External Audit Report  
Aithisgean Sgrùdaidh bhon Taobh A-muigh**

There had been circulated the following Annual Report prepared by the Council's External Auditors (Grant Thornton) issued since the last Audit and Scrutiny Committee:-

Annual Report 2019/20 – progress update and timeline

The Committee **NOTED** the terms of the report as circulated.

**4. Internal Audit Annual Report 2019/2020  
Aithisg Bhladhnaid In-Sgrùdaidh 2019/2020**

There had been circulated Report No. AS/1/20 dated 14 September 2020 by the Corporate Audit Manager.

During discussion, Members raised the following issues:-

- regarding the carbon reduction commitment, additional reassurance was sought around its recording and a suggestion was made that the Chair of the Climate Change Working Group discuss with Officers how to get a better system of control and assurance in place. In response, it was confirmed that the CRC scheme had been abolished due to the complexities involved and the new system would allow for more confidence moving forward;
- as carbon reduction was important to constituents, Members needed to receive regular information and updates to be able to adequately answer questions and/or provide resources;
- it was crucial that staff had software that worked properly and was used for its intended purpose;
- it was queried if the sole outstanding action with respect to fraud investigations would meet its target date of 30 September 2020. In

response, the Corporate Audit Manager indicated that she would investigate and confirm the position with Members;

- a refresher session on the Code of Conduct and other relevant policies should be provided to Members so that they could point staff in the right direction if they were approached; and
- information was sought on the impact that Covid-19 had had on the service and in ensuring controls remained in place without the team experiencing an increase in the number of audits that had limited or reasonable assurance. In response, it was pointed out that the internal audit report was for 2019/2020 and this did not cover the Covid-19 period. Generally, there was a risk to internal controls as a result of Covid-19 and this would be a focus of the current year's audit.

Thereafter, the Committee:-

- i. **NOTED** the content of the report and the audit opinion provided;
- ii. **AGREED** that Corporate Communications should complete a press release in relation to the carbon reduction efforts of the Council; and
- iii. **AGREED** that the Corporate Audit Manager would confirm if the sole outstanding action with respect to fraud investigations would meet its target date of 30 September.

## 5. Internal Audit Reviews and Progress Report Ath-bhreithneachaidhean In-sgrúdaidh agus Aithisg Adhartais

There had been circulated Report No. AS/2/20 dated 14 September 2020 by the Corporate Audit Manager which summarised the final reports issued since the date of the last meeting, together with details of work in progress and other information relevant to the operation of the Internal Audit Section.

Resources & Finance – Income Systems (Substantial Assurance)

During discussion, information was sought and received by Members in relation to the following issues:-

- it was queried, and confirmed, that AXIS and Paye.net were two separate elements of the same system, Capita 360;
- the percentage of draft reports responded to by the client within 20 days of receipt had a target of 85% but a response rate of only 20% and it needed to be made clearer that a prompt response was mandatory;
- it was questioned if the queried work with sub-contractors was reflective of where the trades review was at and how it might be considered in the future, given its great interest to communities and Members;
- with respect to procurement, and given the savings to be made through joint procurement initiatives, information was sought as to the extent of engagement with the Redesign Board. In response, it was confirmed that any issues and savings that had been identified by the Redesign Board would be considered;
- in response to concerns that audits were being delayed at the request of management, assurances were provided that this was not the case. For

- example, the ICT arrangement in school had been delayed due to a rollout of devices by Wipro;
- a number of audits had been carried forward to 2021 and there was concern that this was due to a lack of resources. Assurance was sought, and received, that additional posts were being recruited for and the team would be up to full complement shortly;
  - with respect to funding to external and third sector organisations, it was queried whether high levels of engagement in communities due to Covid-19 had been a reason for this audit being carried forward. In response, it was confirmed that the audit had been put on hold due to policy staff being heavily involved in humanitarian efforts;
  - regarding the review of charging and monitoring of time to projects, it was confirmed that the evaluation mechanism would be through the Redesign Board;
  - staff were commended for finding a solution to reconcile with ledgers with bank statements;
  - concern was raised regarding suspense accounts but, in response, an assurance was provided that the new system would reduce the balances in such accounts. It was also highlighted that, despite the volume, most transactions were of low value; and
  - the importance of transparency with respect to trades and the award of contracts in ensuring best value for the 'public pound' without sacrificing quality was emphasised. In response, it was confirmed that critical to any framework was monitoring the performance of sub-contractors to ensure they were performing as expected and, if no improvements were made, they should be removed from the framework.

#### Infrastructure & Environment – Local Full Fibre Networks Project (Reasonable Assurance)

During discussion, information was sought and received by Members in relation to the following issues:-

- regarding payments made to the supplier, a payment of £965k was being withheld until specific milestones were achieved and an update was sought regarding progress and a deadline for DCMS. In response, it was confirmed that milestones had been met and there was a backstop date of 31 March 2021 for the delivery of the project. There would however be an opportunity to discuss with DCMS if an extension would be allowed due to the impact of Covid-19. It was further confirmed that the Corporate Audit and Performance Manager was in the process of reviewing the Council's financial regulations on best practice and it was hoped that this would be completed by end of the financial year;
- there was no guidance within the Council's financial regulations regarding the approval of capital expenditure for self-funding projects. In response, the Executive Chief Officer, Infrastructure and Environment, advised that, despite issues with lack of guidance, there was a review board with all key partners which had been a good project management model and there was confidence that this was meeting the requirements of the grant agreement;
- regarding broadband, it was clarified that the broadband covered in the report was separate money than the scope of the City Region Deal money; and

- an update was sought on the City Region Deal Monitoring Group and it was suggested that it needed to meet more often. In response, the Leader agreed to convene a meeting as soon as possible.

#### Infrastructure & Environment – Compliance with the Carbon Reduction Commitment (CRC) Energy Efficiency Scheme 2018/19 (Reasonable Assurance)

During discussion, information was sought and received by Members in relation to the following issues:-

- it was questioned if the software had been an issue from the outset of the scheme 4 years prior and, if that was the case, it should have been addressed at a much earlier stage. In response, it was confirmed that the software had been problematic but this scheme had now been eliminated;
- communication regarding carbon reduction was often lacking and was a common query of constituents. In response, it was pointed out that the Council had saved over 6000 tons of carbon in the current year, an increase of 15% over the previous year, and equated to £85k in savings for the Council. A suggestion was made that Corporate Communications should generate a press release in this respect; and
- it was challenging to collectively pull information together to highlight how the Council had been successful with respect to carbon reduction and the benefits involved and it was agreed that there was room for improvement in this area.

#### Infrastructure & Environment – Flood Defence Capital Projects (Substantial Assurance)

During discussion, information was sought and received by Members in relation to the following issues: -

- the flood defence system in Smithton/Culloden was reaching completion but concern had been raised by local people about flooding further upstream. The Head of Infrastructure and Development undertook to respond to this out with the meeting;
- the flood team was commended by Members for their excellent work and it was commented that they were held in high regard by communities;
- it was emphasised that where there was slippage, communities should be informed; and
- the challenges around community consultation were acknowledged. It was an important part of the process and the flood team continued to make efforts in this area.

#### Infrastructure & Environment – Car Park Arrangements (Reasonable Assurance)

During discussion, information was sought and received by Members in relation to the following issues:-

- in regard to a long-term vacancy in the team, Members were assured that this was currently being addressed and would be resolved soon;
- concern was raised about the level of unpaid parking fines and the lack of action taken. In response, the Head of Roads and Transport provided

reassurance that there was a process in place to chase unpaid fines which ultimately ended up with the Sheriff Court. It was, however, highlighted that there could be many reasons why fines were not paid promptly e.g. the financial circumstances of the individual;

- concern was raised about the storage arrangements for abandoned vehicles, many of which were occupying parking spaces, and confusion expressed as to whose responsibility it was to manage this issue. In response, it was pointed out that there were many challenges involved with respect to abandoned vehicles but all of these requirements were being taken into consideration in the preparation of a business case;
- abandoned vehicles were an issue for every Local Authority and this had been raised at the Northern Joint Collaboration Board. It had been suggested that this should be looked at collectively and it would be appear on the agenda of a future Board meeting;
- regarding concerns about the cash management process, it was confirmed that, following a lean review, a new procedure was in place whereby the cash was now collected, sealed, transported to a centralised location, counted and collated by a security company prior to being banked. Staff were no longer involved in collecting cash and the new process was highly robust and secure;
- it was suggested that a new system was required with respect to permits for caravans. In response, it was confirmed that there was a new permit system which had been put in place on 14 September 2020. This new system had flexibility and this would be looked at moving forward;
- clarification was sought regarding CCTV cameras in the Rose Street Car Park. In response, the Principal Traffic Officer advised that he would contact the Member who had raised this issue out with the meeting; and
- a Motion had been brought to the Council in 2018 regarding nuisance vehicles with a view to the matter being referred to the former Environment and Infrastructure Committee. However, this this had still not taken place and an update was requested. The Chair of the Communities and Place Committee agreed to circulate a position statement to Members out with the meeting.

Thereafter, the Committee:-

- i. **NOTED** the current work of the Internal Audit Section as detailed in the report and details of progress at Appendix 1;
- ii. **AGREED** that a meeting of the City Region Deal Monitoring Group should be convened as soon as possible and regularly thereafter; and
- iii. **AGREED** that procurement updates be reported to the Redesign Board.

## 6. Internal Audit Plan 2020/21 Aithisgean Sgrùdaidh bhon Taobh A-muigh

**Mr A Henderson declared a non-financial interest in terms of being Chair of HiTrans but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that his interest did not preclude his involvement in the discussion.**

There had been circulated Report No. AS/3/20 dated 28 August 2020 March 2020 by the Corporate Audit Manager.

During discussion, Members raised the following issues:-

- confirmation was sought, and provided, that all Executive Chief Officers' budgets were now in place;
- regarding the audit surrounding the interim appointment of the Executive Chief Officer - Education, the Corporate Audit and Performance Manager provided reassurance that the process was under review and there would be a report provided thereafter. This had not been included in the 2020/21 audit plan and was therefore an unplanned piece of work. Regarding queries about the process involved, it was explained that all the relevant documentation would be examined and an interview list was being prepared. The process would be independent and comprehensive and a 'lessons learned' report would be provided at the November meeting;
- there was concern that Covid-19 could inhibit the work of the audit team if they were unable to access the information required due to time constraints. It was important that the team were supported so that audits could be completed as required;
- with respect to the Corporate Fraud Team, assurance was sought that fraud in regard to Council tax and benefits would be followed up; and
- regarding the procurement review, there were potential savings of up to £900k and it was therefore surprising that this had not been given a higher priority in terms of the work plan. It was therefore queried as to whether additional resources could be allocated.

Thereafter, the Committee **APPROVED** the Internal Audit Plan for 2020/21 as detailed.

## 7. Action Tracking Leantainn Gnìomhachd

**Mrs M Davidson declared a non-financial interest in terms of a family member being employed in Community Services but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that her interest did not preclude her involvement in the discussion.**

There had been circulated Report No. AS/4/20 dated 14 September 2020 by the Corporate Audit Manager.

The Committee **NOTED** the action tracking information provided, including the revised target dates for the completion of outstanding actions.

## 8. National Fraud Initiative in Scotland 2018-19 Iomairt Foille Nàiseanta ann an Alba 2018–19

There had been circulated Report No. AS/5/20 dated 31 August 2020 by the Corporate Audit Manager.

The Committee:-

- i. **AGREED** the Audit Scotland NFI report, the results for the Highland Council and the associated commentary;

- ii. **AGREED** the additional reports issued by Audit Scotland relating to fraud risks associated with Covid-19; and
- iii. **NOTED** that Audit Scotland would be issuing further guidance to public bodies as they moved from the response phase of the pandemic into recovery and renewal.

## 9. Six-Monthly Review of Corporate Risks Ath-Sgrùdaidh air Cunnartan Corporra

There had been circulated Report No. AS/6/20 dated 4 September 2020 by the Corporate Audit and Performance Manager.

During discussion, Members raised the following issues:-

- in relation to Corporate Risk 4, Brexit, a number of issues had been raised including there being insufficient time to plan mitigation and the loss of European Union funding and there was concern that there was a lack of planning taking place. As of yet, no Brexit Plan had been prepared and this was unlikely to be in place before the end of October, leaving little time before Brexit was to take place. It was also essential that the plan reflected the wider Highlands given the likely economic impact;
- a meeting with Ofgem had been requested previously to discuss a range of issues about climate change and it was suggested that this should be included in the Risk Register;
- the definition of the risk associated with the NHS Highland Partnership Agreement, which stated that the renewal had to be approved by June 2020 or there would be significant financial, legal and reputational risk implications, needed to be reviewed;
- devolved budgets to Area Committees had been ranked as 'green' but were not in place and the reasons for this should be explored with the Head of Finance and Commercialism and shared with Committee Members; and
- clarification was sought that risk CR 5.4 was in relation to participatory budgeting and the 1% target.

Thereafter, the Committee:-

- i. **AGREED** the Corporate Risk Register provided at Appendix 1 and the risk profile at Appendix 2 of the report;
- ii. **NOTED** that six monthly reviews of the Corporate Risk Register would continue to be reported each March and September to the Audit and Scrutiny Committee; and
- iii. **AGREED** that information as to why devolved budgets to Area Committees had been ranked as 'green' should be provided to all Committee Members.

## 10. Code of Corporate Governance Còd Riaghladh Corporra

There has been circulated Report No. AS/7/20 dated 6 September 2020 by the Head of Corporate Governance.

During discussion, Members raised the following issues:-

- the Code made reference to support for Community Councils and this provided an opportunity to recognise how important they were, together with Community Development Companies and the Third Sector in general, in assisting the Council and communities, including during the Covid-19 crisis;
- the Budget Leader had introduced a series of monthly budget briefing meetings for all Members and additional information was requested as to their scheduling to allow these to be entered into Members' diaries in advance;
- all Elected Members had agreed to abide by the Councillors' Code of Conduct but disappointment was expressed at the tone used in some debates and it was suggested that this merited a refresher course;
- it was important that Elected Members were suitably equipped to fulfil their role and it was important that there were adequate resources in place for them to do so, particularly to make all aware of the significant changes which had taken place to the Code of Conduct since the last Council elections and as a result of the application of Article 10 of the European Convention on Human Rights. In response, the Leader agreed that Member training was important and undertook to discuss this matter with the ECO – Performance and Governance and the Head of Corporate Governance as a matter of urgency;
- there was always a need to respect the sensitive and confidential nature of the “pink” papers given their potential impact, including on staff and communities;
- clarification was sought as to the route for Members to report any breach of the Code of Conduct by a member of staff; and
- whenever possible the use of acronyms needed to be avoided.

Thereafter, the Committee:-

- i. **NOTED** the progress on delivering the 2019/20 Code of Corporate Governance;
- ii. **APPROVED** the 2020/21 Code of Corporate Governance; and
- iii. **AGREED** the possibility of further training to Elected Members, particularly in relation to the Code of Conduct, be explored by the Executive Chief Officer, Performance and Governance, and the Head of Corporate Governance.

#### **11. Regulation of Investigatory Powers (Scotland) Act 2000 (RIPSA) Achd Riaghladh Chumhachdan Sgrùdaidh (Alba) 2000 (RIPSA)**

There had been circulated Report No. AS/8/20 dated 6 September 2020 by the Executive Chief Officer, Performance and Governance.

The Committee **NOTED** the terms of the report as circulated.

#### **12. Commissioner for Ethical Standards in Public Life/Standards Commission: Councillors' Code of Conduct – Investigation into Complaints**

There had been circulated Report No. AS/9/20 dated 6 September 2020 by the Head of Corporate Governance.

The Committee **NOTED** the terms of the report as circulated and that, in respect of the complaints against Highland Council Members concluded during 2019/20, the

Commissioner/Commission had found that there had been one breach of the Code of Conduct.

### 13. Corporate Complaints Process - Annual Report 2019/20 Aithisg Ghearanan Corporra - 2019/20

There had been circulated Report No. AS/10/20 dated 11 September 2020 by the Executive Chief Officer Resources and Finance.

During discussion, Members raised the following issues:-

- there had been a 21% increase in the number of complaints but it was felt that this was more likely to be due to an increased ability to complain as opposed to poorer quality of service;
- concern was expressed at the reduction in the number of citizens' contacts and it was hoped that they still valued engagement with the Council;
- further information was sought, and provided, on how complaints were monitored and signed-off as having been resolved/concluded;
- a high level of data was being captured and it was suggested that there should be further review of the data analysis process to ensure that the best information was being extracted and all opportunities were being taken. It was also suggested that this report should be presented at an Area level and in doing so it could help identify areas of best practice which could be replicated across the whole of the Highlands;
- it was indicated that there was no consistency in terms of the number of complaints, with significant swings year on year, and further information was sought, and provided, on the reasons for this;
- although the rise in website enquires was encouraging, there was a need to ensure continuation of other accessible methods to make a complaint if necessary;
- there was no Action Plan with the key aim of improving and reducing the number for complaints. Also, it was suggested that there should be a dip-sampling of complaints to get a greater understanding of the nature of complaints with a view to improving overall standards of service;
- it was highlighted that the Communities & Place Committee had responsibility for complaints and the Audit & Scrutiny Committee examined the results;
- a new system would soon be implemented which would be more effective and create efficiencies. It was also suggested that, prior to purchasing new software, a full specification of the Council's requirements should be developed and any new system should be trialled via a practice user group to ensure that it fully met the Council's needs; and
- it was confirmed that there would be Member engagement on the purchase of the new customer IT system.

Thereafter, the Committee:-

- i. **NOTED** the Council's performance for Stage 1 (+4.1%) and Stage 2 (-10.15%) complaints;
- ii. **NOTED** the volume of complaints received (1,726), which was a 21% increase when compared with the previous year;

- iii. **NOTED** that the number of complaints received was a low volume at 1% within the context of the scale of the Council's citizen base and the scope of services provided;
- iv. **AGREED** to support Officers' continued participation in the Local Authority Complaint Handlers Network;
- v. **NOTED** the changes to the delivery model to bring together a corporate approach and drive performance improvement; and
- vi. **AGREED** that there be Area oversight of complaints.

#### 14. Highland Council Emergency Plan Plana Èiginn Chomhairle na Gàidhealtachd

There had been circulated Report No. AS/11/20 dated 8 September 2020 by the Chief Executive.

During discussion, Members raised the following issues:-

- the presentation of the Highland Council Emergency Plan was welcomed as it had been difficult to locate an up to date version of the Plan. It was suggested that it should be circulated to all Members, third sector partners and community groups for feedback;
- Members supported the weekly briefings from the Chief Executive in response to COVID-19 which had been most helpful when dealing with constituents. In addition, Members also expressed appreciation and praised the work of staff and community groups for their diligent efforts in response to the COVID-19 pandemic. The collaborative working with community groups had been invaluable, particularly in regard to the dissemination of information, and this approach must be continued;
- concern was expressed that the report indicated that there were no financial implications, however, there was a cost to maintaining a continued state of readiness;
- confirmation was provided that each Service had a Business Continuity Plan which comprised succession planning measures for senior management and key service roles;
- information on the senior management structure should be updated and published on the Council's website;
- the Chair reminded the Committee that the governance procedures utilised during COVID-19 were the subject of both an internal and external audit. In addition, and as agreed at the last meeting of the Council on 10 September 2020, a letter had been issued to the First Minister seeking an increase in information from the Scottish Government Resilience Rooms and a response on this was awaited;
- with regard to the other recent examples of serious incidents referenced in the report, further information was sought, and provided, on monitoring and ensuring completion of agreed actions within set timelines;
- contacting the Council during the pandemic had sometimes been difficult and it was suggested that a crisis communications centre should be established which could be activated during any type of emergency to ensure that contact could be maintained; and
- there was a need for the Plan to be reviewed, as agreed by the Council, to evaluate how successful it had been. The Plan stated that Members must be

updated regularly on action taken on their behalf and it had been acknowledged that this should have been done sooner. It was noted that the audit would investigate these governance aspects but further information was sought on the repercussions of non-compliance with elements of the Plan. Responding to concerns raised, the Chair explained that the Plan had been updated but acknowledged that it had not been accessible and further advised that review (of the Plan) was an Officer function.

Thereafter, the Committee:-

- i. **NOTED** that the Council had in place a General Emergency Plan (GEP) which had been produced in compliance with the Civil Contingencies Act 2004 (CCA) and the Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Regulations 2005;
- ii. **NOTED** that the General Emergency Plan (GEP) had been completely rewritten in 2019 and incorporated best practice, current guidance and learning from exercises and incidents;
- iii. **NOTED** that internal and multi-agency debriefs on the response to COVID-19, along with a tabletop exercise, had taken place and that the learning would be used to inform future response arrangements;
- iv. **NOTED** that the Council's emergency plans would be subject to scrutiny by Internal Audit and the Council's response to Covid-19 would be subject to scrutiny by external audit;
- v. **AGREED** further Member training and awareness sessions/seminars should be provided on Emergency Planning and Resilience structures and processes; and
- vi. **NOTED** that the Emergency Plan would be circulated to all Members, third sector and community partners.

## 15. Highland Council Whistleblowing Policy Poileasaidh Innsireachd Chomhairle na Gàidhealtachd

There had been circulated Report No. AS/12/20 dated 7 September 2020 by the Corporate Audit and Performance Manager.

In presenting the report, the Corporate Audit & Performance Manager advised that the words '*cannot be guaranteed*' had been omitted from the end of Section 1.4 of the policy and this would be corrected.

During discussion, Members raised the following issues:-

- the policy was welcomed and also that Trade Unions had been consulted. In this regard, it was vital that the policy was reviewed with Trade Unions to ensure that it was effective and it was noted that a planned review date of April 2021 had been set;
- it was suggested that the word "*employees*" should be inserted in the final sentence of Paragraph 4.2 of the report to read "*Workers are employees and those who work closely...*";
- further information was sought, and provided, on who decided if claims were malicious or vexatious. Confirmation was also provided that reporting to the press would be a breach of the policy (the purpose of which was to provide a

- safe route for whistleblowing) and could result in the employee being dismissed;
- it was vital that employees had confidence to come forward to report any concerns and it was therefore felt that an external contractor should be appointed to provide this service, with reference made to the model which had been adopted by Edinburgh City Council. However, concern was expressed that it could be unsettling for employees to have to send information to an anonymous email address and that the responsibility of ensuring anonymity had been placed on the investigator. It was explained that an external provider provided confidence of confidentiality which would encourage employees to raise concerns and also had the added benefit of being able to provide free expert advice to employees and it was thought this impartiality would be welcomed by Trade Unions;
  - the need for this approach was more vital now as Protect, a whistleblowing charity, was reporting an increase in concerns being raised due to workplace Covid restrictions not being followed;
  - the policy needed to be more explicit in terms of what it related to and to provide further signposting on where further information and support could be obtained on matters which were outwith the scope of whistleblowing. In addition, it was felt that further information should be provided on employees' rights and the various options available;
  - although it was noted that the Council had dedicated policies in regard to bullying, a bullying culture within an organisation/department would come under the public interest as defined in the Public Interest Disclosure Act 1998 and therefore the whistleblowing policy would be relevant and this had not been reflected within Paragraph 5.3 of the report. As such, the information in regard to differentiating between bullying and a bullying culture should be strengthened to make this aspect easier to understand;
  - with regard to Paragraph 6.2 of the report, further information was sought on the engagement process which had been undertaken with Trade Unions and it was queried whether further evidence could be provided in support of the Trade Union agreement on maintaining an internal service;
  - the Leader of the Council advised that the policy was the result of many months of collaborative working with Trade Unions and that she had a high level of respect for their involvement and opinion. As such, the policy reflected their position but nonetheless she would ask Trade Unions if they wanted to submit a statement for circulation along with the report to Council. Further information on which Unions represented and how many staff were currently Trade Union members would also be provided;
  - assurance was sought, and provided, that the policy would be fully communicated to all employees and that the process of reporting would be accessible. It was also suggested that the Council's Intranet should be updated to indicate senior officers' responsibilities;
  - assurance was also sought that employees would be given confidence to come forward and report any malpractice and that there would be adequate resource in place to enable complaints to be investigated effectively. In this regard, the Chair advised that Internal Audit and the Corporate Fraud Team were independent and any complaints would be fully investigated; and
  - further information was sought and provided on the role of Elected Members in the event that they were approached by employees.

Thereafter, the Committee:-

- i. **AGREED** the revised Highland Council Whistleblowing Policy and to recommend its implementation to the next meeting of the Highland Council on 29 October 2020, subject to the following revisions:-
  - a. the words 'cannot be guaranteed' be added at the end of Section 1.4; and
  - b. further details to be provided on the Prescribed Person, Employee Rights and the Trade Unions which had been involved in the consultation process;
- ii. **NOTED** that the Leader of the Council would ask Trade Unions if they wanted to submit a statement on the policy for circulation along with the report to the full Council;
- iii. **NOTED** the intention to provide an annual monitoring report to the Audit & Scrutiny Committee beginning in June 2021;
- iv. **NOTED** the plan to review the policy with Trade Unions and with Staff Forum input and to report this to the Audit & Scrutiny Committee in June 2021 along with any recommendations for change to be scrutinised and recommended to the full Council for approval; and
- v. **AGREED** that there should be communication with employees on the revised Whistleblowing Policy.

#### 16. Exclusion of the Public Às-dùnadh a'Phobail

It was **RESOLVED** that, under Section 50A(4) of the Local Government (Scotland) Act 1973, the public be excluded from the meeting for the following item on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1, 8 & 9 of Part 1 of Schedule 7A of the Act.

#### 17. Internal Audit Reviews Ath-bhreithneachaidhean In-sgrùdaidh

There had been circulated to Members only Reports by the Corporate Audit Manager which summarised two final confidential reports issued since the date of the last meeting as follows:-

- Infrastructure & Environment (formerly Community Services):  
Establishments Investigation – Control Weaknesses
- Resources & Finance – ICT Contract Management

Following detailed discussion, the Committee **NOTED** the reports as presented.

The meeting ended at 5.05pm.

## The Highland Council

Minutes of Meeting of the **Lochaber Committee** held **REMOTELY** on **Monday, 28 September, 2020 at 10.30 a.m.**

### Present:

Mr B Allan	Mr I Ramon
Mr A Baxter	Mr D Rixson
Mr A Henderson	Mr B Thompson
Mr N McLean	

### In attendance:

Mrs C McDiarmid, Executive Chief Officer, Communities and Place  
 Mrs D Ferguson, Senior Ward Manager (Ross, Skye and Lochaber)  
 Mr D Esson, Education Quality Improvement Manager (West)  
 Mr R Porteous, Roads Operations Manager  
 Ms S MacLennan, Housing Manager (South)  
 Mr A Lawrie, Principal Repairs Officer  
 Mr J Henderson, Housing Investment Officer  
 Mr A MacInnes, Administrative Assistant

### Also in attendance:-

Mr M Colliar, Group Commander, Scottish Fire and Rescue Service (item 3)  
 Chief Superintendent, C Trickett, Police Scotland (Item 4)  
 Chief Inspector J Valentine, Police Scotland (Item 4)  
 Inspector I Campbell, Lochaber Area Inspector, Police Scotland (Item 4)  
 Sergeant R McCartney, Police Scotland (Item 4)

**An asterisk in the margin denotes a recommendation to the Council. All decisions with no marking in the margin are delegated to the Committee.**

## Business

### 1. Apologies for Absence Leisgeulan

There were no apologies for absence.

### 2. Declarations of Interest Foillseachaidhean Com-pàirt

The Committee **NOTED** the following Declarations of Interest:-

Item 4, 8 & 9 - Mr D Rixson (non financial)  
 Item 4 – Mr A Baxter (non financial)  
 Item 7 – Mr N McLean (financial)

### 3. Scottish Fire and Rescue Service Local Committee Performance Report Aithisg Choileanaidh Comataidh Ionadail Seirbheis Smàlaidh agus Teasairginn na h-Alba

There was circulated Report No LA/12/20 by the Local Senior Officer for Highland.

In discussion, the following main points were raised:-

- In relation to deliberate fires, there had been an increase in April compared to the same period in previous years. These related to grass fires and the Fire Service had introduced a number of fire reduction strategies. Landowners in Lochaber area had been very proactive and positive in terms of muirburning, but the situation would continue to be monitored.
- In terms of station availability, the efforts of the Service in recruiting staff to Kinlochleven Fire Service was recognised. It was advised that during the period of furlough, station availability was very good. As staff had returned to their full time jobs, station availability had returned to normal levels. Any local Covid-19 outbreaks may affect station availability.
- There had been an alarming increase in the number of camping fires in the area, some of which were quite a distance from the road. There was a concern that such accidental fires could continue to occur in future and it was queried what the Fire Service message was to encourage responsible camping. It was explained that the Fire Service were aware of the wild camping issues. The Service was proactive on this issue and Fire Service personnel were visiting problem areas to undertake community engagement. The Service's Prevention and Protection team were also working on wildfire impact, camping guides, caravanning and barbecues impact to get the message out nationally. Local communication on these issues would also be carried out via social media and posters. The more communication at both a national and local level the better and this should result in more responsible behaviour.
- It was advised that Norway and Sweden and some parts of North America effectively had a campfire ban from April to September. However, the Scottish Outdoor Access Code message was don't have a campfire when it is dry. It was queried if Scotland should have a ban on campfires between April and September. It was advised that this would be a matter for the Scottish Government working with partner agencies, landowners and would require evidence to back such a ban. However, the more environmental impact there was through inappropriate behaviour, the greater the risk of hazards to communities. For example, there were restrictions to campfires and drinking alcohol at certain times of the year in Loch Lomond. This had a positive impact in reduction of wildfires in that area along with Ranger patrols. There had not been a big issue with campfires causing wildfires in this area and it tended to have more to do with muirburning or hot car exhausts causing such fires.
- If Councils and local communities wished to pursue the idea of a byelaw banning the consumption of alcohol in certain areas, it was queried if the Fire Service would support this. It was advised that this would require to be considered by Senior Fire Officers so as to adhere to national guidance on this matter, but any measures that would mean a reduction in social disorder would generally be supported. The Chairman undertook to request formally that the Fire Service consider this matter.

Thereafter, the Committee having scrutinised the report, **NOTED:-**

- i the Area Performance Report; and
- ii that the Chairman would request the Scottish Fire and Rescue Service to consider if they would support Councils and local communities introducing byelaws banning the consumption of alcohol in certain areas.

*In accordance with Standing Order 9, with the consent of the meeting, item 9 on the agenda was taken at this point.*

## 9. Housing Performance Report Aithisg Coileanaidh Taigheadais

**Declaration of Interest – Mr D Rixson declared a non-financial interest in this item as the Council’s representative to Lochaber Housing Association and Lochaber Care and Repair but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors’ Code of Conduct, concluded that his interest did not preclude his involvement in discussion.**

There was circulated Report No. LA/17/20 by the Executive Chief Officer Housing and Property.

In discussion, the following main points were made:-

- It was queried how safe staff were when undertaking repairs in a tenants house, did they use PPE and what actions were taken when tenants were not abiding by Covid-19 rules such as social distancing. It was confirmed that there was a risk assessment for all staff visits to households and staff were provided with PPE. If staff had any concerns about entering a property for Covid-19 or other reasons they would not enter the property.
- It was queried at what point did rent arrears become a concern in terms of revenue spend for the property maintenance budget. Also, how did rent arrears reflect on economic circumstances. It was explained that the level of rent arrears at present was a concern. The housing team were proactive in engaging with tenants on rent arrears, however there was a reluctance from some tenants to engage with housing staff. Depending on what happened with the Furlough Scheme, it was anticipated that the end of the scheme would see a further increase in rent arrears. However, daily payments from the DWP for Universal Credit were now being received which would have a positive impact on rent payments. In terms of enforcement action, there was an extension to the notice period therefore the housing team were unable to take action and issue notices at present, but this was under review. There was also a suspension of eviction action at present and eviction was always a last resort. The Council wanted to help tenants sustain their tenancy and did offer them advice on where they could go to seek help.
- There had been job losses in the tourist industry during the lockdown period and partner agencies such as Skills Development Scotland, alongside the Council’s housing options team had been available to assist those affected.

Thereafter, the Committee **NOTED** the information provided on housing performance in the period 1 April 2020 to 30 June 2020.

## 4. Visitor Management Rianachd Luchd-tadhail

### Declaration of Interest

**Mr D Rixson declared a non-financial interest in this item as the Council’s representative to the Isle of Rum Community Trust and Secretary of Mallaig Heritage Trust but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors’ Code of Conduct, concluded that his interest did not preclude his involvement in discussion.**

**Mr A Baxter declared a non-financial interest in this item as a professional Tourist Guide but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the**

**Councillors' Code of Conduct, concluded that his interest did not preclude his involvement in discussion.**

There was circulated Report No. LA/13/20 by the Executive Chief Officer Infrastructure and Environment.

In discussion, the following main points were raised:-

- In relation to vehicle and pedestrian movements alongside the A82 trunk road, there was a need for an awareness campaign for people coming from an urban environment and not realising they were on a trunk road. Examples of reversing onto the trunk road and walking alongside the trunk road were provided in the Glencoe area. It was queried how the Council could help the Police address this issue before further serious accidents occurred. It was advised that the National Trust for Scotland as the major landowner in Glencoe had been leading on work to address some of these issues and information on this would be circulated by the National Trust to all Lochaber Members. It was explained that Police Scotland regularly had patrols on trunk roads at peak periods and at tourist hotspots and offered advice and assistance to motorists.
- Reference was made to the problem of tour buses dropping their passengers onto the trunk road at viewpoints. It was hoped that any professional tour operator would refuse to stop at locations where there was not suitable parking to allow their passengers to disembark safely. It was queried if the Council could work with the Police to contact tour operators reminding them that they need to be safely off the road in such instances, or alternatively not stop at all. It was confirmed that the Police could assist with this and check the appropriate road traffic legislation and highway code.
- The Council's budget required to be directed in a more seasonal manner and it was queried if Police Scotland had a similar approach. It was confirmed that Police Scotland did increase resources in the summer period, such as on the Isle of Skye and an undertaking was given to review Police deployment across the division in relation to the demands being faced and feedback the outcome on this at a future meeting.
- many communities felt that if there were special policing events involving some of the specialist Police units at tourist hotspot areas in Lochaber, this would send the message that there was zero tolerance by the Council, local communities and the Police to drug and alcohol misuse. It was confirmed that this proposal was supported by Police Scotland as and when intelligence and resources allowed.
- There would be Police Officer accommodation available in Fort William early next year which would help with recruitment;
- Morrisons Supermarket had created a new Community Champion post and were keen to introduce high profile measures such as labelling on barbecues, to encourage responsible use;
- Areas such as Glen Etive and Glen Nevis were very restricted as far as potential infrastructure improvements was concerned. If consent from landowners was received to acquire land in order to increase parking capacity at tourist hotspots this would help matters. It was queried if efforts were being made to acquire land for this purpose. Crown Estate and rural tourism infrastructure funding could be available for such projects. It was advised that landowners in Glen Etive were looking at areas where they could provide land to create off road car parking spaces and similar discussions had been held with the Glen Nevis Steering Group. Different areas had their own particular problems and potential solutions

but acquiring land for additional parking and parking charges which would provide income for use locally that would significantly help matters.

- Small car parking spaces with a parking meter was supported by local communities as long as the revenue received would be used for example to improve infrastructure or provide a Ranger Service in the area. An action plan was sought for new parking charging in the area.
- Reference was made to a lack of understanding of proper driver behaviour on single track roads and it was suggested that with the help of Police Scotland, a more proactive role be taken with all those commercial organisations who hired motorhomes to ensure that those hiring the vehicles knew what the rules of the road are in Highland.
- It was queried if Police Scotland could work with Schools to produce a short video for social media that covered some of concerns about driver behaviour on roads in the Highlands. It was highlighted that education was one of the key elements of road safety and Police Scotland would welcome to work with all road safety partners to deliver this.
- It was queried if a better system of traffic enforcement could be developed. It was explained that while enforcement would play a part in resolving parking issues, it was not the solution and other measures such as better infrastructure for car parking were needed. Also, Police Scotland's resources were limited with many priority areas and only so much time could be allocated to parking enforcement. If parking enforcement was decriminalised and other agencies took on this role, this would free up police resources for other priority areas.

The Committee having commended Police Scotland for the policing over the summer in the Lochaber area which had been very challenging at times and that the local police were held in great respect by Lochaber communities, **AGREED:-**

- i the contents of the report and supported the approach to Visitor Management;
- ii that Police Scotland would write to Coach Tour operators reminding them of the highway code and road traffic legislation.
- iii to review the Police deployment of resources across the division and report on the outcome of this at a future meeting.
- iv high profile Police operations at tourist hotspots in Lochaber would be undertaken to tackle anti social behaviour, drug and alcohol misuse.
- v that Police Scotland would work with its road safety partners to deliver a short video for social media that covered road safety concerns specific to driving in the Highlands.
- vi that Police Scotland would consider and report back on whether a better system of traffic enforcement could be developed.
- vii an action plan be developed for introducing parking meters at popular tourist locations in Lochaber.

## 5. Return to Schools Update Cunntas às Ùr mu Thilleadh dhan Sgoil

The Education Quality Improvement Manager (West) provided a return to Schools update. The update covered:- contingency planning depending on the various possible outcomes of lockdown and return to schools; Risk assessments had been developed and there had been weekly area operational meetings; High Life Highland had started re-engagement with Schools; and Council's had received additional money for teaching staff.

Continuing, reference was made to a Covid-19 outbreak at Kinlochleven High School and staff were working with the multi agencies and health protection team following national guidance in dealing with this outbreak. An update was also provided on staffing

changes, retirements and appointments; SQA results and Outward Bound with a range of activities carried out by Schools highlighted.

The Committee expressed their best wishes to all staff retiring or leaving the Council and in particular Ms Norma Young, former Area Care and Learning Manager after 40 years service. Also, the work undertaken by Joseph Hannaway, Head Teacher, Kinlochleven High School was commended in relation to his efforts in dealing with the Covid-19 outbreak in Kinlochleven.

In discussion, the following main points were raised:-

- It was queried if there were any areas of concern regarding general Teacher recruitment. It was advised that staffing at all levels was becoming challenging particularly teaching in primary and secondary schools because of Covid-19. There were increased absences, anxieties and some staff were shielding and leaving the service. Cover arrangements were currently being investigated for these vacancies.
- It was requested that the Service look at emergency options for Teacher accommodation, as at times there was no accommodation available in remote locations where there was a Teacher absence. In particular, it was suggested that a mobile home could be supplied as a temporary measure in such cases, particularly on the Isle of Rum. This suggestion would be forwarded to the Interim Head of Education and Workforce Planning Manager. It was explained that accommodation for staff in schools was an ongoing concern across Highland. In particular, it was highlighted that there had been an opportunity missed to use a house on the Isle of Rum for Teachers.
- There had been a special arrangement in the Summer for pupils from the Small Isles to return home on a weekly basis. Parents had recently requested that this arrangement be extended, as due to Covid-19 restrictions, the hostel had to operate under certain restrictions. As a result some of the pupils benefit from being able to return home more frequently. It was understood that the once a week ferry service would continue, but this would be checked and a response to Councillor D Rixson would be provided.

Thereafter, the Committee **NOTED** the update on the return to Schools.

## **6. Lochaber Area Roads Winter Maintenance Plan 2020/21 Plana Cumail Suas Rathaidean Geamhraidh Sgìre Loch Abar 2020/21**

There was circulated Report No. LA/14/20 by the Executive Chief Officer Infrastructure and Environment.

In discussion, the following main points were raised:-

- The Ballachulish priority route did include the top end of the village and the routes to the School. The winter maintenance route map would be expanded to make this clearer.
- In terms of Community Self Help Schemes, it was requested that Officers be proactive in communicating to Community Councils about these schemes which would help manage expectations and encourage communities to take part and submit an application.
- Options were being considered for contractor assistance this winter. Officers did have a list of contractors who could provide assistance with winter maintenance and efforts were being made to increase the number of contractors on the list. In

many parts of Lochaber there were farmers and landowners that had equipment that could be called on to help and it was confirmed that they were also on the list.

Thereafter, the Committee **APPROVED** the Winter Maintenance Plan for the Lochaber Area in reference to Appendix A of the report.

**7. Area Roads Structures Annual Report 2019/20  
Aithisg Bhliadhnaile Structaran Rathaid na Sgìre 2019/20**

**Declaration of Interest –**

**Mr N MacLean declared a financial interest in this item on any matter relating to Invercoe Bridge and did not take part in the discussion relating to this, but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that his interest did not preclude his involvement in discussion on other items in the report.**

There was circulated Report No. LA/15/20 by the Executive Chief Officer Infrastructure and Environment.

In discussion, the following main points were raised:-

- It was requested that future reports make it easier to identify road structures and their locations;
- In relation to the Bridge Stock Condition, information was sought on how many bridges in Lochaber were above the critical index level 64;
- Members would be provided with information on the replacement Invercoe bridge project;
- An update report on the Kinlochleven Viaduct project would be provided to Ward 21 Members;
- It was requested that the Ballachulish footbridge repairs should all be done at the same time to minimise the closure period. Also, if works had not started then the closure signs should be removed.
- There had been an issue in the past with home carers travelling early in the morning prior to roads being gritted, particularly on the Ardnamurchan peninsula. It was advised that there was now flexibility in the Winter Maintenance Plan to start gritting earlier than 6a.m. if winter conditions made this necessary.

Thereafter, the Committee:

- i **NOTED** the contents of the report;
- ii **AGREED** that a report be submitted to Ward 21 Members with an update on the Kinlochleven Viaduct project; and
- iii **AGREED** that information be provided to Members on:- the replacement Invercoe bridge project; and how many bridges in Lochaber were above the critical index level 64 .

**8. Lochaber HRA Capital Programme 2021-2022  
Prògram Calpa Cunntas Teachd-a-steach Taigheadais Loch Abar 2021-2022**

**Declaration of Interest – Mr D Rixson declared a non-financial interest in this item as the Council's representative to Lochaber Housing Association and Lochaber Care and Repair but, having applied the test outlined in Paragraphs 5.2 and 5.3 of**

**the Councillors' Code of Conduct, concluded that his interest did not preclude his involvement in discussion.**

There was circulated Report No. LA/16/20 by the Executive Chief Officer Housing and Property.

In discussion, the following main points were raised:-

- In was queried how the proposed Aids and Adaptations budget compared to that of previous years and how adequate this had been. It was explained that the Aids and Adaptations budget for Lochaber in the current 5 year plan was set at £97k and the proposed budget for 2021/22 has been increased to £119k to meet the number of aids and adaptations referrals in the area.
- In relation to heating and energy efficiency, the evidence of reduced running costs for tenants was largely anecdotal. It was queried if efforts were being made to get more accurate information regarding the tenants experience on heating replacements and insulation e.g. share their running costs. It was explained that the energy team did focus on energy performance certificate (EPC) rating scores to see what improvements were made in the energy efficiency standards of a property. In recent contracts, an analysis has been made of some tenants energy bills to check that the works had provided the energy efficiency benefits that had been anticipated.
- There were reports to the Local Committee on the Housing element of the capital programme. However, no reports on other Council assets in the capital programme were submitted and it was intended that in future this type of report would be submitted to Local Committees.

Thereafter, the Committee:-

- i **NOTED** the allocation of resources to Lochaber Area as set out at 5.7;
- ii **NOTED** the guideline investment priorities as set out in sections 5.2 and 5.3 of the report;
- iii **AGREED** the proposed one-year HRA Capital Programme for Lochaber 2021-22 as set out in Appendix 1;
- iv **NOTED** the position relating to the current year HRA Capital Programme; and
- v **NOTED** that updates on the Housing Revenue Account Capital Programme will continue to be provided through ward briefings and at future Local Committees as requested by local Members, in addition to reporting to Housing and Property Committee.

## **10.Cameron Square Canopy Project Pròiseact Canopaidh Ceàrnag nan Camshronach**

Members were advised that on 20 February, 2020 the Scottish Government advised that the expenditure deadline for all Town Centre Fund (TCF) projects had been extended to 31 March, 2021. All TCF projects in Lochaber remain on track to be delivered in accordance with the works approved by Committee and within the extended delivery timetable. On completion of the Cameron Square canopy project a £2,169.60 underspend was realised. The Grantee formally requested that this underspend be used towards purchasing an accompanying lighting gantry for the canopy. This request

was presented to Committee Members the week commencing 13 July, 2020 and a majority decision to approve the project variance was obtained on 17 July 2020.

The Committee **AGREED** to homologate this decision.

*In accordance with Standing Order 9, with the consent of the meeting, item 12 on the agenda was taken at this point.*

## **12. Lochaber Health & Social Care Redesign Steering Group**

*The Chairman agreed that the following urgent item of business be considered at the meeting given the public interest in this matter and the impact on the Lochaber area:-*

It was highlighted that the Lochaber Health & Social Care Redesign Steering Group had last met on 5 March, 2020. A further meeting was scheduled for May, but was postponed due to Covid-19 and thereafter a meeting was arranged for August but this was cancelled. The reason provided was that work was not able to restart on the project given the ongoing work to remobilise services and designing new ways for services to operate within the Covid-19 guidelines. There had been no public information of a rescheduled date and there was increasing concern from those on the Steering Group on this matter.

Therefore, in view of the widespread public concern at the failure to reconvene the Lochaber Health & Social Care Redesign Steering Group, it was requested that a letter, on behalf of all Lochaber Councillors, be sent to the Chief Executive, NHS Highland requesting they address this matter as a matter of urgency. All Members supported this proposal with the addition that a letter be also sent to the Cabinet Secretary for Health in the Scottish Government highlighting that this was a continuing problem for the residents of Lochaber.

The Committee **AGREED** the above proposed action.

## **11. Minutes Geàrr-chunntas**

The Committee **NOTED** the Minutes of Meeting of the Lochaber Committee held on 29 June, 2020 which were approved by the Council on 30 July, 2020.

The meeting ended at 1.00 p.m.

## The Highland Council

Minutes of Meeting of the **Education Committee** held remotely on Wednesday 30 September 2020 at 10.35 am.

### Present:

Mr G Adam	Ms E Knox
Mr A Christie	Mr G MacKenzie
Mrs M Cockburn	Mrs I MacKenzie
Mr J Finlayson (Chair)	Mr R MacWilliam
Mr L Fraser	Mr G Ross
Mr K Gowans	Ms N Sinclair
Mr A Graham	Mr B Thompson (Substitute)
Mr T Heggie (Vice Chair)	

### Religious Representatives:

Mr W Skene

### Non-Members also present:

Mr A Baxter	Mrs A MacLean
Mr R Bremner	Mr D Macpherson
Mrs C Caddick	Mr J McGillivray
Mr R Gale	Mr C Munro
Mr J Gordon	Ms L Munro
Mr A Jarvie	Ms P Munro
Mr B Lobban	Mrs T Robertson
Mr D Louden	Ms M Smith
Mr D Mackay	

### In attendance:

Ms D Manson, Chief Executive  
 Ms N Grant, Executive Chief Officer – Education and Learning  
 Ms J Douglas, Care and Learning Alliance (Third Sector)  
 Ms G Newman, Highland Children's Forum (Third Sector)  
 Mr J Hasson, Highland Parent Council Partnership

**An asterisk in the margin denotes a recommendation to the Council. All decisions with no marking in the margin are delegated to the Committee.**

### Mr J Finlayson in the Chair

#### Preliminaries

Prior to the commencement of formal business, the Chair emphasised the importance of today's meeting, particularly given the spike in Covid-19 cases being seen nationally. However, schools had now been back for seven weeks and, whilst there had been some localised issues, it was fair to say that schools and communities, supported by the Council, Public Health officials and Local Members, had responded fantastically well. He thanked

school staff, parents, pupils, Council officers, Public Health officials and Members for their ongoing work and support, adding that more and more was being learned each time there was an outbreak of Covid-19 in an educational setting.

Today's agenda reflected on past and current experiences whilst also looking to the future and how to take forward recovery and ambition in Highland schools. It also reflected on how to support all areas of education to move forward whilst celebrating and supporting all that continued to be good across school settings and in Highland communities. He encouraged Members to make it a positive meeting as the resilience, dedication and hard work of everyone associated with education in Highland was something to be proud of in these different and difficult times.

## **Business**

### **1. Apologies for Absence Leisgeulan**

Apologies for absence were intimated on behalf of Mrs I Campbell, Mr S Mackie, Mrs F Robertson and Mr A Sinclair.

### **2. Declarations of Interest Foillseachaidhean Com-pàirt**

The Committee **NOTED** the following declarations of interest:-

Item 6 – Mr K Gowans and Mr R MacWilliam (both non-financial)

Item 7 – Mr A Christie (financial); and Mr K Gowans and Mr R MacWilliam (both non-financial)

### **3. Good News/Outstanding Achievements Naidheachdan Matha/Coileanaidhean Fa Leth**

There had been circulated a list of outstanding achievements by pupils and schools.

The Committee **NOTED** the outstanding achievements.

### **4. Presentation: Letters from Lockdown – Preliminary Report Taisbeanadh: Litrichean bhon Ghlasadh**

There had been circulated Report No EDU/14/20 dated 10 September 2020 by Gillian Newman, Policy Lead, Highland Children and Young People's Forum.

In presenting the report, the Policy Lead, Highland Children and Young People's Forum (the Forum), made the following comments:-

- the Letters from Lockdown report provided a window into young people's experiences of lockdown which included an awakening of a sense of community and a willingness to help others worse off than them and support key workers. There had never been such awareness amongst children and young people that the decisions made by policymakers impacted their lives and futures, and it was crucial to listen to and work with them to plan a way forward and build on that sense of community;

- in relation to mental health support, young people often turned to their peers first and it was essential to provide a good understanding of mental health. It was added that young people had been asking for some time for a say in what was included in Personal and Social Education and it was necessary to listen to them;
- with regard to the counselling funding from the Scottish Government, which formed part of item 7 on the agenda, it was questioned whether distributing funding to Associated School Groups and individual schools was the right approach given all that schools were currently dealing with in terms of planning for change. In relation to the recruitment of counsellors, it was crucial to get the right people with the right qualifications in the right place at the right time;
- feedback from children was that they did not like having the same packed lunch every day. As time went on, more and more families would be affected by the economic crisis and the importance of providing a hot school meal, which for many children would be the only hot meal of the day, was emphasised. However, it was recognised that this was challenging in terms of social distancing;
- secondary school pupils were talking about wearing face masks, and those with social/communication challenges and hearing impairments were finding it particularly difficult. Whilst there was no easy solution, a dialogue with young people so there was greater understanding would be useful;
- not all children thrived in school and it was queried whether the Highland Schools Digital Hub would be available to those children who were not in full-time education;
- the children who had taken part in the Letters from Lockdown competition were likely to be those who had family support at home and were engaged in their learning, so the report did not capture the voice of more vulnerable children and young people;
- the recruitment of additional staff to support education recovery, which formed part of item 7 on the agenda, was welcomed. In addition, the Forum was in discussion with the Education Improvement Team (EIT) regarding the idea of Volunteer Learning Mentors who would listen to and be there for young people as well as helping them catch up on their learning;
- the importance of the child's voice in learner engagement was captured in item 6 on the agenda and the Forum wanted to do all it could to support this, recognising that engaging with the most vulnerable children and young people could be challenging. The Forum had links through a network of third sector organisations and parent support groups, and would like to provide a platform that allowed children and families to bring forward issues and ideas to Council officers and allowed officers to consult with children and young people on proposals; and
- the Forum was keen to work with the Council to develop the proposed Letters from Lockdown online resource, and it was hoped that the Committee would not just note the work of the third sector partners to support the child's voice but actively seek to collaborate with third sector partners to capture it.

She then introduced five of the prize-winning young people who talked about taking part in the Letters from Lockdown competition as well as their experiences of lockdown and returning to school.

During discussion, Members commended the young people for their eloquent contributions, which emphasised the great work taking place in Highland schools, and thanked Gillian Newman for her work on the project. In addition, it was commented

that the Chromebook initiative had been a huge success and it was necessary to ensure that it was a sustainable resource going forward.

The Chair having emphasised that engaging with third sector partners was key to how the Council moved forward, the Committee:-

- i. **AGREED** to acknowledge the value of the contributions made on behalf of the Council to the children and young people who took part;
- ii. **AGREED** to the potential use of the letters as an online resource for Highland education;
- iii. **NOTED** the work with Third Sector partners such as the Highland Children and Young People's Forum to actively involve children and young people in consideration of how to "build back better";
- iv. **AGREED** to recognise the resilience shown by the children and young people; their gratitude for what they had; their care for others in the community; their understanding of the impact on their own mental health and the mental health of their peers; the new life skills sought; and the efforts to keep fit; and
- v. **NOTED** the work with Third Sector partners such as the Highland Children and Young People's Forum to support children and young people in identifying what would help them going forward in a future where further local lockdowns were likely.

## 5. SQA Attainment Update Cunntas às Ùr mu Bhuileachadh SQA

There had been circulated Report No EDU/15/20 dated 7 September 2020 by Donald Paterson, Education Improvement Team Leadership Lead.

The Chair again thanked school staff for the flexibility and resilience they had shown in recent months when advice from the SQA about exams and moderation and teacher assessment had changed rapidly over a matter of a few weeks. As always, schools and staff had stepped up to the mark and the detailed information in the report showed how well Highland schools had done in terms of attainment last session and the positive results that had been achieved across all Scottish Index of Multiple Deprivation deciles. The survey feedback from staff, as set out in the report, was also revealing and again showed how flexible and focussed school staff had been.

The Vice Chair added his congratulations to pupils and staff, commenting that, despite the controversy regarding the assessment process, Highland had performed very well when benchmarked against national standards. He referred to the schedule of local attainment meetings as well as the seminars on attainment that would help all Members evaluate the work taking place at a local level, not only in secondary schools but across Associated School Groups from age 3-18. It was hoped these measures would help Members better understand the hard work of all staff and the resilience of pupils, as demonstrated by the presentation at item 4 on the agenda. Whatever assessment model was used in the year ahead, it was hoped that staff and pupils would be able to cope and, as always, seek to do their best and live up to the standards that had been set.

The Opposition Spokesperson for Education, Councillor Graham MacKenzie, commented that the most important thing was that pupils received the grades their hard work merited. That was the position ultimately reached, and it seemed

appropriate to move to using teacher assessment to understand what pupils' grades should be. The increase in attainment was part of an increase across Scotland and that was to be welcomed. In terms of reducing the attainment gap, it was suggested that it was necessary to wait until next year to see the results and trends. There had never been a more stressful or difficult time for young people, and he commended pupils for their fortitude and resilience, teachers for their commitment, and parents for the way in which they had worked with schools and supported their children. Finally, to the young people who had not been as successful as they might have been, he emphasised that it was not the end of the world. Life was all about learning and there would be many more opportunities for them to succeed.

During discussion, the following issues were raised:-

- it was important to recognise that there were a number of different ways that individual schools developed opportunities for young people to attain and achieve;
- information was sought, and provided, on whether the SQA was actively talking to education authorities and school personnel about their experiences and what might change going forward;
- the Members' workshops on attainment had been very useful;
- concern was expressed regarding P7/S1 transitions, and the importance of identifying and capturing any potential issues, particularly in respect of literacy and numeracy, was emphasised;
- it was important to build on the success of the Chromebook initiative, and Members expressed their appreciation for the work that had been undertaken in that regard, particularly teachers' delivery of online learning;
- it was hoped that online learning would be utilised to ensure that lessons continued throughout the winter and there was no down time due to "snow days";
- the work that had been put into health and safety was commended. However, health and wellbeing was also important and a plea was made that the Health and Wellbeing Committee for teaching staff be reinstated;
- information was sought, and provided, on whether it had been confirmed that, in the event that next year's exams were cancelled and teacher assessment took their place, assessment would be based on work in the current year, or would it also take into account work in the previous academic year, which could put some students at a disadvantage;
- feedback from Parent Councils in Ward 13 was that there should be equal access and support for all to ensure that the attainment gap was narrowed. In addition, disappointment had been expressed that there had been no report cards this year and, whilst recognising that it may be difficult, a plea was made that they be provided in future; and
- on the point being raised, it was confirmed that information on the attainment of Looked After Children would be reported to the next meeting of the Committee and ward attainment meetings.

Thereafter, the Committee:-

- i. **NOTED** the contents of the paper and recognised the significant improvement trends in attainment in S4, S5 and S6;
- ii. **AGREED** to formally congratulate the young people, their families and the school staff for such significant improvement in SQA attainment in the Highlands in August 2020; and

- iii. **AGREED** that following individual school attainment reviews a report would be brought back to the Education Committee highlighting best practice in closing the attainment gap in schools and reporting on the key strategies being deployed to further improve work in this area.

## **6. Learning, Teaching and Curriculum – Reconnect and Recovery Ionnsachadh agus Teagasg – Ath-cheangal agus Ath-shlànachadh**

**Declarations of Interest: Mr K Gowans and Mr R MacWilliam declared non-financial interests in this item on the grounds that they had children enrolled in primary and/or secondary school but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors’ Code of Conduct, concluded that their interests did not preclude their involvement in the discussion.**

There had been circulated Report No EDU/16/20 dated 21 September 2020 by Nicky Grant, Executive Chief Officer, Education and Learning.

The Chair explained that the report provided an update on the curricular developments that had been happening and would continue to happen going forward against a very uncertain background in terms of what might transpire with regard to full-time schooling over the next few months. It was important not to underestimate the challenges that had been faced in terms of getting young people back to school and assessing where they were in their learning whilst also settling them back into school life and looking out for their health and wellbeing. However, it was also necessary to be positive about the success that had been achieved in getting all 203 Highland schools re-opened, as well as 245 Early Learning and Childcare settings, and he again thanked stakeholders, including pupils, parents and school staff, for their support.

The Executive Chief Officer – Education and Learning introduced Jason Hasson, Chair of the Highland Parent Council Partnership, who explained that he had taken over as Chair at the beginning of August following ten years as Chair of Tarradale Primary School Parent Council. He welcomed the opportunity to work closely with the Council on returning children to school and to put parents’ views across, which was vital in the current unprecedented times. He commended the commitment from the Council’s Chief Executive and Executive Chief Officer – Education and Learning to attend Parent Council Partnership meetings when they could and extended an invitation to Members of the Committee to attend the meeting scheduled to take place at 7.00 pm that evening.

The Chair welcomed the invitation and confirmed that he intended to have regular input from the Highland Parent Council Partnership to give the Committee a flavour of parents’ views and the engagement that was taking place.

During discussion, the following issues were raised:-

- Members welcomed the invitation to attend meetings of the Highland Parent Council Partnership, and it was requested that a schedule of future meetings be provided;
- the report was more generic than specific, and it was requested that more detail be provided in future reports;

- an assurance was sought, and provided, that Additional Support Needs (ASN) allocations had been issued to all schools;
- information was sought, and provided, on whether there was any embargo on promoted post appointments; why vital support staff/services such as mental health professionals, Educational Psychologists and Scottish Counselling Services had been unable to access schools so far and when they would be able to do so; what actions would be taken to achieve the outcomes described in sections 7.1 and 7.2 of the report; what the health and wellbeing check described in section 7.5 of the report had revealed in terms of what the difficulties were, and how they would be overcome; the timeframe for attainment moderation and how it would be applied consistently across schools;
- there was no doubt that the attainment gap would have widened in many settings and information was sought, and provided, on what work had been done on identifying the widening attainment gap, what that had revealed, what sort of assessments had been carried out and how they had been undertaken, whether there was consistency of approach throughout Highland and whether a report would be provided at a future meeting;
- in relation to digital pedagogy, whilst some Members had had a good experience in their wards there were reports that it had been patchy or non-existent in some areas of Highland;
- there was a lot of uncertainty and angst among parents;
- parents would like to see a greater emphasis on literacy and numeracy whereas some schools appeared to place more emphasis on wellbeing and happiness. However, it was recognised that both were important;
- more information was requested on children with ASN and how their lost learning would be mitigated;
- some children had engaged very well with online learning whilst others had not, and it was necessary to try and quantify that;
- the need for clarity regarding the status of the EIT was reiterated. As a result of Head Teachers being seconded to the EIT, a number of Acting Head Teachers had been acting up for a significant period of time which was not fair to them, parents and pupils. If the EIT was to be made permanent it was requested that this be expedited and, if not, a timescale was sought. The Chair explained that the Acting Head Teacher was usually the Depute Head, part of whose role was to fill in for the Head Teacher, and acting up was a learning experience. However, it was acknowledged that not having a Head Teacher could cause concern for parents, and communication was key. The issue of resourcing having been raised it was explained that there were no additional costs associated with the EIT as it was made up of existing Council staff;
- Members reiterated concerns that there was no Public Health representative in attendance and insisted that an invitation be extended to NHS Highland and that it be impressed upon them how important it was that advice was available to the Committee when issues related to Covid were being discussed. The Chair emphasised that public health officers were working with schools on an almost daily basis. However, he confirmed that the possibility of representation at the Committee would be discussed;
- teaching staff had done an excellent job and pupils were a credit to Highland in the way they had responded to the pandemic. However, it was important to recognise that there had been significant variances in the experiences of young people in terms of their education;
- it was necessary to be mindful of the need for adaptability, and the provision of digital skills training and support for teachers was welcomed as there was a

disparity between the abilities of different teachers and children often had digital skills in advance of those teaching them;

- going forward, it was necessary to decide whether to take an ongoing crisis management approach or recognise that there had been a fundamental shift in how people lived their lives and therefore how children were educated;
- many of the changes that had been made were to be celebrated, would make education choices easier in the future and were more financially viable;
- there were a number of positive aspects to the increased availability of digital learning, and it was suggested that resources be diverted into researching the kind of technology platforms that were already available and were far in advance of the technology the Council was currently using which, although useful, had limitations;
- in relation to mental health and counselling, additional funding alone was not necessarily helpful given the significant skills shortage in Highland in the field of mental health, and it was suggested that the possibility of remote/online counselling provision by professionals from outwith Highland be explored. The Chair confirmed that this would be looked into;
- the provision of hot school meals was important, particularly during the winter months, and information was sought on the position in that regard;
- there were a number of School Crossing Patroller vacancies and, given the statement in the Revenue Budget Monitoring report at item 9 on the agenda that the Transport budget underspend related to School Crossing Patrollers and School Escorts, an assurance was sought that there was no impediment to recruitment and all posts had been advertised; and
- concern was expressed that the flashing 20 mph signs were not working at almost 200 schools and School Crossing Patrollers were having to operate without their support in slowing down traffic. It was requested that their repair be expedited, and an explanation was sought, and provided, as to how the situation had come about.

Officers responded in detail to the points/questions raised, during which it was confirmed that:-

- a wellbeing survey had been issued to all parents, pupils and staff, the results of which were awaited and would be reported to the next meeting of the Committee;
- NHS Highland was currently having to respond to significant Covid incidences throughout Highland, an update on which would be provided at tomorrow's Members' briefing;
- a report on the work taking place on assessment and moderation, including an innovative project in conjunction with Education Scotland, would be presented to the next meeting of the Committee;
- the status of the EIT formed part of the redesign work taking place in terms of the structure of each Council directorate. This had previously been signposted, with timelines, at the Recovery Board and it would be ensured that it was covered again at the next meeting of the Recovery Board; and
- an update on the provision of hot school meals would be provided to the next meeting of the Committee or at a Members' briefing.

The Chair welcomed the forthcoming report on assessment and moderation and suggested that consideration be given to a seminar on formative and summative assessment to increase Members' understanding. In addition, he emphasised the need to have an EIT that was dynamic and fit for purpose. There had been a number

of changes recently in terms of leads, and he confirmed that information on the current structure of the EIT and Area Teams would be circulated to all Members.

Thereafter, the Committee:-

- i. **NOTED** the developments underway to support recovery planning in school settings in relation to learning, teaching and assessment;
- ii. **NOTED** the continued focus on partnership working at school, local and national level to further enhance curriculum delivery and improve outcomes for learners;
- iii. **NOTED** the plans and actions underway to support the continuity of learning in response to localised outbreaks of Covid-19, periods of further lockdown and return to blended learning;
- iv. **AGREED** that discussions take place with NHS Highland regarding the possibility of having public health representation at future meetings of the Committee;
- v. **AGREED** that the possibility of online/remote counselling provision be explored;
- vi. **AGREED** that consideration be given to a future Members' Seminar on formative and summative assessment; and
- vii. **AGREED** that information on the structure and remit of the Education Improvement Team and Area Teams be circulated to all Members.

## **7. Education Recovery and Resilience: additional funding for counselling, teacher resource and digital inclusion**

### **Declarations of Interest:**

**Mr A Christie declared a financial interest in this item as a Non-Executive Director of NHS Highland but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that his interest did not preclude his involvement in the discussion.**

**Mr K Gowans and Mr R MacWilliam declared non-financial interests on the grounds that they had children enrolled in primary and/or secondary school but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that their interests did not preclude their involvement in the discussion.**

There had been circulated Report No EDU/17/20 dated 20 September 2020 by Nicky Grant, Executive Chief Officer, Education and Learning.

During discussion, the following points were made:-

- the Chairman welcomed the funding from the Scottish Government to support Education Recovery and Resilience. The feedback received from Members and schools had been taken into account and funding was being allocated using decision making processes at local level that involved schools, Head Teachers and area staff in acknowledgment that they were best placed to decide where the funding was needed. Continuing, he was pleased to recognise the provision of 52 additional posts in Education and over £1m to increase the availability of counsellors in schools. Highland Council had also successfully made a bid to the Connecting Scotland Fund and had received nearly £1.2 million capital

- funding and £203,000 revenue funding to address digital inclusion for the most disadvantaged children and young people in Highland schools;
- in addition to the wellbeing of pupils, it was crucially important that the emotional wellbeing of teachers, Pupil Support Assistants and other school staff was a priority and reference was made to the Scottish Government funding that had been provided to support this. Information was sought, and provided, as to what form this was taking in Highland;
  - counselling, provided at the right time, prevented situations from deteriorating. This was not solely a matter for the Education Service but also Social Care and Housing, and a more holistic and targeted approach had to be adopted. The Wellbeing Joint Sub Committee could address this;
  - information as to the evaluation criteria to be used to measure the benefits of counselling was requested;
  - a rapid, clear and appropriate response from Head Teachers when an instance of Covid-19 arose provided reassurance and negated any amplification of inaccuracies. This had been the case in Millburn Academy and the Head Teacher and staff were commended for their handling of the situation;
  - a breakdown of the nature of the additional posts was requested, particularly in relation to Additional Support Needs and Primary Teachers and the allocation between the 29 Associated School Groups. Some of the allocation was to fund digital posts to support online learning and, whilst this was supported, it was vital that the majority went to schools;
  - 14 teachers had been appointed in August and information was sought as to where these were and who they were supporting;
  - Members would welcome regular reports to Committee on the Whole System Approach being taken which would, it was hoped, help those children and young people who were infrequent attendees at school;
  - driving to schools was causing congestion and had a negative impact on air quality, an issue which was pertinent as Clean Air Day approached on 8 October; and
  - whilst acknowledging there were areas that still needed to be addressed, there was much to be proud of in Highland.

The Committee:-

- i. **AGREED** the approach being taken regarding the distribution of Counselling funding of £1,022,000 in financial year 2020/2021 and that a report on the impact of these funds would be reported to the Education Committee as part of the returns that would be sent to the Scottish Government;
- ii. **AGREED** the approach to the use of the additional funding of £2,200,000 to support Education Recovery through additional teaching resource as set out in Appendix 1 of the report; and
- iii. **NOTED** the allocation of approximately £1,188,489 capital and £204,520 revenue awarded to The Highland Council through the 'Connecting Scotland Education Programme' and **AGREED** the distribution approach as set out in section 5 of the report.

## 8. Early Learning and Childcare 1140 Hours Cunntas às Ùr mu Thràth-ionnsachadh agus Cùram-chloinne

There had been circulated Report No EDU/18/20 dated 18 September 2020 by Kirsty Henry, Service Manager Early Years.

During discussion, the following points were made:-

- the progress made since the last Committee, and the plans going forward, were encouraging;
- earlier in the year it had been suggested that the finances for the provision of 1140 childcare hours would be used to bridge the budget gap so the change in direction and tone was welcomed with a clear plan now in place to ensure all settings would be delivering 1140 hours provision no later than summer 2021. This would provide additional employment and infrastructure throughout Highland, thus boosting local economies;
- some of the larger projects might not be ready until 2022 and additional information on these was sought, and provided;
- regular reporting of progress to future Committees would be RAG'd but it was acknowledged that Covid-19 might have an effect on arrangements;
- the error in relation to the Capital and delivery dates of the Milton of Leys project was highlighted. In this regard, it was understood that negotiations had been ongoing concerning the acquisition of the land required for the nursery, a matter of some urgency given the continued expansion of the south side of Inverness. It was disappointing therefore that, despite Members' enquiries, the outcome of these negotiations had been reported in the local press first;
- information was sought, and provided, as to why there was a delay in providing 1140 hours at Bun-sgoil Ghàidhlig Inbhir Nis despite the building being ready;
- it was queried, where they were unable to get 1140 hours in one nursery, why some parents who split 1140 childcare hours between two settings had to pay for some of it;
- disappointment was expressed that the previous decision to delay the further provision on 1140 childcare hours had been made by Members based on limited information of the resource issues. There were providers able to provide 1140 hours and the situation had arisen where parents could access 1140 hours only if they paid for it themselves. Without subsequent intervention from Members progress would not have been made and yet letters to constituents had placed the blame for the delay on Members, and these letters should be shared with the Chief Executive;
- instead of a simple choice of 600 or 1140 hours, where possible it was questioned why a variation of hours couldn't be provided as an alternative. This would avoid children changing nurseries from year to year;
- disappointment was expressed regarding the progress achieved by the Council at a point which was a month after the Scottish Government's original target date. In response, the Chairman explained that Highland was in a similar position to 20 other Scottish local authorities. The Council was on an incremental journey and was moving forward in a positive manner;
- within the Charleston Academy ASG, there were a number of projects which might run into difficulty in terms of the timescale and have to rely on demountable units and it was queried where the money for this would come from;
- Highland was never going to be an easy area within which to introduce this strategy; and
- the expansion of 1140 childcare hours played an important part in the recovery process for Highland.

The Committee:-

- i. **NOTED** the updated position of Early Learning and Childcare;
- ii. **NOTED** the key outcomes of the review provided in the report and appendices;
- iii. **NOTED** that 22 settings would deliver 1140 hours provision in the very near future, a further 32 by January 2021, and a further 8 by April 2021;
- iv. **AGREED** the actions outlined to progress further work around the remaining 30 settings linked to capital works, to report to the November Committee, status of capital works and contingency planning to ensure 1140 hours readiness for summer 2021; and
- v. **NOTED** that all of the timelines as set out within the report remained predicated on The Highland Council's ability to progress expansion in a safe, practical and affordable manner during the Covid-19 pandemic.

## 9. Revenue Budget Monitoring 1<sup>st</sup> Quarter 2020/21 Sgrùdadh Buidseit Teachd-a-steach

There had been circulated Report No EDU/19/20 dated 7 September 2020 by Brian Porter, Head of Resources.

During discussion, the following issues were raised:-

- an update was requested regarding school trip refunds and it was confirmed that the Council was underwriting school trip refunds to parents and this issue had been largely resolved; and
- it was requested that information on Pupil Support Assistant and Additional Support Needs hours for each school in Highland, both last year and in the current year, be circulated to all Members.

Thereafter, the Committee:-

- i. **NOTED** the revenue budget outturn forecast for the year;
- ii. **NOTED** that further reports would be considered by Council in relation to mitigating actions to address the overall budget gap facing The Highland Council; and
- iii. **AGREED** that information on Pupil Support Assistant and Additional Support Needs hours for each school in Highland, both last year and in the current year, be circulated to all Members.

The meeting concluded at 2.37 pm.