



Meeting: BOARD MEETING

Date & Time: Tuesday 29 October 2019 at 5:30pm

Venue: 51 North Bridge Street, Hawick

Present: David Gordon (Chair)
Ronnie Dumma
Ray Sneddon
Christine Stewart
Garyth Thomas
George Young

In Attendance: Fraser Kelly (Chief Executive/Company Secretary) (CEO)
Gregor Booth (Operations Director) (OD)
Reuben Basak (Finance Manager) (FM)
Margaret Hogg (Business Support Manager) (BSM)
June Wilson (Executive Assistant) (EA)

Margaret Hogg, Business Support Manager carried out a briefing session on Freedom of Information (Scotland) Act 2002 (FOISA) which has been extended to include Registered Social Landlords (RSLs). The Act aims to increase openness and accountability by providing people with the right to access information held by Waverley Housing, for whatever purpose. FOISA comes into effect from 11th November 2019

Freedom of Information covers 3 main areas:

- FOISA (Freedom of Information (Scotland) Act 2002) – requests for general information
- EIRS (Environmental Information (Scotland) Regulations 2004) – requests for information relating to the environment, including property information
- GDPR (General Data Protection Regulations and the Data Protection Act 2018) – requests for personal information.

Waverley Housing has a:

- Duty to publish - there are 8 classes of information required to be published under the Model Publications Scheme produced by the SFHA and which Waverley intends to adopt
- Duty to respond to requests
- Duty to advise and assist

However, if information is not held, costs to collate the requested information are excessive, someone is repeatedly requesting the same information or an absolute or non-absolute exemption applies then WH can withhold the information requested.

On completion of the briefing session Board members were asked if they had any questions:

1. Can WH refer to the GDPR when considering FOI requests.
Yes if the information requested is of a personal nature.
2. Does the Log only hold information requested and given – no personal details.
Yes – as the log is for public knowledge and will be available on WH website.

3. Costs – should a robust system be in place to look at costs?
Edinburgh Leisure has had approx. 30 FOI type requests in 5 years, and we do not foresee WH having that many requests that would incur significant costs. However, we will monitor our costs in this connection.

Our Unacceptable Actions Policy will be reviewed to take account of possible vexatious actions taken by people using FOISA to repeatedly request information from us.

WH have prepared an action plan based on the Model Publication Framework – SFHA Model Recommendations and as long as the information contained within this Framework is made available to the public WH should feel confident in meeting the regulatory requirements for FOISA.

1. Apologies

Apologies were received from Rita Stenhouse and Eileen Frame.
Not in attendance - Billy Robson.

2. Declarations of Interest

There were declarations of interest submitted in respect to Item 11 – Review of Bonus Scheme by staff members attending the meeting.

Item 9(a) – FOI Policy (brought forward)

It was agreed following the FOI presentation that the FOI Policy (Item 9(a)) would be reviewed for approval by the Board Members whilst the BSM was still in attendance at the meeting should there be any queries raised.

Board Members were asked to approve the New Freedom of Information Policy. A query was raised regarding reporting to the Board on FOI requests and under section 12 – Monitoring Performance of the report it was noted that any requests will be reported to the Board. Board Members were informed that all members of staff will be trained in FOISA & EIRS awareness prior to the implementation of FOI on 11th November 2019.

The Board Members approved the FOI Policy.

The Chair thanked the BSM for the FOI presentation and the BSM left the meeting.

3. Minutes of Previous Meeting – 24th September 2019

The Minutes of the Meeting held on Tuesday 24th September 2019 were approved and signed by the Chair and Company Secretary as being an accurate record of the meeting.

Matters Arising from the Minute

Item 7 – Award of Scottish Borders Council Repairs and Maintenance Contract
OD reported that one member of staff has refused to sign the revised employment contract following the award of this contract. This matter is being dealt with.

Item 9 – The Scottish Government Decarbonisation Fund 2
Unfortunately, WH were unsuccessful with their bid to this Fund.

4. Board Action Point Tracker

The Board Members noted the Action Point Tracker.

5. Notes from Board Development Session (8 October 2019)

The Board Members were asked to note the Board Development Session notes held on 8 October 2019.

Section 6 – Concluding Remarks

Within the first paragraph where it reads 'Design Concepts was very useful and the *planning application* could now be submitted' should read

'Design Concepts was very useful and the *proposal of application notice* could now be submitted'

Remove George Young from the list of present attendees.

On correction the Notes from the Board Development Session were noted by the Board Members.

6. Upper Langlee (3 reports)

PURPOSE & SUMMARY (1)

To provide Board Members with an update on various actions being taken to progress items relating to our estate regeneration plans for Upper Langlee.

OUTCOME

Approved	N/A
Noted	Board members noted the report
Subject to	N/A

PURPOSE & SUMMARY (2)

To provide Board Members with further information about the procurement process to appoint a contractor to undertake external refurbishment works to 68 properties in Upper Langlee.

RECOMMENDATION

Board Members are requested to note the contents of the report and to authorise the award of the contract to undertake external refurbishment works to 68 properties in Upper Langlee to Everwarm. It is recommended that the render system is adopted at a cost of £1,877,249.97.

IMPLICATIONS

Resource implications	Financial: Depending on which option is chosen the Company will incur a cost of either £1,877,249.97 exclusive of VAT or £1,965,749.97 exclusive of VAT to pay for the external refurbishment works.
	Staffing: There are likely to be implications for current staff in dealing with various work items arising from this

	programme of works.
	Other: N/A
Risk Assessment	See paragraph 5 of report and Risk Table
Consultation	Relevant staff have been consulted
Impact on other Policies & Strategies	Asset Management Strategy Financial Plan Business Plan
External Impact	N/A
Equality & Diversity	N/A
Companies Act Requirements	N/A
OUTCOME	
Approved	The Board approved the appointment of Everwarm to undertake the external refurbishment to 68 properties in Upper Langlee.
Noted	N/A
Subject to	N/A

PURPOSE & SUMMARY (3)	
To provide Board Members with information regarding options for the project management of Project 2 of our estate regeneration plans for Upper Langlee.	
RECOMMENDATION	
Board Members are requested to note the contents of the report and to approve one of the two recommendations suggested at the conclusion of the report.	
IMPLICATIONS	
Resource implications	Financial: Depending on the option chosen an additional cost of between £22,500 and £50,000 per annum may be incurred.
	Staffing: Depending on the option chosen an additional member of staff may be appointed.
	Other: N/A
Risk Assessment	See paragraph 5 of report and Risk Table
Consultation	Relevant staff have been consulted
Impact on other Policies & Strategies	Asset Management Strategy Financial Plan Business Plan Recruitment and Selection Policy
External Impact	N/A
Equality & Diversity	N/A
Companies Act Requirements	N/A
OUTCOME	
Approved	Board Members approved Option 1 – to continue with the current project management arrangements for the estate regeneration plans in Upper Langlee.
Noted	N/A
Subject to	N/A

7.	Review of Annual Revenue Budget & Cashflow 2019/2020
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PURPOSE & SUMMARY	
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As per the annual budget process the Finance Manager in conjunction with budget holders has carried out a mid-year review of the budget and cashflow for 2019/2020.

Members of the board are asked to consider the review.

RECOMMENDATION	
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Members of the board are asked to consider and approve the changes to the annual revenue budget and cashflow for 2019/2020.

IMPLICATIONS	
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Resource implications	Financial: Yes (see paragraph 2)
	Staffing: None
	Other: None
Risk Assessment	Low
Consultation	Relevant staff have been consulted
Impact on other Policies & Strategies	Financial Plan
External Impact	N/A
Equality & Diversity	N/A
Companies Act Requirements	N/A

OUTCOME	
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Approved	Board Members approved the changes to the annual revenue budget for 2019/2020.
Noted	N/A
Subject to	N/A

8.	Annual Assurance Statement
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PURPOSE & SUMMARY	
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The purpose of the report is to confirm that the Board of Waverley Housing has reviewed, and assessed, a comprehensive bank of evidence to support the undernoted recommendation and assures that Waverley Housing is compliant with the Regulatory Standards of Governance and Financial Management and the requirements of Chapter Three of the Regulatory Framework.

RECOMMENDATION	
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Members of the Board are asked to authorise the Chair of Waverley Housing to sign and submit the attached Annual Assurance Statement to the Scottish Housing Regulator.

IMPLICATIONS	
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Resource implications	Financial: There are no direct financial implications arising from this report.
	Staffing: None
	Other: None

Risk Assessment	Low
Consultation	The Annual Assurance Statement will be published on the Waverley Housing website following submission to the Scottish Housing Regulator
Impact on other Policies & Strategies	The process by which assurance has been achieved has involved a comprehensive review of policies, procedures and strategies.
External Impact	None
Equality & Diversity	None
Companies Act Requirements	None
OUTCOME	
Approved	The Board Members authorised the Chair of Waverley Housing to sign the Annual Assurance Statement and subsequently submit to the Scottish Housing Regulator.
Noted	N/A
Subject to	N/A

9.	Review of Policies
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TITLE	POLICY REVIEW
Freedom of Information (FOI) Policy (New)	The Freedom of Information Policy formalises the requirement of Waverly Housing to comply with the terms of The Freedom of Information (Scotland) Act 2002 (FOISA) which has been extended to include Registered Social Landlords (RSLs). This is a new policy which has a three year review period.
Subletting Policy (New)	The Subletting Policy has been introduced to formalise our arrangements for dealing with changes to tenancies. We already have policies on Assignment and Succession to Tenancies and this Subletting Policy is required to complete our suite of Policies in this connection.
OUTCOME	
Approved	The Board Members approved the Policies listed above.
Noted	N/A
Subject to	N/A

10.	Website Version of Board Minutes
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PURPOSE OF REPORT
The purpose of the report is to describe the style and content of Board Minutes which will be published on the Waverley Housing Website.
RECOMMENDATION
The Board is asked to approve the attached template as a standard methodology for publishing Board Minutes on the Waverley Housing Website.

IMPLICATIONS	
Resource implications	Financial: None
	Staffing: None
	Other: None
Risk Assessment	None
Consultation	Waverley Housing Management Team
Impact on other Policies & Strategies	No material impact
External Impact	Achieves a standardised approach to reporting Waverley Housing Board Minutes
Equality & Diversity	Positive impact
Companies Act Requirements	None
OUTCOME	
Approved	The Board Members approved the new format.
Noted	N/A
Subject to	N/A

11.	Review of Bonus Scheme
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PURPOSE & SUMMARY	
The purpose of the report is to provide the Board with an update on the review of the Waverley Housing Bonus Scheme and make recommendations in respect of same.	
RECOMMENDATION	
The Board are asked to approve the recommendation to retain the current Annual Bonus Policy with no changes.	
IMPLICATIONS	
Resource implications	Financial: Details of the financial implications are set out in Paragraph 4
	Staffing: None
	Other: None
Risk Assessment	
Consultation	None
Impact on other Policies & Strategies	None
External Impact	Perception
Equality & Diversity	This policy does not discriminate
Companies Act Requirements	None
OUTCOME	
Approved	The Board Members approved to retain and continue with the current Annual Bonus Policy with no changes.
Noted	N/A
Subject to	N/A

12.	Governance – Annual Reviews
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PURPOSE OF REPORT	
Members of the Board are asked to review the contents of the 2019 Appraisal Reports, Skills Audit Report and Self-Assessment Survey Report.	
OUTCOME	
Approved	N/A
Noted	Board Members noted the report.
Subject to	N/A

13.	Performance Reports – September 2019 and July-September 2019
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PURPOSE OF REPORT	
The purpose of these reports is to update Board Members of the monthly and quarterly operational performance.	
RECOMMENDATION	
The Board Members are asked to note the content of the reports.	
OUTCOME	
Approved	N/A
Noted	Board Members noted the Performance Reports.
Subject to	N/A

14.	EPB Approvals
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PURPOSE & SUMMARY	
The purpose of the report is to seek ratification of the granting of employment to relevant persons and in compliance with the Waverley Housing Allocations Policy and Entitlements, Payments & Benefits Policy.	
RECOMMENDATION	
<p>Members of the Board are asked to ratify the granting of employment to relevant persons and in compliance with the Waverley Housing Allocations Policy and Entitlements, Payments & Benefits Policy.</p> <p>Members of the Board are asked to grant approval to the Chair to sign the Entitlements, Payments and Benefits Request Forms dated 18th & 26th September 2019 and in respect of the recruitment of the employees identified in the report.</p> <p>Members of the Board are asked to note the recording, in the Entitlements, Payments and Benefits Register of the granting of employment as reported.</p>	
IMPLICATIONS	
Resource implications	Financial: Provision for the recruitment of the new employee is contained within the existing employee cost budget.

	Staffing: Recruitment is a direct replacement into a current vacancy and the recruitment of a Business Administration Apprentice. There is no increase in the approved staffing establishment.
	Other: None
Risk Assessment	Low
Consultation	No requirement
Impact on other Policies & Strategies	None
External Impact	None
Equality & Diversity	None
Companies Act Requirements	None
OUTCOME	
Approved	The Board Members approved the granting of 2 employments and subsequently this will be entered on to the EPB Register.
Noted	N/A
Subject to	N/A

15.	Eildon Contract – 6 month review
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PURPOSE & SUMMARY

The purpose of this report is to provide Board Members with an update on the financial and operational performance of the Eildon contract.

OUTCOME

Approved	N/A
Noted	Board members noted the report.
Subject to	N/A

16.	Chairs Items
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The Chair confirmed to the Board that having investigated a minor complaint regarding executive officers of the company, the Chair has written to the complainant to confirm the complaint will not be upheld.

17.	Chief Executive Items
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PURPOSE OF REPORT

Members are asked to note the contents of this report which includes notes on the following:

1. Financial Resilience and the Transfer to Universal Credit.

Approved	N/A
Noted	Board Members noted the report.
Subject to	N/A

18. Minutes of Committee Meetings

The AGM took place on 24th September 2019, the draft Minutes were presented to the Board. Final copies will be presented for approval at the 2020 AGM.

19. Equality Impact Assessment

During discussion of the foregoing agenda items no equality issues were identified.

20. Risk Assessment

During discussion of the foregoing agenda items following no new risk assessments were identified:

21. Communications to Stakeholders

During discussion of the foregoing agenda items it was noted that communication to stakeholders were identified:

- Annual Assurance Statement to be submitted to Barclays

22. Notifiable Events

During discussion of the foregoing agenda items no notifiable events to the SHR were identified.

23. For Information

These items were circulated for information purposes only, and are not for discussion:

- LAWmail – September 2019 via email 9.10.19
- 2018/19 Charter Report

24. Date of Next Meeting

Board Meeting – Tuesday 3rd December 2019 @ 5:30pm