

Responses to Questions: 9 March 2023

1. Leader of the Opposition

To the Leader of the Council

Please could the Leader of the Council detail all correspondence he has entered into since 1st November 2022 with the Scottish Government to hasten the long overdue announcement of the Learning Estate Investment Programme funding decision with regard to Beaully Primary, Dunvegan Primary, Tornagrain Primary, Park Primary and St Clements School including a summary of any replies received?

I wrote to the Cabinet Secretary for Education and Skills on 27 October and 10 November 2022 in connection with the Learning Estate Investment Programme. The Cabinet Secretary replied on 24 January to advise the following: -

“The Scottish Government was pleased to receive The Highland Council’s LEIP Phase 3 submission at the end of October for replacement primary schools at Beaully, Dunvegan, Park and St Clement’s and a new primary school at Tornagrain. All local authority submissions are currently being reviewed by the LEIP’s Review Panel, which includes representatives from: COSLA; ADES, Scottish Heads of Property Services; local authority Directors of Finance; Scottish Futures Trust; and Scottish Government.

I would like to assure you that The Highland Council’s LEIP Phase 3 submission will be given very careful consideration and I look forward to announcing the successful Phase 3 shortly”.

I have placed copies of these letters on the members intranet.

Alongside this, there has been informal engagement between Cllr Finlayson, as Senior Strategic Chair, and SG ministers to stress the Council’s need to receive confirmation of the Government’s decision on LEIP at the earliest opportunity. Senior Officers have also been engaging with their counterparts in SG, SFT and ADES on a regular basis and have raised the matter of timescale for LEIP decisions at meetings and via email exchange on several occasions. The most recent of which was confirmation, via email from the Scottish Government Learning Directorate on 16 February that: “Ministers are currently considering LEIP Phase 3 options, and we will be in contact with you as soon as we have more clarity regarding when the announcement will be made.”

2. Leader of the Opposition

To the Leader of the Council

In September 2022 the Council agreed the Workforce and People Strategy which indicated that there was a requirement to remove 500 posts from the establishment. The Budget papers on 2nd March make reference to the work being ongoing. Please could the Leader list in detail the posts examined as part of the process to date and the decision on whether the post should be deleted?

The Recruitment Controls Board meets weekly and considers all Service posts prior to vacancies being advertised. The Board consider a range of issues before posts are released such as: justification for filling the vacancy, funding, income generation, efficiencies which can be achieved if advertising the post, health and safety risks if not filled. The controls are not based on exemptions as all posts are reviewed and justified at a corporate level before advertising to deliver a sustainable and affordable workforce for the future. Before vacant posts come to the Recruitment Board they are considered by Service Management Teams and only put forward if it is considered necessary for recruitment by internal/external advert or by deployment. Where it is not considered necessary to fill the post, it is identified for deletion. This could be because the workload has changed, processes and productivity have improved, or vacancies have enabled managers to consider redesign/readjustment of duties.

3. Mr D Gregg

To the Leader of the Council

In June 2022, the Council agreed 2 papers on short term lets. Could the Council give details of how it has engaged with stakeholders in the local short term let sector to make them aware of how these papers will affect them?

Licensing

The short term let licensing paper was agreed by the Highland Licensing Committee on 20 June 2022 and went to full Council for noting on 30 June 2022. This paper included the timetable for work required to be undertaken to meet the 1 October 2022 deadline for implementing the mandatory licensing scheme.

In line with the agreed timetable, the statutory public consultation ran from 21 June 2022 to 5 August 2022. This was advertised on the Council's website and through its social media channels. Officers also liaised with Tourism colleagues who shared the consultation details through their channels.

476 responses were received and reported to the Highland Licensing Committee on 6 September 2022 where Members reviewed the comments and agreed a final policy statement, taking these views into consideration.

Since the 1 October 2022 implementation date, the following engagement has been undertaken:

- 6 October 2022 – Online seminar with AirBnB hosts
- 10 November 2022 – Online seminar with Growbiz
- 29 November 2022 – In person attendance at Highland Tourism Conference
- 8 December 2022 – Online seminar with Lochaber Chamber of Commerce
- 9 February 2023 – Online seminar with Lochaber Chamber of Commerce
- 16 February 2023 – Online seminar with Cairngorms Business Partnership
- 16 February 2023 – Online seminar with Ardnamurchan Community Group
- 27 February 2023 – Online seminar with Thurso Chamber of Commerce

The following engagement sessions are planned:

- *8 March 2023 – Online seminar with Visit Wester Ross*
- *14 March 2023 (am) – In person attendance at Lochaber Chamber of Commerce Tourism Roadshow – Arisaig*
- *14 March 2023 (pm) – In person attendance at Lochaber Chamber of Commerce Tourism Roadshow – Fort William*
- *15 March 2023 (am) – In person attendance at Lochaber Chamber of Commerce Tourism Roadshow – Strontian*
- *15 March 2023 (pm) – In person attendance at Lochaber Chamber of Commerce Tourism Roadshow – Glencoe*
- *w/c 20 March 2023 (date tbc) – Online seminar with Skye Connect*
- *Date tbc - Online Seminar with Nairn Connect*
- *Date tbc - Online Seminar with Visit Inverness Loch Ness*

In addition, Gary Somers, Solicitor for The Highland Council, provided evidence to the Scottish Parliament's Local Government, Housing and Planning Committee on 7 February 2023 on:

- *the proposed extension to the deadline for existing hosts to apply for a licence*
- *general feedback on The Highland Council's experiences on the short term let licensing regime to date, including commentary received from stakeholders.*

Planning

As outlined in the 30th June 2022 Committee Report, the requirements to establish a Short-term Let Control Area is set out in statute. This statute required the Council to undertake a 6-week formal consultation which ran from 31 January 2022 until 7 March 2022, via the Council online engagement software. The online consultation was also supported by a public information video outlining the issues around secondary letting and both the positive and negative implications that establishing a Short-term Let Control Area could bring.

Officers also made direct contact via email, with all Community Councils within Ward 20, the main website organisations offering this type of accommodation and the main trade organisations. The engagement process was also aided by the Cairngorm National Park Authority who contacted the local business partnerships.

Following Committee agreement to submit the request to establish a Short-term Let Control Area across Ward 20, an application was submitted to Scottish Ministers and this application has recently been approved. As per Recommendation iii. B) of the June 2022 paper, a committee report setting out the outcome and outlining the next steps will be taken to the Economy & Infrastructure Committee in May 2023.

Assuming agreement is forthcoming at that meeting to implement the STL Control Area for Ward 20, the Council is statutory required to advertise the project within the local press and on the Council website for at least 28 days and include a date on which the area is to be designated as a control area.

As part of this work, it would also be the Council's intention to notify all parties who have submitted representations to date, the relevant trade bodies, major STL providers and community councils/groups confirming the establishment of the STL Control Area for Ward 20.

Furthermore, in accordance with recommendation iii. c) of the June 2022 paper, the Council has been working to develop a set of planning policies with which to determine the planning applications that the establishment of a STL Control Area would create. This work has also included a separate six-week public consultation process, which again has been advertised and major STL providers and community councils/groups have been notified. This consultation period finished on 3rd February 2023 and the summary of response and outcome of this consultation will also be presented to the Economy & Infrastructure Committee in May 2023.

4. Mr A MacDonald

To the Leader of the Council

Ten weeks ago, at the Council meeting on the 8th December the Council accepted my Motion that the Highland Council policy for Onshore Wind Turbine Development be reviewed as a matter of urgency, that the Council would ask the Scottish Government to increase guidance from £5000 (plus inflation) per MW to 5% of gross revenue and with a useful amendment from Karl Rosie to consider other renewable energy opportunities at the same time.

May I ask the Leader to inform the Chamber of all the activity, meetings and other details that have taken place to further this remarkable opportunity for the Communities of the Highlands.

I have written to the Cabinet Secretary for Net Zero, Energy and Transport who replied indicating the following: -

"The Scottish Government is committed to supporting communities to participate in and benefit from Scotland's energy transition in a way that helps generate lasting social and economic impacts. We encourage developers to offer community benefits – and shared ownership opportunities – to communities as standard on all new renewable energy projects, including repowering and extension to existing projects. However, the Scottish Government has no direct powers to oblige developers to pay community benefits through energy regulation as they are reserved to UK Government.

Our Good Practice Principles for Community Benefits and Shared Ownership from Onshore Renewable Energy Developments, updated in May 2019, set out national standards that we encourage renewable energy businesses and communities to observe. Although the Scottish Government has no powers to require a defined rate of community benefit, the revised guidance continues to promote a national level of community benefits equivalent to £5,000 per installed megawatt per year. It also recognises that some renewable energy businesses will seek to offer communities a more flexible package of benefits, not necessarily based on a rate per megawatt. This flexibility extends to determining the area to benefit from onshore developments, which remains at the discretion of the developer and local communities.

As set out in the recently published draft Energy Strategy and Just Transition Plan, our current priority is to conduct a review of our Good Practice Principles for community benefits from offshore renewable energy developments. While we have no plans at present to review the Good Practice Principles for onshore renewables, we will consider whether there is scope for any learning from the ongoing offshore review to be applied to the onshore guidance.

Alongside this, the Onshore Wind Policy Statement 2022 (OWPS), published in December last year, introduced a new ambition for a minimum installed capacity of 20GW of onshore wind in Scotland by 2030. It also restated our commitment to support and encourage shared ownership and community benefit from onshore wind, to ensure we maximise economic benefit for the people of Scotland.

To support achieving our ambition, we set out plans to form an Onshore Wind Strategic Leadership Group (SLG) to take forward the aspirations of the policy statement and the development of an Onshore Wind Sector Deal. The first meeting of the SLG will take place later this month, and it will have a specific community energy lead”.

I have placed copies of these letters on the members intranet.

In terms of wider work, the recent adoption of the National Planning Framework 4 has been helped officers to plan ahead for how we take the review of the onshore wind energy guidance forward. Whilst the review is still in its early stages, the elements that relate to community benefit are being actively discussed with renewable energy developers and different models for delivery being investigated. This will be the subject of a future report to the strategic committee.

The Council is also actively involved in the Highlands Regional Economic Partnership. At the meeting in February 2023, the Partnership considered the ongoing work on delivering the local elements of the National Strategy for Economic Transformation, which has an important component to create a fairer and more equal society, exploring ways to address fuel poverty, map local heat strategies, capture the local benefits of a just transition and examine models and mechanisms to derive and share benefits from large investments / energy generation as well as developing a strong regional voice.

5. Mr R Mackintosh

To the Chair of Housing and Property Committee

There are parts of Head Quarters building which cannot be adequately heated, there are areas where the heating cannot be turned off, and there are radiators which are left on in empty rooms.

Given the need to ensure that all our staff work in appropriate conditions, and the urgent need to reduce energy consumption across the Council estate, what is the Administration doing to maximise energy efficiency here, in HQ?

The future use of the Council Headquarters site is under review as a part of the Council's Asset Management review process. One of the key drivers is to reduce the Council's building footprint. This is because we need to reduce revenue running costs such as utility and other maintenance related costs. But it is also driven by the need to reduce medium to longer term capital investment requirements in the renewal and replacement of key building components, including but not limited to heating and other plant on site.

For the parts of the Headquarters site that will be retained in the medium to longer term, officers are actively exploring a range of funding sources that will enable us to invest in measures that will help to maximise energy efficiency at Headquarters. However, it is also essential that we bring forward behavioural change solutions to ensure that building users and services occupying Headquarters are incentivised to reduce their energy consumption. This reflects that the solution to maximising energy efficiency is partly about building structures and components, and investment in the physical estate, but also is critically influenced by, and dependent upon, driving sustained behavioural change from those occupying buildings.

6. Ms K Willis

To the Chair of Housing and Property Committee

A comprehensive Council land ownership record will enable an assessment of land available for Council owned renewable energy development and inform carbon sequestration opportunities, to help Council meet its net zero and biodiversity targets and to access funding.

Does Highland Council have a register of Council owned land, including unused or derelict land and property, and garage estate, and if so, please can you share it with us?

The Council maintains systems that identify the land it owns and on what account it is held, and also in relation to vacant/unused and derelict land, and also HRA housing, HRA land and HRA garages.

7. Mr C Ballance

To the Leader of the Council

In other areas of Scotland, local authorities have committed to using Shared Prosperity Funding to replace European Social Funds. Highland Council have not, as yet made any commitment to using this or other funds, or to commit to any level of budget.

Third Sector organisations offering Employability Services prior to Dec 2022 have been added to the Employability services framework. However, levels of service and categories of service have been allocated to providers without any consultation or agreement. Some services believe they could and have been working in different categories but have been unable to have any alterations made. Additionally, the number of hours of service have been restricted. It appears that no-one else can be added to the framework nor can changes be made by those on the framework.

Most damaging of all, the Council have moved from a grant funded service to a spot purchase service. This means services will only be paid for, for hours delivered to a client who is referred from the Council Employability Team. However, it is not possible for third sector organisations to employ staff on this basis, other than through zero hour contracts.

The Council organised two forums for employability service providers last year and various options were proposed. However there seems to have been no movement.

Will you commit to meeting with representatives of the Highland Third Sector Interface this month to seek an urgent resolution to this problem?

The Council, at its Economy and Infrastructure Committee on 2 February 2023 considered a paper on the UK Shared Prosperity Fund (UKSPF) and agreed the UKSPF Delivery Plan as set out in Appendix 1, including the spend across the various activities and associated decision-making structures. This included commitment of funding for employability services and the use of these funds to be aligned with and adding value to other employability funds secured by the Scottish Government. The UKSPF provides for funding for a wide range of activity and is not a straight replacement for ESF resources at same value as previously provided.

The Council's Employability team have operated a Framework approach to procuring certain employability services since 2016. The most recent Framework was procured in October 2021 and became operational in April 2022. The providers who sought to be on the Framework and who were selected, did so on the basis of their own description of their service offering and at a cost rate they themselves set. The Employability Framework established and those contracted from it, do so on the provision of short-term employability services focused on specific client needs. The scale of contracted services therefore varies in response to client needs. There have been no organisations added to the Framework or work imposed on providers.

With the ending of external ESF resources (which was managed on the basis of a Challenge Fund) and the then uncertainty around UKSPF and the future Scottish Government's Fair Start Scotland programme, the Council in November 2022 facilitated meetings of an employer's forum to review the existing Framework and to establish new approaches going forward. In response, pilot projects are underway with Calman Trust, Barnardo's and New Start to address an issue associated with client referrals/identification, and most critically, work to finalise a new contracting model for intensive long-term client support.

The Council works closely with a range of partners through the Highland Employability Partnership (HEP) including HTSI and a HTSI appointed third sector employability provider. HTSI offered apologies and were unable to attend the most recent meeting of the HEP on 1 February 2023 but a third sector provider did attend. The agenda included discussion on new contracting models and funding updates, including UKSPF and Scottish Government funding. Whilst this is the established and preferred forum for partnership discussion, the Council's Employability team is available to meet with HTSI and all partners to address the challenges now presented with changed external funding regimes, client needs and job opportunities.

8. Mr M Baird

To the Leader of the Council

If there is sufficient staff to handle the Licencing and Energy Performing Certification available when this requirement of Short Term Lets resume later this year.

Short term let licensing is not on hold currently. The Scottish Government is proposing an amendment to the legislation that would extend the period that existing hosts can apply for a licence from 31 March 2023 to 30 September 2023.

Under the short term let regulations, all licence holders must ensure that any listing or advert for the short term let premises includes a valid Energy Performance Certificate (EPC) rating if an EPC is required for the premises. There is no minimum level of EPC rating set for short term let premises within the legislation.

In terms of wider staffing for handling the administration of short term let licences fourteen additional licensing posts have been approved. Successful recruitment to ten of these posts has been undertaken. As of 22 February, there have been 940 applications submitted. It is anticipated there are up to 10,000 short term let properties within The Highland Council area.

There have also been 6 additional posts created within the Environmental Health team in order to assess and check compliance with the Short Term Let licence conditions. All posts have been filled.

9. Mr A Graham

To the Leader of the Council

Please provide a schedule of all articles which are under consideration for removal from Inverness Town House, including but not restricted to portraits, photographs, wall plaques, shields, statues, busts, furniture, chairs, tables, and other articles.

Principally the moves are in relation to tables, chairs and associated office equipment that may be required in order for relocated staff to be able to work from their new location. There are no plans to remove any portraits, photographs, wall plaques, shields, statues or busts.

10. Ms M Nolan

To the Leader of the Council

To detail the responsibilities of the Senior Strategic Chairs, excluding those responsibilities undertaken in their capacities as Strategic Committee Chairs.

In addition to their responsibilities as Strategic Committee Chairs, the Senior Strategic Chairs undertake the following additional responsibilities: -

- *To lead in cross cutting Directorate themes*
- *To take forward the development and delivery of the Council Programme.*
- *To take a lead role in the formulation of the revenue budget and capital programme*
- *To contribute to Senior Recruitment*
- *Deputise and support for the Council Leadership e.g., Cosla; Strategic Government engagement; major national policy initiatives; emergency/resilience events*