

#### MINUTE OF BOARD OF MANAGEMENT MEETING

# Thursday 8<sup>th</sup> August 2013 at 10.30am in the Argyll Hotel, Inveraray

#### Present: -

Bill McIntyre (Chair)
Mike Brown (Vice Chair)
Stafford Day
Lorraine-Anne Drysdale
Gillian Logan
Margaret MacGregor
Sandra MacKenzie
Marri Malloy
Jim Milne
Catherine Winton

#### **Not in Attendance**

#### In Attendance

Alastair MacGregor, Chief Executive
Linda Haig, Director of Investment & Regeneration
Colette Benham, Director of Human Resources & Corporate Services
Nick Pollard, Director of Finance & IT
Christine Johnston, Director of Housing & Neighbourhood Services
Alex Cameron, TIAA
Lesley Lindsay, PA to Board of Management

		Action
1.	Apologies Councillor Roddy McCuish, Councillor Bruce Marshall, Norman Beaton, Councillor Richard Trail, Archie Blair, Councillor Rory Colville, John Muir, Graham Kanes, Councillor lain Angus MacDonald.	
	The Chief Executive advised a Council meeting had been called hence the reason the Councillors had submitted their apologies.	

# 2. Minute of Previous Meeting – 11<sup>th</sup> July 2013

Page 11 – Item 14.1 – the Chief Executive advised there was a typographical error (3<sup>rd</sup> para, second line) should read 'than' instead of 'that'.

Lesley

Subject to the above amendment, the Board of Management **APPROVED** the minute as an accurate record.

Proposed by Marri Malloy Seconded by Kate Winton

### 3. Matters Arising

Page 2 – Item 3 – Marri Malloy requested an update on the Soroba Nursery. The Chief Executive advised it was unlikely there would be any feedback until after the 13<sup>th</sup> August 2013, as previously advised.

Page 6 – Item 10 – The Director of Housing & Neighbourhood Services confirmed the lottery funding received would cover the cost of three of the four Welfare Rights Officers and the Money Advice programme. She explained £116,000 had been received, which would cover the cost of three Welfare Rights Officers and the Money Advice project from August until the end of March 2014. She advised that during the next budget planning process, she would request funding to cover the shortfall required to pay for the fourth Welfare Rights Officer.

Page 9 – Item 12 – the Chief Executive referred to the point raised by John Muir at the last meeting concerning the lack of flexibility in relation to applying for Universal Credit. The Chief Executive confirmed he had written to Alan Reid, MP who had passed the Association's concerns onto Ian Duncan Smith, requesting the Department of Work and Pensions view. Alan Reid advised it was his view the Post Office network would provide facilities to allow applications to be made but stated the DWP would advise.

Page 10 – Item 14 – Gillian Logan advised she would be standing down prior to the AGM. She stated she had enjoyed her time serving on the Board.

Page 15 – Item 16 – the Chief Executive stated he had received confirmation from Drew Anderson, Manager of the Argyll Hotel, advising that a hearing loop system had been ordered. He further

	advised that until the system arrived, two lapel microphones had been made available by the hotel.	
4.	Minute of Finance & Audit Committee – 6 <sup>th</sup> June 2013 The Board of Management RATIFIED the minute of the Finance & Audit Committee.	
5.	Minute from Remuneration Committee – 23 <sup>rd</sup> July 2013 The Board of Management NOTED the contents of the minute of the Remuneration Committee.	
6.	Conflict of Interest to Declare None	
7.	Correspondence Election of Chairperson of the Finance & Audit Committee The Vice Chair nominated Lorraine-Anne Drysdale as Chair of the Finance & Audit Committee. Sandra MacKenzie seconded the nomination.  No other nominations were received.  Lorraine-Anne Drysdale was duly elected as Chair of the Finance & Audit Committee.  The Director of Finance & IT asked whether the Board or the Finance & Audit Committee would elect a Vice Chair. He was advised the Finance & Audit Committee would elect a Vice Chair. The Director of Finance & IT will ensure the item is on the agenda for the next meeting.	Nick
8.	New Membership Applications The Board of Management APPROVED two new membership applications.	
8.1	Cancelled Memberships The Board of Management NOTED the cancellation of one membership.	
9.	Chief Executive's Presentation	

The Chief Executive gave a presentation covering:

- Bedroom Tax
- ACHA Annual Accounts
- New Builds
- AHFA
- Audit Commission Housing in Scotland Report

Marri Malloy stated she was pleased to hear Andy Birnie was joining the AHFA Board.

A copy of the presentation was distributed to all members in attendance.

### 10. **Conference Attendance**

The Vice Chair stated there had been a high uptake in conference attendance and the budget was nearly exhausted.

He advised the Board had two options:

Increase the budget, or

Once the budget had been completely exhausted agree no further conferences could be attended

He stated he did not feel the TPAS Conference was value for money and advised the Tenants Panel do not allow any of their members to attend due to the high cost involved.

Stafford Day asked what proportion of conferences attended resulted in a summary being provided to the Board. The Director of Human Resources & Corporate Services stated that around 50% resulted in feedback.

Marri Malloy stated she felt each member should have the opportunity to attend two conferences per year. The Vice Chair stated that the Conference Budget only had £600 remaining and reiterated the Board's options.

Gillian Logan asked whether it would be more cost effective for Board members to attend conferences as day delegates. The Vice Chair gave an example of the RIHAF Conference and stated there was only £40 of a difference for residential delegate places.

	The Vice Chair reminded Board members that it was tenants' money being used to facilitate conference attendance.	
	The Chair asked for comments from the Director of Finance & IT. He stated that the Board had set a budget and they would be required to decide whether the budget should be increased or whether restraint should be exercised in relation to conference attendance.	
11.	Proposed Programme of Meetings for 2014 The Chair of the Finance & Audit Committee questioned why the Area Committee meeting dates did not extend past July 2014. The Director of Human Resources & Corporate Services stated the Area Committees worked to a different cycle; from July to July as opposed to January to December.	
	The Vice Chair stated the Association's Community Development Manager had raised concerns over the dates of the ACHA training sessions. She stated they had clashed with several Tenants Panel meetings. The Director of Human Resources & Corporate Services requested that the Community Development Manager provide the PA to the Board of Management APPROVED the programme of meetings.	Christine/ Gillian
	The Board of Management <b>APPROVED</b> the programme of meetings for 2014.	
11.1	Group Remuneration Strategy The Director of Housing & Neighbourhood Services advised the strategy had been re-drafted to reflect the Group and equalities requirements only. No material changes had been made to the document.	
	Jim Milne stated there was a typographical error on page 3 (last line). Reads 'ACHA and AHFA is referred to' should be 'are'.	Colette
	The Vice Chair queried the position on bonus pay. The Director of Human Resources & Corporate Services stated the bonus scheme was an inherited TUPE position which would require to be evaluated separately.	
	The Vice Chair asked how much the First Aid Allowance was. The Director of Human Resources & Corporate Services advised it was	

in the region of approximately £130 per annum.

The Vice Chair asked when the next actuarial valuation on the Strathclyde Pension Fund was due to be carried out. The Director of Finance & IT advised 2015.

The Director of Human Resources & Corporate Services stated that two members of staff had taken advantage of the Arnold Clark Optimizer Scheme. She further advised there were VAT and tax issues relating to the scheme and she would meet with representatives from Arnold Clark to try to improve the scheme.

The Board of Management **APPROVED** the reviewed Group Remuneration Strategy.

## 11.2 Governing Body Self Assessment Draft Questionnaire

The Director of Human Resources & Corporate Services asked Board members whether they would be willing to complete the questionnaire on-line via Survey Monkey. The Board **AGREED** to the request. Lorraine-Anne Drysdale volunteered to test the Survey Monkey version of the questionnaire.

Colette/ Lorraine

The Board were advised the results of the questionnaire would be considered at the six monthly Strategic Planning review and Board members were requested to complete the questionnaire in advance of the session.

Kate Winton requested two of the questions be simplified: Section 6

Do you feel that you contribute to the development and maintenance of relationships with local key players in social housing and related fields?

## Section 7

Do you relate your knowledge of housing management to Board/Committee discussions on service quality and performance monitoring i.e. allocation of housing, tenancy types and conditions, rent collection, managing arrears, managing empty properties, service charges, tenant services and information?

Marri Malloy stated she felt the questions in Section 10 – Personal Skills would not be beneficial. The Chief Executive stated that they should be answered honestly, taking into account how Board

members felt they were perceived.

Various Board members stated they would answer differently as a Board/Area Committee member. The Director of Human Resources & Corporate Services suggested they answer as Board members but use the comments box to provide their Area Committee response.

Stafford Day questioned whether the outcomes of the questionnaire were for training purposes or for the regulator. The Director of Human Resources & Corporate Services stated the outcomes would be duel purposed; the Association's training plan would be built around the requirements of the Governing Body but the regulator would expect self assessment to take place.

The Board of Management **APPROVED** the revised Self Assessment Questionnaire.

### 12. Monthly Investment Programme Update

The Director of Investment & Regeneration talked the Board through her report highlighting:

Target (ahead)

Spend (ahead)

Catch up with heating and rewires

She stated there were concerns relating to the roof and roughcast programme as it was being impacted upon by owners and awaiting grant funding from utility companies.

The Director of Investment & Regeneration advised the Board the individual cost to owners for tender costs was £336. She further advised that a grant of £250 would be available from the Council, leaving a deficit of £86 which owners would be required to pay.

The Board were advised that an impasse had been reached in respect of owners at Maitland Court, Helensburgh. The Director of Investment & Regeneration stated she had reported actions taken to Argyll and Bute Council and would request the Council step in to assist with the nine remaining properties. The owners of the nine properties concerned will be written to outlining the action being taken.

The Board were advised the first package offer from a utility company had been received; just over half a million for 300 properties. The Director of Investment & Regeneration stated she was waiting on the remaining utilities companies to submit their offer to establish whether higher grant funding could be obtained.

The Board of Management **NOTED** the contents of the report.

### 12.1 | Empty Homes

The Director of Investment & Regeneration talked the Board through her report and outlined the risks to the Association. She stated she would like to engage with Brechin Tindal Oatts to develop a lease and financial model to establish whether participation in the scheme would be feasible.

The Vice Chair asked whether AHFA would require to be involved. He was advised AHFA would participate but overall responsibility would lie with the parent company. He stated he supported the recommendation on the proviso that the Association only take on properties that could be let.

Jim Milne stated he supported the scheme but asked whether the landlord could choose which RSL to engage with. The Director of Investment & Regeneration stated the landlord did have the right to choose the RSL but further stated it was highly unlikely that RSLs would be competing with each other. The Board were advised that the Association can choose to refuse a property.

Stafford Day asked whether applicants from the housing lists would be excluded or was there a mid market rent criteria required to be met. The Director of Investment & Regeneration advised waiting list applicants would be eligible and the only requirement would be that they would be financially able to afford the mid market rent.

The Chief Executive stated that history suggested some owners wish their properties to remain empty and used as holiday homes. He advised he supported the scheme as it would contribute to meeting housing need.

Sandra MacKenzie queried whether the Association would be out of pocket for the staff hours involved to administer the scheme. The Director of Investment & Regeneration stated that management

	costs would be covered.	
	The Board of Management <b>APPROVED</b> participation in the Empty Homes Scheme and develop a lease and financial model.	
12.2	Approved List of Building Consultants and Contractors The Board of Management APPROVED the additions to the Approved List of Consultants and/or Contractors.	
13.	Final Draft Statutory Accounts and Financial Statements The Director of Finance apologised to Sandra MacKenzie and the Chair of the Finance & Audit Committee for the mis-spelling of their names within the accounts. He confirmed the spelling had been corrected. He further advised that the spelling of Port Ellen had also been corrected. The Board were advised that any reference to Chairman had been replaced with Chair.	
	<ul> <li>He then talked the Board through the</li> <li>Final Financial Statements and Accounts for the period 1<sup>st</sup> April 2012 to 31<sup>st</sup> March 2013</li> <li>Letter of Representation</li> <li>Audit Management Letter</li> </ul>	
	Accounts Cover page – key data, reg numbers Contents Pg1 Board of Management and Executive Officers during the period of the accounts Pg2 Key advisors details Pg 3-5 Report of Board of Management - basic details bit of history Pg 6 Statement of Board of Management responsibilities Pg7 -23 Operating and Financial Review Statement - area of operations, stock and asset data plus a detailed analysis of the year from the perspective of each departmental function Management Costs Per Unit was £995 against £1,002 last year MCPU was £589 against £577 Pg24 – Board of Management statement on internal controls Pg25 External Auditors report, relates to the statement on internal controls Pg26 External auditors report on accounts and opinion confirmed at Finance & Audit Committee that accounts represent a true and fair	

view of the year, prepared in accordance with conventions and they recommended sign off by the Finance & Audit Committee Pg27 Income and Expenditure – turnover marginally reduced but equally costs marginally reduce. Surplus £2.9 mio. Surplus on disposal reduced owing to number of sales and accounting for disposal. Interest reduced year on year but not material, interest payable increased but marginally due to timing of draw downs. Surplus before tax £1.7 mio higher by circa £600k than last year. Loss on pension scheme with SPF, moved to 83.4% funded of £1.2 mio which means total net surplus £0.5mio as per last year. Pg28 Balance Sheet assets net of depreciation £99.7 mio, gross cost well over £104.8 mio., HAG increased with additional development, other grant is the BP support grant, other fixed assets are the office and IT. Net position £47.8mio. Current assets include stock which is minimal, debtors which have reduced markedly year on year. Cash in hand due to better cash planning. Creditors have also reduced markedly. Asset less current liabilities £43.9mio. Creditors long term which are all bank loans are £34.86 mio, that is what we owe Lloyds Banking Group. Net assets therefore are £9 mio. The pension deficit rose to £3 mio leaving net surplus of asset of £6mio rising from £5.5 mio. Financed by revenue reserves and pension deficit reserve.

Cash flow shows the addition of properties and components of £21.6 mio in year, grants of £9.7 mio and loan drawdowns of £7.65 mio leading to a net reduction in cash holding of £2.2 mio Pg 30 to 33 are accounting policies and theses are consistent year on year

Note 3 pg 35 indicates the breakdown of income and costs for property, note sheltered still in operating deficit but improving as we expect

Note 4 pg 36 indicates activities not caught in notes 2 and 3 and includes the FISH cost and related assets spends primarily Note 5 pg 37 A small reduction in numbers as losses through RTB were 22. There were no completions although there were properties in the course of construction during the period.

Note 7 pg 38 staffing 180 same as last year. The accounts for last year quoted an incorrect number as the calculation was found to be in error just after publication.

Note 12 pg 39 illustrates the fixed asset additions which have now grown beyond £100 mio in the BS

These have been componentised

Note 18 pg 43 share capital, slight increase in numbers to 290 from

286

Note 20, pg 43 no designated reserves

Note 29 Pensions SPF FRS17

### **Audit Management Letter**

The audit management letter is the statement of the auditors to the Board in relation to the scope of the internal audit work.

CA application, the task was a challenging one again with AM coming in post and the volume of work. We have agreed to review this moving forward

Impairment, not an issue.

Banking facilities compliance ok

Carrying value of developments not an issue

New subsidiary not an issue

Welfare reform mitigation ok

Completeness of liabilities tested

PBS events exercise undertaken this week to reflect change between date of accounts and date of signing

Unadjusted misstatements relate to CA but are not material in relative terms

Observations

CA, POs, Componentised costs &

Clean unqualified audit no major issues found at all

## Letter or Representation

The Letter of Representation is the Board stating to the auditors the Board's agreement with the findings as it is their responsibility.

Generally very smooth audit, worked well with Haines Watts and vice versa. Process benefit from further continuous improvement but yet again successful year in this exercise Some challenges for next year in that we will have CA again, consolidated accounts but also subsidiary accounts and potentially abbreviated accounts for subsidiary.

Jim Milne stated there was an inconsistency contained on Page 14 relating to legal action cases. The Director of Housing & Neighbourhood Services stated the paragraph had been worded incorrectly. The Director of Finance & IT confirmed he would rectify the error.

Nick

The Board of Management NOTED and APPROVED the final

	accounts, the Audit Management Letter and the Letter of	
	Representation.	
13.1	Pensions and Auto Enrolment The Director of Finance & IT talked the Board through the jointly produced report and advised that a further update would be provided September/October once further detail had been received from Spence and Partners.	Nick/ Colette
	The Vice Chair requested Pensions and Auto Enrolment be discussed at the six monthly Strategic Planning Review in October.	Colette
	The Board of Management <b>NOTED</b> the contents of the report.	
13.2	Reserves Policy The Director of Finance & IT talked the Board through his report and advised the proposed policy would form part of the Accounting Policies.	
	The Board of Management <b>APPROVED</b> the Reserves Policy.	
14.	Bedroom Tax Arrears Cases The Director of Housing & Neighbourhood Services advised the Board that points were being awarded to applicants affected by the bedroom tax to enhance their position on the transfer list.	
	The Director of Housing & Neighbourhood Services talked the Board through her report and highlighted the proposed policy amendments:  Amend "Arrears Monitoring and Management" policy to introduce a trigger level of £250 for the issue of a Notice of Proceedings for Recover (NOP). This would apply to all arrears cases and would be more reflective of what happens in current live cases and would be a permanent change to the policy.	
	Allow tenants who have accrued rent arrears solely due to the bedroom tax to move to smaller properties via the HOME Argyll transfer list, provided that there are no other tenancy issues which would prevent such a move being approved. This would be a temporary amendment to the policy until 31 <sup>st</sup> March 2014.	

Allow tenants who have accrued rent arrears solely due to the bedroom tax to move via a mutual exchange, provided there are no other tenancy issues which would prevent such a move being approved. This would be a temporary amendment to the policy until 31<sup>st</sup> March 2014.

The proposed change to the arrears trigger would mean the Association would not issue NOPs for very small amounts of arrears, which may cause reputational damage to the association.

The Director of Housing & Neighbourhood Services advised that from 1<sup>st</sup> April 2014, with the implementation of Universal Credit, while assisting tenants as much as possible, the Association would require to ensure rent money is received to protect the business.

The Vice Chair asked why the under occupation points were being restricted to tenants affected by bedroom tax arrears. The Director of Housing & Neighbourhood Services stated it was part of the Association's welfare reform mitigation strategy. The Chief Executive added that if it were to be applied to all tenants in arrears, there would be no incentive for arrears to be cleared.

Jim Milne read out the following statement as his position on the proposal:

Before I start I would like you to know that I believe the bedroom tax is wrong and unfair and should never have been introduced.

However, we are where we are.

I have read Christine's submission with interest more than a number of times. But in reading the submission I had two facts in the back of my mind;

Firstly, we depend upon rents for our income - no rent collected equals loss of income, which in the long run could impinge upon all of our tenants and future tenants.

Secondly, the fact is that tenants are going into arrears on their rent and we have an Arrears Monitoring and Management Policy which applies equally to all tenants. You will all disagree with me when I say it should not be our concern as to why a tenant goes into arrears, and in a perfect world that would be true. We do not of course live in that perfect world.

Before agreeing to any of the recommendations which may put us on a slippery slope to more concessions I would like to know how other RSLs, both local and national, are approaching this issue.

Currently, I cannot support Christine's first recommendation to raise the trigger point to £250 as I believe that this is a step which is too early and too far. By maintaining the current policy we would still be treating all of our tenants in a fair and equitable manner.

I can support the second and third recommendations provided there is a formal repayment of arrears plan in place, and I consider that where necessary we should be flexible on the terms of repayment of arrears. This temporary change in policy should be reviewed and the results of that review laid before the Board well before 31 March 2014.

There will be publicity over the issue of Notice of Proceedings for Recovery and we should be prepared to counter the bad publicity with the facts. On the plus side we can draw attention to our Welfare Support Team and its results, to the concessions over transfers, to our flexibility over the repayment of arrears, and to our continuing opposition to the implementation of the BT. We can also highlight the affect on current and future tenants of non-payment of rents and the possible damage to future housing investments.

Thank you.

The Chief Executive advised the Board that if ACHA were to take a tenant to court for arrears of £56 the Association could be in serious trouble.

Marri Malloy agreed with the Vice Chair and stated it was her view ACHA were discriminating against tenants who had not been affected by the bedroom tax.

Gillian Logan advised she supported the recommendations put forward in the report. She asked whether financial assistance could be given to tenants to move as they may not be able to afford to pay moving costs. The Chief Executive stated that each move would cost in the region of £2,500 - £3,000 and the Association could not afford to commit that figure, as there was no budgetary provision.

The Director of Housing & Neighbourhood Services stated she

would endeavour to establish what course of action the other RSLs in Argyll and Bute were taking.

Christine

Kate Winton advised she supported all three recommendations contained within the report and stated that the Association required to recover arrears to protect itself. Marri Malloy and Lorraine-Anne Drysdale agreed.

The Vice Chair continued to state he felt the Association were discriminating. He added that once Universal Credit was in place, ACHA would be unable to differentiate between arrears. The Director of Housing & Neigbbourhood Services agreed and stated that technically the cause for arrears would not matter as the Association's priority would be income and debt management, hence the second and third proposal being temporary.

Jim Milne stated he was not against changing policies but he felt it was too early to make the changes. Stafford Day agreed and stated it was his view the Association were providing a blank cheque for tenants to sit at £249 arrears.

After further discussion, the Board of Management **APPROVED** all three recommendations contained within the report with the caveat that recommendation one be limited to 31<sup>st</sup> March 2014.

#### 15. **A.O.C.B.**

#### Schedule 7 for Ratification

The Director of Housing & Neighbourhood Services advised the Schedule 7 had been approved by the Chair and the Chief Executive as a decision under urgency. The Board were advised that a three bedroom property had become available for letting in Campbeltown. The applicant qualifying for the offer is the daughter of a Governing Body Member in Campbeltown. The Director of Housing & Neighbourhood Services confirmed the Governing Body Member had played no part in the assessment of the application and was not involved in the offer process. The Board of Management **RATIFIED** the Schedule 7 Decision Under Urgency.

# **PA System for AGM**

The Director of Human Resources & Corporate Services asked whether Board members wished to hire a PA system for the AGM. The Board of Management CONFIRMED they wished a PA System

	to be made available for the AGM.	
	COMPLAINTS The Director of Human Resources & Corporate Services requested Board members take note of the first quarter complaints statistics contained within the information pack.	
	SCHEDULE 7 The Chief Executive advised the Senior Management Team had approved revised guidance relating to Schedule 7 which would be submitted to the Board for consideration.	
	DISCRETIONARY HOUSING BENEFIT The Chief Executive reported that the Government had made £5 million available for discretionary housing benefit payments.	
16.	<b>Date &amp; Time of Next Meeting</b> Thursday 5 <sup>th</sup> September 2013 at 10.30am in the Argyll Hotel, Inveraray	