

GARIOCH AREA COMMITTEE STATEMENT OF OUTSTANDING BUSINESS AS AT 1 NOVEMBER 2022

NO	TITLE	MOST RECENT UPDATE	TIMESCALE
1.	Supplementary Housing Work Plan and Business Case – Procurement Approval for Works at Littlewood Court, Kemnay	The contractor has received the final data from the last set of samples and they were clean, which is consistent with previous data. A final report will be finalised and issued to the council scientific officer in advance of being issued to SEPA for its agreement to close out the site. Once SEPA confirms its position, we will seek to discharge this item.	Will seek discharge on receipt of confirmation from SEPA that it agrees to close out the site.
2.	Provision of Unisex Toilets in Aberdeenshire	The Stage One report was considered by Committee on 27 September 2022 when the Committee agreed to undertake a Stage 2 Workshop within two months. This has been arranged for Tuesday, 29 November 2022.	Stage 2 workshop in November 2022
3.	Aberdeenshire Charities Trust (ACT2)	A briefing note is in the final stages and will be circulated shortly.	November 2022

ORIGINAL DECISIONS AND PREVIOUS UPDATES PROVIDED TO THE COMMITTEE

No	COMMITTEE DATE	DECISION	RESPONSIBLE OFFICER	TIMESCALE
1a.	8 October 2019 (item 9)	Supplementary Housing Work Plan and Business Case Request that reports be provided:- 1. detailing the costs an implications and remedial work required following the investigation works; and 2. giving a comparison business case for alternative heating sources for Littlewood Court, Kemnay (Completed and discharged 1/12/20)	Infrastructure Services (Matthew MacAulay)	February 2020
1b	6 October 2020 (Item 4)	Request that Officers provide an update in relation to the progress with a feasibility and options appraisal to replace the oil heating system (Littlewood Court)	Infrastructure Services (Matthew MacAulay)	November 2020

DATE	OFFICER UPDATE	RESPONSE FROM COMMITTEE
12 November 2019	<p>(1) a further meeting was held last Friday of the Littlewood Oil Spill Project Team chaired by the Area Manager attended by various Council colleagues from Environmental Health, Property, Housing, Legal etc. At present further investigation and testing works are being progressed and an implementation plan for any proposed remedial works has yet to be determined. Subject to completion of this exercise estimated costs should be available from Property for any proposed remedial works</p> <p>(2) Housing has instructed Property to undertake a feasibility and options appraisal to replace the oil heating system.</p>	Noted
14 January 2020	Report expected in February 2020	Noted
17 March 2020	Update report provided on 17 March 2020.	Agreed to retain for further progress to be reported.
21 April 2020	Update indicating that work would be delayed due to Covid 19.	Noted
23 June 2020	Until Covid 19 restrictions are lifted the remediation works in the business case approved at the March Committee are on hold as the contractor is unable visit the site. It could be a number of months therefore until there is anything to update.	Noted
25 August 2020	<p>The oil remediation contractor is now on site and has set up their equipment which will remove the oil contamination by extracting it from the ground water where it has accumulated. This is progressing as planned, and we should get a fuller update at our next progress meeting on 20th August. We have allowed up to 12 weeks for this work, although it may not take that long. Property is managing the contractor and is being advised by a specialist consultant and our Environmental Health team.</p> <p>Soil samples taken on site indicate that there is no surface contamination except in the area immediately around the fill pipe and the majority of that material was removed from site in 2019. Remaining works are to make good this area.</p>	Noted

	<p>Further tests were carried out at sub-soil level just off site last week and we anticipate a report and any recommendations for action at our next progress meeting. These tests were put on hold in March due to the COVID 19 restrictions being in place.</p> <p>The accumulation of hydrocarbons in the public storm water drainage at the corner of the site and at the tributary to the Don continue to be monitored with oil absorbing booms being inspected weekly and replaced as required.</p> <p>A tenant has raised a number of concerns. Health Protection Scotland and NHS Grampian are satisfied there is no risk to residents arising from the contamination but we are continuing to engage with the tenant, and this is being led by EH. The COVID 19 restrictions are hampering our efforts in this regard as EH are prepared to carry out some additional monitoring inside the relevant flat to provide reassurance, but that is currently not possible.</p>	
6 October 2020	This issue is being dealt with across a number of Council Services. Environmental Health, Housing and Property are working together and taking a proactive approach to the issue. A joint briefing note was circulated to members on 25 September. A further update will be sought in December 2020/January 2021.	Update requested on option appraisal for alternative heating system
10 November 2020	Progress update including feasibility study and options appraisal to replace the oil heating system (Littlewood Court) will be provided by Officers in December 2020	Noted
1 December 2020	A briefing note regarding options appraisal for heating sources for Littlewood Court was circulated to Councillors on 17 November 2020. Proposal to remove element 2 from the original decision as completed. Item 1 will continue to be monitored and remain on the statement until situation has been resolved.	Noted and agreed
12 January 2021	A briefing note regarding the remediation works at Littlewood Court was circulated to Councillors on 14 December 2020. A further update will be sought for March 2021 meeting.	Noted
16 March 2021	A briefing note regarding the remediation works at Littlewood Court was circulated to Councillors on 3 March 2021. A further update will be sought for June 2021 meeting.	Noted
1 June 2021	A briefing note regarding the remediation works at Littlewood Court was circulated to Councillors on 17 May 2021. A further update will be sought for August 2021 meeting.	Noted

24 August 2021	A briefing note regarding the remediation works at Littlewood Court was circulated to Councillors on 10 August 2021. A further update will be sought in 6 months to verify that the continued monitoring can be concluded.	Noted
22 February 2022	A briefing note dated 14 January was circulated to Councillors. A further update will be sought for March.	Noted
15 March 2022	An update on progress was provided to Councillors on 3 March 2022. A further update will be sought for the June meeting.	Noted
7 June 2022	The latest set of investigation results are awaited from the lab so a briefing note will now be provided before the meeting on 28 June 2022.	Noted
28 June 2022	A briefing note was circulated to Councillors on 17 June 2022 indicated that final monitoring will take place over the summer months	Noted
6 September 2022	<p>The contractor has completed the last of the proposed 3 rounds of monitoring at Littlewood court. Throughout this monitoring period, they did not recover free phase oil in any of the wells onsite.</p> <p>Once they have the analytical data back from the last round, which is due this week, they need to compile all of the data from the remediation and monitoring into a report and present to SEPA for comment.</p> <p>Whether we are able to close out the job based on the data will need to be assessed once we have the latest set of data in and agreed with SEPA</p>	Noted

No	COMMITTEE DATE	DECISION	RESPONSIBLE OFFICER	TIMESCALE
2a	25 February 2020 (Item 10)	Committee agreed in terms of the Policy Development and Review Framework in Part 4B of the Scheme of Governance to instruct that the Director of Education and Children's Services provide a report to Education and Children's Services Committee on the provision and type of toilets in the Council's Learning Estate, with particular emphasis on the	Education and Children's Services (Maxine Booth)	June 2021 (est)

		legislation and equalities impact, and to consider the development of a policy.		
2b	21 April 2020	Committee asked that a response be provided to the following question:- As there is currently no policy in place for the provision of unisex toilets in schools, can the service confirm what will happen regarding proposed or agreed works where unisex toilets are included in the plans.	Education and Children's Services (Maxine Booth)	
2c	1 December 2020	request that officers provide an update to next meeting indicating how the unisex toilet issue will impact on the office strategy	Property (Allan Whyte)	January 2021
2d	16 March 2021	The Committee agreed to discharge the issue relating to toilets in Council offices and Council buildings, but to retain the issue relating to the learning estate pending the completion of the review of regulations and adoption of regulations as this relates to policy development.	Area Manager (Ann Overton)	Dependent on Scottish Government progressing review. No timescale in place
2e	7 June 2022	The Committee agreed to request that a stage one scrutiny report be provided to Committee at its meeting in September 2022, regarding the provision of toilets in Garioch schools. The report should detail all of the toilet provision in the schools in Garioch, outline the current Council policy, the legislative position, the consultation process for any changes to single sex toilet provision, information about retrofitting (where changes have been made that do not comply with the 1967 legislation) and confirmation that schools have complied with the requirement to produce Equality Impact Assessments in terms of the Equality Act 2010 and any other relevant information relating to toilet provision in schools in Garioch.	Education and Children's Services (Anne Marie Davies MacLeod)	September 2022
DATE		OFFICER UPDATE		RESPONSE FROM COMMITTEE
21 April 2020		<p>This work has commenced and a legal officer is being identified to support Education Colleagues for this piece of work due to the legal requirements.</p> <p>However, Officers involved are preparing this work on a national basis (through a national association ADES) as well as for Aberdeenshire and it will therefore require to have consultation with a much wider group of stakeholders which will increase the timescale for the work. It will also form part of the ongoing review of the Schools Premises Regulations.</p>		Further clarification requested

12 May 2020	The Area Manager confirmed that indicating that all non-essential projects were currently on hold. She confirmed that the Education and Children's Service position was that a range of toilet provision should be available and there would not be whole scale installation of unisex toilets. The Area Manager also confirmed that Cluny school would continue to have single sex toilets.	Noted
10 November 2020	<p>The Committee agreed in terms of the Policy Development and Review Framework in Part 4B of the Scheme of Governance to instruct that the Director of Education and Children's Services provide a report to Education and Children's Services Committee on the provision and type of toilets in the Council's Learning Estate, with particular emphasis on the legislation and equalities impact, and to consider the development of a policy. Progression of this matter is on hold due to prioritising the response to the COVID 19 Pandemic.</p> <p>Advice from Legal and Governance is that to comply with the School Premises (General Requirements and Standards (Scotland) Regulations 1967, school toilet allocation must be split 50% between females and males. The Regulations do not refer to unisex toilets and education authorities cannot comply with their duty under that legislation by introducing such facilities, unless there is also the required single sex provision. The Regulations are under review. Indeed the review was started but the matter has not progressed to new legislation. The report to Education and Children's Services Committee to deal with the recommendation from this Committee to develop policy on the provision of toilets in schools is yet to be scheduled. However, the Legal advice includes a recommendation that a cross service working group is established by the Council, to properly assess and progress this issue with a view to developing a Council policy, as this matter will not solely impact school buildings but other Aberdeenshire Council premises too. This will ensure a one Aberdeenshire approach. Property and Facilities Management have received this advice too.</p>	Noted and requested that the item be retained on the Statement of Outstanding Business and that a timescale be provided.
1 December 2020	An estimated date of June 2021 has been provided, but this is dependent on a review of the regulations being undertaken by the Scottish Government.	Noted and further action added.
16 March 2021	The Garioch Area Manager met with the Head of Property and Facilities Management. It was agreed that the current position of toilets in Council offices being single sex provision with additional unisex provision available where deemed to be required, will not be amended. This ensures that the Council is in compliance with the Health and Safety at Work legislation. In relation to toilet provision for the public in Council buildings, it was agreed that the current single sex provision along with additional and appropriate unisex provision, will not be amended. If there is a decision to be made about a change to or reduction of single sex provision in favour of	Partial discharge, new action shown above.

	<p>unisex provision in a Council building, it has been noted that there is a requirement to undertake an Equality Impact Assessment and any required consultation with relevant stakeholders.</p> <p>As already noted by Committee, the Council is legally bound by the School Premises (General Requirements and Standards) (Scotland) Regulations 1967 (the Regulations). The Scottish Government review of the Regulations is not complete. At this time there is no indication of a timescale for the review to be completed and new legislation to be in force. Therefore until completion of the review, the Council will adhere to the current requirements of the Regulations. The Primary School New Build Brief is going to Education and Children’s Services Committee on 18 March 2021 and addresses this same issue. It ensures that any changes to school toilets will not create discrimination in terms of the Protected Characteristics in the Equality Act 2010. Development of Council Policy will not be able to considered until the review of the Regulations is completed.</p>	
11 January 2022	Committee agreed to seek an update to the March meeting including information about what is being implemented by Aberdeenshire Council in the meantime.	Requested update to March meeting
15 March 2022	<p>There is still no timescale on implementing updated School Premises Regulations across Scotland and therefore the current regulations from 1967 still stand. This requires separate provision for both Males and Females. However, in line with the Equality Act 2010, to respect the Sex characteristic as well as the Gender reassignment a range of facilities is now the default position for Aberdeenshire until the national regulations are updated.</p> <p>As a result of this, an updated Aberdeenshire Primary School Design Brief was reported and subsequently approved at Education and Children’s Services Committee on 18th March 2021 that agreed the following position;</p> <p>The preferred model is for there to be a mix of toilet options including:</p> <ul style="list-style-type: none"> • individual private toilets – including enclosed handwash and dry facilities which are non-sex specific. • open plan toilets – each block should be split into sex specific blocks. Each WC should be in a separate fully enclosed cubicle and grouped wash hand basins. • Cubicles and basins suitable for disabled users will be co-located with the main toilet suites. 	Request that a summary of the position regarding toilet provision in each of the schools in Garioch be provided along with clarity of the wording of the bullets in the text taken from the design brief.

	This position is also being used for secondary provision moving forward and the development of Peterhead Community Campus.	
19 April 2022	Summary of provision in Garioch Schools will be provided before the June meeting of Committee. Further update on national position to be sought in March 2023.	Noted
7 June 2022	<p>Clarification regarding the bullets relating to the preferred model (detailed below Item 2, 15 March 2022) provided via e-mail on 26 May 2022.</p> <p>Response from Services regarding request for a summary of the position regarding toilet provision in each of the schools in Garioch:-</p> <p>The floor plans held for each school are not always the most up to date due to a long standing vacancy within Property & Facilities Management. This post is responsible for having these floor plans updated when building works are carried out. We have in the past tried to obtain information from schools however there are always different interpretations from local staff as to what types of toilets they have on site. This means that we would have to use one of our own officers to visit each of the 30 schools in Garioch to carry out this assessment. At this current juncture Learning Estates do not have the resources to carry this out due to other competing priorities.</p>	Noted and requested that a stage one scrutiny report be provided to Committee at its meeting in September 2022 (New action shown above as e)
27 September 2022	<p>Stage 1 report was considered and the Committee agreed to:-</p> <ol style="list-style-type: none"> 1. progress to Stage 2: Workshop; (Note: timescale for workshop to be held within 2 months); 2. Extend scope to include all Council facilities consideration, not just educational establishments (noting specific current issue with lack of policy and delay in Scottish Government legislation updates); 3. Session to include representatives from Legal & Governance, Equalities, and Property; <ul style="list-style-type: none"> • Focus on the undernoted points: • Clear Shire policy on toilet provision • Clear consultation process • Non-compliance and next steps • All services involved • Non-statutory guidance • Impact on all protective characteristics • Trauma informed ambition of the Council 	Stage 2 Workshop to be arranged by end of November

No	COMMITTEE DATE	DECISION	RESPONSIBLE OFFICER	TIMESCALE
3.	15 March 2022 (Item 9)	<p><u>Aberdeenshire Charities trust (ACT2)</u></p> <p>Committee requested that a briefing be prepared to:-</p> <ul style="list-style-type: none"> a) provide details of the options to improve accessibility to the fund; b) look at the criteria to provide better information about what would be acceptable; c) look at additional ways to publicise the fund including through partnership agencies, Health and Social Care Officers and Council services that would be in contact with potential applicants; d) provide options for consideration regarding the sustainability of the fund, looking at the level of funding that would be required to be held as capital in order to fund awards via interest accrued each year; and e) provide details as to how the processing of applications can be more efficient. 	Environment and Infrastructure Services (Ann Overton)	
DATE	OFFICER UPDATE	RESPONSE FROM COMMITTEE		
19 April 2022	Officers are working on an initial briefing note to clarify the governance around the process. Further work is ongoing.	Noted		
28 June 2022	An interim update is that it has been confirmed by Legal and People that that committee cannot delegate decisions on applications to ACT2 to an officer. Officers are giving further consideration to the suggestions raised by committee. The ACT2 fund information is available on the Garioch Funding page on the Council's website and has been promoted via the Community Planning Bulletin and social media. Aberdeenshire Support and Advice Team (known as ASAT) is aware of the availability of the Garioch ACT2 funds.	Noted		