

# **MORAY COUNCIL**

## **Minute of Meeting of the Economic Growth, Housing and Environmental Sustainability Committee**

**Tuesday 8 June 2021**

**Remote Locations via Video-Conference**

### **PRESENT**

Councillor David Bremner, Councillor Theresa Coull, Councillor John Cowe, Councillor Gordon Cowie, Councillor John Divers, Councillor Tim Eagle, Councillor Ryan Edwards, Councillor Donald Gatt, Councillor Graham Leadbitter, Councillor Marc Macrae, Councillor Maria McLean, Councillor Louise Nicol

### **APOLOGIES**

Councillor Ray McLean, Councillor Walter Wilson

### **IN ATTENDANCE**

Depute Chief Executive (Economy, Environment and Finance), Head of Environmental and Commercial Services, Head of Development Services, Acting Head of Housing and Property Services, Chief Financial Officer, Environmental Protection Manager, Transportation Manager, Estates Manager, Payments Manager, Legal Services Manager, Mrs F Geddes, Senior Housing Officer (Strategy) and Mrs L Rowan, Committee Services Officer as Clerk to the Committee.

#### **1 Chair**

Councillor Leadbitter, being Chair of the Economic Growth, Housing and Environmental Sustainability Committee, chaired the meeting.

#### **2 Declaration of Group Decisions and Members Interests**

In terms of Standing Order 20 and the Councillors' Code of Conduct, there were no declarations from Group Leaders or Spokespersons in regard to any prior decisions taken on how Members will vote on any item on the agenda or any declarations of Member's interests in respect of any item on the agenda.

#### **3 Resolution**

The Meeting resolved that under Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting for Items 22 and 23 of business on the grounds that it involves the likely disclosure of exempt information of the class described in the relevant Paragraphs of Part 1 of Schedule 7A of the Act.

Paragraph Number of Minute	Paragraph Number of Schedule 7a and Reason
21	9
22	6, 8, and 9

#### **4 Minutes**

The Minutes of the meetings of the Communities Appointments Committee dated 26 March 2021, Economic Growth, Housing and Environmental Sustainability Committee dated 13 April 2021 and the Communities Appointments Committee dated 11 May 2021 were submitted and approved.

#### **5 Written Questions**

The Committee noted that no written questions had been submitted.

#### **6 Notice of Motion by Councillors Gatt and Powell**

A Notice of Motion was submitted by Councillor Gatt, seconded by Councillor Powell in the following terms:-

That the Committee considers and agrees to call for a report to this committee to consider the statutory process under the Roads (Scotland) Act 1984 to adopt the undermentioned roads:

Cullen, Port Long Road; from where the current adopted road ends to a point X metres past the entrance to the Moray Council Recycling Centre, to enable the turning of a long-articulated vehicle. As indicated on the accompanying map at Annex A.

Portknockie, Seafield Terrace – Geddes Avenue; from the end of the current adopted road at Seafield Terrace eastwards past the Moray Council owned McBoyle Hall to where the adopted road restarts at Geddes Avenue / Logie Drive. As indicated on the accompanying map at Annex B.

Reason

The roads mentioned have become anomalies in the Moray Roads network in that over time local people have assumed that the roads are the responsibility of the Moray Council when they are not. This causes consternation among local people who, report the roads as having defects which need repair, and are informed that the roads are not adopted and not the responsibility of the Moray Council.

In the case of Port Long Road, Cullen; the current state of the disrepair of the road has been caused by vehicles servicing the Moray Council Recycling Centre and the contractors who repaired the Cullen Harbour wall.

In the case of Seafield Terrace – Geddes Avenue, Portknockie; this is a through road and the logical main vehicular access for those residents living in the east part of the town.

We respectfully ask all Councillors to consider and agree this Notice of Motion.

During his introduction, Councillor Gatt outlined the purpose of his Notice of Motion which was to rectify, in his opinion, 2 anomalies in Moray's roads network.

The Committee noted that Councillor Powell had seconded the Notice of Motion however it was pointed out that, in terms of Standing Order 34b), the Notice of Motion should be seconded by a member of the Committee. Following consideration, Councillor Eagle agreed to second Councillor Gatt's Notice of Motion.

The Depute Chief Executive (Economy, Environment and Finance) advised that it would not be possible to make an exception to the current policy for the 2 roads mentioned in the Notice of Motion and that the policy would need to be revised and criteria identified which might support adoption of these roads but which all unadopted roads would also then have to be assessed against.

The Head of Environmental and Commercial Services advised that currently, before the Council will take responsibility for an unadopted road, it required to be brought up to a specific standard by frontagers. He further pointed out that there were many unadopted roads in Moray and if each road was to be assessed against new criteria, this would be a considerable piece of work.

The Chair noted the comments from the Head of Environmental and Commercial Services in relation to the number of unadopted roads in Moray, many of which are in a poor standard and acknowledged the cost to the Council in terms of Officer time to assess each road against new criteria. Councillor Leadbitter therefore moved, as an amendment, that the Committee note the issues raised in the Notice of Motion and maintain the current process for unadopted roads. This was seconded by Councillor Bremner.

On a division there voted:

For the Motion (5):	Councillors Gatt, Eagle, Edwards, Macrae and McLean
For the Amendment (7):	Councillors Leadbitter, Bremner, Coull, Cowe, Cowie, Divers and Nicol
Abstention (0):	Nil

Accordingly, the amendment became the finding of the Committee and it was agreed to note the issues raised in the Notice of Motion and maintain the Council's current process for unadopted roads.

## **7 Notice of Motion by Councillors Eagle and Macrae**

A Notice of Motion was submitted by Councillor Eagle, seconded by Councillor Macrae in the following terms:-

This motion seeks for council to agree to a change in the charging mechanism for non-resident burial fees within Moray.

Currently the non-Moray resident fee is applied to any person who is not a resident in Moray at the time of their death, unless:

*they were receiving any assessment for, or provision of, Community Care services from The Moray Council – including if this resulted in the Council providing new accommodation outside Moray, e.g. community care placement in Aberdeenshire.*

*The deceased continued to hold a residence in Moray at the time of their death.*

We believe the policy leaves a gap for residents who have lived and worked in Moray for large part of their lives but require to leave for care reasons.

We propose the policy is amended to include another 2 bullet points, which read;

*They have left Moray for medical or care reasons prior to their death – including elderly care by family.*

*Those whose death occurs within 2 years of leaving Moray and wish to be buried in the area.*

The council is asked to adopt this change to the policy and agree that rebates on charges of people who fall into these categories within the last 18 months will be given.

Councillor Eagle outlined the terms of his Notice of Motion and stated that, following discussion with Officers, he had been asked to link the 2 proposed amendments to the policy by adding the word "and" and asked that Officers outline their reasons for this during the debate. He further stated that Officers had suggested that a webpage be set up in order to facilitate the rebate process and that this would be live for 3 months and thereafter closed, and that he was happy to accept this within his Notice of Motion.

In response, the Head of Environmental and Commercial Services advised that the reason for asking that the 2 amendments to the policy be linked is that there is no time limit mentioned in the first amendment whereas there was a period of 2 years mentioned in the second amendment.

The Chair further queried whether Councillor Eagle would consider amending the last paragraph of his motion to reflect "that rebates on charges for people who fall into these categories within the last 18 months will be given *on application*", with an opportunity for a rebate ending in 3 months to aid the administration of the rebate.

With regard to the wording of the amendments to the policy which referenced the elderly, it was noted that anyone may need to leave Moray for medical and care reasons and not just elderly people and it was suggested that this be changed from "elderly" to "personal" care needs.

On considering the requests from Officers, the Chair and the Committee, Councillor Eagle agreed to amend his motion as follows:

1. The policy is amended to include those who have left Moray for personal medical or care reasons prior to their death and whose death occurs within 2 years of leaving Moray and wish to be buried in the area; and
2. that rebates on charges of people who fall into these categories within the last 18 months will be given to those who apply within 3 months following an advert/page setting out the new policy and rebate on the Council website.

Councillor Macrae agreed to second the revised version of the motion.

There being no-one otherwise minded, the Committee agreed that:

1. the policy is amended to include those who have left Moray for personal medical or care reasons prior to their death and whose death occurs within 2 years of leaving Moray and wish to be buried in the area; and
2. rebates on charges of people who fall into these categories within the last 18 months will be given to those who apply within 3 months following an advert/page setting out the new policy and rebate on the Council website.

## **8 Notice of Motion by Councillors Eagle and Gatt**

A Notice of Motion was submitted by Councillor Eagle, seconded by Councillor Gatt in the following terms:-

Electric cars are becoming more abundant on Moray's roads with every passing year. Both the UK and Scottish Government have pledged to phase out the need for new petrol and diesel cars and vans by 2030.

We have concerns that we have not reviewed the electric vehicle charging policy since 2014. At present we are the only council to continue to charge a flat rate fee.

We are also keen to review our network of chargers and how we are moving forward with providing a wider network across the region.

We have concerns that the flat rate fee is detrimental to local users who require just short period of charging rather than full charges.

This motion seeks to ask council to agree to a full review paper being presented to the next meeting of the Economic Growth, Housing and Environmental Sustainability Committee.

The paper is to include a review on payment options for charging and a current position statement on our network of charging units, future plans and options to increase the network.

Councillor Eagle outlined the purpose of his Notice of Motion which was seconded by Councillor Gatt.

The Head of Environmental and Commercial Services advised that, at the meeting of Moray Council on 12 May 2021, as part of the Improvement and Modernisation Programme report, the Council had agreed funding to appoint Consultants to consider the infrastructure required to encourage the use of electric vehicles in Moray and that this report would include consideration of an appropriate charging profile and that it was hoped that this report would be brought to a future meeting by the end of the year.

After considering the advice from the Head of Environmental and Commercial Services and his assurance that the charging policy for electric vehicles will also be included within the report for consideration, Councillors Eagle and Gatt agreed to withdraw their Notice of Motion.

## **9 Order of Business**

The Chair sought the agreement of the Committee to vary the order of business and take Item 13 Marine Safety Performance Review Q4 2020-21 Update and Item 18 Performance Report (Environmental and Commercial Services) – Period to March 2021, at this point in the meeting. This was agreed.

### **10 Marine Safety Performance Review Q4 2020-21 Update**

Under reference to paragraph 6 of the Minute of the meeting of the Economic Development and Infrastructure Services Committee dated 20 March 2018, a report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee with regard to matters of Marine Safety and compliance with the Port Marine Safety Code (PMSC) for the fourth quarter of 2020/21.

Following consideration, the Committee agreed to note the contents of this report as the Duty Holder on matters of marine safety.

### **11 Performance Report (Environmental and Commercial Services) - Period to March 2021**

Under reference to paragraph 5 of the Minute of the meeting of Moray Council dated 7 August 2019, a report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the performance of the service for the period to the end of March 2021.

During discussion surrounding parks and open spaces, Councillor Divers stated that he had been approached by some members of the public in relation to litter in Cooper Park and it was queried whether there was a need for more bins.

In response, the Environmental Protection Manager advised that litter within parks and open spaces is carefully monitored however agreed to liaise with the Parks Management Team to identify any issues in regard to litter.

Following further discussion where Officers answered questions from the Committee in relation to the uptake of school meals and quality of open spaces, the Committee joined the Chair in commending the smaller groups in Moray for their efforts in keeping Moray litter free and the Service, particularly in relation to the reduction in complaints, and thereafter agreed to:

1. note performance in the areas of Service Planning, Service Performance and other related data to the end of March 2021;
2. note the actions being taken to improve performance where required;
3. approve suggested changes to indicators for the 2021/22 reporting period; and
4. that the Environmental Protection Manager will liaise with the Parks Management Team to identify any issues in regard to litter.

Under reference to paragraph 7 of the Minute of the meeting of the Policy and Resources Committee dated 8 May 2018, a report by the Depute Chief Executive (Economy, Environment and Finance) sought approval of the Procurement Strategy 2021/2022.

The Committee joined the Chair in commending the work of the Payments Manager and her wider team in the preparation of the revised Procurement Strategy and thereafter agreed to approve the Procurement Strategy 2021/2022 as set out in Appendix 1 of the report.

### **13        Forres Common Good - Transition Town Forres**

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of an application from Transition Town Forres for financial assistance from Forres Common Good Fund to fund a second year's rental of the ground at Bogton Road following a rental review in March 2020.

The Chair stated that an email had been circulated to the Committee from Transition Town Forres at very short notice and that Officers had not had an opportunity to verify its contents. He stated that Members may feel they have enough information within the report to make a decision however should there be any doubt, the report could be deferred to allow further Officer input.

The Legal Services Manager further advised that the additional information that had been circulated to Members did not form part of the papers available to members of the public and that members should consider whether they feel there is sufficient information within the report to make a decision.

Councillor Eagle was of the view that there was enough information within the report however stated that he would have liked to hear the views of ward members prior to making any decision.

Councillor Nicol stated that Transition Town Forres is an excellent organisation that helps a lot of people in the community and moved that the funding request from Transition Town Forres be approved. This was seconded by Councillor Leadbitter.

During further discussion, it was noted that the organisation had not made a profit in 2018-2021 and it was queried, should financial assistance from Forres Common Good fund be provided, whether there was any assurance that the organisation would be able to pay the rent thereafter.

In response, the Chief Financial Officer advised that she did not have that level of information available.

Having considered the debate, Councillor Eagle moved as an amendment, that the Committee defer this report to the meeting of Moray Council on 30 June 2021 so that the views of ward members can be heard and further information can be obtained from Transition Town Forres in relation to its future financial plan. This was seconded by Councillor Cowe.

After listening to the debate and on hearing advice from Officers, Councillor Nicol withdrew her motion and Councillor Leadbitter agreed to withdrawal.

There being no-one otherwise minded, the Committee agreed to defer this report to the meeting of Moray Council on 30 June 2021 so that the views of ward members can be heard and further information can be obtained from Transition Town Forres in relation to its future financial plan.

#### **14 Common Good Funds - Summary Expenditure for 2020-21 and Estimated Disposable Income for 2021-22**

Under reference to paragraph 12 of the Minute of the meeting of the Policy and Resources Committee dated 2 September 2008, a report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the final position of Common Good Funds at 31 March 2021 and the estimated income available for disbursement in 2021/22.

Following consideration, the Committee agreed:

1. to note the disbursements approved for 2020/21 for each of the Common Good Funds shown in Appendix 1 to the report;
2. to approve the carry forward of the undisbursed balances for 2020/21 for the Buckie, Dufftown, Elgin, Forres, Portknockie, Keith and Findochty Funds to be made available in 2021/22;
3. the estimated Income available for disbursement in 2021/22 shown in Appendix 2 of the report; and
4. to note Common Good Fund asset register as set out in Appendix 3 of the report.

#### **15 Community Asset Transfer Request (2015 Act) - Findhorn Beach Toilets**

A report by the Depute Chief Executive (Economy, Environment and Finance) invited the Committee to consider an asset transfer request made under Part 5 of the Community Empowerment (Scotland) Act 2015 for the transfer of two public toilets and the site of a former public toilet, all located at Findhorn Beach.

Following consideration, the Committee agreed to:

1. approve the request to transfer ownership of:
  - a) the north and south public toilets, West Dunes, Findhorn, and
  - b) the site of the former public toilet, East Beach, Findhorn,to the Findhorn Village Conservation Company Ltd, all subject to the terms and conditions set out in para 5.1 of the report; and
2. note that, if approved and unless otherwise agreed with the Company, it will have 6 months from the date of the decision notice to submit a formal offer to purchase the properties, failing which the agreement will have no further effect and the statutory asset transfer process will end.



## **16        Allocations Policy Annual Performance Report 2020-21**

Under reference to paragraph 8 of the Minute of the meeting of the Communities Committee dated 28 May 2019, a report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the performance of the Council's Allocations Policy during 2020/21.

Following consideration, the Committee agreed:

1. to note the performance identified within the report; and
2. the allocations quotas for 2021/22 detailed at Paragraph 5.4 of the report.

## **17        The Moray Affordable Housing Programme**

Under reference to paragraph 10 of the Minute of the meeting of this Committee dated 1 December 2020, a report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of progress on the Affordable Housing Programme in Moray.

The Committee joined the Chair in commending the Housing and Property Service for their efforts in the provision of affordable housing in Moray and thereafter agreed:

1. to note the outturns on the Moray Affordable Housing Programme 2020/21;
2. to note the Moray Resource Planning Assumption for 2021/22;
3. to note the Moray Strategic Local Programme 2021/22 programme;
4. to note progress on the delivery of the Council's new build programme;
5. to note progress on delivery of housing at Bilbohall, Elgin; and
6. that further reports on programme progress will be presented to this Committee.

## **18        Performance Report (Housing and Property Services) - Period to March 2021**

Under reference to paragraph 5 of the Minute of the meeting of Moray Council dated 7 August 2019, a report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the performance of the service for the period from 1 January to 31 March 2021.

Following consideration, during which Officers answered questions from the Committee in relation to the Change Management Plan and the future use of prefabricated housing, the Committee joined the Chair in commending Building Services for their nomination as a finalist for the Best Building Maintenance Provider UK award and thereafter agreed to note:

1. performance in the areas of Service Planning, Service Performance and other related data to the end of March 2021; and
2. the actions being taken to improve performance where required.

## **19 Performance Report (Economic Growth and Development) - Period to March 2021**

Under reference to paragraph 5 of the Minute of the meeting of Moray Council dated 7 August 2019, a report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the performance of the service for the period from 1 January to 31 March 2021.

The Committee joined the Chair in commending the Service for achieving their targets despite the difficulties surrounding the Covid-19 pandemic and thereafter agreed to note:

1. performance in the areas of Service Planning, Service Performance and other related data to the end of March 2021; and
2. the actions being taken to improve performance where required.

## **20 Performance Report (Financial Services) - Period to March 2021**

Under reference to paragraph 5 of the Minute of the meeting of Moray Council dated 7 August 2019, a report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the performance of the service for the period from 1 January 2021 to 31 March 2021.

The Committee joined the Chair in commending the Service for having no performance indicators below target and thereafter agreed to note:

1. performance in the areas of Service Planning, Service Performance and other related data to the end of March 2021; and
2. the actions being taken to improve performance where required.

## **21 Question Time \*\*\***

Councillor Divers asked that a report on Free after 3 car parking over the Christmas and New Year period be brought to the next Committee for consideration as the Christmas Lights are scheduled to be switched on on Saturday 20 November 2021. Councillor Divers further asked that this annual report be brought to Committee as an information report thereafter for noting.

In response, the Depute Chief Executive (Economy, Environment and Finance) advised that this report was already scheduled to come to the next Committee meeting and that a recommendation will be included to reflect that it comes as an information report thereafter.

With regard to the information report on the agenda in relation to the Street Lighting LED Invest to Save Project, Councillor Nicol highlighted how this project

had reduced the Council's carbon footprint by 5000 tonnes which was excellent news.

The Chair further commended the Service for the delivery of the project which was completed ahead of time and under budget and will continue to provide savings in the future.

## **22 Building Services Trading Operation Budget 2021-22 [Para 9]**

Under reference to paragraph 25 of the Minute of the meeting of this Committee dated 6 October 2020, a report by the Depute Chief Executive (Economy, Environment and Finance) presented the Building Services Trading and Operation Budget for 2021/22.

Following consideration, the Committee agreed to note:

1. the proposed Building Services Trading Operation Budget for 2021/22, as detailed in Appendix I of the report;
2. the service development proposals at a cost of £112K as detailed in section 6 of the report;
3. the 2021/22 Building Services operating performance targets highlighted in section 7 of the report; and
4. the unaudited financial information for the period to 31 March 2021, as detailed in section 8 and Appendix I of the report.

## **23 Proposed Sale of Land at Pinefield Industrial Estate, Elgin [Para 6, 8 and 9]**

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to approve the main terms for the sale of land at Pinefield Industrial Estate, Elgin.

Following consideration, the Committee agreed to:

1. to approve the main terms of sale outlined in paragraph 5.2 of this report; and
2. to authorise the Estates Manager and the Legal Services Manager to conclude the transaction.