

# **MORAY COUNCIL**

## **Minute of Special Meeting of the Moray Council**

**Thursday, 27 June 2019**

**Council Chambers, Council Office, High Street, Elgin, IV30 1BX**

### **PRESENT**

Councillor George Alexander, Councillor James Allan, Councillor David Bremner, Councillor Frank Brown, Councillor Theresa Coull, Councillor Gordon Cowie, Councillor Paula Coy, Councillor Lorna Creswell, Councillor John Divers, Councillor Tim Eagle, Councillor Ryan Edwards, Councillor Claire Feaver, Councillor Donald Gatt, Councillor Louise Laing, Councillor Graham Leadbitter, Councillor Aaron McLean, Councillor Maria McLean, Councillor Shona Morrison, Councillor Derek Ross, Councillor Amy Taylor, Councillor Sonya Warren, Councillor Walter Wilson

### **APOLOGIES**

Councillor John Cowe, Councillor Marc Macrae, Councillor Ray McLean, Councillor Ron Shepherd

### **IN ATTENDANCE**

Chief Executive, Corporate Director (Economic Development, Planning and Infrastructure), Acting Corporate Director (Education and Social Care), Head of Financial Services, Mrs Garrow, Acting Head of Human Resources and ICT, Head of Legal and Democratic Services, Transportation Manager and Mrs Rowan, Committee Services Officer as Clerk to the Meeting.

Also in attendance - Ms M Bruce, External Audit

## **1 Chair**

Councillor Morrison, being Convener of the Council, 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 Members interests in respect of any item on the agenda.

## **3 Resolution**

The Council resolved that, in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting during consideration of the items of business appearing at the relevant paragraphs of this minute as specified below, so as to avoid

disclosure of exempt information of the class described in the appropriate paragraphs of Part 1 of Schedule 7A of the Act.

Paragraph No. of Minute	Paragraph No. of Schedule 7A
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15	1
16	1

#### **4 Minute of Meeting 8 May 2019**

The Minute of the Meeting of Moray Council dated 8 May 2019 was submitted and approved.

#### **5 Written Questions**

The Council noted that no written questions had been received.

#### **6 Notice of Motion - Councillors Laing and Bremner**

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

- i. Council recognises that climate change is an ecological emergency and we need to be serious about taking necessary actions to protect our area, country and planet.
- ii. Council will form a climate change group made up of officers and elected members (members to be representatives nominated by group leaders), to direct and scrutinise the climate change strategy currently being prepared.
- iii. Council will consider and approve a final climate change strategy and action plan within 6 months and ensure it is adopted and informs policy for all departments.
- iv. The strategy will set a goal of being carbon neutral by 2030. Council, it's officers and members will work with others across Moray to deliver that goal.

Councillor Eagle welcomed the motion and was of the view that the Council should take action in order to minimise the risks of climate change however raised concern in relation to the costs this could incur to the Council given its current financial position and sought clarification as to how the Scottish Government would support the strategy. Councillor Eagle also suggested that the Council appoint an Elected Member as a Climate Change Champion who would encourage promotion of climate change across the Council.

In response, Councillor Leadbitter stated that in order to make a significant impact in relation to climate change, external support would be required which had already been evidenced by the introduction of an electric bus from Speyside to Forres and grant funding to provide electric vehicles and charging points. He further stated that both the Scottish Government and the UK Government are committed to address the

issue of climate change and are expected to provide grant funding to assist local authorities in this area.

Councillor Eagle welcomed the reassurance from Councillor Leadbitter in terms of potential funding available from both the Scottish and UK Governments to support climate change however asked that Councillors Laing and Bremner consider amending their motion to include reference to the need for increasing biodiversity and the appointment of an Elected Member as a Climate Change Champion to be agreed at the Climate Change Group.

In response, both Councillors Laing and Bremner welcomed this suggestion and agreed to amend their motion accordingly.

Thereafter, the Council:

- i. recognised that climate change is an ecological emergency and needs to be serious about taking necessary actions to protect our area, country and planet;
- ii. agreed to form a Climate Change Group made up of officers and elected members (members to be representatives nominated by group leaders), to direct and scrutinise the climate change strategy currently being prepared and the need for increasing biodiversity;
- iii. agreed to appoint an Elected Member to be a Climate Change Champion to be agreed at the Climate Change Group;
- iv. agreed to consider and approve a final climate change strategy and action plan within 6 months and ensure it is adopted and informs policy for all departments; and
- v. agreed that the strategy will set a goal of being carbon neutral by 2030 and that the Council, its officers and members will work with others across Moray to deliver that goal.

## **7 Unaudited Annual Accounts for 2018-19**

A report by the Corporate Director (Corporate Services) asked the Council to consider the unaudited Annual Accounts for the year to 31 March 2019 for both Moray Council and the Connected Charity Trust Funds administered by the Council.

Following consideration, the Committee agreed to note the:

- i. unaudited Annual Accounts for Moray Council for the year ended 31 March 2019; and
- ii. Moray Council Connected Charity Trust Funds Trustees' Report and Financial Statements for the year ended 31 March 2019.

## **8 Revenue Out-turn 2018-19**

Under reference to paragraph 10 of the Minute of Moray Council dated 14 February 2018, a report by the Corporate Director (Corporate Services) advised the Council of

the actual out-turn for 2018/19 and the major variances from the approved budget for that year. The report also sought approval of adjustment to the budget for 2019/20 where income and expenditure trends are forecast to continue into 2109/20 and approval to fund projects from reserves where there has been slippage in 2018/19 however are expected to be completed in 2019/20.

Following consideration, the Council agreed to:-

- i. note the out-turn for 2018/19 of a deficit of £4,819,000 on the General Fund;
- ii. note the major variances from the approved budget for that year totalling £476,000 as detailed in Appendix 2 of the report;
- iii. note general reserves at 31 March 2019 of £12,276,000 of which £4,012,000 are already committed;
- iv. note projected budget savings of £12,400,000 required in 2020/21, prior to the amendments recommended in paragraph (v) below;
- v. approve adjustments amounting to net savings of £1,121,000 for variances which are anticipated to continue into 2019/20, as detailed in the table in paragraph 3.7 of the report; and
- vi. approve one-off budget provision for 2019/20 of £118,000 as detailed in paragraph 4.1 of the report, to be funded from the General Fund reserve.

## **9 Capital Plan 2018-19**

Under reference to paragraph 9 of the Minute of Moray Council dated 14 February 2018, a report by the Corporate Director (Corporate Services) advised the Council of the expenditure to 31 March 2019 under the capital plan for financial year 2018/19 and recommended budget adjustments for inclusion in the 2019/20 Capital Plan and future years.

Following consideration, the Council agreed to:

- i. note the expenditure to 31 March 2019 of £27,909,000, as set out in Appendix 1 of the report;
- ii. note the projected overall expenditure for projects spanning more than one financial year, as set out in Appendix 2 of the report; and
- iii. approve carry forwards to 2019/20 and future years totalling £2,152,000 as detailed in Section 5 of the report.

## **10 Trust Funds Summary Expenditure for 2018-19 and Estimated Disposable Income for 2019-20**

A report by the Corporate Director (Corporate Services) informed the Council of the disbursements made from Trusts in 2018/19 and estimated disposable income for 2019/20.

Following consideration, the Council agreed:

- i. to note the disbursements approved from the Trust Funds in 2018/19, as detailed in Appendix 1 of the report; and
- ii. the estimated income available for disbursement in 2019/20, as detailed in Appendix 2 of the report.

#### **11 Common Good Funds - Summary Expenditure for 2018/19 and Estimated Disposable Income for 2019/20**

A report by the Corporate Director (Corporate Services) informed the Council of the final position of Common Good Funds at 31 March 2019 and the estimated income available for disbursement in 2019/20.

Following consideration, the Council agreed:

- i. to note the disbursements approved from the Trust Funds in 2018/19, as detailed in Appendix 1 of the report; and
- ii. the estimated income available for disbursement in 2019/20, as detailed in Appendix 2 of the report.

#### **12 Monitoring Officer Issues Arising 1 August 2018 to 31 May 2019**

A report by the Monitoring Officer informed the Council of the range of activities undertaken as Monitoring Officer.

Following consideration, the Council agreed to note the activities of the Monitoring Officer over the period 1 August 2018 to 31 May 2019.

#### **13 Staff Parking Charges**

Under reference to paragraph 6 of the Minute of the Economic Development and Infrastructure Services Committee dated 27 June 2019, a report by the Corporate Director (Economic Development, Planning and Infrastructure) informed the Council of the recommendation from the Economic Development and Infrastructure Services Committee relating to the introduction of charges for staff car parking.

Councillor Eagle expressed his disappointment at having to consider charging staff for parking however acknowledged the difficult financial position of the Council. He stated that it was the view of the Conservative Group that the administration of the permit system would be extensive and that there was the possibility of increased income by implementing £1 per day Pay and Display for staff only and moved that the Council agree this option as detailed at paragraph 4.4 of the report. This was seconded by Councillor Brown.

Councillor Leadbitter agreed with Councillor Eagle in that it was not a welcome decision to charge staff for car parking however the current financial position of the Council required difficult decisions and that in his opinion, the fairest means of allocating parking spaces was by means of a first come first served permit basis. This would also address the equalities issues that had been raised at the consultation stage which had highlighted that parents/carers who had to drop children

off at nursery or school were unable to get a car parking space as the car parks were typically full by 8:00 am. He therefore moved an amendment to the motion, that the Council introduce payment for parking by means of a permit as set out in option 4.5 of the report. This was seconded by Councillor Bremner.

Councillor Ross stated that in his opinion it was unfair to discriminate against Moray Council staff who are based in the Annex or HQ by asking them to pay for car parking as other Council employees based at other sites enjoyed free parking therefore moved an amendment to the motion that the Council make no change to the current arrangements as set out in option 4.2 of the report. This was seconded by Councillor Edwards.

Having considered the debate and the clear difference of opinion amongst the Council, Councillor Cowie was of the view that, to be fair to members of the public and staff members, the Council should make the car park available for everyone therefore moved an amendment to the motion that the Council introduce £1 Pay and Display parking for the public which would include Council staff as set out in option 4.3 of the report. This was seconded by Councillor Alexander.

As there was a motion and three amendments to consider, the Chair asked for a short recess to consider the most appropriate means to reach a decision, in accordance with the Council's Standing Orders. This was agreed.

On resumption of the Meeting, the Monitoring Officer explained that, in accordance with Standing Order 62 (d), as Councillor Ross' amendment not to pay for parking was the direct negative of Councillor Eagle's motion to pay for parking, then it should be voted on in the first instance and the other amendments voted on thereafter.

Thereafter, in terms of Standing Order 62 (d), following summing up by relevant members at the appropriate points, the Clerk advised that the third amendment proposed by Councillor Ross would be taken against the motion proposed by Councillor Eagle.

On a division between the third amendment and the motion there voted:

For the Motion (14):	Councillors Eagle, Brown, Bremner, Coull, Coy, Feaver, Gatt, Laing, Leadbitter, A McLean, M McLean, Morrison, Taylor and Warren
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For the third Amendment (8)	Councillors Ross, Edwards, Alexander, Allan, Cowie, Creswell, Divers and Wilson
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Abstentions (0)	Nil
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The Clerk confirmed that, in accordance with Standing Order 62 (c), the first amendment proposed by Councillor Leadbitter would now be taken against the motion proposed by Councillor Eagle.

For the Motion (13):	Councillors Eagle, Brown, Alexander, Allan, Cowie, Creswell, Divers, Edwards, Feaver, Gatt, M McLean, Ross and Wilson
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For the first Amendment (9): Councillors Leadbitter, Bremner, Coull, Coy, Laing, Morrison, A McLean, Taylor and Warren

Abstentions (0): Nil

The Clerk confirmed that, in accordance with Standing Order 62 (c), the fourth amendment proposed by Councillor Cowie would now be taken against the motion proposed by Councillor Eagle.

For the Motion (15): Councillors Eagle, Brown, Bremner, Coull, Coy, Divers, Feaver, Gatt, Laing, Leadbitter, A McLean, M McLean, Morrison, Taylor and Warren

For the fourth Amendment (7): Councillors Cowie, Alexander, Allan, Creswell, Edwards, Ross and Wilson

Abstentions (0): Nil

Accordingly, the motion became the finding of the meeting and the Council agreed to:

- i. note the contents of the report to the meeting of Economic Development & Infrastructure Services Committee on 11 June 2019, attached at Appendix 1 of the report;
- ii. note the recommendation from Economic Development & Infrastructure Services Committee on 11 June 2019 that further consultation be carried out on a new Car Park Order Amendment based on charging £1 per day, Monday – Friday, 8:00am – 6:00pm for Moray Council staff; and
- iii. approve option 4.4 to introduce £1 Pay and Display parking for staff only to be reviewed again in 12 months.

## **14 Question Time**

Under reference to paragraph 7 of the Minute of Moray Council dated 8 May 2019, Councillor Ross queried why the savings related to the reduced library opening hours, Essential Skills and ESOL services had not been considered at today's meeting.

In response, the Chief Executive advised that there had been a meeting on 17 June 2019 with interested parties in this field which had resulted in a number of issues being highlighted, however it had been too short a time frame to prepare a report for today's meeting therefore it was intended to bring a report to the next meeting of Council in August 2019.

Under reference to paragraph 9 of the Minute of Moray Council dated 8 May 2019, Councillor Alexander queried whether a Business Support Officer had been recruited.

In response, the Acting Corporate Director (Education and Social Care) advised that the post had not been filled as it was still to be graded at the appropriate salary grade.

Under reference to paragraph 13 of the Minute of Moray Council dated 8 May 2019, Councillor Alexander noted that the deadline to submit grant scheme applications was 21 June 2019 and queried whether any had been received.

In response, the Corporate Director (Economic Development, Planning and Infrastructure) advised that she was unsure how many applications had been received however she had received feedback from the Head of Development Services who was optimistic that the Town Centre Fund would be spent.

Councillor Leadbitter further stated that he was aware that the Economic Development Team was in the process of working through the applications that had been received and hoped to have further information in the near future.

Councillor Warren sought an update in relation to fresh food processing certification in the event of a no deal Brexit and whether the Council had sufficient Environmental Health Officers (EHOs) to cope with the required certification.

In response the Chief Executive advised that there had been no further updates in relation to Brexit however advised that previous guidance was that, as long as there was compliance with EU regulations, this would be sufficient.

The Corporate Director (Economic Development, Planning and Infrastructure) further advised that the Environmental Health Service was working in partnership with other local authorities and was in close liaison with vets who have abilities in terms of the certification process. She further stated that provision had been made to enable para-professional officers to undertake certain elements of EHO roles which in turn enabled EHOs to carry out specific duties that could only be undertaken by an EHO in terms of the certification process.

Councillor Alexander raised concern in relation to the current budget situation of the Council that had resulted in a decision to charge staff for car parking and may see a cessation of funding for essential skills and English for Speakers of Other Languages (ESOL) and sought assurance from the Administration Group that it is appealing to the Finance Secretary expressing the Council's need for increased funding.

In response, Councillor Leadbitter stated that he regularly made representations to the Scottish Government through colleagues in COSLA, SNP Council Leaders and through Scottish Ministers and had spoken to Government advisors on a number of issues and would write to the Finance Secretary when the Council had a more certain position in terms of its budget so that a specific request could be made.

## **15      Review of the Council's Corporate Management Structure [Para 1]**

Under reference to paragraph 7 of the Minute of the meeting of the Policy and Resources Committee dated 27 June 2019, a report by the Chief Executive asked the Council to consider a report provided by the external advisor to the Chief Executive on the findings of the review of the Council's corporate management structure.

During his introduction, the Chief Executive emphasised that the recommendations contained within the external advisors report would require a consultation which Elected Members would be keen to oversee and therefore proposed that recommendation 3.1 (ii) be amended to quote the requirement of the Chief Executive to report to a Special Meeting of Moray Council in September 2019 following the end



of the consultation period.

The Chief Executive further advised that Appendices C and D of Appendix I of the report are currently for information only except from the creation of Quality Improvement Managers within the Education and Attainment Service which were urgently required due to capacity issues. This was noted.

During discussion surrounding the Chief Executive's suggested amendment to recommendation 3.1 (ii), whilst it was noted that a report would be brought to a special meeting of Moray Council in September 2019 with the outcome of the consultation and any proposed alterations for approval by the Council, concern was raised that the recommendation still stated that the Chief Executive be given delegated authority to make any appropriate adjustments.

In response, the Chief Executive advised that there may be minor adjustments identified following the consultation and that it would be helpful if he had delegated authority to deal with these issues sooner rather than later however these would be detailed in the report to be brought to the special meeting of Council in September 2019. This was agreed.

Thereafter, the Council agreed:

- i. to approve the recommendations contained in the report attached as Appendix 1 which proposed a revised permanent senior management structure, subject to:
  - o consultation as set out in 3.1(ii) below;
  - o noting that Appendices C and D of Appendix 1 are for information only apart from the creation of 2 Quality Improvement Managers within the Education and Attainment Service, which is for approval;
- ii. to authorise the Chief Executive to lead a workforce consultation with those affected and their trade unions and that the Chief Executive consider any appropriate adjustments which will be reported to a special meeting of Moray Council in September 2019;
- iii. to approve the transitional arrangements as detailed in the covering report and Appendix 2 and delegate authority to the Chief Executive to implement these arrangements in accordance with the Council's agreed policies and procedures; and
- iv. that where possible the transitional arrangements are funded from capital receipts generated in 2019/20, and otherwise from the savings made by the new structure as approved.

## **16 Health and Social Care Moray - Management Report [Para 1]**

A report by the Chief Officer, Moray Integration Joint Board/Health and Social Care Moray informed the Council of the revised shape of Health and Social Care Moray, the health and social care partnership for adult services management structure. The report further advised the Council on the organisational change process underway and sought approval for those posts not appointed to within this process to proceed to recruitment which will require changes to the establishments of the Council and the NHS and will potentially require the deletion of those same posts depending on employment arrangements.

Following consideration, the Council agreed to:

- i. note the revised management arrangements and the rationale for these changes as set out in Appendix 1 of the report;
- ii. allow the establishment and deletion of posts not filled through the organisational change process to enable joint recruitment processes to be pursued; and
- iii. note that in future, further changes may be required in light of any future decisions taken by Moray Council or the NHS in respect of further delegation of services, should either party be of a mind to do so.