



Moray Council Emergency Cabinet

Wednesday, 12 August 2020

NOTICE IS HEREBY GIVEN that a Meeting of the **Moray Council Emergency Cabinet** is to be held at **Various locations via video conference**, on **Wednesday, 12 August 2020 at 09:30**.

BUSINESS

1 Sederunt

2 Declaration of Group Decisions and Members Interests *

3 Resolution

Consider, and if so decide, adopt the following resolution:
"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 17 and 18 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."

4 Minutes

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- 15 Public Protection Response to COVID-19** **171 -
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Report by the Chief Executive
- 16 Question Time *****
Consider any oral question on matters delegated to the Committee in terms of the Council's Scheme of Administration.

Item(s) which the Committee may wish to consider with the Press and Public excluded

- 17 Findhorn and Pilmuir Flood Alleviation Scheme Payment of Advance Compensation**
- Information relating to the financial or business affairs of any particular person(s);
 - Information on the amount of any expenditure proposed to be incurred by the Authority;
- 18 Review of ASN Staffing**
- Information relating to staffing matters;

Moray Council Committee meetings are currently being held virtually due to Covid-19. If you wish to watch the webcast of the meeting please go to:
http://www.moray.gov.uk/moray_standard/page_43661.html
to watch the meeting live.

GUIDANCE NOTES

* **Declaration of Group Decisions and Members Interests** - The Chair of the meeting shall seek declarations from any individual or political group at the beginning of a meeting whether any prior decision has been reached on how the individual or members of the group will vote on any item(s) of business on the Agenda, and if so on which item(s). A prior decision shall be one that the individual or the group deems to be mandatory on the individual or the group members such that the individual or the group members will be subject to sanctions should they not vote in accordance with the prior decision. Any such prior decisions will be recorded in the Minute of the meeting.

** **Written Questions** - Any Member can put one written question about any relevant and competent business within the specified remits not already on the agenda, to the Chair provided it is received by the Proper Officer or Committee Services by 12 noon two working days prior to the day of the meeting. A copy of any written answer provided by the Chair will be tabled at the start of the relevant section of the meeting. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than 10 minutes after the Council has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he or she can submit it in writing to the Proper Officer who will arrange for a written answer to be provided within 7 working days.

*** **Question Time** - At each ordinary meeting of the Committee ten minutes will be allowed for Members questions when any Member of the Committee can put a question to the Chair on any business within the remit of that Section of the Committee. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than ten minutes after the Committee has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he/she can submit it in writing to the proper officer who will arrange for a written answer to be provided within seven working days.

Clerk Name:

Clerk Telephone:

Clerk Email: committee.services@moray.gov.uk

THE MORAY COUNCIL

Moray Council Emergency Cabinet

SEDERUNT

Councillor Shona Morrison (Chair)
Councillor Graham Leadbitter (Depute Chair)
Councillor George Alexander (Member)
Councillor John Divers (Member)
Councillor Tim Eagle (Member)
Councillor Donald Gatt (Member)
Councillor Derek Ross (Member)

Clerk Name:

Clerk Telephone:

Clerk Email: committee.services@moray.gov.uk

Minute of Meeting of the Moray Council

Wednesday, 12 February 2020

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 John Cowe, Councillor Gordon Cowie, Councillor Paula Coy, Councillor Lorna Creswell, Councillor Tim Eagle, Councillor Ryan Edwards, Councillor Claire Feaver, Councillor Donald Gatt, Councillor Louise Laing, Councillor Graham Leadbitter, Councillor Marc Macrae, Councillor Aaron McLean, Councillor Maria McLean, Councillor Ray McLean, Councillor Shona Morrison, Councillor Laura Powell, Councillor Derek Ross, Councillor Amy Taylor, Councillor Sonya Warren

APOLOGIES

Councillor John Divers, Councillor Walter Wilson

IN ATTENDANCE

In attendance at the morning session of the meeting were the Chief Executive, Depute Chief Executive (Education, Communities and Organisational Development), Head of Housing and Property Services, Head of Environmental and Commercial Services, Chief Financial Officer, Head of Governance, Strategy and Performance, Head of Economic Growth and Development and Tracey Sutherland, Committee Services Officer.

1. Chair

The meeting was chaired by Councillor Shona Morrison.

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

Councillor Ross moved that Item 17 on the agenda, Financial Planning should be moved to the open section of the agenda.

In response, the Head of Governance, Strategy and Performance advised that the report refers to staff who will be affected by the decision and that it is not best practice to move the report into the open section of the meeting.

Councillor Gatt confirmed, following the legal advice, that he was happy to support Councillor Ross' motion.

The Chief Executive added that in this instance all Councillors were acting as an employer and that Item 17 of the agenda is affecting employees so it is not considered best practice to discuss the item in the open session of the meeting.

Following a short adjournment and in consultation with colleagues the Head of Governance, Strategy and Performance advised the Chair that, given the implications for the staffing consultation process, he had concerns about the competency of the motion but that any decision on competency rested with the Chair.

The Chair confirmed that she was happy with the advice given by the Head of Governance, Strategy and Performance and advised Councillor Ross that his motion was not competent and therefore the resolution was agreed.

Paragraph Number of the Minute	Number of Paragraph	Schedule 7A and reason
19	1	Information relating to staffing matters
20	1	Information relating to staffing matters
21	9	Information on terms proposed or to be proposed by or to the Authority
22	9	Information on terms proposed or to be proposed by or to the Authority
23	9	Information on terms proposed or to be proposed by or to the Authority

4. Minute of Moray Council on 27 November 2019

The minute of the meeting of the Moray Council dated 27 November 2019 was submitted and approved.

5. Minute of Special Meeting of Moray Council on 17 December 2019

The minute of the special meeting of Moray Council on 17 December 2019 was submitted and approved.

6. Written Questions **

The Council noted that no written questions had been submitted.

7. Notice of Motion - Councillors Laing and Coull

A notice of motion was submitted by Councillor Laing, seconded by Councillor Coull in the following terms:

Council notes that following the review of Priority 1 Gritting Routes following the 2019/20 budget and the subsequent experience of working the new routes that there is a limited amount of driver and vehicle time that could be utilised to extend winter maintenance cover without the introduction of new routes, vehicles or personnel.

Council agrees that the existing Dallas and Knockando routes be extended to cover the C13E road connecting Knockando with Dallas.

Council further agrees that the Rothiemay route should be extended to cover an additional few hundred metres on the short stretch of road connecting the existing Priority 1 route on B9118 with the nearby Aberdeenshire road.

Council agrees that the cost for the remainder of the current winter period, estimated to be circa £5.5k is covered from General Reserves and that the full season additional cost, estimated at circa £15k is included in the 2020/21 budget.

Council notes that these additional extensions will take the existing routes up to their limit and any further additions would require a complete re-routing exercise that would require additional crews and vehicles to be deployed.

In response, Councillor Eagle requested that an additional recommendation be added to the motion asking for a further report to be provided for Economic Development and Infrastructure Committee on the impact the changes to the gritting policy have had on the communities affected (i.e. accident data/complaints). Both Councillors Laing and Coull were happy to add this to the motion.

Councillor Feaver further requested information on how much it would cost and the resources required to grit all pavements within a 20 minute walking distance of Moray town centres.

The Head of Environmental and Commercial Services responded that pavement gritting is carried out based on resources available at any particular time. What is being requested would require more staff and equipment.

Councillor Alexander felt that he could not justify this expenditure as it would give gritting a higher priority than school crossing patrollers which had also been cut from the budget last year and therefore proposed, seconded by Councillor Cowe not to approve the notice of motion.

On the division there voted:

For the motion (20)	Councillors Laing, Coull, Allan, Bremner, Brown, Coy, Eagle, Edwards, Feaver, Gatt, Leadbitter, A McLean, M McLean, R McLean, Macrae, Morrison, Powell, Ross, Taylor and Warren.
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For the amendment (4) Councillors Alexander, Cowe, Cowie and Creswell

Abstentions (0)

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

- i) to extend the gritting on the C13E road connecting Knockando with Dallas;
- ii) to extend the gritting on the B9118 by a few hundred metres to the connecting Aberdeenshire road; and
- iii) a further report to be provided to Economic Development and Infrastructure Committee on the impact the changes to the gritting policy have had on the communities affected (i.e. accident data/complaints).

8. Revenue Budget Monitoring to 31 December 2019

A report by the Depute Chief Executive (Economy, Environment and Finance) advised the Council of the revenue budget monitoring position to 31 December 2019 and of the current estimated outturn for 2019/20.

Following consideration, Councillor Leadbitter, seconded by Councillor A McLean moved that the recommendations be agreed as printed in the report.

Councillor Eagle proposed to not agree recommendation 2.2 as there is already £2,000,000 set aside for transformation and that the £881,000 could be used for other priorities, this was seconded by Councillor Gatt.

On the division there voted:

For the motion (13)	Councillors Leadbitter, A McLean, Alexander, Bremner, Coull, Cowe, Cowie, Coy, Creswell, Laing, Morrison, Taylor and Warren
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For the Amendment (11)	Councillors Eagle, Gatt, Allan, Brown, Edwards, Feaver, M McLean, R McLean, Macrae, Powell and Ross
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Abstentions (0)

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

- i) note the budget monitoring position of £273,000 under budget for 2019/20 as at 31 December 2019;
- ii) note that this position consists of an underspend on Devolved School budgets of £778,000, an overspend on Social Care Services delivered on behalf of the Moray Integration Joint Board (MIHB) of £1,351,000 and an overspend on other services of £50,000 after receipt of £1,325,000 one-off income;
- iii) note movement of £208,000 in the General Revenue Grant as detailed in paragraph 3.4;
- iv) note the current estimated out-turn for 2019/20 consists of an underspend of £619,000 for services; £1,325,000 one-off income; unallocated provisions

(including additional savings of £1,691,000) of £3,604,000 and an overspend on Social Care services delivered on behalf of the MIJB of £632,000, resulting in a decrease in the use of Council reserves of £4,916,000; and

- v) note there are no new emerging budget pressures as at 31 December 2019;
- vi) note the position regarding MIJB as described in paragraph 8.3, with cost implications of £632,000 for the Council;
- vii) note commitments of £272,000 against reserves as summarised in section 9; and
- viii) approve setting aside £881,000 budgeted to be spend on transformation of services into an ear-marked reserve for implementing Council priorities.

9. Capital Plan 2019-20

A report by the Depute Chief Executive (Economy, Environment and Finance) advised the Council of the expenditure to 31 December 2019 under the capital plan for financial year 2019/20 and of the estimates of projected expenditure profiled into quarters.

Following consideration the Council agreed to:

- i) note expenditure to 31 December 2019 of £36,236,000;
- ii) note the current projected expenditure of £68,937,000 for 2019/20 profiled into quarters;
- iii) note the projected overall expenditure for projects spanning more than one financial year, as set out in Appendix 2;
- iv) note capital expenditure for Early Learning and Childcare expansion is to be funded, in part, from revenue grant funding as detailed in paragraph 5.3.4; and
- v) approve proposed budget deferrals of £653,000 arising from slippage and expenditure re-profiling form 2019/20 to 2020/21 as summarised n paragraph 5.6 of the report.

10. Financial Planning

A report by the Depute Chief Executive (Economy, Environment and Finance) reported to the Council on the development of savings proposals aimed at reducing the predicted budget gap for 2020/21 and to update the Council on current financial forecasts.

During consideration, Councillor Eagle sought assurances that by reducing the Building Standards Team by 1FTE would not have an adverse effect on how the service operates.

In response, the Head of Economic Growth and Development confirmed that the reduction in the level of staffing is sufficient for the current level of applications the service receive.

Councillor Macrae raised concerns on reducing the street lighting maintenance budget, leaving street light repairs until a number of lights are out and the safety concerns arising from this as there had been a 2 week period at Christmas where a number of lights had been out in Fochabers which had meant visibility at an ATM was restricted along with risks to pedestrians and road users.

In response the Head of Environmental and Commercial Services advised that there are 2 reasons for reducing the budget, firstly the efficiency of the new LED lighting and to try and make the operation of maintenance more efficient, so rather than sending out a member of staff to repair 1 light, wait until there are a number of lights out. He further added that he appreciated this was not the responsive service previously provided but given the number of staffing in Roads this is the best use of the resources available.

Councillor Macrae further requested how many lights were a number of lights to be out before their repair was arranged. In response the Head of Environmental and Commercial Services confirmed that this decision would be a judgement call based on a number of factors.

Following further consideration the Council agreed:

- i) to those savings which do not require consultation for implementation by 1 April 2020;
- ii) that staff consultation is undertaken for the remainder of the savings and thereafter, as the scale of change proposed is at a level normally dealt with through service level Change Management Plans and changes based on vacancies, that authority is delegated to service managers to consider responses, make any necessary adjustments and then proceed with implementation in accordance with the Council's agreed policies and procedures;
- iii) that any savings in Appendix 1 note agreed today may be reconsidered at a later date if the funding gap still remains;
- iv) to note the updated projections for 2020/23 as set out in Appendix 3;

The Council also agreed that in light of the draft Medium to Long Term Financial Strategy and pending greater clarity on the budget process for Local Government for 2020/21, the Council continues the short term financial planning process agreed in September 2018 which is based on a combination of:

- i) savings already identified in Appendix 1;

- ii) consideration of further savings which could be implemented in 2020/21 and 2021/22 many of which would involve service reductions;
- iii) savings generated through the Improvement and Modernisation Programme; and
- iv) use of budget flexibility including general reserves within the agreed Reserves Policy.

11. Use of Capital Receipts and Ear-Marked Reserves to Fund Transformation

A report by the Depute Chief Executive (Economy, Environment and Finance) requested Council's approval to use capital receipts to fund a specified range of transformation or service redesign projects, in terms permitted by Scottish Government as set out in Local Government Finance Circular No 4/2019.

Councillor Eagle confirmed that the Conservative Group are in agreement and supportive of the development of the Climate Change Strategy, however the £30,000 being asked for is coming from the Council's budget and not being provided by the Scottish Government and sought more clarification on what the £30,000 is going to be spent on.

In response the Head of Housing and Property confirmed that the money is being used to pay for a consultant to carry out the energy audits which normally are carried out by the Council's Energy Team. The development of the Climate Change Strategy and Action Plan will be carried out by the Energy Team. He further added that in his view this would be money well spent given the money that has been saved on energy by carrying out the audits and the behaviours that have been changed in relation to energy use.

Councillor Feaver added that the energy audits are vital and should be covered by the existing department budget. She further added that the Council should be approaching the Scottish Government for additional budget to complete the Climate Change Strategy and Action Plan.

Councillor Alexander sought clarification on whether the Scottish Government has been approached to provide additional funding.

In response, the Chief Executive confirmed that the strategy is to get the Council into a position to bid for money to help address climate change.

Councillor R McLean added that the Conservatives fully supportive climate change however he felt that the Council's financial position dictates that any work should be carried out within existing department budgets as he did not wish to explain to constituents that front line services are being cut but £30,000 is being spent on producing a report.

Following further consideration, Councillor A McLean moved that the recommendations be agreed as per the report, this was seconded by Councillor Laing.

Councillor R McLean, seconded by Councillor Macrae, proposed to agree the recommendations as stated with the exception of recommendation 2.2.

On the division there voted:

For the motion (15)	Councillors A McLean, Laing, Alexander, Bremner, Coull, Cowe, Cowie, Coy, Creswell, Edwards, Leadbitter, Morrison, Ross, Taylor and Warren
For the Amendment (9)	Councillors R McLean, Macrae, Allan, Brown, Eagle, Feaver, Gatt, M McLean and Powell

Abstentions (0)

Accordingly the Motion became the finding of the meeting and Council agreed:

- i) to approve the use of capital receipts to fund expenditure estimated at £557,000 in 2019/20 on the Improvement and Modernisation Programme, Digital Services, Community Asset Transfer and services re-structure, as set out in section 4 of this report;
- ii) to note that annual recurring savings of at least £1,321,000 are projected to be achieved from this and last year's investment of capital receipts;
- iii) to note that further reports on the use of capital receipts in 2020/21 will be brought for approval as the details of the Improvement and Modernisation Programme are developed; and
- iv) to approve the use of £30,000 from the ear-marked reserve of £2,000,000 set aside to fund Council priorities to facilitate the development of the Council's Climate Change Strategy and Action Plan.

12. Housing Revenue Account Budget 2020-21

A report by the Depute Chief Executive (Economy, Environment and Finance) presented the Housing Revenue Account (HRA) Budget and Housing Investment Plan for 2020/21 to the Council for approval.

Following consideration the Council agreed to:

- i) the proposed HRA Budget (Appendix I) and Housing investment Plan (Appendix II);
- ii) Council house rents increase by 3% for 2020/21;
- iii) garage rents are increased by 7% (this is a two yearly increase);
- iv) service developments at a cost £50k;

v) grass cutting charges being increased by 3.5%; and

vi) note the three year projection to 2023 (Appendix III).

13. Political Balance - Appointments to Committee

A report by the Depute Chief Executive (Education, Communities and Organisation Development) invited the Council to consider proposals regarding political balance allocations for Committees.

Councillor Leadbitter moved to increase the main Committees from 13 to 14 with a political balance of 5 SNP, 5 Conservatives, 2 COG, 1.5 MAG and 0.5 Labour. Councillor Leadbitter further explained the 1.5 MAG and 0.5 Labour allocation. This results in 12 places between the 4 Councillors on the 6 main Committees and it would be for the MAG and Labour representatives to discuss and allocate the places as they see fit. This would also bring the Audit and Scrutiny Committee political balance in line with the other main Committees.

He further added that his motion also sought to increase the remaining Committees which currently have 7 members, increase to 9 with a political balance of 3 SNP, 3 Conservative, 2 COG and 1 MAG.

With regards to the Licensing Board, there is a statutory training requirement to sit on the Board and therefore was happy to leave the membership as currently is. The motion was seconded by Councillor A McLean.

In response Councillor Eagle welcomed the fact that this had been openly discussed in depth prior to the meeting and proposed, seconded by Councillor Gatt, reducing the main Committees from 13 to 11 with a political balance of 4 SNP, 4 Conservatives, 2 COG and 1 MAG. He further added that this proposal did not include representation from Labour but suggested that all groups be open to speaking with Councillor Divers to discuss what Committees groups want to be on to ensure that no-one is excluded and feels there are ways to include him. Councillor Eagle further added that he was happy to increase the Committees with 7 members to 9 with the political balance as detailed by Councillor Leadbitter.

Councillor Brown sought clarification on the implications for the Grampian Valuation Joint Board (GVJB) membership with Councillor Leadbitter's motion.

In response, Councillor Leadbitter said that GVJB is an outside body and outwith the discussion of this paper today and it would be unfair for members to consider without any background information.

The Head of Governance, Strategy and Performance further added traditionally a separate report is brought to Council to consider outside body attendance and that he was happy to bring a report to the next meeting of the Council for consideration.

On the division there voted:

For the motion (13)	Councillors Leadbitter, A McLean, Alexander, Bremner, Coull, Cowe, Cowie, Coy, Creswell, Laing, Morrison, Taylor and Warren
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For the Amendment (11) Councillors Eagle, Gatt, Allan, Brown, Edwards, Feaver, M McLean, R McLean, Macrae, Powell and Ross

Abstentions (0)

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

- i) increase Audit and Scrutiny, Children and Young People's, Communities, Economic Development and Infrastructure, Licensing, Planning and Regulatory, Policy and Resources Committees to 14 members with a political split of 5 SNP, 5 Conservatives, 2 COG, 1.5 MAG and 0.5 Labour.
- ii) increase the Appeals Committee, Moray Local Review Body and Police and Fire Committee to 9 members with a political split of 3 SNP, 3 Conservatives, 2 COG and 1 MAG;
- iii) membership and political balance of the Licensing Board remains as it currently stands;
- iv) nominations from Group Leaders on which Councillors will sit on each Committee and sub Committee; and
- v) a further report being presented to the next meeting of Moray Council regarding the Outside Bodies membership for consideration.

14. Adjournment of Meeting

In terms of Standing Order 25, the Meeting agreed to adjourn at 12:35pm for lunch and reconvene at 2.00pm.

15. Resumption of Meeting

PRESENT

Councillors Alexander, Allan, Bremner, Brown, Coull, Cowe, Cowie, Coy, Eagle, Edwards, Feaver, Gatt, Laing, Leadbitter, Macrae, A McLean, M McLean, R McLean, Morrison (Chair) Powell, Ross, Taylor and Warrant

APOLOGIES

Apologies were intimated on behalf of Councillors Creswell, Divers and Edwards.

IN ATTENDANCE

In attendance at the afternoon session of the meeting were the Chief Executive, Depute Chief Executive (Education, Communities and Organisational Development), Head of Housing and Property Services, Head of Environmental and Commercial Services, Chief Financial Officer, Head of Governance, Strategy

and Performance, Head of Economic Growth and Development, Estates Manager, Acting Housing Strategy and Development Manager, Environmental Protection Manager and Tracey Sutherland, Committee Services Officer.

16. Constitutional Documents Review

A report by the Depute Chief Executive (Education, Communities and Organisational Development) invited the Council to consider a strategic operating model as part of the Governance Review and to consider and approve changes to Council's constitutional documents following the recent management restructure.

The Head of Governance, Strategy and Performance highlighted an amendment on Page 117, the last 3 lines of the table should refer to page 156, he further added that on page 155 48(d) 'authority is required to be sought from the Council's Policy and Resources Committee for all sales in excess of £10,000' should have been removed as it refers to the Scheme of Administration and not the Scheme of Delegation.

Councillor Gatt sought clarification on page 145 (24) to maintain the register of gifts and hospitality received by Employees in terms of the Employee's Code of Conduct and could the register be published publicly.

In response the Head of Governance, Strategy and Performance advised that there is a Code of Conduct for Officers who are subject to restrictions on what hospitality and gifts they are allowed to accept and if they do accept that it is recorded. Elected members are accountable to the public and it is appropriate to publish their expenses whereas Officers are employees and ultimately accountable to the Chief Executive and disciplinary measures can be put in place if the Code of Conduct is breached and the rules currently in place are proportionate.

Councillor Gatt sought advice on whether there is any legal impediment should the Council be minded to publish the information. In response the Head of Governance, Strategy and Performance advised that if the Council were minded he would want to look into the data protection issues around the issue and also look at comparators with other local authorities to see whether any other authorities publish the information.

Councillor Warren sought clarification on how scrutiny and accountability within Children's Services will be carried out when the Service is moved to the Moray Integration Joint Board.

In response the Chief Officer, Moray Integration Joint Board confirmed that this is the due diligence that the Council and NHS Grampian will be working through in the next few months as the integration scheme is reviewed.

Councillor Leadbitter confirmed that the Admin Group consensus would be that the current Committee structure is the preferred way forward.

Councillor Feaver was concerned that there had been a few instances recently where Councillors had found out information through the press and not informed prior and therefore requested that the Protocol on Consultation, Access to Information and Councillor's Involvement in Council Business be circulated.

In response the Head of Governance, Strategy and Performance agreed to circulate the protocol to all members and relevant officers.

Councillor Gatt moved an addition to page 135 (5) and page 136 (10) to include the wording 'after agreement with Council Group Leaders'.

In response, the Head of Governance, Strategy and Performance advised that his preference would be to leave to Officers and have discretion to ensure protection of the Council.

The Chief Executive added that his role is always to act in the best interest of the Council and in his view the additional wording would not always be in the best interest of the Council in terms of matters of urgency or particularly sensitive and his practical experience of the previous administration which was equally finally balanced, hours and days can be lost in negotiation with the political groups, so to have some discretion is important if it ensures the best interests of the Council is protected at all times. The Chief Executive offered to meet with the Councillor Gatt to discuss some examples of some of the issues he'd had to deal with as Chief Executive by the very nature are confidential or sensitive.

Councillor Gatt thanked both the Chief Executive and the Head of Governance, Strategy and Performance for their responses and confirmed that he was happy to have the discussion with the Chief Executive and withdrew his motion.

Councillor Eagle confirmed that the Conservative Group were not averse to continuing the Committee structure.

Councillor Macrae moved that in reference to page 135 (5) in the Scheme of Delegation 'in consultation with Group Leaders' is added to the paragraph, this was seconded by Councillor R McLean.

Councillor Morrison proposed seconded by Councillor A McLean the wording of the Scheme of the Delegation is agreed as is stated in the report.

Prior to the vote the Chief Executive asked the Clerk that his concerns regarding Councillor Macrae's motion be recorded. In clarifying his motion, Councillor Macrae asked that it be recorded his dismay at the Chief Executive's comments.

On the division there voted:

For the Motion (10)	Councillors Macrae, R McLean, Allan, Brown, Eagle, Feaver, Gatt, M McLean, Powell and Ross
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For the Amendment (13)	Councillors Morrison, A McLean, Alexander, Bremner, Coull, Cowe, Cowie, Coy, Edwards, Laing, Leadbitter, Taylor and Warren
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Abstentions (0)

Accordingly the amendment became the finding of the meeting and Council agreed to:

- i) approve the amendments to the Scheme of Delegation detailed in Appendix 1
- ii) the current traditional Committee structure continuing; and

- iii) note the next steps for progressing the Governance Review detailed in paragraph 5.5 of the report.

Councillor M McLean left the meeting at the end of this item.

17. Approved Minutes of Moray Integration Joint Board

A report by the Chief Officer, Moray Integration Joint Board informed the Council of the latest approved minutes of the meetings of the Moray Integration Joint Board.

Following consideration the Council agreed to note the contents of the report.

18. Question Time ***

Under reference to Paragraph 8 of the minute of the special meeting of Moray Council on 17 December 2019, Councillor Warren sought an update on the installation and commissioning of the ice plant at the Fishmarket Building, Buckie.

In response the Head of Environmental and Commercial Services advised that the mandate for the work had been circulated on 31 January 2020 but would check on the status of the consultation and confirm in an email to Elected Members.

Councillor Gatt sought clarification from the Head of Governance, Strategy and Performance in respect of standing order 28, there is no reference to the resolution and therefore would like to know why Item 17 cannot be heard in the open section of the meeting.

In response, the Head of Governance, Strategy and Performance said that if there was a gap in the Council's standing orders he was happy to look into that. The second issue regarding the confidentiality of Committee papers would need to be checked against the Local Government Act 1973 and also Access to Information Act 1985 to see if the determination of the decision on confidential papers sits with the officers or Elected Members.

He further added that at the previous point in the meeting when members were asked to agree the resolution at item 3 on the Agenda and consideration was given to Item 17, the decision to consider items 18 - 20 in confidence had not been taken.

The Convener sought agreement from Member's agreement to discuss Items 18 – 20 in confidence. This was duly agreed.

Councillor Alexander asked which secondary school in Moray would be next in priority to be replaced.

In response the Depute Chief Executive (Education, Communities and Organisation Development) confirmed that the decision would lie with Elected Members and the decision would be based on criteria set before them. A paper on the school estate strategy will be presented to the next meeting of Moray Council on 8 April 2020 which will allow the Council to take a strategic approach to make decisions in each school area.

Councillor Alexander further asked that from the answer given that there is no list of priorities.

The Depute Chief Executive (Education, Communities and Organisational Development) confirmed that any list of priorities would be determined by the Council and as yet no decisions have been made, so yes that is correct.

Councillor Macrae sought assurance that plans and procedures were in place should an outbreak of Coronavirus be diagnosed in the area.

In response the Convener confirmed that NHS Grampian has a robust plan in place to deal with any outbreak. There are also social media information posts available.

The Head of Environmental and Commercial Services further added that the Grampian Resilience Partnership, which is multi agency, will also have plans which can be put in place should an outbreak happen.

The Head of Economic Growth and Development confirmed that the Environmental Health Team also receive regular updates from the Government and NHS Grampian.

19. Proposed Restructure of Property Services and Building Service (DLO) [Para 1]

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Council to consider the proposed structure changes to Property Services and Building Services (DLO) to enable the Housing and Property Service to manage the landlord functions for the Learning Estate and improve housing services.

Following consideration the Council agreed to:

- i) approve the new staffing structures and the grades for the Property Asset Manager and Design and Construction Manager;
- ii) note that consultation with staff and Trade Unions commenced on 25 January 2020 and will conclude on 21 February 2020;
- iii) agrees to grant delegated authority to the Head of Housing and Property to make any appropriate adjustments and proceed with implementation unless a matter arises that the Head of Housing and Property considers should be reported to the Council before proceeding;
- iv) fund any budget shortfall of £88k required to implement the proposed Asset Management Structure from savings;
- v) fund the £58k required to implement the Building Services (DLO) Change Management Plan from the Housing Revenue Account; and
- vi) that the Head of Housing and Property will review the new structures within 12 months of implementation to establish if any further savings can be delivered from the merging services.

20. Financial Planning [Para 1]

A report by the Depute Chief Executive (Economy, Environment and Finance) reported to the Council a savings proposal aimed at reducing the predicted budget gap for 2020/21.

Following consideration, Councillor Leadbitter moved to agree the recommendations as printed in the report and this was seconded by Councillor A McLean.

Councillor Eagle, seconded by Councillor Ross proposed that the Council agree:

- i) to keep the current toilets open;
- ii) to a report to the next meeting of the Moray Council on the cost of re-opening Fiddich Park, Craigellachie, West Dunes (South), Findhorn and Reidhaven Square, Keith; and
- iii) a further report to Moray Council by September 2020 which reports on discussions with the new tourism body, continuing discussion with Communities as well as the potential external funding and options around income generation.

On the division there voted:

For the Motion (12)	Councillors Leadbitter, A McLean, Alexander, Bremner, Coull, Cowe, Cowie, Coy, Laing, Morrison, Taylor and Warren
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For the Amendment (10)	Councillors Eagle, Ross, Allan, Brown, Edwards, Feaver, Gatt, Macrae, Powell and R McLean
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Abstentions (0)

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

- i) subject to consultation in terms of paragraph 3.1 (ii) below, the Council agrees to the closure of those public conveniences listed in paragraph 4.3 of this report, with effect from 1 October 2020, after consideration of the Equalities Impact Assessment included as Appendix 1 to the report and noting the recent launch of a Comfort Scheme for Moray, whereby local businesses and other organisations make facilities available for use by members of the public; and
- ii) staff consultation is undertaken for the saving and thereafter as the scale of change proposed is at a level normally dealt with through service level Change Management Plans, that authority is delegated to service managers to consider responses, make any necessary adjustments and then proceed

with implementation in accordance with the Council's agreed policies and procedures.

Councillors Brown and Allan left the meeting following the discussion of this item.

21. Moray Growth Deal - Progress Update [Para 9]

A report by the Depute Chief Executive (Economy, Environment and Finance) provided a progress update on the development of a growth funding proposal for Moray since the previous formal update report was provided on 8 May 2019.

Following consideration the Council agreed to:

- i) note the progress made on the Moray Growth Deal since 9 May 2019;
- ii) note that on 28 June 2019 authority was delegated to progress negotiations towards Heads of Terms based on an agreed prioritisation of projects, subject to a final report to Council if possible;
- iii) agrees that this is the final report and that Heads of Terms may now be agreed as set out in the report, the Depute Chief Executive (Economy, Environment and Finance) being delegated authority to make such final adjustments as maybe necessary in discussion with Group Leaders and as agreed by the Negotiating Team; and
- iv) note the next stage of the process.

22. Moray Affordable Housing Programme - Council Land Aquisition [Para 9]

A report by the Depute Chief Executive (Economy, Environmental and Finance) asked Council to agree to purchase a site at Banff Road, Keith for development for new Council housing.

Following consideration the Council agreed to:

- i) the Council's purchase of the site detailed at Section 3.1; and
- ii) remit the Legal Services Manager to conclude the purchase of the site.

23. Land at Station Road, Portessie [Para 9]

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Council to approve the sale of the Council's land at Station Road, Portessie.

Following consideration the Council agreed to:

- i) approve the proposed sale on the main terms set out in paragraph 5.1 of the report; and
- ii) refer the matter to the Estates Manager and Legal Services Manager to conclude the transaction.

Minute of Special Meeting of the Moray Council

Tuesday, 03 March 2020

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 John Cowe, Councillor Gordon Cowie, Councillor Paula Coy, Councillor Lorna Creswell, Councillor Tim Eagle, Councillor Claire Feaver, Councillor Donald Gatt, Councillor Louise Laing, Councillor Graham Leadbitter, Councillor Marc Macrae, Councillor Aaron McLean, Councillor Ray McLean, Councillor Shona Morrison, Councillor Laura Powell, Councillor Derek Ross, Councillor Amy Taylor, Councillor Sonya Warren

APOLOGIES

Councillor John Divers, Councillor Ryan Edwards, Councillor Maria McLean, Councillor Walter Wilson

IN ATTENDANCE

Also in attendance at the above meeting were the Chief Executive, Depute Chief Executive (Education, Communities and Organisational Development), Depute Chief Executive (Economy, Environment and Finance), Chief Financial Officer, Head of Governance, Strategy and Performance, Planning and Development Manager and Tracey Sutherland, Committee Services Officer.

1. Chair

The meeting was chaired by Councillor Shona Morrison.

2. Declaration of Group Decisions and Members Interests *

In terms of Standing Order 20 and the Councillors' Code of Conduct, the meeting noted the SNP Group, Conservative Group, COG and MAG respectively had discussed the budget related report at item 3 on the Agenda and had reached a mutual agreement as groups in regard to this.

Councillor Alexander sought clarification on whether a check is carried out to ensure that all Councillors are not in debt with their Council Tax to allow them to vote on the budget paper. In response the Convener confirmed that a check is carried out.

Councillor Ray McLean declared an interest, as a Director of Moray Leisure Centre Board.

3. 2020-21 Budget and 2020-23 Financial Plan

The Convener confirmed that all Members had the three additional papers circulated ahead of the meeting, namely the Administration Group's proposed amendments to the recommendations as printed, the Conservative Group's alternative budget proposal and the Moray Alliance Group proposed amendments.

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Council to set the level of Council Tax for 2020/21, to agree the Council's revenue and capital budgets for 2020/21 and to consider the Council's Financial Plan for 2020 - 2023.

The Convener invited the Chief Financial Officer to update the Council on the changes to the Council's settlement figure since the draft Scottish budget was presented. In response the Chief Financial Officer confirmed that in the last month or so the budget had seen a number of fairly major changes which are reflected in the report in front of Members. There has been an upward revision of the Capital Receipts which the Council expected to generate by £900k which normally would not impact on the revenue budget but currently the Council is allowed to use Capital Receipts to fund Transformational Change. The Council budgeted for Transformational Change and in the papers, Members can see that it is going to be funded entirely from Capital Receipts due to the increase. The other major change is that the additional settlement from the Scottish Government negotiated with the Green party saw an increased £1.6m in funding.

In accordance with the amended proposals circulated, Councillor Leadbitter proposed, to suspend standing orders in relation to the decisions taken within the past 6 months on grass cutting and public convenience closures, these being the issues raised in the various papers circulated referenced by the Convener this was seconded by Councillor Morrison. The ground for suspension (Standing Order 83) was the improved financial position of the Council.

There being no one otherwise minded this was unanimously agreed.

On the invitation of the Convener, Councillor Leadbitter, in his capacity as Council Leader summarised the background relating to the budget that was being proposed.

He spoke about the challenging financial circumstances of the Council and other public services, the impact of 10 years of austerity budgets from the UK government, the uncertainty of Brexit and the pressure of demographic change. This year all of those pressures and uncertainties remain but to different degrees. In terms of Moray Council's finances and the difficult decisions which had to be taken last year have paid off and while there is still a budget deficit that still needs to be carefully manage, the deficit is significantly smaller than last year.

Last year the Council had to identify over £10million worth of savings, while this year that savings is just over £3million of which the vast majority of the actual target has already been achieved due to decision taken by the Council through the course of the current financial year. As a result of the hard work of Officers and staff within the Finance team and in teams right across the Council, the Council's reserves are

healthier now than at the start of the financial year and with additional reserves earmarked to invest in the transformation changes that will continue to be needed as we reshape our services to address service pressures in some areas, modernise services to deliver changing service needs, such as investment in digital and new investment in tackling climate change.

The demographic challenges continue with ever growing pressures in Social Care and demographic change will continue to be one of our biggest challenges for many years to come. Moray has a growing elderly population requiring more years of health and social care support from both the NHS directly and from our health and social care teams who are jointly funded by the Council and NHS. It is vital that the Council has that in the forefront of its mind as an increasing share of funding is required by those services and we have a responsibility to explain that to the public and encourage debate on whether people are willing to pay more tax to maintain health and social care services along with the other services we provide or whether we reduce the other services instead. This is not an easy or simple debate but it is one that is gaining more momentum and of which it is of critical importance to have.

The current funding distribution formula has been a source of concern for Councillors in Moray for some time now and throughout the last year we have been arguing the case behind the scenes with colleagues from other Councils in an effort to get COSLA Leaders to agree to review the formula. Those efforts have now borne some fruit and COSLA Leaders have now agreed to review the distribution arrangements, this will take place after the current work that COSLA is undertaking with the Scottish Government to review the fiscal framework for local government. This framework will set out the basic principles of local government funding going forward and provide the basis for the more detailed review of the distribution formula. This is very welcome but as a note of caution the formula is complex and it will take time and there is no guarantee of the outcome as Moray is one voice of 32 Councils that make up COSLA. The Leader, however, remains committed to making Moray's voice heard in that forum.

It is also increasingly the case that the Council needs to look at other income streams other than the traditional grant funding, council tax, income from charges combination that has been the traditional source of Council budgets. New powers such as the transient visitor levy (TVL) are being worked on at a national level and it is important over the coming months that we get views of individuals and businesses in Moray on how the TVL could benefit Moray to gauge what it could mean financially and how it could be best used if it were implemented. Community involvement in public service provision is increasingly the norm now and in the last year alone we have had a range of facilities that are transferred to community management or ownership. Town halls that were formally run by the Council, Longmore Halls in Keith, Fisherman's Hall in Buckie and Elgin Town Hall amongst others are going from strength to strength under community ownership and management. Other facilities including toilets and parks are currently being worked on and the enthusiasm and commitment from Community Groups has been and continues to be a massive boost in keep facilities going and indeed in many cases improving facilities whilst reducing financial pressure on the Council.

Before he moved onto more detail of the specific budget, the Leader was acknowledged that work has been going on with other group leaders and colleagues through the Budget Development Group in particular. Councillor Leadbitter acknowledged the commitment of the COG Councillors and Councillor Divers who have given significant time and energy to work with the Administration Group to find areas of mutual agreement. Some of these discussions can be more challenging than others but he believed there has been a mutual respect between

Councillors in their approach to those decisions. The Administration Group remains committed to joint working wherever that is possible and thanked all the Councillors who had been involved in budget development.

Before turning to consider the detail of the budget savings proposed the Leader indicated that it is proposed to use the Council Tax flexibility that is available to increase Council Tax by 4.84% which equates to inflation plus 3%. In recognition of the pressures already detailed in order to have the best available basis for addressing the Council's budget deficit and addressing other savings. We continue to get strong feedback from the people of Moray that they are willing to pay a little more to protect services as best we can. This increase will see Council Tax in Moray to continue to remain about the mid table point when compared to other Council's in Scotland and we will continue to review that position for future years.

A number of key budget milestones have been achieved in the last year which are set out in Appendix 6 of the report. Since last year's budget we have made a number of adjustments, most recently on 12 February 2020. Those proposals were delayed from the December meeting due to restrictions on decision making during the election period. The Leader appreciated that not all Councillors like budget proposals coming up in a series of meetings, however he remains very much of the view that in the current financial circumstances it is significantly beneficial to take budget savings as early as practicable in order to provide quicker savings returns, protect reserves and consequently to reduce future pressures. The consequence of this is that the Council is only required to consider a handful of savings today having already taken a range of budget decisions.

In turning to the budget pressures which are set out in Appendix 2 the most notable pressures continue to be in health and social care and school roll numbers and related to that the cost of running the new Linkwood Primary School. There has also been a well reported and unexpected change to the pension rules which have had a substantial impact on Council's across the UK. In total the budget pressures come to £4.528m. The Health and Social Care pressures have however, been offset by a targeted increase in funding for IJBs through Councils in the proposed Scottish Budget.

Turning to the proposed savings, Appendix 3 lists all the savings agreed to date with reference to the council meeting where each saving was agreed. The final section of Appendix 3 lists the further savings being proposed.

In discussion with Administration Group and other Budget Development Group Councillors, the improvements in the Council's finances have given sufficient scope to re-instate the budget saving taken in February last year that would have seen a major reduction in destination parks starting in April this year. It is now proposed that this saving, comprising of grass cutting in destination parks at £41,000 and shrub maintenance and litter picking at £16,000 are re-instated. Additionally in grass cutting and after careful consideration of the budget impact there is sufficient room for manoeuvre in the budget to re-introduce grass cutting to the standard that existed prior to last year's budget. These proposals recognise that while there is still some significant work to do for future years and the need to continue to approach budgets carefully, the Council is in a better than previously anticipated position with the budget. Work will continue with communities who may wish to continue with grass cutting that they have taken on and work will continue on seeking sponsorship of our parks and amenities areas where there is interest from businesses and others in doing so. Any sponsorship of amenity space will be put to good use to improve these community facilities.

A report is to be brought forward, initially to the Economic and Development Infrastructure Services Committee on the possibility of introducing meadows in some locations. This could be a potential spend to save option as well as contributing to carbon reduction and biodiversity. Going forward, grass cutting is an area of service that is ideal for participatory budgeting and as participatory budgeting is developed the Council can consider the best way of doing this.

On the recent decision of toilet closures, the Council Leader stressed very strongly that the Council are committed to working with communities and other outside organisations to find an alternative means of providing these services beyond the planned closure date at the end of September. A commitment is given today to bring back an update to Councillors in August so that the proposal can be reviewed with a view to either reversing or extending that closure plan if an alternative way forward has not progressed to a positive position at that point.

Councillor Leadbitter recommended the budget proposals as printed in the report and the amendments distributed prior to the meeting to the Council. Councillor Morrison advised that she was happy to second the budget proposals and opened it up to colleagues for debate and amendments.

In response Councillor Eagle on behalf of the Conservative Group advised that it had always been the view of the Conservative group that local authorities operate some of the most important services our communities depend upon. There can be little argument that children and adult's health and social care are vital, helping ensure the most vulnerable young people and elderly residents are kept safe and well. Allowing our young people to gain knowledge and experiences and the ability to bring that into real life situations through our schools is so important as we all desire to ensure our young people become strong, confident and resilient adults. Economic development, waste control, environmental protection, roads maintenance, lands and parks, all of these have an impact on our communities.

The financial situation has meant the Council have raised charges. Every day many local people have to pay for services we provide from car parking and school meals, to musical instruction and brown bins, however whilst in 2019 we did see wages increase slightly and the introduction of the real living wage, in real terms increased charges are far beyond the % increase in wages.

Councillor Eagle took the opportunity to thank officers, and added that whilst they may not always agree he has never doubted their commitment to this Council and thanked them for the help they give during the year. The Conservative group support the modernisation and improvement programme and believe a modern local authority should always be looking forward, preparing, adapting and innovating for the future needs and demands of local people.

The Conservative group have supported some of what came before, other things like public toilets they have not. Today the Conservative Group support the small amount of savings being proposed, however do not give support to the proposed 4.84% increase in council tax. Studies have shown income is a key determinant of health and policies that affect income have the potential to influence healthy life expectancy and health inequalities in Scotland amongst many other things. The Group believe these papers gives us little comfort that any modelling, analysis or equality impact assessment have been done to identify what the impacts are on local people from the increase in council tax, when taking into consideration the already approved increases in charging this year and over the last few years. They felt that our communities are paying more and receiving less.

The very position the Council is in, forces the Council to consider a Council tax rise above the rate of inflation and with that in mind and in an effort to be as financially responsible as possible within the context of the above the Conservative Group propose an increase of only 3%.

With the announcement of a further £1.6m coming from the Scottish Government the Conservative Group feel it is only right since we are asking for people to pay more, to give them something in return. The Conservative Group welcome that the SNP have finally realised the importance of grass cutting, including destination parks and public toilets and also include these in their proposed budget amendments.

Prior to the meeting the Conservative Group circulated the full changes to the recommendations on this paper. Councillors will note that even with these changes the proposals remain within the Council's £5million protected reserve. The Conservative Group further ask in the recommendations that there is a renewed attempt at cross party dialogue with the Scottish Government to ensure the unique circumstances in Moray are well known and to ensure the Council are in the fight for as much funding as possible next year.

On behalf of the Conservative group, Councillor Eagle, seconded by Councillor Brown proposed the budget amendment as follows:

It is recommended that (subject to the Scottish Budget being approved by Scottish Parliament) the Council approves:

- i) An increase of 3% on council tax for 2020/21;
- ii) Provision of £4,528,000 for budget pressures as listed in Appendix 2;
- iii) Further savings totaling £104,000 as listed in Appendix 3;
- iv) Indicative budgets for 2021/22 and 2022/23 as set out in Appendix 1;
- v) Capital expenditure for 2020/2021 as set out in the indicative ten year Capital Plan in Appendix 4;
- vi) Funding for Moray Integration Joint Board (MIJB) to increase by £1,792,000 in 2020/21 compared to 2019/20 per the settlement letter from Scottish Government;
- vii) Use of general reserves up to £3,204,000 to balance the budget;

- viii) Council notes that this year local authorities were not given the opportunity to agree the funding settlement from the Scottish Government, where in the past the opportunity to do so has been a method by which councils can highlight individual challenges and asks. With the above in mind:

- ix) Council instructs the Leader of the Council to open cross-party talks with the Scottish Government to discuss the unique circumstances Moray faces as well as the need for transitional funding.

Council instructs the Chief Executive to write to the Scottish Government and to Audit Scotland confirming that, in the absence of either a substantially larger core grant settlement or a bespoke package of transition funding, Moray Council is unlikely to set a balanced budget in 2021/22 without significant and damaging cuts to local services.

xi) Council agrees to note recommendations as written in the budget paper;

Following the suspension of standing orders, the Council agrees to:

xii) Repeal the decision taken to close public toilets on 12 February 2020

A report to the next meeting of the Moray Council on the cost of re-opening
xiii) Fiddich Park, Craigellachie, West Dunes (South), Findhorn and Reidhaven Square, Keith;

A further report to Moray Council by September 2020 which reports on
xiv) discussions with the new tourism body, continuing discussion with Communities as well as the potential external funding and options around income generation.

Agree to the re-introduction of grass cutting as per the motion discussed on 2 October 2019 and detailed in the budget report to the Moray Council meeting on 23 January 2019 (Appendix B Line D6c4) and also:

- xv)
- Council to express publically their thanks for all those communities throughout Moray who have helped with grass cutting this summer;
 - Council to encourage those who wish to continue to cut grass, especially smaller areas such as verges; and
 - Council to use all available opportunities to promote sponsorship of grass areas to bring in additional income.

xvi) Re-introduce cutting of destination parks as per saving D6d1 (Appendix A, 12 December 2018)

The Convener invited Councillor Ross to introduce the Moray Alliance Group (MAG) budget.

Councillor Ross thanked the Convener. In response, Councillor Ross suggested that perhaps the budget should be decided after the Council knows how much money has been given instead of taking cuts within the financial year. Clearly with the suspension of standing orders the Council have a chance to revisit some previous decisions. With this in mind, Councillor Ross proposed the MAG budget, which would re-instate grass cutting in communities, it would also keep toilets open and re-open those already closed in hot spot tourist areas. The Council Leader did not mention re-opening toilets already closed, nor has he given a commitment to keep toilets open after September.

If the Council are to close toilets, the Council will suffer reputationally with sites costing more to clean up than is being saved. In recognising that there is not a comprehensive comfort scheme and the economies of scale of keeping toilets part of Moray's services,

the MAG feel that the proposals will lessen the effect on hard pressed communities who are struggling with the capacity and would give them one less worry.

The MAG budget means that the 2 groups, the Conservative Group and the SNP Group could meet half way in terms of a 4% increase in the Council Tax and the pressures of the Council Tax on hard pressed, low paid families would be less than the SNP's proposal. With that in mind Councillor Ross commended the Group budget to Council.

The Convener thanked Councillor Ross, and sought a seconder to his amendment. As no seconder was received, and in accordance with Standing Order 65, Councillor Ross' amendment fell and his dissent was recorded.

The Convener asked the groups to sum up their proposals. Councillors Leadbitter and Councillor Brown took the opportunity to sum up in respect of their groups.

On the division there voted:

For the Motion (13)	Councillors Leadbitter, Morrison, A McLean, Alexander, Bremner, Coull, Cowe, Cowie, Coy, Creswell, Laing, Taylor and Warren
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For the Amendment (9)	Councillors Eagle, Brown, Allan, Feaver, Gatt, Macrae, Powell, R McLean and Ross
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Abstentions (0)

Accordingly the motion became the finding of the meeting and the Council agreed (subject to the Scottish Budget being approved by Scottish Parliament) to:

- i) an increase of 4.84% on Council Tax for 2020/21;
- ii) provision of £4,528,000 for budget pressures as listed in Appendix 2;
- iii) further savings totalling £104,000 as listed in Appendix 3;
- iv) indicative budgets for 2020/21 and 2022/23 as set out in Appendix 1;
- v) capital expenditure for 2020/21 as set out in the indicative 10 year Capital Plan in Appendix 4;
- vi) funding for Moray Integration Joint Board (MIJB) to increase by £1,792,000 in 2020/21 compared to 2019/20 per the settlement letter from Scottish Government;
- vii) the use of general reserves up to £2,234,000 to balance the budget and flexibility to extend this to £5,004,000;
- viii) remove the savings agreed during consideration of the 2019/20 budget in relation to maintenance of destination parks and the maintenance regime within those parks continues at current levels, re-instating the following:

- a. Grass cutting in Destination Parks £41,000
- b. Shrub maintenance and Litter Picking £16,000

ix) that the budget for grass cutting and supervision of that service, excluding costs related to areas of grass that have been picked up the Housing Revenue Account, is re-instated £64,000;

x) a commitment from the Administration to work with communities and other organisations on alternative delivery models for toilet provision in relation to the toilets that Council agreed in January 2020 to close from October 2020; and

xi) if an alternative delivery model is not achieved then the Administration Group will bring back this agreed saving to a Council meeting in August for review, setting out any progress made by that time and provide Councillors with an opportunity to take an alternative way forward for the service.

- i.
- ii.

i) The conditions placed on the Council in terms of the settlement letter from the Minister for Public Finance and Digital Economy;

ii) That the budget is based on the Local Government Settlement issued by the Scottish Government on 6 February 2020 and that the Council's budget will be amended to reflect any changes made by the Scottish Parliament when the Scottish budget is approved;

iii) That the Chair of Moray Integration Joint Board has written to the Chief Executive formally notifying him that MIJB anticipates and overspend of £1.7million in 2019/20, which falls to be part-funded by the Council;

iv) Savings previously approved totalling £1,875,000 for 2020/21 and savings approved subject to consultation totalling £181,000 for 2020/21 as listed in Appendix 3; and

v) One of savings of £583,000 projected for 2020/21

4. Treasury Management Strategy Statement and Prudential Indicators

A report by the Depute Chief Executive (Economy, Environment and Finance) asked Members to approve the Treasury Management Strategy and the Investment Strategy for 2020/21 and to approve the indicators which will be used to measure the Council's performance in capital investment decisions.

Following consideration the Council agreed:

- i) the Treasury Management Strategy Statement for 2020/21;
- ii) the Investment Strategy for 2020/21 in Appendix 1;
- iii) the Prudential Indicators and Limits for 2020/21 in Appendix 3; and
- iv) to note the indicative Prudential Indicators and Limits for 2021/22 and 2022/23.

5. Medium Long Term Financial Strategy

A report by the Depute Chief Executive (Economy, Environment and Finance) asked Council to consider a financial strategy to facilitate medium to long term financial planning.

Following consideration the Council agreed to approve the Medium to Long Term Financial Strategy at Appendix 1 to the report as a partner piece to the Corporate Plan.

6. Corporate Plan 2019-2024

A report by the Depute Chief Executive (Education, Communities and Organisational Development) sought Council approval for the Corporate Plan 2019 - 2024, following engagement with community representatives in December 2019.

Following an earlier discussion with the Depute Chief Executive (Education, Communities and Organisational Development), Councillor Laing asked for the following amendments to be made:

Page 11 - Change the wording 'We will work towards an efficient, low carbon Council' to 'We will work towards being a carbon neutral Council'

Page 20 - Change the wording 'Increased provision and use of electric vehicles' to 'Increased provision of non fossil fuel vehicles' as this would allow the Council to possibly consider hydrogen vehicles in the future.

Page 22 - The last sentence should read 'is vital'

Following consideration the Council agreed, subject to the amendments noted above to:

- i) review and note the feedback from the engagement with community representatives (Appendix 3);

approve the Corporate Plan for 2019 to 2024 (Appendix 1) and notes that the plan

- ii) and delivery framework (Appendix 2) will continue to be developed and that a report on progress be submitted after 6 months; and

note that the community engagement implementation will proceed to the next

- iii) stages, subject to more detailed plans being prepared and reported to the Council for approval.

7. Moray Food Growing Strategy

A report by the Depute Chief Executive (Economy, Environment and Finance) asked Council to note progress on preparation of a food growing strategy, to agree responses to the comments received during public consultation and to approve the strategy as supplementary guidance.

Following consideration the Council agreed:

- i) the responses provided to the comments received during the public consultation on the Draft Food Growing Strategy set out in Appendix 1;
- ii) to approve the final version of the Food Growing Strategy set out in Appendix 2, and for it to be used as a material consideration in the determination of planning applications for food growing spaces; and
- iii) to delegate responsibility for Section 119 and 120 of the Community Empowerment (Scotland) Act 2015 - Food Growing Strategy to the Planning and Regulatory Services Committee and to make the necessary changes to the Scheme of Administration.

Minute of Meeting of the Moray Council Emergency Cabinet

Wednesday, 03 June 2020

Various Locations via Video-conference

PRESENT

Councillor George Alexander, Councillor John Divers, Councillor Tim Eagle, Councillor Donald Gatt, Councillor Graham Leadbitter, Councillor Shona Morrison, Councillor Derek Ross

APOLOGIES

Councillor Bremner substituting for Councillor Leadbitter for items 4 and 6, Councillor Brown substituting for Councillor Gatt for items 4, 5, 6 and 7, Councillor Edwards substituting for Councillor Ross for items 4, 5 and 6 and Councillor Feaver substituting for Councillor Eagle for items 4, 5 and 6

IN ATTENDANCE

Chief Executive, Depute Chief Executive (Economy, Environment and Finance), Depute Chief Executive (Education, Communities and Organisational Development), Mr N MacPherson, Principal Planning Officer, Mr G Templeton, Strategic Planning and Development Manager Development Services, Head of Strategy, Governance and Performance and Mrs L Rowan, Committee Services Officer as Clerk to the meeting.

1 Chair

Councillor Morrison, being Chair of the Emergency Cabinet, chaired the meeting.

2 Declaration of Group Decisions and Members Interests

In terms of Standing Order 20 and the Councillor's 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 Minute of Meeting dated 14 May 2020

The minute of the meeting of the Moray Council Emergency Cabinet dated 14 May 2020 was submitted and approved.

4 Planning Application 19/01649/AMC

Councillors Morrison, Alexander, Bremner, Brown, Divers, Edwards and Feaver took

part in the consideration of this item.

Ward 8: Forbes

Approval of Matters Specified in conditions 3 (overall layout), 7 (sections) and 8 (landscaping) of 19/00320/PPP at Land To The North And West Of East And West Whins Findhorn Moray for Duneland Limited.

Under reference to paragraph 8 of the Minute of the Meeting of the Planning and Regulatory Services Committee dated 20 August 2019, a report was submitted by the Appointed Officer recommending that, for reasons detailed in the report, planning permission be granted for an application for approval of matters specified in conditions 3 (overall layout), 7 (sections) and 8 (landscaping) of 19/00320/PPP at land to the North and West of East and West Whins, Findhorn, Moray for Duneland Limited.

It was noted that the application could have been determined by the Appointed Officer under the recently revised scheme of delegation however would previously have been reported to the Planning and Regulatory Services Committee as it had been agreed at the meeting on 20 August 2019 that all further applications related to reference 19/00320/PPP be reported to the Planning and Regulatory Services Committee. As the Planning and Regulatory Services Committee is suspended, the application had been brought to the Emergency Cabinet under the agreed revised delegation scheme as it had been called in for determination by a member of the Emergency Cabinet.

Following consideration, the Emergency Cabinet agreed to grant planning permission in respect of Planning Application 19/01649/AMC subject to completion of a S75 minute of agreement prior to issue of planning consent and the following conditions and reasons:

1. The development hereby granted forms part of, and is related to, the development granted planning permission under formal decision notice 19/00320/PPP dated 4 November 2019 wherein the terms and conditions as attached to that permission are hereby reiterated and remain in force in so far as they relate to the development hereby approved, in particular Conditions 10-20 inclusive, including any details already approved thereunder to discharge the requirements of the identified conditions.

Reason: To ensure an acceptable form of development and that it progresses in accordance with the already approved and required details.

2. No development shall commence until all the tree protection measures have been implemented as detailed on the approved Tree Protection Plan sheet 1 of 1. Thereafter the measures shall be retained as approved throughout the construction period.

Reason: To ensure the protection of existing trees during the construction period.

3. Development shall not proceed except in accordance with the Construction Traffic Management Plan North Whins 1.1 dated 11 March 2020.

Reason: To ensure an acceptable form of development in terms of the arrangements to manage traffic during construction works at the site.

4. Development shall not proceed except in accordance the Written Scheme of Investigation for Proposed Archaeological Work at Land to the North and West of East and West Whins, Findhorn, Moray dated 14 January 2020. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

Reason: To safeguard and record the archaeological potential of the area.

5. No development shall commence until a site specific updated Construction Environmental Management Plan has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. Thereafter development shall not proceed except in accordance with the approved plan. For the avoidance of doubt the details shall be in accordance with the approved Construction Environmental Management Plan North Whins 1.1 dated 1 April 2020 and all appendices.

Reason: In order to minimise the impacts of the development works upon the environment.

6. Development shall not proceed except in accordance with the Drainage Impact Assessment 134482 – North Whins, Findhorn.

Reason: In order to minimise the impacts of the development works upon the environment.

7. The landscaping measures detailed on approved plan A110-REVC shall be implemented in full in accordance with the 'Delivery Schedule' set out on the approved plan. For the avoidance of doubt no development shall commence until all works listed as 'pre-commencement' have been completed. Where works are associated with a specific phase the work required in each phase shall be completed in the first planting season following commencement of development on any unit within that phase. Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

Reason: To ensure that the proposed landscaping is timeously provided.

8. No trees other than those identified for removal in the approved site and landscaping plan A110 - REVB shall be removed without the prior written approval of the planning authority.

Reason: In order to ensure tree removal is adequately controlled.

5 Economy, Environment and Finance Service Response to Covid 19

Councillors Morrison, Leadbitter, Alexander, Brown, Divers, Edwards and Feaver took part in the consideration of this item.

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Cabinet of the services within the Economy, Environment and Finance portfolio that have been developed and delivered during the COVID 19 pandemic to

provide the response to the incident or to ensure continuity of critical council services.

The Emergency Cabinet joined the Council Leader in paying tribute to staff across all services for their efforts in continuing to provide vital services for the people of Moray during the COVID 19 pandemic, in particular Waste Management, Trading Standards, Economic Development and Environmental Health.

Thereafter, the Emergency Cabinet agreed to note the services within the Economy, Environment and Finance portfolio that have been developed and delivered during the COVID 19 pandemic to provide the response to the incident or to ensure continuity of critical council services.

6 Moray Local Development Plan 2020 Examination Report

Councillors Morrison, Alexander, Bremner, Brown, Divers, Edwards and Feaver took part in the consideration of this item.

Under reference to paragraph 4 of the minute of the meeting of the Planning and Regulatory Services Committee dated 25 June 2019, a report by the Depute Chief Executive (Economy, Environment and Finance) summarised the conclusions of the Examination Report for the Proposed Moray Local Development Plan (MLDP) 2020, which was published on 19 May 2020 and asked the Emergency Cabinet to note and agree the modifications arising from the Examination Report and agree the proposal to publish the "Notice of Intention to Adopt the Plan" in mid- June 2020 with the aim of adopting the Plan on or before the 30 July 2020.

During discussion surrounding planning for wind energy, it was queried whether Elected Members and Officers could meet to discuss the future proposals with regard to wind energy which would feature in the National Planning Framework 4 so that this proposals can be fed back to Communities as means of keeping them informed of future proposals for Moray.

In response, the Strategic Planning and Development Manager welcomed this suggestion and further suggested that discussions include other areas of planning such as accessible housing, placemaking and health planning.

The Emergency Cabinet joined the Chair in commending the work of the Planning Service in preparing such an extensive document and thereafter agreed:

- i. to note the recommended modifications to the Proposed Moray Local Development Plan 2020 as a result of the Examination of the Plan;
- ii. to note that the majority of modifications are those put forward by the Council to address objections received to the Proposed Moray Local Development Plan 2020;
- iii. that the modifications are made to the Moray Local Development Plan 2020 and that the Council publish the Notice of Intention to Adopt the Plan with a view to adopting the Plan on or before 30 July 2020;
- iv. that all parts of the Moray Local Development Plan 2020 as modified will be a material planning consideration for development management purposes as of

15 June 2020 and will then replace the Moray Local Development Plan 2015 when adopted on or before 30 July 2020; and

- v. that Elected Members and Officers meet to discuss input into the National Planning Framework 4.

7 Formal Sign Off of Children's Services Plan 2020-23

Councillors Morrison, Leadbitter, Alexander, Brown, Divers, Eagle and Ross took part in the consideration of this item.

Under reference to paragraph 18 of the minute of the meeting of the Children and Young People's Services Committee dated 4 March 2020, a report by the Chief Executive requested that the Cabinet formally sign off the 2020-23 Children's Services Plan.

Following consideration, the Emergency Cabinet agreed to formally sign off the 2020-23 Children's Services Plan as set out in Appendix 1 of the report, for the Council's interests therein.

8 Question Time

Councillor Ross queried whether consideration had been given to employing retired school teachers should the need be required when schools eventually reopen.

In response the Depute Chief Executive (Education, Communities and Organisational Development) advised that no detailed work plan had been made however if teaching staff are required then the usual recruitment process would be followed.

Minute of Meeting of the Moray Council

Wednesday, 17 June 2020

Various Locations via Video-conference

PRESENT

Councillor George Alexander, Councillor James Allan, Councillor David Bremner, Councillor Frank Brown, Councillor Theresa Coull, Councillor John Cowe, 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 Marc Macrae, Councillor Aaron McLean, Councillor Maria McLean, Councillor Ray McLean, Councillor Shona Morrison, Councillor Laura Powell, Councillor Derek Ross, Councillor Amy Taylor, Councillor Sonya Warren, Councillor Walter Wilson

IN ATTENDANCE

Also in attendance at the above meeting were the Chief Executive, Depute Chief Executive (Economy, Environment and Finance), Depute Chief Executive (Education, Communities and Operational Development), Head of Governance, Strategy and Performance, Head of Economic Growth and Development, Chief Financial Officer and Democratic Services Manager as Clerk to the meeting.

1. Chair

The meeting was chaired by Councillor Shona Morrison.

2. Recent Events

The Chair addressed the meeting and referred to recent events and how they are shaping and changing communities across Moray. She stated that COVID-19 has been a real test of fortitude and determination and has brought the very best in our communities despite the devastation it has brought to so many it is important to acknowledge that in the face of adversity, communities have displayed a real sense of cohesion, trust, respect and empathy. That strong sense of community and supporting one another in difficult times is not something that should be taken for granted and thanked everyone who had reached out to others in their community.

She further stated that, like everyone, she had watched with sadness the events unfolding in America and witnessed the global frustration as thousands to the streets in protest against racism. She stated that she was sure everyone was committed to promoting equalities in our communities and condemn racism in all its forms. She concluded that the Council has a responsibility and a platform to make a stand against injustice and to defend the human rights of all.

Councillor Eagle stated that he was delighted that the Convener had taken the time to recognise the aid given by our communities across Moray over the last weeks and concurred with everything she said.

3. 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.

4. Written Questions

The meeting noted that no written questions had been submitted.

5. Emergency Notice of Motion

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

That the council agrees that:

- As part of wider impact assessment and action planning relative to economic recovery in Moray through Moray Economic Partnership, the Head of Economic Growth and Development works with partners on a local grant scheme which would help businesses that otherwise could not access grant support, an example of which is large hotels. Where the grant scheme is tailored to help those in most need.
- The grant scheme proposal is brought back to full council for consideration as soon as reasonably possible along with officer recommendations on how the cost could be set-aside to fund it.
- The local grant scheme also gives thought to providing support for marketing within the tourism sector and investment in town centres to create appropriate social distancing and more outdoor seating and business space to encourage safe footfall.

Councillor Eagle, in introducing the Motion, referred to the far reaching impact of Coronavirus and the radical change to the way we now live. He referred to the monthly economic brief from the Office of the Chief Economic Adviser which highlights the unprecedented impact on business and consumer activity over the lockdown period and the need for continued support for business. He stated that Moray tops the charts for having the greatest regional exposure to impacts from COVID-19 in terms of the business sectors most exposed with 18,500 jobs in exposed sectors in Moray, which equals 19% of the population and 39.7% of the working population in Moray. He further stated there have been predictions of up to 10,000 job losses due to the economic impact of the virus. In recognising the investment the UK government has made both in Scotland and in Moray protecting vulnerable jobs and giving businesses vital grant funding, he stated that moving forward more was needed to support the local economy as not all businesses had been able to access grants as there was always going to be cases where they fall outside the safety net and believed that it was vital to find ways to protect them. He

concluded that the Notice of Motion asks the Council to look at the development of a local grant scheme to cover the gap. Given the importance of businesses especially in areas like tourism he was of the opinion that the council could not allow major employers to fail. A local support grant is just one aspect of what the Motion was seeking and as the area recovers from the virus there will be a need for town centres, amongst other areas, to adapt to support the new social distancing measures in place; tourism will also require support to ensure that Moray is showcased as a place to visit at a time when there may be an increase in 'staycations'. He stated that while he was aware that the Council was not awash with cash, now was not the time, in his opinion, to sit back and do nothing and referring to the Council's reserves and asked that consideration be given to making use of this. Whilst the Motion put forward was not seeking funding, he stated that it would likely lead on to that. He stated that in reality it was likely that there would be a call for funding in areas such as health and social care and education departments to support local people and stated that it was time for the Council to work with both the UK and Scottish Governments to secure funding needed to get through this crisis and moved approval of the motion.

Councillor Brown seconded the motion.

Councillor Leadbitter stated that he agreed with all that had been said by Councillor Eagle and had no issue in supporting the motion. He stated that he had had recent discussions with officers as to how the Council could fund the gap and whilst the various funding measures in place are covering most businesses, there will inevitably be some that fall through the gaps which is understandable given that the Council is dealing with emergency legislation from which issues are likely to arise due to the very nature of emergency legislation. In referring to the types of businesses that have fallen through the gaps such as hotels, he highlighted other businesses such as those offering tours, where the business may not have premises that would have a rateable value against which a grant could be based. He further stated that as these grant schemes are being expanded and adjusted over time the point is being reached where they will end and a clear picture of what still remains emerges and what needs to be funded going forward will be seen.

Following further discussion during which various members stated their support the Council agreed the terms of the Motion.

5. Community Asset Transfers – Annual Report

A report by the Depute Chief Executive (Economy, Environment and Finance) advised the Council of the Community Asset Transfer requests dealt with during the period 1 April 2019 to 31 March 2020.

Councillor A McLean, in his capacity as Chairman of the Policy and Resources Committee, expressed his congratulations to the staff for the work undertaken in bringing the report to the Council.

Councillor Gatt stated that he wished to thank all of the communities who had taken on asset transfers, in particular the Cullen Residential Centre and the Longmore Halls, Keith and commended all of the communities for the amount of work they had undertaken to preserve these assets in their communities.

Following consideration the Council agreed to note that:

- (i) during the financial year ending 31 March 2020, eight valid asset transfer requests were made to the Council under Part 5 of the Community Empowerment (Scotland) Act 2015, details of which are set out in Appendix 1;
- (ii) during the same period, six asset transfer requests made outside of the provisions of the Act were dealt with, details of which are set out in the Appendix 2;
- (iii) all community groups submitting a formal Expression of Interest in a Council property asset are signposted to both internal and external sources of additional guidance and support;
- (iv) a series of targeted training and workshop events were delivered to community groups by the Community Support Unit over the reporting period; and,
- (v) in the event of a formal review request being received in respect of a decision made by the Council in relation to an asset transfer request made under the Act, further training will be made available to Elected Members prior to its consideration.

Councillor R McLean left the meeting at this juncture.

6. Regeneration Capital Grant Fund

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the council of the Regeneration Capital Grant Fund invitation for stage 1 applications with a deadline of 19 June 2020. The report also advised the Council that as only Local Authorities can apply to this fund, the Cabrach Trust and Forres Area Community Trust were requesting for the Council to be the lead applicant on their behalf.

Following consideration the Council agreed to:

- (i) the request by the Cabrach Trust to act as a lead applicant to the Regeneration Capital Grant Fund with no financial implications for the Council;
- (ii) approve the submission of stage I application and if successful stage II application;
- (iii) the request by the Forres Area Community Trust to act as a lead applicant to the Regeneration Capital Grant Fund with no financial implications for the Council and,
- (iv) approve the submission of stage I application and if successful stage II application.

7. Expanded Elected Representation on the Moray Economic Partnership

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Council that at the most recent meeting of the Moray Economic

Partnership (MEP) on 27 May 2020 it was agreed that the number of elected members on the MEP would be expanded to a total of 3 and asked the Council to consider nomination of 2 additional members to the Moray Economic Partnership in addition to the existing membership of Councillor Leadbitter.

Following consideration the Council unanimously agreed that Councillors Cowe and Eagle be appointed to the Moray Economic Partnership.

8. Financial Monitoring – Impact of Response to COVID-19

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Council of the current estimate of the financial impact of the Council's response to the COVID-19 outbreak, as at 29 May 2020.

Following consideration the Council agreed to note:

- (i) the current estimated financial position for the initial lockdown period; and
- (ii) the longer term issues which will impact on the Council's finances.

9. Committee Governance Arrangements During COVID-19 Restrictions

Under reference to paragraph 2 of the minute of the meeting of the Moray Council dated 25 March 2020 a report by the Depute Chief Executive (Education, Communities and Organisational Development) asked the Council to review the decision making arrangements put in place due to COVID-19 social distancing requirements.

Councillor Leadbitter stated that discussions had taken place with the political groups and the Sounding Board in regard to the proposals and that there was broad support for the Licensing Committee and Licensing Board to continue to meet as separate entities but back to back.

In regard to the options outlined in the report he stated that whilst there was a lot of agreement across the different political groups, some differences remained and on behalf of the SNP Group he moved that the Council agree:

1. to continue to hold meetings through video conference and webcast with a view to holding meetings with a combination of physical presence, webcast and video conference when technology and social distancing restrictions permit.
2. that the suspension on committees is lifted and that, other than the statutory/ad hoc committees detailed in recommendation 2.3 as outlined at 3 below:
 - (i) the June cycle of committee meetings is cancelled.
 - (ii) a simplified committee structure is put in place from 2 September
 - (iii) the Emergency Cabinet continues to meet as required until this date
3. For following statutory/ad hoc committees:

- (i) that meetings of the Planning and Regulatory Services committee resume on the date of the next scheduled meeting, noting that these will revert to the previous Development Management Scheme of Delegation (agreed on 29 January 2019);
 - (ii) that Licensing Board and Licensing Committee meetings are held back to back, with the existing committee and board membership and chairing arrangements retained;
 - (iii) that meetings of the Audit & Scrutiny Committee will be reconvened with a view to meeting quarterly, subject to the availability of sufficient business to be considered by the committee;
 - (iv) note that the Local Review Body and Appeal Committees will continue to meet on their normal cycle, subject to suspension of site visits for LRB, and
 - (v) that other ad hoc committees will be convened as required.
4. that the main committee structure is temporarily simplified using Option 3 from Appendix 2, which is Full Council + 2 committees and that:
- (i) 14 councillors will sit on each committee with political balance arrangements as per the currently suspended committees of 14;
 - (ii) These committees will cover the remits of the Depute Chief Executive Roles;
 - (iii) Group Leaders will notify Committee Services of their representatives on these committees ;
 - (iv) The Administration Group will appoint a Chair to each of the 2 Committees and notify Committee Services and other Group Leaders, and
 - (v) External representatives who are normally present at Communities and Children & Young People's Services Committees will be consulted on how their interests can be best represented on the consolidated committees and a proposal on this aspect will be brought to the Emergency Cabinet.
5. to retain meetings of the Police and Fire committee subject to discussion with partner authorities over their frequency;
6. to continue delegation to Chief Exec agreed by the Council on 25 March (paragraph 2 of minute refers) for lower risk business (judged in terms of strategic importance, legal, financial, reputational and political considerations) , to exercise the delegated authority given to him in para 5 (7) of the Council's Scheme of Delegation (to take such executive actions as may be deemed necessary in the discharge of the Authority's functions) without the requirement for homologation, using membership of the Emergency Cabinet as a sounding board where appropriate;

7. to trial an alternative system for information and consider/note reports as detailed in paragraph 4.9.4 of the report;
8. to review these arrangements on or before 24 February 2021, taking account of the phased progress of the Scottish Government's Covid-19 Route map, officer capacity to support committees and other relevant public health and workplace advice.

Councillor Morrison seconded the motion.

Councillor Ross stated that he was not wholly in favour of this and referred to the previous consideration of this matter earlier in the year. He referred to paragraph 4.2 of the report and stated that he was of the opinion that a normal committee cycle is resumed and should there not be enough business for a particular committee then that committee could be cancelled. In terms of the length of meetings he questioned how long the combined meetings would last, stating as an example the last meeting of the Children and Young People's Service Committee which had had to be reconvened the following day to get through the business.

He stated that it was the view of the Moray Alliance Group (MAG) that the Council resume the normal committee cycle. Should there be an issue in terms of producing reports for a committee or there isn't sufficient business, then the committee does not meet. He referred to staff returning to schools in August and stated that in his opinion as Councillors, they should set a good example by returning to the committee cycle and moved as an amendment that the council return to the normal committee cycle.

Councillor Edwards seconded the amendment.

Councillor Eagle stated that whilst he had some sympathy with Councillor Ross, it was important during the pandemic to allow officers to get on with what they are good at. In referring to the Children and Young People's Services Committee he noted that a large element of the papers for that committee were consider and note papers and within the proposals was a way to deal with those differently which would significantly reduce the quantity of reports going to committee.

He referred to the constructive debate with the Group Leaders and thanked them for that and for the most part the Conservative Group agree with Option 3 as a way forward. He was pleased to see the addition of the Audit and Scrutiny Committee as this provided an additional element of scrutiny which is important in any governance model. In terms of the membership, he stated that he disagreed with the motion's suggestion of 14 and that the Conservative Group were suggesting 9 for a variety of reasons, in particular there were benefits to holding meetings within the Council Chamber and should the Council be able to return to that it would be easier to socially distance on a smaller number. Whilst he appreciated the point of allowing more members to be involved, in addition to the 2 larger committees, there will be the quasi-judicial committees as well as a few others so there is a range of options that will allow members to be involved.

He referred to the continuation of the Chief Executive's delegated powers as the Conservative Group are of the opinion that with a new governance programme back in place there are plenty of options and abilities for the Chief Executive to bring those areas that he had extended to him to committee for members to take a decision on. Should there be a further lockdown then it would be possible for those powers to be granted back to him. In regard to the timing of the committee cycle, he stated that

other than the first meeting of the new Economic, Environment and Finance Committee which could be postponed, he would wish the cycle to remain as shown in the diary previously circulated. He further stated that he would wish to see a 3 monthly review of the programme. Thereafter he moved as a further amendment that the council agree:

1. to continue to hold meetings through video conference and webcast with a view to holding meetings with a combination of physical presence, webcast and video conference when technology and social distancing restrictions permit.
2. that the suspension on committees is lifted and that, other than the statutory/ad hoc committees detailed in recommendation 2.3 as outlined at 3 below:
 - (i) the June cycle of committee meetings is cancelled.
 - (ii) a simplified committee structure is put in place as soon as possible following the July recess
 - (iii) the Emergency Cabinet continues to meet as required until this date
3. For following statutory/ad hoc committees:
 - (i) that meetings of the Planning and Regulatory Services committee resume on the date of the next scheduled meeting, noting that these will revert to the previous Development Management Scheme of Delegation (agreed on 29 January 2019);
 - (ii) that Licensing Board and Licensing Committee meetings are held together, as detailed in para 4.4.3 of the report and that the nine councillors on the Board double up as Licensing Committee members;
 - (iii) note that the Local Review Body and Appeal Committees will continue to meet on their normal cycle, subject to suspension of site visits for LRB, and
 - (iv) that other ad hoc committees will be convened as required.
4. that the main committee structure is temporarily simplified agreeing Option 3 from Appendix 2, with the addition of the return of the Audit and Scrutiny Committee and agree the meeting management suggestions within that Appendix:
 - (i) that the committees will be made up of 9 elected members, 3 SNP, 3 Conservative and 3 Other
5. to retain meetings of the Police and Fire committee subject to discussion with partner authorities over their frequency;
6. to rescind delegation to Chief Exec agreed by the Council on 25 March (paragraph 2 of minute refers);

7. to trial an alternative system for information and consider/note reports as detailed in paragraph 4.9.4 of the report;
8. to review these arrangements every 3 months.

Councillor Feaver seconded the Amendment.

Following further discussion Councillor Alexander stated that whilst he was happy to accept a review date of on or before 24 February 2021, he asked whether there was a mechanism for members to insist a review be brought back before the 24 February and would be happier if that was possible.

In response the Head of Governance, Strategy and Performance advised that this could be done by the submission of a Notice of Motion to one of the Emergency Cabinet meetings following the summer recess.

Councillor Alexander stated that he was satisfied with this response.

Councillor Leadbitter stated that he was comfortable with the point raised by Councillor Alexander as there were likely to be changes albeit it won't be known what they are or when they will happen and by the Council meeting in September there should be a clearer picture of where we are and what a reasonable timescale would be. Therefore the response given by the Head of Governance, Strategy and Performance is a reasonable way forward and he was happy for this to be minuted.

Thereafter in terms of Standing Order 63(c), there being a Motion and two Amendments, a vote was taken between the first and second Amendment as follows:

On a division there voted:

For the 1 st Amendment (4)	Councillors Ross, Edwards, Divers and Wilson
For the 2 nd Amendment (12)	Councillors Eagle, Feaver, Alexander, Allan, Brown, Cowe, Cowie, Creswell, Gatt, Macrae, M McLean and Powell.
Abstentions (9)	Councillors Morrison, Leadbitter, Bremner, Coy, Laing, A McLean, Taylor and Warren.

Accordingly the 2nd Amendment became the finding of the meeting and a vote was taken between the Motion and the 2nd Amendment.

On a division there voted:

For the Motion (14)	Councillors Leadbitter, Morrison, Alexander, Bremner, Coull, Cowe, Cowie, Coy, Creswell, Divers, Laing, A McLean, Taylor and Warren
For the Amendment (10)	Councillors Eagle, Feaver, Allan, Brown, Gatt, Macrae, M McLean, Powell, Ross and Wilson
Abstentions (1)	Councillor Edwards

Accordingly the Motion became the finding of the meeting and the Council agreed:

1. to continue to hold meetings through video conference and webcast with a view to holding meetings with a combination of physical presence, webcast and video conference when technology and social distancing restrictions permit.
2. that the suspension on committees is lifted and that, other than the statutory/ad hoc committees detailed in recommendation 2.3 as outlined at 3 below:
 - (i) the June cycle of committee meetings is cancelled.
 - (ii) a simplified committee structure is put in place from 2 September
 - (iii) the Emergency Cabinet continues to meet as required until this date
3. For following statutory/ad hoc committees:
 - (i) that meetings of the Planning and Regulatory Services committee resume on the date of the next scheduled meeting, noting that these will revert to the previous Development Management Scheme of Delegation (agreed on 29 January 2019);
 - (ii) that Licensing Board and Licensing Committee meetings are held back to back, with the existing committee and board membership and chairing arrangements retained;
 - (iii) that meetings of the Audit & Scrutiny Committee will be reconvened with a view to meeting quarterly, subject to the availability of sufficient business to be considered by the committee;
 - (iv) note that the Local Review Body and Appeal Committees will continue to meet on their normal cycle, subject to suspension of site visits for LRB, and
 - (v) that other ad hoc committees will be convened as required.
4. that the main committee structure is temporarily simplified using Option 3 from Appendix 2, which is Full Council + 2 committees and that:
 - (i) 14 councillors will sit on each committee with political balance arrangements as per the currently suspended committees of 14;
 - (ii) These committees will cover the remits of the Depute Chief Executive Roles;
 - (iii) Group Leaders will notify Committee Services of their representatives on these committees ;
 - (iv) The Administration Group will appoint a Chair to each of the 2 Committees and notify Committee Services and other Group Leaders, and
 - (v) External representatives who are normally present at Communities and Children & Young People's Services Committees will be

consulted on how their interests can be best represented on the consolidated committees and a proposal on this aspect will be brought to the Emergency Cabinet.

5. to retain meetings of the Police and Fire committee subject to discussion with partner authorities over their frequency;
6. to continue delegation to Chief Exec agreed by the Council on 25 March (paragraph 2 of minute refers) for lower risk business (judged in terms of strategic importance, legal, financial, reputational and political considerations), to exercise the delegated authority given to him in para 5 (7) of the Council's Scheme of Delegation (to take such executive actions as may be deemed necessary in the discharge of the Authority's functions) without the requirement for homologation, using membership of the Emergency Cabinet as a sounding board where appropriate;
7. to trial an alternative system for information and consider/note reports as detailed in paragraph 4.9.4 of the report;
8. to review these arrangements on or before 24 February 2021, taking account of the phased progress of the Scottish Government's Covid-19 Route map, officer capacity to support committees and other relevant public health and workplace advice.

10. Chief Executive Response to COVID-19

A report by the Chief Executive informed the Council of activities within the Chief Executive's portfolio that have been undertaken during the COVID-19 pandemic to provide a response to the emergency.

Following consideration the Council agreed to note the activities within the Chief Executive's portfolio that have been undertaken during the COVID-19 pandemic to provide a response in terms of the Council's statutory obligations and related Council policy and practice respectively.

11. Question Time

Councillor Alexander sought clarification on whether the continuation of the school lunch voucher scheme during the summer holidays applied only to hardship cases.

In response the Deputy Chief Executive (Education, Communities and Organisational Development) advised that this was the case.

Councillor Allan paid tribute to all of the community groups who have continued to provide support and assistance to their communities through food parcels etc., and to thank the NHS, Emergency Services, Teachers and all of the Council Staff providing front line services at this time.

Minute of Meeting of the Moray Council Emergency Cabinet

Wednesday, 24 June 2020

Various Locations via Video-conference ,

PRESENT

Councillor George Alexander, Councillor Frank Brown, Councillor John Cowe, Councillor John Divers, Councillor Tim Eagle, Councillor Graham Leadbitter, Councillor Shona Morrison, Councillor Derek Ross

APOLOGIES

Councillor Donald Gatt

IN ATTENDANCE

Also in attendance at the above meeting were the Chief Executive, Depute Chief Executive (Economy, Environment and Finance), Depute Chief Executive (Education, Communities and Organisational Development), Head of Governance, Strategy and Performance and Tracey Sutherland, Committee Services Officer.

1. Chair

The meeting was chaired by Councillor Shona Morrison.

The Chair informed the Emergency Cabinet that following the Scottish Governments announcement on 23 June 2020 item 3 on the agenda, the Education Recovery Planning Report had been withdrawn from the agenda.

2. Declaration of Group Decisions and Members Interests *

In terms of Standing Order 20 and the Councillor's 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. Strategic Framework for Recovery and Renewal in Moray

A report by the Depute Chief Executive (Economy, Environment and Finance) reported on the strategic approach proposed for corporate planning and delivery of the recovery and renewal phase in Moray in light of the COVID-19 pandemic.

During discussion of the report, Councillor Brown stated that the Conservative Group did not agree with the governance proposals as stated in recommendation

2.1(v) and wanted to ensure that the depth of knowledge of all 26 Councillors should be used to inform and influence progress. He further added that the 7 members of the Emergency Cabinet do not represent political balance.

Councillor Brown proposed amending recommendation 2.1(v) to read - agrees that Elected Members nominated by Group Leaders engage with Officers on the different work streams to influence and inform the recover renewal programme. This was seconded by Councillor Eagle.

In response, Councillor Leadbitter said that he felt the Emergency Cabinet has worked well and offers full flexibility as members can substitute for each other dependent on the report topics. He further added that the governance already exists for the Emergency Cabinet and was unsure as to Councillor Brown's proposal.

The Head of Governance, Strategy and Performance advised that he had concerns in terms of Standing Order 47 that Councillor Brown's amendment was not competent.

Following consideration and in discussion with Councillor Eagle, Councillor Brown withdrew his amendment and said that they would come back with a more precise proposal.

The Head of Governance, Strategy and Performance confirmed that if an amendment was not put forward then the 6 month rule would come into effect for any future proposals, or there would need to be a suspension of standing orders.

In response, Councillor Brown said he was happy to withdraw his amendment.

Following consideration the Emergency Cabinet agreed:

- i) to note the process used to develop the draft Strategic Framework for Recover and Renewal in Moray along with associated documents in Appendices 1 - 3;
- ii) to consult, engage and involve the community, aims, outcomes and principles proposed in the Strategic Framework as set out in the report;

the staged programme set out in the Appendix 1, this to be subject to quarterly
- iii) review and re-iteration as processes for recovery and renewal continue to develop at a national and sectoral level;
- iv) to note the high level process being used to plan for effective operational recovery of services in line with national guidance; and

that members of the Emergency Cabinet will act as a working group to inform
- v) and influence progress with regular updates to the Council and workstream updates to relevant committees.

4. Question Time ***

Councillor Ross sought clarification on whether there is any money from the Scottish Government forthcoming to assist with the back to schools programme.

In response Councillor Leadbitter confirmed that the formula used to distribute funding is not a Scottish Government formula but is agreed by COSLA. He assured Councillor Ross that he continues to raise issues of funding with the Scottish Government and COSLA and will continue to do that.

The Depute Chief Executive (Education, Communities and Organisational Development) further added that many of the funds mentioned by Councillor Ross are allocated on poverty indicators and as Members will know rural poverty is difficult to reflect and areas like Moray do not attract a lot of such funding.

Councillor Eagle asked whether work is being done within the Council's Sports and Leisure facilities to ensure that they are in a good position when the announcement is made that the Council can look at re-opening them.

In response, the Depute Chief Executive (Education, Communities and Organisational Development) confirmed that a range of work including risk assessments is being carried out in the background working towards the recovery and renewal in Moray to allow the re-opening of leisure facilities when allowed.

Councillor Alexander requested that the newly re-named Forres Credit Union, now Moray Firth Credit Union is widely promoted by all Elected Members. During the current period the Credit Union has supported many vulnerable citizens in Forres. He further asked that Moray Council provide some support to the Credit Union.

In response the Chief Executive confirmed that he had heard about the expansion today and assured Councillor Alexander that this was a piece of interrupted business that had been affected by the lockdown and the business will need to be picked up again along with a number of other items which have been affected by the current situation.

Minute of Meeting of the Moray Council Emergency Cabinet

Wednesday, 1 July 2020

Various Locations via Video-conference

PRESENT

Councillor George Alexander (for Items 7-16), Councillor David Bremner (substituting for Councillor Leadbitter for Items 5 & 6), Councillor Frank Brown (substituting for Councillor Eagle for Items 7-11), Councillor John Cowe (substituting for Councillor Alexander for Items 5 & 6), Councillor John Divers, Councillor Ryan Edwards (substituting for Councillor Ross), Councillor Claire Feaver (substituting for Councillor Eagle for Items 5,6, 12–16), Councillor Donald Gatt, Councillor Graham Leadbitter (for Items 7-16) and Councillor Shona Morrison.

APOLOGIES

Councillor Tim Eagle and Councillor Derek Ross.

IN ATTENDANCE

Chief Executive, Depute Chief Executive (Economy, Environment and Finance), Depute Chief Executive (Education, Communities and Organisational Development), Head of Financial Services, Head of Strategy, Governance and Performance, Head of Economic Growth and Development, Legal Services Manager, Planning and Development Manager, Consultancy Manager, Chief Officer Moray Health and Social Care Partnership, Head of Adult Health and Social Care and the Democratic Services Manager as Clerk to the meeting.

1. Chair

Councillor Morrison, being Chair of the Emergency Cabinet, chaired the meeting.

2. Record of Thanks

The Chair expressed thanks to all employees for all they have done over such a challenging time for the country and for all the work they have undertaken which has been greatly appreciated. She stated that she wished to give extra thanks to the educators and young people in Moray who have done a tremendous job over the last few months in the most difficult of circumstances, and to the parents in their response to the home learning that they have undertaken over the last 14 weeks and hoped that as they head towards the summer break they enjoy some rest and relaxation.

3. Meeting Request – RAF Lossiemouth

On the invitation of the Chair, Councillor Cowe addressed the meeting. He referred to an announcement that two contract workers employed by Voker Fizpatrick at RAF Lossiemouth had been tested for COVID-19 and stated that he

wished to raise the concerns on behalf of residents from the local areas in and around Lossiemouth following this announcement. He advised that due to the concerns raised, Richard Lochhead, MSP had held a zoom meeting with members from the Community Councils of Lossiemouth, Burghead, and Elgin and Hopeman Community Association along with himself and some others to discuss the situation and he had been asked by those attending the meeting to ask if the Council would facilitate a meeting of all interested parties in order to address the concerns of the local community.

In response the Chief Executive advised that he could request a meeting and would be guided by the Emergency Cabinet in this regard.

Following discussion the Chair suggested that the Chief Executive in consultation with the Council Leader seek to organise a meeting. This was agreed.

4. Order of Business

In terms of Standing Order 28 the meeting agreed to vary the order of business and bring forward Item 6 on the Agenda 'Flood Risk and Drainage Impact Assessment for New Developments Supplementary Guidance' to follow Item 3 on the Agenda 'Planning Application 20/00135/AMC' in order for those officers in attendance for both items to be excused from the meeting at an earlier time.

5. Declaration of Group Decisions and Members Interests

Under reference to Section 5.7 of the Councillors' Code of Conduct Councillor Morrison declared an interest in item 3(a) 'Update on Children's social Work and Criminal Justice' in her capacity as Vice-Chair of the Moray Integration Joint Board (MIJB) but would be relying on exemption as outlined in terms of Section 5.18 (2) (i) of the Councillors' Code of Conduct to participate in this item.

Thereafter, in terms of Standing Order 20 and the Councillor's 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.

6. Planning Application 20/00135/AMC

WARD 8: FORRES

20/00135/AMC - Approval of the matters specified in condition 4 (layout of plot) condition 5 (plans sections and elevations) condition 6 (boundary treatments and other development) condition 7 (sections) condition 8 (landscaping) and condition 10 (affordable housing) of 19/00320/PPP to provide 8 affordable units on plot 13.2 At Land At North Whins, The Park, Findhorn, Moray

A report was submitted by the Appointed Officer recommending that, for reasons detailed in the report, planning permission be granted for an application for the approval of the matters specified in condition 4 (layout of plot) condition 5 (plans sections and elevations) condition 6 (boundary treatments and other development)

condition 7 (sections) condition 8 (landscaping) and condition 10 (affordable housing) of 19/00320/PPP to provide 8 affordable units on plot 13.2 at Land at North Whins, The Park, Findhorn, Moray

It was noted that the application could have been determined by the Appointed Officer under the recently revised scheme of delegation however would previously have been reported to the Planning and Regulatory Services Committee as it had been agreed at the meeting on 20 August 2019 that all further applications related to reference 19/00320/PPP be reported to the Planning and Regulatory Services Committee. As the Planning and Regulatory Services Committee is suspended, the application had been brought to the Emergency Cabinet under the agreed revised delegation scheme as it had been called in for determination by a member of the Emergency Cabinet.

Councillor Feaver sought confirmation that the ridge height of the buildings would not be above the bowl height as some of the diagrams appeared to indicate.

In response, Mr MacPherson, Principal Planning Officer advised that the levels vary across the development however the Applicant had went to great lengths to ensure that the development was lower in the landscape and not prevalent.

Councillor Feaver was of the view that the planning application was contrary to several policies within the Moray Local Development Plan (MLDP) 2020, namely PP1 (Placemaking) specifically in relation to part (v) biodiversity as it does not create a high quality, multifunctioning green blue space and does not save wildlife; EP 2 (Biodiversity) as the development would not create biodiversity; EP1 (Natural Heritage Designations) specifically in relation to part (iii) ensuring that compensatory measures are provided to ensure that the overall coherence of the Natural network is protected, as the impacts of the development cannot be mitigated to enhance the site; EP1 (d) European protected species as the lichen has been destroyed; EP1 (e) other protected species, EP 17 (Coastal Change) it will adversely affect the coastal protection zone; DP1 (Development Principles) (i) Design, specifically parts (b) (c) and (d), DP2 Housing specifically in relation to part (b) Piecemeal/individual plot development proposals as the development is taking place gradually and policy IMP1 (Developer Requirements) of the MLDP 2015 in terms of the scale and density of the development which is not appropriate to surrounding area. Taking all of the above into consideration, Councillor Feaver moved that the Emergency Cabinet refuse planning permission in relation to Planning Application 20/00135/AMC.

In response, Mr MacPherson explained the transition from MLDP 2015 to MLDP 2020 in terms of the weight given to policies when determining planning applications however advised that the Emergency Cabinet were being asked to approve conditions from planning permission in principal for application 19/00320/APP that was approved by the Planning and Regulatory Services on 4 November 2019.

Mrs Scott, Legal Services Manager further advised that as planning permission in principle had already been granted in respect of Planning Application 19/00320/PPP and that this application was to consider the conditions of the planning application, it was not appropriate to revisit the principles of the consent at this stage.

Councillor Feaver, having considered the advice from the Planning and Legal Advisers moved that the Emergency Cabinet refuse planning permission in respect

of Planning Application 20/00135/AMC as, in her view, the proposal does not comply with DP2 (Housing) a) as the ridge height of the development would not be within the bowl height as expected. On failing to find a seconder, Councillor Feaver's motion fell.

Thereafter, the Emergency Cabinet agreed to grant planning permission in respect of Planning Application 20/00135/AMC subject to:

- (i) the completion of a Section 75 minute of agreement prior to issue of planning consent for applications 20/00016/APP and 19/01649/AMC; and
- (ii) the following conditions and reasons:

1. The development hereby granted forms part of, and is related to, the development granted planning permission under formal decision notice 19/00320/PPP dated 4 November 2019 wherein the terms and conditions as attached to that permission are hereby reiterated and remain in force in so far as they relate to the development hereby approved, in particular Conditions 10-20 inclusive, including any details already approved thereunder to discharge the requirements of the identified conditions.

Reason: To ensure an acceptable form of development and that it progresses in accordance with the already approved and required details

2. As part of the permission hereby granted, the houses and flats hereby approved shall only be used for affordable housing purposes in accordance with the agreement(s) reached between the applicant/developer and Moray Council and/or any registered social landlord (e.g. housing association or similar) to enable the long term delivery of affordable housing on this site; and no development shall commence until details of the agreement(s) to confirm the arrangements for the delivery of the proposed affordable accommodation hereby approved shall be submitted to and approved in writing by the Council, as Planning Authority.

Thereafter, the development shall be implemented in accordance with the approved details.

Reason: To ensure an acceptable form of development in terms of the required provision and delivery of the affordable housing accommodation proposed for this site wherein the benefits of such provision are passed on to serve the community in future years.

3. No development shall commence on any unit hereby approved until the widening and improvement of the existing refuge crossing and footway on the east side of the B9011 from the existing main access to the Findhorn Foundation has been completed in accordance with the details (Drawing No 134482/1005 A) approved under application reference 19/00320/PPP.

Reason: In the interests of pedestrian and cycle connectivity to the proposed development, road safety and the provision of information currently lacking from the submission.

4. No development shall commence until a site specific Construction Traffic Management Plan has been submitted to and approved in writing by the Planning Authority in consultation with the Transportation Manager.

Thereafter the development shall not proceed except in accordance with the approved details. For the avoidance of doubt the details shall be in accordance with the Construction Traffic Management Plan North Whins 1.1 dated 11 March 2020.

Reason: To ensure an acceptable form of development in terms of the arrangements to manage traffic during construction works at the site.

5. No development shall commence until a site specific updated Construction Environmental Management Plan has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. Thereafter development shall not proceed except in accordance with the approved plan. For the avoidance of doubt the details shall be in accordance with the approved Construction Environmental Management Plan North Whins 1.1 dated 1 April 2020 and all appendices.

Reason: In order to minimise the impacts of the development works upon the environment.

6. No development shall commence until all the tree protection measures have been implemented as detailed on the approved Tree Protection Plan sheet 1 of 1. Thereafter the measures shall be retained as approved throughout the construction period.

Reason: To ensure the protection of existing trees during the construction period

7. No trees other than those identified for removal in the approved site and landscaping plan A102 - REVB shall be removed without the prior written approval of the planning authority.

Reason: In order to ensure tree removal is adequately controlled.

8. Development shall not proceed except in accordance with the Drainage Impact Assessment SK2371/GKIC – 8 Affordable Units, North Whins, Findhorn dated January 2020.

Reason: In order to minimise the impacts of the development works upon the environment.

7. Flood Risk and Drainage Impact Assessment for New Developments Supplementary Guidance

A report submitted by the Depute Chief Executive (Economy, Environment And Finance) asked the Emergency Cabinet to agree the updated Flood Risk and Drainage Impact Assessment for New Developments Supplementary Guidance (SG) and delegate authority to the Head of Economic Growth & Development to submit the updated SG to the Scottish Government for approval.

Following discussion the Emergency Cabinet agreed:-

- (i) the updated Flood Risk and Drainage Impact Assessment for New Developments Supplementary Guidance, as set out in Appendix 1 of the report;

- (ii) to grant delegate authority to the Head of Economic Growth & Development to submit the updated Supplementary Guidance to the Scottish Government for approval and agrees that the Supplementary Guidance, upon approval, will form part of the statutory Moray Local Development Plan (MLDP) 2020 when adopted; and
- (iii) that the Supplementary Guidance will be a material planning consideration for development management purposes as of 2 July 2020.

8. Update on Children's Social Work and Criminal Justice

A report submitted by the Interim Chief Officer, Moray Health And Social Care Partnership provided a position statement on Children and Families and Justice Social Work, including an overview of the National Context; the Local Context; The Independent Care Review; the current position in Moray; rationale for transformational change; reconnecting social work; and delegation of services to Moray Integration Joint Board.

Prior to discussion of this item the Chair welcomed Simon Bokor-Ingram, the recently appointed Interim Chief Officer, Moray Health and Social Care Partnership to the meeting who thereafter introduced the report and responded to questions.

Following lengthy discussion, the Emergency Cabinet agreed to:

- (i) note the work being carried out to make improvements to the service; and
- (ii) continue with the programme which will seek agreement at a future date to delegate Children's Social Work and Criminal Justice to the MIJB (Moray Integration Joint Board).

The Chair expressed her thanks to the Chief Officer and Head of Adult Health and Social Care for the report and asked that they pass on thanks to all the Health and Social Care Teams for all they have done in what has been an incredibly difficult time for everyone which has been greatly appreciated. In particular she thanked the Chief Officer, who had only taken up the post at the beginning of the outbreak, for his pace and enthusiasm and looked forward to working with him for the remainder of his secondment.

9. Unaudited Accounts for 2019-20

A report submitted by the Depute Chief Executive (Economy, Environment And Finance) asked the Emergency Cabinet to consider and approve the unaudited Annual Accounts for the year to 31 March 2020 for both the Moray Council and the Connected Charity Trust Funds administered by the Council.

Prior to discussion the Head of Financial Services advised that the reporting of the accounts had been delayed as a result of resource issues arising from COVID-19 lockdown restrictions, and outlined some amendments to the report, in particular in

relation to the recommendations which should read that the Cabinet approve rather than note both the Unaudited Accounts and the Connected Charity Trust Funds Trustees' Report. She advised that the Connected Charity Trust Funds Report would normally have been circulated to members prior to the meeting, but had not, however the information needed to approve the report was contained within the main committee report and that she would circulate a full copy to members following the meeting. She outlined a further amendment in regard to the figure at para 3.15 of the report relating to free reserves which should read £14.639M.

She further advised that the governance statement which was currently out for consultation and management commentary, which was yet to be drafted due to the lateness of the preparation of the accounts, would be included within the final document for submission to the Auditor.

In terms of the covering report she advised that this concentrated on key headline figures and in respect of this she referred to para 3.15 of the report in relation to the balance of free reserves which had been estimated in March 2020 at £10M and which was now £14.639M. She advised that there would normally be a report accompanying the accounts on variances but due to time pressures this had not been possible to prepare. She further advised that a report would be brought to a future meeting on the use of reserves.

During discussion Councillor Alexander asked if further information could be provided in regard to the compulsory redundancies as he had thought that the Council had avoided having any compulsory redundancies.

In response the Depute Chief Executive advised that there are a number of situations that may arise which would result in redundancy other than as a result of the budget but would need to investigate the circumstances surrounding each case.

Councillor Leadbitter stated that the issue of no compulsory redundancies had been subject to a vote by the Council which had resulted in the option of compulsory redundancy remaining as a tool officers could use. He stated that a lot of work had been undertaken to minimise this through redeployment which had resulted in the numbers being significantly lower than first feared and it would be interesting to see the information from HR and the circumstances relating to the redundancies.

Councillor Gatt in referring to the list of assets held by the Common Good funds, asked whether it would be possible that these could be set out in a clearer way showing each area's common good assets, what the income was and what the outgoing was, for example in relation to the Cullen Common Good it was not possible to identify the income received from the sale of the Cullen Town Hall.

In response the Head of Financial Services advised that it was not possible to show income from the sale of assets under the common good as the movement of assets from property to liquid does not show as income as it is not disposable income, however she suggested that some form of informative note could be added to the end of the more detailed accounts to be produced which do relate to the disposable income of the common good.

In response to a further question from Councillor Gatt regarding the ownership of Victoria Park, the Head of Financial Services advised that she would check and advise him accordingly.

Thereafter the Emergency Cabinet agreed to:

- (i) approve the unaudited Annual Accounts for Moray Council for the year ended 31 March 2020;
- (ii) approve the Moray Council Connected Charity Trust Funds Trustees' Report and Financial Statements for the year ended 31 March 2020;
- (iii) note that a report on the use of reserves would be brought to a future meeting,
- (iv) further detailed information relating to the compulsory redundancies be sought from HR and circulated to members, and
- (v) information relating to the sale of common good assets be included as a footnote to the more detailed accounts relating to common good funds.

10.2020-21 Capital Plan Update

A report submitted by the Depute Chief Executive (Economy, Environment And Finance) updated the Cabinet on the Capital Plan for 2020/21 and future ten years and asked the Cabinet to approve amended Capital expenditure for 2020/21 and detailed expenditure on areas falling within the remit of the Economic Development and Infrastructure Services Committee.

Following consideration the Emergency Cabinet agreed to:

- (i) approve the amended Capital expenditure for 2020 / 21 as set out in the revised indicative ten year capital plan in APPENDIX 1 of the report;
- (ii) approve the detailed expenditure on areas falling within the remit of the Economic Development and Infrastructure Services Committee as set out in APPENDICES 2 to 5 of the report; and
- (iii) note that a more detailed review of the Capital Plan will be conducted and presented to Committee in December.

11. Financial Planning

A report submitted by the Depute Chief Executive (Economy, Environment And Finance) informed the Cabinet of the current position regarding financial planning during the COVID-19 pandemic, and set out the issues facing the Council in terms of managing its budget during 2020/21 and recommended actions to be taken to advance financial planning for 2020 onwards. The report also made recommendations in regard to managing the Council's debts as we move out of lockdown.

Following consideration the Emergency Cabinet agreed to:

- i. note the first, high-level estimate of the full financial year impact of the response to the pandemic as set out in Appendix 1 of the report and the approach to short term financial planning as set out in paragraphs 3.8 to 3.11 of the report, and
- ii. approve the recommencement of debt management process as described in paragraphs 3.12 to 3.15 of the report, with immediate effect.

12. Capital Plan 2019-20

A report submitted by the Depute Chief Executive (Economy, Environment And Finance) informed the Cabinet of the expenditure to 31 March 2020 under the capital plan for financial year 2019/20 and to recommend budget adjustments for inclusion in the 2020/21 Capital Plan and future years. The report also asked the Cabinet to approve carry forwards to 2020/21 and future years.

Following consideration the Emergency Cabinet agreed to:

- (i) note the expenditure to 31 March 2020 of £56,728,000 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 2020/21 and future years totalling £10,486,000 as detailed in Section 5 of the report.

13. Trust Funds – Summary Expenditure for 2019-20 and Estimated Disposable Income for 2020-21

A report submitted by the Depute Chief Executive (Economy, Environment and Finance) informed the Emergency Cabinet of the disbursements made from Trusts in 2019/20 and asked the Cabinet to agree the estimated disposable income available for disbursement in 2020/21.

During discussion Councillor Gatt asked whether the limit relating to the dispersal of funds could be removed from those where the income was less than £50 which in turn would allow for those smaller funds to be closed.

In response the Head of Strategy, Governance and Performance advised that it would be reasonable to review this and would look into the matter.

In response

In response to queries raised by Councillor Feaver the meeting noted that information would be circulated to members in relation to how the proceeds from

the sale of Logie Cottatge would be dispersed and that the Head of Financial Services would look into the issue of how to publicise more widely the details and objectives of Donald Manson Trust Fund.

Following consideration the Emergency Cabinet agreed to:

- (i) note the disbursements made from the Trust Funds in 2019/20, as detailed in Appendix 1;
- (ii) the estimated income available for disbursement in 2020/21, as detailed in Appendix 2 of the report.

14. Common Good Funds

A report submitted by the Depute Chief Executive (Economy, Environment and Finance) informed the Cabinet of the final position of Common Good Funds at 31 March 2020 and the estimated income available for disbursement in 2020/21. The report also asked the Cabinet to approve carry forward of undisbursed balances for 2019/20 to be made available in 2020/21 and approve the estimated income available for disbursement in 2020/21.

During discussion Councillor Gatt asked whether the information relating to deficit and income respectively could be combined into a single appendix as he found the current format confusing where information was spread across two separate appendices. He further asked whether some explanatory notes could also be included to provide information relating to the various income streams for example.

In response the Head of Financial Services advised that both appendices could be combined in future.

Councillor Feaver stated that there was currently no indication within the annual accounts that showed how much individual organisations were receiving from common good funds and asked if there was a possibility of making the accounts more transparent by showing this type of information.

In response the Head of Financial Services advised that the accounts were laid in terms of the Council's statutory requirements and should not show individual arrangements but would give consideration to the point raised as to how this may be addressed within the management information that is provided to Members.

Thereafter Cabinet agreed to:

- (i) note the disbursements approved for 2019/20 for each of the Common Good Funds shown in Appendix 1 of the report;
- (ii) approve the carry forward of the undisbursed balances for 2019/20 for the Buckie, Dufftown, Elgin, Forres, Portknockie and Keith Funds to be made available in 2020/21;
- (iii) the estimated Income available for disbursement in 2020/21 shown in Appendix 2 of the report, and
- (iv) note the Common Good fund asset registrar shown in Appendix 3 of the report.

15. Revised Committee Timetable – September 2020 – February 2021

Under reference to paragraph of the minute of the meeting of Moray Council dated 17 June 2020, a report by the Depute Chief Executive (Education, Communities And Organisational Development) asked the Emergency Cabinet to consider and agree the revised committee calendar.

During discussion the Chair asked that the meetings of the Moray Integration Joint Board (MIJB) be included in the calendar as this would be helpful for Members.

Following consideration the Emergency Cabinet agreed the revised committee calendar as set out in Appendix 1 of the report with the addition of the MIJB.

16. Meeting Request - RAF Lossiemouth Update

Councillor Gatt referred to the previous discussions relating to the issues raised in regard to workers employed at RAF Lossiemouth and to a press release just issued from the contractor Voker Fitzpatrick which he stated goes some way to putting minds at ease with the situation regarding the workers who had allegedly possibly had contracted COVID-19. He stated that he welcomed the press release which should provide the community with some confidence as to how the health and safety of the workforce at RAF Lossiemouth is managed. He further referred to the fact we live in an age of social media where everything is made public and urged everyone to take care when posting information to ensure that it is 100% fact and this was particularly important when referring to somewhere like RAF Lossiemouth which represents a large part of the economy of Moray.

Councillor Cowe in agreeing with Councillor Gatt's comments regarding the importance of RAF Lossiemouth to the Moray economy, further stated that in addition to the press release, he had received an email from Douglas Ross MP which had been sent to all the Heldon and Laich Councillors which stated that he was having extensive discussions with the government minister Jeremy Quinn MP in charge of the improvement project and that he had agreed a request for a virtual meeting on Thursday 2 July with all the local elected members and members of community groups in the area. Councillor Cowe stated that he would still wish the meeting previously agreed by this meeting go ahead.

In response the Chief Executive advised that during the course of this meeting he had had a telephone conversation with the Station Commander RAF Lossiemouth which echoed all that Councillor Cowe had stated and it was his understanding that there will indeed be a zoom meeting on Thursday 2 July at 09.30 am hosted by the appropriate government minister. He further advised that he would be liaising during the course of the afternoon at the request of the Station Commander with Mrs Sarah Evans in regard to who should be participating in that meeting and it was his understanding that it is cross party Councillors and appropriate community representatives.

17. Question Time

Councillor Feaver asked, in light of the items that are of public interest which will be discussed in private following this meeting on the opening of toilets, economic

development recovery and charging of car parking, why is so much of ongoing council business is being discussed in private by the Sounding Board rather than as information items to the Emergency Cabinet which would allow public and press scrutiny and demonstrate a degree of democracy?

In response the Depute Chief Executive (Economy, Environment and Finance) advised that it was simply a reflection of the fact that as the Council entered the pandemic, the Council's response and more recently the recovery processes, have been channelled through the Council's Recovery and Renewal Management Team and issues which have been judged higher risk where Members input is required are then fed through the Sounding Board process. She further referred to the governance around that process which had been subject to previous debates by the Council. She further advised that many of the recovery issues are based around operational matters which can be discussed more appropriately in the Sounding Board context rather than at committee which should not be getting into operational details such as what cleaning products are in place etc. The use of the Sounding Board was not in any way intended to constrain transparent public debate.

The Chief Executive advised that it has been about striking a balance between what needs to be done operationally and what Councillors need to be involved in. He referred to a recent paper which summarised the situation across Scotland in terms of the balance of decision making through democratic processes and decision making through emergency powers and that Moray was in the top 3 in terms of that balance. He further advised that all the decisions that are being taken are within the bounds of the Council's own policies and some of the wider legislation which the Council is required to respond to in terms of the ongoing COVID-19 situation and hoped that this provided the assurance that Councillor Feaver was seeking that everything is being done to get the public toilets, car parking and a whole range of services back up and running as soon as possible. He further advised that in respect of the Lands and Parks services and those within Direct Services were almost recovered in terms of operating and that hopefully the public is reassured by that also.

In response Councillor Feaver stated that she had little to add to what had been said other than the fact that the Sounding Board is discussing ongoing council business and not, in her opinion, emergency business in confidence where the public can have no say.

In response the Council Leader stated that he took issue with the inference made by Councillor Feaver that the operation of the Sounding Board was undemocratic as the decision to form the Sounding Board was taken by the full council, the review of its continuation was also by taken by the full council and on both occasions followed a democratic vote with the majority decision to continue with both the Emergency Cabinet and the Sounding Board. He further stated that this was the democratic decision of the Council which has put in place review processes which have been, and will continue to be, adhered to and Members will be given the opportunity to express a view on whether they want these to continue or not.

Councillor Alexander asked if the Council Leader had received a response or acknowledgement from the Chancellor of the Exchequer to the letter he had sent some time ago?

In response the Council Leader stated that he had received a comprehensive response from the Scottish Government Cabinet Secretary for Finance Kate Forbes MSP which he had been hoping to circulate along with a response from the Chancellor but had not yet received a response from him. However, he would now circulate the response from Kate Forbes MSP and will await a response from the Chancellor.

**NOTICE OF MOTION – MORAY COUNCIL EMERGENCY CABINET 12 AUGUST
2020**

Since the First Minister has urged Scots to ‘staycation’ there has been a well-publicised pressure on tourist hot spots.

Cragganmore campsite on the Speyside Way, despite being officially closed, is still being used by visitors. As a consequence of there being no toilet facilities open, there have been hygiene issues regarding human waste in and around the campsite.

For health and safety reasons, the campsite AND the toilets at this tourist hotspot need to be opened as a matter of urgency.

The proposal is that these facilities are opened as soon as possible and remain open until the end of October 2020.

Proposer: Cllr Derek Ross

Seconder: Cllr Walter Wilson



REPORT TO: MORAY COUNCIL EMERGENCY CABINET ON 12 AUGUST 2020

SUBJECT: NATIONAL EDUCATION PRIORITIES – EXCELLENCE AND EQUITY

BY: DEPUTE CHIEF EXECUTIVE (EDUCATION, COMMUNITIES AND ORGANISATIONAL DEVELOPMENT)

1. REASON FOR REPORT

- 1.1 To advise Cabinet on the National Improvement Framework plan return which is submitted to the Scottish Government in August each year.
- 1.2 This report is submitted to the Emergency Cabinet following a decision of Moray Council on 17 June 2020 to convene a meeting of the Emergency Cabinet as and when required until a new simplified Committee structure commences on 2 September 2020, due to the COVID-19 pandemic.

2. RECOMMENDATION

2.1 It is recommended that Emergency Cabinet:

- (i) scrutinises and notes the contents of the report; and
- (ii) agrees the annual National Improvement Framework (NIF) return to be submitted to Education Scotland on 24 August 2020.

3. BACKGROUND

- 3.1 The First Minister launched the Scottish Attainment Challenge (SAC) in February 2015 to achieve equity in Educational outcomes for all children and young people irrespective of their economic background. It is underpinned by the NIF, Curriculum for Excellence (CfE) and Getting it Right for Every Child (GIRFEC).
- 3.2 A report outlining the SAC and the then draft NIF was presented to Children and Young People's Services Committee on 9 December 2015 (para 8 of the minute refers).

4. STANDARDS IN SCOTLAND'S SCHOOLS ACT

- 4.1 The NIF for Scottish Education was launched by the First Minister in January 2016. The Framework supports Scottish Government ambition to achieve excellence and equity for every child in Scotland and builds on the Raising

Attainment for All agenda. Importantly it places a legal duty on local authorities to actively address the poverty related attainment gap.

The NIF identifies 4 key priorities for action:

- Improvement in attainment, particularly literacy and numeracy;
- Closing the attainment gap between most and least disadvantaged children;
- Improvement in children and young people's health and wellbeing; and
- Improvement in employability skills and sustained, positive school leaver destinations for all young people.

The Framework is underpinned by a series of new planning and reporting duties designed to support transparency and accountability. These legal duties have been integrated into the Standards in Scotland's Schools etc. Act 2000 through amendments contained in Part 1 of the Education (Scotland) Act 2016.

- 4.2 The Scottish Government has published statutory guidance to support education authorities to carry out the new legal responsibilities.
- 4.3 The statutory guidance clarifies how the 2000 Act has been amended through the 2016 Act in order to:
- impose duties on education authorities to enhance equity and promote a reduction in inequalities of educational outcome experienced by pupils as a result of socio-economic disadvantage;
 - impose a duty to secure improvement in the quality of school education with a view to achieving the strategic priorities of the NIF; and
 - impose duties in relation to annual planning and reporting and annual school improvement planning
- 4.4 A revised approach to planning and reporting based on NIF priorities was introduced in order to improve the quality of information to:
- children, young people, parents and carers;
 - support education authorities and Community Planning Partnerships in planning and delivering services; and
 - support the development of national education policy
- 4.5 School improvement plans (SIP) should be informed by the priorities of:
- the NIF;
 - the appropriate Local Authority strategic plans (Corporate Plan, Moray Children's Services Plan and the Education Strategic Plan); and
 - the priorities of the school community plan.

The process should be underpinned by consultation and engagement with stakeholders.

- 4.6 SAC and PEF plans are incorporated within the school improvement planning documentation thereby reducing the need for additional bureaucracy and

considering workload. The advice and guidance to schools on plans was approved by the Local Negotiating Committee for Teachers and is updated on a yearly basis. PEF planning must be aligned to pupils, levels of attainment and the impact of this has to be in measurable outcomes for children and young people. This is a key focus during an inspection of a school for Quality Indicator 3.2 Raising attainment and achievement. Headteachers are allocated PEF to use knowing the context of their school, community and learners, making local decisions which make a difference.

5. PROGRESS, PLANS AND REPORTING

- 5.1 The draft Education Strategic Plan 20-23 which was scheduled for Committee prior to the Covid pandemic, but will now come forward for formal consideration by Committee in September 2020 outlines the priorities and actions necessary to improve outcomes across Education. The previous Schools and Curriculum Development Plan 2018-21 progressed improvement activities across 6 key areas and the evidence gathered to produce the department's Standards and Quality Report has been used to provide the necessary evidence for the NIF return. Key progress in each area is:

- 5.2 Improvement in attainment, particularly literacy and numeracy

Overall, good progress has been made over the course of the year with improvements across the Broad General Education. An improving four year trend in Achievement of a Level (ACEL) data as previously reported to Children and Young People's Services Committee. In most areas, we are now reaching National averages as well as National Improvement Framework (NIF) stretch aims. Progression in attainment between Early and First level continues to be a focus area for our Primary Schools and in particular, with Writing. Using relevant Central Officers and data analysis, we will target relevant support and challenge to particular schools, implement interventions and monitor progress. This will include development of core progressions, engagement with relevant strategies and continued focus on moderation, tracking and monitoring. This will also be a focus at Head Teacher meetings.

At fourth level, attainment is variable across the four year period with particular gaps emerging for Reading. Robust planning and assessment opportunities will be introduced along with bespoke literacy and numeracy periods across the BGE. Curriculum groups will support development of interventions to be further implemented, increased cross-sector moderation and extending use of attainment data sets through personal learning opportunities.

In Senior Phase, achievement in literacy for leavers at levels 4 and 5 has improved from previous years and is broadly in line with national comparators; for Numeracy, attainment at levels 4 and 5 has improved for leavers from previous years and at level 5, is a four year high. There has been focused work to improve literacy and numeracy to close identified gaps previously evident. Restructure of the Secondary School week has enabled flexibility to provide additional Literacy and Numeracy periods in the Senior Phase to ensure learners have access to opportunities to achieve at the highest levels. This is also being aided by an improving overall trend in BGE Literacy and Numeracy attainment. Schools have benefited from a wide range of data to

support a more rigorous scrutiny of performance in addition to improved school tracking of literacy and numeracy across Moray. We will continue to focus on maximising improvement of attainment for all learners at point of exit.

As schools return in August, there will be a focus on assessing children's progress and learning during lockdown and determining emerging gaps in literacy, numeracy and other curricular areas. This will be vital work in order to support further progress in this area.

5.3 Closing the attainment gap between most and least disadvantaged children

Overall, some progress has been made in order to close the poverty related attainment gap and address aspects of rural inequity. Progress in this area has been hampered by changes in our allocated Education Scotland Attainment Advisor and ongoing issues with balancing use of Pupil Equity Funding (PEF) with the identified cohorts. For example, pupils may be entitled to Free School Meals but may not be in SIMD 1 or 2 and as a result our gaps are not always with the most disadvantaged children. As Moray is not a Scottish Attainment Challenge authority, we do not benefit from additional monies which can provide a strategically sustained approach across the authority. For some schools, the amount received is decreasing and is not able to provide the impact expected. Next steps include a more strategic input from our Attainment Advisor along with a baseline data set for all schools in order that targets can be set. For a number of learners, the effects of disengagement from formalised learning are as yet unknown and this will have an impact on emerging gaps. This will be a key area of focus and relevance as schools reopen, post Covid-19.

5.4 Improvement in children and young people's health and wellbeing

Overall, schools are embracing the Moray approach to Relational Schools underpinned by a rights based education philosophy. Good progress has been made in reviewing Child Planning processes to support learner health and wellbeing through an increase in multi-agency working. Implementation during Covid-19 lockdown of a multi-agency Connect approach has led to a greater understanding of the support available to children within single agencies and across Moray. Supporting a number of vulnerable children within Childcare Hubs has enabled us to monitor wellbeing and support learning in order to mitigate some of the potential negative aspects of health and wellbeing while supporting families. Our data tells us that exclusions have reduced at both Primary and Secondary levels, resulting in better attendance and readiness to learn. Our priorities moving forwards are being determined by the Realigning Children's Services which includes the Mental Wellbeing of teenage girls in particular. Wellbeing will be a particular focus as schools reopen.

5.5 Improvement in employability skills and sustained, positive school leaver destinations for all young people

Positive leaver destinations (S4, session 2018/2019) were particularly positive at 97%. This has been aided by successful Pathway Planning meetings across all schools in Moray. Unfortunately, the overall leaver destinations

figure was disappointing for this session due to lapses in the recording of leaver destinations which is used to calculate overall statistics. Steps have already been taken to improve this through the implementation of a more robust method of data gathering and input to National data banks. Senior Leaders in Secondary Schools have taken a proactive approach in overseeing and managing this process alongside a more robust partnership with Skills Development Scotland. We anticipate an improvement in our overall leaver data when this becomes available in February 2021. We will continue this process along with a revised rationale for Pathway Planning which will begin in August 2020.

- 5.6 This year due to the COVID-19 pandemic there is an additional section to the NIF return to provide evidence of work during school lockdown and preparations and plans for school recovery.
- 5.7 The NIF return is submitted to the Scottish Government in August each year by a return to Education Scotland in a template provided for this purpose. The first part is school's own self-evaluation against three key quality indicators as seen in **Appendix 1**.
- 5.8 When comparing the self-evaluation gradings from last year's return to this, the following changes have been identified:

Quality Indicator	Improved	Maintained	Decreased
1.3	16	34	3
2.3	10	37	6
3.2	6	41	6

The School quality improvement team scrutinise the gradings and have confirmed that these are accurate. Some are as a result of Education Scotland Inspection processes. Although the aim is to improve standards, where there has been a decrease in a grading this is evidenced in each school and normally due to changes in staffing, leadership or instability in each area. School improvement plans identify priorities for improvement and the progress with these are monitored and scrutinised by the quality improvement team. Visits and the format of them are adapted in order to add additional challenge where necessary or to provide greater support to a school. Where gradings have improved, this is as a result of improvement

- 5.9 A summary of the number of schools who have graded themselves according to the 6 point scale for each quality indicator is:

Grading	Quality Indicator/No of Schools Evaluating the grading		
	1.3	2.3	3.2
1	nil	nil	nil
2	nil	1	1
3	22	26	30
4	19	18	20
5	12	8	2
6	nil	nil	nil

The gradings are:

- 1 unsatisfactory
- 2 weak
- 3 satisfactory
- 4 good
- 5 very good
- 6 excellent*

* excellent gradings can only be awarded by Education Scotland and not as part of a school's self-evaluation

- 5.10 The final part of the return is an evaluative report against each area of the NIF in **Appendix 2**. This must be sent to Scottish Government by the end of August.

6. SUMMARY OF IMPLICATIONS.

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

This report relates the priority 'Provide a sustainable education service aiming for excellence' from the Corporate Plan and to 'Building a better future for our children and young people in Moray' from the LOIP.

(b) Policy and Legal

The Education Act and Standards in Scotland's Schools Act have been adhered to.

(c) Financial implications

The cost of all improvement actions are undertaken within schools existing budgets, the central education budget and any additional funding through PEF funding streams.

(d) Risk implications

Risks are related to any inability to raise standards or improvements in relation to the NIF priorities and aims of the PEF. The impact of COVID-19 lockdown and school closures are not yet known and how this will influence improvement in outcomes for children and young people across Moray as well as any impact on their health and wellbeing.

Staffing has continued to create challenges, particularly at Senior Leadership level with several posts re-advertised on various occasions prior to appointment. Across Secondary Schools, we continue to have difficulty in filling posts across Maths, English, Science, Computing, Home Economics and Technical. This has a great impact on stable learning and teaching, and attainment. During Covid-19, there was period where recruitment processes stalled and this has impacted on

the appointment of several Head Teacher posts which will be advertised in August.

Delays to new build schools (Linkwood Primary School and Lossiemouth High School) and major works planned for the learning estate has a negative impact on accommodating pupils in positive learning environments.

Being a small local authority, with a small Central Team, this restricts the ability to take forward a wide range of strategies to drive improvement. With the increased expectations on Head Teachers and Senior Leaders to prioritise remote learning during Covid-19 and to plan for school recovery as well as future contingencies, their capacity to support system leadership has been adversely affected.

Normal School Improvement Planning processes have been affected with plans adjusted for remote learning and initially planning for contingency with a further change to an expected 100% return. School Improvement activities will be adversely affected by this and the capacity to support strategies to raise attainment will be impacted upon. Statutory requirements including gathering and submitting Achievement of a Level (ACEL) data have been suspended.

The immediate effect of the cancellation of this session's SQA examination diet is as yet unknown. However, this will have a wider ranging impact on Senior Phase pupils and will continue for session 2020/2021 with an almost certain alteration to next session's examination diet 2021.

Should there be a spike in Covid-19 cases, this may result in local school closures and interrupted learning or a return to National lockdown. This will further impact on our ability to improve.

(e) Staffing implications

None arising directly from this report although the ongoing impact of COVID-19 may affect staffing across Education in the months ahead.

(f) Property

Property issues may arise as we implement return to schooling with strict adherence to social distancing as well as ensuring that schools are maintained to the correct levels of health and safety and cleaning requirements to keep staff and children safe.

(g) Equalities

None arising directly from this report

(h) Consultations

Depute Chief Executive (Education, Communities and Organisational Development), Head of Education Resources and Communities, Senior Education Officers, the Senior HR Adviser, Paul Connor, Principal Accountant, Tracey Sutherland, Committee Services Officer, and the Equal Opportunities Officer have been consulted and are in agreement with the contents of this report as regards their respective responsibilities.

7. CONCLUSION

7.1 Cabinet is asked to review the evidence provided in the NIF return documents and agree the submission to the Scottish Government.

Author of Report: Vivienne Cross (Head of Education, Chief Education Officer)

Background Papers:

SEED No.	School Name	Primary	Secondary	Special	SIMD	School QI 1.3 Leadership of Change	School QI 2.3 Learning, teaching and assessment	School QI 3.2 Raising attainment and achievement	Additional Comments
					Proportion of pupils who live in 20% most deprived datazones in	Use numbers 1-6 (see guidance)	Use numbers 1-6 (see guidance)	Use numbers 1-6 (see guidance)	For example, where a school has closed or merged.
5208734	Buckie High School		✓		0%	3	3	3	
5206324	Cluny Primary School	✓				4	4	4	
5206928	Cullen Primary School	✓				4	5	4	
5207126	Findochty Primary School	✓			*	4	4	4	
5206421	Millbank Primary School	✓				3	3	3	
5208025	Portessie Primary School	✓				3	4	3	
5208122	Portgordon Primary School	✓				3	3	3	
5208327	Portknockie Primary School	✓				3	3	3	
5206529	St Peter's RC Primary School	✓				3	3	3	
5202736	Elgin Academy		✓		0 - <5%	4	4	3	
5200423	Bishopmill Primary School	✓			*	4	3	4	
5200822	East End Primary School	✓				3	3	3	
5201020	Seafield Primary School	✓				3	3	3	
5201128	St Sylvester's RC Primary School	✓			*	4	3	4	
5201225	West End Primary School	✓				3	3	3	
5210038	Elgin High School		✓		5 - <10%	3	3	3	
5209927	Greenwards Primary School	✓			*	3	3	3	
1003674	Linkwood Primary School	✓			*	5	4	4	
5202426	Mosstowie Primary School	✓				4	4	4	
5202523	New Elgin Primary School	✓			10 - <15%	5	4	4	
5203031	Forres Academy		✓			4	3	3	
5200326	Alves Primary School	✓				5	5	5	Education Scotland Inspection - March 2020
5201322	Anderson's Primary School	✓				4	4	4	
5201527	Applegrove Primary School	✓				3	3	3	
5200628	Dallas Primary School	✓				5	5	4	
5200725	Dyke Primary School	✓				5	4	4	
5201721	Kinloss Primary School	✓				4	4	3	
5202027	Logie Primary School	✓				5	5	5	
5210127	Pilmuir Primary School	✓				3	3	3	
5208831	Keith Grammar School		✓			4	3	3	
5206227	Botriphnie Primary School	✓				5	5	4	
5206820	Crossroads Primary School	✓				3	3	3	
5207525	Keith Primary School	✓				3	3	3	
5207924	Newmill Primary School	✓				5	5	4	
5208424	Rothiemay Primary School	✓				3	3	3	
5207622	St Thomas RC Primary School	✓				3	2	2	Education Scotland Inspection - February 2020
5203139	Lossiemouth High School		✓			4	3	3	
5200520	Burghead Primary School	✓				3	3	3	
5201624	Hopeman Primary School	✓				5	4	4	
5202124	Hythehill Primary School	✓				4	4	3	
5202221	St Gerardine Primary School	✓				5	5	4	
5202930	Milne's High School		✓			5	4	4	
5201926	Lhanbryde Primary School	✓				3	3	3	
5202825	Milne's Primary School	✓				4	3	3	
5202329	Mosstodloch Primary School	✓				3	3	3	
5208939	Speyside High School		✓			4	4	4	
5209722	Aberlour Primary School	✓				3	3	3	
5206723	Craigellachie Primary School	✓				4	3	3	
5207223	Glenlivet Primary School	✓				4	4	4	
5201829	Knockando Primary School	✓				3	3	3	
5207827	Mortlach Primary School	✓				4	4	4	
5202620	Roths Primary School	✓				4	4	4	
5209234	Tomintoul Primary School	✓				5	5	4	
					Overall	4	4	3	



National Improvement Framework for Scottish Education Education Scotland Data Gathering Exercise 2020

Self-evaluation Excel spreadsheet

For each school please provide evaluations, as at June 2020, against the three following quality indicators from *How Good is our School?* 4:

- 1.3 Leadership of change
- 2.3 Learning, teaching and assessment
- 3.2 Raising attainment and achievement

For each school, please provide a rating for each quality indicator on the numerical scale below (these options are in a dropdown list on each cell, please use whole numbers only, any decimals will be rounded down). In most cases this may be lifted from data you already hold centrally or from your schools' standards and quality reports.

6	Excellent
5	Very good
4	Good
3	Satisfactory
2	Weak
1	Unsatisfactory

National Improvement Framework for Scottish Education- NIF Return 2020

Priority: Improvement in attainment, particularly in literacy and numeracy

	Successes and impact	Challenges and Next steps
<p>Please highlight successes, challenges and next steps relating to improvement in literacy and numeracy in your local authority. This should be high-level and evaluative in nature.</p> <p><u>Prompts</u></p> <ul style="list-style-type: none"> • Key areas of interventions/actions which have had the biggest impact on improving literacy and numeracy. • Professional learning opportunities which have had significant impact on the skills and competences of school leaders and teachers. • How is data being used to inform next steps for improvement? • Family learning programmes which have been specifically targeted to improve literacy and numeracy. 	<ul style="list-style-type: none"> • Targeted Literacy interventions – emerging literacy across ELC and all schools, positive impact on majority of schools • Targeted Numeracy interventions – SEAL maths, Numicon – improved targeted assessment and resulting interventions to close attainment gaps • Moray Maths Conference with national speakers and follow-on “Teach meets” with Northern Alliance/Education Scotland – greater staff confidence, sharing practice and introduction of new approaches to delivery of maths across Moray • Working in partnership with Education Scotland and Northern Alliance Numeracy leads, target Secondary schools identified with practice development visits – actions identified and implemented • Family learning programmes - families better able to support their children supported by Family Support Workers (FSW) and Home School Link Workers (HSLW) • Breakfast clubs and soft-start transition activities – increased readiness to learn and reduced late arrivals to school (improved attendance) • Whole school training in restorative approaches – improved ethos and culture and positive behaviour approaches adopted in most schools trained • Ongoing nurture provision in schools – has led to nurture school accreditation in some of our schools and wider adoption almost all of our schools 	<ul style="list-style-type: none"> • Establishing a shared understanding of what Achievement of a Level looks like across all curricular areas needs in order to raise attainment in line with National averages • Embedding the use of the Moray Tracker in all schools will help inform staff to ensure that pupils make the best possible progress as they move through school. Tracking of wider achievements and successes will provide a more holistic picture of a pupil's learning experiences across Moray • Continue to develop the use of robust attainment information to identify gaps and to effectively plan learning which meets the needs of all learners • Ongoing data driven focus to identify areas for professional learning in schools • Redevelopment of assessment and moderation in line with local and national interpretation of good practice and expectations • Consolidation of the ESO L&T role to support work on literacy and numeracy development – progressions, benchmarks, assessment frameworks and planning guidance and pedagogy developments

	<ul style="list-style-type: none"> • Head Teacher meetings with focus on raising attainment and interventions for literacy/numeracy/pedagogy – altered approaches to curriculum and delivery of learning and teaching • Professional Development Workshops – linked to all areas of our Strategic Plan and including a focus throughout on improving outcomes (supported by wider partners) • Improving 4 year trend in ACEL data for 2016-2019 in both Literacy and Numeracy for primary which was the 4 year collection period for SG • Within the senior phase, achievement in literacy for leavers at Levels 4 and 5 has improved from previous years and is broadly in line with national comparisons; for numeracy attainment Levels 4 and 5 have improved for leavers from previous years and at level 5 is a four year high for leavers in session 2018/19 • Tracking and monitoring of literacy and numeracy in the senior phase has been developed to measure progression and attainment through interventions 	<ul style="list-style-type: none"> • Schools need to ensure that they are looking closely at tracking and monitoring data to improve interventions in order to raise attainment • A regular and robust review of the senior phase in secondary schools should include Associated Schools Groups improvements to support the success of pupils in Mathematics particularly in Higher/National 5 Mathematics • Embedding Our Moray Standard for learning and teaching to ensure high quality learning experiences for all supported by ongoing CLPL
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National Improvement Framework for Scottish Education- NIF Return 2020

Priority: Closing the attainment gap between the most and least disadvantaged children

	Successes and impact	Challenges and Next steps
<p>Please highlight successes, challenges and next steps relating to the extent to which your local authority is closing the poverty related attainment gap. This should be high-level and evaluative in nature.</p> <p><u>Prompts</u></p> <ul style="list-style-type: none"> Please note the interventions/actions which have had the most impact. Any joint working with partners which has had significant impact on addressing the poverty related attainment gap. 	<ul style="list-style-type: none"> Targeted Literacy interventions Targeted Numeracy interventions Family learning programmes Breakfast clubs Soft-start transition activities Whole school training in restorative approaches Family Support Workers (FSW) Home School Link Workers (HSLW) Holiday clubs The above range of activities are adopted in the majority of our schools to close the poverty-related attainment gap and address aspects of rural inequity Schools value the autonomy provided to them through PEF as it allows them to be creative and meet the needs of pupils within their local context Across Associated Schools Groups (ASGs), most schools are collaborating and sharing practice Schools are increasingly using data and baseline assessments to inform progress and impact of interventions The Education Scotland Attainment Adviser for Moray has been proactive in working with schools to maximise the impact of their PEF 	<ul style="list-style-type: none"> Improve base-line measures of interventions in order to more fully evaluate the impact of PEF on outcomes for children and young people Better targeting of PEF money is also required to close the poverty related attainment gap. Schools need to ensure that they are looking outwards to other local authorities and schools in order to share/identify where good practice is happening and have led to improvements To continue to collate and share good practice across Moray, as well as nationally At the National, Northern Alliance and Moray level more precise measures of poverty could be sought as the measures currently used do not take into account rurality or areas such as Moray which have attainment gaps in the upper deciles around decile 7. This is something that is being worked on within the Northern Alliance Addressing Poverty Work-stream.

National Improvement Framework for Scottish Education- NIF Return 2020

Priority: Improvements in children and young people's health and wellbeing

	Successes and impact	Challenges and Next steps
<p>Please highlight successes, challenges and next steps relating to measures which you have taken to develop the understanding of staff in key areas relating to health and wellbeing (processes and outcomes). This should be high-level and evaluative in nature.</p> <p><u>Prompts</u></p> <ul style="list-style-type: none"> • Training which you have provided as a local authority which has led to positive outcomes. For example- childhood adversity, child trauma, child exploitation, mental health, sexual health and relationships, bullying, nurture and Adverse Childhood Experiences. • Refer to any local authority survey data related to improvements in health and wellbeing you may have for children and young people which indicates positive outcomes. • How does your local authority ensure children and young people's views are at the centre of all stages of planning, provision and delivery of education? 	<ul style="list-style-type: none"> • Almost all pupils were able to speak about their rights with rights being embedded across the curriculum and in most schools children feel they are listened to and their opinions and ideas are acted upon – most of our schools engage with UNICEF Rights Respecting Schools as a vehicle for understanding. In Moray the number schools that have achieved the Rights Respecting School Award at the following levels are: Bronze – 16 primaries and 6 secondaries; Silver – 7 primaries and 1 secondary; Gold – 3 primaries. • Almost all children are included in the life and work of the school and are provided with a range of opportunities to develop their voice. • Across Moray, almost all learners are included and feel involved in many aspects of the life of schools. Pupils, parents and partners feel that they are treated with respect. In most schools there are effective interventions to improve attainment and achievement for children and young people from Moray's most deprived areas. In most schools staff use their knowledge of children to plan effectively to meet their needs. • The development of Child Planning Process provides a consistent recording tool for all agencies involved with young people in meeting needs and improving outcomes for our learners. • All schools undertook a survey through Realigning Children's Services which provided data as part of our Strategic Needs Analysis for the Children's 	<ul style="list-style-type: none"> • Continue to fully embed the rights agenda across our schools • Ensure consistency in procedures, relationships and behaviour utilising systems and training for staff to include our Educational Psychology Service's Building Positive Relationships training package and other identified supports • Schools and Early Learning settings should continue to develop the Health & Wellbeing delivered through the curriculum • Schools should look for more opportunities to work across the Associated Schools Groups and improve transitions with regards to Health & Wellbeing. • Schools should continue using data available to identify gaps in learning that are attributed to poverty and identify ways in which to remove barriers • Schools should continue to look for opportunities for joint Pupil Equity Funding working across Associated Schools Groups or with local comparator schools • Staff should look to increase the use of established digital forums such as Glow to share ongoing work and case studies • Embed and further develop Getting It

	<p>Services Plan identifying key areas of need, moving forwards</p> <ul style="list-style-type: none"> • Through Locality Management Groups (LMGs) we maintain a multi-agency approach to planning and intervention for our communities based on need • Moray Youth Forum ensures the voice of young people is integral to decision making and universal approaches to supporting wellbeing of young people • In most schools it was evident that ASN staff work extremely well together to support and develop the learners in line with GIRFEC and the wellbeing indicators. In most schools there is range of opportunities in and out with School to allow pupils to be included in the life and work of the school. • Almost all of our schools have participated in training to develop knowledge and understanding of wellbeing and how this can be supported and promoted, for example, Rights Respecting Schools, Zones of Regulation and Building Better Relationships programmes in partnership with Education Psychology. • In almost all schools Wellbeing and rights are evident and understood. Almost all schools demonstrate a very good understanding of the wellbeing of children and young people • Relationships across almost all schools are positive. • In almost all schools all staff and pupils demonstrate respectful behaviour and positive relationships. Staff care about the wellbeing of pupils and pupils feel listened to and valued. However, the number of incidents of exclusion has decreased over the past three years (2016/17 to 2018/19) in both primary (-33%) and secondary schools (-37%). In the same period the number of Violence and Aggression Reporting Forms filled in by members of staff has increased in both primary (+88%) and secondary (+79%) schools. Schools are working with these pupils on various alternative to exclusion 	<p>Right For Every Child (GIRFEC) processes to include robust ways of including the voices of young people and their carers/parents.</p> <ul style="list-style-type: none"> • Exclusions have shown a decreasing trend but data shows increasing reports of violence and aggression in both Primary and Secondary sectors. Further training in relational practice and needs analysis to actively support staff to maintain the decreasing trend of exclusions and reduce the incidents of violence and aggression in our schools
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	programmes to ensure minimum disruption to their education.	
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National Improvement Framework for Scottish Education- NIF Return 2020

Priority: Improvement in employability skills and sustained, positive school-leaver destinations for all young people

	Successes and impact	Challenges and Next steps
<p>Please highlight successes, challenges and next steps relating to how your local authority is developing their young workforce programme from Early Years to Senior Phase. This should be high-level and evaluative in nature.</p> <p><u>Prompts</u></p> <ul style="list-style-type: none"> Developing Young Workforce in the BGE and Senior Phase. The range of work placement opportunities schools are offering to learners. The range of models, extent of coverage e.g. all learners in secondary schools will have received work placements by the end of Senior Phase. Information on the diverse pathways on offer in secondary schools in order to broaden learner pathways. The range and quality from 'engaging' to 'influencing' of education-employer partnerships. Data including school leaver destinations, participation measure and proportion of leavers with vocational qualifications. 	<ul style="list-style-type: none"> Across 3 to 18 provision all children and young people benefit from a broad curriculum covering all curricular areas The Developing the Young Workforce (DYW) partnership approach incorporating the Moray Skills Pathway continues to be further embedded in our schools and is of national recognition Partnership event to support the review of the MSP to ensure that it is a 3-18 approach with pathways and initiatives to suit all learners and contexts with particular reference to labour market intelligence All secondary schools now have embedded pathway planning meetings to support the needs of the learners allowing for individual pathways to be supported, ensuring positive and sustained destinations The pathway planning approach provides a multi-agency position to allow for flexible and bespoke packages for our most at risk young people to gain work or further learning opportunities The 2018/19 destinations for S4 leavers were particularly positive with 97% moving into a positive destination which is in line with national and virtual comparators Successful working with SDS to ensure an improvement in our positive destination figures following 2018/19 data for all leavers was below national and virtual comparators; this was the development of an online forms and collaborative approaches to provide accurate data during the 	<ul style="list-style-type: none"> To broaden the curricular provision to meet the needs of all our learners in terms of SQA and other qualifications which are focused on opening up more diverse and relevant learner pathways in a time of budget reduction with schools being creative Consider E-sgoil to widen the number of courses open to available to learners from across the Northern Alliance by linking Moray learners and teacher to virtual classrooms Review and improve the provision from Moray College to meet the needs of learners for whom this is the best learning opportunity to achieve Development of a revised work based learning strategy to support creative use of work placement opportunities across secondary schooling Further develop the MSP across the full 3-18 range, with particular focus on primary stages Ensure skills for life, learning and work are fully embraced as a vital component of curriculum development and delivery Further develop skills progressions to ensure these are tracked across the curriculum and stages

	<p>pandemic</p> <ul style="list-style-type: none"> • The Moray Pathways programme for school leavers supports transition from school to post-school destinations • The use of the data collection as above to support curriculum development in line with labour market intelligence • Through the introduction of Foundation Apprenticeships, widening the schools' Senior Phase offer and creating more bespoke work related learning placements like Career Ready the offer of work related qualifications has broadened. • Senior pupils have a range of work based learning opportunities through formal means such as FAs and Career Ready as well as readiness for medical careers, vocational learning, DYW opportunities and interactions within our Moray Skills Pathway • In terms of the 1+2 initiative a variety of CLPL opportunities are available to upskill teachers which include twilight, ASG and online courses. The initiative is beginning to show some impact with most secondary schools showing a modest increase in uptake of modern foreign languages in the Senior Phase. • The learning from our data gathering and self-evaluation is establishing a foundation to develop a wide range of pathways, making better use of the SCQF framework 	
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Initial response to supporting children, families and school communities throughout the Covid-19 crisis		
	Successes and impact	Challenges and Next steps
<p>Please provide an initial overview around the successes of your local authority response to supporting children, families and school communities during the Covid-19 crisis.</p> <p><u>Prompts</u></p> <ul style="list-style-type: none"> • Home learning and the use of digital platforms including managing the 'digital divide'. • Identifying any groups that are being disadvantaged, particularly those in digitally excluded or marginalised households which are likely to be less engaged with home learning, and those with complex needs. • Capturing pupil voice, for example surveys about home learning. • Sharing effective practice. • Cross-sector working, for example links to charitable organisations. • Engagement with parents- supporting and seeking views. • The measures taken to support the wellbeing of staff. 	<ul style="list-style-type: none"> • BGE weekly home learning tasks and activities were set focussing on literacy, numeracy, health and wellbeing and IDL. Some schools provided family learning challenges in support of parents balancing 'working from home' commitments with home schooling • Guidance issued to schools in support of care and learning for all learners with further guidance issued to Childcare Hubs • Physical packs were provided for families where necessary, ensuring equity for all learners • A pro-forma 'My Learning Diary' was issued to capture learning, knowledge development, experiential learning and wider skills development • Early years retained focus on play pedagogy and a key programme of professional learning with staff across early level continued throughout the remote learning period with staff trained across Moray – attainment remains a key priority area • In the absence of one universal digital solution, learners engaged with learning across a range of platforms already in use. This changed as the lockdown continued with the use of Microsoft Teams and Google Classrooms within Glow emerging as the most commonly used digital platforms • Over 80 iPads, 400 laptops and 30 Wifi connections were distributed to families to ensure digital equity across moray in support of blended learning approaches • Connect team service established to model relational practice, offer support to vulnerable families and minimise the impact of isolation, trauma, loss and change – signposted to a number of supports and also interventions eg wellbeing walks, phone calls etc • Multi agency screening hub (MASH) introduced as escalation from connect – SW referrals to childcare hub, 	<ul style="list-style-type: none"> • Following National Guidance and implementing local strategies to support this • Planning for the unknown if there is a spike in Covid-19 cases locally or nationally requiring further local response • Assessing where learners are in learning and identifying attainment gaps • Supporting wellbeing for all moving forwards in an uncertain climate • Supporting staff personally and professionally through a period of constant change (and supporting anxiety) • Blended learning guidance • Live learning guidance and training support • Maintaining the positive engagement with online platforms • Pressure of heightening scrutiny, locally and nationally while recovering from Covid-19 • Gathering baseline assessment of progress during lockdown to enable continuation of raising attainment • Preparing Senior Phase learners for an unknown SQA diet 2021 and readiness for undertaking formal examinations • Ensuring enough devices at

	<p>Moray Resilience team, third sector input etc</p> <ul style="list-style-type: none"> • Head Teachers and central officers have proactively engaged and shared practice and knowledge – through weekly brief and other means - including feedback from learners and parents to shape up and understanding and picture of how Moray staff and families have been affected at this time • During Covid-19 we undertook online e-form surveys with our schools, learners and their parents. All schools embraced virtual learning platforms and professional learning required for upskilling by practitioners in a very short time • Microsoft Teams were embraced by 70% of our schools with Google Classrooms embraced by 36% (practitioner choice of platform). Other schools used a mix of GLOW tools (including blogs), schools websites and other provider apps. 94% of our schools issued paper based packs/resources to identified families requesting and requiring these to ensure inclusion and equity for all, with teaching and support staff often performing ‘doorstep drops’ of paper packs as part of their own daily exercise • Overall, we reported 68% engagement in remote learning at a peak (beginning of June 2020) with reductions as the month continued • Our Moray Learner questionnaire received 1,873 responses with 73% of learners believing they were receiving the right amount of work and 20% believing they were receiving too much work. Over 81% of learners responding believed work was of the right level or offering challenge. 91% of learners received work daily, weekly or more than once a week with 69% of learners either unphased or having enjoyed learning at home during Covid-19 • Of 1206 parent survey responses, most found the experience positive initially with time to spend with family, but tricky balancing home learning commitments and concerns around wider wellbeing and socialisation for their children and young people. Most parents were 	<p>school once learners return</p> <ul style="list-style-type: none"> • Planning for local lockdown • Ensuring workforce planning throughout the session ahead • Development of Digital strategy in line with Scottish Government grant to support digital inclusion • Producing: Head Teacher guide, Staff Guide, Parent and Carer Guide
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	<p>positive about home-school interactions, wellbeing check-ins and home learning resources and delivery throughout Covid-19</p> <ul style="list-style-type: none"> • ELC settings and schools routinely engaged with families and views gathered via learner survey and Moray Parent Forum virtual meetings • Weekly staff brief provided up-to-date corporate and other supports for staff – focus on this on first day back Powerpoint for all staff • Regular virtual Head Teacher meetings with key focus on learner and staff wellbeing along with learning and teaching supports intervention 	
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Planning for improvement in a new context

Please provide detail around your local recovery authority planning in the following areas-

- The measures being taken to support the health and wellbeing of children and young people.
- Approaches to assessment to identify gaps in learning.

- Wellbeing of children and young people will be a key focus on return to school in August
- Staff have been encouraged to undertake professional learning relating to trauma, attachment, nurture and relational approaches
- The development of multi-agency wellbeing hubs will be progressed, building on the Connect service in place during lockdown period
- Schools to review approaches to Positive Relationships, Nurture, Trauma and attachment/detachment according to identified pupil needs
- Data has been gathered from March tracking runs for ACEL data to give a baseline when learners started remote learning
- Teachers will assess where learners are in August and identify gaps in learning as well as those who have progressed well
- Early tracking runs will ensure that there is data and moderation strategy has been updated to
- Update moderation strategy and develop rigorous assessment frameworks

Support required in the new context (optional)

Any support appreciated in light of information above.

Build on strong partnerships already in place. For example, ADES networks (been reassuring and invaluable during Covid-19 period), Northern Alliance, Northern Team etc

WARD 07_17

20/00364/APP
18th March 2020

**Development of a Multi-Use Games Area (MUGA)
 providing a 3G football/rugby pitch 2no 5-a-side pitches
 and a Sports Court area at Lesser Borough Briggs
 Borough Briggs Road Elgin Moray
 for Elgin Sports Community Trust**

Comments:

- The application has been referred to the Emergency Cabinet as the matter would be in the wider public interest and a proposal that would have normally been referred to the Planning and Regulatory Services Committee for determination.
- No representations received.

Procedure:

- None.

Recommendation **Grant Planning Permission - Subject to the Following:-**

Conditions/Reasons

1. The new main synthetic pitch shall have a surface that is designed and constructed by a recognised (e.g. SAPCA* registered) specialist pitch contractor(s), details of contractor(s) and pitch specification shall be submitted for the written approval of the planning authority (in consultation with Sports Scotland) prior to the commencement of development.*SAPCA is The Sports and Play Construction Association (www.sapca.org.uk)

Reason: To ensure quality of the pitch provision.

2. Notwithstanding the submitted details, no works shall commence until the following has been submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority:
 - a) Detailed drawings (Scale 1:500 minimum) showing the location, design specifications and timescale for the provision of the vehicular access to the site, including details of the required visibility splay of 2.4 metres by 43 metres in both directions to be clear of any obstruction above 0.26 metres in height measured from the level of the public carriageway, dropped kerbs and tactile paving for pedestrians at the access, relocation of/additional drainage at the

access and taking cognisance of the existing bus stop and any requirement for relation of bus stop;

- b) Detailed drawings (Scale 1:500 minimum) showing the location, design specifications and timescale for the provision of dropped kerbs and tactile paving on the route from the Lossie Green car park to any pedestrian access to the site;
- c) Detailed drawings (Scale 1:500 minimum) showing the location, design specifications and timescale for the provision of the new cycle ramp from the NCN1 River Lossie Cycle path into the site and
- d) Detailed drawings (scale 1:200 minimum) showing the location, design specification and timescale for the provision of disabled parking provision and secure cycle parking facilities for users of the facilities with the development site.

Thereafter the proposed access, improvements to pedestrian access, new cycle ramp, disabled parking provision and cycle storage facilities shall be provided in accordance with the approved details and agreed timescales.

Reason: To ensure provision of a safe and suitable access for vehicles, pedestrians and cyclists in the interests of road safety.

- 3. No works shall commence on any area of the proposed development until details have been submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority regarding:

- a) A construction traffic management plan which shall include the following information:
 - (i) Duration of works;
 - (ii) Construction programme;
 - (iii) Number of vehicle movements (materials, plant, staff etc);
 - (iv) Anticipated schedule for delivery of materials and plant;
 - (v) Measures to be put in place to prevent material being deposited on the public road;
 - (vi) Measure to be put in place to safeguard the movements of pedestrians and cyclists;
 - (vii) Traffic management measures to be put in place during the works including any specific instructions to drivers; and
 - (viii) Parking provision, loading and unloading areas for construction traffic.

And

- b) Details of any required/proposed temporary construction access which shall include the following information:
 - (i) A drawing (scale 1:500 minimum) regarding the location and design specifications of the proposed access(es);

- (ii) Specification of the materials used for the construction access(es);
- (iii) All traffic management measures required to ensure safe operation of the construction access(es);
- (iv) Details, including materials, for the reinstatement of any temporary construction access(es); and
- (v) Details regarding the timescale for the opening up and closure of any temporary access(es) together with the time period over which the temporary access(es) will be used.

Thereafter the development shall be implemented in accordance with the approved details.

Reason: To ensure an acceptable form of development in terms of the arrangements to manage traffic during construction works at the site, road safety and the amenity of the area/adjacent properties.

4. Unless otherwise agreed in writing with the Council as Planning Authority, the artificial lighting shall be constructed in accordance with the “Elgin Sports Centre, Outdoor Lighting Report”, prepared by CU Phosco Lighting and dated 25th February 2020. Furthermore, unless also agreed in writing with the Council as Planning Authority, the hours of operation of the lights shall be in accordance with the operation described in the “Elgin Sports Community Trust, Lesser Borough Briggs, MUGA Pitch Development 3G Pitch Elgin, Planning Statement” dated 13 March 2020 paragraph 2.2.1 where the artificial lighting shall not be operated between the hours of 22.00 and 09:00. Any proposed late night events outwith these hours may only be permissible with the prior written approval of the Council as Planning Authority (minimum 7 days advance notice in consultation with other relevant stakeholders).

Reason: In order to ensure that the artificial lighting is constructed and operated so as not to cause a nuisance.

5. Prior to the development coming into use, written details must be submitted to the Council as Planning Authority of the ongoing maintenance provisions for the sites grassed areas. Thereafter the grass areas must be maintained in accordance with the approved maintenance provisions.

Reason: In order to ensure that proper landscape maintenance arrangements are in place.

6. Prior to their instillation, details (including floor plans and elevations) of the proposed office cabin structure and covered cycle store must be submitted to and approved in writing by the Council as Planning Authority.

Reason: In order that consideration can be given to the finished details of the two structures.

Reason(s) for Decision

The Council's reason(s) for making this decision are:-

The proposal accords with the adopted Moray Local Development Plan 2020 and there were no other material considerations preventing approval.

List of Informatives:

THE DEVELOPMENT MANAGEMENT & BUILDING STANDARDS MANAGER has commented that:

If the portacabin office is to connect to the public sewer and water supply this may require a Building Warrant application and contact should be made with the Building Standards Section.

THE TRANSPORTATION MANAGER, DIRECT SERVICES has commented that:

Planning consent does not carry with it the right to carry out works within the public road boundary.

Before commencing development the applicant is obliged to apply for Construction Consent in accordance with Section 21 of the Roads (Scotland) Act 1984 for new roads. The applicant will be required to provide technical information, including drawings and drainage calculations. Advice on this matter can be obtained from the Moray Council web site or by emailing transport.develop@moray.gov.uk

Before starting any work on the existing public road the applicant is obliged to apply for a road opening permit in accordance with Section 56 of the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road. Advice on these matters can be obtained by emailing roadspermits@moray.gov.uk

Public utility apparatus may be affected by this proposal. Contact the appropriate utility service in respect of any necessary utility service alterations which have to be carried out at the expense of the developer.

No building materials/scaffolding/builder's skip shall obstruct the public road (including footpaths) without permission from the Roads Authority.

The applicant shall be responsible for ensuring that surface/ground water does not run from the public road into his property.

The applicants shall free and relieve the Roads Authority from any claims arising out of their operations on the road or extension to the road.

No retaining structures or embankments shall be constructed along the edge of

the road, whether retaining the public road or ground adjoining the public road without prior consultation and agreement of the Roads Authority.

The developer must contact the Roads Authority Street Lighting Section at Ashgrove Depot, Elgin – Tel (01343) 557300, Ext 7327 to discuss the proposals.

The formation of the required visibility splay will involve the removal of vegetation, setting back of boundary fences and the lowering of ground levels.

There is already an existing footway along the Boroughbriggs Road frontage of the site. This footway is relatively new and not shown on Google Maps. When the new footway was installed along the site frontage dropped kerbs and tactile paving was also installed to enable crossing of Boroughbriggs Road. This crossing point is just to the west of Trinity Road.

The proposals include the provision of an additional crossing point on Boroughbriggs Road to the west of the proposed new access. Full details of this proposed crossing are required to demonstrate how the dropped kerbs and tactile paving would comply with guidance and standards.

Confirmation is also required regarding the opportunity to provide a widened footway to the south of the existing Elgin City changing rooms as part of the Phase 2 development to remove this pinch point on the network.

Full details of the proposed pedestrian/cycle access from NCN Route 1 River Lossie cycle path into the site are required including a long section to demonstrate the maximum gradient of the access. The specifications for cycle path gradients will be taken from the Scottish Government document Cycling by Design and a maximum gradient of 3% sought. If a 3% maximum gradient cannot be achieved then ramped arrangement will be required.

The SCOTTISH ENVIRONMENT PROTECTION AGENCY has commented that:

Regulatory requirements for applicant

You will need to comply with CAR General Binding Rule 10 which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge of surface water from a site does not result in pollution of the water environment.

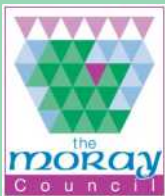
Good practice guidelines regarding construction and pollution prevention should be followed and can be found at the Guidance for Pollution Prevention (GPPs) Netregs webpage. For waste management refer the waste management measures and specifically the Waste Management Plan template on the NetRegs website.

Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011.

Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team at gs@sepa.org.uk.

If you have any queries relating to this letter, please contact me by e-mail at planningaberdeen@sepa.org.uk.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT	
Reference No. Version No.	Title/Description
LS15203-1-1	LUX level plan for development
ECST-MAC-ZZ-XX-DR-L-1001	Landscape plan - general arrangement
ECST-MAC-ZZ-XX-DR-L-1003	Drainage plan
ECST-MAC-ZZ-XX-DR-L-1004	Landcape - drainage details



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:

20/00364/APP

Site Address:

Lesser Borough Briggs

Borough Briggs Road Elgin

Applicant Name:

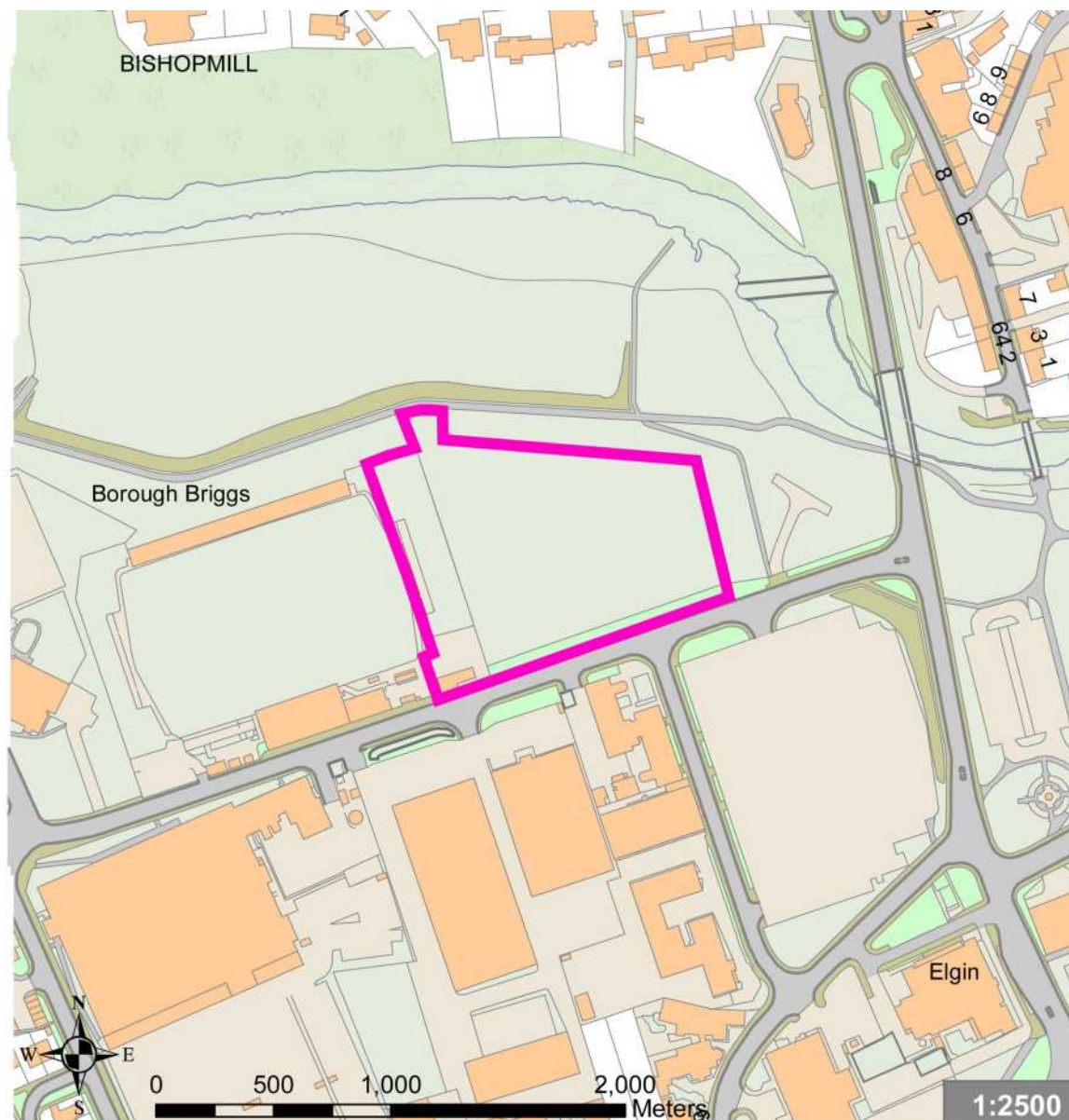
Elgin Sports Community Trust

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Location Plan



Site Location







PLANNING APPLICATION: 20/00364/APP

In the event that a recommendation on this planning application is overturned the Committee is reminded of the advice contained on the front page of the agenda for Reports on Applications

THE PROPOSAL

- The Proposed Development will operate as a Multi-Use Games Area (MUGA) comprising:-
 - i. a 3G football/rugby pitch (89m x 55m)
 - ii. Two 5-a-side pitches (32m x 18m)
- 3 Disabled parking spaces and turning area.
- Footpath connection to the Elgin flood scheme embankment path to the north.
- The operating hours are proposed to be 09:00 – 17:30 – for schools, community groups and Elgin City Football Club; and 17.30 – 22.00 – for public bookings.
- The main playing surface (synthetic) will be bound by a 5m high solid metal ‘ball stop’ fence. The other 5-a-side pitches will be surrounded with similar high fences.
- A two metre close-boarded fence will bound other parts of the site.
- There will be flood lighting for the main pitch area, using six 15m light standards. Lower 8m high lighting columns will illuminate the 5-a-side pitches.
- A 10 x 3m portacabin in the south west corner of the site will be used as a booking office.
- A storage container will be located on the site, near the carpark and an enclosed asphalt equipment storage area will be provided at the north east corner of the site.
- The site shall also host other equipment/furniture such as covered team shelters (seating 12), wooden benches through the site, a covered cycle store and spectator rails inside the main pitch enclosure.
- The only grassed areas are proposed beyond the proposed playing surfaced areas.
- The bund along the frontage of Boroughbriggs Road is to be removed.
- Boarded edges and drainage filters are designed to contain any rubber granules from leaving the site.

THE SITE

- Located immediately east of Elgin City football ground and bound to the south by Boroughbriggs Road. The site is bound to the north and north east by the Elgin flood alleviation scheme embankment and path. A small informal hardstanding area lies immediately to the east.
- A bund lies along the southern side of the site.
- The site area is 1.18 hectares.
- Within the Moray Local Development Plan 2020 (MLDP2020) the site is covered by an Opportunity designation OPP11 Lesser Borough Briggs and also falls within the Elgin Town Centre designation.
- There are currently no trees upon the site.

HISTORY

On the site

08/00077/EIA - Construct Elgin flood alleviation scheme between Glen Moray Distillery and Pitgaveny (includes alterations to Listed Buildings at Mary Well Mansion House Hotel and Bishopmill Bridge) at River Lossie, Elgin, Moray. Approved by Committee in October 2009. This bounds the north side of the site.

08/00078/LBC - Listed Building consent to construct Elgin flood alleviation scheme between Glen Moray Distillery and Pitgaveny (includes alterations to Listed Buildings at Mary Well, Mansion House Hotel and Bishopmill Bridge) at the River Lossie, Elgin, Moray. This was approved in December 2009 by committee and following consultation with Historic Environment Scotland.

10/01287/APP Continuation of existing planning consent ref 07/00040/FUL to site burger van on Site at Lossie Green, Boroughbriggs Road, Elgin. This temporary consent was granted in January 2011 under delegated powers and expired two years later.

18/00484/APP - Proposed ground levelling at land adjacent to Elgin City FC, Borough Briggs Road, Elgin. Approved under delegated power in May 2018.

Nearby planning history

00/00604/FUL - Erect concrete terracing at Elgin City Football Club (FC), Borough Briggs Road, Elgin. Approved under delegated powers in June 2000.

11/00812/APP - Formation of ground floor commercial office within existing structure and form new entrance feature at Elgin City FC, Borough Briggs Road, Elgin. Approved under delegated power in July 2011.

13/02016/APP - Erect store and toilet block at Elgin City FC, Borough Briggs Road, Elgin. Approved under delegated power in January 2014. These were to be located at the west end of the ground, away from the current site.

POLICY - SEE APPENDIX

CONSULTATIONS

Strategic Development Planning – No objection as the proposal accords with MLDP 2020.

Flood Risk Management Team – following consideration of additional information, no objection to the proposed scheme.

Sports Scotland – no objection subject to a condition regarding the standard of the playing surface.

Archaeological Service – no objection

Moray Council Property Service – comments to clarify that Elgin Sports Community Trust (ESCT) application for long lease of the Council part of the site is a completely separate process from the planning application process.

SEPA – no objections subject to informatives.

Transportation – approve subject to conditions and informatives.

Environmental Health – no objection

Environmental Health (Contaminated Land) – no objections.

Scottish Water – no objection and the consultation response letter containing other information has been passed to the applicant.

Developer Obligations – none sought.

OBJECTIONS-REPRESENTATIONS

No objections/representations received.

OBSERVATIONS

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan i.e. the adopted Moray Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise.

Background

The site was previously “white land” with no specific designation within Moray Local Development Plan 2015 but did lie within the town centre designation and still does lie within this designation as part of the now adopted Moray Local Development Plan 2020 (MLDP2020).

There have been various pre-application discussions with the applicant regarding this proposal and the submission was supported by a number of documents including a Flood Risk Assessment, Planning Statement, Transport Statement, Lighting Report and Drainage information. From pre-application meetings it is clear that Elgin City Football Club is party to the proposed development and agreeable to the use of their land.

The Planning Statement does indicate that there is potential for a second phase of development which may include permanent clubhouse building with changing and welfare facilities, booking office, and storage areas. This does not form part of the current development and no details have been provided.

The main issues are considered below:

Principle of use of open space (PP3, DP1 and EP5)

MLDP2020 policy PP3 Infrastructure and Services requires development to be planned and co-ordinated with infrastructure to ensure that places function properly and proposals are adequately served by infrastructure and services. The development should be suitably located to make use existing utilities and ensure provision of appropriate facilities.

Policy DP1 Development Principles considers the impacts upon the environment, transport network, town centres, noise, air quality, landscape, trees, flood risk, protected habitats and species, contaminated land, built heritage and archaeology and what mitigation is required to address these impacts. It also considers whether the design of a development is appropriate to its setting.

As the site sits in an area of open maintained land, it has also been considered against the requirements of policy EP5 Open Space although it should be noted, that as it is not covered by a specific ENV designation (designated as an opportunity site). As an opportunity site is has been identified as suitable for a variety of uses, but relevant to policy EP5 one exceptions is where a proposal is for essential community infrastructure required to deliver the key objectives of the Council. As a recreation and sports facility with disable parking, the proposal would contribute towards the Councils key objectives of providing a healthier and inclusive society.

The area of land, although modified to the north some decade or more ago by the completion of the Elgin Flood Alleviation Scheme, has been open amenity land for some time. There had been a poorly drained football pitch in this locality prior to the development of the Elgin Flood Alleviation Scheme, which subsequently altered are area such that no pitch was ever re-instated. While used informally for sports and other recreation, it has had no formal use that would be displaced by the proposed development. In general terms the proximity to the town centre, other public facilities, Cooper Park etc. mean the proposed use would complement the variety other recreational facilities in the same locality.

In terms of design and visual appearance, the proposal will introduce a substantive amount of high fencing (5m and 2m) and lighting columns (15m and 8m) into the area. The pitches, office cabin, equipment container and other infrastructure would not be prominent. Whilst the enclosure fencing and lighting would be prevalent from North Street to the east, the development would have the backdrop of the existing stands and flood light at Elgin City football ground, so would not be at odds with the design principles set out in policy DP1.

Sports Scotland have also been consulted, and noted that no formal pitches exist at this location, and do not object to the artificial all weather surfaces, subject to conditions being imposed requiring conformity to a set recognised standard.

Where the proposed use would see an enhanced recreational use the benefits would outweigh loss of the open grassed area. The development would result in outdoor, pitch based activities more commonly confined to daylight hours and drier times of year and could occur more frequently. The proximity of other extensive areas of formally designated ENV open space such as Cooper Park ensures that those seeking open space are catered for.

Town Centre designation (DP7 and Elgin TC designation)

The site lies within Elgin Town Centre designation, which encompasses a large area within the centre of Elgin. The designation as described in the Elgin settlement statement of the MLDP 2020 does allow for a variety of uses. Of note the town centre designation allows for “leisure, entertainment, recreation, and cultural and community activities” and the proposed use for fall within several of these categories and would provide a useful community facility in the town centre close to other recreational and sporting facilities such as Moray Leisure Centre at the west end of Boroughbriggs Road. The proposal is therefore compliant with the aims of the town centre protection policy.

Flooding and drainage (EP12, and OPP11)

The site is in a locality known for its flooding, and lies close to the River Lossie and the Elgin Flood Alleviation Scheme. The OPP11 designation specifically requires a Flood Risk Assessment to be carried out. A Flood Risk Assessment has been submitted and assessed against policy EP12 Management and Enhancement of the Water Environment and the Councils own supplementary guidance on flood risk and Drainage.

An arrangement has also been reached between the applicant and Elgin City football club so that the surface water discharge from the current site is collected to refill the football clubs water tanks which will in turn reduce the abstraction volumes from the River Lossie. The football club requires a store of water for routine watering the pitch during periods of low rainfall and already have a sizeable storage tank within the grounds that would receive water from development. The reduction in the amount of abstraction from the River Lossie and utilisation of surface water from the proposed development has been welcomed by SEPA. This offsets the absence of above ground surface water drainage treatment within the development site.

The fencing surrounding the main 3G pitch will have small solid upstand (approx. 250mm high) and the smaller pitches a hoarding around them (approx. 1.0m high). These will prevent the rubber granules that form part of the pitch being blown out of the area of the pitch. The drainage system will also have a filter to ensure that the rubber granules do not enter the drainage system.

Both SEPA and Moray Flood Risk Management Team were consulted, and subject to revisions to the drainage proposals have raised no objections to the proposed development.

Access and Parking (PP3)

It is acknowledged that there is parking within the locality and the application submission included a Transport Statement that includes various parking surveys and other assessments. It concludes that North Street and Boroughbriggs Road has capacity to deal with the anticipated additional traffic movements the development would generate. It also concludes that the number of trips generated by the development once operational would have a negligible effect on current levels of parking activity and the parking snapshot surveys have demonstrated that there is sufficient capacity at the nearby Lossie Green car park to cater for future users of the development. The proposal includes sufficient numbers of disabled and cycle parking spaces to accommodate the need generated. The Transportation Service, subject to the conditions recommended, agree with the conclusions of the Traffic Statement and raise no objections to the proposal.

The proposal includes path connections to the footpath cycle way on top of the flood scheme, which would give the facility good connectivity to other parts of Elgin. The site

would be in close proximity to the bus station. The nature of the use and partial reliance upon existing public parking to the south of Boroughbriggs Road does not lend itself to the use or introduction of electrical charging points and none are being sought.

The development would therefore comply with the Transportation requirements of policy PP3 Infrastructure and Services.

Amenity (noise and lighting) (DP1)

The proposal has been supported by an Outdoor Lighting Report and design which specifically seeks to contain lighting to the playing surfaces. The most likely sensitive receptors to lighting would be the residential properties on the north side of the River Lossie and it is noted that they are some distance from the application site. Furthermore these residences are positioned on higher ground than the playing surfaces, so would further benefit the avoidance of any light spill.

The management of the facility will see the pitches booked used for specific periods, with the main playing surface no used any later than 10pm (unless previously agreed with the Council). The pitches would also be managed such that that would not be available for un-booked use after 10pm at night so further reducing the likelihood of out of hours use noise being generated.

In terms of amenity, this locality is already host to a football stadium, large supermarket, the Moray Leisure Centre and busy streets which see audible activity, flood lights and movement by the public in the evenings and at the weekends. The level of noise generated from this outdoor use, would therefore not be dissimilar to other existing used in the locality. As described above the nearest residences are approximately 120m or more to the north or east on the north side of the River Lossie and North Street. The Environmental Health Section has expressed no concerns over the generation of noise from the proposed use. A condition is recommended relating to the proposed lighting and hours of operation to ensure that the pitches would be lit and operated in the manner as described in the supporting documents.

Impact on natural environment (EP2)

The site being presently covered in managed grass provides limited biodiversity and the limited space available on the development site to accommodate the various pitches and infrastructure least little space for additional landscaping. Where no trees were previously present, there would be no loss of trees from the development.

Whilst it is noted that under policy EP2 Biodiversity the opportunity should be taken to enhance the natural environment where possible, this may not always be practical. It would also be advantageous in terms of the maintenance and management of the playing surfaces not to have trees within close proximity shedding leaves on the playing surfaces. Given that the applicants have sought to maximise the facilities in the space available, there are limited opportunities to place trees and other landscaping a suitable distance from playing surfaces.

The re-use of collected surface water for irrigation of the neighbouring football ground, is also considered to be of minor environmental benefit by reducing the need for abstraction from the River Lossie by the football club.

Given the nature of the development, and the pursuit of other wider objectives such as health and wellbeing, it is reasonable in this case to accept that the new facilities will have

significant wider benefits to justify the minor impact on the natural environment in this town centre location. Further mitigation is not considered to be necessary.

Conclusion

In considering the above policy issues, and other material considerations the proposed development would comply with the relevant policies and designations of the MLDP 2020. The development would contribute to the provision of sporting facilities in Moray and realise a benefit to its residents. The location, design and infrastructure of the proposed pitches would have no detrimental effect on the wider locality and town centre.

REASON(S) FOR DECISION

The Council's reason(s) for making this decision are: -

The proposal accords with the adopted Moray Local Development Plan 2020 and there were no other material considerations preventing approval.

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Development Management & Building Standards Manager**

APPENDIX

POLICY

Proposed Moray Local Development Plan 2020

PP1 PLACEMAKING

- a) Development must be designed to create successful, healthy places that support good physical and mental health, help reduce health inequalities, improve people's wellbeing, safeguard the environment and support economic development.
- b) A Placemaking Statement is required for residential developments of 10 units and above to be submitted with the planning application to articulate how the development proposal addresses the requirements of policy PP1 Placemaking and other relevant LDP policies and guidance. The Placemaking Statement must include sufficient information for the council to carry out a Quality Audit. Where considered appropriate by the council, taking account of the nature and scale of the proposed development and of the site circumstances, this shall include a landscaping plan, a topographical survey, slope analysis, site sections, 3D visualisations, a Street Engineering Review and a Biodiversity Plan. The Placemaking Statement must demonstrate how the development promotes opportunities for healthy living and working. The landscape plan must set out details of species type, size, timescales for planting and maintenance.
- c) To create successful, healthy places residential developments of 10 units and above must comply with Scottish Government policy Creating Places and Designing Streets and must incorporate the following fundamental principles:
 - (i) **Character and Identity**
 - Create places that are distinctive to prevent homogenous 'anywhere' development;
 - Provide a number of character areas reflecting site characteristics that have their own distinctive identity and are clearly distinguishable;
 - Provide distinctiveness between and in each character area through a combination of measures including variation in urban form, street structure/network, architecture and masonry, accent features (such as porches), surrounds and detailing, materials (buildings and surfaces), colour, boundary treatments, hard/soft landscaping and a variety of approaches to tree species and planting that emphasises the hierarchy of open spaces and streets within a cohesive design strategy for the whole development;
 - Distinctiveness must be reinforced along main thoroughfares, open spaces and places where people may congregate such as shopping/service centres;
 - Retain, incorporate and/or respond to relevant elements of the landscape such as topography and planted features, natural and historic environment, and propose street naming (in residential developments of 20 units and above, where proposed names are to be submitted with the planning application) to retain and enhance local associations;

(ii) Healthier, Safer Environments

- Designed to prevent crime, fear of crime and anti-social behaviour with good levels of natural surveillance and security using treatments such as low boundary walls, dual frontages (principal rooms) and well-lit routes to encourage social interaction. Unbroken high boundary treatments such as wooden fencing and blank gables onto routes, open spaces and communal areas will not be acceptable.
- Designed to encourage physical exercise for people of all abilities.
- Create a distinctive urban form with landmarks, key buildings, vistas, gateways and public art to provide good orientation and navigation through the development.
- Provide a mix of compatible uses, where indicated within settlement statements, integrated into the fabric of buildings within the street.
- Prioritise pedestrians and cyclists by providing a permeable movement framework that incorporates desire lines (including connecting to and upgrading existing desire lines) and is fully integrated with the surrounding network to create walkable neighbourhoods and encourage physical activity.
- Integrate multi- functional active travel routes, green and open space into layout and design, to create well connected places that encourage physical activity, provide attractive spaces for people to interact and to connect with nature.
- Create safe streets that influence driver behaviour to reduce vehicle speeds that are appropriate to the local context such as through shorter streets, reduced visibility and varying the building line.
- Provide seating opportunities within streets, paths and open spaces for all generations and mobility's to interact, participate in activity, and rest and reflect.
- Provide for people with mobility problems or a disability to access buildings, places and open spaces.
- Create development with public fronts and private backs.
- Maximise environmental benefits through the orientation of buildings, streets and open space to maximise the health benefits associated with solar gain and wind shelter.

(iii) Housing Mix

- Provide a wide range of well integrated tenures, including a range of house types and plot sizes for different household sizes, incomes and generations and meet the affordable and accessible requirements of policy DP2 Housing.
- All tenures of housing should have equal access to amenities, greenspace and active travel routes.

(iv) **Open Spaces/Landscaping**

- Provide accessible, multi-functional open space within a clearly defined hierarchy integrated into the development and connected via an active travel network of green/blue corridors that are fully incorporated into the development and to the surrounding area, and meet the requirements of policy EP5 Open Space and the Open Space Strategy Supplementary Guidance and Policy EP12 Managing the Water Environment and Drainage Impact Assessment for New Developments Supplementary Guidance.
- Landscaped areas must provide seasonal variation, (mix of planting and colour) including native planting for pollination and food production.
- Landscaping areas that because of their size, shape or location would not form any useable space or that will not positively contribute to the character of an area will not contribute to the open space requirements of Policy EP4 Open Space.
- Semi-mature tree planting and shrubs must be provided along all routes with the variety of approaches reflecting and accentuating the street hierarchy.
- Public and private space must be clearly defined.
- Play areas (where identified) must be inclusive, providing equipment so the facility is for every child/young person regardless of ability and provided upon completion of 50% of the character area.
- Proposals must provide advance landscaping identified in site designations and meet the quality requirements of policy EP5 Open Space.
- Structural landscaping must incorporate countryside style paths (such as bound or compacted gravel) with waymarkers.
- Maintenance arrangements for all paths, trees, hedging, shrubs, play/ sports areas, roundabouts and other open/ green spaces and blue/green corridors must be provided.

(v) **Biodiversity**

- Create a variety of high quality multi- functional green/blue spaces and networks that connect people and nature, that include trees, hedges and planting to enhance biodiversity and support habitats/wildlife and comply with policy EP2 Biodiversity and Geodiversity and EP5 Open Space.
- A plan detailing how different elements of the development will contribute to supporting biodiversity must be included in the design statement submitted with the planning application.
- Integrate green and blue infrastructure such as swales, permeable paving, SUDS ponds, green roofs and walls and grass/wildflower verges into streets, parking areas and plots to sustainably address drainage and flooding issues and enhance biodiversity from the outset of the development.
- Developments must safeguard and where physically possible extend or enhance wildlife corridors and green/blue networks and prevent fragmentation of existing habitats.

(vi) **Parking**

- Car parking must not dominate the streetscape to the front or rear of properties. On all streets a minimum of 50% of car parking must be provided to the side or rear and behind the building line with a maximum of 50% car parking within the front curtilage or on street, subject to the visual impact being mitigated by hedging, low stone boundary walls or other acceptable treatments that enhance the streetscape.

- Provide semi-mature trees and planting within communal private and public/visitor parking areas and on-street parking at a maximum interval of 4 car parking spaces.
- Secure and covered cycle parking and storage, car sharing spaces and electric car charging points must be provided in accordance with policy DP1 Development Principles.
- Parking areas must use a variation in materials to reduce the visual impact on the streetscene.

(vii) Street Layout and Detail

- Provide a clear hierarchy of streets reinforced through street width, building density and street and building design, materials, hard/soft landscaping and a variety of approaches to tree planting and shrubs.
 - Streets and connecting routes should encourage walking and cycling over use of the private car by providing well connected, safe and appealing routes.
 - Design junctions to prioritise pedestrians, accommodate active travel and public transport and service/emergency vehicles to reflect the context and urban form and ensure that the street pattern is not standardised.
 - Dead-end streets/cul-de-sacs will only be selectively permitted such as on rural edges or where topography, site size, shape or relationship to adjacent developments prevent an alternative more permeable layout. These must be short, serving no more than 10 units and provide walking and cycling through routes to maximise connectivity to the surrounding area.
 - Where a roundabout forms a gateway into, or a landmark within, a town and/or a development, it must be designed to create a gateway feature or to contribute positively to the character of the area.
 - Design principles for street layouts must be informed by a Street Engineering Review (SER) and align with Roads Construction Consent (RCC) to provide certainty that the development will be delivered as per the planning consent.
- (d) Future masterplans will be prepared through collaborative working and in partnership between the developer and the council for Lochyhill (Forres), Barhill Road (Buckie), Elgin Town Centre/Cooper Park, Elgin North East, Clarkly Hill, Burghead and West Mosstodloch. Masterplans that are not prepared collaboratively and in partnership with the council will not be supported. Masterplans that are approved will be Supplementary Guidance to the Plan.
- (e) Proposals for sites must reflect the key design principles and safeguard or enhance the green networks set out in the Proposals Maps and Settlement Statements. Alternative design solutions may be proposed where justification is provided to the planning authority's satisfaction to merit this.

PP2 SUSTAINABLE ECONOMIC GROWTH.

"Development proposals which support the Moray Economic Strategy to deliver sustainable economic growth will be supported where the quality of the natural and built environment is safeguarded, there is a clear locational need and all potential impacts can be satisfactorily mitigated. "

DP1 DEVELOPMENT PRINCIPLES

This policy applies to all development, including extensions and conversions and will be applied reasonably taking into account the nature and scale of a proposal and individual circumstances.

The Council will require applicants to provide impact assessments in order to determine the impact of a proposal. Applicants may be asked to determine the impacts upon the environment, transport network, town centres, noise, air quality, landscape, trees, flood risk, protected habitats and species, contaminated land, built heritage and archaeology and provide mitigation to address these impacts.

Development proposals will be supported if they conform to the relevant Local Development Plan policies, proposals and additional guidance, meet the following criteria and address their individual and cumulative impacts:

(i) Design

- a) The scale, density and character must be appropriate to the surrounding area and create a sense of place (see Policy PP1) and support the principles of a walkable neighbourhood.
- b) The development must be integrated into the surrounding landscape which will include safeguarding existing trees and undertaking replacement planting to include native trees for any existing trees that are felled, and safeguarding any notable topographical features (e.g. distinctive knolls), stone walls and existing water features by avoiding channel modifications and culverting. A tree survey and tree protection plan must be provided with planning applications for all proposals where mature trees are present on site or that may impact on trees outwith the site. The strategy for new tree provision should follow the principles of the "Right Tree in the Right Place".
- c) Make provision for new open space and connect to existing open space under the requirements of Policy EP5 and provide details of the future maintenance of these spaces. A detailed landscape plan must be submitted with planning applications and include information about green/blue infrastructure, tree species, planting, ground/soil conditions, and natural and man-made features (e.g. grass areas, wildflower verges, fencing, walls, paths, etc.).
- d) Demonstrate how the development will conserve and enhance the natural and built environment and cultural heritage resources, retain original land contours and integrate into the landscape.
- e) Proposals must not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity.
- f) Proposals do not result in backland development or plots that are subdivided by more than 50% of the original plot. Sub-divided plots must be a minimum of 400m², excluding access and the built-up area of the application site will not exceed one-third of the total area of the plot and the resultant plot density and layout reflects the character of the surrounding area.

- g) Pitched roofs will be preferred to flat roofs and box dormers are not acceptable.
- h) Existing stone walls on buildings and boundaries must be retained.

Alterations and extensions must be compatible with the character of the existing building in terms of design, form, choice of materials and positioning and meet all other relevant criteria of this policy.

- i) Proposals must orientate and design buildings to maximise opportunities for solar gain.

(ii) Transportation

- a) Proposals must provide safe entry and exit from the development, including the appropriate number and type of junctions, maximise connections and routes for pedestrians and cyclists, including links to active travel and core path routes, reduce travel demands and ensure appropriate visibility for all road users at junctions and bends. Road, cycling, footpath and public transport connections and infrastructure must be provided at a level appropriate to the development and connect people to education, employment, recreation, health, community and retail facilities.
- b) Car parking must not dominate the street scene and must be provided to the side or rear and behind the building line. Maximum (50%) parking to the front of buildings and on street may be permitted provided that the visual impact of the parked cars is mitigated by hedging or low stone boundary walls. Roadways with a single carriageway must provide sufficient off road parking to avoid access routes being blocked to larger service vehicles and prevent parking on pavements.
- c) Provide safe access to and from the road network, address any impacts on road safety and the local road, rail and public transport network. Any impacts identified through Transport Assessments/ Statements must be identified and mitigated. This may include but would not be limited to, passing places, road widening, junction improvements, bus stop infrastructure and drainage infrastructure. A number of potential mitigation measures have been identified in association with the development of sites and the most significant are shown on the Proposals Map as TSP's.
- d) Provide covered and secure facilities for cycle parking at all flats/apartments, retail, community, education, health and employment centres.
- e) Garages and parking provision must be designed to comply with Moray Council parking specifications see Appendix 2.
- f) The road layout must be designed to allow for the efficient mechanical sweeping of all roadways and channels, pavements, turning areas and junctions. The road layout must also be designed to enable safe working practices, minimising reversing of service vehicles, with hammerheads minimised in preference to turning areas such as road stubs or hatchets, and to provide adequate space for the collection of waste and movement of waste collection vehicles.
- g) The road and house layout in urban development should allow for communal refuse collection points where the design does not allow for individual storage within the

curtilage and / or collections at kerbside. Communal collection points may either be for the temporary storage of containers taken by the individual householder or for the permanent storage of larger containers. The requirements for a communal storage area are stated within the Council's Kerbside Collection Policy, which will be a material consideration.

- h) Road signs should be minimised designed and placed at the back of footpaths to reduce street clutter, avoid obstructing pedestrian movements and safeguarding sightlines;
- i) Within communal parking areas there will be a requirement for electric car charging points. Parking spaces for car sharing must be provided where a need is identified by the Transportation Manager.
- j) All developments must be designed so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use (calculated on the basis of the approved design and plans for the specific development) through the installation and operation of low and zero-carbon generating technologies.

(iii) Water environment, pollution, contamination

- a) Acceptable water and drainage provision must be made, including the use of sustainable urban drainage systems (SUDS) for dealing with surface water including temporary/ construction phase SUDS (see Policy EP12).
- b) New development should not be located in areas at flood risk or increase vulnerability to flooding (see Policy EP12). Exceptions to this would only be considered in specific circumstances, e.g. extension to an existing building or change of use to an equal or less vulnerable use. Where this exception is applied the proposed development must include resilience measures such as raised floor levels and electrical sockets.
- c) Proposals must avoid major hazard sites and address any potential risk of pollution including ground water contamination in accordance with recognised pollution prevention and control measures.
- d) Proposals must protect and wherever practicable enhance water features through for example naturalisation of watercourses by introducing a more natural planform and removing redundant or unnecessary structures.
- e) Proposals must address and sufficiently mitigate any contaminated land issues.
- f) Make acceptable arrangements for waste collection and management and encourage recycling.
- g) Avoid sterilising significant workable reserves of minerals, prime agricultural land or productive forestry.
- h) Proposals must avoid areas at risk of coastal erosion and coastal change.

EP1 NATURAL HERITAGE DESIGNATIONS.

a) Natura 2000 designations.

Development likely to have a significant effect on a European Site and which is not directly connected with or necessary to the conservation management of that site must be subject to an appropriate assessment of the implications for its conservation objectives. Proposals will only be approved where the appropriate assessment has ascertained that there will be no adverse effect on the integrity of the site.

In exceptional circumstances, proposals that could affect the integrity of a European Site may be approved where:

- i) There are no alternative solutions, and
- ii) There are imperative reasons of over-riding public interest including those of a social or economic nature, and
- iii) Compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.

For European Sites hosting a priority habitat or species (as defined in Article 1 of the The Conservation (Natural Habitat & c.) Regulations 1994), prior consultation with the European Commission via Scottish Ministers is required unless the imperative reasons of overriding public interest relate to human health, public safety or beneficial consequences of primary importance to the environment.

b) National designations

Development proposals which will affect a National Park, National Scenic Area (NSA), Site of Special Scientific Interest (SSSI) or National Nature Reserve will only be permitted where:

- i) The objectives of designation and the overall integrity of the area will not be compromised; or
- ii) Any significant adverse effects on the qualities for which the site has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

c) Local Designations

Development proposals likely to have a significant adverse effect on Local Nature Reserves, wildlife sites or other valuable local habitats will be refused unless it can be demonstrated that;

- i) Public benefits clearly outweigh the nature conservation value of the site, and
- ii) There is a specific locational requirement for the development, and
- iii) Any potential impacts can be satisfactorily mitigated to conserve and enhance the site's residual conservation interest.

d) European Protected Species

European Protected Species are identified in the Habitats Regulations 1994 (as amended in Scotland). Where a European Protected Species may be present or affected by development or activity arising from development, a species survey and where necessary a Species Protection Plan should be prepared to accompany the planning application, to demonstrate how the Regulations will be complied with. The survey should be carried out by a suitably experienced and licensed ecological surveyor.

Proposals that would have an adverse effect on European Protected Species will not be approved unless;

- The need for development is one that is possible for SNH to grant a license for under the Regulations (e.g. to preserve public health or public safety).
- There is no satisfactory alternative to the development.
- The development will not be detrimental to the maintenance of the favourable conservation status of the species.

e) Other protected species

Wild birds and a variety of other animals are protected under domestic legislation, such as the Wildlife and Countryside Act 1981 (as amended in Scotland by the Nature Conservation (Scotland) Act 2004 and the Wildlife and Natural Environment (Scotland) Act 2011), Protection of Badgers Act 1992 and Marine (Scotland) Act 2010. Where a protected species may be present or affected by development or activity arising from development, a species survey and where necessary a Species Protection Plan should be prepared to accompany the planning application to demonstrate how legislation will be complied with. The survey should be carried out by a suitably experienced ecological surveyor, who may also need to be licensed depending on the species being surveyed for.

Proposals which would have an adverse effect on badgers or their setts must be accompanied by a Badger Protection Plan demonstrating how impacts will be avoided, mitigated, minimised or compensated for.

EP13 FOUL DRAINAGE

All development within or close to settlements (as defined in the Local Development Plan) of more than 2,000 population must connect to the public sewerage system unless connection is not permitted due to lack of capacity. In such circumstances, temporary provision of private sewerage systems may be allowed provided Scottish Water has confirmed investment to address this constraint has been allocated within its investment Programme and the following requirements have been met;

- Systems must not have an adverse effect on the water environment
- Systems must be designed and built to a standard which will allow adoption by Scottish Water
- Systems must be designed such that they can be easily connected to a public sewer in the future. Typically this will mean providing a drainage line up to a likely point of connection.

All development within or close to settlements (as above) of less than 2,000 population will require to connect to public sewerage except where a compelling case is made otherwise. Factors to be considered in such a case will include size of the proposed development, whether the development would jeopardise delivery of public sewerage infrastructure and existing drainage problems within the area.

Where a compelling case is made, a private system may be acceptable provided it does not pose or add a risk of detrimental effects, including cumulative, to the natural and built environment, surrounding uses or amenity of the general area.

Where a private system is deemed to be acceptable, within settlements as above or small scale development in the countryside, a discharge to land, either full soakaway or raised mound soakaway, compatible with Technical Handbooks (which sets out guidance on how proposals may meet the Building Regulations) must be explored prior to considering a discharge to surface waters.

EP14 POLLUTION, CONTAMINATION & HAZARDS

a) Pollution.

Development Proposals which may cause significant air, water, soil, light or noise pollution or exacerbate existing issues must be accompanied by a detailed assessment report on the levels, character and transmission of the potential pollution with measures to mitigate impacts. Where significant or unacceptable impacts cannot be mitigated, proposals will be refused.

b) Contamination.

Development proposals on potentially contaminated land will be approved where they comply with other relevant policies and;

- i) The applicant can demonstrate through site investigations and risk assessment, that the site is in a condition suitable for the proposed development and is not causing significant pollution of the environment, and
- ii) Where necessary, effective remediation measures are agreed to ensure the site is made suitable for the new use and to ensure appropriate disposal and/ or treatment of any hazardous material.

c) Hazardous sites.

Development proposals must avoid and not impact upon hazardous sites or result in public safety concerns due to proximity or use in the vicinity of hazardous sites.

OPP11 Lesser Borough Briggs 1.1 ha

Suitable Uses

Leisure, office retail

Site specific requirements

- Transport Assessment required, the scope of which must be agreed with Transport Scotland and Moray Council Transportation.

- Connectivity through the site, to the town centre and river for pedestrian and cyclists required.
- Level 2 Flood Risk Assessment (FRA) required.
- Drainage Impact Assessment (DIA) required.
- No development within 6m of existing flood alleviation measures will be permitted.
- The site lies within the defended flood plain and is therefore not suitable for vulnerable uses, including housing.

TC Elgin Town Centre

Suitable Uses/Role of Centre

- To support a diverse mix of uses and be the largest regional retail offer. A focus for leisure, entertainment, recreation, and cultural and community activities, particularly with a regional market/catchment.
- A Flood Risk Assessment may be required for planning applications in this area. Northern parts of the Town Centre that are defended by the Elgin Flood Alleviation Scheme are not suitable for more vulnerable uses.



REPORT TO: MORAY COUNCIL EMERGENCY CABINET – 12 AUGUST 2020

SUBJECT: PLANNING & REGULATORY SERVICES – TEMPORARY ARRANGEMENTS DUE TO COVID-19

BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT & FINANCE)

1. REASON FOR REPORT

- 1.1 To ask the Emergency Cabinet to consider and agree temporarily suspending the offer of site visits to members of the Planning & Regulatory Services Committee in relation to the determination of planning applications.
- 1.2 This report is submitted to the Emergency Cabinet following a decision of Moray Council on 25 March 2020 to temporarily suspend all delegations to committees as a result of the Covid-19 pandemic (para 2 of the minute refers).

2. RECOMMENDATION

- 2.1 It is recommended that the Emergency Cabinet consider and agree:
 - i) that site visits no longer be offered to members of the Planning & Regulatory Services (P & RS) Committee and for these arrangements to be temporarily suspended; and
 - ii) that committee information packs will be enhanced with additional photographs of the site and the immediate surroundings to aid decision-making.

3. BACKGROUND

- 3.1 On 23 February 2016, the P & RS Committee agreed that site visits for planning applications should continue to be offered to members of this Committee, in accordance with the agreed Site Visit Procedure and Protocol, where the Appointed Officer, in consultation with the Chair, deems a site visit is required (para 12 of the minute refers).
- 3.2 Prior to the temporary delegation arrangements that were put in place as a result of the Covid-19 pandemic site visits were offered to members to attend site visits with Principal Planning Officers prior to the P & RS Committee being held. The time taken to visit sites which are spread across the Moray area

often results in a full day of travelling. The agents are advised in advance of the date and time of the site visit and where necessary, access arrangements are made. As many of the sites have access constraints it is necessary for a min bus to be used for these visits rather than a large coach.

4. CURRENT SITUATION

- 4.1 Given the current restrictions and need to maintain social distancing it is considered appropriate that the arrangement for site visits currently offered to members be temporarily suspended. To assist with the determination process it is proposed that the committee information packs that accompany the planning application recommendation and report are enhanced to include additional photographs of the site and their immediate surroundings.
- 4.2 It is regrettable that site visits are proposed to be temporarily suspended as they are considered to be an important part of the decision-making process, and their reinstatement will occur at the first available opportunity should the need to maintain social distancing be relaxed or removed.

5. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

It is important that the Council continue to carry on determining planning application irrespective of the offer of site visits to members.

(b) Policy and Legal

The agreed Site Visit and Procedure Protocol, attached as background paper.

(c) Financial implications

There would be some financial savings in relation to the mini bus cost along with staff and members time as site visits often requires a full day of attendance.

(d) Risk Implications

Temporarily suspending site visits, could compromise transparency in decision making. However, the proposals are considered to be reasonable along with enhanced committee information packs being available in light of the current circumstances.

(e) Staffing Implications

None

(f) Property

None

(g) Equalities/Socio Economic Impact

No direct implications have been identified.

(h) Consultations

Head of Development Services, Legal Services Manager, Neal MacPherson, Principal Planning Officer, Richard Smith, Principal Planning Officer and the Equalities Officer have all been consulted and any comments incorporated into the report.

5. CONCLUSION

- 5.1 It is recognised that temporarily suspending the offer of site visits to members of the P & RS Committee is regrettable but in the current circumstances is deemed to be necessary taking into account the practical requirements of social distancing. Enhanced committee information packs will be provided with additional photographs of the sites and their immediate surroundings.**

Author of Report: Beverly Smith, Development Management & Building Standards Manager

Background Papers: Site visit and Procedure Protocol
Ref:

Site Visit Procedure and Protocol for Members of the Planning and Regulatory Services Committee Item 9

For audit, scrutiny and governance reasons it is good practice to agree and implement a Committee Site Visit Procedure and Protocol.

These procedures apply to applications being considered by the Planning and Regulatory Services Committee when determining development applications and other matters which may come before the Committee, such as High Hedge applications and Enforcement issues. It has been agreed that all proposals which are to be determined by Committee will be site visited.

The Appointed Officer will retain discretion, in consultation with the Chair or a nominated deputy, to decide that a site visit is not needed in relation to certain applications e.g. an application simply to extend the time limit on an existing mineral consent.

The Clerk to the Committee will make arrangements for the site visits, in consultation with Planning Officers, and will notify Applicants/agents of the arrangements to ensure access to the site can be obtained if needed. The Clerk will also be responsible for providing any equipment needed to address any Health and Safety considerations e.g. high visibility clothing/hard hats. Members should also take care generally on any site visit but particularly when entering/exiting any vehicle at the site visit.

All Members should attend the formally arranged site visit if they can. A record of attendance will be made but there will be no formal minute and the site visit does not form part of the decision making process. Members can still take part in the decision making process even if they have been unable to attend the site visit.

Site visits should be a fact-finding exercise to inspect the physical characteristics and the nature of the site and no debate between parties concerning the merits of the application should take place. An extract from the guidance issued to Scottish Government Inquiry Reporter's Unit on the conduct of site visits is attached as Appendix 1 and is adopted as part of this Protocol as representing best practice.

There are a number of key points to have regard to in relation to site visits. As site visits take place in an open and transparent manner, it is possible that applicants or their representatives and those who have made representations might be present at the site visit. Once a decision on any application is made there may be some parties who are unhappy with the outcome and may therefore be critical of the way matters have been conducted – this could include scrutiny of the site visit process.

In addition to the Clerk to the Committee who will provide advice on any procedural matters and ensure that no discussion is held on the merits of the application, Members attending a site visit will be accompanied by a Principal Planning Officer, if available or a Planning Officer if not, who is familiar with the application site and its surroundings. This may not always be the case officer dealing with the application. The Planning Officer will explain the background and the proposals and can answer questions from Members. They should have plans available for clarification. If available, officers from other services will also be in attendance e.g. Transportation, Environmental Health – to assist Members in clarifying any specific issue on site.

No questions should be asked directly to any third party present – all issues should be raised through the Planning Officer. Any information/queries raised at the site visit

will be reported back to Members at Committee so all Members are in full possession of the same information.

No discussion about the merits or otherwise of the application should take place. Members should stick together whilst at the site and details are being explained although Members may then wish to walk around the site to look at particular aspects. It is important that, at all times, Members are careful to avoid being drawn into conversations with any third parties present. Members should ensure there is no perception by other parties of any lack of fairness or impartiality.

Members may sometimes require to visit a site on their own in preparation for the Committee meeting as they cannot always make the arranged site visit. Reference is sometimes made to this at the meeting. This is perfectly acceptable. A Member must then ensure their conduct on any such visit is in accordance with the Code of Conduct and related guidance from the Standards Commission and that they do not give any indication of their support or opposition to any proposal.

APPENDIX 1

EXTRACT FROM GUIDANCE ISSUED TO SCOTTISH GOVERNMENT INQUIRY REPORTERS ON THE CONDUCT OF SITE VISITS

The purpose of a visit to the site by the Reporter is to allow him/her to familiarise himself/herself with the land in question, its location and surroundings, and any particular physical or geographical features. Persons accompanying the Reporter may point out particular features of aspects referred to in their evidence but the Reporter will not discuss the merits of the application with the parties during the visit. Such discussion is for the inquiry itself.

To be adopted for Council use by appropriate reference to “Members” for “The Reporter”, “representations” for “evidence” and “actual Committee” for “inquiry”.



REPORT TO: MORAY COUNCIL EMERGENCY CABINET ON 12 AUGUST 2020

**SUBJECT: COMMUNITY ASSET TRANSFER REQUEST (2015 ACT):
CULLEN COMMUNITY AND RESIDENTIAL CENTRE**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND
FINANCE)**

1. REASON FOR REPORT

- 1.1 This report invites the Emergency Cabinet to consider a community asset transfer request for Cullen Community and Residential Centre.
- 1.2 This report is submitted to the Cabinet following a decision of Moray Council on 25 March 2020 to temporarily suspend all delegations to committees as a result of the Covid-19 pandemic (para 2 of the minute refers).

2. RECOMMENDATION

2.1 It is recommended that the Emergency Cabinet:

- (i) **approves the request to transfer ownership of Cullen Community and Residential Centre to the Three Kings Cullen Association subject to the terms and conditions set out in section 5;**
- (ii) **remits the matter to the Estates Manager and Legal Services Manager to complete the transfer of title; and,**
- (iii) **notes that, if the request is approved and unless otherwise agreed with the Association, it will have 6 months from the date of the decision notice to submit a formal offer to purchase the property, failing which the agreement will have no further effect and the statutory asset transfer process will come to an end.**

3. BACKGROUND

- 3.1 On 11 April 2018, Moray Council approved transitional arrangements aimed at enabling successful community asset transfers of seven of its town halls and community centres (para 6 of the Minute refers). These arrangements included entering into short term leases with eligible groups. On 1 September 2018, the Three Kings Cullen Association (the Association) took entry to Cullen Community and Residential Centre (the Centre) in accordance with the agreed transitional arrangements.

- 3.2 Cullen Library occupies part of the building that houses the Centre. Prior to the lockdown, the library opened on a part time basis three days a week for a total of 12 hours. At the time of writing, Moray library services remain closed with planning having commenced for a phased resumption of services.
- 3.3 On 3 January 2020, the Association submitted an asset transfer request under the Community Empowerment (Scotland) Act 2015 (the Act) for the transfer of ownership of the Centre, including the section occupied by the library, for a price of £35,000. The request included an offer to lease the library back to the Council for a period of 20 years at a nominal rental for the purpose of maintaining a library service.
- 3.4 In accordance with the Asset Transfer Request (Procedure) (Scotland) Regulations 2016, the asset transfer request was the subject of a public consultation, details of which together with the responses thereto were published on the Council's website. The redacted asset transfer submissions, representations and responses are available on the Council's Committee Management System at <https://moray.cmis.uk.com/moray/CouncilandGovernance/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/1619/Committee/35/SelectedTab/Documents/Default.aspx>

4. ASSESSMENT

- 4.1 The Association is a company limited by guarantee without share capital (SC597960) and a registered Scottish Charity (SC048529), whose governing documents meet the criteria for being classed as a community-controlled body that is able to request a transfer of ownership under the Act. The Association was formed to benefit the communities of Cullen and Deskford with the following objectives to the extent that these are consistent with furthering sustainable development:
- (i) The advancement of community development (including the advancement of rural regeneration) principally within the community.
 - (ii) To provide recreational facilities at Cullen Community Centre for the benefit of all members of the public, with priority given to the community, and to organise community recreational activities.
- 4.2 Best Value characteristics are in evidence throughout the Association's proposal. Its members have the relevant skills and experience to deliver its objectives. It has demonstrated that there is wide community support for its proposals. Its governance and financial management arrangements are sound and sustainable. It has made arrangements to secure the necessary resources to deliver its objectives and to monitor the achievement of these. The Association has appropriate Equalities policies in place and has taken into consideration the needs of its community following extensive consultation.
- 4.3 The projected benefits of the requested transfer relate primarily to social wellbeing, covering a range of activities intended to bring people together, encourage learning, support cultural activities, and create a stronger community spirit. The proposal is also projected to deliver some economic development and regeneration benefits through protecting existing jobs,

creating new job opportunities, increasing visitor numbers to the local community, and increasing the utilisation of an under-used facility.

- 4.4 During the lockdown, the Association prepared a detailed risk and recovery plan for the re-opening of the centre. The plan identifies the actions taken and arrangements established to address the hygiene, cleaning and social distancing requirements of reopening. The plan shows a clear understanding of the implications of Covid-19 for re-opening with the arrangements put in place being well thought through. The plan is contained within the supplementary submission made by the Association on 23 June 2020, a copy of which is available on the Council's Committee Management System at <https://moray.cmis.uk.com/moray/CouncilandGovernance/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/1619/Committee/35/SelectedTab/Documents/Default.aspx>.
- 4.5 In January 2020, the Council's Estates Manager advised that, based on uses permitted under the existing Moray Local Development Plan, the estimated market value of the Centre was £205,000 and that if planning consent for residential purposes could be obtained then the estimated market value of the property would increase to £400,000. The impact of the government's response to Covid-19 on property markets and values remains unclear. Consequently, these valuation estimates carry a significantly higher degree of uncertainty than usual. However, it is clear that the request involves a disposal at significantly less than the best price that could reasonably be obtained, equating to a discount of 83% on the estimated market value of £205,000. Taking into account the offer of a rent-free lease of the library back to the Council, the overall projected benefits of the proposal are considered to be commensurate with the requested discount.
- 4.6 The Association has received an offer of finance from the Scottish Land Fund for the purchase of the Centre and to help cover the costs of appointing a development officer. This offer will be withdrawn if no decision is made by the Council on the asset transfer request by 24 August 2020.
- 4.7 There is a low risk of the presence of State Aid as the proposed service is considered to be local and, therefore, unlikely to affect intra-community trade among EU member states.
- 4.8 The strength of the Association's overall business case, submitted in support of its asset transfer request, is considered to be moderate to strong. That is,
- (a) Its governance and financial management arrangements are sound and sustainable,
 - (b) Best Value characteristics are in evidence in the proposal, and
 - (c) Projected benefits are acceptable and could lead to value for money.
- The lower assessment of moderate relates to the projected benefits only and is a direct result of the greater degree of uncertainty caused by the impact of Covid-19 and the ongoing lockdown.

5. ASSET TRANSFER TERMS

- 5.1 If the recommendations are agreed, the following terms would apply to the transfer:

- (a) Subjects – the asset comprises Cullen Community and Residential Centre, Seafield Road, Cullen, including that part of the premises occupied by the Council for the purposes of delivering a library service;
- (b) Price – the price payable would be £35,000.
- (c) Existing Lease to the Association – the existing lease terms would apply until the date of the transfer;
- (d) New Lease to the Council – the transfer would be conditional upon the Association agreeing to lease the library back to the Council on the following main terms and conditions:
 - (i) Period – 20 years from date of entry (to be agreed).
 - (ii) Break – option to break at any time in the Council's favour on giving 6 months written notice to the Association.
 - (iii) Rent – £1 per annum, if asked, with no review.
 - (iv) Use – library and associated services.
 - (v) Maintenance/repair – the Association would be responsible for maintaining common services and keeping the premises wind and watertight and the Council for maintaining the interior of the library. Major repairs affecting the library would require to be agreed with the Council prior to them being carried out.
 - (vi) Insurance – the Association would insure the building and recharge the Council a proportion of the premium in accordance with the agreed service charge percentage.
 - (vii) Service Charge – the Council would pay a monthly service charge in respect of common services, including utilities, repairs and maintenance, but not upgrading or renewal without the Council's consent, with costs apportioned according to the gross internal floor area of the main building, excluding outbuildings. This would mean that the Council's share of common costs would be 12.71%. Services supplied by the Association exclusively to the library would be recharged at 100%. The element of the Council's service charge liability relating to repairs and maintenance would be capped at £3,000 per annum.
- (e) Fees/Expenses – each party would meet its own legal expenses in the processing of the transaction, including legal expenses and surveyors fees; and,
- (f) Other Terms – any other detailed terms agreed with the Council's Legal Services Manager and Estates Manager.

5.2 The Association will have a right to request that the Council reviews its decision if the request is refused or the terms of the decision differ materially from those requested.

6. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

Transferring assets to the community supports the 10 Year Plan (LOIP) aim of creating more resilient and sustainable communities and is consistent with the Corporate Plan value of promoting community empowerment as a means of supporting communities take on more responsibility. The proposed transfer has links to the Corporate Plan priority of encouraging the development of caring and healthy communities.

(b) Policy and Legal

On 21 March 2017, the Policy and Resources Committee approved the following policy statement (para 5 of the minute refers).

“Moray Council recognises the important role that the transfer of property assets can play in empowering communities and strengthening their resilience. Where appropriate, the Council will use the transfer of assets to give more control to communities and local people, inspire them to find local solutions to community needs, and as a means of helping communities become more sustainable in the long term. In determining all asset transfer requests, the Council will have regard to the guidance provided by the Scottish Government in relation to asset transfer requests made under Part 5 of the Community Empowerment (Scotland) Act 2015, whether or not such requests are made under the provisions contained in the Act.”

Section 82(5) of the Community Empowerment (Scotland) Act 2015 requires the Council to agree to the asset transfer request unless there are reasonable grounds for refusing it.

Assets transferred to the community at less than market value must comply with the Disposal of Land by Local Authorities (Scotland) Regulations 2010, which requires the Council to be satisfied that the proposed transfer is reasonable and that the disposal is likely to contribute to the promotion or improvement within Moray of any of the following purposes:

- (i) Economic Development,
- (ii) Regeneration,
- (iii) Public Health,
- (iv) Social Wellbeing, or
- (v) Environmental Wellbeing.

Reasonableness in this context is taken to imply that the requested discount is the minimum necessary to allow the project to proceed and that it is commensurate with the likely benefits of the project.

(c) Financial Implications

The Association has offered to pay a price of £35,000 for a transfer of ownership of the Centre. The Council's Estates Manager advised that the estimated market value of the Centre was £205,000 based on uses

permitted under the existing Moray Local Development Plan. On this basis, the request involves a discount of £170,000 on the market value. However, the Association is offering to lease the library back to the Council for a period of 20 years at a nominal rental, equating to a concession valued at £2,000 per annum based on the proposed lease terms and conditions. Assuming the lease continues for the full 20-year term, the capital value of this concession is estimated to be £14,050. When the value of the proposed rental concession is taken into consideration, the value of the overall discount amounts to £155,950.

The property-related revenue costs of operating the library would remain largely unchanged as a result of agreeing to the requested transfer.

In reaching its decision, the Cabinet should consider:

- (i) the likelihood of the current library location continuing to meet the Council's service delivery requirements for the full duration of the proposed lease, and
- (ii) whether the projected benefits arising from the transfer are commensurate with a requested discount lying between £155,950 and £170,000.

(d) Risk Implications

The risks associated with the proposal have been considered by the Association and appropriate actions identified to mitigate these. Although the asset transfer request was made before the beginning of the Covid-19 pandemic, its supplementary submission includes a detailed risk and recovery plan that shows a clear understanding of the implications of Covid-19 for re-opening with the arrangements put in place considered to have been well thought through.

The risk of the Association failing are considered to be low. However, in the event of its winding up or dissolution, its constitution provides that any remaining assets would transfer to another community body or, failing which, to the Scottish Ministers or to such Scottish charitable body as the Scottish Ministers may direct.

As stated in para 4.5 of this report, the impact of the coronavirus on property markets and the estimates of value of this property are currently unclear. As such, the estimates of value provided in this report are subject to material valuation uncertainty. Consequently, they are less certain and a higher degree of caution should be attached to the estimates of value than would normally be the case.

Based on the last condition survey carried out by the Council this property has significant backlog repairs and maintenance and in terms of the service charge proposals the Council's share could potentially amount to around £60,000. In order to mitigate the Council's risk to large bills over which it has little control it is proposed that the service charge element relating to repairs and maintenance be capped at £3,000 per annum.

(e) Staffing Implications

There are no direct staffing implications arising from this report. However, progression of the proposed transfer is dependent upon the availability of staff resources, which are currently limited as a result of the Council's response to Covid-19.

(f) Property

The property implications are detailed in the main body of the report.

(g) Equalities/Socio Economic Impact

An Equalities Impact Assessment is not required as agreeing to the asset transfer request would have no impact on Council service delivery.

(h) Consultations

The Depute Chief Executive (Economy, Environment and Finance), Chief Financial Officer, Head of Economic Growth and Development, Head of Education Resources and Communities, Acting Principal Librarian, Legal Services Manager, Estates Manager, P. Connor Principal Accountant, D. Brodie Community Support Officer, Democratic Services Manager, and Equal Opportunities Officer have been consulted and comments incorporated in the report.

Keith and Cullen ward members have been consulted and may make their views known at the meeting.

7. CONCLUSION

7.1 The proposed transfer is likely to contribute to the priorities set out in the Council's Corporate Plan and Local Outcomes Improvement Plan.

7.2 The strength of the Association's overall business case is considered to be moderate to strong. That is,

- (a) Its governance and financial management arrangements are sound and sustainable,**
- (b) Best Value characteristics are in evidence in the proposal, and**
- (c) The projected benefits are acceptable, could lead to value for money, and are sufficient to justify a disposal at less than market value.**

7.3 There are no reasonable grounds for refusing the request for a transfer of ownership.

Author of Report:	Andrew Gray, Asset Management Coordinator
Background Papers:	Held by author
Ref:	CAT/067/ATR/CEA



REPORT TO: MORAY COUNCIL EMERGENCY CABINET 12 AUGUST 2020

SUBJECT: CAR PARKING CHARGES

BY: DEPUTE CHIEF EXECUTIVE (ECONOMIC GROWTH, HOUSING & ENVIRONMENTAL SUSTAINABILITY COMMITTEE)

1. REASON FOR REPORT

- 1.1 To inform the Emergency Cabinet of the financial implications for delaying the reinstatement of the car parking charges.
- 1.2 This report is submitted to the Cabinet following a decision of Moray Council on 25 March 2020 to temporarily suspend all delegations to Committees as a result of the Covid-19 pandemic (para 2 of the minute refers).

2. RECOMMENDATION

- 2.1 **It is recommended that the Emergency Cabinet considers when to reinstate the car parking charges.**

3. BACKGROUND

- 3.1 Charging for the use of car parks was suspended at the end of March 2020 in light of the Coronavirus pandemic. All enforcement activity (including disabled bays etc.) was also suspended, and the car park attendants stood down. The two multi-storey car parks had been closed to minimise anti-social behaviour (reopened on the 13 July 2020, and the surface car parks are free to use without charge).
- 3.2 The reinstatement of charges was discussed at a sounding board meeting on the 2 July 2020, where views were sought to inform the Chief Executive's decision under his emergency delegated authority.
- 3.3 It was felt by the Chief Executive that a broad consensus had been reached at the meeting of the 2 July 2020 which indicated support for a decision by him to reinstate the charges with effect from the 1 August 2020.
- 3.4 The reinstatement of the charges was publicised and subsequent concerns were raised by businesses and the public as to timing of the charges claiming that businesses need time to recover and the charges would act as a

deterrent to people coming into the town centre to shop. Concerns were also raised over the lack of sanitisation available next to the pay machines.

- 3.5 This matter was discussed again at the sounding board on the 16 July 2020. At this meeting no consensus was reached with a range of views expressed about when the charges should be reinstated. Starting from when the schools return on the 12 August, to after Christmas, with a number of members indicating support for deferral of charges until the end of October with a further review at that point. In light of those discussions, the Chief Executive decided to again exercise his emergency delegated powers to defer introduction of charging until the end of August at the earliest, with the matter of reinstatement of charges to be considered at this meeting of the Emergency Cabinet.

4. MATTERS FOR CONSIDERATION

- 4.1 The table below gives a basic method of calculating the income that could be generated over the next 3 months if the car parking charges were reintroduced

	Cars			
Survey Aug 2019	717			
Survey Jul 2020	354			
Survey excludes Greyfriars and HQ Annex				
Avg monthly income for Greyfriars and HQ Annex	£2,941			
	Aug	Sep	Oct	
Actual Income 2019	£66,282	£84,220	£67,953	
Predicted Income 2020	£32,708	£41,560	£33,533	
Predicted Income Greyfriars and HQ Annex	£1,451	£1,451	£1,451	
Total Predicted Income 2020	£34,159	£43,011	£34,984	

- 4.2 A survey of the car parks was carried out week beginning 6 July 2020 and the total count across the Elgin charged car parks was 354. The count did not include Greyfriars and Annex HQ (week day charges introduced October 2019), Batchen Street (Closed) and St Giles (Closed) multi storeys and Station Car Park (small occupancy).
- 4.3 The total was compared with the nearest equivalent survey which was carried out in August 2019 (717). This was used as a ratio to predict what the equivalent income would be over the next 3 months as a percentage of last year's income.
- 4.4 A total was taken as the occupancy in each car park is not representative if a charge was applied as users tend towards the premium car parks when free rather than say Lossie Green and Lossie Wynd which currently have very low occupancy.

- 4.5 This prediction is only a broad indication of what income the council would generate if a charge was applied as there are many factors which are not taken into account including:
- How many more people will return to the centre for shopping and /or employment
 - Impact reintroduction of charge would have on use of car parks
 - Current number of users that are using the free car parks as residential parking and would not if charged
 - Any future relaxation of restrictions e.g. reduction of social distancing.
- 4.6 It is noted that there is currently no sanitisation available next to the pay machines. With 52 machines over 15 car parks this would require dispensers placed next to the machines and refilled regularly by the car park attendants.
- 4.7 The Council in partnership with Elgin Bid and Highlands and Islands Enterprise have sought grant funding to install sanitisation stations in each of the car parks. It is not known if this bid will be successful as it is highly competitive with only a proportion of bids likely to receive grant funding and it would be a number of months before grant award and order and delivery of the stations could be completed.
- 4.8 The service is currently assessing the viability of using a phone app to pay for car parking and will be putting together a business case for approval. If viable this will obviously assist with hygiene, with users being able to avoid hand contact with the machines. Assuming there is a positive business case then it would take about 6 weeks from the point of contract award to being used as a method of payment.
- 4.9 It should be noted that a number of push button machines throughout the centre of Elgin do not have sanitisation facilities next to them, these include, ATM machines, fuel dispensers and pedestrian crossings, with the expectation that people now carry their own sanitiser.

5. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

The Council's Corporate Plan 2019/24, approved in draft by council on 3 March 2020, will provide direction and focus for financial planning and the alignment of budgets to priorities.

(b) Policy and Legal

There are no policy or legal implications.

(c) Financial implications

Corporate Management Team Additional Expenditure Warning

When the council approved the budget for 2019/20 on 27 February 2019 (para 4 of the Minute refers), the three year indicative budget before the council showed savings required in 2020/21 of £12.2 million and £6.7 in 2021/22. Although the final figures will vary, it is clear that the Council will have to reduce its costs significantly across all services in future years. All financial decisions must be made in this context and only essential additional expenditure should be agreed. In making this determination the Committee should consider:

- Is there a statutory requirement to incur the expenditure?
- Are there any alternative actions available to avoid or reduce the cost?
- Are there alternative ways in which the service could be provided?
- What are the risks and consequences of not allocating the funding?
- Does the expenditure contribute to long term financial stability?

If in light of these factors the spend is considered essential or reduction in income unavoidable, the relevant Committee should consider how it could be accommodated within the service budget, including what other activity would have to cease or diminish with what impact and risk. Only following these considerations should a request be made to the Council for additional budget allocation.

The survey taken in July this year shows currently about a 50% reduction in occupancy in the car parks therefore it is estimated that the loss of income over the next 3 months (August – October) to the Council would be £112,154 at an average per month of £37,385.

The Council is forecast to have a budget gap of £5.4m in 2020/21 and £6.7m in 2021/22 without taking account of the impact from Covid-19 virus.

(d) Risk Implications

There are no risks associated with this report.

(e) Staffing Implications

There are no staffing implications arising from this report, as the car park attendants are currently monitoring the car parks, carrying out maintenance, and assisting with the Spaces for People pedestrianisation.

(f) Property

There are no property implications.

(g) Equalities/Socio Economic Impact

There are no equalities implications.

(h) Consultations

This report has been prepared in consultation with the Deputy Chief Executive (Economy, Environment & Finance), The Principal Accountant, Legal Services Manager, Environmental Protection Manager, Democratic Services Manager and the Equalities Officer. Any comments have been taken into consideration.

6. CONCLUSION

- 6.1 It is clear that there has been a reaction to the Council committing to reinstate the car parking charges from the 1 August 2020 as outlined in paragraph 3.4. However the consequences of delaying the charges could result in an average loss of income of £37k per month, at a time when the Council faces a significant budget gap made worse by the COVID-19 virus.**

Author of Report: Head of Environmental and Commercial Services

Background Papers:

Ref:



REPORT TO: MORAY COUNCIL EMERGENCY CABINET 12 AUGUST 2020

SUBJECT: PUBLIC CONVENIENCES

BY: DEPUTE CHIEF EXECUTIVE (ECONOMIC GROWTH, HOUSING & ENVIRONMENTAL SUSTAINABILITY COMMITTEE)

1. REASON FOR REPORT

- 1.1 To inform the Emergency Cabinet on progress in developing an alternative delivery model in partnership with Visit Moray and Speyside due to the corona virus pandemic.
- 1.2 This report is submitted to the Cabinet following a decision of Moray Council on 25 March 2020 to temporarily suspend all delegations to Committees as a result of the Covid-19 pandemic (para 2 of the minute refers).

2. RECOMMENDATION

2.1 It is recommended that the Emergency Cabinet:

- (i) **notes that due to the corona virus pandemic an alternative delivery model has not yet been developed due to the circumstances described in paragraph 3.7 of this report;**
- (ii) **agrees one of the options outlined in paragraph 5.1 and 5.2 of this report.**

3. BACKGROUND

- 3.1 In setting its budget on 3 March 2020, the Council reviewed an earlier decision made on the 12 February 2020 when the Council agreed to close public toilets listed below from the 1 October 2020 (paragraph 20 of the minute refers):

- Newlands Lane, Buckie
- Seaview Road, Cummingston
- Albert Place, Dufftown
- Cooper Park, Elgin
- West Dunes (North), Findhorn
- Grant Park, Forres
- Old Station, Ballindalloch
- Tomnabat Lane, Tomintoul

- Spey Street, Garmouth
 - Regent Square, Keith
 - East Street, Fochabers
 - Esplanade, Lossiemouth
 - Victoria Road, Craigellachie
 - New Street, Rothes
- 3.2 This list excluded the 5 harbour toilets given that all five harbours have trading fishermen operating from them, and so require to have toilet facilities and access to fresh water both as a matter of health and hygiene, and as a reasonable expectation of services provided in relation to harbour fees.
- 3.3 The proposal removed 2 posts and affected 4 members of staff and consultation with staff would be required in accordance with existing policies and procedures if this proposal was to be implemented. The staff that are potentially affected are aware of the impact of a decision to close toilets as this has been a recurring issue over several years and in light of this HR have confirmed there is no requirement for this report to be considered in confidence.
- 3.4 The saving from this proposal was £63,000, profiled across two years as follows: £32,000 in 2020/21 and £31,000 in 2021/22.
- 3.5 The Special meeting of Moray Council on 3 March 2020 reviewed this earlier decision and agreed to the following (Para 3 of the minute refers):
- “a commitment from the Administration to work with communities and other organisations on alternative delivery models for toilet provision in relation to the toilets that Council agreed in January 2020 (sic) to close from October 2020; and*
- if an alternative delivery model is not achieved then the Administration Group will bring back this agreed saving to a Council meeting in August for review, setting out any progress made by that time and provide Councillors with an opportunity to take an alternative way forward for the service. “*
- 3.6 Moray Council Officers have had on-going discussions with Visit Moray & Speyside, the Tourism BID company, and its predecessor Moray Speyside Tourism to investigate viable models of operation which would enable key public conveniences to be secured for the long-term.
- 3.7 The Corona Virus pandemic has meant that the Tourism BID’s Board of Directors have not yet had an opportunity to meet in person to consider how, or if the organisation can help deliver a new model for public conveniences. The subject will be discussed at a board meeting in early August and it is hoped that a clearer picture of the possible options will be identified. If the Tourism BID Directors are supportive, further work will take place to identify possible partners, funding and revenue streams.
- 3.8 If supported by the Tourism BID Directors it is likely that any arrangement will be subject to the Council and the Tourism Bid Company working together with communities and looking to secure third party funding.

4. CURRENT POSITION

- 4.1 In line with the Scottish Government's announcement to open up tourism a number of toilets were reopened on the 13 July 2020 as detailed in para 4.3 below.
- 4.2 Current guidance indicates additional cleaning would be required. Given the reduced number of toilets that were reopened, the additional daily clean was resourced from existing staff and vehicles. To have opened any more toilets would have required additional resources to service these. The decision as to which toilets were opened was taken in consultation with Visit Moray & Speyside.
- 4.3 The following is a list of toilets which were approved for reopening at the Response and Recovery Management Team on the 30 June 2020 and reviewed by the Sounding Board on the 2 July 2020.

- West Dunes (North), Findhorn
- Cooper Park, Elgin
- Victoria St, Craigellachie
- Regent Square, Keith
- Tomnabat Lane, Tomintoul
- Grant Park, Forres
- Esplanade, Lossiemouth
- Albert Place, Dufftown

All the above are open all year round except Cooper Park which is seasonal and closes 1 October 2020.

- 4.4 A complete list of the current status of all the toilets is included in **Appendix A**.

5. OPTIONS

- 5.1 Approve the Council decision of the 12 February 2020 to close all the toilets after 1 October 2020 with the exception of the harbour toilets subject to staff consultation and a report back to committee only if any unexpected issues arise. The saving arising from this option will be £32,000 in 2020/21 and £31,000 in 2021/22.
- 5.2 Continue discussions with Tourism BID and/or communities and review the position in January 2021 as part of budget preparations for setting 2021/22 budget and meantime either:
- a) Keep open the toilets listed in paragraph 4.3 except seasonal closures until the end of March 2021. This will reduce the savings identified in paragraph 6.1 from £32,000 to £5,258 or
 - b) In addition to paragraph 5.2 a) reopen the remaining 6 toilets as listed below. This will eliminate the £32,000 savings identified in paragraph 5.1 and cost the Council an additional £13,252. The toilets would take at least a week to get checked and tested for legionella, before they could reopen.

- Newlands Lane, Buckie. (Open all year)

- Cummingston.(Seasonal)
- East Street, Fochabers. (Open all year)
- Playing field, Garmouth.(Seasonal)
- Off New Street, Rothes.(Open all year)
- Old Station Ballindalloch (Seasonal)

5.3 It should be noted that given that Tourism BID is a new organisation with recently newly appointed directors there will be a number of priorities that it will have to contend with, therefore rather than Tourism BID taking over the toilets it is likely that their role will be to support the Council to seek external grant funding and in supporting community takeover of toilets.

6. **SUMMARY OF IMPLICATIONS**

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

The Council's Corporate Plan 2019/24, approved in draft by council on 3 March 2020, will provide direction and focus for financial planning and the alignment of budgets to priorities.

The Recovery and Renewal Strategy agreed for consultation on 24 June 2020 at Emergency Cabinet relating to the recovery process sets out aims and objectives which include reference to considering redesigning services before proceeding to recover them and the need to be equitable as well as sustainable.

(b) Policy and Legal

No legal requirement to provide public toilets.

(c) Financial implications

Corporate Management Team Additional Expenditure Warning.

When the Council approved the budget for 2019/20 on 27 February 2019 (para 4 of the Minute refers), the three year indicative budget before the council showed savings required in 2020/21 of £12.2 million and £6.7 in 2021/22. Although the final figures will vary, it is clear that the council will have to reduce its costs significantly across all services in future years. All financial decisions must be made in this context and only essential additional expenditure should be agreed. In making this determination the committee should consider:

- Is there a statutory requirement to incur the expenditure?
- Are there any alternative actions available to avoid or reduce the cost?
- Are there alternative ways in which the service could be provided?
- What are the risks and consequences of not allocating the funding?
- Does the expenditure contribute to long term financial stability?

If in light of these factors the spend is considered essential, the relevant Committee should consider how it could be accommodated within the

service budget, including what other activity would have to cease or diminish with what impact and risk. Only following these considerations should request be made to the Council for additional budget allocation.

The Council is forecast to have a budget gap of £5.4m in 2020/21 and £6.7m in 2021/22 without taking account of the impact from Covid-19 virus.

(d) Risk Implications

There is a risk that the Tourism Bid directors do not support a partnership approach to the management of public toilets. Community interest in respect of the toilets on the list at para 3.1 has been limited which is why they have not transferred across into community ownership/operation as some others have.

(e) Staffing Implications

There are implications for the workforce in the budget proposal contained in this report with one full time and one part time post being removed. Four individuals will be placed at risk of redundancy if the savings option outlined in paragraph 5.1 is agreed by the Council with three individuals in a group at risk and one as an individual at risk. The Transform process will be activated in order to manage and mitigate any possible redundancies with a view to avoiding this wherever possible. Transform involves managing vacancies and giving employees preferential treatment and support in securing alternative employment with the Council, including options that are outside their current service.

As the timescales in which to manage the potential workforce reduction is relatively short, at this stage it is anticipated that it may not be possible to secure alternative employment within the Council for the employees affected. As part of the Transform process, the employees concerned will be offered the opportunity to voluntary early exit options should it prove difficult to find suitable alternative employment within the Council.

While it is not possible to provide an accurate figure at this point, estimated total redundancy costs are likely to be in the region of £32,000.

(f) Property

If the Committee is minded to close the public toilets as listed in paragraph 3.1 this would result in 14 public conveniences becoming surplus to the Council's property requirements

(g) Equalities/Socio Economic Impact

An Equality Impact Assessment Statement (EIA) had been prepared for the proposed saving and considered when the saving was agreed in February, due to the potential impact on people with protected characteristic.

The justification for proposing the closure of toilets is primarily based on reducing costs thus contributing towards balancing the Councils budget. It is noted that this is not a statutory service. The mitigation for the closures proposed in February 2020 was that we had been working with a number of communities to take over toilets through CATS and leases and with businesses to open up their premises for comfort schemes. Four toilets currently on lease arrangements. While the comfort schemes have ceased due to social distance constraints we will still work with communities to encourage community running of the toilets. Mitigations are considered to be reasonable.

(h) Consultations

This report has been prepared in consultation with the Depute Chief Executive (Economy, Environment & Finance), Head of HR, ICT & Organisational Development, The Principal Accountant, Legal Services Manager, Environmental Protection Manager, Democratic Services Manager and the Equalities Officer. Any comments have been taken into consideration.

7. CONCLUSION

- 7.1 While there have been discussions with Visit Moray & Speyside little progress has been made, given that Tourism BID directors have not had an opportunity to discuss if they are supportive of working in partnership with the Council on either taking on toilets or working with the Council to assist communities to take on the running of the toilets. Early discussions would suggest that their role would be in enabling communities to taking on the running of the toilets rather than Tourism BID itself doing this.**

Author of Report: Head of Environmental and Commercial Services

APPENDIX A

	Location	Status	Current Status	Seasonal	Title	CAT/Lease	Easy Short Lease Potential	Comfort Scheme
Buckie & District CC Area								
1	Newlands Lane, Buckie	Open	Closed due to Covid. Due to close 30/09/20	Open all year	GS	No interest	Yes	2 Council properties
2	Strathlene, Great Eastern Road, Buckie	Closed	Closed 04/06/18 as budget saving	Was seasonal	GS	Interest expressed	No	
3	Cluny Harbour, Buckie	Open	Open	Open all year		Open for harbour users use		
Burghead & Cummingston CC Area								
4	Seaview Road, Cummingston	Open	Closed due to Covid. Due to close 30/09/20	Normally seasonal	GS	Initial Interest expressed by community, Estates followed up to see if still interested.	Yes	1 business
5	Burghead Harbour, Burghead	Open	Open	Open all year		Open for harbour users use		
Cullen & Deskford CC Area								
6	Links, Cullen	Seasonal let by Community Group	Closed due to Covid	Normally seasonal	GS	Interest from Cullen Amenity Group (Three Kings Cullen Association). Estates progressing.	Yes	
7	The Square, Cullen	Seasonal let by Community Group	Closed due to Covid	Open all year	GS	Interest from Cullen Amenity Group. Estates progressing.	Yes	

8	Cullen Harbour, Cullen	Closed. Due to be leased from 03/08/20	Closed due to Covid.	Open all year		Will be leased from 03/08/20, facility will remain closed until upgrade works are carried out (completion past high season)		
Dufftown & District CC Area								
9	Albert Place, Dufftown	Open	Open due to close 30/09/20	Open all year	GS	Initial Interest in leasing from community group	Yes	1 Council property 1 business
Elgin CC Area								
10	Cooper Park, Elgin	Open	Open due to close 30/09/20	Seasonal	PT	Trust deed restricts options. Alternative toilets available in nearby public library.	Yes	5 businesses and council properties. Organised seperately via Elgin BID
Findhorn & Kinloss CC Area								
11	West Dunes (North), Findhorn	Open	Open due to close 30/09/20	Open all year	GS	Interest in transfer of ownership from Findhorn Village Conservation Co. All 3 properties now valued.	Yes	1 business
12	West Dunes (South), Findhorn	Closed	Closed 04/06/18 as budget saving	Was Seasonal	GS 86	Interest in transfer of ownership from Findhorn Village Conservation Co. Awaiting quote from District Valuer.	Yes	
Findochty & District CC Area								
13	Jubilee Terrace, Findochty	Open	Open	Open all year		Open for harbour users use		
Forres CC Area								

14	Grant Park, Forres	Open	Open due to close 30/09/20	Open all year	PT	Toilet part of pavilion located within park. Some Community Interest Seeking clarification of Cat or Lease	No	3 Council properties
15	Leys Road, Forres	Closed	Closed 04/06/18 as budget saving	Was open all year	GS		Yes	3 businesses
Glenlivet CC Area (NOT ESTABLISHED)								
16	Old Station, Ballindalloch	Open	Closed due to covid	Was seasonal	GS	Potential to transfer to shared user.	Yes	1 business
17	Tomnabat Lane, Tomintoul	Open	Open	Open all year	GS	In discussions with KaTCA regarding take-over.	Yes	1 Council property 1 business
Hopeman & Covesea CC Area (NOT ESTABLISHED)								
18	Hopeman Harbour, Hopeman	Open	Open	Open all year		Open for harbour users use		
Innes CC Area								
19	Spey Street, Garmouth	Open	Closed due to Covid. Due to close 30/09/20	Seasonal	NK	Portable building located within recreation ground (not owned by Council).	No	
Keith CC Area								
20	Mid Street, Keith	Closed	Closed 04/06/18 as budget saving	Was open all year	GS	Located within car park. Available for possible lease	Yes	2 Council properties
21	Regent Square, Keith	Open	Open	Open all year	GS	No interest	Yes	2 businesses

22	Reidhaven Square, Keith	Closed	Closed 04/06/18 as budget saving	Was open all year	NK	Local company interest in short lease	Yes	
23	St Rufus Park, Keith	Closed	Closed 04/06/18 as budget saving	Was Seasonal	GS	Toilet part of pavilion located within park. Commercial lease interest unlikely.	No	
Lennox CC Area								
24	East Street, Fochabers	Open	Closed due to Covid. Due to close 30/09/20	Was open all year	GS	Toilet part of sports pavilion located within park.	No	1 Council property 3 businesses
Lossiemouth CC Area								
25	Esplanade, Lossiemouth	Open	Open	Open all year	CG	Located within larger area held by common good. Lossie Dev Trust/CC interested from next year	Yes	2 Council properties
26	Station Park, Lossiemouth	Seasonal let by Community Council	Closed 04/06/18 as budget saving then leased to community	Was open all year	GS 46	CAT interest in park from Lossie Community Development Trust. Let to Community Group lease continuing by Tacit Relocation	No (Yes possibly if we let whole pavilion)	5 businesses
Portknockie CC Area								
27	Portknockie Harbour, Portknockie	Open	Open	Open all year		Open for harbour users use		
Speyside CC Area								
28	Fiddich Park, Craigellachie	Closed	Closed 04/06/18 as budget saving	Was seasonal	GS	Located in park (adj Speyside Way). Interest from Village Council withdrawn 18-Jun-18.	Yes	

29	Victoria St, Craigellachie	Open	Open	Open all year	GS	Interest from Village Council withdrawn 18-Jun-18.	Yes	1 business
30	New Street, Rothes	Open	Closed due to Covid. Due to close 30/09/20	Was open all year	GS	Community Council may be interested but not eligible for CAT - will need to form as a community controlled body	Yes	

Facilities that were closed in 2018 due to budget savings (there are some that have ongoing interest from Community Groups so have been left in - these can be removed if required)

Facilities open at this present time = 13 (5 harbours and 8 non-harbours)

Facilities that would normally be open at this time, but are closed due to Covid = 6

Facilities that are/are due to be leased = 4



REPORT TO: MORAY COUNCIL EMERGENCY CABINET ON 12 AUGUST 2020

SUBJECT: FUNDING FROM RESERVES 2020/21

BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND FINANCE)

1. REASON FOR REPORT

- 1.1 To ask the Cabinet to agree to the use of free general reserves to fund expenditure in 2020/21 as set out in the report.
- 1.2 This report is submitted to the Emergency Cabinet following a decision of Moray Council on 17 June 2020 to convene a meeting of the Emergency Cabinet as and when required until a new simplified Committee structure commences on 2 September 2020, due to the COVID-19 pandemic.

2. RECOMMENDATION

- 2.1 **It is recommended that the Emergency Cabinet approves the use of free general reserves to fund expenditure of £437,164 as set out in paragraph 3.10 of this report.**

3. BACKGROUND

- 3.1 In addition to the funding announced in the local government settlement, Scottish Government announces funding during the financial year for various initiatives. Where this funding is distributed as part of the General Revenue Grant (GRG) and balance unspent at 31 March 2020 it is held in free general reserves. The bulk of the expenditure requested to be funded from free general reserve relates to additional GRG funds awarded during 2019/20. There are also requests relating to project slippage, and some funding received by the council to be spent as and when needed.
- 3.2 Additional funding of £257,000 was announced in January 2020 for additional support for learning. The funding announcement was too late to be used in 2019/20. The service department plans to use the funding to help with the transition through the restructure of the additional support for learning service.
- 3.3 Scottish Government provided additional funding of £25,000 in 2018/19 and £25,000 in 2019/20 for the reinvigoration and extension of the Whole System

Approach to justice services. Although funding has come through GRG, the service is expected to report on expenditure. Under £7,000 has been spent to date. The service has reported to Scottish Government plans to employ a project worker to include those under 21 and up to 26 who have been care experienced. The underspend of £43,486 would be added to the in-year funding of £25,000 in 2020/21.

- 3.4 The budget for Discretionary Housing Payments (DHP) was underspent by £28,902. Demand is anticipated to increase in 2020/21, partly as a result of COVID-19 and its impact on household finances, partly due to the roll out of Universal Credit, resulting in more people being affected by the benefit cap. Consequently the service requests that an amount equal to last year's underspend is funded from reserves in 2020/21.
- 3.5 The Home Office provides funding for Syrian refugees, over a five year period. Of the funding received to date, £26,083 was unspent at 31 March 2020. The underspend has been committed to provide staffing at Linkwood Primary School and within the English as an Additional Language (EAL) Service. Moray College have also been asked to provide classes for adults. Consequently it is recommended that this amount is funded from reserves.
- 3.6 The Dorenell wind farm is contributing £50,000 a year for 25 years towards the cost of maintaining Moray's core paths network. £40,000 was spent in 2019/20 on capital projects. It is recommended that the balance of £10,000 is available to spend in 2020/21, funded from reserves.
- 3.7 The Council received a contribution of £5,000 towards Community Planning Partner projects for Police Scotland which remains unspent at 31 March 2020. It is recommended that this sum plus the Council's match-funding (a total of £9,693) is available to be spent in 2020/21, funded from reserves.
- 3.8 At a meeting on 8 May 2019 (paragraph 14 of the minute refers), the Council agreed to allocate funding of £40,000 towards the Moray Growth Deal. During 2019/20 £4,000 was spent on graphics / artists impressions for the Cultural Quarter project. It is recommended that the balance of the approved allocation (£36,000) is made available to be spent in 2020/21, funded from reserves.
- 3.9 As a result of COVID-19, there was slippage on some projects. Work was unable to proceed on some small energy efficiency projects and on the Elgin Traffic Survey. Consequently it is recommended that the budgets for these projects - £6,000 for energy efficiency projects, which generate cash savings and contribute towards the Council's target to be carbon neutral in future years and £20,000 for the traffic survey – are rolled forward into 2020/21 and funded from reserves.

3.10 The amount requested to be funded from reserves is summarised below:

	Para ref	£000s
Additional Support for Learning	3.2	257
Whole System Approach	3.3	43
DHP	3.4	29
Syrian refugees	3.5	26
Core paths network	3.6	10
Community Planning Partner projects	3.7	10
Moray Growth Deal	3.8	36
Energy efficiency small projects	3.9	6
Elgin traffic survey	3.9	20
Total		437

4. **SUMMARY OF IMPLICATIONS**

(a) **Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

The proposed expenditure contributes towards priorities in the Corporate Plan.

(b) **Policy and Legal**

There are no policy or legal issues arising directly from this report. Additional Scottish Government funding is given to support Councils in working towards Scottish Government priorities.

(c) **Financial implications**

Corporate Management Team Additional Expenditure Warning

When the council approved the budget for 2019/20 on 27 February 2019 (para 4 of the Minute refers), the three year indicative budget before the council showed savings required in 2020/21 of £12.2 million and £6.7 in 2021/22. Although the final figures will vary, it is clear that the council will have to reduce its costs significantly across all services in future years. All financial decisions must be made in this context and only essential additional expenditure should be agreed. In making this determination the committee should consider:

- Is there a statutory requirement to incur the expenditure?
- Are there any alternative actions available to avoid or reduce the cost?
- Are there alternative ways in which the service could be provided?
- What are the risks and consequences of not allocating the funding?
- Does the expenditure contribute to long term financial stability?

If in light of these factors the spend is considered essential, the relevant committee should consider how it could be accommodated within the service budget, including what other activity would have to cease or

diminish with what impact and risk. Only following these considerations should request be made to the Council for additional budget allocation.

The additional spend recommended in this report is one-off and therefore will not directly increase the saving target for 2021/22, albeit reduced reserves will add pressure to achieve the savings required to bridge the projected budget gap. £46,000 of the spend is effectively from ring-fenced funding (Syrian refugees, core path networks, community planning partner projects) and £300,000 is spend from additional Scottish Government grant not included when the budget was set. The balance of the funding requested - £91,000 – could therefore be considered to be adding to pressure to make savings in 2021/22

While in isolation this figure may appear significant, the cumulative impact of all new pressures will require to be taken into account for future years. If the Emergency Cabinet recommends additional budget to be allocated this recommendation will be considered in the next quarterly budget monitoring report in the context of the current overall financial position of the council and in particular in the overall context of spend beyond affordable limits that impinges on the Council's reserves policy position and in the report being prepared for Council on 2nd September 2020 to review the Council's short term financial strategy.

(d) Risk Implications

There are no risks directly associated with the proposals in this report.

(e) Staffing Implications

There are no staffing implications arising directly from this report.

(f) Property

There are no property implications arising directly from this report.

(g) Equalities/Socio Economic Impact

There are no equalities issues or impact on the socio-economic duty arising directly from this report.

(h) Consultations

Members of CMT, Heads of Service and the Democratic Services Manager have been consulted in the preparation of this report and comments incorporated in the report.

5. CONCLUSION

5.1 The request to fund expenditure for reserves is for late receipts of Scottish Government grant; DHP, an area where budget pressure is anticipated in 2020/21; effectively ring-fenced funding, and certain areas of slippage where funding had previously been approved for a Council priority.

5.2 It is recommended that the requests are approved as set out in this report.

Author of Report: Lorraine Paisey, Chief Financial Officer
Background Papers:
Ref:



REPORT TO: MORAY COUNCIL EMERGENCY CABINET ON 12 AUGUST 2020

SUBJECT: COUNCIL TAX ON EMPTY DWELLINGS DURING LOCKDOWN

BY: DEPUTE CHIEF EXECUTIVE (EDUCATION, COMMUNITIES AND ORGANISATIONAL DEVELOPMENT)

1. REASON FOR REPORT

- 1.1 The Emergency Cabinet is asked to consider whether some form of relief for liability to Council Tax on empty dwellings during lockdown is appropriate and if so asked to consider a grant scheme.
- 1.2 This report is submitted to the Emergency Cabinet following a decision of Moray Council on 17 June 2020 to convene a meeting of the Emergency Cabinet as and when required until a new simplified Committee structure commences on 2 September 2020, due to the COVID-19 pandemic.

2. RECOMMENDATION

- 2.1 It is recommended that the Emergency Cabinet:
 - (i) approves the development of a grant scheme for property owners who become liable to the additional levy of 100% during a specified timeframe suggested as 23 March 2020 to 23 September 2020 on condition that they can demonstrate that they were hindered by lockdown from bringing their property back into occupancy, with grant awarded capped at the additional Council Tax levied and paid to a maximum of three months additional levy, and
 - (ii) delegates authority to the Head of Governance, Strategy and Performance to administer the proposed grant scheme and to determine the evidence applicants require to provide to qualify for the scheme.

3. BACKGROUND

- 3.1 Council Tax is levied on all domestic properties regardless of occupation. Properties which are empty and unfurnished are entitled to a maximum period of six months' 100% exemption, followed by a six-month period of 50%

discount. These reductions give taxpayers an opportunity to dispose of their properties. There are also a number of time limited exemptions for specific needs (e.g. Reconstruction, Grant of Confirmation Received, etc.). These are fewer in number.

- 3.2 Once a property is empty for twelve months legislation gives the Council discretion to add an additional Council Tax charge of up to 100% of the property's substantive Council Tax charge. Moray Council's policy requires the levy of an additional 100% Council Tax charge (effectively doubling the charge). One of the reasons for the introduction of this policy was to incentivise the return of empty properties into use.
- 3.3 Out of a total of 45,804 properties subject to Council Tax there are currently
- 82 properties which are in receipt of 100% vacant property exemption which are due to progress to the 50% unoccupied discount; and
 - 74 properties on the 50% discount which are due to progress to the levy of 100% additional Council Tax charge
 - 394 subject to the additional 100% charge. The council levied additional Council Tax charges totalling £815,000 in 2019/20.
- 3.4 Although recovery of Council Tax debt has been on hold since the beginning of lockdown, a number of enquiries and complaints have been received from owners of empty/unoccupied properties, and from their elected representatives, about having to pay an additional Council Tax charge on an empty property when their ability to carry out works on the property and to market it for sale/sell it have been restricted. Some of these owners may also have suffered loss of household income through lockdown.
- 3.5 With the exception of exemptions relating to properties left vacant by students, the Scottish Government has made no change to existing reduction legislation to address the difficulties caused by the COVID-19 lockdown. Lockdown has not halted the progression of reductions, which means that a reduction may expire, resulting in a taxpayer becoming liable for full charge.
- 3.6 Recovery of Council Tax debt has been on hold but has now resumed. If the council takes no action on the manner it levies Council Tax on unoccupied properties, it is likely to encounter resistance from taxpayers when Council Tax debt is pursued. This will result in further enquiries, phone calls, and letters from the local MP/MSP which will be time-consuming for officers to deal with.
- 3.7 The Council has no flexibility or discretion over the award of an exemption, nor for the period for which it is awarded. These are established by statute. Some local authorities have justified awarding exemptions during lockdown using a statutory provision which allows exemption where occupation of a property is prohibited by statutory order. The Council's legal advice is that this would be *ultra vires* and a similar position is being adopted by a neighbouring authority.
- 3.8 The Council does has flexibility over the levy of the additional Council Tax charge as this is a policy decision. A temporary change could be made to the policy to reduce the additional Council Tax charge. This is one option, which would benefit all people who would otherwise be liable for the additional

Council Tax charge. An alternative would be to target support to owners of empty dwellings who were liable to the levy of 100% additional Council Tax charge during the period of lockdown or who become liable shortly thereafter and restrict support to those who can demonstrate that lockdown caused them to be unable to undertake repairs to the property or to be unable to market or sell the property. Such targeted support could only be achieved by a grant scheme, whereby property owners who became liable to the levy of additional 100% Council Tax charge could apply for a grant equivalent to that levy for up to a three month period.

- 3.9 Any decision to reduce the additional Council Tax charge will result in a loss of Council Tax income. Income from the levy in 2019/20 amounted to around £400,000. On that basis it would be expected that a blanket reduction in the rate of the levy for the three months of lockdown would result in a reduction of income from Council Tax of around £100,000. A blanket reduction would benefit those property owners taking no steps to bring their property back into occupancy as well as those attempting to do so but hindered by lockdown. A targeted grant scheme would be administratively more complex but would be likely to be less costly in financial terms. It is difficult to estimate how much officer time would be taken to administer the scheme and deal with complaints arising from those who cannot comply with the terms of the scheme or who disagree with officers' assessment of the grant claims. Based on experience of administering recent Scottish Government business grant schemes an estimate of an average of 2 ½ hours per application is made. With a potential 468 applications as set out in paragraph 3.3 than would entail over 1,500 hours work, equivalent to almost 1 fte member of staff. The work would be absorbed within current staffing levels but is clearly a significant undertaking.
- 3.10 If such a scheme is approved to be developed it is suggested that the scheme should be open to applications for property owners who were or become liable for the levy of additional Council Tax charge of 100% between 23 March 2020 and 23 September 2020 who can demonstrate that lockdown hindered them bringing the property back into occupancy and that grant should be capped at the amount of additional Council Tax levied and paid to a maximum of three months levy. This timeframe is suggested to take into account the likely maximum delay caused by lockdown would be the period of lockdown itself and a further three months if repairs works and or marketing would have taken all of the lockdown period. Any such payment would be credited directly to the Council Tax payer's account.

4. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

N/A

(b) Policy and Legal

Discounts relating to empty dwellings are governed by legislation, but the Council has discretion on whether to levy an additional Council Tax charge on dwellings which have been unoccupied for over 12 months. The current Council policy is to levy an additional Council Tax charge of 100% once a property has been empty for more than 12 months.

(c) Financial implications

Corporate Management Team Additional Expenditure Warning

When the council approved the budget for 2019/20 on 27 February 2019 (para 4 of the Minute refers), the three year indicative budget before the council showed savings required in 2020/21 of £12.2 million and £6.7 in 2021/22. Although the final figures will vary, it is clear that the council will have to reduce its costs significantly across all services in future years. All financial decisions must be made in this context and only essential additional expenditure should be agreed. In making this determination the committee should consider:

- Is there a statutory requirement to incur the expenditure?
- Are there any alternative actions available to avoid or reduce the cost?
- Are there alternative ways in which the service could be provided?
- What are the risks and consequences of not allocating the funding?
- Does the expenditure contribute to long term financial stability?

If in light of these factors the spend is considered essential, Committees should consider how it could be accommodated within the service budget, including what other activity would have to cease or diminish with what impact and risk. Only following these considerations should request be made to the Council for additional budget allocation.

If the additional spend recommended in this report is approved, this will not increase the budget gap for 2021/22, as it would be one-off spend. However, it would reduce the Council's free general reserve which is already under pressure from the impact of the pandemic

While in isolation these figures may not be significant, the cumulative impact of all new pressures will require to be taken into account for future years. If the committee recommends additional budget to be allocated this recommendation will be considered in the next quarterly budget monitoring report in the context of the current overall financial position of the council and in particular in the overall context of spend beyond affordable limits that impinges on the Council's reserves policy position and will be included in the review of the Council's short-term financial strategy which will be reported to Council on 2 September 2020.

(d) Risk Implications

The Council may be seen by some tax payers as acting unreasonably if it takes no steps to mitigate the impact of the levy during lockdown. However, it should be noted that Scottish Government took no steps to ease the legislative timescale for empty dwellings in the Coronavirus (Scotland) Act 2020.

(e) Staffing Implications

None

(f) Property

None

(g) Equalities/Socio Economic Impact

None

(h) Consultations

The proposal in this report was discussed and supported by RRMT.

5. CONCLUSION

- 5.1 The commencement and the rate of the levy is a Council policy decision. Any variation of the rate for the lockdown period would benefit all owners, whether attempting to bring their property back into occupancy or not.**
- 5.2 A grant scheme could be developed, so property owners who were or who became liable to the additional levy during a specified timeframe could apply for a grant equivalent to the levy for up to a three month period on provision of evidence supporting their application that they had been hindered in bringing the dwelling back into occupancy by the lockdown.**

Author of Report: Lorraine Paisey, Chief Financial Officer

Background Papers:

Ref:



REPORT TO: EMERGENCY CABINET 12 AUGUST 2020

SUBJECT: PUBLIC PROTECTION RESPONSE TO COVID-19

BY: RODDY BURNS, CHIEF EXECUTIVE

1. REASON FOR REPORT

- 1.1 To inform the Cabinet of the activities as at 03 July 2020 that have been undertaken during the Covid-19 pandemic to ensure continuity of critical public protection services.
- 1.2 To inform the Cabinet of a report from the Scottish Government with SOLACE and partners of Children, Young People and Families Covid-19 Evidence and Intelligence published 22 July 2020
(<http://www.gov.scot/publications/children-young-people-families-covid-19-evidence-intelligence-report/>).
- 1.3 This report is submitted to the Cabinet following the decision of Moray Council on 25 March 2020 to temporarily suspend all delegations to Committees as a result of the Covid-19 pandemic (para 2 of the Minute refers).
- 1.4 This report is the last of a suite of 5 information reports on the response to Covid-19 presented to meetings of Cabinet and Council respectively.

2. RECOMMENDATION

- 2.1 It is recommended the Cabinet review and note activities within the public protection portfolio that have been undertaken to ensure continuity of critical public protection services.
- 2.2 It is recommended that the Cabinet note the publication of the Children, Young People and Families Covid-19 Evidence and Intelligence report.

3. BACKGROUND

Scope of Public Protection Activities

- 3.1 The key routine core activities within the public protection portfolio are:-
- Child Protection
 - Adult Support & Protection
 - Multi Agency Public Protection Arrangements (MAPP): Offender Management for sexual or Violent Offenders
 - Violence Against Women (VAM) Partnership
 - Alcohol & Drug Partnership (ADP)
 - Human Trafficking
- 3.2 During the Covid-19 pandemic existing public protection processes have required changes and adaptations made to respond to this situation. The annexes attached to this report outline how processes have been changed and adapted in relation to Covid-19.

Use of Data

- 3.3 The collection and use of data has been a central part of Covid-19 responses and this includes data about public protection.
- 3.4 Weekly data reports are now produced by Scottish Government and SOLACE on a suite of indicators regarding vulnerable children and adults.
- 3.5 The vulnerable children and adults data monitoring returns is submitted by all Local Authorities and by Police Scotland on Thursday of each week. Collated reports are disseminated the next day to Ministers and Public Protection Chief Officer Groups (COG) in each authority.

Summary of public protection activities

Child Protection

- 3.6 The number of referrals to the Children and Families Social Work Access Team varies from week to week, and the team continue to receive concerns from statutory partners as well as families and the community. The overall number of Police concern reports of the last 10 weeks is lower than the same time period last year. Child protection activity is lower than previous years, with majority of Initial Referral Discussion held in the last 10 weeks due to concerns of physical harm (**Appendix 1**).
- 3.7 The level of contact established for children on the register, those with a multiagency plan, and young people receiving aftercare support is monitored and continues to be above average nationally. For children on the register, senior managers are made aware of any challenges practitioners experience when engaging with families -this has mainly been due to families isolating and experiencing anxiety over home visits.

Adult Protection

- 3.8 There was an increase in the overall number of Police Concern Reports received by the Adult Access Team during the week ending 3rd June. There is not a corresponding peak in those established to be Adult at Risk concerns, suggesting the increase in concerns related to adult wellbeing immediately

post lockdown (**Appendix 2**).

- 3.9 Since the 16 April, 50 of the Adult at Risk referrals received by the Access Team have been passed onto the Adult Support and Protection Team for further action. The largest proportion of these referrals related to concerns regarding the care and support provided to an individual, followed by concerns related to financial harm, concerns regarding mental health/self-harm and concerns regarding the self-care of individuals, related to alcohol and/or home environment.

Drug and Alcohol

- 3.10 Drug and Alcohol Treatment and Harm Reduction Services continue to operate, with a focused effort to ensure prescriptions continue to be issued and are accessible. Recovery support continues through telephone contact and face to face appointments where required (**Appendix 3**).
- 3.11 There is no clear evidence of any increased harms in areas such as alcohol use. There is a national increase in off-licence sales purchases of alcohol but this has to be balanced against a decrease in on-licence sales. Dr Grays Hospital has not reported an increase in AE attendances.
- 3.12 There has been a total of two suspected drug related deaths in Moray in the last 10 weeks.

MAPPA

- 3.13 MAPPA arrangements continue to function well during the COVID 19 pandemic and a high level of communication and information sharing exists between all agencies involved (**Appendix 4**).
- 3.14 The number of individuals subject to MAPPA case management and supervision in the community has not changed significantly since April 2020.
- 3.15 During the pandemic two individuals were released in Moray under the early release scheme.

Domestic Abuse

- 3.16 During the week that the UK went into lockdown, there was a rise in domestic abuse incidents in Moray, when compared to figures from the previous year (**Appendix 5**).
- 3.17 Within a 10 week period dating from 16 April 2020 till now, data indicates an overall 2.3% decrease in Police Scotland recorded domestic concerns.
- 3.18 National helpline data indicates an increase in service demand during this period. Locally, service helpline provision has been enhanced through additional funding though no significant increase in calls has been observed at this stage.
- 3.19 An additional resource identified to support the Violence Against Women Partnership during the pandemic has assisted greatly with both the governance of the group and the workload.

Homelessness

- 3.20 Since the start of lockdown, Council house rent arrears have increased by approximately 30% (£136k) (**Appendix 6**).
- 3.21 There has been a 30% drop in homelessness applications between March and June compared to last year. The profile of homelessness has not changed during lockdown with the main reason for presentations still being relationship breakdown.
- 3.22 Weekly telephone contact has been maintained with over 100 households who receive a housing support service.

Welfare Rights and Crisis Grants

- 3.23 Compared to March 2019, the number of Crisis Grant applications received in March 2020 rose by 37% and the total amount awarded has increased by 58% (**Appendix 7**).
- 3.24 Benefit or income Spent was the most common reason provided for applications.
- 3.25 The number of children linked to an application for assistance increased by 66% between February and March 2020.
- 3.26 The new Flexible Food Fund introduced by the Scottish Government has received 407 applications up until 22nd June 2020. Over 88% applicants were currently claiming other benefits and over 57% were on Universal Credit. 68% of these applications list children in the household.

Mental Health and Suicide

- 3.27 Statutory services have continued to deliver Critical Functions. There has been an increase in activity of approximately 25% in comparison to the same time frame for 2019 (**Appendix 8**).
- 3.28 Primary Care and Secondary services have continued support prioritised on a risk management basis.

Public Protection Discussion Group

- 3.29 A Public Protection Discussion Group continues to meet every two weeks to share intelligence and consider emerging themes in Moray. It has supported a more co-ordinated effort across the strategic groups for public protection and will be an important forum to remain abreast of emerging themes as we move out of the lockdown period.
- 3.30 It has been agreed that the inclusion of mental health services within the group's representation would be of benefit going forward.

Children, Young People and Families Covid-19 Evidence and Intelligence Report

- 3.31 A Covid-19 Children and Families Collective Leadership Group involving senior leaders across the children's services was established in May 2020 to review intelligence about the impacts on children, young people and families and to provide local and national leadership in delivering a response.
- 3.32 The Intelligence includes weekly data reports from the 32 Chief Officer Groups and Police Scotland and broader evidence reports. Two evidence reports were published on 24 April and 24 May 2020.
- 3.33 The report provides an overview of the latest evidence and intelligence about the impact of Covid-19 and associated lockdown measures for children, young people and families, in particular for those experiencing the greatest challenges. (<http://www.gov.scot/publications/children-young-people-families-covid-19-evidence-intelligence-report/>).

4. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

There are no direct implications arising from this report. All action taken is consistent with the corporate plan and LOIP.

(b) Policy and Legal

None.

(c) Financial implications

Financial implications have been considered as part of the development of the responses to the Covid pandemic and are reported by the Chief Financial Officer in regular monitoring reports.

(d) Risk Implications

None from report. A number of the measures described in the report have been put in place to address risk. There ongoing risks as the Council continues its emergency response, moves into recovery and begins to re-instate services. These will be considered and addressed as planning for the whole programme of work and individual service issues progresses.

(e) Staffing Implications

In adapting practices, processes and procedures across a range of partnership arrangements has resulted in staff adopting different working patterns.

(f) Property

None directly arising from this report.

(g) Equalities/Socio Economic Impact

None directly arising from this report.

(h) Consultations

Compilation of this report has involved consultation with the range of partners identified in the report who are involved in the activities which come within the portfolio of public protection.

5. CONCLUSION

- 5.1 This report outlines the scale and scope of the Public Protection activities during the current Covid-19 pandemic.**
- 5.2 The loss of usual forms of risk identification or monitoring from the closure of services or supports for people has created the need to find new ways of identifying, managing and mitigating risk.**
- 5.3 Services within the public protection portfolio have quickly adapted existing practices, processes and procedures to these 'new circumstances' to continue protect and safeguard Moray's most vulnerable people.**

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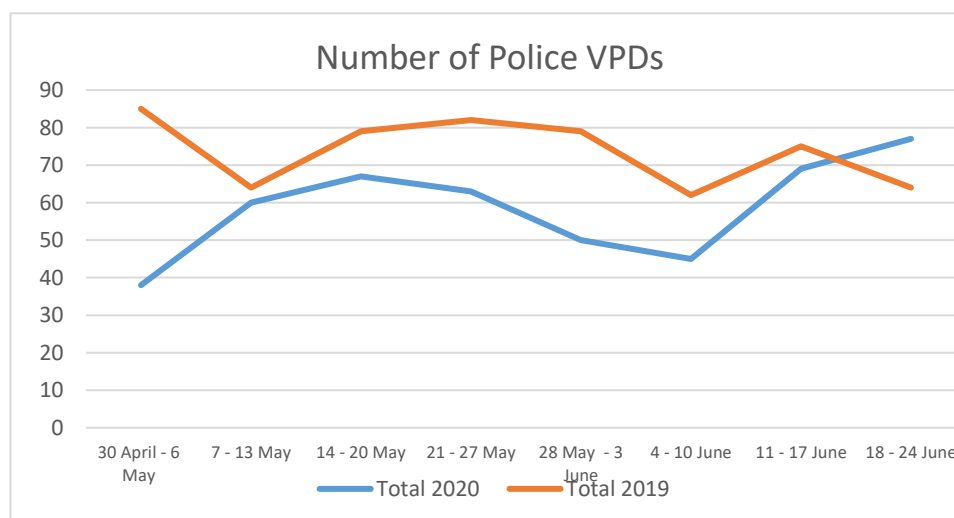
Child Protection COVID19 Update Report

1. Work of the Child Protection Committee

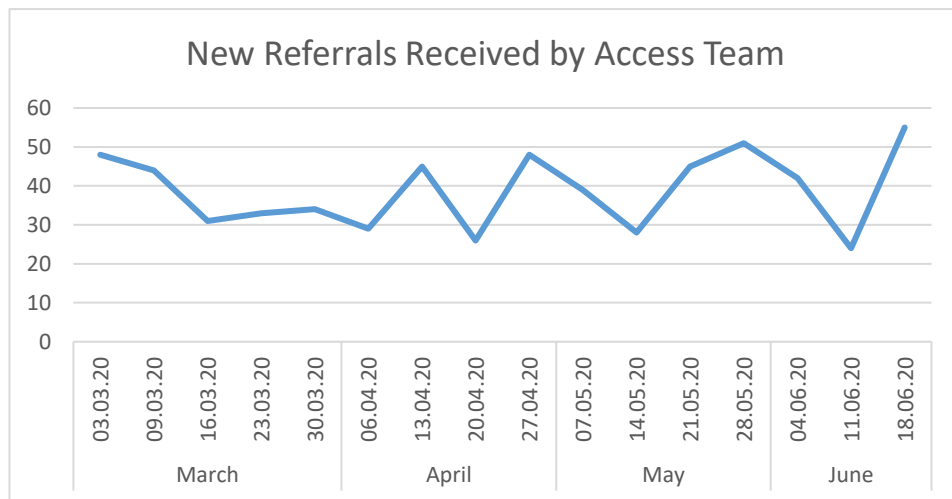
- 1.1. The CPC are now meeting on a monthly basis to co-ordinate the response to the pandemic. A working group was established to complete the Moray CPC Risk Register which fully incorporates risks related to the pandemic. This working group will continue to meet in order to detail the related action plan for the CPC over the next 12 months.
- 1.2. The CPC have reviewed the national child protection supplementary COVID19 guidance published by the Scottish Government to consider the response locally and ensure all partner arrangements are in line with this.
- 1.3. The CPC Chairs and Lead Officers across the North East have been meeting on a fortnightly basis to consider local responses and to share learning across a number of themes including strategic arrangements, publicity, staff guidance and training.

2. Child Protection Activity

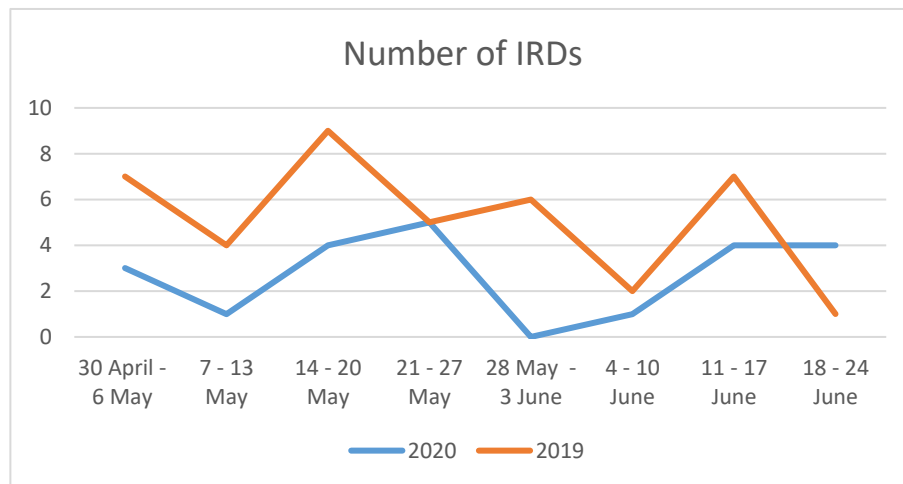
- 2.1. **Processes:** Child protection procedures continue as a critical function, with home visits conducted as part of any investigation. Multiagency meetings are held virtually and information sharing processes remain in place.
- 2.2. **Police Concern Reports:** This year between 30th April and 24th June the overall number of concerns generated by Police is lower than during the same period in 2019. Recent June figures show a steady increase in concerns and this will continue to be monitored to identify any emerging trend.



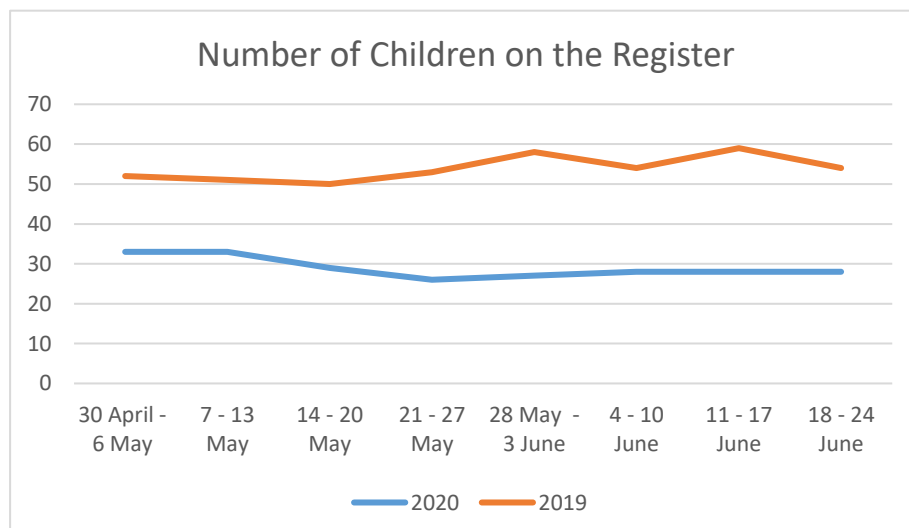
- 2.3. **Children and Families Access Team:** Wellbeing concerns, requests for support and child protection concerns and Police VPDs are all processed by the Access Team. The graph below outlines new work generated for children not already open to a social work service. This support primarily relates to wellbeing concerns, with child protection cases captured within the Initial Referral Discussion (IRD) figures.



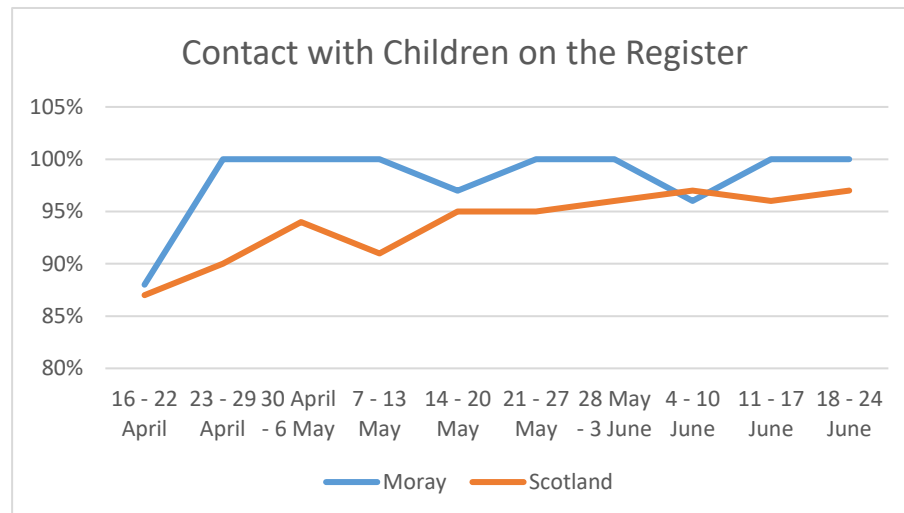
2.4. Initial Referral Discussions: The number of IRDs held during the pandemic is lower than in 2019, with the main reason for IRD due to concerns of physical harm.



2.5. Children on the Register: The number of children on the child protection register has remained stable during this time period. This can be attributed to the overall reduction in referral rate during the last 12 months and is not a reflection of any impact of the pandemic.



- 2.6. Supporting Children and Families:** In Moray we have maintained contact with our vulnerable children at a level that is consistently above the national average. For children on the register, senior managers are made aware of any challenges practitioners experience when engaging with families -this has mainly been due to families isolating and experiencing anxiety over home visits.



3. COVID19 –Areas of Risk

- 3.1. Hidden Harm:** The risks relating to lockdown and subsequent reduction of contact with vulnerable children have been considered and outlined within the risk register. The development of interagency connect teams and wellbeing hubs have mitigated some of these risks, ensuring contact is established with children and families that may become more vulnerable during the pandemic.
- 3.2. Economic Impact:** The long term economic impact on children and families and the strategic response of the partnership has been identified as an area to be prioritised as we move into the recovery phase of the pandemic.
- 3.3. Workforce Development:** The Moray Learning and Development Group has been re-established to deliver interagency child protection training. Work is underway to offer a calendar of facilitated workshops on key topics of neglect, sexual exploitation and child protection basic awareness. An options appraisal will be brought to the August CPC meeting to consider next route to offer online self-led learning/e-modules that are accessible to partners, third sector and community groups. A training needs analysis is in development to be disseminated in August in order to gather a more accurate picture of need and help prioritise new course development and delivery over the next 12 months.
- 3.4. Publicity, Promotion and Engagement:** In line with developments relating to broader public protection awareness raising, raising the profile of the CPC through use of social media and promotion will also be progressed. Working with Children 1st, the CPC will work with young people to identify ways to promote key messages relating to safety and protection directly to the younger population.

3.5. SCR Improvement Plan: As part of the risk assessment exercise conducted to complete the risk register, the improvement actions relating to the SCR have been prioritised and will be taken forwards by identified leads to submit a full improvement and dissemination plan to the Care Inspectorate.

4. Conclusion/Next Steps

4.1. The work of the Child Protection Committee has intensified with a Risk Register now in place to prioritise the improvement actions going forwards. Critical services remain in place, and the Child Protection Committee are meeting monthly to co-ordinate action required on a partnership level.

Authors of Report: **Samara Shah Independent Chair CPC**
 Emma Johnston Quality Assurance Officer

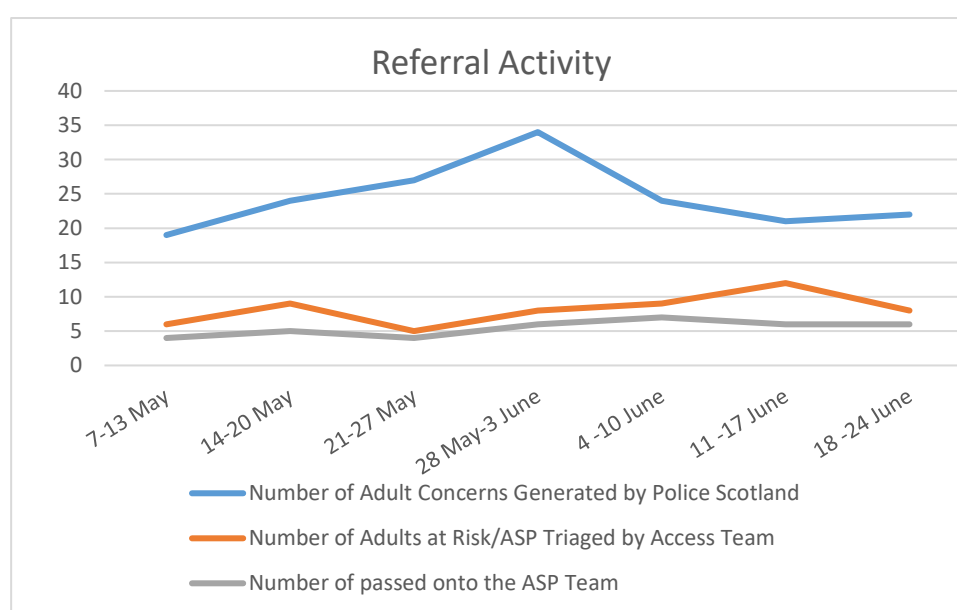
Adult Protection COVID19 Update Report

1. Work of the Adult Protection Committee

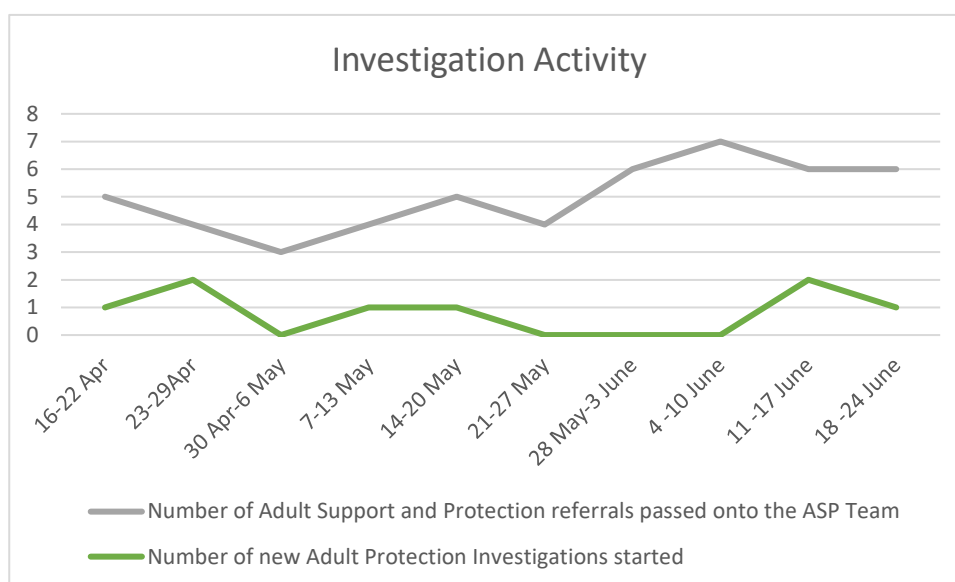
- 1.1. The APC are now meeting on a monthly basis to co-ordinate the response to the pandemic. A Moray ASP COVID19 Risk Register is now in place and reviewed at each meeting. The APC have reviewed the national supplementary COVID19 guidance published by the Scottish Government on 30 April 2020, to confirm all local arrangements are in line with this.
- 1.2. Contingency plans are in place regarding any increased workload and impact. The ASP consultant practitioner is monitoring referrals to the team as well as in contact with the Team manager from the Access team on a regular basis throughout each week. Should demand increase over the capacity to manage a process is in place to manage this as effectively as possible.
- 1.3. The Grampian Adult Protection Working Group last met on 29 June 2020 to discuss the strategic priorities that could be progressed on a Grampian wide basis over the next two years. This was a difficult exercise in the current circumstances and it was agreed that Adult Protection Committees would continue to monitor emerging themes locally to inform future work on a Grampian basis.

2. Adult Support and Protection Activity

- 2.1. **Process:** Adult Support and Protection activity is being managed as per normal processes. The Access Team screen all concerns that are submitted, with those that appear to be of an Adult Support and Protection nature continue to be passed onto the ASP consultant practitioner(s).
- 2.2. **Police Concern Reports:** During May the number of Police Concern Reports submitted to the Access Team increased, after which they have fallen and plateaued to earlier levels. There is not a corresponding peak in those established to be Adult at Risk concerns, suggesting there was an increase concerns relating to adult wellbeing immediately post lockdown.



2.3. Referrals: Of the Adult at Risk referrals received by the Access Team have been passed onto the Adult Support and Protection Team for further action, the largest proportion of these referrals related to concerns regarding the care and support provided to an individual, followed by concerns related to financial harm, concerns regarding mental health/self-harm and concerns regarding the self-care of individuals, related to alcohol and/or home environment.



2.4. Investigations: Four of the Adult Support and Protection Investigations initiated since April relate to concerns regarding care provision, three of which are the same care provider. Government guidelines are being followed and adhered to.

2.5. Case Conferences: Meetings have continued virtually using both a conference call and video conference platforms.

2.6. Care Providers: regular contact is in place.

2.7. Adult Support and Protection Training: delivery of face to face training has ceased since the pandemic. Work is underway to move towards virtual delivery of this training using Microsoft Teams when possible.

3. COVID19 –Areas of Risk

3.1. Restricted Access: visits to service users require are to be assessed on a case by case basis. Moray is a small local authority and this enables these risk assessments to be conducted with the appropriate support staff swiftly.

3.2. Service Continuity: All referrals are all sent to the ASP inbox to ensure continuity and the ability to pick up any concerns which are sent. Should the ASP Consultant Practitioner be unavailable there is a certainty the matter will be managed appropriately by another staff member. ASP Team Consultant Practitioners are all working elsewhere at the present time but regular meetings are being held between them to ensure consistency and effective working remains.

3.3. Technology: The ASP team are continuing to use technology at times when connection quality is suitable, until the solution of a new platform is made available across the council.

- 3.4. **Emerging Themes:** During the lockdown increased pressure has been placed on Unpaid Carers with activity and respite services unavailable. This has resulted in increased strain and tensions within households, is having a detrimental impact on the health and wellbeing of the Unpaid Carer, and poses risk of breakdown to the care relationship as a result. Links with the Carer Support Service at a strategic level will be progressed to support the APC to address these risks further.
- 3.5. **Local Improvement Plan:** The focus required to ensure the ASP critical functions are maintained has reduced the resources available to deliver against the Adult Support and Protection improvement plan and agreed timescales. The post of Project Manager has now been advertised. It was agreed by the APC that it would be beneficial to review the activities within the improvement plan in relation to Covid-19 and how working practices may have changed.
4. Conclusion/Next Steps
- 4.1. An Adult Support and Protection Contingency Plan is in place with a Risk Register. Critical services remain in place, and the Adult Protection Committee meet monthly to co-ordinate action required on a partnership level.

Authors of Report: Samara Shah Independent Chair APC

Zandra Smith Consultant Practitioner Adult Protection

Emma Johnston Quality Assurance Officer

Moray Alcohol and Drug Partnership (MADP) COVID19 Response

1. Work of the Moray Alcohol and Drug Partnership
 - 1.1. MADP meetings have now be re-established and a new chair is in place. The MADP is producing a “surge” contingency plan in case there is an increase in demand for services post COVID 19.
 - 1.2. The MADP receive qualitative and quantitative information from partners to inform the strategic response locally. There is no clear evidence of any increased harms in areas such as alcohol use. There is a national increase in off sales purchases of alcohol but this has to be balanced against a decrease in on sales. Dr Grays Hospital has not reported an increase in AE attendances.
2. Public Protection Intelligence Report COG Questions: Alcohol and Drugs
 - 2.1. What are the key emerging risks as a result of COVID-19? Such as the disruption to the drugs supply?** There is anecdotal evidence locally of more people using alcohol due to a reduced availability of street drugs, however there is no supporting data on this. There is also anecdotal evidence of an increase in New Psychoactive Substances/Benzodiazepine use through postal deliveries, again there is no data to support this
 - 2.2. What joint working arrangements are in place for responding to the needs of people who are affected by substance use?** Moray has an integrated model; with MIDAS and Arrows working together. There is a wider comprehensive network; working through the MADP and across partnerships e.g. Children’s Services. CPC, APC, Mental health, primary care and the third sector. The priorities are set out in the MADP Delivery Plan.
 - 2.3. Are treatment and recovery services still open? Are they running phone / online services? Are they still taking new referrals /clients?** Moray Integrated Drug and Alcohol Service (MIDAS): is operating with reduced staffing levels. The default for client contact is telephone with face to face contact continuing where necessary, subject to social distancing requirements. Arrows is operating with reduced staff levels. The default for client contact is telephone with face to face contact continuing where necessary, subject to social distancing requirements. The Direct Access Service continues to operate and single shared assessments are still available face to face.
 - 2.4. Are treatment and recovery services able to flag up pressures and get a response if required?** There is a direct reporting arrangement through both the management structures and the MADP Lead Officer.
 - 2.5. Are protocols in place for the maintenance, supply and delivery of OST, IEP and naloxone?** There has been a focused effort to ensure prescriptions continue to be issues and are accessible, with some being delivered to vulnerable clients directly. The Injection Equipment Provision (IEP) service continues to operate and staff are fully equipped with the necessary protective equipment to offer this crucial harm reduction service. Protocols are in place and well established. The service has been enhanced with the availability of Buvidal which is a substitute for opiates; and increases the treatment options

available. It is administered as a weekly or monthly subcutaneous injection and must be given by a healthcare professional. Buprenorphine prolonged-release injection may be an option where there is a risk of diversion of opioid substitution medicines or concerns about the safety of medicines stored at home. It may also be an option for people who have difficulties adhering to daily supervised opioid substitution medication, such as for people who are working or in education

2.6. Have there been changes to supervision levels of people on prescribed methadone and how is this being monitored? Supervision for those on MAT (medically assisted treatment) remains a priority area for the MIDAS team who supervise those on MAT

2.7. Are there online recovery / fellowship meetings being run/ WhatsApp group for recovery community? Face to Face groups are not running. Local on line groups are being developed and national on-line SMART Recovery groups are being promoted. Groups such as AA and NA are independent of services.

2.8. Have any staff been diverted from alcohol and drug services to other duties? What is the impact of this? Some staff were supporting other services but this has now ended, with staff now working in their primary roles.

2.9. What procedure is in place for monitoring drug trends and responding to near-fatal overdoses in the area? There is an established Grampian wide procedure via the Scottish Ambulance for referring all non-fatal overdoses to treatment services for pro-active follow up; working on an opt out system. There are direct links with AE; linking up with services with proactive follow up.

2.10. What arrangements are in place where a suspected drug/alcohol death occurs and COVID-19 may be implicated? All alcohol/drug deaths are reviewed. Where COVID 19 is suspected then public health procedures would be implemented.

2.11. How is the impact of alcohol related harm being monitored and responded to locally? The MADP receives both qualitative and quantitative information through the agencies represented within the partnership, plus via systems such as the waiting times, Recovery Outcomes Tool, agency reports and VPD reports and reported through the MADP.

Author of Report: Paul Johnson, MADP Lead Officer

Multi Agency Public Protection Arrangements (MAPPA) COVID19 Response

1. Work of MAPPA Meetings

- 1.1. MAPPA have moved to virtual meetings by video and telephone, and will continue to adapt in line with national approaches.
- 1.2. During this time two individuals were released in Moray under the early release scheme.
- 1.3. The level of contact relating to home visits, face to face assessments and programme work is has been reduced and prioritised as per level of risk. We will continually reassess contact with people open to our service as we move through the route map phases.
- 1.4. As we move forward we will require a bigger/more suitable venue for us to deliver our Moving Forward Making Changes (MFMC) group work programme for high risk sex offenders.

2. Public Protection Intelligence Report COG Questions –MAPPA

- 2.1. Are you satisfied that services are continuing to meet their obligations in respect of MAPPA and have sufficient resources to ensure the required levels of service delivery?** MAPPA arrangements continue to function well (whilst staffing levels remain stable) during the COVID 19 pandemic and a high level of communication and information sharing exists between all duty to co-operate agencies involved.
- 2.2. How are MAPPA meetings being conducted? How effective are these?** Meetings are held via video conference/skype for the MAPPA Level 2 cases (i.e. those subject to multi- agency risk management) and are held in line with MAPPA guidelines for meeting timescales and information sharing. MAPPA 1 meetings have been replaced by a paper based information sharing and agreement process. These meetings provide an effective way of sharing information and managing risk
- 2.3. What operational challenges are services facing and how are they addressing these?** Whilst staffing remains at current levels there should be no change to how MAPPA functions in Moray. Should staffing levels reduce, home visits will be reduced accordingly. V HIGH, HIGH and MEDIUM risk offenders will be a priority and risk management plans will be adhered to. Visits to LOW risk offenders will be delayed and the reason for this recorded on Carefirst and VISOR.
- 2.4. How have the risk factors presented by offenders been re-assessed in light of the shutdown? What are these risks and how are they being managed?** Risk assessments are being updated in line with guidance and according to information held on the current circumstances of individual clients. Clients continue to be seen in line with assessed risk level, those with increased risk are seen in person either at home or in the office setting.

Report Author: Tish Richford, MAPPA Co-ordinator

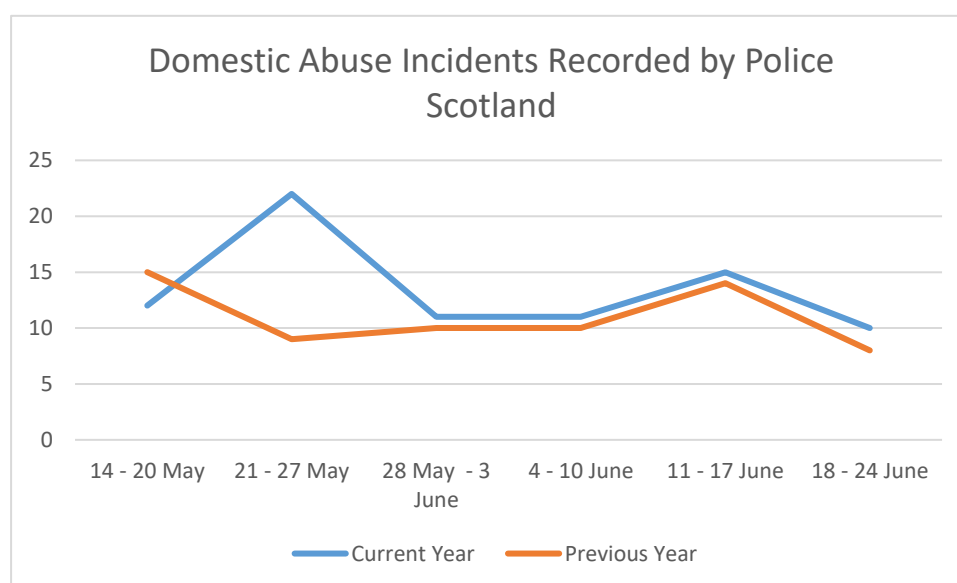
Violence Against Women Partnership (VAWP) COVID19 Response

1. Work of Violence Against Women Partnership

- 1.1. The Moray Violence Against Women Partnership generally meets on a quarterly basis and is currently Chaired by Detective Chief Inspector Alan Armit.
- 1.2. The activities and governance of the group are promoted by a Co-ordinator, identified from within the partnership, with members focussed on delivering upon a local strategy, developed to contribute towards the Moray Local Outcomes Improvement Plan and the national Equally Safe strategy.
- 1.3. The Chair further strengthened the governance of the group with the appointment of leads to progress partnership training, data collection and quality assurance.
- 1.4. In 16 April 2020, in response to COVID19, the Partnership moved to meet virtually and on a more frequent monthly basis. The focus for the group currently centres on using the data available to identify trends, particular risks and the consequent work required in response to the pandemic.
- 1.5. In order to translate the potential impact, the Moray VAWP have incorporated the national guidance issued by the Scottish Government, COSLA and the Improvement Service to ensure as a partnership we remain relevant and responsive during this period.

2. Domestic Abuse Activity During COVID19

- 2.1. Whilst it is assessed as too early to accurately assess the impact of both the moving into and the subsequent easing of lockdown restrictions, over the past couple of months, following a spike in late May, reported incidents have generally followed the same pattern as last year, with 2020 figures slightly higher throughout Scotland. There is variation throughout Local Authority areas, with Moray actually showing a slight decrease in reporting, compared with the same period last year.



- 2.2. Although National Helpline data indicates an increase in demand during the lockdown period, in Moray there is a reduction in calls to Moray Women's Aid. There is no evidence of increase in A&E attendance related to domestic abuse and no increase in housing demand as a result of domestic reporting. This may partially be explained by difficulties in reporting experienced due to the lockdown.
- 2.3. It is anticipated that we may see an increase in reporting to police and/or other statutory/non-statutory partners as lockdown restrictions continue to be relaxed and victims are permitted to meet others outside of their own household.
- 2.4. Domestic abuse crime recording figures in Moray, over the past few weeks of lockdown are very similar to the figures recorded in 2019. Detection rates for the crimes reported are almost identical within these same periods in 2019 and 2020. This may reflect the continued awareness raising efforts and focus on domestic abuse within the partnership who continue to co-ordinate and drive the delivery of national and local domestic abuse campaigns to ensure awareness continues to be raised of key issues. In addition, these figures reflect the continued priority afforded to dealing with domestic abuse reports, by services in Moray.

3. Conclusion

- 3.1. The governance arrangements in place within the Violence Against Women partnership in Moray have ensured a robust but agile response to the current challenges faced and indeed those moving forward and I trust this report provides Chief Officers with an assurance of the collective effort to tackle violence against women and girls, in all its forms.
- 3.2. As Chair I am confident that the partnership is growing into one which will continue to work effectively to the challenges of improving the response to violence against women and girls in Moray.

Author of Report: Detective Chief Inspector Alan Armit

Homelessness and Gypsy Travellers COVID19 Response

1. Housing Services COVID19 Response

- 1.1. Following lockdown the Housing Service has taken a range of measures to ensure critical services continue to be delivered. This has been aided by national guidance and good practice produced by the Scottish Government, COSLA, ALACHO, Health Protection Scotland, Scottish Federation of Housing Associations and Chartered Institute of Housing. The main service areas involved in the Council's critical service COVID 19 response include homelessness; the support of vulnerable households; support to vulnerable tenants; emergency housing repairs and maintenance; gas servicing; and the repair of void properties. Many non-essential tasks have been put on hold until either ICT equipment is provided to enable homeworking or staff are able to return to offices.
- 1.2. The main risks for the Housing Service is running out of temporary accommodation and loss of Revenue through increased rent arrears.

2. Housing Activity During COVID19

- 2.1. Only a few households have been able to move out of temporary accommodation due to the Government initially requesting house moves to be postponed. Gradually the supply has started to fill and this is a position that has been replicated nationally.
- 2.2. The Scottish Government recognised this problem and has issued guidance setting out the steps that local authorities can take to ensure throughput. The most practical way to address the problem is the use of void housing stock (increasing the supply of temporary accommodation and allocating existing voids).
- 2.3. The Housing Service has just agreed with the Unions a safe procedure for allocating Council houses to those in emergency need and this should help create movement. It is essential that we continue to bring empty properties back into use to ensure that we can continue to provide safe and secure accommodation to those in emergency housing need and attempt to limit the spread of COVID-19.
- 2.4. Those considered to be in emergency housing need are people who are:
 - homeless
 - living in unsuitable accommodation
 - at risk within their current accommodation
- 2.5. Furthermore, the Scottish Government's recent relaxation of house moves and construction sites may also help to ease pressure. The service is currently monitoring the number of available temporary accommodation units on a daily basis.
- 2.6. Since the start of lockdown, Council house rent arrears have increased. The Area Housing Teams continue to maintain contact with council house tenants by telephone, text and e-mail. Tenants continue to contact the Council for a range of urgent housing issues and there is also regular contact made by housing officers with tenants where there appears to be financial difficulties within the household. The main purpose of this contact is to provide

reassurance and to signpost (where necessary) tenants to services/agencies which may be able to offer them financial assistance.

3. Public Protection Intelligence Report COG Questions –Homelessness

- 3.1. Has there been an increase in demand for homelessness assistance? If so, to what extent and has the profile of homelessness changed?** The Council has seen a reduction in the number of homeless presentations since the start of lockdown. There has been a 30% drop in applications between March and June compared to last year. However, the Service is concerned there will be a surge in presentations when lockdown restrictions are eased. The profile of homelessness has not changed during lockdown with the main reason for presentations still being relationship breakdown. The number of homeless presentations for each week since lockdown is detailed below:

Week Ending	27/3	3/4	10/4	17/4	24/4	1/5	8/5	15/5
Presentations	6	5	4	7	7	6	12	11
Week Ending	22/5	29/5	5/6	12/6	19/6	26/6	3/7	10/7
Presentations	7	4	6	11	6	6	N/A	N/A

- 3.2. Are services responding appropriately to meet the support needs of homeless households?** In recognition of COVID 19, contact with homeless households has been maintained by telephone and onward referrals if further action is required. Weekly telephone contact has been maintained with over 100 households who receive a housing support service.
- 3.3. Is there sufficient, suitable accommodation supply, which is available, to meet the current and future needs?** Currently the Council has 10 units of temporary accommodation available for homeless households. Please see above for additional commentary.
- 3.4. Have measures been put in place to support rough sleepers and residents in hostel accommodation to self-isolate?** Fortunately, we don't have people sleeping rough in Moray therefore no additional measures are deemed necessary. Arrangements are in place to enable residents in hostel accommodation to self-isolate. The service has followed the Health Protection Scotland guidance "Core COVID-19 Information and Guidance for General (Non-Healthcare) Settings" in putting these arrangements in place.

4. Public Protection Intelligence Report COG Questions -Gypsy Travellers

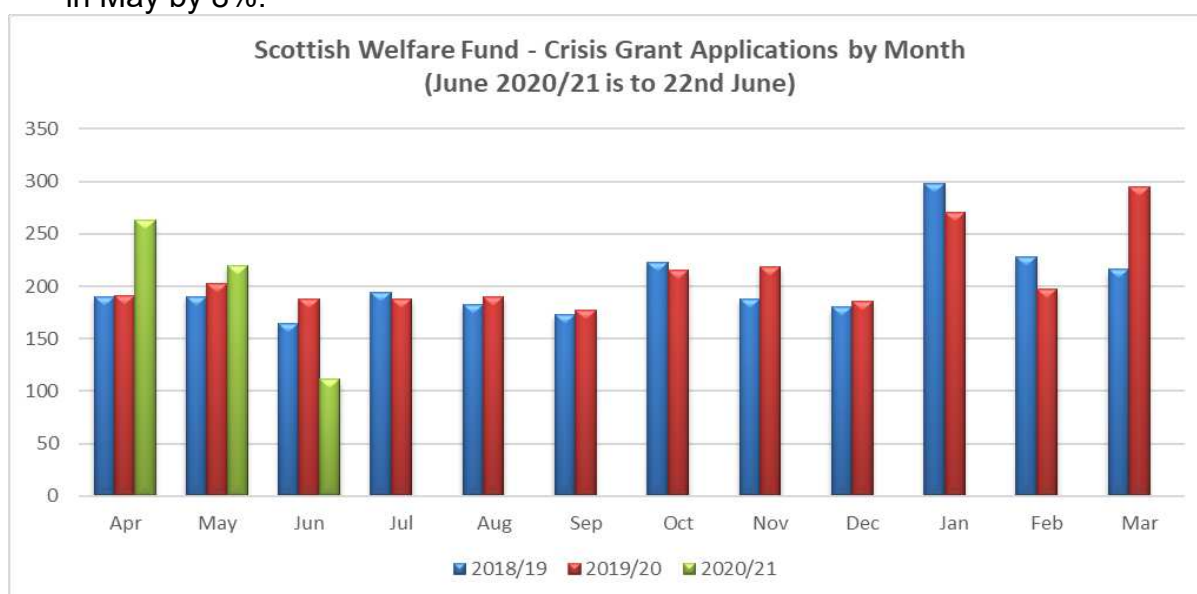
- 4.1. What support are you providing and how do you intend to manage any unauthorised encampments? Are there specific considerations for children, older people, pregnant women etc?** Housing Services is currently managing Unauthorised Encampments in the usual way and giving due consideration of the Scottish Government and COSLA framework for supporting Gypsy/Traveller Communities during the COVID19 Pandemic, providing facilities as necessary. During lockdown, more extensive questions are being asked to identify vulnerable groups and we are having in depth discussions about the implications of Covid. Mobile contact details are provided to the encampment so that any issues arising can be dealt with quickly.
- 4.2. What arrangements have you made to deal with the potential requirement to request a holiday caravan site to remain open / to negotiate access to safe stopping places for roadside camps?** There have been no requests to holiday caravan sites to remain open or arrangements to negotiate access to safe stopping places for roadside camps. It is not anticipated that we will see an increase in usual level of seasonal encampments, indeed there have been fewer encampments than normal for this time of year.
- 4.3. Are there any broader issues with providing support or access to services, given the significant challenges the gypsy / traveller community already face in relation to discrimination?** Encampments are being managed in the usual way; residents of the encampment are encouraged to contact the Police. If they are uncomfortable doing so then they can contact our Unauthorised Encampment Officer directly via work mobile.
- 4.4. What support have you provided to your own gypsy traveller sites, e.g. access to financial assistance, emergency food provision, education, addressing VAWG etc?** There are no local authority gypsy traveller sites in Moray.
- 4.5. Are you satisfied that all partner agencies are working together to support the gypsy traveller community who have themselves been identified as a community at increased risk?** Housing Services is satisfied that all partner agencies are working together to support the gypsy traveller community who have themselves been identified as a community at increased risk.

Author of Report: David Munro, Housing Operations Manager

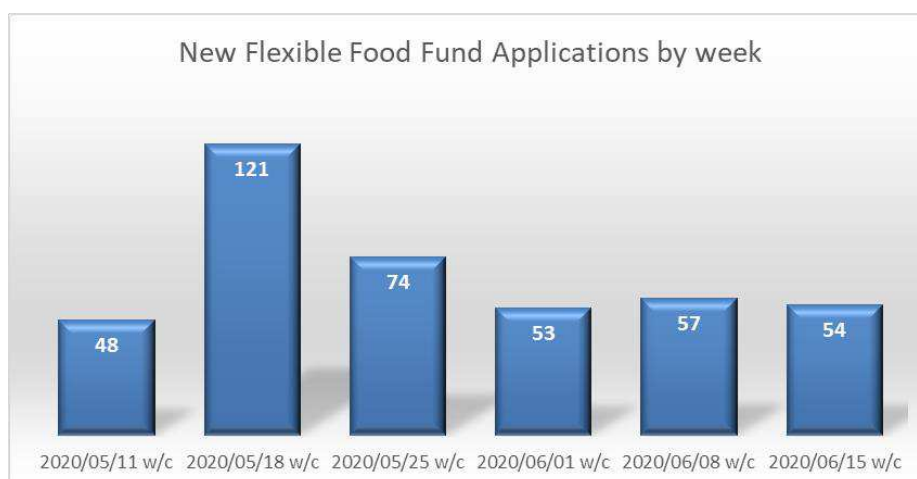
Welfare Rights and Crisis Grants COVID19 Response

1. Welfare Rights Service COVID19 Response

- 1.1. **Scottish Welfare Fund** - Compared to February 2020, total Scottish Welfare Fund applications received (Crisis Grant and Community Care Grants) in March 2020 increased by 34%.
- 1.2. Compared to March 2019, the number of Crisis Grant applications received in March 2020 rose by 37% and the total amount awarded has increased by 58%.
- 1.3. To date highest Crisis Grant demand was experienced in the last two weeks of March after safeguarding measures were introduced. Demand since then has reduced by an average of 20%.
- 1.4. However, Crisis Grant demand in April and May 2020 continues to exceed that compared to the same period last year. Demand in April was up by 38% and in May by 8%.

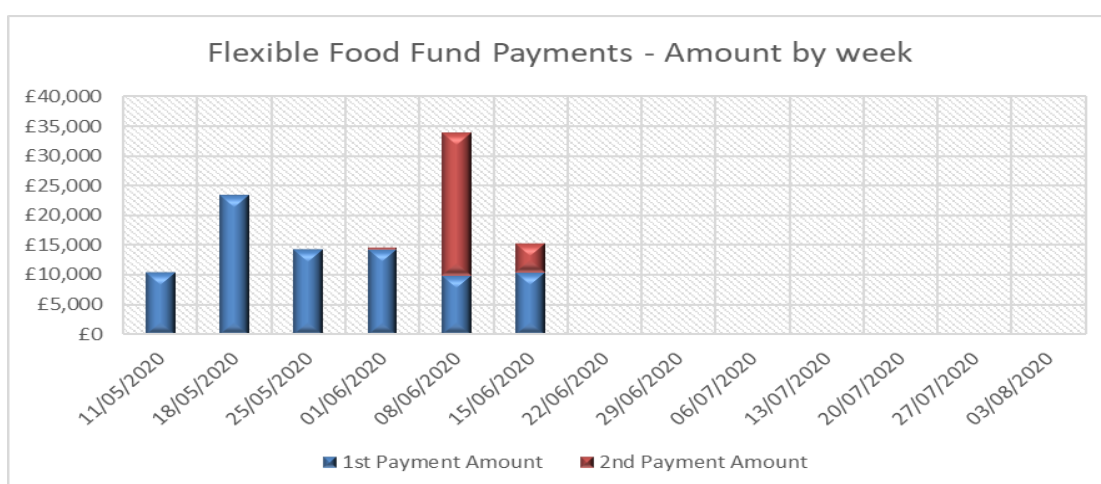


- 1.5. **Flexible Food Fund** - This fund commenced in mid-May 2020 with demand relatively high especially in the first full week (week commencing 18th May '20). With this in place it has potentially prevented higher numbers of Scottish Welfare Fund Crisis Grant applications in May and June



2. Emerging Issues from COVID19

- 2.1. **Scottish Welfare Fund** - From postcode data, almost all areas in Moray recorded an increase in overall applications between February and March 2020 with the proportion of Crisis Grant applications increasing against a fall in Community Care Grants. The number of children linked to an application for assistance increased by 66% between February and March 2020. On average 35% of applications are linked to children but during the weeks commencing 11 & 18 May, highs of over 46% were recorded giving an average of 40% for 2020/21 to date but this is now falling back to more normal levels.
- 2.2. 'Benefit or Income Spent' was the most common reason provided between 01 February and 31 March 2020 accounting for 33% of all applications in February rising to 41% in March. Other reasons which were higher than usual are "Help with other emergency costs" and "lost money – living expenses required".
- 2.3. The ethnic profile of Crisis Grant applicants has changed slightly with the average being around 82% "White Scottish", this has increased to 84% in the financial year 2020/21 to date and at 22nd June the proportion of applications in June from "White Scottish" stood at 88%. The proportion of "Gypsy Travellers" and "Polish" have each risen by 1% compared to their average.
- 2.4. In May the proportion of Crisis Grants rejected rose to just under 56% against an average of 46%. This is falling in June but at 22nd June stood at 53% for the month. Of those rejected, 34% were "claims conditions not met"; 24% (higher than normal) were "previous application history" and 14% (lower than normal) were "evidence / info not provided" so in itself may be an indicator of a change in profile of those applying.
- 2.5. **Flexible Food Fund** – With a peak in the first full week of the Fund this is causing a cumulative effect on payments as this comes round to the 2nd payment.



- 2.6. Of the 407 applicants (mid- May to 22nd June '20), over 88% were currently claiming other benefits and over 57% were on Universal Credit. The 407 applications are supporting a total of 581 Adults and 592 Children with 68% of applications listing children.
- 2.7. 56% of applications came from Elgin or Lossiemouth and 61% of the total paid out to date went to these areas, however higher average payments were

awarded in Ballindalloch and Speyside to cover increased cost of supplies in these more remote areas.

3. Service Resources and Demand

- 3.1. **Scottish Welfare Fund** - The team currently consists of 3 decision makers and as stated above are currently coping with increased Crisis Grant demand and within the required timescales but at the detriment of Community Care Grants and Discretionary Housing Payments, the other fund the team are responsible for and which is also subject to increased demand. The need for additional resource is under review as the crisis and demand continues however this requires resource to train new staff on the statutory guidance, systems and processes used.
- 3.2. The reduction in Crisis Grant applications in June 2020 has allowed the team to progress Community Care Grants and Discretionary Housing Payments, applications from the start of June 2020 still awaiting initial action.
- 3.3. **Flexible Food Fund** - this Scottish Government funding support is in place as a direct result of the covid crisis and it is not anticipated that it will be a long term measure. Consequently the service can cope with this demand as other aspects of the Money Advice Moray service have been temporarily restricted. However it would be difficult to sustain the Flexible Food Fund longer term should the level of demand continue.

Author of Report: Norma Matheson, Benefits Manager

Mental Health and Suicide COVID19 Response

1. Making Recovery Real Partnership COVID19 Response
 - 1.1. Face to face partnership meetings have been put on hold due to social distancing requirements however some partners have been able to meet through online platforms to continue discussions and keep the momentum going with collaborative planning. There have been barriers to involvement from statutory services at this time whilst prioritising the urgent COVID-19 response and delivering Critical Functions only.
 - 1.2. Primary care provision of support to promote mental health and wellbeing has remained in place during the pandemic through the commissioned 3rd Sector service from Penumbra Wellness Centre. First Response support by phone/email/zoom and the Mental Health GP Link Workers and Distress Brief Interventions Service also still operational through online connections. Moray Wellbeing Hub have also continued to provide support and opportunities for connection through online engagement.
 - 1.3. Secondary services used a RAG (Red, Amber, and Green) system to prioritise contact with service users and considered to be Critical Functions. The risk is that with the suspension of face to face contacts for non-essential work that there may be an unknown deterioration in someone's circumstances. Assurances were given to service users in writing to be in touch with the service if need change. Other mitigating arrangements included the establishment of a Grampian wide Psychological Resilience Hub that accepted self-referrals from adults, children, staff etc.
 - 1.4. The partnership has encountered technology issues both in the availability of equipment and security. Availability of access to common group social media platforms that all partners can make use of would be of benefit going forward.
2. Public Protection Intelligence Report COG Questions -Mental Health and Suicide
 - 2.1. **Have there been changes in patterns of demand relating to statutory Mental Health activity over this period?** There has been an increase in activity of approximately 25% in comparison to the same time frame for 2019.
 - 2.2. **Is there sufficient MHO capacity to meet need and are there appropriate supports available to support engagement with individuals eg use of 'Near Me'?** This extra work is largely being absorbed by the MH team with assistance from Drug and Alcohol, social work and will continue to be monitored by the Public Protection Chief Officer Group.
 - 2.3. **Is there active multi-agency monitoring of suspected suicides and are key staff including helpline staff suitably supported to deal with MH issues (eg access to Safe Talk training)?** There are mental health pathways in Moray that signpost to services, how to access them and the Moray Wellbeing Hub deliver a lot of training.
 - 2.4. **Has the wider partnership, arrangements in place to plan for increased need in this area?** Operation Home First is considering what has worked well during Operation Rainbow (Critical Functions), in particular the Urgent Care Team (Adult Mental Health) Connect Team and MASH (Children and Young People's mental health). Process to restart some functions with redesign,

increase use of Near Me technology and reassess ways of working and status of patients on caseloads, with an overall move toward a recovery focussed service.

Author of Report: Pam Cremin, Integrated Service Manager Mental Health and Substance Misuse Services