

# **MORAY COUNCIL**

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

**Wednesday, 24 May 2023**

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

### **PRESENT**

Councillor James Allan, Councillor Peter Bloomfield, Councillor Neil Cameron, Councillor Tracy Colyer, Councillor Theresa Coull, Councillor John Cowe, Councillor John Divers, Councillor Amber Dunbar, Councillor Jérémie Fernandes, Councillor Donald Gatt, Councillor David Gordon, Councillor Juli Harris, Councillor Sandy Keith, Councillor Scott Lawrence, Councillor Graham Leadbitter, Councillor Marc Macrae, Councillor Paul McBain, Councillor Neil McLennan, Councillor Shona Morrison, Councillor Bridget Mustard, Councillor Kathleen Robertson, Councillor Derek Ross, Councillor John Stuart, Councillor Draeyk Van Der Horn, Councillor Sonya Warren, Councillor Ben Williams

### **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, Head of Environmental and Commercial Services, Acting Transportation Manager, Interim Planning and Strategy Lead (Moray Integration Joint Board) and Tracey Sutherland, Committee Services Officer.

#### **1. Chair**

The meeting was chaired by Councillor Kathleen Robertson.

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

In terms of Standing Order 70 and the Councillors' Code of Conduct, there were the following declarations of interest:

Item 7 as full or substitute members of the Moray Integration Joint Board – Councillors Bloomfield, Colyer, Divers, Gatt, Keith, Lawrence, Morrison and Robertson

Item 14 as members of a Trade Union – Councillors Cameron, Divers, Harris, Leadbitter, Keith, McLennan, Ross, Stuart and Warren.

All Councillors stated that they would remain in the meeting during the discussion of the items.

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.

### 3. Resolution

Councillor Fernandes sought clarification on the reason for Item 15 being held in confidence as although he was in agreement, he was aware of a protest being held in Elgin next month by a far right group and felt it would be useful for Members of the public to understand why the report was being held in confidence.

In response, the Chief Executive confirmed that the paper was deemed confidential on submission due to the information containing asylum arrivals. As this was only to be announced through a coordinated approach with the home office being the lead agency.

Confidentiality would protect privacy of the asylum individuals if further detailed discussions were to take place. Confidentiality negates the risk of sharing information which could identify individuals.

To mitigate this, there are a range of stakeholder events which have and will be taking place.

For the public specific, Elgin Community Council have kindly agreed to host an open meeting where members of the public are welcome to share their views and questions. The date of this meeting will be agreed soon.

Following the clarification the meeting resolved that in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting for Items 14 and 15 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.

Para number of the minute	Para Number of Schedule 7a
19	Para 11 Information relating to any consultations or negotiations in connection with any labour relations
20	Para 3 and 5 Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the Authority; and Information relating to the adoption, care, fostering or education of any particular child or relating to the supervision or residence of any particular child in accordance with a supervision requirement.

### 4. Congratulations

The Council joined the Chair on congratulating Edward Clark who was selected as Moray Musician of the Year and represented Moray at the Scottish Young Musicians Solo Performance of the Year Final.

## **5. Point of Order**

Councillor Cameron in terms of Standing Order 58 raised a point of order stating that the Council Leader had been seen at the Save Our Surgeries rally which indicated support for the campaign but yet did not allow 2 notices of motion on the subject.

In response, the Council Leader stated that both notices of motion had been rejected based on advice from the Monitoring Officer, she further added that her attendance at the rally was purely in her role as a Councillor as it is important for all Councillors that the communities are listened too and was there in a listening capacity only.

Councillor Cameron sought further clarification on the rejection of another notice of motion in regards to Dr Gray's hospital.

In response, the Monitoring Officer stated that he was aware of tensions with the submission of notices of motion but assured Members that guidance on notices of motion have been agreed by the Administration Group and Political Group Leaders and would be discussed at a forthcoming training session.

Councillor McLennan asked whether notices of motions which did not get put forward to Committee and the reasons why, could be published for members and the public to view.

In response, the Monitoring Officer stated that rejected notices of motions are not kept and when this was raised at an earlier meeting, his view was that they should not be published and that his view remained.

## **6. Minute of Meeting of Moray Council on 2 February 2023**

The minute of the meeting of Moray Council on 2 February 2023 were submitted and approved.

## **7. Minute of Special Meeting of Moray Council on 1 March 2023**

The minute of the Special Meeting of Moray Council on 1 March 2023 was submitted and approved.

## **8. Minute of Special Meeting of Moray Council on 8 March 2023**

The minute of the Special Meeting of Moray Council on 8 March 2023 was submitted and approved.

## **9. Notice of Motion - ScotWind Auction**

In terms of Standing Order 35(a) there was submitted a Notice of Motion by Councillor Keith, seconded by Councillor Cowe in the following terms:

### **Notice of Motion: ScotWind auction**

The Council notes the findings of the report 'ScotWind - One Year On' by Dr Craig Dalzell of Common Weal, in particular the finding that the ScotWind auction appears to have undervalued Scottish offshore wind rights by placing a maximum ceiling on bids, possibly underselling rights by billions of pounds.

The Council notes that ScotWind leaseholders who fail to deliver local supply chain commitments (valued in billions of pounds) face a maximum fine of £250,000.

The Council recognises the vital role that offshore wind and its associated supply chain could have in the future economy of Moray.

The Council resolves that the Leader of the Council write to the Cabinet Secretary for Wellbeing Economy, Fair Work and Energy calling for an urgent inquiry into the ScotWind leasing process, with particular focus on improvements that can be made for any future leasing rounds, and the means by which maximum public benefit can be obtained through the current round as the projects move beyond the options phase.

Following consideration the Council agreed the Notice of Motion as stated.

#### **10. Notice of Motion - Proposed Highly Protected Marine Areas in Scotland**

In terms of Standing Order 35(a) there was submitted a Notice of Motion by Councillor Macrae, seconded by Councillor Williams in the following terms:

##### **Proposed Highly Protected Marine Areas in Scotland**

To ask that Council recognises

- The importance of the fishing industry to many Scottish coastal communities
- That fishermen are already subject to terrible spatial squeeze pressures, further reductions of the area available to them for fishing could drive many out of business.
- If fishermen are driven out of business this would be a colossal blow to coastal communities that are already struggling with the present cost of living crisis.
- Coastal communities must be involved in any determination on what form HPMA's take and where they may be situated.
- Any proposal should follow an agreed process alongside the local community and fishing industry, involving an evidence gathering phase, an analysis phase and a piloting phase before any proposal should go ahead.

Council notes that with climate change we are already seeing fish stocks moving north. This means that any proposals should be flexible, either shadowing the fish as they move or subject to regular, yearly, updates so they do not end up closing parts of the sea for no purpose. (Science Daily, 18 January 2022, link below)

To request that the Council Leader write to the Scottish Government seeking a reconsideration on the proposals by the SNP and Green Party to impose 10% of Scotland's waters as Highly Protected Marine Areas without full and proper scientific backing for their proposals, or proper consultation with local communities and the fishing industry.

In introducing his notice of motion Councillor Macrae sought to change the last sentence to read:

To request that the Council Leader write to the Scottish Government seeking a reconsideration on the proposals by the SNP and Green Party to impose 10% of

Scotland's waters as Highly Protected Marine Areas without full and proper scientific backing for their proposals and proper consultation with local communities and the fishing industry.

During consideration Councillor McLennan asked whether Councillor Macrae and Councillor Williams would be happy to change to amend fishermen to fisher folk.

Councillors Macrae and Williams agreed to the change. Following further consideration the Council agreed:

To ask that Council recognises

- The importance of the fishing industry to many Scottish coastal communities
- That fisher folk are already subject to terrible spatial squeeze pressures, further reductions of the area available to them for fishing could drive many out of business.
- If fisher folk are driven out of business this would be a colossal blow to coastal communities that are already struggling with the present cost of living crisis.
- Coastal communities must be involved in any determination on what form HPMA's take and where they may be situated.
- Any proposal should follow an agreed process alongside the local community and fishing industry, involving an evidence gathering phase, an analysis phase and a piloting phase before any proposal should go ahead.

Council notes that with climate change we are already seeing fish stocks moving north. This means that any proposals should be flexible, either shadowing the fish as they move or subject to regular, yearly, updates so they do not end up closing parts of the sea for no purpose.

To request that the Council Leader write to the Scottish Government seeking a reconsideration on the proposals by the SNP and Green Party to impose 10% of Scotland's waters as Highly Protected Marine Areas without full and proper scientific backing for their proposals and proper consultation with local communities and the fishing industry.

## **11. Chief Social Work Officer Report 2021-22**

A report by the Chief Social Work Officer informed the Council of the annual report of the Chief Social Work Officer (CSWO) on the statutory work undertaken on the Council's behalf during the period 1 April 2021 to 31 March 2022 inclusive.

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

Councillor Gatt left the meeting during the consideration of this item.

## **12. Closure of Inveravon Primary School Statutory Consultation Report**

A report by the Depute Chief Executive (Education, Communities and Organisational Development) provided an update on the statutory consultation on the closure of Inveravon Primary School and sought approval from Council on the recommendation for closure.

Following consideration the Council agreed to:

- i) note the formal consultation report attached as Appendix 1 regarding the closure of Inveravon Primary School;
- ii) approve the recommendation to close Inveravon Primary School and re-assign its catchment area to Knockando, Aberlour and Glenlivet primary schools; and
- iii) authorise, in accordance with School (Consultation)(Scotland) Act 2010, Council Officers to inform Scottish Ministers of the decision to close Inveravon Primary School and re-assignment of its catchment area.

### **13. Committee Appointment Changes**

A report by the Depute Chief Executive (Education, Communities and Organisational Development) informed the Council of some changes made by the Administration Group to their membership on Committees.

Following consideration the Council agreed to note the changes to Committees as intimated by the Administration Group.

### **I 14. Review of Scheme of Administration**

A report by the Depute Chief Executive (Education, Communities and Organisational Development) sought approval to amend the Council's Scheme of Administration to reflect revised reporting arrangements for Children's services.

Following consideration the Council agreed to approve the amended Scheme of Administration detailed in Appendix 1 to reflect the statutory delegation of Children's Services to Moray Integration Joint Board.

### **15. Pittendreich Bridge Strike**

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Council of damage sustained at Pittendreich Bridge after a recent bridge strike.

Following consideration the Council agreed to use reserves to fund the repair works required at Pittendreich Bridge.

### **16. Review of Scheme of Delegation**

A report by the Depute Chief Executive (Education, Communities and Organisational Development) invited the Council to approve changes to the Council's Scheme of Delegation as detailed in Section 4 of the report.

Councillor Mustard moved to add 'in consultation with the Council Leader' into para 2 (i) in regards to a Depute Chief Executive appointing an acting Head of Service or other manager.

In response the Depute Chief Executive confirmed she was happy to add that wording into the document.

Following a short adjournment and further consideration the Council agreed to approve the proposed changes to the Council's Scheme of Delegation, as set out in Appendix 1.

Councillor Cowe left the meeting during the consideration of this item.

#### **17. Information Reports - if called in**

The Council noted that no Information Reports had been called in.

#### **18. Question Time \*\*\***

Under reference to paragraph 26 of the minute of meeting of 2 February 2023, Councillor Bloomfield sought clarification that the communities who were involved in Operation Unicorn had received a letter of thanks.

In response, the Chief Executive confirmed that letters from the Lord Lieutenants had been sent to the various communities involved.

Under reference to paragraph 26 of the minute of meeting of 2 February 2023, Councillor Warren sought an update on the roll out of CCTV.

The Council Leader confirmed that a letter had been sent to BT as was agreed but as yet no response had been received.

The Depute Chief Executive (Economy, Environment and Finance) further added that the latest expected installation date is mid June. As of today's date the up to date situation is as follows:

All necessary broadband and infrastructure is in place for all towns. Elgin and Forres are online and operational. With regards to Lossiemouth, the camera installations are due to begin at the end of the current week, camera installations in Keith are due to begin at the start of June, Buckie cameras to be installed mid June. Once the cameras are in place there are software licences and encryptions to be turned on via a company in the United States which will cause a few days delay. She further added that the cameras are not installed until live stream is possible to ensure the camera warranties start when the live feeds start.

Under reference to paragraph 26 of the minute of meeting of 2 February 2023, Councillor Warren sought an update on the videos which are circulating on social media around fighting in local schools.

In response, the Depute Chief Executive (Education, Communities and Organisational Development) was unable to provide an update on actions underway in Buckie but confirmed that a number of issues have been reported to Police Scotland because they have happened outside of school or in school and police action was required. She further added that work is ongoing through the locality wellbeing group that is considering how to support children and young people within the area, however when the behaviour escalates to some of the levels currently being shown it does require the involvement of Police Scotland.

Under reference to paragraph 12 of the minute of meeting of 2 February 2023, Councillor Mustard sought an update on her request for a report on the Council assets and whether it would be coming to the next meeting of the Council.

In response, the Depute Chief Executive (Education, Communities and Organisational Development) confirmed that a report had gone to a meeting of Moray Council in September 2022 on the Learning Estate Strategy which set the standards the Council is currently working towards in schools. There was a further update report to Education, Children's and Leisure Services Committee in April 2023 under the Capital Strategy which set out how the Council is going to progress the school maintenance in terms of meeting the standard.

She further added that an additional report was presented to the Special Meeting of Education, Children's and Leisure Services Committee in December 2022 which related to the Leisure Estate standards. It had been proposed to take an update report to a meeting early in the new year, however this is tied up with decisions that are awaited around the Learning Estate Improvement Programme from the Scottish Government so therefore a report will be presented once a decision has been received on how the programme will progress.

Under reference to paragraph 11 of the minute of meeting of 2 February 2023 Councillor McLennan asked that the minute be amended to state that it is the Independent National Whistleblowing Office.

Under reference to paragraph 6 of the minute of the Special Meeting of 8 March 2023, Councillor McLennan queried the declarations with regards to Item 6 on the agenda. The Clerk agreed to review the webcast and amend where necessary.

Councillor Macrae sought an update on the funding for the repairs to the Cloddach Bridge.

In response, the Depute Chief Executive (Economy, Environment and Finance) confirmed that discussions are ongoing with representatives from the UK government but was not clear on how much could be shared in the public session. However stated that the Council continue to work with the government on the objectives set out in the budget statement.

Councillor Warren sought clarification on the situation with the Access Point in Buckie which closed during Covid.

She further asked for an update on the M-Connect Service.

In response, the Chair reminded Councillor Warren that she could only ask 1 question in Question Time and asked her to confirm which question she would like to be answered.

Councillor Warren confirmed she would like to get an answer to the Buckie Access Point question.

In response the Monitoring Officer confirmed that the Information Hub is open at Buckie Library after a successful roll out of Information Hubs throughout Moray.

Councillor Warren asked whether it could be advertised that the hub is open as she did not think many people were aware.

The Monitoring Officer agreed to look at ways of advertising the service.



Councillor Mustard sought an update on the Business Administration Support Consultation which is currently underway and asked whether a report will be presented to the next meeting of Moray Council on 28 June 2023 prior to implementation.

In response the Depute Chief Executive (Education, Communities and Organisational Development) confirmed that the consultation is currently underway and ends on 2 June 2023. At that point consideration would be given on any controversial issues which may have arisen and whether a decision at Committee is required to determine the way forward.

Councillor Leadbitter said that members will be aware of a proposed demonstration outside HQ regarding the Save our Surgeries Group prior to the Moray Integration Board and sought advice from the Monitoring Officer for Councillors who are members or substitute members of the MIJB.

In response, the Monitoring Officer confirmed that he would be happy to provide advice to any Councillors following this meeting.

Councillor Coull sought an update on the 20mph zones.

In response, the Depute Chief Executive confirmed that she would come back to Councillor Coull with an update as she did not have any information at hand.

Councillor Van Der Horn asked whether the Council could remind the public on the support available to help with the increased gas and electric costs for those living in residential caravan parks.

In response, the Chief Financial Officer confirmed that there are 2 schemes available however they come to an end at the end of May.

The Depute Chief Executive (Education, Communities and Organisational Development) further added that there is still a link on the Council Website for the Cost of Living Support Hub which provides lots of information for residents of Moray on the support available.

Councillor McBain sought an update on the roll out of the Bus Revolution project and have the issues with the app been resolved.

In response, the Depute Chief Executive (Economy, Environment and Finance) confirmed that the issues with the app were resolved by lunchtime of the first day. She further added that the uptake is at the levels as indicated in the Business Case and the next focus for the marketing is for scheduled routes.

## **19. Trade Union Facility Time**

A report by the Depute Chief Executive (Education, Communities and Organisational Development) asked the Council to approve the recommendation from Corporate Committee held on 25 April 2023 (paragraph 18 of the draft minute refers) for allocation of budget to cover costs arising from a permanent extension of the current facility time.

Following consideration the Council agreed:

- i) the recommendation from Corporate Committee on 25 April 2023 to approve the recommendation in paragraph 3.1 of the report); and
- ii) to allocate budget from ear-marked reserves in 2023/24 and the creation of a budget pressure backfill costs arising from a permanent extension to Trade Union facility time.

## **20. Refugee, Resettlement and Asylum Partnership [Paras 3 and 5]**

A report by the Chief Executive informed the Council of the successes and challenges of which the Council and Partners have faced as Moray seeks to support UK and Scottish humanitarian protection programmes in the context of resource allocation, accommodation requests and funding received from Scottish Government to support the responses.

Following consideration the Council agreed to:

- i) considers and notes the updates on the immediate and ongoing short term responses to the approach required to deal with those seeking support on humanitarian grounds and agrees to recommendations ii) to vi) below as a continuation of the immediate and short term response;
- ii) agrees to expand the offer to support Afghan Citizen Scheme (ACS) alongside Afghan Relocation and Assistance Policy (ARAP) scheme, within the designated allocation of 10 properties;
- iii) agrees the use of dedicated refugee funds to expand the renamed Asylum, Refugee and Resettlement Team on a temporary basis,
- iv) agrees the recruitment of a 2 year temporary post for 1x FTE Grade 9 Project Officer and 2 x FTE Grade 5 Assistant Refugee Officers to assist with the Afghan arrivals;
- v) agrees the recruitment of a 2 year temporary post for 1 x FTE Grade 8 ESOL Officer to cover all Schemes;
- vi) agrees to delegate authority to the Chief Executive to allocate funding in accordance with demand;
- vii) notes there may be oral updates to the meeting given the pace of development to support those seeking asylum and or refugee in Moray; and
- viii) notes that the long term response will be addressed in a further report to Council on a Business Case mapping out the need including funding streams, organisational leadership and management options and the budget available to work out what is the predominant need for support and best solution.