



---

## Moray Council

Wednesday, 28 October 2020

**NOTICE IS HEREBY GIVEN** that a Meeting of the **Moray Council** is to be held at remote locations via video conference, on **Wednesday, 28 October 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 Item 14 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**

**4(a Minute of Meeting of the Policy and Resources 5 - 12**

**Committee dated 10 March 2020**

**4(b Minute of the Meeting of Moray Council Emergency 13 - 30**

**Cabinet dated 12 August 2020**

**4(c Minute of the Meeting of Moray Council dated 2 31 - 38**

**September 2020**

<b>4(d)</b>	<b>Minute of Special Meeting of Moray Council on 7 October 2020</b>	<b>39 - 44</b>
<b>4(e)</b>	<b>Minute of Special Meeting of Moray Council on 9 October 2020</b>	<b>45 - 46</b>
<b>5</b>	<b>Written Questions **</b>	
<b>6</b>	<b>Notice of Motion - Councillor T Eagle and Councillor J Allan</b>	<b>47 - 48</b>
<b>7</b>	<b>Political Balance - Appointments to Committee</b>	<b>49 - 50</b>
<b>8</b>	<b>Membership of Moray Integration Joint Board - Proposed Increase</b>	<b>51 - 54</b>
<b>9</b>	<b>Best Value Assurance Report Strategic Action Plan</b>	<b>55 - 62</b>
<b>10</b>	<b>Economic Recovery Plan</b>	<b>63 - 112</b>
<b>11</b>	<b>BT Phoneboxes</b>	<b>113 - 116</b>
<b>12</b>	<b>Town Centre Fund Capital Grant 2020 to 2021</b>	<b>117 - 144</b>
<b>13</b>	<b>Question Time ***</b>	

Consider any oral question on matters delegated to the Committee in terms of the Council's Scheme of Administration.

#### **14 Improvement and Modernisation Programme Staffing [Para 1]**

- Information relating to staffing matters;

**Any person attending the meeting who requires access assistance should contact customer services on 01343 563217 in advance of the meeting.**

\* **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: Moira Patrick

Clerk Telephone:

Clerk Email: [committee.services@moray.gov.uk](mailto:committee.services@moray.gov.uk)

# **THE MORAY COUNCIL**

## **Moray Council**

### **SEDERUNT**

Councillor Shona Morrison (Chair)  
Councillor Graham Leadbitter (Depute Chair)  
Councillor George Alexander (Member)  
Councillor James Allan (Member)  
Councillor David Bremner (Member)  
Councillor Frank Brown (Member)  
Councillor Theresa Coull (Member)  
Councillor John Cowe (Member)  
Councillor Gordon Cowie (Member)  
Councillor Paula Coy (Member)  
Councillor Lorna Creswell (Member)  
Councillor John Divers (Member)  
Councillor Tim Eagle (Member)  
Councillor Ryan Edwards (Member)  
Councillor Claire Feaver (Member)  
Councillor Donald Gatt (Member)  
Councillor Marc Macrae (Member)  
Councillor Aaron McLean (Member)  
Councillor Maria McLean (Member)  
Councillor Ray McLean (Member)  
Councillor Louise Nicol (Member)  
Councillor Laura Powell (Member)  
Councillor Derek Ross (Member)  
Councillor Amy Taylor (Member)  
Councillor Sonya Warren (Member)  
Councillor Walter Wilson (Member)

Clerk Name:       Moira Patrick  
Clerk Telephone:  
Clerk Email:       committee.services@moray.gov.uk

**Minute of Meeting of the Policy and Resources Committee**

**Tuesday, 10 March 2020**

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

**PRESENT**

Councillor Frank Brown, Councillor John Cowe, Councillor Lorna Creswell, Councillor John Divers, Councillor Tim Eagle, Councillor Donald Gatt, Councillor Louise Laing, Councillor Graham Leadbitter, Councillor Marc Macrae, Councillor Aaron McLean, Councillor Shona Morrison, Councillor Walter Wilson

**APOLOGIES**

Councillor Claire Feaver, Councillor Sonya Warren

**IN ATTENDANCE**

Chief Executive; Depute Chief Executive (Education, Communities and Organisational Development); Depute Chief Executive (Economy, Environment and Finance); Chief Financial Officer; Head of Environmental and Commercial Services; Benefits Manager; Senior Officer Economic Strategy/Development; Energy Officer; Project Officer (Tourism and Heritage); Head of Governance, Strategy and Performance as Legal Adviser and Mrs C Howie, Committee Services Officer as Clerk to the Meeting.

**1 Chair of Meeting**

The meeting was Chaired by Councillor Aaron McLean.

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

In terms of Standing Order 20 and the Councillors' Code of Conduct, Councillor Cowe declared an interest in Item 15 of the Agenda 'Elgin Common Good - Andersons Care Home' advising his wife was an employee at Andersons. Thereafter 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 further declarations of Member's interests in respect of any item on the agenda.

**3 Resolution**

Prior to seeking agreement of the Resolution the Chair advised Councillor Brown had made representation in respect of Item 15 of the agenda 'Elgin Common Good - Andersons Care Home' requesting it be moved to the open session of the meeting as the care home accounts are available publicly elsewhere. There being no one otherwise minded the Committee agreed to move item 15 of the agenda into the open session of the meeting.

Thereafter 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 during consideration of the items of business appearing at the relevant paragraphs of this minute as specified below, so as to avoid disclosure of exempt information of the class described in the appropriate paragraphs of Part 1 of Schedule 7A of the Act.

Paragraph Number of Minute	Paragraph Number of Schedule 7A and Reason
18	6 Information relating to the financial or business affairs of any particular person(s) 9 Information on terms proposed or to be proposed by or to the Authority
19	1 Information relating to staffing matters 11 Information relating to any consultations or negotiations in connection with any labour relations

#### **4 Minute of Meeting dated 14 January 2020**

The Minute of the meeting of the Policy and Resources Committee dated 14 January 2020 was submitted and approved.

#### **5 Written Questions**

The Committee noted that no written questions had been submitted.

#### **6 Scottish Welfare Fund Budget Update**

Under reference to paragraph 8 of the Minute of the meeting dated 14 January 2020 a report by the Depute Chief Executive (Education, Communities and Organisational Development) updated Committee on the current budget situation in respect of the Scottish Welfare Fund scheme.

Following consideration the Committee agreed:

- i. to note the estimated pressures on the 2019/20 and 2020/21 grant budgets as contained in the report; and
- ii. that further reports will be brought to Committee during 2020/21 providing updates on grant budget spending, demands on workloads and resources and impact on claimants.

#### **7 Public Sector Climate Change Reporting 2018-19**

Under reference to paragraph 6 of the Minute of the Special Moray Council meeting dated 27 June 2019 a report by the Depute Chief Executive (Economy, Environment and Finance) informed Committee of the Council's 2018/19 Climate Change report.

Following consideration the Committee agreed to note the:

- i. content of the reporting template set out in appendix I of the report; and
- ii. progress made in embedding climate change and sustainability within the Council's operations.

## **8 Museums Service Update**

Under reference to paragraph 17 of the Minute of the meeting dated 29 October 2019 a report by the Depute Chief Executive (Economy, Environment and Finance) asked Committee to note the work of the Museums Service and sought approval for the recommendations within the report.

Following consideration the Committee agreed to:

- i. note the achievements of the Museums Service contained in the Annual report 2019/20;
- ii. note the details of care for the collection, maintenance plan for the museum and store and any other arrangements, which will be in place during closure;
- iii. note the details of the Culture Radar reports;
- iv. provide support for the development of Moray Heritage Forum;
- v. provide support for the transitional period for the Museums Services in the form of in kind and financial contributions of £10,000 over two financial years 2020/21 and 2021/22, which can be met from existing services budget; and
- vi. note the developments of operational agreements with organisations prior to any potential Community Asset Transfers of the services.

## **9 Infrastructure Commission for Scotland Phase 1 Report Summary and Recommendations**

A report by the Depute Chief Executive (Economy, Environment and Finance) informed Committee of the Infrastructure Commission for Scotland Phase 1 report on the recommendations made for the future of the infrastructure in Scotland.

Following consideration the Committee agreed to:

- i. note the implications for Moray of the Commission's recommendations; and
- ii. request a meeting with the Infrastructure Commission for Scotland to discuss and seek clarity on the implications for Moray.

## **10 Media Services for the Moray Economic Partnership**

Under reference to paragraph 6 of the Minute of the meeting dated 18 December 2019 a report by the Depute Chief Executive (Economy, Environment and Finance) sought approval of funding for the provision of media services for the Moray Economic Partnership (MEP) from the economic Development Budget.

Referring to paragraph 3.4 of the report Councillor Brown was of the opinion that each of the Partners should contribute equal funding.

In response the Depute Chief Executive (Economy, Environment and Finance) advised Highlands and Islands Enterprise (HIE) were proposing to contribute the same amount as the Council and following extended discussion the University of Highlands and Island (UHI) were proposing a contribution of £5,000. Referring to the report she further advised the media spend would be tailored to the available budget.

She was of the opinion the recommendation at 2.1 of the report should be amended to add the wording 'as indicated at paragraph 3.4 of the report' at the end of the recommendation. This to ensure the Council was not committed to a £15,000 contribution if either of the other two Partners did not contribute to the level indicated in the report.

Committee were agreeable to the additional wording.

Thereafter the Committee agreed to allocate £15,000 from the Economic Development Budget each financial year from 2020/21 to 2022/23 for the provision of media services for the MEP, with the caveat that funds will only be expended if each year funds are also contributed from HIE and UHI as indicated in paragraph 3.4 of the report.

## **11 Community Asset Transfer Request (Non-Act) - Dufftown Community Centre**

Under reference to paragraph 6 of the Minute of the Moray Council meeting dated 11 April 2018 a report by the Depute Chief Executive (Economy, Environment and Finance) invited Committee to consider a community asset transfer request made for the transfer of ownership of Dufftown Community Centre.

Following consideration the Committee agreed to:

- i. approve the request to transfer ownership of Dufftown Community Centre, Church Street, Dufftown to Dufftown Community Centre (SCIO SC048668) subject to the terms and conditions set out in section 5 of the report; and
- ii. remit the matter to the Estates Manager and the Legal Services Manager to complete the transfer of title.

## **12 Elgin Town Hall Transitional Lease Arrangements**

Under reference to paragraph 6 of the Minute of the Moray Council meeting dated 11 April 2018 a report by the Depute Chief Executive (Economy, Environment and Finance) invited Committee to consider a request for a 5-year extension to the transitional lease arrangements currently in place for Elgin Town Hall.

Following consideration the Committee agreed to approve the request from Elgin Town Hall for the Community to extend the transitional rent-free lease arrangements for Elgin Town Hall on the terms and conditions set out in paragraph 3.5 of the report.



### **13 Employee Survey 2019**

A report by the Depute Chief Executive (Education, Communities and Organisational Development) asked Committee to consider the 2019 employee opinion survey.

Following consideration the Committee agreed to:

- i. note the results of the 2019 employee opinion survey; and
- ii. approve the actions arising from the results and note the further item on the agenda, the update on the workforce culture group work.

### **14 Workforce Culture Update**

Under reference to paragraph 11 of the Minute of the special meeting of Moray Council dated 2 July 2014 a report by the Depute Chief Executive (Education, Communities and Organisational Development) asked Committee to bring the Culture Working Group to a close.

The Chair advised that following discussion at the Culture Working Group on Thursday 5 March where it had been recognised that progress had been made, that rather than bring the Group to a close as per the recommendation at 2.1 (ii) of the report it was proposed the Group continue with a more focused remit to monitor progress and plan the strategic focus for workforce culture.

Following discuss the Committee agreed to:

- i. note the workforce culture update; and
- ii. approve the Culture Working Group continuing with a more focused remit to monitor progress and plan the strategic focus for workforce culture.

### **15 Employment Policy Framework Review 2019-20**

A report by the Depute Chief Executive (Education, Communities and Organisational Development) invited Committee to consider and note the update on the employment policy framework for 2019-20.

The Chair advised an amendment had been made to the recommendation and appendix 5 of the report to include information on enhanced provision of two weeks paid leave for Parental Bereavement.

Following consideration the Committee agreed to approve the update on the employment policy framework for 2019-20 as follows:

- i. Secondment Policy - clarity on clearance procedures; reinforcement on the roles within the process with regards to supporting or refusing an application and reference to Transform and Change Management clarified;
- ii. Regrading - includes clarification on use of Delegated Authority Reports where Committee Report is provided; clarity of who sits on Regrading Panel and their roles and General Data Protection Regulation references;
- iii. Working Time Regulations Policy - Brief summaries of each section have

been included to aid the reader in accessing the correct section of the document and hyperlinks included to speed access. Also now incorporates the inclusion of a link to the Conflicts of Interest Form;

- iv. Whistleblowing Policy - Confirms a clear distinction between whistleblowing and a complaint; improve navigation and accessibility (e.g. add in contents page, hyperlinks); amend the language to take a softer approach and place greater focus on encouraging reporting and add in reference to the Bullying Harassment Policy; and
- v. Special Leave Policy - addition of Parental Bereavement guidance following the change in legislation and subsequent entitlements which includes an enhanced provision of two weeks paid leave as opposed to one weeks paid leave.

## **16 Elgin Common Good - Andersons Care Home**

Under reference to paragraph 22 of the Minute of the meeting dated 16 January 2002 a report by the Depute Chief Executive (Economy, Environment and Finance) invited Committee to consider an application from Andersons Care Home for financial assistance from Elgin Common Good Fund towards the cost of installing a lift to carry multiple people, beds and wheelchairs.

Councillor Cowe, having declared an interest, left the meeting prior to discussion of this item.

Councillor Brown was of the opinion that as Andersons is a commercial business it would not be appropriate to provide funding from the Common Good Fund and moved to reject the request.

Councillor Macrae seconded the motion.

Councillor Leadbitter was of the opinion that although this is a commercial business the Anderson Trust introduces unique factors. The Trust objectives support education and in doing so provide a significant contribution to the Council. He was of the opinion the Council would be supporting the Trust if money was awarded from the Common Good and moved an amendment to award money as per the report.

Councillor Divers seconded the amendment.

On a division there voted

For the Motion (5)	Councillors Brown, Macrae, Eagle, Gatt and Wilson
--------------------	---------------------------------------------------

For the Amendment (6)	Councillors Leadbitter, Divers, Creswell, Laing, A McLean and Morrison
--------------------------	---------------------------------------------------------------------------

Abstentions (0)

Thereafter the Committee agreed to the request for funding from Andersons Care Home, which will be funded from the Elgin Common Good Fund.

Councillor Cowe returned to the meeting at this juncture.

## **17      Question Time**

The Committee noted that no questions had been raised.

## **18      Waste Management - Trade Waste Charges [Paras 6 & 9]**

A report by the Depute Chief Executive (Economy, Environment and Finance) asked Committee to approve the proposals for Trade Waste collection and Recycling Pass charges.

Following consideration the Committee agreed the following Trade Waste charges for the 2020/21 financial year:

- i. a price freeze on Residual Trade Waste charges as outlined in paragraph 6 and appendix 1 of the report;
- ii. a price freeze on Recycling Trade Waste charges as outlined in paragraph 7 and appendix 1 of the report; and
- iii. a charge for all Trade Waste Recycling Passes issued, as outlined in paragraph 8 and appendix 1 of the report.

## **19      Voluntary Severance Applications [paras 1 and 11]**

A report by the Depute Chief Executive (Education, Communities and Organisational Development) asked Committee to consider applications under the terms of the agreed Voluntary Severance Scheme.

Following consideration the Committee agreed to recommend to Moray Council the approval of the applications for Voluntary Severance contained within appendix A of the report.



**Minute of Meeting of the Moray Council Emergency Cabinet**

**Wednesday, 12 August 2020**

**Various locations via video conference,**

**PRESENT**

Councillor George Alexander, Councillor John Divers, Councillor Tim Eagle, Councillor Graham Leadbitter, Councillor Derek Ross

**APOLOGIES**

Councillor Donald Gatt, Councillor Shona Morrison

**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 Environmental and Commercial Services, Head of Education, Legal Services Manager, Estates Manager, Development Management & Building Standards Manager, Neal MacPherson (Principal Planning Officer), Asset Management Coordinator and the Democratic Services Manager as Clerk to the meeting.

**ALSO PRESENT**

Councillor David Bremner (Substituting for Councillor Morrison for Items 8 and 9), Councillor Frank Brown (Substituting for Councillor Gatt – All Items), Councillor Thersa Coull (Substituting for Councillor Morrison for Items 6,6a,10 - 13), Councillor Aaron McLean (Substituting for Councillor Morrison for Items 1 - 5, 14 - 17) and Councillor Sonya Warren (Substituting for Councillor Morrison for Items 7 and 8).

**1 Chair**

In the absence of Councillor Morrison, Councillor Leadbitter chaired the meeting.

**2 Order of Business**

In terms of Standing Order 28 the Meeting agreed to amend the order of business in order to take agenda Item 6 'Notice of Motion by Councillor D Ross and Councillor W Wilson' and agenda Item 6a 'Emergency Notice of Motion by Councillor G Leadbitter and Councillor T Coull in conjunction with Agenda Item 12 'Public Conveniences' (para 19 of the minute refers).

**3 Declaration of Group Decisions and Members Interests \***

In terms of Standing Order 20 and the Councillor's Code of Conduct, Councillor Alexander declared a personal interest in Item 14 'Council Tax on Empty Dwellings During Lockdown' and Councillor Divers declared an interest in Item 11 'Car Parking Charges' as a member of Elgin BID.

The Meeting noted that there were no other 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 Minute of Meeting of Moray Council dated 12 February 2020**

The Minute of the Meeting of Moray Council dated 12 February 2020 was submitted and approved.

**5 Minute of Special Meeting of Moray Council dated 3 March 2020**

The Minute of the Special Meeting of Moray Council dated 3 March 2020 was submitted and approved.

**6 Minute of Meeting of Moray Council Emergency Cabinet dated 3 June 2020**

The Minute of the Meeting of Moray Council Emergency Cabinet dated 3 June 2020 was submitted and approved.

**7 Minute of Meeting of Moray Council Emergency Cabinet dated 10 June 2020**

The Minute of the meeting of Moray Council Emergency Cabinet dated 10 June 2020 was submitted and approved subject to the inclusion of Councillor Frank Brown and Councillor Maria McLean as being in attendance as substitutes for Councillor Tim Eagle and Councillor Donald Gatt respectively.

**8 Minute of Meeting of Moray Council dated 17 June 2020**

The Minute of the Meeting of Moray Council dated 17 June 2020 was submitted and approved.

**9 Minute of Meeting of Moray Council Emergency Cabinet dated 24 June 2020**

The Minute of the Meeting of Moray Council Emergency Cabinet dated 24 June 2020 was submitted and approved.

**10 Minute of Meeting of Moray Council Emergency Cabinet dated 1 July 2020**

The Minute of the Meeting of Moray Council Emergency Cabinet dated 1 July 2020 was submitted and approved.

**11 Written Questions \*\***

The Meeting noted that no written questions had been submitted.

**14 National Education Priorities - Excellence and Equity**

A report was submitted by the Depute Chief Executive (Education, Communities and Organisational Development) advising the Emergency Cabinet on the National Improvement Framework Plan return which is submitted to the Scottish Government in August each year. The report also asked the Emergency Cabinet to agree the return to be submitted to Education Scotland.

Following lengthy discussion the Emergency Cabinet noted the report and agreed the annual National Improvement Framework return for submission to Education Scotland on 24 August 2020.

**15 Planning Application 20/00364/APP**

**Planning Application 20/00364/APP**

**WARD 7: ELGIN CITY SOUTH**

**20/00364/APP - 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**

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 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.

It was noted that the application had 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.

During his introduction, Mr MacPherson, Principal Planning Officer advised that he had recently been made aware of an important water pipe that crossed the corner of the site and asked that, if the Cabinet were minded to approve the planning application, a further condition be added asking the Applicant to provide a Construction Method Statement to safeguard and protect the pipe. This was noted.

During discussion, the benefits of the development in terms of sport and leisure facilities for Moray were acknowledged however concern was raised in relation to the risks to the environment from the rubber crumb contained within the artificial turf which may pollute the River Lossie.

In response the Principal Planning Officer advised that the Applicant had agreed to install high kick boards surrounding the pitch and a filtration system to filter out excess rubber crumb. In addition, surface water from the site would be collected, recycled and used to maintain the neighbouring football pitch rather than use water from the River Lossie. He further advised that, when considering the planning application, the wider benefits of the development outweighed the minimal risk of rubber crumb leaving the site however suggested that an addition could be made to condition 5 which would ensure that proper landscape and hard surface maintenance arrangements are in place to protect the surrounding environment and minimise pollution. This was noted.

Following consideration, the Emergency Cabinet agreed to grant planning permission in respect of Planning Application 20/00364/APP subject to the following conditions and reasons including:

- i. a further condition asking for the provision of a Construction Method Statement to safeguard and protect the important water pipe that crossed the corner of the site; and
- ii. an addition to condition 5 to ensure that proper landscape and hard surface maintenance arrangements are in place to protect the surrounding environment and minimise pollution.

### **Conditions/Reasons**

- i. 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](http://www.sapca.org.uk))

**Reason:** To ensure quality of the pitch provision.

- ii. 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:



1. 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;
2. 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;
3. 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
4. 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.

- iii. 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:

1. 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

2. 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.

- iv. 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 25<sup>th</sup> 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 out with 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.

- v. Prior to the development coming into use, written details must be submitted to the Council as Planning Authority of the ongoing maintenance provisions for both the sites grassed and hard surface multi-use games areas. Thereafter the grass and hard surface multi-use games areas must be maintained in accordance with the approved maintenance provisions.

**Reason:** In order to ensure that proper landscape and hard surface maintenance arrangements are in place to protect the surrounding environment and minimise pollution.

- vi. 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.

- vii. Prior to development commencing a Construction Method Statement (CMS) must be submitted to and approved in writing by the Council as Planning Authority for details of the measures undertaken to safeguard and protect the large diameter drainage pipe that crosses the small portion of the site at its south east corner. The development must thereafter be undertaken in accordance with approved CMS.

**Reason:** To ensure existing infrastructure is protected.

## **16 Planning and Regulatory Services - Temporary Arrangements due to COVID-19**

A report was submitted by the Depute Chief Executive (Economy, Environment and Finance) asking 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.

During discussion clarification was sought in regard to whether individual members could visit sites on their own with a Planning Officer being available by mobile phone and whether further information could be provided such a map to accompany any photographs of the site. Clarification was also sought on the use of footage from drones and whether applicants could be asked to provide this.

In response the Development Management & Building Standards Manager advised that there may be health and safety issues relating to some sites that would require to be considered should a Member wish to undertake an unaccompanied site visit. She further advised that she would take on board the suggestion to provide a map to accompany photographs and in relation to drones advised that this was time consuming and costly and that it was unlikely that applicants would have such equipment readily available or be asked to bear the additional cost. She added that when PAN reports are considered by Officers and Members the use of drones and taking footage for supporting information to accompany a major planning application could be considered at the appropriate time.

Thereafter the Emergency Cabinet agreed that:

- i. 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. committee information packs will be enhanced with a map and additional photographs of the site and the immediate surroundings to aid decision-making.

## **17 Community Asset Transfer Request (2015 Act) Cullen Community and Residential Centre**

Under reference to paragraph 6 of the Minute of Moray Council dated 11 April 2018, a report was submitted by the Depute Chief Executive (Economy, Environment and Finance) inviting the Emergency Cabinet to consider a community asset transfer request for Cullen Community and Residential Centre.

Following consideration the Emergency Cabinet agreed to:

- i. approve 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. remit the matter to the Estates Manager and Legal Services Manager to complete the transfer of title; and,
- iii. note 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.

## **18 Car Parking Charges**

Councillor Divers having declared an interest in this item as a council appointed representative to Elgin BID was as such entitled to remain and take part in the discussion.

A report was submitted by the Depute Chief Executive (Economy, Environment and Finance) informing the Emergency Cabinet of the financial implications for delaying the reinstatement of the car parking charges and asking the Emergency Cabinet to consider when to reinstate the charges.

Councillor Leadbitter stated that whilst recognising that there are a range of issues relating to the re-introduction of car parking charges, the charges represented a significant source of income to the council and there was a need to get income back on track. He further stated that he was not suggesting that they be re-introduced at short notice but it was not, in his opinion, tenable to continue for an excessive

amount of time and hoped that some form of consensus could be found as to a date for the re-introduction of the charges.

Following discussion Councillor Divers moved that the Emergency Cabinet defer the re-introduction of car parking charges until the end of October 2020 with a review by the Economic Growth, Housing & Environmental Sustainability Committee on 6 October either to re-instate the car parking charges or to extend the suspension of the charges until the end January 2021 taking account of the 'free after three' provision. Councillor Eagle seconded the motion.

Councillor Alexander stated that he was of the opinion that there was no evidence that suspending the car parking charges in Elgin was benefiting the local businesses and moved as an amendment that the car parking charges be re-instated on the first Monday in September 2020 with the exception that the 2 multi-storey car parks remain free of charge for a while longer.

Councillor Brown stated that whilst he was happy to support the motion by Councillor Divers, he was of the opinion that other models of charging, such as that used by Aberdeen City Council where there were free periods of parking, should be investigated in the meantime.

Councillor Leadbitter referred to the financial implications outlined in paragraph 5(c) of the report and reminded the meeting of the need to be mindful of these when considering priority spending elsewhere when the Council is losing income. He further stated that whilst he is not suggesting that car parking charges be immediately re-instated, the Council has to be careful in not becoming a hostage to fortune when it comes to the budget setting in February 2021 where it may make it difficult to invest in the priorities.

In response to the issue of a further review the Head of Environmental and Commercial Services sought clarification as to what information officers would be expected to bring back in terms of that review and in relation to looking at free periods of parking it would be very difficult to say what the economic benefit would be arising from that.

Councillor Leadbitter stated that he was in agreement with Councillor Alexander in that there was need to get things back on track in terms of income and recognised there was a range of views about when that should be and what form that should take but a timeframe was required and sought the views of the Cabinet on re-instating the car parking charges after the October break which would be Monday 26 October 2020.

Councillor Alexander stated that he was happy to go with this date and amend the terms of his amendment accordingly.

Councillor Divers stated that whilst he was happy with the proposal not to re-instate before the end of the October holiday period he was still of the opinion that there remained a need for a review in October.

Councillor Eagle stated that he also considered there was a need for a review in October which would allow the opportunity to speak with the community, local businesses and Elgin BID and also to look at alternative models of charging.

The Head of Environmental and Commercial Services advised that in terms of the suggestion regarding free parking periods, there would not be enough time between

now and the 6 October Economic Growth, Housing & Environmental Sustainability Committee to estimate the cost and that data was very limited in terms of the economic benefit to allow for informed decisions to be made. He further advised that officers would require clear terms of reference regarding a review.

Following further discussion Councillor Eagle sought clarification in respect of the terms of Councillor Divers' motion stating that he was now of the view that the car parking charges would not be reintroduced before the opportunity to review had been brought to the meeting of the Economic Growth, Housing & Environmental Sustainability Committee on 6 October 2020.

Councillor Divers confirmed this to be the terms of his motion.

Councillor Leadbitter stated that he was now content that, due to the change in the terms of Councillor Divers' motion which provided for the possibility of an earlier opportunity to re-instate the car parking charges, he would withdraw as seconder to Councillor Alexander's amendment that the car parking charges be re-instated on 26 October 2020 without the need for a review.

Councillor Ross stated that he was of the opinion that all Members had had enough opportunity to discuss this matter and asked that the question now be put.

In response Councillor Leadbitter asked if Councillor Alexander's amendment has a seconder.

On failing to find a seconder, the amendment fell.

Thereafter, there being no one otherwise minded, the Motion became the finding of the meeting and it was agreed to defer the reinstatement of the car parking charges until the 26 October 2020 subject to a review by the Economic Growth, Housing & Environmental Sustainability Committee at its meeting on 6 October 2020 and that review include consideration of the 'free after three' parking option, any other views and an update on the financial position.

## **19 Public Conveniences**

Under reference to paragraph 20 of the minute of the meeting of Moray Council dated 12 February 2020 and paragraph 3 of the minute of the special meeting of Moray Council dated 3 March 2020, a report was submitted by the Depute Chief Executive (Economy, Environment and Finance) informing the Emergency Cabinet on progress in developing an alternative delivery model relating to the provision of public conveniences in partnership with Visit Moray and outlining the impact the Corona Virus pandemic has had on progress in developing a new model for public conveniences.

Councillor Leadbitter referred to the budget setting earlier in the year when he had committed to work with Moray Speyside Tourism and other community organisations to seek an alternative management arrangements for the public toilets in Moray. He advised that he had had some discussions with Moray Speyside Tourism about the issue and they are committed to having that discussion to look at options when time allows from the COVID recovery issues. He further stated that he was proposing that toilet provision be retained throughout 2021 and that additional funding is

allocated for the remainder of the year to cover the cost of additional cleaning required by the COVID response.

Thereafter he invited Councillor Ross to address his Notice of Motion which had been submitted in the following terms:

"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 open 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."

As the terms of the Notice of Motion related to the same subject matter the Meeting Councillor Ross agreed discussion on it would be taken in conjunction with the discussion on this item.

Councillor Ross stated that he had received numerous complaints from members of the community and tourists using the Speyside Way and the River Spey. He stated that he had long held the view that closing the facilities on a long distance footpath that is used by thousands of tourists was counterproductive to the promotion of the tourist sector in Moray. He stated that the site at Cragganmore, although closed, is still being used by hikers and canoeists and the waste being left is now posing a health hazard at this beauty spot. He argued that more money was now being spent cleaning up areas than was being saved by closing the facilities and sought the Cabinet's agreement to reopen the facilities at Cragganmore as soon as possible and that they remain open until the end of October 2020.

For clarification it was noted that the facility being referred to as Cragganmore was covered in the main report but referred to as Old Station Ballindalloch.

The meeting agreed at this juncture to suspend Standing Order 75 in order to continue the discussion of this item beyond 12.45 pm.

The Meeting also noted the terms of the Emergency Notice of Motion submitted by Councillors Leadbitter and Coull:

"Emergency Cabinet recognises the concerns raised by constituents with councillors across the region regarding street cleansing and, in particular, excess waste in and around public litter bins.

Emergency Cabinet further notes the unprecedented pressures that our waste team are experiencing with Covid-19 restrictions leading to less frequent recycle collections, significantly larger residential waste volumes and significant changes in the waste being generated in some of our public spaces, notably in coastal communities due to increased leisure usage and in town centres due to a large increase in usage of disposable food and drink containers. Increased volumes in residential collection requires our vehicles to make more frequent trips to offload waste, adding to the time taken to complete street collections and putting further pressure on resources.

Emergency Cabinet notes that this pattern of waste generation has led to a requirement to utilise some street cleansing staff to supplement roadside collection crews in residential areas and further recognises that the pattern of waste being generated continues to change over time as Covid-19 restrictions change.

While we would encourage people to take waste home if public bins have filled up quickly at busy times that isn't always practical and doesn't always happen.

As an interim response Emergency Cabinet agrees to commit up to £15k from reserves for the current budget year only to support our waste team to maintain cleanliness standards in relation to the emptying of public bins at litter hotspots. Resource pressures and requirements for the 2021/22 budget will be considered through the 2021/22 budget setting process.

As the terms of the Emergency Motion referred to the street cleansing staffing resource referred to in the motion is also used in the cleaning of public conveniences and the proposal was only feasible when considered alongside the options for public conveniences."

It was agreed that discussion on it would be taken in conjunction with the discussion on this item.

Councillor Leadbitter stated that in relation to the issues surrounding litter he wished to clarify the background to this which related to the restrictions imposed by COVID-19 resulting in more waste being generated which in turn has resulted in the recycling vehicles becoming filled quicker meaning that they cannot always complete a run before having to return to the landfill site to unload. This has resulted in delays to household roadside collections placing significant additional pressure on the waste collection service. A lot of work is being undertaken by the service to try and manage the additional pressure with staff from street litter picking being moved into other teams to do roadside collections resulting in issues arising from overflowing litter bins. The lockdown restrictions have seen an increase in outdoor activities due to the closure of leisure facilities, cinemas etc. There has also been an increase in people eating out doors with more disposable packaging like cups being used by cafes and such, all of which is contributing to this really challenging issue and how to deal with it.

He stated that having spoken with officers they have advised that having some additional funding for the current year will allow them to deal with the issues. As restrictions ease over time, pressures will also ease and he would consider that the measures proposed be seen as an interim budget measure to support services that have been impacted by COVID-19.

Thereafter following lengthy discussion the Emergency Cabinet agreed:

- i. to note that due to the corona virus pandemic an alternative delivery model in regard to public conveniences has not yet been developed due to the circumstances described in paragraph 3.7 of the report;



- ii. 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:
  - a. Keep open until the end of March 2021 the toilets listed below except Cooper Park which is seasonal and closes 1 October 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
  - b. In addition to reopen the remaining 6 toilets as listed below. This will eliminate the £32,000 savings identified in paragraph 5.1 of the report and cost the Council an additional £13,252, and note that 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)  
  
Cunninghamston.(Seasonal)  
  
East Street, Fochabers. (Open all year)  
  
Playing field, Garmouth.(Seasonal)  
  
Off New Street, Rothes.(Open all year)  
  
Old Station Ballindalloch (Seasonal) To remain open until the End of October 2020
- iii. to commit up to £15k from reserves for the current budget year only to support our waste team to maintain cleanliness standards in relation to the emptying of public bins at litter hotspots. Resource pressures and requirements for the 2021/22 budget will be considered through the 2021/22 budget setting process.

### **Adjournment of Meeting**

In terms of Standing Order 25 the meeting agreed to adjourn for lunch at 1.10 pm and recommence at 2.00pm.

## 20 Funding From Reserves 2020-21

A report was submitted by the Depute Chief Executive (Economy, Environment and Finance) asking the Emergency Cabinet to agree to the use of free general reserves to fund expenditure in 2020/21 as set out in paragraph 3.10 of the report.

Following consideration the Emergency Cabinet approved the use of free general reserves to fund expenditure of £437,164 as follows:

	£000s
Additional Support for Learning	257
Whole System Approach	43
DHP	29
Syrian refugees	26
Core paths network	10
Community Planning Partner projects	10
Moray Growth Deal	36
Energy efficiency small projects	6
Elgin traffic survey	20
Total	437

## 21 Council Tax on Empty Dwellings During Lockdown

Councillor Alexander having declared an interest in this item took no part in the discussion or decision.

A report was submitted by the Depute Chief Executive (Education, Communities and Organisational Development) asking the Emergency Cabinet to consider whether some form of relief for liability to Council Tax on empty dwellings during lockdown is appropriate and if so to consider a grant scheme as outlined in paragraph 3.8 of the report.

During discussion the Depute Director (Education, Communities and Organisational Development) advised the Cabinet of the evidence applications could be required to provide to qualify for the grant as follows:

Evidence that reasonable efforts have been made towards bringing a property back into occupancy but these efforts have been hampered by:

- Public service not being available – Courts service for confirmation , Registers of Scotland
- Inability to carry out essential works due to social distancing restrictions
- Inability to market the property for sale or lease because professional service (solicitors/estate agency etc.) not being available.

- Property has been on the market for sale or lease but it is not moving due to social distancing restrictions

Following consideration the Emergency Cabinet agreed to:

- approve 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
- grant delegate 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.

## **22 Public Protection Response to COVID-19**

A report was submitted by the Chief Executive informing the Emergency 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. The report also informed the Emergency Cabinet of a report from the Scottish Government with SOLACE and partners of Children, Young People and Families Covid-19 Evidence Intelligence published on 22 July 2020 which 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.

During discussion relating to welfare rights and crisis grants clarification was sought in regard to whether there has been a recent increase in applications relating to people who may previously have been furlled but are now unemployed; what was being done to encourage people to come forward and seek help and what the timescale was in relation to people receiving Universal Credit.

In response the Depute Chief Executive (Education, Communities and Organisational Development) advised that she did not have the exact figures regarding claimants but that there had been a steady stream of applications during the period and have seen circumstances changing during the course of that period and people who would not otherwise have been in a situation where they were relying on benefits coming forward as a result of the impact of the pandemic. She further advised that the Welfare Benefits Team are continuing to administer welfare benefits including food funds and making sure the money from the Scottish Government is available for that, and also planning for when that comes to an end to ensure that support is in place and encouraging applicants to adopt other financial practices that will help them. She further advised that at the beginning of the pandemic information summarising the range of benefits was pulled together and circulated to ensure that people were aware of it and tried to ensure that council staff are aware and Head Teachers were aware in order that they know how to make referrals should this be the case but this can be circulated more widely if there is a

feeling that this is required. In terms of Universal Credit she advised that she did not have the information to hand and would investigate and advise accordingly.

Following further discussion Councillor A McLean stated that he had received a response from the Scottish Minister for Disabled People in regard to a query that had been raised at a previous meeting of the Policy and Resources Committee in relation to the Scottish Welfare Fund and would circulate a copy to all members. He stated that the response provided an overarching look at what the fund is trying to mitigate but does highlight the work undertaken by the welfare claims service. He further stated that he would seek an update on how people were being signposted from the Benefits Team manager and that this would be circulated to all Members in due course.

Thereafter the Emergency Cabinet noted the activities within the public protection portfolio that have been undertaken to ensure continuity of critical public protection services and noted the publication of the Children, Young People and Families Covid-19 Evidence and Intelligence Report.

## **23 Question Time \*\*\***

Under reference to paragraph 13 of the Minute of Moray Council dated 12 February 2020, Councillor Brown in referring to the debate on Political Balance - Appointments to Committee and in particular to the question he raised in relation to the Grampian Valuation Joint Board and the decision that a report regarding the membership of outside bodies would be brought to the following meeting of Moray Council sought an assurance that the report would be submitted to the next meeting of Moray Council.

In response the Legal Services Manager advised that the Head of Strategy, Governance and Performance had apologised for the delay in bringing forward the report and further advised that he had already assured Councillor Brown that the report would be submitted to the next meeting of Moray Council.

Under reference to paragraph 7 of the Minute of Moray Council dated 12 February 2020, Councillor Eagle in referring to his request that a further report be provided for Economic Development and Infrastructure Services Committee on the impact the changes to the gritting policy have had on the communities affected (i.e. accident data/complaints), asked when Members could expect the report.

In response the Depute Chief Executive (Economy, Environment and Finance) advised that this would be submitted to the meeting of the Economic Growth, Housing & Environmental Sustainability Committee on 6 October 2020.

Councillor Ross stated that he was disappointed to see that the library at Tomintoul had not been included in the list of libraries for re-opening asked if consideration could be given to the re-opening of the library at Tomintoul.

In response the Depute Chief Executive (Education, Communities and Organisational Development) advised that the council was currently looking at operating a click and collect process and the difficulty with the Tomintoul Library is that part of the current guidance requires that library books need to be put into isolation for 72 hours before being recirculated and the stock held at Tomintoul is too low to operate that process.

Councillor Eagle, in relation to the council's leisure facilities, sought an assurance that plans were being worked on to be able to re-open when allowed to and that the Leisure Staff are prepared for when that time comes and further asked if anything could be done meantime to offer facilities outside whilst maintaining social distance?

In response the Depute Chief Executive (Education, Communities and Organisational Development) advised work was ongoing in relation to the re-opening of leisure facilities and that staff are returning to enable that to happen. Work has been ongoing in relation to risk assessments so that they are ready and mitigations can be put into place. Staff are looking at outdoor facilities as a first step towards re-opening as this is considered as a safer environment in terms of the current processes in place. She further advised that some staff have been redeployed to other duties as part of the COVID response and as this winds down will allow more flexibility in moving staff to working to allow a fuller return.

Councillor Alexander stated that he had received concerns from the parent of a pupil who had recently started at secondary school who had been advised that only 50 pupils would be allowed in the dining room and the remainder would be required to eat their lunch outdoors and sought clarification on school dining room arrangements relating to secondary schools.

In response the Depute Chief Executive (Education, Communities and Organisational Development) advised that the council was following the government guidance in terms of gatherings that there should be a maximum of 50 people at any gatherings in an indoor space and therefore that in some schools that does restrict the use of the dining area and that alternative arrangements are put in place. She further advised that these will vary from school to school where some may have appropriate outdoor areas for pupils to have their lunch if the weather is suitable but if the weather is not suitable there will be alternative arrangements and that this will be covered in the induction for pupils returning to school.

#### **24 Findhorn and Pilmuir Flood Alleviation Scheme Payment of Advance Compensation [Paras 6,8 & 9]**

A report was submitted by the Depute Chief Executive (Economy, Environment and Finance) asking the Emergency Cabinet to authorise an advance payment of flood compensation to the owners of a property in Forres in relation to the Forres (River Findhorn & Pilmuir) Flood Alleviation Scheme.

Following consideration the Emergency Cabinet agreed to:

- i. approve an advance compensation payment, as detailed in para 5.4 of the report; and
- ii. remit the Legal Services Manager to document the transaction accordingly.

## **25      Review of ASN Staffing [Para 1]**

A report was submitted by the Depute Chief Executive (Education, Communities and Organisational Development) reporting on changes to the allocation of Pupil Support worker (PSA) hours to support children and young people with additional support needs in schools, and seeking the Emergency Cabinet's agreement to a proposal to use a proportion of the 'in school' ASN funding to create a flexible wellbeing team that can be deployed as a specialist resource to support and enhance ASN services within schools where required.

Following discussion the Emergency Cabinet agreed to approve:

- i. the changes to the allocation methodology for Pupil Support Assistant (PSA) hours, and
- ii. the proposal to appoint up to fourteen centrally managed Pupil Support Workers to work alongside the central Education Resources teams to provide targeted and time limited interventions within schools where there are known or emerging pressures relating to wellbeing and/or additional support needs.

**Minute of Meeting of the Moray Council**

**Wednesday, 02 September 2020**

**Remote 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 Graham Leadbitter, Councillor Marc Macrae, Councillor Aaron McLean, Councillor Maria McLean, Councillor Shona Morrison, Councillor Louise Nicol, Councillor Laura Powell, Councillor Derek Ross, Councillor Amy Taylor, Councillor Sonya Warren, Councillor Walter Wilson

**APOLOGIES**

Councillor Ray McLean

**IN ATTENDANCE**

The Chief Executive, Depute Chief Executive (Economy, Environment and Finance), Head of Housing and Property Services, Head of Economic Growth and Development, Chief Financial Officer, Head of Governance, Strategy and Performance, Mr P Connor, Principal Accountant, Economic Growth and Regeneration Manager, Energy Officer and Mrs Rowan, Committee Services Officer as Clerk to the Council.

**1 Chair**

Councillor Morrison, being Convener and Chair of the Moray Council, chaired the meeting.

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

The Chair stated that, as Councillors Eagle and Feaver had indicated their intention to withdraw the Notice of Motion at agenda item 3b), she would no longer be declaring an interest as a Board Member of NHS Grampian.

In terms of Standing Order 20 and the Councillors' Code of Conduct, there were no other 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 Written Questions**

The meeting noted that no written questions had been submitted.

## **4 Information Reports**

Under reference to paragraph 9 of the Minute of the Meeting of Moray Council dated 17 June 2020, the Chair reminded the Council that, at this meeting, a trial procedure for Information Reports had been agreed and invited the Head of Governance, Strategy and Performance to provide further information in this regard.

The Head of Governance, Strategy and Performance confirmed that a trial of a procedure to consider Information Reports had been agreed by Moray Council on 17 June 2020 with a call in procedure if required. He suggested that the Council agree to treat call in reports through a Notice of Motion as detailed in Standing Order 34 which should be submitted in writing to Committee Services at least 14 days in advance of the Meeting or by means of a Written Question as in Standing Order 35 which should be submitted to Committee Services no less than 2 days prior to the meeting, and that this could be reviewed along with the Committee Structure on or before the end of February 2021.

This was agreed.

## **5 Emergency Notice of Motion - Councillors Eagle and Allan**

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

This motion is submitted as an emergency notice of motion given the exceptional concerns raised by Audit Scotland in the recently published Best Value Report. It also takes into account the two reports from the Scottish Public Service Ombudsman (SPSO) in April 2020 and August 2020. Given the very significant findings of these reports it is vital Council act immediately to ensure corrective action is being taken.

Following the publication of the Best Value Report from Audit Scotland and two Scottish Public Service Ombudsman reports in April 2020 and August 2020 –

- That Council calls for a special meeting of Full Council to be called as soon as possible for the explicit purpose of discussion and debate on the three reports as mentioned above, in order to determine what action Council requires the Chief Executive to take as a consequence.

The Chief Executive thanked Councillors Eagle and Allan for bringing the Notice of Motion to the Council for consideration and advised that the Council was required to consider the report and findings at a meeting within 3 months of receiving the Best Value Report and suggested the report and findings be considered at a special meeting of Moray Council on Wednesday 7 October 2020, as this is the most reasonable and practical date to allow the necessary preparation of the report.

In relation to the two SPSO reports, the Head of Governance, Strategy and Performance advised that these reports would usually be reported to the relevant Service Committee although Moray Council do have call in powers. As the Chief Social Work Officer and the Head of Service are not available at the next meeting



of the Education, Communities and Organisational Development Committee on 23 September 2020, he suggested that these reports also be considered at the special meeting of Moray Council on 7 October 2020.

Their being no-one otherwise minded, the Council agreed that a special meeting of Moray Council be held on Wednesday 7 October 2020 for the explicit purpose of discussion and debate on the Best Value Report and the two reports from the Scottish Public Service Ombudsman in April 2020 and August 2020, in order to determine what action Council requires the Chief Executive to take as a consequence.

## **6 Emergency Notice of Motion - Councillors Eagle and Feaver**

An Emergency Notice of Motion was submitted by Councillor Eagle, seconded by Councillor Feaver in the following terms:-

This motion is submitted as an emergency notice of motion given the exceptional circumstances currently facing Moray due to the on-going Coronavirus crisis. The nature of this motion reflects the fast pace of change and on-going questions over the response.

The Council notes that test and trace is a significant part of the on-going response to Coronavirus but recognises that currently people who require to have a test undertaken must travel to Aberdeen, Inverness, Peterhead or request a home test kit.

The Council recognises that the distance to travel is a barrier to many in Moray who require a test especially some of our most vulnerable residents.

With this in mind we ask the Council to –

- Write to NHS Scotland and the Scottish Government requesting that a more local testing location is offered in Moray for the benefit of local residents.

Councillor Eagle thanked NHS Grampian and Public Health for the recent positive meeting held with Group Leaders where assurances were given that the Mobile Testing Unit will alternate every other day between Elgin and Peterhead and also move around other areas as required. As a result of this meeting and assurance, Councillor Eagle withdrew his Notice of Motion, in conjunction with Councillor Feaver.

The Council Leader echoed the comments from Councillor Eagle and offered, in conjunction with other Group Leaders, to write to NHS Grampian thanking them for the informative briefing and offer any support the Council can provide with regard to the provision of testing facilities. This was agreed.

Councillor Edwards stated that he, as Joint Leader of the Moray Alliance Group, had not received an invitation to the briefing provided by NHS Grampian and asked that he be invited to future meetings. This was noted.

Thereafter, the Council agreed that the Council Leader, in conjunction with other Group Leaders, write to NHS Grampian thanking them for the informative briefing and offer any support the Council can provide with regard to the provision of testing facilities.

## **7 Draft Climate Change Strategy 2020 - 2030**

A report by the Depute Chief Executive (Economy, Environment and Finance) asked that the Council agree the draft Climate Change Strategy for 2020-2030 for consultation.

Councillor Nicol, Chair of the Climate Change Working group, introduced the report and stated that the Covid-19 pandemic had forced the population to change how they live in terms of shopping locally and working from home. She further stated that the Council had declared an ecological emergency on 27 June 2019 and had set a target to have zero carbon emissions by 2030. The Climate Change Strategy aims to help the Council achieve this target with an action plan being brought forward following the public consultation. Councillor Nicol took the opportunity to thank the Energy Officer and Heads of Service who had participated in the Working Group for their work in completing the draft Climate Change Strategy, as well as Members who had participated.

Whilst the Council supported the contents of the Climate Change Strategy, concern was raised as to how the Council would be able to fund the proposals found in the draft action plan given the Council's financial circumstances.

In response, the Depute Chief Executive (Economy, Environment and Finance) advised that, following the public consultation, a detailed action plan would be brought before the Council which would outline financial implications however reminded the Council that climate change was a key priority in the Council's Corporate Plan 2019-24 and also encompassed within the Recovery and Renewal Strategic Framework, a guiding principle of which was sustainability.

Following consideration, the Council agreed:

- i. the draft Climate Change Strategy 2020 -2030 as set out in Appendix 1 for public consultation and engagement from 3 September to 30 October 2020;
- ii. to note the draft Action Plan as set out in Appendix 2 which gives an early indication of the actions currently proposed to implement the strategy, noting that these require further development and to be reviewed in light of the consultation feedback on the strategy itself; and
- iii. to note that a final Strategy and Action Plan will be presented to Council on 20 January 2021.

## **8 Rural Tourism Infrastructure Fund and Coastal Communities Fund Proposal**

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Council of the Rural Tourism Infrastructure Fund and of Scottish Ministers' arrangements for Scottish Crown Estate net revenue allocations for 2020-2021 to coastal local authorities for funding coastal community benefit.

The Council welcomed the report, particularly as it was recognised that Moray is a popular tourist location to visit which had been evident recently given the increased number of tourists visiting the area as a result of travelling restrictions placed upon members of the public due to the Covid-19 pandemic. It was recognised that this

increase in tourism was beneficial to the economy of Moray however appropriate infrastructure had to be in place to meet this increase in tourism and it was hoped that the Council would be successful in being awarded the funding.

Following consideration, the Council agreed:

- i. to note the Moray Coast to Country proposal and for the submission of an Expression of Interest on behalf of the partnership to the Rural Tourism Infrastructure Fund;
- ii. subject to the project being accepted to proceed to the next stage, to instruct officers to prepare a stage 2 application for consideration at the meeting of Economic Growth, Housing and Environmental Sustainability on 6 October 2020;
- iii. to note Scottish Crown Estate net revenue allocations for 2020-2021 as Moray's Coastal Community Fund; and
- iv. to approve the reallocation of this year's Coastal Community Fund of £138,192 from the participatory budgeting framework to provide match funding for the coastal area of this proposal.

## **9 2019/20 Revenue Out-turn Variances from Budget**

A report by the Depute Chief Executive (Economy, Environment and Finance) advised the Council of the major variances from the approved budget in the actual out-turn for 2019/20 and sought approval of adjustment to the budget for 2020/21 where income and expenditure trends are forecast to continue into 2020/21.

Following consideration, the Council agreed to:

- i. note the major variances from those anticipated when the budget for 202/21 was approved, as summarised in Appendix 1 of the report;
- ii. note the major variances from the approved budget for 2019/20 totalling £7,672,000 as summarised in Appendix 2 of the report; and
- iii. approve adjustments amounting to net savings of £156,000 for variances which are anticipated to continue into 2020/21, as detailed in the table in paragraph 3.24 of the report.

## **10 Report on Treasury Management Performance and Treasury and Capital Investment Prudential Indicators for 2019/20**

A report by the Depute Chief Executive (Economy, Environment and Finance) provided the Council with the annual outturn report on Treasury Management and details of the Council's Prudential Indicators for Treasury Management and Capital Investment for the year ended 31 March 2020.

Following consideration the Council agreed to note the Treasury Management Performance and the Council's Treasury Management and Capital Investment Prudential Indicators for 2019/20 as set out in Appendix 2 of the report.

## **11 Short Term Financial Planning**

Under reference to paragraph 11 of the Minute of the Meeting of the Emergency Cabinet dated 1 July 2020, a report by the Depute Chief Executive (Economy, Environment and Finance) informed the Council of the updated financial projections for 2020/21 and 2021/22 and asked the Council to consider the approach for the development of proposals to reduce the budget pressure in 2020/21 and budget gap in 2021/22.

Following consideration, the Council agreed:

- i. to note the revised budget estimates for 2020/21 and 2021/22 as a result of the COVID-19 pandemic;
- ii. to note the requirement to deliver savings in 2021/22;
- iii. to note that a further update on the financial impact of the pandemic will be brought to the meeting of Council on 25 November 2020; and
- iv. that the focus in 2020/21 should be on the potential to redesign services during service recovery.

## **12 Participatory Budgeting**

Under reference to paragraph 16 of the Minute of the Meeting of the Policy and Resources Committee dated 14 January 2020, a report by the Depute Chief Executive (Education, Communities and Organisational Development) informed the Council of the current progress in developing Participatory Budgeting (PB) within Moray, including work by officers on an initiative with COSLA and the Alan Turing Institute regarding the use of the next generation of the digital platform Consul, as a pilot study.

Following consideration the Council agreed:

- i. to note the delay caused by the COVID-19 Pandemic upon the development of Participatory Budgeting within Moray;
- ii. to note the initial exploratory work on the enhanced Artificial Intelligence (AI) module of Consul and instruct Officers to continue to progress this work with the intention of running a pilot PB exercise on the platform as outlined in para 5.3 of the report;
- iii. that representatives from Money For Moray (M4M) are to be involved as part of the delivery team for a pilot PB exercise run on the enhanced AI module of Consul;
- iv. to the use of £50,000, Scottish Government funding to support Care Experienced Children and Young People to be allocated via Participatory Budgeting using a method suitable for this ring-fenced funding stream.

### **13 Appointments to Outside Bodies/Partnerships and Boards**

Under reference to paragraph 13 of the Minute of the Meeting of Moray Council dated 12 February 2020, a report by the Depute Chief Executive (Education, Communities and Organisational Development) informed the Council of the current appointments to outside bodies/partnerships/boards and asked the Council to consider if there is a need to review these appointments in light of the political balance allocations for Committees.

At the invitation of the Chair, the Head of Governance, Strategy and Performance advised that at the meeting of Moray Council on 12 February 2020 the Council had agreed a change to the number of members and political balance on each committee and that, consequently, both the Moray Integration Joint Board (MIJB) and the Grampian Valuation Joint Board (GVJB) should also be reviewed to reflect political balance.

The Council Leader agreed with the Head of Governance, Strategy and Performance and confirmed that the membership on the GVJB should be 1 member from each of the SNP, Conservative and Independent/Labour groups and as such, the SNP group would relinquish one seat on the GVJB. With regard to membership of the MIJB, the Council Leader advised that a report was due to be brought to a future meeting of the MIJB to consider increased membership from both the NHS and the Council on the Board therefore suggested that changes to the council membership on the MIJB be considered at a future meeting of the Council. This was agreed.

Councillor Brown nominated Councillor Ross to replace one of the SNP councillors on the GVJB. This was seconded by Councillor Wilson.

There being no-one otherwise minded, the Council agreed:

- i. that Councillor Ross would replace one of the SNP councillors on the Grampian Valuation Joint Board; and
- ii. that changes to the council membership on the Moray Integration Joint Board would be considered at a future meeting of the Council.

### **14 Question Time**

Councillor A McLean took the opportunity to thank the members of staff in Ward 6 at Dr Grays Hospital following his short admission.

Councillor A McLean further expressed his continued condolences, along with Councillors Alexander, Gatt and the other Council Members, to the friends and families of those lost on board the Nimrod crashes XV239 and XV230 which happened on 2 September, 11 years apart.

Councillor Creswell sought an update on the recent LGIU article on “Trials for Travellers”.

In response, the Depute Chief Executive (Economy, Environment and Finance) advised that a report had been submitted to the Communities Committee stating how the Council would participate in the pilot as each local authority had been

encouraged to try a different approach and, in light of the Council's current protocol, the Council already takes a very discursive negotiating position in dealing with gypsy traveller encampments by ensuring facilities are in place and that their needs are being met.

Councillor Creswell further asked how communities had responded to the consultation on the recovery and renewal strategy framework.

In response, the Depute Chief Executive (Economy, Environment and Finance) advised that virtual meetings had taken place with community bodies where members of the Corporate Management Team (CMT) had participated and that the outcomes of these meetings would be collated and reported along with the information received from the current survey asking for people's experiences through the COVID-19 pandemic.

Councillor Eagle sought an update as to when sport and leisure facilities would be fully open.

In response, the Chief Executive advised that an update on sport and leisure facilities was being prepared and would be provided to Members next week.

In relation to the point Councillor Edwards had made earlier in the meeting on how he had not been invited to the briefing from NHS Grampian, the Chief Executive apologised for this and explained that this had been an administrative error for which he took full responsibility and that he would ensure that Councillor Edwards was invited to future Group Leader meetings.

Councillor Alexander asked how the absence level of staff and pupils over the last 2-3 weeks had compared with previous years.

In response, the Chief Executive advised that he would circulate this information to Members following the meeting.

Councillor Leadbitter sought an update on Brexit preparedness.

In response, the Chief Executive advised that a 3 minute brief had been requested by CMT, the contents of which will be circulated to members if relevant. He further advised that a bid had been made to the Scottish Government via COSLA asking that funding for Brexit Officers be continued beyond 31 December 2020 however a response was awaited from the Scottish Government in this regard.

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

**Wednesday, 07 October 2020**

**remote 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 Claire Feaver, Councillor Donald Gatt, Councillor Graham Leadbitter, Councillor Marc Macrae, Councillor Aaron McLean, Councillor Maria McLean, Councillor Ray McLean, Councillor Shona Morrison, Councillor Louise Nicol, Councillor Laura Powell, Councillor Derek Ross, Councillor Amy Taylor, Councillor Sonya Warren, Councillor Walter Wilson

**APOLOGIES**

Councillor Ryan Edwards

**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), Interim Chief Officer Health and Social Care, Head of Governance, Strategy and Performance, Head of Education, Chief Social Work Officer and Interim Head of Children and Families and Criminal Justice Social Work 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.

Councillor Eagle declared that the Conservative Group had discussed the reports on the agenda and potential recommendations but no prior decisions had been taken.

**3. Moray Council Best Value Assurance Report**

A report by the Chief Executive asked Moray Council to consider the Accounts Commission findings on the Best Value Assurance Report on Moray Council by the Controller of Audit.

Before introducing the report the Chief Executive updated the Council on a number of points which were incorrect in the report and appendix. In paragraph 3.1 of the report, it should state that the Inspection commenced in September 2019 and not took place in September 2019. Under reference to para 12(h) it should state that Heads of Service were also included in the consultation and any feedback received has been incorporated into the report. Finally, he thanked Councillor Alexander for pointing out that on pages 22 and 24 of Appendix 1a there were 10 Councillors re-elected and not 6 as stated. The Chief Executive, by way of an introduction confirmed the purpose of the report was to:

- provide comment on the number of key findings and recommendations;
- highlight specific areas of development necessary to delivery at pace the transformational change for the Council to become sustainable;
- to bring Council up to date with an assessment of progress made since the review; and
- 
- recommend strategic actions and an approach of delivery which will change from the past.

Councillor Eagle, as Leader of the Conservative Group circulated an alternative set of recommendations at the start of the meeting.

On the advice of the Head of Governance, Strategy and Performance, the meeting agreed to discuss the fourth recommendation in confidence as it related to a particular employee of the authority.

Following lengthy consideration of the report and the recommendations stated and the alternative recommendations circulated by Councillor Eagle, Councillor Leadbitter moved that Council:

- i) note the key findings and recommendations of the Accounts Commission on the Controller of Audit's Best Value Assurance Report on the Council (the report with findings incorporated is attached as Appendix 1a and Appendix 1 respectively to this report; and
- urgently establish a member/officer working group with membership as per the Renewal and Recovery Group current membership, alongside the Chief Executive and 2 Depute Chief Executives; to further develop the action plan including performance measures to be brought to the Moray Council on 28 October 2020.

This was seconded by Councillor Morrison.

Councillor Eagle, seconded by Councillor Brown proposed that the Council:

- i) note the key findings and recommendations of the Accounts Commission on the Controller of Audit's Best Value Assurance Report on the Council (the report with



findings incorporated is attached as Appendix 1a and Appendix 1 respectively to this report;

- ii) urgently establish a member/officer working group with membership as per the Renewal and Recovery Group current membership and the addition of Councillor Taylor, alongside the Chief Executive and 2 Depute Chief Executives; to further develop the action plan including performance measures to be brought to the Moray Council on 28 October 2020;
- iii) agree that progress on the action plan, once approved, will be brought to the Moray Council every 8 weeks until the revisit of the Best Value Inspectors.

On the division there voted:

For the Motion (11)                      Councillors Leadbitter, Morrison, Alexander, Bremner, Coull, Cowe, Coy, Divers, A McLean, Nicol and Warren

For the Amendment (13)              Councillors Eagle, Brown, Allan, Cowie, Feaver, Gatt, Macrae, M McLean, R McLean, Powell, Ross, Taylor and Wilson

Abstentions (1)                      Councillor Creswell

Accordingly the amendment became the finding of the meeting and following a confidential discussion regarding the proposed 4<sup>th</sup> recommendation provided by Councillor Eagle the Council agreed:

- i) to note the key findings and recommendations of the Accounts Commission on the Controller of Audit's Best Value Assurance Report on the Council (the report with findings incorporated is attached as Appendix 1a and Appendix 1 respectively to this report;
- ii) to urgently establish a member/officer working group as per the Renewal and Recovery Group, with the current membership and the addition of Councillor Taylor, alongside the Chief Executive and 2 Depute Chief Executives; to further develop the action plan including performance measures to be brought to the Moray Council on 28 October 2020;
- iii) that progress on the action plan, once approved, will be brought to the Moray Council every 8 weeks until the revisit of the Best Value Inspectors; and
- iv) that the Chief Executive's appraisal process is completed as soon as possible which will include elements of the Best Value Audit Report.

#### **4. SPSO Reports - Children's Social Work**

The Convener advised the Council that Items 4 and 5 on the agenda would be considered together.

During the discussion of the reports Council agreed to suspend Standing Order 75 in

order to continue the meeting past 12.45pm.

The reports by the Interim Chief Officer Health and Social Care and the Chief Social Work Officer informed the Council of actions required as outcomes of parental complaints made to the Scottish Public Services Ombudsman (SPSO).

During consideration of the reports, Councillor Eagle, seconded by Councillor Brown moved to include 2 additional recommendations:

- v) that in recognising the highlighted weaknesses in the management and supervision demonstrated by these two reports a report is brought back to Moray Council on 21 January 2021 with an amended or separate action plan that addresses the issues and establishes performance indicators and targets; and
- vi) that the Chief Executive given his responsibility for the Council's complaints processes reviews the material in both these reports; identifies any weaknesses and reports back to Council on 20 January 2021 with findings and an action plan that establishes performance indicators and targets around complaints handling moving forward.

In response, the Chief Executive informed the Council that the Head of Governance, Strategy and Performance is currently undertaking a review of the Council's Corporate Complaints Process

The Head of Governance, Strategy and Performance further added that neither SPSO report criticised the Complaints Procedure currently in place, what had happened was that the process in place was not followed and this will be addressed through training as indicated in the action plan. As stated by the Chief Executive, the current process is under review and will be put before Council once the review is complete.

Following the information from the Chief Executive and the Head of Governance, Strategy and Performance, Councillor Brown, in agreement with Councillor Eagle amended the proposed fifth recommendation to read:

- vi) that given the Chief Executive's responsibility for the council's complaints process, reviews the material in the 2 reports and ensures that any finding from them are embedded in the new complaints process.

As there was no one otherwise minded the Council agreed:

- i) to note the contents of the reports;
- ii) to note the actions underway to address each of the elements;
- iii) that the final recommended revision of the transitions policy and of the continuing care policy are tabled at Education, Communities and Organisational Development Committee on 18 November 2020;
- iv) to note that improvements to Children's Social Work are being undertaken;
- v) that in recognising the highlighted weaknesses in the management and

supervision demonstrated by the two reports a report is brought back to Moray Council on 21 January 2021 with an amended or separate action plan that addresses the issues and establishes performance indicators and targets; and

- vi) that given the Chief Executive's responsibility for the Council's complaints process, reviews the material in the 2 reports and ensures that any finding from them are embedded in the new complaints process.



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

**Friday, 09 October 2020**

**remote 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 Claire Feaver, Councillor Graham Leadbitter, Councillor Marc Macrae, Councillor Aaron McLean, Councillor Maria McLean, Councillor Ray McLean, Councillor Shona Morrison, Councillor Louise Nicol, Councillor Laura Powell, Councillor Derek Ross, Councillor Amy Taylor, Councillor Sonya Warren

**APOLOGIES**

Councillor Ryan Edwards, Councillor Donald Gatt, Councillor Walter Wilson

**IN ATTENDANCE**

Also in attendance at the above meeting were the Chief Executive, Depute Chief Executive (Education, Communities and Organisational Development), Head of Governance, Strategy and Performance, Head of Education Resources and Communities, Head of Education and Acting Head of Housing and Property.

**1. Chair**

The meeting was chaired by Councillor Shona Morrison.

The Chair advised the Council that following the sederunt there would be a short adjournment as a number of Councillors and Officers were having problems connecting to the meeting and this would allow time for the issues to be rectified.

**2. Resumption of the Meeting**

**PRESENT:**

Councillors Morrison, Leadbitter, Alexander, Allan, Bremner, Brown, Coull, Cowe, Cowie, Coy, Creswell, Divers Eagle, Feaver, Macrae, A McLean, M McLean, Nicol, Powell, Ross, Taylor and Warren.

**APOLOGIES:**

Councillors Edwards, Gatt, R McLean and Wilson.

### **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. Learning Estate Strategy and Investment Programme Report**

A report by the Depute Chief Executive (Education, Communities and Organisational Development) updated the Council on work to re-activate engagement on a new approach to developing a long term strategy for the learning estate, as approved by Children and Young People's Committee on 4 March 2020 and sought approval for a response to the Scottish Government on how the Council is developing the learning strategy, including identification of a priority project for investment as part of Phase 2 of the Scottish Government Learning Estate Investment Programme.

Following lengthy discussion the Council agreed:

- i) to note the re-activation of engagement on a new approach to developing a long term strategy for the Learning Estate, as approved by the Children and Young People's Committee on 4 March 2020, the outcome of which will be reported to the Council for consideration before the end of this year;
- ii) to submit a response to the Scottish Government Learning Directorate on the Council's progress on developing the Learning Estate Strategy with a view to securing potential opportunities for funding to support the Council's investment in the improvement of the Learning Estate and instructs the Depute Chief Executive (Education, Communities and Organisational Development) to submit the response on the basis set out in this report;
- iii) that the above response includes the priority project identified as set out in the report;
- iv) the provision of £243,000 budget for the establishment of a Service Manager post supported by a Project Officer, Community Support Officer, Communications Officer and operational budget; and
- v) that the section of the ten year capital plan relating to replacement and refurbishment of schools is developed in detail in tandem with the development of the Learning Estate Strategy and the priority project identified in this report.

**Notice of Motion  
Full Council 28<sup>th</sup> October 2020**

**Change of Convenor and Leader of Moray Council with corresponding  
change of administration**

We give notice as required under standing order 7 that at the next meeting of the Moray Council we will be seeking to change the Convenor and Leader with the resulting change to the administration with a view to pursuing a new weighted cabinet governance structure for the Council.

We recognise that the next normal meeting of the Moray Council is not due until 20<sup>th</sup> January 2021. Given the importance of preparing the budget and to allow either the current administration or a new administration to work productively for the people of Moray, we are today seeking support to bring forward the debate on the future administration.

Therefore, this motion seeks to inform the council of plans to change the administration and to seek Councillor's support to agree to a meeting being called around 2 weeks from now to allow for this debate to progress prior to the next official meeting.

Signed

Cllr Tim Eagle

Cllr James Allan








---

**REPORT TO: MORAY COUNCIL ON 28 OCTOBER 2020**

**SUBJECT: POLITICAL BALANCE – APPOINTMENTS TO COMMITTEE**

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

**1. REASON FOR REPORT**

- 1.1 To invite the Council to consider the political balance allocations for Committees.
- 1.2 This report is submitted to Committee in terms of Section II (11) of the Council's Scheme of Administration relating to appointments to Committees

**2. RECOMMENDATION**

- 2.1 **That the Council consider the political balance allocations for Committees.**

**3. BACKGROUND**

- 3.1 At its meeting on 12 February 2020 the Council agreed the political balance of allocations to Committees (para 13 of the Minute refers).
- 3.2 Following the resignation by Councillor Taylor from the SNP Group there is a need for the Council to consider the current political balance allocations to Committees.

**4. SUMMARY OF IMPLICATIONS**

- (a) **Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**  
None
- (b) **Policy and Legal**  
There is no legislation in Scotland governing how Local authority committees should be constituted.

The local Government and Housing Act 1989 requires local authorities in England to give proportionate representation to political groups. A political group is defined there as 2 or more councillors who wish to form a group and who have appointed a leader. This legislation has never been introduced in Scotland. COSLA issued a letter to all newly formed unitary authorities in 1993 highlighting the importance of “party representation” on committees. The Scottish Government have mentioned the introduction of legislation similar to that in England if local authorities do not stick to the spirit of the COSLA letter.

Moray Council has traditionally treated non-aligned councillors collectively as a group but this does not appear to be a requirement of the COSLA letter. Practice varies across Scotland as to how “party representation” is applied to particular circumstances.

**(c) Financial Implications**

Payment of allowances to Members is governed by the Local Governance (Scotland) Act 2004 (Remuneration) Amendment Regulations 2016 and the Local Government (Allowances and Expenses) (Scotland) Regulations 2007 with maximum rates of payment of remuneration and allowances and expenses being specified by Scottish Ministers.

**(d) Risk Implications**

Impact on strategic management of the business of the Council.

**(e) Staffing Implications**

None

**(f) Property**

None

**(g) Equalities/Socio Economic Impact**

None

**(h) Consultations**

None

**5. CONCLUSION**

**5.1 That the Council consider Committee representation.**

Author of Report: Alasdair McEachan, Head of Strategy, Governance and Performance

Background Papers:

Ref: SPMAN-2045703626-24




---

**REPORT TO: MORAY COUNCIL ON 28 OCTOBER 2020**

**SUBJECT: MEMBERSHIP OF MORAY INTEGRATION JOINT BOARD – PROPOSED INCREASE**

**BY: INTERIM CHIEF OFFICER, MORAY INTEGRATION JOINT BOARD**

**1. REASON FOR REPORT**

- 1.1 To request Moray Council consider and approve an increase in voting membership of Moray Integration Joint Board (MIJB) by one Council member.
- 1.2 This report is submitted to Council in terms of Section II (22) of the Council's Scheme of Administration relating to the Moray Integration Joint Board (MIJB).

**2. RECOMMENDATION**

- 2.1 **The Council is requested to consider and approve the proposal for an increase in voting membership of MIJB by one member from Moray Council, and if in agreement advise who that will be.**

**3. BACKGROUND**

- 3.1 The Public Bodies Joint Working (Scotland) Act 2014 (“the Act”) and the Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Order 2014 (“the Order”) sets out requirements about the membership of an Integration Joint Board.
- 3.2 The MIJB is a legal entity that binds NHS Grampian and Moray Council together in a joint arrangement. The voting membership of the MIJB reflects equal participation by NHS Grampian and Moray Council to ensure that there is joint decision making and accountability.
- 3.3 The Order requires that the Local Authority and Health Board put forward a minimum of three voting member nominees each. This number may be increased by local agreement, but the same number must be nominated by each party. Local Authorities can insist on nominating a maximum of 10% of their full number of Councillors. For Moray Council this would be 3 members. However, the Health Board and Local Authority may also agree that they will each nominate a larger number than this.

#### **4. KEY MATTERS RELEVANT TO RECOMMENDATION**

- 4.1 The MIJB have operated with 3 voting members from both NHS Grampian and Moray Council since inception in 2016 and these members take the role of Chair and Vice Chair of the Board, the Audit Performance and Risk Committee and Clinical Care and Governance Committee.
- 4.2 There have been few occasions where committees could not be held because they were not quorate.
- 4.3 A query was raised with other local authorities to see what level of membership they provided, and, of those who responded, it identified that most had 4 members, although Aberdeenshire had 5.
- 4.4 The MIJB is currently in a shadow year of preparations for Children's Social Work and Criminal Justice services to be considered for delegation to the MIJB.
- 4.5 To provide greater resilience and wider scrutiny across MIJB committees the MIJB Chair and Interim Chief Officer were instructed by the MIJB on 24 September (para 13 of the draft minute refers) to request the Moray Council and NHS Grampian increase their number of voting members by one, from each partner organisation. A similar request will be submitted to NHS Grampian in November 2020.
- 4.6 An increase in voting members, if approved by Moray Council and NHS Grampian, would require an amendment to section 3.1 of the Health and Social Care Integration Scheme that was previously agreed by the MIJB at their meeting on 26 April 2018 (para 10 of the minute refers).

#### **5. SUMMARY OF IMPLICATIONS**

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

In line with the MIJB Integration Scheme, prepared in line with the requirements of the Public Bodies (Joint Working) (Scotland) Act 2014

**(b) Policy and Legal**

Complies with the terms of the Integration Scheme.

**(c) Financial implications**

There is potential for a slight increase in travel claims for attendance if meetings are not virtual. Meetings in person are usually held in Elgin.

**(d) Risk Implications**

The additional voting members will reduce the risk that there will be insufficient scrutiny of business and lessen the risk of meetings not taking place due to a failure to achieve quoracy.

**(e) Staffing Implications**

None arising directly from this report.

**(f) Property**

None arising directly from this report.

**(g) Equalities/Socio Economic Impact**

An Equalities Impact Assessment is not required because there are no service, policy or organisational changes being proposed as a direct result of this report.

**(h) Consultations**

Consultation on this report has taken place with the Legal Services Manager, Moray Council, Democratic Services Manager, Moray Council, and Head of Financial Services, Moray Council who are in agreement with the report where it relates to their area of responsibility.

**5. CONCLUSION**

**5.1 This report seeks approval from the Moray Council for an increase of one, in their voting membership on the MIJB.**

Author of Report:	Jeanette Netherwood, Corporate Manager, HSCM
Background Papers:	with author
Ref:	





---

**REPORT TO: MORAY COUNCIL ON 28 OCTOBER 2020**

**SUBJECT: BEST VALUE ASSURANCE REPORT STRATEGIC ACTION PLAN**

**BY: CHIEF EXECUTIVE**

**1. REASON FOR REPORT**

- 1.1 To approve a Plan of strategic actions in response to the Accounts Commissions findings on the Best Value Assurance Report on Moray Council by the Controller of Audit.
- 1.2 This report is submitted to Council in terms of Section 103E of the Local Government (Scotland) Act 1973, as amended by the Local Government (Scotland) Act 2003.

**2. RECOMMENDATIONS**

- 2.1 **The Council is requested to approve the Best Value Assurance Report Strategic Action Plan (Appendix 1 attached) for submission to the Accounts Commission.**

**3. BACKGROUND & INTRODUCTION**

- 3.1 The areas of improvement recommended in the Controller of Audit's report and endorsed by the Accounts Commission in terms of the Commission's findings were integrated into a plan of strategic actions submitted to a special meeting of Council on 07 October. It was agreed at that meeting a short life member / officer working group be established to further develop the Plan and bring it back to this meeting for approval.
- 3.2 The Working Group met and endorsed the Action Plan, subject to a minor amendment, for approval of Council. The minor amendment is to distinguish the Accounts Commission's finding about leadership from recommendation 8 about Community Planning to make it clear they are two separate priorities.
- 3.3 The Plan demonstrates the Council has;

- Clear priorities and outcome measures, ranked in a priority of 1-4 with 1 being the highest with lead officers allocated for each priority.
- Options for significant change and is engaging with the community as it proceeds.
- A coherent approach to performance management and reporting is working towards financial sustainability.

3.4 The Commission require a further report by the Controller of Audit no later than February 2022 of the progress made by the Council.

3.5 In terms of this milestone, six of the nine priorities are targeted for completion by the end of the 2021 calendar year with the remaining three being targeted for completion in each of the following three years.

#### 4. **SUMMARY OF IMPLICATIONS**

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

The Council is committed to delivering better public services year on year through Best Value and its key principle of continuous improvement.

##### **(b) Policy and Legal**

The Council has a legal duty to deliver Best Value and to address findings arising from any Best Value Assurance Reports.

##### **(c) Financial Implications**

The Council has committed £3million of earmarked reserves for transformational change which will require to be drawn upon to develop the capacity to deliver the action plan.

##### **(d) Risk Implications**

Inspections involve a considerable amount of time and effort diverting attention from the delivery of priorities and day to day services and whilst scrutiny is invaluable in driving improvement, on balance it is in the Council's interest to maintain performance levels such that the number of scrutiny activities can be minimised.

As the Council operates with small teams/specialists there is an ongoing risk associated with workforce issues. Accordingly it will be important that the actions in the Action Plan (**Appendix 1** to this report) are resourced properly and/or other work reprioritised given the tight resourcing across current services. Failure to do this is likely to introduce other risks.

There is a considerable risk that delayed progress in some of the significant actions has a substantial impact on the Council's future financial position.

There is also a considerable risk that lack of progress towards making the significant changes in the Council to produce the required improvements in performance and outcomes may result in further intervention.



**(e) Staffing Implications**

There are no implications arising directly from this report. The development of the officer capacity to deliver the required improvements related to the various actions will require to be costed as the actions are considered and initiated.

**(f) Property**

None.

**(g) Equalities/Social Economic Impact**

This is covered in terms of the inspection regime itself and the Council's duty to deliver Best Value.

**(h) Consultations**

The Convener, the Council Leader and CMT respectively have been consulted in terms of reporting to this meeting of Council. Group Leaders were also invited to a presentation by CMT on the emerging draft action plan.

**5. CONCLUSION**

- 5.1 The Plan recognises the potential to improve significantly the outcomes for Moray's communities and for the Council to continue to improve its services. Along with the findings of the Commission, the current financial imperative provides the momentum to realise that potential.

Author of Report:	Roddy Burns
Background Papers:	
334)	
Ref:	SPMAN-1108985784-359



1. Strategic Outcome or Priority	Action	Planned Outcome	Outcome measures	Completion target	Lead	Priority Rating (1 to 5)
<b><u>Recommendation 1</u></b> <b>Increase the pace of transformational change</b>	Review and re-prioritise programme of work to ensure focus on work that will deliver priority outcomes.	Projects show sustained progress towards defined outcomes and the Council delivers its priority transformation projects.  Corporate priorities are delivered.	Transformation programme with defined benefits driven by priorities and appropriately resourced to deliver.  Projects deliver planned outcomes within timescale.	Aug 2024	DCE (ECOD)	1
<b><u>Recommendation 2</u></b> <b>Improve Performance Management Reporting</b>	Roll out of Performance Management Framework.	More focused corporate performance management reporting.  Continuous improvement based on evidence.	Set of core performance measures linked to corporate plan priorities in place.  Officers and political leaders know the key performance messages and priorities.	Sept 2021	HoS GSP	2
<b><u>Recommendation 3</u></b> <b>Financial Planning</b>	Further develop medium-long term financial strategy	Affordable and achievable medium-long term financial strategy.  Budget more clearly aligned to council priorities	Strategy agreed to address funding gap.  Shift in resource to reflect priorities.	Feb 2022	DCE (EEF)	1

1. Strategic Outcome or Priority	Action	Planned Outcome	Outcome measures	Completion target	Lead	Priority Rating (1 to 5)
<b><u>Recommendation 4</u></b>  <b>Implement the Elected Member Development Strategy</b>	Work with elected members to implement the Elected Member development strategy through programmed activities and personal development plans to support strategic and corporate roles of members.	<ul style="list-style-type: none"> <li>Continuing development in place for elected members.</li> </ul>	<ul style="list-style-type: none"> <li>Training and development activities organised and routinely attended by 75% of (relevant) Members.</li> </ul>	Oct 21	H/HR ICT & OD	3
<b><u>Recommendation 5</u></b>  <b>Continue to progress the Governance Review</b>	Streamline processes including reviews of Committee structures, Schemes of Delegation and reporting to Committees.	Business of the Council more strategic, corporate and efficiently progressed.	<p>Reporting across multiple governance lines is reduced.</p> <p>Use of suitable alternative reporting methods including information reports and briefings increases.</p>	April 2021	H/SG&S P	3
<b><u>Recommendation 6</u></b>  <b>Improve Educational Attainment</b>	Determine investment in resourcing to drive the pace and scale of change in educational attainment.	Improved attainment identified ACEL and LGBMF measures.	% of primary pupils achieving expected CfE levels in literacy and numeracy meeting local targets.	June 2023 Then annually	H/E	2

1. Strategic Outcome or Priority	Action	Planned Outcome	Outcome measures	Completion target	Lead	Priority Rating (1 to 5)
	Launch and establish the revised Education plan to improve outcomes for Moray's children and young people 2020-23.		Consistent improvement across SCQF levels achieved in senior phase per local targets.	August 2023 then annually		
<b><u>Recommendation 7</u></b>  <b>Improving satisfaction levels in Housing</b>	Review existing improvement plan and implement a revised SMART Improvement Plan.	Tenants are more satisfied with the quality of their home and housing services.  Tenants feel more engaged and better informed.	LGBMF satisfaction indicators.	Dec 2021	H/H&PS	4
<b><u>Recommendation 8</u></b>  <b>Continue working with Community Planning Partners to determine clear outcomes and milestones and performance reporting</b>	Progress planned work to develop delivery framework to support the revised LOIP, including measures of progress.	Progress is made in delivering the planned priorities and outcomes in the LOIP.	LOIP delivery framework developed.  Set of core performance measures linked to LOIP priorities in place.	Sept 2021	H/SG&S P	3

1. Strategic Outcome or Priority	Action	Planned Outcome	Outcome measures	Completion target	Lead	Priority Rating (1 to 5)
<a href="#">Accounts Commission Findings</a> Need for clear committed and decisive leadership	Work to develop and improve relationship of trust between members and officers.  Consider enhanced investment in leadership development.	The Council makes sustained progress in its improvement and transformation work.	Measures per section 1 above.  Reduced demand for operational scrutiny evident in committee business.	Oct 2021	CEx	1




---

**REPORT TO: MORAY COUNCIL ON 28 OCTOBER 2020**

**SUBJECT: ECONOMIC RECOVERY PLAN**

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

**1. REASON FOR REPORT**

- 1.1 To provide Council with proposals for an economic recovery plan for Moray outlining the actions and interventions of Community Planning Partners to accelerate economic growth.

**2. RECOMMENDATION**

- 2.1 **It is recommended that the Committee approves in principle, the financial requirements outlined in para 4 (c), to be considered for final agreement in separate detailed reports to follow for revenue expenditure, noting that business cases will be required for all capital expenditure proposed for review by the Asset Management Working Group.**

**3. BACKGROUND**

- 3.1 The Economic Recovery Plan was considered by the Economic Growth, Housing and Environmental Sustainability Committee (EGHES) on the 6 October 2020 (para 8 of the draft minute refers).
- 3.2 The EGHES approved the high level action plan and recommended to Moray Council the financial requirements outlined in para 4 (c), to be considered for final agreement in separate detailed reports to follow for revenue expenditure, noting that business cases will be required for all capital expenditure proposed for review by the Asset Management Working Group.
- 3.3 Detailed reports for each action will be brought forward for approval on a case by case basis to authorise spend on the individual budgets areas, the high level plan seeks the commitment of the budgets for the purpose of economic recovery.

- 3.4 The report on the Economic Recovery Action Plan is attached as **Appendix 1** to this report.

#### **4. SUMMARY OF IMPLICATIONS**

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

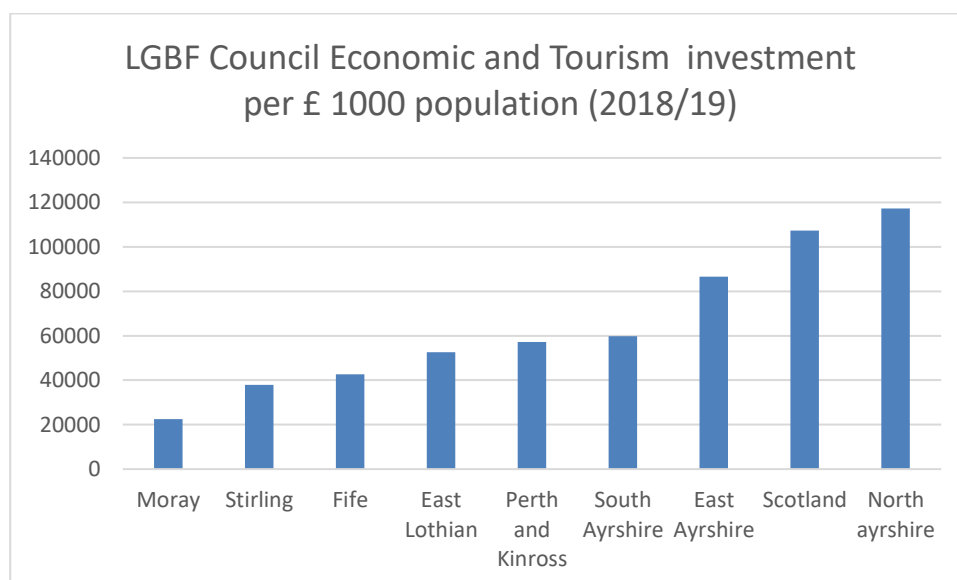
Economic growth and development is a key priority within the corporate plan, COVID 19 and the economic impact has strengthened the need to invest in the local economy. This is also a core aspect of the Recovery and Renewal Strategic Framework.

##### **(b) Policy and Legal**

The Council considers support for economic development issues on their merits, against the objective to facilitate sustainable economic growth and the desired outcomes of the Ten Year Plan and Corporate Plan.

The Best Value Assurance Report Moray Council 2020 noted that “Moray’s Investment in Economic Development & Tourism per 1,000 population is the lowest of all the councils in Scotland. It fell by 31 per cent in the last five years to £22,581. In the same period, the Scottish average has increased by 48 per cent to £102,086 per 1,000 population.” Investment in Moray Growth Deal alone will not improve this position.

The 2018/19 figures for the Benchmarking Family group associated with Moray are shown below



The proposed spend outlined in the financial implications for 2021/22 would equate to an additional £20,726 investment per 1000 population.



The increased capital and revenue budgets identified below are at a level where the decision must be made by full Council.

**(c) Financial implications**

The new proposals in the Action Plan that do not already have approved commitments have the following financial implications for Moray Council.

<b>Action</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>	<b>2023/24</b>
<b>Revenue</b>				
Small Business Support consultancy service (70k across two years)35K from HIE in 21/22 subject to due diligence	£30K	£5K		
Town Centre Pop Up Shops (50k across 2 years)	£15k	£35k		
Town Centre Start Up Grant		£100K		
Procurement (temporary post 2.5 year contract and budget HIE contributing 35k in years 21/22 and 22/23 subject to due diligence Potential extension if successful(Budget pressure in future years, subject to 2 year contract to prove concept and opportunity to review)	£20k	£35k	£35k	
Procurement Officer post (Budget Pressure in future years)	25k	53K	53K	53K
Kickstart – creation of 15 jobs at Living Wage (estimated costs	£22k	£44k		

dependant on age, funding from reserves)				
LDP Delivery Plan(recurring cost as budget pressure)	35K	70K	70K	70K
Capital Borrowing at £50k per £1 million		£72.5k	£140k	£140k
<b>Total</b>	<b>£147K</b>	<b>£416K</b>	<b>£298k</b>	<b>£263k</b>
<b>Capital</b>				
Town Centre delivery resulting from master planning work (HIE £100k in 2022/23 and 23/24)		£200k		
Industrial Estate Forres		£750K	£750k	
Expansion of Industrial Estate Speyside/East Moray		£500k	£500K	
<b>Total</b>		<b>£1.45 million</b>	<b>£1.25 million</b>	

Total cost of one off revenue expenditure proposed for funding from ear marked reserves for financial priorities in 2020/21 £87k, 2021/22 £219k, 2022/23 £35K, totalling £341k.

Total cost of revenue expenditure with ongoing expenditure as a budget pressure including capital borrowing 2020/21 £60k, 2021/22 £197K, 2022/23 £263k, 2023/24 £263k

**This represents and additional economic investment by the Council of £3.84 million over the next three years in addition to our committed expenditure and growth deal funding.**

The provision of free preliminary enquiry and IDs for planning and building standards will represent a small loss in income given the limited number of these developments that currently use this service - the current fees are £150 for change of use enquiries.

*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?*

Economic Development is a recognised function of a local authority however the level of intervention is not defined in any statutory instrument.

- *Are there any alternative actions available to avoid or reduce the cost?*

As indicated in the Best Value Assurance Report 2020, the Council has chosen to reduce expenditure on economic development over the last 5 years to the point where we have the lowest spend per 1000 population in Scotland, while this coincided with a time of economic stability and significant pressure on Council finance, COVID 19 has had a severe impact on the economy which has required unprecedented Government intervention to support the economy, it is important that the Council seeks to address the local impacts and provide additional support where it can.

- *Are there alternative ways in which the service could be provided?*

There will be further opportunities through external funding, it will be important to maximise those opportunities, workload of staff involved in economic development has increased significantly, the report seeks approval for staff to apply for external funding opportunities to support economic development, often such applications have early expressions of interest with no commitment requirements, the financial regulations require the approval of committee for such applications which can cause delays, this report seeks that approval.

- *What are the risks and consequences of not allocating the funding?*

Although the funding asked for is significant in terms of Council budgets due to current financial constraints, it is considered the minimum necessary to provide support for business, town centres and capital investment.

- *Does the expenditure contribute to long term financial stability?*

Long term financial stability of the Council is inextricably linked to the long term sustainability of the economy, the creation of jobs, housing

and business to maintain an active and healthy population is essential, economic downturn will have a corresponding negative impact on Council finances and demand on services.

*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.*

#### **(d) Risk Implications**

The economic impact associated with COVID 19 will continue until such time as a vaccine programme has been implemented. The risk associated with the severe economic impacts on jobs could have lasting effects on young people and worsen demographic changes and outward migration.

Workloads for staff associated with economic development will remain high, communication across Council services and external agencies can be difficult and time consuming, full implementation of solutions for remote management of staff and video conferencing will be essential to support staff and enable active engagement with the community over the coming year.

#### **(e) Staffing Implications**

An additional staff member to deal with changes to procurement and supplier/sector development would be required on a 2 year temporary contract, responsibility for the procurement strategy will remain with the procurement team, this post will sit within Strategic Planning and Delivery to champion a focus on Community Wealth Building associated with local spend which will include supplier and sector development to and will work closely with the procurement team to shape our procurement approach. This will be fully detailed in a report to follow as will the proposal for an additional member of the procurement team.

Workloads across the strategic planning and delivery, economic development, business gateway and employability teams will remain high for the foreseeable future. Priority will remain with the economic recovery work associated with the action plan, some work of these teams will have to be put on hold for now to enable the recovery work to take place and this will include the work to develop an alternative solution for the Falconer museum.

Transport, Environmental Health and Legal will need to prioritise town centre planning and building standards consultations to achieve a fast track process.

**(f) Property**

There are no property implications.

**(g) Equalities/Socio Economic Impact**

There are no equalities impacts arising from this report.

**(h) Consultations**

The Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth and Development, the Legal Services Manager, Paul Connor (Principal Accountant), the Democratic Services Manager and the Equalities Officer have been consulted and comments received have been incorporated into the report.

**5. CONCLUSION**

- 5.1 MEP has been leading on economic recovery for COVID 19 providing oversight of impacts and business and community engagement and has endorsed the economic recovery action plan.**
- 5.2 The EGHES Committee approved the action and has recommended to the Council an agreement in principle for the budget outlined in the financial implications.**
- 5.3 The proposals are at high level and further detailed reports for each action will be provided seeking approval for spend of the budget.**

Author of Report: Jim Grant, Head of Economic Growth and Development

Background Papers:

Ref:





**REPORT TO: ECONOMIC GROWTH, HOUSING AND ENVIRONMENTAL  
SUSTAINABILITY COMMITTEE ON 6 OCTOBER 2020**

**SUBJECT: ECONOMIC RECOVERY PLAN**

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

## **1. REASON FOR REPORT**

- 1.1 To provide Committee with proposals for an economic recovery plan for Moray outlining the actions and interventions of Community Planning Partners to accelerate economic growth.
- 1.2 This report is submitted to the Economic Growth, Housing and Environmental Sustainability Committee following a decision of Moray Council on 17 June 2020 to agree a simplified committee structure as a result of the COVID-19 pandemic. In the case of this Committee, the combining of the delegated responsibilities of Economic Development and Infrastructure, Community Services (Housing and Property) and Finance (budget, capital and revenue monitoring) (paragraph 9 of the Minute refers).

## **2. RECOMMENDATION**

### **2.1 It is recommended that the Committee;**

- (i) **approves the high level action plan in section 12 of the report and in particular, the actions attributable to the council subject to para (ii) below;**
- (ii) **in principle, recommends to Moray Council at its meeting on 28 October 2020 the financial requirements outlined in para 13 (c), to be considered for final agreement in separate detailed reports to follow for revenue expenditure, noting that business cases will be required for all capital expenditure proposed for review by the Asset Management Working Group; and**

- (iii) **authorises the Head of Economic Growth and Development to apply for external funding for the purposes of economic development, subject to committee approval of any match funding requirements or impacts on Council resources.**

### **3. BACKGROUND**

- 3.1 Moray Economic Partnership (MEP) have worked together throughout the COVID period to respond to the crisis by providing support to business and individuals and informing both Scottish and UK governments of the local needs relating to the interventions and various funding schemes provided.
- 3.2 MEP membership is made up of Moray Council, Highlands and Islands Enterprise, Moray College UHI, NHS Grampian, Moray Chamber of Commerce, Robertson Construction, Moray Speyside Tourism, TSI Moray, Federation of Small Business, Skills Development Scotland and Gordon and MacPhail.
- 3.3 As part of that response MEP confirmed that a recovery plan should be developed and that the following principles should be followed in establishing actions to accelerate economic recovery:
1. Smart growth - business continuity and resilience will be at the heart of the recovery process.
  2. Clean growth - transition to carbon free where opportunities arise including promotion of home-working to reduce commuting.
  3. Inclusive growth - no geographic locations or sections of the community are left behind
  4. Fair work - employees are rewarded and benefit from economic recovery.
  5. Targeting disadvantage - enabling early recovery particularly for those reliant on child care, public transport, access to broadband and those requiring to be reskilled.
  6. Smart procurement - public sector spend will be used to maximise local economic impact and opportunity.
- 3.4 On establishing these principles MEP engaged with key sectors to obtain feedback and understand the local impacts on business and the main areas of concern and support needed. This information was combined with analysis of economic data to develop a short list of options which were approved by MEP on the 26 August 2020 for further development and identification of actions and resources required.

### **4. ECONOMIC IMPACT AND ANALYSIS**

- 4.1 Since March 2019 the UK has seen GDP fall by 22% in a single quarter. While there has been growth of 6% from that low point the UK is likely to be



looking at a protracted period of low growth with the Office for Budget Responsibility (OBR) central scenario predicting a return to pre COVID GDP levels in around Q3 2022. The OBR upside scenario predicts this return in Q1 2021 and the downside scenario in Q3 2024. For the purpose of this recovery strategy the central scenario will be the assumed scenario.

- 4.2 Both UK and Scottish Governments have provided a number of schemes to support the economy through the pandemic. The most expensive of these is the Coronavirus Job Retention Scheme (CJRS). To date this scheme has cost the UK Treasury £37 billion and has paid the salaries of 32% of the UK workforce during the pandemic.
- 4.3 In Moray 34% of the workforce have been furloughed with only Highland having a higher proportion at 35%. It is worth noting that this figure includes all PAYE jobs including those in the public sector which are only eligible for furlough in limited circumstances. If these jobs were to be removed from the calculation it is likely 50% of the private sector workforce have been furloughed.
- 4.4 The CJRS is currently being wound down with employers now required to make a contribution and the scheme due to cease in October. The expectation is that there will then be a sharp rise in the unemployment rate.
- 4.5 Since the beginning of the COVID pandemic unemployment has doubled in Moray and remained at around that level for the past 3 months. This is likely due to an initial surge of those whose employer was unable or unwilling to furlough employees or those who were relying on seasonal work becoming available which never materialised. The result is that there are currently 3835 people on Universal Credit who are not in employment. The claimant count, which measures those who are unemployed claiming benefits and seeking work stands at 3075. The difference may be attributable to not all those eligible for universal credit being required to seek work.
- 4.6 There are an additional 2553 people claiming universal credit who are in work. This could be for a variety of reasons and could include those who are on furlough, which only pays 80% of a salary, being eligible to claim top up credit as they have fallen below the minimum wage.
- 4.7 This means that in Moray currently 10% of people aged 16-64 are on universal credit and 6% of those are unemployed.
- 4.8 There has been a particular concern around the effect COVID will have on young people. As previously discussed it is yet to be revealed how unemployment will unfold when the CJRS ends.
- 4.9 The current situation in Moray is that there are 830 people under the age of 24 not in employment on universal credit. Of these, 450 have been on Universal credit for under 6 months, which indicates the scale of the COVID effect. This gives a youth unemployment rate estimate of 10% of the total population aged 16-24 and an unemployment rate estimate of 14.5% of 16-24

year olds who are economically active. These are estimates based on the annual population survey and at the lower end of the confidence interval the rates could be 8% and 11% respectively.

- 4.10 There are 3835 people on universal credit in Moray who are unemployed with 1900 of those within the past 6 months.
- 4.11 This means that in Moray 23% of those on Universal Credit for less than 6 months are under the age of 24.

## 5. **SECTOR IMPACT AND ANALYSIS**

- 5.1 Both UK and Scottish Governments have published sectoral impact assessments for the UK, Scotland and forecasts for what degree local authority areas will be affected based on the sector composition of the regions.
- 5.2 The OBR in their April report predicted the following drops in GDP for each standard Industrial Classification (SIC) sector

Sector	Per cent	
	Weight in whole economy value added	Effect on output relative to baseline
Education	5.8	-90
Accommodation and food services	2.8	-85
Construction	6.1	-70
Other services	3.5	-60
Manufacturing	10.2	-55
Wholesale, retail and motor trades	10.5	-50
Information and communication	6.6	-45
Professional, scientific and technical activities	7.6	-40
Administrative and support activities	5.1	-40
Transport and storage	4.2	-35
Mining, energy and water supply	3.4	-20
Real estate	14.0	-20
Public administration and defence	4.9	-20
Financial and insurance services	7.2	-5
Agriculture	0.7	0
Human health and social activities	7.5	50
<b>Whole economy</b>	<b>100.0</b>	<b>-35</b>

- 5.3 As can be seen from the table in 5.2 accommodation and food services, construction and manufacturing were forecast to see the largest fall in output in Q2. The actual fall in output for manufacturing was not as large as forecast and the real drop in Q2 was around 21%. Construction output fell by 32% in Q2.

- 5.4 When productivity measures are added to the picture output per hour worked is down 2.5% in Quarter 2 compared to Q1. This only looks at those employees at work, not furloughed, and shows that those involved in the production of goods and services are producing less per hour of work than previously.
- 5.5 As can be seen from the table below Moray has the highest proportion of workers in manufacturing, much higher than the Scottish and UK averages.

DRAFT

<u>Sector</u>	<u>Businesses (Moray)</u>	<u>Employees (Moray)</u>	<u>Employee/business (Moray)</u>	<u>Businesses (Scotland)</u>	<u>Employees (Scotland)</u>	<u>Employee/Business (Scotland)</u>
B : Mining and quarrying	0.40%	0.30%	7	0%	1%	124
C : Manufacturing	8%	17%	23	5%	7%	19
D : Electricity, gas, steam and air conditioning supply	0.40%	0.50%	12	0%	1%	26
E : Water supply; sewerage, waste management and remediation activities	1%	1%	10	0%	1%	45
F : Construction	15%	6%	4	12%	5%	7
G : Wholesale and retail trade; repair of motor vehicles and motorcycles	19%	14%	8	13%	14%	15
H : Transportation and storage	3%	4%	13	3%	4%	19
I : Accommodation and food service activities	9%	9%	10	8%	8%	14
J : Information and communication	2%	1%	5	6%	3%	8
K : Financial and insurance activities	2%	1%	6	2%	3%	27
L : Real estate activities	3%	1%	3	3%	1%	6
M : Professional, scientific and technical activities	13%	4%	3	18%	7%	6
N : Administrative and support service activities	8%	4%	6	7%	8%	16
O : Public administration and defence; compulsory social security	2%	6%	38	0%	6%	2855
P : Education	3%	9%	33	1%	8%	97
Q : Human health and social work activities	6%	17%	27	4%	16%	60
R : Arts, entertainment and recreation	3%	3%	9	2%	3%	17
S : Other service activities	4%	2%	5	5%	2%	6

- 5.6 This leaves the economy vulnerable to the worst impacts of COVID as demonstrated in section 5.3 and by the Scottish Government Office of the Chief Economist predicting that based on sector structure Moray will be the worst affected by job losses.
- 5.7 The largest number of businesses in Moray are those in wholesale and retail trade. Evidence has pointed to decreases in footfall in town centres where many of these businesses are located and Moray Council's latest vacancy rate survey completed this month shows there are currently 34 empty units in Elgin, 12 in Keith, 12 in Buckie, 4 in Forres and 4 in Lossiemouth. COVID has the potential to dramatically increase this number which jeopardises the future and vibrancy of town centres in Moray.
- 5.8 Evidence from engagement with business, detailed in **Appendix 1** suggests that the job losses may be a small number from many businesses which could make an effective response more challenging due to identifying those people.
- 5.9 The tables on the following 2 pages show the contribution of each sector in Moray to the economy in GVA terms and for comparison the share of GVA per sector in Scotland. The First table is for Moray and the second for Scotland.
- 5.10 The GVA ratio per business and GVA ratio per employee measure the sectors versus the all sector average for the ratio in question. So for example the first line (SIC code ABDE) can be read as the average business in that sector generates on average 0.29 the GVA of the average business in Moray and that the average employee generates 0.99 the average all sector GVA per worker.

<u>SIC</u>	<u>Sector</u>	<u>GVA per Sector</u>	<u>Number of Business</u>	<u>GVA Per Business</u>	<u>Ratio versus average GVA per business</u>	<u>Number of employees</u>	<u>GVA per Employee</u>	<u>Ratio versus average GVA per average Employee</u>
ABDE	Agriculture, mining, electricity, gas, water and waste	£111,000,000.00	730	£152,055	0.29	1775	£62,535	0.99
C	Manufacturing	£687,000,000.00	260	£2,642,308	5.00	6000	£114,500	1.82
F	Construction	£155,000,000.00	505	£306,931	0.58	2250	£68,889	1.10
G	Wholesale and retail trade; repair of motor vehicles	£198,000,000.00	645	£306,977	0.58	5000	£39,600	0.63
H	Transportation and storage	£58,000,000.00	120	£483,333	0.91	1500	£38,667	0.62
I	Accommodation and food service activities	£62,000,000.00	310	£200,000	0.38	3000	£20,667	0.33
J	Information and communication	£19,000,000.00	80	£237,500	0.45	400	£47,500	0.76
K	Financial and insurance activities	£27,000,000.00	55	£490,909	0.93	350	£77,143	1.23
L	Real estate activities	£274,000,000.00	90	£3,044,444	5.76	300	£913,333	14.53
M	Professional, scientific and technical activities	£43,000,000.00	440	£97,727	0.18	1500	£28,667	0.46
N	Administrative and support service activities	£42,000,000.00	265	£158,491	0.30	1500	£28,000	0.45
O	Public administration and defence	£155,000,000.00	60	£2,583,333	4.89	2250	£68,889	1.10
P	Education	£96,000,000.00	90	£1,066,667	2.02	3000	£32,000	0.51
Q	Human health and social work activities	£197,000,000.00	220	£895,455	1.69	6000	£32,833	0.52
R	Arts, entertainment and recreation	£22,000,000.00	100	£220,000	0.42	900	£24,444	0.39
S	Other service activities	£32,000,000.00	150	£213,333	0.40	700	£45,714	0.73
<b>Total</b>	<b>All industries</b>	<b>£2,289,000,000.00</b>	<b>4120</b>	<b>£528,641</b>	<b>1.00</b>	<b>36425</b>	<b>£62,841</b>	<b>1.00</b>
	<b>GVA per capita (approx)</b>	<b>£22,890.00</b>						

<u>SIC</u>	<u>Sector</u>	<u>GVA per Sector</u>	<u>Number of Business</u>	<u>GVA Per Business</u>	<u>Ratio versus average GVA per business</u>	<u>Number of employees</u>	<u>GVA per Employee</u>	<u>Ratio versus average GVA per average</u>
------------	---------------	-----------------------	---------------------------	-------------------------	--------------------------------------------------	--------------------------------	-------------------------	-------------------------------------------------

ABDE	Agriculture, mining, electricity, gas, water and waste	£10,104,000,000	18810	£537,161	0.67	107000	£94,429	1.67
C	Manufacturing	£14,493,000,000	9365	£1,547,570	1.93	179000	£80,966	1.43
F	Construction	£8,592,000,000	20680	£415,473	0.52	136000	£63,176	1.12
G	Wholesale and retail trade; repair of motor vehicles	£13,749,000,000	23230	£591,863	0.74	344000	£39,968	0.71
H	Transportation and storage	£5,988,000,000	5615	£1,066,429	1.33	106000	£56,490	1.00
I	Accommodation and food service activities	£4,591,000,000	14175	£323,880	0.40	200000	£22,955	0.41
J	Information and communication	£6,150,000,000	10560	£582,386	0.73	80000	£76,875	1.36
K	Financial and insurance activities	£9,712,000,000	3240	£2,997,530	3.74	86000	£112,930	2.00
L	Real estate activities	£16,162,000,000	5725	£2,823,056	3.52	32000	£505,062	8.93
M	Professional, scientific and technical activities	£9,377,000,000	31470	£297,966	0.37	175000	£53,582	0.95
N	Administrative and support service activities	£6,201,000,000	13095	£473,539	0.59	203000	£30,546	0.54
O	Public administration and defence	£9,893,000,000	55	£179,872,727	224.56	157000	£63,012	1.11
P	Education	£7,989,000,000	2000	£3,994,500	4.99	193000	£41,393	0.73
Q	Human health and social work activities	£14,458,000,000	6505	£2,222,598	2.77	389000	£37,167	0.66
R	Arts, entertainment and recreation	£2,150,000,000	4180	£514,354	0.64	70000	£30,714	0.54
S	Other service activities	£2,221,000,000	8365	£265,511	0.33	52000	£42,711	0.76
<b>Total</b>	<b>All Industries</b>	<b>£141,830,000,000</b>	<b>177070</b>	<b>£800,982</b>	<b>1.00</b>	<b>2509000</b>	<b>£56,528</b>	<b>1.00</b>
	<b>GVA per capita (approx)</b>	<b>28366</b>						

5.11 Manufacturing has been highlighted in both graphs under section 5.10 as it is a sector of unique importance to Moray due to the prevalence of the sector in the region but most importantly by its importance in a Scotland context. There are two points to make about how this sector relates to the Scottish economy.

1. Moray manufacturing accounts for 0.48% of Scotland's total GVA. That sounds like a small number given the scale of figures involved in COVID, but is worth remembering that in normal times a recession can depend on 0.5% swings. It is worth considering what expansion in premises and markets could contribute to the Scottish economy.
2. Manufacturing in Moray is contributing 0.48% of Scottish GVA despite Moray manufacturing businesses only accounting for 0.15% of businesses in Scotland and 0.25% of employees in Scotland. The GVA per employee in the sector is also considerably higher than the Scotland average.

## 6. **ENGAGEMENT**

- 6.1 To inform the action plan for economic recovery in the following section a series of engaging events have taken place.
- 6.2 At the beginning of the crisis a business resilience forum was formed with representation from the public and private sectors, as well as the leader of Moray Council, MSP and MP for the region. This group has been able to feed in information on a weekly basis that has helped in this recovery strategy.
- 6.3 The MEP has been meeting on a monthly basis to approve and provide input to the recovery strategy throughout the process.
- 6.4 A focus group was held with members of the agricultural sector to give specific feedback into the impact of COVID on that sector.
- 6.5 A series of webinars were held for the Joint Community Councils, small and town centre businesses which was open to all in Moray and the Moray Business Forum.
- 6.6 The key issues raised from these are included in **Appendix 1**.
- 6.7 A survey was also issued and promoted through survey monkey for Moray businesses to complete. There were 50 responses to this which means it is not statistically significant, however a summary of the responses are included in **Appendix 2**.



## **COUNCIL SUPPORT TO DATE**

### **7. BUSINESS GRANT SUPPORT**

- 7.1 The Council Revenues/Non Domestic Rates Team have been engaged in administering the Scottish Government grant support scheme for small businesses and those in the retail, leisure and hospitality sector with a Rateable value under £51,000.
- 7.2 The scheme closed for new applications on the 11 July 2020 at which point there had been 2005 applications, 1706 of which were approved giving a total amount of £19.2 million paid out in grants.
- 7.3 While the scheme is now closed for new applications the team are still processing some applications and dealing with appeals.
- 7.4 The Economic Growth and Development Team and Business Gateway administered 2 Scottish Governments funds, both of which are now closed.
- 7.5 The first fund was the Newly Self-Employed Hardship Fund which had 160 applications, 121 of which were successful totalling £242,000 of grant funding.
- 7.6 The second fund was the Bed and Breakfast Hardship Fund which had 25 applications, 13 of which were successful totalling £39,000 of grant funding.

### **8. TOWN CENTRE SUPPORT**

- 8.1 Space for safe physical distancing for pedestrians and more operational room for town centre businesses has been provided within Elgin Town Centre through the implementation of road closures for the eastern and western ends of the High Street, South Street, Batchen Street and Commerce Street.
- 8.2 The road closures which enable a part time pedestrianisation of the town centre were developed with input from Elgin BID and in response to businesses who identified that they would like to use areas not in their control, such as the pavement or similar, for the safe queuing of customers or for tables and chairs.
- 8.3 In the other towns such as Lossiemouth and Fochabers, the response has been to provide additional space for queuing outside of particular premises through the temporary suspension of parking bays rather than the closure of roads. Some local cafes/restaurants have applied for outside seating on the public road/footway. These requests are being assessed on a case by case basis, and granted permission where there is sufficient space available.
- 8.4 The Economic Growth and Development Team have been working with community groups on a potential application to the Towns on BIDS resilience fund in collaboration with Elgin BID and HIE as part of the spaces for people working group.

## **9. SKILLS AND EMPLOYABILITY**

- 9.1 Moray Pathways has increased its provision to meet the increase in demand for services from individuals and employers. A particular area of demand has been from school leavers who due to the current labour market conditions are requiring a higher level of support. This has resulted in a 6 week summer programme being launched focussing on outdoor activities to help build core employability skills such as communication and resilience.
- 9.2 A fortnightly skills and employability working group meets with various partner organisations to identify the current and future needs moving forward.

## **10. CHILD CARE FOR KEY WORKERS**

- 10.1 From the beginning of the pandemic Moray Council has been responsible for operating and setting up childcare hubs for key workers to enable them to continue to provide vital functions.
- 10.2 In May, there were 120 children in School hubs and between 50 – 60 in early learning and childcare settings.

## **11. GRAMPIAN COMMUNITY ASSISTANCE HUB (GCAH)**

- 11.1 Moray Council was a partner in setting up the GCAH. This was a virtual centre to serve the residents of Moray, Aberdeenshire and Aberdeen. It had 4 main purposes:
1. provide essential food and medication
  2. links to local social work services for vulnerable children or adults
  3. accessing emotional support
  4. contacting local volunteer groups
- 11.2 There is the option for businesses to register as sellers for good and services and be matched with buyers, for example in food and drink. A number of businesses in Moray have registered.

## **12. ACTION PLAN**

- 12.1 The scale of intervention demonstrated in section 7 above is not something that can be replicated by the Council or regional public agencies - that scale of investment to sustain business can only be provided for by the UK and Scottish Governments.
- 12.2 The following actions reflect the issues identified within the analysis and feedback from business and address short list of options agreed by MEP on

the 26 August 2020. Moving forward this will be developed into an action plan with measurable outcomes and timescales.

Action	Principles	Lead
<p><b>Business Grants and Start up Support</b>  Young Company Capital Investment Scheme – Offering grants of up to £50k for investment in equipment (HIE funding £1m)</p> <p>Ecommerce Funding up to £25K (HIE Funding £500k)</p> <p>Digital Boost – Offering grants of up to £5k to support digital and ecommerce. (Government Funding)</p>	Smart Growth	<p>HIE/ Business Gateway</p> <p>HIE</p> <p>Business Gateway</p>
<p><b>Small Business Support</b>  Consultancy provision to small business to support procurement and supplier development assisting companies in preparing bids. (Moray Council funding £25k, new request subject to SMART delivery plan approved by Council) HIE 25k funding subject to due diligence</p> <p>Consultancy provision to local companies to provide import and export advice, this may well help to mitigate impacts of Brexit depending on the trade deal negotiated. (Moray Council funding £10k, new request subject to SMART delivery plan approved by Council and HIE £10k subject to due diligence by HIE )</p> <p>HIE general programmes of business support more widely available to businesses.</p> <p>HIE support for tourism Destination Management Organisations across Highlands and Islands (£3m)</p>	Smart Growth	<p>Business Gateway/HIE</p> <p>Business Gateway/HIE</p> <p>HIE</p> <p>HIE</p>
<p><b>Town Centres</b>  Town Centre Fund further grants for empty space to living space and 50% grant for alteration of large</p>	<p>Smart Growth</p> <p>Clean Growth</p> <p>Inclusive Growth</p>	Moray Council

<p>retail premises to smaller units in town centres. £433,000k (Government funding)</p> <p>Works to improve and adapt Town centres resulting from master planning and LDP delivery £200K (Moray Council Capital new request, subject to business case) (HIE £200k subject to due diligence)</p> <p>Pop up shop scheme in the main five towns of Buckie, Elgin, Forres, Keith and Lossiemouth and Speyside £50k (Moray Council funding, new request subject to SMART delivery plan approved by Council)</p> <p>Town Centre Start Up – Offering a 50% grant up to £10k maximum for individuals start ups following participation in the Pop Up Shop programme.£100k (Moray Council funding , new request subject to SMART delivery plan approved by Council)</p> <p>Town Centre adaptation spaces for people £13k HIE</p> <p>New COVID 19 Fund potential for further funding for SME/Hospitality adaptation through newly developed fund in response to COVID 19 (450k Government/EU funding)</p> <p>Local Development Plan delivery programme including promotion of vacant and derelict sites, retail impact assessments, master planning for town centres and promotion of town centre living and adaptation for climate change and local place plans. (<a href="#">70k reported to Planning and Regulatory Services as a budget pressure, 15 September 2020</a>)</p>		<p>Moray Council</p> <p>Moray Council</p> <p>Moray Council</p> <p>HIE</p> <p>Moray Council</p> <p>HIE</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--	-----------------------------------------------------------------------------------------------------------

Development Management and Building Standards support for town centre development including free pre enquiry advice and ID with prioritisation of support from Transport, Environmental Health and Legal for town Centre proposals.		Moray Council
<p><b>Housing and Infrastructure</b> Provision of employment land and industrial units in Forres. £1.5 million, and provision of £1m towards expansion or development of industrial units in Speyside/east of Moray (Moray Council Capital, new request, subject to business case)</p> <p>Accelerate Development of masterplan and site development costs for business and industrial areas at Mosstodloch as identified in the Local Development Plan to increase the effective employment land in Moray in conjunction with HIE with a view to developing a business case.</p> <p>Delivery of the Strategic Housing Investment Plan over the next 2 years will provide 224 affordable homes with a spend of £22.7 million (Scottish Government, HRA and RSL funding)</p> <p>Moray Growth Deal work is underway to complete outline business cases by December 2020 to try and achieve final sign off of the deal by March 2021 which would enable draw down of funding in 21/22 and early provision of capital spend on some projects including the cultural quarter, aerospace academy, business hub and housing mix.(current indicative spending for Growth Deal between 2021 and 2024 is £30 million including all partner contributions)</p>	<p>Smart Growth Clean Growth Inclusive Growth Targeting disadvantaged Fair Work</p>	<p>Moray Council</p> <p>Moray Council /HIE</p> <p>Moray Council and RSL</p> <p>Moray Council/HIE/Moray College</p>

Open new land to southern edge of Forres Enterprise Park and develop business units (900k HIE investment)		Highlands and Islands Enterprise (HIE)
<p><b>Procurement</b></p> <p>There is a need to review our procurement strategy and our approach and key objectives. Our current approach has been driven by the need for savings and compliance with relevant legislation and although the strategy includes objectives for wider community benefit progress on these issues has been slow and the proportion of local spend has been in decline over recent years.</p> <p>An alternative approach would be to place Community Wealth Building at the heart of our procurement strategy with a clear focus on increasing local spend and wider community and sustainability benefits, this is wider than our traditional approach to procurement as it would require closer analysis of local spend which can be difficult with limited data and spend out with the area and efforts to improve the local supply capacity to reduce spend out with the area and to create and retain jobs locally.</p> <p>This approach requires a culture change but will have a greater impact if it was adopted across all public sector partners in Moray, this level of change will require an additional staffing resource and budget it is wider than just procurement as it seeks to develop the supply chain in Moray including social enterprise and community provision (Est £35k, Moray Council new budget request, HIE £35k subject to due diligence) in addition the central procurement team is</p>	Smart Procurement Fair Work Targeting Disadvantaged Clean Growth	Moray Council

<p>working beyond its capacity and with additional work associated with accelerating elements of the growth deal an additional member of staff is required. (Est £53k, Moray council new budget request)</p> <p>Proposal in principle subject to a separate report for Council and Community Planning Partners to consider before implementation.</p>		
<p><b>Social Enterprise/Community Support</b></p> <p>It is important to recognise that the community and social enterprise companies have an important role to play in the economic recovery. Many of these organisations have already played a central role in supporting communities through COVID 19, Community capacity building is an important part of the Local Outcome Improvement Plan delivery process and opportunities for communities to take on roles through Community Asset Transfers have been well received. There are further opportunities for communities through community benefit funding and potential investments. Communities and social enterprises will receive support where staffing resources allow from the Economic Development Team and HIE to develop capacity to operate social enterprise to support the local economy.</p> <p>Rural Tourism Fund BID to develop network of facilities for toilets and mobile home use match funding from HIE £30k, Moray Council £142K existing commitment which can be carried forward on a committed project.</p>	Inclusive Growth	<p>Moray Council/ HIE/Moray College</p> <p>HIE/Moray Council</p>
<p><b>Moray growth Deal Business Hub</b></p> <p>We will explore how we can work in a way that public agencies are more accessible and cohesive in their</p>	Smart Growth	<p>Moray College/HIE/Moray Council/SDS</p>

communications and support for business bringing forward elements of the business hub project in the growth deal to provide effective support through current COVID 19 restrictions and as we recover to normal. This may include temporary premises but will also include accessibility through digital platforms and video conference.		
<p><b>Employability and Skills</b></p> <p>Work in collaboration with local businesses [including 3<sup>rd</sup> Sector] to maximise opportunities via new and enhanced job creation schemes, this includes the Kickstart scheme for 16-24 year olds. The scheme provides minimum wage for 6 months employment to 16-24 year olds on universal credit. It is proposed the Council participates in this scheme using Moray Chamber of Commerce as the intermediary. As a living wage employer the Council could top up the money from the Kickstart scheme to meet the local government living wage for jobs created in the Council this would require a budget of up £66k for up to 15 jobs although may be less depending on age (Moray Council funding for council posts, new funding, subject to SMART delivery plan approved by Council). Other community planning partners should be encouraged to apply the living wage to jobs they create.</p> <p>Encourage investment in local apprenticeships and training through future economic development and procurement contracts across the public sector</p> <p>Jointly plan and deliver an integrated approach to employer engagement with schools/post school employability team that ensures every young person</p>	<p>Targeting Disadvantaged Fair work Smart Growth</p>	<p>DWP, DYW, HIE, Moray Chamber of Commerce, Moray Council, Business and Third Sector</p> <p>Community planning Partners and Business</p> <p>Moray Council, SDS, DYW</p>



receives an entitlement to work based learning		
Enhance keyworker support within the No One Left Behind model of delivery and enabling participation this includes funding from the youth guarantee scheme which is estimated at £570k government funding for Moray		Moray Council
Enhance pipeline provision within the Moray Pathways Consortium and ensure commissioning framework is fit for purpose		Moray Council Moray College UHI, TSI
Deliver industry led employability provision for vulnerable young people. Including supported employment and volunteering.		SDS
Develop a generic pre apprenticeship programme which compliments new interventions including the SDS Pathways to Apprenticeship and Kickstart		Moray College UHI
Create a plan in partnership to support secondary schools curriculum to be responsive to the LMI and prepare young people for evolving opportunities		Moray Council, DYW, SDS
All partners sharing job and training opportunities through the Moray Pathways site		Employability Consortium
Parent Poverty employability project (government funding)		Moray Council
In-work employability support		SDS
Develop industry led sector based flexible short course provision modelled on existing Moray College UHI curriculum		Moray College UHI

Identify sites that support delivery of education, skills and training – responds to C-19 environment. Online platforms and opportunities.		Moray college UHI, DWP, SDS, DYW
Moray Pathways Community Hub (ICT Suite and support) for employability clients to ensure access to digital and internet and offer of ICT equipment		DWP
Develop the digital skills environment through college and training e-learning to promote and enable development of skills to address an acceleration towards the digital/technological workplace.		Moray College UHI
Develop. Enhance, and promoted PACE service to individuals and businesses at risk, and experiencing, redundancy.		SDS, Moray Council
Transition training fund and North East Gas fund		DWP, SDS
Adopt an Apprentice scheme		DYW, DWP

### 13. **SUMMARY OF IMPLICATIONS**

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

Economic growth and development is a key priority within the corporate plan, COVID 19 and the economic impact has strengthened the need to invest in the local economy. This is also a core aspect of the Recovery and Renewal Strategic Framework.

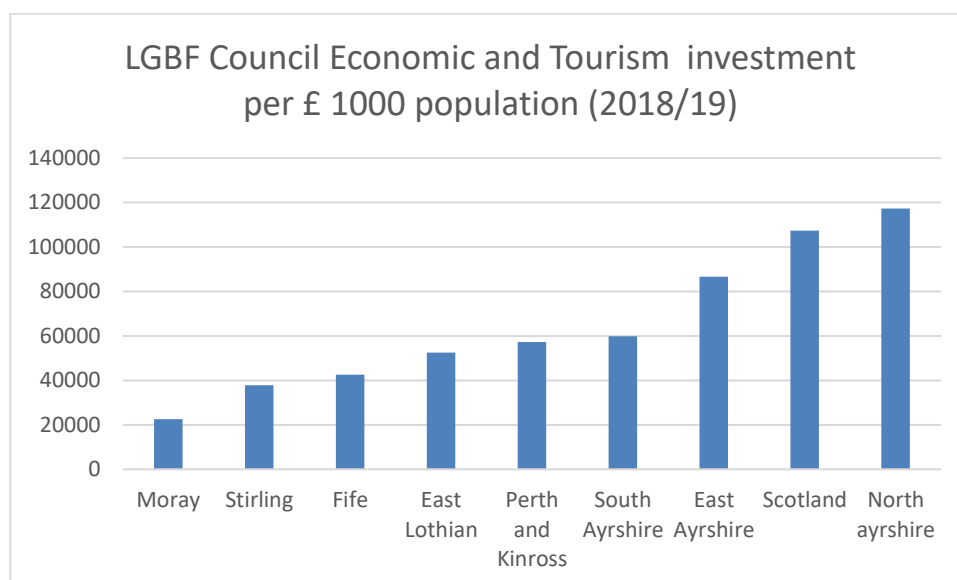
#### **(b) Policy and Legal**

The Council considers support for economic development issues on their merits, against the objective to facilitate sustainable economic growth and the desired outcomes of the Ten Year Plan and Corporate Plan.

The Best Value Assurance Report Moray Council 2020 noted that “Moray’s Investment in Economic Development & Tourism per 1,000 population is the lowest of all the councils in Scotland. It fell by 31 per

cent in the last five years to £22,581. In the same period, the Scottish average has increased by 48 per cent to £102,086 per 1,000 population.” Investment in Moray Growth Deal alone will not improve this position.

The 2018/19 figures for the Benchmarking Family group associated with Moray are shown below



The proposed spend outlined in the financial implications for 2021/22 would equate to an additional £20,726 investment per 1000 population.

The increased capital and revenue budgets identified below are at a level where the decision must be made by full Council.

### (c) Financial implications

The new proposals in the Action Plan that do not already have approved commitments have the following financial implications for Moray Council.

Action	2020/21	2021/22	2022/23	2023/24
<b>Revenue</b>				
Small Business Support consultancy service (70k across two years)35K from HIE in 21/22 subject to due diligence	£30K	£5K		

Town Centre Pop Up Shops (50k across 2 years)	£15k	£35k		
Town Centre Start Up Grant		£100K		
Procurement (temporary post 2.5 year contract and budget HIE contributing 35k in years 21/22 and 22/23 subject to due diligence Potential extension if successful(Budget pressure in future years, subject to 2 year contract to prove concept and opportunity to review)	£20k	£35k	£35k	
Procurement Officer post (Budget Pressure in future years)	25k	53K	53K	53K
Kickstart – creation of 15 jobs at Living Wage (estimated costs dependant on age, funding from reserves)	£22k	£44k		
LDP Delivery Plan(recurring cost as budget pressure)	35K	70K	70K	70K
Capital Borrowing at £50k per £1 million		£72.5k	£140k	£140k
<b>Total</b>	£147K	£416K	£298k	£263k
<b>Capital</b>				
Town Centre delivery resulting from master planning work (HIE £100k in 2022/23 and 23/24)		£200k		

Industrial Estate Forres		£750K	£750k	
Expansion of Industrial Estate Speyside/East Moray		£500k	£500K	
Total		£1.45 million	£1.25 million	

Total cost of one of revenue expenditure proposed for funding from ear marked reserves for financial priorities in 2020/21 £87k, 2021/22 £219k, 2022/23 £35K, totalling £341k.

Total cost of revenue expenditure with ongoing expenditure as a budget pressure including capital borrowing 2020/21 £60k, 2021/22 £197K, 2022/23 £263k, 2023/24 £263k

**This represents an additional economic investment by the Council of £3.84 million over the next three years in addition to our committed expenditure and growth deal funding.**

The provision of free preliminary enquiry and IDs for planning and building standards will represent a small loss in income given the limited number of these developments that currently use this service the current fees are £150 for change of use enquiries.

*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?*

Economic Development is a recognised function of a local authority however the level of intervention is not defined in any statutory instrument.

- *Are there any alternative actions available to avoid or reduce the cost?*

As indicated in the Best Value Assurance Report 2020, the Council has chosen to reduce expenditure on economic development over the last 5 years to the point where we have the lowest spend per 1000 population

in Scotland, while this coincided with a time of economic stability and significant pressure on Council finance, COVID 19 has had a severe impact on the economy which has required unprecedented Government intervention to support the economy, it is important that the Council seeks to address the local impacts and provide additional support where it can.

- *Are there alternative ways in which the service could be provided?*

There will be further opportunities through external funding, it will be important to maximise those opportunities, workload of staff involved in economic development has increased significantly, the report seeks approval for staff to apply for external funding opportunities to support economic development, often such applications have early expressions of interest with no commitment requirements, the financial regulations require the approval of committee for such applications which can cause delays, this report seeks that approval.

- *What are the risks and consequences of not allocating the funding?*

Although the funding asked for is significant in terms of Council budgets due to current financial constraints, it is considered the minimum necessary to provide support for business, town centres and capital investment.

- *Does the expenditure contribute to long term financial stability?*

Long term financial stability of the Council is inextricably linked to the long term sustainability of the economy, the creation of jobs, housing and business to maintain an active and healthy population is essential, economic downturn will have a corresponding negative impact on Council finances and demand on services.

*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.*

#### **(d) Risk Implications**

The economic impact associated with COVID 19 will continue until such time as a vaccine programme has been implemented. The risk

associated with the severe economic impacts on jobs could have lasting effects on young people and worsen demographic changes and outward migration.

Workloads for staff associated with economic development will remain high, communication across Council services and external agencies can be difficult and time consuming, full implementation of solutions for remote management of staff and video conferencing will be essential to support staff and enable active engagement with the community over the coming year.

**(e) Staffing Implications**

An additional staff member to deal with changes to procurement and supplier/sector development would be required on a 3 year temporary contract, responsibility for the procurement strategy will remain with the procurement team, this post will sit within Strategic Planning and Delivery to champion a focus on Community Wealth Building associated with local spend which will include supplier and sector development to and will work closely with the procurement team to shape our procurement approach. This will be fully detailed in a report to follow as will the proposal for an additional member of the procurement team.

Workloads across the strategic planning and delivery, economic development, business gateway and employability teams will remain high for the foreseeable future. Priority will remain with the economic recovery work associated with the action plan, some work of these teams will have to be put on hold for now to enable the recovery work to take place and this will include the work to develop an alternative solution for the Falconer museum.

Transport, Environmental Health and Legal will need to prioritise town centre planning and building standards consultations to achieve a fast track process.

**(f) Property**

There are no property implications.

**(g) Equalities/Socio Economic Impact**

There are no equalities impacts arising from this report.

**(h) Consultations**

The Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth and Development, the Legal Services Manager, Paul Connor (Principal Accountant), the Strategic Planning and Delivery Manager, the Economic Growth and Regeneration Manager, the Acting Head of Housing and Property, the Head of

Environmental and Commercial, the Environmental Health and Trading Standards Manager, the Head of Governance, Strategy and Performance, the Chief Financial Officer, Lissa Rowan (Committee Services Officer), the Equalities Officer and the Payments Manager have been consulted and comments received have been incorporated into the report.

## **14. CONCLUSION**

- 14.1 MEP has been leading on economic recovery for COVID 19 providing oversight of impacts and business and community engagement.**
- 14.2 The predominant business sectors and rural nature of Moray means that the area will see higher levels of impact than other areas, this is particularly relevant to hospitality and manufacturing.**
- 14.3 The proposals are at high level and require further development but have been selected to support the shortlisted options approved by MEP and reflect the need to prioritise economic development to help address the economic impacts of COVID 19.**

Author of Report: Jim Grant, Head of Economic Growth and Development  
Michael O'Donnell, Senior Officer Economic Strategy and Growth

Background Papers:  
Ref:



### **Appendix 1 – Summary of Engagement Event Feedback**

This points below summarise the feedback received from consultation and engagement events held to inform the recovery plan with the private sector and communities.

1. Importance of digital and connectivity both in terms of hardware and provision but also skills and knowledge to be able to create online retail and systems with sufficient selling power.
2. Potential for Community to provide support through Hubs (energy hub example) to assist community groups and build capacity and the need to support communities to provide for themselves.
3. Concern that small to medium business have not received the levels of support through grant funding to be sufficient for their needs, a general feeling that micro business and large business were better positioned in terms of the grants and support available and recognising that in areas such as Moray, a handful of job losses in each company spread across a number of our local businesses will not attract the headlines or support of a larger company but will have a significant local impact in terms of number of jobs lost.
4. Concern expressed about the end of the furlough scheme and it will likely be a time when hard decisions have to be made on the retention of staff.
5. Suggestion that the eat out to help out scheme although welcome would be better if it was available later in the year when to encourage an extended season for eating out.
6. Concern from the hospitality industry over levels of occupation available with social distancing and the likely impact on winter and Christmas functions which will hit income hard and slow recovery.
7. Uncertainty expressed over the ability to pay Corona Virus Business Interruption loans that have been secured when interest becomes payable next year, caused partly by the uncertainty of trading conditions between now and June next year.
8. Impact on small business in terms of capacity to complete loan and grant applications, identified the need for support to provide expertise and capacity to take advantage of opportunities.
9. Recognition that community issues around food provision addressed during lock down may need longer term support to meet demand, together with increased benefits and financial advice for individuals.
10. Recognition on the importance and the challenges of town centres, the strength of independent retailers to adapt but the need for investment in town centres to help the transition to better day and evening economies.

11. The need for strong relationships with support agencies and better coordination and accessibility to of partners in delivering that support.
12. Recognition that young people tend to be disproportionately impacted by recession but also the need to assist everyone facing redundancy through PACE.
13. Acknowledgment that equity funding is usually the least attractive funding for business unless the funding partner brings with additional skillsets or value to the company.
14. The need to invest in the local economy by maximising local participation in procurement contracts by and supporting business in the tendering processes and supplier development and by creating contracts that have wider local benefits in relation to skills, training, employment and carbon benefits.
15. Recognition of the potential around a green recovery particularly with energy generation and potential for Hydrogen in the North East.
16. Infrastructure investment to support and boost the economy is seen as an important aspect of accelerating recovery. There are local signs of healthy order books in the short term but concern and uncertainty of the availability of public sector infrastructure works beyond the next 12 months.
17. Concern remains regarding the Housing market and impacts on construction jobs.
18. Need for support for start up business to help them become sustainable.
19. Recognition that Local Authority funding has been impacted significantly through loss of income and increased demand and that interventions will need to be targeted at areas of greatest need.
20. Concern over the potential loss of young people and skills from the area following redundancy and how we can retain critical skills in the area.
21. Demand that the growth deal funding needs to be provided over a shorter timeframe than 10-15 years to provide an economic boost from COVID 19.
22. Opportunity to promote the area as being a safe low infection risk area with good quality of life.
23. Warning of a rapid situation of rising unemployment and redundancy when the furlough scheme ends that will need a fast response in terms of assistance, training opportunities and retention of skills in Moray.
24. Needs to be clear links to match skills and training with areas of demand provided this autumn.

25. Impact on global tourism will impact high value brands from Moray and the area needs to be aware and lobby to support trading arrangements.
26. There needs to be increased provision of affordable housing, Planning and building standards systems needs to be fast and responsive and barriers removed.
27. There should be strong positive messaging about the area to counteract the negative scenarios and grasp opportunities for relocation to Moray.
28. A willingness from Business to assist in planning and helping to inform interventions and identify suitable options for improving town centres.



**SCOTTISH GOVERNMENT TOWN CENTRE CAPITAL  
FUND 2019 - 2021**

*ALTERATION OF LARGE RETAIL UNITS INTO SMALLER ONES*

**MORAY TOWN CENTRE  
Capital Fund  
2019 - 2021**



**APPLICATION FORM, GUIDANCE NOTES AND CONDITIONS**

REFERENCE NO:

The aim of this grant is to make a transformational and visual difference to the heart of Moray's town centres; to alter large vacant retail premises into smaller units, providing the opportunity for businesses to survive and thrive in the town centre.

Grants are available from the Moray Council through the 'Alteration of large retail units into smaller units' scheme for suitable projects within the town centres with a population of over a 1000 residents.

Grants are discretionary and the deadline for applications to be considered is **14<sup>th</sup> NOVEMBER 2020**

If you would like any assistance to complete this form, please email: [towncentrefund@moray.gov.uk](mailto:towncentrefund@moray.gov.uk)

**APPLICATION FORM**

Please refer to application guidance notes on page 6. Form to be completed in type or black ink.

1. Address of the property for which the grant is applied for:

2. Name of applicant (note 2):

3. Applicant address (if different from above) and contact details

Address:

Tel:

Email:

4. Do you own the property for which you are seeking grant? (note 2)

Yes

☐

No

☐

If no, please complete the following details (please continue on separate paper if necessary):

Applicant's interest in property:

Nature & term of lease:

Maintenance responsibilities under lease:

Owner's Name and Address:

5. Nature of applicant (e.g. householder, business, charity):

6. Name of Agent or Professional Advisor (if applicable):

7. What is the proposed end use of the property? (**Note 3**)

8. Please include details of proposed works to be carried out (**Note 4**)

**Photographs** – We would ask you to submit photographs – “before” works have commenced and “after” works have been completed

9. Have all the relevant statutory consents been applied for/awarded? (**Note 5**)

	Planning Permission	Listed Building Consent	Advertisement Consent	Building Warrant	Other (eg.
--	------------------------	----------------------------	--------------------------	------------------	---------------

					scaffolding)
<b>Ref No.</b>					
<b>Date Applied for</b>					
<b>Date Awarded</b>					

10. Are you VAT registered?

Yes

No

If yes, what is your VAT Registration Number?

11. Please ideally provide 3 quotes and indicate which contractors you will be using and the prices they have quoted for carrying out the proposed work (excluding VAT) in the table below **(Note 6)**

Element of works to be carried out	Preferred Contractor/s	Cost (excl.VAT)
	<b>Total Cost</b>	

12. Timetable

Project Start Date:

Project Completion Date:

Unless otherwise agreed in writing all specified grant funded works shall be completed by end March 2021, or at least have started and monies contractually committed before this date.

### 13. Declaration

**By submitting this application, I declare that the information contained in this application is accurate to the best of my knowledge**

If the applicant is two or more individuals (e.g. if the property is jointly owned) all must sign the completed form. If the applicant is an Organisation, an authorised member of the organisation must sign the completed form and give his/her position in the organisation.

I declare that:

- The information given in this form and the attached details are true and accurate to the best of my knowledge and belief.
- I can confirm that the quotations enclosed are bona fide competitive quotes
- I can confirm that the owner of the property, if appropriate, has agreed to the proposed works being carried out and that their written consent is enclosed
- I accept the grant is discretionary and is subject to funds being available
- Where submitting an application on behalf of an organisation or group I have the power to accept the grant subject to conditions and the power to repay the grant in the event that the conditions of the grant are not met.
- I will accept and abide by the terms and conditions of the grant award and the agreed works, failure to do so will render the applicant liable to return any grant disbursed.
- I will notify in writing of any variation in the agreed works prior to their implementation and allow sufficient time for their consideration.

An application will be invalid until all of the necessary documents and information is received and acknowledged

Print Name: .....

Signed: .....

Date: .....

Print Name: .....

Signed: .....

Date: .....

**The submission of this application and your acceptance of any formal grant offer which follows will form the basis of a legally binding contract between the applicant and Moray Council**

**Submitting this application means that you accept the terms and conditions of the grant**

**I agree to my personal information being used as outlined in the attached privacy notice on Page 10**



## 14. Checklist

- Please ensure that you have signed and dated the application and acceptance forms
- If you are not the property owner, please enclose written authority from the owner to carry out the proposed works
- Ensure that any statutory consent (planning/building standards/listed building etc) have been applied for /awarded. All consents must be in place before the agreed work commences.
- Ensure that you have included three quotes for the proposed works
- Ensure that you have included sufficient details about the proposed works and details of the end use

## APPLICATION GUIDANCE NOTES

**Please ensure that your proposal is for work within the heart of the community; turning larger retail units into smaller retail units, providing opportunity for businesses to survive and thrive in the town centre**

### **Note 1**

It is important that the property is free from restrictions that may affect the proposed scheme. This might include the requirement to seek approval from the building owner, title conditions, use restrictions imposed by the owner or Planning or other statutory requirements. It is your responsibility to ensure that no such restrictions apply, or that such restrictions will not affect your eligibility for the grant.

### **Note 2**

For applicants who do not own the building please give details of the interest in the property, the nature of the lease, its term and your responsibilities under the lease. It will also be a requirement of grant that the building owner signs the application form to indicate consent for the grant application. If you are acting on behalf of an organisation you should advise the Moray Council of the nature of your interest in the property.

### **Note 3**

The grant is available for projects and work that are transformational and will turn larger retail units in to smaller retail units. Please therefore give full details of the proposed end use of the property –new retail opportunities, potential use, new m2 alternative retail space created.

The property must be let for retail use for at least 5 years and it is expected that the Landlord will act responsibly

### **Note 4**

Please advise us of the proposed works that will take place.

Eligible works can include:

- Works to property entrance to create access
- Structural work
- Window replacement
- Professional fees

Other works which may be considered include electrical rewiring/upgrade, heating upgrade, boiler installation, plumbing repairs.

Non-eligible works

Grants are not available for cosmetic works including new kitchens, bathroom suites, floor coverings, shop fixtures and fittings

Grants are not available retrospectively for works that have already been carried out/completed

As part of the evaluation for the success of the scheme, we ask that you submit photographs of the property before works have commenced and after work has been completed. You may also be asked to take part in an evaluation of the scheme

It is the responsibility of the applicant to ensure that the work is completed to his/her satisfaction

**Note 5**

**Statutory Consents** - Planning Permission, Building Warrant, Listed Building Consent and other consents may be needed for alterations or change of use of property. You must obtain consents, if required, and must meet any other legislative requirements prior to commencement of works. Grants will only be finalised after these matters have been resolved.

If the property is within a Conservation Area, it is important that the repairs are in keeping with the Conservation Area guidelines and principals

**Note 6**

Where possible, please provide three itemised quotations for the proposed work from appropriate contractors.

The quotations must cover identical areas of work. Any quote must give a detailed and itemised breakdown. Quotes must be presented on company headed paper and include full details of the company, business address. All costs are exclusive of VAT.

**Application Assessment, submission and Decision**

Your completed application and agreement should be submitted for assessment. If successful, you will receive written notification and a Letter of Grant Offer. Please note that no grant related work should start before written approval has been received.

Projects that are awarded a grant should be completed by end **March 2021, or at least have started and monies contractually committed before this date. All works have to be completed before September 2021.**

Please email your signed and completed application form to  
[towncentrefund@moray.gov.uk](mailto:towncentrefund@moray.gov.uk)

## CONDITIONS

### GRANT AWARD

The scheme offers grants of up to 50% of the eligible costs so the grant awarded would be up to a **maximum of £50,000 or 50% of the eligible costs, whichever is the lesser amount**, therefore match-funding of at least 50% will be required from the property owner

#### Example

Eligible Work costs	Actual spend on eligible works	Grant £ total	Owner £ total	Grant award and reason
£150,000	£150,000	£50,000	£100,000	£50,000 is the maximum permitted grant
£150,000	£130,000 *	£50,000	£80,000	£50,000 is the maximum permitted grant
£150,000	£170,000 **	£50,000	£120,000	£50,000 is the maximum permitted grant
£90,000	£90,000	£45,000	£45,000	50% of eligible works is less than maximum permitted grant (£50,000)
£90,000	£70,000 *	£35,000	£35,000	50% of eligible works is less than maximum permitted grant (£50,000)
£90,000	£110,000 **	£50,000	£60,000	£50,000 is the maximum permitted grant

NOTE: \* indicates an underspend on eligible costs and \*\* indicates an overspend on eligible costs

### PAYMENT AND POST GRANT CONDITIONS

If your grant application is successful, the Moray Council will issue a formal offer of grant to you which must be accepted, in writing, within 14 days of the grant offer letter.

Payment of the grant will only be made on the satisfactory completion of the work and following submission of all paid, receipted original invoices and the completed grant claim form. Payment is made directly to the grantee and may take up to 30 days. For larger projects, a claim schedule may be available.

The Moray Council reserves the right to require re-payment of the grant, or proportion thereof, if the property is sold or not anymore used for the agreed purposes or the grant-aided works to the building are inadequately maintained

The applicant shall advise the Moray Council in writing of any intended sale or other disposal of the property or termination of a leasehold interest where this occurs within five years of the payment of grant.

Year from date of grant in which pay back occurs	Percentage of original grant to be recovered
0 – 3 years	50%
4 – 5 years	30%

The Moray Council also reserves the right to withdraw the offer of grant or require repayment of the grant or a portion thereof where:-

- (a) You become insolvent before completion of the Grant-Aided Works;
- (b) It appears to the Moray Council that any of the information submitted in connection with your application for grant is fraudulent, false or materially misleading;
- (c) If in the reasonable opinion of the Moray Council, you have withheld information which would have had a material bearing on our decision to approve the grant; and/or
- (d) You fail to observe and comply with any and all legislation applicable to you and/or the terms of any planning or listed building consent and/or building warrant and if you are a tenant of the property to which this grant relates, if you have not obtained the consent of the landlord to the repairs.

The Moray Council reserves the right to withhold all, or part of the grant, if any of the conditions are not complied with.



## **PRIVACY NOTICE**

### **Town Centre Capital Fund 2019-2021 Applications**

#### **How we use your information**

As part of processing your application for external funding the Council requires your personal data in order to:

- Inform you of the outcome of your application
- Verify your identity before awarding any funds
- Transfer any awarded funds to the correct bank account
- To allow for evaluation of the project after it has completed and to gather feedback

As such, if you do not provide your consent for us to use your personal data in this way we will be unable to process your application.

#### **Our legal basis**

Whenever the Council processes personal data we need to make sure we have a legal basis for doing so. We understand the Council's basis in data protection law to be Article 6(1)(a) of the General Data Protection Regulation (GDPR) because you have given consent to your personal data being used as outlined in this privacy notice.

#### **Who we share your information with**

Your personal data may be shared internally with authorised officers of the Council if having access to personal data is a necessary part of their roles to ensure records are accurate and up to date which improves the standard of the services we deliver. It may also be shared with other relevant Council departments where applicable.

As part of the processing your personal data may be shared with third parties. These third parties include, but are not limited to, Scottish Government (in order to measure the effectiveness of the funds used).

The Council may also share your personal data with other relevant Council departments and third parties, where we are under a legal obligation to do so. For example this may be with Police, UK Border Agency or other Registered Professional Bodies.

The Council is required by law to protect public funds against fraud. It may share personal data with other relevant Council departments and third parties responsible for auditing and administering public funds, or who otherwise have responsibility for preventing and detecting fraud.

#### **How long the information is held for**

Your personal data will be held by Moray Council for a pre-determined length of time. You can find all the information about how long we retain personal data for on our website:

[http://www.moray.gov.uk/moray\\_standard/page\\_92820.html](http://www.moray.gov.uk/moray_standard/page_92820.html) (found on the Moray Council website under Section 5 of the Records Management Plan)

## Your rights

Moray Council is the Data Controller for this personal data. You have legal rights about the way the Council handles and uses your personal data. These include the right to ask for a copy of it, to ask us to correct it and to ask us to stop doing something with your personal data. You have the right to withdraw consent to your personal data being used for this process. For more information about these rights please contact the Council's Data Protection Officer at [info@moray.gov.uk](mailto:info@moray.gov.uk) or 01343 562633.

As so far as the legislation permits, you also have the right to request the deletion of your data and to object to the processing.

You also have the right to make a complaint to the Information Commissioner's Office. They are the body responsible for making sure organisations like the Council handle your personal data lawfully.

### Information Commissioner's Office

Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Telephone: 0303 123 1113

Email: [casework@ico.gov.uk](mailto:casework@ico.gov.uk)

Website: [www.ico.org.uk](http://www.ico.org.uk)

<b>For Office Use Only.</b>			
Date Received:		Decision Date:	
Decision:	Approve	Refuse	Date Valid:
Notification of Decision:		Grant Award Amount:	








---

**REPORT TO: MORAY COUNCIL ON 28 OCTOBER 2020**

**SUBJECT: BT PAYPHONES**

**BY: DEPUTY CHIEF EXECUTIVE: ECONOMY, FINANCE AND ENVIRONMENT**

## **1. REASON FOR REPORT**

- 1.1 To inform the Council of BT's proposal to remove 13 payphones in autumn 2020 in Moray and to seek approval for the Council's response to BT.
- 1.2 Whilst delegated authority for this subject matter lies with the Economic Development & Infrastructure Committee/Policy & Resources, due to the timescale for response it is being brought to Full Council for consideration.

## **2. RECOMMENDATION**

### **2.1 It is recommended that the Council agrees to:**

- (i) BT's proposed removal of 1 payphone– noting that there do not appear to be reasonable grounds to object according to BT's criteria;
- (ii) object to the removal of 6 payphones for which there are valid reasons to object, according to BT's criteria; and
- (iii) the "adoption" of 6 traditional red payphones by local community groups
- (iv) delegate future consultation responses regarding BT payphones to the Head of Economic Growth and Development in consultation with Local Members.

## **3. BACKGROUND**

- 3.1 BT has stated that it would not remove public payphones from the following: suicide hotspots; accident hotspots; areas with no mobile phone coverage on all four networks; areas within 400 metres of the coast.

3.2 In addition BT has stated it won't remove a public payphone where there is a "reasonable need". BT defines this as having the following three conditions all applying:

- The only payphone within 800 metres
- Had at least 12 phone calls within the last year
- More than 500 households within 1 kilometre of the payphone

3.3 This subject was reported to the Full Council on 7 December 2016, 2 October 2019 and April 2020.

3.4 BT has not challenged any of the previous decisions of Moray Council. OFCOM rules state that BT would have to apply to the Competition Appeals Tribunal to challenge a decision of the Council.

### 3.5 CONSULTATION PROCESS

- a) July 2020. BT placed notices on the 13 payphones earmarked for removal saying that Moray Council should be contacted with any comments.
- b) Mid August 2020. The Council created an online public survey (using Survey Monkey) and this was publicised via social media, the Council website and a press release.
- c) 17 August: The survey was emailed to all Moray community councils.
- d) 18 September: Deadline for responses. People were also given the opportunity to email, phone or write in their comments.

### 3.6 SURVEY RESPONSES

- a) 48 responses were received in total (this compared to 15 responses for the previous consultation in April 2020 and 59 in 2019).
- b) 37 of those were objections to the removals, whilst 3 agreed. The rest wanted to "adopt" a payphone.
- c) The Tomintoul Square payphone received the most objections (16), followed by Auchenthalrig (13) and Keith Reidhaven Square (12). It is proposed that the Council object to the removal of these three.

3.7 Here is the proposed list of responses to the 13 payphones.

Agree	Califer Rd/Pilmuir Rd, Forres	No grounds for objection as there is another payphone within 800metres (by High Street Post Office)
Object	Reidhaven Square, Keith	Used more than 12 times a year; more than 500 households within 1k; and no other payphones within 800m.
Object	Auchenthalrig	Poor mobile phone reception. Council also objected in 2016 and 2019 and situation hasn't changed.
Object	Farquhar St/Harbour St, Hopeman	Used more than 12 times a year; more than 500 households within 1k; and no other payphones within 800m.

Object	The Square, Tomintoul	Poor mobile phone reception. Defibrillator beside payphone. Council also objected in 2019 and situation hasn't changed.
Object	Chapelton (by Tomintoul)	No mobile phone reception
Object	Victoria Street, Craigellachie	Near accident blackspot. Council also objected in 2016 and 2019 and situation hasn't changed.
Adopt	By old Post Office, Cabrach	Cabrach Community Association – for a defibrillator
Adopt	Bridgend Cottages, Lower Cabrach	Cabrach Community Association – for a mini library and tourist info kiosk
Adopt	Auchnarrow	Glenlivet & Inveravon Community Association
Adopt	Tomnavoulin	Glenlivet & Inveravon Community Association
Adopt	Glenlivet	Glenlivet & Inveravon Community Association
Adopt	Ballcorach, by Tomintoul	Kirkmichael Hall organisation – for a defibrillator

- 3.8 Note that Glenlivet & Inveravon Community Association said they would adopt the three payphones mentioned in the table above if all other avenues of retaining had been looked into. However there are no reasonable grounds for objecting to their removal according to BT criteria. All three have mobile phone reception on at least one network meaning an emergency 999 call can be made – and none of them are in areas with more than 500 households within 1 kilometre.
- 3.9 Given the wide consultation process utilised and the desire to ensure that full committee consideration is reserved for only those matters which require a public debate, it is recommended that future responses are delegated in consultation with local members.

#### 4. **SUMMARY OF IMPLICATIONS**

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

The removal of payphones could have an influence on one of the five main Outcomes of the 10 Year Plan of a “thriving and well connected place where more people live well within their communities”. By objecting to the removal of payphones where there is a recognised need then we will be assisting with this outcome.

Similarly, the Moray Corporate Plan’s vision is for “connected communities”.

##### **(b) Policy and Legal**

OFCOM placed the responsibility for assessing any requests by BT to remove public payphones upon each local authority. Any objections must

be based on the grounds of meeting the reasonable needs of end users (which BT has a regulatory duty to meet).

**(c) Financial implications**

There are no financial implications to Moray Council from this report.

**(d) Risk Implications**

There are no risk implications to Moray Council from this report.

**(e) Staffing Implications**

There are no staffing implications to Moray Council from this report.

**(f) Property**

There are no staffing implications to Moray Council from this report.

**(g) Equalities/Socio Economic Impact**

The Equal Equalities Officer was consulted and is in agreement with this report. The objections are based on an identified need within the local areas.

**(h) Consultations**

Consultation has taken place with the Depute Chief Executive (Economy, Environmental and Finance), the Head of Legal and Democratic Services, the Head of Economic Growth and Development, the Environmental Protection Manager, the Transportation Manager, Development Management & Building Standards Manager, the Head of Environmental and Commercial Services, the Equal Opportunities Officer, the Democratic Services Manager and the Head of Financial Services and their comments incorporated within the report.

**5. CONCLUSION**

**5.1 Subject to Council's agreement, an email will be sent from Moray Council to BT detailing the objections, agreement and adoptions for these 13 payphones. BT have set a deadline of 30 October 2020 for this email.**

Author of Report: Alan MacBeth, Development Officer  
Background Papers: Letter from BT and community consultation responses are available on request from the author of this report.  
Ref:




---

**REPORT TO: MORAY COUNCIL ON 28 OCTOBER 2020**

**SUBJECT: TOWN CENTRE FUND CAPITAL GRANT 2020 TO 2021**

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

## **1. REASON FOR REPORT**

- 1.1 To provide Council with an update on additional funding allocation for the Town Centre Fund Capital Grant and to authorise proposed works and grant schemes.
- 1.2 This report is submitted to the Council in terms of Section III A (2) of the Council's Scheme of Administration relating to long-term financial plans.

## **2. RECOMMENDATION**

### **2.1 It is recommended that Council :-**

- (i) note the additional funding allocation;
- (ii) agree for town centres with a population of over 1000 residents
  - a. the grant scheme turning empty space into living space
  - b. the grant scheme for altering large vacant retail premises into smaller retail units, each as set out in the report;
- (iii) agree that the pre-existing mechanism for decision making and delegation of authority as set out in paragraph 3.10 of the report will continue for the additional funding; and
- (iv) agree to allocate £30,000 to cover a shortfall for the previously agreed restoration of the Market Cross in Forres.

## **3. BACKGROUND**

- 3.1 In 2019 the Scottish Government allocated £1,233,000 to Moray for capital expenditure of the local authority and/or to be used to fund third party capital expenditure, either directly or through the provision of grants to third parties (public sector bodies, private/third sector bodies or individuals) to stimulate and support place based economic investments, which encourage town

centres with a population of over a 1000 residents to diversify and flourish, creating footfall through local improvements and partnerships. Specifically, this fund was to contribute to transformative investments which drive local economic activities and re-purpose town centres to become more diverse, successful and sustainable.

- 3.2 Originally it was expected that any works would be completed; or at least work or contracts signed and/or commenced within 2019-20. In February 2020 the Government agreed to extend the expenditure deadline for all projects to 31 March 2021 with a final evaluation report to be submitted by end of September 2021.
- 3.3 In September 2020, the Scottish Government announced further investment into capital regeneration as part of a wider economic recovery stimulus package, particularly aimed at supporting construction activity across Scotland. The Scottish Government agreed with COSLA and local authority Leaders that £18 million will be provided to local authorities through the Town Centre Fund. As outlined in the report Economic Recovery Plan to the Economic Growth, Housing and Environmental Sustainability Committee on 6 October 2020, (para 8 of the draft minute of refers) Moray's allocation is £443,000.
- 3.4 The expenditure deadline for all new projects is 31 March 2021. Expenditure is defined as "It is expected that work will be completed; or, at least work or contracts signed or commenced within 2020/21" with a final evaluation report to be submitted by end of September 2021.
- 3.5 It is proposed for the town centres with a population of over 1000 residents to reopen up the grant scheme to turn empty space into living space and to provide new grants for alterations to large vacant retail units into smaller ones.
- 3.6 For the turning empty space to living space scheme for residential and/or student accommodation, the grants would be available at a 25% intervention rate and but capped at £50,000. Full details of the updated application from are included as **APPENDIX I**.
- 3.7 In September 2020 a town centre vacancy rate survey was completed, showing that there were 34 empty units in Elgin, 12 in Keith, 12 in Buckie, 4 in Forres and 4 in Lossiemouth of which the number of vacant large retail units were 6 in Elgin, 4 in Forres & 2 in Keith.
- 3.8 In response to this vacancy snapshot, it is proposed to provide new grants for alterations of large vacant retail units into smaller ones. Grants would be available at a 50% intervention rate and capped at £50,000 for the town centres with a population of over 1000 residents. Full details of the application from are included as **APPENDIX II**.
- 3.9 In light of time constraints, advance authority to advertise the grant schemes was given by the Economic Growth, Housing and Environmental Sustainability Committee at its meeting on 6 October 2020. Application forms will be available online from the Moray Council website and for any enquiries or to discuss any proposals, people will be invited to get in touch via e-mail

[towncentrefund@moray.gov.uk](mailto:towncentrefund@moray.gov.uk) leaving their contact details. For both grant schemes the deadline is 14 November 2020.

- 3.10 For the administration of the funds, it is planned to continue with the present arrangements as per Council agreement on 8 May 2019 (para 13 of the minute of refers). The in-house working group of relevant officers will assess any applications and will make recommendations for funding. Under the previously agreed delegated authority, the Head of Economic Growth & Development in consultation with the Convenor of the Council and group leaders will approve any grants.
- 3.11 Under the Town Centre Fund 2019 to 2020 theme of Community & Place/Quality Impression, it was previously agreed to restore the Market Cross in Forres with an estimate for works of £11,580. However it was not possible to carry out the work, as it became apparent that the urgently required need to arrest stone decay, which has resulted in the loss of carved architectural detail would require more funding. As it is a focal point within the High Street and no other funding sources are available for this urgent repair, it is proposed to allocate £30,000 from the new Town Centre Fund 2020 to 2021 allocation to cover the shortfall.

#### **4. SUMMARY OF IMPLICATIONS**

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

The Town Centre Funds proposals will contribute to achieve the corporate plan priority to promote economic development and growth, also the LOIP priority of a growing and sustainable economy.

**(b) Policy and Legal**

The Council considers support for economic development issues on their merits, against the objective to facilitate sustainable economic growth and the desired outcomes of the Ten Year Plan and Corporate Plan. Applications packs with grant conditions were finalised with support and in consultation from Legal.

**(c) Financial implications**

Moray's additional allocation to the Town Centre Fund is £443,000. If the additional allocation of £30,000 to cover the shortfall for the restoration of the Market Cross in Forres is agreed, it would leave £413,000 for the proposed grant schemes. Depending on the uptake of the grants at 25% and/or 50% intervention rate, it would generate between £413,000 to over £1.6 million in match funding investment.

**(d) Risk Implications**

All possible care is taken across departments delivering externally funded projects to mitigate any risks. One of the main risks is the time constraints in which the fund has to be ideally spent by, which is the end of this financial year 2020/21. Final claims have to be submitted by no later than September 2021 providing some leeway for potential adverse weather conditions.

**(e) Staffing Implications**

The work has to be accommodated within existing staffing resources, as the fund is for capital expenditure only.

**(f) Property**

The fund has enabled work on Council properties, which would not have been possible otherwise under the present financial constraints.

**(g) Equalities/Socio Economic Impact**

An impact assessment is not required, however all proposals have considered equality implications such as accessibility

**(h) Consultations**

Consultation has taken place with the Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth and Development, the Legal Services Manager, the Estates Manager, the Equal Opportunities Officer, Paul Connor (Principal Accountant) and the Democratic Services Manager have been consulted and comments received have been incorporated into the report.

**5. CONCLUSION**

**5.1 The Scottish Government recent investment into the capital regeneration provides Moray with an additional allocation of £443,000 to the existing £1.23 million Town Centre Fund.**

**5.2 It provides much needed opportunity to stimulate and support place based economic investments, which encourages town centres to diversify, become successful and sustainable.**

Author of Report: Reni Milburn, Economic Growth & Regeneration Manager

Background Papers: Documents on file in Economic Growth & Regeneration section.

Ref:



REFERENCE NO:	
---------------	--

**If you would like any assistance to complete this form, please email: [towncentrefund@moray.gov.uk](mailto:towncentrefund@moray.gov.uk)**

4. Do you own the property for which you are seeking grant? (note 2)	yes	no
----------------------------------------------------------------------	-----	----

Page 1 of 11

Applicant's interest in property:

Nature & term of lease:

Maintenance responsibilities under lease:

Owner's Name and Address:

5. Nature of applicant (e.g. householder, business, charity):

6. Name of Agent or Professional Advisor (if applicable):

7. What is the proposed end use of the property? (**Note 3**)

8. Please include details of proposed works to be carried out (**Note 4**)

**Photographs** – We would ask you to submit photographs – “before” works have commenced and “after” works have been completed

9. Have all the relevant statutory consents been applied for/awarded? (**Note 5**)

	Planning Permission	Listed Building Consent	Advertisement Consent	Building Warrant	Other (eg.
--	------------------------	----------------------------	--------------------------	------------------	---------------

					scaffolding)
<b>Ref No.</b>					
<b>Date Applied for</b>					
<b>Date Awarded</b>					

10. Are you VAT registered?

Yes

No

If yes, what is your VAT Registration Number?

11. Please ideally provide 3 quotes and indicate which contractors you will be using and the prices they have quoted for carrying out the proposed work (excluding VAT) in the table below **(Note 6)**

Element of works to be carried out	Preferred Contractor/s	Cost (excl.VAT)
	<b>Total Cost</b>	

12. Timetable

Project Start Date:

Project Completion Date:

Unless otherwise agreed in writing all specified grant funded works shall be completed by end March 2021, or at least have started and monies contractually committed before this date.

### 13. Declaration

**By submitting this application, I declare that the information contained in this application is accurate to the best of my knowledge**

If the applicant is two or more individuals (e.g. if the property is jointly owned) all must sign the completed form. If the applicant is an Organisation, an authorised member of the organisation must sign the completed form and give his/her position in the organisation.

I declare that:

- The information given in this form and the attached details are true and accurate to the best of my knowledge and belief.
- I can confirm that the quotations enclosed are bona fide competitive quotes
- I can confirm that the owner of the property, if appropriate, has agreed to the proposed works being carried out and that their written consent is enclosed
- I accept the grant is discretionary and is subject to funds being available
- Where submitting an application on behalf of an organisation or group I have the power to accept the grant subject to conditions and the power to repay the grant in the event that the conditions of the grant are not met.
- I will accept and abide by the terms and conditions of the grant award and the agreed works, failure to do so will render the applicant liable to return any grant disbursed.
- I will notify in writing of any variation in the agreed works prior to their implementation and allow sufficient time for their consideration.

An application will be invalid until all of the necessary documents and information is received and acknowledged

Print Name: .....

Signed: .....

Date: .....

Print Name: .....

Signed: .....

Date: .....

**The submission of this application and your acceptance of any formal grant offer which follows will form the basis of a legally binding contract between the applicant and Moray Council**

**Submitting this application means that you accept the terms and conditions of the grant**

**I agree to my personal information being used as outlined in the attached privacy notice on Page 10**

## 14. Checklist

- Please ensure that you have signed and dated the application and acceptance forms
- If you are not the property owner, please enclose written authority from the owner to carry out the proposed works
- Ensure that any statutory consent (planning/building standards/listed building etc) have been applied for /awarded. All consents must be in place before the agreed work commences.
- Ensure that you have included three quotes for the proposed works
- Ensure that you have included sufficient details about how the proposal will be transformational and provide full details of the end use

## APPLICATION GUIDANCE NOTES

**Please ensure that your proposal is for transformational work within the heart of the community; turning empty space into living space for residential and/or student accommodation**

### **Note 1**

It is important that the property is free from restrictions that may affect the proposed scheme. This might include the requirement to seek approval from the building owner, title conditions, use restrictions imposed by the owner or Planning or other statutory requirements. It is your responsibility to ensure that no such restrictions apply, or that such restrictions will not affect your eligibility for the grant.

### **Note 2**

For applicants who do not own the building please give details of the interest in the property, the nature of the lease, its term and your responsibilities under the lease. It will also be a requirement of grant that the building owner signs the application form to indicate consent for the grant application. If you are acting on behalf of an organisation you should advise the Moray Council of the nature of your interest in the property.

### **Note 3**

The grant is available for projects and work that are transformational and will turn empty space into living space for residential and/or student accommodation only. Please therefore give full details of the proposed end use of the property – will it be residential, student accommodation, m2 transformed into living space.

The property must be let for residential/student accommodation for at least 5 years and it is expected that the Landlord will act responsibly

### **Note 4**

Please advise us of the proposed works that will take place.

Eligible works can include:

- Works to property entrance to create access
- Structural work
- Window replacement
- Professional fees

Other works which may be considered include electrical rewiring/upgrade, heating upgrade, boiler installation, plumbing repairs.

Non-eligible works

Grants are not available for cosmetic works including new kitchens, bathroom suites, floor coverings and holiday let properties

Grants are not available retrospectively for works that have already been carried out/completed

As part of the evaluation for the success of the scheme, we ask that you submit photographs of the property before works have commenced and after work has been completed. You may also be asked to take part in an evaluation of the scheme

It is the responsibility of the applicant to ensure that the work is completed to his/her satisfaction

#### **Note 5**

**Statutory Consents** - Planning Permission, Building Warrant, Listed Building Consent and other consents may be needed for alterations or change of use of property. You must obtain consents, if required, and must meet any other legislative requirements prior to commencement of works. Grants will only be finalised after these matters have been resolved.

If the property is within a Conservation Area, it is important that the repairs are in keeping with the Conservation Area guidelines and principals

#### **Note 6**

Where possible, please provide three itemised quotations for the proposed work from appropriate contractors.

The quotations must cover identical areas of work. Any quote must give a detailed and itemised breakdown. Quotes must be presented on company headed paper and include full details of the company, business address. All costs are exclusive of VAT.

#### **Application Assessment, submission and Decision**

Your completed application and agreement should be submitted for assessment. If successful, you will receive written notification and a Letter of Grant Offer. Please note that no grant related work should start before written approval has been received.

Projects that are awarded a grant should be completed by end **March 2021, or at least have started and monies contractually committed before this date. All works have to be completed before September 2021.**

Please email your signed and completed application form to  
[towncentrefund@moray.gov.uk](mailto:towncentrefund@moray.gov.uk)

## CONDITIONS

### GRANT AWARD

The scheme offers grants of up to 25% of the eligible costs so the grant awarded would be up to a **maximum of £50,000 or 25% of the eligible costs, whichever is the lesser amount**, therefore match-funding of at least 75% will be required from the property owner

#### Example

Eligible Work costs	Actual spend on eligible works	Grant £ total	Owner £ total	Grant award and reason
£250,000	£250,000	£50,000	£200,000	£50,000 – this is the maximum permitted grant
£250,000	£200,000 *	£50,000	£150,000	25% of eligible works is the maximum permitted grant (£50,000)
£250,000	£310,000 **	£50,000	£260,000	25% of eligible works is the maximum permitted grant (£50,000)
£150,000	£150,000	£37,500	£112,500	25% of the eligible works is less than the maximum permitted grant (£50,000)
£150,000	£100,000 *	£25,000	£75,000	25% of eligible works is less than maximum permitted grant (£50,000)
£150,000	£200,000 **	£50,000	£150,000	25% of eligible works is the maximum permitted grant (£50,000)
£150,000	£220,000**	£50,000	£170,000	£50,000 – this is the maximum permitted grant

NOTE: \* indicates an underspend on eligible costs and \*\* indicates an overspend on eligible costs

### PAYMENT AND POST GRANT CONDITIONS

If your grant application is successful, the Moray Council will issue a formal offer of grant to you which must be accepted, in writing, within 14 days of the grant offer letter.

Payment of the grant will only be made on the satisfactory completion of the work and following submission of all paid, receipted original invoices and the completed grant claim form. Payment is made directly to the grantee and may take up to 30 days. For larger projects, a claim schedule may be available.

The Moray Council reserves the right to require re-payment of the grant, or proportion thereof, if the property is sold or not anymore used for the agreed purposes or the grant-aided works to the building are inadequately maintained

The applicant shall advise the Moray Council in writing of any intended sale or other disposal of the property or termination of a leasehold interest where this occurs within five years of the payment of grant.

Year from date of grant in which pay back occurs	Percentage of original grant to be recovered
0 – 3 years	50%
4 – 5 years	30%



The Moray Council also reserves the right to withdraw the offer of grant or require repayment of the grant or a portion thereof where:-

- (a) You become insolvent before completion of the Grant-Aided Works;
- (b) It appears to the Moray Council that any of the information submitted in connection with your application for grant is fraudulent, false or materially misleading;
- (c) If in the reasonable opinion of the Moray Council, you have withheld information which would have had a material bearing on our decision to approve the grant; and/or
- (d) You fail to observe and comply with any and all legislation applicable to you and/or the terms of any planning or listed building consent and/or building warrant and if you are a tenant of the property to which this grant relates, if you have not obtained the consent of the landlord to the repairs.

The Moray Council reserves the right to withhold all, or part of the grant, if any of the conditions are not complied with.



## **PRIVACY NOTICE**

### **Town Centre Capital Fund 2019-2021 Applications**

#### **How we use your information**

As part of processing your application for external funding the Council requires your personal data in order to:

- Inform you of the outcome of your application
- Verify your identity before awarding any funds
- Transfer any awarded funds to the correct bank account
- To allow for evaluation of the project after it has completed and to gather feedback

As such, if you do not provide your consent for us to use your personal data in this way we will be unable to process your application.

#### **Our legal basis**

Whenever the Council processes personal data we need to make sure we have a legal basis for doing so. We understand the Council's basis in data protection law to be Article 6(1)(a) of the General Data Protection Regulation (GDPR) because you have given consent to your personal data being used as outlined in this privacy notice.

#### **Who we share your information with**

Your personal data may be shared internally with authorised officers of the Council if having access to personal data is a necessary part of their roles to ensure records are accurate and up to date which improves the standard of the services we deliver. It may also be shared with other relevant Council departments where applicable.

As part of the processing your personal data may be shared with third parties. These third parties include, but are not limited to, Scottish Government (in order to measure the effectiveness of the funds used).

The Council may also share your personal data with other relevant Council departments and third parties, where we are under a legal obligation to do so. For example this may be with Police, UK Border Agency or other Registered Professional Bodies.

The Council is required by law to protect public funds against fraud. It may share personal data with other relevant Council departments and third parties responsible for auditing and administering public funds, or who otherwise have responsibility for preventing and detecting fraud.

## How long the information is held for

Your personal data will be held by Moray Council for a pre-determined length of time. You can find all the information about how long we retain personal data for on our website:

[http://www.moray.gov.uk/moray\\_standard/page\\_92820.html](http://www.moray.gov.uk/moray_standard/page_92820.html) (found on the Moray Council website under Section 5 of the Records Management Plan)

## Your rights

Moray Council is the Data Controller for this personal data. You have legal rights about the way the Council handles and uses your personal data. These include the right to ask for a copy of it, to ask us to correct it and to ask us to stop doing something with your personal data. You have the right to withdraw consent to your personal data being used for this process. For more information about these rights please contact the Council's Data Protection Officer at [info@moray.gov.uk](mailto:info@moray.gov.uk) or 01343 562633.

As so far as the legislation permits, you also have the right to request the deletion of your data and to object to the processing.

You also have the right to make a complaint to the Information Commissioner's Office. They are the body responsible for making sure organisations like the Council handle your personal data lawfully.

### Information Commissioner's Office

Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Telephone: 0303 123 1113

Email: [casework@ico.gov.uk](mailto:casework@ico.gov.uk)

Website: [www.ico.org.uk](http://www.ico.org.uk)

For Office Use Only.			
Date Received:		Decision Date:	
Decision:	Approve	Refuse	Date Valid:
Notification of Decision:		Grant Award Amount:	



**SCOTTISH GOVERNMENT TOWN CENTRE CAPITAL  
FUND 2019 - 2021**

*ALTERATION OF LARGE RETAIL UNITS INTO SMALLER ONES*

**MORAY TOWN CENTRE  
Capital Fund  
2019 - 2021**



**APPLICATION FORM, GUIDANCE NOTES AND CONDITIONS**

REFERENCE NO:

The aim of this grant is to make a transformational and visual difference to the heart of Moray's town centres; to alter large vacant retail premises into smaller units, providing the opportunity for businesses to survive and thrive in the town centre.

Grants are available from the Moray Council through the 'Alteration of large retail units into smaller units' scheme for suitable projects within the town centres with a population of over a 1000 residents.

Grants are discretionary and the deadline for applications to be considered is **14<sup>th</sup> NOVEMBER 2020**

If you would like any assistance to complete this form, please email: [towncentrefund@moray.gov.uk](mailto:towncentrefund@moray.gov.uk)

**APPLICATION FORM**

Please refer to application guidance notes on page 6. Form to be completed in type or black ink.

1. Address of the property for which the grant is applied for:

2. Name of applicant (note 2)

3. Applicant address (if different from above) and contact details

Address:

Tel:

Email:

4. Do you own the property for which you are seeking grant? (note 2)

Yes

☐

No

☐

If no, please complete the following details (please continue on separate paper if necessary):

Applicant's interest in property:

Nature & term of lease:

Maintenance responsibilities under lease:

Owner's Name and Address:

5. Nature of applicant (e.g. householder, business, charity):

6. Name of Agent or Professional Advisor (if applicable):

7. What is the proposed end use of the property? (**Note 3**)

8. Please include details of proposed works to be carried out (**Note 4**)

**Photographs** – We would ask you to submit photographs – “before” works have commenced and “after” works have been completed

9. Have all the relevant statutory consents been applied for/awarded? (**Note 5**)

	Planning Permission	Listed Building Consent	Advertisement Consent	Building Warrant	Other (eg.
--	------------------------	----------------------------	--------------------------	------------------	---------------

					scaffolding)
<b>Ref No.</b>					
<b>Date Applied for</b>					
<b>Date Awarded</b>					

10. Are you VAT registered?

Yes

No

If yes, what is your VAT Registration Number?

11. Please ideally provide 3 quotes and indicate which contractors you will be using and the prices they have quoted for carrying out the proposed work (excluding VAT) in the table below **(Note 6)**

Element of works to be carried out	Preferred Contractor/s	Cost (excl.VAT)
	<b>Total Cost</b>	

12. Timetable

Project Start Date:

Project Completion Date:

Unless otherwise agreed in writing all specified grant funded works shall be completed by end March 2021, or at least have started and monies contractually committed before this date.

### 13. Declaration

**By submitting this application, I declare that the information contained in this application is accurate to the best of my knowledge**

If the applicant is two or more individuals (e.g. if the property is jointly owned) all must sign the completed form. If the applicant is an Organisation, an authorised member of the organisation must sign the completed form and give his/her position in the organisation.

I declare that:

- The information given in this form and the attached details are true and accurate to the best of my knowledge and belief.
- I can confirm that the quotations enclosed are bona fide competitive quotes
- I can confirm that the owner of the property, if appropriate, has agreed to the proposed works being carried out and that their written consent is enclosed
- I accept the grant is discretionary and is subject to funds being available
- Where submitting an application on behalf of an organisation or group I have the power to accept the grant subject to conditions and the power to repay the grant in the event that the conditions of the grant are not met.
- I will accept and abide by the terms and conditions of the grant award and the agreed works, failure to do so will render the applicant liable to return any grant disbursed.
- I will notify in writing of any variation in the agreed works prior to their implementation and allow sufficient time for their consideration.

An application will be invalid until all of the necessary documents and information is received and acknowledged

Print Name: .....

Signed: .....

Date: .....

Print Name: .....

Signed: .....

Date: .....

**The submission of this application and your acceptance of any formal grant offer which follows will form the basis of a legally binding contract between the applicant and Moray Council**

**Submitting this application means that you accept the terms and conditions of the grant**

**I agree to my personal information being used as outlined in the attached privacy notice on Page 10**



## 14. Checklist

- Please ensure that you have signed and dated the application and acceptance forms
- If you are not the property owner, please enclose written authority from the owner to carry out the proposed works
- Ensure that any statutory consent (planning/building standards/listed building etc) have been applied for /awarded. All consents must be in place before the agreed work commences.
- Ensure that you have included three quotes for the proposed works
- Ensure that you have included sufficient details about the proposed works and details of the end use

## APPLICATION GUIDANCE NOTES

**Please ensure that your proposal is for work within the heart of the community; turning larger retail units into smaller retail units, providing opportunity for businesses to survive and thrive in the town centre**

### **Note 1**

It is important that the property is free from restrictions that may affect the proposed scheme. This might include the requirement to seek approval from the building owner, title conditions, use restrictions imposed by the owner or Planning or other statutory requirements. It is your responsibility to ensure that no such restrictions apply, or that such restrictions will not affect your eligibility for the grant.

### **Note 2**

For applicants who do not own the building please give details of the interest in the property, the nature of the lease, its term and your responsibilities under the lease. It will also be a requirement of grant that the building owner signs the application form to indicate consent for the grant application. If you are acting on behalf of an organisation you should advise the Moray Council of the nature of your interest in the property.

### **Note 3**

The grant is available for projects and work that are transformational and will turn larger retail units in to smaller retail units. Please therefore give full details of the proposed end use of the property –new retail opportunities, potential use, new m2 alternative retail space created.

The property must be let for retail use for at least 5 years and it is expected that the Landlord will act responsibly

### **Note 4**

Please advise us of the proposed works that will take place.

Eligible works can include:

- Works to property entrance to create access
- Structural work
- Window replacement
- Professional fees

Other works which may be considered include electrical rewiring/upgrade, heating upgrade, boiler installation, plumbing repairs.

Non-eligible works

Grants are not available for cosmetic works including new kitchens, bathroom suites, floor coverings, shop fixtures and fittings

Grants are not available retrospectively for works that have already been carried out/completed

As part of the evaluation for the success of the scheme, we ask that you submit photographs of the property before works have commenced and after work has been completed. You may also be asked to take part in an evaluation of the scheme

It is the responsibility of the applicant to ensure that the work is completed to his/her satisfaction

**Note 5**

**Statutory Consents** - Planning Permission, Building Warrant, Listed Building Consent and other consents may be needed for alterations or change of use of property. You must obtain consents, if required, and must meet any other legislative requirements prior to commencement of works. Grants will only be finalised after these matters have been resolved.

If the property is within a Conservation Area, it is important that the repairs are in keeping with the Conservation Area guidelines and principals

**Note 6**

Where possible, please provide three itemised quotations for the proposed work from appropriate contractors.

The quotations must cover identical areas of work. Any quote must give a detailed and itemised breakdown. Quotes must be presented on company headed paper and include full details of the company, business address. All costs are exclusive of VAT.

**Application Assessment, submission and Decision**

Your completed application and agreement should be submitted for assessment. If successful, you will receive written notification and a Letter of Grant Offer. Please note that no grant related work should start before written approval has been received.

Projects that are awarded a grant should be completed by end **March 2021, or at least have started and monies contractually committed before this date. All works have to be completed before September 2021.**

Please email your signed and completed application form to  
[towncentrefund@moray.gov.uk](mailto:towncentrefund@moray.gov.uk)

## CONDITIONS

### GRANT AWARD

The scheme offers grants of up to 50% of the eligible costs so the grant awarded would be up to a **maximum of £50,000 or 50% of the eligible costs, whichever is the lesser amount**, therefore match-funding of at least 50% will be required from the property owner

#### Example

Eligible Work costs	Actual spend on eligible works	Grant £ total	Owner £ total	Grant award and reason
£150,000	£150,000	£50,000	£100,000	£50,000 is the maximum permitted grant
£150,000	£130,000 *	£50,000	£80,000	£50,000 is the maximum permitted grant
£150,000	£170,000 **	£50,000	£120,000	£50,000 is the maximum permitted grant
£90,000	£90,000	£45,000	£45,000	50% of eligible works is less than maximum permitted grant (£50,000)
£90,000	£70,000 *	£35,000	£35,000	50% of eligible works is less than maximum permitted grant (£50,000)
£90,000	£110,000 **	£50,000	£60,000	£50,000 is the maximum permitted grant

NOTE: \* indicates an underspend on eligible costs and \*\* indicates an overspend on eligible costs

### PAYMENT AND POST GRANT CONDITIONS

If your grant application is successful, the Moray Council will issue a formal offer of grant to you which must be accepted, in writing, within 14 days of the grant offer letter.

Payment of the grant will only be made on the satisfactory completion of the work and following submission of all paid, receipted original invoices and the completed grant claim form. Payment is made directly to the grantee and may take up to 30 days. For larger projects, a claim schedule may be available.

The Moray Council reserves the right to require re-payment of the grant, or proportion thereof, if the property is sold or not anymore used for the agreed purposes or the grant-aided works to the building are inadequately maintained

The applicant shall advise the Moray Council in writing of any intended sale or other disposal of the property or termination of a leasehold interest where this occurs within five years of the payment of grant.

Year from date of grant in which pay back occurs	Percentage of original grant to be recovered
0 – 3 years	50%
4 – 5 years	30%

The Moray Council also reserves the right to withdraw the offer of grant or require repayment of the grant or a portion thereof where:-

- (a) You become insolvent before completion of the Grant-Aided Works;
- (b) It appears to the Moray Council that any of the information submitted in connection with your application for grant is fraudulent, false or materially misleading;
- (c) If in the reasonable opinion of the Moray Council, you have withheld information which would have had a material bearing on our decision to approve the grant; and/or
- (d) You fail to observe and comply with any and all legislation applicable to you and/or the terms of any planning or listed building consent and/or building warrant and if you are a tenant of the property to which this grant relates, if you have not obtained the consent of the landlord to the repairs.

The Moray Council reserves the right to withhold all, or part of the grant, if any of the conditions are not complied with.



## **PRIVACY NOTICE**

### **Town Centre Capital Fund 2019-2021 Applications**

#### **How we use your information**

As part of processing your application for external funding the Council requires your personal data in order to:

- Inform you of the outcome of your application
- Verify your identity before awarding any funds
- Transfer any awarded funds to the correct bank account
- To allow for evaluation of the project after it has completed and to gather feedback

As such, if you do not provide your consent for us to use your personal data in this way we will be unable to process your application.

#### **Our legal basis**

Whenever the Council processes personal data we need to make sure we have a legal basis for doing so. We understand the Council's basis in data protection law to be Article 6(1)(a) of the General Data Protection Regulation (GDPR) because you have given consent to your personal data being used as outlined in this privacy notice.

#### **Who we share your information with**

Your personal data may be shared internally with authorised officers of the Council if having access to personal data is a necessary part of their roles to ensure records are accurate and up to date which improves the standard of the services we deliver. It may also be shared with other relevant Council departments where applicable.

As part of the processing your personal data may be shared with third parties. These third parties include, but are not limited to, Scottish Government (in order to measure the effectiveness of the funds used).

The Council may also share your personal data with other relevant Council departments and third parties, where we are under a legal obligation to do so. For example this may be with Police, UK Border Agency or other Registered Professional Bodies.

The Council is required by law to protect public funds against fraud. It may share personal data with other relevant Council departments and third parties responsible for auditing and administering public funds, or who otherwise have responsibility for preventing and detecting fraud.

#### **How long the information is held for**

Your personal data will be held by Moray Council for a pre-determined length of time. You can find all the information about how long we retain personal data for on our website:

[http://www.moray.gov.uk/moray\\_standard/page\\_92820.html](http://www.moray.gov.uk/moray_standard/page_92820.html) (found on the Moray Council website under Section 5 of the Records Management Plan)

## Your rights

Moray Council is the Data Controller for this personal data. You have legal rights about the way the Council handles and uses your personal data. These include the right to ask for a copy of it, to ask us to correct it and to ask us to stop doing something with your personal data. You have the right to withdraw consent to your personal data being used for this process. For more information about these rights please contact the Council's Data Protection Officer at [info@moray.gov.uk](mailto:info@moray.gov.uk) or 01343 562633.

As so far as the legislation permits, you also have the right to request the deletion of your data and to object to the processing.

You also have the right to make a complaint to the Information Commissioner's Office. They are the body responsible for making sure organisations like the Council handle your personal data lawfully.

### Information Commissioner's Office

Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Telephone: 0303 123 1113

Email: [casework@ico.gov.uk](mailto:casework@ico.gov.uk)

Website: [www.ico.org.uk](http://www.ico.org.uk)

<b>For Office Use Only.</b>			
Date Received:		Decision Date:	
Decision:	Approve	Refuse	Date Valid:
Notification of Decision:		Grant Award Amount:	

