

MORAY COUNCIL

Minute of Special Meeting of the Moray Council

Tuesday, 12 December 2023

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

PRESENT

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

APOLOGIES

Councillor Ben Williams

IN ATTENDANCE

Chief Executive, Depute Chief Executive (Economy, Environment and Finance), Depute Chief Executive (Education, Communities and Organisational Development), Head of Governance, Strategy and Performance, Head of Environmental and Commercial Services, Head of HR, ICT and Organisational Development, Early Years' Service Manager, Strategic Services Transport Manager and Democratic Services Manager.

1. Chair

The meeting was chaired by Councillor Kathleen Robertson.

2. Festive Wishes

As it was the final meeting of the Moray Council of 2023, the Chair wished all members in the Chamber, online, staff and members of the public a merry Christmas and happy new year.

3. Congratulations

The Council joined the Chair in congratulating the Human Resources section on work to achieve the Armed Forces Gold Covenant Award on behalf of the Council. The Chair further thanked the reservists who go above and beyond their public service by working for the Council and in their spare time supporting the Armed Forces.

4. Declaration of Group Decisions and Members Interests *

In terms of Standing Order 21 and 23 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.

Councillor McLennan, in terms of Item 6 on the agenda declared that he was a Trade Union member and advised that a transparency statement as agreed with the Standards Commission, Monitoring Officer and himself was also sent to the Ethical Standards Commissioner by the Standards Commission. He advised that in terms of Item 6 he has a connection, via his partner's employment, that could be an interest that requires to be declared in any discussion on the particular line of the budget that would directly impact on their post. He did not consider, however, that it would meet the objective test in respect of the budget as a whole. This is because he does not consider that a member of the public, with knowledge of the relevant facts (being that the connection only applied to one line of the budget) would reasonably regard the connection as being so significant, in terms of consideration of the overall budget, that it would be considered as being likely to influence your discussion or decision-making on the overall budget. However if line A20 was to be discussed separately he would leave the Chamber at that point.

There were no other declarations of Member's interests in respect of any item on the agenda.

5. Resolution

The meeting resolved that in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting for Items 17-19 of business on the grounds that it involves the likely disclosure of exempt information of the class.

| Para Number of the Minute | Para Number of Schedule 7a |
|---------------------------|--|
| 9 | Para 6, 8 and 9 Information relating to the financial or business affairs of any particular person(s); and Information on proposed terms and/or expenditure to be incurred by the Authority. |
| 10 | Para 1 Information relation to staffing matters. |
| 11 | Para 9 Information relating to information on terms proposed or to be proposed by or to the Authority |

Councillor Van Der Horn sought clarification on why Appendix 6 of Item 6 of the agenda was being held in confidence as it is the results of a public consultation.

In response, the Depute Chief Executive (Education, Communities and Organisational Development) confirmed that the report relates to the budget and staffing implications therein. She further added that the results of the public consultation could be published in a different forum subsequent to today's meeting.

On the advice of the Head of Governance, Strategy and Performance, the Chair sought to continue to agree the resolution as there would be means of releasing the outcomes of the public consultation following the meeting.

Councillor Van Der Horn confirmed that he was happy with the approach.

6. Recommended Allowances for Kinship and Foster Carers

The meeting had before it a report by the Chief Officer, Health and Social Care Moray informing the Council of the recommended allowances for kinship and foster carers.

Following consideration the Council agreed:

- i) to endorse the adoption of the proposals regarding the recommended allowances for kinship and foster carers;
- ii) to delegate to the Head of Service for Children and Families and Justice Social Work to take the necessary steps to implement the Scottish Recommended Allowance (SRA), to back date any payments made from 1 April 2023 that have been below the SRA and to ensure that local rates continue to be reviewed as required to ensure all carers continue to receive at least the Scottish Recommended Allowance; and
- iii) that the annual review of payable allowances is transparent and that local rates remain appropriately aligned with the SRA. This will include a review of the current Council structure of allowances payable to eligible kinship and foster carers.

7. Charging for Services

Councillor Allan joined the meeting at the start of the consideration of this item.

The meeting had before it a report by the Depute Chief Executive (Economy, Environment and Finance) asking the Council to approve the revised Charging for Services Policy and agreed the default inflation increase for fees and charges for Council Services for the period 2024/25 to 2026/27.

In introducing the report the Chief Financial Officer advised Members that income generation is a key part of the Council's approved short to medium term financial strategy and the report is brought to the meeting in support of the strategy and also attempts to streamline the process.

Councillor Mustard sought clarification on para 3.6 in relation to the short life review group of officers who will annually look at the charges and whether some Elected Members should be on the group as it appears that Members would not have an oversight of charges for 3 years.

In response, the Chief Financial Officer confirmed that any proposed increase in charges which did not follow the policy would come back to Council for consideration and approval.

Councillor Leadbitter confirmed that he had similar concerns to those of Councillor Mustard however on talking to the Chief Financial Officer was assured that Members

could make alternative suggestions to charges via the budget setting process and budget meetings. He further sought agreement that an information report be added to the agenda yearly, prior to the charges being applied to allow Members to have an oversight of what the charges will be.

Councillor Gordon moved to amend recommendation 2.1 (iii) to read 'agrees that charges increased by the default increase do not require to be brought to Council for further approval unless there is any charge which is of interest to Members or exceptional circumstances.'

In response, the Depute Chief Executive (Economy, Environment and Finance) confirmed that Councillor Leadbitters suggestion of adding an information report with all the information on charges which would be on the same agenda as the exceptions were on would be sensible as it would give members all the baseline information and should Members wish to bring in charges where the policy approach was not supported then it could be done as a motion when considering the report rather than calling in the whole information report. She further added that recommendation 2.1 (iii) could be amended to include 'noting that full details of charges adjusted in line with policy will be provided as an information report on the same agenda'.

Councillor Gordon confirmed that he was happy with the information report proposal and withdrew his amendment.

Councillor Keith expressed concern about setting a policy for 3 years as workers do not tend to get a 3 year pay deal and felt that the charges should continue to be looked at on a yearly basis. He therefore moved to agree recommendations 2.1 (i), (iv) and (v) and amend recommendation 2.1 (ii) that the charges should continue to be looked at on a yearly basis and to delete recommendation (iii). This was seconded by Councillor Ross.

In response, the Chief Financial Officer clarified that it is not the intention to not report charges annually to Members, the report is to agree a default increase for charges for a 3 year period. This would provide Officers a longer term guidance when reviewing charges but an annual review of charges would still need to be carried out and brought to Members in terms of those charges which are not following the default rate and as has been suggested an information report with a complete suite of charges for members to review at the same time.

The Chief Executive further added that the Accounts Commission recommendation is that Councils start to consider medium to long term financial planning.

Councillor Robertson, seconded by Councillor Gatt moved the recommendations as printed with the inclusion of reference to the information report.

On the division there voted:

| | |
|------------------------|--|
| For the Motion (4) | Councillors Keith, Ross, Divers and McLennan |
| For the Amendment (21) | Councillors Robertson, Gatt, Allan, Bloomfield, Cameron, Colyer, Coull, Cowe, Dunbar, Fernandes, Gordon, Harris, Lawrence, Leadbitter, Macrae, McBain, Morrison, Mustard, Stuart, Van Der Horn, and Warren |
| Abstentions (0) | |

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

- i) the revised Charging Policy, as set out in Appendix 1;
- ii) the default increase for charges for Council services for the period 2024/25 to 2026/27 is the Consumer Price Index including owner occupiers' housing costs (CPIH) plus 1% as measured for October of the year before the increase takes effect;
- iii) that charges increased by the default increase do not require to be brought to Council for further approval noting that full details of charges adjusted in line with policy will be provided as an information report on the same agenda;
- iv) to request that Moray Integration Joint Board (MIJB) recommend charges for services delivered under the aegis of MIJB; and
- v) to note that after charges not complying with the default increase are approved by Council a comprehensive list of all charges for Council services for the coming financial year will be published on the Council's website.

8. Vary Order of Business

With reference to Standing Order 29, the Chair sought agreement to vary the order of the agenda due to Officer availability and Item 8 on the agenda would be taken as the first item in the confidential section.

This was unanimously agreed.

9 Buckie Harbour [Para 6, 8 and 9]

The meeting had before it a report by the Depute Chief Executive (Economy, Environment and Finance) informing the Council of additional dredging works that are required in Buckie Harbour to ensure that the Council is meeting its obligations.

Following consideration the Council unanimously agreed to approve additional capital budget as set out in para 5(c) in relation to additional dredging costs at Buckie Harbour and agrees Option A as the preferred Option and agrees to Option B, if Option A is not possible.

10. Short to Medium Term Financial Planning [Para 1]

The meeting had before it a report by the Depute Chief Executive (Economy, Environment and Finance) to consider the revised budget and estimated actual for 2023/24 and consequent revisions to the estimated budget position for 2024/25 and 2025/26.

Councillor McLennan sought clarification on whether line A20 would be considered separately. The Chair confirmed that the budget would be taken as a whole.

Councillor Dunbar sought clarification on whether the No Compulsory Redundancy Policy makes it difficult for the Council to achieve savings.

The Chief Financial Officer confirmed that it makes savings more difficult but does not preclude savings.

Councillor McLennan moved to change recommendation 3.2 (ii) to read 'Defer savings decision in Appendix 3 until full Scottish Government settlement and Council Tax freeze financing is known alongside an updated range of budget savings which shows the options for Councillors to close the gap, once that updated budget gap at that time. That decision to be made either at the Full budget meeting in 2024 or a Special Meeting following COSLA's Special Leader's Meeting of the 21 December 2023.'

In response the Depute Chief Executive (Economy, Environment and Finance) stated that it was highly unlikely that funding would be available to bridge the budget gap so delaying the report would not be advisable.

The Chair asked Councillor McLennan if he had a seconder to his motion. As there was no seconder the motion fell and in terms of Standing Order 67 Councillor McLennan requested that his dissent at the decision be recorded.

Following consideration the Council agreed to note:

- i) the revised budget and estimated actual for 2023/24 and current estimates for 2024/25 and 2025/26;
- ii) that there is still considerable uncertainty around key budget assumptions in 2023/24 which will further alter the budget gap
- iii) the risk factors set out in section 7 of this report; and
- iv) that the structural deficit of £14 million remains and given ongoing uncertainties, the Council still requires to make very significant levels of savings in a short timeframe.

The Council agreed to approve:

- i) the savings summarised in APPENDIX 3 to this report and consultation responses, noting that the public consultation responses (APPENDIX 4) have generally been supportive and any issues raised in the workforce consultation (APPENDIX 5) will be resolved through normal workforce management processes;
- ii) the saving from adopting a stationery catalogue for procurement as set out in paragraph 6.25;
- iii) amend the saving in relation to outdoor learning and HWRCs as set out in paragraphs 6.23-6.24;
- iv) the Income Strategy set out in paragraphs 6.1-6.10 of this report;
- v) reduction in the baseline budget for health and social care services from 2024/25 to reflect the reduction in pension costs as set out in paragraph 5.3; and
- vi) changing council meetings by making 28 February 2024 a Special Full Council in order to set the budget and 6 March 2024 a standard Council meeting as set out in paragraph 6.26.

11. Moray Education Early Learning and Childcare - Sustainable Rate Methodologies [Para 9]

The meeting had before it a report by the Depute Chief Executive (Education, Communities and Organisational Development) informing the Council of the ongoing evaluation of the sustainable rate for Early Learning and Childcare (ELC) funded hours and to provide methodology options for setting the sustainable rate for the 2024/25 financial year and onwards.

Following consideration the Council unanimously agreed to:

- i) note the ongoing process to evaluate the sustainable rate for ELC funded hours;
- ii) a standard methodology for setting the sustainable rate for ELC funded hours for the 2024/25 financial year and onwards based on Option 1 – Survey (Costs) with 8% reinvestment included for 2024/25 and 5% reinvestment for subsequent financial years;
- iii) to consider the allocation of budget to meet this cost for the 2024/25 financial year and subsequent years based on the agreed standard methodology; and
- iv) to apply any yearly uplifts based on the standard methodology in April of each year.