

# **MORAY COUNCIL**

## **Minute of Meeting of the Economic Development and Infrastructure Services Committee**

**Tuesday, 02 May 2023**

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

### **PRESENT**

Councillor Peter Bloomfield, Councillor John Cowe, Councillor John Divers, Councillor Amber Dunbar, Councillor David Gordon, Councillor Juli Harris, Councillor Sandy Keith, Councillor Graham Leadbitter, Councillor Marc Macrae, Councillor Paul McBain, Councillor Shona Morrison, Councillor John Stuart, Councillor Draeyk Van Der Horn, Councillor Sonya Warren

### **IN ATTENDANCE**

Depute Chief Executive (Economy, Environment and Finance), Head of Environmental and Commercial Services, Head of Housing and Property, Roads Maintenance Manager, Mrs D Anderson, Senior Engineer (Transportation), Consultancy Manager, Principal Climate Change Strategy Officer, Mr C Muir, Senior Officer (Economic Strategy and Development), Mr W Burnish, Senior Engineer (Flood Risk Management), Ms S Creswell, Community Wealth Building Officer, Legal Services Manager and Mrs L Rowan, Committee Services Officer as Clerk to the Committee.

### **1 Chair**

Councillor Macrae, being Chair of the Economic Development and Infrastructure Services Committee, chaired the meeting.

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

In terms of Standing Order 21 and the Councillors' Code of Conduct, there were no declarations from Group Leaders or Spokespersons in regard to any prior decisions taken on how Members will vote on any item on the agenda or any declarations of Member's interests in respect of any item on the agenda.

### **3 Condolences**

The Committee joined the Chair in expressing its sadness and condolence to the family of Stephen Cooper, former Head of Environmental and Commercial Services, following his recent passing and acknowledged that Stephen would be sadly missed by many.

The Committee joined the Chair in expressing further condolence to the family of Colin Lipscomb following his recent passing. Colin had been a member of Forres Community Council, Forres Hub, Forres Rotary and would be sadly missed by many.

#### **4 Minute of Meeting dated 7 February 2023**

The minute of the meeting of the Economic Development and Infrastructure Services Committee dated 7 February 2023 was submitted and approved.

#### **5 Written Questions**

The Committee agreed to note the following Written Question submitted by Councillor Fernandes and subsequent Council response:

Committee welcomes the Scottish Government's £939,000 capital allocation for the period 2023-2026 to refurbish play parks in Moray. This funding comes in addition to the £186,000 allocated between 2021 and 2023.

How is the additional funding from the Scottish Government being used, and what consideration is given to making play parks accessible for disabled children? What consideration is given to refurbishing play parks all across Moray?

#### **RESPONSE**

The Scottish Government's Play Area Renewal capital funding is used to deliver a prioritised refurbishment programme of Council maintained play areas across Moray.

The programme is informed by an independent annual inspection of all play areas across Moray which includes a condition scoring exercise. The lowest scoring parks are prioritised each year for refurbishment.

Working within the Open Space team's resources we aim to refurbish at least two play areas per financial year. The team works collaboratively with the Council's Community Support Unit and uses a participatory budgeting (PB) approach to allow the local community to be meaningfully engaged in each project, including influencing the design and brief for tendering, and in selecting the final design and contractor. The PB process is not about where the money is spent but on how the money is spent in a specific play area.

All new play areas tenders require that some inclusive equipment, including equipment suitable for those with hidden disabilities, is included in each project. The levels of inclusivity, accessibility and wheelchair friendly equipment is determined by both site constraints and by the community consultation results. The designs submitted by companies are put out to a public vote and the one with the most votes is selected.

The 2023/24 programme is currently underway and includes Mannachie Play Area, (Forres); Netherha Play Area (Buckie) and Tomnavoulin Play Area (Speyside). Subject to the costs for each upgrade, any surplus funding is used to support any other equipment repairs prioritised at other play areas, including surfacing or ground works.

#### **6 Notice of Motion - Whisky duty - Councillors Harris and Warren**

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

Committee notes that the UK Government's Spring Budget 2023 includes a 10.1% increase on spirits duty.

Committee further notes that the Scottish Whisky Association has described the increase as a “historic blow to the Scotch whisky industry” that will “reduce already tight margins for an industry that employs tens of thousands of people and invests hundreds of millions annually across the UK”, and that Moray MP said that the increase is “a blow to the industry which is so vital for jobs and the local economy in Moray”.

Committee recognises that the Scottish Whisky Association suggests that the duty increase will limit the industry’s ability to reinvest in job creation.

Committee recognises that roughly 50 percent of Scotland's whisky is produced in Speyside, and that the duty increase will therefore disproportionately negatively impact Moray’s job market.

Committee instructs the Chair of the Economic Development and Infrastructure to write to the Chancellor asking that the duty on spirits be reduced as a matter of urgency.

The Chair supported the Notice of Motion and stated that the local MP and Secretary of State for Scotland have expressed their concern over this issue and asked Councillors Harris and Warren, as proposer and seconder of the motion, if they would consider including that he write to the Secretary of State as well as the Chancellor.

Both Councillors Harris and Warren agreed to this.

Councillor Keith expressed his support for the motion however noted the Scottish Government’s current proposals to restrict alcohol advertising and asked if Councillors Harris and Warren, as proposer and seconder of the motion, if they would consider adding that the Chair of the Economic Development and Infrastructure Services Committee also write to the Scottish Government asking that they withdraw current proposals to restrict alcohol advertising as a matter of urgency.

Councillor Leadbitter pointed out that the First Minister had recently announced in a statement to parliament 2 weeks ago in relation to any restriction on alcohol advertising that he had instructed officials to take ideas back to the drawing board and work with the industry and public stakeholders to agree a new set of proposals.

Councillor Keith stated that he was not aware of this recent announcement and after consideration agreed to withdraw his request for a further addition to the Notice of Motion.

Thereafter, the Committee agreed that the Chair of the Economic Development and Infrastructure Services Committee write to the Chancellor and the Secretary of State for Scotland asking that the duty on spirits be reduced as a matter of urgency.

## **7 Notice of Motion - The Future of Disposal Vapes - Councillors Macrae and Van Der Horn**

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

That Committee understands that around 1.3 million disposable vapes are thrown away every week in the UK, although this figure is assumed to be greatly underestimated. As they are classed as nicotine based products primarily designed to reduce/replace smoking habits the figures are based on surveys from adults. Hence the figures don't include the number of teenagers who use them, especially as most of the disposable products are packaged and presented to appeal to younger generations.

A significant amount of the disposable vapes thrown away each week are not recycled properly and are instead littered or discarded with residual waste.

That Committee are concerned about the increasing number of these products and their improper disposal. The 1.3 million figure represents the equivalent of 1,200 electric car batteries or 10 tonnes of lithium – which is being sent to landfill or waste incinerators each year.

Committee notes that the country that produces the bulk of these products (China) has totally banned the sale and use of these disposable vapes. This is also the case in some European countries.

Vapes do fall under the current WEEE regulations both in England and Scotland, and should be disposed of correctly as any other electrical item. The Producer/Retailer responsibilities also apply, and each retailer of electrical equipment should either:

1. Provide a free, in store take back service
2. Set up an alternative free take back service
3. Join the distributor Takeback Scheme

However, as disposable vapes are now sold in many different outlets such as newsagents, cafes and hairdressers, these retailers are probably not fully aware of their responsibilities and most certainly don't comply with/promote take back schemes or even 'How to dispose of' information. As a result we are seeing more of these items disposed of as litter and they are becoming the new 'cigarette butt' alternative.

Committee asks that the Council Leader write to both the Scottish and UK Governments calling for a ban on the sale and manufacture of disposable vapes as soon as possible.

After introducing his Notice of Motion, the Chair called upon Councillor Van Der Horn, as seconder to make any further comment.

Councillor Van Der Horn wholly supported the motion however asked that the Chair consider an addition to the motion asking the Council Leader to call on retailers in Moray to take a lead and cease sales of disposable vapes.

In response, Councillor Macrae pointed out that whilst the Council could not propose such a regulation, the Council Leader could ask retailers to consider

reviewing the sales of their disposable vapes and agreed to include this in his motion.

Councillor Dunbar, whilst not opposing the motion, stated that she could not support a complete ban of vapes however suggested that young people would benefit from further education surrounding the effects of vaping on health and the environment, much like that given for smoking, drugs and alcohol use.

Following further discussion and there being no-one otherwise minded, the Committee agreed to ask that the Council Leader write to both the Scottish and UK Governments calling for a ban on the sale and manufacture of disposable vapes as soon as possible and that the Council Leader also calls on retailers in Moray to take a lead and cease sales of disposable vapes.

## **8 Economy, Environment and Finance Service Plans 2023-24**

Under reference to paragraph 15 of the Minute of the meeting of Moray Council dated 2 February 2023, a report by the Depute Chief Executive (Economy, Environment and Finance) invited the Committee to consider the Economy, Environment and Finance Service Plans for 2023-24, noting that the Service Plan for Financial Services will be considered at Corporate Committee on 13 June 2023, the Economic Growth and Development Services Plan will also be considered at the Planning and Regulatory Services Committee on 30 May 2023 and the Housing and Property Services Plan at the Housing and Community Safety Committee on 9 May 2023, each in terms of their respective remits.

Following consideration and in terms of the remit of this Committee, it was agreed to approve the Service Plans for Economic Growth and Development, Housing and Property Services and Environmental and Commercial Services as set out in Appendices 1-3 of the report.

## **9 Economic Recovery Plan Delivery 2022-23**

Under reference to paragraph 9 of the Minute of the meeting of the Economic Growth, Housing and Environmental Sustainability Committee dated 6 October 2020, a report by the Depute Chief Executive (Economy, Environment and Finance) provided the Committee with an overview of economic development activity delivered during the 2022/23 financial year, as set out within the Economic Recovery Plan.

Following consideration, the Committee:

- (i) acknowledged the positive impact of the Economic Recovery Plan in minimising the negative effects of the pandemic upon the local economy; and
- (ii) agreed that this be accepted as the final report covering the delivery of the Economic Recovery Plan.

## **10 Climate Change Plan and Route Map to Net Zero**

Under reference to paragraph 18 of the Minute of the meeting of Moray Council dated 6 April 2022, a report by the Depute Chief Executive (Economy,

Environment and Finance) asked the Committee to approve the update to the Route Map to Net Zero (RMNZ), approve in principle an updated climate change action plan subject to consideration as part of the financial planning process, approve a climate change engagement strategy and note progress with the actions approved within the Climate Change Strategy (CCS) for 2020-2030.

Following consideration, the Committee agreed to:

- (i) approve the updated RMNZ as set out in Appendix 1, the updated Climate Change Actions set out in Appendix 2, and the Climate Change Engagement Strategy set out in Appendix 3 of the report;
- (ii) note that, while the latest data available indicates that 2030 remains in the range of possible dates when net zero will be met, to ensure this is achieved the Council must commit to an aspirational approach to reducing carbon emissions in key areas but that the ability to implement such an approach is currently questionable without significant external funding; and
- (iii) note the ongoing budget pressure arising from statutory climate change measures, as set out in section 1.2 of Appendix 1 of the report, for which external funding is essential.

## **11 Lossiemouth to Hopeman Active Travel Route**

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the activity being undertaken by the Laich of Moray Active Travel Routes group (LoMATR), who are part of the Lossiemouth Community Development Trust (LCDT), to secure a new Active Travel Route (ATR) between Lossiemouth and Hopeman.

As one of the Local Ward Members, Councillor Cowe explained that the creation of an active travel path between Lossiemouth and Hopeman is a long standing ambition of the Community and Moray Council and provided an update in relation to funding that had been secured by the LCDT and highlighted problems that the LoMATR group were having in relation to obtaining appropriate land permission to take the project forward. Councillor Cowe explained the high demand for the route due to a lack of public transport between Hopeman and Lossiemouth and stated that the provision of this route would align with the objectives of the Council's Active Travel Strategy. Councillor Cowe further stated that whilst Sustrans Places for Everyone grant could provide funding for the path itself, ongoing maintenance of the route would need to be provided by the Council however due to the high specification and design life of the route and the low impact of active travel on infrastructure, constructive maintenance requirements are expected to be minimal for many years with maintenance likely to comprise of vegetation cut back.

In response, the Head of Environmental and Commercial Services explained that once a route was adopted by the Council then there was a legal requirement to maintain it and that this would come at a cost to the Council. She further advised that although the Council had approved its Active Travel Strategy, there were other existing routes that required investment and that, should the Council adopt the route between Hopeman and Lossiemouth as a priority, then another route which has scored higher in terms of priority, would have to slip and, having spoken to the Section 95 Officer, this was not considered to be financially prudent.

The Legal Adviser further advised that the Council had agreed its priorities however these had to be delivered against a finite resource in terms of money, staff and time.

The Chair, having considered the report in detail moved the recommendations as printed within the report. This was seconded by Councillor Bloomfield.

Councillor Cowe stated that he was well aware of the financial position of the Council and stressed that he was not asking the Council to commit to spending any money at this time but only if necessary at a later date which he hoped would be covered by the Scottish Government's pledge of £300 million towards active travel routes by 2025. He stated that the LoMATR group needed assistance from the Council to address problems in relation to land ownership and ongoing maintenance of the route and moved that the Committee agree to note recommendation 2.1 (i) as printed, agree recommendation 2.1 (ii) sections 1, 2, 3 and 5 of the criteria set out in paragraph 6.2 and agree recommendation 2.1 (iii) section 1, 2, 3 and 5 with staffing resources committed as required to deliver the project.

At this point, the Legal Adviser advised that, the Section 95 Officer had advised that, in her view, committing the Council to this project at this stage would be fiscally reckless and that the Committee should note the warning in the financial implications section of the report when making a decision and also have regard to the detail in the report which confirmed officers did not have capacity to take this project on.

After considering the advice from the Legal Adviser, there was no seconder for Councillor Cowe's amendment therefore it fell.

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

- (i) to note the activity undertaken by the Laich of Moray Active Travel Routes group to develop and seek funding for an Active Travel Route between Lossiemouth and Hopeman;
- (ii) the criteria set out in para 6.2 of the report that must be met by the group if Moray Council is to pursue a Compulsory Purchase Order (CPO) or use path designation powers; and
- (iii) that until the criteria identified in para 6.2 has been met, support for this project by Council officers be limited to the on-going provision of advice and information, in keeping with the current level of support.

## **12 Council Policy - Bridge Maintenance Prioritisation**

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the proposed Council Policy relating to prioritisation of bridge maintenance works, which will formalise the existing prioritisation process.

Following consideration, the Committee agreed to endorse the Council Policy as set out in paragraphs 3.4 to 3.11 of the report in relation to prioritisation of bridge maintenance works.

### **13 Roads Maintenance Revenue and Capital Budget 2023-2024**

Under reference to paragraph 5 of the Minute of the meeting of Moray Council dated 1 March 2023, a report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to note the interim outturn position for 2022/23 and approve detailed plans for the expenditure of funds allocated from the Revenue Budget 2023/24 to Roads Maintenance and from the Capital Budget 2023/24 including resurface/reconstruction, surface dressing, footways, drainage, lighting column replacement and lighting improvements.

Following consideration, the Committee agreed to:

- (i) approve the detailed allocation of funds, from the Revenue and Capital Budget 2023/24, to Roads Maintenance activities, as outlined in Section 5 of the report;
- (ii) grant delegated authority to the Roads Maintenance Manager to proceed with necessary roads maintenance works whilst noting that the Roads Maintenance Manager will, as soon as possible, publish a main list of schemes, which can be funded from the budget provision recommended in this report, and a reserve list of desirable schemes, which cannot presently be funded, along with a list of projects to be funded from the Capital allocation; and
- (iii) note that the list of schemes will be drawn up in accordance with the principles and objectives detailed in this report, in the Roads Asset Management Plan and in the Capital Plan.

### **14 Flood Risk Management and Bridges Capital and Revenue Budgets 2023-24**

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the Flood Risk Management Schedule of Clearance and Repair for 2023/24, the Bridge Maintenance Schedule of Works and the programme of Capital works for Bridges for 2023/24.

Following consideration, the Committee agreed the:

- (i) Flood Risk Management Schedule of Clearance and Repair for 2023/24; and
- (ii) proposed Schedules of Road Bridge Revenue and Capital Maintenance Works and Non-network Bridge Capital Maintenance Works to be undertaken for 2023/24.

### **15 Suspension of Standing Orders**

The Chair sought the agreement of the Committee to suspend Standing Order 75 to allow the meeting to continue beyond 12.45 pm. This was agreed.

### **16 Transportation Capital and Revenue Budgets 2023-2024**



A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of plans to deliver the capital and revenue programme in Transportation for 2023/24.

Following consideration, the Committee agreed to:

- (i) approve the plans to deliver the capital and revenue programme for 2023/24 as contained in the report;
- (ii) delegate authority to the Head of Environmental and Commercial Services to apply for grants for the funding areas set out in the report at paras 5.13 and 6.16; and
- (iii) approve the plans for expenditure of the additional revenue funding for Road Safety as set out in para 7.6 of the report.

## **17 Resumption of Meeting**

### **PRESENT**

Councillor Peter Bloomfield, Councillor John Cowe, Councillor John Divers, Councillor Amber Dunbar, Councillor David Gordon, Councillor Juli Harris, Councillor Sandy Keith, Councillor Graham Leadbitter, Councillor Marc Macrae, Councillor Paul McBain, Councillor Shona Morrison, Councillor John Stuart, Councillor Draeyk Van Der Horn, Councillor Sonya Warren.

## **18 Environmental and Commercial Services and Economic Development Capital and Revenue Budget Monitoring to 31 December 2022**

Under reference to paragraph 11 of the meeting of Moray Council dated 7 December 2022, a report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the current position regarding Environmental and Commercial Services and Economic Growth and Development Services (Economic Development) Capital and Revenue Budgets.

During discussion surrounding poor responses to tender requests, it was queried whether the Council could assist in any way as it was noted that some businesses out with Moray had bid for tenders and then realised they could not undertake the work and assurance was sought that the tendering process is clear for businesses.

In response, the Depute Chief Executive (Economy, Environment and Finance) stated that work occurs annually with local businesses to ensure that they fully understand the tendering process however agreed to liaise with the Procurement Manager to ensure that suppliers out with Moray are fully aware of the requirements within the tendering process.

Following consideration, the Committee agreed:

- (i) to note the budget monitoring report for the period to 31 December 2022; and

- (ii) that the Depute Chief Executive (Economy, Environment and Finance) would liaise with the Procurement Manager to ensure that suppliers out with Moray are fully aware of the requirements within the tendering process.

## **19 Marine Safety and Operational Summary of 2022-23 Updates Q4 2022-2023**

Under reference to paragraph 6 of the Minute of the meeting of this Committee dated 20 March 2018, a report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee on matters of Marine Safety and compliance with the Port Marine Safety Code (PMSA) for the year 2022/23 and details of Q4 2022/23.

The Committee joined the Chair in commending the Harbours Team for the improvements made in this area and thereafter the Committee agreed to:

- (i) note the safety performance, fulfilling their function as Duty Holder under the Port Marine Safety Code; and
- (ii) amend the reporting requirement from quarterly to 6-monthly as set out in para 6.2 of the report.

## **20 Nature and Biodiversity Position Statement**

Under reference to paragraph 9 of the Minute of the meeting of Moray Council dated 2 February 2023, a report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of how existing Council strategies and actions align with national and international biodiversity policy and sought approval for continuing support for the North East Biodiversity Partnership for the next 3 years.

Following consideration, the Committee agreed:

- (i) to note how existing council policies, strategies and action align with the Global Biodiversity Framework and Scottish Biodiversity Strategy;
- (ii) to note the opportunities and challenges involved in delivering the council's statutory duty to further the conservation of biodiversity;
- (iii) to approve continued support for the North East Scotland Biodiversity Partnership for next three years;
- (iv) to add the biodiversity actions highlighted in Appendix 1 of the report to the Climate Change Plan and Route Map to Net Zero; and
- (v) that the actions identified within the report form the basis of a Moray biodiversity strategy to be reported in 2024 setting out priority actions for nature recovery in Moray in accordance with the limitations set out in para 5.12 of the report.

## **21 North Highland and Moray Space Cluster Strategy**

Under reference to paragraph 30 of the Minute of the meeting of Moray Council dated 15 September 2021, a report by the Depute Chief Executive (Economy, Environment and Finance) presented the Committee with an overview of the North Highland and Moray Space Cluster Strategy, set out in Appendix 1 of the report and sought approval to support Highlands and Islands Enterprise (HIE) in the implementation of the strategy which may include providing staff resource from Economic Growth and Regeneration section to support economic development opportunities related to the development of the Moray Space Cluster.

Following consideration, the Committee joined the Chair in commending the work of Roy Kirk who had been the project manager for the space port project and key officer with regard to space projects within the Highlands and Islands, who will be retiring shortly and thereafter agreed to:

- (i) note the current developments and future ambitions for the North Highland and Moray Space Cluster; and
- (ii) the commitment of staff resource within Economic Growth and Regeneration section to provide ad hoc support to HIE in the implementation of the Moray Space Cluster Development Strategy.

## **22 Information Reports - if called in**

The Committee noted that no Information Reports had been called in for discussion.

## **23 Question Time**

Under reference to paragraph 19 of the Minute of this Committee dated 7 February 2023, Councillor Warren welcomed the launch of the m.connect bus service and app however queried how elderly people are being made aware of the service and supported to use the app.

The Head of Environmental and Commercial Services assured Councillor Warren that whilst the Service was moving towards a digital platform, members of the public could still book the service via telephone. She further stated that the Project Manager had recently met with Age Scotland and provided further details on the service and that paper bus timetables were being made available to coincide with the launch.

Under reference to paragraph 7 of the Minute of this Committee dated 7 February 2023, the Chair stated that the Rt Hon Michael Gove MP was still keen to come to Moray to discuss the next round of Levelling Up Funding and that Dehenna Davidson MP, Minister for Levelling Up was also keen to visit Moray to assist with the next round of funding.

Councillor Warren stated that she had been at a recent meeting of the North East of Scotland Fisheries Development Partnership where seaweed cultivation had been discussed and queried whether any work was being carried out to attract funding so that this can be developed in Moray.

In response, the Head of Environmental and Commercial Services advised that she would pass this query to the Head of Economic Growth and Development for a

response however assured the Committee that Harbours in Moray are willing to discuss any means available to support this.

Under reference to Appendix II of the Information Report: List of Property Transactions concluded under Delegated Powers, Councillor Van Der Horn noted that Keith Golf Course was 22 Ha and Transition Town Forres was 1.2 Ha yet there was a considerable difference in rent per Ha and asked how this was calculated.

In response, the Depute Chief Executive (Economy, Environment and Finance) advised that this was calculated by the Estates Service and that she would look into this further and circulate this information to the Committee after the meeting.

Councillor Warren noted that CCTV was up and running in Forres and queried when it would be available in Buckie, Keith and Lossiemouth.

In response, the Depute Chief Executive (Economy, Environment and Finance) advised that she would look into this further and circulate this information to the Committee after the meeting.