

MORAY COUNCIL

Minute of Meeting of the Corporate Committee

Tuesday, 30 January 2024

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

PRESENT

Councillor Theresa Coull, Councillor John Cowe, Councillor John Divers, Councillor Amber Dunbar, Councillor Jérémie Fernandes, Councillor Sandy Keith, Councillor Graham Leadbitter, Councillor Marc Macrae, Councillor Paul McBain, Councillor Bridget Mustard, Councillor Kathleen Robertson, Councillor Derek Ross, Councillor John Stuart, Councillor Draeyk van der Horn

APOLOGIES

Councillor Shona Morrison

IN ATTENDANCE

The Chief Executive, Depute Chief Executive (Economy, Environment and Finance), Depute Chief Executive (Education, Communities and Organisational Development), Head of Governance, Strategy and Performance, Chief Financial Officer, Head of HR, ICT and Organisational Development, Head of Economic Growth and Development, Head of Housing and Property, Taxation Services Manager, Benefits Manager and Democratic Services Manager.

1. Chair

The meeting was chaired by Councillor Bridget Mustard.

2. 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 or any declarations of Member's interests in respect of any item on the agenda.

3. 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 |
|---------------------------|--|
| 16 | Para 1 Information relating to staffing matters |

| | |
|--|--|
| | Para 11 Information relating to any consultations or negotiations in connection with any labour relations |
|--|--|

4. Minutes of meeting of 7 November 2023

The minutes of the Corporate Committee meeting of 7 November 2023 were submitted and approved.

5. Written Questions

The meeting noted the following written question submitted by Councillor Fernandes and the Council's response thereto:

In light of the ICO's updated guidance on official information held in non-corporate communications channels (2023) and the recent high-profile cases of using WhatsApp for official business as well as the confirmation that instant messages can be subject to FOI requests, what is Moray Council's current policy on using instant messaging services for official Council business?

When was it last updated?

RESPONSE

The main documents that currently provide guidance are the Computer Use Policy, Social Media Policy and the hybrid/homeworking guidance as part of the Flexible Working Policy which makes specific reference to the use of instant messages.

However, use of instant messages within the work context is a developing area that the Council will consider how best to respond to taking account of personal and business use by work teams, security and information governance considerations and managing the workforce implications where there is potentially widespread use.

The Council's Computer Use Policy is currently under review and being updated with reference to social media and chat functionality, due to be completed within 2024/25. Following this review, communications will be issued to managers and staff to ensure awareness and understanding of the over-arching and specific responsibilities when using council devices.

6. Regulation of Investigatory Powers (SCOTLAND) ACT 2000

The Depute Chief Executive (Economy, Environment and Finance) sought permission from the Chair to defer the paper until later in the agenda, to allow the Head of Economic Growth and Development to attend the meeting.

The Chair agreed.

7. Discretionary Community Rent Rebate Policy

The meeting had before it a report by the Depute Chief Executive (Economy, Environment and Finance) inviting the Committee to consider policy change

options for the award of discretionary rent rebates to voluntary and community bodies.

Following consideration the Committee unanimously agreed to approve the introduction of additional eligibility criteria as set out in paragraph 4.3 of the report.

8. Proposed 2024 Non-Domestic Rates - Empty Property Relief Policy

The meeting had before it a report by the Depute Chief Executive (Economy, Environment and Finance) seeking Committee approval for the implementation of an Empty Property Relief policy for non-domestic properties for the coming year 2024-25.

Following consideration the Committee unanimously agreed to the Empty Property Relief policy summarised in the report and detailed in Appendix 1.

9. Revision of 100% Additional Council Tax Charge Relief Policy

The meeting had before it a report by the Depute Chief Executive (Economy, Environment and Finance) seeking Committee approval for the revision of the local authority's bespoke relief policy for properties liable for the payment of the Additional Council Tax Charge (or the 'Levy').

Councillor Robertson moved an amendment to the proposal at paragraph 3.7 for new relief classes:

| | |
|------|--|
| i) | as printed |
| ii) | 50% Building Warrant or Planning Application Discount; |
| iii) | 50% Reconstruction Work discount |

For a maximum period of 36 months with an annual review to ensure progress.

This was seconded by Councillor Dunbar.

Councillor Leadbitter sought clarification on what the financial implications would be to the Council if the proposed amendment was agreed.

In response, the Chief Financial Officer referred the Committee to the Financial Implications in the report. She stated that it would be difficult to give an answer as it would be impossible to know how many properties would fall into the categories.

She further added that a shorter period of relief may give a greater incentive to complete the work quicker.

Following the response from the Chief Financial Officer, Councillor Leadbitter sought to compromise on the period of time that the discount could be offered to 24 months to try and get houses back into a habitable condition sooner.

Councillor Robertson confirmed that she would support the 24 months on the basis that progress on the works is being monitored.

Adjournment of the Meeting

The Head of Governance, Strategy and Performance sought a short adjournment to discuss with the Chief Financial Officer the practicalities of how the revised proposals would work going forward.

Resumption of the Meeting

On the resumption of the meeting, Councillor Robertson confirmed that her amendment was for the proposal at paragraph 3.7 for new relief classes:

- i) as printed
- ii) 50% Building Warrant or Planning Application Discount;
- iii) 50% Reconstruction Work discount

with discounts applied for an initial 12 month period which can be extended by up to a further 12 months on supply of evidence by the applicant that they are pro-actively pursuing the meeting of milestones, verified by the relevant officer.

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

- i) the proposal stated in Sections 3 to revise the Council's policy governing the administration of relief from the 100% Additional Council Tax Charge; and
- ii) the proposal in section 3.7 to make use of the discretionary power to delay the levy of the 100% Additional Council Tax Charge on properties being reconstructed for a 12 month period as follows:

10% Liable person Change discount
50% Building Warrant or Planning Application discount;
50% Reconstruction Work discount;

with discounts applied for an initial 12 month period which can be extended by up to a further 12 months on supply of evidence by the applicant that they are pro-actively pursuing the meeting of milestones, verified by the relevant officer.

10. Proposed 100% Additional Council Tax Premium on Second Homes

The meeting had before it a report by the Depute Chief Executive (Economy, Environment and Finance) seeking Committee approval for the implementation of a policy to levy an Additional Council Tax Premium (known as the 'Premium') on properties classed as Second Homes for the purpose of Council Tax administration.

Following consideration, the Committee unanimously agreed the proposal outlined in this report to levy a 100% Additional Council Tax Premium on Second Homes.

11. Regulation of Investigatory Powers (Scotland) Act 2000

The meeting had before it a report by the Depute Chief Executive (Economy, Environment and Finance) invited the Committee to note the use made of covert surveillance by Council employees in the course of their duties for the years 1 April 2021 to 31 December 2023, and the acquisition of communications data by Council employees in the course of their duties for the years 2021 to 2023.

Following consideration the Committee agreed to note:

- i) the use of covert surveillance by Council employees in the course of their duties for the period from 1 April 2021 to 31 December 2023; and
- ii) the acquisition of communications data by Council employees in the course of their duties for the years to 31 December 2021, 2022 and 2023 for information purposes only.

12. Employee Survey

The meeting had before it a report by the Depute Chief Executive (Education, Communities and Organisational Development) asking Committee to consider and note the results of the 2023 employee opinion survey and approve the actions arising from the results.

Councillor Robertson expressed concerns about the themes of unacceptable behaviour. More details highlighting the themes were contained in the draft report however comments around discrimination had been removed from the final report and expressed disappointment at the removal as she felt that it would have given the Committee a better understanding of the issues which supports the report the Committee are considering.

In response, the Head of HR, ICT and Organisational Development confirmed that there was a comment in one response to the survey regarding an issue of discrimination however when this was investigated further, it was one comment from one participant which had related to 2 engagements with the same member of the public and did not constitute a statistically valid issue to be brought into the overall summary of the issues coming out of the report.

Councillor Robertson moved to add an additional recommendation which was to create a Short Life Working Group (SLWG) to consider workforce information which supports the members understanding of the culture within the Council and the issues behind the survey results to enable the collective activity by elected members and officers to address the issues raised in the report.

The remit of the SLWG would be to consider the workforce issues raised in the external consultant's report which are around:

- Listening Events
- Participation at Team Talks
- Employee turnover
- Exit interviews, participation levels and feedback
- Employee grievances
- Bullying and/or Harassment Complaints
- Whistle Blowing Complaints
- Absence levels, where the reported cause is work related stress
- Employee Recognition Events
- Best Practice Awards

This was seconded by Councillor Divers.

Councillor Leadbitter welcomed the comments from Councillor Robertson and acknowledged that there are a number of reasons why staff may feel unsettled and it was important to support an improving culture.

The Chief Executive acknowledged that there is a lot of uncertainty within the organisation but assured the Committee that work on the previously agreed composite action plan from the findings of the external advisor around the culture issues was ongoing. He confirmed that he welcomed the opportunity to work with Elected Members as it would take a collaborative approach across all political groups to get to a position where the staff can be supported in the forthcoming months and years. He sought agreement for the remit of the SLWG in discussion with the Council Leader to also encompass the wider cultural issues already identified in the survey.

There being no one otherwise minded the Committee unanimously agreed to:

- i) note the results of the 2023 employee opinion survey;
- ii) approve the planned actions arising there from; and
- iii) create a Short Life Working Group (SLWG) to consider workforce information which supports the members understanding of the wider culture within the Council to enable the collective activity by elected members and officers to address the issues raised in the report with the remit of the group being delegated to the Chief Executive and Council Leader.

13. Employment Policy Framework Review

The meeting had before it a report by the Depute Chief Executive (Education, Communities and Organisational Development) inviting the Committee to consider and approve the updates to two employment policies identified for review during 2023/24.

Following consideration the Committee unanimously agreed to approve the updates to the employment policies below:

- i) Policy to Combat Fraud, Theft, Bribery and Corruption: updates to reflect good practice and promote the importance of creating a culture of prevention;
- ii) Pregnancy Loss Special Leave policy addendum: provisions for employees who experience a loss of pregnancy before 24 weeks of pregnancy; and
- iii) agreed to note the policies schedule for review for 2024-25.

14. Scottish Welfare Fund Budget Pressures

The meeting had before it a report by the Depute Chief Executive (Education, Communities and Organisational Development) updating the Committee on the current budget situation in respect of the Scottish Welfare Fund Scheme.

Following consideration the Committee unanimously agreed to:

- i) note the pressures on the Scottish Welfare Fund and the ongoing demand on this service as outlined in this report;
- ii) note the duties placed on local authorities when managing the funds, as outlined within section 5 of this report;
- iii) agree to restrict the priority rating to a "high most compelling" (as described in section 5 of this report) when individual applications for Scottish Welfare Fund are being assessed during quarter 4 of 2023/24, and notify the Scottish Government Social Security Directorate and the Scottish Public Services Ombudsman of this action; and
- iv) note the ongoing implications on vulnerable applicants and socio economic disadvantages; the impact on staff having to make more difficult decisions, the increased demands on and continued risk to the budget should it not be augmented in the financial year 2024/25.

15. Question Time

Portacabin Update

Under reference to paragraph 15 of the minute of the meeting of 7 November 2024, Councillor Ross sought an update on the sale of the portacabins.

In response, the Depute Chief Executive (Economy, Environment and Finance) confirmed that a closing date had been set and a number of proposals were being assessed and Officers will report back to Committee on the options.

16. Voluntary Early Retirement - Voluntary Severance Applications [Para 1 and 11]

The meeting had before it a report by the Depute Chief Executive (Education, Communities and Organisational Development) asking the Committee to consider applications under the terms of the agreed Voluntary Early Retirement Scheme.

Following consideration the Committee unanimously agreed to approve the applications for Voluntary Early Retirement contained within Appendix A.