

MORAY COUNCIL

Minute of Meeting of the Economic Development & Infrastructure Services Committee

Tuesday, 10 September 2019

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

PRESENT

Councillor Theresa Coull, Councillor John Cowe, Councillor Gordon Cowie, Councillor John Divers, Councillor Claire Feaver, Councillor Graham Leadbitter, Councillor Marc Macrae, Councillor Maria McLean, Councillor Shona Morrison, Councillor Sonya Warren

APOLOGIES

Councillor David Bremner, Councillor Ron Shepherd, Councillor Walter Wilson

IN ATTENDANCE

Head of Direct Services, Head of Legal and Democratic Services, Roads Maintenance Manager, Estates Manager, Transportation Manager and Mrs Rowan, Committee Services Officer as Clerk to the Meeting.

ALSO PRESENT

Councillor Alexander

1 Chair

Councillor Leadbitter, 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 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 Members interests in respect of any item on the agenda.

3 Minute of Meeting dated 11 June 2019

The minute of the meeting of the Economic Development and Infrastructure Services Committee dated 11 June 2019 was submitted and approved.

4 Written Questions

The Committee noted that no written questions had been submitted.

5 Wildfowling in Findhorn Bay

Under reference to paragraph 6 of the Minute of Moray Council dated 6 June 2018, a report by the Corporate Director (Economic Development, Planning and Infrastructure) asked the Committee to review the current progress towards seeking a voluntary agreement to control wildlife shooting on the Findhorn Bay Local Nature Reserve (FBLNR).

The Chair noted that a significant amount of Council resource had been provided to try to reach a voluntary agreement to control wildlife shooting on the FBLNR which included 5 committee reports, a preliminary petition hearing, 3 separate mediation exercises, a consultation exercise and several stakeholder meetings, all of which had proved unsuccessful and, taking into consideration other Council priorities, sought the view of the Committee as to the most appropriate way forward.

Councillor Warren joined the meeting at this juncture.

Councillor Feaver recognised the difficult financial situation the Council is in and agreed that the Council should not spend any more money trying to reach a resolution however stated that Elected Members are required to represent their constituents, protect nature and biodiversity and ought to protect the only nature reserve in Moray. Councillor Feaver further stated that this is the first year that all wildfowling groups agree that a change is required due to past bad practice and moved that the Committee allow the FBLNR Committee time to consider how they can progress the 3 options that were agreed for a community engagement consultation at their upcoming meeting and that the Council facilitate a meeting to take forward this process and deliver the community engagement consultation that was originally agreed. Councillor Feaver further asked that any decision in regard to the outstanding petition be deferred until the meeting of this Committee in April 2020. This was seconded by Councillor M McLean.

Councillor Macrae acknowledged that this had been a topic of debate for a significant amount of time and noted that wildfowling in Findhorn Bay is a practice that has been undertaken since the eighteenth century therefore moved that the Council reject the petition in whole as the Council has already invested significant resources to resolve this conflict and to continue to provide resources would exacerbate the current pressure on council resources to deliver the corporate priorities of the council. This was seconded by Councillor Cowe.

The Chair was minded to support Councillor Macrae's motion as he recognised that council resources are already stretched however noted that the groups had been working together to establish an agreed position. The Chair therefore sought the agreement of Councillor Macrae to add to his motion that, should all parties involved arrive at a unanimously agreed position, this could be considered at a future meeting of this Committee.

In response, Councillor Macrae agreed to add the Chair's suggestion to his amendment and Councillor Cowe also agreed to the addition as seconder to the amendment.

On a division there voted:

For the Motion (2) Councillors Feaver and M McLean

For the Amendment (8)	Councillors Macrae, Cowe, Coull, Cowie, Divers, Leadbitter, Morrison and Warren
Abstentions (0)	Nil

Accordingly the amendment became the finding of the Committee and it was agreed to:

- i. note the outcome of the external mediation process as outlined in paragraph 4 of the report; and
- ii. reject the petition in whole for the reasons set out in paragraph 6 of the report whilst noting that all parties involved may come back with a unanimously agreed position for consideration at a future meeting of this Committee.

6 Road Asset Safety Inspection Policy

A report by the Corporate Director (Economic Development, Planning and Infrastructure) informed the Committee of changes to the policy on road safety inspections to comply with the 'Well-Managed Highway Infrastructure - A Code of Practice' (October 2016).

Following consideration, the Committee agreed to recommend to the Policy and Resources Committee, the adoption of the Road Safety Inspection Policy to fulfil the requirements of the Code of Practice in implementing a risk based approach.

7 Scottish Parliament Call for Views - Pre-budget/Financial Scrutiny on Roads Maintenance in Scotland

A report by the Corporate Director (Economic Development, Planning and Infrastructure) asked that the Committee review and approve the Council's response to the Calls for Views from the Rural Economy and Connectivity Committee of the Scottish Parliament, as part of their pre-budget/financial scrutiny on roads maintenance in Scotland.

Following consideration, the Committee agreed to approve the response to the Call for Views by the Rural Economy and Connectivity Committee of the Scottish Parliament for their Pre-Budget/Financial scrutiny on roads maintenance in Scotland, as set out in Appendix 1 of the report.

8 Industrial Portfolio Annual Report 2018-19

Under reference to paragraph 11 of the Minute of this Committee dated 14 August 2018, a report by the Corporate Director (Economic Development, Planning and Infrastructure) set out the annual performance of the Council's Industrial Portfolio in 2018/19. The report stated that the Industrial Portfolio had exceeded the target for rental income and occupancy levels which continue to remain high.

Following consideration, the Committee welcomed the good performance of the Council's Industrial Portfolio and agreed to note the Annual Report for 2018/19 as set out in Appendix 1 of the report.

9 Staff Car Parking

Under reference to paragraph 13 of the Minute of Moray Council dated 27 June 2019, a report by the Corporate Director (Economic Development, Planning and Infrastructure) informed the Committee of the outcome of the consultation on the proposed amendments to the Car Park order.

During discussion, the Committee were of the view that Elected Members should lead by example and pay for parking in the car park in Glover Street.

In response, the Chair advised that as the car park in Glover Street is shared with the Court, payment would have to be on a voluntary basis however there is agreement across the Groups of the Council that Councillors should pay for parking also.

Thereafter, the Committee agreed to:

- i. note the responses to the statutory advertisement of the Car Park Order Amendment as set out in Section 4 of the report; and
- ii. approve implementation of the Order as advertised.

10 Port Marine Safety - 1st Quarter

Under reference to paragraph 6 of the Minute of this Committee dated 20 March 2018, a report by the Corporate Director (Economic Development, Planning and Infrastructure) informed the Committee with regard to matters of Marine Safety and compliance with the Port Marine Safety Code (PMSC) for the first quarter of 2019/20.

During discussion, a number of concerns were raised in relation to harbour safety surrounding the water depth of harbours and lack of dredging and although it was accepted that Council Officers provided reports to this Committee each cycle informing the Committee in relation to matters of marine safety, it was queried whether the Council's harbours were inspected by an Independent Advisor?

In response, the Transportation Manager advised that Marex Marine Risk Consultancy carry out periodic audits on the Council's harbours and that this was last reported to this Committee in March 2018.

The Committee raised further concern that Elected Members, being part of the Harbour Board, are legally responsible for any incidents or accidents that occur at Council harbours and it was felt that Elected Members had not received sufficient training in relation to marine safety.

In response, the Head of Direct Services advised that training on the Port Marine Safety Code had been arranged for Members that afternoon which would provide the Committee with further information in relation to marine safety. The Head of Legal and Democratic Services further advised that the Council, as a body corporate is responsible for the harbours in Moray and that the Port Marine Safety Code, although not a statutory code, advises a proportionate approach and that this would be further explained at the upcoming training session.

Councillor Warren was concerned that the Committee were being asked to note the safety performance of harbours when their knowledge of marine safety was limited therefore moved that the Committee defer consideration of the report until the next meeting of the Committee once Members had received training on the Port Marine Safety Code and a further independent report from Marex had been received on the safety of the Council's harbours. This was seconded by Councillor Macrae.

The Chair was of the view that Elected Members would benefit from the upcoming training on the Port Marine Safety Code however could find no reason why the Committee shouldn't note the findings in the report therefore moved that the Committee agree to note the safety performance as recommended. This was seconded by Councillor Morrison.

Councillor Feaver accepted that the training might highlight areas where further action is required therefore suggested that the Chair add a further recommendation to this amendment that, should any actions be identified at the training, these be carried out by the Council.

In response, the Chair agreed with Councillor Feaver and added her suggestion to his amendment. This was also agreed by Councillor Morrison as seconder.

On a division there voted:

For the Motion (3)	Councillors Warren, Macrae and Cowie
For the Amendment (7)	Councillors Leadbitter, Morrison, Coull, Cowe, Divers, Feaver and M McLean
Abstentions (0)	Nil

Accordingly, the Amendment became the finding of the Committee and it was agreed:

- i. to note the safety performance detailed within the report, fulfilling their function as Duty Holder under the Port Marine Safety Code; and
- ii. to carry out any actions identified following the Port Marine Safety Code training.

11 Direct Services and Development Services (Economic Development) Capital and Revenue Budget Monitoring to 30 June 2019

Under reference to paragraph 10 of the Minute of Moray Council dated 27 February 2019, a report by the Corporate Director (Economic Development, Planning and Infrastructure) informed the Committee of the current position regarding Direct Services and Development Services (Economic Development) Capital and Revenue Budgets.

Following consideration, the Committee agreed to note the budget monitoring report for the period to 30 June 2019.

Councillor Divers noted the recent success following the trial of a road closure around New Elgin Primary School and queried whether there were any plans to make this a policy as children's safety is a priority.

In response, the Transportation Manager advised that the trial had been promoted by Living Streets who are a sustainable travel charity in Scotland and that the initial response was supportive however consideration would be given to a more comprehensive trial which would inform an established policy position. The Transportation Manager agreed to provide a report in relation to this matter at the next meeting of this Committee.

Councillor Feaver asked that the Transportation Manager consider a consultation on traffic management across all schools in Moray when contemplating any change to the current policy position.

In response the Transportation Manager advised that a thorough trial would be required and a clear position on Council policy obtained following extensive research which would be brought to this Committee for consideration.

In relation to speeding vehicles in Upper Rafford and a subsequent speed survey, Councillor Coull queried on behalf of Councillor A McLean, whether the Council intended to install a temporary 'Smiley Face' speed sign.

In response, the Transportation Manager advised that she would look at the speed survey results and advise the Committee in relation to the programme for the vehicle activated signage.