

MORAY COUNCIL

Minute of Meeting of the Moray Council Emergency Cabinet

Thursday, 23 April 2020

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

PRESENT

Councillor George Alexander, Councillor John Divers, Councillor Tim Eagle, Councillor Donald Gatt, Councillor Graham Leadbitter, Councillor Shona Morrison, Councillor Derek Ross

APOLOGIES

IN ATTENDANCE

Also in attendance at the above meeting were chief Executive, Depute Chief Executive (Education, Communities and Organisational Development), Depute Chief Executive (Economy, Environment and Finance), Head of Governance, Strategy and Performance, Head of Economic Growth and Development, Legal Services Manager and Tracey Sutherland, Committee Services Officer.

1. Chair

The meeting was chaired by Councillor Shona Morrison.

The meeting was held by audio conference.

2. Suspension of Standing Orders

In terms of Standing Orders, the Emergency Cabinet agreed to suspend Standing Order 75 to allow the meeting to begin at 11.00am instead of 9.30am.

3. Declaration of Group Decisions and Members Interests *

In terms of Standing Order 20 and the Councillors' Code of Conduct, Councillor Eagle confirmed that the Conservative Group had discussed Item 4 on the agenda at length but no whip had been given.

There were no other declarations from Group Leaders or Spokespersons in regard to any prior decisions taken or 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 dated 25 March 2020

The minute of the special meeting of Moray Council on 25 March 2020 was submitted and approved.

5. Scheme of Delegation - Development Management

A report by the Depute Chief Executive (Economy, Environment and Finance) sought the Emergency Cabinet to review the procedures for determining planning applications currently carried out in accordance with the Council's approved scheme of delegation to ensure that the Council's statutory function as a Planning Authority can continue to operate during the Coronavirus (COVID-19) outbreak, whilst the Planning and Regulatory Services Committee has been temporarily suspended.

Councillor Leadbitter, sought a list of contacts from the Head of Economic Growth and Development for Members to get in touch with if they had any queries surrounding the individual planning applications.

In response the Head of Economic Growth and Development advised that all Planning Staff are contactable via email and that any queries should be directed to either himself or Beverly Smith, Development Management and Building Standards Manager, who would pass the query to the appropriate member of staff.

Councillor Leadbitter, seconded by Councillor Morrison, moved the recommendations as printed in the report.

Councillor Eagle, indicated that his group felt that normal Committee business should be resumed as soon as possible and that as a review of the role of the Emergency Cabinet was due in mid June, there was no need or merit in delegation to Officers being granted as sought, for the low level of business which would have to be considered in the interim. Councillor Eagle, seconded by Councillor Gatt, proposed an amendment that:

the Emergency Cabinet reject the paper in full noting the emergency cabinet set
i) up on 25 March 2020 already allows for the determination of planning applications;

the Emergency Cabinet agree planning matters will come to the Emergency
ii) Cabinet separate from other papers and where possible groups will substitute in members of the Planning Committee for these meetings; and

all Proposal of Application Notices (PoANs) received will be circulated to all
iii) Members of the Council for comment through email, and any comments received will be fed back to the applicant and consultees.

Councillor Alexander asked that wherever possible 7 members of the Emergency Cabinet should sit when planning applications are being considered.

In response, the Head of Strategy, Governance and Performance confirmed that this would always be the intention as Cabinet members can be substituted with other members of their group, and that wording could be put in the minute that ideally 7 but a minimum of 5 members would be required to discuss planning applications.

On the division there voted:

For the Motion (4) Councillors Leadbitter, Morrison, Alexander and Divers.

For the Amendment (3) Councillors Eagle, Gatt and Ross

Abstentions (0)

Accordingly the motion became the finding of the meeting and the Emergency Cabinet agreed:

- i) a temporary change to the Council's Scheme of Delegation for Development Management Section 43 Town & County Planning (Scotland) Act 1997 (as approved by the Planning and Regulatory Services Committee on 29 January 2019 and by Scottish Ministers on 12 February 2019 – Appendix 1), set out in Appendix 2 to delegate determination of local applications to the Appointed Officer; and seek the approval of the Scottish Ministers for the amended scheme;
- ii) under Section 56 of the Local Government Act 1973 the Council's Scheme of Delegation be amended for the Appointed Officer to determine major planning applications as defined in the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009;
- iii) that ideally 7, but a minimum of 5 Cabinet members must be in attendance to determine a planning application;
- iv) that prior to determination a copy of the report and recommendation on all major planning applications and those that would have previously been determined by the Planning & Regulatory Services Committee (Appendix 1) be circulated to the Emergency Cabinet members who would have the right to call them in for determination;
- v) to note that all Proposal of Application Notices (PoANs) received will be circulated to all Members of the Council for comment through email, and any comments received will be fed back to the applicant and consultees; and
- vi) to review the position once a decision has been made on or before 17 June 2020 in terms of the re-establishment of all committees.