

MORAY COUNCIL

Minute of Meeting of the Policy and Resources Committee

Tuesday, 09 April 2019

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

PRESENT

Councillor George Alexander, Councillor Frank Brown, Councillor John Cowe, Councillor Lorna Creswell, Councillor John Divers, Councillor Ryan Edwards, Councillor Louise Laing, Councillor Graham Leadbitter, Councillor Marc Macrae, Councillor Aaron McLean, Councillor Shona Morrison

APOLOGIES

Councillor Tim Eagle, Councillor Sonya Warren

IN ATTENDANCE

The Chief Executive, the Corporate Director (Economic Development, Planning & Infrastructure), the Head of Financial Services, the Head of Development Services, the Estates Manager, the Asset Management Coordinator and the Democratic Services Manager as Clerk to the Meeting.

ALSO PRESENT

Councillor D Ross.

1 Chair

Councillor A McLean, being the Chair of the Policy and Resources Committee, chaired the meeting.

2 Declaration of Group Decisions and Members Interests *

In terms of Standing Order 20 and the Councillors' Code of Conduct, Councillors the meeting noted that 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 during consideration of the items of

business appearing at the relevant paragraphs of this minute as specified below, so as to avoid disclosure of exempt information of the class described in the appropriate paragraphs of Part 1 of Schedule 7A of the Act.

<u>Paragraph No. of Minute</u>	<u>Paragraph No. of Schedule 7A</u>
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14	6, 9 and 12
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4 Minute of Meeting dated 12 February 2019

The Minute of the Meeting dated 12 February 2019 was submitted and approved.

5 Written Questions **

The Committee noted that no written questions had been submitted.

6 Corporate Asset Management Plan

A report was submitted by the Corporate Director (Corporate Services) providing the Committee with a report of progress made against the Corporate Asset Management Plan for 2018/19 and asking the committee to consider targets for 2019/20.

Following consideration the Committee agreed to:

- i) note the work done to date to meet the targets set in the Corporate Asset Management Plan for 2018/19;
- ii) note the status of Asset Management Plans for each type of asset as set out in Appendix 2 of the report;
- iii) note that the focus of asset management planning in the council has become sustainable financial planning with a focus on cost reduction, and
- iv) approve the targets set in the Corporate Asset Management Plan for 2019/20 as detailed in Appendix 3 of the report.

7 Improvement and Modernisation Programme: Consultancy Support for Organisational Design and Management Structure Project

Under reference to paragraph 5 of the Minute of the special meeting of Moray Council dated 12 December 2018, a report was submitted by the Corporate Director (Corporate Services) seeking the Committee's approval under the terms of the Council's Procurement Procedures for the use of consultancy services.

On the invitation of the Chair Councillor Ross stated that he wished to register his concern in regard to the report on two points. In terms of the process, the council advertised without success and in his view, as there was time, the council should have re-advertised. Secondly he asked whether the expenditure was really

necessary when the council is reducing staff such as school crossing patrollers and cleaners, could it not be undertaken in house and finally he was of the view that this should have been presented to the full council.

In response the Chief Executive advised that whilst the original report on the Improvement and Modernisation Programme was presented to the full council as with a number of areas within the Programme there are aspects that require approval of the service committee and this is one line in the programme that has been brought before the service committee in accordance with the Council's Scheme of Administration. He further advised that in terms of the other points raised by Councillor Ross these had been set out in some detail in the report under paras 4.3 and 5 (d) Risk Implications of the report.

Thereafter following consideration the Chair moved approval of the recommendations. There being no one otherwise minded the Committee approved the use of consultancy services to support the delivery of the Organisational Design and Management Structure project within the Council's Improvement and Modernisation Programme.

Councillor Ross left the meeting at this juncture.

8 Planning Charges

A report was submitted by the Corporate Director (Economic Development, Planning & Infrastructure) informing the Committee of the proposed charges for planning related enquiries that are not covered by statutory fees set by the Scottish Government.

Following consideration the Committee agreed to the fees, following a review of non-statutory requests for non-material variations to approves schemes, pre-application advice, and enquiries relating to Listed Buildings as set out in Appendix 1 of the report.

9 Delegation of Trading Standards Powers to East Ayrshire Trading Standards

A report was submitted by the Corporate Director (Economic Development, Planning & Infrastructure) asking the Committee to consider the delegation of powers afforded to Moray Council Trading Standards to East Ayrshire Trading Standards for the purpose of acting as host authority for Trading Standards Scotland (TSS). The principal purpose of the delegation is to ensure that TSS can continue to process personal data for law enforcement purposes under Part 3 of the Data Protection Act 2018.

Following consideration the Committee noted the report and agreed to the delegation of powers to East Ayrshire Trading Standards for the purpose of acting as host authority for Trading Standards Scotland (TSS).

10 Community Asset Transfer Request - Lesser Borough Briggs Elgin

A report was submitted by the Corporate Director (Corporate Services) inviting the Committee to consider an asset transfer request and options for the future in respect of land at Lesser Borough Briggs, Elgin.

During discussion Councillor Brown stated that he was surprised that the area of Common Good land at Deans Haugh which had been improved as a result of the recent flood alleviation work and which could only be used for sports purposes had been rejected by the Elgin Sports Community Trust and whilst he was supportive of the principles of seeking further use for the land, was not in favour of the Asset Transfer to the Trust of the land which could be offered for commercial development which could generate income for the Common Good and further stated that the Elgin Sports Community Trust reconsider the facilities at Deans Haugh which was available to them now for a token fee.

The Chair sought clarification regarding the recommendations and whether if the Committee agreed to undertake a public consultation to expose the site for sale or lease, this would also mean that the Committee were agreeing to the Asset Transfer Request made by Elgin Sports Community Trust?

In response the Head of Financial Services advised that any decision taken today by the Committee were only in relation to the public consultation and that any decision subsequent to that consultation would require a report to come back to the committee outlining the results of the consultation for its consideration and to take a decision at that stage whether or not to petition the court for consent to facilitate the disposal of the site.

Thereafter Councillor Brown stated that it was the position of him and the other two Conservative Councillors for Elgin that there is no need to undertake a public consultation on a proposal to expose the site for sale or lease and moved that the Committee delete recommendations 2.1 (ii) - (v) of the report and agree recommendation 2.1 (i) to decline the Asset Transfer Request made by Elgin Sports Community Trust for a rent-free lease of the site at Lesser Borough Briggs, Elgin as detailed in the Appendix to the report.

On a division there voted:

For the motion (3):

Councillors Brown, Macrae and Alexander.

For the amendment (8):

Councillors Cowe, Leadbitter, A McLean, Creswell, Divers, Edwards, Laing and Morrison.

Abstentions (0):

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

- i) decline to consider the Asset Transfer Request made by Elgin Sports Community Trust for a rent-free lease of the site at Lesser Borough Briggs, Elgin as shown in the Appendix to the report;

instruct officers to undertake a public consultation (on a proposal to expose the site for sale or lease on the open market) in accordance with the legislative provisions for the disposal of Common Good property, as detailed in section 4(b) of the report;

iii) instruct officer to report back to this Committee with the results of the public consultation to allow the Committee to consider whether to proceed to petition the court;

note that exposing the site for sale or lease on the open market would not be a barrier to Elgin Sports Community Trust submitting a formal asset transfer request under Part 5 of the Community Empowerment (Scotland) Act 2015 at any time, and

v) note that obtaining court consent would facilitate the disposal of the site by means of a sale or long lease to Elgin Sports Community Trust in the even of a transfer price being agreed.

11 Trust Property - 3 Logie Cottages Forres

A report was submitted by the Corporate Director (Economic Development, Planning & Infrastructure) inviting the Committee to consider the future of 3 Logie Cottages, Forres which is a dwelling house held under a Public Trust.

Following consideration the Committee agree to instruct:

i) the Estates Manager to sell the subjects at 3 Logie Cottages, Forres, on the open market, bringing the trust to an end, and

ii) the Head of Legal and Democratic Services to bring a report back to this Committee with suitable alternative options for the Trustees to agree the distribution of the proceeds of the sale in accordance with the terms of the Trust.

12 Application for Discretionary Non-Domestic Rates Remission - The Woodlands Trust

A report was submitted by the Corporate Director (Corporate Services) asking the Committee to consider The Woodlands Trust's application for a discretionary award of Non-Domestic Rates relief for its premises.

Following consideration the Committee agreed to approve the application, on its individual merits, from The Woodlands Trust and award the maximum twenty per cent discretionary Non-Domestic Rates relief for its premises at Unit 1, Forres Enterprise Park, Forres.

13 Complaints Annual Report 2016-17

A report was submitted by the Chief Executive asking the Committee to consider the Complaints Annual Report 2016/17.

Following consideration the Committee agreed to:

- i) note the contents of the Complaints Annual Report 2016/17;
- ii) welcome the performance as indicated in the report;
- iii) note the actions being taken to improve performance where required, and
- iv) approve the report for submission to the Scottish Public Sector Ombudsman (SPSO).

14 Question Time ***

Councillor Laing asked if there has been an increase in the number of FOI requests submitted to the Council over the last few months. In response the Chief Executive advised that he would seek an answer and that be provided to all members.

Under reference to paragraph 9 of the Minute of the meeting of this committee dated 12 February 2019 in relation to charging for services, Councillor Brown asked if a letter had been written to the Scottish Government highlighting the statutory charges that the Council is required to set that fall within the remit of the Integration Joint Board. In response the Chief Executive advised that he will follow this up and advise the Committee in due course.

15 Flood Compensation - Haugh Road Elgin [Paras 6,9 and 12]

- Information relating to the financial or business affairs of any particular person(s);
- Information on proposed terms and/or expenditure to be incurred by the Authority;
- Information relating to instructions to counsel any opinion of counsel and any advice received, information obtained or action to be taken in connection with any legal proceedings;