



Policy and Resources Committee

Tuesday, 09 April 2019

NOTICE IS HEREBY GIVEN that a Meeting of the **Policy and Resources Committee** is to be held at **Council Chambers, Council Office, High Street, Elgin, IV30 1BX** on **Tuesday, 09 April 2019** at **09:30**.

BUSINESS

1 Sederunt

2 Declaration of Group Decisions and Members Interests *

3 Resolution

Consider, and if so decide, adopt the following resolution:
"That under 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 Item 14 of business on the grounds that it involves the likely disclosure of exempt information of the class described in the relevant Paragraphs of Part 1 of Schedule 7A of the Act."

4 Minute of Meeting dated 12 February 2019 **7 - 14**

5 Written Questions **

6 Corporate Asset Management Plan **15 - 34**

Report by the Corporate Director (Corporate Services)

7 Planning Charges **35 - 42**

Report by the Corporate Director (Economic Development, Planning & Infrastructure)

- | | | |
|-----------|---|-----------------|
| 8 | Delegation of Trading Standards Powers to East Ayrshire Trading Standards | 43 - 46 |
| | Report by the Corporate Director (Economic Development, Planning & Infrastructure) | |
| 9 | Community Asset Transfer Request - Lesser Borough Briggs Elgin | 47 - 54 |
| | Report by the Corporate Director (Corporate Services) | |
| 10 | Trust Property - 3 Logie Cottages Forres | 55 - 58 |
| | Report by the Corporate Director (Economic Development, Planning & Infrastructure) | |
| 11 | Application for Discretionary Non-Domestic Rates Remission - The Woodlands Trust | 59 - 62 |
| | Report by the Corporate Director (Corporate Services) | |
| 12 | Complaints Annual Report 2016-17 | 63 - 108 |
| | Report by the Chief Executive | |
| 13 | Question Time *** | |
| | Consider any oral question on matters delegated to the Committee in terms of the Council's Scheme of Administration. | |
| 14 | Flood Compensation - Haugh Road Elgin [Paras 6,9 and 12] | |
| | <ul style="list-style-type: none"> • 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; | |

Summary of Policy and Resources Committee functions:

To regulate, manage and monitor the finances of the Council both capital and revenue; to deal with staffing policies and practices other than for teaching staff; to deal with equal opportunities policies and practices; to deal with procurement policies and priorities; to deal with all matters relating to the Council's duty to initiate, maintain and facilitate Community Planning; to ensure that the organisation, administrative and management processes of the Council are designed to make the most effective contribution to achieving the Council's objectives; to provide all central support services; to exercise the functions of the Council in connection with the Registration of Births, Deaths and Marriages; to deal with valuation and electoral registration matters.

Any person attending the meeting who requires access assistance should contact customer services on 01343 563217 in advance of the meeting.

GUIDANCE NOTES

* **Declaration of Group Decisions and Members Interests** - The Chair of the meeting shall seek declarations from any individual or political group at the beginning of a meeting whether any prior decision has been reached on how the individual or members of the group will vote on any item(s) of business on the Agenda, and if so on which item(s). A prior decision shall be one that the individual or the group deems to be mandatory on the individual or the group members such that the individual or the group members will be subject to sanctions should they not vote in accordance with the prior decision. Any such prior decisions will be recorded in the Minute of the meeting.

** **Written Questions** - Any Member can put one written question about any relevant and competent business within the specified remits not already on the agenda, to the Chair provided it is received by the Proper Officer or Committee Services by 12 noon two working days prior to the day of the meeting. A copy of any written answer provided by the Chair will be tabled at the start of the relevant section of the meeting. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than 10 minutes after the Council has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he or she can submit it in writing to the Proper Officer who will arrange for a written answer to be provided within 7 working days.

*** **Question Time** - At each ordinary meeting of the Committee ten minutes will be allowed for Members questions when any Member of the Committee can put a question to the Chair on any business within the remit of that Section of the Committee. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than ten minutes after the Committee has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he/she can submit it in writing to the proper officer who will arrange for a written answer to be provided within seven working days.

Clerk Name: Moira Patrick
Clerk Telephone: 01343 563016
Clerk Email: moira.patrick@moray.gov.uk

THE MORAY COUNCIL

Policy and Resources Committee

SEDERUNT

Councillor Aaron McLean (Chair)
Councillor Graham Leadbitter (Depute Chair)
Councillor George Alexander (Member)
Councillor Frank Brown (Member)
Councillor John Cowe (Member)
Councillor Lorna Creswell (Member)
Councillor John Divers (Member)
Councillor Tim Eagle (Member)
Councillor Ryan Edwards (Member)
Councillor Louise Laing (Member)
Councillor Marc Macrae (Member)
Councillor Shona Morrison (Member)
Councillor Sonya Warren (Member)

Clerk Name: Moira Patrick
Clerk Telephone: 01343 563016
Clerk Email: moira.patrick@moray.gov.uk

Minute of Meeting of the Policy and Resources Committee

Tuesday, 12 February 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 Tim Eagle, Councillor Ryan Edwards, Councillor Louise Laing, Councillor Graham Leadbitter, Councillor Marc Macrae, Councillor Aaron McLean, Councillor Shona Morrison, Councillor Sonya Warren

APOLOGIES

IN ATTENDANCE

The Chief Executive, the Corporate Director (Corporate Services), the Head of Financial Services, the Head of Development Services, the acting Head of Lifelong Learning, Culture and Sport, the Estates Manager, the Taxation Manager, the Head of Legal and Democratic Services as Legal Adviser and Mrs L Rowan, Committee Services Officer as Clerk to the Meeting.

1 Chair

Councillor A McLean, being 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 Leadbitter, Warren, Laing, Creswell, Eagle, Brown and Macrae declared interests in item 10 "Discretionary Non-Domestic Rates Relief", having involvement in some of the organisations detailed within the report.

There were no other 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 Order of Business

In terms of Standing Order 28, the Chair sought the agreement of the Committee to vary the order of business and consider the supplementary item "Corporate Risk Register" prior to Question Time. This was agreed.

4 Minute of Meeting dated 27 November 2018

The minute of the meeting dated 27 November 2018 was submitted and approved.

5 Written Questions

The Committee noted that no written questions had been submitted.

6 Developer Obligations

A report by the Corporate Director (Economic Development, Planning and Infrastructure) asked the Committee to agree that Developer Obligations funds be used towards the replacement Lossiemouth High School and that the process for spending the funds be amended.

During discussion surrounding the proposed change to the Developer Obligations process, specifically in relation to circumstances where there is a split decision within Wards of 4 Elected Members ie Heldon & Laich and Forres, Councillor Alexander queried whether the Head of Development Services could canvas all elected members to gauge their opinion prior to making a decision as he was of the opinion that this would support the democratic process.

In response, the Head of Development Services suggested that, in the event of a split decision in Wards with 4 Members, he could make a decision in consultation with the Chair of Policy and Resources.

On considering the opinion of Councillor Alexander and the advice from the Head of Development Services, the Chair moved that the Committee agree the recommendations as detailed within the report subject to an amendment to recommendation (iii) to state that, in the case of a split decision within Wards of four Elected Members the decision be delegated to the Head of Development Services, who will canvas the opinion of members of the Policy and Resources Committee, and reach a decision in consultation with the Chair of Policy and Resources Committee. This was seconded by Councillor Alexander.

Councillor Brown was not in favour of the proposed changes to the Developer Obligations process and moved, as an amendment, that the current procedure remain unchanged and that the Committee agree recommendations (i) and (ii) only. This was seconded by Councillor Eagle.

On a division there voted:

For the motion (7):

Councillors A McLean, Alexander, Cowe, Creswell, Laing, Leadbitter and Morrison

For the amendment (6):

Councillors Brown, Macrae, Divers, Eagle, Edwards and Warren.

Abstentions (0):

Nil

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

- i. to note the content of the report;
- ii. to allocate £20,851 Developer Obligations to the replacement Lossiemouth High School as set out in Section 4 of the report; and
- iii. that the Developer Obligations process be streamlined as set out in Section 5 of the report, with the addition that, in the case of a split decision within Wards of four Elected Members the decision be delegated to the Head of Development Services, who will canvas the opinion of members of the Policy and Resources Committee, and reach a decision in consultation with the Chair of Policy and Resources Committee.

7 Whole Systems Approach in Youth Justice - Reinvigoration and Extension for Care-Experienced Young People

Under reference to paragraph 9 of the Minute of the Children and Young People's Services Committee dated 21 November 2018, a report by the Acting Corporate Director (Education and Social Care) informed the Committee of redetermination funding that has been allocated by the Scottish Government to reinvigorate Whole Systems Approach in Youth Justice.

During discussion surrounding future reports in relation to the additional funding, the Chair asked that further reports on how this additional money is being spent be provided to this Committee following progress reports to the Children and Young People's Services Committee. In response, the Chief Executive agreed to this request.

Thereafter, the Committee agreed:

- i. to note the content of the report and the sum of £25,000 being paid by the Scottish Government in each of the financial years 2018-2020 as detailed in paragraph 3.6 of the report;
- ii. to approve spend of £25k in 2018/19 and £25k in 2019/20, subject to the Council's financial planning process as detailed in paragraph 3.12 of the report;
- iii. to note the overall planning for how the sum will be used for the purpose of reinvigorating and extending the age range of young people who might benefit from this approach as set out in Appendix 1 of the report; and
- iv. that further reports on how this additional money is being spent be provided to this Committee following progress reports to the Children and Young People's Services Committee.

8 Capital Plan 2018/19

A report by the Corporate Director (Corporate Services) advised the Committee of the expenditure to 31 December 2018 under the capital plan for financial year 2018/19 and of the estimates of projected expenditure profiled into quarters.

Following consideration, the Committee agreed to:

- i. note expenditure to 31 December 2018 of £16,076,000, as set out in Appendix 1 of the report;
- ii. note the current projected expenditure of £30,364,000 for 2018/19 profiled into quarters as set out in Appendix 1 of the report;
- iii. note the projected overall expenditure for projects spanning more than one financial year, as set out in Appendix 2 of the report;
- iv. approve proposed budget deferments of £4,280,000 arising from slippage and expenditure reprofiling from 2018/19 to 2019/20 and future years as detailed in paragraph 5.9.1 of the report;
- v. approve the proposed budget savings reduction in 2018/19 of £681,000 as detailed in paragraph 5.9.2 of the report.

9 Charging for Services

Under reference to paragraph 4 of the Minute of this Committee dated 2 October 2018, a report by the Corporate Director (Corporate Services) asked the Committee to approve revised charges for council services, apart from those which have been agreed as budget savings or which will be considered as part of the budget savings to be discussed when the budget for 2019/20 is set.

During discussion surrounding social care charges, it was noted that these are set by the Council for services delivered on behalf of the Integration Joint Board (IJB) following a recommendation from the IJB however Councillor Leadbitter, in recognising that this is an anomaly that occurred during the health and social care integration, moved that a letter be written to the Scottish Government highlighting the statutory charges that the Council is required to set that fall within the remit of the IJB. This was seconded by Councillor Morrison.

Upon further reflection, Councillor Morrison as chair of the IJB, sought the agreement of the Committee to raise the request for a letter to the Scottish Government highlighting the anomaly within the process for the setting of charges for Social Care at the next meeting of the IJB, in conjunction with the Chief Officer, and subsequently withdrew her support to Councillor Leadbitter's motion.

Councillor Brown, being of the same mind as Councillor Leadbitter, agreed that the Scottish Government should be made aware of this anomaly and agreed to second his motion.

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

- i. to approve the charges for Council services for 2019/20 set out in Appendix 1 of the report; and
- ii. that a letter be 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.

10 Community Asset Transfer Valuation Fees

Under reference to paragraph 6 of the Minute of Moray Council dated 11 April 2018, a report by the Corporate Director (Corporate Services) invited the Committee to grant delegated authority to the Corporate Director (Corporate Services) in order to further the process of transferring various town halls and community centres to the community.

Following consideration, the Committee agreed to grant delegated authority to the Corporate Director (Corporate Services) to instruct independent valuations as required in respect of the seven town halls and community centres currently leased, being Buckie Fishermen's Hall, Cullen Community Centre, Dufftown Community Centre, Elgin Town Hall, Findochty Town Hall, Forres Town Hall, and Keith Longmore Hall.

11 Discretionary Non-Domestic Rates Relief

Councillors Leadbitter, Warren, Laing, Creswell, Eagle, Brown and Macrae, having declared an interest in this item, left the meeting at this juncture.

A report by the Corporate Director (Corporate Services) asked the Committee to consider whether awards of discretionary non-domestic rates relief, which have been made previously, should be amended.

During discussion, the Committee noted the potential impact to premises should they lose their discretionary non-domestic rates relief as set out in the report and were of the opinion that retail charity shops, who already receive an 80% reduction in non-domestic rates, should not receive a further 20% reduction from the Council.

For clarification, the Committee asked that the Taxation Manager provide the Committee with a list of the retail charity shops this would affect and the Chair sought the agreement of the Committee for a short adjournment to provide this information. This was agreed.

Following the short adjournment, the Committee were provided with a list of 21 charity shops that would be affected by the decision to withdraw discretionary non-domestic rates relief.

The Chair moved that the Committee agree to terminate discretionary rates relief currently awarded by the Council to charity shops with the exception of Forres Groups Action Ltd, Dufftown 2000 Ltd and Moray Foodbank as they did not come under a retail category, and that this change be implemented from 1 April 2019.

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

- i. to terminate discretionary rates relief currently awarded by the Council to charity shops as detailed in paragraph 5.10 and Appendix 1 of the report of the report, with the exception of Forres Groups Action Ltd, Dufftown 2000 Ltd and Moray Foodbank;
- ii. that the changes be implemented from 1 April 2019; and

- iii. that this decision will represent a policy decision for all future applications for discretionary rates relief.

Councillors Leadbitter, Warren, Laing, Creswell, Eagle, Brown and Macrae, having declared an interest in this item, re-joined the meeting at this juncture.

12 Revenue Budget Monitoring to 31 December 2018

A report by the Corporate Director (Corporate Services) advised the Committee of the revenue budget monitoring position to 31 December 2018 and of the current estimated out-turn for 2018/19.

Following consideration, the Committee agreed to:

- i. note the budget monitoring position of £1,070,000 over budget for 2018/19 as at 31 December 2018 as set out in Appendix 1 of the report;
- ii. note that this position consists of an underspend on Devolved School budgets of £750,000, an overspend on Social Care services delivered on behalf of the Moray Integration Joint Board (MIJB) of £1,537,000 and an overspend on other services of £283,000;
- iii. note movement of £204,000 in the General Revenue Grant, as detailed in paragraph 3.4 of the report;
- iv. note the current estimated out-turn for 2018/19 of an overspend of £2,132,000, compared to the position of £2,024,000 reported in quarter 2, resulting in an increase of £2,132,000 in use of Council reserves from that budgeted for;
- v. note emerging budget pressures as summarised in paragraph 6.2 of the report;
- vi. note the position regarding Moray Integration Joint Board (MIJB) as described in paragraph 6.11 of the report, with cost implications of £555,000 for the Council;
- vii. note commitments of £8,162,000 against reserves or capital receipts as summarised in Section 9 of the report;
- viii. approve the release from provisions as additional savings of £679,000 as identified in the report at paragraph 5.3; and
- ix. meet budget pressures of:
 - £31,000 as identified in the report at paragraph 5.4;
 - £56,000 as identified in the report at paragraph 5.5; and
 - £168,000 as identified in the report at paragraph 5.6

13 Corporate Services Performance Report - April to September 2018

A report by the Corporate Director (Corporate Services) outlined the performance of the service for the period from April to September 2018.

The report highlighted that performance during the first quarter of 2018/19 was broadly as expected with 76% of the performance indicators with targets met or exceeded. The work to implement the actions detailed in the Corporate Services Service Plan was 40% achieved for the first half of the year. Of the 109 actions identified in the Plan, 7 were completed, 55 were half way or more completed and 8 were overdue. In those that are overdue, mitigating actions have been identified.

Following consideration, the Committee agreed to:

- i. note performance outlined in this report;
- ii. note the actions being taken to seek improvements where required;
- iii. approve the following change to the Financial Services Service Plan;

Priority 3: Progress Phase 1 of the new HR/Payroll system

Aim: to deliver an efficient, integrated HR / Payroll system, meeting all statutory requirements

- iv. approve the following change to the Democratic Services Service Plan aim to include reference to the support given to the Returning Officer:

Aim: to provide efficient, cost-effective support for committees and provide Registrar services for Moray residents as efficiently as possible, and provide support to Returning Officer in the organisation and administration of all elections.

14 Chief Executive's Office Performance Report - April to September 2018

A report by the Chief Executive outlined the performance of the service for the period from 1 April to 30 September 2018.

The report highlighted that the Early Learning and Childcare Project is on target and the Community Support Unit is making good progress working on developing Locality Plans with the communities in Buckie Centre East and New Elgin. The Community Asset Transfer process is also performing as planned with the town halls and community centres at the heart of the process working well under their new owners.

Following consideration, the Committee agreed to note the:

- i. performance outlined in this report;
- ii. actions being taken to seek improvements where required.

15 IHRA Definition of Antisemitism

A report by the Chief Executive asked the Committee to adopt the International Holocaust Remembrance Alliance's (IHRA) definition of anti-Semitism. The IHRA is

an international partnership of government representatives of 31 countries of which the UK has been a member since 1998. Its aim is to strengthen, advance and promote Holocaust education, research and remembrance and to uphold the commitments to the 2000 Stockholm Declaration. The IHRA's definition of anti-Semitism is a certain perception of Jews, which may be expressed as hatred towards Jews. Rhetorical and physical manifestations of anti-Semitism are directed towards Jewish or non-Jewish individuals and/or their property, towards Jewish community institutions and religious facilities.

Following consideration, the Committee agreed to approve the adoption of the IHRA's definition of antisemitism.

16 Corporate Risk Register Update

Under reference to paragraph 7 of the Minute of Moray Council dated 6 June 2018, a report by the Corporate Director (Corporate Services) provided the Committee with an update relative to significant risks facing the Council.

Following consideration, the Committee agreed to approve the current assessments in respect of corporate risks facing the council.

17 Question Time

Councillor Alexander referred to a recent article in the Banffshire Advertiser which had contained comments from Councillor Warren in terms of the budget deficit which, in his opinion, were inaccurate and asked whether the Chair or Councillor Warren would be prepared apologise for the statement contained within the newspaper.

In response, the Chair stated that he would review the article in conjunction with Councillor Warren and the Council Leader and issue an apology if necessary.



REPORT TO: POLICY AND RESOURCES COMMITTEE ON 9 APRIL 2019

SUBJECT: CORPORATE ASSET MANAGEMENT PLAN

BY: CORPORATE DIRECTOR (CORPORATE SERVICES)

1. REASON FOR REPORT

- 1.1 To provide the committee with a report of progress made against the Corporate Asset Management Plan for 2018/19 and to consider targets for 2019/20.
- 1.2 This report is submitted to committee in terms of Section III (B) (29) of the Council's Scheme of Administration relating to the formulation, implementation and review of asset management policies and practices, and to the maintenance of an overview of the council's property disposal programme.

2. RECOMMENDATION

2.1 It is recommended that the committee:

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

3. BACKGROUND

- 3.1 The Policy and Resources committee approved the council's first Corporate Asset Management Plan on 23 September 2008 (paragraph 6 of the minute refers) and has approved annual updates since then. The updated plan for 2018/19 was approved by this committee on 21 March 2018 (paragraph 5 of the minute refers).

- 3.2 A schematic representation of the asset management planning process is included as **APPENDIX 1** to this report. Committee should note the iterative nature of asset management planning, taking financial affordability into account. The next stage in the development of asset management across the council is a reiteration to address financial sustainability. An important step in this process was the approval of the Property Asset Management Appraisal by Council on 12 December 2018 (paragraph 5 of the Minute refers). For the past three years financial affordability has been addressed by the Make Do and Mend policy which was recognised as a temporary expedient and not financially sustainable; at its meeting on 27 February 2019 Moray Council (paragraph 4 of the minute refers) agreed to commence preliminary work to revert to capital expenditure based on asset management principles with a view to full implementation by 2022/23.
- 3.3 A summary of progress to date on developing individual asset management plans is included as **APPENDIX 2** to this report. This highlights progress in Property Asset Management Planning over the past year.
- 3.4 The council's Capital Strategy proposed developing a local performance indicator for affordability of capital expenditure – percentage of the Council's net General Services revenue budget committed to loans financing charges. The Strategy also identified the need to develop a robust method of prioritising expenditure for inclusion in the capital programme.

4. REPORT ON PROGRESS UNDER THE CORPORATE ASSET MANAGEMENT PLAN 2018/19

- 4.1 The Corporate Asset Management Plan (CAMP) for 2018/19 reflected a year of continuing consolidation; with the key aim of the CAMP being to ensure that the work needed to underpin and deliver a ten-year capital plan was identified, resourced and carried out.
- 4.2 The key tasks identified for 2018/19 were:
- The development of a target to reduce the council's asset base, as part of the corporate planning process, including the development of a process to prioritise capital projects;
 - To review the remit and membership of the Asset Management Working Group;
 - To contribute to the school ASG review process;
 - To report to members the Property Asset Management Strategy;
 - To receive the post-project reviews agreed upon and to promote the completion of more end of project reports;
 - Harbours Asset Management Plan completion; and
 - Continue general development of AMPs.

- 4.3 The ten year capital plan was updated based on an extension of the indicative ten year plan for 2018/28 with a review of the profile of work contained within the plan. An initial assessment of the impact of movement away from Make Do and Mend was reflected in the timing of capital works on schools. The updated plan was used as year's two to ten of the indicative ten year capital plan reported to council on 27 February 2019. Work is ongoing with members to review the sustainability of the council's asset base and the development of a target to reduce the council's asset base will be considered as part of the corporate planning process.
- 4.4 The review of the remit and membership of the Asset Management Working Group was not concluded during the year and work will continue into 2019/20.
- 4.5 As referred to in paragraph 3.2, a Property Asset Management Appraisal was presented at the Moray Council on 12 December 2018 (paragraph 5 of the minutes refers). This provided the Council with background information relating to the Council's property portfolio; its condition and the costs required to bring all current properties up to a B condition standard. This fulfilled the 2018/19 target to report to members. The Appraisal proposed a review of office accommodation, depots, storage facilities and the implementation of a revised Asset Management Structure - all of which to be completed in 2019/20.
- 4.6 Members of the Asset Management Working group were part of the group formed to review the schools ASG process and schools future planning process. This will be taken forward under the Improvement and Modernisation Programme Transforming Education theme.
- 4.7 Four projects were identified in the 2018/19 CAMP for post project reviews:
- (i) Forres swimming pool refurbishment was presented to the Asset Management Working Group, on 27 September 2018, for consideration and comment. The review concluded that the business case objectives had been largely satisfied in the outcomes achieved, with the project completed on time and within the allocated budget. Improvements were made to gas consumption and reductions in noise levels from the pool plant were also achieved. The building is now categorised as high B for condition (up from Low B) and remains A for suitability.
 - (ii) Urquhart Place: reviewed by the Asset Management Working Group in March 2018 and since then there has been further expenditure. The AMWG await a follow up report.
 - (iii) Dallas Flood prevention Scheme: this scheme is now complete and the post project review will be drafted and presented to the AMWG later this year
 - (iv) HR / Payroll System Implementation: there has been a delay in implementation and has been reported to the Transforming the Council Board.

- 4.8 The formal Harbours' Asset Management Plan remains outstanding, however, the service continues to make use of the WDM system for recording asset condition and to aid decision making on repairs and renewals. The current harbours capital programme is based on condition surveys undertaken in 2015. The asset management database in WDM is updated to reflect the improvements made through capital maintenance works. The capital programme is reviewed annually.
- 4.9 Continuing the development of individual asset management plans is an on-going task.

5. CORPORATE ASSET MANAGEMENT PLAN 2019/20

- 5.1 The undernoted tasks have been included in the 2019/20 CAMP:
- Plan and commence implementation of the findings of the Property Asset Management Appraisal report;
 - Develop a new PI as identified by the Capital Strategy;
 - Incorporate the process of prioritising capital projects within the development of a target to reduce the Council's asset base, as part of the corporate planning process;
 - Review the remit and membership of the Asset Management Working Group, carried forward from 2018/19;
 - Flood Alleviation Asset Management Plan to be completed and reviewed by group prior to submission to Members;
 - Develop a selection process for post project reviews and continue to critically receive post project reviews and disseminate any lessons learnt; and
 - Continue general development of AMPs.
- 5.2 The full plan is included as **APPENDIX 3** to this report.

6. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

Asset management planning assists the council to deliver council and community planning priorities whilst achieving Best Value.

(b) Policy and Legal

There are no policy or legal implications arising directly from this report.

(c) Financial implications

There are no financial implications arising directly from this report. Asset management planning feeds into the council's financial planning process and forms a key part of the strategy for reducing budget pressures and the Council's Improvement and Modernisation Programme.

(d) Risk Implications

There are no risks to the council arising directly from this report. Asset management planning reduces the risk to the council of unexpected issues arising relating to the council's assets.

(e) Staffing Implications

There are no staffing implications arising directly from this report. All recommended actions are planned to be carried out within current staffing resources.

(f) Property

There are no property implications arising directly from this report.

(g) Equalities/Socio Economic Impact

There are no equalities issues arising directly from this report.

(h) Consultations

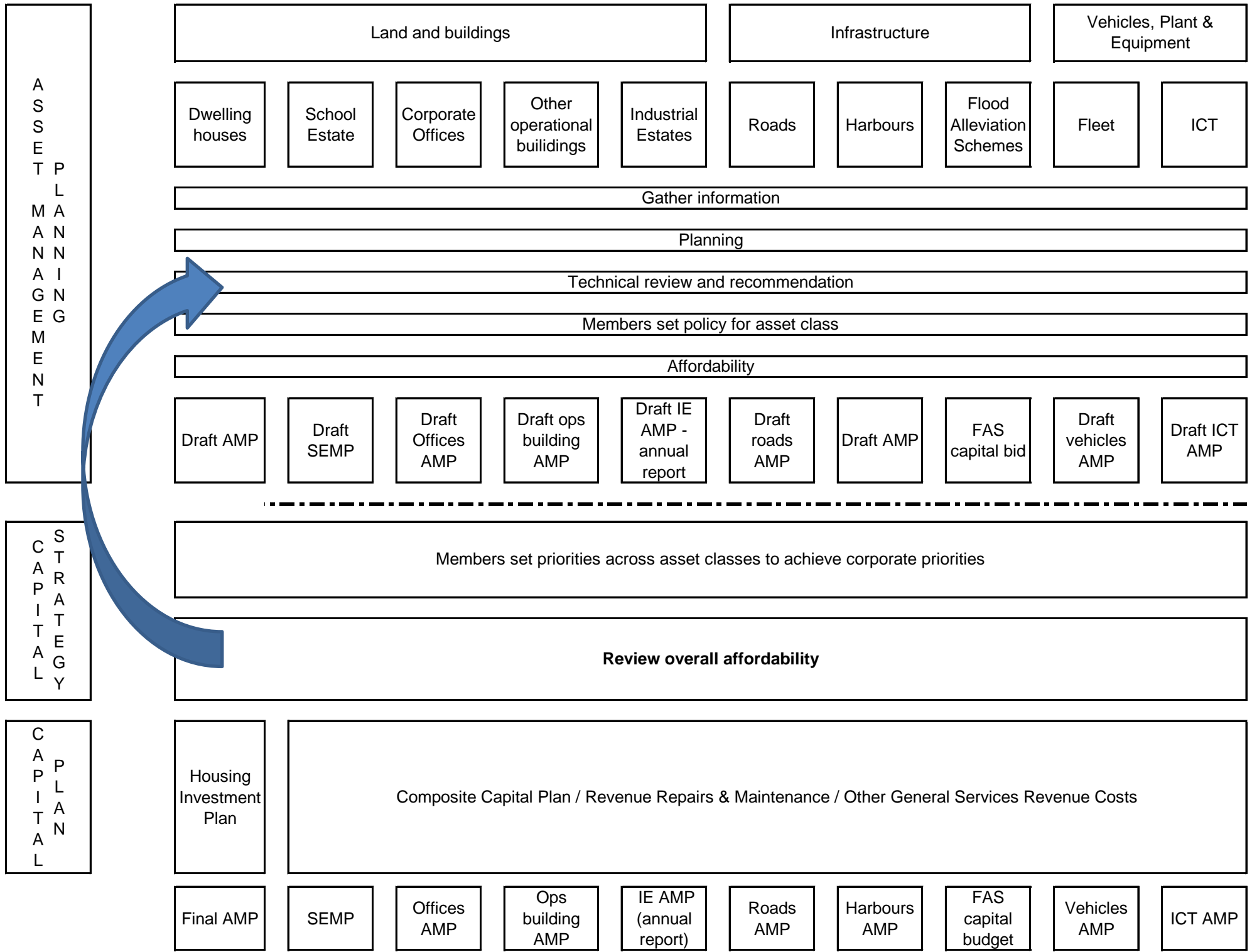
Members of the Corporate Management Team and of the Asset Management Working Group, the Head of Legal and Democratic Services, the Democratic Services Manager and the Equal Opportunities Officer have been consulted in the preparation of this report.

7. CONCLUSION

7.1 Progress continues to be made with the development of asset management processes and plans.

7.2 The Corporate Asset Management Plan for 2019/20 sets out the actions planned for the next financial year to progress asset management planning in the council.

Author of Report: Paul Connor, Principal Accountant
Background Papers:
Ref: PC/LJC/



APPENDIX 2

The table below summarises the contents and status of completion of Asset Management Plans for each category of asset.

	Property				Open Space	Roads etc			Housing	Fleet	ICT
<u>Baseline Information</u>	Schools	Offices	Other op buildings	Industrial Estates		Roads & associated infrastructure	Harbours	FAS			
Numbers/Suitable Measure	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Condition Suitability	✓	✓	✓	✓	Part	✓	✓		✓	✓	✓
Sufficiency	✓	✓	✓	✓	✓				✓	✓	✓
Current Revenue Cost	✓	✓	✓	✓		✓	✓		✓	✓	✓
Future Revenue Cost	✓	✓	✓	✓		✓	✓	✓	✓	✓	Part
<u>Planning</u>											
Performance Targets	✓	✓	✓	✓		✓		✓	✓	✓	
Service Plans	✓			✓		✓			✓	✓	✓
<u>Technical Review</u>			✓								
Investment Needs	✓	✓		✓	Part	✓	✓		✓	✓	✓
<u>Policy for asset class</u> Agreed by Council.					In draft						
	✓	✓	✓	✓		✓			✓	✓	✓
Asset Management Plan	Complete draft ⁽¹⁾	Part	Part	Complete		Part ⁽²⁾	Part		Complete	Complete	✓

- (1) The first iteration of the Schools Estate Management Plan based on achieving 'B' 'B' was completed but the Plan was not financially sustainable. The CMT and relevant Heads of Service are investigating possible approaches for a further review. This will be part of the Transforming Education theme of the Council's Improvement and Modernisation Programme.
- (2) For some asset groups it will not be possible to move beyond partial completion without sector development of tools and models.

Changes from the position last reported to this Committee on 21 March 2018 are in bold type.

APPENDIX 3**CORPORATE ASSET MANAGEMENT PLAN 2019/20****1. INTRODUCTION**

- 1.1 The Council's Corporate Asset Management Plan (CAMP) describes the arrangements which the Moray Council has made for asset management planning; links the asset management planning process to other key concerns of the Council; highlights progress in the preparation of asset management plans for the six main categories of asset, and includes an action plan for the coming year.
- 1.2 The CAMP also seeks to make explicit the links which exist between the asset management planning process and the financial planning process, particularly capital planning, and this is addressed throughout the CAMP.
- 1.3 The CAMP has been prepared according to the guidelines set out in the CIPFA Guide to Asset Management and Capital Planning ("the CIPFA Guide").

2. BACKGROUND

- 2.1 The Asset Management Working Group was established to develop and oversee overall asset management arrangements within Moray Council. A key task for the group is to assist in the development of proposals for capital expenditure based on asset management principles. These proposals are then fed into the council's financial planning process. They aim to establish appropriate expenditure plans for the medium term. On 17 January 2012 the Council approved a ten-year Capital Plan. At that time the ten-year plan was recognised to be unaffordable and one-year capital plans for 2013/14, 2014/15, 2015/16, 2016/17, 2017/18, 2018/19 and 2019/20 have successively been approved, pending revision of the ten-year plan. The ten-year plan was updated to reflect the Council's approved asset standards and current condition of the asset base prior to approval of the 2016/17 plan on 30 March 2016, approval of the 2017/18 plan on 15 February 2017, approval of the 2018/19 plan on 14 February 2018, and further reviewed prior to approval of the 2019/20 plan on 27 February 2019
- 2.2 The group is also responsible for developing the corporate asset management framework and for overseeing progress on the development of individual asset management plans. Progress on the development of asset management planning is reported to the Policy and Resources Committee, which approves the CAMP on an annual basis.

2.3 The key drivers for asset management planning are listed below:

Driver

Condition	This requires to be measured for each class of asset, and each asset within that class graded. The Council should set targets for condition for each asset class.
Suitability	This assesses whether or not an asset is fit for purpose.
Sufficiency	This is about asset capacity rather than asset use and reflects demand for the asset.
Revenue Costs	The costs of operating the asset.
Accessibility	Both physical accessibility – e.g. with the duty to make reasonable adjustments under the Equalities Act 2010 – and whether specialist knowledge is required to operate the asset, potentially restricting its use.
Value	This could be the book value of the asset, the market value or replacement value.

2.4 Asset management planning is closely linked to capital planning, and has come of age in local government under the Prudential Code. Long-term affordability is therefore a major concern for asset management planning. The recognised 6 drivers listed above all impact on affordability. The CAMP places this under the umbrella of sustainability and this will be discussed from three aspects – financial sustainability, environmental sustainability and economic sustainability – in section 3.

2.5 As well as affordability, the asset management process aims to achieve efficiency in terms of use of assets, and maximisation of value in terms of asset disposal.

2.6 The CIPFA Guide identifies the six main categories of asset for asset management planning as: property, open space, roads and associated structures, housing, fleet and ICT. Asset Management Plans should be based on robust data about the number of assets in each category; their condition; suitability for use; sufficiency for use, and revenue cost of use. They should set targets for performance; relate to service plans for future delivery of service; identify investment needs; support the Single Outcome Agreement or other Council policy priorities.

2.7 In order to better reflect local priorities and operational needs two of these main categories have been subdivided. Property is subdivided into the school estate, industrial estates and offices and other properties; Roads etc. is subdivided into roads and directly associated infrastructure; harbours; flood alleviation schemes.

2.8 Assessment of current progress on preparation of asset management plans for each asset type is summarised in section 4.

2.9 The Action Plan for 2019/20 forms section 5 of the CAMP.

3. SUSTAINABILITY

3.1 Financial Sustainability

3.1.1 For the council to be able to assess the sustainability of its asset base, it must have good quality information on the condition of its assets and use this to estimate the cost to the Council of maintaining each asset over its expected life.

3.1.2 Good progress has been made in obtaining and analysing condition data on the Council's assets. In order to use this information as a predictive tool, the Council has set target standards for every class of its assets – the higher the standard, the more costly the asset will be to maintain to that standard.

3.1.3 The Council's Capital Strategy sets out the principles underlying the Capital Planning process and in doing so describes how Asset Management Planning and Capital Planning inter-relate. The latest version of the Capital Strategy was approved on 12 December 2018. The Strategy identifies the need for the Council to ascertain the optimal asset base from which to deliver services at an affordable level.

3.1.4 The Council requires to reduce expenditure to an affordable and sustainable level. An important part of this process will be to reduce the Council's asset base; to review the standards to which the council aspires its assets to reach; to agree on an affordable level of capital expenditure, and to agree a process for prioritising capital expenditure across asset types and prioritising new developments. A policy of "Make Do and Mend" was approved by the council on 25 May 2016 to guide officers involved in preparatory work for capital expenditure. At the Moray Council on 27 February 2019 it was agreed that this approach was no longer sustainable and as such preliminary work was to commence to revert to capital expenditure based on asset management principles with a view to full implementation by 2022 / 23.

3.1.5 The ten year plan when first developed was based on the work required to meet the council's approved standards for all asset groups. The indicative plan presented to the Council on 27 February 2019 reflected the requirement in the Capital Strategy approved by Council on 12 December 2018 to provide new or improved infrastructure and facilities to accommodate planned local developments under the Local Development Plan. Accordingly the Council is now explicitly recognising that sustainability must be achieved within the wider context of the Council's policy planning framework and other agreed Council priorities. For asset management this means raising the horizon to look beyond our current asset base to what we need in future to implement Council policies and priorities.

3.2 Environmental Sustainability

- 3.2.1 The Council's has an aspirational target of reducing CO² from building usage by 20% by 2023.
- 3.2.2 The Council has invested in energy efficiency projects and in prior years has benefited from funding from the Central Energy Efficiency Fund and a capital grant from the Scottish Government.
- 3.2.3 The Council is continuing to replace all SON and SOX street lanterns with LED lanterns and this is expected to be complete during 2019/20; a significant energy saving project.
- 3.2.4 The Council also funds on-going small scale energy saving projects and an allowance is included in the capital plan each year to fund such projects.
- 3.2.5 Environmental considerations will remain an important consideration in the development of individual asset management plans and in developing individual projects. Proposals for capital projects will seek to maximise environmental benefits, balanced with cost to the Council.

3.3 Economic Sustainability

- 3.3.1 Sustainable Economic Development is a priority in the Corporate Plan. The Council aims to support a sustainable economy in Moray through various policy initiatives designed to support economic development locally and in particular through the development of the Moray Economic Partnership.
- 3.3.2 For asset management planning, economic sustainability has three strands:
- ensuring the Council's asset management planning process supports the economic development process by joined-up planning with partners in the Moray Economic Partnership;
 - planning asset management which directly supports economic development (such as developing industrial estates or facilitating development at Buckie harbour), and
 - reflecting the requirements of the Local Development Plan.
- 3.3.3 Asset disposal can support financial sustainability by maximising capital or other financial receipts. Economic sustainability can also be assisted by facilitating community development and the Council's Community Asset Transfer process seeks to support local sustainable community ventures. This process has recently been incorporated more closely with the mainstream asset management planning function of the Council.

3.3.4 The Council continues to work on the Moray Growth Bid, with the UK Government announcing on the 28 September 2018 a key milestone had been reached in securing a deal for Moray and formally invited partners of the Moray Growth Deal to submit their priorities for boosting economic growth and productivity in the region. There is confidence that the Heads of Terms – the agreement in principle on the deal – will be in place by the end of the calendar year.

4. ASSET MANAGEMENT PLANS

4.1 Property

4.1.1 The School Estate

The Council approved target grades of B for both condition and suitability for the Moray School Estate. Improvements designed to achieve these targets were originally included in the nine years of the draft capital plan which cover 2018 – 2027, with a programme of refurbishment, based on a whole-school approach, developed to bring all primary schools up to the approved standards. This, however, was judged to be unaffordable and consequently the approved plans for 2017/18 to 2019/20 were modified under Make Do and Mend to cover major elements at risk of imminent failure. This temporary expedient has been recognised as unsustainable however the lead-in time to revert to asset management based capital works is such that a target of attaining this by 2022/23 was approved by Council on 27 February 2019. This anticipates the completion of a review of the school estate. The Sustainable Education Review which was reported to Council on 3 November 2014 included consideration of rationalisation of the school estate. Council decided not to progress this. Three new schools (two secondary schools and a primary school) have been built through a combination of public and private funding. Two further new builds are under construction. One is a secondary school which is part funded through Scottish Futures Trust and the other is a primary school which is part funded through developer obligations. Four primary schools have been refurbished through a combination of Moray Council and Scottish Government funding. The future of the school estate is now being reviewed as part of the Council's Improvement and Modernisation Programme.

4.1.2 Offices / Other operational buildings

The Property Asset Management Group leads development of asset management in this area. An appraisal of the Council's property assets was presented to Moray Council Committee on 12 December 2018 (paragraph 5 of the minutes refers) and it was agreed that a further review of office, depot and storage provisions would be progressed in 2019 / 20 to make best use of these assets and where possible rationalise the estate.

4.1.3 Industrial Estates

The annual industrial portfolio report on industrial estates is the vehicle for asset management planning for the Council's industrial portfolio. The latest report was to Economic Development & Infrastructure Services Committee on 14 August 2018 (paragraph 11 of the minute refers).

4.2 Open Space

4.2.1 A number of play areas have been assessed and a priority list of repairs prepared for implementation in 2019 / 20. An independent engineer assessed all play equipment during 2018; a condition survey was completed on war memorials in 2018; a procedure for checking cemetery headstone stability has been trialled and adjustments made.

4.2.2 The Future Cemetery Provision Strategy submitted to the Economic Development & Infrastructure Committee 4 December 2018 (para 6 of the minute refers) proposing that a hierarchy of cemeteries with new lair provision would be available within the local housing market areas, with main cemeteries in Elgin, Forres, Buckie Lossiemouth and Keith supported by additional smaller cemeteries in Cullen, Aberlour, Dufftown, Tomintoul, Rothes and Lhanbryde. The strategy also recognised that 3 cemeteries required extensions in the next ten years, these being Broomhill, Keith and Lossiemouth. A new cemetery in Elgin would also be required

4.2.3 The 2019 / 20 budget has identified a number of cuts to the parks, cemeteries and open spaces service, such as: a reduction / cessation in the frequency of grass cutting across Moray. This is expected to have a negative impact on the environment and visitor experience which may lead to an increase in complaints.

4.3 Roads and other infrastructure

4.3.1 Roads and Associated Infrastructure

The first Roads Asset Management Plan (RAMP) was completed in April 2012, following a nationally developed model. The RAMP addressed the specific lifecycle requirements of 5 different asset groups: carriageways, footways (including footpaths and cycle tracks), structures (road bridges, foot bridges and retaining walls), street lighting and street furniture. This was then modified in the preparation of the financial plan for 2014 / 15 in which a target of reducing the standard of Moray's roads to the Scottish average over the next ten years was set, and this target has since been clarified as being a desired mid-table ranking.

- 4.3.2 The Council participates in a SCOTS project to continue development of Roads Asset Management Planning. The project is now in Phase 3, with Atkins as the Support Consultant. Work is currently ongoing to develop and implement a risk-based safety inspection system to comply with the latest Code of Practice.
- 4.3.3 The roads modelling exercise was last refreshed in 2017, with the latest road condition results were reported to Economic Development & Infrastructure Committee 19 February 2019. A-Class roads have already deteriorated beyond the targeted mid-table ranking, while other classifications are showing either a slower deterioration or no deterioration. Road condition survey results will continue to be monitored and further options presented to Committee as and when necessary.
- 4.3.4 Harbours
- 4.3.5 Planned works to repair Buckie harbour commenced in August 2018, a number of storms caused delay and damage to temporary works and in a bid to avoid further delays and reduce potential increase in costs, the decision was taken to suspend works. The site was made safe and work stopped in December 2018 at which point repairs were 80% complete. Work is programmed to re-commence in April 2019
- 4.3.6 In October 2018 a number of harbours sustained storm damage. Conditions in a marine environment are aggressive and damage to structures can increase in severity very quickly, increasing the scope of work and associated cost required to repair them. To reduce the risk of escalating repair costs the decision was taken to repair this damage as early as possible and the funding required to pay for this work was taken from the existing allocation for harbours in the capital plan. The cost of the work was £45,000 for all four harbours that suffered damage. Due to temporary staff shortages, the Consultancy Section had to re-prioritise its workload resulting in the proposed works to Burghead harbour being postponed until 2019/20
- 4.3.7 The remaining repair work at Buckie Harbour will be completed in April / May 2019 and the repairs to the piled supports for the jetty at Burghead harbour – postponed from 2018 / 19 – will be undertaken in 2019 / 20. Damage to the harbour walls at Portknockie will be investigated and the required repairs will be designed and constructed in 2019 / 20.
- 4.3.8 Flood Alleviation Schemes
- 4.3.9 The Council's seven flood protection schemes have been maintained in line with operation and maintenance manuals. The flood team has looked for efficiencies in the required maintenance and as these schemes are fairly new the process for identifying efficiencies is likely to be ongoing for a number of years

- 4.3.10 Potential efficiencies in the maintenance regime for the Pilmuir Pump Station, which forms part of the Forres River Findhorn Scheme, have been identified and will be progressed during 2019/20.
- 4.3.11 Other assets, such as small watercourses, culverts and coastal protection systems have been maintained in line with the flood team's schedule of clearance and repair. The flood team's asset management data base is currently being updated and will form a significant part of the Asset Management Plan, the final draft of which is due to be completed during 2019/20

4.4 Housing

- 4.4.1 The asset management process is well developed in Housing. The Housing Standard Delivery Plan met the target of achieving the Scottish Housing Quality Standard (SHQS) as far as practicable by April 2015 and this standard has been maintained for the Council going forward. The Moray standard is slightly higher than SHQS and it is anticipated the compliance target will be achieved during 2019 / 20. A further national standard, the Energy Efficiency Standard for Social Housing (ESSH), has a target compliance date of December 2020. During 2019 / 20, the Housing Service will deliver energy efficiency improvements to its housing stock as part of an extensive ongoing programme of ESSH compliance works. The Moray standard will be reviewed during 2019 / 20 in light of current ESSH requirements as well as the future ESSH2 (from 2020), which is likely to focus more on carbon saving than energy / fuel saving. A review of the Housing Business Plan will be undertaken during 2019 and will take account of the Housing Service's investment priorities and financial commitments in complying with ESSH and improving its housing stock in line with preferences identified by tenants in the 2018 Tenants' Survey.
- 4.4.2 The Council's Strategic Housing Investment Plan 2019/23 sets out proposals for the delivery of new Council housing over the next three years. The programme will be funded from resources provided by the Scottish Government as part of the Moray Affordable Housing Programme. The current Housing Business Plan has made provision for 70 new houses to be delivered per annum. The 2019 review of the business plan will assess the capacity of the new build programme beyond 2019 / 20. The new council housing will help address the ongoing acute shortage of affordable homes in Moray and will provide accommodation for a broad range of needs, including households with older people and disabled members. It will also contribute to the aims of the Council's Rapid Re-Housing Transition Plan by providing permanent accommodation for homeless households. The new council housing is being built to high levels of sustainable design and energy efficiency, achieving the "silver" level of Building Standards.

4.5 Fleet

- 4.5.1 A first draft Fleet Asset Management Plan was developed and used in the drafting of the Capital Plan 2012/2022. That draft identified further actions required to strengthen the Fleet Asset Management Planning process, which is driven by departmental needs, and Fleet service user departments were consulted on a revised AMP. The current policy for replacing vehicles is to plan to replace them at the age assessed as being, on average, the optimum replacement age for that type of vehicle, balancing the cost of repairs and downtime with the cost of replacement. The allowance in the capital plan is based on that desktop calculation. Actual replacement is made by reviewing the performance of each individual vehicle and projected service need.

4.6 ICT

- 4.6.1 The use of ICT underpins all of the council's activities, to a greater or lesser extent. It is recognised that robust asset management planning for this area is of great importance. Detailed information was used in the development of the ten-year capital plan but a formal asset management plan has not yet been developed. However, the asset information for network infrastructure, including corporate telephony, was reviewed and updated during 2018 / 19 and this informed the allocations for 2019 / 20
- 4.6.2 The current policy for replacing ICT assets varies depending whether the equipment is related to the schools' network or the corporate network but essentially based on the optimal age for the type of asset in the particular setting. Actual replacement, however, does need to take into account other factors such as performance of the asset but also external factors such as third party support, compatibility with other products, general trends in technology, and security requirements / accreditation.
- 4.6.3 ICT has recently implemented a new Servicedesk solution which incorporates asset information. The system is at an early stage but it will provide improved information on asset performance and reliability as the calls' database builds up
- 4.6.4 As far as the corporate network is concerned, the current allocations in the ten-year capital plan for Desktop and Mobile devices are based on the replacement of equipment that was deployed based on the principles established by the Designing Better Services transformation programme. For the schools' network, replacement is based on the agreed ratio of devices to pupils. It should be noted that the rationale for replacement may change as a result of the Improvement and Modernisation Programme, and the new ICT Strategy for Schools. This will have an impact on the current allocations and will be reported at a later date when the full impact is known.

5. ACTIONS PLANNED FOR 2019/20

5.1 The principal action for 2019/20 is to subsume the process of prioritising capital projects within the development of a target to reduce the council's asset base, as part of the corporate planning process.

5.2 The other key tasks are noted below:

- To review the remit and membership of the Asset management Working Group;
- Flood Alleviation Asset Management Plan to be completed and reviewed by group prior to submission to members;
- Plan and commence implementation of the findings of the Property Asset Management Appraisal Report
- Develop a new PI as identified by the Capital Strategy
- Develop a selection process for post project reviews and continue to critically receive post project reviews and disseminate any lessons learnt.

5.3 In addition to these tasks, the Asset Management Working Group will keep the status of AMPs under review with a view to identifying further actions to improve the asset management planning process.



REPORT TO: POLICY & RESOURCES COMMITTEE ON 9 APRIL 2019

SUBJECT: PLANNING CHARGES

**BY: CORPORATE DIRECTOR (ECONOMIC DEVELOPMENT,
PLANNING & INFRASTRUCTURE)**

1. REASON FOR REPORT

- 1.1 To inform the Committee of the proposed charges for planning related enquiries that are not covered by statutory fees set by the Scottish Government.
- 1.2 This report is submitted to Committee in terms of Section III (B) 48 of the Council's Scheme of Administration relating to approval of discretionary charges for Council services in accordance with policy.

2. RECOMMENDATION

- 2.1 **It is recommended that the Committee agree to the fees, following a review for non-statutory requests for non-material variations to approved schemes, pre-application advice, and enquiries relating to Listed Buildings as set out in Appendix 1.**

3. BACKGROUND

- 3.1 Statutory fees are set by Scottish Government in relation to planning applications and other related consents such as Advertisement Consent and Prior Approval Notification for Agricultural and Forestry buildings.
- 3.2 From 1 November 2017 fees for pre-application advice and development enquiries have been applied to requests received. The number of requests for pre-application advice and development enquires has significantly fallen since charging was introduced. This in turn has enabled staff resources to focus on delivery applications that are subject of a statutory planning fee. The enquiries that have been submitted have generated income as set out in the table at **Appendix 2** and have been split between the type of enquiry and type of development.

4. PROPOSED REVISED FEE STRUCTURE

- 4.1 Following a review of the fees, increases have been made to pre-application and development enquiries fees (paragraph 9, Policy & Resources Committee 12 February 2019 refers); unfortunately some of the new fee proposals were omitted in error. One of the proposed changes was to introduce a specific fee for preliminary enquiries that relate to commercial developments and changes of use (subject to a maximum floor space of 250sqm) and to seek guidance of listed buildings. In addition, where advice is sought on unauthorised development and/or works to a Listed Building which are the subject of conveyancing, a separate charge has been proposed as these requests require to be prioritised and take additional staff resources.
- 4.2 The other new charge that is proposed is for requests for non-material variations to a planning application after a decision has been issued. The charges proposed would be linked to the category of development being applied for, i.e. householder, local and/or major development types.
- 4.3 The levels of fees proposed are set out in **Appendix 1** and consolidate the already recently approved increases in charges as well as the proposed new ones for ease of reference. These fees are considered to be a reasonable estimation of cost in relation to processing these requests.

5. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

The Corporate Plan priorities are to promote economic development and growth and maintain and promote Moray's landscape and biodiversity and work towards a financially stable council that provides valued services to our Communities.

(b) Policy and Legal

None.

(c) Financial implications

The proposed charges in **Appendix 1** represent a reasonable estimation of cost in relation to processing these requests.

(d) Risk Implications

None.

(e) Staffing Implications

None.

(f) Property

None.

(g) Equalities/Socio Economic Impact

None.

(h) Consultations

The Corporate Director (Economic Development Planning & Infrastructure), the Head of Development Services, the Legal Services Manager, the Transportation Manager, the Consultancy Manager, the Environmental Health & Trading Standards Manager, the Equal Opportunities Officer, Paul Connor (Principal Accountant) and Democratic Services Manager have been consulted and comments received have been incorporated into the report.

6. CONCLUSION

6.1 Agree the non-statutory planning charges as set out in Appendix 1.

Author of Report: Beverly Smith, Development Management & Building Standards Manager

Background Papers:

Ref:

		<p style="text-align: center;">Environmental Services Development Management Development Services Council Offices High Street Elgin IV30 1BX</p> <p style="text-align: center;">Tel: 01343 563270 Fax: 01343 563263</p>	
		<p>PRE-APPLICATION ADVICE & DEVELOPMENT ENQUIRIES SCALE OF FEES APPLICABLE FROM 10 April 2019</p>	
Service		Scale of Fees	
1	Pre-application advice on Major Development proposals	£1,500.00	
2	Pre-application advice on all Local Development proposals (except single houses in the town or countryside)	£500.00	
3	Pre-application advice on single houses in the town or countryside	£150.00	
4	Pre-application advice on commercial developments and changes of use (max. floor space 250 sqm)	£150.00 (new)	
5	Development enquiry fees for proposed householder developments only. All other development types require a Certificate of Lawfulness of Proposed Use or Development	£60.00	
6	Enquiries relating to proposed works to Listed Buildings (only one fee payable if it relates to a householder, local and or major development enquiry)	£60.00 (new)	
7	Requests for Non-material Variation of previously approved scheme: Householder developments All other local developments Major developments	£50.00 £100.00 £250.00 (new)	
8	Charging for site visit to advise re unauthorised development and/or works to a Listed Building which is the subject of conveyancing	£250.00 (new)	
9	Community Developments	Free	
10	Works or alterations to improve access, safety, health or comfort for a disabled person at their home	Free	

EXEMPTIONS:

Brief non-specific or general pre-application advice which can be given over the telephone

APPENDIX 2

Enquiry Type	Type of Development	Income £
IDs (with Fee)	Householder	12,900
PE	Single house in Town/Countryside	7,350
PE	All local development proposals except single house in Town/Countryside	19,500
PE	Major development proposals	2,500



REPORT TO: POLICY AND RESOURCES COMMITTEE ON 9 APRIL 2019

SUBJECT: DELEGATION OF TRADING STANDARDS POWERS TO EAST AYRSHIRE TRADING STANDARDS

BY: CORPORATE DIRECTOR (ECONOMIC DEVELOPMENT, PLANNING & INFRASTRUCTURE)

1. REASON FOR REPORT

- 1.1 The Committee is asked 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.
- 1.2 This report is submitted to Committee in terms of Section III (B) (39) of the Council's Scheme of Administration relating to the functions of the Council under the Local Government (Scotland) Act 1973.

2. RECOMMENDATION

- 2.1 **It is recommended that the Committee:**
- (i) **notes the content of the report; and**
 - (ii) **agrees the delegation of Trading Standards Powers to East Ayrshire Council Trading Standards.**

3. BACKGROUND

- 3.1 Trading Standards Scotland (TSS) is the national team for Trading Standards in Scotland. The team is funded by the UK Department for Business, Energy and Industrial Strategy and managed by the Convention of Scottish Local Authorities (COSLA). TSS coordinates and enforces cross boundary and national casework relating to Trading Standards Law. It also has an intelligence gathering and analysis function and hosts and administers Memex, the Trading Standards Intelligence database. TSS is a resource

intended to add capacity to local authority Trading Standards, not replace them.

- 3.2 Since May 2018, the processing of personal data for law enforcement purposes has been covered by Part 3 of the Data Protection Act 2018 (The Act). The Act only permits the processing of personal data for those purposes by bodies that qualify as a “competent authority”. Councils will qualify as a competent authority because they have law enforcement functions relating to matters such as trading standards and consumer protection. These functions include a duty to investigate and enforce potential offences under a variety of Trading Standards legislation including but not limited to the Consumer Protection from Unfair Trading Regulations 2010, the Trade Marks Act 1994 and the Tobacco and Primary Medical Services (Scotland) Act 2010. TSS has no statutory functions conferred directly on it, therefore its processing of personal data for law enforcement purposes could be challenged as unlawful.
- 3.3 In May 2018, Local Authorities received a letter from Brodies LLP Solicitors, acting on behalf of TSS. They proposed that all 32 Local Authorities in Scotland appoint all TSS Officers as an Officer of the Council, and then delegate the Council’s functions to each TSS officer (via the Chief Officer of TSS). This proposal was not widely accepted and subsequently rejected.

4. PROPOSAL

- 4.1 A second proposal has now been put forward. The proposal is that individual TSS Officers will only be authorised by one “lead” Council, namely East Ayrshire. All other Authorities would then delegate their powers to East Ayrshire. East Ayrshire would then appoint named Officers of TSS as Officers of East Ayrshire and then delegate the collective functions of all 32 Authorities to them. This allows TSS to say it is exercising statutory functions relating to law enforcement and therefore a competent authority for the lawful processing of data. The Memex database would consequently be deemed to be under the data control of all 32 Councils plus TSS jointly.

5. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

The Corporate Plan prioritises the promotion of economic development and growth in Moray to ensure a thriving and vibrant economy for its citizens. Businesses flourish on a level playing field and the main function of Trading Standards is to ensure that businesses trade fairly. Similarly, LOIP prioritises growing a diverse and sustainable economy so that Moray can be recognised as an outward facing community with a thriving and well connected commercial base. Much of Trading Standards work is intelligence led and the continued use of Memex is an essential tool in identifying rogue traders.

(b) Policy and Legal

Section 56(1) of the Local Government (Scotland) Act 1973 allows a

Local Authority to delegate certain Trading Standards functions to another Local Authority in Scotland. Section 56(3) allows that Authority to delegate the powers in turn to an Officer. There would be no requirement to amend the current Moray Council Scheme of Delegation.

(c) Financial implications

None identified.

(d) Risk Implications

These delegated powers would not just solely facilitate TSS' role of data controller in respect of Memex but could also apply to operational purposes. They would not preclude Moray Council Trading Standards from exercising these functions. The risks however are small and the approach does not entail any expansion of TSS's operational remit. TSS will produce a memorandum of understanding or equivalent to set out how any operational engagement with local Trading Standards teams would work. They will also develop a competency framework for their Officers, many of which have been Trading Standards or Police Officers. There would also be an indemnity from COSLA to East Ayrshire against the possibility of liability being assigned to East Ayrshire, which would centralise the risk.

(e) Staffing Implications

None identified.

(f) Property

None.

(g) Equalities/Socio Economic Impact

No Equality Impact Assessment is required for this report.

(h) Consultations

The Corporate Director (Economic Development Planning & Infrastructure), the Head of Development Services, the Legal Services Manager, the Equal Opportunities Officer and Democratic Services Manager have been consulted and comments received have been incorporated into the report.

6. CONCLUSION

6.1 The hosting and administration of the Memex database by TSS is an essential tool for all Local Authority Trading Standards Services.

6.2 If the delegation is safely managed, then the benefits to both TSS and Local Authority Trading Standards are significant.

Author of Report: Muriel Allan, Principal Trading Standards Officer
Background Papers:
Ref:



REPORT TO: POLICY & RESOURCES COMMITTEE ON 9 APRIL 2019

**SUBJECT: COMMUNITY ASSET TRANSFER REQUEST –
LESSER BOROUGH BRIGGS, ELGIN**

BY: CORPORATE DIRECTOR (CORPORATE SERVICES)

1. REASON FOR REPORT

1.1 This report invites the Committee to consider an asset transfer request and options for the future in respect of land at Lesser Borough Briggs, Elgin.

1.2 This report is submitted to Committee in terms of section III (B) (16) of the Council's Scheme of Administration relating to the management of Common Good and Trust property and section III (B) (59) relating to Community Asset Transfer requests.

2. RECOMMENDATION

2.1 The Committee is invited to:

- (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;**
- (ii) 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 this report;**
- (iii) instruct officers 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;**
- (iv) note that exposing the site for sale or lease on the open market would not be a barrier 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 event of a transfer price being agreed.**

3. BACKGROUND

- 3.1 On 7 January 2019, Elgin Sports Community Trust submitted an asset transfer request for an area of land, extending to 1.015 Hectares or thereby, at Lesser Borough Briggs, Elgin, as shown in the **Appendix**.
- 3.2 The site is held on a Common Good title. Due to its potentially inalienable status, court consent would be required before the Council could grant a 99-year lease over, or otherwise dispose of its interest in, the site.
- 3.3 The site, which is shown as white land within the current Local Development Plan, lies within the town centre boundary. *Policy R1 Town Centre Development* supports a mix of uses, including retail, commercial, leisure, recreation, tourism, cultural and community facilities.
- 3.4 The proposed Local Development Plan 2020 includes this site within *OPP8 Lossie Green*, which is designated for mixed uses, including leisure, office and/or retail. The location of the site within the defended flood plain means that it is not suitable for vulnerable uses, such as housing.
- 3.5 Elgin Sports Community Trust is a Scottish Charitable Incorporated Organisation (SC047984) that was formed with the object of advancing public participation in sport within the Elgin community. Although the trust meets the eligibility criteria to make an asset transfer request under Part 5 of the Community Empowerment (Scotland) Act 2015, it has chosen not to make use of that provision. Consequently, the Council is not obliged to consider this request – the Council is only obliged to consider valid asset transfer requests that have been made under the Act by eligible community transfer bodies.
- 3.6 The trust wishes to lease the site for a period of 99 years at a fixed nominal rent of £1 per annum (if asked). The market value of the site has been independently assessed at £325,000. The Estates Manager has confirmed that this sum would be an appropriate amount to pay by way of a grassum or premium in exchange for a 99-year lease at a nominal rental. The trust's request thus involves a 100% discount valued at £325,000.
- 3.7 Before it could agree to the request, the Council would need to satisfy itself that the proposal is likely to generate benefits commensurate with the requested discount and that these are the same as or greater than the benefits that could be achieved by any alternative proposal. In this instance, a valid alternative would be to dispose of the site on the open market, potentially realising a capital receipt in the region of £325,000. This could be invested in order to generate an annual income to the Common Good, which could then be made available to help fund suitable projects within the former burgh.
- 3.8 In its submission, the trust stated that it was not eligible to apply to the Scottish Land Fund for assistance to purchase the site due to a population restriction. A recent change to the eligibility requirements has removed this restriction. The eligibility requirements are now similar to those for making asset transfer requests under the 2015 Act.
- 3.9 Officers have discussed the proposal with representatives of the National Lottery Community Fund, who have indicated that they would be keen to discuss the trust's proposals for the site with a view to considering an application for stage one funding. Scottish Land Fund grants, which range

from £10k to £1M, are generally available to help eligible voluntary and community groups purchase land for their communities.

- 3.10 The trust's current proposal would remove the opportunity to develop this site for any other purpose for the next 99 years.
- 3.11 Part 8 of the Community Empowerment (Scotland) Act 2015, which came into force on 27 June 2018, requires that before taking a decision to dispose of a Common Good property the Council must publish details of its proposals, notify certain specified bodies, and invite those bodies to make representations. Whilst the Council can market the property it cannot accept any offers until it has carried out this statutory consultation and been granted court consent. In this case it is felt that the appropriate order would be to carry out public consultation to assess the views of the community before approaching the courts to seek authority to dispose of the property, and only then, having had regard to the views of the community and addressed the Common Good issue, market the property for sale or lease.

4. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

As the property is a Common Good asset, the interests of the inhabitants of the former burgh take precedence over the Council's Corporate Plan and 10 Year Plan (LOIP).

Transferring assets to the community can support the 10 Year Plan (LOIP) aim of creating more resilient and sustainable communities with less need for universal services provided by the public sector. It can also be consistent with the Corporate Plan value of promoting community empowerment as a means of supporting communities take on more responsibility.

The Council's corporate priority of working towards a financially stable Council should be taken into consideration when dealing with requests for a transfer of an asset at less than market value.

(b) Policy and Legal

Common Good assets are administered by the Council in relation to each former burgh within its administrative area. Common Good property is owned outright by the Council by virtue of Section 222(2) of the Local Government (Scotland) Act 1973. In administering these assets, the Council is required to have regard to the interests of the inhabitants of the area to which the Common Good formerly related.

Section 104 of the Community Empowerment (Scotland) Act 2015 requires that before taking any decision to dispose of a Common Good property the Council must first publish details of the proposed disposal. In publishing these details, the Council must also:

- (i) notify the relevant community council and any community body that is known to have an interest in the property, and
- (ii) invite those bodies to make representations in respect of the proposals.

In deciding whether or not to dispose of the property, the Council must have regard to any representations made, whether by those invited or by some other relevant party.

The Lesser Borough Briggs site is an asset over which a question arises as to its alienability. Consequently, a disposal of the asset would require court consent. In reaching its decision, the court is likely to take into consideration the level of community support for a transfer or disposal.

On 21 March 2017, the Policy and Resources Committee approved the following policy statement in relation to Community Asset Transfers (para 5 of the Minute refers).

“Moray Council recognises the important role that the transfer of property assets can play in empowering communities and strengthening their resilience. Where appropriate, the Council will use the transfer of assets to give more control to communities and local people, inspire them to find local solutions to community needs, and as a means of helping communities become more sustainable in the long term. In determining all asset transfer requests, the Council will have regard to the guidance provided by the Scottish Government in relation to asset transfer requests made under Part 5 of the Community Empowerment (Scotland) Act 2015, whether or not such requests are made under the provisions contained in the Act.”

Where assets are transferred at less than market value, such disposals must comply with the Disposal of Land by Local Authorities (Scotland) Regulations 2010, which requires that the Council must be satisfied that the proposed transfer is reasonable and that the disposal is likely to contribute to at least one of the following purposes:

- a) Economic Development,
- b) Regeneration,
- c) Public Health,
- d) Social Wellbeing, or
- e) Environmental Wellbeing.

Reasonableness is taken to imply that the requested discount is the minimum necessary to allow the project to proceed and that it is proportionate to the costs and benefits of the project.

(c) Financial Implications

Agreeing to transfer this asset for nil consideration would mean foregoing a potential capital receipt valued at £325,000. Disposal of the site would require the consent of the Sheriff Court following a public consultation. The costs of the public consultation, court action, and legal notices, etc. are estimated to be in the region of £3,000. If successful, these costs would be deducted from any capital receipt obtained.

Disposal of the asset would mean that the site would no longer be available for hire to circuses and fairs. Such lets typically provide Elgin Common Good with an annual income in the region of £4,600 to £4,700.

(d) Risk Implications

There are no risk implications arising directly from this report. However, if the Council subsequently agrees to petition the court, there is a risk

that the petition would be unsuccessful. The level of risk would be significantly reduced if the Council was able to demonstrate community support for a disposal. A further report will be brought to this Committee setting out the risk implications before a final decision is reached.

(e) Staffing Implications

Whilst all work involved can be accommodated within existing staffing resources, current pressures may lead to delays in implementation.

(f) Property

There are no property implications arising directly from this report. A further report will be brought to this Committee setting out the property implications before a final decision is reached.

(g) Equalities/Socio Economic Impact

An Equalities Impact Assessment is not required as agreeing the recommendations would have no impact on service delivery.

(h) Consultations

Consultation has taken place with the Asset Management Working Group CAT Sub-Group*, Legal Services Manager, P Connor Principal Accountant, Estates Manager, Democratic Services Manager, and Equal Opportunities Officer. All comments are incorporated in the report.

(*Corporate Director (Corporate Services), Head of Development Services, Head of Financial Services, and Educational Resources Manager.)

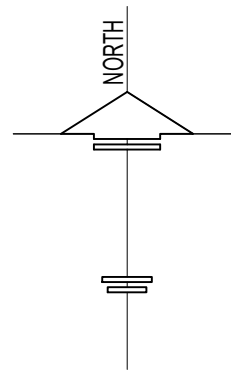
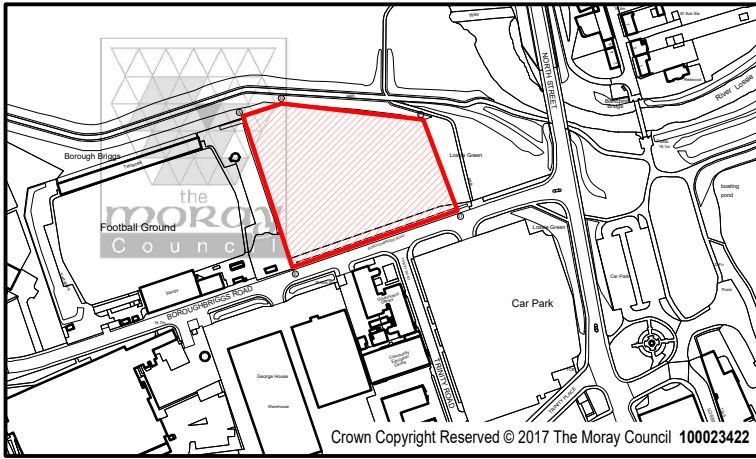
5. CONCLUSION

5.1 The Council has full discretion as to whether it considers asset transfer requests made outwith the provisions of Part 5 of the Community Empowerment (Scotland) Act 2015.

5.2 All community bodies making an asset transfer request are required to provide details of how they intend funding their proposals. Agreeing to transfer assets with the benefit of a 100% discount on the transfer price should only be considered when all available alternative funding sources have been exhausted. This helps ensure compliance with the Disposal of Land by Local Authorities (Scotland) Regulations 2010.

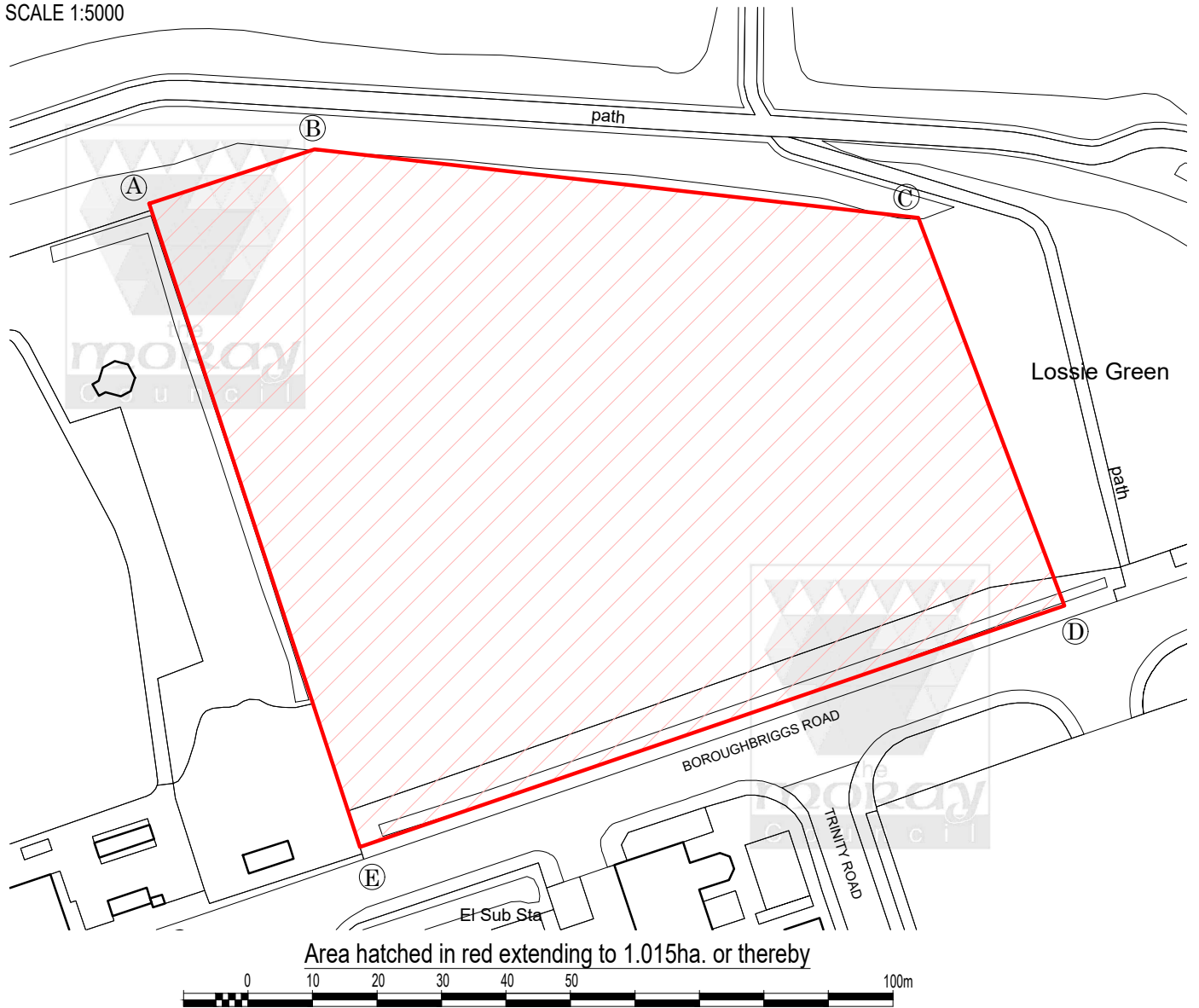
5.3 The Common Good site at Lesser Borough Briggs is not required for Council service delivery and, if court consent is forthcoming, could be sold on the open market for a significant capital receipt that would be used to provide an ongoing benefit to the Elgin community.

Author of Report: Andrew Gray, Asset Management Coordinator
Background Papers: Held by author
Ref: CAT/060/ATR



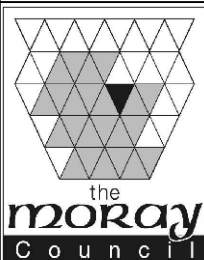
LOCATION PLAN

SCALE 1:5000



Drawing title

Lesser Borough Briggs, Borough Briggs Road, Elgin



Scale	1:1000	Date	June 2017
Drawn By	JG	Deed Pack	EL
Drawing Number	R \ MC \ E \ 204		

Housing & Property Services
Estates

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The Moray Council
Council Office, High Street, Elgin IV30 1BX
Telephone: 01343 563281



REPORT TO: POLICY & RESOURCES COMMITTEE ON 9 APRIL 2019

SUBJECT: TRUST PROPERTY – 3 LOGIE COTTAGES, FORRES

**BY: CORPORATE DIRECTOR (ECONOMIC DEVELOPMENT,
PLANNING & INFRASTRUCTURE)**

1. REASON FOR REPORT

- 1.1 This report invites the Committee to consider the future of 3 Logie Cottages, Forres, which is a dwelling house held under a Public Trust.
- 1.2 This report is submitted to Committee in terms of section III (B) (16) of the Council's Scheme of Administration relating to the management of Common Good and Trust property.

2. RECOMMENDATION

2.1 The Committee is invited to 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 sale in accordance with the terms of the trust.**

3. BACKGROUND

- 3.1 The dwelling house at 3 Logie Cottages, Forres, is held under a Public Trust, the purposes of which are for the dwelling house to be held as a '[rent] free home or house of rest' to be occupied by 'such respectable retired couple or widow with small family or a single woman, whether widow or single, in indigent circumstances'.
- 3.2 The dwelling house is now vacant following the death of the most recent beneficiary. In 2013, the Council agreed to provide the trust with a loan of £10,227.56 (excluding VAT) from the Housing Revenue Account to cover the costs of essential repairs. This loan falls to be repaid upon the eventual sale of the property. The trust is now frustrated, i.e. it can no longer continue, as

there are insufficient funds to pay for the property running costs (repairs, maintenance, servicing, etc.) for another beneficiary.

- 3.3 The trust deed gives power to the Trustees to sell the property, with the remainder of the proceeds of sale to be applied for the benefit of the 'poor in Forres'. Under the terms of the trust, the Trustees have absolute discretion in relation to the distribution of the remainder of the proceeds of sale. The elected Members of Moray Council are the Trustees, with decision-making related to trust property delegated to this Committee.
- 3.4 The trust would cease on the disposal of the dwelling house. It would then be for the Trustees to determine how the proceeds of sale would be distributed after repayment of the outstanding loan. A further report to this Committee will be required identifying suitable options for the distribution of funds.

4. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

As the property is a Public Trust asset, the trust purposes take precedence over the Council's Corporate Plan and 10 Year Plan (LOIP).

(b) Policy and Legal

Under section 4 of the Trusts (Scotland) Act 1921, trustees have wide-ranging powers. Those include selling trust estate and granting leases provided that such acts are not at variance with the terms or purposes of the trust.

(c) Financial Implications

The financial implications are set out in the body of the report.

(d) Risk Implications

There is a risk that the condition of the property will deteriorate in the event of there being a delay in putting the property on the market leading to a possible reduction in the likely sale price.

(e) Staffing Implications

Whilst all work involved can be accommodated within existing staffing resources, current pressures within the Estates Service are likely to lead to delays in implementation.

(f) Property

The property implications are set out in the body of the report.

(g) Equalities/Socio Economic Impact

An Equalities Impact Assessment will be required in relation to the distribution of the net proceeds of sale.

(h) Consultations

The Head of Legal and Democratic Services, Acting Head of Housing and Property, Legal Services Manager, E Gutcher, Solicitor, P Connor Principal Accountant, Estates Manager, Democratic Services Manager and Equal Opportunities Officer have been consulted and all comments incorporated in the report.

Local Ward Members (Councillors Alexander, Creswell, Feaver, and McLean) have been consulted and may make their views known at Committee.

5. CONCLUSION

- 5.1 The house at 3 Logie Cottages, Forres, is vacant following the death of the previous trust beneficiary and there are insufficient funds to meet the costs of a new beneficiary, leading to the frustration of the trust.**
- 5.2 During the tenancy of the previous beneficiary, the Council provided the trust with a loan of £10,227.56 (ex VAT) to cover the cost of essential repairs. This loan falls to be repaid upon the sale of the property.**
- 5.3 The trust deed gives power to the Trustees to sell the property, with any proceeds to be applied for the benefit of the 'poor in Forres'. Whilst the Trustees have absolute discretion in relation to the distribution of the proceeds of sale under the terms of the trust, a further report will be required bringing forward suitable options for consideration.**

Author of Report: Andrew Gray, Asset Management Coordinator
Background Papers: Held by author
Ref:



REPORT TO: POLICY AND RESOURCES COMMITTEE ON 9 APRIL 2019

SUBJECT: APPLICATION FOR DISCRETIONARY NON-DOMESTIC RATES REMISSION: THE WOODLANDS TRUST

BY: CORPORATE DIRECTOR (CORPORATE SERVICES)

1.0 REASON FOR REPORT

- 1.1 To consider The Woodlands Trust's application for a discretionary award of Non-Domestic Rates relief for its premises.
- 1.2 This report is submitted to the committee in terms of Section III (A) (8) of the council's Scheme of Administration relating to the administration of the levy, collection, payment and recovery of Non-Domestic Rates.

2. Recommendation

2.1 The committee is invited to consider:

- (i) the application, on its individual merits, from The Woodlands Trust for an award of some discretionary Non-Domestic Rates relief for its premises at Unit 1, Forres Enterprise Park, Forres; and
- (ii) if an such an award is made, the amount of rates relief to be awarded, up to a maximum of twenty *per cent* of the rates bill.

3. Background

3.1 Legal Framework

- 3.1.1 A registered Scottish charity which occupies a property in furtherance of its charitable objectives is entitled to a mandatory award of eighty *per cent* rates relief. Only charities which are registered with the Office of the Scottish Charity Regulator (OSCR) are entitled to an award of this relief.

3.1.2 In terms of Section 4(5) of the Local Government (Financial Provisions *etc.*) (Scotland) Act 1962 rating authorities have powers to grant additional discretionary rates relief in respect of premises:

(a) occupied by charities and used for charitable purposes;

(b) occupied for the purposes of organisations which are not established for profit and whose principal aims are charitable and are otherwise philanthropic or religious or concerned with education, social welfare, science, literature or the fine arts; or

(c) occupied for the purposes of a club, society or other organisation not established or conducted for profit and which are wholly used for the purpose of recreation.

3.1.3 Members have previously delegated resolution of some applications for discretionary relief to officers. At a meeting of this committee on 23 March 2005 a decision was taken to delegate applications from organisations which promote the welfare of vulnerable persons and applications from groups which benefit the community.

3.1.4 At a meeting of this committee on 12 February 2019 Members decided that the council would no longer make an award of discretionary rates relief to charity shops.

3.1.5 The application for discretionary rates relief from The Wood Land Trust lies outwith the powers delegated to the Head of Legal and Democratic Services at 8 (30) of the council's Scheme of Delegation. Its disposal reverts, therefore, to this committee.

3.2 Applicant

3.2.1 The Woodland Trust is a registered Scottish Charity (SC038885). Its objects are to conserve, restore and re-establish trees, in particular broadleaved trees, plants and all forms of wildlife and thereby secure and enhance the enjoyment by the public of the natural environment.

3.2.2 The Woodlands Trust currently occupies premises at Unit 1, Forres Enterprise Park, Forres, from which it conducts administrative work.

3.2.3 These premises are in charitable occupation, so there is an entitlement to eighty *per cent* mandatory rates relief.

3.3 Financial Cost of Relief

3.3.1 The rateable value of the premises at Unit 1, Forres Enterprise Park, Forres,

for which an award of some discretionary rates relief is sought is £2,450.

- 3.3.2 The Woodlands Trust has occupied these premises since 2 July 2018 and has already received an award of eighty *per cent* mandatory rates relief.
- 3.3.3 The net 2018-19 Non-Domestic Rates payable for the period The Woodlands Trust has occupied the premises at Unit 1, Forres Enterprise Park, Forres, for which an award of some discretionary rates relief is sought is £879.58.
- 3.3.4 The cost of making any grant of discretionary rates relief would jointly fall on the Scottish Non-Domestic Rates 'pool' and Council Tax-payers in Moray. The national pool would fund seventy-five per cent of such an award and the balance would accrue as a financial burden to the council to be funded directly by local Council Tax-payers.
- 3.3.5 The cost of making the maximum award of discretionary rates relief would be £175.92, which would be funded in the manner described in the preceding point.

4. SUMMARY OF IMPLICATIONS

(a) Moray 2026: A Plan for the Future

No council/community planning priority implications for the local authority arise from the content of this report.

(b) Policy and Legal

No policy implications for the local authority arise from the content of this report.

(c) Financial Implications

If Members choose to exercise their discretionary powers to make an award of rates relief, this would create an ongoing financial liability which would accrue against the revenues raised in future years from Council Tax-payers. If the maximum amount of relief was awarded this would create a gross recurring cost of approximately £212 *per annum* in future years, which would increase in line with any increase in the rates poundage set by the Scottish Government.

(d) Risk Implications

No risk implications for the local authority arise from the content of this report.

(e) Staffing Implications

No staffing implications for the local authority arise from the content of this report.

(f) Property

No property implications for the local authority arise from the content of this report.

(g) Equalities

No equalities implications for the local authority arise from the content of this report.

(h) Consultations

No consultation has been carried out in the preparation of this report.

5. CONCLUSION

5.1 This report has laid before Members of this committee the application by The Woodlands Trust for an award of discretionary Non-Domestic Rates relief for its premises and the cost to the council of making such an award.

Author of Report: James Taylor, Taxation Manager (ext. 3160).

Background Papers

Ref.: JGT/LJC/



REPORT TO: POLICY & RESOURCES COMMITTEE ON 9 APRIL 2019

SUBJECT: COMPLAINTS ANNUAL REPORT 2016-17

BY: CHIEF EXECUTIVE

1. REASON FOR REPORT

- 1.1 The Policy & Resources Committee is asked to consider the Complaints Annual Report 2016-17.
- 1.2 This report is submitted to Committee in terms of Section III (A) (51) of the Council's Scheme of Administration relating to developing and monitoring public relations, public reporting, publicity and corporate communications.

2. RECOMMENDATION

2.1 It is recommended that Committee:-

- i) considers the contents of the Complaints Annual Report;**
- ii) welcomes performance as indicated in the report;**
- iii) notes the actions being taken to improve performance where required;**
- iv) otherwise approves the report for submission to the Scottish Public Sector Ombudsman (SPSO).**

3. BACKGROUND

- 3.1 The 2015-16 Complaints Annual Report was approved by this committee on 30th August 2016 (para 16 of the minute refers).
- 3.2 All councils are required to publish their performance against the national performance indicators set by the SPSO. The attached report presents our performance against these performance indicators for the 2016-17 reporting period. **(Appendix)**
- 3.3 Complaints handling is part of the council's performance management framework. Members receive six-monthly updates on complaints performance through routine reports to service committees.

- 3.4 Over the past three years there has been a trend towards a reduction in the rate of complaints received per 1,000 head population: from 5.17 in 2014-15 to 4.31 in 2016-17. This reduction can be seen as positive and reflects public confidence in reporting complaints and service improvements made through complaint handling.
- 3.5 To put these figures in context, the average number of complaints received by local authorities in Scotland was 13.03 per 1,000 head population in 2015-16 (the latest published data). However, due to differences in how councils categorise and record complaints, this is not a definitive comparison.
- 3.6 During the year our ratio of complaints dealt with at front line resolution stage one compared to those dealt with at the investigation stage two showed a marked improvement from 2015-16. There was a 20% improvement in dealing with complaints at the front line stage (71.5%) compared to 2015-16 where just over half of all complaints were resolved at this stage (51.7%). This demonstrates that our staff are dealing timeously with and seeking early resolution with complainants.
- 3.7 For all the complaints closed during 2016-17, at both stages one and two, 46% were fully 'upheld' or 'partially upheld' compared to 43% in 2015-16. This would suggest that many customers are raising genuine concerns with service provision, and a greater proportion of all complaints require us to review and improve the way services are being delivered.
- 3.8 Due to legislation, statutory social work complaints operate through the existing three stage complaints process. As this process is at a variance with the model Complaints Handling Procedure (CHP), social work complaint figures are not included in great detail in this report. Social work complaints aligned with the model CHP on 1 April 2017 and will be included in the 2017-18 annual report.

4. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan) (LOIP)

This report supports the Scottish Government's national outcomes, in particular the commitment to be accountable to the community as stated: "Our public services are high quality, continually improving, efficient and responsive to local people's needs."

Effective handling of complaints is used to ensure the efficient and sustainable delivery of services to meet the Council's priorities in 'Moray 2023: A Plan for the Future.' Within the Moray Council Corporate Plan, it has been identified that "we will talk to our customers and see how they would like services improved" that is a core part of the process of learning from complaints.

(b) Policy and Legal

There is a statutory requirement to report to the SPSO annually on the performance indicators. The 'Social Work' complaints procedure, is now aligned into the model Complaints Handling Procedures.

(c) Financial implications

It is not anticipated that there will be any financial implications as the recommendations in this report relate to publicising performance information.

(d) Risk Implications

Performance reporting is a statutory requirement of the SPSO's Complaints Handling Policy. Failure to report may result in SPSO making a declaration of non-compliance against the Council. Non-compliance with the statutory duty relating to national standards being adopted would present risk in terms of reputational damage and a loss of public confidence in our ability to deliver quality improvements based on complaints analysis, and ultimately to maintaining and improving service standards.

(e) Staffing Implications

There are no staffing implications related to this report.

(f) Property

There are no property implications related to this report.

(g) Equalities/Socio Economic Impact

The Equal Opportunities Officer has been consulted in the preparation of this report and the equalities impact has been identified as uncertain.

The Equal Opportunities Officer has recommended that where services are experiencing high volumes of complaints, the management of respective services should arrange to identify common complaint issues and any learning arising. This will help to ensure that complaints are not arising from situations where customer diversity needs have not been considered or addressed, e.g. disability or cultural issues.

(h) Consultations

The Corporate Management Team has been consulted on the contents of annual report. The Performance Management Officer and Equal Opportunities Officers have been consulted in the preparation the Complaints Annual Report.

5. CONCLUSION

5.1 The Complaints Annual Report presents our performance against the national performance indicators set by SPSO.

Author of Report: Bridget Mustard, Corporate Policy Unit Manager

Background Papers: SPSO PIs

Ref: SPMAN-1108985784-12

Moray Council

Complaints Annual Report



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1. Chief Executive's Foreword

Scotland's public sector has a duty to the people it serves, and part of that duty involves responding positively to complaints. This annual report serves three purposes

- to comply with a national requirement to report against a suite of eight Scottish Public Service Ombudsman (SPSO) Performance Indicators (PIs)
- internally to inform management to help us learn from complaints and improve services; and
- externally to provide information and feedback to the public who engaged with us during the complaints process.

In this report you will find details of how we have performed in dealing with complaints, the outcomes of some investigations and how we have changed our services as a result. I am pleased to see many work practices modified as a result of a complaint, which I feel shows we are listening to the public when they're not happy.

Naturally, not every complaint is upheld, but clearly they are all addressed at either front line stage or through a more detailed, thorough investigation within respective timescales including authorised extensions. We take our commitment to the SPSO framework seriously and I am confident that our customer care will continue to improve as a result of complaints we receive.

Roddy Burns
Chief Executive

2. Introduction

- 2.1 This Complaints Annual Report summarises the council's performance in terms of handling customer complaints received between 01 April 2016 and 31 March 2017.
- 2.2 The 2016-2017 reporting period provides the fourth full year of data under the new model Complaints Handling Procedure. This annual report is presented in accordance with the National Performance Framework, which was published in August 2013. The Complaints Standard Authority developed a suite of eight performance indicators in association with the Local Authority Complaint Handlers Network on which we are represented. These indicators are a valuable source of information about council services as this helps to identify recurring or underlying problems, derive learning from complaints and highlight potential areas for improvement.
- 2.3 The council always aims to provide the highest possible quality of service to our community, but we recognise that there are times when we get things wrong and we fail to meet the expectations of our customers. The council welcomes feedback as it provides information that helps services learn from complaints and to modify and improve the way services are delivered. Complaints are viewed as a positive communication tool and are encouraged. We regard a complaint as any expression of dissatisfaction, by one or more members of the public, about our action or lack of action, or about the standard of service provided by us or on our behalf.
- 2.4 Our complaints procedure has two stages:
- **Stage one** – 'front line resolution': we will always try to resolve complaints quickly, within five working days, and in exceptional circumstances extend for a further five days.
 - **Stage two** – 'investigation': if customers remain dissatisfied with our stage one response, they can escalate their complaint to stage two. Complaints that are complex or need detailed investigation from the outset can be looked at immediately at stage two. These complaints will be acknowledged within three working days and a written response provided within twenty working days; this can be extended in exceptional circumstances.
- 2.5 Following completion of our complaints process, if a customer remains dissatisfied they can ask the SPSO to consider their complaint further and we advise them of this entitlement.
- 2.6 In support of the Complaints Handling Procedure, the council has a Complaints Management System enabling us to record, track and report on complaints information across all services. Within this system, actions are logged to record how we have dealt with and responded to complaints.
- 2.7 Monitoring complaints information, the preparation and publication of quarterly reports and this annual report helps to provide a clear basis for identifying service failures ('learning from complaints') and information on how effectively the council is handling complaints ('complaints performance').
- 2.8 The Performance Indicators covered in this report provide a tool that the council and the public can use to judge objectively how well complaints are being handled and how they inform service improvement activity.
- 2.9 The complaints performance data in this report will also inform our Annual Public Performance Report summarising our performance against the Statutory Performance Indicators.
- 2.10 Compliance with the Complaints Handling Procedure is monitored by Audit Scotland in conjunction with the SPSO and in line with the principles of the Best Value Shared Risk Assessment arrangements.

2.11 This year, statutory social work complaints continued to be processed using the previous three stage complaints process as the new two stage process was not introduced until 1 April 2017 which is out with this reporting period. As the previous process is not aligned with the model Complaints Handling Procedure, Social Work Policy complaint figures are not included in great detail in this report. Social work complaints under the new two stage process will be included in the 2017-18 annual report and will be reported on in greater detail.

3 Executive Summary

Areas of Good Performance

3.1 The most notable improvements in complaints performance have been in relation to stage one complaints with year on year improvement over the past three years in relation to the percentage of:

- complaints received being closed off at stage one
71.5% in 2016-17 versus 45.7% in 2014-15, including a 20% increase on last year
- stage one complaints being upheld
40.1% in 2016-17 versus 14.3% in 2014-15
- stage one complaints closed off within the five working day target
93% in 2016-17 versus 87% in 2014-15

This shows that we are dealing with complaints at the point closest to service delivery. It also suggests a changing culture where staff have greater confidence in acknowledging mistakes, allowing for learning and improvement to be made.

Areas requiring improvement

3.2 This year the feedback received through the complaints survey was more positive in nature than in previous years – although there is still room for improvement in relation to reducing the percentage of customers being dissatisfied with certain elements of the complaints process.

3.3 Our main areas for improvement have been identified in previous reports which indicates that targeted work is needed to address these ongoing issues.

3.4 While we had anticipated that the new complaints handling procedure and subsequent training and awareness raising would result in an increase in overall complaints reporting there has in fact been a significant reduction in recorded complaints by most of our front line services.

The rate of complaints received per 1,000 population has also declined over the past three years, from 5.17 in 2014-15 to 4.31 in 2016-17. The rate across Scotland in 2015-16 was 13.03 per 1,000 population.

While varying methods of recording complaints means that a direct comparison is not possible, Moray's figures do suggest a significant under-reporting of complaints. Education and Social Care services seem to resolve most of their complaints through stage two indicating that it is more likely that there has been under recording of minor complaint issues. This has therefore impacted upon school and overall figures.

We will continue to work with staff at our quarterly Complaints Administration Group meetings, provide guidance and support to individual services, and share best practice in order to reverse this trend. Specific training sessions will also be provided for school staff in order to raise awareness and increase their recording of minor complaints.

3.5 Performance in resolving stage two complaints within the 20 working day timescale is another area for improvement. This year, 62% were completed on time meaning that more than a third of all stage two complaints were responded to out with the timescale. Further, of those being closed off beyond 20 working days, this year only 27% had an approved extension.

3.6 Gaining approval to extend our response time beyond the five and twenty working day timescales also continues to be an area where improvement is limited. Although the percentage of all complaints receiving approval increased from 15% in 2014-15 to 22% in 2016-17, we saw a drop

in performance from 2015-16 when 31% of all overdue complaints received an authorised extension. Representing less than a quarter, this indicates scope for improvement in this area.

Complaint deadlines are now monitored by the complaints officer. Respective department complaint administrators and Head of Service are made aware of non-adherence to time limits and advised to close, escalate from stage one to stage two, or apply an authorised extension. This should improve upon these figures – particularly authorised extensions.

- 3.7** In relation to learning from our complaints:
A high volume of complaints are received by Direct Services in relation to failure to empty recycling bins. Training has been delivered to the front-line team to highlight the issue and ideas were generated through discussion with the team as to remedy this issue. The senior manager has agreed to take these suggestions on board.
- 3.8** From last year we also aimed to reduce the number of complaints upheld against our policies and procedures; we stated that we would do this by using the learning and improvement framework which was circulated to management through the Complaints Admin Group. This will continue to be our aim for the coming year.

4 Complaints Performance Indicators

The aim of the model Complaints Handling Procedure is for as many complaints as possible to be resolved at the front line (i.e. at stage one) with as few as possible requiring progression to investigation (i.e. stage two) in order to improve both the customer's experience and the council's service provision.

The SPSO PIs provide the minimum requirement for a local authority to self-assess, report on performance and to undertake benchmarking activities. These indicators are:

- Indicator 1 – complaints received per 1,000 of population
- Indicator 2 – closed complaints
- Indicator 3 – complaints upheld, partially upheld and not upheld
- Indicator 4 – average times
- Indicator 5 – performance against timescales
- Indicator 6 – number of cases where an extension is authorised
- Indicator 7 – customer satisfaction
- Indicator 8 – learning from complaints

A breakdown of 2016-17 figures for relevant indicators will be explained in this section together with 2015-16 figures and some 2014-15 to allow for benchmark comparisons. A breakdown of indicator figures for services is included as an appendix.

4.1 Indicator 1 – Complaints received per 1000 of population

This indicator records the total number of complaints received by the council. This is the sum of the number of complaints received at stage one (front line resolution) and the number of complaints received directly at stage two (investigation). To allow for a fair comparison across all 32 councils in Scotland, the figure of complaints per 1,000 of population is used.

Table 1: Number of complaints received by Moray Council (per 1,000 population)

Complaints received by Moray Council	2015-16	2016-17
Total number of received	460	414
Population (mid-year population estimate)	95,510	96,070
Number of complaints per 1,000 population	4.82	4.31

*Some of the complaints dealt with during the period relate to complaints raised before April 2016, and some raised in March 2017 would be unresolved before the end of March 2017. So there will not be a direct correlation between numbers received and numbers responded to.

Areas of Good Performance

Compared to the 2015-16 figures, there has been a reduction of 10% in the number of complaints received and a slight rise of around 0.6% in the population size. Consequently, the number of complaints per 1,000 population has reduced by 10.5% compared to 2015-16 (Table 1).¹

This reduction can in part be seen as positive and reflects that where learning and improvement approaches are taken, such as by Housing and Property, then recorded complaints can reduce.

Areas requiring improvement

However it is recognised that there is still under recording of complaints across a number of departments and awareness training will be put in place to try and improve this. A recent

¹ It is worth noting that MSP enquiries are logged on the same database as complaints. When figures are taken from the system for this report MSP enquiries are filtered out – even though some are clearly complaint matters. This will contribute to an extent to the relatively low numbers of complaints recorded.

Ombudsman report provides some insight into the impact of complaints on staff performance and morale and we will take this into account when developing and rolling out our training programme.²

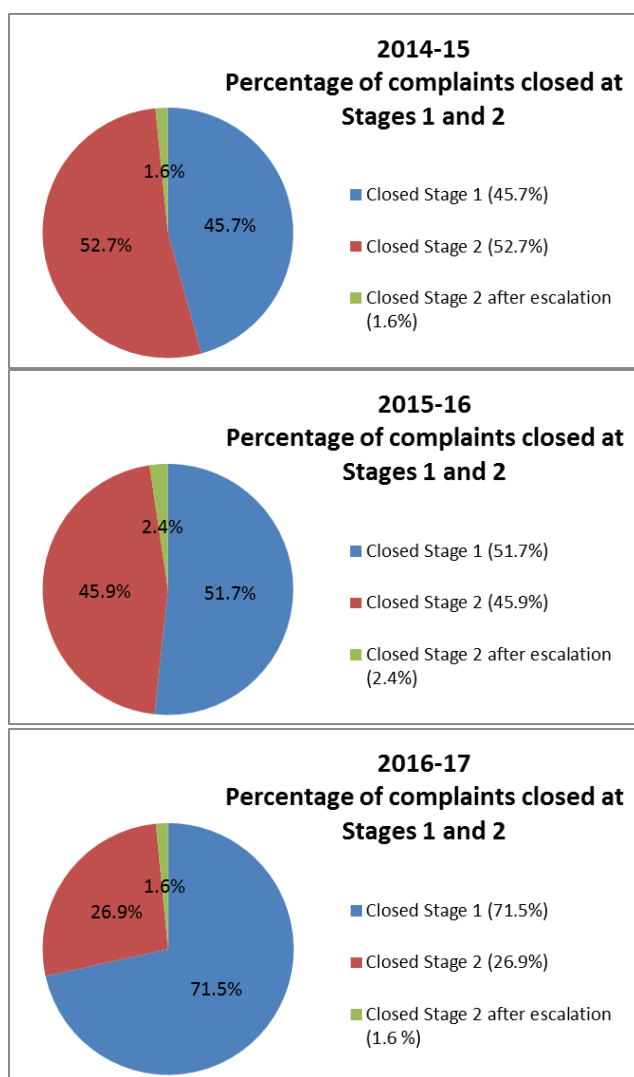
4.2 Indicator 2 – Closed Complaints

This indicator provides information on the number of complaints closed at stage one and stage two as a percentage of the 383 closed complaints (note that there were 414 complaints received with 31 not closed during the reporting period). The term ‘closed’ refers to a complaint that has had a response sent to the customer and at the time no further action is required.

This indicator will report:

- the number of complaints closed at stage one as % of all complaints
- the number of complaints closed at stage two as % of all complaints
- the number of complaints closed at stage two after escalation as % of all complaints

Figure 1: Percentage of complaints closed at Stages 1 and 2 (2014-15, 2015-16 & 2016-17)



² Ombudsman, *Making complaints work for everyone* – December 2017

Areas of Good Performance

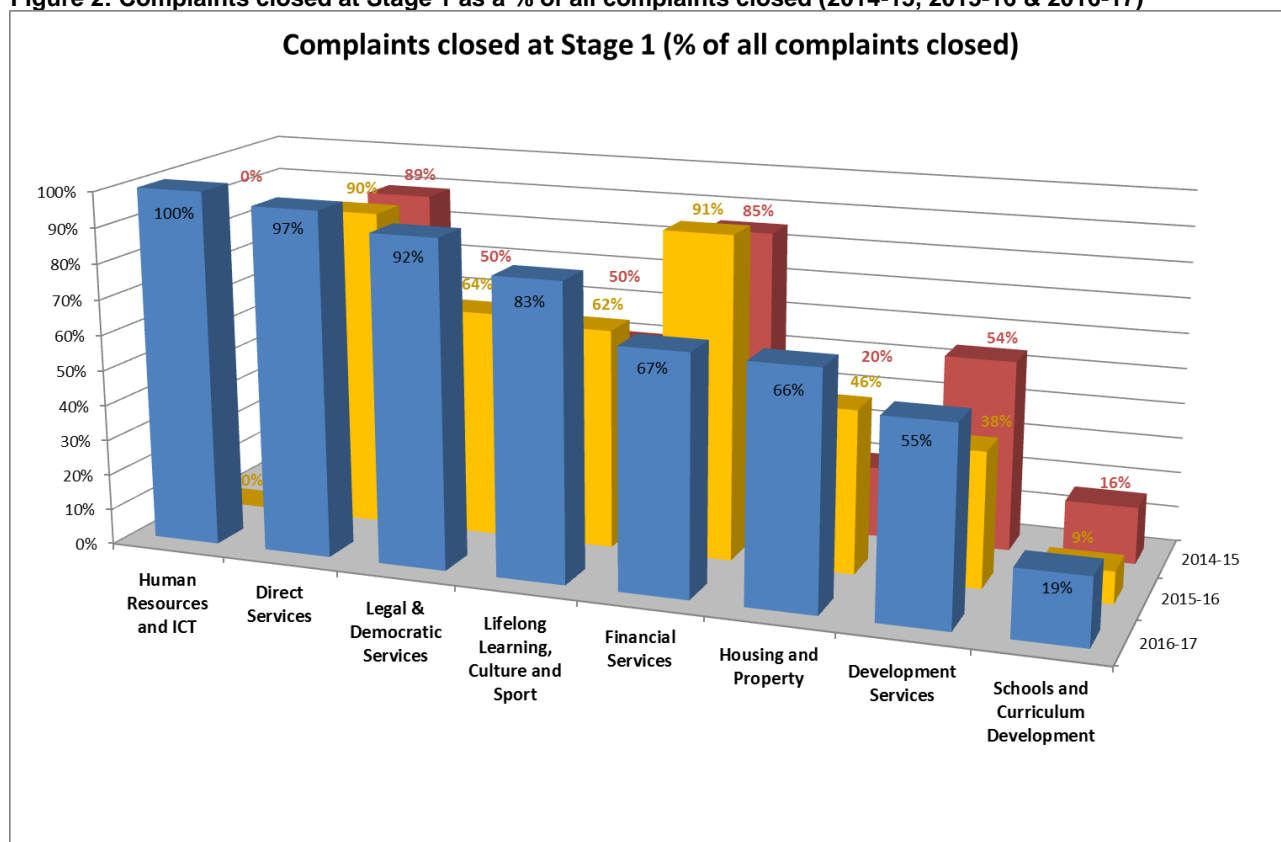
During 2016-17 our ratio of complaints dealt with at front line resolution stage compared to those dealt with at the investigation stage continues the improvement made last year. Almost three-quarters of the complaints were resolved at the front line stage (71.5%), an increase of 20% from 2015-16 and over 25% more than in 2014-15 when fewer than half of all complaints were resolved at this stage (45.7%). We will strive to increase this level of performance in the coming year.

This performance reverses the trend of 2014-15 and is due to the continued emphasis on highlighting the complaints model to individual services at the quarterly Complaints Administration Group meetings, providing complaints handling inputs to department staff, including the sharing best practice.

Similar to reporting period 2015-16, Environmental Services received the majority of complaints – 303 (65%). This is to be expected as they are responsible for busy service provision such as roads, waste management and planning where complaints often arise. Education and Social Care were the next highest – 59 (13%). Corporate Services – 19 (4%) and the Chief Executive’s office – 1 (0.4%) received the remaining complaints. (Figure 23 – Appendix). With the high percentage of Education and Social Care being dealt with at investigation stage, it is likely that there is under recording of minor complaint issues.

Direct Services continues to lead the way in resolving complaints at front line – 163 (97%). In 2015-16 Housing and Property showed the greatest improvement of all services and recorded a 26% increase in resolving complaints at the front line stage compared to 2014-15. In 2016-17 Housing and Property continued their improvement and resolved 66% of complaints at front-line, up from 46% in 2015-16 (Figure 2). Development Services were able to resolve more than half the complaints they received at the front line stage (55%), an improvement on 38% in 2015-16.

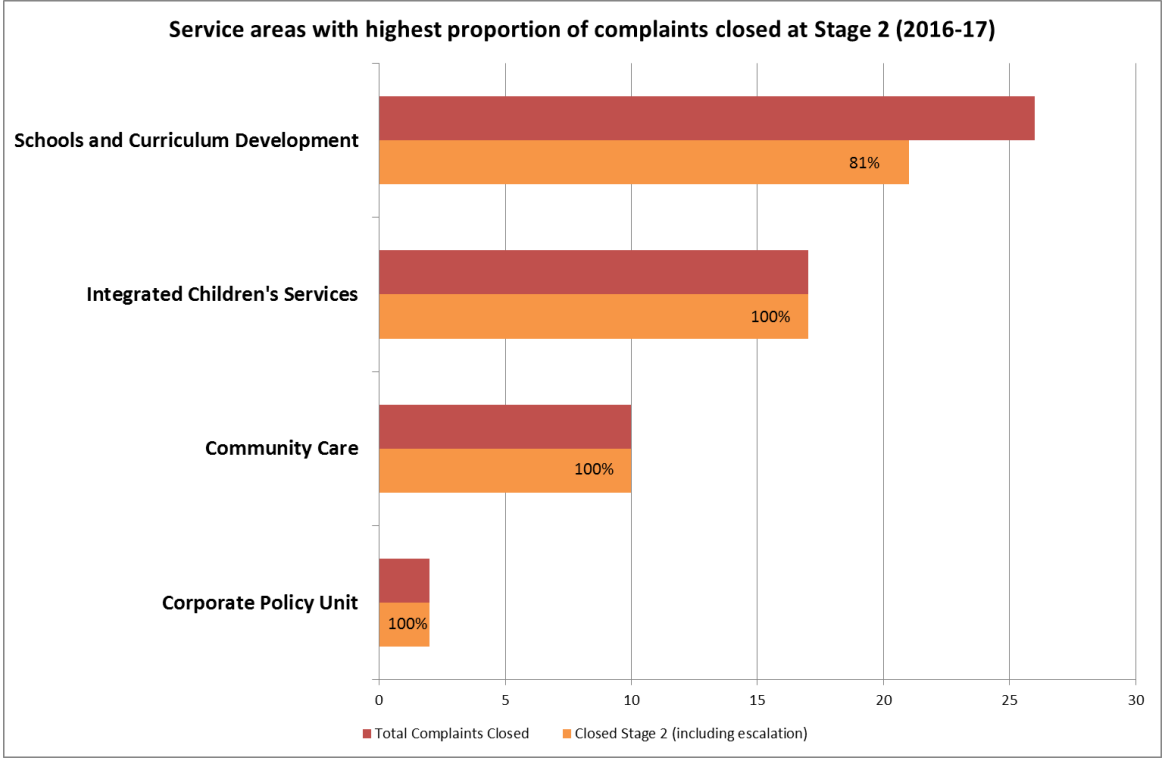
Figure 2: Complaints closed at Stage 1 as a % of all complaints closed (2014-15, 2015-16 & 2016-17)



However, some services continue to resolve the majority of, if not all, complaints at the investigative stage. All of the 17 Integrated Children’s Services complaints were dealt with at stage

two, as were all 10 complaints raised against Community Care. In addition, 21 of the 26 Schools and Curriculum Development (81%) complaints were resolved at stage 2 (Figure 3). Both complaints raised against Corporate Services were closed at the investigative stage, but due to the small number this is not considered statistically significant. There needs to be greater emphasis placed on front line recording as this will identify learning and improvement at an early stage and may negate the need for more complex and time consuming investigations.

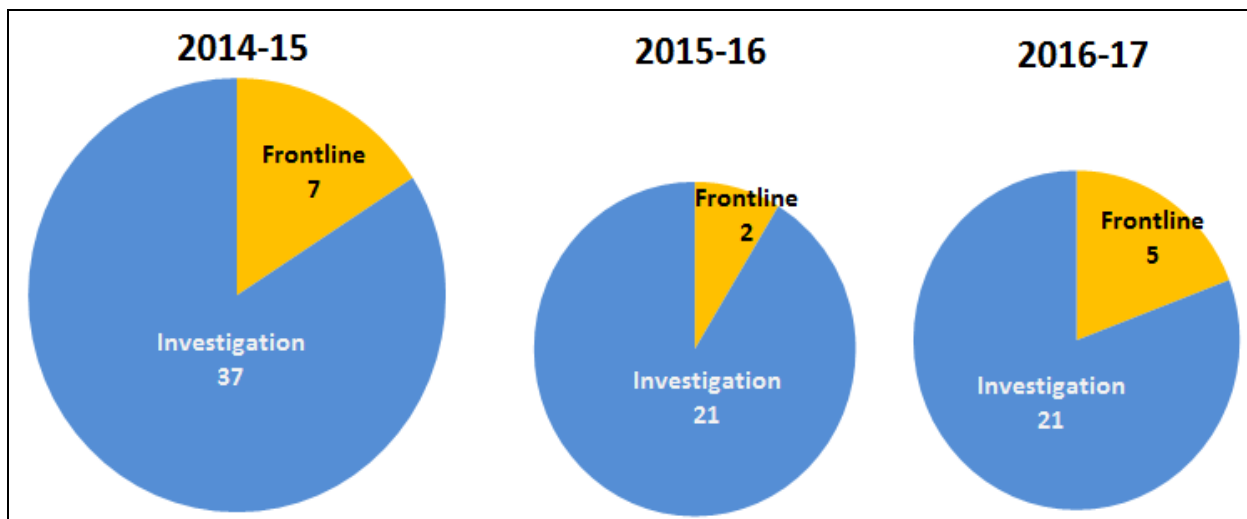
Figure 3: Complaints closed at Stage 2 as a % of all complaints closed (2016-17)



Stage two complaints often involve speaking with several witnesses, meeting with complainants and liaising with partner agencies. In such circumstances, concluding these enquiries and providing a written response to a complainant normally exceeds five working days.

There were 3 more complaints received by Schools and Curriculum than in 2015-16 (Figure 4). Of the 26 recorded only 5 (19%) were resolved at front line stage. This is a slight improvement compared to the 2 (9.5%) resolved at the same stage in 2015-16 however is less than the 7 resolved in 2014-15 (18.9%). An area where improvement has been made is in the thoroughness of investigations of such complaints. One to one investigations by the Complaints Officer/ Quality Improvement Officer and quality assurance checks of stage two final responses have allowed complex investigations to withstand SPSO scrutiny with little or no recommendations made.

Figure 4: Schools and Curriculum Development complaints resolved (2014-15, 2015-16 & 2016-17)



4.3 Indicator 3 – Complaints Upheld, Partially Upheld and Not Upheld

There is a requirement for a formal outcome (upheld, partially upheld or not upheld) to be recorded for each complaint.

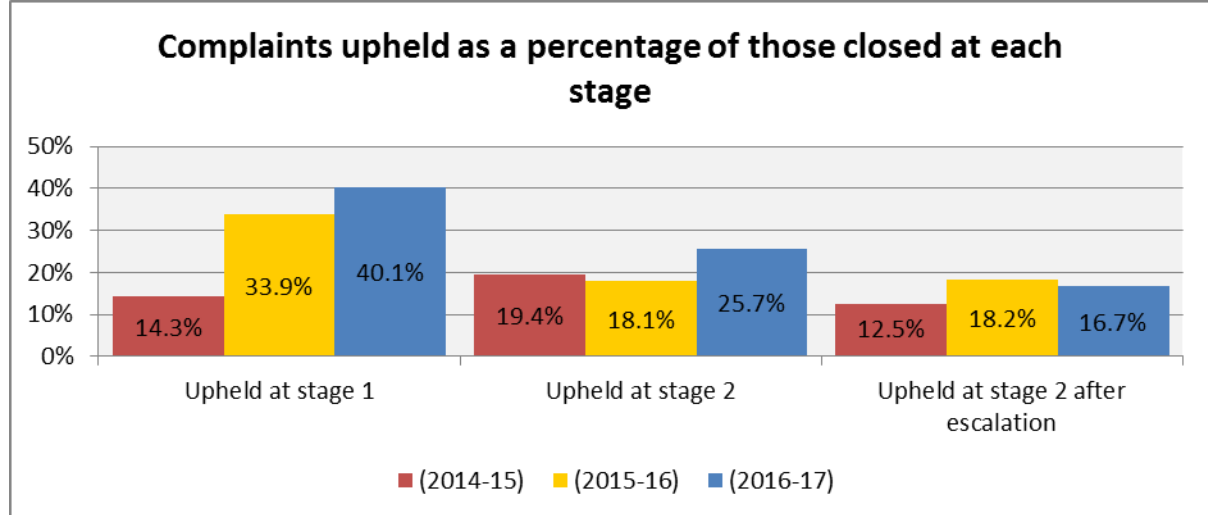
This indicator will report:

- the number of complaints upheld at stage one as % of all complaints closed at stage one
- the number of complaints not upheld at stage one as % of all complaints closed at stage one
- the number of complaints partially upheld at stage one as % of all complaints closed at stage one
- the number of complaints upheld at stage two as % of all complaints closed at stage two
- the number of complaints not upheld at stage two as % of all complaints closed at stage two
- the number of complaints partially upheld at stage two as % of all complaints closed at stage two
- the number of escalated complaints upheld at stage two as % of all escalated complaints closed at stage two
- the number of escalated complaints not upheld at stage two as % of all escalated complaints closed at stage two
- the number of escalated complaints partially upheld at stage two as % of all escalated complaints closed at stage two

A complaint is defined as ‘upheld’ when it is found to be true or confirmed. A ‘partially upheld’ complaint results when there are several complaint issues raised and some, but not all, of them are upheld. Complaints are ‘not upheld’ when they are found to be untrue; that the service provided was of a reasonable standard in line with typical expectations; or if a request for services was misdirected as a complaint. The council reviews all complaints and each customer is contacted to confirm to them whether their complaint has been ‘upheld’, ‘partially upheld’ or ‘not upheld’ together with an explanation of the findings.

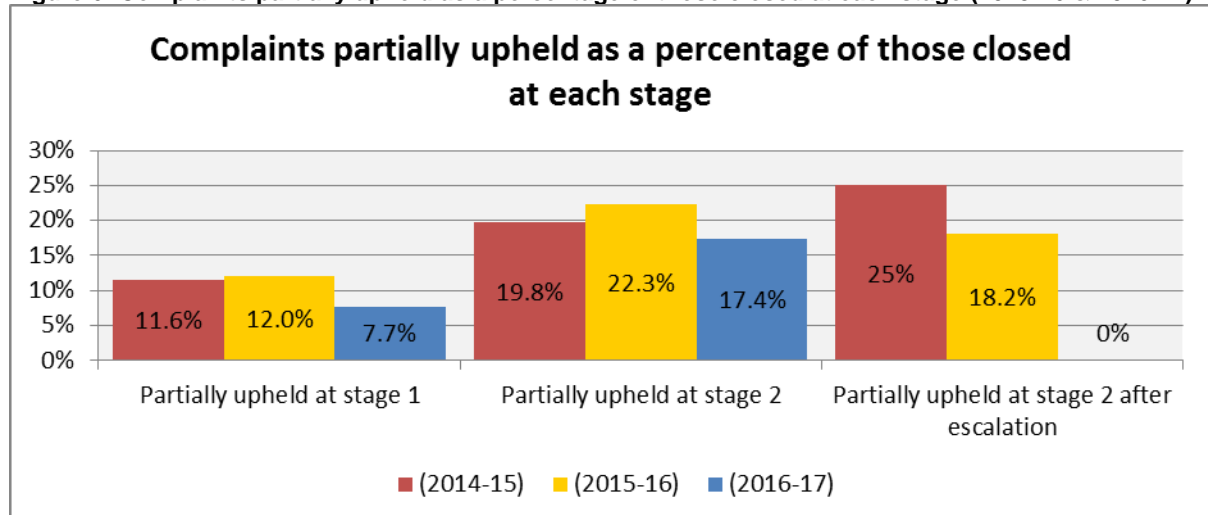
Upheld Complaints

Figure 5: Complaints upheld as a percentage of those closed at each stage (2014-15, 2015-16 & 2016-17)



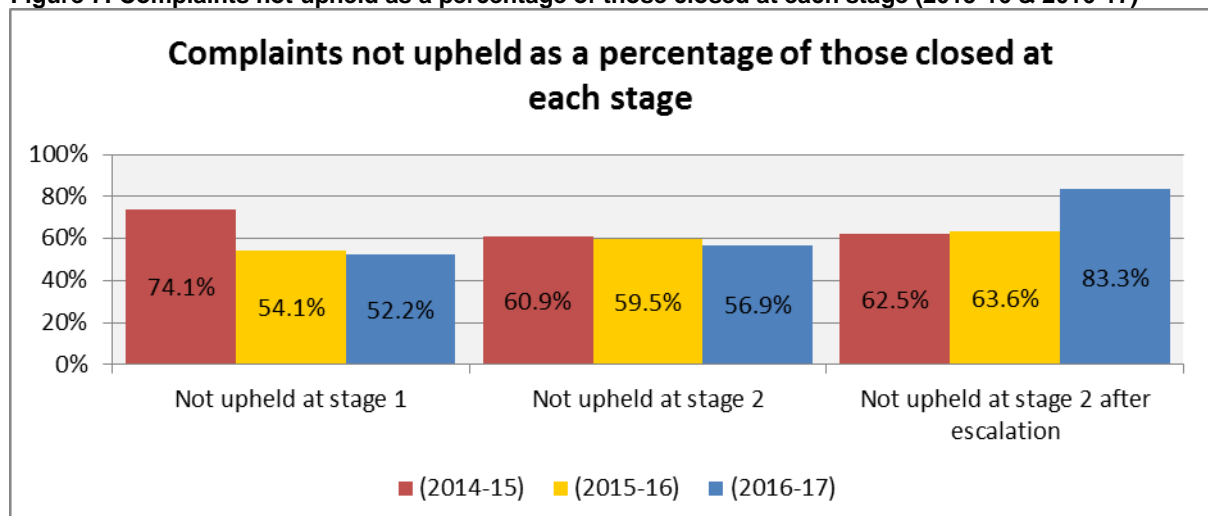
Partially Upheld Complaints

Figure 6: Complaints partially upheld as a percentage of those closed at each stage (2015-16 & 2016-17)



Not Upheld Complaints

Figure 7: Complaints not upheld as a percentage of those closed at each stage (2015-16 & 2016-17)



The most significant change in the past 2 years has been the outcome of front line (stage one) complaints. In 2015-16 almost half (46%) of all complaints closed were 'upheld', or 'partially upheld', at front line (stage one), compared to just one-quarter in 2014-15. In 2016-17 the proportion was similar with 47.8% of closed complaints 'upheld' or 'partially upheld' at front line. This demonstrates that mistakes are being acknowledged, apologies given and learning and improvement outcomes are being sought and implemented.

For stage two complaints closed at the investigation stage the proportion 'upheld', or 'partially upheld' was 43% in 2016-17 similar to 40% in 2015-16 and 39% in the previous year.

For all the complaints closed during 2016-17, at both stages one and two, almost half (46%) were fully 'upheld' or 'partially upheld' overall, compared to 43% in 2015-16 and 33% in 2014-15. This shows that many customers continue to raise concerns with service provision, and a greater proportion of all complaints require us to review and improve the way services are being delivered.

4.4 Indicator 4 – Average Times

This represents the average time in working days to close complaints at stages one and two of the model CHP.

This indicator will report:

- the average time in working days to respond to complaints at stage one
- the average time in working days to respond to complaints at stage two
- the average time in working days to respond to complaints after escalation

Figure 8: Average time in working days to respond to complaints at each stage (2014-15, 2015-16 & 2016-17)

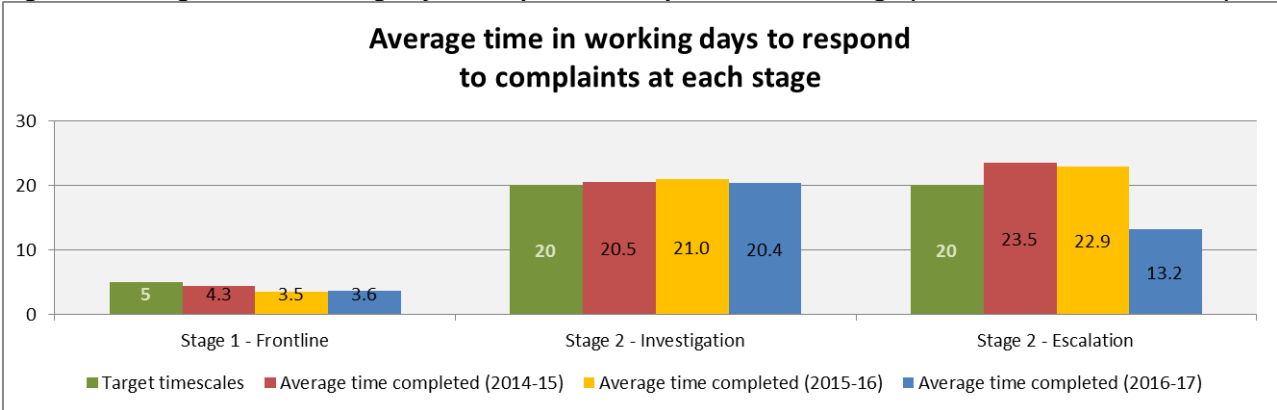
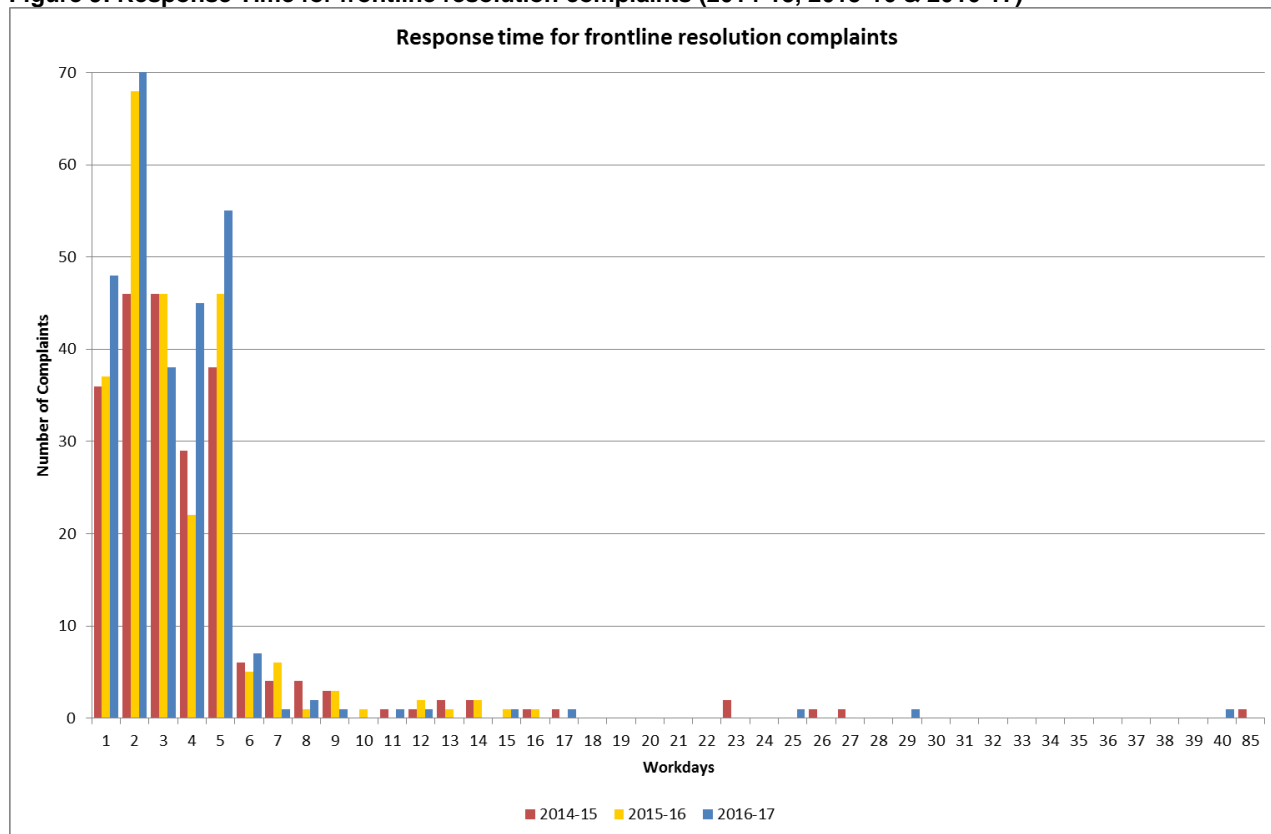


Figure 9: Response Time for frontline resolution complaints (2014-15, 2015-16 & 2016-17)



Areas of Good Performance

The typical number of days taken to respond to complaints is generally below the SPSO’s five and 20 day timescales. 93% of all front line complaints were closed within five days, within the Complaint Handling Procedures’ aims. Service areas where this is not the case are those where the nature of the complaints tend to be more complex and therefore take longer to investigate and come to an agreeable resolution.

Frontline resolution times, 3.6 days on average, are on a par with 2015-16 (3.5 days) and one day shorter than in 2014-15, while the average time for resolving all stage two complaints (investigation and escalated investigation) is 20.4 days; marginally outside the Complaint Handling Procedures’ guidelines and a small improvement from 21 days recorded in 2015-16.

The majority of ‘front line resolution’ complaints are dealt with within five working days, with just 1% exceeding the maximum extension period of 10 working days, compared to 3% in 2015-16 and 5% in 2014-15. Those complaints extended should have been closed as a front line resolution complaint (stage one) and re-assigned as an investigation (stage two).

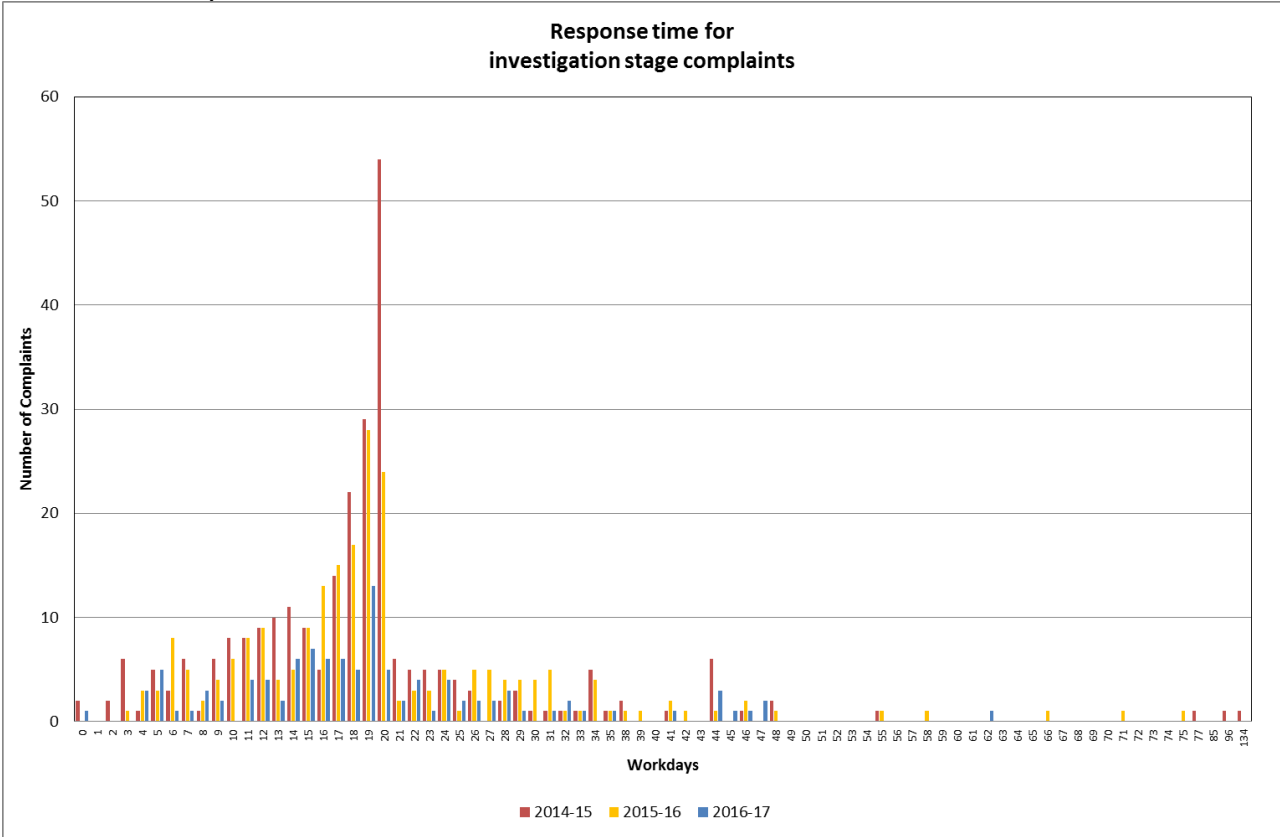
Eighteen of the front line complaints closed during 2016-17 took longer than five days. The majority (eight) were complaints relating to Direct Services, and ranged from one day overdue to 35 working days late. Housing & Property Services had four late front line complaints, ranging from one day late to 20 working days overdue. The remainder of the late front line complaints had been raised against Development Services; Lifelong Learning, Culture & Sport; and Schools & Curriculum Development.

Areas requiring improvement

Compared to 2015-16 and 2014-15 there are fewer complaints taking longer than 10 days, however, in 2015-16 none took longer than 15 working days, while in 2016-17 there were 4, with the longest taking 39 days to close. While significant improvement has been made since the implementation of the Complaints Handling Procedure since 2014-15, weekly monitoring is now

taking place and complaint administrators for relevant departments are being reminded to ensure they follow the correct database timeline process for stages.

Figure 10: Response time for Investigation Stage Complaints (including Escalated Investigations) (2014-15, 2015-16 & 2016-17)



The majority of investigations are responded to within the 20 day timescale or within agreed extension periods. Of the 109 complaints closed at stage two (investigation and escalated) 40 (37%) took longer than the target response time. Integrated Children’s Services complaints often require investigation of lengthy and complicated issues. This accounted for 11 of their investigations taking more than 20 days to complete (just over half of the complaints investigated by the Service). One Community Care complaint took 62 days to resolve at the investigation stage; the longest of all complaints to be closed in 2016-17, but an improvement on 75 days for the longest investigation in 2015-16 and much reduced from a 134 day investigation recorded in 2014-15.

More complaints are being closed when they are complete although, as can be seen from figure 10; there remains a slight surge at 19-20 days, albeit less marked than in previous years. There continues to be a better spread of closing showing that the complaints are taking only as long as they need.

4.5 Indicator 5 – Performance against Timescales

The number and percentage of complaints at each stage which were closed in full within the set timescales of five and 20 working days.

The model Complaints Handling Procedure requires complaints to be closed within five working days at stage one and 20 working days at stage two. This indicator will report:

- the number of complaints closed at stage one within five working days as % of total number of stage one complaints
- the number of complaints closed at stage two within 20 working days as % of total number of stage two complaints

- the number of escalated complaints closed within 20 working days as a % of total number of escalated stage two complaints

The analysis provided for Indicator 4 is equally applicable for this indicator.

Table 2: Indicator 5 - Closure timescales (2014-15, 2015-16 & 2016-17)

Performance Against Timescales		Number of complaints closed at stage one within 5 working days as a %	Number of complaints closed at stage two within 20 working days as a %	Number of escalated complaints closed at stage two within 20 working days as a %
2016-17	Total no. of complaints	274	103	6
	No. of complaints within timescales	256	64	5
	Meeting target times	93%	62%	83%
2015-16	Total no. of complaints	242	215	11
	No. of complaints within timescales	219	133	7
	Meeting target times	90%	62%	64%
2014-15	Total no. of complaints	224	258	8
	No. of complaints within timescales	195	146	8
	Meeting target times	87%	57%	100%

Areas of Good Performance

During the past year, the Complaints Officer provided training to Direct Services and Education and Social Work. The council improved its performance by closing the majority (93%) of front line complaints within the target times, maintaining the performance of the previous year. The services have performed equally well in closing stage two complaints within 20 working days (62% for both years), this improvement being maintained on the 2014-15 performance of 57%. Our performance has improved considerably for escalated complaints where all but one was completed on time. Performance issues continue to be discussed with complaint administrators and highlighted through quarterly management reports. Closer monitoring and reinforcement is being done to improve further on this performance.

4.6 Indicator 6 – Number of Cases where an extension is authorised

The number and percentage of complaints at each stage where an extension to the five or 20 working day timeline has been authorised.

The model Complaints Handling Procedure allows for an extension to the timescales to be authorised in certain circumstances. This indicator will report:

- the number of complaints closed at stage one where extension was authorised, as a % of all complaints at stage one
- number of complaints closed at stage two where extension was authorised, as a % of all complaints at stage two

Areas requiring improvement

This is an area where there is room for improvement.

Table 3: Indicator 6 – Extensions (2015-16 & 2016-17)

Number of cases where an extension is authorised		% of complaints at stage one where the extension was authorised	% of complaints at stage two where the extension was authorised
2016-17	Total no. of overdue complaints	42	37
	No. of complaints with authorised extensions	7	10
	Percentage with extensions	17%	27%
2015-16	Total no. of overdue complaints	18	63
	No. of complaints with authorised extensions	1	24
	Percentage with extensions	6%	38%
2014-15	Total no. of overdue complaints	30	113
	No. of complaints with authorised extensions	5	16
	Percentage with extensions	17%	14%

The council always aims to respond to complaints as quickly as possible. There are, however, times when a complaint is particularly complex and it is identified that a thorough investigation of the issues will require time out with the prescribed timescales. In these situations the council agrees with a complainant to extend the timescale for closing the complaint and will detail the reasons such as having to interview a number of potential witnesses and for a need to gather reports from a variety of sources. A senior manager must always approve such an extension before it is granted and this is recorded with revised time limits on our complaints database.

However, as the data in Table 3 testifies, the majority of complaints taking longer than the stipulated times still do not receive such approvals. That said, there has been an improvement in 2016-17 with 22% of all overdue complaints receiving an approval, compared to 15% in 2014-15. However, performance has dropped off since 2015-16 when 31% of all overdue complaints had an authorised extension. The increase since 2014-15 is attributed mainly to monitoring and reminding complaint administrators to obtain and have authorised extensions recorded.

Figure 11 gives a breakdown by service where front line complaints were extended without authorisation with the exception of one complaint that was authorised. While figure 12 gives a breakdown by service where investigation complaints were extended without authorisation compared to those where authorisation had been given.

The new complaints database, introduced in April 2017, allows for closer monitoring which will help to identify complaints that have extended beyond 20 days without authorisation. Senior management will be notified of such cases and administrators reminded weekly to update the database. It is anticipated that this will provide continued improvement in 2017-18.

Figure 11: Front line complaints not responded to in stipulated timescales, without authorised extensions (2016-17)

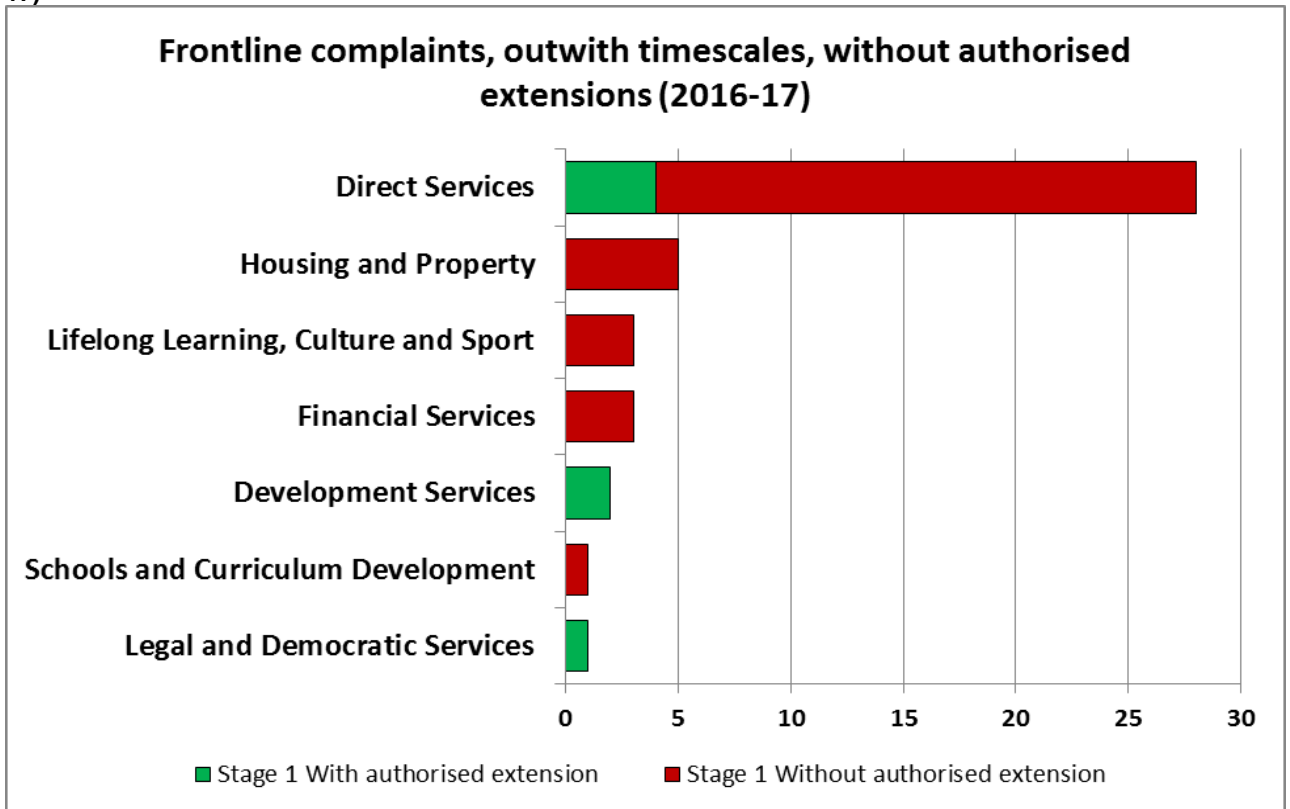
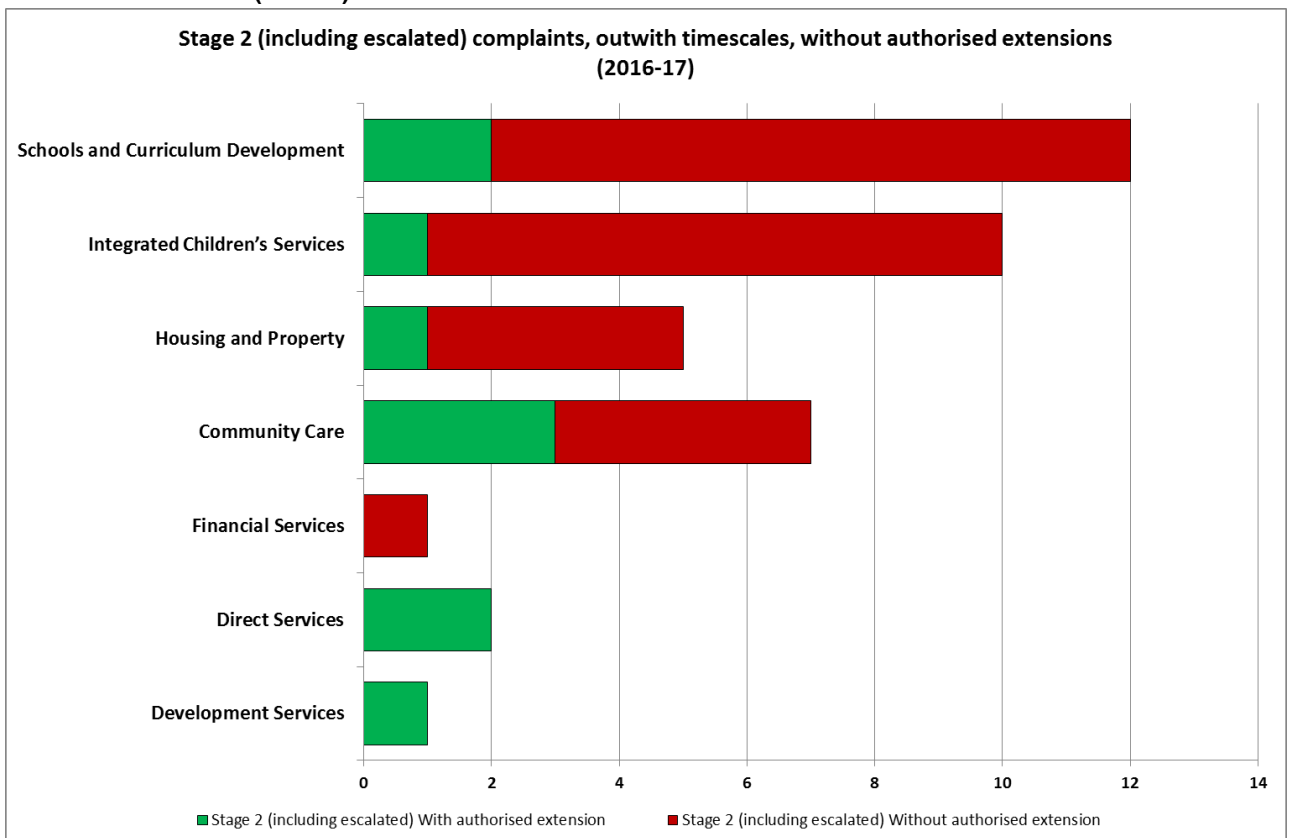


Figure 12: Stage 2 (including escalated) complaints not responded to in stipulated timescales, without authorised extensions (2016-17)



4.7 Indicator 7 – Customer Satisfaction

The SPSO requires a statement to report on customer satisfaction with the complaints service provided.

A customer satisfaction survey was sent out to customers with the aim of helping the council focus on areas where improvements or change could be made to our complaints procedure and service provision.

In assessing customer satisfaction within the complaints service, complainants are asked to consider:

- how satisfied they were with the way their complaint was handled
- how easy the complaints process was to follow
- how well we complied with the CHP
- how well we provided service delivery, timeliness and information
- how professional the attitude of staff was

Customer Satisfaction Feedback Survey

A Complaints Handling Customer Feedback Survey was carried out between June 2016 and March 2017. There were 368 surveys sent out, 154 by post and 214 by email. We received 35 (23%) postal responses and 38 (18%) online responses, giving an overall survey response of 73 (20%). The survey considered 5 factors; service delivery; information; timeliness; staff professionalism and staff attitude.

It is recognised that customers don't always get the outcome they seek and this can be reflected in their survey response, even when they are being asked to comment on the complaints handling process rather than the outcome. This is evident in some responses where the majority of their survey is not completed and only one statement relating to their continued complaint dissatisfaction is entered.

Regardless of this, constructive customer feedback will always be welcomed as it provides us with an opportunity to learn from and improve upon the way we deal with customers and provide services.

It was encouraging to see some customers praising our explanation of policy and procedure and also the positive attitude of those staff members initially recording or subsequently dealing with the complaints. This demonstrates that staff are embracing the complaints process as a means of helping customers. The positive feedback received provides support and re-assurance to staff members that they are doing a good job in recording, investigating and resolving complaint issues.

Arising from the survey, the main dissatisfaction mirror those of 2015-16 where we are:

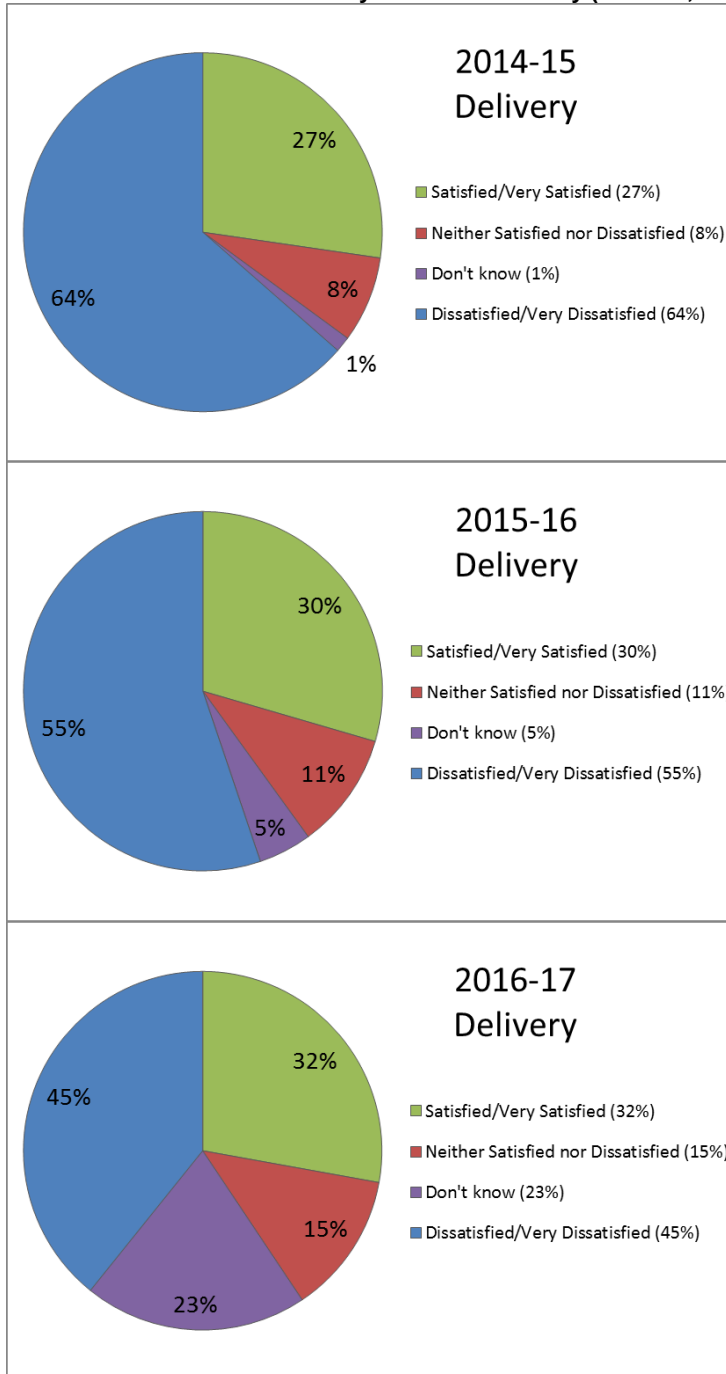
- not updating customers;
- not adhering to policy timescales;
- poorly handling complaint issues;
- not taking the issues seriously; appearing disinterested;
- not apologising for service failures.

In 2016-17, there were a greater number of positive feedback comments and these can be viewed as improvement. This included areas such as:

- staff being identified and praised for taking responsibility;
- complaints being thoroughly investigated within timescales and following policy;
- apologies being given where we recognised that we got things wrong.

4.7.1 Service Delivery

Figure 16: Customer Satisfaction Survey – Service Delivery (2014-15, 2015-16 & 2016-17)



In the survey customers were asked about ‘the overall service our staff provided and how we responded to their complaint’.

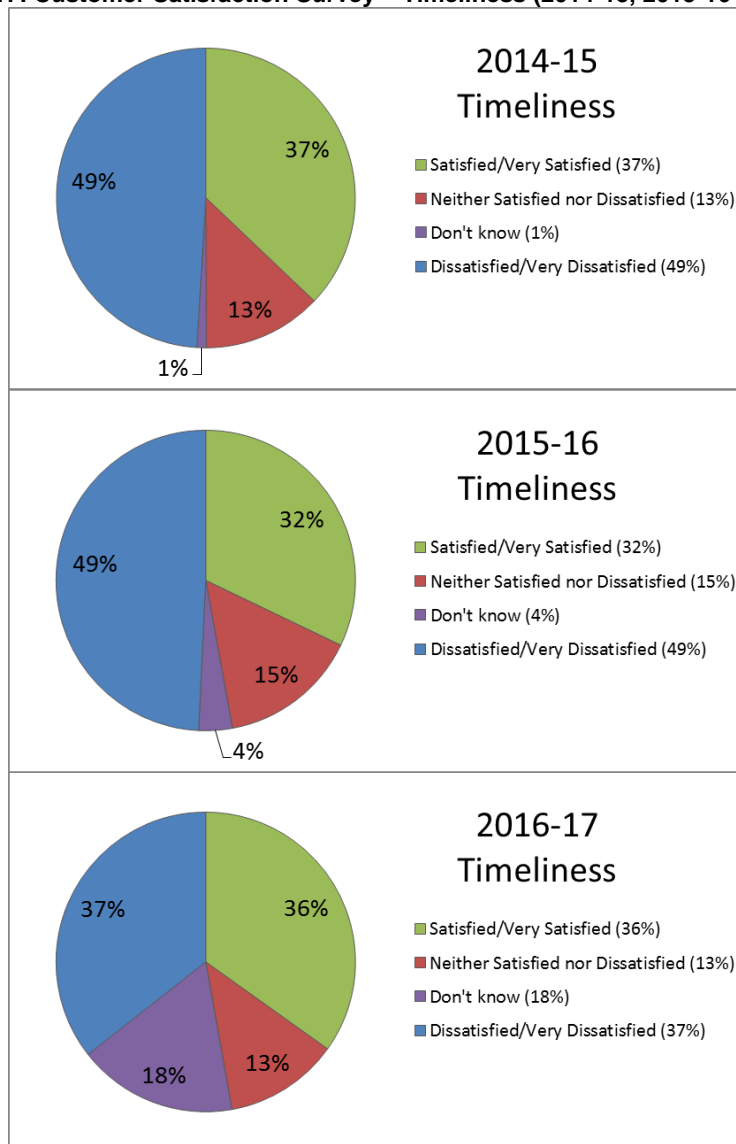
Comments regarding staff were mixed, with 45% of customers stating they were ‘dissatisfied’ or ‘very dissatisfied’ with how well council staff handled their complaint. This is an improvement from 2015-16 when 55% of customers were in this category, and continues the improvement from 2014-15 where overall dissatisfaction was at 64%. Additionally, the proportion of those who were ‘satisfied’ or ‘very satisfied’ slightly increased to 32%, up from 30% the previous year, and 27% the year before.

The proportion of customers who are ‘dissatisfied’ or ‘very dissatisfied’ with their final response continues to reduce. 39% were unhappy with the response they received in 2016-17, which is an

improvement on the 54% of customers who responded negatively in 2015-16 and the 61% in 2014-15. The above figures shows improvement on how we are handling and responding to complaints.

4.7.2 Timeliness

Figure 17: Customer Satisfaction Survey – Timeliness (2014-15, 2015-16 & 2016-17)



Timeliness is an issue within the complaint process with over one-third (37%) being dissatisfied or very dissatisfied with the time taken to resolve their complaint. However, this is an improvement from 2014-15 and 2015-16 when almost half (49%) of the customers were unhappy with the service provision.

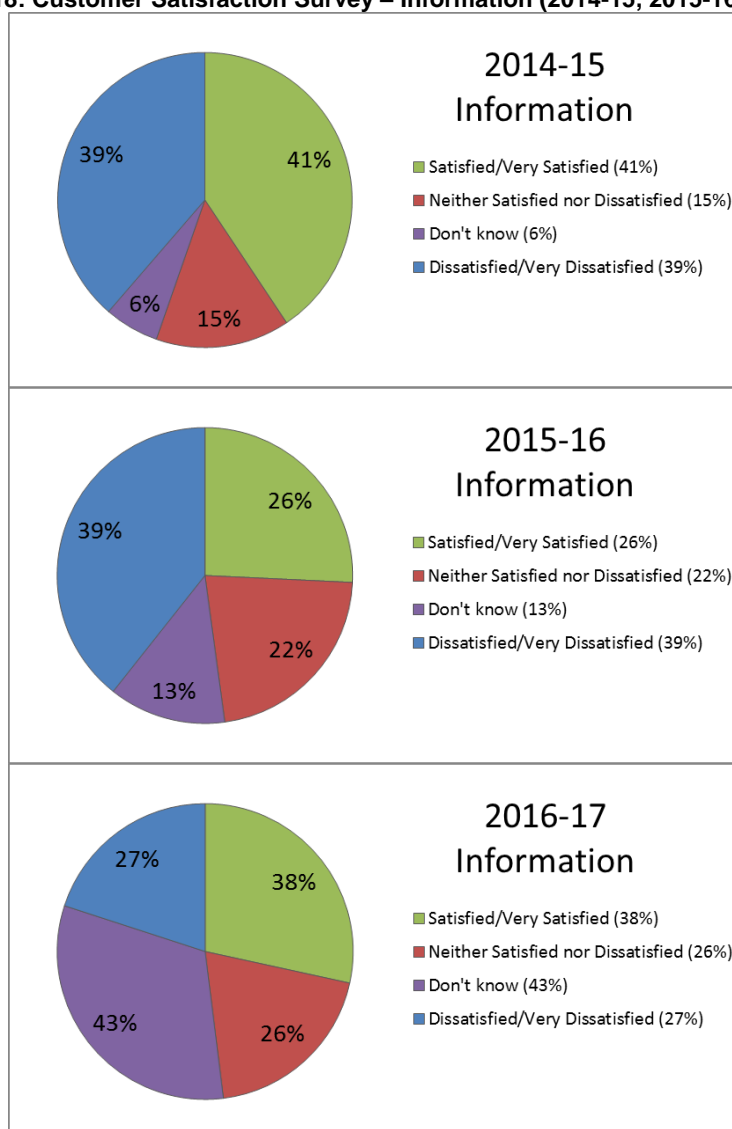
Customer satisfaction increased to 36% from 32% (2015-16) and closer to the 2014-15 rate of 37%. The relatively low rate may be due to customers feeling that services are not resolving their complaints within timescales. The statistics in the Appendix (Tables D and F) and at sections 4.4 and 4.5 above contradict this. They illustrate that survey perceptions are not supported by the data and complaints are being dealt with more quickly than in previous years. One comment was that 'school holidays had thrown out the complaint timeline'. Although the counting of working days changes where there are school holidays and we are adhering to timescales, we need to explain this to the customer.

It is worth noting that some complaints can be more complex, requiring lengthy investigation. Such enquiries often take us out with timescales and is an area where we need to ensure we are having

extensions authorised and agreed with customers. It is recognised that we have been poor in this area. Training, closer monitoring and updating by complaint administrators are steps put in place to bring about improvement.

4.7.3 Information

Figure 18: Customer Satisfaction Survey – Information (2014-15, 2015-16 & 2016-17)



Information is a key aspect of a complaint policy and we asked customers; about the quality of information given to make a complaint; how we responded to information provided and if we covered all the issues reported.

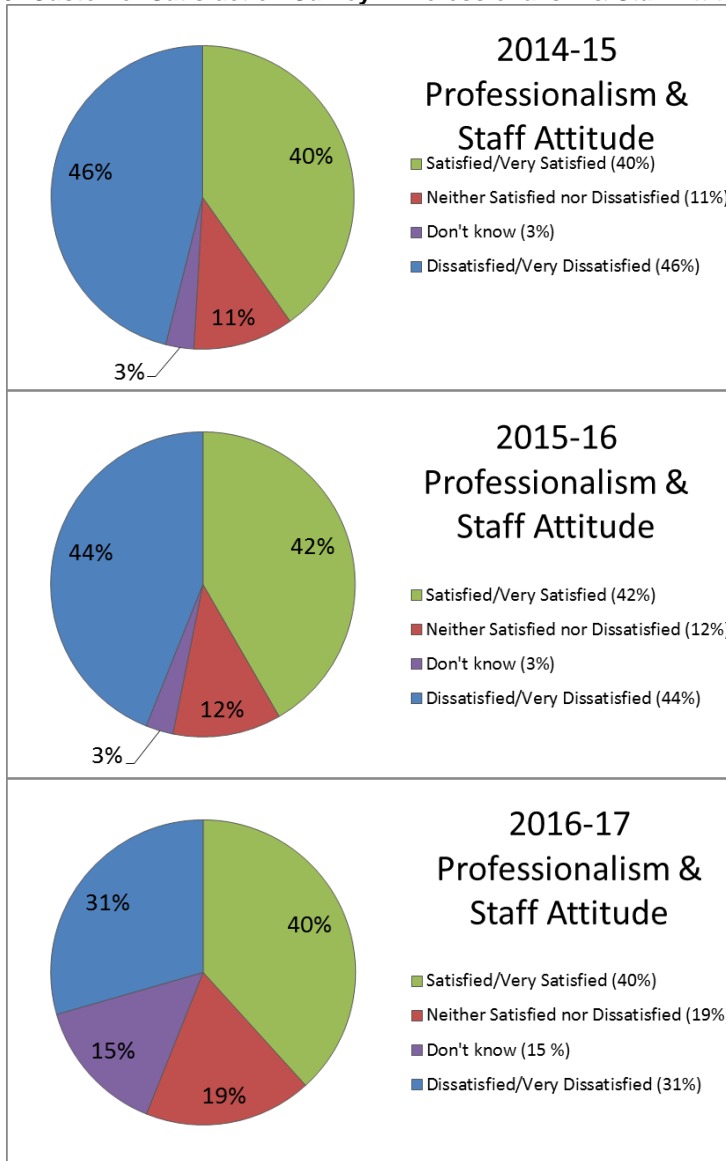
The survey results show several issues related to the information provided to customers (See Figure 18). 38% were positive about the ease of following the Complaint Handling Procedures this year, which compares with the proportion that responded positively in 2014-15 (41%) and represents an improvement over the 26% who responded this way in 2015-16.

There has been an improvement in the numbers of customers who are content that the communication methods met their needs this year. 34% were dissatisfied or very dissatisfied in 2016-17 compared to 43% in 2015-16 and 41% in 2014-15. Staff stating that they have no knowledge of the complaints process, not providing a final update, no reply being received other than an automated email are poor communication issues that are avoidable. The Complaints Officer has done training with high volume or complex complaints services such as Direct Services, Education and Social Work to highlight and improve upon these issues.

There was a slight improvement in the proportion of respondents who were “Satisfied” or “Very Satisfied” on how to make a complaint, 33% in 2016-17, 30% in 2015-16 and 32% in 2014-15.

4.7.4 Professionalism and Staff Attitude

Figure 19: Customer Satisfaction Survey – Professionalism & Staff Attitude (2014-15, 2015-16 & 2016-17)



A similar proportion of customers were positive about the professionalism and attitude of the staff (40%) compared to 42% in 2015-16. Encouragingly, fewer customers (31%) indicated that a member of staff did not seem to take responsibility for their complaint compared to 44% in 2015-16 and 47% in 2014-15. Favourable comments received to support this were; ‘I was very pleasantly surprised that a staff member came to my home to resolve it on the spot, very good, thank you’; ‘staff were perfect and polite’; ‘dealt with in an efficient and pleasant manner’. This helpful and encouraging feedback allows us to demonstrate that our staff members are taking ownership and responsibility to resolve complaint issues.

Client feedback on how well staff handling complaints was marginally lower than last year (39% in 2015-16) with 37% reporting they were ‘satisfied’ or ‘very satisfied’. In 2014-15 this figure was also 40%.

4.8 Indicator 8 – Lessons learned: a statement outlining changes or improvements to services or procedures as a result of the consideration of complaints.

The council has a clear commitment to listen to our customers and act on their feedback. Learning from complaints is a continuous process that helps the council to resolve common issues and further improve the services that are provided. The council is continually working on learning from complaints and implementing changes to working practices as a direct result of investigating complaints.

The council records some service improvements within the Complaints Management System; however other service improvements, such as those associated to Education, are also recorded on a separate system. On 1 April 2017, we moved to a new complaints handling system. This will allow all departments, including Education, to record complaints on one system for more consistent recording and reporting purposes. This should be reflected in the 2017-18 report.

4.8.1. Indicator 8 - Learning Outcomes

Managers review complaints that are upheld or partially upheld to determine if change or improvement would prevent re-occurrence. When a complaint is upheld or partially upheld, the remedies offered will generally fall into one or more of the following four categories:

- **Redress** – Putting things right where they have gone wrong, admitting where mistakes have been made.
- **Reimbursement** – Covering vouched actual costs incurred as a direct result of mistakes made by the council.
- **Reinforcement** – Recognising that a correct council policy/procedure has not been followed or we have fallen short of what could be expected. Training and instructing staff to prevent re-occurrence.
- **Revision** – Reviewing current practice to amend and improve working practices.

The following is a summary of some of the service improvements arising from complaints that were upheld or partially upheld in 2016-17:

Table 4: Actions taken in response to complaints upheld (2016-17)

Department	You said...	We listened and took on the following upheld complaints...
Chief Executive's Office	Via our Facebook social media site, we provided you with excessive information regarding the cost of and reasons for a traffic flow survey, didn't sign post you to the specific information you required and ceased communication with you.	We apologised for our poor service delivery and briefed relevant staff to ensure that they provide concise and relevant information or sign post customers to where information can be found.
Financial Services	Contractor staff damaged your bed and wallpaper whilst fitting a carpet.	We visited you, viewed the damage, met with the contracted company, secured compensation for you and gained an assurance that they would introduce a protocol to photograph properties before and after work completions.
Legal and Democratic Services	Having resolved your Housing Benefit complaint, you sought further information on this from Contact Centre staff. You did	We listened to your recorded conversation, apologised for the manner in which you were spoken to. The staff member was given on the

Department	You said...	We listened and took on the following upheld complaints...
	not like the way you were spoken too or that you weren't allowed to get your point of view across.	job training to allow her to present as more composed when explaining policy and procedure.
Development Services	We made errors during your planning application and local review body process.	We apologised for the errors, accepted your remedies, awarded compensation, reviewed our process and briefed relevant staff to prevent re-occurrence.
Direct Services	You were not notified that the bin lorry had mechanical problems resulting in non-collection of recycling bins.	We apologised, arranged an additional collection and reminded staff to provide earlier indication of vehicle faults to allow the public to be notified via social media and through our contact centre.
Housing and Property	You were unhappy about the attitude of a member of staff and the insensitive nature of letters sent to your mother following the death of your father.	We apologised and reminded staff of the correct procedures to follow.
Community Care	A staff member breached the care standards required for your son who has autism and you weren't provided with enough support.	We apologised and dealt with the staff member in question by review and through professional supervision. The complaint and the background were discussed during a managers' group meeting with the focus on sharing the learning from this experience.
Integrated Children's Services	You and other residents were unhappy with the anti-social behaviour coming from a Children's Residential care home	Our ICS, responsible for the management of the premises, apologised, met with residents and staff and devised a behaviour improvement plan
Schools and Curriculum Development	Photos of your child were uploaded onto the school's social media page when the consent form had specifically stated that no photos were to be included on social media.	School Management spoke to you, apologised for the error and reassured you that the photos had been taken down from their social media page. A new school procedure was put in place to prevent this happening in the future.

5. Impact of Digital Survey

To ensure that we are getting feedback from as many channels as possible, we have changed the method for collecting customers' views. For example, all of the responses to the 2014-15 Customer Satisfaction Survey were received by post and there was only a 20% response rate to the survey. To increase the rate of response digital options have been implemented. During 2015-16 a mixture of e-mails and paper copy surveys were sent out to complainants. E-mails received a 53% response rate and 20% of paper surveys were returned. The same approach has been used in 2016-17, but the response rate for e-mailed surveys was down to 18%, while paper survey response rates remained at 23%. This contradicts what we previously thought that the digital method was the best method to capture customer views and we will continue to use both.

6. Scottish Public Services Ombudsman/Benchmarking

In 2017-18, the Local Authority Complaint Handlers Network prioritised benchmarking across all 32 councils. Results from the benchmarking will be included in our 2017-18 Complaints Annual Report. Nationally, all councils submitted 2016-17 data to the Local Authority Complaint Handlers Network. The quarterly meetings are held in Glasgow or Edinburgh and Complaints Standard Authority staff attend to update on current SPSO complaint issues. The Local Authority Complaint Handlers Network have identified that there is a huge disparity in how complaint information is being recorded by respective councils. A sub group of Local Authority and Complaints Standard Authority staff will try and identify ways of providing greater consistency in recording to allow meaningful benchmarking to take place.

Now that the model Complaint Handling Procedure has bedded in, we can benchmark our performance comparing our results from this year (2016-17) against the two previous years (2015-16 and 2014-15). We limited our benchmarking to the national performance indicator statistics and drawn on information contained within service figure breakdowns in the attached appendix.

7. Summary

The council is committed to customer service and values feedback from our service users. Customer views and experiences are important to us as they help us to understand what we do well and identify where we need to improve. We want our customers to feel that their feedback is valued, that we will listen and take action on lessons learned in order to improve service provision. Use of digital technology will complement written survey requests providing additional opportunity to receive public feedback.

Utilising the Complaint Handling Procedure and adhering to the robust performance management framework will help us to learn from complaints, improve services and increase customer confidence in our service provision. Our complaint numbers are slightly down this year and statistics for the coming years will reveal if what we are learning from complaints is having a positive impact in reducing complaints about our service provision. Our aim is for our Complaints Officer to highlight to services through training, where we suspect under recording is taking place with a view to increasing complaints recording.

As a result of the feedback gained initially from the model CHP, areas of effective complaints handling have been revealed and areas where improvements have been highlighted will be the focus of the new Complaint Standard Authority learning and improvement framework guidance document. The importance of dealing with complaints quickly, keeping complainants informed and advising complainants what to do if they remain dissatisfied continues to be emphasised to staff through training, guidance on the intranet, reminder messaging, and presentations. The complaints section in the Moray Council website provides the public with policies, reports and general information on how a complaint can be reported and dealt with.

The results of the complaints survey were similar to previous years; however satisfaction with the complaints handling process as a whole appears to be influenced by how satisfied the customer was with the outcome of their complaint. We used the easy-to-use online option and sent paper copies, however, this produced a similar low number of survey responses meaning we were restricted in assessing the effectiveness of it as a learning tool. We will continue to use both online and hard copy methods for our survey.

Welcoming, recording, managing and resolving complaints in an effective manner will increase public confidence in our application of the Complaint Handling Procedure and afford us opportunity to learn and improve our service provision.

Awareness of improvement issues has been raised through the Complaints Administration Group, quarterly reporting to senior management and complaint training to services involved in complaint handling.

APPENDIX

Please note that due to rounding, some totals may add up to slightly more or less than 100%.

Table A: Indicator 2 – Complaints closed at stage one and stage two as a percentage of all complaints closed.

Indicator 2 by service	2015-16				2016-17			
	Stage 1 – Front line resolution	Stage 2 – Investigation	Stage 2 – Escalated Investigation	Total	Stage 1 – Front line resolution	Stage 2 – Investigation	Stage 2 – Escalated Investigation	Total
All Council	242 52%	215 46%	11 2%	468	274 72%	103 27%	6 2%	383
Chief Executive's Office	2 40%	3 60%	0 0%	5	0 0%	2 100%	0 0%	2
Chief Executive's Section	0 0%	1 100%	0 0%	1	0 n/a	0 n/a	0 n/a	0
Corporate Policy Unit	2 50%	2 50%	0 0%	4	0 0%	2 100%	0 0%	2
Community Planning & Development	0 n/a	0 n/a	0 n/a	0	0 n/a	0 n/a	0 n/a	0
Corporate Services	36 84%	6 14%	1 2%	43	16 84%	2 11%	1 5%	19
Financial Services	29 91%	2 6%	1 3%	32	4 67%	2 33%	0 0%	6
Human Resources and ICT	0 n/a	0 n/a	0 n/a	0	1 100%	0 0%	0 0%	1
Legal and Democratic Services	7 64%	4 36%	0 0%	11	11 92%	0 0%	1 8%	12
Environmental Services	193 61%	116 36%	9 3%	318	248 82%	50 17%	5 2%	303
Development Services	12 31%	26 67%	1 3%	39	12 55%	10 45%	0 0%	22
Direct Services	107 90%	4 3%	8 7%	119	158 97%	0 0%	5 3%	163
Housing and Property	74 46%	86 54%	0 0%	160	78 66%	40 34%	0 0%	118
Education and Social Care	11 11%	90 88%	1 1%	102	10 17%	49 83%	0 0%	59
Community Care	1 4%	26 96%	0 0%	27	0 0%	10 100%	0 0%	10
Integrated Children's Services	0 0%	38 97%	1 3%	39	0 0%	17 100%	0 0%	17
Lifelong Learning, Culture and Sport	8 62%	5 38%	0 0%	13	5 83%	1 17%	0 0%	6
Schools and Curriculum Development	2 9%	21 91%	0 0%	23	5 19%	21 81%	0 0%	26

Table B: Indicator 3 by service – The number of complaints upheld/partially upheld/not upheld at each stage as a percentage of complaints closed in full at stage 1

Indicator 3 by service – Stage 1	2015-16				2016-17			
	Upheld	Partially Upheld	Not Upheld	Total	Upheld	Partially Upheld	Not Upheld	Total
All council	82 34%	29 12%	131 54%	242	110 40%	21 8%	143 52%	274
Chief Executive's Office	1 50%	0 0%	1 50%	2	0 0%	0 0%	0 0%	0
Chief Executive's Section	0 0%	0 0%	0 0%	0	0 0%	0 0%	0 0%	0
Corporate Policy Unit	1 50%	0 0%	1 50%	2	0 0%	0 0%	0 0%	0
Community Planning & Development	0 0%	0 0%	0 0%	0	0 0%	0 0%	0 0%	0
Corporate Services	10 28%	9 25%	17 47%	36	7 44%	2 13%	7 44%	16
Financial Services	7 24%	7 24%	15 52%	29	0 0%	0 0%	4 100%	4
Human Resources and ICT	0 0%	0 0%	0 0%	0	1 100%	0 0%	0 0%	1
Legal and Democratic Services	3 43%	2 29%	2 29%	7	6 55%	2 18%	3 27%	11
Environmental Services	70 36%	17 9%	106 55%	193	99 40%	19 8%	130 52%	248
Development Services	1 8%	3 25%	8 67%	12	0 0%	1 8%	11 92%	12
Direct Services	28 26%	11 10%	68 64%	107	59 37%	13 8%	86 54%	158
Housing and Property	41 55%	3 4%	30 41%	74	40 51%	5 6%	33 42%	78
Education and Social Care	1 9%	3 27%	7 64%	11	4 40%	0 0%	6 60%	10
Community Care	0 0%	1 100%	0 0%	1	0 0%	0 0%	0 0%	0
Integrated Children's Services	0 0%	0 0%	0 0%	0	0 0%	0 0%	0 0%	0
Lifelong Learning, Culture and Sport	0 0%	1 13%	7 88%	8	2 40%	0 0%	3 60%	5
Schools and Curriculum Development	1 50%	1 50%	0 0%	2	2 40%	0 0%	3 60%	5

Figure 20: Stage 1 – % of Complaints Upheld, Partially Upheld, and Not Upheld (2014-15, 2015-16 & 2016-17)

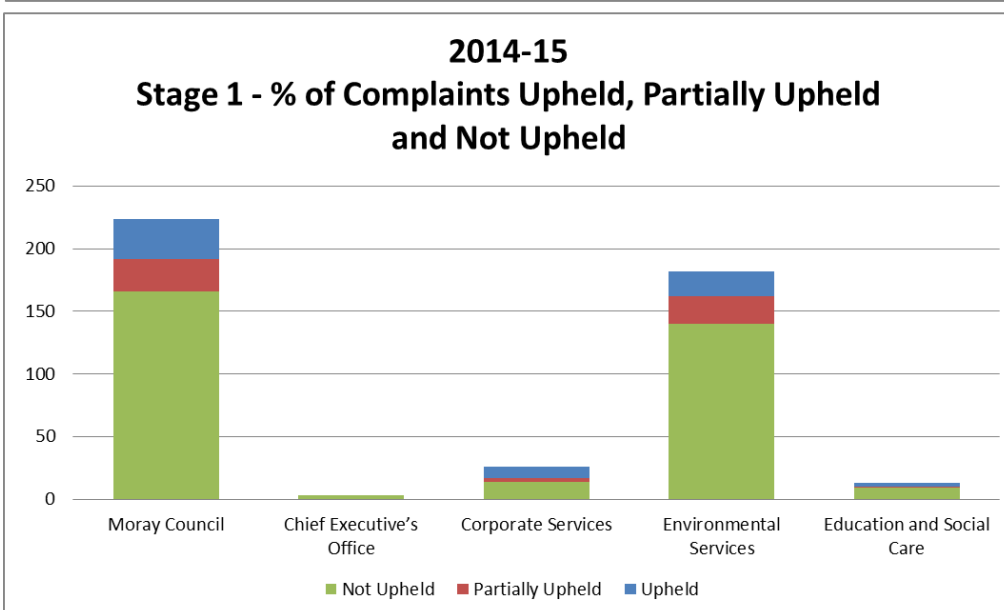
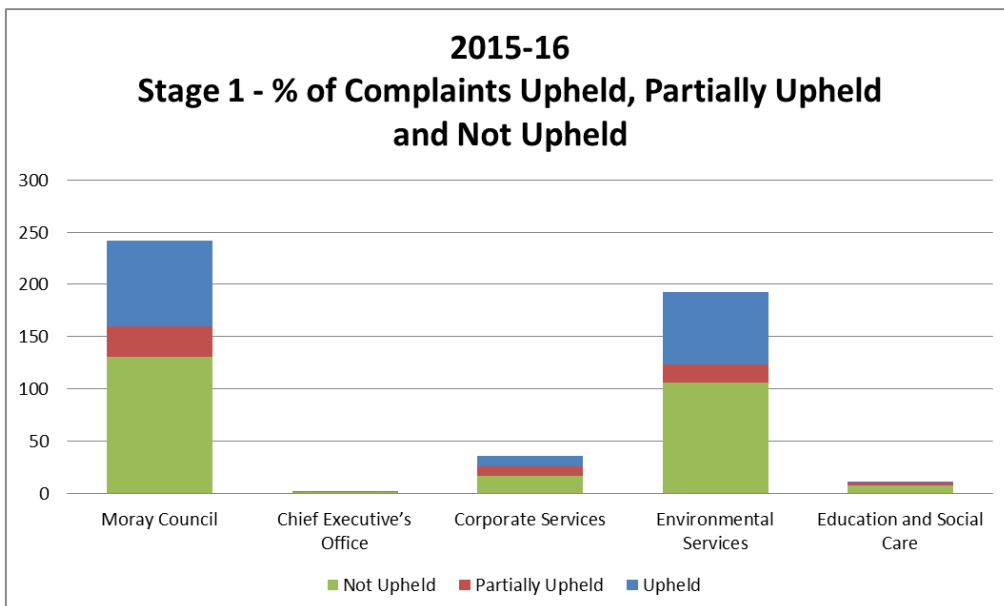
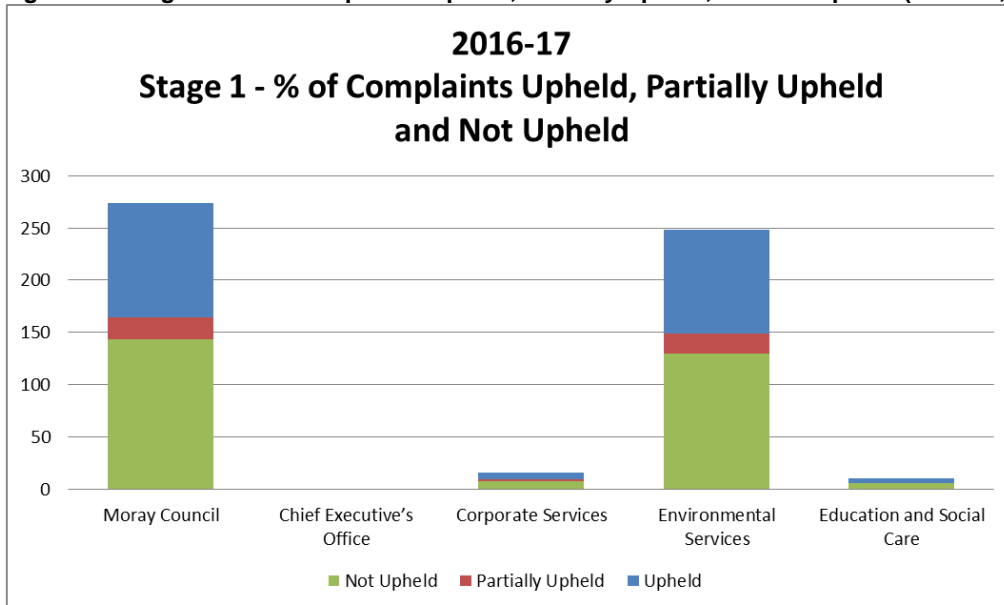


Table C: Indicator 3 by service – The number of complaints upheld/partially upheld/not upheld at each stage as a percentage of complaints closed in full at stage 2 (including escalated complaints.)

Indicator 3 by service – Stage 2 (including escalated)	2015-16				2016-17			
	Upheld	Partially Upheld	Not Upheld	Total	Upheld	Partially Upheld	Not Upheld	Total
All council	41 18%	50 22%	135 60%	226	28 26%	19 17%	62 57%	109
Chief Executive's Office	1 33%	1 33%	1 33%	3	1 50%	0 0%	1 50%	2
Chief Executive's Section	0 0%	1 100%	0 0%	1	0 0%	0 0%	0 0%	0
Corporate Policy Unit	1 50%	0 0%	1 50%	2	1 50%	0 0%	1 50%	2
Community Planning & Development	0 0%	0 0%	0 0%	0	0 0%	0 0%	0 0%	0
Corporate Services	3 43%	3 43%	1 14%	7	2 67%	0 0%	1 33%	3
Financial Services	2 67%	1 33%	0 0%	3	1 50%	0 0%	1 50%	2
Human Resources and ICT	0 0%	0 0%	0 0%	0	0 0%	0 0%	0 0%	0
Legal and Democratic Services	1 25%	2 50%	1 25%	4	1 100%	0 0%	0 0%	1
Environmental Services	16 13%	13 10%	96 77%	125	14 25%	6 11%	35 64%	55
Development Services	1 4%	3 11%	23 85%	27	2 20%	1 10%	7 70%	10
Direct Services	1 8%	0 0%	11 92%	12	0 0%	0 0%	5 100%	5
Housing and Property	14 16%	10 12%	62 72%	86	12 30%	5 13%	23 58%	40
Education and Social Care	21 23%	33 36%	37 41%	91	11 22%	13 27%	25 51%	49
Community Care	5 19%	10 38%	11 42%	26	2 20%	2 20%	6 60%	10
Integrated Children's Services	11 28%	10 26%	18 46%	39	7 41%	3 18%	7 41%	17
Lifelong Learning, Culture and Sport	3 60%	1 20%	1 20%	5	1 100%	0 0%	0 0%	1
Schools and Curriculum Development	2 10%	12 57%	7 33%	21	1 5%	8 38%	12 57%	21

Figure 21: Stage 2 – % of Complaints Upheld, Partially Upheld, and Not Upheld (2014-15, 2015-16 & 2016-17)

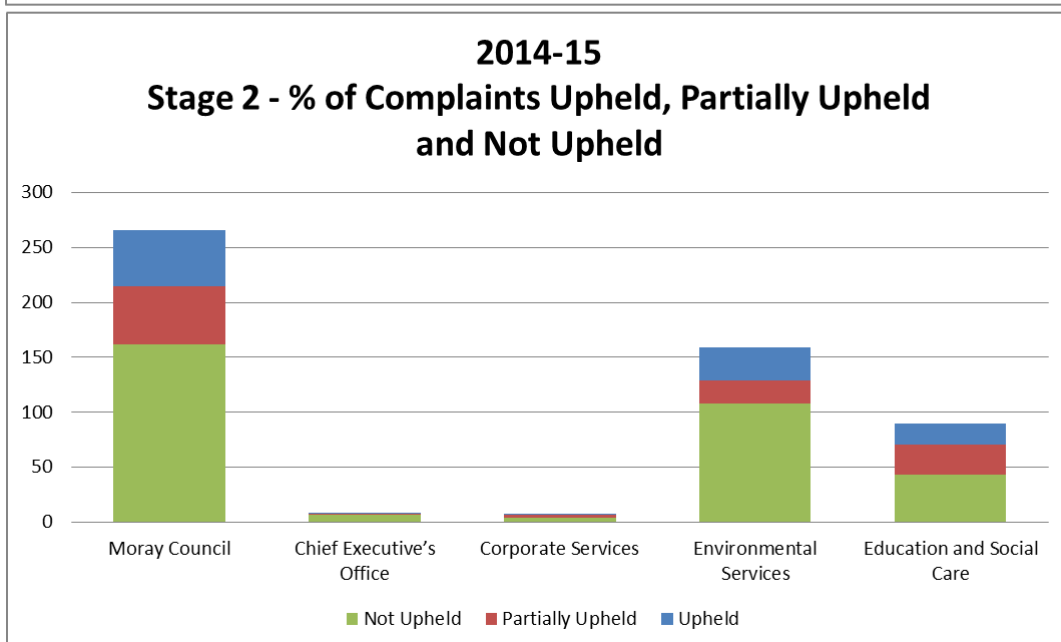
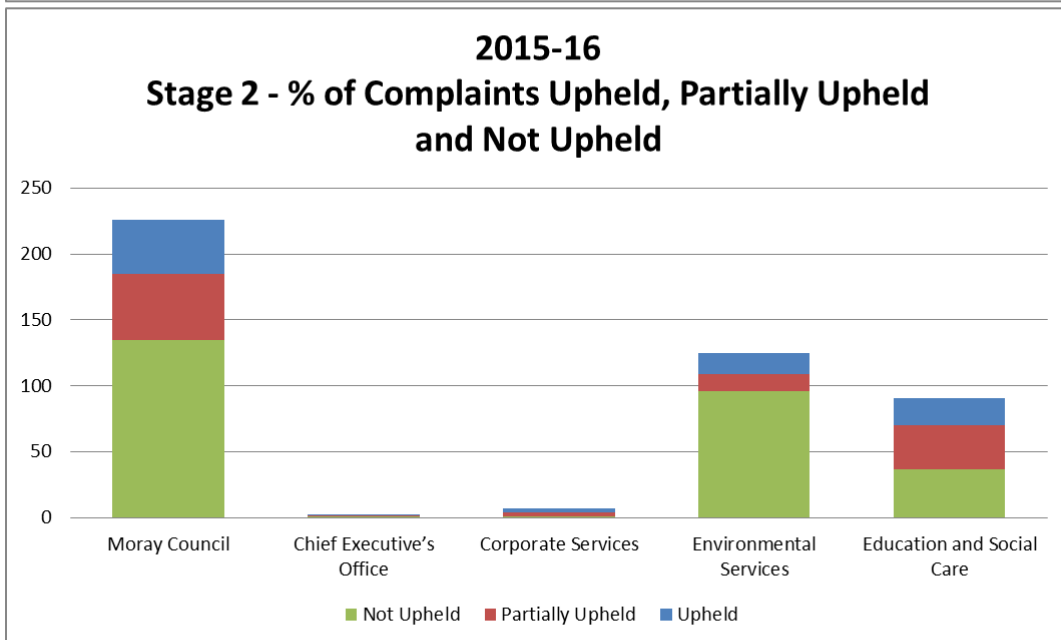
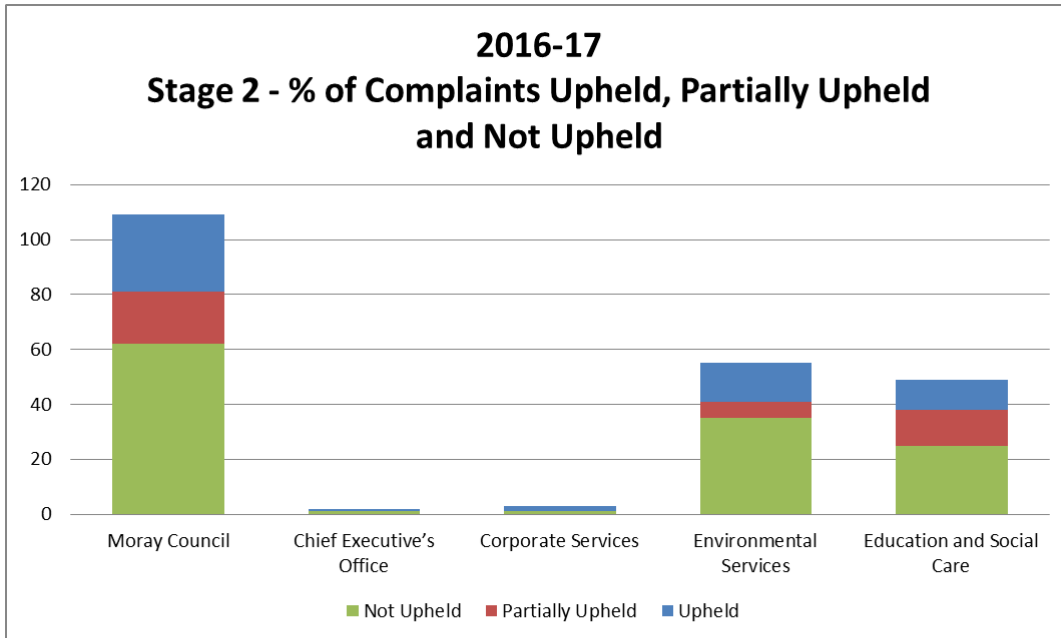


Table D: Indicator 4 by service – The average time in working days for a full response to complaints at each stage.

Indicator 4 by service	2015-16			2016-17		
	Stage 1 – Front line Resolution	Stage 2 – Investigation	Stage 2 – Escalated Investigation	Stage 1 – Front line Resolution	Stage 2 – Investigation	Stage 2 – Escalated Investigation
Target timescales (number of working days)	5	20	20	5	20	20
All council	3.5	21.0	22.9	3.6	20.9	13.2
Chief Executive’s Office	1.5	24.7	n/a	n/a	17.5	n/a
Chief Executive’s Section	n/a	11	n/a	n/a	n/a	n/a
Corporate Policy Unit	1.5	31.5	n/a	n/a	17.5	n/a
Community Planning & Development	n/a	n/a	n/a	n/a	n/a	n/a
Corporate Services	3.4	19.2	28.0	3.3	21.0	1.0
Financial Services	3.4	18.5	28.0	2.8	21.0	n/a
Legal and Democratic Services	3.4	19.5	n/a	3.3	n/a	1.0
Environmental Services	3.4	20.5	16.4	3.4	17.1	15.6
Development Services	4.9	16.6	13.0	3.4	16.5	n/a
Direct Services	3.2	34.3	16.9	3.3	n/a	15.6
Housing and Property	3.5	21.0	N/A	3.7	17.3	n/a
Education and Social Care	4.9	21.8	76.0	7.6	24.8	n/a
Community Care	3.0	18.9	N/A	n/a	26.5	n/a
Integrated Children’s Services	n/a	27.4	76.0	n/a	23.8	n/a
Lifelong Learning, Culture and Sport	4.5	15.2	n/a	7.4	9.0	n/a
Schools and Curriculum Development	7.5	16.6	n/a	7.8	25.5	n/a

Figure 22: Average time in working days for a full response to complaints at each stage (2014-15, 2015-16 & 2016-17)

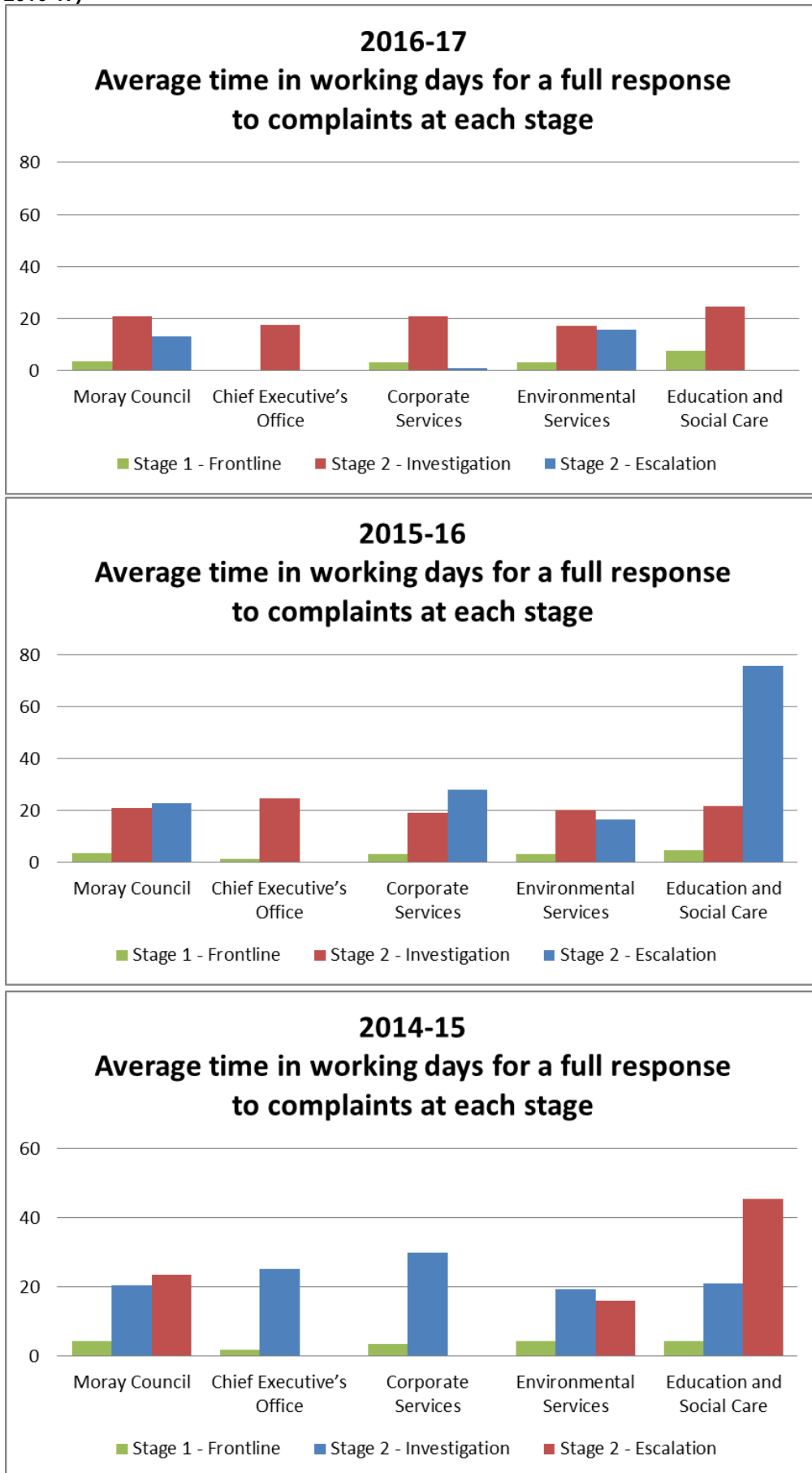


Table E: Average Time in working days to respond to complaints at each stage

Average Time in working days to respond to complaints at each stage	2015-16			2016-17		
	No. of complaints	Total time (workdays)	Average time (workdays)	No. of complaints	Total time (workdays)	Average time (workdays)
Average time in working days to respond to complaints at stage one	242	842	3.5	274	977	3.6
Average time in working days to respond to complaints at stage two	215	4523	21.0	103	2148	20.9
Average time in working days to respond to complaints after escalation	11	252	22.9	6	79	13.2

Table F: Indicator 5 by service – The number and percentage of complaints at each stage which were closed in full within the set timescales of five and 20 working days.

Indicator 5 by service (Refer to Table A for Totals)	2015-16			2016-17		
	Stage 1 – Front line Resolution	Stage 2 – Investigation	Stage 2 – Escalated Investigation	Stage 1 – Front line Resolution	Stage 2 – Investigation	Stage 2 – Escalated Investigation
Target timescales (number of working days)	5	20	20	5	20	20
All Council	224 93%	64 30%	7 64%	256 93%	64 62%	5 83%
Chief Executive's Office	2 100%	2 67%	- n/a	0 n/a	2 100%	- n/a
Chief Executive's Section	- n/a	0 0%	- n/a	- n/a	- n/a	- n/a
Corporate Policy Unit	2 100%	2 100%	- n/a	0 n/a	2 100%	- n/a
Community Planning & Development	- n/a	- n/a	- n/a	- n/a	- n/a	- n/a
Corporate Services	35 97%	1 17%	0 0%	16 100%	1 50%	1 100%
Financial Services	29 100%	1 50%	0 0%	4 100%	1 50%	- n/a
Legal and Democratic Services	6 86%	0 0%	- n/a	11 100%	- n/a	1 100%
Environmental Services	180 93%	43 37%	7 78%	234 94%	43 86%	4 80%
Development Services	10 83%	9 35%	1 100%	10 83%	9 90%	- n/a
Direct Services	99 93%	0 0%	6 75%	150 95%	- n/a	4 80%
Housing and Property	71 96%	34 40%	- n/a	74 95%	34 85%	- n/a
Education and Social Care	7 64%	18 20%	0 0%	6 60%	18 37%	- n/a
Community Care	1 100%	2 8%	- n/a	0 n/a	2 20%	- n/a
Integrated Children's Services	- n/a	6 16%	0 0%	0 n/a	6 35%	- n/a
Lifelong Learning, Culture and Sport	5 63%	1 20%	- n/a	2 40%	1 100%	- n/a
Schools and Curriculum Development	1 50%	9 43%	- n/a	4 80%	9 43%	- n/a

Table G: Overdue complaints with formal extensions or holding letters issued

Overdue complaints that have holding letters issued, or been granted a formal extension – by service (Refer to Table A for totals)	2015-16			2016-17		
	Stage 1 – Frontline Resolution	Stage 2 - Investigation	Stage 2 - Escalated Investigation	Stage 1 – Frontline Resolution	Stage 2 - Investigation	Stage 2 - Escalated Investigation
Total number of complaints investigated	242	215	11	274	103	6
Total number of late responses	18	59	4	43	36	1
All Council	1 6%	11 19%	2 50%	7 16%	8 22%	2 100%
Chief Executive’s Office	0 0%	0 0%	- n/a	0 0%	0 0%	- n/a
Chief Executive’s Section	- n/a	- n/a	- n/a	- n/a	- n/a	- n/a
Corporate Policy Unit	0 0%	0 0%	- n/a	0 0%	0 0%	- n/a
Community, Planning & Development	- n/a	- n/a	- n/a	- n/a	- n/a	- n/a
Corporate Services	1 33%	0 0%	0 0%	1 25%	0 0%	- n/a
Financial Services	0 0%	0 0%	0 0%	0 0%	0 0%	- n/a
Legal and Democratic Services	1 100%	0 0%	- n/a	1 100%	- n/a	- n/a
Environmental Services	0 0%	3 6.5%	1 50%	6 17%	2 33%	2 100%
Development Services	0 0%	0 0%	- n/a	2 100%	1 100%	- n/a
Direct Services	0 0%	0 0%	1 50%	4 14%	- n/a	2 100%
Housing and Property	0 0%	3 7.3%	- n/a	0 0%	1 20%	- n/a
Education and Social Care	0 0%	8 25%	1 100%	0 0%	6 25%	- n/a
Community Care	0 0%	1 17%	- n/a	- n/a	3 75%	- n/a
Integrated Children’s Services	- n/a	7 30%	1 100%	- n/a	1 11%	- n/a
Lifelong Learning, Culture and Sport	0 0%	- n/a	- n/a	0 0%	- n/a	- n/a
Schools and Curriculum Development	0 0%	0 0%	- n/a	0 0%	2 20%	- n/a

Note: N/A indicates that a service had no overdue complaints at that particular stage

Table H (i): Customer Satisfaction Feedback Survey (2015-16)

Service Delivery Questions	Very Satisfied	Satisfied	Neither Satisfied nor Dissatisfied	Dissatisfied	Very Dissatisfied
How satisfied or dissatisfied were you that The Moray Council handled your complaint in line with the council's Complaint Handling Procedure?	5 9%	12 22%	5 9%	4 7%	24 44%
How satisfied were you with the way this problem was handled?	3 6%	7 14%	3 6%	11 22%	27 53%
Being able to deal directly with someone who could help you?	6 9%	14 21%	13 20%	15 23%	16 24%
In the response to your complaint (i.e. clear, concise, accurate)?	8 11%	15 21%	8 11%	10 14%	26 37%
The response to your complaint covered all the aspects you raised?	9 13%	12 17%	9 13%	10 14%	27 38%
The final response to your complaint?	5 7%	15 22%	5 7%	7 10%	30 44%
The overall service that you received in relation to how your complaint was handled?	7 10%	16 23%	5 7%	6 9%	32 46%
Timeliness Questions					
Time taken for someone to contact you about your complaint?	10 14%	15 21%	9 13%	18 25%	19 27%
The time taken to deal with the complaint from start to finish?	9 13%	11 16%	12 17%	8 12%	24 35%
Information Questions					
The Moray Council complaints handling process is easy to follow.	1 2%	9 18%	13 26%	6 12%	12 24%
Complaint was dealt with using communication methods that met your needs (i.e. email, telephone, letter, etc)?	2 4%	11 23%	11 23%	4 9%	16 34%
On how to make a complaint (e.g. our complaints procedure leaflet or the information on our website)?	9 13%	12 17%	12 17%	8 11%	20 28%
Professionalism and Staff Attitude Questions					
Someone took responsibility for dealing with your complaint?	11 15%	21 30%	8 11%	14 20%	16 23%
How well the complaints handling staff did their jobs?	14 21%	12 18%	8 12%	12 18%	19 28%

Table H (ii): Customer Satisfaction Feedback Survey (2016-17)

Service Delivery Questions	Very Satisfied	Satisfied	Neither Satisfied nor Dissatisfied	Dissatisfied	Very Dissatisfied
How satisfied or dissatisfied were you that The Moray Council handled your complaint in line with the council's Complaint Handling Procedure?	7 10%	14 19%	7 10%	8 11%	18 25%
How satisfied were you with the way this problem was handled?	4 5%	10 14%	9 12%	13 18%	17 23%
Being able to deal directly with someone who could help you?	12 16%	19 26%	13 18%	5 7%	17 23%
In the response to your complaint (i.e. clear, concise, accurate)?	6 8%	13 18%	11 15%	9 12%	24 33%
The response to your complaint covered all the aspects you raised?	8 11%	11 15%	8 11%	13 18%	21 29%
The final response to your complaint?	11 15%	11 15%	6 8%	9 12%	18 25%
The overall service that you received in relation to how your complaint was handled?	10 14%	14 19%	12 16%	10 14%	15 21%
Timeliness Questions					
	Very Satisfied	Satisfied	Neither Satisfied nor Dissatisfied	Dissatisfied	Very Dissatisfied
Time taken for someone to contact you about your complaint?	11 15%	18 25%	9 12%	14 19%	13 18%
The time taken to deal with the complaint from start to finish?	11 15%	11 15%	9 12%	12 16%	13 18%
Information Questions					
	Very Satisfied	Satisfied	Neither Satisfied nor Dissatisfied	Dissatisfied	Very Dissatisfied
The Moray Council complaints handling process is easy to follow.	3 4%	12 16%	17 23%	3 4%	7 10%
Complaint was dealt with using communication methods that met your needs (i.e. email, telephone, letter, etc)?	3 4%	21 29%	10 14%	8 11%	8 11%
On how to make a complaint (e.g. our complaints procedure leaflet or the information on our website)?	8 11%	16 22%	17 23%	5 7%	14 19%
Professionalism and Staff Attitude Questions					
	Very Satisfied	Satisfied	Neither Satisfied nor Dissatisfied	Dissatisfied	Very Dissatisfied
Someone took responsibility for dealing with your complaint?	12 16%	19 26%	13 18%	5 7%	17 23%
How well the complaints handling staff did their jobs?	11 15%	14 19%	13 18%	6 8%	15 21%

Table I: Percentage of complaints by department (comparison between 2015-16 and 2016-17)

Given the types of service provided by each department, the proportion of complaints dealt with by each department in 2016-17 is broadly similar to 2015-16, although the proportion of complaints responded to by Education and Social Care is half the proportion of the previous year. Environmental Services has the most direct contact with users of council services.

Figure 23: Percentage of complaints by department (2014-15, 2015-16 & 2016-17)

