MORAY COUNCIL

Minute of Meeting of the Moray Council

Wednesday, 6 March 2024

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

PRESENT

Councillor James Allan, Councillor Peter Bloomfield, Councillor Tracy Colyer, Councillor Theresa Coull, Councillor John Cowe, Councillor John Divers, Councillor Amber Dunbar, Councillor Jérémie Fernandes, Councillor Donald Gatt, Councillor David Gordon, Councillor Juli Harris, Councillor Sandy Keith, Councillor Scott Lawrence, Councillor Graham Leadbitter, Councillor Marc Macrae, Councillor Paul McBain, Councillor Neil McLennan, Councillor Shona Morrison, Councillor Bridget Mustard, Councillor Kathleen Robertson, Councillor Derek Ross, Councillor John Stuart, Councillor Draeyk van der Horn, Councillor Sonya Warren, Councillor Ben Williams

APOLOGIES

Councillor Neil Cameron

IN ATTENDANCE

Chief Executive, Depute Chief Executive (Economy, Environment and Finance), Depute Chief Executive (Education, Communities and Organisational Development), Chief Officer - Health and Social Care Moray, Chief Financial Officer, Head of Governance, Strategy and Performance, Head of Housing and Property, Head of Environmental and Commercial Services, Head of Service, Health and Social Care Moray, Strategic Planning and Development Manager, Moray Growth Deal Programme Manager, Principal Planning Officer and Democratic Services Manager.

1. Chair

The meeting was chaired by Councillor Kathleen Robertson.

2. Declaration of Group Decisions and Members Interests

In terms of Standing Orders 21 and 23 and The Councillors' Code of conduct the Council noted that there were no declarations for Group Leaders or Spokesperson 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.

In terms of transparency, Councillors Gordon and Macrae asked that in terms of Item 12 on the agenda, Charging for Services they were directors of the Board of Moray Leisure.

Councillor Williams, in terms of Items 11, 14 and 19 on the agenda asked that it be noted that for transparency a member of his family was employed by an

organisation involved in the items but following advice from the Monitoring Officer felt it did not meet the 2 part test and would remain in the meeting.

3. Resolution

Councillor Ross sought clarification on why Item 19 on the agenda was being held in confidence on the agenda. In response, the Chair confirmed that it was due to commercial sensitivity.

Thereafter the meeting resolved that in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting for Items 18 - 21 of business on the grounds that it involves the likely disclosure of exempt information of the class.

Para number of the minute	Para Number of Schedule of 7a
19	Para 1 Information relating to staffing matters Para 11 Information relating to any consultations or negotiations in connection with labour relations
21	Para 9 Information on terms proposed or to be proposed by or to the Authority
22	Para 1 Information relating to staffing matters

4. Minute of Meeting of Moray Council on 6 December 2023

The minute of the meeting of Moray Council on 6 December 2023 was submitted and unanimously approved.

5. Minutes of Special Meeting of Moray Council on 12 December 2023

The minute of the Special Meeting of Moray Council on 12 December 2023 was submitted and unanimously approved.

6. Minutes of Special Meeting of Moray Council on 24 January 2024

The minutes of the Special Meeting of Moray Council on 24 January 2024 was submitted and unanimously approved.

7. Written Questions

The Council noted that no written questions had been submitted.

8. Notice of Motion - Report Request on Artificial Intelligence

In terms of Standing Order 35a there was submitted a Notice of Motion by Councillor Leadbitter, seconded by Councillor Lawrence in the following terms:

Artificial Intelligence

Preliminary Issues
None to consider

Background
Artificial Intelligence (AI) is rapidly evolving as a consequence of recent advancements in technology and the design of competing artificial intelligences in a wide range of environments.

It is widely reported that the pace of development of AI is highly likely to be the most rapidly evolving technology ever seen by humankind with many potential applications - both positive and negative.

AI is better understood in some industries than others and it is vital that the public sector, including Local Government is embracing and understanding this issue, ensuring we have actions in place to help us both utilise AI and manage its impact on our communities and the services we provide for them.

At the recent AI Safety Summit the introductory paragraph stated:

"We are in the midst of a technological revolution that will fundamentally alter the way we live, work, and relate to one another. Artificial Intelligence (AI) has begun and promises to further transform nearly every aspect of our economy and society, bringing with it huge opportunities but also risks that could threaten global stability and undermine our values."

This provides a useful summary of what we require to understand in the deliver of our own services.

Action
Council requests an officer report providing a high-level assessment of the Council's readiness in respect of the rapidly evolving impact of (AI) across our operations, including but not limited to:

Financial implications

- the risks and opportunities for the broad range of services provided by the council;
  - N.B. It should be understood that whilst the Council's ICT Service will have a key role to play, the risks and opportunities are much broader and could impact significantly on the provision and structure of a wide range of services

- skills gaps that the Council may have in relation to AI and how they might be addressed;

- strategies and policies that require to be developed and/or updated in respect of AI;

- estimated timescales over which such strategies and policies should be considered;

- the potential risks of not taking action.

- Any direct costs would relate to further actions, which would be considered in the requested report.

- There is an indirect cost of officer time, however as AI is a major and rapidly emerging technology across our services, and which has the potential to both enhance and disrupt those services in a comparatively short timeframe, it is expected that officers will already be considering potential implications for their services and the Council as a whole, therefore this motion sets in place a clear route for Councillors to consider this urgent emerging issue.

The Chair advised that the Council has an ICT Digital Strategy and Action Plan which was approved by Corporate Committee on 29 August 2023 and Priority 4 was Forward Planning which had the following action at 4.8 - considers the potential for new solutions i.e. AI, Chatbots, the internet of things to deliver improvements to service delivery and efficiencies with the planned outcomes of benefits of implementing solutions identified and incorporated into forward plans with Services with a measure of new technologies adopted within services. The timing of this work is March 2025/26 with a priority rating of 3 with clear benefits for importance that may be outweighed by other actions.

The Chair further added that the Council recognises the pace at which technology moves and are also aware that as part of the budget it was agreed to add as part of the transformation reserve so the Council can invest in innovation.

The Chair continued that it was important that any benefit from AI is appropriately prioritised alongside other essential ICT work already agreed. She therefore proposed that the Strategic Leadership Forum consider the issue and bring forward as part of the annual update to the ICT Digital Strategy and Action Plan ahead, of the August timescale for review.

The Depute Chief Executive (Education, Communities and Organisational Development) confirmed that the Council's ICT Strategy covers all services and not just the ICT section and sets the Council's digital priorities within the Corporate Plan and covers staff and customer expectations and the need for services to fully engage in using the technologies in order to drive out the benefits.

She further added that if the Council was minded to accelerate the work around AI then the intention would be that it would be looked at in the area of advantages to services but would need to consider re-prioritising both within ICT and Services in terms of how the work would be brought forward and guidance from Council on the work to be prioritised would be helpful.

Councillor Macrae proposed discussing the issue at the ICT Working Group initially for discussion and then for a report to be brought back to a future meeting of the Council.

Councillor Leadbitter agreed that the pace of AI is accelerating at such a pace, it would be useful to discuss at the ICT Working Group to determine the information available to allow Councillors to understand whether this work is a higher priority than currently prioritised.

Councillor Lawrence confirmed that the notice of motion is requesting an oversight of AI within the Council as it will have huge ramifications on all services.

The Chair agreed that the Strategic Leadership Forum and ICT Working Group would be a good place to discuss the issue to provide information and scope for a report back to Corporate Committee as soon as practicable and asked Councillors Leadbitter and Lawrence if they were happy to accept the amendment.

The Chief Executive added that there is a lot of work going on with Government Bodies and partners who are looking at issues for local government and devising guidance and internal discussions would allow for the national guidance to become available.

Following further consideration, Councillors Leadbitter and Lawrence confirmed that they were happy for the initial discussions to take place with the Strategic Leadership Forum and to also include the ICT Working Group and for a report to be presented to Corporate Committee as soon as practicable.

There being no on otherwise minded the Council agreed that initial discussions take place with the cross party Strategic Leadership Forum and the ICT Working Group with a report to be presented to Corporate Committee as soon as practicable.

9. Moray Integration Joint Board Summary Report

The meeting had before it, a report by the Chief Officer, Health and Social Care Moray informing the Council of the latest approved minutes of the meetings of the Moray Integration Joint Board.

Following consideration the Council unanimously agreed to note the content of the report.

Councillor McLennan left the meeting during the consideration of this item.

10. Revenue Expenditure 31 December 2023

The meeting had before it a report by the Depute Chief Executive (Economy, Environment and Finance) advising Council of the revenue budget monitoring position to 31 December 2023 and the current out-turn for 2023/24.

As part of her introduction to the report the Chief Financial Officer confirmed that confirmation had now been received from the Scottish Government that they will not withhold the retained portion of the grant, which amounts to £769,000 and results in an underspend of £894,000.

Following consideration, the Council unanimously agreed the note:

i)   the budget monitoring position of £1,742,000 over budget for 2023/24 as at 31 December 2023;

ii)   that the budget position consists of an underspend on Devolved School budgets of £818,000, an underspend of £116,000 on Children's Services, an underspend of £193,000 on General Services Housing and Property, an overspend of £289,000 on Environmental and Commercial Servics and

£210,000 on Economic Growth and Development. There is also an overspend on Social Care Services delivered on behalf of the Moray Integration Joint Board of £2,313,000 and an overspend on other services of £57,000;

iii) movement of £5,897,000 increase in General Revenue Grants, as detailed in paragraph 3.5; and

iv) the current estimated out-turn for 2023/24 of an underspend in Council services, including Health and Social Care, of £962,00 after adjusting for the cost sharing agreement with NHS for MIJB. With projected overspends in loans charges of £451,000 and increased use of provisions more than budgeted, this results in an overall projected spend of £1,497,000 but with additional funding there is a decrease in the use of Council reserves of £125,000 than is budgeted.

11.   Capital Plan 2023-24 Q3

The meeting had before it a report by the Depute Chief Executive (Economy, Environment and Finance) advising the Council of capital expenditure to 31 December 2023 and of updated estimates of projected expenditure under the capital plan for 2023/24 profiled into quarters.

Following consideration the Council unanimously agreed to:

i)   note expenditure to 31 December 2023 of £15,841,000, which is £6million less than estimated in detail at the end of quarter 2;

ii) note the current projected expenditure of £25, 178,000 for 2023/24, as set out in Appendix 1 in detial and as adjusted at top level in paragraph 7.1 below;

iii) note the projected overall expenditure for projects spanning more than one financial year, as set out in Appendix 2; and

iv) approve amendments to the 2023/24 and 2024/25 capital plan as detailed in section 6.1 of this report.

12.   Charging for Services

The meeting had before it a report by the Depute Chief Executive (Economy, Environment and Finance) asking Council to approve revised charges for Council services for 2024/25.

Following consideration the Council unanimously agreed to approve the charges for Council services for 2024/25 set out in paragraphs 3.3 and 3.4.

13.   Telford Bridge Craigellachie

The meeting had before it a report by the Depute Chief Executive (Economy, Environment and Finance) informing the Council of the condition of Telford Bridge and what options were available for its future operation.

Following consideration the Council unanimously agreed:

i)   to note the ownership, condition and maintenance responsibilities relating to the Telford Bridge as set out in the report;

ii)   that the Council's future responsibilities are as set out in para 7.2 - 7.5; and

iii)   that should there be sufficient interest from an external group that the Council would further explore the options set out in paras 6.7 - 6.10 subject to its reasonable costs being covered by a third party.

14.   Moray Growth Deal Annual Report

The meeting had before it a report by the Depute Chief Executive (Economy, Environment and Finance) which provided Council with a draft copy of the Moray Growth Deal's 2023 annual report for consideration.

The Council joined the Chair in thanking the Moray Growth Deal Team on the work done on the various projects to date.

Councillor McLennan re-joined the meeting at this juncture.

Following consideration, the Council agreed to:

i)   note the draft annual report; and

ii)   delegate authority to the Depute Chief Executive (Economy, Environment and Finance) to approve a final iteration of the report, following engagement with key stakeholders and the Scottish and UK Governments. This will then be submitted to a future meeting of Moray Council for noting.

15.   Elgin Long Term Town Plan

The meeting had before it a report asking the Council to nominate elected members to sit on the Elgin Town Board and to note progress to establish the Board following the announcement on 1 October 2023 that Elgin is one of 55 towns in the UK to receive £20million funding from the UK Government.

As part of his introduction, the Strategic Planning and Development Manager asked Council to note the following amendments to the report:

recommendation (iii)	should read - note the appointment of the chair of the Elgin town Board will be done in consultation with the local MP.
paragraph 4.8	the reference to 3 years should be 2 years; and
paragraph 6.3	where the report states 2 elected members, it should read 2 - 4 members, following attendance at a Webinar, which was attended by representatives of the 55 towns, it was confirmed that the political balance should be proportional to the size of the board.

Councillor Divers expressed concern that there are no Elgin Councillors included in the proposed members of the Board.

Councillor Keith, confirmed that he considered it necessary to have Elgin Councillors represented on the Board.

In response, the Head of Governance, Strategy and Performance advised that the Elgin Town Board should be considered as an outside body and it was a decision for the Council as to who should be appointed to it.

Councillor Divers moved that there should be 3 Councillors on the Board 1 from each party and the Council Leader has the overall Moray wide view.

In response, the Chair felt, based on the advice given by Officers and the anticipated size of the Board being 15 members that 4 Councillors would be too many as it would make up a quarter of the size and that is not the intention of the Board.

The Chair proposed a compromise position of the Council Leader and 2 members, 1 from each of the 2 largest opposition groups. It was further agreed that representation should be Elgin Councillors in the main therefore it was suggested that 2/3 of the Council representatives be from Elgin Wards and, if at any time in future the Council Leader represents an Elgin Ward, then one of the other positions should taken by a Councillor outwith Elgin to ensure fair geographical representation.

Councillor Divers confirmed that he was happy with the proposal.

Following further consideration the Council unanimously agreed:

i)   note the progress in establishing an Elgin Town Board before the deadline of 1 April 2024;

ii)   note the guidance in Appendix 1 as to representation on the Board;

iii)   note the appointment of the Chair of the Elgin Town Board will be done in consultation with the local MP;

iv)   note the proposed initial members of the Board

v)   note the proposed steps and timeline to prepare the 10 year vision and 3 year Investment Plan;

vi)   that the Council Leader and 2 members, 1 from each of the 2 largest opposition groups be appointed to the Board with 2/3 of the Council representatives being from Elgin Wards and, if at any time in future the Council Leader represents an Elgin Ward, then one of the other positions should taken by a Councillor outwith Elgin to ensure fair geographical representation; and

vii) Group Leaders to notify Committee Services with the names of the Councillors who will be sitting on the Board including the substitute members

16.   Review of Standing Orders

The meeting had before it a report by the Depute Chief Executive (Education, Communities and Organisational Development) inviting the Council to consider the timescale for changes to the Council's Standing Orders as detailed in Section 4 of the report.

In respect of the proposal to stop reading out written questions Councillor Leadbitter sought clarification that the member submitting the written question would still be able to ask a supplementary question and that the response to the written question should be published prior to the Committee meeting.

In response, the Head of Governance, Strategy and Performance confirmed that a supplementary question would still be allowed and that the question and response would be published prior to the meeting.

Councillor van der Horn asked that Officers look at how apologies are recorded and the reasons for the absence.

The Head of Governance, Strategy and Performance replied that this was not something that was covered under Standing Orders but would be covered by a review of the Remote Meetings Protocol under the second tier governance documents and agreed to look at the issue with the Democratic Services Manager.

Councillor McLennan moved to remove the recommendation to remove Question Time from the agenda. On failing to find a seconder, Councillor McLennan's motion fell and in terms of Standing Order 67 his dissent was recorded.

Following further consideration the Council agreed:

 i)   the material changes to Standing Orders as set out in paragraph 4.1/Appendix 1;

 ii)   the proposed minor changes to Standing Orders set out in paragraph 4.2 below/Appendix 2;

 iii)   that a final version of the Standing Orders, incorporating the agreed position from recommendations (i) and (ii) above, will be submitted to the next meeting of the Council; and

 iv)   to defer the wider annual review of the Scheme of Administration and Scheme of Delegation from May 2024 until December 2024 to bring the reviews back in line with the annual Standing Orders review.

17.   Public Performance Report 2022-23

The meeting had before it a report by the Depute Chief Executive (Education, Communities and Organisational Development) asking the Council to consider the Public Performance Report (PPR) 2022-23 which reports progress and performance of Council services against Corporate Plan priorities.

Following consideration the Council approved the Public Performance Report 2022-23 in its reporting of Council performance and progress against Corporate Plan priorities and agree the PPR for publication on the Council website.

18.   Question Time

Under reference to the minute of the meeting of Moray Council on 6 December 2023, Councillor Ross sought clarification on why comments made by Councillor Harris had not been minuted.

In response, the Head of Governance, Strategy and Performance confirmed that the minutes are not a verbatim record of meetings.

19.   Voluntary Early Retirement Application [Para 1]

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

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

20. RESUMPTION OF MEETING

PRESENT

Councillor James Allan, Councillor Peter Bloomfield, Councillor Tracy Colyer, Councillor Theresa Coull, Councillor John Cowe, Councillor John Divers, Councillor Amber Dunbar, Councillor Jérémie Fernandes, Councillor Donald Gatt, Councillor David Gordon, Councillor Juli Harris, Councillor Sandy Keith, Councillor Scott Lawrence, Councillor Graham Leadbitter, Councillor Marc Macrae, Councillor Paul McBain, Councillor Neil McLennan, Councillor Shona Morrison, Councillor Bridget Mustard, Councillor Kathleen Robertson, Councillor Derek Ross, Councillor John Stuart, Councillor Draeyk van der Horn, Councillor Sonya Warren, Councillor Ben Williams

APOLOGIES

Councillor Neil Cameron

IN ATTENDANCE

Chief Executive, Depute Chief Executive (Economy, Environment and Finance), Head of Governance, Strategy and Performance, Head of Housing and Property, Principal Planning Officer and Democratic Services Manager.

21.   Elgin Community Centre [Para 9]

The meeting had before it a report by the Depute Chief Executive (Economy, Environment and Finance) providing Council with an update on discussions regarding the future short-term use of Elgin Community Centre and an approach made to Officers about leasing or selling the property.

Following consideration the Council unanimously agreed:

i)   to note the update provided in relation to agreeing terms for a short term lease to Elgin Town Hall Group detailed in paragraph 4.3;

ii)   to note that an approach has been made to Officers about the potential lease or sale of the property detailed in paragraphs 4.5; 4.6 and Appendix III; and

iii)   that Officers continue to facilitate Elgin Town Hall Group's short term use of Elgin Community Centre as outlined in the report approved at Council on 28 June 2023 (para 19 of the minute refers).

22.   Recruitment of Interim Chief Executive

The meeting had before it a report by the Chief Executive asking the Council to note the proposed arrangements for recruiting an interim Chief Executive.

The Council joined Councillor Cowe in wishing Mr Burns a happy and health retirement.

Councillor Keith sought clarification on how the recruitment panel was made up as he felt that the Labour Group should be represented in the panel.

The Chair confirmed that there was no intention to exclude the Labour Group and that she would be happy to swap the Civic Leader for Councillor Keith on the panel but re-assured Councillor Keith the appointment would not be a political one, the appointment would be based on what is best for Moray Council.

Councillor McLennan moved that the panel should consist of members from every political party and independent Councillors. On failing to find a seconder, Councillor McLennan's motion fell and in terms of Standing Order 67 his dissent was recorded.

Following further consideration, the Council agreed to note the proposed arrangements for recruitment of an interim Chief Executive, subject to the change to members on the recruitment panel.