

MORAY COUNCIL

Minute of Meeting of the Economic Development and Infrastructure Services Committee

Tuesday, 06 February 2024

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

PRESENT

Councillor Peter Bloomfield, Councillor John Cowe, Councillor John Divers, Councillor Amber Dunbar, Councillor David Gordon, Councillor Juli Harris, Councillor Sandy Keith, Councillor Graham Leadbitter, Councillor Marc Macrae, Councillor Paul McBain, Councillor Shona Morrison, Councillor John Stuart, Councillor Draeyk van der Horn, Councillor Sonya Warren

IN ATTENDANCE

The Depute Chief Executive (Economy, Environment and Finance), Head of Economic Growth and Development, Head of Environmental and Commercial Services, Transportation Manager, Mr Burnish, Senior Engineer (Flood Risk Management), Open Space Manager, Legal Services Manager and Lissa Rowan, Committee Services Officer as Clerk to the Meeting.

1 Chair

Councillor Macrae, being Chair of the Economic Development and Infrastructure Services Committee, chaired the meeting.

2 Condolences

The Committee joined the Chair in expressing its condolences to the family and friends of Keith Rollinson, a driver with Stagecoach who was tragically killed last Friday evening whilst at work. The Chair stated that this Committee cover many functions of public service one of which being Public Passenger Transport and the thoughts of the Committee are with the staff at Stagecoach at this very difficult time.

3 Agenda Items with Potential Additional Spend

The Chair noted that 4 items on the agenda asked the Committee to consider options where additional discretionary spending in the form of new budget pressures would be necessary and stated that, if each proposal was approved for onward consideration by Full Council, a sum in excess of £100,000 could potentially be added to the already significant budget gap. He asked the Committee to bear this in mind when considering these items given that the Council must focus tightly on its priorities.

4 Declaration of Group Decisions and Members Interests

In terms of Standing Orders 21 and 23 and the Councillors' Code of Conduct, there were no declarations from Group Leaders or Spokespersons in regard to any prior decisions taken on how Members will vote on any item on the agenda or any declarations of Member's interests in respect of any item on the agenda.

With regard to Item 8 "Elgin Business Improvement District - Renewal Ballot", Councillor Divers stated, for transparency, that he was a Council appointed representative on the Elgin BID and would be taking part in the debate.

5 Minute of Meeting dated 14 November 2023

The Minute of the meeting of the Economic Development and Infrastructure Services Committee dated 14 November 2023 was submitted and approved.

6 Written Questions

The Committee noted that no written questions had been submitted.

7 Notice of Motion - Councillors van der Horn and Morrison

In terms of Standing Order 35(a), a Notice of Motion was submitted by Councillor van der Horn, seconded by Councillor Morrison in the following terms:

Electric Vehicle (EV) charging over public footways from home

Background

The benefits of EV charging from home are substantial:

- i. Cost-effective – EV chargers take advantage of low-cost, off-peak energy tariffs. This is more cost-effective than charging in public.
- ii. More eco-friendly – EVs are already extremely eco-friendly providing a range of benefits such as:
 - Avoiding carbon emissions that may result from using public charging points;
 - EVs produce zero tailpipe emissions;
 - By charging at home, the user can choose renewable energy sources such as solar or wind power;
 - By reducing reliance on fossil fuels, EVs play a vital role in mitigating air pollution and combating climate change
- iii. Convenient and freeing up capacity - Charging at home ensures vehicles are at an optimum charge, maximising performance. In addition to this, as most EVs have ranges surpassing the average daily distance travelled by motorists, charging at home reduces the demand during the day on public charging points which have seen a massive increase in demand.

Many residents do not have access to off-road parking or access to sites to charge their vehicles. Currently many decide for themselves to charge by laying cables over highways. This is potentially a risk to residents and it is unmanaged and without guidance.

Providing a report to the Committee could create an opportunity and mechanism to deliver a safer and managed way to deliver EV charging from home.

There is currently a pilot being carried out in Durham County Council
<https://www.durham.gov.uk/article/29969/Electric-vehicle-EV-charging-trialled-for-homes-without-driveways#>

Hampshire County Council are successfully running a permissions and consent to place cable on or over highway.

<https://www.hants.gov.uk/transport/electric-vehicles/ev-charging-guidance>^[LR1]

Moray could be seen to be leading the way in Scotland on EV charging.

As of March 2023, Section 59 of the Roads (Scotland) Acts in relation to obstructions in roads states that:

“...nothing shall be placed or deposited in a road so as to cause an obstruction except with the roads authorities consent in writing and in accordance with any reasonable conditions which they think fit to attach to the consent”

Action

Committee is asked to agree that a report be brought back to this Committee within 2 cycles which includes an appraisal of options including establishing a permission process for EV charging at home over public footways.

Financial implications

Officers have advised that the provision of a report is unlikely to have direct costs, although any proposal to introduce on-street residential/private charging access will have considerable capital and revenue implications which are not covered by any existing budget, nor is there any pending grant funding that could cover implementation of any options.

The preparation of a report will require diversion of approximately 10 days of officer time from existing priorities which includes progressing the Pathfinder project for implementation of the public EV charging strategy.

Councillor Gordon stated that, in his opinion, there was no need for a report as the Council had agreed an Electric Vehicle Strategy with a commitment to progress the Scottish Government Pathfinder Programme which would address the points raised in the Notice of Motion and moved, as an amendment, that the Committee agree that no report be provided and that Officers continue with the Electric Vehicle Strategy as previously agreed by Council. This was seconded by Councillor Macrae.

On a division there voted:

For the Motion (7):	Councillors van der Horn, Morrison, Divers, Harris, Leadbitter, Stuart, and Warren
For the Amendment (7):	Councillors Gordon, Macrae, Bloomfield, Cowe, Dunbar, Keith and McBain
Abstentions (0):	Nil

There being an equality of votes and in terms of Standing Order 66(c), the Chair cast his casting vote in favour of the amendment and the Committee agreed that no report be provided and that Officers continue with the Electric Vehicle Strategy as previously agreed by Council.

8 Parking Enforcement

The meeting had before it a report by the Depute Chief Executive (Economy, Environment and Finance) asking the Committee to discuss parking concerns in Elgin Town Centre and consider options for short term parking enforcement in Elgin Town Centre.

Prior to discussion, Councillor Leadbitter noted the overlap in this report and the next report on the agenda in relation to Parking Enforcement and suggested that both papers be discussed together.

The Depute Chief Executive (Economy, Environment and Finance) advised that the Chief Executive had requested that the matters be considered in separate reports however suggested that there could be joint debate on both reports providing the recommendations in each report were considered separately. This was agreed.

Councillor Keith welcomed both reports which addressed the parking issues in Moray. In relation to illegal parking in Elgin Town Centre, he acknowledged this had been a problem for a considerable time and noted that the new Town Centre Board was being formed in the very near future and they may have means to address the problem of illegal parking in Elgin in the long term. Councillor Keith stated that discussion had taken place between Elgin Ward members who had agreed that the Elgin Common Good Fund be offered to cover the cost of parking enforcement by Police Scotland for 6 months until the Town Centre Board has had the opportunity to consider this matter further and moved a motion in these terms.

Adjournment

The Head of Environmental and Commercial Services requested a short adjournment to discuss Councillor Keith's proposal with the Head of Financial Services. This was agreed.

Resumption of Meeting

Following a short adjournment where Officers liaised with the Head of Financial Services regarding an acceptable way forward to fund police officer time for a short period to enforce parking regulations in Elgin Town Centre, the Depute Chief

Executive (Economy, Environment and Finance) suggested the following revised wording for recommendation at 2.1 ii) Committee agree to note that Elgin Councillors wish to fund the option at paragraphs 4.5-4.6 of the report (funded police officer time) at a budget of up to £10k for up to 6 months from the Elgin Common Good Fund, something the Committee strongly supports, and agrees that should issues arise to preclude that solution, a report will be submitted to Council on 6 March 2024 to consider potential funding sources and any associated budget pressure.

Councillor Leadbitter agreed with this recommendation on the whole however suggested that it include the option to use other appropriate Elgin based funding eg Trust Funds if available. This was agreed.

Thereafter, the Committee unanimously agreed:

- i. to note the contents of the report and the interim options outlined in Section 4 of the report;
- ii. to note that Elgin Councillors wish to fund the option at paragraphs 4.5-4.6 of the report (funded police officer time) at a budget of up to £10k for up to 6 months from the Elgin Common Good Fund/relevant Elgin based funds, something the Committee strongly supports, and agrees that should issues arise to preclude that solution, a report will be submitted to Council on 6 March 2024 to consider potential funding sources and any associated budget pressure;
- iii. the long term solution is traffic control through the Levelling Up Fund Elgin Town Centre Masterplan project.

9 Pavement Parking

The meeting had before it a report by the Depute Chief Executive (Economy, Environment and Finance) informing the Committee of progress for the new Pavement Parking legislation which came into effect on 11 December 2023 as part of the Transport (Scotland) Act 2019 which gave local authorities the power to enforce a ban on pavement parking, double-parking (more than 50cm from the edge of a carriageway) and parking at dropped kerbs installed for pedestrian or cycle use.

Following consideration, the Committee agreed:

- i. to note the updates in the report relating to the statutory powers on pavement parking; and
- ii. option B as set out in the report, the promotion of key messages and continued partnership working with Police Scotland and others as a proportionate response to pavement parking issues in Moray.

10 M.Connect Expansion

The meeting had before it a report by the Depute Chief Executive (Economy, Environment and Finance) informing the Committee of operational plans in relation to expanding m.connect services into weekends and exploiting opportunities to

support the work place journey in Moray, all of which is included in the project plans within the Moray Growth Deal.

Councillor Leadbitter welcomed the developing of the m.connect service however raised concern in relation to the recommendation in the report that appeared to ask the Committee to agree to delegate authority to the Head of Environmental and Commercial Services in consultation with the Chair of this Committee and the Head of Financial Services to introduce additional bus service routes, as he was of the view that a decision in relation to bus routes should be taken by the Committee.

In response, the Head of Environmental and Commercial Services advised that this recommendation was not there to circumvent the decision making powers of the Committee but to allow some flexibility for Officers to react to events/situations that occur in Moray where additional bus routes may be required and suggested that the recommendation be amended to read that delegation be given for bus routes which support major events and the workplace journey, ie "Committee agree to grant delegated authority to the Head of Environmental and Commercial Services in consultation with the Chair of this Committee and the Head of Financial Services to introduce additional bus service routes and, or resources, *which* support major events (Whisky Festival etc.) and the workplace journey in Moray through evidenced need and demand by event organisers and local employers on a cost neutral basis as set out in paragraphs 3.10-3.11 of the report. This was agreed.

The Committee joined the Chair in thanking the Service for their efforts in developing the m.connect service and thereafter agreed to grant delegated authority to the Head of Environmental and Commercial Services in consultation with the Chair of this Committee and the Head of Financial Services to introduce additional bus service routes and, or resources, which support major events (Whisky Festival etc.) and the workplace journey in Moray through evidenced need and demand by event organisers and local employers on a cost neutral basis as set out in paragraphs 3.10-3.11 of the report.

11 Suspension of Standing Orders

The Chair sought the agreement of the Committee to suspend Standing Order 77 to allow the meeting to proceed beyond 12:45 pm. This was agreed.

12 Budget for External Consultancy Services - Phasing out the use of Glyphosate by 2025

Under reference to paragraph 14 of the Minute of the meeting of this Committee dated 7 February 2023, the meeting had before it a report by the Depute Chief Executive (Economy, Environment and Finance) asking the Committee to consider options relating to the Council's current methods of weed control and phasing out the use of Glyphosate, as previously requested by the Committee.

During discussion, Councillor van der Horn stated that he was of the understanding that the Committee had agreed that a report be provided outlining the works and resources needed to plan the phasing out of the use of glyphosate, yet this report asks for money to bring in an external consultant, and sought clarification as to whether the originally requested report would be brought to

Committee for consideration. He noted the estimated cost of £50,000 for an external consultant report and queried whether this money could instead be used to employ an on-call Ecologist to obtain the information needed to provide this report. He also queried, as the use of glyphosate impacted public health, whether NHS Grampian could partner with the Council when considering the health impacts associated with the use of Glyphosate. Councillor van der Horn made reference to the APSE report referred to in the report which stated that Glyphosate was a likely human carcinogen and also referenced the many lawsuits in the United States of America in relation to health issues linked to the use of Glyphosate. Taking all of this into consideration and recognising the current financial position of the Council, Councillor van der Horn moved that the Committee agree recommendation 2.1 (i) and (ii) option 1 as set out in paragraph 3.8 of the report with an additional recommendation to end the use of glyphosate in sports and recreational facilities, playgrounds and schools.

In response, the Head of Environmental and Commercial Services advised that, when the request for this report was made, she had clearly advised that the Service did not have the staffing capacity to prepare a costed action plan which is why this report asked Committee to consider budget for an external consultant to provide the information so that a costed action plan could be produced.

The Open Space Manager further confirmed that since this issue was discussed at Committee in 2023, the Council had significantly reduced its use of Glyphosate and that there had been reports of an increased presence of weed however as Glyphosate is the most effective way to control weeds, this was to be expected as no alternative was being used.

In relation to the suggested recommendation from Councillor van der Horn, the Depute Chief Executive (Economy, Environment and Finance) advised that stopping the use of glyphosate in these areas would require an alternative management plan and this is the information the external consultant report would provide and sought advice from the Legal Adviser as to the competency of this additional recommendation.

The Legal Services Manager advised that there was not enough information in the report to support the additional recommendation from Council van der Horn as the costings of any alternative management of weeds in sports and recreational facilities, playgrounds and schools could not be currently confirmed.

On hearing this advice from the Legal Services Manager, Councillor van der Horn withdrew his motion.

Councillor Gordon, having considered the report and the further debate, moved that the Committee agree recommendation 2.1 (i) and (ii) option 1 as set out in paragraph 3.8 of the report - Recognise the significant progress that has been made with regards reducing the usage of glyphosate, and that there are challenges with making further progress, and as such defer further action until November 2024 to review the regulatory landscape (ie to see whether there is the potential for an extension to licensed use beyond 2025 as is now the case in Europe) and progress made by other organisations which will inform our working practices, costs to determine our own pathway to cease use and decision making. In the intervening period Officers will continue to work proactively across its partner networks to keep abreast of alternative methods and encourage collaboration on the alternative solutions. This was seconded by Councillor Dunbar.

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

- i. to note the contents and wider context of the report;
- ii. to pursue option 1 as set out in paragraph 3.8 of the report - Recognise the significant progress that has been made with regards reducing the usage of glyphosate, and that there are challenges with making further progress, and as such defer further action until November 2024 to review the regulatory landscape (ie to see whether there is the potential for an extension to licensed use beyond 2025 as is now the case in Europe) and progress made by other organisations which will inform our working practices, costs to determine our own pathway to cease use and decision making. In the intervening period Officers will continue to work proactively across its partner networks to keep abreast of alternative methods and encourage collaboration on the alternative solutions.

14 Resumption of Meeting

PRESENT

Councillor Peter Bloomfield, Councillor John Cowe, Councillor John Divers, Councillor Amber Dunbar, Councillor David Gordon, Councillor Juli Harris, Councillor Sandy Keith, Councillor Graham Leadbitter, Councillor Marc Macrae, Councillor Paul McBain, Councillor Shona Morrison, Councillor John Stuart, Councillor Draeyk Van Der Horn, Councillor Sonya Warren

IN ATTENDANCE

The Depute Chief Executive (Economy, Environment and Finance), Head of Economic Growth and Development, Head of Environmental and Commercial Services, Mr Burnish, Senior Engineer (Flood Risk Management), Legal Services Manager and Lissa Rowan, Committee Services Officer as Clerk to the Meeting.

13 Kingston Coastal Erosion

The meeting had before it a report by the Depute Chief Executive (Economy, Environment and Finance) informing the Committee of the requirements to undertake Erosion Protection Works to the west of Kingston.

Following consideration, the Committee agreed to progress coastal protection works to the west of Kingston.

14 Moray Hydrogen Strategy Update

The meeting had before it a report by the Depute Chief Executive (Economy, Environment and Finance) asking the Committee to agree to adopt the Moray Hydrogen Strategy Phase 2 Update.

Following consideration, the Committee agreed to approve and adopt the:

- (i) Scoping Report for delivery of Phase 2 of the Moray Hydrogen Strategy as set out in Appendix 1 of the report;

- (ii) delivery plan for the Moray Hydrogen Strategy as set out in Appendix 2 of the report.

15 Elgin Business Improvement District - Renewal Ballot

The meeting had before it a report by the Depute Chief Executive (Economy, Environment and Finance) asking for the Committee's approval to support the re-ballot for the Elgin Business Improvement District (BID).

Councillor McBain stated that he was of the view that the report did not have enough information to support the re-ballot and moved that the report be deferred until the further report is presented to Committee with full business plan details including the levy and any potential future financial implications for the Council. This was seconded by Councillor Macrae.

Councillor Leadbitter supported the recommendations however, to ensure good governance, moved that the Committee agree a further recommendation to "adopt a set of minimum standards, in the principles of good governance, that existing BIDs will require to meet in order to qualify for Council support for a re-ballot, these being up-to-date accounts (as per Companies House requirements); a published register of interests of Directors and; publicly available Annual Reports for each completed year of the current BID term. This was seconded by Councillor Morrison.

On a division there voted:

For the Motion (6):	Councillors McBain, Macrae, Bloomfield, Dunbar, Gordon and Warren
For the Amendment (8):	Councillors Leadbitter, Morrison, Cowe, Divers, Harris, Keith, Stuart, van der Horn
Abstentions (0):	Nil

Accordingly, the Amendment became the finding of the Meeting and the Committee agreed to:

- (i) continue the support of the Elgin BID through undertaking the re-ballot;
- (ii) note a further report will be presented to Committee with full business plan details including the levy and any potential future financial implications for the Council; and
- (iii) adopt a set of minimum standards, in the principles of good governance, that existing BIDs will require to meet in order to qualify for Council support for a re-ballot. These will be:
 - up-to-date accounts (as per Companies House requirements);
 - a published register of interests of Directors and;
 - publicly available Annual Reports for each completed year of the current BID term.

Road Safety, Arradoul

Under reference to paragraph 6 of the Minute of this Committee dated 14 November 2023, Councillor Warren thanked Officers for taking part in a meeting with the Community Council in relation to road safety in Arradoul which the Community found very beneficial.

Weighbridge, Buckie Harbour

Under reference to paragraph 16 of the Minute of the meeting of this Committee dated 14 November 2023, Councillor Warren sought an update in relation to the weighbridge at Buckie Harbour and when it will be open for use.

In response, the Head of Environmental and Commercial Services advised Contractors had been on site recently at the roadworks however had no further update and advised that she would contact Councillor Warren when she had any new information.

Use of Glyphosate

Under reference to paragraph 4 of the Minute of the meeting dated 14 November 2023, Councillor van der Horn queried whether there had been any reported incidents from members of staff or the public linking the use of Glyphosate or other pesticides to cancer.

In response, the Head of Environmental and Commercial Services advised that she was not aware of any such reports.

Consultation on Scotland's Strategic Framework for Biodiversity

Under reference to paragraph 9 of the Minute of the meeting of this Committee dated 14 November 2023, Councillor van der Horn thanked the Climate Team for their work in relation to the consultation paper and stated that he found working with the Team a valuable experience.

Use of Gender Pronouns in Council Documents

Under reference to the Minute of the meeting of this Committee dated 14 November 2023, Councillor van der Horn noted the use of gender pronouns in the Minute and stated that he was of the understanding that the Council had agreed not to use gender pronouns in council documents.

In response, the Legal Services Manager advised that she was of the understanding that this was agreed in relation to policy documents and not across all council documents however would look into this further.

Calling in of Information Reports

Councillor van der Horn raised concern in relation to the unclear wording of standing order 38 where it states that Members wishing to call in a noting or information report from one meeting should give notice to Committee Services at least 48 hours before the meeting as 48 hours could mean 2 days or 2 working days and asked that this be clarified in future.

In response, the Legal Services Manager advised that there were some anomalies in the Standing Orders which were in the process of being addressed with a report expected to come to Full Council on 6 March 2024 however advised that the Agenda was issued 7 days prior to the meeting which allowed sufficient time for Members to call in an information report if required.

Water/Safety Issues at Buckie Cemetery

Councillor Warren sought an update on the ongoing water/safety issues at Buckie Cemetery and stated that the ground was so wet that disabled people were sinking into the mud in their wheelchairs.

In response, the Head of Environmental and Commercial Services advised that Officers are aware of the issues at Buckie Cemetery and that signage had recently been installed to warn members of the public about the condition of the ground due to the recent significant rainfall and that time was needed for the water table to naturally drain however engineers had been asked to look at the site and explore options that could help improve conditions which may incur a cost and that this would have to be approved by Council.

Smarter Choices Smarter Places Funding

Councillor Dunbar stated that, at the recent meeting of the HITRANS Partnership, concerns had been raised in relation to Smarter Choices Smarter Places funding from the Scottish Government and asked for a report on the impact this may have on the Council's budget and and constraints this might have on funding sustainable travel locally.

In response the Head of Environmental and Commercial Services advised that this would be picked up in the transportation budget report due to be considered by the Committee in April and a briefing note issued if required.

Potholes

Councillor Stuart raised concern in relation to potholes and asked what steps are being taken to assure members of the public that there is a plan to address this issue.

In response the Head of Environmental and Commercial Services assured the Committee that the roads are checked and repaired according to risk assessment however encouraged members of the public to report any potholes to the Council so that these can be repaired.