

MORAY COUNCIL

Minute of Meeting of the Corporate Committee

Tuesday, 29 August 2023

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

PRESENT

Councillor Theresa Coull, Councillor John Cowe, Councillor John Divers, Councillor Amber Dunbar, Councillor Jérémie Fernandes, Councillor Sandy Keith, Councillor Graham Leadbitter, Councillor Marc Macrae, Councillor Paul McBain, Councillor Shona Morrison, Councillor Bridget Mustard, Councillor Kathleen Robertson, Councillor Derek Ross, Councillor John Stuart, Councillor Draeyk Van Der Horn

IN ATTENDANCE

The Chief Executive, Depute Chief Executive (Economy, Environment and Finance), Depute Chief Executive (Education, Communities and Organisational Development), Chief Financial Officer, Head of Governance Strategy and Performance, Head of HR, ICT and Organisation Development, Acting Head of Education Resources and Communities, Payments Manager, Taxation Manager, and Lindsey Robinson, Committee Services Officer.

Councillor Bloomfield was in attendance for item 8.

1. Chair

Councillor Bridget Mustard, as Chair of the Corporate Committee, chaired the meeting.

2. Welcome

The Committee joined the Chair in welcoming Councillor Van der Horn to his first meeting of the Corporate Committee.

3. Declaration of Group Decisions and Members Interests *

In terms of Standing Order 21 and 23 and the Councillors' Code of Conduct, Councillor Van der Horn declared an interest in Agenda Item 18 – Common Good Site in Forres - as he had a party connection with one of the trustees. However following advice from the Monitoring Officer he stated that he had not discussed the item with anyone and felt it did not preclude him from sitting in on the consideration of the item.

There were no further 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.

4. Resolution

The meeting resolved 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 18 of business on the grounds that it involves the likely disclosure of exempt information of the class described in relevant Paragraphs of Part 1 of Schedule 7A of the Act.

Paragraph Number of Minute	Paragraph Number of Schedule 7a and Reason
21	4 - Information relating to any applicant or recipient of any financial assistance provided by the Authority. and 9 - Information on terms proposed or to be proposed by or to the Authority

5. Vary Order of Business

In terms of Standing Order 29 the meeting agreed to vary the order of business set down on the agenda and take item 13 – Armed Forces Covenant Update as the first report after item 5 on the agenda to allow Councillor Bloomfield to speak to the report.

6. Minute of meeting of 13 June 2023

The minute of the meeting held 13 June 2023 was submitted and approved.

7. Written Questions **

The Committee noted that no written questions had been submitted.

8. Armed Forces Covenant Update

The meeting had before it a report by the Depute Chief Executive (Education, Communities and Organisational Development) providing an update to the Committee on the progress made in supporting the armed forced community in Moray through the Armed Forces Covenant.

Councillor Bloomfield addressed the Committee in his role as Armed Forces Champion and gave an overview of the Armed Forces Covenant.

Following consideration the Committee unanimously agreed to:

- i. note the progress being made in delivering the Armed Forces Covenant;
and
- ii. acknowledge the significant achievement in Moray Council receiving the Ministry of Defence Gold Employer Recognition status.

Councillor Bloomfield left the meeting at this juncture.

9. Revenue Budget Monitoring to 30 June 2023

The meeting had before it a report by the Depute Chief Executive (Economy, Environment and Finance) advising the Committee of the revenue budget monitoring position to 30 June 2023.

Following consideration the Committee unanimously agreed to note:

- i. the budget monitoring position of £867,000 under budget for 2023/24 as at 30 June 2023;
- ii. that the position consists of an underspend on Devolved School budgets of £448,000, an underspend of £747,000 on Environmental and Commercial Services, an overspend on Social Care services delivered on behalf of the Moray Integration Joint Board of £985,000 and an underspend on other services of £380,000;
- iii. movement of a £162,000 decrease in the General Revenue Grant, as detailed in paragraph 3.4;
- iv. the emerging budget pressure noted in paragraph 6.3 for Bus Revolution, required to match the agreed business plan.

The Committee further unanimously approved the use of ear-marked reserves for Covid of £74,000 as detailed in paragraph 6.3.

10. Capital Plan 2023-24

The meeting had before it a report by the Depute Chief Executive (Economy, Environment and Finance) advising the Committee of expenditure to 30 June 2023 under the capital plan for financial year 2023/24 and of estimates of projected expenditure profiled into quarters.

Following consideration the Committee unanimously agreed to:

- i. note the expenditure to 30 June 2023 of £2,761,000;
- ii. note the current plan, prior to amendment of £72,681,000 for 2023/24 based on approved expenditure adjusted for known differences in planned expenditure which have been identified to date, profiled into quarters, as set out in Appendix 1;
- iii. note the projected overall expenditure for the 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 the report.

11. Proposed Self Catering Unit Transfer Policy

The meeting had before it a report by the Depute Chief Executive (economy, Environment and Finance) asking the Committee to consider the Council's policy for dealing with units removed by the Assessor from the Valuation Roll for non-conformity with the legislative test.

Following consideration the Committee unanimously agreed to approve a policy that the Council does not exercise a discretionary power permitting it to request that in exceptional circumstances the Assessor retains in the Valuation Roll any self-catering unit which does not conform to the legislative requirement of being available for let for 140 days per year and actually let for 70 days per year.

12. Common Good Funds - Summary Expenditure for 2022-23 and Estimates Disposable Income for 2023-24

The Committee had before it a report by the Depute Chief Executive (Economy, Environment and Finance) informing the Committee of the final position of Common Good Funds at 31 March 2023 and the estimated income available for disbursement in 2023/24.

Following consideration the Committee unanimously agreed:

- i. to note the disbursements approved for 2022/23 for each of the Common Goods Funds shown in Appendix 1;
- ii. to approve the carry forward of the undisbursed balances for 2022/23 for the Buckie, Cullen, Dufftown, Elgin, Forres, Portknockie, Keith and Findochty Funds to be made available in 2023/24;
- iii. the estimated income available for disbursement in 2023/24 shown in Appendix 1;
- iv. to note the Balance Sheet for each Common Good at appendix 2;
- v. to note the Common Good Fund asset register at Appendix 3;
- vi. to advance notice being given to Ward Members when expenditure is to be applied to the Common Good Fund; and
- vii. to undertake a training session on Common Good Funds and Trusts.

13. Procurement Annual Report for 2022-23 and Procurement Strategy 2023-26

The meeting had before it a report by the Depute Chief Executive (Economy, Environment and Finance) providing the Committee with an update report on Procurement activity in Moray and in particular on procurement performance for 2022/23 and seeking Committee approval of the Strategy for 2023/26 and the Procurement Action Plan for 2023/24.

Following consideration the Committee unanimously agreed to:

- i. note the overall procurement performance for 2022/23 set out in the Annual report in Appendix 1 and summarised in Section 4 of the report;
- ii. approve extending the current one year Strategy to three years (2023 – 2026) outlined in Section 3.3 of the report; and

- iii approve the Strategy and Procurement Action Plan set out in Appendices 2 and 3 and summarised in Section 5 of the report.

14. Trust Funds - Summary Expenditure for 2022-23 and Estimates Disposable Income for 2023-24

The meeting had before it a report by the Depute Chief Executive (Economy, Environment and Finance) informing the Committee of the disbursements made from Trusts in 2022/23 and the estimated disposable income available for disbursement in 2023/24.

Following consideration the Committee unanimously agreed:

- i. to note the disbursements made from each of the Trust Funds in 2022/23, shown in Appendix 1; and
- ii. the estimated income available for disbursement in 2023/24, shown in Appendix 2.

15. Draft Allotment Regulations - Public Consultation

The meeting had before it a report by the Depute Chief Executive (Education, Communities and Organisational Development) informing the Committee of the requirement to make allotment site regulations and seeking Committee approval for public consultation on the draft Allotment Regulations, set out in Appendix 1 in accordance with the Council's duties under Part 9 of the Community Empowerment (Scotland) Act 2015.

Councillor Van der Horn sought clarification on the wording in paragraphs 7.5.2, 7.6 and 7.7 and provided alternative wording as follows:

"First line of control is good practice in cultivation methods, cultivar/plant selection, garden hygiene and encouraging natural predators. Chemical control should only be used in a minimal, highly targeted manner as a last resort in consultation with the Allotment Association."

Adjournment

The Chair proposed a short adjournment to allow the new wording to be circulated to Members.

Resumption of meeting

Following a short adjournment it was agreed that officers would add in the additional wording prior to the public consultation.

Thereafter the Committee unanimously agreed to:

- i. approve in principle the draft Allotment Regulations set out in Appendix 1;
- ii. Officers carrying out a public consultation on the draft Allotment Regulations, in accordance with the Council's duties under Part 9 of the Community Empowerment (Scotland) Act 2015; and
- iii note that a report will be brought back to this Committee after the public consultation with details of any representations made together with a

proposed final version of proposed Allotment Regulations, for consideration and approval; and

- iv. Insert the additional wording at Section 7:

First line of control is good practice in cultivation methods, cultivar/plant selection, garden hygiene and encouraging natural predators. Chemical control should only be used in a minimal, highly targeted manner as a last resort in consultation with the Allotment Association

16. ICT and Digital Strategy and Plan 2023-2026

The meeting had before it a report by the Depute Chief Executive (Education, Communities and Organisational Development) informing the Committee of the progress made against the current Information and Communications Technology (ICT) and Digital Strategy and Plan and asking Committee to consider the revised Strategy and Plan for the period 2023-2026.

Following consideration the Committee unanimously agreed to:

- i. note the progress made against the 2020-23 ICT Plan at Appendix 1; and
- ii. approve the ICT and Digital Strategy 2023-2026 at Appendix 2.

17. Corporate Risk Register

The meeting had before it a report by the Depute Chief Executive (Education, Communities and Organisational Development) providing the Committee with a copy of the Council's recently updated Corporate Risk Register.

Following consideration the Committee unanimously agreed to defer consideration of this item to enable officers to engage with Members and look at the frequency of reporting.

18. Information Reports - if called in

The Committee noted that no information reports had been called in.

19. Question Time ***

Culture Working Group

Under reference to paragraph 15 of the minute of the meeting of this Committee dated 13 June 2023, Councillor Divers sought an update on the Culture Working Group report to be provided by the Chief Executive.

In response the Chief Executive advised that there had been an overlap between that report and the Corporate Risk Register and that a report will be brought to the November meeting of this Committee or to Moray Council.

Recouping costs on Portacabins

Councillor Ross sought clarification as to the position of the Council in recouping the costs of the Early Learning Childcare units or selling these on.

In response the Depute Chief Executive (Economy, Environment and Finance) advised that the Head of Housing and Property Services had been in conversation with some local companies and that she would circulate an update to Members.

Clarification on Valuations

Councillor Van der Horn sought clarification on valuations and whether they were likely to alter now that issues such as Community Wealth Building, Wellbeing, Resilient Communities, Biodiversity and Food Security were being looked at more closely.

In response the Head of Governance, Strategy and Performance advised that the Council had a duty to obtain the best price possible, and rely on professional surveyors for this. In certain areas, such as Community Asset Transfers, social value is taken into account instead of monetary value.

Eco-bus Launch

Councillor Fernandes sought clarification on behalf of a constituent as to why so many people had to drive to Speyside to launch an Eco-bus.

Councillor Macrae advised that the location was changed to fit in with the Cabinet Secretary visit to the area.

The Chief Executive further advised that there was no protocol as to who was invited and how they travel, it is on a case by case basis, and that shared pool cars had been used for journey.

20. Suspension of Standing Orders

In terms of Standing Order 85, the meeting agreed to suspend Standing Order 77 and continue beyond 12.45pm in order to conclude consideration of the final item.

21. Common Good Site in Forres [Para 4 and 9]

The meeting had before it a report by the Depute Chief Executive (Economy, Environment and Finance) inviting the Committee to consider options in relation to an application to vary the lease terms in respect of land at Bogton Road, Forres, held on a potentially inalienable Common Good title.

During consideration Councillor Robertson, seconded by Councillor McBain, moved that Option A1 and B1 should be considered.

Councillor Van der Horn moved an amendment that options A2 and B2 should be the preferred options and this was seconded by Councillor Leadbitter.

On the division there voted:

Motion (8)	Councillors Robertson, McBain, Cowe, Dunbar, Keith, Macrae, Mustard and Ross
Amendment (6)	Councillors Van der Horn, Leadbitter, Coull, Divers, Morrison and Stuart
Abstention (1)	Councillor Fernandes

Accordingly the motion became the finding of the meeting and the Committee agreed:

- i. Option A1 - reject the rent rebate application entirely; and
- ii. Option B1 - reject the request to remove the option to resume possession.