

MORAY COUNCIL

Minute of Meeting of the Moray Council

Wednesday, 7 December 2022

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

PRESENT

Councillor James Allan, Councillor Peter Bloomfield, Councillor Neil Cameron, 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

IN ATTENDANCE

Also in attendance at the above meeting were the Chief Executive, Depute Chief Executive (Economy, Environment and Finance), Depute Chief Executive (Education, Communities and Organisational Development), Head of Governance, Strategy and Performance, Head of Environment and Commercial Services, Head of Economic Growth and Development, Chief Financial Officer, Environmental Manager, Acting Transportation Manager, Senior Planning Officer and Tracey Sutherland, Committee Services Officer.

1. Chair

The meeting was chaired by Councillor Kathleen Robertson.

2. Declaration of Group Decisions and Members Interests *

In terms of Standing Order 20 and the Councillors' Code of Conduct, Councillor Fernandes confirmed that the SNP had made a group decision in regards to the proposals for the brown bin permit.

Councillor Keith further added that he was a member of the GMB Union, however this did not preclude him from taking part in the discussion of item 22 on the agenda.

The Council noted that there were no further declarations of Group Decisions or Member's Interests.

3. Resolution

The meeting resolved that in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting for Items 20 - 23 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.

Para number of the minute	Para Number of Schedule 7a
26	Para 8 and 9 Information on proposed terms and/or expenditure to be incurred by the Authority
27	Para 8 and 9 Information on proposed terms and/or expenditure to be incurred by the Authority
28	Para 11 Information relating to any consultations or negotiations in connection with any labour relations
29	Para 9 Information on terms proposed or to be proposed by or to the Authority

4. The Global 16 Days of Action Against Gender Based Violence

The Chair invited Councillor Harris to brief the Council on the work being carried out on the Global 16 Days of Action Against Gender Based Violence and commend the local organisations involved. These included Moray Rape Crisis, Moray Women's Aid, Moray Violence Against Women and Girls Partnership, the Highland Violence Against Women Partnership, Moray Council Social and Children's Services.

5. Minutes of meeting of IJB Shortleeting Committee on 12 August 2022

The minute of the meeting of the Moray Integration Joint Board Short Leeting Committee dated 12 August was submitted and approved.

6. Minute of meeting of IJB Appointments Committee on 9 September 2022

The minute of the meeting of the Moray Integration Joint Board Appointments Committee dated 9 September 2022 was submitted and approved.

7. Minutes of meeting of 28 September 2022

The minute of the meeting of the Moray Council dated 28 September 2022 was submitted and approved.

8. Minutes of Special Meeting of 7 November 2022

The minute of the meeting of the Special Moray Council dated 7 November 2022 was submitted and approved.

9. Notice of Motion - Just Transition Fund

In terms of Standing Order 34a, there was submitted a Notice of Motion by Councillor Morrison seconded by Councillor Lawrence in the following terms:

SCOTTISH GOVERNMENT'S JUST TRANSITION FUND

Council welcomes the Scottish Government's announcement of a £500 million Just Transition Fund that will support projects in the North East and Moray which contribute towards the region's transition net zero over the next ten years. Council welcomes funding for the initial projects that will see over £2 million invested in Moray. These projects include the Findhorn Watershed project, the Findhorn EcoVillage Park, the Moray Just Transition Masterplan, the NESS Energy Carbon Capture Feasibility, the Net Zero Bottlenecks in Moray, the Cabrach Distillery, the Sustainable Solvent Recovery for EV battery recycling.

Council recognises that ambitious Just Transition projects are essential both in terms of protecting the environment and creating jobs in Moray, and that strong levels of funding are of strategic importance to support Moray Council's Climate Change Strategy.

Council instructs the Leader of the Council to write to the UK Chancellor to ask that the UK Government matches the Scottish Government's level of investment in Just Transition funding for the North East and Moray.

This was unanimously agreed.

10. Notice of Motion - Potential Closure of 101 Telephone Service

In terms of Standing Order 34a, there was submitted a Notice of Motion by Councillor Divers seconded by Councillor Gatt in the following terms:

Potential Closure of 101 Non-Emergency Telephone Number

The Council notes the remarks of Deputy Chief Officer David Page at a meeting of the Scottish Parliament's Justice Committee on Wednesday 26 October 2022, warning that budget cuts may result in the closure of the non-emergency 101 telephone number in Scotland.

The Council expresses its grave concerns at the prospects of the closure of the 101 number, believing the service to be a vital tool in the reporting of crime.

The Council resolves that the Chair of Police and Fire and Rescue Services Committee write to the Minister for Community Safety to express these concerns and to seek assurances that the 101 telephone number service will not be withdrawn.

Councillor Leadbitter moved to include writing to the Chair of the Board of Police Authority. Councillor Divers confirmed that he was happy to include Councillor Leadbitter's proposal.

Councillor Bloomfield confirmed that he was happy to write to the Minister for Community Safety and the Chair of the Board of Police Authority to express the concerns of the Council.

11. Notice of Motion - Referendum Budget

In terms of Standing Order 34a, there was submitted a Notice of Motion by Councillor Keith seconded by Councillor Ross in the following terms:

Scottish Government Referendum Budget

The Council notes the £20m that the Scottish Government has set aside for potential independence referendum preparations and agrees to write to the First Minister seeking acknowledgement of the cost of living crisis in both Moray and Scotland in general and urges the First Minister to disburse the entire £20m budget on a population basis to local Government for use in addressing the cost of living crisis this winter.

Councillor Leadbitter, seconded by Councillor Van Der Horn proposed that the Council notes the £20m that the Scottish Government has set aside for potential independence referendum preparations.

On the division there voted

For the motion (15)	Councillors Keith, Ross, Allan, Bloomfield, Colyer, Cowe, Divers, Dunbar, Gatt, Gordon, Macrae, McLennan, Mustard, Robertson and Williams
For the Amendment (10)	Councillors Leadbitter, Van Der Horn, Cameron, Coull, Fernandes, Harris, Lawrence, Morrison, Stuart and Warren
Abstention (1)	Councillor McBain

Accordingly the motion became the finding of the meeting and the Council agreed to note the £20m that the Scottish Government has set aside for potential independence referendum acknowledgement of the cost of living crisis in both Moray and Scotland in general and urges the First Minister to disburse the entire £20m budget on a population basis to Local Government for use in addressing the cost of living crisis this winter.

12. Written Questions **

The Council noted that no written questions had been submitted.

13. Revenue Budget Monitoring to 30 September 2022

A report by the Depute Chief Executive (Economy, Environment and Finance) advised the Council of the revenue budget monitoring position to 30 September 2022 and of the current estimated out-turn for 2022/23.

Following consideration the Council agreed to note:

- i) the budget position of £644,000 under budget for 2022/23 as at 30 September 2022;
- ii) that this position consists of an underspend on Devolved School budgets of £531,000, an overspend on Social Care services delivered on behalf of the Moray Integration Joint Board (MIJB) of £976,000, an underspend on Health and Social Care (non MIJB) £488,000 and an underspend on other services of £641,000;
- iii) movement of £660,000 in the General Revenue Grant, as detailed in paragraph 3.4;

- iv) the current estimated out-turn for 2022/23 which includes a loans pool holiday, reducing expenditure by £7,583,000 and a further underspend of £4,099,000 resulting in a decrease in the planned use of Council reserves by £11,602,000 from that budgeted for; and
- v) the emerging budget pressures noted in paragraph 6.1.

14. Short to Medium Term Financial Plan

A report by the Depute Chief Executive (Economy, Environment and Finance) updated projections and recommended budget savings.

The Chair updated the Council on an error within the recommendations, the paragraphs identified in recommendation 2.2 (i) should read 4.3 to 4.6 and not 4.2 and 4.5 as printed.

Councillor Leadbitter moved to increase the brown bin charge by 5% to £42 instead of the proposed 10% as detailed in the report. He further stated that the proposed 10% increase seemed high within the current cost of living crisis and the SNP group felt that a 5% increase to this important funding stream was more acceptable.

Councillor Divers stated that he had never been in favour of the garden waste permit charge and if he could, he would move to remove the charge however accepted that this was not possible. Councillor Divers seconded by Councillor Macrae therefore, proposed reducing the charge from the current £40 to £36.

Councillor Gatt proposed, freezing the charge at the current rate of £40, this was seconded by Councillor Mustard.

The Chair sought a seconder for Councillor Leadbitter's motion. In response, Councillor Leadbitter expressed concern that the administration group were split on their proposed amendments and that if the proposal was to freeze the budget then the SNP group would withdraw their motion.

In response, Councillor Gatt withdrew his amendment.

The Depute Chief Executive (Economy, Environment and Finance) sought to remind members that a hierarchical approach to balancing what is now a £28m budget gap was approved by members. She further added that the Council are currently selling permits over the projected levels at the £40 charge rate. She further added that the discussion had focussed on a few smaller elements but reminded members that the purpose of the report was to provide an oversight of the Council's budget as a whole and the gap the Council is facing and to consider that going forward. If the Council cannot increase the income generated then the next tier of the savings hierarchy is reducing services.

The Chair brought to the attention of the Council that with the recommendation to increase in the garden waste permit, there was the option to pay in 2 instalments in February and March 2023.

The Head of Environment and Commercial Services confirmed that the option of paying in instalments had been brought forward by Officers from the Charges

Report, so that should Members approve the increase and the instalment option, the Service had time to implement the ICT changes required to facilitate the instalments. She further added that there is a cost to providing the payment in instalments and that the Council are currently selling in excess of 20,000 permits per year without the instalment option. She further reminded members that the collection of garden waste is a discretionary service.

The Depute Chief Executive (Economy, Environment and Finance) suggested that given neither the motion or the amendment considered the instalment option whether a short adjournment should be considered to allow members to consider all options including the instalment issue.

The Chair sought clarification from Councillor Leadbitter, that given Councillor Gatt had withdrawn his amendment, did Councillor Leadbitter still wish to withdraw his motion.

Councillor Leadbitter sought clarification on what was currently on the table and then suggested a short adjournment would perhaps be useful.

In response, the Head of Governance, Strategy and Performance confirmed that no-one had yet moved the recommendations in the report, therefore the motion was currently with Councillor Leadbitter and the amendment was with Councillor Divers, Councillor Gatt withdrawn his amendment, so there were currently 3 options on the table.

Following a short adjournment the Chair sought clarification from the Council on whether there was agreement for recommendations 2.1 (i), (ii) and (iii) and 2.2 (i) and (ii) and to take the garden waste permit as a separate recommendation.

The Chair sought confirmation of seconder for Councillor Leadbitter's motion.

Prior to confirming the seconder, Councillor Leadbitter sought clarification on what alternatives the Administration think there are to achieving a budget that works because he was concerned about there not being a vision for the budget when individual items are being considered ahead of the main budget being set.

In response, the Chair confirmed that this is a single item and the budget discussion will be happening during February with all groups looking at proposals.

Councillor Gatt further added that until the Scottish Government set their budget the Council will not know what the Council budget is.

The Chair sought confirmation on whether the motion and amendment were a one off payment or to be offered in 2 instalments

Councillor Divers confirmed that his amendment was a single payment.

Councillor Leadbitter confirmed that having intimated earlier that he was withdrawing his motion and in light of the discussions that had taken place and the unknown costs of Councillor Divers amendment, he proposed deferring the decision until further information on the costs have been provided.

The Chair confirmed that by deferring the decision, the option paying in 2 instalments would not be an option.

With Councillor Leadbitter withdrawing his original motion, Councillor Divers amendment became the motion and Councillor Leadbitters proposal, seconded by Councillor Fernandes to defer became the amendment.

On the division there voted:

For the Motion (13)	Councillors Divers, Macrae, Allan, Bloomfield, Colyer, Dunbar, Gatt, Gordon, Keith, McBain, Mustard, Robertson and Williams
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For the Amendment (13)	Councillors Leadbitter, Fernandes, Cameron, Coull, Cowe, Harris, Lawrence, McLennan, Morrison, Ross, Stuart, Van Der Horn and Warren
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Abstentions (0)

There being an equality of votes, the Chair had the casting vote and voted for the Motion. Accordingly the motion became the finding of the meeting and the Council agreed:

- i) to note the updated budget and estimated out-turn for 2022/23 and forecast positions for 2023/24 and 2024/25;
- ii) to note that there are still significant uncertainties relating to the Council's budgetary position for 2022/23 and future years; and
- iii) to note that inflationary pressure is worsening the projected short to medium term outlook and that there is therefore an increasing urgency to achieve budget reductions;
- iv) to approve the savings set out in paragraph 4.3 to 4.6 and summarised in paragraph 4.8, totalling £117,000 recurring savings and £270,000 one-off savings, minus the savings identified for the garden waste permit;
- v) to approve a one off payment of £81,000 to Moray Leisure Limited to cover the cost of implementing the Scottish Living Wage in 2022/23; and
- vi) that garden waste permits be reduced to £36 for the 2023/24 financial year by payment of a one off payment.

15. Capital Plan 2022-23

A report by the Depute Chief Executive (Economy, Environment and Finance) advised the Council of expenditure to 30 September 2022 under the capital plan for financial year 2022/23 and of estimates of projected expenditure profiled into quarters.

Following consideration the Council agreed to note:

- i) expenditure to 30 September 2022 of £10,144,000;
- ii) the current projected expenditure of £40,497,000 for 2022/23 profiled into quarters, as set out in Appendix 1; and

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

The Council further agreed to approve amendments to the 2022/23 and 2023/24 capital plan as detailed in paragraph 6.1 of this report.

16. Cost of Living Working Group Progress Update

A report by the Depute Chief Executive (Education, Communities and Organisational Development) informed the Council of the work to date of the Cost of Living Working Group and the plan of actions that the Group recommends being taken forward to assist in addressing the immediate impacts of the cost of living situation on the people of Moray, taking account of the impact it is possible for the Council to have on this national crisis.

Councillor Mustard sought clarification on the amount for disbursement at recommendation (iii) as there appeared to be some confusion on the amount that was agreed at the working group. There was a feeling that the group had suggested £20,000 to be made available.

In response, the Depute Chief Executive (Education, Communities and Organisational Development) confirmed that the amount detailed in the report is the money available for disbursement through the trust funds and should Council be minded to increase the amount available the balance of the money would have to come from Council reserves as a one of payment.

Councillor Morrison asked whether an additional recommendation could be included, for the Council to agree to a health check of the Council's Money Advice Service, given the increase in funding streams due to the cost of living crisis, this was seconded by Councillor Fernandes.

In response, the Head of Governance, Strategy and Performance confirmed that Councillor Morrison's motion was an outstanding objective to review the Money Advice Services as part of the Shared Prosperity Fund and Councillor Morrison's motion could be included into that piece of work. A review of the service needs to take place to ensure the service is suitable for the funding available.

Under reference to Standing Order 85 the Chair sought agreement from the Council agreed to suspend Standing Order 77 to continue the meeting past 12.45pm.

Councillor Keith added that alongside the good work of the Group it was important to promote schemes already in existence, for example, the free bus travel for under 22s and Educational Maintenance Allowance. He moved to increase the money being given to Moray Food Bank from £4,300 to £20,000 as a one of payment. This was seconded by Councillor McLennan.

Following further consideration the Council agreed:

- i) the terms of reference for the Cost of Living Working Group (Appendix 1);
- ii) the proposed work plan of actions (Appendix 2) that the Group recommends to be taken forward to assist in addressing the immediate impacts of the cost of living situation on the people of Moray, taking account of the impact it is possible for the Council to have on this national crisis;

- iii) the available funds for disbursement for 2022 (£10,700) from the 3 trust funds listed in the report be allocated as set out in section 3.18 to support Moray Food Plus, warm banks and the social work crisis fund and increase the funding to Moray Food Plus by £15,700 to £20,000;
- iv) that the Cost of Living Working Group is tasked with prioritising the actions in the action plan and that it is remitted to the Corporate Management Team to consider the allocation of existing resources to the actions, taking account of the impact on existing work and priorities with any consequence or gaps in action to be reported in the next update report to Council;
- v) that the Cost of Living Working Group will operate with a 4 month life from its initiation in October and report back to Council in February 2023; and
- vi) to a health check of the Council's Money Advice Service, given the increase in funding streams due to the cost of living crisis as part of the review of the Shared Prosperity Fund Work.

17. Appointments to Committees

A report by the Depute Chief Executive (Education, Communities and Organisational Development) requested the Council consider proposals regarding allocations for Committees and to make appointments to vacancies on Committees as detailed in the report.

The Chair confirmed that there had been a material change in circumstances, due to the recent by election in Ward 3 which allowed for consideration of the number of Councillors who sit on Committees. She invited the Head of Governance Strategy and Performance to explain.

The Head of Governance, Strategy and Performance confirmed that the number of Councillors on Committees is for the Council to determine and there had been discussions prior to the meeting around increasing the number sitting on the main Committees from 14 to 15. This would result in the need to appoint 1 additional SNP group member to each Committee and the representation from the Green Party and the Non-Aligned Conservative on Committees would be maintained. A motion would need to be put forward for the issue to be determined by the Council. He further advised that by increasing the Committees to 15, the existing Committee vacancies would remain.

Councillor Leadbitter moved to increase the sizes of the main Committees 15, this was seconded by Councillor Van Der Horn.

The Democratic Services Manager proposed, that once, the SNP have identified their additional representatives, Committee Services would circulate the Committee membership with the remaining existing vacancies.

As there was no one otherwise minded the Council agreed:

- i) Increase the size of the main Council Committees from 14 to 15, increasing the allocation for the SNP group by 1 place; and

- ii) that the SNP group would provide the additional names to the Clerk within 7 days and the names provided be recorded as duly appointed to the relevant Committees; and
- iii) the effective date for the changes to take effect from 2 February 2023 at the start of the next Committee cycle.

18. Outside Bodies

A report by the Depute Chief Executive (Education, Communities and Organisational Development) sought agreement from the Council to appoint representatives to further requests from Outside Bodies.

Following consideration the Council agreed:

- i) to nominate 2 additional members to the Moray Economic Partnership; and
- ii) to appoint Councillor Fernandes as the Council's representative to join the Scottish Government Cross Party Working Group on the promotion of St Andrews Day as a public holiday.

19. Resumption of Meeting

PRESENT

Councillor James Allan, Councillor Peter Bloomfield, Councillor Neil Cameron, 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

ALSO IN ATTENDANCE

Also in attendance at the above meeting were the Chief Executive, Depute Chief Executive (Economy, Environment and Finance), Depute Chief Executive (Education, Communities and Organisational Development), Head of Governance, Strategy and Performance, Head of Environment and Commercial Services, Head of Economic Growth and Development, Chief Financial Officer, Environmental Manager, Acting Transportation Manager, Senior Planning Officer and Tracey Sutherland, Committee Services Officer.

20. Changes to Calendar of Meetings

A report by the Depute Chief Executive (Education, Communities and Organisational Development) sought approval to make changes to the meeting calendar for Moray Council in February and March and the timing of Housing and Community Safety Committee within the Committee cycle.

Following consideration the Council agreed to:

- i) make the scheduled ordinary meeting of Moray Council on 1 March 2023 a special meeting to consider the budget for 2023/24;
- ii) the additional meeting on 2 February 2023 be considered as an ordinary meeting to replace the meeting on 1 March 2023; and
- iii) change with immediate effect when Housing and Community Safety Committee falls within the Committee cycle going forward.

21. Remit of the Audit and Scrutiny Committee

A report by the Depute Chief Executive (Education, Communities and Organisational Development) sought approval, as part of the Council's review of committee governance arrangements, to clarify the scrutiny remit of the Audit and Scrutiny Committee and approve a Scrutiny Guide.

In introducing the report, the Head of Governance, Strategy and Performance, apologised to members for the wrong appendix 1 being included in the agenda papers and confirmed that the correct appendix had been circulated to members earlier.

Councillor Leadbitter confirmed that he was happy with the proposals and moved to agree recommendations (i) to (iii), to maintain the Committee size, agree the 2 additional non-remunerated external members but expressed no preference on whether the Committee was held 8 weekly or quarterly. This was seconded by Councillor Stuart

Councillor Divers confirmed that he was of the same opinion as Councillor Leadbitter but would like the meetings to remain on an 8 weekly cycle.

Councillor Gatt stated that the purpose of scrutiny is to facilitate improvement however felt that the proposed report did not deal with the issue sufficiently. He further added that he proposed to reject the document in total, this was seconded by Councillor Macrae.

Following further lengthy discussion and on the division there voted:

For the Motion (16)	Councillors Leadbitter, Stuart, Allan, Cameron, Coull, Divers, Fernandes, Gordon, Harris, Keith, Lawrence, Morrison, McLennan, Warren, Williams and Van Der Horn
For the Amendment (8)	Councillors Gatt, Macrae, Colyer, Cowe, Dunbar, McBain, Mustard and Ross
Abstention (2)	Councillors Bloomfield and Robertson

Accordingly the motion became the finding of the meeting and the Council:

- i) agreed the remit of the Audit and Scrutiny Committee contained in paragraph 4.2 below;

- ii) agreed the Council Scheme of Administration is revised to reflect the remit in terms of Appendix 1;
- iii) approved the Guide attached as Appendix 2 to be adopted as part of the Council's Second Tier Governance Documents;
- iv) agreed to maintain the 8 weekly meeting cycle;
- v) agreed to maintain the number of Councillors on the Committee at 15; and
- vi) agreed to appoint up to 2 non-remunerated external members to the Committee.

22. Petitions Procedure - Introduction of E-Petitions

A report by the Depute Chief Executive (Education, Communities and Organisational Development) advised the Council of the facility to accept e-petitions within the Council's Committee Management and Information System (CMIS) and sought approval to amend the petitions procedure to incorporate e-petitions and consider the avenues for engagement with school children and young people.

The Democratic Services Manager confirmed that the new procedure is not suitable for petitions from children and young people but confirmed that the criteria could be amended as the main stumbling block is to obtain 50 signatories from people on the electoral role. This could be in the form for example of the Head Teacher confirming that all the signatories are pupils from the school or local schools.

Councillor McLennan moved that the recommendations be agreed but a further report on the options for Under 18s be brought back for consideration. This was seconded by Councillor Warren.

Following further consideration the Council agreed:

- i) to note that the Council's Committee Management and Information System (CMIS) has the facility to accept e-petitions;
- ii) the revised Petitions Guidance/Procedure for over 18s retaining the submission of paper submissions and incorporating e-petitions detailed in Appendix 2;
- iii) that the Council's web pages are updated to reflect the revised Petition Guidance/Procedure; and
- iv) a further report to come back to Council detailing the procedure for those under 18 who submit a petition.

23. Revised proposals for UK Parliamentary constituencies

A report by the Depute Chief Executive (Education, Communities and Organisational Development) informed the Council of the revised proposals for the boundaries of the UK Parliamentary constituencies in the Moray Council area.

Following consideration the Council agreed:

- i) note the revised proposals made by the Boundary Commission for Scotland for the constituencies covering the Moray Council area;
- ii) to submit a consultation response to the Boundary Commission for Scotland and provide guidance on the content of the response; and
- iii) delegate authority to the Depute Chief Executive (Education, Communities and Organisational Development) to draft a consultation response based upon the debate and outcome of the meeting.

24. Information Reports - Not for Discussion at this Meeting

The Council noted that no Information Reports had been called in.

25. Question Time ***

Under reference to paragraph 2 of the minute of the Meeting of Moray Council on 28 September 2022, Councillor Warren sought clarification on the costs to the Council for putting Operation Unicorn into practice.

In response, the Chief Executive confirmed that he would circulate the costs to Members following the meeting.

Under reference to paragraph 3 of the minute of the Special Meeting of Moray Council on 7 November 2022, Councillor Warren asked that it be recorded in the minute that Buckie High School was closed on 7 November due to boiler failure as she felt this was a significant point.

In response, the Depute Chief Executive (Education, Communities and Organisational Development) confirmed that it was accurate that the school was closed on 7 November, however queried whether it was appropriate to include in the minute.

The Chief Executive further added that as this was an accuracy issue, it would be checked with the Clerk from the meeting.

The Head of Governance, Strategy and Performance confirmed that this would not be a level of detail that would normally be recorded in the minute.

Under reference to paragraph 4 of the minute of the Special Meeting of Moray Council on 7 November 2022, Councillor Keith sought clarification on when a briefing/workshop would be completed in relation to the funding distribution methodology for Local Authorities.

In response the Depute Chief Executive (Economy, Environment and Finance) confirmed that a briefing paper had been circulated following the meeting and the Chief Financial Officer was of the belief that this was sufficient, however if Members felt that a briefing was required, it would be pertinent to wait until after the budget announcement.

Under reference to paragraph 3 of the minute of the Special Meeting of Moray Council on 7 November 2022, Councillor McLennan sought clarification on why

himself and Councillor Warren only found out about the closure of Buckie High School on 7 November from constituents.

In response, the Depute Chief Executive (Education, Communities and Organisational Development) confirmed that human error had contributed automatic notification not going out. Normally a notification is issued to Members, however the priority is to inform the parents/carers of affected children ahead of Members.

Councillor Lawrence raised concerns in regards to wildfowlers ignoring restrictions in relation to avian flu in the Findhorn Bay area and sought clarification on the steps the Council are taking to contain the spread and ensuring all users of the bay comply with the restrictions in place.

In response, the Environmental Protection Manager confirmed the situation regarding avian flu is of increasing concern. Findhorn Bay itself is nationally important for birds with significant numbers of migrant wildfowl and waders. Established in 1998 the Local Nature Reserve is managed by local people in partnership with Moray Council and Scottish Natural Heritage.

The Environmental Protection Manager briefly highlighted the organisation hierarchy of advice regarding the approach to avian flu in Scotland.

The Council can only stop shooting on its own land; Only Scottish Ministers - not NatureScot can effect a suspension/ban.

Management of the Findhorn Bay Local Nature Reserve has been entrusted to a community based Management Committee comprising locally based business interests and various elements of the community together with organisations such as NatureScot and the Royal Society for the Protection of Birds

The committee have been actively doing what they can within their limited powers and guidance available for several months. The risk to human health from 'bird flu' is very low.

Councillor Morrison raised concerns on behalf of Moray Pride in regards to the language used by Moray's MP in relation to transgender people and sought agreement from the Council Leader that Moray Council will continue to try and support the individual's right to self identification and that the Council re-affirms its support for transgender communities in line with the Council's equality principles.

In response, the Council Leader confirmed that the Council respect the rights of all people including transgender people and appreciated Councillor Morrison's comments and recognised that it is a very complex and emotive issue and therefore if more information is sought a report could come to a future meeting of the Council. She further added that in terms of people's rights the Council do respect all rights.

Councillor Van Der Horn sought clarification on how the Council's commitment to the 2022 Edinburgh Declaration is being measured and acted on. He further asked if Moray is delivering on the aspirations set out in the Declaration.

In response, the Principal Planning Officer confirmed that a report will be going to Planning Regulatory Services Committee on 20 December 2022 which will set out a number of actions in relation to bio-diversity which are being taken forward. The

Council are also developing an evidence report which is a new requirement through the legislation. The Council will also be engaging with an ecologist to look at the habitats of species of concern, what are the mitigations and what enhancements can be taken. He further added that these are just a number of actions and strategies being taken forward by the Council.

Councillor Warren sought an update on the completion of the CCTV project which a number of Councillors had visited earlier in the year.

In response, the Head of Economic Growth and Development confirmed that an order had been submitted to BT for the broadband infrastructure, however progress had been slow but he was hopeful that the work would be completed by the end of the year. He further added that he could not give a guaranteed date for when the system would be completely operational.

The Chair sought agreement from the Council to suspend standing order 41 to continue past 10 minutes for question time. This was unanimously agreed.

Councillor Coull sought an update on the report to the Council on creating 20mph zones in the area.

In response, the Consultancy Manager confirmed that more guidance is awaited from the Scottish Government before a report will be presented to Council for consideration.

Councillor McLennan sought clarification on any information which has been sent to parents/carers on the increase of Strep A cases.

In response, the Depute Chief Executive (Education, Communities and Organisational Development) confirmed that guidance had been received earlier from Public Health Scotland and this was being circulated to parents/carers.

26. Learning Estate Strategy and Delivery Programme - Elgin High School Permanent Extension [Para 8 and 9]

A report by the Depute Chief Executive (Education, Communities and Organisational Development) sought budget approval from Council for a proposal (Appendix 1) to engage an external consultancy from Hub North Scotland Limited to undertake a feasibility study of options for the permanent extension requirement for Elgin High School that will form the basis of an Outline Business Case for future investment in the project.

Following consideration the Council agreed:

- i) to bring forward capital budget for the Elgin High School Permanent Extension project (£46,030) into Q4 Financial Year 2022/23;
- ii) to support the appointment of Hub North Scotland Limited to undertake a feasibility study of options for the permanent extension requirement for Elgin High School; and
- iii) to task the Head of Education Resources and Communities to submit an Outline Business Case on options for a permanent extension to Elgin High School to the Education, Children's and Leisure Services Committee on completion of the feasibility study.

Councillor Van Der Horn left the meeting during the consideration of this item.

27. Burial Ground Acquisition [Para 8 and 9]

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Council of the proposed development of a new cemetery in Elgin.

Following consideration the Council agreed:

- i) a Compulsory Purchase Order (CPO) is promoted in respect of the land required to construct a new cemetery as detailed in para 4.6;
- ii) to authorise the Head of Governance, Strategy and Performance to prepare and sign all CPO documentation and to take all necessary steps, including publication of all statutory notices, to secure confirmation of the Order by Scottish Ministers and the vesting of the Land in the Council; and
- iii) to delegate authority to the Head of Housing and Property to purchase the required land either on commercial terms or through Compulsory Purchase Order as set out in the report, providing such expenditure is within approved budget.

The meeting, in noting that this would be the last meeting of Moray Council prior to the Environmental Manager leaving, the Council, joined the Chair in paying tribute to Colin Bell for his contribution to the delivery of Council services in Moray and wished him a long and happy retirement.

28. GMB Mileage Claim [Para 11]

A report by the Depute Chief Executive (Education, Communities and Organisational Development) asked the Council to approve the recommendation from Corporate Committee held on 8 November 2022 (paragraph 18 of the draft minute refers) for a one off payment to offset the increased fuel costs incurred during business miles undertaken within a set period, and allocate budget from Covid ear-marked reserves for this purpose.

Following consideration the Council agreed:

- i) the recommendation from Corporate Committee on 8 November 2022 to approve the recommended option (Option 1 in paragraph 4.8 of the report); and
- ii) to allocate budget of up to £30,000 from Covid ear-marked reserves to fund the one off payment.

29. Property Acquisition - Moray Growth Deal [Para 9]

A report by the Depute Chief Executive (Environment, Economy and Finance) asked the Council to sign up to a Memorandum of Understanding (MoU) and Legal Agreements with Roberson Property Ltd (RPL) and Moray College UHI and to authorise use of compulsory purchase powers, if required, to support redevelopment of property in South Street, Elgin to secure the delivery of Moray Growth Deal (MGD) projects.

Following consideration the Council agreed to:

- i) sign the Memorandum of Understanding with Robertson Property Ltd and Moray College UHI;
- ii) sign a Legal Agreement (Legal Agreement 1) with Robertson Property Ltd based upon the terms set out in para 5.4;
- iii) sign a Legal Agreement (Legal Agreement 2) with Moray College UHI based upon the terms set out in para 5.4; and
- iv) delegate authority to the Head of Governance, Strategy and Performance to use compulsory purchase powers, if required, to secure property in South Street and thereafter to the Head of Housing and Property and Legal Services Manager for the acquisition of the property to enable the redevelopment of the site in Appendix 1.