

# MORAY COUNCIL

## Minute of Meeting of the Moray Council

Wednesday, 10 August 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 Draeyk Van Der Horn, Councillor Sonya Warren, Councillor Ben Williams

### APOLOGIES

Councillor Christopher Price

### IN ATTENDANCE

Also in attendance at the above meeting were the Chief Executive, Depute Chief Executive (Economy, Environment and Finance), Chief Financial Officer, Legal Services Manager, Consultancy Manager, Environmental Protection Manager, Sport and Culture Service Manager, Emma Gordon, Planning Officer and Tracey Sutherland, Committee Services Officer.

## 1. 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 Item 19 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
23	8 and 9 Information on proposed terms and/or expenditure to be incurred by the Authority

## 2. Appointment of Chair

The Chief Executive welcomed Members to the meeting and addressed the meeting on the question of the Chair. It was his understanding that Councillor Robertson had been nominated to take the chair for the meeting following the resignation of Councillor Macrae as Convener.

In the absence of a Chair it was for the members of the Council to vote on who should chair the meeting. The Chief Executive, wanted to be assured, in terms of good governance that there were no question arising from the proposal.

The Chief Executive sought clarification from the Council on whether there was a question to be resolved or was it unanimously agreed that Councillor Robertson would take the Chair for the purposes of the meeting.

The proposal for Councillor Robertson to take the Chair was unanimously agreed.

Councillor Robertson subsequently took the Chair for the remainder of the meeting.

### **3. Congratulations**

The Council joined the Chair in acknowledging the great success of the exam results yesterday and thanked all the teaching staff throughout Moray for their hard work and effort in what has been a very difficult year with the pandemic and wish all the young people every success in whatever their chosen destination maybe.

### **4. Declaration of Group Decisions and Members Interests \***

Councillor Robertson confirmed that the Conservative Group had discussed and considered all items on the agenda but no whip had been given to members on how they should vote.

In terms of Standing Order 20 and the Councillors' Code of Conduct, Councillor Mustard declared an interest in Item 7 – Notice of Motion – Elgin Bypass as it makes reference to the preferred A96 route which personally affects her and will therefore not take part in the discussion of the item and will leave the Chamber for the duration of that item.

There were no other declarations from Group Leaders or Spokespersons in regard to any prior decisions taken on how Members will vote on any item on the agenda or any declarations of Member's interests in respect of any item on the agenda.

### **5. Minute of meeting of 29 June 2022**

The Chair updated the Council on a number of outstanding queries from the previous meeting about Outside Bodies:

Knockando Woollen Mill	The Head of Economic Growth and Development confirmed that a nomination was not required.
Highland and Moray Area Support Team	The organisation confirmed that only 1 representative was required.
Moray Economic Partnership	Only 1 representative required – the partnership is currently reviewing their membership

Scottish Joint Council for Local Government Employees	A representative is required. Previously Councillor A McLean had been attending the meetings. It is proposed to pair this appointment with the Chair of Corporate Committee position.
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Councillor Macrae presented the minute of the meeting of Moray Council on 29 June 2022 as a true and accurate record of the meeting. The minute was submitted and approved.

## 6. Attendance

Councillor Cameron sought clarification on whether there were any sanctions available to the Council to make Councillors attend Committee meetings.

In response, the Legal Adviser advised that there is a Notice of Motion later on the agenda which is around member's attendance at meetings, but confirmed that in respect of attendance, it is accepted that Members have busy lives and often there can be conflicts due to work, personal lives and other Council business and the intention is that Members attend when they can but there may be genuine reasons why in certain circumstances they are unable to attend. She further added that it was not appropriate to speculate on reasons and confirmed that when Councillors are not at a meeting due to other Council business this is minuted. The requirement is to attend once every 6 months but given how early in the administration the Council is, it would be inappropriate to comment any further.

## 7. Notice of Motion - Committee Changes

Councillor Mustard sought agreement, due to a material change in circumstances, namely the resignation of Councillor Macrae as Convener and changes in the membership of the Conservative group that the Council agree in terms of Standing Order 83 to suspend standing order 5 to allow consideration of this motion.

Councillor McLennan sought clarification on the understanding of Standing Order 7 and subsequently asked for it to be read out.

In response the Legal Officer confirmed that Standing Order 7 stated:

Notwithstanding the provisions of the foregoing Standing Order, the Council may effect the early removal from office of the Convener providing:

a)	prior notice to that effect is given at one meeting of the Council on the basis that the matter would be considered at the next meeting of the Council; or
b)	where no such prior notice is given, not less than two-thirds of Councillors present and entitled to vote at a meeting agree that the early removal from office of the Convener be considered at that meeting.

Councillor McLennan, thanked the Legal Adviser and further added that the Notice of Motion presented today asked the Council to do more than just change the Convener and the remuneration allowance associated with that. He further added

that what was presented was beyond Standing Order 7 and sought clarification on whether Standing Order 7 applies to what is being asked today or whether other Standing Orders apply.

In response, the Legal Adviser confirmed that Standing Order 7 refers to the removal by the Council of the Convener. The Convener has removed himself from the position by resigning and therefore the previous intimation of Standing Order 7 is now not valid and therefore the motion before the Council is competent as there is no Convener and now a decision needs to be made in relation to the governance of the Council.

Councillor McLennan sought further clarification on Standing Order 7 and that it is only for the removal of the Convener and that the Notice of Motion is asking the Council to consider more than that.

The Legal Adviser, re-iterated her previous advice that the Convener has resigned and therefore there is no Convener to remove so therefore Standing Order 7 is not relevant to the consideration of the Notice of Motion.

The Chief Executive, further added in support of the Legal Adviser's advice in terms of relevancy, Standing Order 7 enacts in local standing orders what is a statutory requirement in terms of local government legislation about the removal of a Convener and it is a matter of fact, as already confirmed by the Legal Adviser, the Convener has resigned and that is not the situation the Council is being asked to address today. With regards to the rest of the Notice of Motion, this is an internal re-organisation of the Leadership of the Council and its Committees and again is within the remit of the Council. Beyond the issue of setting up Committees and the appointment of a Convener the statutes are silent on how Local Authorities set up their internal structure in terms of Committees.

The Chair sought confirmation from the Council, that they were happy to suspend standing orders to consider the Notice of Motion.

This was unanimously agreed.

The Chair proposed a short adjournment to allow Members to consider the further detailed information in relation to the appointments to the positions in the notice of motion which was provided at the meeting. This was unanimously agreed

On the resumption of the meeting and in terms of Standing Order 34a, there was submitted a Notice of Motion By Councillor Mustard, seconded by Councillor Colyer in the following terms:

### **Committee Changes**

Following a reappraisal of roles within the Conservative Councillor Group, we invite the Moray Council to make appointments as listed below:

A change to the position of Leader\* – Political leader, Chair of Moray Council and attends Cosla - Councillor Robertson

Create and appoint a Depute Leader - Deputies for Leader - Councillor Gatt

Amend the position of Convener to Civic Leader – civic/ceremonial role - Councillor Cowe

The allocation of Committee Chairs

The allocation of Senior responsibility allowances. (Leader, Depute Leader, Civic Leader +6: total 9 and 2 non-admin)

To ensure continued good governance, authorise delegation to the Chief Executive and Monitoring Officer to amend/create job descriptions for Leader, Depute Leader and Civic Leader and to amend Standing Orders and bring back to a future meeting of Moray Council for agreement.

Council notes that there are no proposed changes to Committee sizes.

In response, Councillor Leadbitter said that the SNP Group were supportive of the Convener role being a Councillor from outwith the Administration, however was not supportive of a 3rd paid role at the head of the Council, when so many are struggling with the ongoing day to day cost of living crisis. Councillor Leadbitter proposed, seconded by Councillor Coull that the Council agrees that there should be a single Leader of the Council along with a Convener with the role definitions remaining unchanged. Should the amendment be successful then the Council subsequently makes the appointments to the 2 roles. The appointment of Chairs etc would then be for the Administration Group to agree.

The Legal Adviser confirmed that the number of Senior Responsibility Allowances were remaining unchanged at 11 as per the current allocation, so there was no increase of allowances being paid.

Councillor Van Der Horn sought to propose that the Council consider reviewing the appointments to Committee and Committee sizes and to report back by September as he felt that members need to work effectively and to their best skills and passions in order to serve the people of Moray.

Councillor McLennan sought confirmation on whether the Conservative Group should have declared an interest at the beginning of the meeting in regards to this item on the agenda.

In response, the Legal Adviser confirmed that at the point of Declarations on the agenda, Councillor Robertson had confirmed that the Conservative Group had discussed and considered all items on the agenda but no whip had been given to members on how they should vote.

Councillor McLennan further added that the Council could be setting a dangerous precedent in terms of governance and scrutiny citing some historical references.

In response, the Chair advised that Councillor McLennan's comments were not relevant to the discussion. The Legal Adviser further asked Councillor McLennan to consider what he was saying in terms of the Councillor's Code of Conduct.

The Chair asked Councillor Van Der Horn if he had a seconder for his amendment. In response, Councillor McLennan said he would second the amendment. He further added that any changes to Committees should be made alongside the ongoing Governance Review with evidence based approaches.

The Legal Adviser confirmed that although she was not aware as to the progress of the Governance Review, she did not think that it would be available to come

back to Council by September and perhaps there was a divergence between what Councillor McLennan and Councillor Van Der Horn are seeking to achieve.

In response, Councillor McLennan confirmed he was happy to accept the amendment as per Councillor Van Der Horn's proposed wording.

Following further discussion, the Chair proposed a short adjournment to allow the Legal Adviser and Clerk to clarify the motion and 2 amendments. This was agreed.

On the resumption of the meeting, the Chair invited the Legal Adviser to clarify the current position.

The Legal Adviser sought clarification from Councillor Van Der Horn as his amendment was only around reviewing Committees and made no indication as to whether he was supportive of the remainder to the Conservative Notice of Motion or whether he was supportive of the SNP amendment. She further added that the SNP amendment was only to address the Leadership of the Council and was not considering a review of Committees at this time.

In response, Councillor Van Der Horn confirmed that he would withdraw his amendment and consider his position at a later item on the agenda.

On the division there voted:

For the Motion (14)	Councillors Mustard, Colyer, Bloomfield, Cowe, Divers, Dunbar, Gatt, Gordon, Keith, Macrae, McBain, Robertson, Ross and Williams
For the Amendment (11)	Councillors Leadbitter, Coull, Allan, Cameron, Fernandes, Harris, Lawrence, McLennan, Morrison, Van Der Horn and Warren
Abstention (0)	

Therefore the motion became the finding of the meeting and the Council agreed:

- i) a change to the position of Leader – Political leader, Chair of Moray Council and attends Cosla
- ii) create and appoint a Deputy Leader - Deputies for Leader
- iii) amend the position of Convener to Civic Leader – civic/ceremonial role
- iv) the allocation of Committee Chairs
- v) the allocation of Senior responsibility allowances. (Leader, Deputy Leader, Civic Leader +6: total 9 plus 2 non-admin)
- vi) to ensure continued good governance, authorise delegation to the Chief Executive and Monitoring Officer to amend/create job descriptions for Leader, Deputy Leader and Civic Leader and to amend Standing Orders and bring back to a future meeting of Moray Council for agreement.

Following the conclusion of the vote, Councillor Cowe expressed his sincere thanks to his fellow Councillors for giving him the privilege and honour to serve the people of Moray as a Civic Leader.

## **8. Notice of Motion - Council Committees Membership**

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

### **Council Committees Membership**

Council regrets that councillors' workload is not shared equitably.

Council notes that some committees still have vacancies, and that is an example of bad governance and poor collaborative working.

Council further notes that the Code of Conduct asserts that Councillors 'have a duty to act in the interests of [their] council as a whole and all the communities served by it and a duty to [...] represent their interests conscientiously.' Council agrees that this duty includes attendance at committees

Council notes that should a Committee position remain vacant, it can appoint members to Committees by name.

Council asks all Councillors to take up the positions in committees they have been offered, in accordance with the political balance agreed by this Council.

In agreeing with the Notice of Motion, Councillor Robertson proposed, given the recent changes in political balance, to allow Members until the end of August to agree the vacancies and any places which remain unfilled by that time will be brought back to the next meeting of Moray Council on 28 September 2022 where the vacancies will be filled.

Councillor Van Der Horn re-affirmed his view from the previous item, that a review of Committee sizes is considered and look at other ways of working collectively. Councillor Van Der Horn proposed that the Council reviews the appointments to Committees and Committee sizes and to report back in October and in the interim look at how other Councillors from other political parties and independents fulfil the roles within the Committees.

In response to Councillor Van Der Horn's amendment, the Legal Adviser clarified that there is not a meeting of Moray Council in October the next meeting would be 7 December. She further expressed caution around Councillors taking snap shot examples of other Councils as there may be other governance arrangements in place that support their committee structure and sizes. She further added, that with regards to new Councillors, there is a lot of work carried out by the Elections Team prior to the election to prepare prospective Councillors for their new role with an indication of what is expected.

The Chief Executive further added that a review of the Council's governance around Committee structure, which looked at examples from other Councils, had already taken place and that there was agreement at the meeting of Moray Council on 18 May 2022 to continue with the current Committee sizes. If members wished Officers to carry out a review of Committee sizes then that would be a manageable exercise, however to carry out a further review comparing with all 31 Local Authorities in Scotland, would be a significant piece of work and information for Members to review. He further added that if Members looked at national reports or the Council's own staff surveys the indication is that staff are already at capacity

and workloads are an issue. He added that ultimately the issue is for members to agree however as Chief Executive it was his duty to inform members of the issues.

Councillor Williams sought clarification from Councillor Fernandes on whether in the motion, is to appoint members to vacant positions by name or by party.

In response, Councillor Fernandes confirmed that it was by Councillor and not party.

Councillor McLennan confirmed that he was happy to second Councillor Van Der Horn's amendment.

The Chair sought confirmation from Councillors Fernandes and Lawrence if they were happy to accept her statement regarding the timescales for filling the vacancies.

Councillor Fernandes confirmed that he was happy to accept the Chair's additional statement but sought clarification on whether Councillor Van Der Horn's amendment was competent.

In response, the Legal Adviser confirmed that given there had been agreement in the previous item not to change the Committee sizes there would need to be a suspension of standing orders to consider Councillor Van Der Horn's amendment.

In response Councillor Van Der Horn confirmed that he would withdraw his amendment following the advice from the Legal Adviser.

Thereafter, Council agreed the notice of motion as stated with the addition, taking into account the recent changes in political balance, to allow Members until the end of August to agree the vacancies and any places which remain unfilled by that time, will be brought back to the next meeting of Moray Council on 28 September 2022 where the vacancies will be filled.

## **9. Notice of Motion - Pride in Moray**

In terms of Standing Order 34a, there was submitted a Notice of Motion By Councillor Harris, seconded by Councillor Van Der Horn in the following terms:

### **Pride Event in Moray**

The Council supports and welcomes Pride in Moray 2022, on the 3 September 2022. This marks the first ever Pride event in our region, marking LGBTQ+ visibility in our area. We continue to support the Council's commitments and obligations to a fair and inclusive society and the importance of identifying the challenges of being LGBTQ+, for those living in rural communities, and especially younger people. The Council recognises it can do more and will do so in the future and agrees to work supportively with LGBTQ+ groups going forward.

Following consideration the Council agreed to support the Notice of Motion as stated.

Councillor Mustard left the meeting at the conclusion of this item.

## **10. Notice of Motion - Elgin Bypass**



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

### **Elgin Bypass**

The Moray Council notes that the Scottish National Party committed to improvements to the A96 in its 2007 Scottish Parliament election manifesto, and the Scottish Government committed to the full dualling of the A96 in its Infrastructure Investment Plan of 2011.

The Moray Council notes that the preferred route option for A96 dualling between Hardmuir and Fochabers was published by Transport Scotland in 2018, which includes full bypassing of Elgin. The scheme proposes to complete works for A96 dualling between Hardmuir and Fochabers by 2030.

The Moray Council further notes that the last published updates for the scheme were ground investigation works in January 2020.

The Moray Council believes that bypassing of Elgin is overwhelmingly supported by residents of Elgin and surrounding areas; that the benefits of a bypass include reductions in traffic congestion within Elgin; and improvements in air quality, visual amenity, and road safety – especially for active travel.

The Moray Council re-affirms its support for an Elgin bypass.

The Moray Council is concerned about the slow pace of progress on this vital infrastructure project.

The Moray Council mandates the Council Leader to write to the Minister for Transport to remind the Minister of the above stated facts, to re-iterate the Council's support for an Elgin bypass, to express the Council's concerns about the slow pace of progress in delivering a bypass for Elgin, to demand a firm timetable for the delivery of an Elgin bypass: in particular, when the Minister expects to lay the relevant orders before Parliament, and when the Minister expects construction work to commence.

The Moray Council requests that any response to the Council Leader from the Minister for Transport be communicated with members as soon as practicably possible.

Councillor Gatt, in fully supporting the Notice of Motion, sought confirmation on whether the Notice of Motion could include recognising that Keith faces similar issues to Elgin and to extend the Notice of Motion to include the Keith bypass as well as the Elgin bypass.

Councillor Keith confirmed that he was happy to include the additional requests from Councillor Gatt

In terms of standing order 83 the Chair sought approval from Council to suspend standing order 75 to continue the meeting past 12.45pm in order to conclude the consideration of this item. This was unanimously agreed.

Councillor Leadbitter, proposed amending the Notice of Motion to refer to the whole dualling of the A96 and not just the Elgin and Keith bypasses and sought agreement to write to both the Westminster and Scottish Governments.

Following the proposed changes to the motion suggested by Councillors Gatt and Leadbitter and accepted by Councillors Keith and Divers, the Council agreed:

to note that the Scottish National Party committed to improvements to the A96 in its 2007 Scottish Parliament election manifesto, and the Scottish Government committed to the full dualling of the A96 in its Infrastructure Investment Plan of 2011.

that the preferred route option for A96 dualling between Hardmuir and Fochabers was published by Transport Scotland in 2018, which includes full bypassing of Elgin. The scheme proposes to complete works for A96 dualling between Hardmuir and Fochabers by 2030.

to note that the last published updates for the scheme were ground investigation works in January 2020.

that bypassing of Elgin is overwhelmingly supported by residents of Elgin and surrounding areas; that the benefits of a bypass include reductions in traffic congestion within Elgin; and improvements in air quality, visual amenity, and road safety – especially for active travel.

to re-affirm its support for a Elgin bypass.

to recognise similar difficulties in Keith due to a lack of bypass, as well as support for a bypass by residents which would bring similar benefits and re-affirms its support for a Keith bypass.

that both Elgin and Keith bypasses should be high quality dual carriageways in order to futureproof the road for full A96 dualling.

that the Council is concerned about the slow pace of progress on this vital infrastructure project.

to mandate the Council Leader to write to both the Westminster and Scottish Governments to remind the Ministers of the above stated facts, to re-iterate the Council's support for the dualling of the A96, to express the Council's concerns about the slow pace of progress in delivering a bypass for Elgin and Keith, to demand a firm timetable for the delivery of bypasses for Elgin and Keith: in particular, when the Ministers expect to lay the relevant orders before Parliament, and when the Ministers expect construction work to commence.

to requests that any response to the Council Leader from the Minister for Transport be communicated with members as soon as practicably possible.

that Moray Council seeks further written support from both local MP and MSP.

## **11. 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 Draeyk Van Der Horn, Councillor Sonya Warren, Councillor Ben Williams

## **APOLOGIES**

Councillor Christopher Price

## **IN ATTENDANCE**

Also in attendance at the above meeting were the Chief Executive, Depute Chief Executive (Economy, Environment and Finance), Chief Financial Officer, Legal Services Manager, Consultancy Manager, Environmental Protection Manager, Sport and Culture Service Manager, Emma Gordon, Planning Officer and Tracey Sutherland, Committee Services Officer.

## **12. Notice of Motion - Climate and Ecology**

In terms of Standing Order 34a, there was submitted a Notice of Motion By Councillor Van Der Horn, seconded by Councillor Cameron in the following terms:

### **Moray Council to support the Climate and Ecology Bill**

#### **Preamble**

Humans have already caused irreversible climate change, the impacts of which are being felt in the UK and around the world. The global temperature has already increased by 1.2°C above pre-industrial levels, and the natural world has reached crisis point, with 28% of plants and animals threatened with extinction.

#### **Climate change**

Unless we drastically change course, the world is set to exceed the Paris Agreement's 1.5°C limit. Pledges, such as the Paris Agreement and Glasgow Pact—and updated emissions targets—are not legally-binding. This gap between pledges and policy leaves the world on course for catastrophic warming of near 3°C.

Following the “now or never” Intergovernmental Panel on Climate Change (IPCC) report in April 2022, the UN Secretary General António Guterres stated that “we are on a fast track to climate disaster. This is not fiction or exaggeration. It is what science tells us will result from our current energy policies”.

In addition, the UK Government's Net Zero Strategy stated that “if we fail to limit global warming to 1.5°C, we risk reaching climatic tipping points, we could lose control of our climate for good”. The 1.5°C goal is ‘on life support’ and only ambitious action from supranational and devolved authorities, civil society, the private sector and local communities will help us realise it.

#### **Biodiversity loss**

The UK is one of the most nature-depleted countries in the world. More than one in seven of our plants and animals face extinction, and more than 40% are in decline. We therefore welcome the Leaders' Pledge for Nature, signed by the UK Government, which states that—if we fail to halt and reverse biodiversity loss by

2030—we increase the risk of further pandemics, rising global temperatures and loss of species. In order to achieve this, the UK needs a legally-enforceable nature target so that, by 2030, nature is visibly and measurably on the path of recovery—in line with the Global Goal for Nature.

Approval by the Scottish Parliament

The targets and strategy in the Bill provide and rely on conditions being met; that the Scottish Parliament has passed a motion of the form “That this Parliament agrees to the climate and nature targets in section 1 of the Climate and Ecology Act 2022”; that the Scottish Parliament has passed a motion of the form “That this Parliament agrees to the measures in the Climate and Nature Strategy”

Moray Council notes that:

There is a Bill that was introduced into the current UK Parliament in May 2022—the Climate and Ecology Bill—which, if it becomes law, would require the development of a strategy to ensure that the UK’s environmental response is in line with the latest science. The strategy would ensure that:

the ecological crisis is tackled shoulder to shoulder with the climate crisis via a joined-up approach;

the Paris Agreement aim is enshrined into law to ensure that the UK does its full and fair share to limit the global temperature rise to 1.5°C;

we halt and reverse biodiversity loss by 2030 to ensure that the UK’s ecosystems are protected and restored;

the UK takes responsibility for its greenhouse gas footprint, including international aviation and shipping—and by accounting for consumption emissions related to the goods and services that are imported and consumed in the UK;

the UK takes responsibility for its ecological footprint in order to better protect the health and resilience of ecosystems—including along domestic and global supply chains; and

an independent, temporary Climate and Nature Assembly is set-up—representative of the UK population—to engage with the UK Parliament and UK Government to help develop the strategy.

Moray Council therefore resolves to:

Support the Climate and Ecology Bill;

That the next update of Moray’s Climate Change Strategy and Routemap to net zero shall incorporate consideration of alignment with the Bill’s objectives and principals.

Write to Douglas Ross MP, letting them know that the motion has been passed—urging them to sign up to support the Bill, or thanking them for already doing so; and

Write to Zero Hour, the organisers of the cross-party campaign for the Bill, expressing its support ([joinus@ceebill.uk](mailto:joinus@ceebill.uk)).

Following consideration the Council agreed:

Support the Climate and Ecology bill;

The next update of Moray’s Climate Change Strategy and Routemap to net zero shall incorporate consideration of alignment with the Bill’s objectives and principles.

The Leader of the Council will write to Douglas Ross MP letting him know that the motion was passed and urging him to sign up to support the Bill, or thank him for already doing so; and

Write to Zero Hour, the organisers of the cross-party campaign for the Bill, expressing the Council's support.

### **13. Written Questions \*\***

The Council noted that no written questions had been submitted.

### **14. Constitution of Appointments Committee for Post of Head of Service and Chief Social Work Officer**

A report by the Depute Chief Executive (Education, Communities and Organisational Development) invited the Council to agree the establishment of an Appointments Committee for the appointment of the post of Head of Service with Moray Integration Joint Board (MIJB).

Following consideration the Council agreed:

- i) the proposed appointments committee as set out in Section 4 of the report, including the membership of the appointments committee; and
- ii) that the Council's appointed Chair/Vice Chair of the IJB is Chair of the appointments Committee.

### **15. Period Products Moray Council Statement on Exercise of Functions**

A report by the Depute Chief Executive (Education, Communities and Organisational Development) informed the Council of progress in meeting the Period Products (Free Provision) (Scotland) Act 2021 and sought agreement for a statement of intent outlining how the Council will meet the requirements of the Act.

The Chief Executive confirmed that there would be a comprehensive media campaign in terms of raising awareness of the availability of the service and also the issues around stigma.

He further advised that there is a suite of posters, social media graphs and window stickers developed and ready to be published/distributed once the statement is approved. There will be a press release in the first instance and a webpage is being developed on the Council's website to host all the information. This will include links to venues that will hold free products as well as the PickUpMyPeriod App.

He further added that the guidance sits behind the publicity materials that will be distributed and Education colleagues have been involved with developing the campaign to ensure it meets the needs of both primary and secondary pupils. Furthermore, it is acknowledged that the Council need to encourage anyone who needs these free products to feel comfortable taking them, this includes men who may be collecting on behalf of a dependent. The campaign is designed to reduce stigma for all who need these products.

Following consideration the Council agreed to approve and adopt the Statement of Intent at Appendix 1 for the Exercise of Functions Period Products (Free Provision) (Scotland) Act 2021.

## **16. Short to Medium Term Financial Plan**

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Council to consider an update to the Council's Financial Plan for 2022 - 2025 and agree a hierarchical approach to the financial planning process for 2023/24 and 2024/25.

Following consideration the Council agreed to:

- i) note the updated budget for 2022/23 and forecast positions for 2023/24 and 2024/25;
- ii) notes the likely implications of the Scottish Government Spending Review;
- iii) notes the current position regarding inflation;
- iv) notes that there are still significant uncertainties relating to the Council's budgetary position for 2022/23 and future years; and
- v) approve the approach to financial planning for 2023/24 and 2024/25 set out in paragraphs 5.7 and 5.8.

## **17. Common Good Funds Summary Expenditure Disposable Income**

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Council of the final position of Common Good Funds at 31 March 2022 and the estimated income available for disbursement in 2022/23.

Following consideration the Council agreed:

- i) to note the disbursements approved for 2021/22 for each of the Common Good Funds shown in Appendix 1;
- ii) to approve the carry forward of the undisbursed balances for 2021/22 for the Buckie, Cullen, Dufftown, Elgin, Forres, Portknockie, Keith and Findochty Funds to be made available for 2022/23;
- iii) the estimated income available for disbursement in 2022/23 shown in Appendix 1;
- iv) to note the Balance Sheet for each Common Good in Appendix 2; and
- v) to note Common Good Fund asset register in Appendix 3.

## **18. Trust Funds Summary Expenditure Disposable Income**

A report by the Depute Chief Executive (Economy, Environment and Finance) informed Members of the disbursements made from Trusts in 2021/22 and the estimated disposable income available for disbursement in 2022/23.

Following consideration the Council agreed:

- i) to note the disbursements made from each of the Trust Funds in 2021/22, shown in Appendix 1; and
- ii) the estimated income available for disbursement in 2022/23, shown in Appendix 2.

## **19. Covid Economic Recovery Fund**

A report by the Depute Chief Executive (Education, Communities and Organisational Development) informed the council of how the Covid Economic Recover Fund has been utilised and to seek approval for the proposed allocations from the remaining funds.

Following consideration the Council agreed:

- i) to note the progress on the dispersion of the Covid Economic Recovery Fund;
- ii) agree to re-allocate some of the funding between the Flexible Food Fund (£162,000) and a Sport and Culture Hardship Fund (£40,000); and
- iii) to transfer any unspent balance as at 31 March 2023 into an earmarked reserve.

## **20. Place Based Investment Programme**

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Council on the Place Based Investment Programme and recommended spend for 2022/23.

Following consideration, the Council agreed to:

- i) approve spend of this year's allocation for the Place Based Investment Programme for construction of Pinefield Allotments in Elgin, town centre improvements and procurement of land or works associated with Buckie Harbour development; and
- ii) delegate authority to the Head of Economic Growth and Development in liaison with the Chief Financial Officer to vire money between the identified projects to ensure that they can be delivered and minimise risk of underspend.

## **21. Edinburgh Declaration**

Under reference to paragraph 9 of the minute of Economic Development and Infrastructure Services on 8 February 2022, a report by the Depute Chief Executive (Economy, Environment and Finance) asked the Council to sign the Edinburgh Declaration and note potential future actions to assist in halting biodiversity decline.

Following consideration the Council agreed to:

- i) sign the Edinburgh Declaration;
- ii) note the potential future local actions to help address biodiversity decline within section 4.3 of this report; and
- iii) note reports on the draft National Planning Framework (NPF) 4 consultation and Local Development Plan guidance were reported to the Planning and Regulatory Services Committee on 1 March 2022. These reports set out the national policy and evidence gathering requirements to address the nature crisis.

## **22. Question Time \*\*\***

Under reference to paragraph 14 of the minute of the meeting of Moray Council on 29 June 2022, Councillor Warren sought confirmation on when a report will be brought to Economic Development and Infrastructure Services Committee on the 20mph zones.

In response the Depute Chief Executive (Economy, Environment and Finance) confirmed a report will be presented to the 6 September 2022 meeting.

Under reference to paragraphs 13 and 15 of the minute of the meeting of Moray Council on 29 June 2022, Councillor Morrison sought an update on the creation of the Cost of Living Working Group.

In response, the Chief Executive admitted that the creation of the group had not as yet progressed, however CMT were meeting later in the week and moving this forward was on the agenda. He assured Councillor Morrison that there is no complacency within the Council and work is already being carried out within the various services of the Council.

Under reference to paragraph 22 of the minute of the meeting of Moray Council on 29 June 2022, Councillor Cowe sought clarification on the reduction in the Roads Budget by £19.3m as he felt this was a huge decrease in one year.

In response, the Chief Financial Officer confirmed that this figure was cumulative over a 10 year period.

Under reference to paragraph 37 of the minute of the meeting of Moray Council on 29 June 2022, Councillor McLennan sought clarification on whether the appointment to the Scottish War Memorial Outside Body was a Cosla appointment.

In response, the Clerk confirmed that the appointment was a Council appointment which was subsequently notified to Cosla.



Under reference to paragraph 37 of the minute of the meeting of Moray Council on 29 June 2022 Councillor Ross, sought further clarification on the Outside Body Appointment to Knockando Woollen Mill as the organisation had asked specifically for a representative from the Council to continue sitting on the Board.

In response, the Head of Economic Growth and Development confirmed that it was up to Members to decide whether they wished to appoint a representative however added that an appointment was made when the Woollen Mill was receiving significant external funding through the Council but felt that there was no longer a need for the Council to appoint a representative in regards to the Council's involvement with the Mill.

The Chair then sought views from the Council, on whether it thought a representative was needed.

In response, Members confirmed that they wished to continue the representation and to appoint Councillor Ross.

Councillor Cowe sought confirmation on whether the Council could apply for grants to help tidy up the streets in Moray.

In response, the Environmental Protection Manager confirmed that this is something the Council are currently looking into and will respond to Councillors with further information in due course.

Councillor Warren raised concerns about the rising number of holiday/second homes in Findochty and other seaside towns in the area and sought clarification on what the Council are doing to prevent these towns and villages turning into ghost towns/villages.

In response, the Head of Economic Growth and Development confirmed that a new Housing Needs, Demand and Assessment is currently being produced and it is hoped when it is complete early next year, it will provide an evidence based assessment on whether second home control zones are required and how they can be implemented which would limit the number of second Home/Airbnb style properties within certain areas.

Councillor Coull asked whether the Council Leader could write to all those Moray residents who had participated in the recent Commonwealth Games in Birmingham to congratulate them on representing Scotland and Moray.

In response, the Council Leader said she would be happy to do this.

Councillor Gordon sought an update, following enquiries from constituents, on when the Council Access Points will be re-opening to members of the public on a full time basis.

In response, the Chief Executive, confirmed that the Council is currently implementing a decision from the previous Council around how Access Points and hubs will operate going forward. He further added that a briefing paper on the progress to date could be circulated to Members following the meeting.

Councillor Dunbar sought clarification on how often Moray by-laws are reviewed.

In response the Legal Services Manager confirmed that Moray have a very limited amount of by-laws and was unsure if there is a set timescale for the review of them. She further sought clarification on whether Councillor Dunbar had a specific by-law in mind.

In response, Councillor Dunbar confirmed it was specifically the by-law around what young people can do in terms of employment.

In response, the Legal Services Manager confirmed that she would check the current by-law to determine if there is a review date and would come back to Councillor Dunbar following the meeting.

Councillor Van Der Horn sought clarification on whether the Council had any plans to provide Warm Zones, particularly during the Winter and in light of the increasing cost of fuel.

In response, the Chief Executive confirmed that there were no current plans and the issue would be considered as part of the Council's wider plans in respect of resilience around Winter planning.

Further consultation would be required with colleagues in due course.

Councillor Warren raised concerns around the shortages of childminders in the Buckie area and what the Council are doing to address the shortage.

In response, the Legal Services Manager, in the absence of any officers from Education, agreed to provide Councillor Warren with an update following the meeting.

The Chief Executive further added that he had met with Highlands and Islands Enterprise and other partner agencies to look at the wider issue and to try and find solutions to the issues. Models currently being used in Highland are being considered to determine whether they could help ease the pressures being faced in Moray.

### **23. Recycling Improvement Fund - Application for Funding [Para 8 & 9]**

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Council to approve the submission of an application for funding through the Scottish Government's £70million Recycling Improvement Fund (RIF) and the acquisition of land for project development.

Following consideration the Council agreed:

- i) the submission of an application to Zero Waste Scotland (ZWS) for funding through the Scottish Government's £70million RIF for the development of a new Household Waste Recycling Centre for Elgin; and
- ii) to delegate authority to the Head of Housing and Property and Legal Services Manager to purchase land suitable for the HWRC on terms suitable to the Council subject to a successful grant application and on obtaining planning consent.

