

MORAY COUNCIL

Minute of Meeting of the Moray Council

Wednesday, 27 November 2019

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

PRESENT

Councillor George Alexander, Councillor James Allan, Councillor David Bremner, Councillor Frank Brown, Councillor Theresa Coull, Councillor John Cowe, Councillor Gordon Cowie, Councillor Paula Coy, Councillor Lorna Creswell, Councillor Tim Eagle, Councillor Ryan Edwards, Councillor Claire Feaver, Councillor Donald Gatt, Councillor Louise Laing, Councillor Graham Leadbitter, Councillor Marc Macrae, Councillor Aaron McLean, Councillor Maria McLean, Councillor Shona Morrison, Councillor Laura Powell, Councillor Derek Ross, Councillor Amy Taylor, Councillor Sonya Warren, Councillor Walter Wilson

APOLOGIES

Councillor John Divers, Councillor Ray McLean

IN ATTENDANCE

Also in attendance at the above meeting were the Chief Executive, Depute Chief Executive (Economy, Environment and Finance), Chief Officer, Moray Integration Joint Board, Head of Housing and Property, Head of Economic Growth and Development, Chief Financial Officer, Head of Governance, Strategy and Performance, Economic Growth and Regeneration Manager and Tracey Sutherland, Committee Services Officer.

1. Chair

The meeting was chaired by Councillor Shona Morrison.

2. Welcome and Guidance

Members joined the Chair in welcoming Councillor Laura Powell to her first meeting of Moray Council as the newly elected member of Ward 2, Keith and Cullen.

The Head of Governance, Strategy and Performance reminded all Members about the pre-election publicity guidance. Officers had taken the view that the Council business should continue as normal and therefore the meeting will be webcast, but reminded Members to ensure that public resources are not used in a way which might influence the results of the UK election and to bear this in mind during debate today.

3. Declaration of Group Decisions and Members Interests *

In terms of Standing Order 20 and the Councillors' Code of Conduct, there were no declarations from Group Leaders or Spokespersons in regard to any prior decisions taken on how Members will vote on any item on the agenda or any declarations of

Member's interests in respect of any item on the agenda.

4. Resolution

The Committee 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 during consideration of Items 17 and 18 of the Business so as to avoid disclosure of exempt information of the class described in the appropriate paragraphs of Part 1 of Schedule 7A of the Act.

Paragraph Number of the Minute	Paragraph Number of	Schedule 7A and reason
24	9	Information on terms proposed or to be proposed by or to the Authority
25	1	Information relating to staffing matters

5. Minute of Appeals Committee dated 13 March 2019

The minute of the meeting of the Appeals Committee dated 13 March 2019 was submitted and approved.

6. Minute of Appeals Committee dated 21 August 2019

The minute of the Appeals Committee dated 21 August 2019 was submitted and approved.

7. Minute of special meeting of Moray Council dated 25 September 2019

The minute of the special meeting of Moray Council dated 25 September 2019 was submitted and approved.

8. Minute of special meeting of Moray Council dated 26 September 2019

The minute of the special meeting of Moray Council dated 26 September 2019 was submitted and approved.

9. Minute of Meeting of Moray Council dated 2 October 2019

The minute of the meeting of Moray Council dated 2 October 2019 was submitted and approved.

10 Minute of Appeals Committee dated 9 October 2019

The minute of the Appeals Committee dated 9 October 2019 was submitted and approved.

11. Minute of Appeals Committee dated 8 November 2019

The minute of the Appeals Committee dated 8 November 2019 was submitted and

approved.

12. Written Questions **

The Council noted that no written questions had been submitted.

13. Housing Business Plan Review 2019 and Preparation for the HRA Budget Setting 2020-21

A report by the Depute Chief Executive (Economy, Environment and Finance) presented Council with a summary of the findings of the Housing Business Plan Review. The report also considered the implications of this review for the budget preparation work to be carried out prior to presentation of the draft HRA Budget 2020/21 for Council's consideration in February 2020.

Councillor Laing, Chair of Communities Committee informed Council that last year the HRA was able to budget for no rent increase but this year it is proposed to increase the rents by 3% and to revise the new build target of 70 back to 50 per year.

Following consideration Council agreed:

- that the main findings of the Housing Business Plan 2019 Review and noted that
- i) housing activities must remain fundable and affordable within the constraints of the accounting regime for housing;
- ii) to reduce council new build provision from 70 to 50 units per annum in order to ensure that all housing activities remain fundable and affordable;
- iii) to increase housing rents by 3% in 2020/21 in order to ensure that all housing activities remain fundable and affordable;
- iv) to consult with tenants from 28 November 2019 to 10 January 2020 on the proposed rent increase for 2020/21; and
- v) that the views of tenants are included within the Housing Revenue Account Budget for 2020/21, due to be presented to Council in February 2020.

14. Revenue Budget Monitoring to 30 September 2019

A report by the Depute Chief Executive (Economy, Environment and Finance) advised Committee of the revenue budget monitoring position to 30 September 2019 and of the current estimated out-turn for 2019/20.

Councillor Leadbitter proposed deferring recommendation 2.2 (ii) until January 2020 to consider alongside the review of commercial waste permits.

Councillor Gatt sought an update on the request being made to Cosla to review the funding formula which determines the Council's payment from the Scottish Government.

In response, Councillor Leadbitter confirmed that Cosla have agreed to review the formula but he urged members not to underestimate how long the review will take as

it is a huge piece of work with lots of factors to be included.

Following consideration and as there was no one otherwise minded, the Council agreed to:

- i) note the budget monitoring position of £293,000 under budget for 2019/20 as at 30 September 2019;
- ii) note that this position consists of an underspend on Devolved School budgets of £795,000, an overspend on Social Care services delivered on behalf of the Moray Integration Joint Board (MIJB) of £762,000 and an underspend on other services of £260,000;
- iii) note movement of £195,000 in the General Revenue Grant, as detailed in paragraph 3.4;
- iv) note the current estimated out-turn for 2019/20 of an underspend of £1,770,000, resulting in a decrease in the planned use of Council reserves;
- v) note that there are no new emerging budget pressures as at 30 September 2019;
- vi) note the position regarding MIJB as described in paragraph 8.3, with cost implications of £553,000 for the Council;
- vii) note the commitments of £2,537,000 against reserves as summarised in section 9.
- viii) release from provisions £2,897 from reserves, for use in Buckie for regeneration, as detailed in paragraph 9.5; and
- ix) defer the decision until January 2020 on approval to cancel recycling centre permits from 1 April 2020 as a measure to control the overspend on recyclates.

15. Capital Plan 2019-20

A report by the Depute Chief Executive (Economy, Environment and Finance) advised the Council of the expenditure to 30 September 2019 under the capital plan for financial year 2019/20 and of the estimates of projected expenditure profiled into quarters.

During consideration of the report Councillor Gatt sought clarification on the increase in costs for the Integrated Waste Facility at Moycroft, Elgin. In response the Head of Environmental and Commercial Services confirmed that he would provide information to Members following the meeting on the increased costs.

Councillor Edwards, during discussion of the report sought confirmation on the legal requirements and use of the pilot boat in Buckie Harbour. In response, the Head of Environmental and Commercial Services confirmed that the Council must ensure safe passage of cargo vessels into and out of Buckie harbour and carrying out this role does generate income for the Council. He further added that a business case

has been developed in regards to the purchase of a new pilot boat and it was agreed that a copy would be circulated to all members for information.

Following consideration Council agreed to note:

- i) expenditure to 30 September 2019 of £26,102,000
- ii) the current projected expenditure of £67,977,000 for 2019/20 profiled into quarters;
- iii) the projected overall expenditure for projects spanning more than one financial year, as set out in Appendix 2;
- iv) capital expenditure for Early Learning and Childcare expansion is to be funded, in part, from revenue grant funding as detailed in paragraph 5.6;
- v) potential savings of £28,000 from the Schools ICT budget as detailed in paragraph 5.20

Council also approved

- vi) a proposed budget deferment of £7,546,000 arising from slippage and expenditure reprofiling from 2019/20 to 2020/21 as summarised in paragraph 5.21 of the report;
- vii) a budget reduction of £115,000 as detailed in paragraphs 5.14;
- viii) budget transfers of £85,000 as detailed in paragraph 5.7;
- ix) the option to bring forward schools make do and mend projects to 2019/20 as detailed in paragraph 5.3; and
- x) the addition of £100,000 for the purchase of a replacement Pilot Boat, as set out in paragraph 6.8 of the report.

16. Financial Planning

A report by the Depute Chief Executive (Economy, Environment and Finance) updated the Council on the development of savings proposals aimed at reducing the predicted budget gap for 2020/21 and also the current financial forecasts.

Councillor Ross seconded by Councillor Edwards moved to defer the discussion of this report until a future meeting of the Council after the General Election on 12 December 2019.

Councillor Leadbitter proposed to defer the decision on line D4b (green waste) in Appendix 1 until January 2020 and this was seconded by Councillor Coy, and to agree the remaining recommendations as state in the report.

The Chair, on the advice of the Head of Governance, Strategy and Performance, advised members that it may be prudent to decide whether or not to

defer the report in the first instance.

Following a short adjournment Councillor Leadbitter withdrew his amendment and proposed that the paper is not deferred and consideration is given to the report at the meeting, this was seconded by Councillor Coy.

On the division there voted:

For the motion (12) Councillors Ross, Edwards, Allan, Brown, Creswell, Eagle, Feaver, Gatt, M McLean, Macrae, Powell and Wilson

For the Amendment (11) Councillor Leadbitter, Coy, Alexander, Bremner, Coull, Cowe, Laing, A McLean, Morrison, Taylor and Warren

Abstentions (1) Councillor Cowie

Accordingly the motion became the finding of the meeting and Council agreed to defer the discussion of this report until a future meeting of the Council after the General Election on 12 December 2019.

17. Medium to Long Term Financial Strategy

A report by the Depute Chief Executive (Economy, Environment and Finance) asked Council to consider a draft financial strategy to facilitate medium to long term financial planning.

18. Town Centre Fund Capital Grant

A report by the Depute Chief Executive (Economy, Environment and Finance) provided the Council with an update on the Town Centre Fund Capital Grant and sought approval for the recommendations.

Councillor Cowie sought confirmation on why Sulva Cottage in Elgin was an exception and being allocated 100% grant for upgrades. In response the Head of Economic Growth and Development confirmed that the Sulva Cottage is a trust cottage managed by the Council and has no access to any other funding streams to complete the renovation works. Once completed the income from the rent received for Sulva Cottage would be used to finance the upgrading of the neighbouring property.

Following further consideration the Council agreed to:

- i) note the progress of the Town Centre Fund Capital Grant commitments and work in progress;
- ii) provide 100% grant award for Sulva Cottage, Elgin to bring it back into use; and
- iii) agree to allocate any funds that become available for footfall counters in the towns of Elgin, Lossiemouth, Forres, Buckie and Keith and any remaining funds to be invested in further Public Realm proposals.

19. European Structural Investment Funds

A report by the Depute Chief Executive (Economy, Environment and Finance) provided Council with an update on Council led European Structural Investment Funds (ESIF) projects and sought approval for the recommendations.

Following consideration the Council agreed:

- i) to note the progress for the Employability and Poverty and Social Inclusion projects;
- ii) to homologate the decision to forward fund as set out in paragraph 3.6 of the report;
- iii) to consider refraining from accepting the current offer of grant for Employability Challenge fund and the Poverty and Social Inclusion Challenge Fund when received until there is further clarity on the implications of the recent changes;
- iv) to delegate authority to the Head of Growth and Development Services in consultation with the Chief Financial Officer and Chair of this Committee to agree if and when the Challenge Funds can be opened once there is greater clarity on risk, such agreement only being given if they are satisfied that opening these funds falls within acceptable parameters as informed by the discussion at (iii) above, noting that if this is in doubt a further urgent report will be submitted for consideration; and
- v) that for the Challenge Fund projects any third sector organisation claims can be paid in advance of receiving monies from the Government.

20. Internet of Things - Scotland Network

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Council of a proposal to develop a Longer Range Wide Area Network (LoRaWAN) in Moray.

Following consideration the Council agreed to delegate authority to the Head of Economic Growth and Development Services to progress a site sharing agreement to form part of the national Internet of Things network in Moray.

21. Moray Integration Joint Board

A report by the Chief Officer, Moray Integration Joint Board informed the Council of the latest approved minutes of the meetings of the Moray Integration Joint Board.

Following consideration Council agreed to note the contents of the report.

22. Delegation of Services to Moray Integration Joint Board

A report by the Chief Officer, Moray Integration Joint Board informed the Council of the pending process and estimated timescale for the proposed delegation of additional Moray Council Services to the Moray Integration Joint Board (MIJB).

Following consideration the Council agreed to note:

- i) the process and the timescale for completion of the preparatory work for the

proposed delegation of Moray Council Services to the Moray Integration Joint Board, allowing formal decision making to take place: and

- ii) that Grampian Health Board on 5 December 2019 will meet to agree their position in relation to this proposal, the report seeking approval to proceed to the next steps for implementation.

23. Question Time ***

Under reference to para 8 of the minute of the meeting of Moray Council on 2 October 2019, Councillor Taylor sought an update on the BT payphones in Hopeman and Grant Drive, Forres.

In response, the Depute Chief Executive (Economy, Environment and Finance) confirmed that the Council objected to the removal of the payphone in Hopeman, which BT accepted and that the phone should remain in situ.

She further added that the Council were unable to object to the removal of the Grant Drive, Forres payphone as there is another payphone within 800m at Pilmuir Road and therefore the Council did not have the right to object to that proposal.

24. Land at Garmouth Road, Lhanbryde

A report by the Depute Chief Executive (Economy, Environment and Finance) asks the Council approve the sale of the Council's land at Garmouth Road, Lhanbryde.

Following consideration the Council agreed to:

- i) approve the proposed sale on the main terms set out in paragraph 5.2 of this report; and
- ii) refer the matter to the Estates Manager and Legal Services Manager to conclude the transaction.

25. Freedom of Moray

A report by the Chief Executive invited Council to consider conferring upon the nominee the Freedom of Moray and if so decided to authorise officers of the Council to make the necessary arrangement.

Following consideration the Council agreed to:

- i) admit the nominee as an Honorary Freeman of Moray; and
- ii) remit to the Chief Executive in consultation with the Convener and Group Leaders to arrange for a commemorative scroll to be prepared and for arrangements to be made for the Freedom to be formally awarded.