

MORAY COUNCIL

Minute of Meeting of the Economic Growth, Housing and Environmental Sustainability Committee

Tuesday, 01 December 2020

remote locations via video-conference,

PRESENT

Councillor David Bremner, Councillor Frank Brown, Councillor Theresa Coull, Councillor John Cowe, Councillor Gordon Cowie, Councillor Ryan Edwards, Councillor Donald Gatt, Councillor Graham Leadbitter, Councillor Marc Macrae, Councillor Louise Nicol, Councillor Walter Wilson

APOLOGIES

Councillor Tim Eagle, Councillor Maria McLean, Councillor Shona Morrison

IN ATTENDANCE

Depute Chief Executive (Economy, Environment and Finance), Acting Head of Housing and Property Services, Head of Economic Growth and Development, Head of Environmental and Commercial Services, Chief Financial Officer, Environmental Protection Manager, Transportation Manager, Estates Manager, Consultancy Manager, Planning and Development Manager, Legal Services Manager and Mrs L Rowan, Committee Services Officer as Clerk to the Meeting.

ALSO PRESENT

Councillors Alexander (item 22), Feaver (item 22), A McLean and Warren (item 17)

1 Chair

Councillor Leadbitter, being Chair of the Economic Growth, Housing and Environmental Sustainability Committee, chaired the Committee.

2 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.

3 Resolution

The Meeting resolved that under Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting for Items 18-21 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.

4 Minute of Meeting dated 6 October 2020

The Minute of the Meeting of the Economic Growth, Housing and Environmental Sustainability Committee dated 6 October 2020 was submitted and approved.

5 Written Questions

The Committee noted that no written questions had been submitted.

6 Capital Plan 2020-21

Under reference to paragraph 18 of the Minute of the meeting of this Committee dated 6 October 2020, a report by the Depute Chief Executive (Economy, Environment and Finance) advised the Committee of the expenditure to 30 September 2020 under the capital plan for financial year 2020/21 and of estimates of projected expenditure profiled into quarters.

Following consideration, the Committee agreed to:

- i. note expenditure to 30 September 2020 of £10,884,000;
- ii. note the current projected expenditure of £42,731,000 for 2020/21 profiled into quarters in light of the caveat in paragraph 5.1 of the report;
- iii. note the projected overall expenditure for projects spanning more than one financial year, as set out in Appendix 2 of the report;
- iv. note the projected overall expenditure for services which would normally report to Economic Development and Infrastructure Services Committee, as set out in Appendix 3 of the report; and
- v. approve amendments to the 2020/21 and 2021/22 capital plan as summarised in paragraphs 5.24 and 5.33 of the report.

7 Economy, Environment and Financial Service Plans 2020-22

A report by the Depute Chief Executive (Economy, Environment and Finance) invited the Committee to consider the Economy, Environment and Financial services' Service Plans for 2020-22.

Following consideration, the Committee agreed to approve the Service Plans for services within Economy, Environment and Finance, noting the Service Annual Performance Review Templates which accompany these.

8 Offshore Wind Cluster Funding Request

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to consider a funding request by HIE for the North of Scotland Offshore Wind Cluster.

The Chair, having discussed this at some length with officers and after considering the report supported the Offshore Wind Cluster however noted that there did not appear to be a significant return on the Council's investment and that the cluster appeared to be going well and could be supported by Business Gateway. He further stated that in his opinion, the Council should consider supporting the use of hydrogen as an alternative energy source and therefore proposed that the Committee agree that, in the absence of any budget allocation, the Council become a non-paying member of the cluster and promote the cluster to Moray companies via Business Gateway and the My Moray website. This was seconded by Councillor Bremner.

There being no-one otherwise minded, the Committee agreed, in the absence of any budget allocation, for Council to become a non-paying member of the cluster and promote the cluster to Moray companies via Business Gateway and the My Moray website.

9 Economic Recovery Plan - Local Development Plan Delivery Programme

Under reference to paragraph 9 of the Minute of the meeting of this Committee dated 6 October 2020, a report by the Depute Chief Executive (Economy, Environment and Finance) asked for Committee approval for an element of the Economic Recovery Plan relating to the Local Development Plan (LDP) Delivery Programme.

Following consideration, the Committee agreed the budget pressure for the Local Development Plan Delivery Programme of £70k per annum beginning financial year 2021/22, noting this extended over a 4 year period.

10 Strategic Housing Investment Plan (SHIP) 2021-2022 - 2025-2026

Under reference to paragraph 11 of the Minute of the meeting of the Communities Committee dated 17 December 2019, a report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to approve the Council's draft Strategic Housing Investment Plan (SHIP) 2021/22 - 2025/26.

Following consideration, the Committee agreed:

- i. to note the draft SHIP;
- ii. to approve the draft SHIP for submission to the Scottish Government by mid December 2020; and
- iii. that further progress reports on the SHIP are presented to this Committee as required.

11 Revenue Budget Monitoring to 30 September 2020

A report by the Depute Chief Executive (Economy, Environment and Finance) advised the Committee of the revenue budget monitoring position to 30 September 2020 and of the current estimated out-turn for 2020/21.

Following consideration, the Committee agreed to note:

- i. the budget monitoring position of £1,546,000 over budget for 2020/21 as at 30 September 2020;
- ii. that this position consists of an underspend on Devolved School budgets of £841,000, an overspend on Social Care services delivered on behalf of the Moray Integration Joint Board (MIJB) of £216,000 an overspend of £5,151,000 on Covid related expenditure and an underspend on other services of £2,980,000;
- iii. movement of £1,144,000 in the General Revenue Grant, as detailed in paragraph 3.4 of the report;
- iv. the current estimated out-turn for 2020/21 of an underspend of £1,500,000 and shortfall in Council Tax income of £2,400,000, a net £900,000 overspend partly offset by a retention under the Business Rates Incentivisation Scheme (BRIS) resulting in a decrease in the planned use of Council reserves by £959,000 from that budgeted for; and
- v. the position regarding Moray Integration Joint Board (MIJB) as described in paragraph 8.3 of the report, with cost implications of £112,000 for the Council.

12 Housing and Property Services Budget Monitoring - 30 September 2020

A report by the Depute Chief Executive (Economy, Environment and Finance) presented the budget position for the Housing and Revenue Account (HRA) and General Services Other Housing Budget for the period up to 30 September 2020.

Following consideration, the Committee agreed to note the budget monitoring report for the period to 30 September 2020.

13 Council House Rent Levels and Preparation for the Housing Revenue Account (HRA) Budget Setting 2021-22

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the key financial planning considerations in setting Council House rents and asked for approval to consult tenants on the rent levels to be included within the Housing Revenue Account Budget 2021/22.

During discussion, it was noted that Moray had one of the lowest council house rent levels compared to other local authorities due to its low wage economy however it was noted that certain areas of Moray appeared to be low and other areas high and it was queried whether the low areas brought the average down to such a level that Moray was deemed a low wage economy overall.

In response, the Depute Chief Executive (Economy, Environment and Finance) explained that some areas of Moray may have higher pay levels than others however most recent statistics suggest that Moray is a low wage and higher employment economy than most other local authorities. She further advised that it would not be appropriate, in terms of equality, to set different rent levels according to areas in Moray as rent levels require to be set across the whole council estate.

The Acting Head of Housing and Property Services further suggested that the next report regarding Council House Rent Levels include further information in relation to the housing need and demand assessment and how rent affordability is assessed. This was agreed.

Thereafter, the Committee agreed that:

- i. Council tenants are consulted on a range of proposed rent levels as part of the HRA budget setting for 2021/22; and
- ii. the views of tenants are included within the Housing Revenue Account Budget for 2021/22, due to be presented to Council in February 2021
- iii. That the next report regarding Council House Rent Levels include further information in relation to housing need and demand assessment and how rent affordability is assessed.

14 Tenant Survey Improvement Plan

Under reference to paragraph 12 of the Minute of the Communities Committee dated 27 August 2019, a report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of progress on the Tenant Survey Improvement Plan 2019-21.

Following consideration, the Committee agreed to note:

- i. the progress achieved on implementing the actions set out in the improvement plan;
- ii. that the next Tenant Survey will be carried out in 2021; and
- iii. that progress will be monitored through the Annual Performance Report and performance monitoring as set out in paragraph 4.2 of the report.

15 Car Club Policy

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of a proposed policy position in relation to Car Clubs. A Car Club is likened to a "pay as you go" car hire where dedicated vehicles can be hired in various communities on an hourly or daily basis. The cars are usually booked online, with access to the vehicle either by smart card or by collecting the key from a key safe. The Car Club covers all the costs of the vehicle such as purchase, maintenance, insurance etc. A member usually pays a membership fee and then a 'per mile' fee for usage thereafter.

Following consideration, the Committee welcomed the proposed policy and agreed to:

- i. note the role played by Car Clubs in promoting modal shift to sustainable travel methods; and

- ii. approve the policy position set out in section 4 of the report.

16 Implications of Community Purchased Vehicle Activated Signs

Under reference to paragraph 5 of the Minute of the meeting of the Economic Development and Infrastructure Services Committee dated 21 January 2020, a report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the implications on Council resources required to facilitate the purchase, erection and maintenance of Vehicle Activated Signs (VAS) on behalf of communities.

During her introduction, the Transportation Manager advised that at the time the report was written, the estimated cost of the signs and equipment was approximately £3500 however it had become apparent that another supplier may be able to provide the equipment at a lower cost and assured the Committee that the Council will seek best value when sourcing suitable VAS. This was noted.

Following consideration, the Committee agreed to:

- i. note the resource and cost implications of enabling the purchase and installation of Vehicle Activated Signs by recognised community groups;
- ii. note that the Council will seek best value when sourcing suitable VAS; and
- iii. approve the proposed processes shown in Figures 3, 4 and 5 for the handling of community concerns in relation to the speed or perceived speed of traffic in built up areas.

17 Marine Safety Annual Performance Review 2019-20 and Q1 2020-21 Update

Councillor Edwards lost connection during discussion of this item.

Under reference to paragraph 6 of the Minute of the meeting of the Economic Development and Infrastructure Services Committee dated 20 March 2018, a report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee with regard to matters of Marine Safety and compliance with the Port Marine Safety Code (PMSC) for 2019/20.

The Committee noted that the report had been submitted to the previous meeting of this Committee as an information report however had been called in by Councillor Warren to enable discussion by committee members. It was noted that Councillor Warren was not a member of the Committee however the Chair had agreed to allow Councillor Warren the opportunity to raise any questions she may have on the report, which were in turn answered by Officers.

Councillor Cowie raised concern that reports on Marine Safety had been brought to Committee as information reports and asked if future reports could be added to the agenda for consideration by the Committee.

In response, the Depute Chief Executive (Economy, Environment and Finance) advised that officers were of the view that the responsibility held by the Committee

as Duty Holders under the Port Marine Safety Code could be fulfilled by noting the report for information however Members have the opportunity to ask questions to officers directly or call in the report if necessary, but acknowledged that if Members felt strongly that there was need for these reports to be considered in the chamber, it was not helpful to have consideration delayed by a cycle and welcomed clarification of Members' views on this issue. The Chair noted that questions on information reports could also be asked at Question Time and Notices of Motion could be enrolled on any points of concern.

Councillor Cowie remained of the view that health and safety in relation to harbours was important and should be considered and discussed by the Committee therefore moved that all reports on Marine Safety Performance be brought to the Committee for consideration. This was seconded by Councillor Brown.

Councillor Bremner noted that, as well as quarterly reports, an annual report was provided in relation to Marine Safety and moved that quarterly reports be provided as information reports with the annual report being brought to the Committee for consideration. This was seconded by Councillor Leadbitter.

On a division there voted:

| | |
|------------------------|---|
| For the Motion (6): | Councillors Cowie, Brown, Cowe, Gatt, Macrae and Wilson |
| For the Amendment (3): | Councillors Bremner, Leadbitter and Coull |
| Abstention (1): | Councillor Nicol |

Accordingly, the Motion became the finding of the Committee and it was agreed:

- i. to note the safety performance for the year 2019/20 and Q1 2020/21, fulfilling their function as Duty Holder under the Port Marine Safety Code; and
- ii. that all Marine Safety Performance reports come to the Committee for consideration.

18 Findhorn Bay Local Nature Reserve Management Committee Constitution

A report by the Depute Chief Executive (Economy, Environment and Finance) sought Committee approval of an updated Constitution for the Findhorn Bay Local Nature Reserve Management Committee.

Following consideration, the Committee agreed to approve the new Constitution, set out in Appendix 2 of the report, for adoption by the Findhorn Bay Local Nature Reserve Management Committee.

19 Wildflowers in the Landscape

Under reference to paragraph 3 of the Minute of the special meeting of Moray Council dated 3 March 2019, a report by the Depute Chief Executive (Economy,

Environment and Finance) invited the Committee to note the benefits of wildflowers in the landscape and approve proposals for the introduction of additional wildflower schemes into the communities of Moray.

The Committee welcomed the report and the benefits that wildflowers bring in terms of improving biodiversity which in turn helps wildlife, people and the environment. The Committee further commended the short video clip referred to in the report which provided some background as to the many benefits wildflowers bring to people and wildlife and asked if this could be made available for the public.

In response, the Environmental Protection Manager advised that he would liaise with the Communications Team so that the short video clip which illustrates the benefits of wildflowers to people and wildlife can be shared on the Council's social media platforms.

Following consideration, the Committee agreed:

- i. to note the importance, and benefits that can arise from introducing wildflowers into the landscape;
- ii. to note the initiatives that are already being taken to introduce wildflowers into the landscape;
- iii. to note the lessons from the initiatives, research, benchmarking and staff experience;
- iv. to approve the proposal to introduce additional areas of wildflowers into communities across Moray; and
- v. that the short video clip which illustrates the benefits of wildflowers to people and wildlife be shared on the Council's social media platforms.

20 Flood Risk Management (Scotland) Act 2009 - Draft Local Flood Risk Management Plans Cycle 2

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the consultation proposals for the Draft Flood Risk Management Strategies and Plans.

Following consideration, the Committee agreed to:

- i. note the delays to SEPA's consultation on the Flood Risk Management Strategies due to COVID 19;
- ii. publish the Draft Local Flood Risk Management Plan for the Findhorn, Nairn and Speyside Local Plan District on 21 March 2021;
- iii. give the Flood Risk Management team delegated authority to respond to SEPA's consultation in December 2020 and March 2021; and
- iv. note a further report on the final Flood Risk Management Strategies and Plans will be brought to the Committee, after the public consultation closes on 21 June 2021.

The Chair sought the agreement of the Committee to Suspend Standing Order 74 to allow the meeting to continue beyond 12.45 pm. This was unanimously agreed.

22 3 Logie Cottages, Forres - Trust Property Funds

A report by the Depute Chief Executive (Economy, Environment and Finance) invited the Committee to consider the distribution of funds following the sale of the trust property at 3 Logie Cottages, Forres.

On the invitation of the Chair, Councillor Alexander stated that the Forres Ward Members had discussed how the funds should be distributed and would be supportive of this money being used to help improve attainment of pupils at Forres Academy. This could take the form of additional external tuition for pupils whose family situation would not normally allow such an opportunity with the main aim to improve attainment for disadvantaged pupils. As the original trust stated that it should be used "on behalf of the poor", it was considered that this proposal concurs with this aim.

In response, the Depute Chief Executive (Economy, Environment and Finance) advised that, whilst the proposal by Councillor Alexander might concur with the original aim of the trust, it may be difficult to implement this as the criteria for pupils who would qualify because of family circumstances would have to be set and it may not be possible to source external tuition at this scale and suggested that the Committee agree that the funds be used to aid the attainment of pupils in Forres who meet the poverty test and that the detailed terms be delegated to the Legal Services Manager in conjunction with the 4 Forres Ward Members and the Chair of the Economic Growth, Housing and Environmental Sustainability Committee to agree.

Councillor Gatt was of the view that the finer details of this proposal required to be addressed and moved that this decision be deferred to a future meeting of this Committee. This was seconded by Councillor Brown.

The Chair recognised that the original aim of the Trust required to be met therefore moved that the Committee agree in principle, that the money generated from the sale be used for the attainment of pupils at Forres Academy whilst respecting the original aims of the Trust as much as practicable, and that conclusion of the terms be delegated to the Legal Services Manager in conjunction with the 4 Forres Ward Members and the Chair of the Economic Growth, Housing and Environmental Sustainability Committee. This was seconded by Councillor Bremner.

On a division there voted:

| | |
|------------------------|--|
| For the Motion (5): | Councillor Gatt, Brown, Cowe, Macrae and Wilson |
| For the Amendment (5): | Councillor Leadbitter, Bremner, Coull, Cowie and Nicol |
| Abstention (0): | Nil |

There being an equality of votes, and in terms of Standing Order 62(e), the Chair cast his casting vote in favour of the Amendment.

Accordingly, the Amendment became the finding of the Committee and it was agreed:

- i. to note that the trust property 3 Logie Cottages, Forres has now been sold, generating a receipt of £102,100;
- ii. to note that the loan of £10,499.56 provided by the Housing Revenue Account (HRA) in 2013 to cover essential repairs to the property has been paid; and
- iii. in principle, that the money generated from the sale be used for the attainment of pupils at Forres Academy whilst respecting the original aims of the Trust as much as practicable, and that conclusion of the terms be delegated to the Legal Services Manager in conjunction with the 4 Forres Ward Members and the Chair of the Economic Growth, Housing and Environmental Sustainability Committee.

23 Adjournment of Meeting

The Chair noted that there were still a number of items to be considered on the agenda and, given that a Special Meeting of Moray Council was due to take place at 2:00 pm, sought the agreement of the Committee to reconvene the Committee immediately following the Special Meeting of Moray Council. This was unanimously agreed.

24 Resumption of Meeting

Present:

Councillors Leadbitter, Nicol, Bremner, Brown, Coull, Cowe, Cowie, Gatt, Macrae and Wilson

Apologies:

Councillors Eagle, Edwards, M McLean and Morrison

25 Question Time

There were no questions raised.

26 Building Services Trading Operation Budget 2020-21 - Budget Monitoring [Para 9]

A report by the Depute Chief Executive (Economy, Environment and Finance) presented the budget monitoring information for the period to 30 September 2020 for the Building Services Trading Operation.

Following consideration, the Committee agreed to note:

- i. the financial information for the period to 30 September 2020, as detailed in section 5 and Appendix I of the report;
- ii. Building Services operating performance as set out in section 6 of the report; and
- iii. the revised year end forecast to 31 March 2021 as detailed in section 7 and Appendix I of the report.

27 Industrial Property Mosstodloch [Para 6, 8 and 9]

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to approve terms for the sale of the Council's interest in the building at 3 Mosstodloch Industrial Estate and main terms for a 99 year ground lease of the site.

Following consideration, the Committee agreed to:

- i. approve the proposals detailed in section 5 of the report; and
- ii. remit the Legal Services Manager to document the transaction accordingly.

28 Sale of Land Bank Street Buckie [Para 6, 8 and 9]

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to approve main terms for the sale of land at Bank Street, Buckie.

Following consideration, the Committee agreed to:

- i. approve the sale of the land shown in red on Appendix I as set out in section 5 of the report; and
- ii. refer the matter to the Estates Manager and Legal Services Manager to conclude the transaction.

29 Sale of Land March Road West Buckie [Para 6, 8 and 9]

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to consider proposals for Council owned land at March Road, West, Buckie.

Following consideration, the Committee agreed to authorise officers to undertake a public consultation on the proposed sale and report back to this Committee to consider the proposed main terms of sale, together with a summary of any representations from the consultation.