

MORAY COUNCIL

Minute of Meeting of the Moray Council

Wednesday, 28 September 2022

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

PRESENT

Councillor James Allan, 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 Peter Bloomfield

IN ATTENDANCE

Also in attendance at the 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 HR, ICT and Organisational Development, Head of Environment and Commercial Services, Head of Economic Growth and Development, Chief Financial Officer, Head of Education Resources and Communities, Head of Housing and Property, Consultancy Manager, Democratic Services Manager, Andy Hall, Senior Project Manager, Hilda Puskas, Senior Project Manager, Senior Engineer - Flood Risk Management and Tracey Sutherland, Committee Services Officer.

The following Lay Members of the Education, Children's and Leisure Services Committee joined the meeting for the discussion of items 12 on the agenda - Mrs Sheila Brumby, Mrs Emma Tunard and Mrs Susan Slater.

1. Chair

The meeting was chaired by Councillor Kathleen Robertson.

2. Operation Unicorn - Thanks

The Council joined the Chair in thanking all staff and Members for their understanding and adaptability during recent events in the implementation of Operation Unicorn.

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 Chair said that concerns have been raised with her over item 12a on the agenda (relating to new schools funding) and the risks that potential decisions could contravene pre-election publicity legislation and guidance. In particular whether a decision on prioritisation of schools could influence the outcome of the Buckie by-election on 3 November 2022.

She further added that in an ideal world the Council would postpone consideration of the report until after the by election, however the funding bid needs to be submitted by the end of October and it is important that the Council have an opportunity to make a bid.

The Chair proposed that:

Firstly the report is moved into the confidential section of the meeting under para 8 of Schedule 7a - financial affairs.

Secondly the report recommendations are amended to allow any prioritisation between projects to take place following the by-election.

The Chair sought approval for this proposal.

In response, Councillor Leadbitter felt that given the report was already in the public domain, the discussion of the paper should remain in the public section of the meeting.

In response, the Head of Governance, Strategy and Performance added that the 2 schools being in the public domain is clearly in the papers but the question of choosing a priority between them would give concerns in terms of fairness of the by-election on 3 November 2022. He further added that in terms of the publicity guidance in a pre-election period, it states that members must be guided by the principle of fairness. It is crucial that a decision is seen to be fair and reasonable by the public and by those standing for office.

The Depute Chief Executive (Education, Communities and Organisational Development) in her role as Returning Officer added that the pre-election guidance is very clear with regards to controversial issues and need to be carefully considered. The report is neutral and does not express views, however a decision could clearly impact on one of the areas covered by the by-election and would have concerns about holding the debate in public.

On the division there voted:

For the Motion (14)

Cllrs Robertson, Allan, Colyer, Cowe, Divers, Dunbar, Gatt, Gordon, Keith, Macrae, McBain, Mustard, Ross and Williams.

For the Amendment (10)

Cllrs Leadbitter, Cameron, Coull, Fernandes, Harris, Lawrence, McLennan, Morrison, Van Der Horn and Warren

Abstention (0)

Accordingly the motion became the finding of the meeting and 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 12a and 16 -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
26	Para 8 Information on the amount of expenditure proposed to be incurred by the Authority
27	Paras 1 and 12 Information Relating to Staffing Members Information relating to instructions to counsel any opinion of counsel and any advice received, information obtained or action to be taken in connection with legal proceedings
28	Para 9 Information on terms proposed or to be proposed by or to the Authority
29	Para 9 Information on terms proposed or to be proposed by or to the Authority
30	Paras 3 and 5 Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the Authority Information relating to the adoption, care, fostering or education of any particular child or relating to the supervision or residence of any particular child in accordance with a supervision requirement.

5. Minute of meeting of 10 August 2022

The minute of the meeting of 10 August 2022 was submitted and approved, subject to the following amendments to paragraph 7 as detailed below:

Councillor McLennan further added that the Council could be setting a dangerous precedent in terms of governance and scrutiny citing some historical **and current potential comparators** 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.~~

6. Minute of Special Meeting of 14 September 2022

The minute of the meeting of the Special Meeting of Moray Council dated 14 September 2022 was submitted and approved.

7. Written Questions

The Council noted that no written questions had been submitted.

8. Notice of Motion - Sky Lanterns and Balloon Releases

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

Council recognises that the release of sky lanterns and mass balloon releases have been linked to significant environmental impacts, including fires, pollution and on occasion has resulted in illness and death to both livestock and wild animals.

Council therefore agrees that the release of sky Lanterns and mass balloon releases will not be permitted from any event taking place on Moray Council owned or managed land, where this event has been approved through the Council's booking systems.

This was unanimously agreed.

9. Notice of Motion - Warm Banks

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:

Many this winter are expected to choose between eating and heating, and there are real fears that people will freeze at home as bills are unaffordable for many.

The recent energy price guarantee price places a limit of £2,500 on household energy bills, this figure is still more than double the level of bills for households last winter. People fear they will not be able to turn on their heating.

It has been estimated that the number of UK households in fuel poverty could more than double to 12 million in January. The End Fuel Poverty Coalition said 42% of households would not be able to afford to adequately heat and power their homes from January, even with the energy price guarantee.

Meanwhile, with inflation climbing hitting costs of food and fuel and recession looming there are significant strains on struggling households.

1. The Council notes that heat banks are a response to the crisis to ensure those unable to heat their homes can keep warm and safe elsewhere.
2. The Council therefore requests a report with further background to:

- i) Help identify public buildings in the area which could be used as warm spaces for public access during the winter. This could include libraries and community centres.
- ii) Explore how the Council could work alongside partner organisations to look at the possibility of making use of their spaces, as well as encouraging organisations in the private and third sectors to do the same.

Councillor Morrison proposed adding in the words communities and at pace in point 2(ii).

Councillor Van Der Horn confirmed that he was happy to include the suggested wording.

Following further consideration the Council agreed to:

1. notes that heat banks are a response to the crisis to ensure those unable to heat their homes can keep warm and safe elsewhere.
2. request a report with further background to:
 - i) Help identify public buildings in the area which could be used as warm spaces for public access during the winter. This could include libraries and community centres.
 - ii) Explore how the Council could work alongside communities and partner organisations, at pace, to look at the possibility of making use of their spaces, as well as encouraging organisations in the private and third sectors to do the same.

10. Appointments to Committees

A report by the Depute Chief Executive (Education, Communities and Organisational Development) invited the Committee to note the remaining Committee membership vacancies and consider appointments to those Committees where vacancies remain.

Councillor Keith moved that Councillor Cowe be appointed to the Education, Children's and Leisure Services Committee, this was seconded by Councillor Ross.

Councillor Van Der Horn, seconded by Councillor Allan proposed Councillor McLennan be appointed to the Education, Children's and Leisure Services Committee.

On the division there voted:

- | | |
|-----------------------|--|
| For the Motion (13) | Councillors Keith, Ross, Colyer, Cowe, Divers, Dunbar, Gatt, Gordon, Macrae, McBain, Mustard, Robertson and Williams |
| For the Amendment (5) | Councillors Van Der Horn, Allan, Cameron, Harris and McLennan. |

Abstention (5) Councillors Coull, Fernandes, Lawrence, Leadbitter and Morrison.

Did not Vote (1) Councillor Warren

Accordingly the motion became the finding of the meeting and Councillor Cowe was appointed to the Education, Children's and Leisure Services Committee.

Following the vote, Councillor McLennan confirmed that he would take up the Independent vacancies on the Police and Fire and Rescue Services Committee and Joint Consultative Committee.

Councillor Ross confirmed that he would sit on Corporate Committee.

The Council, following further consideration, therefore agreed to:

- i) note the current vacancies on the Committees as detailed in Appendix 1 of the report;
- ii) appointed Councillor Cowe to the vacant position on Education, Children's and Leisure Services Committees; and
- iii) defer any further consideration of all of the remaining vacancies until the meeting of Moray Council on 7 December 2022 following the outcome of the Buckie Ward 3 by-election due to be held on 3 November 2022.

11. Review of Council Standing Orders

A report by the Depute Chief Executive invited the Council to approve changes to Council's Standing Orders and Second Tier Governance Documents as detailed in Section 4 of the report.

The Head of Governance, Strategy and Performance confirmed that the review of Standing Orders would normally take place at the end of the year, however had been brought forward to take into account the change of roles for the Leader, Depute Leader and Civic Leader which were agreed at the meeting of Moray Council on 10 August 2022.

Councillor Leadbitter confirmed that he had no issue with most of what was proposed, however put forward an amendment in regards to Standing Order 38 which would read:

Any member wishing to call in a noting or information report shall give notice to Committee Services at least 48 hours before the meeting for which the report is published. The Notice shall be countersigned by one other elected member and shall explain the reason for call in including any action sought.

He further added that by being able to call in the report to the meeting it is published will allow any issues to be dealt with in a more timely manner.

He further wished to add Information Reports to the end of the agenda, and printed out with the agenda papers.

In response, the Head of Governance, Strategy and Performance, in taking Councillor Leadbitter's second amendment with regards to Standing Order 29 first, confirmed that discussions had already taken place outwith the Chamber amongst Officers to do what is proposed.

He further added that what was requested with regards to Standing Order 38 was possible but would provide the following advice for Councillors in consideration of what was proposed. He advised that Information Reports were introduced as an efficiency measure to try and reduce the amount of Council time spent discussing issues which were for noting. He appreciated that there is a system for calling in Information Report for public debate, however Information Reports are written without recommendations so the discussion of the Council would not be clearly focussed to someone reading the report in advance. The other issue would be the period of fair notice as he has received representations from Councillors saying that they do not have enough time to read the papers 7 days ahead of the meeting, so would have a concern that with 48 hours notice, political groups may not have an opportunity to discuss ahead of the meetings.

In response Councillor Leadbitter acknowledged the Head of Governance, Strategy and Performance's concern however felt that if the papers were being printed as part of the agenda, members will have seen them and the 48 hours notice that the reports will be called in should be sufficient time. He further added that there is no expectation that the reports will be re-written to include recommendations, they will continue to be noting reports but provides an opportunity to draw out further information or issues from the report.

Councillor Gatt, highlighted a small suggested amendment to Appendix 2, section 6, it refers to Group Leader, however given that the current SNP group have Co-Leaders then it should be amended to read Group Leader(s).

Councillor Mustard confirmed that she was in agreement with the 2 amendments proposed by Councillor Leadbitter and sought confirmation on when the new Standing Orders would come into effect.

In response, the Head of Governance, Strategy and Performance confirmed that the revised Standing Orders would come into effect from the next meeting of Moray Council on 27 October 2022.

Following further consideration the Council agreed:

- i) the proposed changes to the Council's Standing Orders, as set out in Appendix 1 taking into account the following amendments:

Standing Order 38 - Any member wishing to call in a noting or information report shall give notice to Committee Services at least 48 hours before the meeting for which the report is published. The Notice shall be countersigned by one other elected member and shall explain the reason for call in including any action sought; and

to add Information Reports to the end of the agenda, and print out with the agenda papers.

- ii) for publication the Councillors' Role Descriptions document attached as Appendix 2.

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

12. Corporate Plan Progress Update 2021-22

A report by the Depute Chief Executive (Education, Communities and Organisational Development) invited the Council to review progress made during 2021-22 on the 2019-24 Corporate Plan.

Following consideration the Council agreed to note the progress made during 2021-22 on the Corporate Plan 2019-24 as set out in Appendix 1.

13. Office Review Update - Smarter Working

The Chair sought agreement from the Council to consider Item 10 and 11 on the agenda together. This was unanimously agreed.

A report by the Depute Chief Executive provided an update on progress with the Office Review following the recommendations set out with the Property Asset Management Appraisal and outlined the strategic objectives to deliver sustainable hybrid ways of working for the future.

Councillor Mustard requested whether a 6 monthly update of the financial implications, progress and the Equality Impact Assessment could be provided for the combined project.

The Head of HR, ICT and Organisational Development confirmed that this would be possible.

Following consideration the Council agreed to:

- i) note the progress on the Office Review since 2021;
- ii) note the approach of a staged implementation of the Office Review alongside the implementation of the revised flexible working policy under a combined project titled "Smarter Working"; and
- iii) a 6 monthly update report to be presented to Council which includes the financial implications, progress and a copy of the Equality Impact Assessment.

14. Flexible Working Policy Review

A report by the Depute Chief Executive (Education, Communities and Organisational Development) asked the Council to approve the updated Flexible Working Policy for implementation to Local Government Employees, Craft Operatives and Chief Officers and note that this is a key enabler for other projects to realise their potential benefits.

Following consideration along with the Report on the Office Review Update - Smarter Working, the Council agreed to:

- i) approve the revised flexible working policy for implementation;

- ii) note that this is a key enabling element in the progress of organisational change with regard to the stated implementation of the Office Review under a combined project of "Smarter Working"; and
- iii) a 6 monthly update report to be presented to Council which includes the financial implications and progress along with a copy of the Equality Impact Assessment.

15. Moray Learning Estate Strategy 2022-2032

Mrs Sheila Brumby, Mrs Emma Tunnard and Mrs Susan Slater lay members from the Education, Children's and Leisure Services Committee joined the meeting for the consideration of this item.

A report by the Depute Chief Executive (Education, Communities and Organisational Development) introduced the ten year Moray Learning Estate Strategy in accordance with Scotland's Learning Estates Strategy "Connecting People, Places and Learning".

Following consideration the Council agreed to approve the Moray Learning Estate Strategy 2022-2032.

Mrs Sheila Brumby and Mrs Susan Slater left the meeting following the conclusion of this item.

16. Short to Medium Term Financial Plan

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

Following consideration the Council agreed to:

- i) note the updated budget for 2022/23 and forecast positions for 2023/24 and 2024/25;
- ii) note that there are still significant uncertainties relating to the Council's budgetary position for 2022/23 and future years; and
- iii) approve the savings set out in paragraphs 4.2 to 4.19 and summarised in paragraph 4.20, totalling £1.9 million recurring savings and £1.7 million one off savings.

Councillor McLennan re-joined the meeting during the consideration of this item.

17. Treasury Management Performance Indicators 2021-22

A report by the Depute Chief Executive (Economy, Environment and Finance) provided the Council with the annual outturn report on Treasury Management and details of the Council's Prudential Indicators for Treasury Management and Capital Investment for the year ended 31 March 2022.

Following consideration the Council agreed to note the Treasury Management Performance and the Council's Treasury Management and Capital Investment Prudential Indicators for 2021/22 as set out in the attached Appendix 2.

18. Moray Council School Meal Debt

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Council of the current position in relation to debt from the purchase of school meals in Moray.

Councillor Fernandes confirmed that an increasing amount of Councils have agreed to cancel outstanding school meal debt and was concerned at the lack of pace within the Council. He therefore moved that the Council agreed to write off outstanding school meal debt.

The Head of Environment and Commercial Services confirmed that Officers recognise the urgent need to progress the issue and stated that North Ayrshire Council had taken the same steps as Moray. She further added that no families are being pursued inappropriately and cases are being progressed and considered on a case by case basis.

Councillor Warren seconded Councillor Fernandes motion as she felt it was important that the Council support the families in most need.

Councillor Morrison sought clarification on whether she should declare an interest in this item, given the work that she is involved in as COSLA Leader.

In response, the Head of Governance, Strategy and Performance confirmed that he would need to consider the issue and would come back to Councillor Morrison.

The Chair sought approval from the Council as to whether this would be an appropriate point to adjourn the meeting for lunch. This was unanimously agreed.

19. Resumption of Meeting

PRESENT

Councillor James Allan, 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 Sonya Warren, Councillor Ben Williams

APOLOGIES

Councillor Bloomfield and Councillor Van Der Horn.

ALSO IN ATTENDANCE

Also in attendance at the 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 HR, ICT and Organisational Development, Head of Environment and Commercial Services, Head of Economic Growth and

Development, Chief Financial Officer, Head of Education Resources and Communities, Head of Housing and Property, Consultancy Manager, Democratic Services Manager, Andy Hall, Senior Project Manager, Hilda Puskas, Senior Project Manager, Senior Engineer - Flood Risk Management and Tracey Sutherland, Committee Services Officer.

20. Moray Council School Meal Debt - cont'd

On the resumption of the meeting, the Head of Governance, Strategy and Performance confirmed that Councillor Morrison did not have to declare an interest in this item.

The Depute Chief Executive (Economy, Environment and Finance) updated the Council following the break as she had had further discussions with the Chief Financial Officer and the Head of Environment and Commercial Services) to assure the Council that pro-active steps are being taken whilst the national position is being investigated by COSLA. She further added that at the recent Leadership Forum, it had been highlighted that the Council does not have a oversight on the way in which each service pursues debt and that can create a wider composite challenge for people who have a number of debts to the Council, including those who may have school meal debts. The proposal therefore, is that whilst COSLA investigates the national position, Officers in the Council will also investigate data protection and other challenges and opportunities around the Council taking a consolidated overview that looks at the individual and families through our processes for debt recovery and brings a report to Council on 7 December 2022. That should help to alleviate the concerns of those with school meal debt and wider debt issues that those in Moray may be facing.

In response, Councillor Fernandes, in welcoming the Depute Chief Executive (Economy, Environment and Finance) proposal said he would like his original motion to remain and to write off outstanding school meal debt.

Councillor McBain, seconded by Councillor Cowe proposed to accept the recommendations as printed in the report.

On the division there voted:

For the motion (12) Councillors Fernandes, Warren, Cameron, Coull, Divers, Harris, Keith, Lawrence, Leadbitter, McLennan, Morrison and Williams

For the amendment (11) Councillors McBain, Cowe, Allan, Colyer, Dunbar, Gatt, Gordon, Macrae, Mustard, Robertson and Ross

Abstention (0)

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

- i) note the contents of the report; and
- ii) to write off outstanding school meal debt.

21. Moray Growth Deal Housing Mix Delivery Project Procurement Requirement

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Council to approve the appointment of external consultants to update the economic appraisal in support of the preparation of the Full Business Case (FBC) for the Moray Growth Deal Housing Mix Delivery Project.

Following consideration the Council agreed the appointment of an external consultant to undertake an economic appraisal to support the preparation of the Full Business Case.

Councillor Williams and Mrs Emma Tunnard left the meeting at the conclusion of this item.

22. Moray Growth Deal-Bus Revolution - Revenue Budget Request

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Council of the revenue budget requirements for implementation of the Moray Growth Deal 'Bus Revolution ' project.

Following consideration the Council agreed to:

- i) approve the establishment of a revenue budget for Bus Revolution as set out in para 3.8; and
- ii) note that any variations arising from the finalisation of the business case will be dealt with as part of the Council's financial planning process.

23. River Spey Flood Mitigation Proposals Update

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Council of the findings of a more detailed investigation into potential options to reduce the frequency of flooding at Garmouth from the River Spey, as requested at the meeting of Moray Council on 30 November 2021.

During lengthy consideration and following a short adjournment for clarification, the Head of Governance, Strategy and Performance advised the Council that the Council does have a policy with a means to fund schemes externally and to depart from this policy would create a risk of weakening the Council's position in relation to other unplanned demands and also reducing funding available for other communities who may be seen as higher priority in other areas.

The Chair proceeded to seek agreement from the Council to note recommendations (i) and (ii) of the report. This was agreed.

Councillor Macrae then moved in relation to recommendation (iii) to proceed with the low level bunds at the railway embankment option and funded using a hybrid model, this was seconded by Councillor Morrison.

Councillor Gatt seconded by Councillor Divers proposed to maintain the Council's current policy.

The Head of Governance, Strategy and Performance further advised the Council that there is a risk that the cost of the works could wholly fall to the Council if the community are unable to obtain any funding.

In response Councillor Macrae suggested that if the community were unable to obtain any funding then the decision on whether to progress should be taken by the Council as he felt that if there was no community funding then the scheme would not go ahead.

The Depute Chief Executive (Economy, Environment and Finance) sought agreement on whether there should be a timescale set for the community to obtain funding and that would then be the trigger for the report to come back to a future meeting of the Council.

Councillor Macrae agreed that this was a fair comment and suggested by 1 January 2024.

On the division there voted:

For the Motion (7): Councillors Macrae, Morrison, Cameron, Coull, Fernandes, Leadbitter and Lawrence.

For the Amendment (14): Councillors Gatt, Divers, Allan, Colyer, Cowe, Dunbar, Gordon, Harris, Keith, McBain, McLennan, Mustard, Robertson and Ross

Abstention (1): Councillor Warren

Accordingly the amendment became the finding of the meeting and the Council agreed:

- i) to note current Policy on Flood Risk Management;
- ii) to note the findings of the investigation into the two solutions to reduce the frequency of flooding at Garmouth; and
- iii) to maintain the current policy position.

24. Place Based Investment Fund Allocation 2021-22

A report by the Depute Chief Executive (Economy, Environment and Finance) sought homologation for re-allocation of the Place Based Infrastructure Fund (PBIF) 2021-22 underspend of £93,500 to Phase 2 of the Staycation Ready Project. The report also requested that the freed up capital from Phase 2 is allocated towards Phase 4 of the Staycation Ready project, to offset the rise in construction costs and enable the partnership funding project to proceed.

Following consideration the Council agreed to:

- i) homologate the reallocation of the PBIF 2021/22 underspend from the Buckie Harbour project to works completed on the Staycation Ready Project in 2021/22; and
- ii) that the released capital is then used to fund the shortfall in Phase 4 of the Staycation Ready project.

25. Question Time ***

Under reference to paragraph 15 of the minute of the meeting of 10 August 2022, Councillor Coull sought an update on the distribution of period products and the PickUpMyPeriod App. She further raised concerns that the App was not indicating all the local places that the products are available.

In response the Depute Chief Executive (Education, Communities and Organisational Development) confirmed that there had been an issue with how the addresses of the locations had been uploaded and sought to provide an update following the meeting for Councillor Coull on the progress with fixing the issue.

Under reference to paragraph 10 of the minute of the meeting of 10 August 2022, Councillor Keith expressed dismay at the response received from Jenny Gilruth MSP, Minister for Transport, regarding the Elgin bypass or indeed A96 dualling. He further expressed disappointment at there being no indication of a date for the commencement of the project. Councillor Keith sought guidance on how the Council can take the issue forward.

In response, the Chief Executive confirmed that a review is underway and officers have had contact with the Scottish Government, he further added that he was confident a report will be received in the not too distant future.

Councillor Macrae raised concerns about the increase in accidents on the A98 between Fochabers and Buckie, and sought clarification on the causes of the accidents, what mitigations can be put in place to prevent further accidents and what contact there had been with emergency services, particularly following the most recent 2 accidents. He further added that he hoped fellow Councillors would support him in requesting a report back to Economic Development and Infrastructure Committee, identifying what possible measures could be considered or indeed costed to prevent as far as possible further incidents in the future.

In response, the Head of Governance, Strategy and Performance, in terms of a point of order confirmed that a question could be asked but if a report is requested that would require to be requested as a notice of motion.

The Head of Environment and Commercial Services confirmed that the service were aware of incidents on the A98 and are made aware of the incidents through a variety of means. Formal notification is by means of Police Scotland Accident Reports which can take a number of weeks to receive and currently does not have any further information. She further confirmed that following receipt of the reports, as the Roads Authority the reports are considered and if necessary the Road Safety Plan is refreshed, taking account of any issues raised and this gives the ability to report back to Committee.

She further added that it is currently the intention to bring a report to Economic Development and Infrastructure Services Committee in early 2023 and hoped that Councillor Macrae was happy with that proposal.

Councillor Macrae confirmed he was happy with the response.

Councillor Fernandes sought clarification on the Council's appointment to the Dick Bequest Fund given the reports in the press recently about other organisations refusing to appoint a representative to the Board.

He further added that had he known the full extent of how the Dick Bequest Fund came into being, he would have made a different decision when the Council sought a nomination.

He sought further confirmation on when was the earliest date the Council could review its decision to appoint to the Fund.

In response, the Head of Governance Strategy and Performance confirmed that the Council agreed to appoint a representative to the Board but was not taking any active steps to promote the fund or take money from the fund, however due to legislation it was determined that the Council had no choice but to appoint to the Board.

He further added that he would consider how the Council could review the decision and the best way forward and provide an update at a future meeting of the Council.

Councillor Fernandes sought clarification on whether there was a risk to the Council if it chose not to appoint to the Board.

The Head of Governance, Strategy and Performance confirmed that he would need to carry out some further investigation on the matter before being able to provide Councillor Fernandes with a response.

Councillor Warren sought clarification on what work the Council is carrying out with partner agencies on highlighting the dangers of vaping to young people and families.

In response, the Chief Executive confirmed that this was a public health issue and would ask Mr Bokor-Ingram, Chief Officer, Health and Social Care Moray and the Director of Public Health to respond to Councillor Warren with further information.

**26. Learning Estate Strategy and Delivery Programme - Moray
Submission for Learning Estate Improvement Programme Phase 3 Funding
[Para 8]**

A report by the Depute Chief Executive (Education, Communities and Organisational Development) sought a decision by Council on submission(s) for Scottish Government Learning Estate Investment Programme Phase 3 funding in October 2022.

Councillor Leadbitter moved that given this is potentially the biggest decision faced by the Council in 20 years, the Special Meeting of Education, Children's and Leisure Services on 7 November should be followed by a Special Meeting of Moray Council. This was seconded by Councillor Robertson.

Following lengthy consideration the Council agreed:

- i) to submit a bid for Scottish Government Learning Directorate Learning Estate Investment Programme (LEIP) Phase 3 funding based on the two compliant secondary school projects that could be accelerated to qualify for the funding;
- ii) 2 bids fall within an acceptable affordability range based on the information currently available, and therefore the Council may wish to pursue 2 bids following the pre-election period;
- iii) to instruct Officers to submit both compliant secondary school project bids for LEIP 3 funding within the 31 October 2022 deadline in order to meet the strict deadline for bids to be considered;
- iv) to hold a Special Education, Children's and Leisure Services Committee to determine the prioritisation of the school project bids as required by the LEIP bid criteria on 7 November 2022 and recommend a position to a special meeting of Moray Council on 7 November 2022; and
- v) if one or more of those bids is successful, instruct officers to review and provide updates to Members on project affordability (at defined Project Gateways) as the construction and whole life implications of the LEIP funding model are developed.

Councillor Allan left the meeting during the consideration of this item.

The Chair, in terms of Standing Order 83, sought agreement from Council to suspend Standing Order 75 to continue the meeting past 5.00pm. This was unanimously agreed.

27. Learning Estate - Primary School Proposal [Paras 1 and 12]

A report by the Depute Chief Executive (Education, Communities and Organisational Development) sought approval to mothball the primary school detailed in para 4.1 of the report from January 2023.

Councillor Coull raised concerns regarding the lack of comments from parents, the costs of mothballing and also potential future school rolls. She further raised concerns about mothballing the school in the middle of winter.

Councillor Coull moved deferring the decision on the school until a more detailed report is brought back to the next meeting of Education, Children's and Leisure Services Committee. This was seconded by Councillor Warren.

Councillor Macrae, seconded by Councillor McBain proposed to agree the recommendations as printed in the paper.

On the division there voted:

For the Motion (9)

Councillors Coull, Warren, Cameron, Fernandes, Harris, Lawrence, Leadbitter, McLennan and Ross

For the Amendment (11) Councillors Macrae, McBain, Colyer, Cowe, Dunbar, Divers, Gatt, Gordon, Keith, Mustard and Robertson

Abstentions (0)

Accordingly the Amendment became the finding of the meeting and the Council agreed:

- i) to approve the proposal to mothball the Primary School identified at paragraph 4.1;
- ii) the temporary rezoning of the catchment area to the Primary School catchment area identified in paragraph 6.4; and
- iii) the procedure for the future mothballing of primary schools as set out in Appendix 1.

Councillor Morrison left the meeting during the consideration of this item.

28. Moray Affordable Housing Programme - Property Acquisition [Para 9]

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Council to agree to purchase residential properties in Elgin as detailed in sections 5 and 6 of the report for use as affordable housing.

Following consideration the Council agreed:

- i) to purchase the properties detailed at Sections 5 and 6, at purchase prices which do not exceed the District Valuer's valuations; and
- ii) remits the Legal Services Manager to conclude the purchase of the properties.

29. Hydrogen Research [Para 9]

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Council of an opportunity to work with a company to research hydrogen solutions for large energy users in Speyside.

Following consideration the Council agreed to sign a Non-Disclosure Agreement (NDA) to allow the exchange of confidential information and data, in order to explore the possibility of joint hydrogen solutions including a buyers co-op in Speyside.

30. Refugee and Resettlement Partnership [Paras 3 and 5]

A report by the Chief Executive informed the Council of funding received from the Scottish Government to support the Ukrainian response and to seek approval on expenditure and on the use of surplus property to assist with supporting resettlement schemes.

Following consideration the Council agreed to:

- i) note the funding being made available to the Council and approve the initial proposed expenditure;
- ii) delegate authority to the Chief Executive in consultation with the Council Leader, Chair of Corporate committee and Chief Officer, Moray Health and Social Care, to allocate the ongoing funds as appropriate to deliver services and recruit staff to meet the emerging longer term needs of Ukrainian Displaced Persons;
- iii) approve the future use of a surplus property at 30 Quarryill, Keith as set out in 4.16, delegating authority to the Head of Housing and Property to negotiate financial terms with the Home Office in consultation with the Chief Financial Officer;
- iv) notes a summary of financial expenditure will be reported to Council bi-annually; and
- v) notes there may be verbal updates to the meeting given the pace of development to support those seeking refuge in Moray.