

MORAY COUNCIL

Minute of Meeting of the Moray Council Emergency Cabinet

Wednesday, 12 August 2020

Various locations via video conference,

PRESENT

Councillor George Alexander, Councillor John Divers, Councillor Tim Eagle, Councillor Graham Leadbitter, Councillor Derek Ross

APOLOGIES

Councillor Donald Gatt, Councillor Shona Morrison

IN ATTENDANCE

Chief Executive, Depute Chief Executive (Economy, Environment and Finance), Depute Chief Executive (Education, Communities and Organisational Development), Head of Financial Services, Head of Environmental and Commercial Services, Head of Education, Legal Services Manager, Estates Manager, Development Management & Building Standards Manager, Neal MacPherson (Principal Planning Officer), Asset Management Coordinator and the Democratic Services Manager as Clerk to the meeting.

ALSO PRESENT

Councillor David Bremner (Substituting for Councillor Morrison for Items 8 and 9), Councillor Frank Brown (Substituting for Councillor Gatt – All Items), Councillor Thersa Coull (Substituting for Councillor Morrison for Items 6,6a,10 - 13), Councillor Aaron McLean (Substituting for Councillor Morrison for Items 1 - 5, 14 - 17) and Councillor Sonya Warren (Substituting for Councillor Morrison for Items 7 and 8).

1 Chair

In the absence of Councillor Morrison, Councillor Leadbitter chaired the meeting.

2 Order of Business

In terms of Standing Order 28 the Meeting agreed to amend the order of business in order to take agenda Item 6 'Notice of Motion by Councillor D Ross and Councillor W Wilson' and agenda Item 6a 'Emergency Notice of Motion by Councillor G Leadbitter and Councillor T Coull in conjunction with Agenda Item 12 'Public Conveniences' (para 19 of the minute refers).

3 Declaration of Group Decisions and Members Interests *

In terms of Standing Order 20 and the Councillor's Code of Conduct, Councillor Alexander declared a personal interest in Item 14 'Council Tax on Empty Dwellings During Lockdown' and Councillor Divers declared an interest in Item 11 'Car Parking Charges' as a member of Elgin BID.

The Meeting noted that 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.

4 Minute of Meeting of Moray Council dated 12 February 2020

The Minute of the Meeting of Moray Council dated 12 February 2020 was submitted and approved.

5 Minute of Special Meeting of Moray Council dated 3 March 2020

The Minute of the Special Meeting of Moray Council dated 3 March 2020 was submitted and approved.

6 Minute of Meeting of Moray Council Emergency Cabinet dated 3 June 2020

The Minute of the Meeting of Moray Council Emergency Cabinet dated 3 June 2020 was submitted and approved.

7 Minute of Meeting of Moray Council Emergency Cabinet dated 10 June 2020

The Minute of the meeting of Moray Council Emergency Cabinet dated 10 June 2020 was submitted and approved subject to the inclusion of Councillor Frank Brown and Councillor Maria McLean as being in attendance as substitutes for Councillor Tim Eagle and Councillor Donald Gatt respectively.

8 Minute of Meeting of Moray Council dated 17 June 2020

The Minute of the Meeting of Moray Council dated 17 June 2020 was submitted and approved.

9 Minute of Meeting of Moray Council Emergency Cabinet dated 24 June 2020

The Minute of the Meeting of Moray Council Emergency Cabinet dated 24 June 2020 was submitted and approved.

10 Minute of Meeting of Moray Council Emergency Cabinet dated 1 July 2020

The Minute of the Meeting of Moray Council Emergency Cabinet dated 1 July 2020 was submitted and approved.

11 Written Questions **

The Meeting noted that no written questions had been submitted.

14 National Education Priorities - Excellence and Equity

A report was submitted by the Depute Chief Executive (Education, Communities and Organisational Development) advising the Emergency Cabinet on the National Improvement Framework Plan return which is submitted to the Scottish Government in August each year. The report also asked the Emergency Cabinet to agree the return to be submitted to Education Scotland.

Following lengthy discussion the Emergency Cabinet noted the report and agreed the annual National Improvement Framework return for submission to Education Scotland on 24 August 2020.

15 Planning Application 20/00364/APP

Planning Application 20/00364/APP

WARD 7: ELGIN CITY SOUTH

20/00364/APP - Development of a Multi-Use Games Area (MUGA) providing a 3G football/rugby pitch, 2no 5-a-side pitches and a Sports Court area at Lesser Borough Briggs, Borough Briggs Road, Elgin, Moray for Elgin Sports Community Trust

A report was submitted by the Appointed Officer recommending that, for reasons detailed in the report, planning permission be granted for an application for the development of a Multi-Use Games Area (MUGA) providing a 3G football/rugby pitch, 2no 5-a-side pitches and a Sports Court area at Lesser Borough Briggs, Borough Briggs Road, Elgin, Moray for Elgin Sports Community Trust.

It was noted that the application had been referred to the Emergency Cabinet as the matter would be in the wider public interest and a proposal that would have normally been referred to the Planning and Regulatory Services Committee for determination.

During his introduction, Mr MacPherson, Principal Planning Officer advised that he had recently been made aware of an important water pipe that crossed the corner of the site and asked that, if the Cabinet were minded to approve the planning application, a further condition be added asking the Applicant to provide a Construction Method Statement to safeguard and protect the pipe. This was noted.

During discussion, the benefits of the development in terms of sport and leisure facilities for Moray were acknowledged however concern was raised in relation to the risks to the environment from the rubber crumb contained within the artificial turf which may pollute the River Lossie.

In response the Principal Planning Officer advised that the Applicant had agreed to install high kick boards surrounding the pitch and a filtration system to filter out excess rubber crumb. In addition, surface water from the site would be collected, recycled and used to maintain the neighbouring football pitch rather than use water from the River Lossie. He further advised that, when considering the planning application, the wider benefits of the development outweighed the minimal risk of rubber crumb leaving the site however suggested that an addition could be made to condition 5 which would ensure that proper landscape and hard surface maintenance arrangements are in place to protect the surrounding environment and minimise pollution. This was noted.

Following consideration, the Emergency Cabinet agreed to grant planning permission in respect of Planning Application 20/00364/APP subject to the following conditions and reasons including:

- i. a further condition asking for the provision of a Construction Method Statement to safeguard and protect the important water pipe that crossed the corner of the site; and
- ii. an addition to condition 5 to ensure that proper landscape and hard surface maintenance arrangements are in place to protect the surrounding environment and minimise pollution.

Conditions/Reasons

- i. The new main synthetic pitch shall have a surface that is designed and constructed by a recognised (e.g. SAPCA* registered) specialist pitch contractor(s), details of contractor(s) and pitch specification shall be submitted for the written approval of the planning authority (in consultation with Sports Scotland) prior to the commencement of development.*SAPCA is The Sports and Play Construction Association (www.sapca.org.uk)

Reason: To ensure quality of the pitch provision.

- ii. Notwithstanding the submitted details, no works shall commence until the following has been submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority:

1. Detailed drawings (Scale 1:500 minimum) showing the location, design specifications and timescale for the provision of the vehicular access to the site, including details of the required visibility splay of 2.4 metres by 43 metres in both directions to be clear of any obstruction above 0.26 metres in height measured from the level of the public carriageway, dropped kerbs and tactile paving for pedestrians at the access, relocation of/additional drainage at the access and taking cognisance of the existing bus stop and any requirement for relation of bus stop;
2. Detailed drawings (Scale 1:500 minimum) showing the location, design specifications and timescale for the provision of dropped kerbs and tactile paving on the route from the Lossie Green car park to any pedestrian access to the site;
3. Detailed drawings (Scale 1:500 minimum) showing the location, design specifications and timescale for the provision of the new cycle ramp from the NCN1 River Lossie Cycle path into the site and
4. Detailed drawings (scale 1:200 minimum) showing the location, design specification and timescale for the provision of disabled parking provision and secure cycle parking facilities for users of the facilities with the development site.

Thereafter the proposed access, improvements to pedestrian access, new cycle ramp, disabled parking provision and cycle storage facilities shall be provided in accordance with the approved details and agreed timescales.

Reason: To ensure provision of a safe and suitable access for vehicles, pedestrians and cyclists in the interests of road safety.

- iii. No works shall commence on any area of the proposed development until details have been submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority regarding:
 1. A construction traffic management plan which shall include the following information:
 - i. Duration of works;
 - ii. Construction programme;
 - iii. Number of vehicle movements (materials, plant, staff etc.);
 - iv. Anticipated schedule for delivery of materials and plant;
 - v. Measures to be put in place to prevent material being deposited on the public road;
 - vi. Measure to be put in place to safeguard the movements of pedestrians and cyclists;
 - vii. Traffic management measures to be put in place during the works including any specific instructions to drivers; and
 - viii. Parking provision, loading and unloading areas for construction traffic.

And

2. Details of any required/proposed temporary construction access which shall include the following information:
 - i. A drawing (scale 1:500 minimum) regarding the location and design specifications of the proposed access(es);
 - ii. Specification of the materials used for the construction access(es);
 - iii. All traffic management measures required to ensure safe operation of the construction access(es);
 - iv. Details, including materials, for the reinstatement of any temporary construction access(es); and
 - v. Details regarding the timescale for the opening up and closure of any temporary access(es) together with the time period over which the temporary access(es) will be used.

Thereafter the development shall be implemented in accordance with the approved details.

Reason: To ensure an acceptable form of development in terms of the arrangements to manage traffic during construction works at the site, road safety and the amenity of the area/adjacent properties.

- iv. Unless otherwise agreed in writing with the Council as Planning Authority, the artificial lighting shall be constructed in accordance with the “Elgin Sports Centre, Outdoor Lighting Report”, prepared by CU Phosco Lighting and dated 25th February 2020. Furthermore, unless also agreed in writing with the Council as Planning Authority, the hours of operation of the lights shall be in accordance with the operation described in the “Elgin Sports Community Trust, Lesser Borough Briggs, MUGA Pitch Development 3G Pitch Elgin, Planning Statement” dated 13 March 2020 paragraph 2.2.1 where the artificial lighting shall not be operated between the hours of 22.00 and 09:00. Any proposed late night events out with these hours may only be permissible with the prior written approval of the Council as Planning Authority (minimum 7 days advance notice in consultation with other relevant stakeholders).

Reason: In order to ensure that the artificial lighting is constructed and operated so as not to cause a nuisance.

- v. Prior to the development coming into use, written details must be submitted to the Council as Planning Authority of the ongoing maintenance provisions for both the sites grassed and hard surface multi-use games areas. Thereafter the grass and hard surface multi-use games areas must be maintained in accordance with the approved maintenance provisions.

Reason: In order to ensure that proper landscape and hard surface maintenance arrangements are in place to protect the surrounding environment and minimise pollution.

- vi. Prior to their instillation, details (including floor plans and elevations) of the proposed office cabin structure and covered cycle store must be submitted to and approved in writing by the Council as Planning Authority.

Reason: In order that consideration can be given to the finished details of the two structures.

- vii. Prior to development commencing a Construction Method Statement (CMS) must be submitted to and approved in writing by the Council as Planning Authority for details of the measures undertaken to safeguard and protect the large diameter drainage pipe that crosses the small portion of the site at its south east corner. The development must thereafter be undertaken in accordance with approved CMS.

Reason: To ensure existing infrastructure is protected.

16 Planning and Regulatory Services - Temporary Arrangements due to COVID-19

A report was submitted by the Depute Chief Executive (Economy, Environment and Finance) asking the Emergency Cabinet to consider and agree temporarily suspending the offer of site visits to members of the Planning & Regulatory Services Committee in relation to the determination of planning applications.

During discussion clarification was sought in regard to whether individual members could visit sites on their own with a Planning Officer being available by mobile phone and whether further information could be provided such a map to accompany any photographs of the site. Clarification was also sought on the use of footage from drones and whether applicants could be asked to provide this.

In response the Development Management & Building Standards Manager advised that there may be health and safety issues relating to some sites that would require to be considered should a Member wish to undertake an unaccompanied site visit. She further advised that she would take on board the suggestion to provide a map to accompany photographs and in relation to drones advised that this was time consuming and costly and that it was unlikely that applicants would have such equipment readily available or be asked to bear the additional cost. She added that when PAN reports are considered by Officers and Members the use of drones and taking footage for supporting information to accompany a major planning application could be considered at the appropriate time.

Thereafter the Emergency Cabinet agreed that:

- i. site visits no longer be offered to members of the Planning & Regulatory Services (P & RS) Committee and for these arrangements to be temporarily suspended; and

- ii. committee information packs will be enhanced with a map and additional photographs of the site and the immediate surroundings to aid decision-making.

17 Community Asset Transfer Request (2015 Act) Cullen Community and Residential Centre

Under reference to paragraph 6 of the Minute of Moray Council dated 11 April 2018, a report was submitted by the Depute Chief Executive (Economy, Environment and Finance) inviting the Emergency Cabinet to consider a community asset transfer request for Cullen Community and Residential Centre.

Following consideration the Emergency Cabinet agreed to:

- i. approve the request to transfer ownership of Cullen Community and Residential Centre to the Three Kings Cullen Association subject to the terms and conditions set out in section 5;
- ii. remit the matter to the Estates Manager and Legal Services Manager to complete the transfer of title; and,
- iii. note that, if the request is approved and unless otherwise agreed with the Association, it will have 6 months from the date of the decision notice to submit a formal offer to purchase the property, failing which the agreement will have no further effect and the statutory asset transfer process will come to an end.

18 Car Parking Charges

Councillor Divers having declared an interest in this item as a council appointed representative to Elgin BID was as such entitled to remain and take part in the discussion.

A report was submitted by the Depute Chief Executive (Economy, Environment and Finance) informing the Emergency Cabinet of the financial implications for delaying the reinstatement of the car parking charges and asking the Emergency Cabinet to consider when to reinstate the charges.

Councillor Leadbitter stated that whilst recognising that there are a range of issues relating to the re-introduction of car parking charges, the charges represented a significant source of income to the council and there was a need to get income back on track. He further stated that he was not suggesting that they be re-introduced at short notice but it was not, in his opinion, tenable to continue for an excessive

amount of time and hoped that some form of consensus could be found as to a date for the re-introduction of the charges.

Following discussion Councillor Divers moved that the Emergency Cabinet defer the re-introduction of car parking charges until the end of October 2020 with a review by the Economic Growth, Housing & Environmental Sustainability Committee on 6 October either to re-instate the car parking charges or to extend the suspension of the charges until the end January 2021 taking account of the 'free after three' provision. Councillor Eagle seconded the motion.

Councillor Alexander stated that he was of the opinion that there was no evidence that suspending the car parking charges in Elgin was benefiting the local businesses and moved as an amendment that the car parking charges be re-instated on the first Monday in September 2020 with the exception that the 2 multi-storey car parks remain free of charge for a while longer.

Councillor Brown stated that whilst he was happy to support the motion by Councillor Divers, he was of the opinion that other models of charging, such as that used by Aberdeen City Council where there were free periods of parking, should be investigated in the meantime.

Councillor Leadbitter referred to the financial implications outlined in paragraph 5(c) of the report and reminded the meeting of the need to be mindful of these when considering priority spending elsewhere when the Council is losing income. He further stated that whilst he is not suggesting that car parking charges be immediately re-instated, the Council has to be careful in not becoming a hostage to fortune when it comes to the budget setting in February 2021 where it may make it difficult to invest in the priorities.

In response to the issue of a further review the Head of Environmental and Commercial Services sought clarification as to what information officers would be expected to bring back in terms of that review and in relation to looking at free periods of parking it would be very difficult to say what the economic benefit would be arising from that.

Councillor Leadbitter stated that he was in agreement with Councillor Alexander in that there was need to get things back on track in terms of income and recognised there was a range of views about when that should be and what form that should take but a timeframe was required and sought the views of the Cabinet on re-instating the car parking charges after the October break which would be Monday 26 October 2020.

Councillor Alexander stated that he was happy to go with this date and amend the terms of his amendment accordingly.

Councillor Divers stated that whilst he was happy with the proposal not to re-instate before the end of the October holiday period he was still of the opinion that there remained a need for a review in October.

Councillor Eagle stated that he also considered there was a need for a review in October which would allow the opportunity to speak with the community, local businesses and Elgin BID and also to look at alternative models of charging.

The Head of Environmental and Commercial Services advised that in terms of the suggestion regarding free parking periods, there would not be enough time between

now and the 6 October Economic Growth, Housing & Environmental Sustainability Committee to estimate the cost and that data was very limited in terms of the economic benefit to allow for informed decisions to be made. He further advised that officers would require clear terms of reference regarding a review.

Following further discussion Councillor Eagle sought clarification in respect of the terms of Councillor Divers' motion stating that he was now of the view that the car parking charges would not be reintroduced before the opportunity to review had been brought to the meeting of the Economic Growth, Housing & Environmental Sustainability Committee on 6 October 2020.

Councillor Divers confirmed this to be the terms of his motion.

Councillor Leadbitter stated that he was now content that, due to the change in the terms of Councillor Divers' motion which provided for the possibility of an earlier opportunity to re-instate the car parking charges, he would withdraw as seconder to Councillor Alexander's amendment that the car parking charges be re-instated on 26 October 2020 without the need for a review.

Councillor Ross stated that he was of the opinion that all Members had had enough opportunity to discuss this matter and asked that the question now be put.

In response Councillor Leadbitter asked if Councillor Alexander's amendment has a seconder.

On failing to find a seconder, the amendment fell.

Thereafter, there being no one otherwise minded, the Motion became the finding of the meeting and it was agreed to defer the reinstatement of the car parking charges until the 26 October 2020 subject to a review by the Economic Growth, Housing & Environmental Sustainability Committee at its meeting on 6 October 2020 and that review include consideration of the 'free after three' parking option, any other views and an update on the financial position.

19 Public Conveniences

Under reference to paragraph 20 of the minute of the meeting of Moray Council dated 12 February 2020 and paragraph 3 of the minute of the special meeting of Moray Council dated 3 March 2020, a report was submitted by the Depute Chief Executive (Economy, Environment and Finance) informing the Emergency Cabinet on progress in developing an alternative delivery model relating to the provision of public conveniences in partnership with Visit Moray and outlining the impact the Corona Virus pandemic has had on progress in developing a new model for public conveniences.

Councillor Leadbitter referred to the budget setting earlier in the year when he had committed to work with Moray Speyside Tourism and other community organisations to seek an alternative management arrangements for the public toilets in Moray. He advised that he had had some discussions with Moray Speyside Tourism about the issue and they are committed to having that discussion to look at options when time allows from the COVID recovery issues. He further stated that he was proposing that toilet provision be retained throughout 2021 and that additional funding is

allocated for the remainder of the year to cover the cost of additional cleaning required by the COVID response.

Thereafter he invited Councillor Ross to address his Notice of Motion which had been submitted in the following terms:

"Since the First Minister has urged Scots to 'staycation' there has been a well-publicised pressure on tourist hot spots.

Cragganmore campsite on the Speyside Way, despite being officially closed, is still being used by visitors. As a consequence of there being no toilet facilities open, there have been hygiene issues regarding human waste in and around the campsite. For health and safety reasons, the campsite and the toilets at this tourist hotspot need to open as a matter of urgency.

The proposal is that these facilities are opened as soon as possible and remain open until the end of October 2020."

As the terms of the Notice of Motion related to the same subject matter the Meeting Councillor Ross agreed discussion on it would be taken in conjunction with the discussion on this item.

Councillor Ross stated that he had received numerous complaints from members of the community and tourists using the Speyside Way and the River Spey. He stated that he had long held the view that closing the facilities on a long distance footpath that is used by thousands of tourists was counterproductive to the promotion of the tourist sector in Moray. He stated that the site at Cragganmore, although closed, is still being used by hikers and canoeists and the waste being left is now posing a health hazard at this beauty spot. He argued that more money was now being spent cleaning up areas than was being saved by closing the facilities and sought the Cabinet's agreement to reopen the facilities at Cragganmore as soon as possible and that they remain open until the end of October 2020.

For clarification it was noted that the facility being referred to as Cragganmore was covered in the main report but referred to as Old Station Ballindalloch.

The meeting agreed at this juncture to suspend Standing Order 75 in order to continue the discussion of this item beyond 12.45 pm.

The Meeting also noted the terms of the Emergency Notice of Motion submitted by Councillors Leadbitter and Coull:

"Emergency Cabinet recognises the concerns raised by constituents with councillors across the region regarding street cleansing and, in particular, excess waste in and around public litter bins.

Emergency Cabinet further notes the unprecedented pressures that our waste team are experiencing with Covid-19 restrictions leading to less frequent recycle collections, significantly larger residential waste volumes and significant changes in the waste being generated in some of our public spaces, notably in coastal communities due to increased leisure usage and in town centres due to a large increase in usage of disposable food and drink containers. Increased volumes in residential collection requires our vehicles to make more frequent trips to offload waste, adding to the time taken to complete street collections and putting further pressure on resources.

Emergency Cabinet notes that this pattern of waste generation has led to a requirement to utilise some street cleansing staff to supplement roadside collection crews in residential areas and further recognises that the pattern of waste being generated continues to change over time as Covid-19 restrictions change.

While we would encourage people to take waste home if public bins have filled up quickly at busy times that isn't always practical and doesn't always happen.

As an interim response Emergency Cabinet agrees to commit up to £15k from reserves for the current budget year only to support our waste team to maintain cleanliness standards in relation to the emptying of public bins at litter hotspots. Resource pressures and requirements for the 2021/22 budget will be considered through the 2021/22 budget setting process.

As the terms of the Emergency Motion referred to the street cleansing staffing resource referred to in the motion is also used in the cleaning of public conveniences and the proposal was only feasible when considered alongside the options for public conveniences."

It was agreed that discussion on it would be taken in conjunction with the discussion on this item.

Councillor Leadbitter stated that in relation to the issues surrounding litter he wished to clarify the background to this which related to the restrictions imposed by COVID-19 resulting in more waste being generated which in turn has resulted in the recycling vehicles becoming filled quicker meaning that they cannot always complete a run before having to return to the landfill site to unload. This has resulted in delays to household roadside collections placing significant additional pressure on the waste collection service. A lot of work is being undertaken by the service to try and manage the additional pressure with staff from street litter picking being moved into other teams to do roadside collections resulting in issues arising from overflowing litter bins. The lockdown restrictions have seen an increase in outdoor activities due to the closure of leisure facilities, cinemas etc. There has also been an increase in people eating out doors with more disposable packaging like cups being used by cafes and such, all of which is contributing to this really challenging issue and how to deal with it.

He stated that having spoken with officers they have advised that having some additional funding for the current year will allow them to deal with the issues. As restrictions ease over time, pressures will also ease and he would consider that the measures proposed be seen as an interim budget measure to support services that have been impacted by COVID-19.

Thereafter following lengthy discussion the Emergency Cabinet agreed:

- i. to note that due to the corona virus pandemic an alternative delivery model in regard to public conveniences has not yet been developed due to the circumstances described in paragraph 3.7 of the report;

- ii. continue discussions with Tourism BID and/or communities and review the position in January 2021 as part of budget preparations for setting 2021/22 budget and meantime:

- a. Keep open until the end of March 2021 the toilets listed below except Cooper Park which is seasonal and closes 1 October 2020;

West Dunes (North), Findhorn
Cooper Park, Elgin
Victoria St, Craigellachie
Regent Square, Keith
Tomnabat Lane, Tomintoul
Grant Park, Forres
Esplanade, Lossiemouth
Albert Place, Dufftown

- b. In addition to reopen the remaining 6 toilets as listed below. This will eliminate the £32,000 savings identified in paragraph 5.1 of the report and cost the Council an additional £13,252, and note that the toilets would take at least a week to get checked and tested for legionella, before they could reopen.

Newlands Lane, Buckie. (Open all year)

Cummingston.(Seasonal)

East Street, Fochabers. (Open all year)

Playing field, Garmouth.(Seasonal)

Off New Street, Rothes.(Open all year)

Old Station Ballindalloch (Seasonal) To remain open until the End of October 2020

- iii. to commit up to £15k from reserves for the current budget year only to support our waste team to maintain cleanliness standards in relation to the emptying of public bins at litter hotspots. Resource pressures and requirements for the 2021/22 budget will be considered through the 2021/22 budget setting process.

Adjournment of Meeting

In terms of Standing Order 25 the meeting agreed to adjourn for lunch at 1.10 pm and recommence at 2.00pm.

20 Funding From Reserves 2020-21

A report was submitted by the Depute Chief Executive (Economy, Environment and Finance) asking the Emergency Cabinet to agree to the use of free general reserves to fund expenditure in 2020/21 as set out in paragraph 3.10 of the report.

Following consideration the Emergency Cabinet approved the use of free general reserves to fund expenditure of £437,164 as follows:

	£000s
Additional Support for Learning	257
Whole System Approach	43
DHP	29
Syrian refugees	26
Core paths network	10
Community Planning Partner projects	10
Moray Growth Deal	36
Energy efficiency small projects	6
Elgin traffic survey	20
Total	437

21 Council Tax on Empty Dwellings During Lockdown

Councillor Alexander having declared an interest in this item took no part in the discussion or decision.

A report was submitted by the Depute Chief Executive (Education, Communities and Organisational Development) asking the Emergency Cabinet to consider whether some form of relief for liability to Council Tax on empty dwellings during lockdown is appropriate and if so to consider a grant scheme as outlined in paragraph 3.8 of the report.

During discussion the Depute Director (Education, Communities and Organisational Development) advised the Cabinet of the evidence applications could be required to provide to qualify for the grant as follows:

Evidence that reasonable efforts have been made towards bringing a property back into occupancy but these efforts have been hampered by:

- Public service not being available – Courts service for confirmation , Registers of Scotland
- Inability to carry out essential works due to social distancing restrictions
- Inability to market the property for sale or lease because professional service (solicitors/estate agency etc.) not being available.

- Property has been on the market for sale or lease but it is not moving due to social distancing restrictions

Following consideration the Emergency Cabinet agreed to:

- i. approve the development of a grant scheme for property owners who become liable to the additional levy of 100% during a specified timeframe suggested as 23 March 2020 to 23 September 2020 on condition that they can demonstrate that they were hindered by lockdown from bringing their property back into occupancy, with grant awarded capped at the additional Council Tax levied and paid to a maximum of three months additional levy, and
- ii. grant delegate authority to the Head of Governance, Strategy and Performance to administer the proposed grant scheme and to determine the evidence applicants require to provide to qualify for the scheme.

22 Public Protection Response to COVID-19

A report was submitted by the Chief Executive informing the Emergency Cabinet of the activities as at 03 July 2020 that have been undertaken during the Covid-19 pandemic to ensure continuity of critical public protection services. The report also informed the Emergency Cabinet of a report from the Scottish Government with SOLACE and partners of Children, Young People and Families Covid-19 Evidence Intelligence published on 22 July 2020 which provides an overview of the latest evidence and intelligence about the impact of Covid-19 and associated lockdown measures for children, young people and families, in particular for those experiencing the greatest challenges.

During discussion relating to welfare rights and crisis grants clarification was sought in regard to whether there has been a recent increase in applications relating to people who may previously have been furlled but are now unemployed; what was being done to encourage people to come forward and seek help and what the timescale was in relation to people receiving Universal Credit.

In response the Depute Chief Executive (Education, Communities and Organisational Development) advised that she did not have the exact figures regarding claimants but that there had been a steady stream of applications during the period and have seen circumstances changing during the course of that period and people who would not otherwise have been in a situation where they were relying on benefits coming forward as a result of the impact of the pandemic. She further advised that the Welfare Benefits Team are continuing to administer welfare benefits including food funds and making sure the money from the Scottish Government is available for that, and also planning for when that comes to an end to ensure that support is in place and encouraging applicants to adopt other financial practices that will help them. She further advised that at the beginning of the pandemic information summarising the range of benefits was pulled together and circulated to ensure that people were aware of it and tried to ensure that council staff are aware and Head Teachers were aware in order that they know how to make referrals should this be the case but this can be circulated more widely if there is a

feeling that this is required. In terms of Universal Credit she advised that she did not have the information to hand and would investigate and advise accordingly.

Following further discussion Councillor A McLean stated that he had received a response from the Scottish Minister for Disabled People in regard to a query that had been raised at a previous meeting of the Policy and Resources Committee in relation to the Scottish Welfare Fund and would circulate a copy to all members. He stated that the response provided an overarching look at what the fund is trying to mitigate but does highlight the work undertaken by the welfare claims service. He further stated that he would seek an update on how people were being signposted from the Benefits Team manager and that this would be circulated to all Members in due course.

Thereafter the Emergency Cabinet noted the activities within the public protection portfolio that have been undertaken to ensure continuity of critical public protection services and noted the publication of the Children, Young People and Families Covid-19 Evidence and Intelligence Report.

23 Question Time ***

Under reference to paragraph 13 of the Minute of Moray Council dated 12 February 2020, Councillor Brown in referring to the debate on Political Balance - Appointments to Committee and in particular to the question he raised in relation to the Grampian Valuation Joint Board and the decision that a report regarding the membership of outside bodies would be brought to the following meeting of Moray Council sought an assurance that the report would be submitted to the next meeting of Moray Council.

In response the Legal Services Manager advised that the Head of Strategy, Governance and Performance had apologised for the delay in bringing forward the report and further advised that he had already assured Councillor Brown that the report would be submitted to the next meeting of Moray Council.

Under reference to paragraph 7 of the Minute of Moray Council dated 12 February 2020, Councillor Eagle in referring to his request that a further report be provided for Economic Development and Infrastructure Services Committee on the impact the changes to the gritting policy have had on the communities affected (i.e. accident data/complaints), asked when Members could expect the report.

In response the Depute Chief Executive (Economy, Environment and Finance) advised that this would be submitted to the meeting of the Economic Growth, Housing & Environmental Sustainability Committee on 6 October 2020.

Councillor Ross stated that he was disappointed to see that the library at Tomintoul had not been included in the list of libraries for re-opening asked if consideration could be given to the re-opening of the library at Tomintoul.

In response the Depute Chief Executive (Education, Communities and Organisational Development) advised that the council was currently looking at operating a click and collect process and the difficulty with the Tomintoul Library is that part of the current guidance requires that library books need to be put into isolation for 72 hours before being recirculated and the stock held at Tomintoul is too low to operate that process.

Councillor Eagle, in relation to the council's leisure facilities, sought an assurance that plans were being worked on to be able to re-open when allowed to and that the Leisure Staff are prepared for when that time comes and further asked if anything could be done meantime to offer facilities outside whilst maintaining social distance?

In response the Depute Chief Executive (Education, Communities and Organisational Development) advised work was ongoing in relation to the re-opening of leisure facilities and that staff are returning to enable that to happen. Work has been ongoing in relation to risk assessments so that they are ready and mitigations can be put into place. Staff are looking at outdoor facilities as a first step towards re-opening as this is considered as a safer environment in terms of the current processes in place. She further advised that some staff have been redeployed to other duties as part of the COVID response and as this winds down will allow more flexibility in moving staff to working to allow a fuller return.

Councillor Alexander stated that he had received concerns from the parent of a pupil who had recently started at secondary school who had been advised that only 50 pupils would be allowed in the dining room and the remainder would be required to eat their lunch outdoors and sought clarification on school dining room arrangements relating to secondary schools.

In response the Depute Chief Executive (Education, Communities and Organisational Development) advised that the council was following the government guidance in terms of gatherings that there should be a maximum of 50 people at any gatherings in an indoor space and therefore that in some schools that does restrict the use of the dining area and that alternative arrangements are put in place. She further advised that these will vary from school to school where some may have appropriate outdoor areas for pupils to have their lunch if the weather is suitable but if the weather is not suitable there will be alternative arrangements and that this will be covered in the induction for pupils returning to school.

24 Findhorn and Pilmuir Flood Alleviation Scheme Payment of Advance Compensation [Paras 6,8 & 9]

A report was submitted by the Depute Chief Executive (Economy, Environment and Finance) asking the Emergency Cabinet to authorise an advance payment of flood compensation to the owners of a property in Forres in relation to the Forres (River Findhorn & Pilmuir) Flood Alleviation Scheme.

Following consideration the Emergency Cabinet agreed to:

- i. approve an advance compensation payment, as detailed in para 5.4 of the report; and

- ii. remit the Legal Services Manager to document the transaction accordingly.

25 Review of ASN Staffing [Para 1]

A report was submitted by the Depute Chief Executive (Education, Communities and Organisational Development) reporting on changes to the allocation of Pupil Support worker (PSA) hours to support children and young people with additional support needs in schools, and seeking the Emergency Cabinet's agreement to a proposal to use a proportion of the 'in school' ASN funding to create a flexible wellbeing team that can be deployed as a specialist resource to support and enhance ASN services within schools where required.

Following discussion the Emergency Cabinet agreed to approve:

- i. the changes to the allocation methodology for Pupil Support Assistant (PSA) hours, and
- ii. the proposal to appoint up to fourteen centrally managed Pupil Support Workers to work alongside the central Education Resources teams to provide targeted and time limited interventions within schools where there are known or emerging pressures relating to wellbeing and/or additional support needs.