

MORAY COUNCIL

Minute of Meeting of the Moray Council

Wednesday, 18 May 2022

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

PRESENT

Councillor James Allan, Councillor Peter Bloomfield, Councillor Neil Cameron, Councillor Tracy Colyer, Councillor Theresa Coull, Councillor John Cowe, Councillor John Divers, Councillor Amber Dunbar, Councillor Jérémie Fernandes, Councillor Donald Gatt, Councillor David Gordon, Councillor Juli Harris, Councillor Sandy Keith, Councillor Scott Lawrence, Councillor Graham Leadbitter, Councillor Marc Macrae, Councillor Paul McBain, Councillor Neil McLennan, Councillor Shona Morrison, Councillor Bridget Mustard, Councillor Christopher Price, Councillor Kathleen Robertson, Councillor Derek Ross, Councillor Draeyk Van Der Horn, Councillor Sonya Warren, Councillor Ben Williams

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, Legal Services Manager and Tracey Sutherland, Committee Services Officer.

1. Welcome and Apologies

The Chief Executive welcomed everyone to the first meeting of Moray Council following the Local Government Election on 5 May 2022. He further advised that he was co-chairing the meeting with the Depute Chief Executive (Education, Communities and Organisational Development) in her role as Returning Officer to formally constitute the Council.

The Chief Executive, thanked the press and members of the public watching the webcast, for their patience whilst technical difficulties with the webcast were resolved. He further added that the meeting was being held virtually due to an outbreak of Covid and was in the interests of everyone's safety.

2. Constitution of Council

The Depute Chief Executive (Education, Communities and Organisational Development), as the Returning Officer at the Moray Council election held on 5 May 2022 intimated that the following had been elected as Members of Moray Council for the ensuing five years until May 2027.

WARD	MEMBER
1 SPEYSIDE GLENLIVET	David Gordon Juli Harris Derek Ross
2 KEITH AND CULLEN	Tracy Colyer Theresa Coull Donald Gatt
3 BUCKIE	Neil McLennan Christopher Price Sonya Warren
4 FOCHABERS LHANBRYDE	Marc Macrae Shona Morrison Ben Williams
5 HELDON AND LAICH	James Allan Neil Cameron John Cowe Bridget Mustard
6 ELGIN CITY NORTH	Amber Dunbar Jérémie Fernandes Sandy Keith
7 ELGIN CITY SOUTH	Peter Bloomfield John Divers Graham Leadbitter
8 FORRES	Scott Lawrence Paul McBain Kathleen Robertson Draeyk Van Der Horn

3. Appointment of Convener, Leader and Constitution of Committees and Appointment of Chairs and Depute Chairs

The Chief Executive advised that a motion had been received by the Conservative Group and an Amendment had been received by the SNP Group in terms of Items

2 - 4 on the agenda. He sought advice from the Head of Governance, Strategy and Performance on whether it would be prudent to take these items together.

In response, the Head of Governance, Strategy and Performance confirmed that the statutory provisions require the Council to firstly appoint a Convener and as the motion and amendment had the appointment of a Convener as part of them, including a number of other appointments, it was competent for the Chief Executive as Chair to accept them as the principal piece of business and should any other amendments be made from the floor, for them to be considered at the same time.

The Chief Executive thanked the Head of Governance, Strategy and Performance and sought confirmation from the Council on whether there were any other amendments to be considered.

Councillor McLennan as Co-Leader of the Conservative Group advised that he wished to make a number of changes to the motion previously submitted as follows:

Police and Fire and Rescue Services Committee	Chair - Councillor Allan	Depute Chair - Councillor Bloomfield
Community Planning Board	Councillor Mustard Councillor McLennan	3 representatives from other groups
Community Engagement Group	Councillor Mustard	2 representatives from other groups
Grampian Valuation Joint Board	Councillor Robertson Councillor McLennan	1 representative from another group
Child Protection Committee	Councillor McLennan	2 representatives from other groups

As there were no further amendments, the Chief Executive moved to formally accepting the motion and the amendment tabled.

Councillor McLennan, the moved the following motion and this was seconded by Councillor Robertson:

Convener - Councillor Marc Macrae

Joint Leader - Councillor McLennan and Councillor Robertson

Committee	Chair	Depute Chair
Audit and Scrutiny	Largest Opposition Group nominee	Largest Opposition Group nominee
Appeals	Councillor McBain	Councillor Colyer
Corporate	Councillor Mustard	Councillor Robertson
Economic Development and Infrastructure	Councillor Macrae	Councillor Dunbar
Education, Children's and Leisure Services	Councillor Robertson	Councillor McLennan
Housing and Community Safety	Councillor Dunbar	Councillor Gatt
Joint Consultative Committee	Councillor Mustard	Councillor McLennan
Licensing Committee	Councillor McBain	Councillor Bloomfield

Licensing Board	TBC	TBC
Moray Local Review Body	Councillor Macrae	Councillor Colyer
Planning and Regulatory Services	Councillor Gatt	Councillor Macrae
Police and Fire and Rescue Services	Councillor Allan	Councillor Bloomfield
School Placings and Exclusions Appeals	Councillor Robertson	Councillor Colyer

Appointments Committees Chairs

Corporate	Councillor Mustard
Economic Development and Infrastructure and Planning	Councillor Macrae
Education, Children's and Leisure Services	Councillor Robertson
Housing and Community Safety	Councillor Dunbar

Other Committees

Housing Appeals	Councillor Dunbar
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Community Planning and Partnership Bodies

Community Planning Board	Councillor Mustard Councillor McLennan	3 representatives from other groups
Community Engagement Group	Councillor Mustard	2 representatives from other groups
Grampian Valuation Joint Board	Councillor Robertson Councillor McLennan	1 representative from another group
Moray Adult Protection	Councillor Robertson	1 representative from another group
Moray Child Protection	Councillor McLennan	2 representatives from other groups
Moray Integration Joint Board	Councillor Colyer (Chair) Councillor McLennan	2 representatives from other groups
Northern Road Collaboration	Councillor Dunbar Councillor McBain	

Membership of the Committees to be notified to Committee Services by Group Leaders within the next working week.

Paired Appointments

NHS Grampian	Councillor Colyer
Cairngorm National Park	September change over. Notification to come following the meeting by Co-Leaders within time frame for Scottish Ministers acceptance
HITRANS	Councillor Dunbar (Substitute - Councillor McBain)
Moray Leisure Centre Board	Councillor Macrae Councillor Gordon 1 representative from SNP Group

Senior Responsibility Allowances

Convener
Leader
Leader of the Opposition
Chair of Audit and Scutiny
Chair of Corporate
Chair of Economic Development and Infrastructure
Chair of Education, Children's and Leisure Services (split between Chair and Depute Chair Positions)
Chair of Licensing Committee
Chair of Police and Fire and Rescue Services
Chair of Planning and Regulatory Services

In response Councillor Leadbitter seconded by Councillor Coull proposed the following amendment:

It is recommended that the Council agrees to:

- (i) The appointment of Councillor Theresa Coull as Convener
- (ii) The appointment of Councillor Graham Leadbitter as Leader
- (iii) the following committees being constituted with the size of each committee, the Chair, Vice Chair and Special Responsibility Allowances as denoted:

Corporate Committee Membership: 14

6 Conservative, 4 SNP, 2 Labour, 1 from Lib Dem or Green; 1 Independent

Chair: Graham Leadbitter
Vice Chair: Shona Morrison

Audit and Scrutiny Committee Membership: 14

6 Conservative, 4 SNP, 2 Labour, 1 from Lib Dem or Green; 1 Independent

Chair: To be appointed by the Main Non-Administration Party
Vice Chair: To be appointed by the Main Non-Administration Party

Education, Children's and Leisure Services Committee Membership: 14

6 Conservative, 4 SNP, 2 Labour, 1 from Lib Dem or Green; 1 Independent

Chair: Shona Morrison (Special Responsibility Allowance Allocated)
Vice Chair: Jeremie Fernandes

Housing and Community Safety Committee Membership: 14

6 Conservative, 4 SNP, 2 Labour, 1 from Lib Dem or Green; 1 Independent

Chair: Jérémie Fernandes (Special Responsibility Allowance Allocated)
Vice Chair: Theresa Coull

Economic Development and Infrastructure Services Committee Membership:
14

6 Conservative, 4 SNP, 2 Labour, 1 from Lib Dem or Green; 1 Independent

Chair: Sonya Warren (Special Responsibility Allowance Allocated)

Vice Chair: Graham Leadbitter

Planning and Regulatory Services Committee Membership: 14

6 Conservative, 4 SNP, 2 Labour, 1 from Lib Dem or Green; 1 Independent

Chair: Neil Cameron (Special Responsibility Allowance Allocated)

Vice Chair: Sonya Warren

Police and Fire and Rescue Services Committee Membership: 9

4 Conservative, 3 SNP, 1 Labour, 1 from Lib Dem or Green; 1 Independent

Chair: Scott Lawrence (Special Responsibility Allowance Allocated)

Vice Chair: Theresa Coull

Appeals Committee Membership: 9

4 Conservative, 3 SNP, 1 Labour, 1 from Lib Dem or Green; 1 Independent

Chair: Graham Leadbitter

Vice Chair: Shona Morrison

Joint Consultative Committee Membership: 7 Cllrs + 7 TU Reps

(3 Conservative, 2 SNP, 1 Labour, 1 from Lib Dem or Green or Independent)

Chair: Graham Leadbitter

Vice Chair: Shona Morrison

Licensing Committee Membership: 14

6 Conservative, 4 SNP, 2 Labour, 1 from Lib Dem or Green; 1 Independent

Chair: Sonya Warren

Vice Chair: Scott Lawrence

Moray Local Review Body Membership: 9

(4 Conservative, 3 SNP, 1 Labour, 1 from Lib Dem or Green; 1 Independent)

Chair: Neil Cameron

Vice Chair: Sonya Warren

School Placings & Exclusions Appeals Committee Membership 5 Members
and Lay Members

(2 Conservative, 2 SNP, 1 from the remaining councillors)

Appointments Committees Membership: 9

Must include Chair & Vice Chair of the relevant Service committee(s)

(4 Conservative, 3 SNP, 1 Labour, 1 from Lib Dem or Green; 1 Independent)

Education, Children's and Leisure Appointments Committee

Housing and Community Safety Appointments Committee

Economic Development Infrastructure and Planning Services Appointments

Committee – As this Appointments Committee covers 2 Service Committees, the

membership will be drawn from Economic Development and Infrastructure Committee and from the Planning and Regulatory Services Committee. Corporate Appointments Committee Sub-Committee

Housing Appeals Sub-Committee

Members to be appointed at the first meeting of the Housing & Community Safety Committee

make appointments to community planning and other partnership bodies, as set out in Section 5 of the report; as follows:

Community Planning Board

2 Conservatives; 2 SNP Members; 1 from the remaining councillors

Graham Leadbitter
Shona Morrison

Community Engagement Group

1 Conservative; 1 SNP; 1 from the remaining councillors
Jeremie Fernandes

Grampian Valuation Joint Board

Membership: 1 Conservative; 1 SNP; 1 from the remaining councillors
Substitutes: 1 Conservative; 1 SNP; 1 from the remaining councillors
Member: Neil Cameron
Substitute: Theresa Coull

Moray Adult Protection Committee

Juli Harris

Moray Child Protection Committee

Shona Morrison

Moray Integration Joint Board

Scott Lawrence (Special Responsibility Allowance Allocated)

Northern Roads Collaboration Joint Committee

Membership: 1 SNP; 1 from the remaining councillors
Sonya Warren

make the appointments listed in Section 6 of the report as follows:

Convention of the Highlands and Islands – Leader of the Council

Cosla Appointments:

- Leaders – Council Leader
- Children and Young Peoples Board – Chair of Education, Children's and Leisure Services Committee
- Community and Wellbeing Board – Chair of Housing and Community Safety Committee
- Environmental and Economy Board – Chair of Economic Development and Infrastructure Committee
- Health and Social Care Board – Convener (Joint Chair of IJB)
- Convention – Council Leader; Convener; Leader of largest Non Administration Group

NHS Grampian Board – Juli Harris

Make the following appointments to the Outside Bodies set out in Section 7 of the report, as follows:

Cairngorm National Park Authority

Juli Harris

Highland & Islands Strategic Transport Partnership (HITRANS)

Member: Sonya Warren

Substitute: Graham Leadbitter

Moray Leisure Centre: Board of Directors

Neil Cameron

- vii) agree that the remaining members of the committees and bodies identified be notified to Committee Services by Wednesday 25 May 2022 by respective groups and individual councillors. In the event that mutual agreement cannot be reached on committee memberships for individual councillors, the allocation of committee places shall be resolved by the drawing of lots in the presence of the Monitoring Officer with the process used and results recorded for the committee record.
- viii) note that due to the large number, a further report on the appointment to the remaining Outside Bodies to which the Council is entitled to appoint nominees will be submitted to the next meeting of the Council on 29 June 2022
- ix) agree that a Special Responsibility Allowance is attached to the role of Leader of the largest non-administration group, as per previous council terms

Councillor Divers on behalf of the Labour Group confirmed that the Group had had discussions with both potential Administration Groups which, were constructive and reassuring that there is more common ground amongst all the parties than has been reported in the press previously. Nevertheless there are notable party differences and for that reason the Labour Group will not be voting for or against any Administration today. This will make it unlikely that any Administration formed today will have a majority support but the Labour Group do not feel this is a bad thing as the Administration formed will have to work with a consensual manner across party lines and for what is best for the people of Moray providing democratic scrutiny and accountability.

The Head of Governance, Strategy and Performance sought confirmation from the Conservative Group that they were happy to accept the recommendations at the end of the SNP Group Amendment namely:

- vii) agree that the remaining members of the committees and bodies identified be notified to Committee Services by Wednesday 25 May 2022 by respective groups and individual councillors. In the event that mutual agreement cannot be reached on committee memberships for individual councillors, the allocation of committee places shall be resolved by the drawing of lots in the presence of the Monitoring Officer with the process used and results recorded for the committee record.

note that due to the large number, a further report on the appointment to the remaining Outside Bodies to which the Council is entitled to appoint nominees will be submitted to the next meeting of the Council on 29 June 2022

- ix) agree that a Senior Responsibility Allowance is attached to the role of Leader of the Largest non administration group, as per previous council terms.

Councillor McLennan confirmed that he was happy to accept the additional recommendations as part of the Conservative Group motion.

On the division there voted

- For the Motion (12) Councillors McLennan, Robertson, Allan, Bloomfield, Colyer, Dunbar, Gatt, Gordon, Macrae, McBain, Mustard and Price
- For the Amendment (8) Councillors Leadbitter, Coull, Cameron, Fernandes, Harris, Lawrence, Morrison and Warren
- Abstentions (6) Councillors Cowe, Divers, Keith, Ross, Williams and Van Der Horn

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

Convener - Councillor Marc Macrae

Joint Leader - Councillor McLennan and Councillor Robertson

Committee	Chair	Depute Chair
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- vii) agree that the remaining members of the committees and bodies identified be notified to Committee Services by Wednesday 25 May 2022 by respective groups and individual councillors. In the event that mutual agreement cannot be reached on committee memberships for individual councillors, the allocation of committee places shall be resolved by the drawing of lots in the presence of the Monitoring Officer with the process used and results recorded for the committee record.
- viii) note that due to the large number, a further report on the appointment to the remaining Outside Bodies to which the Council is entitled to appoint nominees will be submitted to the next meeting of the Council on 29 June 2022
- ix) agree that a Senior Responsibility Allowance is attached to the role of Leader of the Largest non administration group, as per previous council terms.

The Chief Executive confirmed that this concluded his part in the meeting and handed over to the Convener, Councillor Marc Macrae to continue chairing the remainder of the meeting.

In accepting the appointment, Councillor Macrae took time to thank the two previous Conveners of the Council in the previous term, namely Councillors Allan and Morrison. He added that there had been great work done and there were big shoes to fill and hopefully this can be done successfully.

4. Timetable and Calendar of Meetings

A report by the Depute Chief Executive (Education, Communities and Organisational Development) invited the Council to consider, subject to approval of the preceding items on the agenda 'Constitution of Committees and Appointment of Chairs and Depute Chairs', a proposed eight-week cycle and calendar of meetings.

Following consideration the Council agreed:

- i) the cycle of meetings, as detailed in paragraph 3.3 of the report;
- ii) the calendar of meetings for the period 31 May 2022 to 29 June 2023, as set out in Appendix 1 of the report, and

- iii) to note that a meeting diary will be prepared and published for the period to April 2027.

5. Moray Licensing Board - Appointment of Members

A report by the Head of Governance, Strategy and Performance invited the Council to appoint Members to the Moray Licensing Board (“the Board”) from the membership of the new Moray Council.

The Head of Governance, Strategy and Performance confirmed that training had been arranged for Members of the Board on 8 June 2022 and all nominated Members will be required to attend the training regardless of whether they have already sat on the Board previously.

Following consideration the Council agreed that the number of Members who should serve on the Moray Licensing Board for the period until May 2027 will be 9 and appointments to the Board will be notified to Committee Services in due course.