

# MORAY COUNCIL

## Minute of Special Meeting of the Moray Council

Wednesday, 27 March 2024

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

### PRESENT

Councillor James Allan, Councillor Peter Bloomfield, 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 John Stuart, Councillor Draeyk van der Horn, Councillor Sonya Warren, Councillor Ben Williams

### APOLOGIES

Councillor Neil Cameron

### IN ATTENDANCE

Chief Executive, Depute Chief Executive (Economy, Environment and Finance), Head of Governance, Strategy and Performance, Head of Environmental and Commercial Services, Environmental Services Manager, Consultancy Manager, Democratic Services Manager, Communities Service Manager and Opportunities for All Officer.

#### **1. Message of Condolence**

The Council joined the Chair in sending their thoughts and condolences to all the families affected by the tragic road accident the evening before and passed on their thanks to all those from the emergency services who would have attended the scene.

#### **2. Declaration of Group Decisions and Members Interests \***

In terms of Standing Orders 21 and 23 and The Councillors' Code of conduct Councillor Robertson confirmed that the Conservative Group would be voting as a group in relation to Item 5b on the agenda.

The Council noted that there were no other declarations for Group Leaders or Spokesperson in regard to any prior decisions taken on how members will vote on any item on the agenda or any declarations of Member's interests in respect of any item on the agenda.

#### **3. Resolution**

The meeting resolved that 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 18 - 21 of business on the grounds that it involves the likely disclosure of exempt information of the class.

Para number of the minute	Para Number of Schedule 7a
6	Para 9 Information on terms proposed or to be proposed by or to the Authority

#### **4. Charging for Services**

The meeting had before it a report by the Depute Chief Executive (Economy, Environment and Finance) asking the Council to approve the revised charges for Council services for 2024/25.

Following consideration the Council unanimously agreed to:

- i) note that a review of the out of area policy will be undertaken as set out in para 3.10; and
- ii) approve the charges for Council services for 2024/25 set out in paragraph 3.3.

#### **5. Review of Standing Orders**

The meeting had before it a report by the Depute Chief Executive (Education, Communities and Organisational Development) inviting Council to approve the revised Standing Orders following the 2023/24 review.

In introducing the report, the Head of Governance, Strategy and Performance spoke about the reasons for absence and confirmed that it was open to Members to reach a decision on whether to record reasons for apologies.

Councillor Williams indicated that for various reasons, including the welfare of Councillors and their families, that he was not in favour of having to submit reasons for absence other than if it was due to technical reasons and moved to remove the other reasons indicated in the report.

Councillor Fernandes confirmed that he also felt there was no reason to record reasons for absence and seconded the motion.

Councillor Macrae stated that he was happy to accept the reasons proposed in the report as he felt that when Councillors are elected to office, they are accountable to the public and for transparency proposed adopting the absence reasons. He further added that members of the public are interested in members attendance and expenses. This was seconded by Councillor Leadbitter.

Councillor Leadbitter in supporting the amendment added that work is being done through CoSLA and other bodies to try and professionalise the role of Councillors in a bid to make it more attractive to people in the future to increase the representation in Chambers across the country.

Councillor Dunbar sought agreement from Councillor Williams to amend his motion to include the Other Council Business option as she had been unable to attend some

meeting due to other Council commitments. Councillor Williams and Councillor Fernandes confirmed that they were happy to accept this addition.

Councillor Lawrence sought clarification on how connection issues would be determined as a reason for absence.

In response, the Head of Governance, Strategy and Performance confirmed that this reason would be used if the Council had failed to provide the system to allow Members to join remotely as had happened recently and not individual connection issues due to poor broadband.

On the division there voted:

For the Motion (12)	Councillors Williams, Fernandes, Bloomfield, Colyer, Divers, Dunbar, Gatt, Keith, McLennan, Mustard, Robertson and Ross.
For the Amendment (13)	Councillors Macrae, Gordon, Allan, Coull, Cowe, Harris, Lawrence, Leadbitter, McBain, Morrison, Stuart, van der Horn and Warren
Abstention (0)	

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

- i) the final version of the Council's Standing Orders following the 2023/24 review; and
- ii) to record reasons for apologies submitted for Committee meetings.

## **6. Cloddach Bridge Business Case**

The meeting had before it a report by the Depute Chief Executive (Economy, Environment and Finance) informing the Council of the draft business case for the replacement of Cloddach Bridge and to seek a decision on whether the Council will provide funding for the replacement.

Councillor Mustard moved to note recommendations (i) and (ii) and agree to resource (iii) and (iv). This was seconded by Councillor Dunbar.

During consideration concern was raised by a number of Councillors on where the additional money for the bridge was going to come from and what other projects would be affected by the decision to progress with this works.

Councillor Leadbitter therefore proposed agreeing recommendation (i) and (ii), deleting recommendations (iii) and (iv) and replacing with a new recommendation (iii) as follows:

For the reasons set out in para 3.15 agree to delegate authority to the Head of Environmental and Commercial Services in consultation with the Council Leader and Chief Executive to present the Full Business Case to the Department for Transport (DfT) and HM Treasury stating that the Council will support the construction of a replacement bridge, as per the significance placed on the project by the Chancellor of the Exchequer during his Financial Statement and Budget Report of 15 March 2023, subject to the UK Government covering all construction and project management costs.

This was seconded by Councillor Keith.

On the division there voted:

For the Motion (12)	Councillors Mustard, Dunbar, Bloomfield, Colyer, Cowe, Gatt, Gordon, Macrae, McBain, Robertson, Ross and Williams
For the Amendment (12)	Councillors Leadbitter, Keith, Fernandes, Coull, Divers, Harris, Lawrence, McLennan, Morrison, Stuart, van der Horn and Warren
Abstention (1)	Councillor Allan

There being an equality of votes, the Chair in terms of Standing Order 65(e) had the casting vote and voted in favour of the Motion. Therefore the motion became the finding of the meeting and Council agreed to:

- i) note the findings of the draft Economic and Financial Case from the Business Case to replace Cloddach Bridge;
- ii) note that the community has been unable to source funding to date;
- iii) resource the remaining £2.737million required to fully fund and the design and construction of a replacement bridge from Council capital funding; and
- iv) delegate authority to the Head of Environment and Commercial Services in consultation with the Council Leader and Chief Executive for approval and submission of the Full Business Case to the Department for Transport.

## **7. New Elgin Community Hub [Para 9]**

The meeting had before it a report by the Depute Chief Executive (Economy, Environment and Finance) seeking approval to allocate funds to support the lease of a new community hub in the New Elgin area, on behalf of the Moray Pathways Local Employability Partnership.

Councillor Mustard moved to include an additional recommendation for a report to come back to Council in 9 months time to report on the outcomes of the project.

Following further consideration and there being no one otherwise minded the Council unanimously agreed to:

- i) approve the carry forward and allocation of funds to support the lease of a new community hub in the New Elgin area, on behalf of the Moray Pathways Local Employability Partnership; and
- ii) instruct the Head of Housing and Property to negotiate main lease terms of an appropriate property and subsequently instruct the Legal Services Manager to conclude a lease, subject to this and ancillary costs set out in the report being within the budget carried forward.
- iii) Update report to come back to Council for consideration in 9 months on the outcomes of the project to date.

