

MORAY COUNCIL

Minute of Special Meeting of the Moray Council

Tuesday, 17 December 2019

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

PRESENT

Councillor George Alexander, Councillor James Allan, Councillor David Bremner, Councillor Frank Brown, Councillor Theresa Coull, Councillor John Cowe, Councillor Gordon Cowie, Councillor Paula Coy, Councillor Lorna Creswell, Councillor John Divers, Councillor Tim Eagle, Councillor Claire Feaver, Councillor Donald Gatt, Councillor Louise Laing, Councillor Graham Leadbitter, Councillor Aaron McLean, Councillor Maria McLean, Councillor Ray McLean, Councillor Shona Morrison, Councillor Laura Powell, Councillor Derek Ross, Councillor Amy Taylor, Councillor Sonya Warren, Councillor Walter Wilson

APOLOGIES

Councillor Ryan Edwards, Councillor Marc Macrae

IN ATTENDANCE

Chief Executive, Depute Chief Executive (Education, Communities and Organisational Development), Depute Chief Executive (Education, Communities and Organisational Development), Head of Environmental and Commercial Services, Head of Economic Growth and Development, Head of Governance, Strategy and Performance, Chief Financial Officer, Consultancy Manager, Acting Educational Resources Manager, Chief Social Work Officer and Mrs L Rowan, Committee Services Officer as Clerk to the Meeting.

1 Declaration of Group Decisions and Members Interests

In terms of Standing Order 20 and the Councillors' Code of Conduct, Councillors R McLean and Taylor declared an interest in item 5 "Moray Leisure Centre" being Council representatives on the Moray Leisure Centre Board of Directors.

There were no other declarations of Member's interests in respect of any item on the agenda or declarations from Group Leaders or Spokespersons in regard to any prior decisions taken on how Members will vote on any item on the agenda.

2 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 during consideration of the items of business appearing at the relevant paragraphs of this minute as specified below, so as to avoid disclosure of exempt information of the class described in the appropriate paragraphs of Part 1 of Schedule 7A of the Act.

Paragraph Number of Minute	Paragraph Number of Schedule 7A and reason
7	11 Information relating to any consultations or negotiations in connection with any labour relations.
8	1 Information relating to staffing matters.
9	9 Information on terms proposed or to be proposed by or to the Authority.

3 Withdrawal of Item 8 “Proposed Restructure of Property Services and Building Services (DLO)”

The Chair advised that item 8 “Proposed Restructure of Property Services and Building Services (DLO)” has been removed from the agenda so that a full briefing can be provided to Members prior to consideration.

4 Replacement of the Bridge from Lossiemouth to East Beach

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Council of proposals to replace the bridge between Lossiemouth and East Beach.

The report detailed the importance of having a bridge linking Lossiemouth to the East Beach to preserve the economy and amenity of the town however, as the Community did not wish to take ownership of the bridge after it had been replaced, the Council was asked to consider taking ownership of the bridge so that the project could go ahead.

Following an invitation from the Chair, Councillor Cowe provided the Council with a brief history of the Lossiemouth Footbridge which the Council has maintained until recently when ownership of the bridge was under dispute following the bridge having to be closed to preserve public safety. He pointed out how many local businesses relied on the popularity of Lossiemouth as a tourist destination for their livelihood, particularly due to its 2 beaches and how closure of the bridge, being the main access to the East Beach, is having a devastating effect on the visitor numbers and the local economy. He commended the work of the Lossiemouth Community Development Trust in raising funds that will be used for the options appraisal and thanked the Scottish Government for their commitment to provide funding for a replacement bridge. He acknowledged that some members of the Council may not support the proposal given the current financial state of the Council however urged members to consider the future viability of Lossiemouth and support the recommendations.

The Council Leader also commended the efforts of the Lossiemouth Community in seeking support to replace the bridge and welcomed the commitment of funding from the Scottish Government to replace the bridge and encouraged the Council to support the project.

Following consideration, the Council agreed:

- i. in principle, that the Council will take ownership of the new or refurbished bridge on completion of construction, as this is a necessary precondition to the project progressing;
- ii. to the Council providing staff resources to progress to option appraisal, phase 1 subject to tenders being within the existing funding package outlined in paragraph 3.5 of the report (bullet point 2); and
- iii. to submit a report to Council on the outcome of the option appraisal, which will detail whether there is a viable option to progress to phase 2 (Design and Build) that can be fully funded by the Scottish Government.

5 Moray Leisure Centre

Councillors R McLean and Taylor, having declared an interest in this item, left the meeting at this juncture and took no part in the discussion.

A report by the Depute Chief Executive (Education, Communities and Organisational Development) provided an update to the Council regarding Moray Leisure Centre's (MLC) progress and sought approval for an extension to their lease of the Moray Leisure Centre and Rainbow Castle Nursery.

During discussion, concern was raised that the Council was being asked to agree a further 10 year lease when a report on the future of Leisure Services in Moray would be considered in early 2020, and reassurance was sought that the Council was not at risk of being tied into an agreement which may need to change when the outcome of the leisure review is known.

In response, the Head of Governance, Strategy and Performance advised that Officers were recommending that Council agree the longer lease as this puts MLC in a stronger position when negotiating utility rates as more competitive rates are available to properties with longer leases and assured the Council that appropriate break clauses had been built into the agreement. The Depute Chief Executive (Education, Communities and Organisational Development) further highlighted paragraph 4.4 in the report which stated that, as the Council has not yet resolved the future model for delivery of leisure services in Moray or the long-term aims and outcome requirements for the service, break options would be included in the lease extension to retain flexibility for a full range of service provision options to remain open until a decision is reached, including a Service Level Agreement with Moray Leisure Limited.

Councillor Alexander noted the financial benefits available to MLC should they be provided with a long term lease in terms of negotiating cheaper utilities and was of the view that this would help the organisation get to a point where the Council could reduce the amount of financial support given to MLC and moved that the Council agree the recommendations as printed within the report. This was seconded by Councillor Leadbitter.

There being no-one otherwise minded, the Council agreed to:

- i. note the progress of Moray Leisure Centre over the past year;
- ii. approve 10 year lease extensions and other variations of the existing leases (as set out in Section 4 of this report) of the Moray Leisure Centre and Rainbow Castle Nursery with Moray Leisure Limited; and
- iii. note the arrangements to include an improved Service Level Agreement being in place by 30 June 2020.

Councillors R McLean and Taylor rejoined the meeting at this juncture.

6 Annual Report of the Chief Social Work Officer 2018-2019

A report by the Chief Executive informed the Council of the annual report of the Chief Social Work Officer on the statutory work undertaken on the Council's behalf during the period 1 April 2018 to 31 March 2019 inclusive.

Following consideration, the Council agreed to note the contents of the report.

7 Review of Moray's Leisure and Libraries Service Update [Para 11]

Under reference to paragraph 5 of the Minute of Moray Council dated 12 December 2018, a report by the Depute Chief Executive (Education, Communities and Organisational Development) informed the Council of the progress made in relation to the Review of Moray's Leisure and Libraries Services including the iESE report and Early Market Engagement Exercise.

Following consideration, the Council agreed:

- i. to note the highlights from the iESE report on the Review of Moray's Leisure and Libraries Estate;
- ii. note that a number of interests were received from the early market testing exercise that was undertaken which suggests there is some limited interest in the market for Leisure and Libraries Services; and
- iii. that the Leisure and Libraries Review Board continue to review the options in light of the above information and the changing context and that a further report is presented identifying next steps in early 2020.

8 Coastal Communities Fund [Para 9]

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Council of Scottish Ministers' arrangements for Scottish Crown Estate net revenue allocations for 2019-2020 to coastal local authorities for funding coastal community benefit. The report also sought approval to support the Buckie Harbour Infrastructure Improvement Project, to be funded from the Coastal Communities Fund 2019-20 in conjunction with an increase in the spend agreed in the 2018/19 Capital Plan.

The Council Leader acknowledged the new funding arrangement which will see coastal communities receive 100% of revenue generated from the Scottish Crown Estate's marine assets however noted the electricity generated from the Moray Firth through the significant infrastructure both below and above ground, particularly in Keith which Moray doesn't currently gain from using the current formula. He therefore moved that the Committee agree an additional recommendation instructing Officers to consider alternative distribution models and bring options to the appropriate service committee for consideration with a view to progressing the proposals through COSLA. This was agreed.

Thereafter, the Council agreed to:

- i. note Scottish Crown Estate net revenue allocations for 2019-2020 as Moray's Coastal Community Fund and development work towards future annual allocations;
- ii. approve the infrastructure improvement proposals detailed in this report;
- iii. approve an increase of £28K in the £132K spend agreed in the 2018/19 Capital Plan noting that the estimated payback period is within 3 years;
- iv. approve spend from the Coastal Communities Fund 2019/20 of £102K; and
- v. to instruct officers to consider alternative distribution models and bring options to the appropriate service committee for consideration with a view to progressing the proposals through COSLA.