

MORAY COUNCIL

Minute of Meeting of the Moray Council

Wednesday, 28 June 2023

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 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 Juli Harris

IN ATTENDANCE

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 Environmental and Commercial Services, Chief Financial Officer, Head of Housing and Property Services, Laurie Milne, Senior Accountant, Equalities Officer, Early Years Service Manager, Equalities Officer, Quality Improvement Officer (ASN) and Democratic Services Manager.

1. Declaration of Group Decisions and Members Interests *

In terms of Standing Orders 21 and 23 and the Councillors' Code of Conduct, Councillor Robertson and Councillor Morrison confirmed that all items on the agenda had been discussed in their respective groups but no prior decisions had been taken on how Members will vote on any item on the agenda.

Declaration of interests were noted on the following items:

Item 5 – Councillors Bloomfield, Colyer, Divers, Keith, Lawrence and Morrison as members or substitute members of IJB and would remove themselves from the meeting.

Item 5 – Councillors Gatt and Robertson as substitute members of the IJB but would remain in the meeting.

Item 7a – Councillor Gatt declared an interest as the Chair of Grampian Valuation Joint Board.

Item 14 – Councillors Cameron, Gordon and Macrae declared an interest as Directors on the Moray Leisure Centre Board and would remove themselves from the meeting.

In regards to Standing order 23, Councillor Bloomfield sought clarification on whether if a member was a member of a Trade Union should that be declared in relation to Item 6 on the agenda.

In response the Head of Governance, Strategy and Performance confirmed that the normal process would be that Councillors would seek advice ahead of a meeting in relation to their membership. He further added that if any Councillor wished to seek advice a short adjournment could be had to provide advice.

Councillor Keith confirmed that the Labour Group had discussed all items on the agenda but in particular Item 6 in relation to no compulsory redundancies given that it is a party policy and declared a group decision on that matter.

Councillor McLennan declared an interest in Item 6 as a Trade Union member, however following a short adjournment and advice from the Head of Governance, Strategy and Performance, Councillor McLennan confirmed he did not require to declare the interest.

Councillors Divers, Leadbitter, Stuart and Williams confirmed that they were members of Trade Unions and declared an interest in Item 6 but were not going to leave the Chamber.

The Head of Governance, Strategy and Performance added that being a member of a Trade Union is a declarable interest in relation to whatever business is in front of Members however the advice is whether a member of the public would see it being a material effect of how you would vote in relation to a particular matter.

2. Tribute to Winnie Ewing

On the invitation of the Chair, Councillor Morrison lead a tribute on the sad passing of Mrs Winnie Ewing, whom all across the chamber and parties would agree was a trailblazer in Scottish Politics in her capacity as an MP and MEP for Moray.

Councillor Macrae also paid tribute to Mrs Ewing.

Following the tributes, the meeting held a minute's silence.

3. Resolution

Councillor Ross sought clarification on why Item 11 on the agenda, Disposal of Surplus Asset was being held in confidence.

In response, the Depute Chief Executive (Economy, Environment and Finance) confirmed that the report contained commercially sensitive information regarding the value of the asset. However Officers recognise the public interest in this particular item on the agenda and there is the option in Standing Orders to provide a press release in consultation with the Chair following the decision made at the meeting.

Councillor Keith brought to the Chair's attention, he had sought to have a written question placed on the agenda of the meeting but was told when submitted it was out with the time, so wished to raise the matter at Question Time.

In response, the Chair confirmed that she would come to Councillor Keith first following the questions on the minute at Item 10 on the agenda.

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 14 and 15 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
17	Para 9 Information on terms proposed or to be proposed by or to the Authority
18	Para 3 Information relating to any particular applicant for, or recipient of former recipient of, any service provided by the Authority
19	Paras 1 and 6 Information relating to staffing matters and Information relating to the financial or business affairs of any particular person(s)
20	Para 6 Information relating to the financial or business affairs of any particular person(s)

4. Minute of Meeting on 24 May 2023

The minute of the meeting of Moray Council on 24 May 2023 was submitted and approved.

5. Notice of Motion - Save our Surgeries

Councillors Bloomfield, Colyer, Divers, Lawrence and Morrison left the meeting prior to the consideration of this item.

In terms of Standing Order 35(a) there was submitted a Notice of Motion by Councillor Mustard, seconded by Councillor Cameron in the following terms:

"Save Our Surgeries (SOS) Group – Hopeman and Burghead GP Surgeries"

Hopeman and Burghead communities established the Save Our Surgeries (SOS) Group following the decision on 26 January 2023 by MIJB to "work with partners to establish a sustainable transport solution, such as a Coastal dial a bus and/or alternative that will meet the needs of residents attending medical appointments". Council acknowledges that members of our community believe the current proposals by the MIJB do not meet the community's aspirations for Primary Care in Burghead, Hopeman and surrounding areas.

While the council has no remit over decisions taken by MIJB, the decision around dial a bus impacts on council services. MConnect service, as a generic service, is not designed for transporting residents for specific purposes. Further these communities have stressed that MConnect is not the solution due to its limited operating hours. The decision identifying the use of dial a bus service may be creating a precedent for this service; creates increased costs in providing the service; and potentially limits the council's flexibility to alter the service.

Additionally, the SOS group have continued to request a meeting with the Moray Coast Medical Practice and for consideration of their request for a locally delivered GP service in Hopeman and Burghead under a separate GP contract. Councillors have a remit within their Code of Conduct to be lobbied by constituents within their communities. It seems reasonable in this situation for Councillors to ask the council to pass on community concerns to other bodies, in this case MIJB and NHS Grampian. This supports the Council's Corporate Plan Vision, in particular: 'Our People: Provide opportunities for people to be the best they can be throughout their lives with a strong and sustained focus on those individuals and groups in our society who experience the most disadvantage and discrimination.' and 'Our Place: Empower and support communities to build capacity.'

Council agrees to:

- i) Reiterate the purpose of MConnect in line with existing reports to Full Council and Economic Development and Infrastructure Services Committee which set out the remit of the Growth Deal project and the operational priorities.
- ii) Seek clarification from officers about any identified transport needs and public transport use to date to coastal health care settings.
- iii) Set out that any dedicated transport resource should be submitted to the Council as a request from the MIJB for officers to assess and present to committee for decision-making.
- iv) Instructs the Council Leader to write to the Chair, Vice Chair and Chief Officer of MIJB seeking their support to hold a meeting between the SOS Group and the Moray Coast Medical Practice.
- v) Instructs the Council Leader to write to NHS Grampian to seek clarification on whether any action has been taken to attract a GP to deliver a local service in Hopeman and Burghead.

Following consideration the Council unanimously agreed the Notice of Motion as stated.

6. Notice of Motion - No Compulsory Redundancies

Councillors Bloomfield, Colyer, Divers, Lawrence and Morrison re-joined the meeting at this juncture.

In terms of Standing Order 35(a) there was submitted a Notice of Motion by Councillor Leadbitter, seconded by Councillor Fernandes in the following terms:

No Compulsory Redundancies

Preliminary issues

- No preliminary issues to consider

Background

- At a national level in Scotland, no compulsory redundancy has created the right environment to provide staff with job security while enabling employers and their staff representatives to take a range of steps to manage their headcount and budgets.
- A no compulsory redundancy policy would help to reduce anxiety amongst staff groups as the Council works to address challenging pressures and a tight fiscal environment.

Action

- Council agrees to adopt a policy of no compulsory redundancies and instructs officers to bring a report to the next meeting of Moray Council with an amended redundancy policy for Council's consideration.

Financial implications

- There are no direct costs related to the policy redrafting, however it is recognised that this policy change would have implications for the Council's approach to budget setting.
- Officer time to incorporate draft amendments to the existing redundancy policy will be required. It has been confirmed with officers that this re-drafting can be achieved within existing resource.

The Chair advised the Council that due to the very grave financial warnings in later reports on the agenda of this meeting and the advice note circulated to Members from the Chief Executive which is rarely issued, she would ask the proposer and seconder if they would be minded to change their notice of motion to read 'consider a principle of no compulsory redundancies' rather than 'adopt a policy of no compulsory redundancies' as the Council is not in a position to consider a policy at this time, given the Council's financial position.

Adjournment

The Chair proposed a short adjournment to allow the proposer and seconder the opportunity to consider the proposal.

Resumption of Meeting

Following a short adjournment the Chair confirmed that the proposer and seconder were not prepared to amend the wording of their Notice of Motion. She further added that in her opinion the Council did not have enough information available to make a decision and it terms of Standing Order 49(c) and declared the Notice of Motion not competent.

In response Councillor Leadbitter as proposer, felt that the advice note provided by the Chief Executive was not balanced and felt that the conclusion reached on the Notice of Motion was not a fair conclusion.

The Chief Executive gave an explanation on why the advice note had been produced. In considering the notice of motion which was seeking a policy of no compulsory redundancies, CMT considered the risks such a policy would have on the Council in the current context of the extreme financial challenge that the

Council is facing which is highlighted in later reports on the agenda. He further added that he would not concede that a policy of no compulsory redundancies was a wider public sector strategy as stated by Councillor Leadbitter. He continued by confirming that if a fuller view is required more time would be needed to research whether and how other local authorities have applied the national policy whilst also making significant savings. He added that having had an initial read of the Public Sector Pay Policy referred to indicated that CMT's advice is consistent and relevant with the risks identified in the national policy. He further added that the policy mainly refers to the Civil Service and NHS which are national bodies and larger in scale compared to the Council and affordability

Following further consideration, Councillor Leadbitter stated that although he was still at odds with the advice given, himself and Councillor Fernandes agreed to amend the wording of their Notice of Motion to say 'consider a principle of no compulsory redundancies'.

Following further consideration Council agreed unanimously to consider a principle of no compulsory redundancies and instructed Officers to bring a report to the next meeting of Moray Council with an amended redundancy policy for Council's consideration.

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

7. Written Questions

The meeting noted that no written questions had been submitted.

8. Cloddach Bridge

The meeting had before it a report by the Depute Chief Executive (Economy Environment and Finance) informing Council of the conditions associated with the grant funding of £1,500,000 from UK Government to repair Cloddach Bridge.

The Chair, in terms of Standing Order 85, sought agreement from Council to suspend standing order 84 to allow consideration of the item to take place as a previous decision had been made within the last 6 months. This was unanimously agreed.

Councillor Leadbitter moved that recommendations (ii) to (iv) in the report be amended as follows: Council:

- ii) notes that under the Council's Bridge Maintenance Prioritisation Policy, agreed unanimously by the Council's Economic Development & Infrastructure Services Committee on 2 May 2023, sets clear spending priorities based on strategic assessments of bridges within the Council's strategic roads and paths network.
- iii) notes that outwith this process the UK Government has prioritised Cloddach Bridge through a commitment made by the Chancellor of the Exchequer during the UK Government budget statement
- iv) agrees that, whilst welcoming additional capital funding from the UK Government, as a UK Government priority a replacement of Cloddach Bridge should be fully funded, including investigative and preparative

works, by the UK Government and the Council should progress discussion with the UK Government on that basis.

This was seconded by Councillor Cameron.

Councillor Macrae, seconded by Councillor Mustard proposed to amend recommendation ii) a) as follows:

Agreed to bring forward plans to replace the Cloddach Bridge seeking the use of £1.5million from the capital plan underspend on Bridges as identified in Item 8 of the agenda for this meeting as match funding. To work with HM Treasury officials to seek an early release of the £1.5million allocated in the UK Government budget 2023/24 to construct a like for like replacement on the site of the existing crossing which has been closed to all vehicular traffic.

Adjournment

The Depute Chief Executive (Economy, Environment and Finance) sought a short adjournment to allow Officers to discuss the terms of the motion and amendment and the implications they may have on the Council so as to provide advice to Members.

Resumption of Meeting

Following the adjournment the Head of Governance, Strategy and Performance advised Members on an issue with was about Capital Planning in terms of the motion and amendment before them. He stated that Councillor Leadbitter's motion was competent, however Officers had identified issues with Councillor Macrae's amendment which Councillor Macrae would address.

Councillor Macrae thanked Officers for their guidance and withdrew his original amendment as previously indicated and proposed the recommendations as printed in the report. This was seconded by Councillor Mustard.

On the division there voted:

For the Motion (10)	Councillors Leadbitter, Cameron, Coull, Keith, Lawrence, McLennan, Morrison, Stuart, Van Der Horn and Warren.
For the Amendment (14)	Councillors Macrae, Mustard, Allan, Bloomfield, Colyer, Cowe, Divers, Dunbar, Gatt, Gordon, McBain, Robertson, Ross and Williams
Abstention (0)	

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

- i) to (a) commission and (b) fund a pre-feasibility study, at an estimated cost of approximately £30,000, to ascertain if investment in a full business case as required to secure UK government grant funding to repair the bridge would be of value; and
- ii) a mandate for Officers to engage with the community to explore capacity for sourcing funding to inform next steps alongside findings of pre-feasibility study.

9. Unaudited Accounts for 2022-23

The meeting had before it a report by the Depute Chief Executive (Economy, Environment and Finance) which asked the Council to consider the unaudited Annual Accounts for the year to 31 March 2023 for both Moray Council and the Connected Charity Trust Funds administered by the Council.

Following consideration the Council unanimously agreed to note:

- i) unaudited Annual Accounts for Moray Council for the year ended 31 March 2023; and
- ii) Moray Council Connected Charity Trust Funds Trustees' Report and Financial Statements for the year ended 31 March 2023.

10. Capital Plan 2022-23

The meeting had before it a report by the Depute Chief Executive (Economy, Environment and Finance) informing the Council of the expenditure to 31 March 2023 under the capital plan for financial year 2022/23 and to recommend budget adjustments for inclusion in the Capital Plan for 2023/24 and future years.

Councillor Mustard moved to provisionally earmark £1.5m of the carried forward budget for a new Cloddach Bridge subject to a further report with further information prior to any decision being made. This was seconded by Councillor Macrae.

Councillor Leadbitter sought clarification on what the consequences would be for other higher priority planned bridge work in the plan, what bridges would not be repaired as a result of the motion.

In response the Chief Financial Officer confirmed that the motion is an additional £1.5million spend and not substituting for other works currently in the plan. This would have revenue consequences for the Council, which would roughly equate to £100,000 per year in loans charges. The consequences on other work would depend on the capacity within the service to deliver the enhanced. She further added that when the Bridges Plan was drawn up, it was known that there was a contribution from the UK government so capacity may have been built in for this project.

Councillor Morrison sought clarification on whether the motion was competent taking into account the financial warnings given earlier.

In response, the Head of Governance, Strategy and Performance confirmed that in terms of Standing Order 49(c) Members need to decide whether they have enough information before them to make a decision. He confirmed that the Chief Financial Officer had addressed the issues that had been identified.

The Chief Financial Officer further added, that there is an element of certainty with the motion as the sum required is known whereas with the notice of motion on no compulsory redundancies, there were lots of unknown costs and risks to the Council. When producing the Capital Plan Officers take high level estimates and allow for an element of carry forward, however Council will note that the Officers

recommendation was not to have that level of carry forward and therefore the amendment is not what Officers were recommending.

Councillor Van Der Horn proposed, seconded by Councillor Leadbitter to agree the recommendations as detailed in the report.

On the division there voted:

For the Motion (14)	Councillors Mustard, Macrae, Allan, Bloomfield, Colyer, Cowe, Divers, Dunbar, Gatt, Gordon, McBain, Robertson, Ross and Williams
For the Amendment (10)	Councillors Van Der Horn, Leadbitter, Cameron, Coull, Keith, Lawrence, McLennan, Morrison, Stuart and Warren
Abstention (0)	

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

- i) notes expenditure to 31 March 2023 of £28,356,000 as set out in APPENDIX 1;
- ii) notes the projected overall expenditure for projects spanning more than one financial year, as set out in APPENDIX 2;
- iii) approves carry forwards and amendments to 2023/24 and future years totalling an increase of £9,157,000 in 2023/24, a decrease of £1,079,000 in 2024/25 and a decrease of £1,180,000 in 2025/26 as detailed in sections 4 and 5; and
- iv) provisionally earmark £1.5m of the carried forward budget for a new Cloddach Bridge subject to a further report with further information prior to any decision being made.

11. Resumption of Meeting

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 Donald Gatt, Councillor David Gordon, 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 Juli Harris and Councillor Jérémie Fernandes.

IN ATTENDANCE

The Chief Executive, Depute Chief Executive (Economy, Environment and Finance), Depute Chief Executive (Education, Communities and Organisational Development), Head of Governance, Strategy and Performance, Chief Financial Officer, Head of Housing and Property Services, Laurie Milne, Senior Accountant, Equalities Officer, Early Years Service Manager, Equalities Officer, Quality Improvement Officer (ASN) and Democratic Services Manager.

12. Short to Medium Term Financial Planning

The meeting had before it a report by the Depute Chief Executive (Economy, Environment and Finance) asking the Council to consider the impact of the out-turn for 2022/23 and further budget savings and budget pressures.

Following consideration the Council unanimously agreed to note:

- i) the gravity of the financial situation and uncertainty regarding key costs;
- ii) further potential and actual savings totalling £1.85million;
- iii) emerging budget pressures and revisions to approved budget pressures totalling £1.104million; and
- iv) the impact of the unaudited results for 2022/23, which is that the balance on Covid reserves is £1.291million higher than anticipated.

13. 2022-23 Revenue Out-Turn Variances from Budget

The meeting had before it a report by the Depute Chief Executive (Economy, Environment and Finance) advising the Council of the major variances from the approved budget in the actual out-turn for 2022/23 and to seek approval of adjustment to the budget for 2023/24 where income and expenditure trends are forecast to continue into 2023/24 and where there has been slippage in projects which are proposed to be funded from reserves.

Following consideration the Council unanimously agreed:

- i) the major variances in 2022/23 from those anticipated in February 2023, as summarised in APPENDIX 1;
- ii) that net expenditure is £5.5 million less than forecast, with £1.7m of that being Devolved School budgets (DSM) and Pupil Equity Funding (PEF) (and therefore not included in the estimated out-turn) and £1.3 million being funding received for refugees;
- iii) the major variances from the approved budget for 2022/23 as summarised in APPENDIX 2;
- iv) that the outturn of an underspend of £18.861 million consists of an underspend on services of £7.976 million (including DSM and PEF and unspent refugee funding); an underspend of £8.256 million on loans charges, additional income of £1.855 million, central provisions not required £0.774 million; and

- v) that a significant proportion of the underspend (including the element retained in central provisions) relates to slippage or delays in projects and timing differences in the release of reserves:

The Council further approved:

- i) Additional budgets for projects subject to slippage in 2022/23 as detailed in paragraph 3.29 to 3.38 totalling £2,158,000 to be funded from the covid ear-marked reserve; and
- ii) Ongoing savings of £1,480,000.

14. Smarter Working Project - Full Business Case and Progress Update

The meeting had before it a report by the Deputy Chief Executive (Economy, Environment and Finance) providing an update on progress with the Smarter Working project and the Full Business Case (FBC).

Councillor Ross expressed concern that by implementing the 2 days in the office and 3 days working from home split was unfair on those employees who wished to work in the office 5 days per week.

In response, the Deputy Chief Executive (Economic, Environment and Finance) confirmed that the split had been agreed by Council at its meeting in September 2023.

The Head of HR, ICT and Organisational Development further added that this was a base point for managers to discuss with their employees.

Councillor Gordon, seconded by Councillor Ross moved to change the working in the office/from home split from 2/3 days to 3/2 days.

The Deputy Chief Executive (Economic, Environment and Finance) and the Deputy Chief Executive (Education, Communities and Organisational Development) both expressed concern about the change in direction and cautioned against this proposed amendment. Further consultation would need to take place with staff and the change would have implications on the project as all the calculations are based on the 2 days in the office, 3 at home split.

Adjournment

Following a short adjournment Councillor Gordon withdrew his amendment.

Resumption of the Meeting

Following consideration the Council unanimously agreed to:

- i) note progress on the project to date;
- ii) consider and approves the Full Business Case (FBC) at Appendix 1 to this report, which includes the Equalities Impact Assessment at Appendix 2; and
- iii) approve the request for total revenue funding of £82.3k for 2023/24 and £25.4k for 2024/25 from reserves to provide essential equipment to facilitate

hybrid working as described in 4.17, which will be offset by savings per the financial case within the FBC shown in paragraph 4.23 of the report.

15. Moray Growth Deal Early Years STEM Capital Budget Allocation

The meeting had before it a report by the Depute Chief Executive (Education, Communities and Organisational Development) asking the Council to approve bringing forward allocation of capital budget for the Moray Growth Deal (MGD) “Early Years STEM” project, to spend at risk prior to approval by Scottish Government of a Full Business Case (FBC) and to approve expenditure necessary to progress planning and implementation of the Moray Growth Deal “Early Years STEM” project.

Following consideration the Council unanimously agreed to:

- i) note that the delivery of the Moray Growth Deal “Early Years STEM” Project will require spend on essential preliminary activities and development planning to progress the Full Business Case with the level of detail necessary to obtain approval by the UK and Scottish Governments;
- ii) note that due to significant lead times, there will be a requirement to procure assets ahead of Full Business Case approval, to allow delivery of the project as per project schedule;
- iii) approve bringing forward £200,000 of allocated project capital budget from 2026/27 for expenditure on specialist advice and preliminary design work and a further £40,000 for purchase of a vehicle at the Council’s risk prior to Full Business Case approval: and
- iv) delegate authority to the Early Years’ Service Manager as the projects Senior Responsible Officer to approve spend as required within allocated budget

16. Question Time ***

CCTV Camera Update

Under reference to paragraph 18 of the minute of the meeting of 24 May 2023, Councillor Coull sought an update on the CCTV installation in Moray towns.

In response the Depute Chief Executive (Economy, Environment and Finance) confirmed that she did not have a more up to date status than that given at Economic Development and Infrastructure on 20 June 2023 and confirmed the following:

Elgin is complete and excellent live camera feeds received within police operation room.

Forres is complete and excellent live camera feeds received within police operation room

Lossiemouth - camera and associated equipment is now installed, broadband at Lossie however is inadequate for upload speeds for quality live feeds, so although receiving pictures in the operation room they are not of the quality expected. An alternative means of transmitting the pictures has been identified and we will swap to mobile signal whilst the issue with the broadband is being investigated. Expect better quality live feed pictures by 23 June 2023

Keith – cameras installed, encryption equipment to be installed by 30 June 2023 and due to lack of broadband capacity within Keith, an alternative picture delivery model has been identified. With some suitable boosting a mobile solutions is possible. Expected live feeds by 30 June 2023

Buckie – at time of update (19/6/23) 50% of the necessary cameras, radio links and encryption has been installed. Expected live feeds over broadband by 30 June 2023.

However due to the high quality of the live picture feeds now being and about to be completed the broadband capacity at the police station requires to be upgraded. Investigations are underway to determine what is in place and what needs to be upgraded is planned to be completed by week ending 23 June 2023 and instructions given to BT to undertake necessary.

School Business Admin

Councillor Keith sought clarification on why were School Parent Councils and parents in general not included in the consultation of the changes to the administrative support in Primary Schools.

In response, the Depute Chief Executive (Education, Communities and Organisational Development) confirmed that the consultation was regarding employment matters relating to the school business support staff and the Council's duty is to consult with the staff and their representatives rather than the public in relation to employment matters.

She further added that this staffing change was on the back of changes to services which were provided to parents and pupils using the Council's digital services.

At the time the consultation was carried out there was consultation with parents, including meetings in particular schools at parents evenings and a survey which had almost 600 responses from parents.

This feedback was used to inform which services were transferred into a digital environment and they were prioritised based on the responses from parents at that point in time.

She further added that the completion of the project as a whole had been delayed due to Covid but that the proposed staffing changes were a final part of the original project.

Aberlour Flood Event May 2023

Councillor Ross sought clarification on whether the Council's response could be sped up post a flooding event, like the one which occurred in Aberlour on 10 May 2023.

In response, the Depute Chief Executive (Economy, Environment and Finance) confirmed that the gulleys in Aberlour were cleared within 48 hours of the event as part of our emergency response. She further added that the work required to the ditches needed to be inspected to confirm the scope of the work and then the statutory procurement process for carrying out the work needs to be taken into account.

Standing Orders

Councillor Williams sought clarification on suspending standing orders in regards to budget decisions.

In response the Head of Governance, Strategy and Performance confirmed that Standing Orders have a standard 6 month rule when a decision is made, however there is a general exception to that with regards to budget decisions

Staff Support

Councillor Morrison sought confirmation on the level of support offered to the Council's Library and Communications staff following the comments received regarding the Drag Story Time for children held at Elgin Library earlier in the month.

The Depute Chief Executive (Education, Communities and Organisational Development) confirmed that she had had a discussion with the Service Manager ahead of the event to make sure sufficient safety arrangements had been put in place and that support from Police Scotland and additional staffing was also available. Fortunately none of this was required and it was a very successful event.

CCTV at Underpass, Alexandra Road, Elgin

Councillor McBain sought an update on the CCTV cameras which cover the underpass on Alexandra Road. He said that they had been removed as part of the lighting upgrade carried out in the underpass and sought clarification on when they will be re-instated.

In response, the Depute Chief Executive (Economy, Environment and Finance) confirmed that she was not aware of the issue about the cameras but would clarify the position and circulate the response to members.

17. Disposal of Surplus Asset [Para 9]

The meeting had before it a report by the Depute Chief Executive (Economy, Environment and Finance) seeking Council agreement to dispose of the assets in line with the Council's disposal process.

Following consideration the Council unanimously agreed to:

- i) note that the Asset Management Working Group has declared surplus to Council requirements two modular nursery buildings; and
- ii) delegate authority to the Head of Housing and Property, Chief Financial Officer and Legal Services Manager to complete the disposal of the assets for the best value to the Council.

18. Additional Support Needs Funding [Para 3]

The meeting had before it a report by the Depute Chief Executive (Education, Communities and Organisational Development) asking the Council to approve additional funding for Additional Support Needs (ASN) for schools and Early Learning Centres to allow for a moderation exercise to take place as well as a new funding model for session 2024/25.

Following consideration the Council unanimously agreed to:

- i) note that a full moderation of current need is taking place to review the current method of resource allocation to schools and early years' settings to ensure consistency and effective management of resources;
- ii) approve temporary additional funding of £1.1m, full year funding, to support 10 schools and an early years' setting for session 2023/24;
- iii) approve use of the Education Investment Fund for schools of £500,000 which was approved by the Council on 1 March 2023 of £500k to support any in year requests for funding for children moving to Moray, enrolling at an Early Learning Centre or with a newly identified support need;
- iv) approve additional budget of £700k to fund the alternative curriculum provision to maintain children in Moray and prevent out of area placements whereby needs and education provision cannot be undertaken in school settings; and
- v) note that a report detailing progress in the review of resource allocation for additional support needs and the new process to be put in place will be reported to a future meeting of the ECLS Committee.

19. Elgin Community Centre [Paras 1 and 6]

The meeting had before it a report by the Depute Chief Executive (Education, Communities and Organisational Development) seeking Council approval for the closure of Elgin Community Centre (Elgin CC) and instruct officers to progress options for future use prior to disposal of the asset.

Councillor Leadbitter moved to include an additional recommendation, which is recommended in the report, however he felt it was worth adding as a specific recommendation that the Council will support existing community centre users to identify suitable alternative accommodation where possible.

As there was no one otherwise minded and following further consideration, the Council unanimously agreed to:

- i) note the information in relation to the operation of Elgin CC;
- ii) approve the closure of Elgin CC as a Council operated establishment on 31 March 2024, subject to appropriate workforce consultation;
- iii) instruct that discussions continue with VIP Childcare and Elgin Town Hall over the potential for short term use of the property;

- iv) delegate authority to the Head of Housing and Property and Legal Services Manager to agree and conclude appropriate occupancy agreements in relation to short term occupation by VIP Childcare and/or Elgin Town Hall to protect the Council's interests, should the above discussions prove positive; and
- v) support existing community centre users to identify suitable alternative accommodation where possible.

20. Moray Leisure Centre Expansion Proposal [Para 6]

Councillors Cameron, Gordon and Macrae left the meeting before the consideration of this item.

A report by the Depute Chief Executive (Education, Communities and Organisational Development) informed the Council of the Moray Leisure Centre (MLC) expansion proposals and seek direction regarding the level of support that should be provided by the Council at this time.

Councillor Leadbitter moved that amendments be made to the conditional requirements at para 4.32 of the report as follows:

REMOVE Conditional Point: Future Service Level - Whether Moray Leisure Centre will form all or part of the ongoing sport and leisure provision across Moray in the context of the whole Moray Sport and Leisure service that is deliverable within the future council budget and the proposal achieves the best outcomes in terms of socio economic benefits.

Who: Moray Council

When: before funding is committed

ADD Conditional Point: Future Management Fee - Timescale and extent of management fee reduction to be defined

Who: MLC

When: Before funding is committed

He further added that recommendation (j) be amended to read that a further report is provided to the Council with a progress update, including on project funding and an updated risk assessment within 6 months.

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

- i) note the information included in the report in regards to Moray Leisure Centre's expansion project; and
- ii) offer financial support for this expansion project;

The Council further agreed:

- a) to a capital grant of £2m and a capital loan of £4m over a period to be agreed, or determines what alternative funding to provide;

- b) to note that the risks and issues set out in the report, including state subsidy control and procurement legislation will require to be addressed in more detail and a further report presented;
- c) that any funding is agreed in principle subject to satisfactory resolution of the conditional points noted in the report (paras 4.28- 4.41) and that if this is not possible, the funding decision will be re-considered to take account of the implications and the decision reviewed, including possible withdrawal of the funding in full or in part;
- d) to note that associated support will require to be provided by the Council towards this project (as reflected in sections 4.12 and 4.13 of this paper), which will require to be defined and costed and appropriate budget allocated through a future report to the Council;
- e) that an initial budget of £20,000 is provided for immediate legal costs as set out in the report in relation to subsidy control;
- f) to the use of consultants and up to £15k from the levelling up fund budget to carry out an economic impact assessment;
- g) to note that any costs incurred by the Council, including the £275k already provided for the initial design and cost work, could be abortive if the project does not proceed;
- i) that if an extended lease is agreed, note that a further report will be submitted to determine whether to charge rent taking account of all of the issues including concessionary rent requirements and Subsidy Control Act; and
- j) that a further report is provided to the Council with a progress update, including on project funding and an updated risk assessment within 6 months.

The Council further agreed to amend the conditional requirements at para 4.32 as follows:

REMOVE Conditional Point: Future Service Level - Whether Moray Leisure Centre will form all or part of the ongoing sport and leisure provision across Moray in the context of the whole Moray Sport and Leisure service that is deliverable within the future council budget and the proposal achieves the best outcomes in terms of socio economic benefits.

Who: Moray Council

When: before funding is committed

ADD Conditional Point: Future Management Fee - Timescale and extent of management fee reduction to be defined

Who: MLC

When: Before funding is committed