

MORAY COUNCIL

Minute of Meeting of the Moray Council

Wednesday, 30 June 2021

Various Locations via Video-conference

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 Ryan Edwards, Councillor Claire Feaver, Councillor Donald Gatt, Councillor Graham Leadbitter, Councillor Marc Macrae, Councillor Aaron McLean, Councillor Maria McLean, Councillor Shona Morrison, Councillor Louise Nicol, Councillor Laura Powell, Councillor Derek Ross, Councillor Amy Taylor, Councillor Walter Wilson

APOLOGIES

Councillor Ray McLean, Councillor Sonya Warren

IN ATTENDANCE

Also in attendance at the above meeting were the Chief Executive, Depute Chief Executive (Economy, Environment and Finance), Depute Chief Executive (Education, Communities and Organisational Development), Chief Officer, Health and Social Care, Head of Governance, Strategy and Performance, Head of Economic Growth and Development, Head of Education, Chief Financial Officer, Acting Head of Housing and Property, Planning and Development Manager, Estates Manager, Development Officer, Health and Social Care, Asset Management Co-ordinator, Tracey Sutherland and Lissa Rowan, Committee Services Officers.

1. Chair

The meeting was chaired by Councillor Shona Morrison.

2. Declaration of Group Decisions and Members Interests *

In terms of Standing Order 20 and the Councillors' Code of Conduct, the following declarations were made:

Cllrs Morrison, Item 9 and 10 as Chair of the Integration Joint Board and NHS Grampian Board member;

Cllrs Brown, Coull, Divers, Eagle, Edwards and Nicol on Items 9 and 10 as members and substitutes of the Integration Joint Board. All would remain in the meeting.

Councillor Feaver sought clarification on whether she should declare an interest in Item 20. In response the Head of Governance, Strategy and Performance confirmed that this was not required.

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.

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 Item 30 - 32 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
29	8 and 9 Information on proposed terms and/or expenditure to be incurred by the Authority
30	8 and 9 Information on proposed terms and/or expenditure to be incurred by the Authority
31	8 and 9 Information on proposed terms and/or expenditure to be incurred by the Authority

4. Minute of Meeting of 12 May 2021

The minute of the meeting of Moray Council dated 12 May 2021 was submitted and approved.

5. Minute of Meeting of 16 June 2021

The minute of the meeting of the special meeting of Moray Council on 16 June 2021 was submitted and approved.

6. Emergency Notice of Motion - Findochty Harbour

A Notice of Motion was submitted by Councillor Eagle, seconded by Councillor Cowie in the following terms:

Findochty Harbour

This motion is put forward as an emergency motion to recognise the feelings of the community in Findochty and to provide certainty on the financial element of the following to them.

As local members for the Buckie ward we have been in communication with boat users in Findochty harbour. As council will know permission was given to replace the pontoons in this year's capital program, an agreement worth nearly half a million pounds

Sadly the effects of the COVID pandemic and the complexity in the Marine Scotland license application amongst other issues has led to significant delays with the original plan. It is unlikely we will now see them installed until after most boat users will have removed their boats for the winter.

A previous full council agreed to charge pro-rata fees once the pontoons are installed. Currently officers are expecting that to be September 2021.

Recognising the delays as well as the fact the previous pontoons were broken last year we do not feel it is fair to charge users a pro-rata harbour fee when they will not get summer use of the pontoons.

We ask that Council approve –

That all harbour fees for users affected by the pontoon replacement programme be waived for the 21/22 financial year.

Council officers advise that the financial impact of this decision would be approximately £17,000. This is on the basis that the council, in setting its charges for 21-22, had already agreed to charge pontoon user's pro-rata for the financial year 21-22 based on the date that vessels were able to use the new pontoons. This date is estimated to be September 2021, subject to licence approvals.

As there was no one otherwise minded the Council agreed that all harbour fees for users affected by the pontoon replacement be waived for 2021/22 financial year.

7. Written Questions **

The Council noted that a written question had been submitted by Councillor Macrae and the response by the Depute Chief Executive (Economy, Environment and Finance) thereto:-

QUESTION SUBMITTED BY COUNCILLOR MARC MACRAE

Garmouth Flooding / River Spey Report

For many years communities who border the River Spey North of Fochabers have raised concerns in regards flooding events. At a public meeting convened by Innes Community Council on Tuesday, 19 January 2021 assurances were given that the findings of a study being conducted would be reported back to councillors by June 2021.

In recent months assurances were sought that this report was still on track for this meeting of full council so that councillors could begin the process of finding a solution. Many in the community were disappointed to only find out upon the public publication of the meeting papers that this report was not to be included.

I therefore ask the Council why the report on the River Spey has not been presented at this meeting of the full council of members?

RESPONSE

The flood team has undertaken an investigation into the change in flood mechanism on the River Spey at Garmouth and agreed to share the findings with key stakeholders, including the local members by end of June 2021 and thereafter with the community. The report is complete and has now been sent to local

members for review and discussion before being shared with other stakeholders. The process and timeline for preparation and review of the report outlined above was not based on committee consideration in June. There is no current mandate for a committee report.

8. Best Value Assurance Report - Strategic Action Plan Progress Report

Under reference to paragraph 18 of the Minute of the meeting of Moray Council dated 28 October 2020, a report by the Chief Executive informed the Council of the latest progress on the Best Value Assurance Report Strategic Action Plan.

Following consideration the Council agreed to note progress made on the Best Value Assurance Report (BVAR) Strategic Action Plan shown in Appendix 1.

9. Covid Related Pressures and Service Prioritisation Report

Under reference to paragraph 9 of the minute of the meeting of Moray Council dated 10 March 2021, a report by the Chief Executive provided the Council with an update of the assessment of the impacts of the varying degrees of lockdown as a consequence on the national pandemic, including additional Covid-related provisions that are being delivered by Council services and the affect this is having on staff capacity and service delivery.

During consideration, Councillor Eagle moved that a further recommendation be added that the Council agree that a comprehensive report covering the improvement and modernisation programme, best value action plan and Covid pressure areas be submitted to the September meeting of Moray Council to give members a complete strategic overview of how the Council is progressing on its priorities, how it is already addressing its pressure and capacity issues and what further solutions are proposed.

Following further consideration the Council agreed to:

- i) note the additional Covid related services being delivered; the continued pressures that this puts on service delivery as a consequence; and the continued effect on the services in a specific number of areas;
- ii) continue to acknowledge the expectation of a scaled down delivery of the non-statutory services outlined in section 4 of this report;
- iii) agree to review the situation in September 2021; and
- iv) that a comprehensive report covering the improvement and modernisation programme, best value action plan and Covid pressure areas be submitted to the September meeting of Moray Council to give members a complete strategic overview of how the Council is progressing on its priorities, how it is already addressing its pressure and capacity issues and what further solutions are proposed.

10. Role and Remit of Chief Officer Health and Social Care Moray

A report by the Chief Executive informed the Council as a constituent party of the implications for the Chief Officer for Moray Health and Social Care Partnership (MHSCP) portfolio of:

- the Partnership's transition from a Covid-19 operating model (Operation Snowdrop)
- NHS Grampian's transition from a Covid-19 operating model (Operation Snowdrop)
- the launch of the new NHS Grampian (NHSG) strategy and the associated plan of implementation and its implications for the portfolios of the Chief Executive's Management Team and of the three Integration Joint Board (IJB) Chief Officers.

Following consideration the Council agreed to note:

- i) the nature and extent of participation at CMT of the Chief Officer IJB is under review in response to an external review of senior management portfolios;
- ii) the potential opportunities of an expanded portfolio alongside the risks for strategic management capacity in terms of strategic and corporate planning; transformational change and corporate leadership and management;
- iii) the risk mitigation measures being considered (Appendix 1); and
- iv) an interim stage to an expanded portfolio is being used to gauge the level of risk, and whether the risk mitigation requires further intervention.

11. Potential Delegation of Children and Families and Justice Services Social Work to MIJB

A report by the Chief Officer, Health and Social Care provided the Council with an update in relation to the proposed delegation of Children and Families and Criminal Justice to the Moray Integration Joint Board (MIJB).

Following consideration the Council agreed to note:

- i) the work being carried out by the Programme Board which is focussing on both development of the service and the business case for where the service is best aligned; and
- ii) that further updates will be provided to the Council as the project continues to progress.

12. Place Based Investment Programme

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Council on the Place Based Investment Programme and recommend spend for 2021/22.

Following consideration the Council agreed to approve spend of this year's allocation for the Place Based Investment Programme for the procurement and preparation of Buckie Harbour for offshore wind support business.

13. The Queens Green Canopy

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Council on the Queen's Green Canopy (QGC) project which was launched on 17 May 2021.

During consideration of the report Councillor Eagle, seconded by Councillor Brown, nominated Councillor Feaver to sit on the Steering Group and Councillor Leadbitter, seconded by Councillor Nicol further nominated Councillor Bremner to sit on the Steering Group. The Planning and Development Manager confirmed that 2 elected members would be acceptable to join the steering group.

Following further consideration the Council agreed to:

- i) note the proposals for the Queen's Green Canopy project;
- ii) progress a compensatory tree planting programme as part of the Council's contribution to the project;
- iii) delegate authority to the Head of Direct Services (Head of Environmental and Commercial Services) in consultation with other Heads of Service to consider requests against a set of criteria from schools, communities, members of the public and other organisations for opportunities for avenues, copses, plaques and individual trees to be planted on Council property as set out in paragraph 3.4; and
- iv) Councillors Bremner and Feaver be nominated to join the Steering Group to deliver the project.

14. Property Asset Management Appraisal Update

Under reference to paragraph 6 of the Minute of the meeting of Moray Council dated 12 December 2018, a report by the Depute Chief Executive (Economy, Environment and Finance) provided a progress update on the key recommendations set out within the Property Asset Management Appraisal (PAMA).

Following consideration the Council agreed to:

- i) note the progress achieved to date;
- ii) notes the revised timescales identified in Appendix I; and
- iii) a further update on the various actions within the PAMA that are nearing completion will be presented to Committee in December 2021.

15. Office Review Report

Under reference to paragraph 6 of the Minute of the meeting of the Moray Council dated 12 December 2018, a report by the Depute Chief Executive (Economy, Environment and Finance) provided the Council with an update on the Office Review following the recommendations set out within the Property Asset Management Appraisal.

Following consideration, the Council agreed to:

- i) note the Office Review (included as an additional document on the meeting agenda)
- ii) a staged implementation of the Office Review; and
- iii) a further update on the various actions within the Office Review will be presented to Council in December 2021.

16. Homelessness Policy Review

Under reference to paragraph 6 of the Minute of the meeting of Communities Committee dated 9 October 2019, a report by the Depute Chief Executive (Economy, Environment and Finance) provided the Council with an update of requirement to amend the Homelessness Policy and informs the Committee of future legislative changes.

Following consideration the Council agreed to:

- i) note the requirement to amend the Homelessness Policy as set out in Section 4;
- ii) approve the revised draft Homelessness Policy as set out in Section 4 and Appendix I;
- iii) note the legislative changes set out in Section 5; and
- iv) note that further changes will be required to the Homelessness Policy in accordance with the changes set out in Section 5.

17. Revenue Out-Turn Variances from Budget

A report by the Depute Chief Executive (Economy, Environment and Finance) advised the Council of the major variances from the approved budget in the actual outturn for 2020/21 and to seek approval of adjustment to the budget for 2021/22 where income and expenditure trends are forecast to continue into 2021/22 and where there has been slippage in projects which are proposed to be funded from reserves.

Following consideration the Council agreed to note:

- i) the major variances from those anticipated when the budget for 2021/22 was approved, as summarised in Appendix 1;
- ii) the major variances from the approved budget for 2020/21 totalling £24,055,000 as summarised in Appendix 2; and
- iii) a report on the use of the new ear-marked reserve for Covid related expenditure will be submitted to Council or Committee in early course, indicating the likely calls on this reserve.

The Council further agreed to approve:

- i) adjustments amounting to a net cost of £242,000 for variances which are anticipated to continue into 2021/22, as detailed in the table in paragraph 3.21; and
- ii) additional budgets for projects subject to slippage in 2020/21 as detailed in paragraph 3.23 totalling £161,000 to be funded from free general reserves.

18. Capital Plan 2020-21 Q4

Under reference to paragraph 2 of the minute of Moray Council dated 3 March 2020, a report by the Depute Chief Executive (Economy, Environment and Finance) informed the Council of the expenditure to 31 March 2021 under the capital plan for financial year 2020/21 and to recommend budget adjustments for inclusion in the Capital Plan for 2021/22 and future years.

Following consideration the Council agreed to:

- i) note expenditure to 31 March 2021 of £39,269,000 as set out in Appendix 1;
- ii) note the projected overall expenditure for projects spanning more than one financial year, as set out in Appendix 2; and
- iii) approve carry forwards to 2021/22 and future years totalling £7,158,000 in 2021/22 detailed in section 5.

19. Trust Funds Summary Expenditure Disposable Income

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Council of the disbursement made from Trusts in 2020/21 and the estimated disposable income available for disbursement in 2021/22.

Following consideration the Council agreed to:

- i) note that OSCR approved the re-organisation of 23 Trusts in the year and that these have now been removed from the Scottish Charity Register;
- ii) note the disbursements made from each of the Trust Funds in 2020/21, shown in Appendix 1;
- iii) the estimated income available for disbursement in 2021/22, shown in Appendix 2; and
- iv) the use of Covid-19 ear-marked reserves to make up any shortfall of car parking income during 2021/22.

20. Unaudited Annual Accounts for 2020-21

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Council to consider the unaudited Annual Accounts for the year to 31 March 2021 for both Moray Council and the Connected Charity Trust Funds administered by the Council.

Following consideration the Council noted:

- i) the unaudited Annual Accounts for Moray Council for the year ended 31 March 2021; and
- ii) Moray Council Connected Charity Trust Funds Trustees' Report and Financial Statements for the year ended 31 March 2021.

21. Forres Common Good - Transition Town Forres

Councillor Allan left the meeting during the discussion of this item and took no part in the decision.

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Council of an application from Transition Town Forres for financial assistance from Forres Common Good Fund to fund a second year's rental of the ground at Bogton Road following a rental review in March 2020.

During consideration, Councillor Brown moved to deny the grant application for £15,840 and to offer a grant of £5,000 for the year, which is in line with grant given to Forres Mechanics as he believed it was important that Forres citizens felt the Forres Common Good Fund distributions were equitable, this was seconded by Councillor Gatt.

Councillor Aaron McLean confirmed that he had originally supported the awarding of the £15,840 grant and moved that the Council accept the funding request from Forres Transition town, he further added that it would give the group the chance to succeed and that he would not support a request for funding in the future, this was seconded by Councillor Nicol.

In response, Councillor Cowe proposed charging the Group rent of £4,000, which he understood they could afford. This would mean that Forres Common Good Fund would be to the benefit of £4,000 rather than at a loss of £15,840 which would help to sustain Forres Common Good, this was seconded by Councillor Cowie subject to confirmation that this motion was competent.

The Head of Governance, Strategy and Performance suggested that Councillor Cowe may wish to change the wording of his amendment to reduce the amount of the grant by £4,000 rather than change the rent being charged to £4,000. Councillor Cowe confirmed he was happy to amend the wording of his amendment.

During further consideration, the Estates Manager confirmed that the rent for the land was set in accordance with the lease agreed by Transition Town Forres and if this land was leased on the open market, the rent would be higher following a question from Councillor Creswell.

After further consideration and having heard from other Councillors and Officers, Councillor Cowe withdrew his original amendment and proposed to defer the decision for 3 months to allow all concerned to find a way forward for this organisation as they cannot afford the £15,840 with a report back to Council on a way forward. This was seconded by Councillor Bremner who felt it was a fair outcome for all parties.

Councillor A Mclean sought to change his amendment of the recommendations to state that the grant would reduce to £11,840 to take into account the £4,000 Transition Town Forres can afford to pay. Councillor Nicol confirmed that she was happy to continue to second the amendment.

Following confirmation from the Head of Governance, Strategy and Performance, it was agreed to take Councillor Aaron McLean's amendment (1) against Councillor Cowe's amendment (2) and the winner would then be taken against Councillor Brown's motion.

On the division there voted:

For Amendment 1 (10)	Councillors A McLean, Nicol, Coull, Coy, Creswell, Divers, Edwards, Leadbitter, Morrison, and Taylor
For Amendment 2 (12)	Councillors Cowe, Bremner, Alexander, Brown, Cowie, Eagle, Feaver, Gatt, Macrae, M McLean, Powell and Wilson
Abstention (1)	Councillor Ross

Amendment 2 was then taken against the Motion and on the division there voted:

For the Motion (9)	Councillors Brown, Gatt, Eagle, Feaver, Macrae, M McLean, Powell, Ross and Wilson
For the Amendment (14)	Councillors Cowe, Bremner, Alexander, Coull, Cowie, Coy, Creswell, Divers, Edwards, Leadbitter, A McLean, Morrison, Nicol and Taylor
Abstention (0)	

Accordingly the amendment became the finding of the meeting and the Council agreed to defer the decision for 3 months to allow all concerned to find a way forward for this organisation as they cannot afford the £15,840, with a report back to Council on a way forward.

22. Education Recovery Monies

A report by the Depute Chief Executive (Education, Communities and Organisational Development) informed the Council of plans to spend additional monies to support education recovery.

Following consideration the Council agreed to:

- i) the distribution of funding of £1.9m for school year 2021/22 as set out in this report and Appendix 1, based on consultation with Head Teachers;
- ii) the plans to continue with additional cleaning until December 2021 at a cost of £0.3m;
- iii) allocate funding of £0.6m for the estimates for sanitiser, self isolation and pay award contingencies;

- iv) funding of £0.6m for two posts within HR, ICT and Organisational Development for the increased employment administration and payroll processing demands associated with the additional posts within Education; and
- v) fund the shortfall of £1.5m through Covid funds held in reserves for additional support for schools recovery.

23. Review of the Community Council Scheme and Election Arrangements

A report by the Depute Chief Executive (Education, Communities and Organisational Development) invited the Council to approve the proposed Moray Council Scheme for the Establishment of Community Councils 2021 - 2025 following a period of review and the Scheme of Electoral Arrangements for Community Councils 2021 - 2025.

Following consideration the Council agreed the amendments to:

- i) the Moray Council Scheme for Establishment of Community Councils 2021-2025; and
- ii) the Moray Council Scheme of Electoral Arrangements for Community Councils 2021 - 25.

24. Committee Governance

Under reference to paragraph 11 of the minute of Moray Council on 20 January 2021 a report by the Depute Chief Executive (Education, Communities and Organisational Development) asked the Council to review the temporary decision making arrangements put in place due to the Covid-19 response and to progress the Governance Review.

The Council Leader outlined his proposal which had been circulated with Group Leaders prior to the meeting and moved that the Council agree:

- i) that meetings continue to be held by video conference and webcast and that the position is reviewed again at the Council meeting in September 2021;
- ii) to continue the temporary change to paragraph 5 (7) of the Council's Scheme of Delegation so that the Chief Executive may exercise the delegation granted to him (to take such executive actions as may be deemed necessary in the discharge of the Authority's functions without the need for homologation);
- iii) that following the next scheduled Council meeting in September the following Committees are scheduled and should run on an 8 week cycle unless otherwise stated:

Moray Council

Economic Development and infrastructure Services Committee

Education, Children's Services and Leisure Committee (Formerly Children and Young People's Services Committee (CYP). Remit: as per the CYP Committee with better definition of Community Learning and Development plus elements of Communities under the Depute Chief Executive (Education, Communities and Organisational Development) remit.

Communities Committee. Remit: Housing department reports plus existing elements of Communities under the Depute Chief Executive (Economy, Environment and Finance)

Planning and Regulatory Services Committee

Audit and Scrutiny

Licensing Board

Licensing Committee

Police and Fire and Rescue Services Committee - meet quarterly

Corporate Services Committee (formerly Policy and Resources Committee) Remit: the existing Policy and Resources Committee plus emerging cross-cutting themes such as welfare benefits, developing partnerships and immigration;

- iv) to instruct the Head of Governance Strategy and Performance to consult with Councillors, Council Officers and the Integration Joint Board (IJB) Chief Officer on the formation of a Children's Services Sub-Committee to scrutinise performance and governance proposals during the shadow period as the service prepares to move under the governance of the IJB and to make recommendations to the Education, Children's Services and Leisure Committee and Moray Council as appropriate;
- v) that the scrutiny role of Audit and Scrutiny Committee is further clarified with reference to a scrutiny charter and that the frequency of meetings is reviewed following the development of the charter;
- vi) that the Economic Development and Infrastructure Services Committee and Communities Committee should be scheduled for the same day and that this arrangement should be reviewed after 3 Committee cycles to assess its effectiveness;
- vii) that the religious representatives on the Education, Children's Services and Leisure Committee will have attendance rights but no voting rights; and
- viii) to instruct the Head of Governance Strategy and Performance to make the appropriate changes to the Scheme of Administration and Committee Calendar for a final decision to be taken at the next Council meeting in September.

The Council Leader thanked other members for their co-operation and acknowledged that the proposal for a children's Services Sub Committee had been the suggestion of the Conservative Group. The proposals were seconded by Councillor Coy.

In response, Councillor Eagle confirmed that his group were mostly in agreement with the Council Leader's proposals but felt that they could not agree with proposals (ii) and (vii) and subsequently moved that the Council agree:

- ii) to cease with immediate effect the temporary change to paragraph 5 (7) of the Council's Scheme of Delegation referring to the Chief Executive's delegated powers; and
- vii) that non councillor Committee members offer a valuable contribution to Committee discussions and continue to be welcome but given the wider governance and finance responsibilities specific to Elected Members that the voting entitlement is removed from community representatives.

This was seconded by Councillor Brown.

Councillor Ross, seconded by Councillor Wilson proposed that all non councillor Committee members on Committees should retain their current voting rights.

Councillor Eagle sought clarification on whether it would be possible to agree all the recommendations with the exception of (ii) and (vii).

In response, the Head of Governance Strategy and Performance confirmed that if members were happy this would be the best way to proceed.

Members confirmed that they were happy to agree proposals (i), (iii), (iv) (v), (vi).

In respect of proposal (ii) on the division there voted:

For the Motion (12)	Councillors Leadbitter, Alexander, Bremner, Coull, Cowie, Coy, Creswell, Divers, A, McLean, Morrison, Nicol and Taylor
For the Amendment (10)	Councillors Eagle, Brown, Edwards, Feaver, Gatt, M Macrae, M McLean, Powell, Ross and Wilson
Abstention (1)	Councillor Cowe

Accordingly the motion became the finding of the meeting.

The Head of Governance Strategy and Performance confirmed that Councillor Eagle's amendment in regards to recommendation (vii) would be taken against Councillor Ross' in the first instance.

On the division there voted:

For Amendment 1(16)	Councillors Eagle, Brown, Alexander, Cowe, Cowie, Coy, Creswell, Feaver, Gatt, Leadbitter, Macrae, A McLean, M McLean, Morrison, Powell and Taylor.
For Amendment 2 (7)	Councillors Ross, Wilson, Bremner, Coull, Divers, Edwards and Nicol
Abstention (0)	

Amendment 1 was then taken against the Motion and on the division there voted:

For the Motion (8)	Councillors Leadbitter, Coy, Bremner, Coull, Divers, A McLean, Nicol and Taylor
For the Amendment (14)	Councillors Eagle, Brown, Alexander, Cowe, Cowie, Crewsell, Feaver, Gatt, M McLean, Macrae, Powell, Ross, Taylor and Wilson
Abstention (1)	Councillor Edwards

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

- i) that meetings continue to be held by video conference and webcast and that the position is reviewed again at the Council meeting in September 2021;
- ii) to continue the temporary change to paragraph 5(7) of the Council's Scheme of Delegation so that the Chief Executive may exercise the delegation granted to him (to take such executive actions as may be deemed necessary in the discharge of the Authority's functions) without the need for homologation;
- iii) that following the next scheduled Council meeting in September the following Committees are scheduled and should run on an 8 week cycle unless otherwise stated:

Moray Council

Economic Development and infrastructure Services Committee

Education, Children's Services and Leisure Committee (Formerly Children and Young People's Services Committee (CYP). Remit: as per the CYP Committee with better definition of Community Learning and Development plus elements of Communities under the Depute Chief Executive (Education, Communities and Organisational Development) remit.

Communities Committee. Remit: Housing department reports plus existing elements of Communities under the Depute Chief Executive (Economy, Environment and Finance)

Planning and Regulatory Services Committee

Audit and Scrutiny

Licensing Board

Licensing Committee

Police and Fire and Rescue Services Committee - meet quarterly

Corporate Services Committee (formerly Policy and Resources Committee) Remit: the existing Policy and Resources Committee plus

emerging cross-cutting themes such as welfare benefits, developing partnerships and immigration;

- iv) to instruct the Head of Governance Strategy and Performance to consult with Councillors, Council Officers and the Integration Joint Board (IJB) Chief Officer on the formation of a Children's Services Sub-Committee to scrutinise performance and governance proposals during the shadow period as the service prepares to move under the governance of the IJB and to make recommendations to the Education, Children's Services and Leisure Committee and Moray Council as appropriate;
- v) that the scrutiny role of Audit and Scrutiny Committee is further clarified with reference to a scrutiny charter and that the frequency of meetings is reviewed following the development of the charter;
- vi) that the Economic Development and Infrastructure Services Committee and the Communities Committee should be scheduled for the same day and this arrangement should be reviewed after 3 Committee cycles to assess its effectiveness;
- vii) that non-councillor Committee members offer a valuable contribution to Committee discussions and continue to be welcome but given the wider governance and finance responsibilities specific to Elected Members that the voting entitlement is removed from community representatives; and
- viii) to instruct the Head of Governance, Strategy and Performance to make the appropriate changes to the Scheme of Administration and Committee calendar for a final decision to be taken at the next Council meeting in September.

25. Suspension of Standing Orders

In terms of Standing order 83 the Chair moved to suspend standing order 75 in order to conclude the meeting after 5.00pm.

Councillor Brown stated that as there was still a number of agenda items to discuss he would be opposed to continuing the meeting beyond 5pm and as an amendment moved that the meeting be adjourned and reconvened at a later date.

Following clarification from the Head of Governance, Strategy and Performance the meeting noted that a two thirds majority was required to suspend standing orders in order to continue the meeting beyond 5.00pm.

For the Motion (8) Councillors Morrison, Bremner, Coull, Coy, Divers, Leadbitter, A McLean and Nicol

For the Amendment (14) Councillors Brown, Alexander, Cowe, Cowie, Creswell, Eagle, Feaver, Gatt, Macrae, M McLean, Powell, Ross, Taylor and Wilson

Abstentions (1) Councillor Edwards

Accordingly, in terms of Standing Order 83 , the Council agreed not to Suspend Standing Order 75 as two thirds of the members of the Council present did not

agree to continue the meeting past 5.00pm and the meeting was suspended and arrangements to be made to re-convene the meeting at another time.

26. Resumption of the Meeting - 1 July 2021

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 John Divers, Councillor Donald Gatt, Councillor Graham Leadbitter, Councillor Marc Macrae, Councillor Aaron McLean, Councillor Maria McLean, Councillor Ray McLean, Councillor Shona Morrison, Councillor Louise Nicol, Councillor Laura Powell, Councillor Derek Ross, Councillor Amy Taylor, Councillor Sonya Warren.

APOLOGIES

Councillor Lorna Creswell, Councillor Tim Eagle, Councillor Ryan Edwards, Councillor Claire Feaver, Councillor Walter Wilson.

ALSO IN ATTENDANCE

Chief Executive, Depute Chief Executive (Education, Communities and Organisational Development), Depute Chief Executive (Economy, Environment and Finance), Head of Economic Growth and Development, Ms J Hughes, Director of Planning and Performance, Digital Health and Care Innovation Centre, Legal Services Manager and Mrs L Rowan, Committee Services Officer as Clerk to the Meeting.

27. Order of Business

In terms of Standing Order 28, the Chair sought the agreement of the Council to vary the order of business and take Item 28 "Moray Growth Deal – Full Business Case – Digital Health" following Question Time, to allow Ms Hughes, Director of Planning and Performance, Digital Health and Care Innovation Centre to leave the meeting at her earliest convenience. This was agreed.

28. Political Balance - Appointments to Committees

Under reference to paragraph 5 of the Minute of the meeting of Moray Council dated 17 November 2020, a report by the Depute Chief Executive (Education, Communities and Organisational Development) invited the Council to determine the membership of committees in terms of the political balance in light of a change to the membership of the Moray Alliance Group (MAG) and to approve a protocol for dealing with changes to membership of committees where there is no impact on the political balance.

The Council Leader outlined his proposal which had been circulated with Group Leaders prior to the meeting and moved that the Council agree to form major committees of 14, with 'Licensing Board', 'Moray Local Review Body' and 'Police & Fire & Rescue Services' committees of 9; that political balance on committees is applied using the 'seats' table as set out in Appendix 1 of the report and that the protocol for dealing with changes to membership not affecting political balance be used, as outlined in para 4.2 of the report. This was seconded by Councillor Coull.

Councillor Brown moved as an amendment that the Council agree to form major committees of 11, with Licensing and Moray Local Review Body committees of 9, recognising that all councillors have the ability to request to speak at committees at the acceptance of the committee chair; that for any collective of councillors (two or more) to be considered a group, the leader of the new group must submit to the Monitoring Officer the name and leader of this group and that where councillors sit as individuals, they shall be treated as such when allocating committee spaces; and that the protocol for dealing with changes to membership not affecting political balance be used, as outlined in para 4.2 of the report. This was seconded by Councillor Gatt.

On a division there voted:

For the Motion (13)	Councillors Leadbitter, Coull, Alexander, Bremner, Cowe, Cowie, Coy, Divers, Morrison, A McLean, Nicol, Taylor and Warren
For the Amendment (8)	Councillors Brown, Gatt, Allan, Macrae, M McLean, R McLean, Powell and Ross
Abstentions (0)	

Accordingly, the Motion became the finding of the meeting and the Council agreed:

- i) to form major committees of 14, with Licensing Board, Moray Local Review body and Police and Fire and Rescue Services Committees of 9;
- ii) that political balance on Committees is applied using the seats table as set out in Appendix 1 for the report; and
- iii) the protocol for dealing with changes to membership not affecting political balance as outlined in para 4.2 of the report.

29. Question Time ***

Councillor Warren sought an update in relation to the Ice Plant at Buckie Harbour.

In response, the Depute Chief Executive (Economy, Environment and Finance) advised that she would email Council Warren and the rest of the Members with an update on the Ice Plant at Buckie Harbour following the meeting.

Councillor Alexander highlighted the success of the projects in Elgin and Forres to mitigate against the seagull population in those areas and asked whether the Council had any intention to make the roofs on Council properties seagull proof.

In response, the Depute Chief Executive (Economy, Environment and Finance) advised that the increased presence of seagulls was a consequence of living near the coast and that she was not aware of any intention to carry out works on council properties to prevent seagulls nesting however would confirm this and advise Members following the meeting.

The Head of Economic Growth and Development further advised that the Council had no statutory responsibility to mitigate against the seagull population which is a

problem throughout Scotland and that it would be expensive to make the roofs on all Council owned properties seagull proof.

Councillor Warren welcomed the summer activities programme for school children in Moray over the summer holiday period however stated that some of her constituents had had issues logging on to book the sessions with many sessions being booked up 10 minutes after being released. She queried whether there was any intention to add to the activity programme and whether changes could be made to the booking system to make it more equitable for families throughout Moray. She also queried whether there was any intention to provide extra swimming lessons which were also full.

In response, the Depute Chief Executive (Education, Communities and Organisational Development) advised that there was no capacity to add to the current programme however additional funding had been provided from the Scottish Government to other providers who may be able to provide activities. She further advised that the swimming lessons were full with no capacity to increase further and that she would take on board the feedback in relation to possible future adaptation of the system in place for booking activities for the future.

With regard to the vote at the previous meeting of Council where there failed to be a two thirds majority to suspend standing order 75 to allow the meeting to carry on beyond 5:00 pm, Councillor Coy was of the view that working an 8 hour day is acceptable and asked if the Council's Standing Orders could be reviewed to allow meetings to continue beyond 5:00 pm if need be without the need to suspend standing orders to allow this to happen.

In response, the Legal Services Manager advised that a review of the Council's Standing Orders was being carried out as part of the Governance review and that she would pass on Councillor Coy's concerns to the Head of Governance, Strategy and Performance for consideration.

30. Moray Growth Deal - Full Business Case - Digital Health Para 8 and 9]

Councillors Morrison and R McLean left the meeting during discussion of this item and took no part in the decision. Councillor Leadbitter being Leader of the Council assumed the role of Chair for the remainder of the meeting.

Under reference to paragraph 10 of the Minute of the meeting of Moray Council dated 18 February 2021, a report by the Depute Chief Executive (Economy, Environment and Finance) informed the Council of the progress of the Moray Growth Deal and, more specifically, the Digital Health Project. The report further requested delegated authority to enter into a partnership agreement to regulate duties and liabilities during the interim period between now and the Moray Growth Deal being formally approved and also asked that Council accept the Offer of Grant relative the project.

During discussion, Members welcomed the project however there were some concerns in relation to its location and costs to the Council therefore it was queried whether an update report could be brought to a special meeting of Council in August 2021.

In response, the Depute Chief Executive (Economy, Environment and Finance) agreed to arrange a confidential briefing in August to keep Members updated in relation matters surrounding the Moray Growth Deal.

Thereafter, the Council agreed to:

- i) note progress with the Deal since the last report on 18 February 2021;
- ii) approve the full business case for the Digital Health Project as summarised in Appendix 1 and supporting Equality Impact Assessment (EIA) and delegate authority to the Depute Chief Executive (Economy, Environment and Finance) to make final changes that may be required from Government Feedback;
- iii) delegate authority to the Depute Chief Executive (Economy, Environment and Finance) or such other signatory as may be required to:
 - a) enter into an interim partnership agreement with the Digital Health and Care Innovation Centre to regulate the relationship;
 - b) accept the offer of grant form the Scottish Government relative to the Digital Health Project to allow the Digital Health project to be initiated;
- iv) approve the purchase of vehicles for the Bus Revolution project which is estimated to be within the allowance included in the capital plan for 2021/22 for this purpose; and
- v) approve recruitment of a Project Manager for the Bus Revolution project for 5 years at grade 11.

31. UK Levelling Up Fund [Para 8 and 9]

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Council on the proposed Levelling Up Fund (LUF) from UK Government and asked that the Council agree the general scope for the Council bid and agree budget to support the Council's development and project management of the bid.

Following consideration, the Council agreed:

- i) to note the criteria and timescales for delivery of projects to be eligible for the UK Levelling Up Fund;
- ii) agree the themes of the Moray bid for UK Levelling Up Fund be:
 - increasing Town Centre Vitality through Economic and Cultural Regeneration
 - improving the transport network including active travel links between areas of inequality and new employment/training opportunities
- iii) note the criteria and approach set out in Appendix 1 for assessing, prioritising and shortlisting projects;
- iv) that projects assessed, priorities and worked up in detail with a view to submitting a bid in the second round of funding;

- v) that £430,000 be committed from reserves towards evidence base, detailed design and project management costs to support the bid;
- vi) that project management, modelling and design work proceeds to support the submission; and
- vii) that further reports be submitted to Council as the bid progresses and details of the second round of funding are published.

32. Land Acquisition, Buckie [Para 8 and 9]

Councillor Macrae left the meeting during discussion of this item and took no part in the decision.

A report by the Depute Chief Executive (Economy, Environment and Finance) provided the Council with an update on securing Buckie Harbour as a base to support the Moray West Offshore Windfarm and asked to allocate the 2021/22 funding from the Place Based Investment Programme to property in Buckie to support the Windfarm and associated supply change.

The Head of Economic Growth and Development advised that an additional recommendation had been circulated to Members ahead of the meeting in relation to the information contained within Appendix A of the report. The Chair confirmed that this additional recommendation had been received by Members.

Following consideration, the Council agreed to:

- i) purchase the property as detailed in para 5.5 and Appendix C of the report;
- ii) apply flexibility as outlined in para 6.4 to purchase of any further property required to facilitate the development of an Operations and Maintenance Base and property in the vicinity of the harbour that will support future supply chain businesses as outlined in Section 6 of the report; and
- iii) to negotiate and agree the issues raised in the letter of confirmation set out in Appendix A of the report, including the negotiation and purchase of the properties identified in the letter which Moray West have now identified as critical.