

MORAY COUNCIL

Minute of Meeting of the Moray Council

Wednesday, 19 January 2022

Remote Locations via Video Conference,

PRESENT

Councillor George Alexander, Councillor David Bremner, Councillor Frank Brown, Councillor Theresa Coull, Councillor John Cowe, Councillor Gordon Cowie, 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 Ray McLean, Councillor Shona Morrison, Councillor Louise Nicol, Councillor Laura Powell, Councillor Derek Ross, Councillor Amy Taylor, Councillor Sonya Warren, Councillor Walter Wilson

APOLOGIES

Councillor James Allan

IN ATTENDANCE

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), Head of Governance, Strategy and Performance, Head of Financial Services, Head of Economic Growth and Development, Head of Environmental Services and Commercial Services, the Head of Housing and Property and Tracey Sutherland, Committee Services Officer.

Brian Howarth and Maggie Bruce from Audit Scotland were also in attendance.

1. Chair

The meeting was chaired by Councillor Shona Morrison.

2. Condolences

Members of the Council joined the Convener in offering their sincere condolences to Councillor Wilson following the death of his mother.

Councillor Wilson thanked the Council and also the Social Work Service for their support.

3. Letter of Commendation

The Convener read out a joint letter from the Lord Lieutenants of Moray and Banffshire, in which they thanked the Council and staff for the wonderful contribution they have made to the people of Moray and Banffshire during the anxious and challenging times of the Covid-19 pandemic.

4. Declaration of Group Decisions and Members Interests *

In terms of Standing Order 20 and the Councillors' Code of Conduct, there were no 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.

5. Written Questions **

The Council noted that no written questions had been submitted.

6. Notice of Motion - Older Peoples Champion

A Notice of Motion was submitted by Councillor Warren, seconded by Councillor Coull in the following terms:

Older Peoples Champion

Age Scotland and the Scottish Older People's Assembly (SOPA) are campaigning to secure the appointment of a Councillor as an Older People's Champion in each of Scotland's 32 local Authorities, 19 have already appointed their champion.

The champion would work to help ensure the older peoples voices are heard within the community. They would help raise awareness of issues affecting older people in the local area. Their responsibilities might include:

Ensuring older peoples perspectives are understood in policy area

✓ Collecting and feeding back on older people's concerns to the council

Helping to communicate council policy to older people

Leading on council campaigns around older people's issues

We therefore ask the Council to agree to respond to the campaign and appoint an Older Peoples Champion.

Councillor Leadbitter, seconded by Councillor Nicol moved that Councillor Warren be appointed as the Older People's Champion.

Councillor Feaver proposed that Councillor Brown be appointed as the Older People's Champion, this was seconded by Councillor Eagle.

On the division there voted:

For the Motion (11)	Councillors Leadbitter, Nicol, Bremner, Coull, Cowe, Creswell, Divers, Morrison, A McLean, Taylor and Warren
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For the Amendment (10)	Councillors Feaver, Eagle, Alexander, Brown, Macrae, M McLean, R McLean, Powell, Ross and Wilson
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Abstentions (3)	Councillor Cowie, Edwards and Gatt
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Accordingly the motion became the finding of the meeting and the Council agreed to appoint Councillor Warren at the Older People's Champion.

7. Minute of Meeting of 10 November 2021

The minute of the meeting of the Moray Council dated 10 November 2021 was submitted and approved.

8. Minute of Meeting of 30 November 2021

The minute of the meeting of the Moray Council dated 30 November 2021 was submitted and approved.

9. Minute of Meeting of 13 December 2021

The minute of the meeting of the Moray Council dated 13 December 2021 was submitted and approved.

10. 2020-21 Annual Audit Report

A report by the Depute Chief Executive (Economy, Environment and Finance) provided the Council with a copy of the External Auditor's Annual Audit Report to the Council on the 2020/21 audit.

Councillor Brown expressed concern about the last sentence of para 71 of the Auditor's report. Following discussion it was agreed that the Head of Governance, Strategy and Performance would assist the Audit Director with wording for the sentence which better reflected the outcome of the meeting.

Following consideration the Council agreed to note the contents of the report (Appendix 1) from the Council's External Auditors.

11. Audited Annual Accounts 1 April 2020 to 31 March 2021

A report by the Depute Chief Executive (Economy, Environment and Finance) submitted to the Council the Audited Annual Accounts for the Moray Council for the year ended 31 March 2021.

Following consideration, the Council agreed to:

- i) note the Audited Annual Accounts for the financial year 2020/21; and
- ii) approve that the Annual Accounts are signed, having regard to the Annual Report from the external auditor considered earlier at this meeting.

12. Connected Charities Audited Annual Accounts 01-04-20 to 31-03-21

A report by the Depute Chief Executive (Economy, Environment and Finance) submitted to the Council the audited Annual Accounts for Moray Council's Connected Charities for the year ended 31 March 2021.

Following consideration the Council agreed to approve the audited Annual Accounts for the Connected Charities for the financial year 2020/21.

13. BVAR Strategic Action Plan - Quarterly Progress Report

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.

14. Corporate Plan Progress Update and 2022 Preparation Report

A report by the Depute Chief Executive (Education, Communities and Organisational Development) provided an update on progress on the Corporate Plan 2019/24, to set out preparations for the review and update of the Corporate Plan following the local government election in May 2022 and proposed arrangements for service planning for 2022.

Following consideration in which Officers answered questions regarding attainment and community engagement the Council agreed to:

- i) note the progress made on the 2019-24 Corporate Plan
- ii) the preparations for the review and update of the Corporate Plan following the local government elections in May 2022; and
- iii) note that in light of the local government election in May 2022, service plans will be prepared taking account of the known national and service driven issues and will be further reviewed in 12 months to take account of the direction from the new Council in the revised Corporate Plan.

15. Short Medium Term Financial Planning

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Council of the updated financial projections for 2021/22, 2022/23 and 2023/24.

Following consideration the Council agreed to:

- i) note the revised budget estimates for 2021/22, 2022/23 and 2023/24;
- ii) note the emerging budget pressures summarised in paragraphs 3.7 and 3.20;
- iii) approve additional funding of £52,000 as itemised in paragraphs 3.11 and 3.13, to enable the recruitment process for a Programme Management Officer for Moray Growth Deal to commence in early course and immediate procurement of software to improve cybersecurity; and
- iv) approve savings of £800,000 for 2022/23 as set out in paragraph 3.14, subject to approval by Education, Children's and Leisure Services Committee on 26 January 2022 of future proposals for Children's Services.

16. Capital Strategy

A report by the Depute Chief Executive (Economy, Environment and Finance) asked Council to approve the Capital Strategy presented in draft as Appendix 1 to this report.

Following consideration the Council agreed to approve the Capital Strategy as set out in Appendix 1.

17. Charging for Services

A report by the Depute Chief Executive (Economy, Environment and Finance) asked Council to approve revised charges for Council services for 2022/23.

Following the agreement at Economic Development and Infrastructure Services Committee on 7 December 2021 to recommend the introduction of a new systems of charges for the use of parks and open spaces in the Council's ownership.

Councillor Leadbitter moved that charges in G5 be set to zero for all Community, Charity and Not Profit Events.

In response, Councillor Alexander said he would be happy to support Councillor Leadbitter's motion if he would amend it to include limited companies who did not distribute profit to shareholders.

Councillor Leadbitter confirmed he was happy to amend his motion to incorporate Councillor Alexander's addition.

Councillor Brown, seconded by Councillor Morrison proposed that the B10a maintenance charge for wash/dry toilets be removed and no charge made for the service.

As there was no one otherwise minded the Council agreed to approve the charges for the Council services for 2022/23 set out in appendix 1 subject to the following changes:

- i) Charges in G5 will be set at zero for Community, Charity and Not for Profit Events - including limited companies who do not distribute profit or shares to shareholders; and
- ii) Charges in B10a for the maintenance of wash/dry toilets is removed and no charge is made for the service.

Councillor Edwards left the meeting following the conclusion of this item.

18. Storm Arwen Debrief

A report by the Depute Chief Executive (Economy, Environment and Finance) advised the Council of the recommendation from the Economic Development and Infrastructure Services Committee that the Council seek a report on the Council's response to Storm Arwen.

Following consideration the Council agreed that a review of how the Council responded to Storm Arwen be undertaken and that the review is undertaken as detailed in paragraph 4.2 of the report.

19. Urban Gulls

Councillor Edwards re-joined the meeting during the discussion of this item.

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Council of the action taken to date regarding Urban Gulls and of the changes to the licensing scheme for gull control actions.

In introducing the report the Head of Economic Growth and Development advised the Council that recommendation 7 should read - note that Officers will keep options in terms of the new License under review as further detail emerges. The word 'general' should be removed.

Councillor Leadbitter moved to approve the recommendations as printed with the removal of the word 'general' from recommendation 7, this was seconded by Councillor Bremner.

In response Councillor Eagle, seconded by Councillor Gatt proposed the following:

- i) agree as printed
- ii) agree as printed
- iii) agree as printed
- iv) remove recommendation
- v) agree that authority be delegated to the Head of Housing and Property Services to progress contractual discussions regarding laser disruption in 2022/23 following discussion with local members who have authority to authorise Common Good/Public Trust funding allocations and who wish to be involved in the contracts, and that this will be offered to all ward areas.
- vi) agree the following actions:
 - a) a public education programme as set out in para 6.1 at a maximum cost of £2000 with spend in 2021/22, with delegated powers to the Head of Economic Growth and Development to liaise with Group Leaders on final details
 - b) a priorities rolling programme for the supply and installation of gull proof bins in affected communities in Moray as set out in para 6.2 and Appendix 1
 - c) ask Officers to bring forward as a budget proposal a template on increasing the street cleaning team and a template on the recruitment of an internal team to provide seagull proofing services to communities along the lines of today's discussion
- vii) as printed

Under reference to Standing Order 83 the Chair sought the Committees approval to suspend Standing Order 75 in order to conclude the meeting after 12.45pm. This was unanimously agreed

Following further consideration, Councillor Leadbitter amended his motion to agree with Councillor Eagle's amendment with the exception of vi) c for the proposal on increasing the street cleaning team and on the recruitment of an internal team to provide seagull proofing services to communities to be considered as part of the budget debate in February. Councillor Bremner was in agreement with Councillor Leadbitters amended motion.

On the division there voted:

For the Motion (12)	Councillors Leadbitter, Bremner, Coull, Cowe, Cowie, Divers, Edwards, A McLean, Morrison, Nicol, Taylor and Warren
For the Amendment (10)	Councillors Eagle, Gatt, Brown, Feaver, Macrae, M McLean, R, McLean, Powell, Ross and Wilson
Abstentions (2)	Councillors Alexander and Creswell

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

- i) to note activity in relation to gull control to date;
- ii) to note the change to the NatureScot licence provisions regarding gulls and the potential impact of this on continuation of interventions previously instructed;
- iii) to note the constraints on funding of activity across the whole council housing estate from the Housing Revenue Account (HRA), but the potential for use of general maintenance budgets in particular cases;
- iv) agree that authority be delegated to the Head of Housing and Property Services to progress contractual discussions regarding laser disruption in 2022/23 following discussion with local members who have authority to authorise Common Good/Public Trust funding allocations and who wish to be involved in the contracts, and that this will be offered to all ward areas.
- v) the following further actions:
 - a) a public education programme as set out in para 6.1 at a maximum cost of £2000 with spend in 2021/22, with delegated powers to the Head of Economic Growth and Development to liaise with Group Leaders on final details;
 - b) a prioritised rolling programme for the supply and installation of gull proof bins in affected communities in Moray as set out in para 6.2 and Appendix 1; and
 - c) for the proposal on increasing the street cleaning team and on the recruitment of an internal team to provide seagull proofing services to communities to be considered as part of the budget debate in February rather than Officers preparing budget proposal templates

- vi) to note that Officers will keep options in terms of the new General License under review as further detail emerges.

Councillors Maria and Ray McLean left the meeting at the conclusion of this item.

20. Question Time ***

Under reference to para 13 of the minute of the meeting of 10 November 2021, Councillor Alexander sought an update on whether the meeting had taken place with the University of the Highlands and Islands (UHI).

In response, Councillor Leadbitter confirmed that a meeting had taken place between himself and the Vice Principal of UHI and other representatives which had been very helpful with the Vice Principal confirming re-assurances already given following the press article that the curriculum would remain broad and significant.

Under reference to para 13 of the minute of the meeting of 10 November 2021, Councillor Alexander sought an update of the dualling of the A96.

In response, Councillor Leadbitter confirmed that he had received a letter from the Transport Minister at the Scottish Government, which he had asked be circulated to all Councillors.

Councillor Leadbitter further added that the Transport Minister gave re-assurance that the Scottish Government is committed to the north east including the commitment to improve the A96 north east corridor to improve connectivity in the area.

The current plan is to fully dual the A96 route between Inverness and Aberdeen however, as part of the co-operation agreement with the Scottish Green Party the agreement has been reached to conduct a transparent, evidence based review which will be reported by the end of 2022.

Furthermore full consultation will take part with all stakeholders including the Council to ensure individuals and businesses are kept fully informed and that vital feedback is taken on board as the review is taken forward.

Councillor Ross sought an update on the additional Covid funding given to Scottish local authorities for permanent and temporary additional staffing and how this translated into permanent teaching and support staff positions in Moray's schools and further sought a breakdown between primary, secondary and Additional Support Needs.

He further sought clarification on whether all the money has been spent.

In response the Depute Chief Executive (Education, Communities and Organisational Development) confirmed that a report is being presented to Education, Communities and Leisure Services Committee.

Councillor Brown sought an apology from Councillor Leadbitter following the meeting of Moray Council on 13 December 2021 in which he released a press release demanding 3 Councillors of the Conservative Group to resign as they no longer stayed within the Moray area. Councillor Brown stated that Councillor Leadbitter did this in the full knowledge that for the last year of the previous

administration, the Leader of the SNP group lived in Aberdeenshire. Councillor Brown further sought an apology for the disingenuous press release and for the apology to be properly minuted.

The Chair sought clarification from the Head of Governance, Strategy and Performance on how to deal with Councillor Brown's questions as questions within Question Time should be addressed through the Chair.

In response the Head of Governance, Strategy and Performance advised that any member can put any question to the Chair on that Committee's remit and that the Chair can refer questions on to appropriate Officers or Members to respond.

The Chair referred Councillor Brown's question to Councillor Leadbitter to respond.

Councillor Leadbitter responded by confirming that he was not going to apologise for the press release, it was made at a time of different circumstances and he was talking about a third of a group not living within Moray who were seeking the Administration. He further added that at the time of the previous Administration, the group were not seeking the Administration and it is a very different context. He further stated that he stands by the comments he made in the press release at the time of the Council meeting.

Councillor Brown did not wish to ask any further question, however stated he would not accept Councillor Leadbitter's response.

Councillor Gatt sought clarification on whether keeping surplus buildings which closed in 2004 is still best value for money and if not, why has the Keith Tourist Office not been sold or demolished and what is the cumulative cost to the Council since 2004.

In response the Chair confirmed that she did not have the answer but would refer the question to Officers to provide a written response to Council following the meeting.

Councillor Gatt confirmed he was happy to receive a written response.