

MORAY COUNCIL

Minute of Meeting of the Corporate Committee

Tuesday, 23 April 2024

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

PRESENT

Councillor John Cowe, Councillor John Divers, Councillor Amber Dunbar, Councillor Jérémie Fernandes, Councillor Sandy Keith, Councillor Graham Leadbitter, Councillor Marc Macrae, Councillor Paul McBain, Councillor Shona Morrison, Councillor Bridget Mustard, Councillor Kathleen Robertson, Councillor Derek Ross, Councillor John Stuart, Councillor Draeyk van der Horn

APOLOGIES

Councillor Theresa Coull

IN ATTENDANCE

The Chief Executive, Depute Chief Executive (Economy, Environment and Finance), Depute Chief Executive (Education, Communities and Organisational Development), Fiona Lees, External Consultant, Head of Governance, Strategy and Performance, Head of HR, ICT and Organisational Development, Chief Financial Officer, Head of Housing and Property Services, Business Continuity and Risk Management Officer, Records and Heritage Manager, Asset Manager (Commercial Properties), Asset Management Co-ordinator and Democratic Services Manager.

1. Chair

The meeting was chaired by Councillor Bridget Mustard.

2. Declaration of Group Decisions and Members Interests

In terms of Standing Order 21 and 23 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.

In terms of transparency, Councillor Robertson confirmed that in terms of Item 9 on the agenda she is a trustee of the Moray Supports Migrants and Refugees but did not think that it would preclude her from taking part in the consideration but would remove herself from the meeting if felt necessary at that point.

3. Resolution

The meeting resolved that in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting for Items 14 - 16 of business on the grounds that it involves the likely disclosure of exempt information of the class.

Para number of the minute	Para Number of Schedule 7a
15	<p>4 Information relating to any applicant or recipient of any financial assistance provided by the Authority</p> <p>9 Information on terms proposed or to be proposed by or to the authority</p>
16	<p>4 Information relating to any applicant or recipient of any financial assistance provided by the Authority</p> <p>9 Information on terms proposed or to be proposed by or to the authority</p>
17	<p>6 Information relating to the financial or business affairs of any particular person(s)</p> <p>8 and 9 Information on proposed terms and/or expenditure to be incurred by the Authority</p>

4. Minute of meeting dated 30 January 2024

The minutes of the Corporate Committee on 30 January 2024 were submitted and approved.

5. Written Questions

The meeting noted that the following written question submitted by Councillor Harris and the Council's response thereto:

In the allocation of Ward Budgets for 2023/2024, Council agreed that the main options for potential expenditure is identified by members based on their local knowledge and understanding of minor works/concerns in their ward.

With this in mind, as we move towards the end of the financial year, can the Chief Financial Officer (CFO) provide a breakdown of spending of these funds across each Ward, with information on specific allocations to groups or individuals. Can the CFO also confirm that if monies are not fully spent, that they will not be carried forward into the next financial year?

RESPONSE

Ward 1

Sandbags £1,120

Grit bins £720

Speyside Community Carshare scheme £4,960

Grants to schools £8,200 (theatre outings)

Ward 2

Portknockie Paddling pool £3,000
Cullen Men's Shed £550
Three Kings Cullen Assoc – £2,200 (public toilet, residential centre)
Deskford and District CC £1,200
Grange Community Assoc £1,200
Longmore Community Hall £1,200
Keith Men's Shed £550
Keith Christmas lights £500
Keith Community bus £500
Portknockie community association £1,200
Rothiemay public hall £1,200
Strathisla pipe band £500

Ward 3

Buckie HS - £5,000, spend to be agreed with 3 ward members
Buckie Community Council £5,000 (traffic activated speed cameras at Arradoul and Slackhead)
CCTV at Buckie harbour £5,000

Ward 4

Garmouth & Kingston CC – equipment for grass cutting at playing field £7,601.89
Portgordon Community Trust £1,990.
Lennox Community Council £828
Mosstodloch Parent Group £1,500
Lhanbryde Primary School Parent Council £1,540
Milnes Primary School Parent Council £1,540

Ward 5

Hopeman Path Project £1,794.18
Lossiemouth CC £8,118.51 renew lights in square, upgrade lights in public convenience
Burghead Amenities Assoc £3,636 create outdoor gym
Action Marine Park £1,451,31

Ward 6

Heartstone £2,250
Elgin BID £2,500
Bishopmill Mutual Improvement Assoc. £1,899
Elgin Allotment Assoc £5,250
Elgin Men's Shed £1,700
Elgin Car Parking £1,401

Ward 7

Heartstone £2,250
Elgin BID £2,500
Elgin Allotment Assoc £5,250
Elgin Men's Shed £1,700
Elgin Community Council £3,300 (New Elgin community space project)

Ward 8

Dyke Community Council £2,000 flashing safety speed lights
Findhorn & Kinloss CC £2,000 window replacements
Finderne CC £2,000 wall repairs at village hall
Forres Area Forum £500 maps for tourists

Forres Heritage Trust £4,250 painting restoration
Forres Osprey Bus £4,250 EV Charging Point

All budgets have been fully spent.

6. Best Value Action Plan

The meeting had before it a report by the Chief Executive, noting the external recommendations in relation to Best Value and the output of self-assessment exercises; to seek agreement on a refreshed Best Value Action plan for the Council.

The Committee joined the Council Leader in thanking Officers and Members for the collaborative work that had gone into producing the plan and that a special meeting of Moray Council will be convened in early June to consider the report Accounts Commission findings.

Following consideration the Committee unanimously agreed:

- i) to note the consolidated list of Improvement Actions (attached as Appendix 1) which brings together recommendations from a number of sources in relation to the Council's progress in achieving its Best Value duty;
- ii) to note the output from the Council Wide Strategic Self-Assessment of Performance by both Councillors and Officers attached as Appendix 2;
- iii) the Best Value Action Plan (attached as Appendix 3) which sets out the Council's priorities for the next 3 years to enable it meets Best Value duty;
- iv) the format of the Council wide Strategic Self-Assessment of Performance for the future, with assessments being undertaken annually; and
- v) that the Best Value Action Plan will be monitored on a quarterly basis and reviewed annually by this Committee based on the Self-Assessment.

7. Improvement and Modernisation Programme

The meeting had before it a report by the Depute Chief Executive (Education, Communities and Organisational Development) informing Committee of the progress made in developing the projects set out in the Council's Improvement and Modernisation Programme (IMP).

Following consideration, the Committee unanimously agreed to:

- i) note progress on the projects set out in the Council's Improvement and Modernisation Programme (IMP); and
- ii) note that a report will be considered by the Special Moray Council on 24 April 2024 on the consolidation of projects in the IMP programme into an updated programme of transformation work sitting within the initial iteration of a new Transformation Strategy

8. Risk Management and Business Continuity Policies

The meeting had before it a report by the Depute Chief Executive (Education, Communities and Organisational Development) seeking approval of the updated Risk Management Policy and Business Continuity Policy for the Council.

Following consideration, the Council unanimously agreed to approve:

- i) the updated Risk Management Policy in Appendix 1; and
- ii) the updated Business Continuity Policy in Appendix 2.

9. Corporate Risk Register

The meeting had before it a report by the Depute Chief Executive (Education, Communities and Organisational Development) providing the Committee with an update on the Council's Corporate Risk Register.

Councillor Robertson moved to have a quarterly overview of the Corporate Risk Register and a full report every 6 months.

Following consideration and there being no one otherwise minded, the Committee unanimously agreed to:

- i) approve the updated Corporate Risk Register dated March 2024 attached as Appendix 1; and
- ii) receive quarterly overview reports and 6 monthly full update reports of the Corporate Risk Register.

10. Equality Outcomes and Mainstreaming

The meeting had before it a report by the Depute Chief Executive (Education, Communities and Organisational Development) presenting the Council's mainstreaming report and provide an update on progress against published equality outcomes.

Following consideration the Committee unanimously agreed to:

- i) approve the Council's Mainstreaming report; and
- ii) note the progress made against the Council's Equality Outcomes.

11. Moray Draft British Sign Language Plan 2024-2030

The meeting had before it a report by the Depute Chief Executive (Education, Communities and Organisational Development) providing an update on progress against the Moray British Sign Language Plan 20218-2024 and present the draft Moray British Sign Language (BSL) Plan 2024-2030.

Following consideration the Committee unanimously agreed to:

- i) note the progress made against the Moray British Sign Language Plan (BSL) 2018-24; and
- ii) approve the draft Moray British Sign Language (BSL) Plan 2024-2030 for consultation.

12. Closed Circuit Television Policy

The meeting had before it a report by the Depute Chief Executive (Education, Communities and Organisational Development) requesting Committee to approve a new Council wide Closed Circuit Television (CCTV) Policy.

Councillor van der Horn raised concerns about the wide use of CCTV equipment produced by Hikvision which is a Chinese state owned surveillance technology and requested that the Council look at phasing out the use of the technology manufactured by Hikvision and any other Chinese state owned technology company for the use of surveillance.

In response the Head of Governance, Strategy and Performance stated that the Council are required to have a policy which covers CCTV surveillance in its buildings to make sure it is used proportionately and that is the issue covered within the report on the agenda.

CCTV in public spaces was recently procured alongside Police Scotland and Hikvision equipment was installed by the successful contractor.

He further added that whilst the camera manufacturing company is partly owned by the Chinese government and Hikvision equipment is used in settings which people have issues with, it is used widely across the public sector and there is no ban.

The wider issues for this Committee, although not raised in the report before you are:

- Procurement: ethical issues and how these can be enforced through procurement legislation.
- Data security issues: whether there are any security risks in using equipment from this company.

He further stated that there were no plans to bring a report forward to Committee but should Councillor van der Horn wish, he could submit a Notice of Motion to a future meeting of the Committee and request a report on this issue.

Councillor Macrae confirmed that he would be happy to support Councillor van der Horn in his request to phase out the use of CCTV provided by Hikvision and would be a sensible approach to look at ethical procurement when purchasing this kind of systems in the future.

The Chief Financial Officer confirmed that a commitment was made at a previous meeting to look at the extent the Council could procure ethically but expressed caution as the Council does include at the moment ethical issues as part of the quality checks but there is a fairly limited method of checking which can be done particularly if it involves a long supply chain. She further reminded members that the next Procurement Strategy will detail specific issues of ethical procurement

and how the Council can best deal with those. The Strategy will be presented to Committee in September 2024.

The Chief Executive added that it would be important for Officers to consider what the issues are around procurement and data security and if there is a need to move from one system to another, what programme would need to be put in place and report back to Committee accordingly with the urgency of the report back dependent of the issues identified.

Councillor van der Horn confirmed he was happy to wait for Officers to look at the issues and report back as part of the Procurement Strategy in September or before if the need arises.

Following further consideration the Committee, unanimously agreed to approve the new CCTV Policy as set out in Appendix 1 and summarised in Section 4 of the report.

13. Workforce Working Group

The meeting had before it, a report by the Depute Chief Executive (Education, Communities and Organisational Development) asking the Committee to consider and approve the terms of reference for the Workforce Working Group for an initial period of 4 months to oversee and maintain the momentum on the proposed work plan.

Following consideration the Committee unanimously agreed to approve the terms of reference for the Workforce Working Group (Appendix1)

It was further agreed that Group Leaders would notify the Depute Chief Executive (Education, Communities and Organisational Development) of their nominations for the group.

14. Health and Safety Annual Report 2023

The meeting had before it a report by the Depute Chief Executive (Education, Communities and Organisational Development) asking the Committee to consider and note the annual Health and Safety report and approve the progress noted and proposed future actions.

Concern was raised by a number of Councillors regarding the increasing figures regarding violence and aggression within the Schools.

The Chief Executive (Education, Communities and Organisational Development) noted that the figures quoted in the report are for the year 2023 and the report does not contain the figures since the introduction of various improvement actions as reported to Education, Children's and Leisure Services Committee, and it is hoped that the actions implemented will have had a positive affect on the figures for 2024.

Following further lengthy consideration, the Committee unanimously agreed to:

- i) note the content of the annual health and safety report, as set out in Appendix 1, and the progress towards the outcomes established in the last report; and

- ii) approve the proposed future actions for 2024.

15. Common Good Site, Forres [Paras 4 and 9]

The meeting had before it a report by the Depute Chief Executive (Economy, Environment and Finance) inviting the Committee to review the decision in relation to an application to vary lease terms in respect of Common Good Land in Forres.

Councillor McBain moved to accept option A2 as set out in Paragraph 7.2 and B1 as set out in paragraph 7.6. This was seconded by Councillor Robertson.

Councillor Van Der Horn, seconded by Councillor Leadbitter proposed accepting the recommendations as stated in the report.

On the division there voted:

For the Motion (9)	Councillors McBain, Robertson, Cowe, Divers, Dunbar, Keith, Macrae, Mustard and Ross
For the Amendment (3)	Councillors Van Der Horn, Leadbitter and Morrison
Abstention (2)	Councillors Fernandes and Stuart

Accordingly the motion became the finding of the meeting and Committee agreed to:

- i) Option A2 as set out in paragraph 7.2 of this report (to limit the rent payable for a period of 3 years as set out in paragraph 5.1 (i) with any future rebates to be dealt with under the Council's existing arrangements for considering limited life Community Rent Rebates; and
- ii) reject the request to remove the Council's option to resume possession.

16. Suspension of Standing Orders

In terms of Standing Order 85 the Chair sought permission from the Committee to suspend Standing Order 77 and continue the meeting after 12.45pm.

This was unanimously agreed.

17. Common Good Asset in Buckie [Paras 4 and 9]

The meeting had before it, a report by the Depute Chief Executive (Economy, Environment and Finance) inviting the Committee to consider an application for the renewal of a limited life community rent rebate in respect of a Common Good property in Buckie.

Following consideration the Committee unanimously agreed to approve the application as set out in paragraph 5.1 of this report (to renew the company's current 100% rent rebate of £2,700 per annum for the period 15 May 2024 to 14 May 2027).

18. Coularbank Industrial Estate, Lossiemouth [Paras 6, 8 and 9]

The meeting had before it, a report by the Depute Chief Executive (Economy, Environment and Finance) asking the Committee to approve terms for the sale of the Council's interest in the building at Coularbank Industrial Estate, Lossiemouth as detailed in paragraph 4 and main terms for a 99 year ground lease of the site.

Following consideration the Committee, unanimously agreed to:

- i) approve the proposals as detailed in section 5 of this report; and
authorise the Asset Manager (Commercial Properties) and the Legal
- ii) Services Manager to finalise the detailed terms and conditions and conclude the transaction.