

# **MORAY COUNCIL**

## **Minute of Meeting of the Moray Council**

**Wednesday, 29 June 2022**

**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 Juli Harris, 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 Draeyk Van Der Horn, Councillor Sonya Warren, Councillor Ben Williams

### **APOLOGIES**

Councillor Christopher Price

### **IN ATTENDANCE**

Also in attendance at the meeting were the Chief Executive, Depute Chief Executive (Economy, Environment and Finance), Depute Chief Executive (Education, Communities and Organisational Development), Head of Economic Growth and Development, Acting Head of Environmental and Commercial Services, Head of Financial Services, Principal Planning Officer and Lissa Rowan, Committee Services Officer.

#### **1. Chair**

The meeting was chaired by Councillor Marc Macrae.

#### **2. Congratulations**

The Council joined the Convener in congratulating Councillor Morrison who has been appointed as President of Cosla.

#### **3. 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.

#### **4. 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 11 to 14 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                                                                  |
|---------------------------|---------------------------------------------------------------------------------------------|
| 33                        | 9<br>Information on terms proposed or to be proposed by or to the Authority                 |
| 34                        | 1<br>Information relating to staffing matters                                               |
| 35                        | 1<br>Information relating to staffing matters                                               |
| 36                        | 8 and 9<br>Information on proposed terms and/or expenditure to be incurred by the Authority |
| 37                        | 8 and 9<br>Information on proposed terms and/or expenditure to be incurred by the Authority |

#### **5. Minute of Meeting of 6 April 2022**

The minute of the meeting Moray Council on 6 April 2022 were submitted and approved.

#### **6. Minute of Meeting of 18 May 2022**

The minute of the meeting of Moray Council on 18 May 2022 was submitted and approved.

#### **7. Notice under Moray Council Standing Order 7**

The Chair advised that 2 notices of motion under Moray Council Standing Order 7 had been received and will be considered at the next meeting of Moray Council on 10 August 2022.

#### **8. Notice of Motion - Councillors Gatt and Bloomfield - Armed Forces Covenant**

In terms of Standing Order 34a, there was submitted a Notice of Motion by Councillor Gatt, seconded by Councillor Bloomfield in the following terms:

##### **Armed Forces Covenant**

Moray Council is respectfully invited to adopt this Notice of Motion in support of Her Majesty's Armed Forces and the Armed Forces Covenant as below:

- i) Moray Council renews its commitment to the Armed Forces Covenant, which is based on the premise that those who serve or have served, and their families deserve respect, support, and fair treatment. In particular, it

states that: “Those who serve in the Armed Forces, whether regular or Reserve, those who have served in the past, and their families, should face no disadvantage compared to other citizens in the provision of public and commercial services. Special consideration is appropriate in some cases, especially for those who have given most such as the injured and the bereaved.”

- ii) Is proud to be Armed Forces friendly and recognises the enormous contribution and sacrifices that members of the Armed Forces and their families make every day for the safety and security of our country.
- iii) Values the service of all British Armed Forces personnel, past and present, including those from Commonwealth and other nations.
- iv) Requests production of a report examining what more Moray Council can do to support our serving and veteran community across the full range of services we provide and strengthen partnerships with the Armed Forces Community.
- v) Prepares for the new duty to give due regard to the Armed Forces Covenant in policy development and decision making.

Following consideration the Council agreed:

- i) To renew its commitment to the Armed Forces Covenant, which is based on the premise that those who serve or have served, and their families deserve respect, support, and fair treatment. In particular, it states that: “Those who serve in the Armed Forces, whether regular or Reserve, those who have served in the past, and their families, should face no disadvantage compared to other citizens in the provision of public and commercial services. Special consideration is appropriate in some cases, especially for those who have given most such as the injured and the bereaved.”
- ii) That the Council is proud to be Armed Forces friendly and recognises the enormous contribution and sacrifices that members of the Armed Forces and their families make every day for the safety and security of our country.
- iii) That Values the service of all British Armed Forces personnel, past and present, including those from Commonwealth and other nations.
- iv) That a report examining what more Moray Council can do to support our serving and veteran community across the full range of services we provide and strengthen partnerships with the Armed Forces Community.
- v) That the Council Prepares for the new duty to give due regard to the Armed Forces Covenant in policy development and decision making.

## **9. Notice of Motion - Councillors Gordon and Mustard - Plain English**

In terms of Standing Order 34a, there was submitted a Notice of Motion by Councillor Gordon, seconded by Councillor Mustard in the following terms:

### **Plain English**

That this Council:

- i) Requires that going forward all constitutional documents, strategies, policies, guidance, reports, consultations, public documents, and any other form of communications internal or external whether written or electronic are written using the principles of Plain English, which makes the information easy to read, understand and use by avoiding convoluted and ambiguous language and jargon so that the general public are able to have full accessibility and understanding.
- ii) Requests that acronyms are written in full on their first occasion and request that they are used minimally and if any technical terms are used not in common usage, there will be a glossary at the end of the document or report.

The Convener confirmed that Committee Services are drafting guidance encouraging the use of plain English and advising that acronyms are spelt out first time and agreed that what had been suggested was a proportionate response for Council documents

Following consideration the Council agreed:

- i) That going forward all constitutional documents, strategies, policies, guidance, reports, consultations, public documents, and any other form of communications internal or external whether written or electronic are written using the principles of Plain English, which makes the information easy to read, understand and use by avoiding convoluted and ambiguous language and jargon so that the general public are able to have full accessibility and understanding; and
- ii) That acronyms are written in full on their first occasion and request that they are used minimally and if any technical terms are used not in common usage, there will be a glossary at the end of the document or report.

#### **10. Notice of Motion - Councillors Dunbar and Gatt - Platinum Jubilee**

In terms of Standing Order 34a, there was submitted a Notice of Motion by Councillor Dunbar, seconded by Councillor Gatt in the following terms:

##### **Platinum Jubilee**

Moray Council is respectfully invited to adopt this Notice of Motion in recognition of Her Majesty the Queen's dedicated service following her Platinum Jubilee:

"Moray Council congratulates Her Majesty the Queen on the occasion of her Platinum Jubilee; expresses its gratitude for Her Majesty's exceptional public service and dedication to duty over 70 years; affirms the deep respect that is held for Her Majesty in Scotland and authorises the Council Leadership to convey Moray Council's good wishes for her continued service and good health."

Following consideration the Council agreed to congratulate Her Majesty the Queen on the occasion of her Platinum Jubilee; express its gratitude for Her Majesty's exceptional public service and dedication to duty over 70 years; affirms the deep respect that is held for Her Majesty in Scotland and authorises the Council

Leadership to convey Moray Council's good wishes for her continued service and good health.

**11. Notice of Motion - Councillors McLennan and Van Der Horn - Cohesive Co-operative and Collaborative Leadership**

In terms of Standing Order 34a, there was submitted a Notice of Motion by Councillor McLennan, seconded by Councillor Van Der Horn in the following terms:

**Cohesive, Cooperative and Collaborative Leadership**

Audit Scotland's March 2022 report noted "We remain disappointed that the strong cohesive leadership required from elected members is not yet being demonstrated [in Moray]. We once again underline that all elected members have responsibility for working constructively to fulfil the council's statutory duty of Best Value and thus demonstrating that it is able to improve itself and the services and outcomes for the people of Moray."

This Council notes the reinstatement of Group Leaders meetings with senior officers in order to provide open communication, enhance scrutiny and aid decision making. We are committed to our duties and to improve life in Moray for all through cooperative and collaborative approaches.

Councillor Leadbitter proposed amending the wording of the motion to state that the Council notes the continuation of Group Leaders meetings as the last meeting had taken place around 10 days prior to the Local Government Election in May.

Councillors McLennan and Van Der Horn confirmed that they were happy to amend the wording.

Following consideration the Council agreed to :

- i) note the continuation of the Group Leaders Meetings with senior Officers to provide open communication, enhance scrutiny and aid decision making with it was committed to its duties; and
- ii) to improve life in Moray for all through cooperative and collaborative approaches.

**12. Notice of Motion - Councillors Morrison and Fernandes - Cost of Living Crisis**

In terms of Standing Order 34a, there was submitted a Notice of Motion by Councillor Fernandes, seconded by Councillor Warren in the following terms:

**Cost of Living Crisis**

Council notes that the increasing costs of utilities, food and energy are creating a situation whereby the number of Moray residents living in poverty is growing. Council further notes rising poverty in the region is creating growing pressures on local charities and Council services.

Council regrets that the UK government's monetary and fiscal policies are, as noted by the OECD, becoming restrictive. Council notes in particular that the UK is the only country in the G7 to raise National Insurance contributions during this crisis.

Council instructs the Council Leaders to write to the Chancellor of the Exchequer to express concerns over the negative impact the UK government's fiscal and economic policies have on the local economy and services, and demand that action is taken to tackle the cost-of-living crisis.

In response, Councillor Robertson confirmed that she would be happy to write to the Secretary of State for Levelling Up, Housing and Communities but sought agreement to include also writing to Kate Forbes, Scottish Government Cabinet Secretary for Finance and the Economy as the Scottish Government also has a part to play.

Councillors Fernades and Warren confirmed that they were happy with the amendment.

Councillor Van Der Horn sought additional wording to be added to the end of the motion to read:

Council instructs the Council Leaders to write to the Chancellor of the Exchequer to express concerns over the negative impact the UK government's fiscal and economic policies have on the local economy and services, and demand that action is taken to tackle the cost-of-living crisis with immediate and long term sustainable solutions.

Councillors Fernandes and Warren indicated that they were happy to accept the additional wording.

Councillor McLennan sought the removal of UK from the final paragraph, however Councillor Fernandes wished for it to remain.

In response Cllr McLennan suggested amending the wording to remove the UK Government and add to the wording given by Councillor Robertson so it reads to write to the Cabinet Secretary of Finance and Economy to also highlight the negative impact of government policies on local government. He felt that this highlights issues within Westminster and Scottish Governments with funding to local government.

In response, Councillor Fernandes added that he did not agree with the issue of funding and that the heart of the issue are the fiscal and economic policies.

Councillor Morrison suggested that due to the fast moving nature of the issue a cross party working group should be set up to focus on what the Council are doing for the people of Moray to ensure that the best is being done.

Councillor Fernandes confirmed he was happy to support the additional recommendation.

The Head of Governance, Strategy and Performance suggested that as the working group went slightly beyond what was anticipated in the notice of motion and felt it would be advisable to consider further what the working group would look like and to bring something back to Members with proposals with regards to numbers, who would be on it and what the purpose would be.

Councillor Leadbitter proposed delegating the creation of the working group to Group Leaders.

Councillor Morrison agreed that she was happy to delegate the decision to group leaders.

The Head of Governance, Strategy and Performance confirmed that Group Leaders is a policy think tank and not a decision making forum and therefore suggested it would be helpful for any final decision to come back to Council for agreement.

Councillor Morrison confirmed that she was happy with this approach.

Cllr McLennan, seconded by Councillor Allan proposed that the wording is amended to read –

‘express concerns over the negative impact of government fiscal and economic policies’ and to also include ‘to write to the Cabinet Secretary of Finance and Economy to also highlight the negative impact of government policies on local government.’

In response Councilor Fernandes suggested a short adjournment to confirm the amended wording of the motion.

Councillor Macrae moved that further discussion on the revised amendment could take place during the coffee break and proposed moving onto the next item on the agenda and to re-visit this motion following the break to assist in getting through the lengthy agenda.

This was unanimously agreed.

### **13. Notice of Motion - Councillors Leadbitter and Harris - UK Shared Prosperity Fund Distribution**

In terms of Standing Order 34a, there was submitted a Notice of Motion by Councillor Gatt, seconded by Councillor Bloomfield in the following terms:

#### **UK Shared Prosperity Fund Distribution**

Council expresses its concern over the decision taken by the UK Government on UK Shared Prosperity Fund (UKSPF) distribution which significantly disadvantages the Highlands & Islands area, including Moray, when compared with the EU Structural Funds that the UKSPF is replacing.

Council welcomes COSLA’s agreed position on distribution methodology that:

- i) the allocation methodology for the UK Shared Prosperity Fund should accurately reflect economic and social need in Scotland across urban and rural regions, recognising that different measures of social and economic need will be required for different geographies;
- ii) that this assessment of need should fairly include social inequality, rurality, connectivity challenges, distance from services, off-grid energy use and deprivation;
- iii) that SPF allocations should reflect a fair and accurate picture of social and economic inequalities in both urban and rural communities, and recognising the indicated willingness of the UK government to adopt a distinctive

approach for Scotland, recommends therefore that indicators regularly used and relied on in Scotland, such as SIMD, free school meal entitlement and Council Tax Reduction entitlement, should also be considered to determine SPF distribution.

Given the evident disadvantage of the UK Government's UKSPF distribution model for the Highlands & Islands and Moray, Council strongly supports the position that as the UKSPF is a replacement for European Structural Funds, continuity between the two is essential and that as the transition is made between the two funding streams there should be no detriment to existing funding quantum in any region.

Council therefore instructs the Council's Co-Leaders to write to the Secretary of State for Levelling Up, Housing and Communities setting out this position and lobbying the Minister to put in place a no detriment arrangement for the UKSPF distribution in the Highlands & Islands when compared with the funding quantum received from the EU funding the UKSPF replaces.

Councillor Macrae sought agreement from Councillors Leadbitter and Harris to consider their motion in conjunction with Item 15 on the agenda where it could be considered as an additional recommendation to the paper.

In response, Councillor Leadbitter said he had considered the option however felt that the Notice of Motion was challenging the principals of how the money is being distributed, whereas the report later on the agenda is looking at what funding is currently available and therefore would rather keep the 2 items separate.

Councillor McLennan seconded Councillor Macrae's suggestion to take the 2 items together however, requested a change to the second paragraph of the motion to read instruct the Group Leaders rather than Co-Leaders in order that cross party support is coming from Moray Council on the issue.

Following consideration Councillor Macrae agreed to take the 2 items separately.

In response, to Councillor McLennan's proposed amendment, Councillor Leadbitter confirmed he was happy to accept the change.

#### **14. Notice of Motion - Councillors Warren and Coull - 20 mph zones**

In terms of Standing Order 34a, there was submitted a Notice of Motion by Councillor Warren, seconded by Councillor Coull in the following terms:

##### **20 MPH ZONES**

Council notes that 20 mph zones in built-up areas contribute to reducing noise pollution and CO2 emissions. Council further notes that 20 mph zones significantly reduce the number of casualties on the road.

Council understands that 20mph speed limits offer a low-cost option for promoting road safety, and such schemes have strong local support. Council notes that 20mph zones have successfully been implemented in Moray, such as in the vicinity of Alves Primary School.

Council instructs officers to bring forward a report about extending 20mph zones in built-up areas, particularly around schools.

Following consideration the Council agreed:

to note that 20 mph zones in built-up areas contribute to reducing noise pollution and CO2 emissions. Council further notes that 20 mph zones significantly reduce the number of casualties on the road;

to note that 20mph zones have successfully been implemented in Moray, such as in the vicinity of Alves Primary School; and

to instruct Officers to bring forward a report to Economic Development and Infrastructure Services Committee about extending 20mph zones in built-up areas, particularly around schools which includes costs of implementing the scheme.

Councillor Dunbar in recognising the safety aspect and encouraging active travel, sought clarification in regards to costs. A previous report to Council had indicated a cost of £2.5million to implement and sought clarification, given the previous discussion about cost of living increases and where the funding would come from for the zones.

She further proposed an amendment to the motion which states that any further extension of the zones is postponed until after the Scottish Government have brought this forward in the hope there will be relevant funding to carry out the project. This was seconded by Councillor Gatt.

Councillor McLennan sought clarification on whether a report could be taken to Group Leaders to consider an update on engineering works such as school safe zones, enforcement, working with Police Scotland and a discussion on how we educate the public on issues such as road safety and how the Council can help to reduce accidents.

In response the Head of Governance, Strategy and Performance confirmed that discussions could take place at Group Leaders with a follow up report presented to a future meeting of Moray Council, however added that the notice of motion is asking for a future report and that Councillor McLennan's views could be considered in that report.

Councillor Warren confirmed that she would welcome Councillor McLennan's suggestions included in the report and that we learn from other authorities who have implemented 20mph zones cost effectively.

Councillor Macrae asked whether, considering a report has been requested in the motion which would include costs would Councillors Dunbar and Gatt be happy to withdraw their amendment.

Councillors Dunbar and Gatt confirmed they were happy to withdraw their amendment.

The Acting Head of Environmental and Commercial Services confirmed that she could produce a report for Moray Council or Economic Development and Infrastructure Committee.

Councillor Macrae sought approval from the Council to bring the report back to Economic Development and Infrastructure Services Committee. This was unanimously agreed.

**15. Notice of Motion - Councillors Fernandes and Warren - Cost of Living Crisis - cont'd**

On the resumption of the meeting and following discussions, Councillor Fernandes moved the amended motion taking into account the amendments proposed by Councillors Robertson, Van Der Horn, McLennan and Morrison

**Cost of Living Crisis**

Council notes that the increasing costs of utilities, food and energy are creating a situation whereby the number of Moray residents living in poverty is growing. Council further notes rising poverty in the region is creating growing pressures on local charities and Council services.

Council regrets that the UK government's monetary and fiscal policies are, as noted by the OECD, becoming restrictive. Council notes in particular that the UK is the only country in the G7 to raise National Insurance contributions during this crisis.

Council instructs the Group Leaders to write to the Chancellor of the Exchequer to express concerns over the negative impact the UK government's fiscal and economic policies have on the local economy and services, and demand that action is taken to tackle the cost-of-living crisis and to find sustainable solutions to address the issue.

The Council also instructs the Group Leaders to write to the Scottish Government Cabinet Secretary for Finance and the Economy raising concerns about the level of funding for the Council and its impact on the local services.

The Council considers setting up a working group to look at the issue in more depth with the option to determine the remit, composition and life span of the group to be presented to a future meeting of the Council.

Following consideration the Council agreed:

to note that the increasing costs of utilities, food and energy are creating a situation whereby the number of Moray residents living in poverty is growing. Council further notes rising poverty in the region is creating growing pressures on local charities and Council services.

to note in particular that the UK is the only country in the G7 to raise National Insurance contributions during this crisis.

to instruct the Group Leaders to write to the Chancellor of the Exchequer to express concerns over the negative impact the UK government's fiscal and economic policies have on the local economy and services, and demand that action is taken to tackle the cost-of-living crisis and to find sustainable solutions to address the issue.

to instructs the Group Leaders to write to the Scottish Government Cabinet Secretary for Finance and the Economy raising concerns about the level of funding for the Council and its impact on the local services; and

to considers setting up a working group to look at the issue in more depth with a report looking at the options to determine the remit, composition and life span of the group to be presented to a future meeting of the Council.

## **16. Written Questions \*\***

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

Given the fact that Fiddich Park:

Is an integral part of the Speyside Way – a major tourist attraction in Moray and not part of Craigellachie Village and, therefore should not have been included in the 'one toilet per community policy'.

That the route between Fiddich Park and Aberlour has been upgraded to make it more inclusive and accessible for all. The corollary of this being that under The Equalities Act, Moray Council is expected to make reasonable adjustments for those with protected characteristics.

The area is to be 'made over' to repair the car park and build campervan facilities.

The Park, and its immediate surroundings, is subject to increased use by walkers, those pursuing river activities, wild campers and e-bike storage in situ.

In light of the above facts can monies be found, on environmental health and equalities grounds, to provide 2 portable toilets, one of which should be disability friendly, for Fiddich Park?

### **RESPONSE**

The Council set a policy of one toilet per community on 15 May 2018. For the Craigellachie area it was decided that the facility on Victoria Street, Craigellachie would remain open and that the toilets at Fiddich Park would close. The toilet facilities at Victoria Street are central to a variety of facilities and easily accessed from the Speyside Way. This decision was made with consideration of the impacts on all members of the public through an Equalities Impact Assessment. There is signage at Fiddich Park directing those in need of toilet facilities to the Victoria Street toilets.

The decision to install chemical toilet waste disposal facilities in the summer of 2021 at Fiddich Park was made as part of improvements funded by the Regional Tourism Infrastructure Fund designed to alleviate pressures experienced through an increased number of visitors to Moray. Of particular concern to many communities has been the ability to appropriately dispose of waste from campervan toilets. Fiddich Park was chosen as a site because of its proximity to parking facilities, and because the toilet facilities at Victoria Street were not suitable for the addition of the waste disposal facilities. The ongoing costs of operation for the waste disposal will be recovered through the fee for use which was agreed by Council on 12 May 2021. The same fund is being used for some modest improvements to the car park, but this is not designed to encourage additional use or camping.

The Speyside Way is a long distance path of which approximately 35 miles (not including the Tomintoul spur) are in Moray, and complements a number of other similar routes around Moray, including parts of the Dava Way and the coastal path. In common with other long distance paths there can be significant lengths without toilet facilities along this route. In the Craigellachie and Aberlour area there are public toilets in both villages, easily accessible from the path. The recent upgrades

to the Speyside Way between Craigellachie and Cragganmore have been designed to encourage more everyday shorter cycling and walking journeys between the settlements and employment sites on the route, rather than being specifically to encourage leisure use, although this is welcomed. Any camping in the Fiddich Park area is informal, on the same basis that short stay 'wild' camping is permitted across Scotland.

In summary, the Council has set a clear policy on the provision of council funded toilet facilities, and there are no specific environmental or equalities issues that would require the provision of additional toilet facilities in Craigellachie. Should the local community wish to work with the council on the funding and provision of additional facilities, as in other areas, officers would be happy to progress discussions.

Councillor Ross sought clarification on why there was no mention of an Equalities Impact Assessment having been carried out in respect of disabled users. In response, the Acting Head of Environmental and Commercial Services confirmed that an Equalities Impact Assessment was carried out in 2018 and the needs of all users were taken into account.

## **17. Future Council Meetings**

A report by the Depute Chief Executive (Education, Communities and Organisational Development) invited the Council to consider how meetings are held, whether in person, remotely or a hybrid.

Following consideration, the Council agreed:

- i) to hold meetings going forward in a hybrid style; and
- ii) approve the revised Virtual Meetings Guidance attached at Appendix 1.

## **18. UK Shared Prosperity Fund**

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Council of UK Shared Prosperity Fund (UKSPF) details and sought approval for submitting an Investment Plan.

Following consideration the Council agreed:

- i) note the criteria and timescales for delivery of projects under UKSPF as well as the high level approach currently proposed for the Moray Shared Prosperity Fund (SPF) Investment Plan currently under development; and
- ii) delegate authority to the Chief Executive in consultation with Group Leaders to submit the final draft Moray SPF Investment Plan.

## **19. Strategic Priorities and Funding Opportunities**

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Council of increasing funding opportunities in relation to Council agreed priorities.

Following consideration the Council agreed to note the availability of funding and priorities identified that could benefit Moray.

## **20. Just Transition Fund**

Councillor Cameron apologised for not having done so earlier and declared an interest in this item and removed himself from the meeting.

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the Just transition Fund details and seek approval for submitting bids.

Following consideration the Council agreed to:

- i) note the criteria and timescales for delivery of projects under the Just Transition Fund; and
- ii) delegate authority to the Chief Executive in consultation with Group Leaders to submit expressions of interest by 15 July 2022.

Councillor Cameron re-joined the meeting at the conclusion of this item.

## **21. Summer Holiday Food and Childcare Programme**

Councillor Cameron, apologised and confirmed that he should have declared in interest in this item and not the previous item. Councillor Cameron left the meeting.

A report by the Depute Chief Executive (Education, Communities and Organisational Development) updated the Council on plans for the 2022 Summer Holiday Food and Childcare Programme.

Following consideration the Council agreed to approve the programme of accessible activities, childcare and food to be provided for children and young people in Moray during the 2022 summer school holiday period.

Councillor Cameron re-joined the meeting at the conclusion of this item.

## **22. Capital Plan 2021-22**

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Council of the expenditure to 31 March 2022 under the capital plan for financial year 2021/22 and to recommend budget adjustments for inclusion in the Capital Plan for 2022/23 and future years.

In terms of standing order 83 the Chair sought permission from the Council to suspend standing order 75 to conclude the item before breaking for lunch. This was unanimously agreed

Councillor Gatt moved that a report should be prepared on the condition of Moray's roads and where money would need to be spent to improve the conditions as he regularly received complaints from constituents regarding road conditions.

In response the Depute Chief Executive (Economy, Environment and Finance) confirmed that a previous Council decision set the road conditions to a mid level target and that Moray is still in the top quartile so even with the current

deterioration the condition of the roads is still of a high standard. She further added that a report will be presented to a future Economic Development and Infrastructure Services Committee following the completion of the next index scoring exercise.

Having listened to the responses from Officers, Councillor Gatt withdrew his motion.

Following further consideration the Council agreed:

- i) note the expenditure to 31 March 2022 of £31,018,000 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; and
- iii) approve carry forwards and amendments to 2022/23 and future years totalling an increase of £7,688,000 in 2022/23, a reduction of £6,050,000 in 2023/24 and an increase of £1,799,000 in 2024/25 as detailed in sections 4 and 5.

## **23. 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 Jérémie Fernandes, Councillor Donald Gatt, Councillor David Gordon, Councillor Juli Harris, 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 Draeyk Van Der Horn, Councillor Sonya Warren, Councillor Ben Williams

### **APOLOGIES**

Councillor Christopher Price

### **IN ATTENDANCE**

Also in attendance at the meeting were the Chief Executive, Depute Chief Executive (Economy, Environment and Finance), Depute Chief Executive (Education, Communities and Organisational Development), Head of Economic Growth and Development, Acting Head of Environmental and Commercial Services, Head of Financial Services, Principal Planning Officer and Lissa Rowan, Committee Services Officer.

## **24. 2021-22 Revenue Outturn 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 out-turn for 2021/22 and to seek approval of adjustment to the budget for 2022/23 where income and expenditure trends are forecast to

continue into 2022/23 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 2022/23 was approved, as summarised in Appendix 1;
- ii) the major variances from the approved budget for 2021/22 total £24,181,000, which is made up of an underspend in services areas of £8,273,000 and on loans charges of £118,000, additional income of £2,348,000 and retained central provisions of £13,442,000 as summarised in Appendix 2;
- iii) 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 also approved additional budgets for projects subject to slippage in 2021/22 as detailed in paragraph 3.20-3.25 totalling £1,449,000 to be funded from earmarked reserves for Covid.

## **25. Best Value Progress Report on Moray Council**

A report by the Chief Executive asked the council to agree an updated best value action plan to continue progress in response to the Best Value Audit report in 2020, incorporating additional actions to address the findings in the Best Value Progress Report on Moray Council by the Controller of Audit and the Findings of the Accounts Commission reported to the Council on 15 March 2022.

Following consideration the Council agreed to approve the updated Best Value Action Plan (Appendix 1) to continue progress in response to the Best Value Audit and the follow up report.

## **26. Unaudited Annual Accounts for 2021-22**

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Council to consider the unaudited Accounts for the year to 31 March 2022 for both Moray Council and the Connected Charity Trust Funds administered by the Council.

Following consideration the Council agreed to note:

- i) unaudited Annual Accounts for Moray Council for the year ended 2022; and
- ii) Moray Council Connected Charity Trust Funds Trustees' Report and Financial Statements for the year ended 31 March 2022

The Council further agreed to approve that both the unaudited Annual Accounts and the Moray Council Trust Funds Trustees Report and Financial Statement are signed by both Co-Leaders of the Council, Councillors McLennan and Robertson.

## **27. Appointment of Outside Bodies**

The Chair moved to defer the consideration of this item until the end of the meeting in order to try and conclude other business first.

This was unanimously agreed.

## **28. Standards Commission Hearing Update**

A report by the Depute Chief Executive (Education, Communities and Organisational Development) informed the Council of the outcome of a Standards Commission hearing LA/MO/3516 held on 16 February 2022.

Following consideration the Council agreed to note the outcome of the Standards Commission hearing LA/MO/3516 involving former Councillor, Paula Coy.

## **29. Application for Discretionary NDR Relief - Elgin Sports Trust**

A report by the Depute Chief Executive (Economy, Environment and Finance) ask the Council to consider Elgin Sports Community Trust's application for a discretionary award of Non-Domestic Rates relief for its premises.

Following consideration the Council agreed to award 20% rates relief to Elgin Sports Trust.

## **30. Application for Discretionary NDR Relief - Moray Sports Foundation**

A report by the Depute Chief Executive (Economy, Environment and Finance) ask the Council to consider Moray Sports Foundation application for a discretionary award of Non-Domestic Rates relief for its premises.

Following consideration the Council agreed to award 20% rates relief to Moray Sports Foundation.

## **31. Application for Discretionary NDR Relief - OspreyHousing**

A report by the Depute Chief Executive (Economy, Environment and Finance) ask the Council to consider Osprey Housing's application for a discretionary award of Non-Domestic Rates relief for its premises.

Following consideration the Council agreed to award 20% rates relief to Osprey Housing.

## **32. Question Time \*\*\***

Under reference to para 17 of the minute of the meeting of Moray Council on 6 April 2022, Councillor Warren sought an update on appointment of a temporary Development Officer Post for the development of the Scotland Loves Local Gift Card Scheme.

In response, the Head of Planning and Economic Growth confirmed that the post was advertised, however there had been so suitable candidates. The post will be re-advertised shortly and the use of social media will be used to further advertise the post to hopefully get a better spread of applicants.

Under reference to para 23 of the minute of the meeting of Moray Council on 6 April 2022, Councillor Warren sought an update on the appointment of consultants to assist Officers with a review of the ELC service.

In response, the Depute Chief Executive (Education, Communities and Organisational Development) confirmed that consultants have been appointed and staff from Education will be meeting with them later in the week to draw up and agree a schedule of work.

Under reference to para 12 of the minute of the meeting of Moray Council on 6 April 2022, Councillor Mustard sought an update on when the final version of the proposed delegation of Children and Families and Justice Services Integration scheme will be presented to Council for approval.

In response the Chief Executive confirmed that there is a timetable, which he would circulate to members.

Under reference to para 13 of the minute of the meeting of Moray Council on 6 April 2022, Councillor Mustard sought an update on when the Edinburgh Declaration Report would be brought back to Council for consideration.

In response the Chief Executive confirmed that the report will be presented at the next meeting on 10 August 2022.

Under reference to para 3 of the minute of the meeting of Moray Council on 18 May 2022, Councillor Divers referred to the decision that Committees would consist of 14 members and that since the meeting on 18 May some Committees have been running with only 12 or 13 members and urged other members to take responsibilities for their roles.

Councillor Warren raised concerns about the shortage of Childminders in the Buckie area and wrap around childcare and sought information on whether there is anything the Council can do to recruit new childminders and support the existing ones in the area.

In response, the Head of Education confirmed that that she would pass on Councillor Warren's concerns to the Childminder Development Officer.

Councillor Williams sought clarification on why the proposals by the GMB union regarding increasing the mileage paid to employees was rejected.

In response, the Chief Executive confirmed that this is subject to negotiations using the Council's recognised negotiating policies and as such was unable to add anything further at the current time.

Councillor Leadbitter sought an update on the timescale for the River Spey Flood works in Garmouth.

In response, the Acting Head of Environment and Commercial Services confirmed that officers have been working on the options and it is anticipated a report will be brought to Committee in September to look at the options which have been identified.

Councillor Morrison requested an update on the communication with the Community Groups in Garmouth.

The Acting Head of Environment and Commercial Services confirmed that she would confirm with Councillor Morrison following the meeting as she did not have the information at hand.

### **33. Buckie Harbour Offshore Wind Operations and Maintenance [Para 9]**

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Council of updates to the status of securing Buckie Harbour as a base to support the Moray First Offshore Windfarms and seek delegated authority to negotiate and sign agreements with Ocean Winds in relation to Moray West Offshore Windfarm.

Following consideration the Council agreed:

- i) note the opportunity presented to offshore wind operations and maintenance activity in terms of economic development for Moray and income generation for the Council; and
- ii) Delegate authority to the Head of Housing and Property and Legal Services Manager to agree the final terms of the leases, options and charges on the basis set out in this report, incorporating appropriate terms and conditions that are required to protect the Council's interests

### **34. Restructure Employability [Para 1]**

A report by the Depute Chief Executive (Economy, Environment and Finance) sought approval for the change management plan associated with employability related services and associated budget requirements.

Following consideration the Council agreed to approve the restructuring of the employability related teams subject to consultation to better align with the no one left behind approach.

### **35. Trade Union Facility Time [Para 1]**

A report by the Depute Chief Executive (Education, Communities and Organisational Development) asked the Council to agree the recommendation from the Corporate Committee held on 14 June 2022 to approve the continuation of extended trade union (TU) facility time to allocated budget from ear-marked reserves to cover backfill costs for the extended trade union facility time.

Following consideration the Council agreed to:

- i) Note the request to continue extended facility time until March 2023 with a review in Quarter 4; and
- ii) Approve the Corporate Committee recommendation to allocated budget from ear-marked reserves for backfill costs arising from this.

### **36. UK Levelling Up Fund Bid [Para 8 & 9]**

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Council to consider and approve a submission to the second round of the UK Levelling Up Fund (LUF).

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 round 2
- ii) that authority be delegated to the Chief Executive to submit a final bid as outlined in paras 5.5 and 5.6;
- iii) that Officers raise awareness of the bid through the proposals set out the Engagement Plan; and
- iv) that a further report be prepared by the Head of Environmental and Commercial Services considering the merits of future Transport related bid.

### **37. Elgin High School Capacity - Additional Accommodation Requirement**

A report by the Depute Chief Executive (Education, Communities and Organisational Development) sought a decision by Council to agree an option and approve budget for the implementation of a temporary accommodation requirement to urgently address over capacity issues at Elgin High School.

Following consideration, the Council agreed:

- i) the requirement for additional temporary accommodation at Elgin High School;
- ii) the proposed options for delivery of additional temporary accommodation;
- iii) to progress with Option 6 - the purchase of a 'Portacabin' style 2 classroom modular unit - to deliver additional temporary accommodation; and
- iv) the budget for the recommended Option 6.

### **38. Outside Bodies Appointments**

A report by the Depute Chief Executive (Education, Communities and Organisational Development) advised the Council of a number of outside bodies on which the previous Council was represented and to which the Council is entitled to appoint nominees.

Councillor Ross sought clarification on the removal of Knockando Woollen Mill from the list of Outside Bodies. The Head of Governance, Strategy and Performance said that he would confirm whether the appointment was still required.

Councillor Macrae moved to appoint Councillor Ross to the position as he was the current member until such time as the situation is confirmed.

Councillor Divers informed the Council that the Scottish Joint Council had not met in the previous 5 year term and queried whether it was worth appointing this organisation.

It was agreed not to appoint a representative.

Councillor Morrison clarified that whom ever was appointed as the Equalities Champion, Members should be aware that this position also sits on the Moray Fairer Forum and that as this was a considerable undertaking members should be aware.

Councillor Warren sought clarification on the number of appointments on the Highlands and Moray Area Support Team as previously the organisation had requested 2 members but there was only 1 member requested this time.

The Head of Governance, Strategy and Performance confirmed that he would confirm after the meeting what the position was and should 2 members be required a further request would be made.

Councillor Gatt suggested that the Armed Forces and Veterans Champion should be linked to the Highland Reserve Forces and Cadets Association and also the Scottish National War Memorial Group. This was unanimously agreed.

The Council proceeded to go through the list of appointments requested and agreed the following appointments.

For the position of Climate Change Champion, Councillor Macrae moved Councillor Van Der Horn be appointed, this was seconded by Councillor Gordon

Councillor Leadbitter, seconded by Councillor Fernandes proposed Councillor Cameron

On the division there voted:

|                        |                                                                                                                                  |
|------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| For the Motion (13)    | Councillors Macrae, Gordon, Allan, Bloomfield, Colyer, Dunbar, Gatt, McBain, McLennan, Mustard, Robertson, Ross and Van Der Horn |
| For the Amendment (12) | Councillors Leadbitter, Fernandes, Cameron, Coull, Cowe, Divers, Harris, Keith, Lawrence, Morrison, Warren and Williams          |
| Abstain (0)            |                                                                                                                                  |

Accordingly the motion became the finding of the meeting and Councillor Van Der Horn was appointed as Climate Change Champion.

For the position with the Moray Local Outdoor Access Forum, Councillor Macrae moved Councillor Gordon be appointed, this was seconded by Councillor Bloomfield

Councillor Warren, seconded by Councillor Harris proposed Councillor Cameron

On the division there voted:

|                        |                                                                                                                               |
|------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| For the Motion (12)    | Councillors Macrae, Gordon, Allan, Bloomfield, Colyer, Dunbar, Gatt, McBain, McLennan, Mustard, Robertson, and Van Der Horn   |
| For the Amendment (13) | Councillors Leadbitter, Fernandes, Cameron, Coull, Cowe, Divers, Harris, Keith, Lawrence, Morrison, Ross, Warren and Williams |
| Abstain (0)            |                                                                                                                               |

Accordingly the amendment became the finding of the meeting and Councillor Cameron was appointed as the representative on Moray Local Outdoor Access Forum.

The Council agreed to appoint members to the following outside bodies and other positions:

|                                                                                                                                          |                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| Armed Forces and Veterans Champion                                                                                                       | Councillor Bloomfield                                    |
| Auchernack Trust                                                                                                                         | Councillors Robertson, McBain, Lawrence and Van Der Horn |
| Banffhsire Educational Trust Joint Board of Governors                                                                                    | Councillors Colyer, Warren and Gatt                      |
| Business Gateway                                                                                                                         | Councillor McBain                                        |
| Cairngorms National Park                                                                                                                 | Councillor Ross                                          |
| Citizens Advice Bureau (CAB) Board of Directors (Advisers)                                                                               | Councillors Divers and Fernandes                         |
| City of Elgin Business Improvement District (BID)                                                                                        | Councillor Divers                                        |
| Climate Change Champion                                                                                                                  | Councillor Van Der Horn                                  |
| Convention of the Highlands and Islands                                                                                                  | Councillors Robertson and McLennan                       |
| County of Bank Bursary Fund: Board of Governors                                                                                          | Councillor Coull                                         |
| Dick Bequest Trust Scheme                                                                                                                | Councillor McLennan                                      |
| Equalities Champion                                                                                                                      | Councillor Harris                                        |
| Findhorn Bay Local Nature Reserve Management Committee                                                                                   | Councillor Cameron                                       |
| Findhorn, Nairn, Speyside Local Plan District Strategic Steering Group                                                                   | Councillor Harris                                        |
| Foundation of the University of the Highlands and Islands *                                                                              | Councillors Cameron and Warren                           |
| Grampian Venture Capital Fund Limited                                                                                                    | Councillors Cowe and Warren                              |
| Highland and Moray Area Support Team                                                                                                     | Councillor Cameron                                       |
| Highland Reserve Forces & Cadets Association – Northern Area Committee<br>NB: This appointment to be linked to the Armed Forces Champion | Councillor Bloomfield                                    |
| Highlands and Islands European Partnership                                                                                               | Councillor Harris                                        |
| Highlands and Islands Territorial Committee                                                                                              | Councillor Warren                                        |
| Local Space Leadership Group                                                                                                             | Councillor Leadbitter                                    |
| Joint Energy From Waste Project – Elected Members Engagement Group                                                                       | Cllrs Divers, Cowe, Leadbitter and Gatt                  |

|                                                                                                    |                                              |
|----------------------------------------------------------------------------------------------------|----------------------------------------------|
| Moray Anchor Network                                                                               | Councillor Allan                             |
| Moray Community Justice Partnership                                                                | Councillors Colyer and Cameron               |
| Moray Economic Partnership                                                                         | Councillor Leadbitter                        |
| Moray Leisure Centre – Board of Directors                                                          | Councillors Macrae, Gordon and Cameron       |
| Moray Local Outdoor Access Forum (LOAF)                                                            | Councillor Cameron                           |
| Moray Twinning Association                                                                         | Councillor Allan                             |
| Moray women's Aid – Board of Directors                                                             | Councillors Harris and Dunbar                |
| North East Local Plan Steering Group                                                               | Councillor Macrae                            |
| North East Scotland Agricultural Advisory Group                                                    | Councillors Robertson and Van Der Horn       |
| North East Scotland Fisheries Development Partnership                                              | Councillors Macrae and Warren                |
| North East Scotland pension Fund – Pensions Board                                                  | Councillor Leadbitter                        |
| North East Sensory Services                                                                        | Councillor Coull                             |
| Northern Roads Collaboration                                                                       | Councillors Dunbar, Coull, Warren and McBain |
| Older Persons Champion                                                                             | Councillors Warren and Allan                 |
| Scotland Excel Joint Committee                                                                     | Councillor McLennan                          |
| Scottish Joint Council for Local Government Employees                                              | No longer required                           |
| Scottish National War Memorial *<br>NB: This appointment to be linked to the Armed Forces Champion | Councillor Bloomfield                        |
| Victim Support Moray*                                                                              | Councillor Dunbar                            |