

# **MORAY COUNCIL**

## **Minute of Meeting of the Policy and Resources Committee**

**Tuesday, 12 February 2019**

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

### **PRESENT**

Councillor George Alexander, Councillor Frank Brown, Councillor John Cowe, Councillor Lorna Creswell, Councillor John Divers, Councillor Tim Eagle, Councillor Ryan Edwards, Councillor Louise Laing, Councillor Graham Leadbitter, Councillor Marc Macrae, Councillor Aaron McLean, Councillor Shona Morrison, Councillor Sonya Warren

### **APOLOGIES**

### **IN ATTENDANCE**

The Chief Executive, the Corporate Director (Corporate Services), the Head of Financial Services, the Head of Development Services, the acting Head of Lifelong Learning, Culture and Sport, the Estates Manager, the Taxation Manager, the Head of Legal and Democratic Services as Legal Adviser and Mrs L Rowan, Committee Services Officer as Clerk to the Meeting.

#### **1 Chair**

Councillor A McLean, being Chair of the Policy and Resources Committee chaired the meeting.

#### **2 Declaration of Group Decisions and Members Interests**

In terms of Standing Order 20 and the Councillors' Code of Conduct, Councillors Leadbitter, Warren, Laing, Creswell, Eagle, Brown and Macrae declared interests in item 10 "Discretionary Non-Domestic Rates Relief", having involvement in some of the organisations detailed within the report.

There were no other declarations from Group Leaders or Spokespersons in regard to any prior decisions taken on how Members will vote on any item on the agenda or any declarations of Member's interests in respect of any item on the agenda.

#### **3 Order of Business**

In terms of Standing Order 28, the Chair sought the agreement of the Committee to vary the order of business and consider the supplementary item "Corporate Risk Register" prior to Question Time. This was agreed.

#### **4 Minute of Meeting dated 27 November 2018**

The minute of the meeting dated 27 November 2018 was submitted and approved.

#### **5 Written Questions**

The Committee noted that no written questions had been submitted.

#### **6 Developer Obligations**

A report by the Corporate Director (Economic Development, Planning and Infrastructure) asked the Committee to agree that Developer Obligations funds be used towards the replacement Lossiemouth High School and that the process for spending the funds be amended.

During discussion surrounding the proposed change to the Developer Obligations process, specifically in relation to circumstances where there is a split decision within Wards of 4 Elected Members ie Heldon & Laich and Forres, Councillor Alexander queried whether the Head of Development Services could canvas all elected members to gauge their opinion prior to making a decision as he was of the opinion that this would support the democratic process,

In response, the Head of Development Services suggested that, in the event of a split decision in Wards with 4 Members, he could make a decision in consultation with the Chair of Policy and Resources.

On considering the opinion of Councillor Alexander and the advice from the Head of Development Services, the Chair moved that the Committee agree the recommendations as detailed within the report subject to an amendment to recommendation (iii) to state that, in the case of a split decision within Wards of four Elected Members the decision be delegated to the Head of Development Services, who will canvas the opinion of members of the Policy and Resources Committee, and reach a decision in consultation with the Chair of Policy and Resources Committee. This was seconded by Councillor Alexander.

Councillor Brown was not in favour of the proposed changes to the Developer Obligations process and moved, as an amendment, that the current procedure remain unchanged and that the Committee agree recommendations (i) and (ii) only. This was seconded by Councillor Eagle.

On a division there voted:

For the motion (7):

Councillors A McLean, Alexander, Cowe, Creswell, Laing, Leadbitter and Morrison

For the amendment (6):

Councillors Brown, Macrae, Divers, Eagle, Edwards and Warren.

Abstentions (0):

Nil

Accordingly, the motion became the finding of the Committee and it was agreed:

- i. to note the content of the report;
- ii. to allocate £20,851 Developer Obligations to the replacement Lossiemouth High School as set out in Section 4 of the report; and
- iii. that the Developer Obligations process be streamlined as set out in Section 5 of the report, with the addition that, in the case of a split decision within Wards of four Elected Members the decision be delegated to the Head of Development Services, who will canvas the opinion of members of the Policy and Resources Committee, and reach a decision in consultation with the Chair of Policy and Resources Committee.

## **7 Whole Systems Approach in Youth Justice - Reinvigoration and Extension for Care-Experienced Young People**

Under reference to paragraph 9 of the Minute of the Children and Young People's Services Committee dated 21 November 2018, a report by the Acting Corporate Director (Education and Social Care) informed the Committee of redetermination funding that has been allocated by the Scottish Government to reinvigorate Whole Systems Approach in Youth Justice.

During discussion surrounding future reports in relation to the additional funding, the Chair asked that further reports on how this additional money is being spent be provided to this Committee following progress reports to the Children and Young People's Services Committee. In response, the Chief Executive agreed to this request.

Thereafter, the Committee agreed:

- i. to note the content of the report and the sum of £25,000 being paid by the Scottish Government in each of the financial years 2018-2020 as detailed in paragraph 3.6 of the report;
- ii. to approve spend of £25k in 2018/19 and £25k in 2019/20, subject to the Council's financial planning process as detailed in paragraph 3.12 of the report;
- iii. to note the overall planning for how the sum will be used for the purpose of reinvigorating and extending the age range of young people who might benefit from this approach as set out in Appendix 1 of the report; and
- iv. that further reports on how this additional money is being spent be provided to this Committee following progress reports to the Children and Young People's Services Committee.

## **8 Capital Plan 2018/19**

A report by the Corporate Director (Corporate Services) advised the Committee of the expenditure to 31 December 2018 under the capital plan for financial year 2018/19 and of the estimates of projected expenditure profiled into quarters.

Following consideration, the Committee agreed to:

- i. note expenditure to 31 December 2018 of £16,076,000, as set out in Appendix 1 of the report;
- ii. note the current projected expenditure of £30,364,000 for 2018/19 profiled into quarters as set out in Appendix 1 of the report;
- iii. note the projected overall expenditure for projects spanning more than one financial year, as set out in Appendix 2 of the report;
- iv. approve proposed budget deferments of £4,280,000 arising from slippage and expenditure reprofiling from 2018/19 to 2019/20 and future years as detailed in paragraph 5.9.1 of the report;
- v. approve the proposed budget savings reduction in 2018/19 of £681,000 as detailed in paragraph 5.9.2 of the report.

## **9 Charging for Services**

Under reference to paragraph 4 of the Minute of this Committee dated 2 October 2018, a report by the Corporate Director (Corporate Services) asked the Committee to approve revised charges for council services, apart from those which have been agreed as budget savings or which will be considered as part of the budget savings to be discussed when the budget for 2019/20 is set.

During discussion surrounding social care charges, it was noted that these are set by the Council for services delivered on behalf of the Integration Joint Board (IJB) following a recommendation from the IJB however Councillor Leadbitter, in recognising that this is an anomaly that occurred during the health and social care integration, moved that a letter be written to the Scottish Government highlighting the statutory charges that the Council is required to set that fall within the remit of the IJB. This was seconded by Councillor Morrison.

Upon further reflection, Councillor Morrison as chair of the IJB, sought the agreement of the Committee to raise the request for a letter to the Scottish Government highlighting the anomaly within the process for the setting of charges for Social Care at the next meeting of the IJB, in conjunction with the Chief Officer, and subsequently withdrew her support to Councillor Leadbitter's motion.

Councillor Brown, being of the same mind as Councillor Leadbitter, agreed that the Scottish Government should be made aware of this anomaly and agreed to second his motion.

There being no-one otherwise minded, the Committee agreed:

- i. to approve the charges for Council services for 2019/20 set out in Appendix 1 of the report; and
- ii. that a letter be written to the Scottish Government highlighting the statutory charges that the Council is required to set that fall within the remit of the Integration Joint Board.

Under reference to paragraph 6 of the Minute of Moray Council dated 11 April 2018, a report by the Corporate Director (Corporate Services) invited the Committee to grant delegated authority to the Corporate Director (Corporate Services) in order to further the process of transferring various town halls and community centres to the community.

Following consideration, the Committee agreed to grant delegated authority to the Corporate Director (Corporate Services) to instruct independent valuations as required in respect of the seven town halls and community centres currently leased, being Buckie Fishermen's Hall, Cullen Community Centre, Dufftown Community Centre, Elgin Town Hall, Findochty Town Hall, Forres Town Hall, and Keith Longmore Hall.

## **11 Discretionary Non-Domestic Rates Relief**

Councillors Leadbitter, Warren, Laing, Creswell, Eagle, Brown and Macrae, having declared an interest in this item, left the meeting at this juncture.

A report by the Corporate Director (Corporate Services) asked the Committee to consider whether awards of discretionary non-domestic rates relief, which have been made previously, should be amended.

During discussion, the Committee noted the potential impact to premises should they lose their discretionary non-domestic rates relief as set out in the report and were of the opinion that retail charity shops, who already receive an 80% reduction in non-domestic rates, should not receive a further 20% reduction from the Council.

For clarification, the Committee asked that the Taxation Manager provide the Committee with a list of the retail charity shops this would affect and the Chair sought the agreement of the Committee for a short adjournment to provide this information. This was agreed.

Following the short adjournment, the Committee were provided with a list of 21 charity shops that would be affected by the decision to withdraw discretionary non-domestic rates relief.

The Chair moved that the Committee agree to terminate discretionary rates relief currently awarded by the Council to charity shops with the exception of Forres Groups Action Ltd, Dufftown 2000 Ltd and Moray Foodbank as they did not come under a retail category, and that this change be implemented from 1 April 2019.

There being no-one otherwise minded, the Committee agreed:

- i. to terminate discretionary rates relief currently awarded by the Council to charity shops as detailed in paragraph 5.10 and Appendix 1 of the report of the report, with the exception of Forres Groups Action Ltd, Dufftown 2000 Ltd and Moray Foodbank;
- ii. that the changes be implemented from 1 April 2019; and

- iii. that this decision will represent a policy decision for all future applications for discretionary rates relief.

Councillors Leadbitter, Warren, Laing, Creswell, Eagle, Brown and Macrae, having declared an interest in this item, re-joined the meeting at this juncture.

## **12 Revenue Budget Monitoring to 31 December 2018**

A report by the Corporate Director (Corporate Services) advised the Committee of the revenue budget monitoring position to 31 December 2018 and of the current estimated out-turn for 2018/19.

Following consideration, the Committee agreed to:

- i. note the budget monitoring position of £1,070,000 over budget for 2018/19 as at 31 December 2018 as set out in Appendix 1 of the report;
- ii. note that this position consists of an underspend on Devolved School budgets of £750,000, an overspend on Social Care services delivered on behalf of the Moray Integration Joint Board (MIJB) of £1,537,000 and an overspend on other services of £283,000;
- iii. note movement of £204,000 in the General Revenue Grant, as detailed in paragraph 3.4 of the report;
- iv. note the current estimated out-turn for 2018/19 of an overspend of £2,132,000, compared to the position of £2,024,000 reported in quarter 2, resulting in an increase of £2,132,000 in use of Council reserves from that budgeted for;
- v. note emerging budget pressures as summarised in paragraph 6.2 of the report;
- vi. note the position regarding Moray Integration Joint Board (MIJB) as described in paragraph 6.11 of the report, with cost implications of £555,000 for the Council;
- vii. note commitments of £8,162,000 against reserves or capital receipts as summarised in Section 9 of the report;
- viii. approve the release from provisions as additional savings of £679,000 as identified in the report at paragraph 5.3; and
- ix. meet budget pressures of:
  - £31,000 as identified in the report at paragraph 5.4;
  - £56,000 as identified in the report at paragraph 5.5; and
  - £168,000 as identified in the report at paragraph 5.6

## **13 Corporate Services Performance Report - April to September 2018**

A report by the Corporate Director (Corporate Services) outlined the performance of the service for the period from April to September 2018.

The report highlighted that performance during the first quarter of 2018/19 was broadly as expected with 76% of the performance indicators with targets met or exceeded. The work to implement the actions detailed in the Corporate Services Service Plan was 40% achieved for the first half of the year. Of the 109 actions identified in the Plan, 7 were completed, 55 were half way or more completed and 8 were overdue. In those that are overdue, mitigating actions have been identified.

Following consideration, the Committee agreed to:

- i. note performance outlined in this report;
- ii. note the actions being taken to seek improvements where required;
- iii. approve the following change to the Financial Services Service Plan;

Priority 3: Progress Phase 1 of the new HR/Payroll system

*Aim: to deliver an efficient, integrated HR / Payroll system, meeting all statutory requirements*

- iv. approve the following change to the Democratic Services Service Plan aim to include reference to the support given to the Returning Officer:

*Aim: to provide efficient, cost-effective support for committees and provide Registrar services for Moray residents as efficiently as possible, and provide support to Returning Officer in the organisation and administration of all elections.*

## **14 Chief Executive's Office Performance Report - April to September 2018**

A report by the Chief Executive outlined the performance of the service for the period from 1 April to 30 September 2018.

The report highlighted that the Early Learning and Childcare Project is on target and the Community Support Unit is making good progress working on developing Locality Plans with the communities in Buckie Centre East and New Elgin. The Community Asset Transfer process is also performing as planned with the town halls and community centres at the heart of the process working well under their new owners.

Following consideration, the Committee agreed to note the:

- i. performance outlined in this report;
- ii. actions being taken to seek improvements where required.

## **15 IHRA Definition of Antisemitism**

A report by the Chief Executive asked the Committee to adopt the International Holocaust Remembrance Alliance's (IHRA) definition of anti-Semitism. The IHRA is an international partnership of government representatives of 31 countries of which

the UK has been a member since 1998. Its aim is to strengthen, advance and promote Holocaust education, research and remembrance and to uphold the commitments to the 2000 Stockholm Declaration. The IHRA's definition of anti-Semitism is a certain perception of Jews, which may be expressed as hatred towards Jews. Rhetorical and physical manifestations of anti-Semitism are directed towards Jewish or non-Jewish individuals and/or their property, towards Jewish community institutions and religious facilities.

Following consideration, the Committee agreed to approve the adoption of the IHRA's definition of antisemitism.

## **16 Corporate Risk Register Update**

Under reference to paragraph 7 of the Minute of Moray Council dated 6 June 2018, a report by the Corporate Director (Corporate Services) provided the Committee with an update relative to significant risks facing the Council.

Following consideration, the Committee agreed to approve the current assessments in respect of corporate risks facing the council.

## **17 Question Time**

Councillor Alexander referred to a recent article in the Banffshire Advertiser which had contained comments from Councillor Warren in terms of the budget deficit which, in his opinion, were inaccurate and asked whether the Chair or Councillor Warren would be prepared apologise for the statement contained within the newspaper.

In response, the Chair stated that he would review the article in conjunction with Councillor Warren and the Council Leader and issue an apology if necessary.