



Moray Council

Wednesday, 28 September 2022

SUPPLEMENTARY AGENDA

The undernoted reports have been added to the Agenda for the meeting of the **Moray Council** to be held at **Council Chambers, Council Office, High Street, Elgin, IV30 1BX** on **Wednesday, 28 September 2022** at **09:30**.

BUSINESS

- | | | |
|------|--|-----------|
| 8a. | Review of Council Standing Orders
Report by Depute Chief Executive (Education, Communities and Organisational Development) | 3 - 40 |
| 12a. | Learning Estate Strategy Delivery Programme
Report by Depute Chief Executive (Education, Communities and Organisational Development) | 41 - 108 |
| 12b. | Short to Medium Term Financial Plan
Report by Depute Chief Executive (Economy, Environment and Finance) | 109 - 118 |
| 13a. | Moray Council School Meal Debt
Report by Depute Chief Executive (Economy, Environment and Finance) | 119 - 122 |
| 14a. | Moray Growth Deal-Bus Revolution - Revenue Budget Request
Report by Depute Chief Executive (Economy, Environment and Finance) | 123 - 126 |

- 14b. **River Spey Flood Mitigation Proposals Update**
Report by Depute Chief Executive (Economy, Environment and Finance)

127 -
140

19. **Refugee and Resettlement Partnership - [Para 3 and 5]**
- Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the Authority;



REPORT TO: MORAY COUNCIL ON 28 SEPTEMBER 2022

**SUBJECT: REVIEW OF COUNCIL'S CONSTITUTIONAL DOCUMENTS –
STANDING ORDERS AND SECOND TIER GOVERNANCE
DOCUMENTS**

**BY: DEPUTE CHIEF EXECUTIVE (EDUCATION, COMMUNITIES AND
ORGANISATIONAL DEVELOPMENT)**

1. REASON FOR REPORT

- 1.1 To invite the Council to approve changes to Council's Standing Orders and Second Tier Governance Documents as detailed in Section 4 of the report.
- 1.2 This report is submitted to Council in terms of Section II (15) of the Council's Administrative Scheme relating to the formulation, review and amendment of the Administrative Scheme and Standing Orders.

2. RECOMMENDATION

2.1 It is recommended that the Council consider and approve:

- i) the proposed changes to the Council's Standing orders, as set out in Appendix I; and
- ii) for publication the Councillors' Role Descriptions document attached as Appendix 2.

3. BACKGROUND

- 3.1 In terms of Standing Order 85 the Council is required, at least once every year, to review the standing orders to determine whether any alteration should be considered.
- 3.2 As a result of the Covid Pandemic the annual review was delayed, however some minor changes to the Standing Orders during the past 2 years, including the recent changes resulting from the change to the positions of Council Leader and Convener as agreed at the meeting of the Council held on 10 August 2022 (para 7 of the minute refers), require the document to be redrafted. These changes are detailed at paragraph 4.1 below.

- 3.3 A further report on the annual review of the Council's Scheme of Administration and Scheme of Delegation will be submitted to the meeting of the Council on 7 December 2022.
- 3.4 Changes to the Council's Second Tier Governance Documents are also required by newly defined senior Councillor positions.
- 3.5 The Second Tier Governance Documents are currently under review as a legacy of the Council's Governance Review (part of the Improvement and Modernisation Programme). Although a wider scoping report for this review is not ready yet, it makes sense to update and consolidate Councillors' Role Descriptions (part of the Second Tier documents) at the same time as the Standing Orders review.

4. PROPOSALS

- 4.1 Amendments to the Council's Standing Orders are as detailed in the table below and can be seen as tracked on **Appendix 1**

SO No	Amendment	Reason
Title Page	Add in new footer to read: Approved by Moray Council on (date to be inserted) Review due: (date to be inserted) Responsible Officer: Head of Governance, Strategy and Performance	Suggested to reflect modern practice of indicating date last amended/updated.
Definitions	New definitions of Leader, Deputy Leader and Civic Head added with reference to Councillors Roles and Responsibilities document.	To reflect decision of Moray Council taken on 10 August 2022
Various	Reword references throughout to read Leader / Deputy Leader instead of Convener and Civic Head instead of Convener	To reflect decision of Moray Council taken on 10 August 2022
5(d)	Reword to read: "Elect the Deputy Leader of the Council"	To reflect decision of Moray Council taken on 10 August 2022
New 5(e)	Insert new 5(e) to read: "Elect the Civic Leader of the Council"	To reflect decision of Moray Council taken on 10 August 2022
5(e) - 5(g)	Renumber to 5(f) – f(h)	To reflect inclusion of new SO (e)
9	Reword to change reference from 'Proper Officer' to Chief Executive/Relevant Deputy Chief Executive	To clarify the officer responsible
New 10	Include new SO 10 to include reference to reflect	Introduced during Pandemic to allow meetings to be

	that meetings may be conducted remotely	conducted remotely outwith the Council Chamber
10	Renumber to 11	To reflect inclusion of new SO 10
11	Renumber to 12	To reflect inclusion of new SO 10
12	Renumber to 13 and amend wording to say "Notice of the time and place of the meeting shall be published by posting details on the Council's website" and clarify that three <i>clear</i> days' notice required.	To reflect that notice of meetings are provided electronically via CMIS
13	Renumber to 14	To reflect inclusion of new SO 10
13(a)	Renumber to 14 (a) and Include wording 'either electronically or'	To reflect the availability of agenda electronically via CMIS
14 - 32	Renumber to 15 - 33	
33	Renumber to 34 and included wording '...for the purposes of budget setting or...'	Suggested to enable budget setting to take place unhindered by the six month rule (SO 84, alteration of previous decision)
35(a)	Word "ordinary" added before Council/committee meetings	Clarification that Notice of Motions are intended for "ordinary" meetings, not special meetings
New 38	Include new SO 38 to read "Any member wishing to call in a noting or information report from one meeting shall give notice to Committee Services at least 14 days in advance following the meeting. The Notice shall be countersigned by one other elected member and shall explain the reason for call in including any action sought."	As agreed at meeting of Moray Council dated Jan 21
79	Renumber to 81 and include additional wording "References to the Leader/Depute Leader shall then become references to the Chair/Depute Chair	Suggested to clarify and simplify references relating to Leader/Chair Depute Leader/Depute Chair
82	Renumber to 84 and include wording '...for the purposes of budget setting or...'	Suggested to enable budget setting to take place unhindered by the six month rule

37 - 85	Renumber 39 to 87	To reflect additional changes as outlined above.
Last Page	Remove historic amendments references	To reflect change to title page

4.2 Current Councillor role descriptions exist for:

- Councillor
- Senior Councillors
- Leader of the Council
- Civic Head of the Council
- Leader of the largest opposition group
- Role of Chairperson

4.3 It is proposed that these descriptions, are consolidated into a single document called Councillors' Roles and Responsibilities attached as **Appendix 2**. Role descriptions are set out within the document as follows:

- All Councillors
- Councillors with additional responsibility:
 - Council Champions
 - Chairs of Committees and Boards
 - Leader of the Council
 - Depute-Leader of the Council
 - Leader of largest non -administration group
 - Civic Leader

4.4 It is proposed that this document is published on the Council's Committee Management site, CMIS.

5. **SUMMARY OF IMPLICATIONS**

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

Effective governance arrangements are key to the development and delivery of the Council's stated priorities and plans.

(b) Policy and Legal

Provision of Standing Orders ensures that the Council's affairs are administered in accordance with the law, propriety and proper standards.

(c) Financial implications

None.

(d) Risk Implications

Updated constitutional documents help to promote good governance and reduce the chance of a successful challenge to Council decisions.

(e) Staffing Implications

The proposed amendments can be accommodated within existing staff resources.

(f) Property

None.

(g) Equalities/Socio Economic Impact

There are no direct impacts as the Council's constitutional documents regulate the Council's internal procedures only.

(h) Climate Change and Biodiversity Impacts

None.

(i) Consultations

The review of the Standing Orders reflects previous committee decisions. Consultation on the Councillors' Roles and Responsibilities document has been undertaken with group leaders and the Corporate Management Team.

6. CONCLUSION

6.1 The annual review of the Council's constitutional documents has resulted in a number of improvements being identified and the Standing Orders, have been redrafted accordingly. The Council is asked to approve the amendments.

6.2 The Council is also asked to approve a revised "Councillors' Role Descriptions" document following changes to senior councillor positions.

Author of Report: Head of Governance, Strategy and Performance and
Democratic Services Manager

Background Papers:

Ref:



MORAY COUNCIL

CONSTITUTIONAL DOCUMENTS

1. STANDING ORDERS

for the regulation of Council meetings

[Under schedule 7 para 8 of the Local Government (Scotland) Act 1973]

Approved by Moray Council on
Review due:
Responsible Officer: Head of Governance, Strategy and Performance

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STANDING ORDERS OF MORAY COUNCIL

REGULATION OF MEETINGS

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MORAY COUNCIL STANDING ORDERS

For the Regulation of the Business of The Moray Council, made in terms of Paragraph 8 of Schedule 7 to the Local Government (Scotland) Act 1973 (hereinafter referred to as "the Act").

APPLICATION OF INTERPRETATION ACT

1. The Interpretation Act 1978 applies to the interpretation of these Standing Orders as it applies to the interpretation of an Act of Parliament.

COMMENCEMENT

2. These Standing Orders shall apply and have effect from 12 April 2000.

DEFINITIONS

3. In these Standing Orders, the following words and expressions shall have the meanings hereinafter respectively assigned to them, that is to say -

"the 1973 Act" means the Local Government (Scotland) Act 1973

"the 1989 Act" means the Local Government and Housing Act 1989

"the 1994 Act" means the Local Government etc (Scotland) Act 1994

"Leader" shall be the role described in section 4(1) of the 1994 Act, being the first role which requires to be filled by the Council following an election. The role is further described in the complementary Council governance document "Councillors' Roles and Responsibilities".

"Depute Leader" shall be the role described in section 4(2) of the 1994 Act. The role is further described in the complementary Council governance document "Councillors' Roles and Responsibilities".

"Civic Leader" shall be the civic and ceremonial role described in the complementary Council governance document "Councillors' Roles and Responsibilities"

"Council" means The Moray Council incorporated under the 1994 Act

"Councillor" means a Member of the Council duly elected at an election or by-election or duly elected to fill a Council vacancy and who has made a declaration of acceptance of office in terms of section 33A of the 1973 Act

"Proper Officer" means such persons designated as such and for the purpose specified by the Council

"Member" means in relation to the Council, a councillor and in relation to any Committee or Sub-Committee a person appointed as a member of that Committee or Sub-Committee whether or not entitled to vote

"Head of Paid Service" means the person designated as such by the Council under Section 4 of the 1989 Act

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"Monitoring Officer" means the person designated as such by the Council under Section 5 of the 1989 Act or, if that person is unable to act owing to absence or illness, the person nominated by him or her as his or her deputy under sub-section (7) of that Section

"Chief Financial Officer" means the person designated by the Council for the purpose of Section 95 of the 1973 Act

"Chief Officer" means a statutory or non-statutory Chief Officer, as defined in Section 2 of the 1989 Act

"point of order" means any objections submitted to the Leader for decision relating to the conduct of the meeting in an alleged breach of a Standing Order.

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"Councillors Code of Conduct" means the Councillors' Code of Conduct made by Scottish Ministers under the Ethical Standards Public Life (Scotland) Act 2000.

ARRANGEMENTS FOR MEETINGS OF THE COUNCIL

FIRST MEETINGS OF THE COUNCIL AFTER ELECTIONS

4. The first meeting of the Council after any ordinary election of Councillors shall be held within 21 days from the date of the election.
5. At the first meeting of the Council after the election, the Council shall deal with the business in the following order:-
 - (a) Note election of councillors.
 - (b) Take the sederunt, noting which councillors have executed the declaration of acceptance of office.
 - (c) Elect the Leader of the Council.
 - (d) Elect the Depute Leader of the Council.
 - (e) Elect the Civic Leader of the Council.
 - (f) Appoint the Chairs and Members of Committees.
 - (g) Appoint Members of the Moray Licensing Board.
 - (h) Other statutory or competent business.

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CHAIR

6. (a) At meetings of the Council, the Leader or, in their absence, the Depute Leader shall preside. If the Leader and Depute Leader are both absent from a meeting, the most senior Officer in attendance shall call on the Members of the Council to choose a Member to preside.

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(b) The Leader of the Council, upon being elected, shall - subject to the provisions of Paragraph 7 of Schedule 2 to the 1994 Act - hold office until the next ordinary election or until ceasing to be a councillor, whichever is the earlier.

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(c) Notwithstanding the foregoing provisions, the Council may specify a shorter period for the term of office of Leader, at the time of that election.

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7. Notwithstanding the provisions of the foregoing Standing Order, the Council may effect the early removal from office of the Leader providing:-

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(a) prior notice to that effect is given at one meeting of the Council on the basis that the matter would be considered at the next meeting of the Council, or

(b) where no such prior notice is given, not less than two-thirds of councillors present and entitled to vote at a meeting agree that the early removal from office of the Leader be considered at that meeting.

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8. The provision of Standing Order 7 relating to the early removal from office of the person elected as Leader shall apply in like manner to the post of Depute Leader.

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CALLING MEETINGS

9. Meetings of the Council shall be held on the days at the times and in the places fixed by the Council or at such place and time as may be otherwise specified by the Leader in consultation with the Chief Executive/relevant Depute Chief Executive.

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10. Meetings may held by online participation, or a combination of physical presence and online participation, in accordance with policy agreed by the Council and relevant legislation.

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11. Notice of the place and time of a meeting of the Council should, where possible, be given by the Proper Officer not later than the seventh day before the meeting by being left at or sent by post to the usual place of residence of every Member of the Council or such other arrangements as may be agreed from time to time between the Member and the Proper Officer providing that where it appears to the Leader that an item of business demands special urgency a meeting of the Council may be called by the Proper Officer at shorter notice, but in any event by intimation to the Members as soon as possible prior to the date for the meeting.

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12. A special meeting of the Council shall be called by the Proper Officer (a) at any time on being required so to do by the Leader or (b) on receiving a requisition in writing for that purpose specifying the business proposed to be transacted at the meeting signed by at least seven of the whole number of Members of the Council, which meeting shall be held within fourteen days of receipt of the requisition by the Proper Officer.

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13. Notice of the time and place of the meeting shall be published by posting details on the Council's website at least three clear days (excluding Saturdays and Sundays) before the meeting or, if the meeting is convened at shorter notice, then at the time it is convened.

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14. An item of business may not be considered at a meeting of the Council unless either:-

- (a) a copy of the agenda including the item (or copy of the item subject to exclusion as provided for in terms of Section 50B (2) of the 1973 Act) is open to inspection by members of the public either electronically or at the offices of the Council for at least three clear days before the meeting excluding Saturdays and Sundays or, where the meeting is convened at shorter notice, from the time the meeting is convened, or
- (b) by reason of special circumstances, which shall be specified in the minutes, the Leader is of the opinion that the item should be considered at the meeting as a matter of urgency.

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QUORUM

- 15. Subject to Standing Order 16, no business shall be transacted at a meeting of the Council unless at least one quarter of the whole number of Members of the Council (being twenty-six) are present.
- 16. Where there are at the same time vacancies in respect of more than two Members of the Council, then until the number of Members in office is increased to twenty six Members of the Council, the quorum of the Council shall be determined by reference to the number of Members of the Council, instead of by reference to the whole number of Members of the Council so however that the quorum shall never be less than five Members.
- 17. Subject to the provisions of the 1973 Act, no item of business shall be transacted at a meeting of the Council if, in consequence of the provisions of Section 38 of that Act (disability of Members for voting on account of interest in contracts etc), less than a quorum of the Council are entitled to vote on that item.
- 18. If within ten minutes after the time appointed for a meeting of the Council a quorum be not present the Leader shall adjourn the meeting to a time he or she may then or afterwards fix and, in the event of the Leader being among those absent, the Committee Clerk shall minute that owing to the lack of the necessary quorum no business was transacted.
- 19. If, during any meeting of the Council, a quorum is not present, the Leader shall direct that the meeting be adjourned for 10 minutes and if, after a lapse of 10 minutes, the Leader shall find that there is not a quorum present, the meeting shall thereupon terminate; but if, before or upon the lapse of the said 10 minutes, a quorum is present, the Leader shall direct that the business of the meeting be forthwith resumed.
- 20. For the avoidance of doubt, no business shall be transacted at a meeting of a Committee or of a Sub-Committee unless at least one-fourth of the whole number of Members or three Members (whichever is the greater) of the Committee or of the Sub-Committee (as the case may be) are present.

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DECLARATION OF GROUP DECISIONS

- 21. Any individual or political group shall declare at the beginning of a meeting whether a prior decision has been reached on how the individual or Members of the group will vote on any item(s) of business on the Agenda, and if so on which item(s). A prior decision shall be one that the individual or the group deems to be mandatory

on the individual or the group members such that the individual or the group members will be subject to sanctions should they not vote in accordance with the prior decision. Any such prior decisions will be recorded in the Minute of the meeting.

22. The Leader shall seek such declarations from individuals, group leaders or spokespersons at the beginning of the meeting immediately following the sederunt (roll call).

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DECLARATION OF FINANCIAL AND OTHER INTERESTS

23. A Member who is present at the meeting where any item of business in which he or she has any financial or other interest (such as described in the Councillors' Code of Conduct) is to be dealt with, shall disclose their interest as soon as possible after the start of the meeting.

24. The Leader shall seek such declarations at the beginning of the meeting immediately following the sederunt (roll call).

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ADJOURNMENT OF MEETING

25. The Leader shall be entitled, in the event of disorder arising at any meeting of the Council, to adjourn the meeting to a time he/she may then or afterwards fix.

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26. The Council may, at any of their meetings as a Council, adjourn the same to such time as the Leader may then or afterwards fix.

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27. A motion for the adjournment of the meeting may be made at any time (not being in the course of a speech) and shall have precedence over all other motions. It shall be moved and seconded without speeches or discussions and shall be put at once to the meeting by the Leader.

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28. When an adjourned meeting is resumed, proceedings shall (subject to the discretion given to the Leader under Standing Order No. 26) be commenced at the point at which they were broken off at the adjournment.

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ORDER OF BUSINESS

29. The business an ordinary meeting of the Council shall proceed in the order specified in the notice calling the meeting except that any item of business may, at the discretion of the Leader, be taken out of its order and provided that the Council may adjourn a meeting of the Council to any other day, hour and place. The order in the notice shall, unless circumstances otherwise require, be as follows:-

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- (a) Chair to be taken
- (b) Sederunt
- (c) Declaration of Group Decisions and Declarations of Interests
- (d) Business brought forward by the Leader as a matter of urgency

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(e) Minute(s) of the previous meeting(s) including Sub-Committee

(f) Written Questions

(g) Petitions

(h) Notices of Motion

(i) Information Reports – Call In

(j) Statutory or other competent business

(k) Questions on Minutes

(l) Question Time

30. The business at special meetings shall take place in the same order, except that notice of urgent business, minutes, written questions, petitions, Notices of Motion and Question Time shall not be included

31. No matter in the notice calling the meeting of a Committee competently before the Council shall be withdrawn by the Leader except where agreement has been reached between the Leader and the relevant Chief Officer.

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APPROVAL OF MINUTES

32. At each ordinary meeting of the Council, the Minutes of the previous ordinary meeting, and any intervening special meeting (where practicable), shall be circulated as an agenda item for approval. No motion or discussion shall be allowed on these Minutes, except as to their accuracy as a record of the meeting to which they relate. Any objection on this ground must be made by motion and, if necessary, the matter shall be decided by vote in the ordinary manner, provided that for this matter voting shall be restricted to those Members who were present at the meeting to which the Minute relates. After the Minutes are approved, with or without amendment, they shall be signed by the Leader.

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33. The procedure in Standing Order 30 above shall apply to Committees and Sub-Committees of the Council with the Chair signing the minute. These signed minutes will then be made available for inspection by all Councillors.

34. A minuted decision of the Council shall not be altered or revoked within six months of its approval, except for the purposes of budget setting or by suspension of Standing Orders under Standing Order 82 below.

NOTICES OF MOTION

35. (a) The purpose of a Notice of Motion is to give any Member the opportunity to raise an item of strategic relevance at an ordinary Council/Committee meeting. If a Member does not sit on a Committee, they shall be allowed to attend the committee to introduce their motion but shall not be allowed to take part in any voting.

- (b) Every Notice of Motion shall be in writing. It shall be signed by the Member of the Council giving the Notice and counter-signed by at least one other Member who is a member of the relevant committee. A Notice of Motion shall meet the competency requirements contained in Standing Order 46. Where a motion would have significant financial impact, this should be specified along with the budget from which any financial commitment may be met.
- (c) A Notice of Motion must be received by the Proper Officer by 4 pm on the date 14 days before the relevant meeting.
- (d) The foregoing provision shall not apply in a case where the Leader decides, in terms of Section 50B (4) (b) of the 1973 Act, that the matter is one of urgency.
- (e) If a Notice of Motion is not moved by it's author (or some other Member with their written authority) and seconded , it shall be considered as dropped from the agenda of the committee.
- (f) When a Notice of Motion has been considered by the Council it shall not be competent for any Member to propose a similar motion within a period of six months.

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WRITTEN QUESTIONS

- 36. Any Member can put one question about relevant and competent business not already on the Agenda to the Leader. No Member can put more than one question at any meeting. The Member must give notice in writing of their question to the appropriate Officer by 12 noon two working days prior to the day of the meeting. A copy of any written answer provided by the Leader or Chair will be tabled one hour before the start of the relevant meeting. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter but no discussion will be allowed.
- 37. No supplementary question can be put or answered more than 10 minutes after the Council has started on the relevant item of business, except with the permission of the Leader. If a Member does not have the opportunity to put a supplementary question because no time remains then he or she can submit it in writing to the Proper Officer who will arrange for a written answer to be provided within 7 working days.

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INFORMATION REPORTS – CALL IN

- 38. Any member wishing to call in a noting or information report from one meeting shall give written notice to Committee Services at least 14 days in advance of the next meeting. The Notice shall be countersigned by one other elected member and shall explain the reason for call in including any action sought.

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PETITIONS

- 39. A Petition received relevant to the remit of a particular Committee may be included on the agenda of business for that Committee meeting if:-

(a) It has been agreed as a valid petition for that Committee in discussion with the [Leader](#); and

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(b) It has been received no less than 3 weeks in advance of the meeting.

40. Petitions admitted in terms of Standing Order 37 shall be considered in accordance with the relevant internal procedural guidance. In the event of a conflict between that procedure and Standing Orders, the Standing Orders shall take precedence.

QUESTION TIME

41. At each ordinary meeting of the Council and its standing Committees (including Sub-Committees), 10 minutes will be allowed for question time when any Member of the Committee can put a question to the Chair of that Committee/Sub-Committee on any business within the Council/Committee's remit. Provision for this question time will be included in the agenda for the meeting. A Member who has put a question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no debate will be allowed. Questions on minutes must not be taken as an opportunity to re-open debate.

42. No supplementary questions can be put or answered more than 10 minutes after the Council has started on this agenda item, except with the permission of the [Leader](#). If a Member does not have the opportunity to put a supplementary question because no time remains, then he or she can submit it in writing to the Proper Officer who will arrange for a written answer to be provided within 7 working days.

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MOTION AND AMENDMENTS

43. Every motion or amendment on any question shall be moved and seconded and shall, if the [Leader](#) so requires, be noted by the Committee Clerk in writing and read to the meeting before the motion or amendment is further discussed
44. All amendments must be relative to the motion and no Member shall be at liberty to move or second (a) more than one amendment to any motion or (b) an amendment if he/she has moved or seconded the motion. If an amendment is withdrawn, the mover and seconder thereof shall be at liberty to move or second another amendment or to speak in support of such amendment.
45. No motion to which an amendment has been moved and seconded shall be altered in substance or withdrawn without the leave of the mover and/or seconder.
46. After an amendment has been moved and seconded, it shall not be withdrawn or altered in substance without the leave of the mover and/or seconder.
47. Subject to Standing Orders 42 and 43 above, a motion or amendment may be withdrawn at any time prior to it being put to a vote.
48. A motion for the approval of a Minute of meeting of a Committee, or of any part of such Minute, shall be considered as the motion and any form of proposal, including a proposal to proceed to next business, which implies mere negation or otherwise if moved, shall be dealt with as an amendment thereto.

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49. If a motion or amendment is, in the opinion of the [Leader](#), irrelevant or incompetent, he shall rule the same out of order. When determining questions of relevance and competence the [Leader](#) shall consider the following questions:

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- (a) Is the motion at the correct committee, in terms of the Council's Scheme of Administration?
- (b) Are there any procedural or legal barriers?
- (c) After discussion with Members, do they have sufficient information before them to come to a reasoned and balanced decision?

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50. The Chair shall, if present, have the right to move the approval by the Council of the Minute of any meeting of that Committee or of any part of such Minute.

51. The [Leader](#) shall have the right to move the approval of a report. Approval of a report shall be considered as a motion.

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52. Motions and amendments which are not seconded shall be recorded.

DEBATE PROCEDURES

ORDER OF DEBATE

53. Every Member of the Council who is called to speak shall address the [Leader](#) and shall direct his/her speech (a) to the matter before the meeting by proposing, seconding or supporting the motion or any amendment relative thereto or (b) to a point of order or information.

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54. On any debate on issues of particular local interest (excepting debate on a Notice of Motion), local Members indicating a wish to speak (by giving advance notice to the [Leader](#) or Committee Clerk), shall be called to speak first by the [Leader](#).

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55. Subject to the right of reply vested in the mover of a motion or an amendment, no Member shall speak more than once to the same question at any meeting of the Council except with the permission of the [Leader](#), or on a point of order or, in explanation or to clear up a misunderstanding in regard to some material part of their speech, in which case no new matter shall be introduced.

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56. The mover of the motion or an amendment shall have a right of reply but shall introduce no new matter and, after the reply is commenced no other Member shall speak on the question except as provided in Standing Order 53.

57. In moving the motion (other than a motion to adopt the Annual Accounts or Annual Estimates) or an amendment, a Member shall not speak for more than 5 minutes and every other speaker, and the mover of the motion in reply, shall not speak for more than 3 minutes. The foregoing limits of time may be exceeded with the permission of the [Leader](#).

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POINTS OF ORDER

58. Any Member of the Council may at any time at any meeting of the Council speak upon a point of order suddenly arising as soon as possible and must refer to the particular Standing Order which, in their opinion, is being infringed.

59. The Member who is then addressing the Council shall cease and the Member who is speaking on the point of order shall address the point of order at issue stating the basis on which they believe the order has been infringed without making any further substantive point and thereafter shall cease in order to allow a ruling to be given by the Leader. No other Member shall be entitled to speak to the point of order raised except by permission of the Leader.
60. The Leader shall thereupon decide the question and, thereafter, the Member who was addressing the Council at the time the point of order was raised shall be entitled (if the ruling permits him/her so to do) to continue their speech, giving effect to the ruling of the Leader.
61. The decision of the Leader shall be final on all points of order.

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CLOSURE OF DEBATE

62. At any meeting of the Council it shall be competent for any Member of the Council who has not spoken on a matter being discussed to move (but without making a speech), after not fewer than seven Members (excluding the movers and seconders of the original motion and of any amendments) shall have spoken on such matter, "That the question be now put".
63. On such motion being seconded, the Leader shall put the same to the meeting without speeches or discussion, and the vote shall be taken. If the motion for closure of debate be carried, the mover of the original motion shall have the right of reply and thereafter the matter under discussion shall be voted on in the ordinary way; if the motion for closure is not carried, the debate shall be resumed.
64. Such a motion may be competently moved a second time after not fewer than five additional Members have spoken and so on after every five additional Members have spoken.

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VOTING PROCEDURES

65. Except in the case of filling a vacancy or vacancies and of making appointments, the following provisions shall apply as to voting:-
- (a) A vote shall normally be taken by electronic count which shall record as to which motion and amendment each Member voted for, as to which Members abstained and as to which Members were absent and a notation as to which shall be recorded in the appropriate Minute of the Meeting. It shall however be competent to take the vote by roll call, show of hands, by ballot or in any other manner as may be agreed upon.
- (b) When there is only one amendment to the motion, the vote shall be taken between the motion and the amendment and whichever is carried shall become the finding of the meeting and the Council shall be deemed to have resolved accordingly.
- (c) When there are more amendments to the motion than one, then, unless the Leader otherwise decides in order to avoid inconsistency in voting, the last

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amendment shall be put against that immediately preceding and then the amendment which is carried shall be put against the next preceding and so on until there remains only one amendment, between which and the motion the Council shall divide and whichever is carried shall become the finding of the meeting and the Council shall be deemed to have resolved accordingly.

- (d) If however, one of a number of amendments is any form of proposal which implies mere negation, the first division shall be taken between it and the motion. If the amendment is carried, the Council shall proceed to the next business. If the amendment is not carried, it shall be eliminated from the amendments which, with the motion, shall be voted on in the usual way. The view of the Leader on the order of voting shall be final.

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- (e) Where there is an equality of votes, the Leader shall have a casting vote.

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66. In the case of filling a vacancy or vacancies and of making appointments, the following provisions shall apply as to voting which shall be by secret ballot where it relates to a staff appointment.

- (a) Where only one vacancy requires to be filled and two candidates are proposed and seconded for appointment, a vote shall be taken as between these candidates and the candidate who receives the majority of votes shall be declared duly appointed. Where in such a case as aforesaid more than two candidates are proposed and seconded for appointment, a vote shall first be taken as among all these candidates, each Member being entitled to vote for one candidate only. If, as a result of this vote, any candidate receives an absolute majority of the votes of the Members of the Council present and voting, such candidate shall be declared duly appointed. If no candidate received such a majority, the name of the candidate receiving the smallest number of votes shall be struck out, provided that, if two or more candidates tie as receiving the smallest number of votes, a vote or votes shall be taken as between or among these candidates and the candidate who receives the smaller or smallest number of votes shall be dropped. In subsequent votes, the same course shall be followed until one of the candidates receives an absolute majority of votes, when he/she shall be declared duly appointed or until the candidates are reduced to two, when a final vote shall be taken and the candidate receiving the majority of votes shall be declared duly appointed.
- (b) In the case where more than one vacancy requires to be filled, a vote shall first be taken as among all the candidates proposed and seconded for appointment where these exceed the number of vacancies, each Member being entitled to vote for candidates up to the number of vacancies to be filled. The result shall be decided by the first vote except in the case where two or more candidates tie as having received an equal number of votes for the vacancy or vacancies. In such cases an additional vote or votes shall be taken as between or amongst these candidates with the candidate having least votes being eliminated and so on until the number of candidates remaining is equal to the number of vacancies.
- (c) Where in any vote between two candidates or, after such additional vote as may be required by (a) and (b) above, there is an equality of votes, the Leader/Chair of the meeting shall have a casting vote, except where the matter which is subject of the vote relates to the appointment of a Member of the

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Council to any particular office or Committee, in which case the decision shall be by lot.

- (d) In the case of a vote relating to the appointment of a Chief Officer the minute shall record -
 - (i) the names of those candidates proposed and seconded for appointment but not the names of proposers or seconders, and
 - (ii) the name of the candidate who received the votes of a majority of those present and voting but not the names or numbers of those voting for each candidate.

DISSENT

- 67. Any Member of the Council who at any meeting of the Council has taken part in a vote or has proposed a competent motion or amendment which has not been seconded may at such meeting enter his/her dissent for the resolution adopted provided that resolution has a financial or legal implication for the Council, which dissent shall be recorded in the Minute of the meeting, without giving reasons therefor. A Member entering his/her dissent in accordance with this provision may, within fourteen days of such meeting, lodge with the Chief Executive a statement containing his/her reasons of dissent.
- 68. No Member shall be entitled to enter his/her dissent from a resolution of the Council except at the meeting at which such resolution is adopted.
- 69. Except as herein provided, no reservation or qualification by any Member with respect to a particular resolution shall be recorded in the minutes of meetings of the Council.

ADMISSION OF PRESS AND PUBLIC

- 70. By virtue of the provisions of Section 50A of the Local Government (Scotland) Act 1973 meetings of the Council and its Committees and Sub-Committees shall be open to the public except to the extent (a) that the public shall be excluded under Section 50A(2) of the 1973 Act during consideration of an item of business whenever it is likely that, if they were present, confidential information, as defined in Section 50A(3) of the 1973 Act, would be disclosed to them, or (b) that the public may be excluded by resolution under Section 50A(4) of the 1973 Act during consideration of an item of business whenever it is likely that, if Members of the public were present, exempt information, as defined in Section 50A of the 1973 Act, would be disclosed to them. On a motion for adoption of such a resolution being duly moved and seconded, the [Leader](#) shall put the same to the meeting without speeches or discussion and, on such a motion being carried, all Members of the public present (including representatives of the press but not including Members of the Council) shall be directed to leave the meeting.
- 71. Members of the Council remaining in attendance at meetings of Committees or Sub-Committees of which they are not a Member with the consent of the [Leader](#) in terms of this provision are required to comply with the provisions of Standing Order

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22 in relation to disclosure of interest and the provisions of Standing Order 70 as if they were Members of that Committee or Sub-Committee.

72. Notwithstanding the exclusion of the public as aforesaid, the Leader may permit any person to remain in attendance at any meeting for so long as they consider necessary and on the basis that such persons respect the confidentiality of the proceedings.

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73. (a) Information as to the proceedings at any meeting from which the public and press are excluded shall not be given to representatives of the press or to any other person except by the Leader, or by a person authorised by the Leader to do so.

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(b) Upon information being given in terms of Standing Order 70 (a) other Members of the Council shall be entitled to speak on the matter but only to the extent that information has been provided by the Leader or person so authorised.

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(c) For the avoidance of doubt Members providing information beyond that provided by the Leader or person so authorised will be in breach of Standing Order 70 (a) and liable to action on the part of the Council including action in terms of the Councillors' Code of Conduct.

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COMMITTEES

74. The Leader and Leader of the Council, in addition to membership of Committees, Sub-Committees and Ad hoc Committees allocated to them as ordinary Members of the Council shall, ex officio be Members of other Committees and Sub-Committees of the Council but such additional membership shall not confer the right to vote. Other Members of the Council may be present at Committees and Sub-Committees of which they are not Members with the agreement of the Chair and may be called upon by the Chair to speak, but shall not be entitled to pose questions, enter the debate or vote. This discretion to permit attendance shall apply to quasi-judicial Committees and Sub-Committees only where a Protocol is in place which ensures compliance with Human Rights legislation.

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75. Members of any Appointments Committee, Sub-Committee, Adhoc Committee may, if unable to attend such meetings be represented by a substitute with full voting rights from Members of the Council, provided the name of that substitute has been intimated to Legal and Democratic Services not later than the last working day before the appropriate meeting.

76. Any proposed permanent alteration to the membership of Committees should be intimated in writing to Legal and Democratic Services not later than the seventh working day before a scheduled meeting of the Council and shall thereafter be considered by the Council.

77. All Committee Meetings held on mornings will start at 9.30 a.m. and shall adjourn at 12.45 p.m. for lunch and those held on afternoons will start at 2.00 p.m. and shall adjourn not later than 5.00 p.m.

78. Matters referred to or delegated to Committees shall be as set out in the Administrative Scheme as approved by the Council and deemed to form part of these Standing Orders. Authority conferred upon Officers of the Council in terms of

the Scheme of Delegation approved by the Council shall likewise be deemed to form part of these Standing Orders.

OBSTRUCTIVE AND OFFENSIVE CONDUCT

79. In the event of any Member at any Council meeting disregarding the authority of the Leader, or being guilty of obstructive or offensive conduct, a motion may be thereupon moved and seconded to suspend such a Member for the remainder of the sitting. The motion shall be put without discussion and, if it be carried, the Member concerned shall forthwith leave the Council chamber or meeting place and the Council Officers shall act on such orders as may be received from the Leader in pursuance of such resolution.

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COUNCILLORS' CODE OF CONDUCT

80. Members of the Council, Members of Committees of the Council and all Officers of the Council are required to comply with the terms of the Councillors' Code of Conduct and the Financial Regulations.

APPLICATION OF STANDING ORDERS OF THE COUNCIL TO COMMITTEES

81. The provisions of the Standing Orders of the Council, except as otherwise provided, shall, so far as applicable and not inconsistent with any Standing Orders expressly applicable to Committees, apply to Committees of the Council and to Sub-Committees of Committees in like manner as they apply to the Council. References to the Leader/Depute leader shall then become references to the Chair/Depute Chair.

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QUESTIONS OF PROCEDURE

82. The Leader shall at his or her discretion, with or without discussion, determine all questions of competency and procedure in reference to which no express provision is made under these Orders.

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SUPPLY OR DISPOSAL OF GOODS AND EXECUTION OF WORK CONTRACTS

83. With respect to proposed contracts for the execution of works, the provision of services, or the supply of goods or materials, the following provisions shall apply relating to securing competition for such contracts and for regulating the manner in which tenders are invited.
- (a) The Officer responsible for procurement shall ensure, in consultation with the Monitoring Officer and the Chief Financial Officer, that all public procurement legislation shall be complied with;
 - (b) The Officer responsible for procurement shall prepare and submit to the Council a Procurement Policy, Strategy and Procedure Notes which, once approved and adopted by the Council, shall be observed by all Members and Officers of the Council, and shall be deemed to be part of these Standing Orders.
 - (c) The Policy, Strategy and Procedure Notes shall include provisions governing:-
 - tender procedures to be followed

- financial limits for different procedures
- contract documentation.

ALTERATION OR RESCISSION OF PREVIOUS RESOLUTION

84. No resolution of the Council shall be altered or revoked within six months of its adoption except [for the purposes of budget setting or](#) by suspension of Standing Orders.

SUSPENSION, ALTERATION AND REVIEW OF STANDING ORDERS ETC.

85. So far as not inconsistent with any statutory provisions, any one or more of the Standing Orders may be suspended at any meeting, but so far only as regards the business at such a meeting, provided that two-thirds of the Members of the Council present and entitled to vote agree, that there has been a relevant and material change of circumstances which shall be specified in the motion proposing the suspension. Where the issue of suspension is being considered relative to an item of business, the agreement of the Council to a suspension should be confirmed before the relevant suspension is debated. This is however subject to the general power of the [Leader](#) to control procedure at the meeting.

86. No alteration of the Standing Orders shall be made without notice given at one meeting of the Council to be discussed at the following one, and shall not be effected except on a resolution, adopted by a majority of the Members present and voting.

87. The Council shall, at least once every year, review these Standing Orders to determine whether any alteration should be considered.

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APPENDIX 2

**MORAY COUNCIL
COUNCILLORS' ROLES AND RESPONSIBILITIES**

The document sets out the different roles which councillors can hold within the council and the council's expectations of these roles. It has been created for the benefit of the public, councillors and officers in the interests of clarity and transparency.

Date approved	September 22
Document status	For publication
Document owner	Head of GSP
Date for review	Sept 25

1 ALL COUNCILLORS

1.1 Legal duties

1.1.1 All councillors must comply with general legal requirements in carrying out their duties. They also have specific legal duties to:-

- sign a declaration of acceptance office
- at least once in a six-month period, attend a meeting of the council, a committee, a sub-committee, a joint committee, a joint board or other formal outside body as a council representative
- maintain an accurate and up-to-date Register of Interests available on the [Councillors pages](#) of the Committee Management Information System CMIS
- familiarise themselves with and comply with the Councillors' Code of Conduct, having regard to Standards Commission guidance and advice
- comply with duties under the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018
- comply with regulations concerning remuneration, expenses and allowances and the council's Scheme of Elected Members' Remuneration, Allowances and Reimbursement of Expenses

1.2 Other duties and expectations

1.2.1 There are other duties and expectations over and above that legal minimum. They arise in the following areas. Councillors have to maintain a complex balance and mix of roles:-

- as Moray residents and recipients of council services
- as holders of a public office
- as ward members, to the ward area and constituents
- as council members, to the whole council and its constituents
- as members of a political party or group, expressing political values and supporting the group to which they belong and its policies and values
- as independent councillors, supporting and following their values and the platform on which they were elected
- as decision-makers in a regulatory capacity
- as holders of additional responsibilities and positions within the council
- as representatives of the council in partnership working, outside body appointments and dealing with the public in general

1.3 Values and principles

1.3.1 In everything they do, councillors are expected to uphold and comply with the council's values as set out in our [Corporate Plan](#). Those are:-

Fair

- tackle inequalities
- treat people fairly
- promote equalities and awareness
- consider our impact on others

Ambitious

- promote and celebrate Moray
- be a great place to work
- ensure sustainable and efficient council services
- improve life for the most vulnerable

Improving

- Drive improvement
- Encourage innovation
- Take commercial opportunities
- Invest in transforming to meet future needs

Responsive

- Be open and transparent
- Promote community participation and involvement
- Listen to and involve our communities

1.3.2 The Councillors' Code of Conduct sets out the principles of good conduct which councillors must follow:-

- Duty
- Selflessness
- Integrity

- Objectivity
- Accountability
- Stewardship
- Openness
- Honesty
- Leadership
- Respect

1.4 Public office

1.4.1 As holders of public office Councillors are accountable to the public of Moray for their decisions. Through their personal conduct and through their work including contact with the people in the area they represent, the media and other agencies, councillors are expected to:-

- uphold and act in accordance with the law
- fulfil and act in accordance with the public trust placed in them
- justify their actions to the public
- maintain the highest standards of conduct
- promote the core values of the council
- provide an example to others
- enhance the reputation of the council and Moray
- safeguard and enhance the public perception of the council and its status
- take a key role in advancing the social, economic and environmental wellbeing of Moray
- facilitate and encourage partnership working with other committees/boards in responding to meeting the needs of Moray communities
- avoid any circumstance which could lead to the suspicion or appearance of improper conduct or which could bring the council into disrepute
- carry out their roles and duties in a dignified and respectful manner

1.5 Internal rules and procedures

1.5.1 Councillors are expected to comply with the council's internal governance arrangements by:-

- being familiar with and complying with Standing Orders
- respecting other councillors, the Chair and rulings by the Chair at meetings
- adhering to the protocols approved to guide councillor and officer relations
- following the council's rules regarding the use of council facilities
- respecting the role and responsibilities of officers
- complying with corporate policies which apply to them as well as officers (for example, information security)

1.6 Duties to whole council, and to the ward

1.6.1 Councillors have responsibilities and duties to the council and council area as a whole. They are expected to:-

- participate in the decision making of the council and the formation of the council's policies and programmes
- monitor and scrutinise the effectiveness and efficiency of the council in the discharge of its functions
- ensure that the council uses its resources prudently and in accordance with the law
- represent, both in council decision-making and in contact with officers of the council, all of the constituents in the area which they are elected to represent
- promote participation and citizen involvement in the decision making process through recognised means.
- have regard to the policies and decisions of the council when representing the interests of their constituents
- recognise the cultural diversity within the area and encourage equal opportunities
- attend training and briefing sessions and progress their own personal development
- seek advice where appropriate from colleagues and senior officers
- consider issues on their merits, taking account of the views of others
- accept responsibility individually and collectively for ensuring that adequate provisions for the proper conduct of the council's business are in place

1.6.2 Alongside the duties to the council as a whole, councillors have specific roles and duties in relation to their ward area. They are expected to:-

- be accessible to all the people within their ward area
- represent conscientiously the interests of the people within their ward to the council and to other public sector committees/boards
- respect and work constructively with their ward councillor colleagues
- have regard to and respect the policies and decisions of the council when representing the interests of their constituents without limiting their ability to scrutinise and review the application and continuing relevance and fitness for purpose of these policies and decisions.
- interpret and express the wishes of their constituents to the council
- exercise community leadership and involvement, both in their ward and in Moray as a whole
-
- develop local knowledge of local issues and use it to inform council decisions and policy-making
- listen and respond to the needs of local people

- carry out casework on behalf of constituents
- account for service priorities, the allocation of resources and the performance of the council to constituents

1.7 Regulatory and quasi-judicial business

1.7.1 Councillors may be appointed to make decisions on regulatory or quasi-judicial business. This means that they are acting like a court of law in making a decision on an application or determination of individual rights or an appeal.

1.7.2 Councillors have duties and responsibilities in these cases which are higher than normal:-

- They must be impartial
- They must be aware of and understand the relevant legal provisions and take advice where necessary
- They must be aware of relevant council policies
- They must make decisions based only on relevant facts and circumstances which have been brought to their attention as part of the meeting or hearing
- They must apply the appropriate legal tests and rules to those relevant factors
- They must not take irrelevant factors into account
- They must ensure that everyone is treated fairly and equally and is given a fair hearing
- They must avoid making statements or doing or saying anything which may give the perception of bias or pre-judgment
- They must not make decisions according to a pre-determined political or group line, or lobby colleagues to reach a particular determination

1.8 External work and relationships

1.8.1 Councillors may be appointed by the council to external committees/boards, including arms-length external organisations (ALEOs). They have particular responsibilities in relation to those appointments. Those are:-

- participating in the activities of the outside body
- providing two-way communication between it and the council
- developing and maintaining a working knowledge of the council's policies and practices in relation to that body and of the community's needs and aspirations in respect of that body's role and functions
- contributing to community planning by acting as a representative of the council, working in partnership with relevant external committees/boards
- representing the council and Moray at events at local, national and international level

- acting as an effective ambassador for the council and Moray at all times
- representing the interests of the people of Moray to the council to other public sector committees/boards

1.8.2 The Councillors' Code of Conduct extends to councillors representing the council on outside committees/boards. It also requires compliance with any other Code of Conduct applicable to the outside body itself.

2 COUNCILLORS WITH ADDITIONAL RESPONSIBILITIES

2.1 Defined

2.1.1 The Council recognises a number of positions with additional responsibilities to that of a Councillor. These positions are described in more detail below and comprise:

- Council Champions
- Chairs of Committees and Boards
- Leader of the Council
- Depute-Leader of the Council
- Leader of Largest Non-Administration Group
- Civic Leader

2.2 Additional allowances

2.2.1 Under statutory remuneration regulations every councillor receives a basic allowance. A fixed higher allowance is payable for the positions of Council Leader, Civic Leader and Chairs/Vice-Chairs of Joint Boards. In addition the remuneration regulations give the council discretion to approve up to 9 further senior responsibility allowances or SRA's.

2.2.2 The posts which attract SRA's are not fixed and require to be approved at a council meeting. For transparency the remuneration of councillors is reported annually to the council.

3 COUNCIL CHAMPIONS

3.1 Defined

3.1.1 The Council may nominate individual councillors as Champions to promote an aspirational theme, goal or group interest in which that councillor has a particular interest, knowledge or affinity.

3.2 Responsibilities

Council Champions are expected to:

- Encourage best practice, make suggestions and act as a positive influencers within the Council in relation to the theme, goal or group to which they have been nominated.
- Maintain links with relevant officers, chairs and external groups /bodies as appropriate in relation to their particular role
- Participate in appropriate publicity relevant to their particular role.

4 CHAIRS OF COMMITTEES AND BOARDS

4.1 Defined

- 4.1.1 The council delegates functions to committees and sub-committees to make recommendations and to take decisions in relation to the delivery of services and the discharge of the council's functions. These committees require an individual councillor to chair their meetings. Chairs are appointed by full council.
- 4.1.2 Chairs (who may have multiple roles) will generally be classed as Senior Councillors and receive a higher level of remuneration than ordinary councillors.
- 4.1.3 The role of Chairs goes beyond that of ordinary councillors. Chairs are expected to provide a focus for councillors in relation to the services within the remit of the committees/boards they chair and to enhance the reputation of the council and Moray.

4.2 Additional responsibilities

- 4.2.1 Chairs are expected to:
- promote corporate responsibility for the policies and decisions of their committees/boards and ensure clear political direction and guidance in the best interests of the whole of Moray.
 - ensure that the Leader of the Council is briefed as appropriate on significant issues within their committee remit
 - work with the appropriate officers in respect of the services within the remits of the committees/boards they chair
 - foster and develop effective and constructive working relationships with other members of the council and officers, and with relevant outside bodies
 - liaise closely and effectively with senior officers in relation to the business of their committees/boards
 - chair meetings and ensure the proper conduct of meetings including keeping order; ensuring that members have a fair hearing; that reasonable steps are taken to enable effective participation by members, officers and members of the public participating by being present physically or by remote-access; regulating participation by officers and the public; ruling on all matters of procedure, competency and relevancy; and ensuring the business on the agenda is concluded efficiently and effectively within the terms of the council's Standing Orders.

- promote compliance with the council's Constitutional Documents corporate policies and objectives and the council's committees/boards as they affect their committees/boards' remit
- communicate and link effectively with other committees and working groups and with individual elected members, other committees/boards and community groups
- promote the core values of the council in the work of their committees/boards
- act at all times in a manner to enhance the reputation of the council in terms of fair representation, open government and accountability and as a representative of both the council and the community
- maintain the highest standards of integrity and behaviour personally and act as an example to others
- assist in identifying and raising awareness of relevant training for members of their committees/boards

4.3 Vice-Chairs and Acting Chairs

- 4.3.1 These responsibilities apply to the Depute-Chairs when acting in the role of Chair.
- 4.3.2 These responsibilities apply to any councillor appointed in an acting capacity under the council's Family Leave Scheme for Elected Members or where they are covering an extended absence.

5 COUNCIL LEADER

5.1 Defined

- 5.1.1 The Leader of the Council is a councillor elected by the other members of the council to be the political figurehead and leader of the council and its councillors and is the title given by the council to the councillor performing the role of "Convener" and elected under section 4 of the Local Government etc. (Scotland) Act 1994. The statutory requirement of this role is to chair full council

The Leader of the Council is usually the head of the political party or group which forms the administration group on the council. The role will carry overall political responsibility for all council service areas as well as any specific area defined in the Scheme of Administration. The role carries a higher level of remuneration (prescribed by regulation) which is distinct from Senior Councillor payments.

- 5.1.2 The Leader of the Council is expected to enhance the reputation of the council in terms of fair representation, open government and accountability and to maintain the highest standards of integrity and behaviour.
- 5.1.3 As leader of their political group, they have particular responsibility to represent and communicate the views of their group as part of the

formal decision making processes of the council and its committees and through informal working groups and forums. They are to provide leadership of their group and act as its main spokesperson to ensure clear political direction and guidance is given on behalf of the political administration.

5.2 Additional responsibilities

5.2.1 In addition to meeting the expectations of a council Chair and an ordinary Councillor the Leader of the Council is expected to:-

- chair meetings of full council and ensure the proper conduct of meetings including keeping order; ensuring that members have a fair hearing; that reasonable steps are taken to enable effective participation by members, officers and members of the public participating by being present physically or by remote-access; regulating participation by officers and the public; ruling on all matters of procedure, competency and relevancy; and ensure the business on the agenda is concluded efficiently and effectively in terms of Standing Orders.
- lead the political administration of the council
- ensure clear political direction and guidance in the best interests of the whole of Moray.
- carry overall political responsibility to promote the vision, policies, strategies and decisions of the council as a whole
- promote public confidence in the activities of the council as a whole
- have particular responsibility with regard to community leadership
- exercise sound and fair political leadership
- be responsible for developing and overseeing effective political relationships with partner organisations
- act as the council's main political spokesperson to communicate and promote the policies, strategies, decisions and the achievements of the council within agreed communications strategies.
- provide feedback to the Chief Executive where requested in the following areas: organisational and management processes of the council, decisions to be taken under delegated powers, budget priorities, service planning and performance and pre committee formulation of policy
- promote an inclusive working environment involving all members of the council
- develop and encourages effective working relationships among councillors and officers
- represent the council at meetings of the Convention of Scottish Local Authorities (COSLA) and ensures that the position and interests of the council are represented at COSLA meetings and

that feedback from these meetings is given through established channels within the Council.

- if appointed, chair significant policy consideration/discussion groups established by the council such as the Political Group Leaders group
- help ensure that the work of all committee Chairs contributes to the corporate effectiveness of the council as a whole
- liaise closely with the Deputy Leader over the division and delegation of responsibilities between the Leader and Deputy Leader roles
- liaise closely with the Civic Leader in terms of civic roles and functions on behalf of the council

5.3 Deputy Leader, Acting Leader, Joint Leaders

5.3.1 In addition to meeting the expectations of a council Chair and an ordinary Councillor the Deputy Leader is expected to assist the Council Leader in discharging the roll of Council Leader. They may undertake any responsibilities associated with the Leader role as informally agreed by the Council Leader, or in terms of any more formal division agreement, and shall liaise with and work constructively and effectively with the council leader. In particular the Deputy Leader is expected to:

- Provide cover for chairing of full Council or attendance at COSLA leaders meetings where the Council Leader is unable to attend.
- promote an inclusive working environment involving all members of the council
- develop and encourage effective working relationships among councillors and officers
- provide feedback to the Chief Executive where requested in the following areas: organisational and management processes of the council, decisions to be taken under delegated powers, budget priorities, service planning and performance and pre committee formulation of policy

5.3.2 These responsibilities apply to any councillor appointed in an acting capacity under the council's Family Leave Scheme for Elected Members or covering a period of extended leave.

5.3.3 Joint Leaders may be elected by the council. The responsibilities of the Leader will apply equally to those who share the office. Joint Leaders have the additional responsibility of liaising with and working constructively and effectively with each other in the best interests of the council and the council's area and residents. If joint Leaders are

appointed then either will be able to take the chair at full council meetings.

6 GROUP LEADER

6.1 Defined

6.1.1 A Group Leader is the nominated representative/spokesperson of any non-administration political party or group comprising three or more councillors. The holder of the position is not elected by the council and there is no automatic right to additional remuneration.

6.1.2 The holder of the post carries all of the duties and responsibilities of an ordinary councillor (and Chair if applicable) with additional responsibilities to ensure that the views of their group are communicated and represented as part of the democratic governance of the council.

6.2 Additional responsibilities

6.2.1 A Group Leader is expected to:-

- represent and communicate the views of their group as part of the formal decision making processes of the council and its committees and through informal working groups and forums
- provide leadership of their group
- act as the group's main spokesperson in order to enable the group to participate effectively in the decision-making processes
- ensure clear political direction and guidance is given on behalf of their group in the best interests of the council and Moray
- participate actively and effectively in the scrutiny of the council's policies, budgets and service delivery and their effectiveness in meeting the strategic and operational objectives agreed by the council and the needs of the communities in Moray
- promote an inclusive working environment and ensure the participation of members of their group in debate and policy decision making processes of the council
- maintain effective communications with other Group Leaders and the Chief Executive
- participate as required in consultation organised by the council with Moray's communities to ensure that their full range of views and opinion are expressed to council in the formulation and review of policies, budgets, strategies and service delivery
- represent their group in council events, community involvement and in other forums in order to further the interests of the council and Moray
- promote the core values of the council in fulfilling their remit

6.3 Depute, Acting and Joint Group Leader

6.3.1 These responsibilities apply to any Depute Group Leader appointed by a group.

6.3.2 The responsibilities of Group Leader will apply equally to any Acting Leader (acting in that capacity under the council's Family Leave Scheme for Elected Members or covering a period of extended leave) or to those who share the office as Joint Leaders

7 CIVIC LEADER

7.1 Defined

7.1.1 The Civic Leader fulfils a unique and important function as the civic head in representing the council and the wider Moray community at ceremonial and other formal events and occasions both within and outside Moray. The Civic Leader is the formal representative of the council when meeting with visiting dignitaries.

7.1.3 The position shall attract a higher level of remuneration, defined "Civic Head" in terms of the remuneration regulations.

7.1.4 The holder of the post carries all of the duties and responsibilities of an ordinary councillor with the additional responsibilities set out below.

7.2 Additional responsibilities

7.2.1 The Civic Leader is expected to:-

- act as civic head, hosting council events and attending other events as civic leader and representative of the council and the Moray communities
- promote Moray's profile to the wider community through public appearances at social, community, cultural and business events and through the media
- foster networks with other organisations in both the business and public sectors to support and enhance the development of Moray and its communities
- liaise closely with the Leader of the Council in terms of the civic roles and functions on behalf of the council, and with the Depute Leader
- promote the core values of the council
- act at all times in a manner to enhance the reputation of the council in terms of fair representation, open government and accountability and as a representative of both the council and the community
- maintain the highest standards of integrity and behaviour personally and act as an example to others

- hold an ex officio position on any cross party policy formulation groups established by the council (such as the Political Group Leaders group) to assist them in meeting their civic duties.

7.3 Acting Civic Leader

7.3.1 These responsibilities apply to any councillor appointed in an acting capacity under the council's Family Leave Scheme for Elected Members.



REPORT TO: MORAY COUNCIL ON 28 SEPTEMBER 2022

**SUBJECT: LEARNING ESTATE STRATEGY AND DELIVERY PROGRAMME
– MORAY SUBMISSION FOR LEARNING ESTATE
IMPROVEMENT PROGRAMME PHASE 3 FUNDING**

**BY: DEPUTE CHIEF EXECUTIVE (EDUCATION, COMMUNITIES AND
ORGANISATIONAL DEVELOPMENT)**

1. REASON FOR REPORT

- 1.1 The report seeks a decision by Council on submission(s) for Scottish Government Learning Estate Investment Programme Phase 3 funding in October 2022.
- 1.2 This report is submitted to the Council in terms of Section III (D) (1) of the Council's Scheme of Administration relating to all the functions of the Council as Education Authority.

2. RECOMMENDATION

2.1 It is recommended that Council:

- (i) considers the two compliant secondary school projects that could be accelerated to qualify for Scottish Government Learning Directorate Learning Estate Investment Programme (LEIP) Phase 3 funding;
- (ii) agrees to prioritise the Forres Academy project either as a single bid or, as required by the LEIP bid criteria, identified as the priority project if more than one bid is to be submitted;
- (iii) instructs officers to submit one, both or neither compliant secondary school project bids for LEIP 3 funding within the 31 October 2022 deadline; and
- (iv) if there is agreement to submit one or more bid for LEIP funding, and one or more of those bids is successful, instructs officers to review and provide updates to Members on project affordability (at defined Project Gateways) as the construction and whole life cost implications of the LEIP funding model are further developed.

3. BACKGROUND

Scottish Government Learning Estate Investment Programme

- 3.1 In September 2019, the Scottish Government published their new Learning Estate Strategy which set out a collective vision of “a Learning Estate which supports Excellence and Equity for all”. Alongside the publication was the launch of the first phase of the Learning Estate Investment Programme (LEIP). The Programme is designed to:
- Improve the condition of the school estate;
 - Support growth projects where there are no local condition priorities;
 - Establish links across the learner journey where appropriate;
 - Benefit 50,000 pupils to learn in condition A/B schools;
 - Enable the delivery of wider Scottish Government policy objectives, including the guiding principles of the Learning Estate Strategy; and
 - Support sustainable estate planning with clear investment and maintenance strategies.
- 3.2 To be successful, projects needed to connect people, places and learning, deliver improved outcomes for all and enable sustainable, inclusive economic growth. While there was a focus on improving the condition of the learning estate, the need to respond to demographic pressures was also recognised. Projects needed to meet the programme conditions and outcomes associated with high quality, suitable, sustainable, low carbon, digitally enabled learning environments. There was also an expectation of local political and financial commitment to investment.
- 3.3 Although the Council submitted a bid for the first phase of funding to support the Findrassie Primary School new build project, at that time the local Learning Estate Strategy was in the early stages of development and agreed priorities for investment in the learning estate were not yet available. The bid was unsuccessful.
- 3.4 The Scottish Government launched LEIP Phase 2 in December 2020. A more developed bid was resubmitted for the Findrassie Primary School project, which was successful.
- #### **Learning Estate Investment Programme – Phase 3**
- 3.5 In July 2022, Scottish Government wrote to all local authorities announcing Phase 3 of the LEIP, together with a set of updated strategic outcomes and associated terms and conditions. The Outcome Based Funding model will provide revenue funding on the achievement of a set of agreed outcomes. The outcomes for Phases 1 and 2 fell into four broad categories: condition; energy efficiency; digital connectivity; and economic growth and these will apply for Phase 3 too; a fifth outcome for Phase 3 is focused on embodied carbon. The premise of the funding model is that up to 50% of project delivery cost for the qualifying enabling infrastructure will be provided by LEIP as revenue funding over the operational life of the building (25 years), provided the key outcomes are met. The Council is required to make annual returns on performance against the outcomes, with funding dependent on achieving these throughout the 25 year period of the funding envelope.
- 3.6 All local authorities will be eligible to benefit from the new investment programme to sustain and improve the condition of their learning estate or

respond to demographic changes. However, a project will only be eligible for funding on either a condition OR a demographic change basis, not both. The LEIP Phase 3 selection criteria set out by Scottish Government is at **APPENDIX 1**.

- 3.7 Submissions for LEIP Phase 3 are required to be sent by email or letter to the Scottish Government by no later than close of business on Monday 31 October 2022. The form of submission will be discussed and agreed with Scottish Futures Trust, who will manage the process on behalf of the Scottish Government.
- 3.8 Projects selected to form part of LEIP Phase 3 will be expected to be open for pupils by December 2027 unless otherwise agreed at the start of the Phase. Projects which are anticipated to be open in advance of this date are 'very much encouraged'.
- 3.9 In addition, a submission for LEIP Phase 3 support will only be considered by the Scottish Government if there is evidence of political and financial commitment for a project through Committee approval.

4. MORAY OPTIONS FOR LEIP PHASE 3 BID SUBMISSION

- 4.1 At this stage of the LEIP Phase 3 programme process Council only needs to agree which school project(s) should be submitted for Scottish Government funding support. There is no requirement to select the detailed project infrastructure option, however the detail regarding potential options will inform Member's understanding of the level of financial commitment required. The learning estate investment programme has two candidate projects - Future Forres Academy and Future Buckie High School - that are recommended for consideration. The project mandates for both these projects have been approved and a Strategic Options Case developed for consideration by the Learning Estate Programme Board. These are attached at **APPENDIX 2** and **APPENDIX 3**. Currently both projects assume an operational date in the 2028/29 timeframe, however, if submitted for LEIP Phase 3 an operational date at the end 2027 will need to be achieved, unless otherwise agreed with the Scottish Government.
- 4.2 A policy of 'make do and mend' repair and maintenance was adopted in 2017 and followed previous years of under-investment in the Moray learning estate. The lack of investment has left a majority of schools below an acceptable standard for suitability and condition including Forres Academy and Buckie High School.

Option 1 – Forres Academy

- 4.3 The current mainstream capacity of Forres Academy is calculated as 1121 with a school roll for 2022/23 session expected to be 860 (77% of capacity). Of this 99% of pupils are expected to be from within catchment. A total of 40 pupils were assessed as requiring additional support needs, requiring access to enhanced provision support (2021/22 census – Additional Support Needs (ASN) marker report). With Kinloss Barracks sited in catchment these forecast pupil numbers are sensitive to the changing demographic of military personnel.

- 4.4 The Forres Associated Schools Group catchment is expected to experience growth in secondary school capacity requirements as a consequence of planned residential development to the South and the East of the town out to 2035. The school roll is expected to increase to a maximum of 997 (89% of capacity) towards the end of the decade. However, it is anticipated that the mainstream capacity will likely need to be reassessed in the medium term as a consequence of the desire for wider curriculum choice and additional space requirements for ASN accommodation, which would reduce the mainstream maximum capacity assessment for the school.
- 4.5 Forres Academy has recently been assessed as D for Condition – a decrease from the previous assessment undertaken less than 10 years ago. This is despite significant investment over the last 8 years; to the value of £4.45M for capital works together with a further £550k of revenue spend on repairs and maintenance. This investment has not prevented recent serious flooding incidents relating to significant roofing and drainage issues. A breakdown of the condition assessment is set out in Table 1.

CONDITION SUMMARY MATRIX													
Good – A													Performing well and operating efficiently
Satisfactory – B													Performing adequately but showing minor deterioration
Poor – C													Showing major defects and/or not operating adequately
Bad –D													Life expired and/or serious risk of imminent failure
Elements													
Roof	Floors & Stairs	Ceilings	External Walls,	Internal Walls and Doors	Sanitary Services	Mechanical	Electrical	Decoration	Fixed Internal Facilities	External areas	Outdoor Sports	OVERALL SCORE	CATEGORY
D	D	D	D	D	D	B	C	C	C	C	C	39.75	D

Table 1: Condition Assessment (2021) - Forres Academy

- 4.6 Forres Academy is reported as a B for suitability. This assessment was undertaken in 2013. An updated assessment was planned in 2020 but was cancelled due to the COVID pandemic. With the relaxation of COVID measures in school it is now intended to complete a re-assessment in the near future. It is anticipated that as a consequence of the D Condition there will be a reduction in the scoring within some areas of the suitability assessment, however we are not able to predict if this will result in a similar grade reduction.
- 4.7 Although the B/B condition/suitability could be achieved with a basic refurbishment of Forres Academy, the long term value for money opportunities offered by a major refurbishment, new build as a standalone or potential campus solution, would deliver a sustainable A/A school that meets the selection criteria for LEIP Phase 3 investment. There is also a need to consider the changing nature of teaching and drivers for digitally enabled education and low carbon school buildings, additional support needs and early

learning and childcare when considering investment in the future Forres Academy project.

4.8 The indicative 10 year capital plan (2022-32) has assigned a capital spend of £66M to deliver a 'Forres Academy campus' within the 2028/9 timeframe.

4.9 Infrastructure options that are under consideration for Future Forres School project are set out in Table 2. In reviewing these options the following should be noted:

- Options 1.3, 1.4 and 1.5 fully meet LEIP Phase 3 selection criteria;
- Option 1.2, although meeting baseline learning estate condition and suitability requirements, would not qualify for LEIP Phase 3; and
- Option 1.4 falls into the LEIP Phase 3 criteria of a project that addresses both a condition and a growth issue. Either condition improvement or extension to meet increasing capacity demands would qualify for LEIP funding, but not both.
- The preferred site for a new build school (Options 1.5 and 1.6) would be Roysvale common good land, which the Council would need to seek a court order and the agreement of the local community to procure.

Category of Choice	Description	Indicative cost Base cost (2022)	Indicative cost Inflation allowance cost (2026)
		£000	£000
1.1 Do nothing	No change to the current Learning Estate Continuation of make do and mend maintenance which is average of £625k per year.	£625k pa average	
1.2 Minimum scope	Meet secondary capacity requirements of Forres ASG with Minimum Refurbishment that addresses the requirement for minimum B standard condition.	24,700	31,000
1.3 Intermediate scope A	Meet the secondary capacity requirements of Forres ASG with Major Refurbishment that meets the LEIP requirements for Low Carbon and Digital aspects, balances community and educational needs.	69,600	91,100
1.4 Intermediate scope B	Meet the secondary capacity requirements of Forres ASG with Major Refurbishment with Extension that meets the LEIP requirements for Low Carbon and Digital aspects, balances community and educational needs.	74,500	95,400
1.5 Maximum scope A	Meet secondary capacity requirements of Forres ASG with a New Build Secondary School & Community Hub	60,500	79,200

	that addresses Digital and Low Carbon aspects, balances community and educational needs		
1.6 Maximum scope B	Meet future secondary and future primary capacity requirements of Forres ASG with a New Build 3-18 Community Campus (integration of Applegrove Primary School with the new secondary school) that addresses Digital and Low Carbon aspects, balances community and educational needs in rationalising the estate.	66,900	87,400

Table 2: Project options and indicative capital costs - Forres Academy

Option 2: LEIP Phase 3 Submission – Buckie High School

- 4.10 The current mainstream capacity of Buckie High School is calculated as 944 with a school roll for 2022/23 session expected to fall to 815 (86% of capacity). Of this 98% of pupils are expected to be from within catchment. A total of 32 pupils were assessed as requiring additional support needs, requiring access to enhanced provision support (2021/22 census - ASN marker report).
- 4.11 The Buckie Associated Schools Group catchment is forecast to see an increase in secondary school capacity requirements as a consequence of planned residential development to the south and the west of the town out to 2035. The school roll is expected to increase to a maximum of 903 (96% of capacity) towards the end of the decade. However, it is anticipated that the mainstream capacity will likely need to be reassessed in the medium term as a consequence of the desire for wider curriculum choice and additional space requirements for ASN accommodation, which would reduce the mainstream maximum capacity assessment for the school.
- 4.12 Buckie High School has recently been assessed as C condition – a decrease from the previous assessment 10 years ago. An investment over the last 8 years to the value of £809k for capital works and £875k of revenue spend on repairs and maintenance has not improved the situation. A breakdown of the condition assessment is set out in Table 3.

CONDITION SUMMARY MATRIX													
Good – A						Performing well and operating efficiently							
Satisfactory – B						Performing adequately but showing minor deterioration							
Poor – C						Showing major defects and/or not operating adequately							
Bad –D						Life expired and/or serious risk of imminent failure							
Elements													
Roof	Floors & Stairs	Ceilings	External Walls,	Internal Walls and Doors	Sanitary Services	Mechanical	Electrical	Decoration	Fixed Internal Facilities	External areas	Outdoor Sports	OVERALL SCORE	CATEGORY

D	D	C	C	C	D	C	C	C	B	C	B	45.25	C
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Table 3: Condition Assessment (2022) – Buckie High School

- 4.13 Buckie High School is reported as a C for suitability. This assessment was undertaken in 2017. An update assessment was planned in 2020 but was cancelled due to the COVID pandemic. With the relaxation of COVID measures in school it is now intended to complete a re-assessment in the near future. The suitability assessment identified issues with Safety and Security and Furniture, Fixtures and Fittings.
- 4.14 Although the B/B condition/suitability could be achieved with minimum refurbishment of Buckie High School, the long term value for money opportunities offered by a major refurbishment, new build as a standalone or potential campus solution, would deliver a sustainable A/A school that meets LEIP project key requirements and the selection criteria for LEIP Phase 3 investment. As with Option 1, there is also a need to consider the changing nature of teaching and drivers for digitally enabled education and low carbon school buildings, additional support needs and early learning and childcare when considering investment in the future of the learning estate
- 4.15 The indicative 10 year capital plan (2022-32) has assigned a budget of £75M to deliver a 'Buckie Campus' within the 2028/29 timeframe.
- 4.16 Options that are under consideration are set out in Table 4. The following should be noted:
- Options 1.4 and 1.5 fully meet LEIP Phase 3 selection criteria;
 - Option 1.2, although meeting baseline learning estate condition and suitability requirements, would not qualify for LEIP Phase 3; and
 - Option 1.3 falls into the LEIP Phase 3 criteria of a project that addresses both a condition and a growth issue. Either the condition improvement or extension to meet increasing capacity demands would qualify for LEIP funding, but not both.
 - The preferred site for a new build school (Options 1.4 and 1.5) would be land to the south of the current school. The majority of this land is already within the school grounds.

Category of Choice	Description	Indicative cost	Indicative cost
		Base cost (2022)	Inflation allowance cost (2026)
		£000	£000
1.1 Do nothing	No change to the current Learning Estate No immediate significant maintenance costs predicted in next 12/24 months. Unknown situation thereafter. Forres figures give comparison at £625k per annum		
1.2 Minimum scope	Meet secondary capacity requirements of Buckie ASG with Minimum Refurbishment and Extension that addresses the requirement for minimum B standard condition.	24,100	30,125
1.3 Intermediate scope A	Meet the secondary capacity requirements of Buckie ASG with Major Refurbishment and Extension that meets the LEIP requirements for Low Carbon and Digital aspects, balances community and educational needs.	67,100	84,700
1.4 Intermediate scope B	Meet secondary capacity requirements of Buckie ASG with a New Build Secondary School & Community Hub that addresses Digital and Low Carbon aspects, balances community and educational needs	66,600	84,100
1.5 Maximum scope	Meet future secondary and future primary capacity requirements of Buckie ASG with a New Build 3-18 Community Campus that addresses Digital and Low Carbon aspects, balances community and educational needs in rationalising the estate.	75,700	95,700

Table 4: Project options and indicative capital costs – Buckie High School

5. DISCUSSION ON LEIP PHASE 3 SUBMISSION OPTIONS

- 5.1 The requirement for significant future investment to successfully deliver and maintain suitable secondary school capacity and capability in Forres and Buckie is acknowledged and both projects identified in this report are already in scope as part of the learning estate strategy, albeit later in the decade and with options for solutions and funding yet to be fully scoped and considered. However, given the cost of undertaking major construction works (new build or refurbishment), LEIP Phase 3 provides an opportunity to accelerate one or both projects and benefit from significant Scottish Government funding support, which may not be forthcoming in future years.
- 5.2 Should both projects bid for LEIP Phase 3 funding support be successful the scale and scope of the challenge to deliver two secondary schools within the next 5 years should not be underestimated, neither, given that LEIP Phase 3

funding is facilitated through an outcome-based future revenue model, with the Council responsible for full capital funding, should the significant capital funding investment required over that same time period. The capital commitment for these projects would place constraints on the council's capacity to undertake other capital projects during the same timeframe. The LEIP funding model also entails significant on-going revenue costs to maintain LEIP funded schools at A or B condition, and this will require an increase in the schools maintenance budget.

- 5.3 Should a single project bid for LEIP Phase 3 funding support be successful the scale and scope of the delivery challenge is more manageable within current resourcing and the capital investment required over the next 5 years will be around half that of a two-project approach. A single LEIP Phase 3 approach does not remove the aspiration to ensure that both projects continue, albeit with longer delivery timeframes and consideration of a range of options to deliver the required outcomes.
- 5.4 If the decision is not to submit a bid for LEIP Phase 3 funding the Council will still need to deliver improved secondary schools to meet requirements in both Forres and Buckie within the current project timeframes (indicated as 2028 and 2029 respectively) rather than the LEIP timeframe. Meantime, the current approach would remain in place to maintain both schools as operational. If the schools were rebuilt or significantly refurbished then they would require to meet a minimum of B condition/ B suitability ratings in order to fulfil the objectives in the Council and Scottish Government strategies for learning estates of the future. The Council would have sole responsibility for financing the capital investment, with no revenue funding support from the Scottish Government. However, as the council would have full control to determine the design requirements the funding requirement for each project could be significantly less, given the substantial investment required to meet LEIP Phase 3 standards and to maintain them over the 25 year period of the funding envelope.
- 5.5 In determining a priority option for LEIP Phase 3 funding the following decision criteria have been considered: current and future building condition and suitability, future capacity requirements, alignment with LEIP Phase 3 criteria, affordability, benefits of accelerating project and time to deliver.
- 5.6 In terms of current and future building conditions, the recent Forres Academy surveys have identified that more than 50% of the condition criteria are rated as bad - that is 'life expired and/or at serious risk of imminent failure'. Despite investment of nearly £5M over the last 8 years the situation has not improved and indeed in most areas further deteriorated. It is estimated that a package of improvement works totalling £24M would be required to achieve minimum B condition standard and further significant regular investment would be required to maintain this. Buckie High School is assessed as poor – that is 'showing major defects and/or not operating adequately'. Significantly less investment has gone into the maintenance of Buckie High School and although there are some areas of concern these are significantly less than those at Forres Academy.
- 5.7 In terms of suitability assessments - that is fit for the purpose of delivering the education curriculum – it has been some time since Buckie High School (2017) was rated as C – that is 'Poor - showing major problems and/or not

operating optimally' Forres Academy (2013) was rated as B – that is 'satisfactory – performing well but with problems'. Updated assessments for both schools are required and were planned pre-COVID but due to accessibility issues were cancelled. These are to be re-scheduled within the near future. The Buckie High School rating was related to Safety and Security (e.g. limited coverage of CCTV) and Furniture, Fixtures and Fittings issues (e.g. provision of audio-visual devices was patchy). Addressing the majority of the C- rated areas is assessed as achievable with only minor investment.

- 5.8 In terms of capacity requirements in the future, the situation at Buckie High School is clearer than Forres Academy. The impact of residential development planned to the west and south of Buckie is that the secondary school roll is forecast to rise to a maximum of 96% in 2029. It is forecast to steady out beyond the end of the decade, but the forecast is less accurate beyond that timeframe. However, development is planned to continue out to 2035 so an extension to school capacity is anticipated as part of the current project plan. As stated earlier this situation may change as a consequence of increasing demand for enhanced ASN support and/or curriculum change but it is viewed as manageable within the current 28/29 project timescales.
- 5.9 In Forres Academy capacity is not expected to increase beyond 90% over the next 10 years. Although development to the east of the town, together with the same enhanced ASN and curriculum change requirements, it is not anticipated that an extension will be required.
- 5.10 The Forres Academy project options meet all the LEIP Phase 3 criteria for full funding consideration (max 50% of qualifying value). With the major refurbishment with extension option for Buckie, the interpretation of the LEIP criteria indicate that only one element, the refurbishment or extension but not both, would qualify for LEIP Phase 3 funding.
- 5.11 Both projects have a similar cost model. The additional capital costs for the Buckie High School options have assumed a new swimming pool, whereas the current Forres swimming pool would be retained.
- 5.12 There are benefits of delivering both projects earlier than currently planned. However, the delivery of Forres Academy earlier would mitigate the risks relating to the current school condition in terms of school operation and annual repair and maintenance costs.
- 5.13 The LEIP target date of end 2027 to deliver either project is a challenging. Given any new build option in Buckie would utilise land within the current Buckie High School boundary, whereas a new build option for Forres Academy would require new land to be acquired, with the preferred choice the Roysvale common good land, there is a risk that the Forres Academy project delivery date could extend into 2028. Although a stated objective of LEIP Phase 3 projects is delivery by end 2027 it is not a mandated criteria and the Scottish Government is open to negotiations on a later project delivery date if circumstances warrant it.
- 5.14 The criteria to prioritise the acceleration of one project over the other shows that the differentiators between the Forres Academy and the Buckie High School projects are small; however, it is the current and future condition comparison that is viewed as the key factor in favouring one project over

another. The submission of Forres Academy rather than Buckie High School would mitigate the operational and financial risks associated with a building that is Condition D and, therefore, if the decision is to submit a single project for LEIP Phase 3 funding the priority option is recommended as Forres Academy.

- 5.15 In prioritising the Forres project for LEIP Phase 3 submission it is recommended that this should coincide with works to address the suitability issues at Buckie High School and to ensure that a robust maintenance regime is in place to prevent Buckie High School condition from deteriorating further until delivery of the 'future school' project planned for 2029.

6 SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

This report supports the LOIP outcomes:

- i) Building a better future for children and young people in Moray: Healthier Children: children get the healthiest start in life and are supported to achieve the best possible mental health and wellbeing and there is equity for vulnerable groups.

And the aims of the Corporate Plan to:

- ii) Improve health and wellbeing for the people of Moray.

(b) Policy and Legal

There are no policy or legal implications arising from this proposal.

The Schools (Consultation) (Scotland) Act 2010 sets out the legal requirements for consultation on relevant proposals affecting individual schools. The proposed approach supports and encourages that process.

(c) Financial implications

When the Council approved the budget for 2022/23 on 22 February 2022 (paragraph 3 of the Minute refers) it balanced only by using reserves and one-off financial flexibilities. The indicative 3 year budget showed a likely requirement to continue to make savings in the order of £20 million in the next two years. All financial decisions must be made in this context and only essential additional expenditure should be agreed in the course of the year. In making this determination the Council should consider whether the financial risk to the Council of incurring additional expenditure outweighs the risk to the Council of not incurring that expenditure, as set out in the risk section below and whether a decision on funding could reasonably be deferred until the budget for future years is approved.

The indicative capital costs for each of the project options are set out in Tables 2 and 4 above. The inflation allowance columns provide indicative costs that take account of current market uncertainty and inflationary forecasts.

If both projects are progressed on a concurrent basis the cumulative impact would place considerable constraint on the scope for other capital projects to be progressed during the project delivery period. The impact on the wider capital plan would have to be taken into account in the planned review of the capital plan and may also mean less scope to review the capital borrowing implications for revenue costs in the context of the longer term revenue budget planning.

The LEIP 3 funding model is revenue based, with revenue payments made by the Scottish Government over the 25 year life of the proposed facility.

Funding is released on a phased basis on achievement of agreed outcomes evidenced as follows:

1. Condition

- i. Annual returns indicate that the facility is maintained at condition A or B.
- ii. If the building drops into Condition C more than once during a 5 year period the condition funding element will be suspended until rectified.

2. Energy Efficiency

- i. Authorities must provide evidence that the in-use energy target of 67/kWh/m²/per annum for core hours of 2,000 per annum and core facilities is achieved. This is not a pass or fail assessment and a sliding scale is applied as follows:

Energy Consumption kWh/sqm/p.a.	Energy Funding %
A 67- 83	100%
B 84- 99	90%
C 100 – 115	60%
D 116 -130	30%
E 131+	0%

- ii. Funding will commence in year 3 of operation, with reporting based on a rolling five year average (reporting in years 7, 12, 17 & 22). There is a one year grace period if you fail to meet the previously reported target.

3. Digital enabled learning

- i. The local authority must provide evidence that the underlying digital infrastructure of the facility is capable of supporting 11Gbps.

4. Economic Growth

- i. The local authority will be required to collate and provide evidence that they have met the target for jobs supported as per the Construction Industry Training Board (CITB) benchmarks published in July 2017. The number of jobs to be supported depends on the size of the investment.
- ii. It is proposed that because the achievement of this outcome will happen in the design and construction phase of the project that funding for it, if achieved, is received in the first two years of operations, rather than extend over the 25 year period.

5. Embodied Carbon

- i. The local authority is required to evidence that the construction embodied target of 600kgCO₂e/m² for core facilities is achieved.
- ii. Evidence of achieving this target using actual material, product, transport and contractor activity data will be required at project completion. As per the Energy Efficiency target this is not a pass or fail assessment and a sliding scale will be applied as follows:

Embodied Carbon kgCO ₂ e/m ²	Embodied Carbon Funding %
A <600	100%
B 601-666	90%
C 667-733	60%
D 734-800	30%
E 800+	0%

The LEIP programme has yet to confirm the level of funding attached to each core funding outcome.

(d) Risk implications

There are significant risks associated with projects of this scale and nature and these will be considered in detail as the Outline Business Cases for the projects develop. The following risks are already identified and should be noted:

- (i) The developing options may be influenced by the future recommendations to come from the in-progress Additional Support Needs Review and Sport & Leisure Capital Plan development. The options will remain flexible and adaptable to any changes warranted by these reviews.
- (ii) The Learning Estate Strategy and Delivery Programme has identified the need for significant capital investment in the future secondary school infrastructure in both Buckie and Forres ASGs.

Should no option be submitted for Scottish Government LEIP Phase 3 funding the total cost of improvement projects will be the sole responsibility of Moray Council. However, for any LEIP funded projects the Council will carry the full risk of capital funding, with revenue budget support only provided once the school is operational, and at different stages in the building lifecycle, dependent on the achievement of outcomes as set out in the Financial Implications section above.

- (iii) There is risk that the area metric proposed by the Scottish Government to value a LEIP Phase 3 project (£3,500/m²) will not correspond to the actual market rate experienced at the time of construction. The consequence is that the maximum 50% of qualifying project value provided by Scottish Government could be significantly less than that (with the Council therefore bearing a significantly higher proportion of the overall costs of the project)
- (iv) The outcome based funding model requires a consistent level of investment through the life of the facility to ensure funding targets can be achieved and maintained over the 25 year period, which impacts on building whole life costs. As noted above, failure to meet these funding target throughout the 25 year funding period could put the ongoing Scottish Government contribution to funding at risk.
- (v) The whole life cost (revenue) implications of the LEIP funding requirements, alongside the current differential in the area metric cost assumptions, could mean that the Scottish Government contribution is closer to 25-35% of the overall project cost. Were the Council to choose not to apply for LEIP funding, the Council would have considerably more flexibility regarding the outcomes to be delivered from each project, and therefore the overall cost of the project, including whole life costs. The Strategic Business Cases include Minimum Scope options that cannot be considered for LEIP projects, but could be retained as options should members choose not to submit one or both of the projects for LEIP 3.
- (vi) Our understanding of whole life costs for a major project of the scale and complexity of the two proposed projects will become more developed as the projects progress through the different project stages, and there is clarity around design approaches and the consequent maintenance costs associated with the different elements of the build. Due to the potential risks associated with the affordability of ongoing whole life cost funding requirements for the LEIP funding model it is proposed that officers undertake affordability assessments at appropriate review points in any LEIP funded project so that Council can consider their ongoing approach, whether the project remains affordable under LEIP and, depending on the outcome of the assessment, if a different approach should be taken to meeting the project objectives.
- (vii) Indicative costs take account of current market uncertainty and inflationary forecasts. There is a risk of continuing market

uncertainty through the life of the projects, with a consequential impact on costs (with costs continuing to rise).

- (viii) The timeframes for the majority of options assume that there will be no issues with land acquisition and planning approval timelines. In order to meet the LEIP Phase 3 December 2027 operational date target, planning approval would need to be in place before November 2025.
- (ix) The development of these options is likely to generate a high degree of public interest and speculation. It is important that there is a commitment to take this work forward in a planned way and a recognition of the difficult public relations aspects that may arise as a result.

(e) Staffing implications

There are no specific staffing implications arising from this proposal at this stage. Future reports will provide staffing implications updates as appropriate. Should there be a decision to progress with two bids for LEIP 3, and should both bids be successful, there will be staffing requirements across Council services to ensure we can successfully deliver the projects within the timescales set out. These staffing implications would be developed and presented in future reports to Committee.

(f) Property

The property implications for this proposal are set out within the project options set out in Table 2 and Table 4 above.

(g) Equalities/Socio Economic Impact

The quality of the learning environment can impact on learning and attainment by as much as 16%. The condition and suitability of our learning estate, and capacity challenges associated with both growth and population decline in some areas, give rise to unequal opportunity across Moray.

This proposal supports the Learning Estate Strategy requirement that all Learning Estate buildings meet minimum standards and are fit for purpose.

Equality impact assessments will be carried out as appropriate during the development of the LEIP Phase 3 option outline business case in order to ensure that benefits are distributed fairly and impacts on groups protected under the Equality Act 2010 are identified and, where reasonably possible, mitigated.

(h) Climate Change and Biodiversity Impacts

Both options will have a climate change impact with embodied carbon impacts during construction and whole life operational carbon. The scale of this overall impact will be assessed in detail within the outline business cases for the projects and this will be balanced against the current operational carbon budgets. As required by the LEIP funding model, a design approach which ensures energy efficiency and

embodied carbon savings will be key to ensuring that the forecast reductions in carbon emissions are realised by the project.

Although dependent on the design approach taken (e.g PassivHaus) it is anticipated that there will be a significant reduction in operational carbon during the life of any future school building that will outweigh the construction carbon budget. As part of the carbon management planning, wider emissions would be considered, such as opportunities to promote active travel and reduce the need for car travel to the school.

(i) Consultations

The Corporate Management Team, Head of Financial Services, Head of Education (Chief Education Officer), Head of Environmental and Commercial Services, Head of Housing and Property, Head of Development Services, Tracey Sutherland, Committee Services Officer, Human Resources Manager, Equal Opportunities Officer, members of the Learning Estate Programme Board and members of the Asset Management Working Group have been consulted and the comments received have been incorporated into the report.

7. CONCLUSION

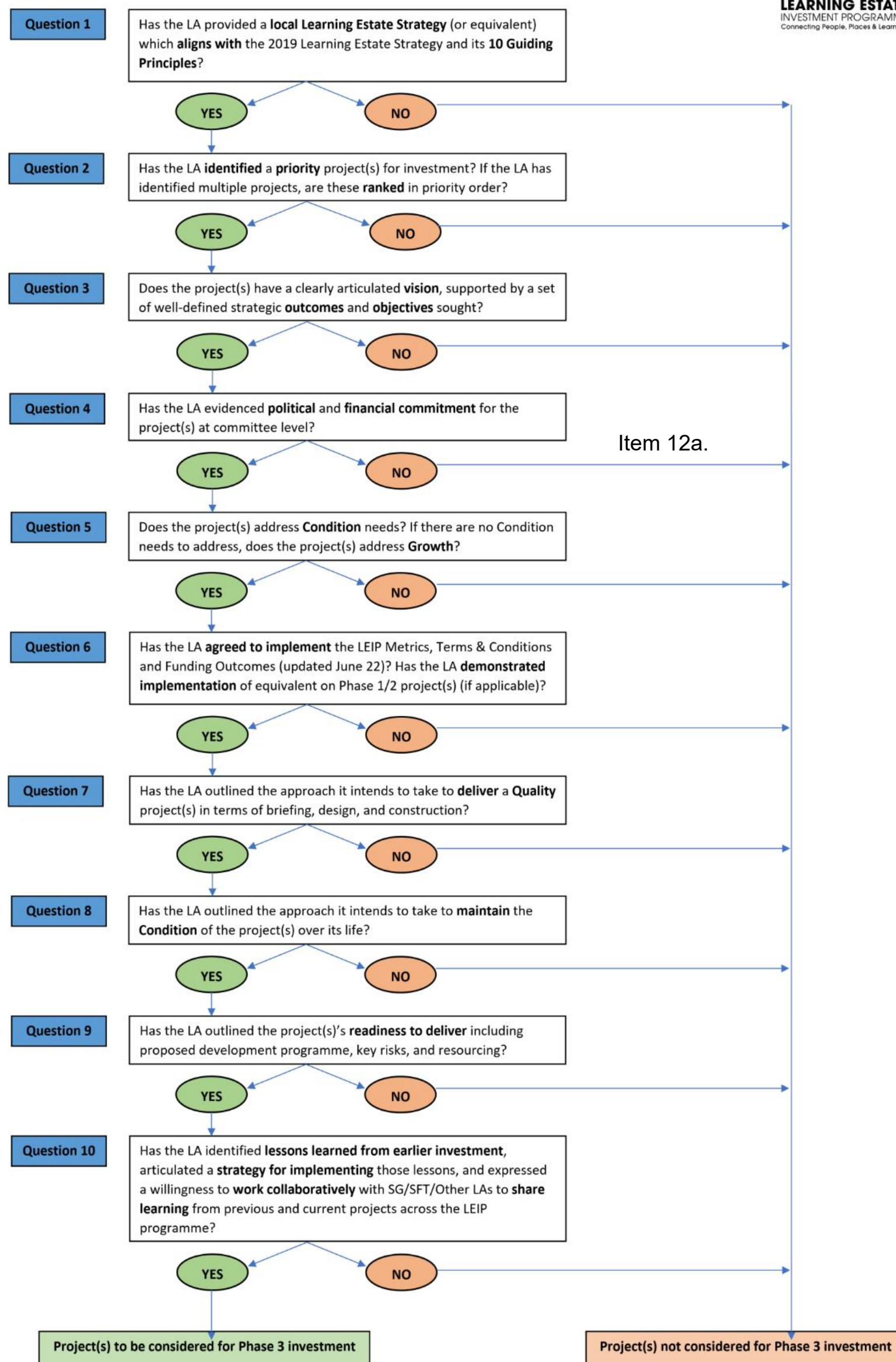
- 7.1 An opportunity for Scottish Government funding support for a planned strategic learning estate project is available through the Scottish Government Learning Directorate Learning Estate Investment Programme (LEIP) Phase 3 initiative. Two projects, Future Forres Academy and Future Buckie High School would qualify for submission and a number of project delivery options that have been identified within the respective Strategic Options Cases meet the selection criteria for LEIP Phase 3. There is an option to submit both projects, a single project or no projects for LEIP Phase 3 funding. If the decision is to submit a single project, due to issues of poor building condition and the risk of further deterioration that would compromise the operational effectiveness of the current school, the Forres Academy project is the recommended priority option. The Council is asked to consider the recommendations in this report.**

Author of Report: Andy Hall (Programme Manager (Learning Estate))

Background Papers:

Ref: SPMAN-9425411-58
SPMAN-9425411-59
SPMAN-9425411-60
SPMAN-9425411-61

APPENDIX 1: Phase 3 Selection Criteria Flowchart





Strategic Options Case

Item 12a.

PROJECT REF/NAME	Future Forres Academy	
PROJECT SPONSOR	Denise Whitworth	
COMPLETED BY	Andy Hall	
DATE	12 Aug 2022	
Project Category	Strategic	
<i>The following is to be completed by High Level Governance Board</i>		
Approved By/Date	Group or Officer Name	Date of meeting/decision
Approval (choose from drop down menu)	Choose an item.	
Comments	Any relevant comments from the approving authority should be documented here.	

The purpose of the Strategic Outline Case (SOC) is firstly to establish the case for change and the need for the proposal; and secondly, to provide a suggested way forward for the early approval of management providing an 'initial agreement to proceed' to further develop the business case.

It is important that the 'preferred way forward' within the SOC is not confused with the 'preferred option' which emerges from the Outline Business Case (OBC). The preferred way forward provides management with a recommended direction of travel, following the initial assessment of the long list of option upon completion of the SOC, whereas the preferred option is the recommended Value for Money (VFM) choice, following the detailed appraisal of the short list of options upon completion of the OBC.

Version Number: 0.2

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1. Version History

Version	Date	Details
0.1	10 Aug 2022	Initial Draft
0.2	06 September 2022	Final draft for Committee on 14/09/2022

2. Executive Summary

This Strategic Options Case (SOC) provides a breakdown of infrastructure options to consider to address the future delivery of secondary education capacity and capability within the Forres Academy Associate School Group (ASG). Within the options is an early indication of the costs to deliver the options considered.

The need to strategically address our learning estate across all ASGs comes from capacity pressures in growth areas such as Elgin, Forres and Buckie where the predicted housing growth over the next 15 years will result in the need for additional primary and secondary school capacity.

In addition, a number of secondary schools within Moray are assessed as below the required Condition B standard mandated by the Scottish Government. In the case of Forres Academy it has been recently been assessed as overall Condition D - defined as life-expired and/or at serious risk of imminent failure.

There is also a need to consider the changing nature of teaching, drivers for digitally enabled education, low carbon schools, additional support needs and early learning & childcare when considering the future of the learning estate. The future of Forres Academy is a key project within Moray Council's Learning Estate Strategy (LES) and a number of options could be eligible for Scottish Government funding support as part of the Learning Estate Investment Programme (LEIP) Phase 3. This SOC would form a significant element of the Moray LEIP Phase 3 bid should it be approved at Committee for submission to Scottish Government in October 2022.

This SOC builds upon the Project Mandate approved by the Corporate Management Team in January 2022. It also develops the following:

- Determining and confirming value for money;
- Preparing for and contracting the case;
- Confirming affordability and financial requirement; and,
- Planning for successful delivery.

An Outline Business Case will be drafted for approval once a decision on the type of project (refurbishment or rebuild) has been made, and a final determination of project costs has been agreed, together with an agreed project delivery procurement strategy.

3. The Strategic Case

3.1 Introduction

The purpose of this section is to explain how the scope of the proposed options fit within the existing business strategies of the organisation and provides a compelling case for change, in terms of existing and future operational needs.

3.2 Organisational overview

The case has been developed by Moray Council through the Learning Estate Programme with participation from Education, Housing and Property and Planning. The case falls within the Moray Council Learning Estate Strategy and would form a project within the Learning Estate Strategy Delivery Programme. The Project Sponsor will be the Deputy Chief Executive (Education, Communities and Organisational Development) and the Senior Responsible Owner will be the Head of Education Resources and Communities. The Programme Manager (Learning Estate) will provide operational level responsibility for development of the case and will be supported in the future delivery of the agreed project by an appointed Learning Estate Project Manager.

3.3 The Strategic Context

The Moray Council geographical area covers 864 sq. miles (2,238km.sq) and of 32 Local Authorities, Moray is ranked the 8th largest area. With a relatively small population of 95,510 Moray is ranked 26th (7th smallest) area in terms of population. Overall the Scottish Index of Multiple Deprivation (SIMD) for Moray does not show a major problem with deprivation when compared with others, but there is an enduring issue with low wages and under employment and the rural geography presents many challenges which SIMD data does not reflect. Moray current has 8 secondary schools and 46 primary schools.

Currently 25 Primary Schools and 5 Secondary Schools fall below the B standard for condition. In addition, there is a requirement to increase the secondary school capacity in a number of the secondary schools that will require, as a minimum, investment in new build extensions to existing buildings.

The current repairs and maintenance backlog, which needs to be addressed to bring all school buildings to a B/B standard for condition and suitability, was estimated to cost over £110 million to clear (based on 2013/14 condition surveys and average inflationary pressure). The Council financial forecasts (10 year Capital Plan) currently identifies £258 million to be spent over the next ten years to address the current backlog, and includes an allowance of £172million to provide for capacity growth through new builds and major refurbishment projects in Forres, Buckie and Elgin. Unless Moray are to see condition and suitability further decline across the Moray learning estate, the backlog of repairs and maintenance and providing for new school capacity needs to remain resourced within the capital plan.

The Scottish Government has announced a Phase 3 of Learning Estate Investment Programme (LEIP) funding that will become available from the end of 2022 that can assist in addressing the above financial challenge.

The LEIP funding seeks to ensure a minimum B/B standard is maintained over a 25 year period for any school project and looks to take a more strategic approach to the Learning Estate, working with partners to provide greater community use and facilities at these sites.

The strategic drivers for this investment and associated strategies, programmes and plans are contained in the principles of [Scotland's Learning Estate Strategy: Connecting People, Places and Learning](#). “

- Learning environments should support and facilitate excellent joined up learning and teaching to meet the needs of all learners;
- Learning environments should support the wellbeing of all learners, meet varying needs to support inclusion and support transitions for all learners;
- The learning estate should be well-managed and maintained, making the best of existing resources, maximising occupancy and representing and delivering best value;
- The condition and suitability of learning environments should support and enhance their function;
- Learning environments should serve the wider community and where appropriate be integrated with the delivery of other public services in line with the place principle;
- Learning environments should be greener, more sustainable, allow safe and accessible routes and be digitally enabled;
- Outdoor learning and the use of outdoor learning environments should be maximised;
- Good consultation about learning environments, direct engagement with learners and communities about their needs and experiences, and an involvement in decision making processes should lead to better outcomes for all;
- Collaboration across the learning estate, and collaboration with partners in localities, should support maximising its full potential; and,
- Investment in Moray's learning estate should contribute towards improving learning outcomes and support sustainable and inclusive economic growth.

The proposed Moray projects should also build on the ambition of the Local Outcome Improvement Plan to build a better future for our children and young people in Moray. They should also support our education strategies:

- For Morays Children - Education Vision and Strategy 2018 -2021;
- Getting it Right for Every Child;
- Curriculum of Excellence;
- Moray Raising Attainment Strategy 2019; and,
- Our Moray Standard- Learning and Teaching

3.4 Business Strategy and Aims

The proposed options build on the ambition in the Local Outcome Improvement Plan to build a better future for our children and young people in Moray.

The approach reflects those of the Corporate Plan

- Equalities – providing opportunities for everyone to be their best.
- Empowering – producing better results by collaborating and working to engage and involve people (partners, businesses and communities).
- Environment – look after the world we live in to protect it for the future.
- Enterprising – consider new approaches to the way we do our business to increase our income and make services more sustainable for the future.

Local Development Plan 2020

The Moray Local Development Plan 2020 sets out how much and where growth is proposed for land uses, including housing. The Growth Strategy for 2020-2030 focusses new development in the primary growth centres of Elgin, Buckie and Forres.

Learning Estate Strategy – 2020

The Developing a Strategic Approach to the Moray Learning Estate document was recommended to full Council by the Children and Young People Services Committee in March 2020 and approved in November 2020. The document outlined a new approach to managing our learning estate that will enable the authority to invest strategically to provide new capacity in growth areas and to bring schools up to a standard of condition and suitability that enhances the learning environment (B for condition and B for suitability across all elements). The strategy recommends an Associated Schools Group (ASG) based approach to engagement and decision making, with high level options developed that take account of population growth, and the condition and suitability of all schools within the ASG, with more detailed options appraisals taking place with input from all stakeholders. The strategy also highlights the need to prioritise particular areas, with Elgin, Buckie and Forres mentioned as areas of initial focus due to the requirement to develop new capacity over the next 10 years.

3.5 Investment Objectives

The strategic investment objectives for this project are as follows:

1. Provide educational benefit – with educational pathways, achievement and improvement, and opportunities for life-long learning.
 - Spaces that support non-traditional learner pathways.
 - Supporting employability skills and the transition to further and higher education and the world of work.
 - Human scale design appropriate to the user.
 - Meeting the core principles of the curriculum.

- Delivering a learning journey that supports transition.
 - Maximum class sizes of 25 for P1 and composite classes, 30 for P2 and P3 and 33 for P4 to P7.
 - Providing environments that support the highest quality teaching and learning and strengthen leadership in education.
2. Deliver a sustainable learning estate
 - Move all schools to a minimum B/B standard for suitability and condition.
 - Achieve A/A standard for suitability and condition for new build and major refurbishment projects.
 3. Adaptable and flexible learning facilities
 - Spaces that can be flexible to meet curriculum change and community need.
 - Flexibility to suit different learner pathways.
 - Supported by a strong and resilient digital infrastructure.
 4. Provide capacity for pupil forecasts up to 2035.
 5. Support digitally enabled learning
 - Infrastructure supports 1.1Gbps.
 - Infrastructure that supports equity of access to digital / Wi-Fi.
 - A seamless and integrated digital environment across partners and services
 - Supporting the effective use of technology for education and community.
 - Good digital access which supports inclusive economic growth.
 - Infrastructure to support a possible role as a central hub for school clusters.
 6. Delivery of environmental and energy efficiency
 - Achieve as a minimum LEIP Stage 3 in-use energy target.
 - Meet local Net Zero targets by 2030.
 7. Support inclusive economic growth
 - Achieve as a minimum the LEIP funding target for jobs supported during construction.
 - Creating hubs that support best value service delivery.
 - Flexible community space that supports new ways of working.
 - Spaces that support collaborative working with partners.

3.6 The Case for Change

Moray's Local Outcome Improvement Plan (LOIP) has a partnership vision of raising aspirations and our priorities include:

- Growing a diverse and sustainable economy
- Building a better future for our children and young people in Moray.

In terms of outcomes this translates to Moray being:

- A place where children and young people thrive;
- A place where they have a voice, have opportunities to learn and get around;
- A place where they have a home, feel secure, healthy and nurtured; and,
- A place where they are able to reach their full potential.

There is evidence that attainment and post-school destinations vary across Moray communities and in some areas are below average. Any investment in the learning estate must help to achieve these ambitions along with those in the Corporate Plan, which link directly to the outcomes for our children and young people.

Investment in the learning estate should seek opportunities to create community hubs with multifunctional facilities that deliver high quality education and support the aspirations of the wider community.

Leadership in Education is a key aspect of raising attainment and addressing variances in outcomes across Moray. Whilst looking at the learning estate and where recruitment of senior leaders is a challenge, consideration of innovative opportunities such as 3-18 community campus models, as well as sustaining the current traditional secondary school with a community use approach, are considered within this SOC

Delivering these local and national priorities sit at the heart of the 3-18 learning campus model for Forres ASG. The model has been developed through a series of workshops with council officers and partners, drawing on national and local priorities and work completed to test the options for school organisation for the Forres ASG. While the aspirations and principles of the learning model are consistent, the approach to how they are delivered is flexible to accommodate the character, geography and needs of different locations.

The Moray learning campus model addresses the ten guiding principles in the National Strategy set out above. In addition there are opportunities to further enhance the quality of the learning estate as follows.

a. Placemaking

Investment in the learning estate offers the opportunity for a place based approach to improve local outcomes, co-ordinating and integrating local services to support communities and progress the public sector reform agenda. The Place Principle (adopted by the Scottish Government in March 2019) promotes a shared understanding of place and the need to take a more joined up collaborative approach to services and assets within a place to achieve better outcomes. The lens of place supports a more coherent approach across portfolios to ensure strategies and policies are aligned and helps us consider the impact of policies, interventions and investments as a whole. For capital budgets this means identifying and prioritising the right projects to achieve the goals of the Place Principle and other government objectives. The Place Principle is an enabler which helps us, our partners and

local communities unlock the National Performance Framework and make it applicable to where and how we live and work.

b. Education Design Principles

New and refurbished learning estate facilities should ensure that the design is focused on the following design principles:

- Futureproofed – to allow for different curriculum approaches; pedagogical styles, age ranges (including younger children should the policy change), digital innovation, and formal and informal learning and social activities;
- Flexible – providing a range of spaces that work together to ensure maximum flexibility of use to support a wide range of learning and social activities;
- Suitable – creating high quality learning environments with well-planned acoustics, digital infrastructure, ventilation, heating and natural light that enhance the learning activities within them;
- Collaborative – with spaces that encourage pupils, staff and community to get the best from working together, enabled by high quality digital infrastructure for all users;
- Welcoming – spaces that create a sense of ownership and identity, and provide a high quality learning and social experience for a wide range of users;
- Connected – so that inside and outside spaces work together to support learning; a campus school acts as a hub for other schools in the cluster, and there are strong connections between the campus and other places of learning and skills in the community;
- Inclusive – actively celebrating education within the community by facilitating a broad range of opportunities including vocational skills development, family learning, intergenerational learning, and lifelong learning for all;
- Innovative – ensuring skills based learning activities drive the space requirements so they are not constrained by ‘the way we’ve always done things’;
- Embedded – supported by a change management process that challenges, prototypes, tests, builds ownership and creates understanding;
- Inspiring – fun, creative spaces that get the best from all users;
- Accessible – ensuring a wide range of needs can be supported now and in the future;
- Safe – prioritising security and safeguarding, but with as few ‘barriers’ to use as possible;
- Strengthening pathways – supporting the learner journey including through transitions and beyond to further and higher education and the world of work; and,
- Sustainable – both in terms of environmental and financial sustainability, and linking to other resources within the community to add additional value to the investment;

c. Construction Quality

In recent years there have been some examples of poor quality construction in the learning estate. The heavily publicised incident at Oxbgangs Primary School in Edinburgh placed a focus on the quality of the built environment. It is essential that any new investment in the learning estate is of the highest quality in terms of both design and construction. We will work with our partners including Scottish Building Standards and across the construction industry to support a focus on improvement. The recommendations from the Independent Inquiry into the Construction of Edinburgh Schools (Cole Report), the Scottish Parliament Education and Skills Committee's Report on School Infrastructure and the Construction Procurement Review should be incorporated into any planned investment.

d. Low Carbon

The Scottish Government has an ambitious climate change policy target for all buildings in Scotland to be near zero carbon by 2050. Reaching this target will require a change in attitude towards energy, particularly in relation to new buildings. Increasing energy efficiency in building performance must be amongst the core objectives of all new infrastructure projects for these ambitious targets to be achieved. Achievement of these core objectives needs strategic level support and should be incorporated into any planned investment.

e. Digital

New forms of service delivery, and new and agile forms of learning enabled by digital technology allow integration of learning experiences and the creation of new and diverse skills. The use of digital as part of the planning of the future estate, and future strategies for learning and community use should be incorporated into any planned investment. There are a number of drivers for developing our digital ambitions including increasing digital content, along with a desire for developing opportunities for remote learning and helping to widen access to learners in rural areas. Children and young people have to be exposed to a high standard of digital technology to prepare them for work.

3.7 Existing arrangements

The current mainstream capacity of Forres Academy is calculated as 1121 with a school roll for 2022/23 session expected to be 860 (77% of capacity). Of this 99% of pupils are expected to be from within catchment. A total of 40 pupils were assessed as requiring additional support within an enhanced provision (2021/22 census - ASN marker report).

The policy of 'make do and mend' maintenance, adopted from 2017 to ease overall financial pressures, and underinvestment in previous years, has left the Moray Learning Estate below an acceptable standard for maintenance impacting on the suitability and condition of the majority of schools. Forres Academy has perhaps fared worse than most.

Forres Academy has recently been assessed as D condition and C suitability – a decrease from the previous assessment less than 10 years ago and despite some

significant 'make do and mend investment' over the last 5 years. A breakdown of the condition assessment is set out in Table 1.

CONDITION SUMMARY MATRIX	
Good – A	Performing well and operating efficiently
Satisfactory – B	Performing adequately but showing minor deterioration
Poor – C	Showing major defects and/or not operating adequately
Bad –D	Life expired and/or serious risk of imminent failure

Elements													
Roof	Floors & Stairs	Ceilings	External Walls, Windows &	Internal Walls and Doors	Sanitary Services	Mechanical	Electrical	Decoration	Fixed Internal Facilities	External areas	Outdoor Sports Facilities	OVERALL SCORE	CATEGORY
D	D	D	D	D	D	B	C	C	C	C	C	39.75	D

Table 1: Condition Assessment (2021) - Forres Academy

3.8 Business needs – current and future

The need to strategically address the Learning Estate comes from capacity pressures in growth areas such as Forres where the predicted housing growth over the next 15 years will potentially result in the need for additional secondary and primary school capacity.

The Forres Associated Schools Group is expected to experience growth in secondary school capacity as a consequence of planned residential development to the South and the East of the town up to 2035. The school roll is expected to increase to a maximum of 997 (89% of capacity) towards the end of the decade. However, it is anticipated that the mainstream capacity will likely need to be reassessed in the near to medium term as a consequence of the desire for wider curriculum choice and additional space requirements to support an increase in pupils with Additional Support Needs (ASN).

Although a B/B condition/suitability could be achieved with significant refurbishment of Forres Academy, the long term value for money opportunities offered by new build, shared hub facilities and a potential campus solution (which would deliver a sustainable A/A school that meets LEIP project key requirements) should be considered within the option appraisals.

There is also a need to consider the changing nature of teaching and drivers for digitally enabled education and low carbon school buildings, additional support needs and early learning and childcare when considering investment in the future of the learning estate.

3.9 Potential scope and service requirements

The options within these ranges are considered within the Economic Case.

	Minimum	Intermediate	Maximum
Potential business scope	Invest in school estate to achieve B suitability and B condition	Meet Secondary Capacity Requirements of Forres ASG, Refurbish School across all elements, address Digital and Low Carbon aspects, balance community and educational needs in rationalising the estate	Deliver Digital and Low Carbon (e.g. PassivHaus) within new design and balance community and educational needs. Provide New modern Campus models.
Key service requirements	Meet capacity and B/B standard and suitability	Addresses condition, suitability, unsustainable schools, community needs, digital and low carbon	Potential transformation of Learning provision
LEIP key requirements	Achieve LEIP funding target for jobs supported during construction Digital infrastructure supports 1.1 Gbps Condition A or B for 25 years Achieve LEIP in-use energy target of 67 kWh/ sqm/ annum for core hours of 2,000/annum and core facilities Designs to be developed in line with BB101 2018/ CIBSE TMS2.		

Table 2: Potential scope and service requirements

3.10 Main Benefits Criteria

Satisfying the potential scope for this investment will deliver the following high-level strategic and operational benefits. These are set out in Table 3.

Class Of Objective	Main Benefits	Benefits Criteria	Stakeholders Affected
Strategic (wider social and Business related)	Improved Educational Outcomes Equality of opportunity	Increase Attainment Increase Subject Choice across the learning estate	Scottish Government Community Planning Partnership Moray Residents Community Councils
Operational (organisational and management related)	Value for money Sustainable financial plan	Investment in strategic interventions to deliver objectives Efficient use of resources Building and maintenance costs understood and planned	Scottish Government Moray Council Northern Alliance Community Planning Partnership Scottish Futures Trust Moray Residents Community Councils

Table 3: Main Benefits Criteria

3.11 Strategic risks

The main business and service risks associated with the potential scope for this project are set out in Table 4.

Risk categories	Description
Business risks	Lack of staffing resource to progress Competing demands for resources. Lack of engagement with the community. Miscommunication on strategic approach Unable to attract Scottish Government funding support

Risk categories	Description
Service risks	<p>Dependencies with other projects and maintenance programme</p> <p>Construction risks – supplier availability, site availability, delays, overspends.</p> <p>Project complexity.</p> <p>Financial impact on Council</p> <p>Maintenance /refurbishment estimates</p>
External environmental risks	<p>Impact on economy either accelerated growth or recession</p> <p>Public objections (e.g. planning, education act consultation).</p>

Table 4: Strategic risks

3.12 Constraints and dependencies

The project is subject to the following constraints:

- Compliance with procurement strategies;
- The scope of the project as defined in the economic case delivers the required benefits;
- The proposed primary site for a new build option is Common Good and would require a court order and agreement of the community to procure.
- The project can be completed within the timescale required to allow the benefits to accrue;
- The project needs to be delivered within the budget identified following extensive financial evaluation during the Outline and Full Business Case stages;
- Risks are managed to minimise the impact on timescales, costs and quality;
- Resources are available to enable the project to be delivered on time and to the right quality;
- Competing priorities within partner organisations and the Council; and,
- Provided the project is approved for LEIP Stage 3 support funding compliance with LEIP Process, Metrics, terms and conditions.

The project is subject to the following dependencies that will be carefully monitored and managed throughout the project life-cycle:

- The project is dependent on ongoing political support for the approach to the Learning Estate;
- Alignment with national policy on the Learning Estate;
- Sufficient financial backing through implementation to ongoing delivery, including the release of funding dependent on development of a full business case;

- Successful engagement with communities and the public on proposals for each school; and
- The project has sufficient external authorisations to proceed, e.g. planning / licensing permissions, land rights.

4. The Economic Case

4.1 Introduction

This is the technical core of the business case and is a fundamental requirement to demonstrate value for money.

Having determined the strategic context for the project and established a robust case for change, this stage of the planning process focuses on the main choices (or options) available for delivering the required services, with a view to formulating a preferred way forward for the subsequent approval of management.

Importantly, it should be noted that an early indication of the possible or preferred way forward could avoid considerable unnecessary work being undertaken at the Outline Business Case stage.

4.2 Critical Success Factors (CSFs)

The following Critical Success Factors have been identified to form part of the option appraisal process:

CSF1	Strategic Fit (Vision / Government Policy)	How well the option provides holistic fit and synergy with other key elements of national, regional and local strategies
CSF2	Potential VFM	How well the option maximises the return on the required spend (benefits optimisation) in terms of economy, efficiency and effectiveness from both the perspective of the organisation and wider society and minimises associated risks.
CSF3	Potential Achievability	How well the option is likely to be delivered in view of the complexity of the option, and the experience, capability and capacity of the partners involved.
CSF4	Supply side capacity	How well the option matches the ability of the service providers to deliver the required level of services and business functionality, and appeals to the supply-side.
CSF5	Potential Affordability	How well the option meets the likely availability of funding and matches other funding constraints,

		including the capital and revenue consequences associated with the proposed investment.
CSF6	Alignment with LEIP Phase 3 CSFs	To be developed in accordance with Scottish Futures Trust Guidance during project phase (RIBA Stage 1) (<i>will be developed within Outline Business Case if successful LEIP Phase 3 bid</i>)

Table 5: Critical Success Factors (CSFs)

4.3 The Long-listed Options

The purpose of the long list is to identify as wide a range of options as possible that meet the spending objectives, potential scope, and benefits criteria identified in the SOC. It also involves carrying out a detailed SWOT analysis (strengths, weaknesses, opportunities and threats) on all the options identified.

Clearly the successful bid for support from LEIP Phase 3 funding would provide significant favourable weighting in favour of the Intermediate and Maximum options but at this stage cannot be guaranteed.

These options were generated by bringing together the needs of Education, Planning and Property to develop options that met the investment objectives and CSFs at each stage. The long list of options that were considered was as follows:

The long list of options considered is set out in Table 6.

Category of Choice	Brief Description
Scoping Options	
1.1 Do nothing	No change to the current Learning Estate
1.2 Minimum scope	Meet secondary capacity requirements of Forres ASG with Minimum Refurbishment that addresses the requirement for minimum B standard condition.
1.3 Intermediate scope A	Meet the secondary capacity requirements of Forres ASG with Major Refurbishment that meets the LEIP requirements for Low Carbon and Digital aspects, balances community and educational needs.
1.4 Intermediate scope B	Meet the secondary capacity requirements of Forres ASG with Major Refurbishment with Extension that meets the LEIP requirements for Low Carbon and Digital aspects, balances community and educational needs.
1.5 Maximum scope A	Meet secondary capacity requirements of Forres ASG with a New Build Secondary School & Community Hub that addresses Digital and Low Carbon aspects, balances community and educational needs

1.6 Maximum scope B	Meet future secondary and future primary capacity requirements of Forres ASG with a New Build 3-18 Community Campus that addresses Digital and Low Carbon aspects, balances community and educational needs in rationalising the estate.
Service solution options	<p>Option 1: Do nothing</p> <p>Option 2: Minimum Refurbishment of existing building</p> <p>Option 3: Minimum Refurbishment of existing building with new extension</p> <p>Option 4: Major Refurbishment of existing building with option for new extension</p> <p>Option 5: New build</p>
Service delivery options	<p>Option 1: Do nothing</p> <p>Option 2: In house design and delivery</p> <p>Option 3: Outsource design and delivery</p> <p>Option 4: Mix of in house and outsource design and delivery. Outsourced services if in house not available and VFM.</p>
Implementation options	<p>Option 1: Do nothing</p> <p>Option 2: Minimum refurbishment and extension by 2028</p> <p>Option 3: Major Refurbishment and Extension (LEIP Stage 3) by Dec 2027</p> <p>Option 4: New build (LEIP Stage 3) by Dec 2027</p> <p>Option 5: Option 3: Major Refurbishment and Extension (Non-LEIP) by 2029</p> <p>Option 6: New build (Non-LEIP) by 2029</p>
Funding options	<p>Option 1: Do nothing</p> <p>Option 2: Reserves</p> <p>Option 3: Capital Borrowing</p> <p>Option 4: Capital Borrowing plus Scottish Government</p> <p>Option 5: Private Sector</p>

Table 6: Long list – summary of inclusions, exclusions and possible options

4.4 Scoping options

In accordance with the Treasury Green Book and Capital Investment Manual, the do nothing option has been considered as a benchmark for potential VFM.

An infinite number of options and permutations are possible; however, within the broad scope outlined in the SOC, only those in Table 6 have been considered in detail.

4.5 Short-listed Options

The summary of the assessment of the scoping options are set out in Table 7. The detail of the 'preferred' and 'possible' options are in the Economic Case at Appendix 1.

Summary assessment of scoping options

Reference to:	Option 1.1	Option 1.2	Option 1.3	Option 1.4	Option 1.5	Option 1.6
Description of Option:	Do Nothing	Minimum	Intermediate A	Intermediate B	Maximum A	Maximum B
Objective 1	x	x	?	✓	✓	✓
Objective 2	x	✓	✓	✓	✓	✓
Objective 3	x	x	✓	✓	✓	✓
Objective 4	x	x	✓	✓	✓	✓
Objective 5	x	x	✓	✓	✓	✓
Objective 6	x	x	✓	✓	✓	✓
CSF'S						
Business need	x	x	✓	✓	✓	✓
Strategic Fit	x	x	✓	✓	✓	✓
Benefits Optimisation	x	x	✓	✓	✓	✓
Potential Achievability	x	x	✓	✓	✓	✓
Supply side capacity	x	✓	✓	✓	✓	✓
Potential Affordability	✓	✓	✓	✓	✓	?
Summary	Discounted	Discounted	Possible	Possible	Possible	Possible

Table 7: Summary assessment of scoping options

The 'preferred' and 'possible' options will be carried forward into the short list for further appraisal and evaluation. On the basis of this analysis, the recommended short list for further appraisal within the OBC is as follows:

- **Option 1.3** - Meet the secondary capacity requirements of Forres ASG with Major Refurbishment that meets the LEIP requirements for Low Carbon and Digital aspects, balances community and educational needs.
- **Option 1.4** - Meet the secondary capacity requirements of Forres ASG with Major Refurbishment with Extension that meets the LEIP requirements for Low Carbon and Digital aspects, balances community and educational needs.
- **Option 1.5** - Meet secondary capacity requirements of Forres ASG with a New Build Secondary School & Community Hub that addresses Digital and Low Carbon aspects, balances community and educational needs.
- **Option 1.6** - Meet future secondary and future primary capacity requirements of Forres ASG with a New Build 3-18 Community Campus that addresses Digital and Low Carbon aspects, balances community and educational needs in rationalising the estate.

The indicative costs based on current market conditions and those at expected project completion (2028) are set out in table 8 below.

5. Commercial Case

5.1 Introduction

The purpose of the Commercial Case is to demonstrate that the "option" will result in a viable procurement and well-structured Deal.

5.2 Required Services

The 'preferred' option will require a number of project services (including design, project management, contract management, supply chain management, change management, quality management) across the following project phases:

- Concept development/LEIP Phase 3 bid (Closing date 30 Oct 2022)
- Preparation and Brief (Royal Institute of British Architects (RIBA) Stage 1)
- Pre-Construction Design Phase (RIBA Stage 2-4)
- Mobilisation and Construction Phase (RIBA Stage 5)
- Handover and Close Out (RIBA Stage 6)
- Operational Phase (RIBA Stage 7)

The procurement strategy for RIBA Stage 1-6 is still to be fully determined. Property and Housing (Design), Finance (Procurement) and Education Resources and Communities (Learning Estate) will work together to develop a corporate

procurement strategy to support the project and ensure value for money is robustly demonstrated in the future Outline and Full Business Cases.

The procurement strategy will consider proposed charging mechanisms (e.g. 'fixed price', 'payment of delivery of agreed outputs', 'incentive'); proposed standard contract type and key contractual issues.

6. The Financial Case

More detailed financial analysis will be carried out in the Outline Business Case. The range for the assessed possible options indicates a required capital spend of between £60.5M - £69,600 (with Option 1.4 – Major Refurbishment with Extension expected to be of greater value) on current market rates which based on current market uncertainty and inflationary forecasts would be in the range of £79.2M - £91.1M at earliest project completion of end 2027.

The project has to sit alongside other similar requirements across the Moray Learning Estate and will account for a significant proportion of the Council's Capital spend. Scottish government funding and support, in the form of the Learning Estate Investment Programme Stage 3 commitment is considered essential given the scale and scope of the overall project.

The overall levels of spend are higher than currently forecast in the Capital Plan and therefore may impact on the revenue budget of the Council requiring improved budget settlements and increased savings/cuts to accommodate this priority.

OPTIONS			Base Cost 2022	Inflation Allowance to Financial Close 2026	Local Authority Funding Ratios			GIFA m2
					40%	45%	50%	
Option 1.2	MINIMUM	Minimum Refurbishment to B/B Standard	£ 24,702,000	£ 31,000,000	N/A	N/A	N/A	14324 (as existing)
Option 1.3	INTERMEDIATE	Meet the secondary capacity requirements of Forres ASG with Major Refurbishment that meets the LEIP requirements for Low Carbon and Digital aspects, balances community and educational needs.	£ 69,600,000	£ 91,100,000	£ 36,400,000	£ 41,000,000	£ 45,600,000	14325 (as existing)
Option 1.4	INTERMEDIATE	Meet the secondary capacity requirements of Forres ASG with Major Refurbishment with Extension that meets the LEIP requirements for Low Carbon and Digital aspects, balances community and educational needs.	TBC	TBC	TBC	TBC	TBC	15,148 (assumed)
Option 1.5	MAXIMUM	Meet secondary capacity requirements of Forres ASG with a New Build Secondary School & Community Hub that addresses Digital and Low Carbon aspects, balances community and educational needs	£ 60,500,000	£ 79,200,000	£ 35,600,000	£ 40,000,000	£ 44,500,000	15,148
Option 1.6	MAXIMUM	Meet future secondary and future primary capacity requirements of Forres ASG with a New Build 3-18 Community Campus that addresses Digital and Low Carbon aspects, balances community and educational needs in rationalising the estate.	£ 66,900,000	£ 87,400,000	£ 35,000,000	£ 39,300,000	£ 43,700,000	16,350

Table 8: Indicative Cost Models - Options

7. The Management Case

7.1 Introduction

This section addresses the 'achievability' of the Future Forres Academy project. Its purpose is to build on the project mandate by setting out in more detail the actions that will be required to ensure the successful delivery of the project in accordance with best practice.

7.2 Programme Management Arrangements

The Case is an integral part of the Moray Council Learning Estate Strategy Delivery Programme, which comprises a portfolio of projects for the delivery of the Moray Council Learning Strategy.

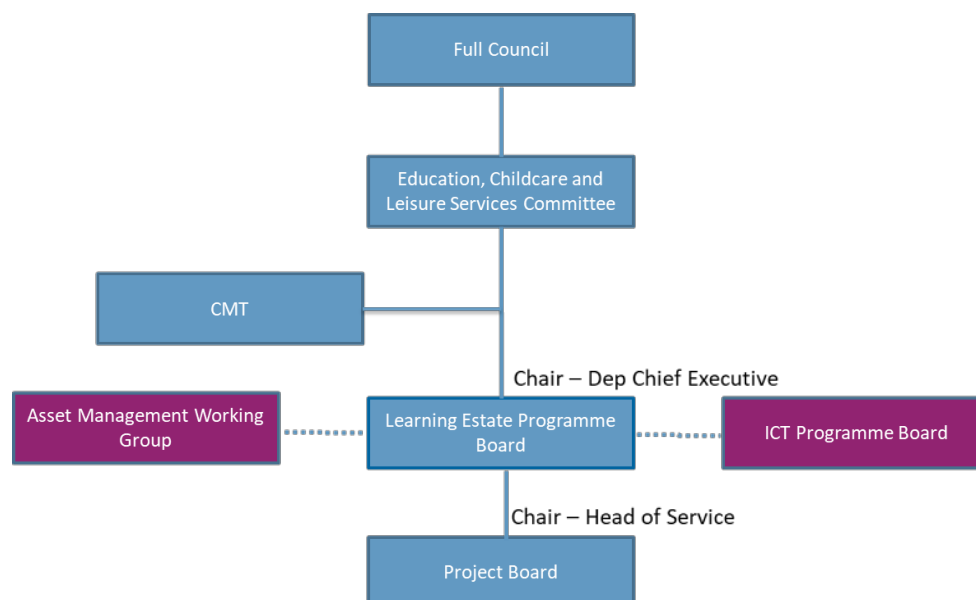
7.3 Project Management Arrangements

The project will be managed in accordance with good Project Management methodology – this will incorporate Prince 2, Association of Project Management and Treasury Green Book best practise.

The project will be managed via a Future Forres Academy Project Board who will report to the Learning Estate Programme Board that will in turn report to Education, Children and Leisure Services Committee and Full Council.

7.3.1 Project Governance and Reporting structure

The proposed project governance and reporting structure is set out below:



7.3.2 Project Roles and Responsibilities

The Project Sponsor for the Future Forres Academy project will be Deputy Chief Executive (Education, Communities and Organisational Development) – Denise Whitworth.

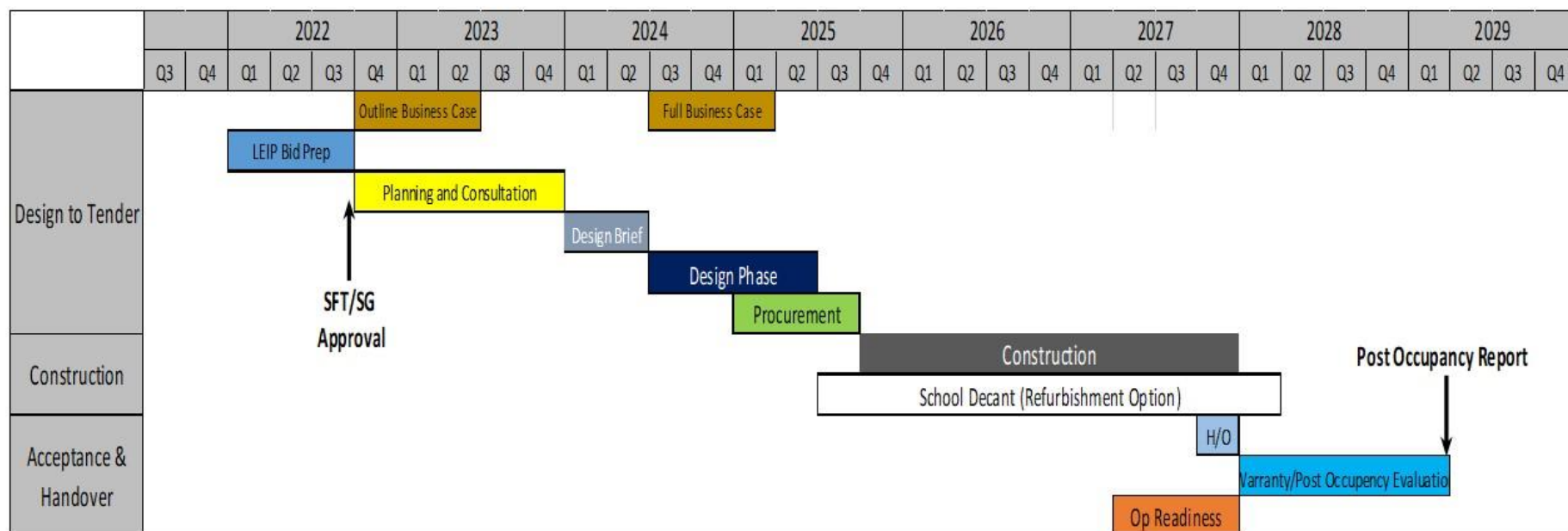
The Senior Responsible Owner for the project will be Head of Education Resources and Communities – Joanna Shirriffs

The Programme Manager (Learning Estate) - Andy Hall - will provide operational level oversight of project delivery and will be supported by a Learning Estate Project Manager.

A full Project RACI matrix will be developed for the Outline Business Case.

7.3.3 Project Plan

A high level indicative project plan is set out below. The project completion date of Dec 2027 is based on current LEIP Phase 3 requirements.



Appendices

Appendix 1: Economic Case



PROJECT REF/NAME	Future Buckie High School Future	
PROJECT SPONSOR	Denise Whitworth	
COMPLETED BY	Andy Hall	
DATE	12 Aug 2022	
Project Category	Strategic	
<i>The following is to be completed by High Level Governance Board</i>		
Approved By/Date	Group or Officer Name	Date of meeting/decision
Approval (choose from drop down menu)	Choose an item.	
Comments	Any relevant comments from the approving authority should be documented here.	

The purpose of the Strategic Outline Case (SOC) is firstly to establish the case for change and the need for the proposal; and secondly, to provide a suggested way forward for the early approval of management providing an 'initial agreement to proceed' to further develop the business case.

It is important that the 'preferred way forward' within the SOC is not confused with the 'preferred option' which emerges from the Outline Business Case (OBC). The preferred way forward provides management with a recommended direction of travel, following the initial assessment of the long list upon completion of the SOC whereas the preferred option is the recommended Value for Money (VFM) choice, following the detailed appraisal of the short list upon completion of the OBC.

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1. Version History

Version	Date	Details
0.1	10 Aug 2022	Initial Draft
0.2	6 September 2022	Final draft for Committee on 14/09/22

2. Executive Summary

This Strategic Options Case (SOC) provides a breakdown of infrastructure options to consider to address the future delivery of secondary education capacity and capability within the Forres Academy Associate School Group (ASG). Within the options is an early indication of the costs to deliver the options considered.

The need to strategically address our learning estate across all ASGs comes from capacity pressures in growth areas such as Elgin, Forres and Buckie where the predicted housing growth over the next 15 years will result in the need for additional primary and secondary school capacity.

In addition, a number of secondary schools within Moray are assessed as below the required Condition B standard mandated by Scottish Government. In the case of Buckie High School it has been recently been assessed as overall Condition C - defined as showing major defects and/or not operating adequately

There is also a need to consider the changing nature of teaching, drivers for digitally enabled education, low carbon schools, additional support needs and early years learning when considering the future of the learning estate. The future of Buckie High School is a key project within Moray Councils Learning Estate Strategy (LES) and a number of options could be eligible for Scottish Government funding support as part of the Learning Estate Investment Programme (LEIP) Phase 3. The SOC would form a significant element of the Moray LEIP Phase 3 bid should it be approved at Committee for submission to Scottish Government in October 2022.

This Strategic Outline Case builds upon the Project Mandate approved by the Corporate Management Team in January 2022. It also develops the following:

- Determining and confirming value for money
- Preparing for and contracting the case
- Confirming affordability and financial requirement
- Planning for successful delivery

An Outline Business Case will be drafted for approval once a decision on the type of project (refurbishment or rebuild) has been made and a final determination of project costs has been agreed together with an agreed project delivery procurement strategy.

3. The Strategic Case

3.1 Introduction

The purpose of this section is to explain how the scope of the proposed options fit within the existing business strategies of the organisation and provides a compelling case for change, in terms of existing and future operational needs.

3.2 Organisational overview

The case has been developed by Moray Council through the Learning Estate Programme with participation from Education, Housing and Property and Planning. The case falls within the Moray Council Learning Estate Strategy and would form a project within the Learning Estate Strategy Delivery Programme. The Project Sponsor will be the Deputy Chief Executive (Education, Communities and Organisational Development) and the Senior Responsible Owner will be the Head of Education Resources and Communities. The Programme Manager (Learning Estate) will provide operational level responsibility for development of the case and will be supported in the future delivery of the agreed project by an appointed Learning Estate Project Manager.

3.3 The Strategic Context

The Moray Council geographical area covers 864 sq. miles (2,238km.sq) and of 32 Local Authorities, Moray is ranked the 8th largest area. With a relatively small population of 95,510 Moray is ranked 26th (7th smallest) area in terms of population. Overall the Scottish Index of Multiple Deprivation (SIMD) for Moray does not show a major problem with deprivation when compared with others, but there is an enduring issue with low wages and under employment and the rural geography presents many challenges which SIMD data does not reflect. Moray has 8 secondary schools and 46 Primary Schools.

Currently 25 Primary Schools and 5 Secondary Schools fall below the B standard for condition. In addition, there is a requirement to increase the secondary school capacity in a number of the secondary schools that will require, as a minimum, investment in new build extensions to existing buildings.

The current repair and maintenance backlog, which needs to be addressed to bring all school buildings to a B/B standard for condition and suitability was estimated to cost over £110 million to clear (based on 2013/14 condition surveys and average inflationary pressure). The Council financial forecasts (10 year Capital Plan) currently identifies £258 million to be spent over the next ten years to address the current backlog and includes an allowance of £172million to provide for capacity growth through new builds and major refurbishment projects in Forres, Buckie and Elgin. Unless Moray are to see condition and suitability further decline across the Moray learning estate the backlog of repair and maintenance and providing for new school capacity needs to remain resourced within the capital plan.

The Scottish Government has announced a Phase 3 of Learning Estate Investment Programme (LEIP) funding that will become available from the end of 2022 that can assist in addressing the above financial challenge.

The LEIP funding seeks to ensure a minimum B/B standard is maintained over a 25 year period for any school projects and looks to take a more strategic approach to the Learning Estate, working with partners to provide greater community use and facilities at these sites.

The strategic drivers for this investment and associated strategies, programmes and plans are contained in the principles of [“Scotland’s Learning Estate Strategy: Connecting People, Places and Learning”](#).

- Learning environments should support and facilitate excellent joined up learning and teaching to meet the needs of all learners;
- Learning environments should support the wellbeing of all learners, meet varying needs to support inclusion and support transitions for all learners;
- The learning estate should be well-managed and maintained, making the best of existing resources, maximising occupancy and representing and delivering best value;
- The condition and suitability of learning environments should support and enhance their function;
- Learning environments should serve the wider community and where appropriate be integrated with the delivery of other public services in line with the place principle;
- Learning environments should be greener, more sustainable, allow safe and accessible routes and be digitally enabled;
- Outdoor learning and the use of outdoor learning environments should be maximised;
- Good consultation about learning environments, direct engagement with learners and communities about their needs and experiences, and an involvement in decision making processes should lead to better outcomes for all;
- Collaboration across the learning estate, and collaboration with partners in localities, should support maximising its full potential; and,
- Investment in Moray’s learning estate should contribute towards improving learning outcomes and support sustainable and inclusive economic growth.

The proposed project also builds on the ambition of the Local Outcome Improvement Plan to build a better future for our children and young people in Moray. It also supports our education strategies:

- For Morays Children - Education Vision and Strategy 2018 -2021
- Getting it Right for Every Child
- Curriculum of Excellence
- Moray Raising Attainment Strategy 2019
- Our Moray Standard- Learning and Teaching

3.4 Business Strategy and Aims

The proposed options build on the ambition in the Local Outcome Improvement Plan to build a better future for our children and young people in Moray.

The approach reflects those of the Corporate Plan

- Equalities – providing opportunities for everyone to be their best.
- Empowering – producing better results by collaborating and working to engage and involve people (partners, businesses and communities)
- Environment – look after the world we live in to protect it for the future
- Enterprising – consider new approaches to the way we do our business to increase our income and make services more sustainable for the future

Local Development Plan 2020

The Moray Local Development Plan 2020 sets out how much and where growth is proposed for land uses including housing. The Growth Strategy for 2020-2030 focusses new development in the primary growth centres of Elgin, Buckie and Forres.

Learning Estate Strategy – 2020

The Developing a Strategic Approach to the Moray Learning Estate document was recommended to full Council by the Children and Young People Services Committee in March 2020 and approved in November 2020. The document outlined a new approach to managing our learning estate that will enable the authority to invest strategically to provide new capacity in growth areas and to bring schools up to a standard of condition and suitability that enhances the learning environment (B for condition and B for suitability across all elements). The strategy recommends an Associated Schools Group (ASG) based approach to engagement and decision making, with high level options developed that take account of population growth, and the condition and suitability of all schools within the ASG, with more detailed options appraisals taking place with input from all stakeholders. The strategy also highlights the need to prioritise particular areas, with Elgin, Buckie and Forres mentioned as areas of initial focus due to the requirement to develop new capacity over the next 10 years.

3.5 Investment Objectives

The strategic investment objectives for this project are as follows:

1. Provide educational benefit – with educational pathways, achievement and improvement and opportunities for life-long learning
 - Spaces that support non-traditional learner pathways.
 - Supporting employability skills and the transition to further and higher education and the world of work.
 - Human scale design appropriate to the user.
 - Meeting the core principles of the curriculum.
 - Delivering a learning journey that supports transition.

- Maximum class sizes of 25 for P1 and composite classes, 30 for P2 and P3 and 33 for P4 to P7.
 - Providing environments that support the highest quality teaching and learning and strengthen leadership in education.
2. Deliver a sustainable learning estate
 - Move all schools to a minimum B/B standard for suitability and condition.
 - Achieve A/A standard for suitability and condition for new build and major refurbishment projects.
 3. Adaptable and flexible learning facilities
 - Spaces that can be flexible to meet curriculum change and community need.
 - Flexibility to suit different learner pathways.
 - Supported by a strong and resilient digital infrastructure.
 4. Provide capacity for pupil forecasts up to 2035.
 5. Support digitally enabled learning
 - Infrastructure supports 1.1Gbps.
 - Infrastructure that supports equity of access to digital / Wi-Fi.
 - A seamless and integrated digital environment across partners and services.
 - Supporting the effective use of technology for education and community.
 - Good digital access which supports inclusive economic growth
 - Infrastructure to support a possible role as a central hub for school clusters.
 6. Deliver environmental and energy efficiency
 - Achieve as a minimum LEIP Stage 3 in-use energy target.
 - Meet local Net Zero targets by 2030.
 7. Support inclusive economic growth
 - Achieve as a minimum the LEIP funding target for jobs supported during construction.
 - Creating hubs that support best value service delivery.
 - Flexible community space that supports new ways of working.
 - Spaces that support collaborative working with partners.

3.6 The Case for Change

Moray's Local Outcome Improvement Plan (LOIP) has a partnership vision of raising aspirations and our priorities include:

- Growing, a diverse and sustainable economy
- Building a better future for our children and young people in Moray.

In terms of outcomes this translates to Moray being:

- A place where children and young people thrive
- A place where they have a voice, have opportunities to learn and get around
- A place where they have a home, feel secure, healthy and nurtured
- A place where they are able to reach their full potential

There is evidence that attainment and post-school destinations vary across Moray communities and in some areas are below average. Any investment in the learning estate must help to achieve these ambitions along with those in the Corporate Plan which link directly to the outcomes for our children and young people.

Investment in the learning estate should seek opportunities to create community hubs with multifunctional facilities that deliver high quality education and support the aspirations of the wider community.

Leadership in Education is a key aspect of raising attainment and addressing variances in outcomes across Moray. Whilst looking at the learning estate and where recruitment of senior leaders is a challenge, consideration of innovative opportunities such as 3-18 community campus models as well as sustaining the current traditional secondary school with a community use approach are considered within this SOC.

Delivering these local and national priorities sit at the heart of the 3-18 learning campus model for the Buckie ASG. The model has been developed through a series of workshops with council officers and partners, drawing on national and local priorities and work completed to test the options for school organisation for the Buckie ASG. While the aspirations and principles of the learning model are consistent, the approach to how they are delivered is flexible to accommodate the character, geography and needs of different locations.

The Moray learning campus model addresses the ten guiding principles in the National Strategy set out above. In addition there are opportunities to further enhance the quality of the learning estate as follows.

a. Placemaking

Investment in the learning estate offers the opportunity for a place based approach to improve local outcomes, co-ordinating and integrating local services to support communities and progress the public sector reform agenda. The Place Principle (adopted by the Scottish Government in March 2019) promotes a shared understanding of place and the need to take a more joined up collaborative approach to services and assets within a place to achieve better outcomes. The lens of place supports a more coherent approach across portfolios to ensure strategies and policies are aligned and helps us consider the impact of policies, interventions and investments as a whole. For capital budgets this means identifying and prioritising the right projects to achieve the goals of the Place Principle and other government objectives. The Place Principle is an enabler which helps us, our partners and local communities unlock the National Performance Framework and make it applicable to where and how we live and work.

b. Education Design Principles

New and refurbished learning estate facilities should ensure that the design is focused on the following design principles:

- Futureproofed – to allow for different curriculum approaches, pedagogical styles, age ranges (including younger children should the policy change), digital innovation, and formal and informal learning and social activities;
- Flexible – providing a range of spaces that work together to ensure maximum flexibility of use to support a wide range of learning and social activities;
- Suitable – creating high quality learning environments with well-planned acoustics, digital infrastructure, ventilation, heating and natural light that enhance the learning activities within them;
- Collaborative – with spaces that encourage pupils, staff and community to get the best from working together, enabled by high quality digital infrastructure for all users;
- Welcoming – spaces that create a sense of ownership and identity, and provide a high quality learning and social experience for a wide range of users;
- Connected – so that inside and outside spaces work together to support learning; a ‘campus’ school acts as a hub for other schools in the cluster, and there are strong connections between the campus and other places of learning and skills in the community;
- Inclusive – actively celebrating education within the community by facilitating a broad range of opportunities including vocational skills development, family learning, intergenerational learning, and lifelong learning for all;
- Innovative – ensuring skills based learning activities drive the space requirements so they are not constrained by ‘the way we’ve always done things’;
- Embedded – supported by a change management process that challenges, prototypes, tests, builds ownership and creates understanding;
- Inspiring – fun, creative spaces that get the best from all users;
- Accessible – ensuring a wide range of needs can be supported now and in the future;
- Safe – prioritising security and safeguarding, but with as few ‘barriers’ to use as possible;
- Strengthening pathways – supporting the learner journey including through transitions and beyond to further and higher education and the world of work; and,
- Sustainable – both in terms of environmental and financial sustainability, and linking to other resources within the community to add additional value to the investment.

c. Construction Quality

In recent years there have been some examples of poor quality construction in the learning estate. The heavily publicised incident at Oxfangs Primary School in Edinburgh placed a focus on the quality of the built environment. It is essential that any new investment in the learning estate is of the highest quality in terms of both design and construction. We will work with our partners including Scottish Building Standards and across the construction industry to support a focus on improvement. The recommendations from the Independent Inquiry into the Construction of Edinburgh Schools (Cole Report), the Scottish Parliament Education and Skills Committee's Report on School Infrastructure and the Construction Procurement Review should be incorporated into planned investment.

d. Low Carbon

The Scottish Government has an ambitious climate change policy target for all buildings in Scotland to be near zero carbon by 2050. Reaching this target will require a change in attitude towards energy, particularly in relation to new buildings. Increasing energy efficiency in building performance must be amongst the core objectives of all new infrastructure projects for these ambitious targets to be achieved. Achievement of these core objectives needs strategic level support and should be incorporated into planned investment.

e. Digital

New forms of service delivery, and new and agile forms of learning enabled by digital technology allow integration of learning experiences and the creation of new and diverse skills. The use of digital as part of the planning of the future estate, and future strategies for learning and community use should be incorporated into planned investment. There are a number of drivers for developing our digital ambitions including increasing digital content along with a desire for developing opportunities for remote learning and helping to widen access to learners in rural areas. Children and young people have to be exposed to a high standard of digital technology to prepare them for work.

3.7 Existing arrangements

The current mainstream capacity of Buckie High School is calculated as 944 with a school roll for 2022/23 session expected to fall to 815 (86% of capacity). Of this 98% of pupils are expected to be from within catchment. A total of 32 pupils were assessed as requiring additional support needs (2021/22 census - ASN marker report).

The policy of 'make do and mend' maintenance, adopted from 2017 to ease overall financial pressures, and underinvestment in previous years, has left the Moray Learning Estate below an acceptable standard for maintenance impacting on the suitability and condition of the majority of schools. Buckie High School has seen the condition deteriorate during this period.

Buckie High School has recently been assessed as C condition and C suitability – a decrease from the previous assessment less than 10 years ago. A breakdown of the condition assessment is set out in the Table 1.

CONDITION SUMMARY MATRIX	
Good - A	Performing well and operating efficiently
Satisfactory - B	Performing adequately but showing minor deterioration
Poor - C	Showing major defects and/or not operating adequately
Bad -D	Life expired and/or serious risk of imminent failure

Elements												OVERALL SCORE	CATEGORY
Roof	Floors & Stairs	Ceilings	External Walls, Windows &	Internal Walls and Doors	Sanitary Services	Mechanical	Electrical	Decoration	Fixed Internal Facilities	External areas	Outdoor Sports Facilities		
D	D	C	C	C	D	C	C	C	B	C	B	45.25	C

Table 1: Condition Assessment (2022) – Buckie High School

3.8 Business needs – current and future

The need to strategically address the Learning Estate comes from capacity pressures in growth areas such as Buckie where the predicted housing growth over the next 15 years will potentially result in the need for additional secondary and primary school capacity.

The Buckie Associated Schools Group is expected to require growth in secondary school capacity as a consequence of planned residential development to the South and the West of the town up to 2035. The school roll is expected to increase to a maximum of 903 (96% of capacity) towards the end of the decade. The impact of residential development beyond this is less clear and there is a high likelihood that the school will have no further capacity to manage any school roll fluctuations. Further it is anticipated that the mainstream capacity will likely need to be reassessed in the near to medium term as a consequence of the desire for wider curriculum choice and additional space requirements to support an increase in pupils with Additional Support Needs (ASN). The qualitative and quantitative evidence points towards the requirement for an extension in secondary school capacity in the Buckie ASG in the 2030-2032 timeframe.

Although a B/B condition/suitability could be achieved with significant refurbishment of Buckie Academy the long term value for money opportunities offered by new build, shared hub facilities and a potential campus solution (which would deliver a sustainable A/A school that meets LEIP project key requirements) should be considered within the option appraisals.

There is also a need to consider the changing nature of teaching and drivers for digitally enabled education and low carbon school buildings, additional support needs and early learning and childcare when considering investment in the future of the learning estate.

3.9 Potential scope and service requirements

The options within these ranges are considered within the economic case.

	Minimum	Intermediate	Maximum
Potential business scope	Invest in school estate to achieve B suitability and B condition	Meet Secondary Capacity Requirements of Buckie ASG, Refurbish School across all elements, address Digital and Low Carbon aspects, balance community and educational needs in rationalising the estate	Deliver Digital and Low Carbon (e.g. PassivHaus) within new design and balance community and educational needs. Provide New modern Campus models.
Key service requirements	Meet capacity and B/B standard and suitability	Addresses condition suitability, unsustainable schools, community needs, digital and low carbon	Potential transformation of Learning provision
LEIP key requirements	Achieve LEIP funding target for jobs supported during construction Digital infrastructure supports 1.1 Gbps Condition A or B for 25 years Achieve LEIP in-use energy target of 67 kWh/ sqm/ annum for core hours of 2,000/annum and core facilities Designs to be developed in line with BB101 2018/ CIBSE TMS2.		

Table 2: Potential scope and service requirements

3.10 Main Benefits Criteria

Satisfying the potential scope for this investment will deliver the following high-level strategic and operational benefits. These are set out in Table 3.

Class Of Objective	Main Benefits	Benefits Criteria	Stakeholders Affected
Strategic (wider social and Business related)	Improved Educational Outcomes Equality of opportunity	Increase Attainment Increase Subject Choice across the learning estate	Scottish Government Community Planning Partnership Moray Residents Community Councils
Operational (organisational and management related)	Value for money Sustainable financial plan	Investment in strategic interventions to deliver objectives Efficient use of resources Building and maintenance costs understood and planned	Scottish Government Moray Council Northern Alliance Community Planning Partnership Scottish Futures Trust Moray Residents Community Councils

Table 3: Main Benefits Criteria

3.11 Strategic risks

The main business and service risks associated with the potential scope for this project are set out in Table 4.

Risk categories	Description
Business risks	Lack of staffing resource to progress Competing demands for resources. Lack of engagement with the community. Miscommunication on strategic approach Unable to attract Scottish Government funding support

Risk categories	Description
Service risks	<p>Dependencies with other projects and maintenance programme</p> <p>Construction risks – supplier availability, site availability, delays, overspends.</p> <p>Project complexity.</p> <p>Financial impact on Council</p> <p>Maintenance /refurbishment estimates</p>
External environmental risks	<p>Impact on economy either accelerated growth or recession</p> <p>Public objections (e.g. planning, education act consultation).</p>

Table 4: Strategic risks

3.12 Constraints and dependencies

The project is subject to the following constraints:

- Compliance with procurement strategies;
- The scope of the project as defined in the economic case delivers the required benefits;
- The project can be completed within the timescale required to allow the benefits to accrue;
- The project needs to be delivered within the budget identified following extensive financial evaluation during the Outline and Full Business Case stages;
- Risks are managed to minimise the impact on timescales, costs and quality;
- Resources are available to enable the project to be delivered on time and to the right quality;
- Competing priorities within partner organisations and the Council; and,
- Provided the project is approved for LEIP Stage 3 support funding compliance with LEIP Process, Metrics, terms and conditions.

The project is subject to the following dependencies that will be carefully monitored and managed throughout the project life-cycle:

- The project is dependent on ongoing political support for the approach to the Learning Estate;
- Alignment with national policy on the Learning Estate;
- Sufficient financial backing through implementation to ongoing delivery, including the release of funding dependent on development of a full business case;
- Successful engagement with communities and the public on proposals for each school; and

- The project has sufficient external authorisations to proceed, e.g. planning / licensing permissions, land rights.

4. The Economic Case

4.1 Introduction

This is the technical core of the business case and is a fundamental requirement to demonstrate value for money.

Having determined the strategic context for the project and established a robust case for change, this stage of the planning process focuses on the main choices (or options) available for delivering the required services, with a view to formulating a preferred way forward for the subsequent approval of management.

Importantly, it should be noted that an early indication of the possible or preferred way forward could avoid considerable unnecessary work being undertaken at the Outline Business Case stage.

4.2 Critical Success Factors (CSFs)

The following Critical Success Factors have been identified to form part of the option appraisal process:

CSF1	Strategic Fit (Vision / Government Policy)	How well the option provides holistic fit and synergy with other key elements of national, regional and local strategies
CSF2	Potential VFM	How well the option maximises the return on the required spend (benefits optimisation) in terms of economy, efficiency and effectiveness from both the perspective of the organisation and wider society and minimises associated risks.
CSF3	Potential Achievability	How well the option is likely to be delivered in view of the complexity of the option, and the experience, capability and capacity of the partners involved.
CSF4	Supply side capacity	How well the option matches the ability of the service providers to deliver the required level of services and business functionality, and appeals to the supply-side.
CSF5	Potential Affordability	How well the option meets the likely availability of funding and matches other funding constraints, including the capital and revenue consequences associated with the proposed investment.

CSF6	Alignment with LEIP Phase 3 CSFs	To be developed in accordance with Scottish Futures Trust Guidance during project phase (RIBA Stage 1) (will be developed within Outline Business Case if successful LEIP Phase 3 bid)
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4.3 The Long-listed Options

The purpose of the long list is to identify as wide a range of options as possible that meet the spending objectives, potential scope, and benefits criteria identified in the SOC. It also involves carrying out a detailed SWOT analysis (strengths, weaknesses, opportunities and threats) on all the options identified.

Clearly the successful bid for support from LEIP Phase 3 funding would provide significant favourable weighting in favour of the Intermediate and Maximum options but at this stage cannot be guaranteed.

These options were generated by bringing together the needs of Education, Planning and Property to develop options that met the investment objectives and CSFs at each stage. The long list of options that were considered was as follows:

The long list of options considered is set out in Table 6.

Category of Choice	Brief Description
Scoping Options	
1.1 Do nothing	No change to the current Learning Estate
1.2 Minimum scope	Meet secondary capacity requirements of Buckie ASG with Minimum Refurbishment and Extension that addresses the requirement for minimum B standard condition.
1.3 Intermediate scope A	Meet the secondary capacity requirements of Buckie ASG with Major Refurbishment and Extension that meets the LEIP requirements for Low Carbon and Digital aspects, balances community and educational needs.
1.4 Intermediate scope B	Meet secondary capacity requirements of Buckie ASG with a New Build Secondary School & Community Hub that addresses Digital and Low Carbon aspects, balances community and educational needs
1.5 Maximum scope	Meet future secondary and future primary capacity requirements of Buckie ASG with a New Build 3-18 Community Campus that addresses Digital and Low Carbon aspects, balances community and educational needs in rationalising the estate.
Service solution options	Option 1: Do nothing Option 2: Minimum Refurbishment of existing building with new build extension.

	Option 3: Major Refurbishment of existing building with new extension Option 4: New build
Service delivery options	Option 1: Do nothing Option 2: In house design and delivery Option 3: Outsource design and delivery Option 4: Mix of in house and outsource design and delivery. Outsourced services if in house not available and VFM.
Implementation options	Option 1: Do nothing Option 2: Minimum refurbishment and extension by 2028 Option 3: Option 3: Major Refurbishment and Extension (Non-LEIP) by Dec 2027 Option 4: New build (Non-LEIP) by 2029 Option 5: Major Refurbishment and Extension (LEIP Stage 3) by Dec 2027 Option 6: New build (LEIP Stage 3) by Dec 2027 Option 7: Major Refurbishment and Extension (Non-LEIP) by 2029 Option 8: New build (Non-LEIP) by 2029
Funding options	Option 1: Do nothing Option 2: Reserves Option 3: Capital Borrowing Option 4: Capital Borrowing plus Scottish Government

Table 6: Long list – summary of inclusions, exclusions and possible options

4.4 Scoping options

In accordance with the Treasury Green Book and Capital Investment Manual, the do nothing option has been considered as a benchmark for potential VFM.

An infinite number of options and permutations are possible; however, within the broad scope outlined in the SOC, only those in Table 6 have been considered in detail.

4.5 Short-listed Options

The summary of the assessment of the scoping options are set out in Table 7. The detail of the 'preferred' and 'possible' options are in the Economic Case at Appendix 1.

Summary assessment of scoping options

Reference to:	Option 1.1	Option 1.2	Option 1.3	Option 1.4	Option 1.5
Description of Option:	Do Nothing	Minimum	Intermediate A	Intermediate B	Maximum
Objective 1	x	x	✓	✓	✓
Objective 2	x	✓	✓	✓	✓
Objective 3	x	x	✓	✓	✓
Objective 4	x	x	✓	✓	✓
Objective 5	x	x	✓	✓	✓
Objective 6	x	x	✓	✓	✓
CSF'S					
Business need	x	x	✓	✓	✓
Strategic Fit	x	x	✓	✓	✓
Benefits Optimisation	x	x	✓	✓	✓
Potential Achievability	x	x	✓	✓	✓
Supply side capacity	x	✓	✓	✓	✓
Potential Affordability	✓	✓	✓	✓	✓
Summary	Discounted	Discounted	Possible	Possible	Possible

Table 7: Summary assessment of scoping options

The 'preferred' and 'possible' options will be carried forward into the short list for further appraisal and evaluation. On the basis of this analysis, the recommended short list for further appraisal within the OBC is as follows:

- **Option 1.3** - Meet the secondary capacity requirements of Buckie ASG with Major Refurbishment and Extension that meets the LEIP requirements for Low Carbon and Digital aspects, balances community and educational needs.

- **Option 1.4** - Meet secondary capacity requirements of Buckie ASG with a New Build Secondary School & Community Hub that addresses Digital and Low Carbon aspects, balances community and educational needs
- **Option 1.5** - Meet future secondary and future primary capacity requirements of Buckie ASG with a New Build 3-18 Community Campus that addresses Digital and Low Carbon aspects, balances community and educational needs in rationalising the estate.

The indicative costs based on current market conditions and those at expected project completion (2028) are set out in Table 8.

5. Commercial Case

5.1 Introduction

The purpose of the Commercial Case is to demonstrate that the “option” will result in a viable procurement and well-structured Deal.

5.2 Required Services

The ‘preferred’ option will require a number of project services (including design, project management, contract management, supply chain management, change management, quality management) across the following project phases:

- Concept development/LEIP Phase 3 bid (Closing date 30 Oct 2022)
- Preparation and Brief (Royal Institute of British Architects (RIBA) Stage 1)
- Pre-Construction Design Phase (RIBA Stage 2-4)
- Mobilisation and Construction Phase (RIBA Stage 5)
- Handover and Close Out (RIBA Stage 6)
- Operational Phase (RIBA Stage 7)

The procurement strategy for RIBA Stage 1-6 is still to be fully determined. Property and Housing (Design), Finance (Procurement) and Education Resources and Communities (Learning Estate) will work together to develop a corporate procurement strategy to support the project and ensure value for money is robustly demonstrated in the future Outline and Full Business Cases.

OPTIONS			Base Cost 2022	Inflation Allowance to Financial Close 2026	Local Authority Funding Ratios			GIFA m2 (Uplift to metric in brackets)
					40%	45%	50%	
Option 2	MINIMUM	Minimum Refurbishment to B/B Standard	£ 24,100,000	£30,125,000	N/A	N/A	N/A	13,445 (As existing)
Option 3	INTERMEDIATE	Meet the secondary capacity requirements of Buckie ASG with Major Refurbishment and Extension that meets the LEIP requirements for Low Carbon and Digital aspects, balances community and educational needs.	£ 67,100,000	£ 84,700,000	£ 33,900,000	£ 38,100,000	£ 42,400,000	13,445 (As existing)
Option 4	INTERMEDIATE	Meet secondary capacity requirements of Buckie ASG with a New Build Secondary School & Community Hub that addresses Digital and Low Carbon aspects, balances community and educational needs	£ 66,600,000	£ 84,100,000	£ 33,600,000	£ 37,800,000	£ 42,100,000	14,498
Option 5	MAXIMUM	Meet future secondary and future primary capacity requirements of Buckie ASG with a New Build 3-18 Community Campus that addresses Digital and Low Carbon aspects, balances community and educational needs in rationalising the estate.	£ 75,700,000	£ 95,700,000	£ 38,300,000	£ 43,100,000	£ 47,900,000	18,398

Table 8: Indicative Cost Models – Options

The procurement strategy will consider proposed charging mechanisms (e.g. 'fixed price', 'payment of delivery of agreed outputs', 'incentive'); proposed standard contract type and key contractual issues.

6. The Financial Case

More detailed financial analysis will be carried out in the Outline Business Case. The range for the assessed possible options indicates a required capital spend of between £66.6M - £75.7M on current market rates which based on current market uncertainty and inflationary forecasts would be in the range of £84.1M - £95.7M at earliest project completion of end 2027.

The project has to sit alongside other similar requirements across the Moray Learning Estate and will account for a significant proportion of the Councils Capital spend. Scottish government funding and support, in the form of the Learning Estate Investment Programme Stage 3 commitment is considered essential given the scale and scope of the overall project.

The overall levels of spend are higher than currently forecast in the Capital Plan and therefore may impact on the revenue budget of the Council requiring improved budget settlements and increased savings/cuts to accommodate this priority.

7. The Management Case

7.1 Introduction

This section addresses the 'achievability' of the Future Buckie HS project. Its purpose is to build on the project mandate by setting out in more detail the actions that will be required to ensure the successful delivery of the project in accordance with best practice.

7.2 Programme Management Arrangements

The Case is an integral part of the Moray Council Learning Estate Strategy Delivery Programme, which comprises a portfolio of projects for the delivery of the Moray Council Learning Strategy.

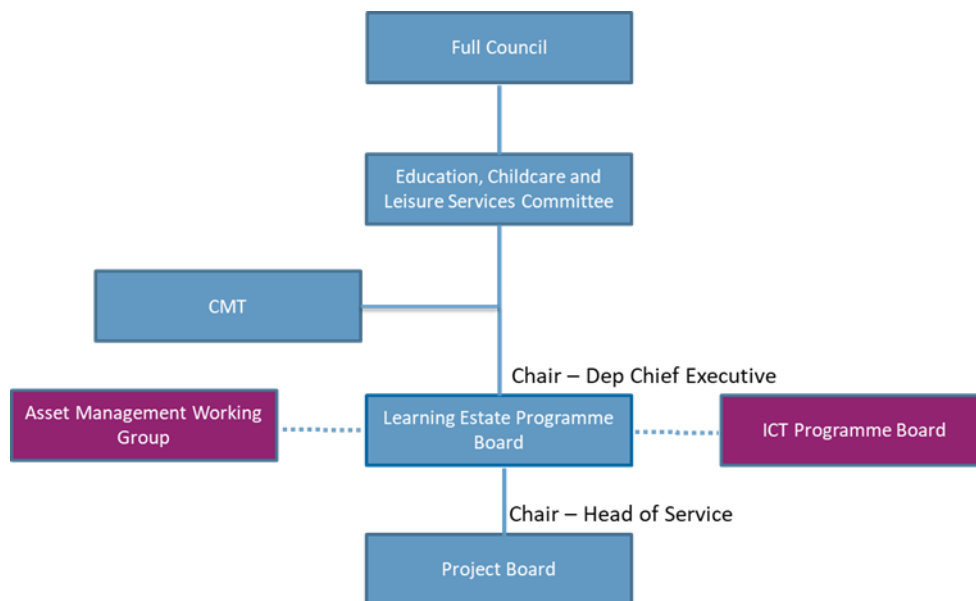
7.3 Project Management Arrangements

The project will be managed in accordance with good Project Management methodology – this will incorporate Prince 2, Association of Project Management and Treasury Green Book best practise.

The project will be managed via a Future Buckie HS Project Board who will reported to the Learning Estate Programme Board that will in turn report to Education, Children and Leisure Services and Full Council.

7.3.1 Project Governance and Reporting structure

The proposed project governance and reporting structure is set out below:



7.3.2 Project Roles and Responsibilities

The Project Sponsor for the Future Buckie HS project will be Deputy Chief Executive (Education, Communities and Organisational Development) – Denise Whitworth.

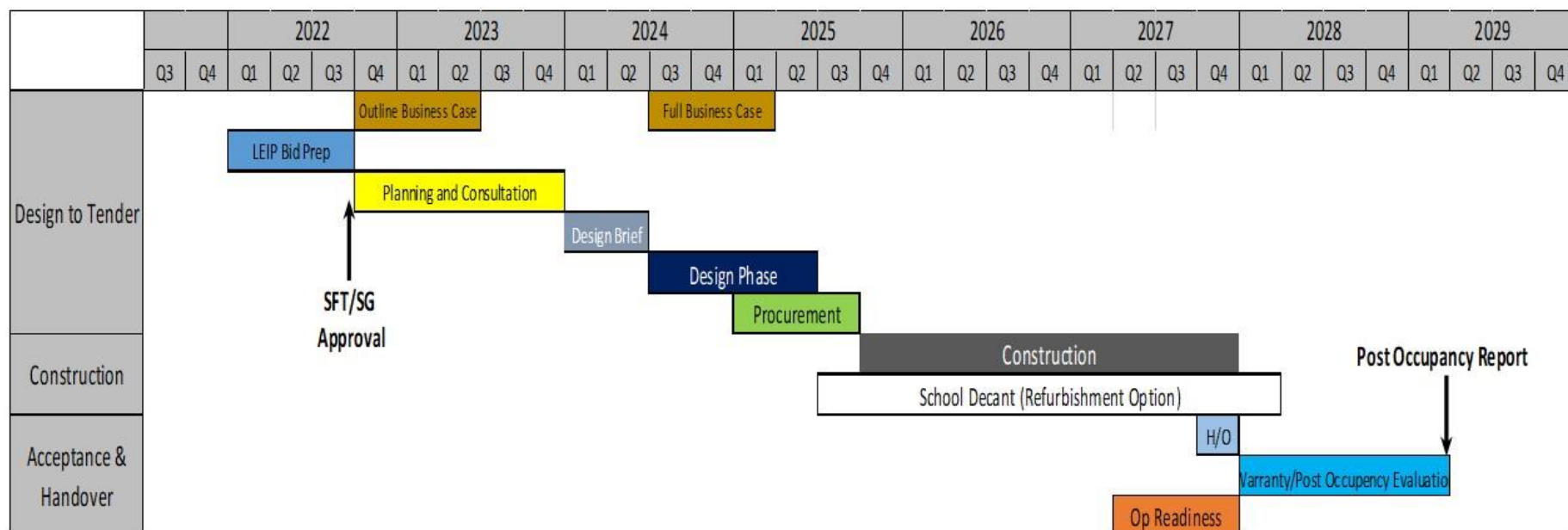
The Senior Responsible Owner for the project will be Head of Education Resources and Communities – Joanna Shirriffs

The Programme Manager (Learning Estate) - Andy Hall - will provide operational level oversight of project delivery and will be supported by a Learning Estate Project Manager.

A full Project RACI matrix will be developed for the Outline Business Case.

7.3.3 Project Plan

A high level indicative project plan is set out below. The project completion date of Dec 2027 is based on current LEIP Phase 3 requirements.



Appendices

Appendix 1: Economic Case



REPORT TO: MORAY COUNCIL ON 28 SEPTEMBER 2022

SUBJECT: SHORT TO MEDIUM TERM FINANCIAL PLANNING

BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND FINANCE)

1. REASON FOR REPORT

- 1.1 To consider updated budget projections and recommended budget savings.
- 1.2 This report is submitted to the Council in terms of the Council's Scheme of Administrative section (III) (A) (2) relating to considering Capital and Revenue budgets and long term financial plans.

2. RECOMMENDATION

2.1 It is recommended that the Council notes :

- (i) The updated budget for 2022/23 and forecast positions for 2023/24 and 2024/25; and
- (ii) That there are still significant uncertainties relating to the Council's budgetary position for 2022/23 and future years.

2.2 It is recommended that the Council approves the savings set out in paragraphs 4.2 to 4.19 and summarised in paragraph 4.20, totalling £1.9 million recurring savings and £1.7 million one-off savings.

3. BACKGROUND

- 3.1 The Council's revenue and capital budgets for 2022/23 were approved at a special meeting of Moray Council on 22 February 2022 (paragraph 4 of the Minute refers). At that time there was an environment of considerable uncertainty about the state of the economy, due to the impact of the Covid-19 pandemic and Brexit and geo-political pressures, with rising inflation and bank rates increasing. The pay award for local government staff for 2022/23 was unknown and the teacher's pay award for 2021/22 still not agreed. An update was given to Council on 10 August 2022 (paragraph x of the Minute refers).
- 3.2 There is still considerable uncertainty regarding key variables in the budget. In particular pay awards have not been agreed. However it is clear that the 2% increase assumed when the budget was set will be inadequate. The revised

position summarised in **APPENDIX 1** has been updated to incorporate the impact of the initial 5% pay offer to non-teaching staff which was rejected.

- 3.3 When the budget for 2022/23 was set a budget pressure of £2 million for Early Learning and Childcare (ELC) was included. This budget pressure was reversed in the projected budget for 2023/24. This was always going to be challenging target and preliminary work by consultants suggests that it is not achievable. There are potential savings from ELC but these are likely to be wiped out by increasing demand. The consultants' findings will be reported to Education and Children's Services Committee. The projections in **APPENDIX 1** assume that there is no scope for ELC savings in 2023/24. Indeed, with further reductions in ELC specific grant expected there may be additional budget pressures in this area.
- 3.4 The impact of the full range of savings discussed below is also included in **APPENDIX 1**.
- 3.5 **APPENDIX 1** has not been adjusted to indicate the impact of a loans pool holiday, a financial flexibility which is available in 2022/23 only and will provide flexibility to extend the timescale in which commensurate savings are required by one year. Other key areas which have not been adjusted for are: further increase in pay awards, with the teaching unions having rejected a 5% pay award, which brings risk that negotiations for all other pay groups are re-opened; increasing impact of inflationary increases in prices, including the recently announced Real Living Wage; potential cuts in funding from Scottish Government following the Spending Review planned for after the UK Government announces its fiscal event; expected reduction in ELC specific grant (as the quantum is not yet known) While therefore the loans pool holiday provides valuable breathing space to assess and plan in the medium to long term in this complex environment, there is clear potential for the savings target to increase significantly from 2023/24 onwards and with reducing reserves and flexibilities exhausted, it is essential that momentum is not lost in identifying savings to remove the structural deficit and cover emerging budget pressures.

4. BUDGET SAVINGS 2022/23 TO 2024/25

- 4.1 Council on 10 August 2022 (paragraph x of the Minute refers) approved a hierarchical approach to budget savings, with preference given to transformation of services, thereafter to income generation and finally to service reduction / cessation, recognising that given the scale of savings required there would be a requirement to reduce service provision.

Service Transformation

- 4.2 The Council entered into a tri-partite agreement with Aberdeen City Council and Aberdeenshire Council to procure an Energy from Waste plant on a Design, Build and Operate model. When the plant is operative the Council will cease to operate its landfill site, resulting in an anticipated recurring saving of £630,000.

Income generation

- 4.3 Delay in the expected date on which the Energy from Waste plant will become operational gives an opportunity to generate income in the short term. The contractor becomes obliged to accept waste from the three local authorities on

29 October 2022. It is anticipated that the contractor will use Dallachy to dispose of Moray's waste and this will generate income from the contractor for the period from 29 October until the Energy from Waste plant becomes operational. Based on current calculations of the volume of waste to be disposed of, there will be surplus capacity which could be sold to the private sector. Over 2022/23 and 2023/24 it is estimated that there is potential to generate one-off income totalling £975,000.

- 4.4 The Roads Maintenance service uses 2 tar sprayer machines to deliver the surface dressing programme, which is timetabled for May to August. Outwith these times the machines would be available to be hired out to other local authorities or private companies. Initial enquires to neighbouring authorities suggests there would be an interest in this and a schedule of charges has been developed. Based on this schedule an estimated income of £100,000 is included. A further £5,000 is estimated to be achievable from hiring out a fork lift truck, based at Buckie harbour.
- 4.5 Scottish Government set the statutory fees for planning applications and has recently increased these. An estimate of the impact of the increase is included as £210,000 in 2022/23, rising to £400,000 by 2025/26. Fees generated are dependent on planning applications made and number and type of planning applications vary so income has been based on average application levels.
- 4.6 The Council receives income from charges for Traffic Regulatory Orders (TROs) – from contractors, utilities companies, property developers and in connection with community events. It is not proposed to increase the charge for community events. A 10% increase in other charges would generate additional income of £16,000. It is also recommended that a charge of £117 per temporary bus stop is introduced (impacting on contractors and utilities companies), with anticipated income of £2,000 pa for 2023/24.
- 4.7 Income to General Services revenue is generated by recharging work done on capital projects and to outside bodies. It is anticipated that additional recharges can properly be made for Transportation staff (£71,000) and that the Consultancy section could carry out work currently out-sourced, generating a further £71,000. A review of recharges to Grampian Valuation Joint Board (GVJB) and to the Common Goods and Trusts administered by the Council to reflect current workloads and to include an element of overhead recovery would generate savings of £7,000.

Further savings

- 4.8 Financial Services have reviewed staffing structures with a view to generating savings and implemented a Change Management Plan within Accountancy, restructuring the management of the section and provision of technical support and replacing one Accountancy Technician post with a trainee accountant post. In addition to this it is proposed to delete one vacant 0.3 fte processing assistant post in Payments as the service have been able to function adequately whilst carrying the vacancy. Together these proposals would generate annual savings of £55,000. A further £3,000 savings can be generated by reducing travel and postage budgets to reflect increased use of e-communication. A review of the use of purchasing cards across the Council has identified that not all purchases are supported by the submission of VAT

receipts to the Payments section. It is estimated that the Council has lost over £40,000 in input VAT reclaimed. It is proposed that the condition that VAT receipts are submitted is proactively policed.

- 4.9 Grampian Valuation Joint Board is funded by requisitions from the constituent authorities. The Board has experienced difficulty in recruiting to posts in 2022/23 and an underspend is therefore expected. That will be returned as a refund in 2023/24 and it is recommended that an anticipated refund of £50,000 is incorporated in the budget for that year.
- 4.10 It is recommended that a one-off saving of £100,000 is generated in 2022/23 by taking a temporary 40% reduction in the central training budget. This has arisen largely due to delays in resuming activity after pandemic restrictions were lifted.
- 4.11 It is recommended that a 0.2 fte post of Primary School Advisor is deleted at the end of 2023/24, creating a £15,000 saving in 2024/25. The post is a temporary post. Removing the post would reduce the capacity to provide additional support to Acting Head Teachers or Head Teachers of Schools with known difficulties. Support will continue to be provided by the central Education team at the agreed core level.
- 4.12 Administration procedures within Property Services have been reviewed and it is recommended that the staffing complement is reduced by 1 fte Grade 3 post, generating an efficiency saving of £26,000 from streamlined procedures.
- 4.13 It is proposed that three-weekly kerbside collection is maintained, enabling savings of £136,000 to be taken (£54,000 collection vehicle, £82,000 from 3 posts, 1 fte Grade 3, 2 fte Grade 3). Due to increased house numbers from new build there is an emerging budget pressure for recycling collections but this will be dealt with separately in the budget process.
- 4.14 Currently 2 in-service days coincide with examination periods. The school is closed to most pupils but school transport still has to be provided for pupils sitting exams. It is recommended that the dates of in-service days are changed to obviate the need to provide school transport, generating a saving of £6,000 in 2024/25, after the necessary notice of change and consequent amendment of contracts have been implemented.
- 4.15 It is recommended that the budget for 3 Additional Support Needs (ASN) contracts are reviewed. Due to advances in provision of on-line educational services, including free provision of some resources, the budgets for home tuition for children unable to attend school due to on-going medical treatment and for training school staff in the use of assistive technology can be reduced, generating savings of £49,000 in 2022/23 at no loss of service. The contract with NHS Grampian for the provision of additional support from the paediatric speech and language team has been reshaped to reflect the current level of service and a recurring budget saving of £60,000 is proposed for 2023/24.
- 4.16 There is a vacant post on Internal Audit, recently approved to address capacity issues within the service. Given the requirement to make significant savings and in line with approaches taken in other services, it is now proposed that this post is deleted, generating a saving of £40,000.

- 4.17 An underspend on Children's Services of £650,000 is forecast for 2022/23 and it is recommended that £600,000 is taken as one-off savings, with recurring savings of £50,000 in 2022/23 and £54,000 in 2023/24 from the deletion of the (temporary) post of Head of Children's Services.
- 4.18 The Benefits and Money Advice team have temporary arrangements in place to support a vacant team leaders post. The arrangements are working effectively and it is recommended that the restructure to 4 team leaders is made permanent, generating savings of £40,000.
- 4.19 It is proposed to review and consolidate the contract management IT systems used by the library service, with efficiency savings of £7,000 anticipated in 2024/25.
- 4.20 In summary, the following savings, totalling £2 million recurring savings, are recommended:

	Para	Ref *	2022/23 £000s	2023/24 £000s	2024/25 £000s	2025/26 £000s
Energy from Waste plant – cease operations at Dallachy landfill site	4.2	D4-1			630	
Surplus capacity at Dallachy	4.3	D4-1	250	725 (250)	(725)	
Hire of tar sprayers	4.4	D7-1		100		
Hire of fork lift truck	4.4	D9-3		5		
Statutory planning fees	4.5	E2-1	210	110	40	40
Increase charges for TROs	4.6	D9-4		16		
Introduce charge for temporary bus stops	4.6	D9-2		2		
Recharge Transportation staff	4.7	D9-5		71		
Recharge Consultancy staff	4.7	D11-1		71		
Recharges to GVJB, Common Goods, Trusts	4.7	F6-4		7		
Accountancy structure	4.8	F6-3	39	16		
Payments post	4.8	F6-3	10			
Travel and postage	4.8	F6-4	3			
Purchasing cards	4.8	F6-6	10	30		
GVJB refund	4.9	F6-5		50	(50)	
Central training budget	4.10	F4-2	100	(100)		
Primary School Advisor	4.11	A20-1			15	
Property admin	4.12	C5-1		26		
Three-weekly collection	4.13	D4-2		136		
School in-service days (transport)	4.14	D9-1			6	
ASN contracts	4.15	A18-1	49	60		

	Para	Ref *	2022/23 £000s	2023/24 £000s	2024/25 £000s	2025/26 £000s
Internal Audit vacant post	4.16	F7-1	40			
Children's Services – one-off	4.17	B1-1	600	(600)		
Head of Children's Services	4.17	B1-1	50	54		
Benefits and Money Advice team	4.18	F8-4	40			
Libraries contract management systems	4.19	A5-6			7	
TOTAL			1,401	529	(77)	40
Recurring savings			451	704	698	40

* Members' use – library reference

5. **SUMMARY OF IMPLICATIONS**

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

Financial Planning is integral to the Council's overall planning processes and allows the Council to direct resources to its agreed priorities which include financial sustainability.

(b) Policy and Legal

The Council is required by statute to set a balanced budget before the start of the financial year. The requirement is set out in the Local Government Finance Act 1992 (section 93).

(c) Financial implications

The Council has an underlying structural deficit which will be met from reserves in 2022/23 but this cannot continue as reserves are finite. A continued and heightened budget gap is forecast for 2023/24 and 2024/25.

Early action to tackle the projected funding gap for 2023/24 and 2024/25 is required. As a first step some income generation and other savings proposals are brought forward, totalling £1.9 million recurring savings, with additional one-off savings totalling £1.7 million. There are considerable uncertainties regarding a number of potential budget pressures. To achieve financial stability and sustainability the creation of further non-essential budget pressures must be avoided.

(d) Risk Implications

The forecast deficits for 2023/24 and 2024/25 represent a significant risk to the Council. There is also a risk that the deficits are understated.

(e) Staffing Implications

There are no staffing implications arising directly from this report.

(f) Property

There are no property implications arising directly from this report.

(g) Equalities/Socio Economic Impact

No implications arise directly from this report. Any savings proposal with an equalities impact will be subject to an Equalities Impact Assessment. There are no equalities implications for the savings presented.

(h) Climate Change and Biodiversity Impacts

There are no implications for climate change and biodiversity arising from this report.

(i) Consultations

CMT and Heads of Service have been fully involved in the preparation of proposed savings and Political Group Leaders has been consulted.

6. CONCLUSION

- 6.1 There are considerable uncertainties regarding the Council's budgetary position in 2022/23, however the underlying position is a deficit, funded by use of ear-marked reserves to balance. Savings are therefore required and proposed recurring savings of £1.9 million are set out in this report, with additional one-off savings of £1.7 million.**

Author of Report:

Lorraine Paisey, Chief Financial Officer

Background Papers:

Political Group Leaders agenda papers

Ref:

SPMAN-1293228629-755 / SPMAN-1293228629-

BUDGET OVERVIEW AS AT 15 SEPTEMBER 2022

	2021/22 Out- turn	2022/23	2023/24	2024/25
Revenue Expenditure	£000s	£000s	£000s	£000s
Service allocations (assuming prior year savings are achieved)		239,957	251,289	234,308
Adjustments to brought forward figure:		(17,542)	(7,707)	(285)
Opening budget	230,097	222,415	243,582	234,023
Estimated over / (under) spend	(3,748)			
Pay and price increases		5,282	3,900	4,000
(Decrease) / Increase in Loan Charges		700	1,700	1,500
New Burdens	6,168	4,040	0	0
Budget pressures				
– Approved or noted for future years when budget set	7,254	16,479	1,890	940
- Approved since budget set		50		
- Emerging		4,169		
Service developments – approved - proposed		645 -		
Total Expenditure	239,771	253,780	251,072	240,463
Revenue Funding				
General Revenue Grant / NDRI	181,945	186,515	181,018	181,018
New burdens funding not included in grant above		4,040	0	0
Council Tax	44,405	42,065	48,632	50,516
BRIS retention	23	-		
Release from Repairs and Renewals Reserve		704		
Financial Flexibilities -				
Funding from General Reserves:				
Further approved funding from Free General Reserves	761			
Funded from Ear-marked reserves:				
Transformation	5,161	2,497	1,060	0
Covid	11,224	14,571	2,840	0
Council priorities				
MGD cash flow		193	759	1,136
Total funding	243,519	250,634	234,308	232,670

	2021/22 Out- turn	2022/23	2023/24	2024/25
SAVINGS REQUIRED		3,195	16,763	7,793
Savings Summary				
Savings Approved:				
Approved when budget set		1,245	0	0
Temporary savings		68	0	0
Further savings approved		0	63	0
Indicative Savings from I&M Programme etc		484	971	482
Other savings proposed		1,401	1,479	698
Savings to be identified		0	14,250	6,613
Total savings required		3,195	16,763	7,793
Estimated Free Balance on General Reserves	5,000	5,000	5,000	5,000
Estimated Balance on covid Reserve	22,086	7,515	4,675	4,675
Estimated Balance on Transformation Reserve	5,480	2,983	1,924	1,924
Estimated Balance on Council priorities	5,881	5,881	5,881	5,881
Estimated balance on MGD cash flow reserve	4,000	3,807	3,048	1,912



REPORT TO: MORAY COUNCIL ON 28 SEPTEMBER 2022

SUBJECT: SCHOOL MEAL DEBT

BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND FINANCE)

1. REASON FOR REPORT

- 1.1 To inform the Council of the current position in relation to debt from the purchase of school meals in Moray.
- 1.2 This report is submitted to Council in terms of Section II (23) of the Council's Scheme of Administration relating to revenue expenditure.

2. RECOMMENDATION

2.1 It is recommended that Council:

- (i) **note the contents of this report; and**
- (ii) **agree to await further developments at a national level as set out in para 3.3 before taking any decision on debt write-off.**

3. BACKGROUND

- 3.1 Following the publication of a report by the Aberlour Trust, and an open letter to Scottish Local Authorities queries have been raised about the impact on families of debt incurred relating to school meals. The Aberlour Trust letter set out information about the total amount owed by families across Scotland, and raised concerns about the relationship with the cost of living and hidden hunger. It also asked local authorities to cancel school meal debt.
- 3.2 At the time of writing, it is understood that Edinburgh City Council is the only authority to have written off outstanding school meal debt.
- 3.3 Unpaid school meal debt is pursued in the first instance by the school catering service via emails and letters to the pupil's parent / guardian. These letters also contain information on how to pay, and about how to apply for Free School Meals if they are eligible. Should this prove unsuccessful and the debt continues to grow the issue is transferred to the Council's Sundry debt system and invoices raised for the total value outstanding. The resultant debt is then subject to the Council's Sundry Debt Policy and pursued accordingly.

- 3.4 Each case is taken on its own merits, and affordable means of repayment are pursued wherever possible. Support from the Money Advice team can also be offered. The current school meal debt held in the Council's sundry debt system as at 9 September 2022 is £24,041.85.
- 3.5 Across Moray, in line with Scottish Government policy, all Primary 1–5 pupils are eligible for free school meals. From Primary 6 through to S6 free school meals are provided for those pupils who meet the eligibility criteria set by Scottish Government. In Primary 6-7, 65% of those pupils eligible for free school meals are currently taking up the provision. For those pupils paying for their school meals, schools and the catering service have arrangements in place that mean that if a pupil is unable to pay for their meal on a particular day they are still provided with a lunch, and payment is dealt with separately to ensure that no child goes without food.
- 3.6 In May 2021 there was an agreement between Scottish Government and Scottish Local Authority leaders on the implementation of a phased approach to universal free school meals for primary school children. This provision has been implemented for Primary 1–5. Further information is awaited by all authorities in relation to the final phase of this programme for Primary 6-7 as there are a number of risks and issues relating to kitchen and dining space capacity which has an underpinning capital investment requirement in addition to the required revenue support for operational delivery.
- 3.7 COSLA and local government partners are undertaking an exercise in partnership in order to gain a more robust understanding of school meal debt and the complexities surrounding this issue in Scotland. This information will help inform a way forward for local government in relation to this important issue. The survey is currently out to all local authorities with a closing date for the end of September. By waiting for the findings of the survey before taking a position on outstanding school meal debt it enables the potential for a clear national position to be established and a fully informed decision. In the meantime it remains the case, as stated above that no pupil is refused a school lunch, and families are encouraged to check eligibility for free school meals and access financial support where this can be identified.

4. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

This report contains information relating to the Council's priorities around Our People and a sustainable council.

(b) Policy and Legal

This report does not recommend any specific actions at this time but relates to the Council's Sundry Debt policy as well as the national position on free school meals.

(c) Financial implications

Whilst no financial decision is currently recommended, it should be noted that when the Council approved the budget for 2022/23 on 22 February 2022 (paragraph 3 of the Minute refers) it balanced only by using

reserves and one-off financial flexibilities. The indicative 3 year budget showed a likely requirement to continue to make savings in the order of £20 million in the next two years. All financial decisions must be made in this context and only essential additional expenditure should be agreed in the course of the year. In making any determination the committee should consider whether the financial risk to the Council of incurring additional expenditure outweighs the risk to the Council of not incurring that expenditure, as set out in the risk section below and whether a decision on funding could reasonably be deferred until the budget for future years is approved.

(d) Risk Implications

Any decision relating to the write off of debt needs to be considered in relation to the wider policy on debt management. Whilst child welfare must always be the primary concern, careful consideration must also be given to any unintended inference that deliberate non-payment for school meals is an acceptable position. This risk is best managed through national initiatives based on a robust understanding of the issues and effective communication strategies, the work ongoing through Cosla supporting such an approach.

(e) Staffing Implications

There are no staffing implications arising from this report

(f) Property

There are no property implications arising from this report.

(g) Equalities/Socio Economic Impact

Whilst there are clear socio-economic links to the affordability of, and payment for, school meals, it is recommended that the full impacts are considered collectively through the national research currently being carried out. An EIA focussing on the situation in Moray, will be prepared and presented with the national information.

(h) Climate Change and Biodiversity Impacts

There are no climate or biodiversity impacts from this report.

(i) Consultations

The Depute Chief Executive (Economy, Environment & Finance), Head of Governance and Strategy, Head of Financial Services, Equalities Officer, and Committee Services Officer (T Sutherland) have been consulted and their comments incorporated into this report.

5. CONCLUSION

- 5.1 The observations, and their timely relevance, in the Aberlour Trust open letter to Scottish local authorities are noted, however, it is important to consider a number of factors which are currently being collated nationally before making firm recommendations relating to school meal debt.**

Authors of Report: Nicola Moss, Head of Environmental and Commercial
Services
Lorraine Paisey, Head of Financial Services
Background Papers:
Ref: SPMAN-524642768-780



REPORT TO: MORAY COUNCIL ON 28 SEPTEMBER 2022

SUBJECT: MORAY GROWTH DEAL – BUS REVOLUTION, REVENUE BUDGET REQUEST

BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND FINANCE)

1. REASON FOR REPORT

- 1.1 To inform the Council of the revenue budget requirements for implementation of the Moray Growth Deal 'Bus Revolution' project
- 1.2 This report is submitted to Council in terms of Section (II) (23) of the Council's Scheme of Administration relating to approval of revenue budgets

2. RECOMMENDATION

2.1 It is recommended that the Council:

- (i) **approve the establishment of a revenue budget for Bus Revolution as set out in para 3.8; and**
- (ii) **note that any variations arising from the finalisation of the business case will be dealt with as part of the Council's financial planning process**

3. BACKGROUND

- 3.1 The Bus Revolution project is part of the Moray Growth Deal and aims to improve public transport connectivity across Moray by providing additional demand responsive transport, improving the ease of use of public transport by the introduction of app based technology, and reducing carbon emissions by introducing fully electric bus vehicles.
- 3.2 The project builds on the existing Dial M demand responsive service, to extend hours of operation, and particularly aims to tackle transport barriers to employment. There will be three key capital funding phases throughout the 10 year span of the Growth Deal, each giving the opportunity to incrementally expand service provision, with a long term aim of providing services seven days per week from early morning to late evening.

- 3.3 The Outline Business Case for Bus Revolution was approved in November 2021, with the full Growth Deal being signed in December 2021. The Full Business Case has been developed and is being reviewed by Scottish Government with a view to approval during Q3 2022/23.
- 3.4 Operational planning has been taking place, and at Economic Development and Infrastructure Services Committee on 22 March 2022 the Committee endorsed the first phase of operational plans.
- 3.5 Since that time one of the vehicle suppliers contracted to deliver vehicles for the project withdrew from their contractual commitment to provide two of three vehicles in August of this year. This means that the operational plans need to be revised, with the consequential impact on both capital and revenue expenditure and income. These revised plans are being developed.
- 3.6 Notwithstanding the challenge this has presented, Officers are working to enable to project to go into operation at the earliest practical opportunity. In order to do so, additional drivers need to be recruited and supporting contracts – particularly marketing – need to be procured.
- 3.7 It is not permitted to commence the recruitment or procurement processes prior to budget being committed, therefore, this report requests an enabling revenue budget to be established for Q4 2022/23, with the full revenue budget impacts to be considered and incorporated as part of the financial planning process.
- 3.8 A revenue budget to incorporate £20k of marketing expenditure and the recruitment of 7 FTE drivers at a total of £44k is therefore requested – noting that these figures are pro-rated for Q4 2022/23.
- 3.9 The full business case indicates that over the life of the project the fares income will offset revenue costs. The financial sensitivities of the wider revenue case will be monitored and escalated as appropriate.

4. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

This Growth Deal project contributes to accessibility, economic development and the climate emergency as set out in the Our Place and Our Future priorities of the Corporate Plan.

(b) Policy and Legal

This report relates to the Moray Growth Deal, and the duties under the Transport Act 1985 to secure the appropriate provision of public transport services that would not otherwise be met.

(c) Financial implications

Net revenue budget request of £66k for 2022/23

When the Council approved the budget for 2022/23 on 22 February 2022 (paragraph 3 of the Minute refers) it balanced only by using

reserves and one-off financial flexibilities. The indicative 3 year budget showed a likely requirement to continue to make savings in the order of £20 million in the next two years. All financial decisions must be made in this context and only essential additional expenditure should be agreed in the course of the year. In making this determination the committee should consider whether the financial risk to the Council of incurring additional expenditure outweighs the risk to the Council of not incurring that expenditure, as set out in the risk section below and whether a decision on funding could reasonably be deferred until the budget for future years is approved.

(d) Risk Implications

Expenditure of the budget is dependent on conclusion of the Full Business Case as well as successful recruitment of drivers. The wider cost and income implications will be set out in the full business case.

(e) Staffing Implications

Operating the additional services requires the employment of additional drivers, the costs of which are included in the revenue budget proposals. The increase in headcount and authority to recruit these posts are covered under the Scheme of Delegation.

(f) Property

There are no property implications arising from this report.

(g) Equalities/Socio Economic Impact

The provision of public transport has equalities and social benefits in providing access to services, education and employment. An Equalities Impact Assessment was prepared as part of the Outline Business Case for the project and can be provided on request.

(h) Climate Change and Biodiversity Impacts

This Growth Deal project contributes directly to Net Zero targets through the provision of public transport as an alternative to private car use, and the introduction of zero emission vehicles in the provision of that public transport.

(i) Consultations

The Depute Chief Executive (Economy, Environment and Finance), Head of Governance, Strategy and Performance, Chief Financial Officer, Tracey Sutherland, Committee Services Officer and Equalities Officer have been consulted and their comments incorporated into this report.

5. CONCLUSION

5.1 The Bus Revolution project of the Moray Growth Deal is working towards implementation, and establishment of an enabling revenue budget is a key stage in bringing the project to fruition.

Author of Report: Nicola Moss, Head of Environmental and Commercial Services

Background Papers:

Ref: SPMAN-524642768-777



REPORT TO: MORAY COUNCIL ON 28 SEPTEMBER 2022

SUBJECT: RIVER SPEY FLOOD MITIGATION PROPOSALS

BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND FINANCE)

1. REASON FOR REPORT

- 1.1 To inform the Council of the findings of a more detailed investigation into potential options to reduce the frequency of flooding at Garmouth from the River Spey, as requested at the meeting of Moray Council on 30 November 2021.
- 1.2 The report is submitted to Council in terms of the Council's Scheme of Administration Section II (19) relating to a new policy matter which does not fall within the terms of reference of any Committee.

2. RECOMMENDATION

2.1 It is recommended that the Council:

- (i) **note current Council Policy on Flood Risk Management;**
- (ii) **note the findings of the investigation into the two solutions to reduce the frequency of flooding at Garmouth;**
- (iii) **agree on how the matter should be progressed by either maintaining the current policy position (officer recommendation) or pursuing one of the options detailed in section 3 of the report and summarised in paragraph 3.14; and**
- (iv) **note the funding and financial implications of pursuing a solution, and should one of the two solutions outlined be agreed, agree the source of funding from:**
 - a. **council resources**
 - b. **community sourced external funding; or**
 - c. **hybrid - the council to fund only any balance of costs outstanding after an agreed period in which external funding should be sought by the community should an option be progressed.**

3. **BACKGROUND**

3.1 The Council Policy is to deliver schemes that are approved in the Flood Risk Management Plans, and not to respond to other needs identified in local communities. At this time the Flood Risk Management Plans do not include any flood protection schemes at Garmouth. Under the Flood Risk Management Act Moray Council has a duty to deliver the measures that are outlined within the plan and any other measure that are undertaken will impact on the ability to deliver measures within the plan. The council policy ensures compliance with this. A flood protection scheme for Garmouth is not included in the Flood Risk Management Plan as, based on:

- the number of properties likely to be impacted by flooding
- the cost of constructing a flood protection scheme
- the cost of damage caused by flooding

3.2 A scheme, whilst technically feasible, would not be economically feasible with the cost of the scheme outweighing the costs of damage. Economic feasibility assessed in this way is an inherent part of managing resources, demand and statutory duties.

3.3 At the meeting of Moray Council on 15 September 2021, it was agreed that Officers would bring a report to the next meeting of Moray Council providing details of the potential solutions identified by Officers to reduce the flood frequency at Garmouth. Officers were also asked to undertake a high level review of the proposals put forward by the community, based on the report drafted by Hamish Moir of cbec ecoengineering UK Ltd (cbec) (para 5 of the minute refers).

3.4 At the meeting of Moray Council on 30 November 2021, following consideration of a range of options, it was agreed that Officers would further investigate the buildability and cost of two of the potential solutions identified by Officers and report the findings to a future meeting of the Council (para 7 of the minute refers). At this meeting Council discussed in detail the effectiveness of a Low Level Bund (option 2) and Natural Flood Management (option 6) along with how the initial costs were derived and how they would work, as well as a request to review the use of the Tetrapod system. It was proposed that further work was undertaken on these options.

Low Level Bunds at Railway Embankment

3.5 This solution would involve constructing a low level rock armour bund within the existing openings on the railway embankment. The cost of undertaking this solution would be £269,184.87 with the inclusion of 10% inflation due to the materials being used and 30% for optimism bias.

3.6 At the meeting on 30 November, Members instructed Officers to review the possible use of the Tetrapod system to construct the low level bunds. The review found that tetrapod (a tetrahedral shaped concrete form) could provide some form of protection, however, due to the sizes of the voids in this system it would not provide adequate flow reduction. It also found the pods are of a size that construction of the weir would not be practical in the space available or provide an appropriate barrier to the flood water.

- 3.7 The Council has taken advice from an All Panel Reservoir (APR) Engineer to determine if the low level bund proposed would come under the Reservoir (Scotland) Act 2011 (the Act). The APR Engineer's opinion is that the proposed bund will not come under the Act, as it will not hold water above the natural bank in that area. A letter has been sent to SEPA's Reservoir Regulation Unit asking for confirmation that the proposed bund will not come under the Act. At the time of drafting this report the confirmation had not been received.
- 3.8 This solution would reduce the current frequency of flooding and provide Garmouth with a level of protection similar to that of 2007 (5.800m Above Ordnance Datum (AOD)). However, it would not prevent the following:
- Flooding from the Spey flooding downstream of the Spey Viaduct
 - Flooding due to coastal influences
 - Flooding through the existing openings in the embankment when the upstream water level at the weir is greater than 5.800m AOD.
- 3.9 It should be noted that this solution will not prevent or reduce the risk of erosions of the flood plain between the River Spey and the railway embankment. At some stage in the future works may be necessary to protect the railway embankment from erosion.
- 3.10 A drawing of this solution is provided in **Appendix 1** and the costed risk register is provided in **Appendix 2**.

Natural Flood Management

- 3.11 This solution involves planting a mixture of native species such as wild gorse in grouped areas to create a natural structure to impede the flow of water as well as allowing local sediment deposits to build up. In addition to planting native species approximately forty four upturned trees, with the root ball above ground level, would be installed around 5m back from the edge of the river edge to a depth of approximately 2m. These trees would allow debris to build up, which would slow down the flow, creating a better opportunity for sediment to build up, increasing the level of the bank within the woody areas.
- 3.12 Officers met landowners on 13 September 2022 to discuss the proposed solutions that could be constructed on their land, to reduce the frequency of flooding at Garmouth. Landowners agreed in principle to the proposals being constructed on their land, subject to compensation being agreed. Work to produce the data required to inform the compensation agreements will be progressed if officers are instructed to implement the proposed works, and indicative costs are included in the overall cost of the solution.
- 3.13 The cost of undertaking this solution is £228,958.77.
- 3.14 This solution would not immediately provide a reduction in the frequency of flooding at Garmouth, as it relies on nature to allow the build-up of sediment to increase the bank levels. This method works with nature, therefore, it is not possible to predict the level of protection that will be achieved and how long it will take to be achieved. However, this solution may reduce the rate of erosion

in the long term and as sediment builds up the frequency of flooding will reduce. A drawing of this option can be found in **Appendix 1** along with the costed risk register in **Appendix 3**.

- 3.15 The proposed solutions detailed in para 3.4 and 3.9 above will address the increase in flood frequency at Garmouth, which has been caused by erosion of the left hand bank of the River Spey at Queenshaugh. These proposals will not stabilise the river in its current position but as erosion occurs the planted trees will have an impact on reducing the rate of erosion. To progress any of the solutions identified in Section 3.4 and 3.9 of this report would be in breach of current Council Policy with regard to Flood Risk Management. Should Members choose to take a course of action outwith this Policy it may create a precedent with regard to undertaking flood mitigation works that are not economically feasible (as highlighted in para 3.1 above, and set out in further detail in the report submitted to Council on 30 November 2021).
- 3.16 Funding sources for any intervention would need to be identified. Any intervention would not be eligible for Scottish Government grant funding. This is because the level of protection that each of the proposed solutions will provide cannot be quantified beyond reducing the flood frequency to 2007 levels. Funding would need to be either i) Council revenue funding, ii) community sourced funding or iii) a hybrid approach – so for example the community could seek external funding for an agreed period reverting to the council to seek funding only for any remaining balance .
- 3.17 The advantages and disadvantages of the two options as assessed by officers are summarised below:

	Low Level Bund	Natural Flood Management
Cost	£269,184.87	£228,958.77 inc Compensation estimate
Advantage	<ul style="list-style-type: none"> • Low cost solution • Easy to construct • Limited susceptibility to erosion, as rock will move and settle • No loss of existing flood plain • Reduce frequency of flooding but not extent • Minimal ecological risk • Medium term design life 	<ul style="list-style-type: none"> • Low cost solution • Positive environmental impact • Easy to construct • Medium term design life • No loss of flood plain • Increased public access
Disadvantages	<ul style="list-style-type: none"> • Possible issue with regard to compliance with the Reservoirs Act • Only returns risk level to around 2007 • Does not protect Garmouth from flooding , but would reduce to the risk from lower return 	<ul style="list-style-type: none"> • No defined level of protection for Garmouth • Requires land owner agreement • Susceptible to erosion • Loss of farming land • Does not protect Garmouth from flooding ,

	events between 1: 2 and 1:10 <ul style="list-style-type: none"> • Loss of access through bridges for vehicular traffic • Increase frequency of flooding to upstream land directly above bund 	but would reduce to the risk from lower return events between 1: 2 and 1:10
Effect on Flood Risk/Frequency	Scheme will reduce the frequency of flooding with immediate effect and to levels similar to that of 2007	Will over time help reduce the flood risk to Garmouth but will take time for vegetation and sediment to deposit. This could take a number of years

4 SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

This report relates to the Corporate Plan areas concerning the environment.

(b) Policy and Legal

To undertake flood mitigation works at Garmouth would contravene Council Policy with regard to Flood Risk Management. Council Policy is "To deliver schemes that are approved in the Flood Risk Management Plans". Where flooding schemes are not progressed through the Flood Risk Management Plans Moray Council provide support in the following ways:-

- Supply of at cost Property Level Protection Equipment
- Support to local groups with regards to flood response
- Planning Policy to protect from flooding

(c) Financial implications

When the Council approved the budget for 2022/23 on 22 February 2022 (para 3 of the minute refers) it balanced only by using reserves and one off financial flexibilities. The indicative 3 year budget showed a likely requirement to continue to make savings in the order of £20 million in the next two years. All financial decisions must be made in this context and only essential additional expenditure should be agreed in the course of the year. In making this determination the committee should consider whether the financial risk to the Council of incurring additional expenditure outweighs the risk to the Council of not incurring that expenditure, as set out in the risk section below and whether a decision on funding could reasonably be deferred until the budget for future years is approved.

Should Members agree to fund flood mitigation and/or bank stabilisation works at Garmouth, this funding would need to come from the Council's revenue budget, or community raised funding, as it would not be eligible

for grant funding from The Scottish Government. It is also not eligible for capital funding as an asset is not created.

Should members agree to fund the mitigation measures the final costs are subject to variation, as whilst an allowance is included for compensation to landowners, this has yet to be agreed.

(d) Risk Implications

To progress any of the solutions identified in Section 3.4 and /or 3.9 of this report would breach current Council Policy with regard to Flood Risk Management. Should Members choose to breach this Policy it may create a precedent with regard to undertaking flood mitigation works that are not economically feasible but which are viewed as crucial by other communities.

The proposed natural flood management works may be vulnerable to a large flood event, similar to works undertaken by Moray Council in 2012 which were washed away due to the size of the flood event.

(e) Staffing Implications

There are currently no staff resources within the Consultancy Section available to undertake the work identified in this report. If any of the solutions identified in 3.4 or 3.9 are progressed the design and site supervision work would need to be outsourced at a cost of approximately £18,000.

(f) Property

Low lying properties in Garmouth will continue to flood with increased frequency if no mitigation works are undertaken. There will be a requirement to either enter in to a long term lease or purchase land to progress the option detailed in para 3.9. If the option outlined at para 3.4 is pursued then landowners will be entitled to compensation as described in the report, and there may be compensation payable in relation to the option outlined at para 3.0.

(g) Equalities/Socio Economic Impact

There are no equalities / socio economic implications associated with the recommendations in this report.

(h) Climate Change and Biodiversity Impacts

If members are minded to undertake any of the options the implication on the climate will be minimal. The scheme will not mitigate the risk of climate change.

The natural flood management option will increase the bio diversity due to the use of natural materials to create the flood protection

(i) Consultations

Depute Chief Executive (Economy Environment and Finance), Head of Environmental and Commercial Services, Chief Financial Officer, Legal Services Manager and Tracey Sutherland, Committee Services Officer have been consulted and their comments incorporated into the report.

5. CONCLUSION

- 5.1 Officers have undertaken further investigation as requested at a meeting of Moray Council on 30 November 2021.**
- 5.2 Following the review it has highlighted that the cost of undertaking the Low Level bund would be £269,184.87 and the natural flood Management of £ £228,958.77(including compensation).**
- 5.3 The solution set out in paragraphs 3.4 would reduce the frequency of flooding to levels similar to those experienced in 2007, The solution set out in 3.9 will, over time, reduce the frequency of flooding to levels similar to those experienced in 2007 but the time frame for this cannot be determined as it uses natural processes.**

Author of Report: Will Burnish, Senior Engineer (Consultancy)

Background Papers: Appendix 1 - Garmouth Proposed Scheme Drawings
Appendix 2 - Low Level Bund Risk Register
Appendix 3 - Natural Flood Management Risk Register

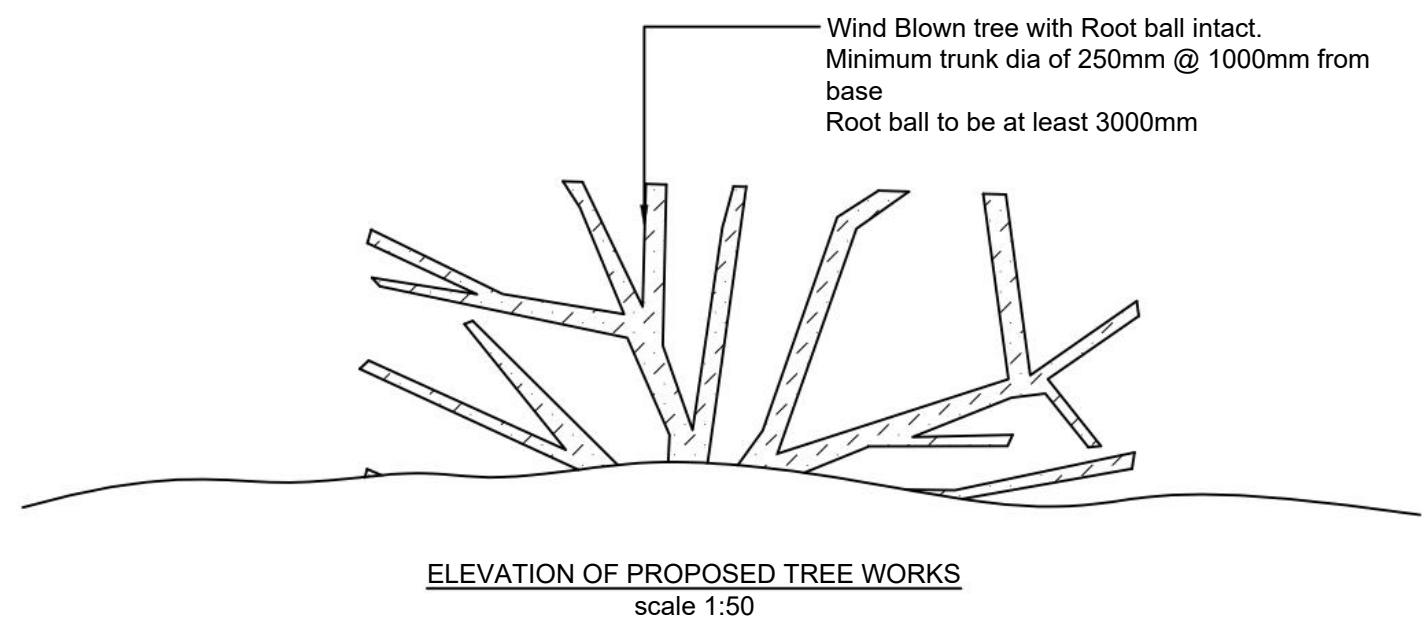
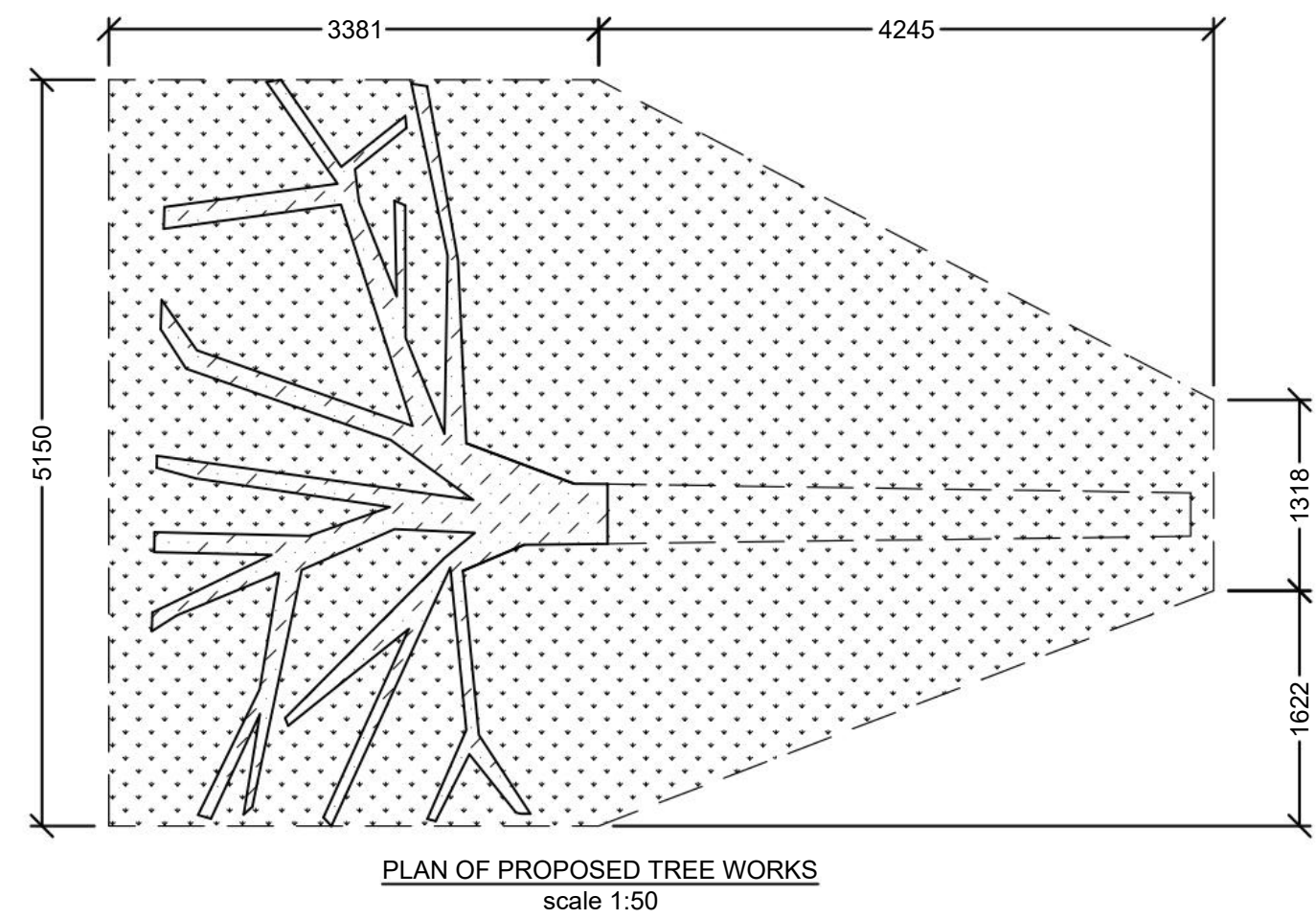
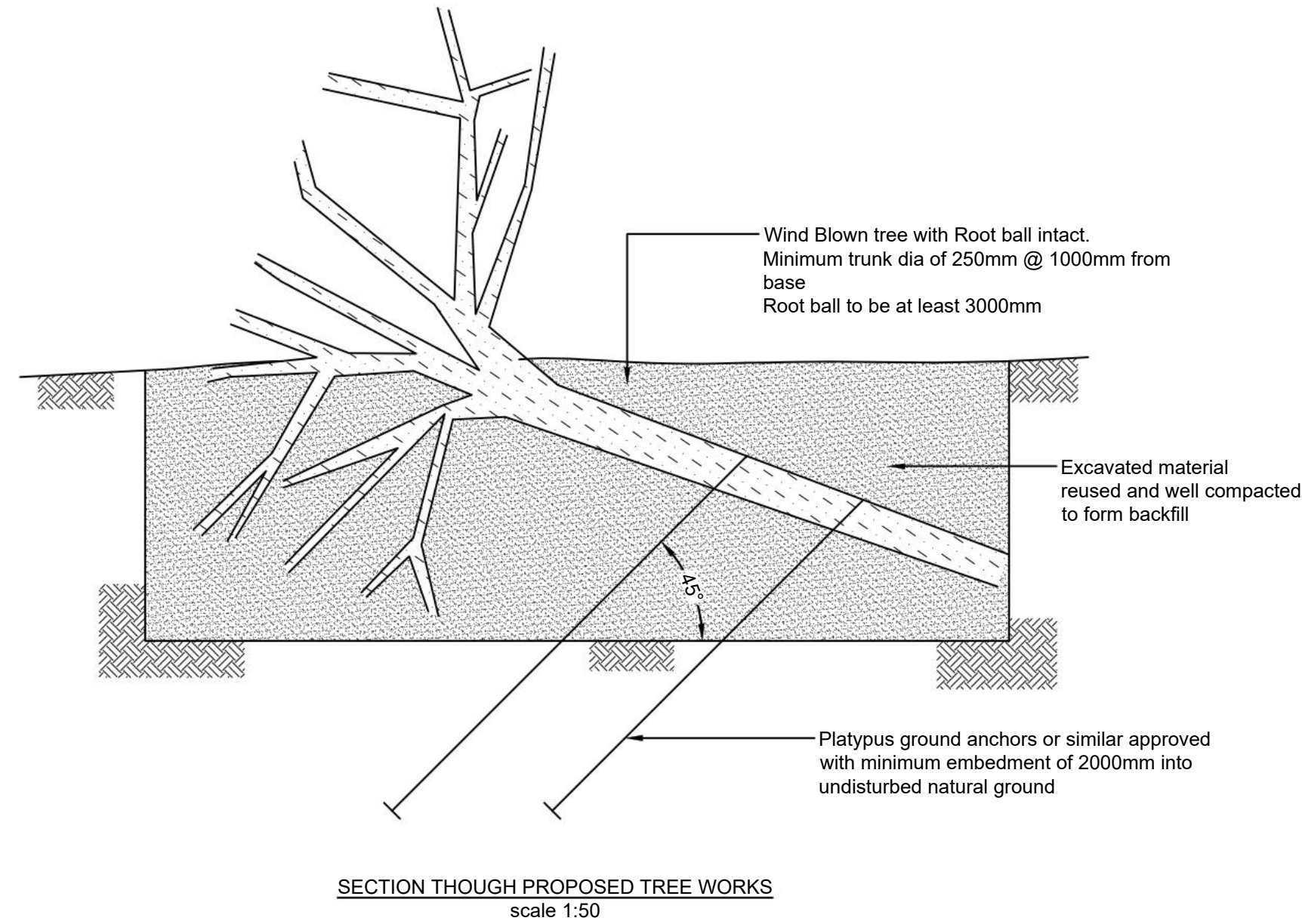
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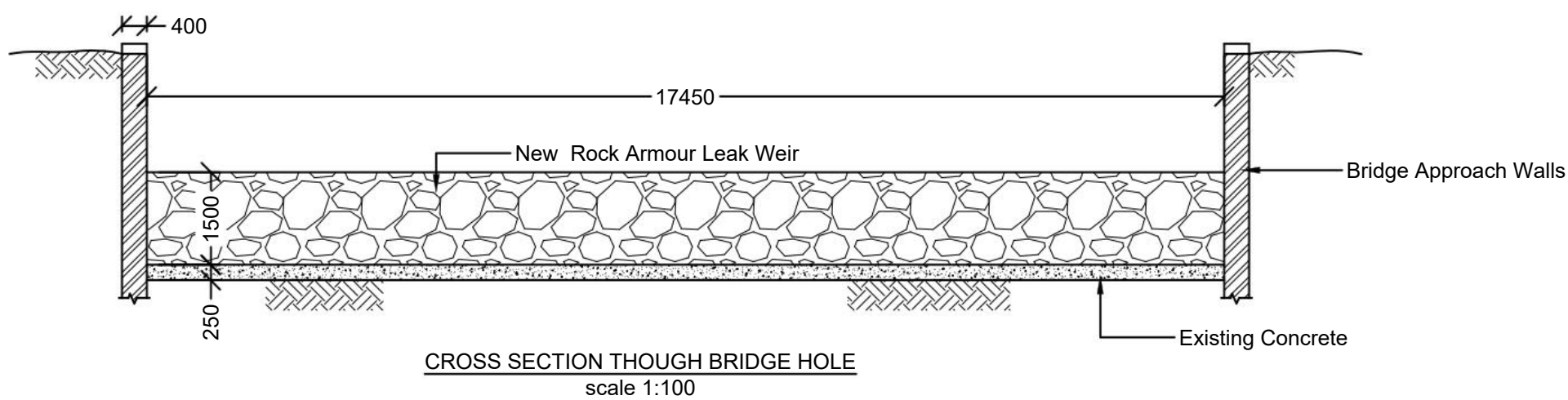
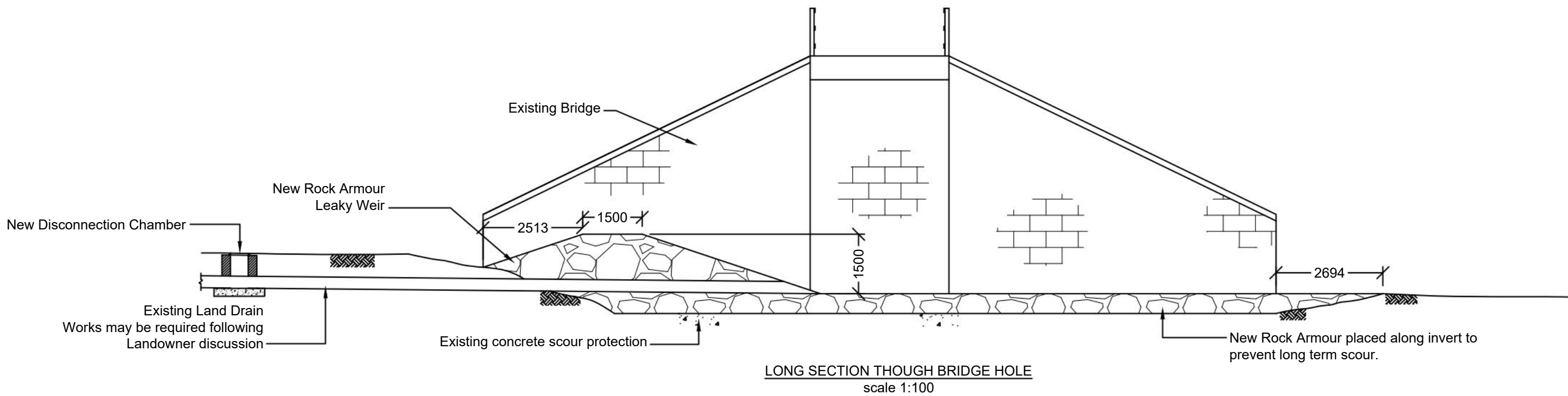
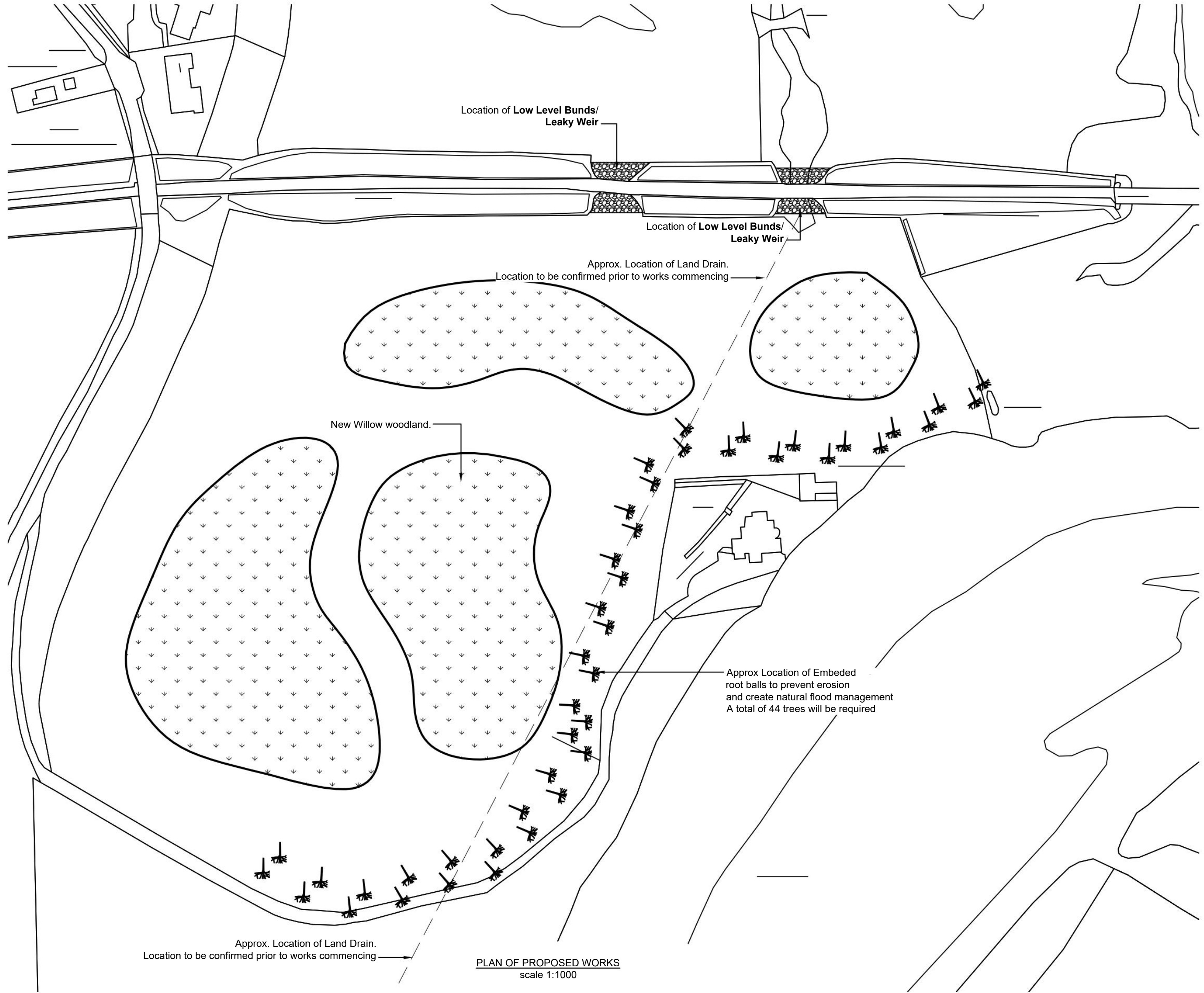
NOTES

GENERAL

1. All dimensions are in mm unless otherwise stated.
2. All Tree for NFM are to be Wind blown and have minimum trunk dia of 250mm
3. All Rock to be source within 20 miles of Garmouth
4. All Excavated soil to be re-used at backfill
5. Platypus anchors are to be installed at 45° angles and at least 2000mm in to natural undisturbed ground



Item 14b.



B	Land Drain added	wb		14/9/22
Rev.	Amendment Details	By	Ch'd	App Date



MORAY COUNCIL
CONSULTANCY
PO BOX 6760
ELGIN IV30 9BX
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Issued for: Information

Garmouth Natural Flood Management Project

Plan and section of proposed works

Drawn: WB	Checked:	Approved:
Scale: As Shown @ A1	Date: 15/8/22	

Drawing Number: Garmouth/NFM/001	Revision: B
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Project Names	Garmouth Low Level Bunds	Key	
Project Status	Concept	Very Unlikely	0 - 10%
Cost Centre	t.b.c	Possible	11 to 30%
Management Centre	t.b.c	Likely	31 to 50%
Date	01/09/2022	Very Likely	51 to 70%
Revison		Almost Certain	70% to 80%



Risk no.	Risk <i>the risk is that.....</i>	Consequences of uncontained risk <i>time/cost etc</i>	Mitigation measures <i>to reduce affects of risk</i>	% Likelihood of occurrence	Likelihood of occurrence	Impact of occurrence	Importance
	Documents/Approvals						
	Unable to Achieve planning permssion within 6 months of submission if requierd	Time/Cost	Work with Moray Council Planners during the design stage. Pre scope discuss with Planners any Killer issues	30%	Possible	High	Medium
	Unable to Achieve CAR prior to works starting	Time/Cost	Client to provide list of Key contacts. Contractor to begin early dialogue to determine consent needs	10%	Very Unlikely	Medium	Low
	Unable to get Nature Scot Consent prior to works starting on site	Time/Cost	Client to provide list of Key contacts. Contractor to begin early dialogue to determine consent needs	10%	Very Unlikely	Medium	Low
	Conformation if Reservoirs consent is required	Time/ Cost	Employ Panel Engineering to work with SEPA to understand risk	10%	Very Unlikely	High	Low
	Design						
	Lack of survey Data	Time	Undertake Topographical survey prior to design starting	10%	Very Unlikely	Medium	Low
	Landownership disputes	time and Cost	Underteak ownership surveys ealy in project life	25%	Possible		
	Construction				0		
	Unforeseen ground conditions	Time/ Cost		20%	Possible	Medium	Low
	Condition of Scour protection	Time/ Cost	Undertake survey prior to design commensing	30%	Possible	High	Medium
	Condition of Railway bridge walls	Time/ Cost	Undertake survey prior to design commensing	30%	Possible	high	Medium

Project Names	Garmouth NFM	Key	
Project Status	Concept	Very Unlikely	0 - 10%
Cost Centre	t.b.c	Possible	11 to 30%
Management Centre	t.b.c	Likely	31 to 50%
Date	01/09/2022	Very Likely	51 to 70%
Revision		Almost Certain	70% to 80%



Risk no.	Risk the risk is that.....	Consequences of uncontained risk time/cost etc	Mitigation measures to reduce affects of risk	% Likelihood of occurrence	Likelihood of occurrence	Impact of occurrence	Importance
	Documents/Approvals						
	Unable to Achieve planning permission within 6 months of submission if required	Time/Cost	Work with Moray Council Planners during the design stage. Pre-scope discuss with Planners any Killer issues	30%	Possible	High	Medium
	Unable to Achieve CAR prior to works starting	Time/Cost	Client to provide list of Key contacts. Contractor to begin early dialogue to determine consent needs	10%	Very Unlikely	Medium	Low
	Unable to get Nature Scot Consent prior to works starting on site	Time/Cost	Client to provide list of Key contacts. Contractor to begin early dialogue to determine consent needs	10%	Very Unlikely	Medium	Low
	Design						
	Lack of survey Data	Time	Undertake Topographical survey prior to deisgn starting	10%	Very Unlikely	Medium	Low
	Landownership disputes	time and Cost	Undertake ownership surveys ealy in project life	25%	Possible		
	Construction				0		
	Unforeseen ground conditions	Time/ Cost		20%	Possible	Medium	Low
	Condition of Scour protection	Time/ Cost	Undertake survey prior to design commensing	30%	Possible	High	Medium
	extent of erosion quicker than expected	Time/ Cost	Ensure a minium of 5m setback during design and complete topographical survey	30%	Possible	high	Medium

