

MORAY COUNCIL

Minute of Meeting of the Economic Growth, Housing and Environmental Sustainability Committee

Tuesday, 06 October 2020

remote locations via video-conference,

PRESENT

Councillor David Bremner, Councillor Frank Brown, Councillor Theresa Coull, Councillor John Cowe, Councillor Gordon Cowie, Councillor Tim Eagle, Councillor Donald Gatt, Councillor Graham Leadbitter, Councillor Marc Macrae, Councillor Maria McLean, Councillor Shona Morrison, Councillor Louise Nicol

ALSO PRESENT

Councillor Sonya Warren and Councillor Derek Ross

APOLOGIES

Councillor Ryan Edwards, Councillor Walter Wilson

IN ATTENDANCE

Also in attendance at the above meeting were the Depute Chief Executive (Economy, Environment and Finance), Head of Environmental and Commercial Services, Head of Economic Growth and Development, Head of Financial Services; Transportation Manager, Acting Head of Housing and Property Services; Building Services Manager; Housing Strategy and Development Manager; Estates Manager; Legal Services Manager; Mr M O'Donnell Senior Officer Economic Strategy and Development; Mr A Gray Asset Management Coordinator and the Democratic Services Manager as Clerk to the meeting.

1 Chair

Councillor Leadbitter chaired the meeting.

2 Declaration of Group Decisions and Members Interests *

In terms of Standing Order 20 and the Councillors' Code of Conduct, Councillor Nicol declared an interest in Item 22 advising that she had been in discussion with both interested parties and therefore would take no part in the discussion or debate. The Meeting noted that there were no other declarations from Group Leaders or Spokespersons in regard to any prior decisions taken on how Members will vote on any item on the agenda or any declarations of Member's interests in respect of any item on the agenda.

3 Resolution

The Meeting resolved that in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting for Items 24, 25 and 26 of business on the grounds that it involves the likely disclosure of exempt information of the class described in the relevant Paragraphs of Part 1 of Schedule 7A of the Act.

4 Scottish Borders - Speed Limits

Prior to discussion of the business of the Agenda the Chairman highlighted the work currently being undertaken by Scottish Borders Council in relation to the introduction of twenty miles per hour speed limits in urban areas as well as some forty mile per hour speed limits in some of their smaller rural hamlets. He stated that this was an issue that had been raised at the Economic Development and Infrastructure Services Committee on repeated occasions and that there was a fair amount of interest in this in Moray. He further stated that this is something he hoped officers would keep under close watch to see how it works in the Scottish Borders.

5 Minutes

5(a) Minute of Meeting of the Economic Development and Infrastructure Services Committee dated 21 January 2020

The Minute of the meeting of the Economic Development and Infrastructure Committee dated 21 January 2020 was submitted and approved.

5(b) Minute of Meeting of the Communities Committee dated 3 March 2020

The Minute of the meeting of the Communities Committee dated 3 March 2020 was submitted and approved.

5(c) Minute of Meeting of the Communities Appointments Committee on 11 August 2020

The Minute of the meeting of the Communities Appointments Committee dated 11 August 2020 was submitted and approved.

5(d) Minute of Meeting of the Communities Appointments Committee on 4 September 2020

The Minute of the meeting of the Communities Appointments Committee dated 4 September 2020 was submitted and approved.

6 Written Questions **

The Committee noted that no written questions had been submitted.

7 Car Park Charges - Elgin

Under reference to paragraph 18 of the Minute of the meeting of the Emergency Cabinet dated 12 August 2020, a report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the position in relation to car park charges and sought agreement on the reintroduction of charges.

Following lengthy discussion Councillor Leadbitter moved the recommendations as listed in the report with the exception of recommendation 2.1 (ii) relating to the date of the implementation of the Free after 3 Scheme which he wished to amend to take effect from 26 October 2020 rather than the 5 December 2020 as detailed in the report.

There being no one otherwise minded the Committee agreed:

- i. The introduction of car parking charges from 26 October 2020;
- ii. The implementation of the Free After 3 Scheme from 26 October 2020 to Saturday 2 January 2021 (inclusive) as detailed in paragraph 6 of this report; and
- iii. The procurement of a cashless 'pay by phone' system, as detailed in paragraph 7 of the report.

8 Performance Report (Environmental and Commercial Services) - Half Year to March 2020

Under reference to paragraph 5 of the Minute of the meeting of Moray Council dated 7 August 2019, a report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the performance of the service for the period from 1 October 2019 to 31 March 2020.

Following consideration the Committee agreed to welcome the areas of good performance as outlined in Section 4 of the report and note the actions being taken to improve performance where required.

9 Economic Recovery Plan

A report by the Depute Chief Executive (Economy, Environment and Finance) provided the Committee with proposals for an economic recovery plan for Moray outlining the actions and interventions of Community Planning Partners to accelerate economic growth.

During discussion the Head of Economic Growth and Development advised the Committee of the timescale surrounding the Town Centre Fund that is Scottish Government funding which has to be either spent or committed by March 2021.

Whilst a detailed report will be presented to Moray Council on the 28 October 2020, in order to progress the work in relation to this fund he sought permission to advertise the Town Centre Fund following this meeting. This was agreed.

Thereafter following further discussion the Committee agreed:

- i. to approve the high level action plan in section 12 of the report and in particular, the actions attributable to the council subject to para (ii) below:
- ii. in principle, to recommend to Moray Council at its meeting on 28 October 2020 the financial requirements outlined in para 13(c) of the report, to be considered for final agreement in separate detailed reports to follow for revenue expenditure noting that business cases will be required for all capital expenditure proposed for review by the Asset Management Working Group; and
- iii. to authorise the Head of Economic Growth and Development to apply for external funding for the purposes of economic development, subject to committee approval of any match funding requirements or impacts on Council resources.
- iv. to authorise the Head of Economic Growth and Development to advertise applications to the Town Centre Fund for 25% grants for empty space to living space capped at £50,000 and for the adaptation of large retail premises to smaller units grants of 50% also capped at £50,000.

10 Public CCTV

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the current state of repair of the public space CCTV System and the potential extra expenditure required to repair the current faults and also the potential ongoing maintenance costs.

Following consideration the Committee agreed to undertake a trial of necessary works to reinstate live feeds, from outlying populations, which will remove the need for the matrices.

11 Supplier Development Programme Membership Update

Under reference to paragraph 12 of the Minute of the Meeting of the Economic Development & Infrastructure Services Committee dated 19 February 2019, a report by the Depute Chief Executive (Economy, Environment and Finance) provided the Committee with an update on the Supplier Development Programme (SDP) which provides training to upskill small and medium sized enterprises looking to win business from the public sector. The report also sought the Committee's approval to the continuation of the trial of full membership for 2020/21.

Following consideration the Committee agreed to:

- i. The continuation of the trial full membership for 2020/21, and
- ii. an evaluation and review of the full membership report being presented to appropriate Committee during this time.

12 Digital Roll Out in Moray

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of progress to date on digital roll-out of broadband and future roll-out plans in Moray. The report also sought the Committee's approval in developing a communications plan to encourage the uptake of broadband where it is underutilised and to provide advice and support to businesses and residents in relation to the Better Broadband Voucher Scheme which was developed to give people with less than 2mbps speeds access to alternative means such as satellite.

Following consideration the Committee agreed:

- i. To council officers developing a communications plans to encourage the uptake of broadband where it is available but underutilised;
- ii. That council services involved in supporting businesses are prepared to provide advice on voucher schemes;
- iii. That council services involved in providing advice to residents are prepared to signpost those looking for information on vouchers to the relevant place;
- iv. To engage with both governments to advocate for Moray, and
- v. To engage with both governments to advance Moray's position as set out in paragraph 4.6 of the report.

13 Performance Report (Economic Growth and Development Services) - Half Year to March 2020

Under reference to paragraph 5 of the Minute of the meeting of the Moray Council dated 7 August 2019, a report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the performance of the service for the period from 1 October 2019 to 31 March 2020.

Following consideration the Committee agreed to welcome the areas of good performance as detailed in Section 4 of the report and note the actions being taken to improve performance where required.

14 No Access Policy Consultation

Under reference to paragraph 8 of the Minute of the meeting of the Communities Committee dated 3 March 2020, a report by the Depute Chief Executive (Economy, Environment and Finance) provided the Committee with a summary of the feedback received during the agreed consultation period on the draft No Access Policy and presented the No Access Policy for approval.

Prior to discussion of this item Councillor Nicol welcomed Mr McLeod in his new role as Acting Head of Housing and Property Services and also took the opportunity to wish Mr Richard Anderson the former post holder well in his retirement.

Following consideration the Committee agreed:

- i. to note the feedback received during the consultation period set out in Section 4 and Appendix 1 of the report;
- ii. to approve the revised No Access Policy as set out in Appendix II of the report, and
- iii. that the revised No Access Policy will be implemented from 12 October 2020.

15 Housing and Property Services Budget Monitoring - 31 March 2020

A report by the Depute Chief Executive (Economy, Environment and Finance) presented the budget position for the Housing Revenue Account (HRA) and General Services Other Housing Budget for the period up to 31 March 2020.

Following consideration the Committee noted the budget monitoring report for the period up to 31 March 2020.

16 Housing and Property Services Budget Monitoring - 30 June 2020

A report by the Depute Chief Executive (Economy, Environment and Finance) presented the budget position for the Housing Revenue Account (HRA) and General Services Other Housing Budget for the period up to 30 June 2020.

Following consideration the Committee noted the budget monitoring report for the period up to 30 June 2020.

17 Housing Performance Report - Quarters 3, 4 and Annually for 2019-20

Under reference to paragraph 5 of the Minute of the meeting of Moray Council dated 7 August 2019, a report by the Chief Executive (Economy, Environment and Finance) informed the Committee of the Housing Service for the period from 1 October 2019 to 31 March 2020 and the annual performance for 2019/20 and asked the Committee to approve the second Annual Assurance Statement in Appendix 1 of the report.

Following consideration the Committee agreed to:

- i. Note the performance of the Service Plan, Operational Performance Indicators and Complaints to the end of March 2020;
- ii. Welcome the areas of good performance and notes the actions being taken to improve performance where required;
- iii. Note that operational performance targets for 2020/21 are currently under review but that services will continue to measure performance against 2019/20 targets pending completion of the review;
- iv. Note the temporary changes of the Regulatory Framework, and
- v. Approve the second Annual Assurance Statement in Appendix 1 of the report.

18 Revenue Budget Monitoring to 30 June 2020

A report by the Depute Chief Executive (Economy, Environment and Finance) advised the Committee of the revenue budget monitoring position to 30 June 2020.

Following consideration the Committee agreed to note:

- i. the budget monitoring position of £523,000 under budget for 2020/21 as at 30 June 2020;
- ii. that this position consists of an underspend on Devolved School budgets of £608,000, an overspend on Social Care services delivered on behalf of the Moray Integration Joint Board of £261,000 and an underspend on other services of £176,000;
- iii. movement of £4,137,000 in the General Revenue Grant, as detailed in paragraph 3.4 of the report;
- iv. emerging budget pressures as summarised in paragraph 6.2, and
- v. a reduction in the planned use of reserves in 2020/21 to £770,000 as summarised in Section 8 of the report.

19 Capital Plan 2020-21

A report by the Depute Chief Executive (Economy, Environment and Finance) advised the Committee of the expenditure to 30 June 2020 under the capital plan for financial year 2020/21 and of estimates of projected expenditure profiled into quarters and sought the Committee's approval to amendments to the 2020/21 and 2021/22 capital plan.

Following consideration the Committee agreed to:

- i. note expenditure to 30 June 2020 of £2,638,000;
- ii. note the current projected expenditure of £47,242,000 for 2020/21 profiled into quarters, as set out in Appendix 1 of the report;
- iii. note the projected overall expenditure for projects spanning more than one financial year, as set out in Appendix 2 of the report;
- iv. note the projected overall expenditure for services which would normally report to the Economic Development and Infrastructure Services Committee, as set out in Appendix 3 of the report, and
- v. approve amendments to the 2020/21 and 2021/22 capital plan as detailed in Section 6.3 of the report.

20 Performance Report (Financial Services) - Half Year to March 2020

Under reference to paragraph 5 of the Minute of the meeting of Moray Council dated 7 August 2019, a report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the performance of the service for the period from 1 October 2019 to 31 March 2020.

Following consideration the Committee agreed to welcome the areas of good performance as detailed in Section 4 of the report and note the actions being taken to improve performance where required.

21 Community Asset Transfer Request (2015 ACT) - Findochty Town Hall

Under reference to paragraph 6 of the Minute of the meeting of Moray Council dated 11 April 2018, a report by the Depute Chief Executive (Economy, Environment and Finance) invited the Committee to consider a community asset transfer request made under Part 5 of the Community Empowerment (Scotland) Act 2015 for the transfer of title to Findochty Town Hall.

On the invitation of the Chair, Councillor Warren in her capacity as a ward member, addressed the meeting stating that she was very pleased to see the report and the plans for the future outline in the application and she commended the work that had been undertaken by the Findochty Town Hall trustees and the wider community. She further expressed her thanks to the Community Support Unit and other council officers for assisting and empowering the group in getting to this stage.

Following consideration the Committee agreed to:

- i. approve the request to transfer ownership of the property known as Findochty Town Hall to Findochty Town Hall, a registered Scottish Charity, subject to the terms and conditions set out in section 5 of the report;
- ii. authorise the Legal Services Manager to apply to the Sheriff Court for consent to transfer the property to the Charity, and
- iii. note that, unless otherwise agreed with the Charity, it will have 6 months from the date of the decision notice to submit a formal offer to purchase the property, failing which the agreement will have no further effect and the statutory asset transfer process will come to an end.

22 Community Asset Transfer Request (2015 Act) - Site for Skatepark, Coularbank, Lossiemouth

A report by the Depute Chief Executive (Economy, Environment and Finance) invited the Committee to consider a community asset transfer request made under Part 5 of the Community Empowerment (Scotland) Act 2015 for a 25-year lease on common good land at Coularbank, Lossiemouth.

Following consideration the Committee agreed to:

- i. approve the request to grant a 25 year lease of 0.175 hectares of land at Coularbank, Lossiemouth Community development Trust, a registered Scottish Charity, subject to the terms and conditions set out in Section 5 of the report;
- ii. authorise the Legal Services Manager to apply to the Sheriff Court for consent to lease the property to the Trust, and
- iii. note that, unless otherwise agreed with the Trust, it will have 6 months from the date of the decision notice to submit a formal offer to lease the site, failing which the transfer process will come to an end.

23 Community Asset Transfer Requests (2015 Act) - Alice Littler Park, Aberlour

Having declared an interest in this item Councillor Nicol left the meeting at this juncture.

A report by the Depute Chief Executive (Economy, Environment and Finance) invited the Committee to consider two competing community asset transfer requests made under Part 5 of the Community Empowerment (Scotland) Act 2015 for the transfer of title to Alice Littler Park, Aberlour.

On the invitation of the Chair, Councillor Ross, in his capacity as a ward member, addressed the meeting stating that if the recommendations in the report were approved he wished the Aberlour Community Association well in taking on the Community Asset Transfer for Alice Littler Park and hoped that as they move forward they have the magnanimity to reach out to other community groups, especially Play Aberlour, in an effort to fulfil a vision of a park for all. He further stated that, in his opinion, an inclusive, imaginative approach using the very best ideas will provide the people of Aberlour with a real asset. A park with first class play facilities is a win win for the town, attracting tourists and providing much needed trade to the town and would urge everyone to go into this and the future with open minds.

Following consideration the Committee agree to:

- i. note that the Council has received two competing asset transfer requests under the Community Empowerment (Scotland) Act 2015 for Alice Littler Park, Aberlour, which means that it is prohibited by Section 84(2) of the Act from disposing of the asset until both requests have completed the full process set out in legislation;
- ii. refuse the request to transfer ownership of Alice Littler Park to Play Aberlour for the reasons set out in section 6 of the report, and
- iii. approve the request to transfer ownership of Alice Littler Park to Aberlour Community Association, subject to:
 - (a) the terms and conditions set out in section 7 of the report, and
 - (b) the prohibition against disposal being lifted.

Councillor Nicol rejoined the meeting at this juncture.

24 Question Time ***

Under reference to paragraph 13 of the Minute of the meeting of the Communities Committee dated 3 March 2020 Councillor Nicol asked when a response to the question raised by Councillor Creswell would be received.

In response the Depute Chief Executive (Economy, Environment and Finance) advised that a response would be circulated to Members as soon as it was available.

Under reference to paragraph 5(iv) of the Minute of the meeting of the Economic Development & Infrastructure Services Committee Councillor Macrae asked when a report detailing how Vehicle Activated Signs in communities can be achieved, in conjunction with Police Scotland, will be submitted to committee.

In response the Head of Environmental and Commercial Services advised that a report will be submitted to the next meeting of this committee.

25 Building Services Trading Operation Budget 2019/20 – Budget Monitoring [Para 9]

A report by the Depute Chief Executive (Economy, Environment and Finance) presented the unaudited budget position to 31 March 2020 for the Building Services Trading Operation (DLO).

Following consideration the Committee agree to note:

- i. Unaudited financial information for the period to 31 March 2020, as detailed in Appendix 1 of the report;
- ii. Building Services budgetary and operating performance, as set out in sections 5 and 6 of the report, and
- iii. the reasons for the year end financial performance as set out in section 7 of the report.

26 Building Services Trading Operation Budget 202-21 – Annual Budget and Budget Monitoring [Para 9]

A report by the Depute Chief Executive (Economy, Environment and Finance) presented the Building Services Trading Operation Budget for 2020/21 and budget monitoring information for the period to 30 June 2020.

Following consideration the Committee agreed to note:

- i. the proposed Building Services Trading Operation Budget from 2020/21, as detailed in Appendix 1 of the report;
- ii. the service development proposals at a cost of £159.5k as detailed in section 6 of the report;
- iii. the 2020/21 Building Services business priorities highlighted in section 7 of the report;
- iv. the financial information for the period to 30 June 2020, as detailed in section 8 and Appendix II of the report;
- v. Building Services operating performance for the period to 30 June 2020, as set out in section 9 of the report, and
- vi. that a revised year end forecast to 31 March 2021 will be presented to this Committee on 1 December 2020.

The Meeting agreed to Suspend Standing Order 75 and continue the meeting beyond 12.45 pm in order to conclude the business on the agenda.

27 Lease Condition [Paras 6, 8 & 9]

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to agree to a tenant's option to purchase being included in a lease of a property in Buckie.

Following consideration the Committee agreed to:

- i. approve the tenant's option to purchase as set out in paragraph 5.1(g) of the report, and
- ii. remits the Legal Services Manager to document the transaction accordingly.