

# MORAY COUNCIL

## Minute of Meeting of the Policy and Resources Committee

Tuesday, 03 September 2019

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

### **PRESENT**

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

### **APOLOGIES**

### **IN ATTENDANCE**

The Chief Executive, the Corporate Director (Corporate Services), the Head of Financial Services, the Head of Development Services, the Acting Head of Human Resources and ICT, the Payments Manager, the Estates Manager, the Transportation Manager, the Economic Growth and Regeneration Manager, the Asset Management Co-ordinator, the Energy Officer, the Head of Legal and Democratic Services and Mrs L Rowan, Committee Services Officer as Clerk to the Meeting.

#### **1 Chair**

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

#### **2 Order of Business**

In terms of Standing Order 28, the Chair sought the agreement of the Committee to vary the order of business and consider item 15 "Elgin Business Improvement District – Renewal Ballot" following item 5 "Written Questions". This was agreed.

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

In terms of Standing Order 20 and the Councillors' Code of Conduct, there were no declarations from Group Leaders or Spokespersons in regard to any prior decisions taken on how Members will vote on any item on the agenda.

Councillor Alexander declared an interest in item 20 "Former Sawmill, Forres" and stated that he would leave the meeting and take no part in the discussion of this item. Councillor Divers declared an interest in item 15 "Elgin Business Improvement District – Renewal Ballot" as he is a Director on Elgin Business Improvement District (BID) however stated that, after taking legal advice, he would remain in the meeting

and take part in the decision making process. There were no other declarations of Member's interests in respect of any item on the agenda.

#### **4 Resolution**

The meeting resolved that, in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting during consideration of the items of business appearing at the relevant paragraphs of this minute as specified below, so as to avoid disclosure of exempt information of the class described in the appropriate paragraphs of Part 1 of Schedule 7A of the Act.

Paragraph Number of Minute	of	Paragraph Number of Schedule 7A and reason
20, 21, 22	6	Information relating to the financial or business affairs of any particular person(s)
22	9	Information on terms proposed or to be proposed by or to the Authority.

#### **5 Minute of the Meeting on 4 June 2019**

The minute of the meeting of the Policy and Resources Committee dated 4 June 2019 was submitted and approved.

#### **6 Written Questions**

The Committee noted that no written questions had been submitted.

#### **7 Elgin Business Improvement District - Renewal Ballot**

Under reference to paragraph 11 of the Minute of the Economic Development and Infrastructure Services Committee dated 19 February 2019, a report by the Corporate Director (Economic Development, Planning and Infrastructure) informed the Committee on the renewal ballot for the Elgin Business Improvement District (BID) and sought the Committee's approval to support the proposals.

On the invitation of the Chair, the Committee noted an informative presentation from Gill Neil, Chief Executive and Richard Cumming, Chair of Elgin BID on the achievements of Elgin BID and future priorities.

During discussion, whilst the achievements of Elgin BID were acknowledged, it was queried whether there was any replication in the work carried out by Elgin BID with the Growth Deal, Town Centre Regeneration Project and the Council's own economic regeneration.

In response, the Economic Growth and Regeneration Manager advised that the Council's work is complementary to that of other public bodies and that Elgin BID does not replicate any of that work.

Councillor Eagle raised concern in terms of the financial implications associated with voting in favour of the minimum annual levy and stated that he would like additional time to consider whether not supporting the levy would result in a greater cost to the Council and moved that the Committee agree to approve the Elgin BID proposal and business plan for 2020 - 2025 as set out in the first recommendation however defer consideration of whether to vote in favour at the ballot stage for the minimum annual levy cost of £17,300 to the next meeting of the Policy and Resources Committee, to get further information on any implications to the Council if the levy is not supported by the Council. This was seconded by Councillor Gatt.

Councillor Leadbitter was of the view that the benefits of Elgin BID were clearly explained in the report and presentation and moved, as an amendment, that the Committee agree the recommendations as printed in the report. Councillor Cowe agreed with Councillor Leadbitter and further added that the Council should lead by example as it was unlikely that the support provided by Elgin BID could be provided elsewhere and agreed to second Councillor Leadbitter's amendment.

On a division there voted:

For the motion (4)	Councillors Eagle, Gatt, Brown and Creswell
For the Amendment (8)	Councillors Leadbitter, Cowe, A McLean, Alexander, Divers, Edwards, Laing and Morrison
Abstentions (1)	Councillor Warren

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

- i. approve the Elgin Business Improvement District (BID) proposal and business plan for 2020 – 2025 as set out in Appendix 2 of the report; and
- ii. vote in favour at the ballot stage for the minimum annual levy cost of £17,300, which is within the current budget for the levy.

## **8 Revenue Budget Monitoring to 30 June 2019**

Under reference to paragraph 4 of the Minute of Moray Council dated 27 February 2019, a report by the Corporate Director (Corporate Services) advised the Committee of the revenue budget monitoring position to 30 June 2019.

During discussion in relation to the recommendation to set aside £2 million from General Reserves into an ear-marked reserve for implementing Council priorities such as exit packages required to achieve financial stability, it was queried if there was a need to ear-mark this money as recommended or whether it could be left in general reserves and used for other Council priorities that may arise.

In response, the Head of Financial Services advised that the recommendation asked that the money be ear-marked in a reserve for implementing Council priorities and that exit packages was just an example of what the fund could be used for and not specifically for that purpose. She further advised that should the Council wish to use the money for an alternative purpose, then a report could be brought to either this Committee or Moray Council seeking agreement. The Head of Financial Services

advised that ear-marking reserves is a standard and good practice and that Audit Scotland had in the past commented that the Council's level of ear-marked reserves is low therefore attempts are being made to remedy that.

The Chief Executive further advised that he is in regular contact with the Controller of Audit and other agencies within Scotland and the 2 key priorities for the Council are achieving financial stability and transformation and that this should be borne in mind when considering the recommendations.

Thereafter, the Committee agreed to:

- i. note the budget monitoring position of £44,000 under budget for 2019/20 as at 30 June 2018;
- ii. note that this position consists of an underspend on Devolved School budgets of £262,000, an overspend on Social Care services delivered on behalf of the Moray Integration Joint Board (MIJB) of £466,000 and an underspend on other services of £248,000;
- iii. note the movement of £2,294,000 in the General Revenue Grant, as detailed in paragraph 3.4 of the report;
- iv. note the emerging budget pressures as summarised in paragraph 6.2 of the report;
- v. note the further commitments of £2,428,000 against reserves as summarised in section 8 of the report; and
- vi. approve setting aside £2 million from General Reserves into an ear-marked reserve for implementing Council priorities.

## **9 Capital Plan 2019/20**

Under reference to paragraph 4 of the Minute of the Moray Council dated 27 February 2019, a report by the Corporate Director (Corporate Services) advised the Committee of the expenditure to 30 June 2019 under the capital plan for financial year 2019/20 and of the estimates of projected expenditure profiled into quarters.

Following consideration, the Committee agreed to note:

- i. expenditure to 30 June 2019 of £6,702,000;
- ii. the current projected expenditure of £71,495,000 for 2019/20 profiled into quarters; and
- iii. the projected overall expenditure for projects spanning more than one financial year, as set out in Appendix 2 of the report.

## **10 Efficiency Statement for 2018/19**

A report by the Corporate Director (Corporate Services) provided the Committee with a copy of the Council's annual Efficiency Statement for 2018/19.

The Committee joined the Chair in commending staff members for their continued efficiency savings and thereafter agreed to note the annual Efficiency Statement for 2018/19.

## **11 Report on Treasury Management Performance and Treasury and Capital Investment Prudential Indicators for 2018/19**

A report by the Corporate Director (Corporate Services) provided the Committee with the annual outturn report on Treasury Management and details of the Council's Prudential Indicators for Treasury Management and Capital Investment for the year ended 31 March 2019.

Following consideration, the Committee agreed to note the Treasury Management Performance and the Council's Treasury Management and Capital Investment Prudential Indicators for 2018/19 as set out in Appendix 2 of the report.

## **12 Procurement Annual Report**

A report by the Corporate Director (Corporate Services) provided the Committee with an update on Procurement in Moray and in particular, a report on procurement performance for 2018/2019.

During her introduction of the Procurement Annual Report, the Payments Manager drew the Committee's attention to 2 errors, one in relation to the savings identified at A1 which should read 95.53%, and the other in relation to Accessibility at D1 where the 2018/19 results should read 50.32% - of the 616 suppliers who were awarded 310 were SMEs however 214 did not have their size recorded on the national data hub. This was noted.

Following consideration, the Committee agreed to note the overall procurement performance for 2018/2019 set out in the Annual Report in Appendix 1 and Section 4 of the report subject to the following amendments to the Annual Report:

- i. Savings A1 2018/19 Results should read 95.53%; and
- ii. Accessibility D1 2018/19 Results should read 50.32% - Of the 616 suppliers who were awarded 310 were SMEs however 214 did not have their size recorded on the national data hub.

## **13 Community Asset Transfer: Rental Support**

Under reference to paragraph 22 of the Minute of Moray Council dated 25 May 2016, a report by the Corporate Director (Corporate Services) invited the Committee to consider the level of rental support awarded to community bodies occupying council property under legacy agreements and to agree arrangements for these to be reviewed.

Following consideration, the Committee agreed:

- i. to note the extent of ongoing rental support provided to community bodies under the legacy agreements listed in Appendices 1 and 2 of the report;
- ii. to instruct the Estates Manager to carry out reviews of the rents payable under these leases in accordance with the lease terms and corporate priorities, subject to the availability of sufficient staff resources;
- iii. that the existing rental support shall cease with effect from the relevant rent review dates, as implemented; and

- iv. to consider valid requests for a continuation of rental support from eligible community bodies affected by recommendation (iii) through the Community Asset Transfer (CAT) process as a policy exception.

## **14 Annual Report on Energy Strategy/Actions**

A report by the Corporate Director (Economic Development, Planning and Infrastructure) presented the Committee with the Annual Energy Report for 2018/19 and advised on actions to minimise the Council's energy consumption, as well as progress and developments on a number of energy issues.

Following consideration, the Committee agreed to note:

- i. the terms of the 2018/19 Annual Report as set out in Appendix 1 of the report; and
- ii. that in 2018/19 the Council's energy consumption in non-domestic operational properties fell by 9.6%, and the energy bill decreased by 0.9% (£27,814) as detailed in Section 4 of the report.

## **15 Update on Challenging Behaviour Survey**

A report by the Corporate Director (Corporate Services) updated the Committee on the results of the recent Challenging Behaviour survey undertaken in schools. The report stated that, following a recent increase in the number of violent and aggressive incidents against staff reported in schools, a survey of challenging behaviour had been conducted with initial analysis having been undertaken and improvement actions now being considered.

Following consideration, the Committee agreed to note the:

- i. Challenging Behaviour Survey results from the survey of employees in schools as set out in Appendix B of the report; and
- ii. next steps as outlined in the body of the report.

## **16 Modern Apprenticeships Update**

Under reference to paragraph 5 of the Minute of this Committee dated 24 October 2017, a report by the Corporate Director (Corporate Services) advised the Committee of the current situation in respect of apprenticeships within Moray Council, current issues impacting on progress and asked that the Committee consider a number of options available. The report also sought a decision from the Committee on the progress being made towards the establishment of a council wide programme of work to support the employment of young people through apprenticeships and training posts with the Council.

During her introduction, the Acting Head of Human Resources and ICT advised that although the Council had agreed to endorse the establishment of a council wide programme of work to support the employment of young people through apprenticeships and training posts in October 2017, recently, further development of the work involved had been put on hold as a result of the financial pressures within the Council resulting in limited progress being achieved in implementing new apprenticeship frameworks. She further advised that there are services within the

Council, such as the Early Years Service and Craft roles where funding and development work is available and the availability of modern apprenticeships would continue to be optimised in these areas.

Councillor Leadbitter acknowledged the success of the apprenticeship programme since it was launched in 2007 and, whilst he would like to see a council wide Apprenticeship and Training Programme developed, in light of the difficult situation the Council is in at present, moved Option 1 - that the Council make no change to the current situation in respect of apprenticeships within Moray Council. This was seconded by Councillor Warren.

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

- i. to note the current situation in respect of apprenticeships within Moray Council, current issues impacting on progress and options available; and
- ii. Option 1 – No change to be made to the current situation in respect of apprenticeships within Moray Council.

## **17 Participation Requests Annual Report 2018/19**

Under reference to paragraph 9 of the Minute of this Committee dated 8 May 2018, a report by the Corporate Director (Corporate Services) presented the Committee with the Participation Requests Annual Report 2018/19 which stated that, during 2018/19 Moray Council did not receive any formal Participation Requests.

Following consideration, the Committee agreed:

- i. to approve the Participation Requests Annual Report 2018/19 for submission to the Scottish Government; and
- ii. that the Participation Requests Policy is amended to include the Cairngorms National Park Authority as a Public Service Authority.

## **18 Poverty Strategy and Action Plan**

A report by the Chief Executive informed the Committee of the amended Moray Community Planning Partnership (MCP) Poverty Strategy and associated Moray Poverty Action Plan which has been endorsed by the Moray Community Planning Partnership Boards.

The Committee welcomed the report and joined the Chair in commending Cathy Ross and Chris Littlejohn, Co-Chairs of the Fairer Moray Forum for the work they have done in relation to the Poverty Strategy and Action Plan and thereafter agreed:

- i. the Poverty Strategy and Moray Poverty Action Plan as set out in Appendices 1 and 2 of the report; and
- ii. the Fairer Moray Forum's continued delivery against these on behalf of Moray Community Planning Partnership.

## **19 Question Time**

Councillor Alexander stated that he had been advised by a number of his constituents that Boots the Chemist had started to charge customers £5 for

delivering prescriptions and that when customers had explored using an alternative chemist delivery service they were advised that those chemists had reached their limit for home delivery prescriptions. Councillor Alexander queried whether this is something that could be incorporated within the Home Care Service.

In response, the Chair advised that he had received similar correspondence which he had passed to the Chief Officer, Integration Joint Board (IJB) as the Home Care Service is part of the IJB, and that any response received would be forwarded to Councillor Alexander.

## **20 Sale of Property at Wittet Drive, Elgin [Para 9]**

Under reference to paragraph 12 of the meeting of Moray Council dated 11 April 2018, a report by the Corporate Director (Economic Development, Planning and Infrastructure) asked the Committee to approve the main terms for the sale of a property in Wittet Drive, Elgin.

Following consideration, the Committee agreed to:

- i. approve the proposed sale as set out in section 5 of the report; and
- ii. refer the matter to the Estates Manager and Legal Services Manager to conclude the transaction.

## **21 Former Sawmill, Forres [Para 9]**

Councillor Alexander, having declared an interest in this item, left the meeting and took no part in the discussion.

A report by the Corporate Director (Economic Development, Planning and Infrastructure) asked the Committee to consider proposals for the Council's former sawmill at Waterford Circle, Forres.

Councillor Cowe, having considered the proposals detailed within the report, moved that the Committee approve Option 3.

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

- i. approve the proposals detailed as Option 3 (as set out in paras 5.15 to 5.20 of this report); and
- ii. instruct the Legal Services Manager and the Estates Manager to conclude the transaction.

Councillor Alexander re-joined the meeting at this juncture.

## **22 Lease of Cullen Harbour Building [Para 6 & 9]**

Under reference to paragraph 15 of the Minute of the Economic Development and Infrastructure Services Committee dated 16 April 2019, a report by the Corporate Director (Economic Development, Planning and Infrastructure) informed the Committee of proposals to lease Cullen Harbour Building to the Three Harbours Association.

Following consideration, the Committee agreed to delegate authority to the Legal Services Manager to conclude the lease for Cullen Harbour Building with the Three Harbours Association on the basis of the lease terms set out in paragraph 4.3 of the report.