

MORAY COUNCIL

Minute of Meeting of the Moray Council

Wednesday, 23 January 2019

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

PRESENT

Councillor George Alexander, Councillor James Allan, Councillor David Bremner, Councillor Frank Brown, Councillor Theresa Coull, Councillor Gordon Cowie, Councillor Paula Coy, Councillor Lorna Creswell, Councillor John Divers, Councillor Tim Eagle, Councillor Claire Feaver, Councillor Donald Gatt, Councillor Louise Laing, Councillor Graham Leadbitter, Councillor Marc Macrae, Councillor Aaron McLean, Councillor Maria McLean, Councillor Ray McLean, Councillor Shona Morrison, Councillor Derek Ross, Councillor Ron Shepherd, Councillor Amy Taylor, Councillor Sonya Warren

APOLOGIES

Councillor John Cowe, Councillor Ryan Edwards, Councillor Walter Wilson

IN ATTENDANCE

The Chief Executive, the Corporate Director (Economic Development, Planning and Infrastructure), the Corporate Director (Corporate Services), the Head of Legal and Democratic Services, the Head of Financial Services, the Educational Resources Manager and the Democratic Services Manager as Clerk to the Meeting.

ALSO IN ATTENDANCE

Maggie Bruce, External Audit.

1 Declaration of Group Decisions and Members Interests *

In terms of Standing Order 20 and the Councillors' Code of Conduct, Councillor Eagle on behalf of the Conservative Group advised that they had discussed Item 6 'Financial Planning 2019/20 Onwards' and whilst a Group view had been reached no whip on how any member should vote had been applied. Councillor Leadbitter on behalf of the Administration stated that the SNP Group as the Administration had also discussed Item 6 in considerable detail and had reached mutual agreement in regard to its approach to it. Thereafter 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.

2 Resolution

The Council 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 of Minute | Number | Paragraph Number of Schedule 7A and reason |
|---------------------|--------|--|
| 8 | 6 | Information relating to the financial or business affairs of any particular person(s). |
| | 9 | Information on terms proposed or to be proposed by or to the Authority. |
| 9 | 1 | Information relating to staffing matters |

3 Minutes

(a) Minute of Meeting dated 31 October 2018

The minute of the meeting of Moray Council dated 31 October 2018 was submitted and approved.

(b) Minute of Special Meeting dated 22 November 2018

The minute of the special meeting of Moray Council dated 28 November 2018 was submitted and approved.

(c) Minute of Special Meeting dated 12 December 2018

The Minute of the special meeting of Moray Council dated 12 December 2018 was submitted and approved.

(d) Minute of Special Meeting dated 18 December 2018

The Minute of the special meeting of Moray Council dated 18 December 2018 was submitted and approved.

4 Written Questions **

The Committee noted that no written questions had been submitted.

5 Notice of Motion by Councillors R McLean and M Macrae

The meeting noted that the Notice of Motion had been withdrawn.

6 Emergency Notice of Motion by Councillors C Feaver and J Allan

A Notice of Motion was submitted by Councillor Feaver, seconded by Councillor Allan in the following terms:-

"During Item 6 of the Economic Development and Infrastructure Services Committee on Tuesday 4th December the committee agreed upon a new comfort scheme logo. It has become clear following the meeting that some members of the public find this logo offensive and others find it confusing.

With this in mind council is asked to -

1. Suspend Standing Orders to allow this item to be discussed.
2. Ask officers to look again at a new sign to support this scheme. One that is well known and might also make it clearer if baby changing and disabled toilets are present.
3. Bring back examples of potential signs to the next Economic Development and Infrastructure Committee."

Prior to discussion the Convener advised that in terms of Standing Order 82 and 83 relating to the alteration or revocation within 6 months of a decision of the Council, in this case a decision taken by the Economic Development and Infrastructure Committee of 4 December 2018, two thirds of the Members of the Council present and entitled to vote must agree that there has been a relevant and material change of circumstances and that the agreement of the Council to suspension should be confirmed before the relevant suspension is debated.

The Convener therefore asked Councillor Feaver to advise the Council what she considered was the relevant and material change of circumstances.

In response Councillor Feaver stated that since this matter was discussed at the Economic Development and Infrastructure Services Committee several members of the public have contacted her and other Members advising of their views regarding the proposed signage and lack of an alternative and moved this to be the relevant and material change of circumstances.

Following further discussion Councillor Leadbitter, in his capacity as Chair of the Economic Development and Infrastructure Services Committee stated that the matter had been fully debated at that meeting and moved as an amendment that the Council did not suspend Standing Orders.

On a division there voted:

For the Motion (10)

Councillors Feaver, Allan, Brown, Divers, Eagle, Gatt, M McLean, R McLean, Macrae and Ross

For the Amendment (13)

Councillors Leadbitter, A McLean, Alexander, Bremner, Coull, Cowie, Coy, Creswell, Laing, Morrison, Patience, Shepherd and Warren

Abstentions (0)

Accordingly, in terms of Standing Order 82, as a 2/3rd majority of those members present had not been achieved, there was no agreement to suspend Standing Orders and accordingly no discussion of the Notice of Motion could take place.

7 Review of Council's Constitutional Documents

A report was submitted by the Corporate Director (Corporate Services) inviting the Council to approve changes to the Council's constitutional documents as detailed in Section 4 of the report.

Following consideration the Council agreed to:

- i. approve the changes to Standing Orders as set out in Appendix I of the report;
- ii. approve the changes to the Administrative Scheme as set out in Appendix II of the report including the additional change relating to Section I and the removal of paragraphs 12 – 14, 16 and 17 which all relate to performance monitoring which no longer falls within the remit of the Audit and Scrutiny Committee;
- iii. approve the changes to the scheme of Delegation as set out in Appendix III of the report;
- iv. approve the changes to the Financial Regulations as set out in Appendix IV of the report including the additional change relating to Section 5 and replace paragraph 5.9 to read “Most of the Council’s property is let out at market value. In some circumstances, and by regulations promoted under the Community Empowerment (Scotland) Act 2015, the Council supports community groups through leasing property at reduced rental. Any such lease arrangements be treated as Community Asset Transfer (CAT) requests and shall be considered as part of the assessment of the business case for CAT in accordance with the Council’s CAT policy and reported to Policy and Resources Committee for approval.”
- v. approve the changes to the Authorisation Policy as set out in Appendix V of the report, and
- vi. to Suspend Standing Orders and approve the changes made today without the need to bring the report back to the next meeting.

8 Clock Tower, The Square, Dufftown [Paras 6 & 9]

A report was submitted by the Corporate Director (Economic Development, Planning & Infrastructure) asking the Council to consider proposals for the sale of the Clock Tower, The Square, Dufftown.

Following consideration the Council agreed to:

- i. decline the request for assistance from Dufftown & District Community Association for assistance in the form of architectural design support from the Council, and

- ii. authorise officers to undertake a public consultation on the proposed sale and report back to the Policy and Resources Committee to consider the proposed main terms of sale, together with a summary of any representations from the consultation.

9 Financial Planning 2019/20 Onwards [Para 1]

Under reference to paragraph 7 of the minute of the special meeting of Moray Council a report was submitted by the Chief Executive updating the Council on the current financial forecasts and proposing further measures to reduce the budget shortfall in preparation for setting budget in February 2019. Taking into account the forecasts and progress made, the report further advised the Council of the challenge associated with setting a balanced budget in February 2019 and the actions that it is now recommended are taken.

Prior to discussion the Chair stated that this item would require lengthy debate and suggested that Members have that debate and thereafter if Groups or individuals wish to put forward suggestions/motions they do so following a full debate. This was agreed.

During discussion of this item, in order to conclude the business of the meeting, the Council agreed to Suspend Standing Order 75 and continue the business of the meeting beyond 12.45 pm.

Thereafter following lengthy discussion the Council agreed:

- 4.1 (i) to note the updated financial overview and the increase in the deficit in the council's 2019/20 budget arising from developments since the meeting of the Council on 12 December 2018;
- (ii) to proceed with the savings deferred from the 12 December Council meeting and more fully detailed in para 4.5 of the report as follows:
 - a) Elgin Community Centre -

Councillor Leadbitter, seconded by Councillor Morrison, moved that the council agree to implement increased charging and reduced cost measures in order to reduce the overall running costs and that a closure date of 31 March 2020 be applied to allow those privately operated organisations currently based within the Community Centre time to find alternative premises.

As an amendment Councillor Eagle, seconded by Macrae moved that the council agree to implement increased charging and reduced cost measures in order to reduce the overall running costs with a 4 month review to assess whether the required savings are emerging and whether to continue to operate ECC.

On a division there voted:

For the Motion (10)

Councillors Leadbitter, Morrison, A McLean, Bremner, Coull, Coy, Divers, Laing, Patience and Warren

For the Amendment (12)

Councillors Eagle, Macrae, Alexander, Allan, Brown, Cowie, Creswell, Feaver, Gatt, M McLean, R McLean and Shepherd

Abstentions (1)

Councillor Ross

Accordingly the Amendment became the finding of the meeting and the Council agreed to implement increased charging and reduced cost measures in order to reduce the overall running costs with a 4 month review to assess whether the required savings are emerging and whether to continue to operate Elgin Community Centre;

(b) Forres Community Centre -

agreed to replace this saving with the closure of Auchernack and transfer of services and staff to Forres Community Centre and to reduce staff operating costs of FCC;

(c) School Cleaning Reductions

Following discussion Councillor Eagle, seconded by Councillor Feaver, moved that the council delay the proposed saving until 27 February 2019.

As an amendment Councillor Leadbitter, seconded by Councillor A McLean, moved that the council proceed with the savings as proposed in September 2018.

On a division there voted:

For the Motion (13)

Councillors Eagle, Feaver, Allan, Bremner, Cowie, Creswell, Divers, Eagle, Gatt, M McLean, Macrae, R McLean, Ross and Shepherd

For the Amendment (9)

Councillors Leadbitter, A McLean, Alexander, Coull, Coy, Laing, Morrison, Patience and Warren

Abstentions (1)

Councillor Brown

Accordingly the Motion became the finding of the meeting and the Council agreed to delay the proposed saving until 27 February 2019.

- (iii) Following discussion Councillor Leadbitter, seconded by Councillor Morrison, moved approval of the greatest level possible of the savings in Appendix B of the report for implementation, development and workforce consultation in order to assist in addressing the council's 2019/20 budget gap as follows:

- All savings categorised 'green' with those redness categories i and ii to proceed as indicated;

- A5c4 - Swimming Pools at Lossiemouth and Keith only to close subject to review on 27 February following concerted campaign to promote 'Fit Life' membership;
- Spend to save – Water controls on urinals;
- A5d – Fit Life charges savings be agreed in principle subject to the actual amount of the increase being subject to discussion with Moray Leisure;
- C3 – Marleon House – still under contract - future year saving;
- D7-7 – Winter Maintenance – gritting routes P1 - defer to 27 February – further information to be provided;
- D9d - agreed to grant delegated authority to Head of Direct Services in consultation with Group Leaders (with input from local members) to determine where additional car parking charges should be introduced subject to there being no reduction to the proposed saving.
- Other savings

As an amendment, Councillor Eagle, seconded by Councillor Feaver, moved that the Council defer saving in Appendix B with the exception of those listed below, recognising that at this stage no proposal should be removed in its entirety but put on hold pending further information on the final Scottish Government settlement, the outcome of official discussions with the Scottish Government and other external partners and when taken into consideration with remainder of necessary savings options on 27 February 2019:

- D6a3 - Burial Grounds - additional charges for non-Moray residents.
- D6b1 - Grounds Maintenance open spaces - not for profit - Cease maintenance.
- D6b3 - Grounds Maintenance open spaces - owner unknown - Cease maintenance.
- D92a - Harbours Charges - increase leisure harbour fees by 10%
- School Transport - Procurement savings
- VAT - Bulky uplifts (no VAT)

On a division there voted:

For the Motion (13)

Councillors Leadbitter, Morrison, Alexander, Bremner, Brown, Coull, Coy, Creswell, Divers, Laing, A McLean, Patience and Warren.

For the Amendment (10)

Councillors Eagle, Feaver, Allan, Cowie, Gatt, M Clean, R McLean, Macrae, Ross and Shepherd.

Abstentions (0)

Accordingly the Motion became the finding of the meeting and the Council approved the greatest level possible of the savings in Appendix B of the report for implementation, development and workforce consultation in order to assist in addressing the council's 2019/20 budget gap as follows:

- (a) All savings categorised 'green' with those redness categories i and ii to proceed as indicated;
- (b) A5c4 - Swimming Pools at Lossiemouth and Keith only to close subject to review on 27 February following concerted campaign to promote 'Fit Life' membership;
- (c) Spend to save – Water controls on urinals;
A5d – Fit Life charges savings agreed in principle subject to the actual amount of the increase being subject to discussion with Moray Leisure;
- (d) Leisure;
- (e) C3 – Marleon House – still under contract - future year saving;
- (f) D7-7 – Winter Maintenance – gritting routes P1c - defer to 27 February – further information to be provided;
D9d - agreed to grant delegated authority to Head of Direct Services in consultation with Group Leaders (with input from local members)
- (g) to determine where additional car parking charges should be introduced subject to there being no reduction to the proposed saving.
- (h) Other Savings
- (iv) agreed that for savings identified as requiring workforce consultation, the outcome of this is reported to the Council on 27 February to agree how to proceed.
- (v) Following discussion Councillor Eagle, seconded by Councillor Feaver, moved that Directors should provide full information of the underspend in devolved school management in each school in Moray stating the total underspend and what the underspend is being allocated or saved for and that this is reported for final decision to the Council on 27 February 2019.
As an Amendment, Councillor Leadbitter, seconded by Councillor Morrison, moved that the devolved school management underspend that is uncommitted as of today's date is clawed back and allocated to general reserves.

On a division there voted:

For the Motion (10) Councillors Eagle, Feaver, Allan, Brown, Gatt, M Mclean, R McLean, Macrae, Ross and Shepherd.

For the Amendment (13) Councillors Leadbitter, Morrison, A McLean, Alexander, Bremner, Coull, Cowie, Coy, Creswell, Divers, Laing, Patience and Warren.

Abstentions (0)

Accordingly the Amendment became the finding of the meeting and the Council agreed that the devolved school management underspend that is uncommitted as of today's date is clawed back and allocated to general reserves.

(vi)

Following discussion Councillor Leadbitter, seconded by Councillor Morrison, moved that the Council agree additional use of reserves of £0.7m held in general reserves for repairs and renewals requires and agrees the use of up to a further £0.7m from general reserves based on this being repaid to revert to policy position of £5m reserves as soon as possible.

As an Amendment, Councillor Brown, seconded by Councillor Gatt, moved that the Council agree additional use of reserves of £0.7m held in general reserves for repairs and renewals requires but does not agree to the use of up to a further £0.7m from general reserves based on this being repaid to revert to policy position of £5m reserves as soon as possible;

On a division there voted:

For the Motion (11)

Councillors Leadbitter, Morrison, A McLean, Alexander, Bremner, Coull, Cowie, Coy, Laing, Patience and Warren.

For the Amendment (11)

Councillors Brown, Gatt, Allan, Creswell, Divers, Eagle, Feaver, M McLean, Macrae, Ross and Shepherd.

Abstentions (1)

Councillor R McLean.

There being an equality of votes, and in terms of Standing Order 62(e), the Chair cast her casting vote in favour of the motion.

Accordingly the Motion became the finding of the meeting and the Council agreed the additional use of reserves of £0.7m held in general reserves for repairs and renewals requires and agreed the use of up to a further £0.7m from general reserves based on this being repaid to revert to policy position of £5m reserves as soon as possible.

(vii) agreed to continue contact with external bodies as noted in the report to keep them apprised of the situation and seek such support and assistance as they may be able to provide.

(viii) agreed that work continues to identify options to improve financial sustainability and ability to set balanced budget. In particular:

continue to identify and bring forward further savings for consideration
(a) in setting the 2019/20 budget;

in respect of the possible savings listed in paragraph 4.30 to delegate authority to the Chief Executive in liaison with Group Leaders to
(b) approve such preparatory work and consultation as may be necessary to enable these savings to be progressed as early as possible, with reporting for approval at the council meeting on 27 February;

continue the development of the Improvement and Modernisation
(c) Programme to take forward transformational change for the future;

investigates alternative options to fund the cost of change and to
(d) delegate to the Chief Executive authority to undertake such investigation and preparations as may be necessary to assist in bridging the gap.