

MORAY COUNCIL

Minute of Special Meeting of the Moray Council

Tuesday, 17 November 2020

remote locations via video conference,

PRESENT

Councillor George Alexander, Councillor James Allan, Councillor David Bremner, Councillor Frank Brown, Councillor Theresa Coull, Councillor John Cowe, Councillor Gordon Cowie, Councillor Paula Coy, Councillor Lorna Creswell, Councillor John Divers, Councillor Tim Eagle, Councillor Ryan Edwards, Councillor Claire Feaver, Councillor Donald Gatt, Councillor Graham Leadbitter, Councillor Marc Macrae, Councillor Aaron McLean, Councillor Maria McLean, Councillor Ray McLean, Councillor Louise Nicol, Councillor Laura Powell, Councillor Derek Ross, Councillor Amy Taylor, Councillor Sonya Warren, Councillor Walter Wilson

APOLOGIES

Councillor Shona Morrison

IN ATTENDANCE

Also in attendance at the above meeting were the Chief Executive, Depute Chief Executive (Education, Communities and Organisational Development), Depute Chief Executive (Economy, Environment and Finance), Head of Governance Strategy and Performance and Tracey Sutherland, Committee Services Officer.

1. Chair of Meeting

The meeting was chaired by Councillor Graham Leadbitter.

2. Suspension of Standing Orders

In order to discuss and agree the recommendations in the report, the Council agreed to suspend standing order 82 as a decision of Committee membership had been made less than 6 months previously at a meeting of Moray Council on 17 June 2020.

3. Declaration of Group Decisions and Members Interests *

In terms of Standing Order 20 and the Councillors' Code of Conduct, 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.

4. Congratulations

The Council joined the Council Leader in congratulating Councillors Ray and Maria McLean on the arrival of their baby daughter Sophia.

5. Appointments to Committees, Boards and Outside Bodies

Councillor Macrae joined the meeting during the discussion of this item.

A report by the Depute Chief Executive (Education, Communities and Organisational Development) invited the Council to determine the membership of committees, sub committees, boards and outside bodies and to appoint a Chair and Depute Chair where appropriate.

The Chair proposed considering and agreeing each of the 4 recommendations separately, this was unanimously agreed.

In consideration of recommendation 2.1 (i) the membership of the Committees and sub-committees and the political balance of same.

Councillor Leadbitter moved to reduce the membership of Committees to 12 with the political balance of:

SNP	Conservative	COG	MAG	Labour/Independent
4	4	2	1	1

This was seconded by Councillor A McLean

Councillor Eagle, seconded by Councillor Brown proposed membership of Committees being 11 with a political balance of:

SNP	Conservative	COG	MAG	Labour/Independent
3	4	2	1	1

Councillor Alexander, seconded by Councillor Ross proposed continuing the membership of Committees at 14 with a change to the political balance as follows:

SNP	Conservative	COG	MAG	Labour/Independent
4	5	2	2	1

Due to there being wide spread connection issues, it was agreed to have a short adjournment to allow all present to disconnect and rejoin the meeting.

On the resumption of the meeting and following further consideration, Councillor Eagle withdrew his amendment and agreed with Councillor Alexander's amendment. Subsequently Councillor Leadbitter withdrew his proposal and also accepted Councillor Alexander's amendment.

Therefore it was unanimously agreed that the Council Committees would remain at 14 with the following political balance:

SNP Conservative COG MAG Labour/Independent

4 5 2 2 1

Councillor Leadbitter sought clarification from the Head of Governance, Strategy and Performance on the impact this would have on sub committees.

In response, the Head of Governance, Strategy and Performance, confirmed that consideration had not been given to the sub Committees and if any changes were required, he would come back the Council at a later date.

Recommendation 2.1. (ii) the Council considered the vacancies in position of Chair and Depute Chairs following a change in the political balance of the Council.

Councillor Leadbitter moved that Councillor Coull be the chair of Licensing Committee, this was seconded by Councillor Coy.

In seeking other nominations for the role, Councillor Edwards proposed, seconded by Councillor Alexander, Councillor Cowie as Chair of the Licensing Committee as he was already chair of the Licensing Board.

On the division there voted:

For the Motion (6) Councillors Leadbitter, Coy, Bremner, Coull, A McLean and Nicol

For the Amendment (16) Councillors Edwards, Alexander, Allan, Brown, Cowe, Cowie, Creswell, Eagle, Feaver, Macrae, M McLean, R McLean, Powell, Taylor, Ross, Wilson

Abstention (2) Councillors Divers and Gatt

Accordingly the amendment became the finding of the meeting and Councillor Cowie was appointed Chair of the Licensing Committee.

The next vacancy for consideration was Chair of the Local Review Body. Councillor Taylor moved that she be the Chair of the Local Review Body, this was seconded by Councillor Alexander.

As there was no-one otherwise minded Councillor Taylor was appointed Chair of the Moray Local Review Body.

Councillor Leadbitter informed the Council that he was unaware of there ever having been a Depute Chair of the Appeals Committee so unless there was anyone otherwise minded no appointment would be made. As there was no one otherwise minded the Council agreed not to appoint a Depute Chair to the Appeals Committee.

Councillor Macrae moved that Councillor Allan be Depute Chair of the Licensing Board, this was seconded by Councillor Eagle. Councillor Divers informed the Council that it was his understanding that the decision of Depute Chair was the decision of the Board and not the Council. Councillor Leadbitter sought clarification from the Head of Governance, Strategy and Performance. In response the Head of Governance, Strategy and Performance confirmed that it is the decision of the Board on the Chair and Depute Chair positions. As a result of the advice from the Head of

Governance, Strategy and Performance this vacancy will be left for the Licensing Board to decide upon.

The next vacancy considered was the Depute Chair of Planning and Regulatory Service. Councillor Bremner moved that Councillor Aaron McLean be appointed Depute Chair for Planning and Regulatory Committee. As there was no one otherwise minded accordingly Councillor Aaron McLean became the Depute Chair of Planning and Regulatory Committee.

Recommendation 2.1 (iii) asked Council to consider vacancies in appointments to Community Planning and other partnership bodies.

Councillor Leadbitter moved that Councillor Coull be the substitute member for the SNP on the Grampian Valuation Joint Board, this was seconded by Councillor Bremner. This was unanimously agreed.

A substitute for the COG/MAG/Labour/Independent representative on the Grampian Valuation Joint Board was not agreed and will be agreed at a later date and remains a vacancy.

Councillor Macrae left the meeting during the discussion of this recommendation.

Following the decision at the Moray Integration Joint Board on 24 September 2020 to increase the membership of the Board, 1 additional Councillor representative was sought.

Councillor Eagle moved that Councillor Brown be nominated as the additional member of the Moray Integration Joint Board, and Councillor Maria McLean as the substitute, this was seconded by Councillor Feaver.

Councillor Divers proposed Councillor Creswell, this was seconded by Councillor Nicol. Councillor Creswell thanked Councillor Divers for the nomination but felt that she did not have the capacity to take on the additional role.

Councillor Edwards proposed Councillor Divers, this was seconded by Councillor Wilson.

On the division there noted:

For the motion (8) Councillors Eagle, Feaver, Allan, Brown, Gatt, M McLean, R McLean and Powell

For the Amendment (14) Councillors Edwards, Wilson, Alexander, Bremner, Coull, Cowe, Cowie, Coy, Creswell, Divers, Leadbitter, A McLean, Nicol and Warren

Abstention (1) Councillor Taylor

Councillor Warren lost connection during the vote so therefore her vote was taken manually when she re-joined the meeting. Councillor Warren confirmed that she would have voted for the amendment.

Accordingly the amendment became the finding of the meeting and Councillor Divers was appointed to the Moray Integration Joint Board.

Councillor Brown moved that Councillor Edwards be nominated as the substitute member of the Moray Integration Joint Board, this was seconded by Councillor Gatt. As there was no one otherwise minded Councillor Edwards was appointed as a substitute member of the Moray Integration Joint Board.

Councillor Cowe left the meeting during the discussion of this item.

Recommendation 2.1 (iv) asked the Council to note the current appointments to Outside Bodies.

Councillor Leadbitter indicated that prior to the meeting he had been notified that the Chair of the Banffshire Educational Trust Joint Board of Governors had recently retired and a replacement was being sought.

Councillor Gatt added that the County of Banff Bursary Fund - Board of Governors had a vacancy following the retirement of Councillor Shepherd and note the Banffshire Educational Trust Joint Board of Governors.

As there was some confusion on which of the 2 outside bodies had a vacancy and on the advice of the Clerk it was agreed that this decision would be deferred until clarification could be sought.

The Depute Chief Executive (Education, Communities and Organisational Development) sought clarification on whether the Council wished to discuss the Senior Responsibility Allowance (SRA) payments paid to some Elected Members.

In response, Councillor Leadbitter confirmed that following the resignation of Councillor Taylor from the SNP group, the decision had been taken to re-allocate the allowance to Councillor Coull in recognition of the responsibility she currently holds.

Councillor Gatt, sought clarification on whether legal advice had been sought prior to the decision being made and if so, what was the advice given?

Councillor Leadbitter responded by saying that advice had been sought on a variety aspects and issues following the resignation of Councillor Taylor from the Admin Group and the advice from the Monitoring Officer was that the allocation of SRAs was generally at the discretion of the Administration.

Councillor Brown suggested, that given the decision made earlier in the meeting, the SRA should move to Councillor Cowie as the recently appointed Chair of the Licensing Committee.

Councillor Alexander further added that he appreciated the advice given and felt the decision was extremely unwise and the decision to appoint the Chair for the Licensing Committee outside the Administration Group was to relieve some of the workload pressure from the minority Administration and urged the SNP group to re-think the decision.

Councillor Eagle was concerned about allocating SRA payments to Depute Chairs and was minded to move that Council agree to award the payment to the Chair of Licensing and sought clarification from the Head of Governance, Strategy and Performance that this would be a competent motion.

The Head of Governance, Strategy and Performance confirmed that the motion would be competent and that the meeting confirms today who receives the SRA payments.

Following the confirmation, Councillor Eagle moved that the SRA payment be given to the Chair of Licensing Committee, this was seconded by Councillor Edwards.

Councillor Leadbitter added that he had never been of the opinion that SRA payments were only for those Councillors with Chair positions and that it should represent the time commitment of all Committees and Boards.

The Depute Chief Executive (Education, Communities and Organisational Development) suggested that it may be helpful for the Committee to agree at the meeting which roles are allocated the SRA payments rather than individuals.

Following further consideration Councillor A McLean said that he felt he did not have enough information to make a decision today and proposed, seconded by Councillor Coy to defer the decision and discuss at a further meeting, allowing discussions to take place outwith the meeting.

Following further discussion, on the advice from both Depute Chief Executives, it was agreed to have a short adjournment to seek further advice from the Head of Governance, Strategy and Performance.

Following the resumption of the meeting, Councillor Coull advised that she would give up the SRA payment which had been awarded to her.

Following Councillor Coull's decision, Councillor A McLean withdrew his amendment.

Accordingly, as there was no one otherwise minded the Council agreed that the SRA payment, previously paid to Councillor Taylor, prior to her resignation from the Administration Group and subsequently paid to Councillor Coull, would now be paid to the Chair of Licensing Committee.