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## Moray Council

Wednesday, 20 January 2021

**NOTICE IS HEREBY GIVEN** that a Meeting of the **Moray Council** is to be held at remote locations via video conference, on **Wednesday, 20 January 2021** at **09:30**.

### BUSINESS

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Report by the Chief Social Work Officer

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|           | Consider any oral question on matters delegated to the Committee in terms of the Council's Scheme of Administration. |                |

**Any person attending the meeting who requires access assistance should contact customer services on 01343 563217 in advance of the meeting.**

## GUIDANCE NOTES

\* **Declaration of Group Decisions and Members Interests** - The Chair of the meeting shall seek declarations from any individual or political group at the beginning of a meeting whether any 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.

\*\* **Written Questions** - Any Member can put one written question about any relevant and competent business within the specified remits not already on the agenda, to the Chair provided it is received by the Proper Officer or Committee Services by 12 noon two working days prior to the day of the meeting. A copy of any written answer provided by the Chair will be tabled at the start of the relevant section of the 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.

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 consent of the Chair. 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.

\*\*\* **Question Time** - At each ordinary meeting of the Committee ten minutes will be allowed for Members questions when any Member of the Committee can put a question to the Chair on any business within the remit of that Section of the Committee. 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.

No supplementary question can be put or answered more than ten minutes after the Committee has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he/she can submit it in writing to the proper officer who will arrange for a written answer to be provided within seven working days.

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# THE MORAY COUNCIL

## Moray Council

### SEDERUNT

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

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**Minute of Meeting of the Moray Council**

**Wednesday, 28 October 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 Claire Feaver, Councillor Donald Gatt, Councillor Graham Leadbitter, Councillor Marc Macrae, Councillor Aaron McLean, Councillor Maria McLean, Councillor Ray McLean, Councillor Shona Morrison, Councillor Louise Nicol, Councillor Laura Powell, Councillor Derek Ross, Councillor Amy Taylor, Councillor Sonya Warren, Councillor Walter Wilson

**APOLOGIES**

Councillor Ryan Edwards

**IN ATTENDANCE**

The Chief Executive, Depute Chief Executive (Economy, Environment and Finance), Depute Chief Executive (Education, Communities and Organisational Development), Interim Chief Officer Health and Social Care, Head of Governance, Strategy and Performance, Head of Economic Growth and Development, Economic Growth and Regeneration Manager, the Senior Officer Economic Strategy and Growth and the Democratic Services Manager as clerk to the meeting.

## **1 Chair of Meeting**

Councillor S Morrison , being Convener and Chair of Moray Council, chaired the meeting.

## **2 Declaration of Group Decisions and Members Interests \***

In terms of Standing Order 20 and the Councillors' Code of Conduct, Councillors Morrison, Coull and Eagle, as members of the Board, all declared an interest in Agenda Item 8 'Membership of Moray Integration Joint Board'.

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 under 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 Item 14 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 Order of Business**

Under reference to Standing Order 28 the meeting agreed to vary the order of business on the agenda and take Items 12(a) 'Economic Recovery Plan - Kickstart and Employability', 12(b) 'Economic Recovery Plan - Procurement Post and Small Business Support' and 12(c) 'Town Centre Support' in conjunction with Item 10 'Economic Recovery Plan' and to take these items prior to discussion of Item 9 'Best Value Assurance Report Strategic Action Plan'.

## **5 Minute of Meeting of the Policy and Resources Committee dated 10 March 2020**

The Minute of the Meeting of the Policy and Resources Committee dated 10 March 2020 was submitted and approved.

## **6 Minute of the Meeting of Moray Council Emergency Cabinet dated 12 August 2020**

The Minute of the meeting of the Moray Council Emergency Cabinet dated 12 August 2020 was submitted and approved.

## **7 Minute of Special Meeting of Moray Council on 7 October 2020**

The Minute of the Special Meeting of Moray Council dated 7 October 2020 was submitted and approved.

Under reference to paragraph 4 of the Minute in relation to Scottish Public Services Ombudsman (SPSO) Reports – Children’s Social Work, the Interim Chief Officer Health and Social Care advised the Council that one of the decisions at that meeting was that the revision of the transitions policy would be provided to the Education, Communities and Organisational Development Committee (ECOD) on 18 November 2020. However, a charity based in Moray called ‘Friendly Access’ which focuses on creating and improving accessibility with a holistic approach regardless of disability had, following the publication of the SPSO Report, conducted a survey into peoples’ experience of transition from childhood to adulthood when additional support was required. He further advised that Children’s Services had approached the Charity to work with them on the transitions policy as Friendly Access were considered as experts by experience in this area. This has resulted in the timeframe originally put in place needing to be revised and therefore in order to make best use of this expertise he sought the Council’s agreement that this be delayed and reported to the meeting of ECOD Committee on 3 February 2021. This was agreed.

## **8 Minute of the Meeting of Moray Council dated 2 September 2020**

The Minute of the Meeting of Moray Council dated 2 September 2020 was submitted and approved.

## **9 Minute of Special Meeting of Moray Council on 9 October 2020**

The Minute of the Meeting of the Special Moray Council dated 9 October 2020 was submitted and approved.

## **10 Written Questions \*\***

The Council noted that no written questions had been submitted.

## **11 Notice of Motion - Councillor T Eagle and Councillor J Allan**

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

We give notice as required under standing order 7 that at the next meeting of the Moray Council we will be seeking to change the Convener and Leader with the resulting change to the administration with a view to pursuing a new weighted cabinet governance structure for the Council.

We recognise that the next normal meeting of the Moray Council is not due until 20<sup>th</sup> January 2021. Given the importance of preparing the budget and to allow either the current administration or a new administration to work productively for the people of Moray, we are today seeking support to bring forward the debate on the future administration.

Therefore, this motion seeks to inform the council of plans to change the administration and to seek Councillor's support to agree to a meeting being called around 2 weeks from now to allow for this debate to progress prior to the next official meeting.

In presenting the Motion Councillor Eagle stated that in terms of Standing Order (SO) 7 the motion was simply a statement giving notice of the intention having a debate around the change in the administration of the Council and the securing of a cabinet governance structure and under the terms of SO 7 needed to give notice at one meeting to be able to discuss it at the next. However as the next scheduled meeting of Moray Council was not until January 2021 the motion was also seeking agreement to bring forward the discussion to a special meeting in a few weeks' time.

Councillor A McLean stated that, whilst he had no issue with the Notice Of Motion, he did have an issue in that the terms of the motion linked the change in leadership to changing the future governance structure, which in his opinion, were two large policy issues to try and bring together in one motion and would be better served being separate from each other.

In response Councillor Eagle stated that whilst he took on board the issue raised by Councillor A McLean, he was of the opinion that the two issues are better served together and that the motion was seeking to put in place a strong administration with a strong governance structure in which to take Moray forward and which in turn responds to the Best Value Audit Report. He further stated that as he had not been advised otherwise, assumed that this was acceptable.

The Head of Governance, Strategy and Performance advised that whilst you can change the administration at the next meeting, to change the operating governance structure model is a longer more complicated process and that officers would work with the movers of the motion to work through that process that satisfied the needs of the Council. He further advised that to change the operating model of the council is likely to take two to three months.

Councillor Leadbitter stated that the point made by Councillor A McLean in regard to whether the proposal to change the administration is dependent upon a different operating model is of critical importance and, he was of the opinion, that this needed to be debated at this meeting. He stated that the Council was currently in the midst of a public health crisis and potentially facing a no deal brexit. These are some of the most turbulent times the Council has had to face and due to the uncertainty surrounding the future administration is stuck in a holding pattern and he stated that if this could be resolved today rather than in two weeks' time then he would be happy to do that and asked whether the proposal to take over the administration was dependant on there being an executive cabinet model or are they happy to seek administration under the current committee structure?

In response Councillor Eagle stated that he believed that moving to an executive cabinet structure would best serve the Council.

Following further discussion Councillor Leadbitter moved as an amendment that the Council agree to restate its support for a politically balanced committee model of governance and by extension rejects an executive cabinet model of governance. Councillor Morrison seconded the amendment.

Following further lengthy discussion during which the issue of competency was raised, the Head of Governance, Strategy and Performance advised that in his opinion it was competent for the Council to discuss the question of whether it wishes to move to an executive cabinet model or retain the current committee structure and reminded the meeting of the discussion held at the meeting on 12 February 2020 where information had been provided in relation to various cabinet models and at which the decision had been to retain the current committee structure.

The Chief Executive advised the Council that moving to a cabinet model was a significant decision and with no previous experience of the model of working Members would need to be well informed before taking such a decision. From a governance point of view in order to be well informed Members of the Council would need advice and information that is directly relevant, clear and timely and whilst he fully respected the views of the elected members, it is the duty of officers to provide objective advice, and would also need professional advice on any legal, financial and technical matters. All of which Members should be able to refer to in the course of a discussion of this significance.

Following further discussion Councillor Alexander sought clarification from Councillor Eagle that the Conservative Group would not seek to take over the administration of the Council under the current committee governance structure. He further stated that if this was the case that all Members needed to be clear on what they were voting for.

In response Councillor Eagle stated that the Motion was about what was considered to be the best way to move forward and that there was no point in Members voting for the Motion if they did not wish to put in a cabinet structure.

Thereafter following further discussion the Chair asked that the vote be taken.

On a division there voted:

For the Motion (11)

Councillors Eagle, Allan, Brown, Feaver, Gatt, Macrae, M McLean, R McLean, Powell, Ross and Wilson.

For the Amendment (13)

Councillors Leadbitter, Morrison, Alexander, Bremner, Coull, Cowe, Cowie, Coy, Creswell, Divers, Nicol, A McLean and Warren

Abstentions (1)

Councillor Taylor

Accordingly the Amendment became the finding of the meeting and the Council agreed to restate its support for a politically balanced committee model of governance and by extension rejects an executive cabinet model of governance.

A report by the Depute Chief Executive (Education, Communities and Organisational Development) invited the Council to consider the political balance allocations for Committees.

Following discussion the Council agreed to defer consideration of this matter to a special meeting of the council at a date to be determined.

### **13 Membership of Moray Integration Joint Board - Proposed Increase**

A report by the Interim Chief Officer, Moray Integration Joint Board asked the Council to consider and approve an increase in the voting membership of Moray Integration Joint Board (MIJB) by one Council member.

Following consideration the Council agreed to the proposal for an increase in voting membership of MIJB and that the additional member representative will be consider in conjunction with the report on Political Balance and the outcome advised to the MIJB in due course.

### **14 Economic Recovery Plan**

Under reference to paragraph 8 of the Minute of the Economic Growth, Housing and Environmental Sustainability Committee dated 6 October 2020, a report by the Depute Chief Executive (Economy, Environment and Finance) provided the Council with proposals for an economic recovery plan for Moray outlining the actions and interventions of Community Planning Partners to accelerate economic growth.

Following consideration the Council agreed to approve in principle, the financial requirements outline in paragraph 4(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.

### **15 Economic Recovery Plan - Kickstart and Employability**

Under reference to paragraph 8 of the Minute of the Meeting of the Economic Growth, Housing and Environmental Sustainability Committee held on 6 October 2020, a report by the Depute Chief Executive (Economy, Environment and Finance) provided the Council with details of the Kickstart scheme which forms part of the economic recovery plan and other employment related funding streams being actioned by the Council.

Following consideration the Council agreed to:-

- i. the funding allocation as set out in the financial implications at para 4(c) of the report to support payment of the living wage to Kickstart placements in Moray Council; and

- ii. note the plans and progress on work associated with a range of employability support interventions.

## **16 Economic Recovery Plan - Procurement Post and Small Business Support**

Under reference to paragraph 8 of the Minute of the Meeting of the Economic Growth, Housing and Environmental Sustainability Committee dated 6 October 2020, a report by the Depute Chief Executive (Economy, Environment and Finance) provided the Council with details of the temporary post relating to Community Wealth Building and growing the local economy with a focus on procurement, a permanent procurement post to provide additional capacity to the procurement team, and to enable the actions resulting from the temporary post activity, and business consultancy items which form part of the economic recovery plan.

Following consideration the Council agreed the funding allocation as set out in the financial implications outlined in paragraph 7(c) of the report for the creation of the posts identified in sections 4 and 5 of the report to support economic recovery and growth in Moray.

## **17 Town Centre Support**

Under reference to paragraph 8 of the Minute of the Meeting of the Economic Growth, Housing and Environmental Sustainability Committee, a report by the Depute Chief Executive (Economy, Environment and Finance) informed the Council on proposed Town Centre Support Schemes which forms part of the economic recovery plan being actioned by the Council.

Following consideration the Council agreed:

- i. to note the proposals;
- ii. for town centres of Buckie, Keith, Forres, Lossiemouth, Elgin, Aberlour and Dufftown the setup of a pop-up shop scheme with associated cost over two financial years of £50,000; and
- iii. to offer 50% capital start-up grants up to a maximum of £10,000 following participation in the pop-up scheme with budget requirement of £100,000 for next financial year 2021/2022.

## **Adjournment of Meeting**

In terms of Standing Order 25 the Meeting agreed to adjourn at 13.00 pm for lunch and reconvene at 14.00 pm.

## **Resumption of the Meeting**

### **PRESENT:**

Councillors Morrison, Leadbitter, Alexander, Allan, Bremner, Brown, Coull, Cowe, Cowie, Coy, Creswell, Divers, Eagle, Feaver, Gatt, Macrae, A McLean, M McLean, R McLean, Morrison, Nicol, Powell, Ross, Taylor, Warren and Wilson.

### **IN ATTENDANCE**

The Chief Executive, Depute Chief Executive (Economy, Environment and Finance), Depute Chief Executive (Education, Communities and Organisational Development), Interim Chief Officer Health and Social Care, Head of Economic Growth and Development, Head of Governance, Strategy and Performance, Economic Growth and Regeneration Manager, Senior Officer Economic Strategy and Growth and the Democratic Services Manager as clerk to the meeting.

## **18 Best Value Assurance Report Strategic Action Plan**

Under reference to paragraph 3 of the Minute of the Special Meeting of Moray Council held on 7 October 2020, a report by the Chief Executive asked the Council to approve a Plan of strategic actions in response to the Accounts Commissions findings on the Best Value Assurance Report on Moray Council by the Controller of Audit.

Following consideration the Council agreed to approve the Best Value Assurance Report Strategic Action Plan as detailed in Appendix 1 of the report for submission to the Accounts Commission.

## **19 BT Phoneboxes**

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Council of BT's proposal to remove 13 payphones in autumn 2020 in Moray and sought approval for the Council's response to BT.

Following consideration the Council agreed to:

- i. BT's proposed removal of 1 payphone - noting that there do not appear to be reasonable grounds to object according to BT's criteria;
- ii. object to the removal of 6 payphones for which there are valid reasons to object, according to BT's criteria;
- iii. the "adoption" of 6 traditional red payphones by local community groups, and

- iv. delegate future consultation responses regarding BT payphones to the Head of Economic Growth and Development in consultation with Local Members.

## **20 Town Centre Fund Capital Grant 2020 to 2021**

Under reference to paragraph 8 of the Minute of the Meeting of the Economic Growth, Housing and Environmental Sustainability Committee dated 6 October 2020, a report by the Depute Chief Executive (Economy, Environment and Finance) provided the Council with an update on additional funding allocation for the Town Centre Fund Capital Grant and asked the Council to authorise proposed works and grant schemes.

Councillor Eagle stated that whilst he had no issue with the funding coming from the Scottish Government, he was aware that last year the scope was much wider than this year and so focus was much more on development and the two principle components of that being turning empty properties in to living accommodation and reducing the size of business units to smaller units and that this misses out what communities want to bring forward in their town centres. He further stated that he could not see why communities could not put in a bid and that it would be for them to work up their bids and sought some clarification on this.

In response the Economic Growth and Regeneration Manager advised that there had been more time last year in which to enter into a dialogue with communities however due to the tight timescale there was no time and the capacity was very limited. Having said that she further advised that she would recommend that communities look at and prioritise what is needed in their towns rather than simple shopping lists but work up plans as the Scottish Government had announced that the intention is that over the next five years to allocate £272M which would see more funding coming in.

Councillor Eagle stated that some communities would have available to them the requests that had already been prepared with all of the quotes etc. in place that they didn't get approval for the last time. He further referred to the recommendation in relation to the Market Cross in Forres, which was a community project from last year that had not progressed due to a further funding issue, and was of the opinion that it was only fair to the other communities to allow them to put forward their applications from last year.

Following further discussion Councillor Eagle moved that the Council:

- i) agree recommendations 2.1(i) and 2.1(iii) as detailed in the report,
- ii) delete recommendation 2.1 (iv), and
- iii) amend recommendation 2.1(ii) to read 'agree that the town centre grant application will include the themes as proposed in the Town Centre Fund – Capital Grant 2019/20 and this will include the provisions within paragraphs 3.6 and 3.8 of the report in terms of grant rate.'

The Depute Chief Executive (Economy, Environment and Finance) cautioned on the impact on staffing resources and outlined the process regarding the handling of applications which may in turn require a re-prioritising of work within the department. The Economic Growth and Regeneration Manager confirmed when asked that she did not see how her team had scope to reprioritise any further in order to create capacity to consider the fuller scheme proposed.

Councillor Alexander moved as an amendment that the Council approve the recommendations as outlined in the report. Councillor Cowe seconded the amendment.

On a division there voted:

For the Motion (11)

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

For the Amendment (14)

Councillors Alexander, Cowe, Bremner, Coull, Cowie, Coy, Creswell, Divers, Leadbitter, A McLean, Morrison, Nicol Taylor and Warren

Abstentions (0)

Accordingly the Amendment became the finding of the meeting and the Council agreed :

- i. to note the additional funding allocation;
- ii. for town centres with a population of over 1000 residents
  1. the grant scheme turning empty space into living space
  2. the grant scheme for altering large vacant retail premises into smaller retail units, each as set out in the report;
- iii. that the pre-existing mechanism for decision making and delegation of authority as set out in paragraph 3.10 of the report will continue for the additional funding; and
- iv. agree to allocate £30,000 to cover a shortfall for the previously agreed restoration of the Market Cross in Forres.

## 21 Question Time \*\*\*

Under reference to paragraph 8 of the Minute of the Meeting of the Policy and Resources Committee dated 10 March 2020, Councillor Alexander, in relation to the Falconer Museum, sought assurance on behalf of the Friends of the Museum, that the Council is keeping a watch on the condition of the museum collection and store.

In response the Economic Growth and Regeneration Manager advised that there is a maintenance plan and that staff are checking the condition of the building as well as contracting High Life Highland Conservation Service. Due to COVID-19 would need to check whether the curator, who was scheduled during October check the artefacts, has been able to do so. Prior to closure the artefacts were moved into the store in order to keep all the precious artefacts in one place and were secure and looked after. This will continue until a solution is found for the Museum Services. She further advised that she has answered queries from the Friends of the Museum and they should be aware of these measures.

Under reference to paragraph 9(ii) of the Minute of the Meeting of the Policy and Resources Committee dated 10 March 2020, Councillor Brown asked if a meeting with the Infrastructure Committee for Scotland seeking clarity on the implications for Moray had taken place and if so what was the outcome?

In response the Depute Chief Executive (Economy, Environment and Finance) advised that she had been advised by the Head of Economic Growth and Development that there had not been an opportunity to hold a meeting with the Infrastructure Commission before the pandemic struck, but had advised that the recommendations from the Infrastructure Commission are now reflected in the Scottish Government's draft Infrastructure Investment Plan which is currently out for consultation and views on a Moray perspective on that were fed back through the recent Convention of Highlands and Islands meeting on the needs for infrastructure investment in the Highlands and Islands.

Councillor Brown asked if this had been done through officers and not Members.

In response the Depute Chief Executive (Economy, Environment and Finance) advised that she could only assume that it was the Convention of the Highlands and Islands Senior Officer Group meeting but that there had also been a further meeting of the Convention on 26 October 2020 which was attended by the Chief Executive and Council Leader.

The Chief Executive advised that he would need to follow up the query and come back as his attendance at the virtual meeting was interrupted due to issues around COVID-19. He did however have the paperwork from the meeting and would prepare a briefing note for circulation to Members.

Under reference to paragraph 10 of the Minute of the Meeting of the Policy and Resources Committee dated 10 March 2020, Councillor Brown asked for confirmation that Highlands and Islands Enterprise and the University of Highlands and Islands had agreed to the proposal for proportionate funding in respect of media services for the Moray Economic Partnership.

In response the Senior Officer Economic Strategy and Growth confirmed that this funding had been confirmed by both parties.

Under reference to paragraph 8 of the Minute of the Meeting of Moray Council dated 2 September 2020, Councillor Ross sought an update on progress regarding the application to the Rural Tourism and Infrastructure Fund.

In response the Depute Chief Executive (Economy, Environment and Finance) advised that an information report had been submitted to the meeting of the Economic Growth, Housing and Environmental Sustainability Committee on 6 October 2020 to update Members that the bid was unsuccessful and in terms of budget monitoring processes that money has been retained as there may be a further round of funding opening up which would allow a fresh bid to be submitted.

The Economic Growth and Regeneration Manager advised that the bid was not submitted as originally planned as all of the details were not ready and for the stage 2 funding application, full planning and any other legal requirements had to be at least applied for or ideally approved. The information report highlighted in particular that all the relevant communities were consulted on the detail. She further advised that the Senior Engineer is currently drawing up the detailed plans for all the sites and detailed costs are being sought so that all the detailed plans are ready for consulting with the communities and it was hoped to have all information ready by December to submit a report to Committee in January 2021. She also advised that she has been in contact with the Rural Tourism Infrastructure Fund as she previously discussed a strategic approach to finding long term solutions for the increase in tourism from motor homes.

Councillor Ross stated his disappointment in the bid not being successful and in response the Economic Growth and Regeneration Manager advised that the fund is extremely competitive and in previous rounds less than 30% of applications were successful and usually when submitting for funding we try to ensure that collectively the best had been done to secure funding by having all the permissions in place.

Councillor Brown asked that his disappointment be recorded that we were not able to achieve that level of bid and notwithstanding of the likelihood of opportunity of success, that opportunity has been denied to the Council that was trying to bolster the tourist infrastructure across Moray.

Councillor Feaver stated that she had been advised that the Convener had apparently endorsed a detrimental statement, with racial connotations, on social media in reference to the Member of Parliament for Moray and asked whether the Convener could confirm, whether she did indeed do this and if so also confirm that she will, with immediate effect, issue a public apology, resign from her position as Convener and refer herself to the Standards Commission.

In response the Convener stated that she had no idea what Councillor Feaver was referring to and would need to look back at her social media before she could make any further comment.

Councillor Ross asked, in relation to the imminent legislation regarding fire alarms and carbon dioxide detectors, whether simplified fact sheets were going to be provided regarding the public's responsibilities on this matter and are they going to be prepared by Moray Council? If so is the Council liaising with the Fire Service on this? He further stated that a number of constituents in his community had raised

their concerns about what would be required and there was a certain amount of evidence of unscrupulous businesses abusing the situation and he was therefore concerned about vulnerable people being taken advantage of and getting much more complicated systems than is necessary, as well as those vulnerable people being at risk from cold callers.

In response the Depute Chief Executive (Economy, Environment and Finance) advised that her understanding was that an informal indication has been given that the deadline for this will be pushed back and again it was her understanding that the Council would not be tasked with enforcing compliance with this except in terms of building standards for new builds and alterations and that the matter of compliance on a day to day basis would be controlled through the stance taken by Insurers to avoid being at insurance risk if people are not complying. She further advised that she had heard widely expressed concerns about exploitative behaviour ongoing relative to the previous deadline and was of the opinion that once the formal decision on whether the deadline is to be pushed back is taken, there will be a media campaign at national levels so that members of the public understand the situation and the regulations that they have to work towards.

Councillor Alexander stated that twice during the meeting reference had been made by Members to social media and urged Members to refrain from commenting or sharing on social media anything in relation to politics as some of the things his attention has been drawn to are disappointing to say the least. He further appealed to all Members to look at what was said in the Best Value Audit Report, not just in regard to this year but also in previous years, about the Councillors who represent the people of Moray. He was of the opinion that Members have to 'up their game' as Councillors and consider how they behave towards each other.

## **22 Improvement and Modernisation Programme Staffing [Para 1]**

Under reference to paragraph 8 of the Minute of the Meeting of the Education, Communities and Organisational Development Committee (ECOD) dated 23 September 2020, a report by the Depute Chief Executive (Education, Communities and Organisational Development) asked the Council to approve the recommendations from the ECOD Committee in relation to the staffing and budget requirements for the Council's Improvement and Modernisation Programme.

Following consideration the Council approved the use of funding from Capital Receipts to extend the Head of Transformation post for a period of 12 months.



**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.

**Minute of Special Meeting of the Moray Council**

**Tuesday, 01 December 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 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 Sonya Warren, Councillor Walter Wilson

**APOLOGIES**

Councillor Tim Eagle, Councillor Ryan Edwards, Councillor Shona Morrison, Councillor Amy Taylor

**IN ATTENDANCE**

The Chief Executive, Depute Chief Executive (Economy, Environment and Finance), Depute Chief Executive (Education, communities and Organisational Development), Head of Financial Services, Legal Services Manager and the Democratic Services Manager as clerk to the meeting

Also in Attendance:

Brian Howarth and Maggie Bruce, Audit Scotland.

**1 Chair of Meeting**

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, 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 or any declarations of Member's interests in respect of any item on the agenda.

**3 Order of Business**

In terms of Standing Order 68 the meeting agreed to discuss Agenda Item 6 'Health and Social Care Budget Pressure' in confidence in order to allow Members to discuss the report in more detail. The Meeting therefore resolved that under 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 Agenda Item 6 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 2019-20 Annual Audit Report to Council**

Report by Depute Chief Executive (Economy, Environment and Finance) provided the Council with a copy of the External Auditor's Annual Audit Report to Council on the 2019/20 Audit.

On the invitation of the Chair, Brian Howarth, External Audit provided the meeting with a summary of the main findings arising from the 2019/20 audit of Moray Council. He stated that it was a clean audit certificate and as part of that had drawn attention to the greater uncertainty seen this year with property devaluations, COVID-19 and some elements of the pension fund investments. He also referred to the impact the current global pandemic has had on the audit process and recorded thanks to the support provided by officers given during this time of remote working and lockdown. He further stated that overall 2019/20 financially had been a good year for the Council with savings targets being exceeded and the general fund increased and referred to Exhibit 6 in the report which shows a general pattern of decline in the general fund has been reduced in the past few years which has allowed the council to set aside reserves to help with transformation. He further highlighted the key messages as outlined in page 30 of the annual report. Thereafter he responded to Members questions.

Following discussion, the Council agreed to note the External Auditor's report.

#### **5 Moray Council's Audited Annual Accounts for the Period 1 April 2019 to 31 March 2020**

A report by the Depute Chief Executive (Economy, Environment and Finance) submitting to the Council the Audited Annual Accounts for Moray Council for the year ended 31 March 2020 and asking the Council to approve the sign off of the Annual Accounts.

Following discussion the Council agreed to approve the sign off of the Annual Accounts, having regard to the Annual Report from the external auditor considered earlier at the meeting.

#### **6 Moray Council's Connected Charities' Audited Accounts for the Period 1 April 2019 to 31 March 2020**

A report by the Depute Chief Executive (Economy, Environment and Finance) submitted to the Council for approval the audited Annual Accounts for Moray Council's Connected Charities for the year ended 31 March 2020.

Following consideration the Council agreed to approve the audited Annual Accounts for the Connected Charities for the financial year 2019/20.

## **7 Health and Social Care Budget Pressure [Para 3]**

A report by Depute Chief Executive (Economy, Environment and Finance) asked the Council to consider a request to increase the Health and Social Care budget to meet an emerging budget pressure.

Following lengthy discussion Councillor Macrae, seconded by Councillor Alexander moved approval of the recommendations as detailed in the report.

There being no one otherwise minded the Council agreed:

- i) a budget increase of £356,000 (full year effect) pro-rated for the remainder of 2020/21, and
- ii) that any reduction in budget requirement arising from review of support needs is returned to the Council as a saving.



**Minute of Special Meeting of the Moray Council**

**Wednesday, 16 December 2020**

**remote locations via video conference,**

**PRESENT**

Councillor George Alexander, 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 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 James Allan, Councillor Ryan Edwards, Councillor Shona Morrison

**IN ATTENDANCE**

Chief Executive, Depute Chief Executive (Economy, Environment and Finance), Depute Chief Executive (Education, Communities and Organisational Development), Interim Chief Officer, Moray Health and Social Care, Head of Governance, Strategy and Performance, Head of Economic Growth and Development, Chief Financial Officer, Strategic Planning and Development Manager, Head of Education Resources and Communities and the Democratic Services Manager as Clerk to the meeting.

**1 Chair**

In the absence of Councillor Morrison, Councillor Leadbitter, being Depute Chair of the Moray Council, chaired the meeting.

**2 Declaration of Group Decisions and Members Interests \***

In terms of Standing Order 20 and the Councillors' Code of Conduct, the meeting noted that 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 or any declarations of Member's interests in respect of any item on the agenda.

**3 Resolution**

The Meeting resolved that under 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 11 and 12 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 Cultural Quarter Moray Growth Deal**

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Council of the Cultural Quarter Project in the Moray Growth Deal providing an update of progress and seeking approval of concepts and next steps.

Following consideration the Council agreed:

- i. to note the executive summary from the outline business case provided in Appendix 1;
- ii. to note the governance process associated with Growth Deal Projects for which the Council is the Lead Partner;
- iii. the high level funding requirement of £3.9m from the Council and note the overall project costs shown in the financial implications; and
- iv. to utilise the existing capital budget for the Growth Deal in 2020/21 to enable the next steps identified for the Cultural Quarter in para 5.1. of the report.

#### **5 Learning Estate Strategy**

Under reference to paragraph 4 of the Minute of the special meeting of Moray Council dated 9 October 2020, a report by the Depute Chief Executive (Education, Communities and Organisational Development) updated the Council on the outcomes of recent engagement activity on a new approach to developing a long-term strategy for the learning estate as outlined in Appendix 1 of the report.

Following consideration the Council agreed to approve the 'Developing a Strategic Approach to the Learning Estate' as the strategic document that will guide the long-term development of the learning estate in Moray.

#### **6 Review of Additional Support Needs - Staffing**

Under reference to paragraph of the draft minute of the meeting of the Education, Communities and Organisational Development (ECOD) Committee dated 18 November 2020, a report by the Depute Chief Executive (Education, Communities and Organisational Development) asked the Council to approve the recommendations from

the ECOD Committee in relation to the staffing and budget requirements for the Review of the Additional Support Needs Service.

Following lengthy discussion in relation to whether the posts should be temporary or permanent, Councillor A McLean, seconded by Councillor Warren, moved that the Council approves the recommendation from the ECOD Committee to establish posts and budget noted below for an initial period of 2 years to stabilise ASN services, progress the transformation agenda, provide capacity to support schools during the Covid-19 pandemic and to help provide a secure platform from which change can be driven forward:

- i. Inclusion Manager post to stabilise the services and to progress the transformation agenda (at a cost of £83,258 per annum);
- ii. re-instate the second post of Education Support Officer (ASN) to provide capacity to support schools during the Covid-19 pandemic and to help provide a secure platform from which change can be driven forward (at a cost of £68,244 per annum).

As an Amendment, Councillor Ross, seconded by Councillor Macrae, moved that the posts be established on a permanent basis.

On a division, there voted:

For the Motion (18)

Councillors A McLean, Warren, Alexander, Bremner, Brown, Coull, Cowe, Coy, Creswell, Eagle, Feaver, Gatt, Nicol, M McLean, R McLean, Powell and Taylor

For the Amendment (5)

Councillors Ross, Macrae, Divers, Cowie and Wilson.

Abstentions (0)

Accordingly the Motion became the finding of the meeting and the Council approved the recommendation from the ECOD Committee to establish posts and budget noted below for an initial period of 2 years to stabilise ASN services, progress the transformation agenda, provide capacity to support schools during the Covid-19 pandemic and to help provide a secure platform from which change can be driven forward:

- i. Inclusion Manager post to stabilise the services and to progress the transformation agenda (at a cost of £83,258 per annum);
- ii. re-instate the second post of Education Support Officer (ASN) to provide capacity to support schools during the Covid-19 pandemic and to help provide a secure platform from which change can be driven forward (at a cost of £68,244 per annum).

## 7 Financial Planning

A report by the Depute Chief Executive (Economy, Environment and Finance) updated the Council's financial position following the projected out-turn for 2020/21; financial flexibilities given to Scottish local authorities by Scottish Government, and the UK Spending Review. The Report also asked the Council to consider proposals to reduce budget pressures in 2020/21 and 2021/22.

Councillor Brown sought clarity as to why savings from Children's Services were being earmarked as funding for transformation of that service and simply not included within the overall funding for transformation of the council and those areas that required funding for their transformation draw from that pot through the agreement of the Council and asked if this could be considered.

In response the Chief Financial Officer advised that she would be happy to do as Councillor Brown suggested if this was the wish of the Council.

Councillor Eagle in referring to the recent reports in the press regarding the repayment of the funding support received from the Government regarding non-domestic rates relief by some of the major retailers which could potentially be worth up to £2M to Moray, asked whether Cosla or the Council Leader, spoken to the Scottish Government in regard to what the intention is to do with this funding and if this money is being repaid is there a discussion to be had with the Scottish Government to say some of that could be kept within local authorities to recycle to small business support?

In response the Chair stated that he was not aware of any plans and that it had not yet been raised at Cosla which may be due to the complexities surrounding the legislation in relation to the granting of the funding and how this could be returned which was unclear. However, he stated that he was more than happy to take this back to Cosla and the Scottish Government and see if he could get more information on it.

Thereafter for clarification Councillor Brown moved that recommendation 2.1(iii) be amended to read 'ear-marking savings from the Children's Services as funding for transformation'. There being no one otherwise minded this was agreed.

It was further agreed that recommendation 2.1(ii) be amended to reflect the recurring savings as identified in the report.

Thereafter the Council approved:

- i. one-off savings for 2020/21 as set out in paras 3.10 - 3.13 of the report;
- ii. recurring savings from 2021/22 as set out in paras 3.14 - 3.15 of the report;  
and
- iii. Ear-marking savings from Children's Services as funding for transformation.

The Council further agreed to note:

- i. The high level of uncertainty regarding key financial planning assumptions;
- ii. The consequent requirement to be prudent regarding the Council's finances;
- iii. The updated financial sustainability PI relating to use of free reserves and the need to remove the underlying overspend in the Council's core budget which this indicator measures;
- iv. Current plans to address the underlying overspend; and
- v. The financial flexibilities agreed by Scottish Government and the likely impact for the Council.

Prior to discussion of Item 8 'Charging for Services, it was noted that Councillor Morrison had joined the meeting at this juncture and Councillor R McLean had left the meeting.

## **8 Charging for Services**

Under reference to paragraph 8 of the Minute of the meeting of the Policy and Resources Committee dated 28 October 2017, a report by the Depute Chief Executive (Economy, Environment and Finance) asked the Council to agree the default increase for fees and charges for Council services for 2021/22.

Following consideration the Council agreed:

- i. the default increase for charges for Council services for 2021/22 is 2%;
- ii. to instruct services to be commercially aware and review their charges with a view to maximising income; and
- iii. to note that the Moray Integration Joint Board (MIJB) at its meeting on 26 November 2020 agreed to recommend to the Council charges for services delivered under the aegis of MIJB.

## **9 Polling District and Place Review**

A report by the Depute Chief Executive (Education, Communities and Organisational Development) sought the Council's approval for the revision of arrangements for polling districts and polling places following statutory review.

Following discussion the Council agreed to approve the proposals to amend the current polling district and polling place arrangements as summarised in Section 4 of the report and to the change of name in respect of polling district MM0503 – 'Lossiemouth West and Drainie' to 'Lossiemouth South' and MM0504 – 'Lossiemouth East' to 'Lossiemouth North'.

Councillor Morrison joined the meeting at this juncture and declared an interest in Agenda Item 10 ' Delegation of Children and Families and Justice Services' in her capacity as Depute Chair of the Moray Integrated Joint Board.

Councillors Brown and Eagle also asked that their respective interest in Agenda Item 10 be noted in their capacity as substantive and substitute members of the MIJB.

Councillor Divers stated that he wished to declare his interest in Agenda Item 10 as he had recently been appointed to the MIJB, albeit he had yet to attend a meeting.

## **10 Delegation of Children and Families and Justice Services**

Prior to discussion of this item Councillor Morrison declared an interest in her capacity as Depute Chair of the Moray Integrated Joint Board.

Councillors Brown and Eagle also asked that their respective interest be noted in their capacity as substantive and substitute members of the MIJB.

Councillor Divers stated that he wished to declare his interest as he had recently been appointed to the MIJB, albeit he had yet to attend a meeting.

A report by the Interim Chief Officer, Moray Health and Social Care, provided the Council with a progress update in relation to the proposed delegation of Children and Families and Justice Social Work to the Moray Integrated Joint Board (MIJB).

Following consideration the Council agreed to:

- i. note the indicative timeline in relation to the preparatory work proposed for the delegation of children and families and justice social work to MIJB;
- ii. note the Programme Board terms of reference: and
- iii. note further updates will be provided to the Board as the project continues to progress.

## **11 Future of Moray Training [Para 1]**

A report by the Interim Chief Officer, Moray Health and Social Care highlighted to the Council the continuing adverse financial position pertaining to Moray Training, outlined the potential options for resolution and sought approval on the preferred option.

Following consideration the Council agreed to note the contents of the report and approved Option 2a as detailed in paragraph 4.4.4 of the report.

## **12 Housing Mix Delivery - Moray Growth Deal [Paras 8 & 9]**

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Council of the Housing Mix Delivery project in the Moray Growth Deal providing an update of progress and sought approval of concepts and next steps.

Following consideration the Council agreed:

- i. to note the Outline Business Case Executive Summary provided in Appendix 1 of the report;
- ii. the overall Council contribution of £2.5 million towards the project to be programmed as part of the overall Growth Deal; and
- iii. to allocate £150,000 of the existing capital budget for the Growth Deal to enable the next steps identified for the Housing Mix Delivery project in section 6 of the report, with anticipated spend of £30,000 in 2020/21 and £120,000 in 2021/22.





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**REPORT TO: MORAY COUNCIL ON 20 JANUARY 2021**

**SUBJECT: ANNUAL REPORT OF THE CHIEF SOCIAL WORK OFFICER  
2019-2020**

**BY: CHIEF SOCIAL WORK OFFICER**

**1. REASON FOR REPORT**

1.1. To inform Council of the annual report of the Chief social Work Officer on the statutory work undertaken on the Council's behalf during the period 1 April 2019 to 31 March 2020 inclusive.

**2. RECOMMENDATION**

**2.1. It is recommended that Council consider the contents of this report.**

**3. BACKGROUND**

3.1. In compliance with their statutory functions under the Social Work (Scotland) Act 1968, all local authorities have a CSWO. For a number of years CSWOs have produced Annual Reports about social work services which are provided for relevant committees, full Council and Integration Joint Boards.

3.2. The Office of the Chief Social Work Adviser in the Scottish Government (OCSWA) collates an overview Summary Report based on the key content of the reports from all local authorities in Scotland. This summary would:

- Be of value to CSWOs and also support the CSWA in their role of raising the profile and highlighting the value and contribution of social work services; and
- be a useful addition to the set of information available to aid understanding of quality and performance in social work services across Scotland.

3.3. The Council's Social Work Services require to support and protect people of all ages as well as contributing to community safety by reducing offending and managing the risk posed by known offenders. Social Work has to manage this together with the implications of significant demographic change and financial constraint whilst fulfilling a widening array of legal obligations and duties.

3.4. The annual report is attached at **APPENDIX 1**.

#### 4. **SUMMARY OF IMPLICATIONS**

**(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP)) and Moray Integration Joint Board Strategic Commissioning Plan 2016 – 2019**

This report is in line with Moray 2026 Plan – healthier citizens, ambitious and confident young people, adults living healthier, sustainable independent lives safeguarded from harm and Council priority 4 – More of our children have a better start in life and are ready to succeed.

**(b) Policy and Legal**

The services referred to in this report fall within the scope of a number of important pieces of legislation including:

- Social Work (Scotland) Act 1968
- The Adult Support & Protection (Scotland) Act 2007
- The Community Care & Health (Scotland) Act 2002
- The Children (Scotland) Act 1995
- The Joint Inspection of Children’s Services & Inspection of Social Work Services (Scotland) Act 2006
- Adoption and Children (Scotland) Act 2007
- Looked After Children (Scotland) Regulations 2009
- The Public Bodies (Joint Working) (Scotland) Act 2014
- Children & Young People (Scotland) Act 2014

Significant policies and white papers that relate to these services include:

- Changing Lives, the Future of Unpaid Care in Scotland (2006)
- Delivery for Health (2005)
- All our Futures: Planning for a Scotland with an Ageing Population (2007)
- Better Health, Better Care: Action Plan for a Healthier Scotland (2007)
- Better Outcomes for Older People: Framework for Joint Services (2005)
- National Guidance for Child Protection in Scotland, The Scottish Government 2014

**(c) Financial implications**

There are no direct financial implications arising from this report. Future priorities will be addressed within the context of the financial planning process.

**(d) Risk Implications and Mitigation**

There are no risk implications associated with or arising from this report.

**(e) Staffing Implications**

There are no staffing implications directly relating to this report.

**(f) Property**

There are no property implications arising from this report.

**(g) Equalities/Socio Economic Impact**

There are no issues directly arising from this report.

**(h) Consultations**

The following have been consulted in the preparation of this report: Corporate Management Team; Chief Officer, Health & Social Care Moray, Morag Smith, Senior Solicitor; Head of Housing & Property and Head of Children and Families and Justice Social Work, who are in agreement with the content of this report relating to their area

**5. CONCLUSION**

**5.1. This report shows that Social Work in Moray is adapting and developing to meet current circumstances to better meet the needs of the local population.**

Author of Report: Jane Mackie, Chief Social Work Officer

Background Papers: with author

Ref:



## CHIEF SOCIAL WORK OFFICER 2019/2020 REPORT

### 1. Governance and Accountability

The Chief Social Work Officer in Moray sits within the Health & Social Care Partnership. The CSWO role was established to ensure the provision of appropriate professional advice in the discharge of a local authority's statutory functions in relation to the delivery of Social Work services. In this role, the CSWO provides professional advice and guidance to the Integration Joint Board (IJB) for adult services and to Education, Communities and Organisational Development Committee/ Full Council on matters relating to children and young people and Justice Social Work.

The CSWO meets with the Chief Executive of Moray council on any matters of concern.

The CSWO is a member of the Public Protection Chief Officers Group (COG), the Community Planning Officers Group (CPOG), the Child Protection Committee, the Adult Protection Committee, GIRFEC Leadership Group, Community Justice Partnership, and Clinical and Care Governance Committee of the Integrated Joint Board.

Internally the quality of Social Work is assured by Practice Governance meetings. Any issues are reported to the Clinical & Care Governance Committee of the IJB for adults. Posts of Consultant Social Work Practitioners are well established in Adult Services and also now in Children's Services. Consultants work with Line Managers to support Social Work in complex cases, model best practice and set practice standards in their respective areas. Consultants also undertake practice audits in Adult Social Work. A practice audit on respite use, including assessment of situations that resulted in respite use was undertaken in 19/20.

An Improvement plan for Adult Support and Protection was devised along with stakeholders during 19/20. Implementation of that plan began prior to the Covid pause on work, but restarted in September 2020.

Within Adult Services the dispersal of Social Work management arrangements means that, other than in Learning Disability, Team Managers, or first Line Managers are the most senior qualified Social Workers within the management structure. Maintaining Social Work integrity and value within the Integrated Joint Board is a high priority for the CSWO

There is an 'in principle' agreement for Children's Social Work and Criminal Justice to transfer into the IJB in 2021. Accordingly, 2020/2021 is regarded as a 'shadow' year, with the Interim Chief Officer of the IJB taking managerial responsibility for Children's Social Work and Criminal Justice through line management of the Interim Head of Children and Families and Justice Social Work.

During this shadow year papers for discussion and development have been taken to the Integrated Joint Board on the roles, function and performance of Children's social work, in addition to being tabled where applicable at Council/ Committee.

The CSWO will be participating in the project work relating to the potential delegation of children's Social Work to the Integration Joint Board.

Going forward the CSWO would like to establish regular meetings with elected members to brief on relevant and current issues.

Looking back to 2019, June 2019 saw significant changes within Children and Families and Justice Social Work. Following a senior management review within the council it was agreed to delete the post of

Director of Education and Social Care, and to propose to transfer Children, Families and Justice Social Work to the IJB. At the same time the Acting Head of Integrated Children's Services left to take up a post elsewhere in Scotland. A decision was made to split the post's responsibilities to another head of service and to have an interim head of Children and Families and Justice Social Work during the period of transition into the IJB.

The relationship between the CSWO, Head of Children's Social Work and the Care Inspectorate continues to develop to support the development of Social Work professional practice. Whilst the follow up review of Children's Services across the Community Planning Partnership, published in Jan 2019 was supportive of the progress made to date, it was clear that there was still much to do in turning intention and initial actions into lasting change. Children's Social Work have developed a modernisation and improvement plan that identifies three key aims: developing Kinship and Foster Care, embedding new models of Social Work and establishing improved commissioning practice. To this end the Care Inspectorate have agreed to support the Service in reviewing all relevant improvement and action plans, so that they can be combined with relevant improvement actions agreed.

## **2. Service Quality and Performance**

Quality issues are considered and assured within Practice Governance. There are separate meetings for Children's Social Work and Adults. Adult Practice Governance will report any issues of system concern to the Clinical & Care Governance Committee of the IJB. Any areas of significant concern in either child or adult services which impacts on employees should also be raised with the Council as staff will remain Council employees.

Children's Social Work, now in shadow year with the IJB, may also bring a report of note to IJB but direct governance remains with the Council. Social Work matters are to be dealt with in Full Moray Council and/or Education, Communities and Organisational Development committee meetings during 2020/21.

Performance reporting and management has likewise been operating separately in children and adult services. During this shadow year attention has been given to bringing information reports to IJB. During the COVID period weekly reporting of Child and Adult Protection has begun with the Public Protection Chief Officers Group convened weekly between April and July to consider.

In Adult Services, there were 3,768 Service Agreements commissioned for 2,325 service users. 78.2% (2,947) of these agreements were for external services with 21.8% (821) for internal services. The total weekly hours show Internal care providers commissioned for 29.7% of the hours and External 70.3%.

Additionally in 2019/20; 3,871 Support Plan Reviews were completed, 2,554 Review meetings took place and 2,136 Annual Service Package Reviews were done.

A significant area of concern during 19/20 was the quality of care provided in some local care homes. Two large scale investigations were concluded just prior to the Covid lockdown period, and there were 6 homes with enhanced monitoring and improvement plans agreed. Working closely together with providers of care, commissioning and Social Work staff have seen significant improvements across Moray. There were no outbreaks of COVID in local care homes, and quality of care during the COVID period has been remarkably high.

Self-Directed Support (SDS) is an integral mechanism as to how we deliver social care. Our Local Evaluation Report was published in 2019 by the Care Inspectorate following on from the positive thematic inspection in October 2018. The key recommendations from this Report have formed the basis of our local SDS Action Plan moving forward to further embed SDS principles and values in every practice, ensuring that the people in Moray have a positive experience of Social Care delivery and personalised support to meet their outcomes. Individual's in Moray took part in a national survey at the end of 2019 into early 2020, exploring people's lived experience of SDS. Feedback was collated and developed into a national report, again delivering a set of key recommendations for local health and social care partnerships to ensure people had a positive experience of SDS. Health and Social Care Moray is using the key recommendations from these reports to build on the positive foundations for SDS which have been laid over the years.

The SDS team have been supporting Direct Payment recipients in the early stages of COVID lockdown to ensure that they remain up to date with the ever changing guidelines for Personal Assistants (PA's). Alongside this the team were actively involved to ensure that PA employers got access to the vital PPE they needed to allow their support to be delivered safely in line with Health Protection Guidelines.

Health and Social Care Moray have been working collaboratively with our local Carers Centre (Quarriers) to review process and practise for unpaid carers completing an Adult Carers Support Plan in line with the Carers Act (2016). Work was being progressed prior to COVID to review the processes already in place against our legal duties with the Act, unfortunately this work did slow during early 2020 as COVID restrictions diverted resources. Quarriers ensured that their service delivery at the start of lockdown continued, to ensure unpaid carers received the support they required. They have adopted multiple online platforms to engage with carers, alongside regular phone calls with those carers not comfortable with online platforms

The Children's Services Plan 2020-23, emphasised the need for Social Work to shift the culture and practice of Social Work to focus on helping families find solutions that will work for them, and will allow them to remain together wherever that is safe and possible.

To support this shift in culture, since August 2019, regular performance meetings have been established in in Children and Families and Justice Social Work. Whilst Criminal Justice Social work consistently meets national and local performance indicators, there is work to do in other areas. The work with The Permanence and Care Excellence team ( PACE) at CELSIS (Centre for Excellence for Children's Care and Protection) has given a significant focus on planning for children, and we are beginning to see better arrangements being put in place to make sure our children have clear and permanent family relationships and homes to grow up in.

### **Child Protection**

As at the 31 March 2020 there were 36 children whose names were on the Child Protection Register (CPR). This shows a significant drop of 21 children from the same period of 2018/19. Most recent data shows that the numbers are continuing to fall. There has been a reduction in the number of those registered during each quarter of 2019-20.

Professionals supporting families are being asked to be clear about specific risks and concerns, to ensure that plans put in place to support parents are in turn clearer and work more focussed. With the exception of one quarterly period during 2019-20 the proportion of children registered for more than 12 months has remained below the target value of 15%.

### **Looked After Children**

The number of Looked After Children has fallen over the past four reporting years with the most noticeable drop within the last year. The number of Looked After Children has in previous years

consistently remained between 213 and 222, in the past year however the number had fallen to 188 by the end of March 2020.

Due to the significant fall in the number of Looked After Children cognisance must be taken that with smaller cohort of children proportions are more greatly affected by changes in numbers. Whilst the proportion of children looked after within a community-based setting has improved slightly from previous years it still remains significantly below our comparator authority median of 87.3%. As at 31 March 2020 Moray had 78.7% of Looked After Children within a community-based placement. The area where Moray compares poorly with our comparator Authorities is with the number of children placed within home supervision which at the end of March 2020 was 19.1% against a target of 29.3%.

The implications of this fall is that fewer children are leaving their extended families; more children are staying together as brother and sisters; fewer children are going through lengthy court processes and our foster carer families who offer care to younger children have had significantly fewer children to care for.

Whilst the numbers of children looked after in a residential placement have decreased, due to the fall in overall numbers, the proportions remain consistently high and significantly higher than our comparator median of 12.7%. At the end of March 2020 20.1% of Moray's looked after population were in residential accommodation.

The number of new foster carers and the numbers leaving the authority's scheme are balanced. September 2019 saw the launch of a new fostering scheme. The new scheme is designed to offer a range of placements, to be responsive to need, and to offer children who might otherwise have needs met in residential care.

Following service inspection by the Care Inspectorate in October, an improvement plan, approved by the Children and Young People's Committee in January 2020, is underway to raise the quality and performance and the experience of children.

The numbers of young people aged 18-21 choosing to stay in Continuing Care has increased from 2 in 17-18 to 7 in Q4 19-20. We expect young people requesting this provision to increase incrementally.

### **Corporate Parenting**

From November 2019 we explored what we consider is a unique approach to develop our "community of schools"; using some of the extended Life Changes Trust funding (for years 2020/21 and 2021/22) together with sums allocated for raising attainment of care experienced children and young people.

Further areas for attention are for Young Carers and also for Self Directed Support. The establishment of a Young Carer strategy officer will help ensure that our responsibilities are met, and that young people can support and also feel supported with caring responsibilities. This will include access to Self-Directed Support.

### 3. Resources

The combined spend in Social Care in 2019/20 was £61.4 million. In 2021/21 the total budget is £63.3 million.

Moray Council are experiencing significant financial constraints that are impacting upon many council services including social care. Children and Families social work budget remains under significant scrutiny.

During 2019/20 children's Social Work made savings of £225,268. The savings were achieved by implementing a management restructure within the service. There was an addition, the underspend for 2019/20 is noted at £845,434.

Adult social care contributed £493k to IJB savings.

Informed by The Promise and looking to the future, we want to be confident that the financial commitments we make support the best quality and experience for children and families.

The spend on the out of area placements for children for the financial year 2019/2020 was £5,992,245 and was significantly less than the sum for financial years - 2018/19 and 2017/18, which respectively were £7,239,521 and £6,361,091. However there remains concern that the number and balance of Moray's children in residential care is greater than any other Scottish local authority.

### 4. Workforce

The period 2019/20 saw some challenges in recruitment for social care assistants / home care staff in particular.

Recruitment for Social Workers in both Adult and Children's services was not problematic. However we anticipate significant changes in senior staff over the coming two years as long serving staff with extensive knowledge and experience move towards retirement.

The most significant factor in terms of workforce was the recruitment of 3 consultant practitioner posts in children's services to support the change in social work practice required.

In Adult services a further consultant practitioner was recruited to support Social Work practice as the line management of services diversified.

Training and development was a challenge in 2019/20 due to financial constraints and staff capacity. It is fair to note that staff development requires attention moving forward to support the changes in practice required in Social Work.

The anticipation of more learning and development opportunities being made available on line has yet to materialise locally, as efforts have been focussed on managing the COVID period.

## 5. COVID 19

The COVID Pandemic created in Moray as everywhere else an urgent need to take action to secure the maximum wellbeing of clients, staff and the Moray population. Initially this meant that capacity in Hospitals should be made available for the anticipated surge of COVID related infections, that critical care at home be maintained for the most vulnerable clients and that staff were provided with protection via the provision of appropriate PPE.

Service users within Care at Home were assessed and those identified with a critical need or who were categorised in the shielding groups and did not cancel their own care, remained with their care unaltered. The changes to the service had a greater impact on individuals with lower needs, as they discussed the outcome of their assessment, agreed to a reduction in care, or suspending their care package, which meant they had more independence and were given ownership of their outcomes. Any individual who received an adjustment was able to contact HSCM if they felt they were struggling, or their condition worsened, and these packages were reassessed to ensure they received the appropriate level of care for support.

This resulted in 331 people with Care at Home having care packages changed. Of these 295 had a reduced service where family, friends and informal carers agreed to support where appropriate. 36 service users did require an increased service, and this was provided. Prior to this, 902 service users required 11,364 of weekly care hours and this was reduced by 1,280 care hours. Service so 11% previously committed hours were made available.

We worked closely with local care at home providers to support them throughout. In the early stages, this was particularly around provision of PPE, staffing and care availability.

Our communication with care homes and other care providers was through a dedicated post, a member of the commissioning Team who took the fulltime role of speaking with each provider often more than once daily. This role has continued throughout the COVID period and has been essential in supporting providers and building resilience in our system.

To facilitate discharge of clients from hospital and the allocation of social care resource an enhanced Discharge Hub was created that saw Home Care Managers work together with Social Work staff to review support to clients, receive communication from those wanting to suspend care and prioritise allocation of resource on a daily basis. This enabled Moray to rapidly reduce number of delayed discharges in hospital from 35 at census in March to 10 at census in June.

In the three months from March to May 2020 41 people were admitted to Care Homes. Of these 28 were from Hospital. Moray utilised 13za as a method of discharging those with incapacity to care homes only where that person was not objecting or clearly in disagreement, or there was next of kin support for the move.

Prior to COVID there was a wait for provision of care at home, collated within a brokerage list. The guidance on staff shielding saw an immediate reduction of 210 number of staff. The enhanced Discharge Hub were able to maintain care for those at critical level through daily consideration of resource demands and availability.

As time has gone however, we are experiencing an increase in referrals to Social Work teams as increasing stress in family/informal carers, find it difficult to continue. The inability to provide planned respite and day service has been particularly difficult.

A significant difficulty for Social work in both Children's and Adult services was that prior to lockdown, very few non managerial staff had access to mobile technology. The Council prioritised the needs of Social Work staff but this did cause and continues to cause operational difficulties. Teams operated shift systems to enable them to work safely out of buildings until technology was provided. Teams then rapidly developed systems of support for remote working. As we go forward social work will increasingly become a flexibly based profession and we must develop systems, processes and support mechanisms to replace the previous office based culture of Social Work.

Non-essential Social Work visits were not made, but clients and families contacted in the main by telephone. This has created some challenges for delivery of Social Work, to which frontline staff have adapted, in many and various ways, from meeting outside with clients and families to developing telephone assessments and reviews. In one of our senior leadership virtual face to face sessions, one Social Worker has commented "being a Social Worker without being social just doesn't work".

Essential protection focused visits have continued in both Adult and Child Protection with staff following relevant Health protection advice.

Social care recruitment continued early in the pandemic, but adaptations were made in the induction process for care staff, with this being reduced in time and with much delivered online.

Direct Payment care staff were supported via provision of PPE and from advice and support of our Self Directed Support Team. As a result most direct payment carers were enabled to continue to work with their clients throughout.

The Learning Disability service took particular steps to ensure the wellbeing of their clients. The complex and challenging behaviour unit, Woodview saw up to 27 staff absent at one time due to self-isolation, shielding or sickness, but the remaining staff were able to support all clients to continue to live independently with no marked increase in distress or incidents noted. Social Work staff maintained contact with the most vulnerable families and offered support where this was needed through bespoke individual arrangements.

The COVID 19 pandemic has impacted staff and services considerably and required staff to be mobilised and ready to offer a new kind of support to families in Moray. Children's services was one of those services which had to continue their core business and this threw up challenges for staff who needed to shield, who had children out of school or who were generally fearful to be in spaces with other people. There was also a requirement for Social Work to ensure that all the vulnerable children who required it, were offered a space in the hub provision provided by education.

Children were seen throughout lockdown by Social Workers, who were often one of the only professionals who still maintained that contact with families by visiting. There was an increase in food poverty throughout this time and a recognition that families would experience other types of hardship, including people living with domestic violence. Contact between family members was supported through video calls mainly and meetings continued to take place on a virtual basis. As restrictions lessened, family and community walks proved to be effective in seeing children and their parents as the weather improved.

The Criminal Justice service, in line with national guidance, cancelled unpaid work squads and suspended all unpaid work Community Orders. Staff within the unpaid work team were redeployed to help with crises work which included emergency food supplies to local communities. High risk and vulnerable people were prioritised for face visits but the majority of contact was made by telephone. MAPPA arrangements continued but meetings were held virtually using different platforms. The Moving Forward Making Changes group work programme for working with Sex Offenders was also cancelled and this initially proved

a challenge for workers as to how to work effectively with those participants. Work has since been adapted to take into account the limitations during COVID and lockdown.

An increase in calls during the pandemic to the Out of Hours service was anticipated and therefore enhanced the service by having back up staff available; however there was no evidence in an uplift of demand for the social work service out of hours. This may have been due to the online services set up elsewhere i.e. the community hubs, which was meeting the demand during daytime hours.

Mental Health Social Work worked with their Multi-disciplinary Teams to support the most vulnerable, and were able to utilise this opportunity to review their work with their clients. The Mental Health team assumed responsibility primarily for provision of Mental Health Officer rota allowing other staff to focus on their priority work. Moving forward, training for MHO's will continue to be an issue to ensure adequate staff availability is maintained.

Being able to connect more easily to national groups, particularly through the CSWO group and SWS has been a particular advantage, and had allowed us to contribute to and have an understanding of and to influence new directions, approaches and national agendas in a way that wasn't possible before with Central Belt meetings.

Most recently, many staff have begun to express feelings of stress and fatigue, relating to the increased anxiety reported to them by clients and their families, a type of social care debt, but also the pressure to increase activity, with fewer resources available in order to support Health and Social Care recovery. The CSWO has arranged with Human Resources in Moray to begin a stress assessment and recovery project to support staff in both children and adult services.

On review I would say that in Moray, Social Work services responded quickly and effectively and with compassion during this most exceptional period of time.

### Summary

Social Work in Moray faced very significant challenges over the period 19/20 and then in March 2020 the incredibly difficult COVID disruption.

All Social Workers and Social Care staff worked hard to maintain critical care services during this period, often taking on at the same time new ways of working with new technology.

Inevitably, this has been stressful for Social Workers and Social Care staff. Ensuring that all staff are supported and valued in the following months is vital.

The structures of management and Governance in Moray have been fluid and changeable, particularly during this reporting period.

To ensure the best outcome for all who are reliant on Social Care services, and for those that deliver it, the priority is to ensure that all within the Governance and Leadership group recognise and value, the importance and uniqueness of Social Care and Social Work.



**REPORT TO: MORAY COUNCIL ON 20 JANUARY 2021**

**SUBJECT: UPDATE ON SPSO REPORTS AND IMPROVEMENT OUTCOMES**

**BY: CHIEF OFFICER HEALTH & SOCIAL CARE MORAY**

**1. REASON FOR REPORT**

- 1.1 To inform the Council of completed action plan for the report and subsequent feedback from the SPSO dated 11 December 2020. Also to note the continuing work being undertaken for the Report.
- 1.2 This report is submitted to Council in terms of Section III D (14) of the Council's Scheme of Administration relating to exercising all the functions of the Council as a Social Work Authority within terms of relevant legislation with regard to research; assessment of need re: community care services, provision of information to carers and assessment of ability to provide care; and to determine the Council's policies in regard thereto.

**2. RECOMMENDATION**

- 2.1 **To note that the SPSO has confirmed that the work submitted to meet the recommendations, including those relating to management and supervision, has met their expectations and, as far as the SPSO is concerned, this is now closed.**
- 2.2 **To note that the work continues on the action plan for the SPSO report on transitions to adult services and that meeting the extended timeframe for doing so remains challenging.**
- 2.3 **To note that to provide the council with additional assurance beyond the expectations of the SPSO, improvement work has been commissioned independent of the council with the Care Inspectorate to address any core cultural and social work issues that need to change to meet the needs of the children of Moray and the recently published ambitions of the Independent Care Review Report, The Promise.**

**3. BACKGROUND**

- 3.1 The Scottish Public Services Ombudsman (SPSO) published two reports relating to transition to adulthood (201811019) in May 2020 and case

management and decision making (201707281) in August 2020 with a number of recommendations requiring to be undertaken.

- 3.2 These reports were presented to council on 7 October 2020.
- 3.3 The action plan developed in response to 201707281 has been completed and the evidence provided to demonstrate how the recommendations have been completed was submitted to the SPSO on 2 December 2020.
- 3.4 The Chief Executive received a letter from the Ombudsman confirming that the evidence provided addressed all of the recommendations for the case and they had been marked complete on their system.
- 3.5 Work continues on report 201811019 and extension for submission of evidence having been requested and granted until 31 March 2021. This was reported to Education, Communities and Organisational Development Committee on 18 November 2020.
- 3.6 The recommendations reached have required the Transitions to Adult Services Policy and The Community Care Policy to be reviewed and re-written. The time and scale of the work required to complete this was underestimated and meeting the deadline will remain challenging.
- 3.7 The Council, on 7 October, requested a further report be provided agreeing “that in recognising the highlighted weakness in the management and supervision demonstrated by the two (SPSO) reports, a report is brought back to Council on 20 January 2021 with an amended or separate action plan that addresses the issue and establishes performance indicators and targets.
- 3.8 To support the improvement activity required over and above the significant work undertaken to meet the SPSO recommendations of the reports and other areas identified in two of the reviews the Care Inspectorate have been approached and have agreed to work with the Council Social Work Services.
- 3.9 The purpose of this is to work with the officer to produce a report and plan with the aim of providing accurate map for shifting practice from a transactional and risk based model to one that is based on engagement, partnership, upholding rights and forming relationships with children and their families.
- 3.10 The principal objective are to:
  - address the core cultural and social work practice values that need to change to meet the needs of children and their families in Moray;
  - be rooted in social work values;
  - support the CSWO and Head of Service realise the vision for a relational approach to practice over the longer term;
  - draw together important themes from the range of different plans external bodies and legislation have required Moray to produce which will assist staff to see clearly how the vision will be realised, and their roles;

- provide assurance to members, staff and the public that a robust programme is place to improve practice and thereby, outcomes for children through this independent validation of the Care Inspectorate.

3.11 The output for this work will be a plan which will outline actions and measures of success of the short, medium and longer term, and will address areas such as:

- Reviewing management arrangements to support practice change;
- Benchmarking with other areas;
- Consideration of approaches to support practice change, such as, family group decision making, contextual safeguarding or licenced models, such as Signs of Safety and Safe and Together.
- Training;
- Review of scaffolding arrangements, such as report templates, processes and data;
- Including children and young people in influencing practice change.

#### **4. LOCAL CONTEXTUAL ISSUES**

- 4.1 Children's Services in which Social Work is an element has experienced a high level of scrutiny and significant changes in its leaderships over the past few years. The Report published by the Care Inspectorate on their Joint Inspection in February 2017 identified an urgent need to strengthen strategic leadership of services for children in Moray. A follow up inspection identified improvements in governance but noted it too early to validate substantial improvements to operational practice to ensure that children and families experience more effective support and intervention.
- 4.2 Planning and improvement work continues across the partnership with the 2020-23 Children's Services Plan being prepared, signed off and published, with four priority areas and a set of underpinning approaches emphasising relational and strength bases worked with families.
- 4.3 Within Social Work there has been significant changes, since August 2018, in leadership and management at Head of Service, Service Manager and Team Manager level, including staffing reduction to budget requirements. To lead and support professional practice assurance and development the post of Consultant Social Work Practitioner has been created with 2.6fte appointed.
- 4.4 Furthermore, the CSWO has established a social work leaders forum to increase the professional confidence and identity and to co-ordinate social work initiatives in an integrated environment.
- 4.5 Work continues on the delegation of the child and families and justice social work services to the Integrated Joint Board, as reported to Council on 18 December 2020. Until this is agreed or otherwise the line management arrangements are for the Head of Service to report to the Chief Officer for Health and Social Care Moray.

#### **5. THE NATIONAL CONTEXT**

- 5.1 The Independent Care Review, by publishing The Promise, requires all partnerships to transform the way care and support is provided to children and young people, rooted in the values of relationships, love, respect and upholding the rights of children and young people. Of significant importance for social work is the recommendation of The Promise to shift the primary purpose of the “Care System” from protecting against harm to protecting all safe, loving, respectful relationships. This will present particular challenges in Moray where the level of external scrutiny has reinforced a culture of process oriented practice around protection from harm. Nevertheless, The Promise must be regarded as a significant opportunity and enabler.

## **6. CONCLUSION**

- 6.1 Work has continued at pace to meet the requirements of the council following the two reports published by the SPSO in 2020. One has been completed and one remains outstanding.
- 6.2 The Care Inspectorate continue to work with the council to support the improvement of social work practice, culture and processes to meet the ambitions of The Promise.
- 6.3 As a Service, significant changes in leadership and management have taken place since 2018, and this continues. In spite of this improvements in practice confidence and direction continues.

## **7. SUMMARY OF IMPLICATIONS**

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

The Children’s Services plan 2020/23 identifies improving outcomes for looked after children as a key priority the Children and Families and Justice Social Work Service improvement plan identifies actions to be taken to support these improvements the Corporate Plan (2020 update) identifies the following priorities:

Work with families as partners to give their children the kind of lives they want them to lead so that children grow up to be strong and resilient. Improve the life chances and outcomes for care experienced children and young people. Improvement in children and young people’s health and well-being.

### **(b) Policy and Legal**

Policies are being reviewed in light of the outcome of the investigation and required actions. The revision will reflect what are anticipated are likely to be the changes currently progressing through the various stages of legislation: the Transition Children and Young People (Scotland) Bill.

### **(c) Financial implications**

Changing practice culture within social work will require investment in additional system wide learning and development, to include relational approaches similar to family group decision making, and functional family therapy.

**(d) Risk Implications**

The report and associated action plan to meet the recommendations outlines significant changes in practice that need to occur, without which the reputation of the council could be at risk.

Furthermore, any intervention by social work should improve outcomes for children and young people and without these changes to practice being implemented, there is a risk that this does not happen

**(e) Staffing Implications**

Staff will need to be supported with additional learning and development programmes.

**(f) Property**

None

**(g) Equalities/Socio Economic Impact**

Not required

**(h) Consultations**

Chief Executive, Moray Council; Chief Officer, Health & Social Care Moray; Chief Social Work Officer; Head of Service, Children & Families & Criminal Justice Services; Morag Smith, Senior Solicitor, John Black, Complaints Officer; Tracey Sutherland, Committee Services Officer and the Equal Opportunities Officer have been consulted in the preparation of this report and are in agreement with the content relating to their areas of responsibility.

Author of Report: Joyce Johnston, Acting Head of Children and Families and Justice Services.

Background Papers:

Ref:






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**REPORT TO: MORAY COUNCIL ON 20 JANUARY 2021**

**SUBJECT: BEST VALUE ASSURANCE REPORT STRATEGIC ACTION PLAN - PROGRESS REPORT**

**BY: CHIEF EXECUTIVE**

**1. REASON FOR REPORT**

- 1.1 To inform the Council of progress on the Best Value Assurance Report Strategic Action Plan.
- 1.2 This report is submitted to Council in terms of Section 103E of the Local Government (Scotland) Act 1973, as amended by the Local Government (Scotland) Act 2003.

**2. RECOMMENDATION**

- 2.1 **To note progress made on the Best Value Assurance Report (BVAR) Strategic Action Plan.**

**3. BACKGROUND**

- 3.1 The areas of improvement recommended in the Controller of Audit's report and endorsed by the Accounts Commission in terms of the Commission's findings were integrated into a plan of strategic actions submitted to a special meeting of Council on 7 October 2020. It was agreed at that meeting a short life member/officer working group be established to further develop the Plan and bring it back to Moray Council for approval (para 3 of Minute refers).
- 3.2 The Action Plan was approved at the meeting on 28 October 2020 (para 18 of Minute refers). This is the first iteration of a progress report and any feedback from the council would be welcome.

**4. SUMMARY OF IMPLICATIONS**

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

The Council is committed to delivering better public services year on year through Best Value and its key principle of continuous improvement.

**(b) Policy and Legal**

The Council has a legal duty to deliver Best Value and to address findings arising from any Best Value Assurance Reports.

**(c) Financial Implications**

The Council has committed £3million of earmarked reserves for transformational change which will require to be drawn upon to develop the capacity to deliver the action plan.

**(d) Risk Implications**

Inspections involve a considerable amount of time and effort diverting attention from the delivery of priorities and day to day services and whilst scrutiny is invaluable in driving improvement, on balance it is in the Council's interest to maintain performance levels such that the number of scrutiny activities can be minimised.

As the Council operates with small teams/specialists there is an ongoing risk associated with workforce issues. Accordingly it will be important that the actions in the Action Plan are resourced properly and/or other work reprioritised given the tight resourcing across current services. Failure to do this is likely to introduce other risks.

There is a considerable risk that delayed progress in some of the significant actions has a substantial impact on the Council's future financial position.

There is also a considerable risk that lack of progress towards making the significant changes in the Council to produce the required improvements in performance and outcomes may result in further intervention.

Returning to responding to the demands of another lockdown has created a range of concurrent risks and responsibilities. These take the form of community testing and the vaccination programme. This is in addition to to managing expectations of business as usual; improvement and transformation of council services; future levels of additional investment and the implications of Brexit all whilst dealing with the pressure of such an absolute priority.

These concurrent risks and responsibilities give rise to a concern of things going wrong, and it is critical this risk is understood by the council. In order to manage these concurrent risks and responsibilities and to mitigate the risk will require practical measures such as changing the ranking of priorities in service plans and reviewing performance indicators amongst others.

**(e) Staffing Implications**

There are no implications arising directly from this report. The development of the officer capacity to deliver the required improvements related to the various actions will require to be costed as the actions are considered and initiated. Management capacity to lead and direct this is compromised at present due to the response to the covid pandemic and

this may impact on progress to planned timescales as indicated in the report.

**(f) Property**

None.

**(g) Equalities/Social Economic Impact**

This is covered in terms of the inspection regime itself and the Council's duty to deliver Best Value.

**(h) Consultations**

CMT and SMT have been consulted.

**5. CONCLUSION**

- 5.1 This report provides progress to date of the high level strategic objectives of the Action Plan approved at the end of October last year and covers the strategies, plans and projects which have been integrated into the Plan in order to establish and maintain clear focus on delivery of the Plan and to ensure it is sufficiently embedded, if the change and transformation envisaged, is to be delivered.**
- 5.2 The current situation regarding Covid-19 is expected to remain at the current level for the short to medium term. This situation is likely to have a significant impact on the council's current strategic and corporate capacity and capability given the level of concurrent risks and responsibility the council is carrying. This will need to be effectively managed by reviewing and resetting a number of strategic and corporate priorities of which the Action Plan is one, with actions to mitigate in the short to medium term.**

Author of Report: Roddy Burns  
Background Papers:  
Ref: SPMAN-1108985784-493



<b>BVAR Strategic Summary Progress Update</b>	<b>Report Ref:</b> 001	<b>Report Date:</b> 14/12/20
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Key	Not Started	Concern	Caution	On Target	Complete		
RAG	% Completed	Target Date	Lead	Priority	Workstreams (BV Recommendations)	Status Update	Decisions Required/Made by cmt/smt
		Feb 2021	DCE (ECOD)	1	Increase the pace of Transformational Change	Progress against IMP is starting to pick up again although clearly a long way to go to get fully back on track. Committee recently approved the learning estate strategy, business plan for leisure and proposals for interim arrangements for ASN. The property review report is being finalised to identify those activities that can be progressed and those that may need to be reassessed taking into account the impact of COVID. Likewise the income and commercialisation project is being reviewed. Meetings have been held with services to review the impact of COVID on ways of working and will result in the scope of some of the projects changing and potentially a couple of new priorities emerging. A prioritisation model has been produced to help identify key projects which should be progressed to ensure resources are used effectively. A trial of process reviews is underway and scheduled to complete by 18/12/20 when an outcome report will be produced.	
		July 2021	H/GSP	2	Improve Performance Management reporting	The format for reporting and the streamlining of key corporate indicators have all been under development with the aim of first draft of proposals by the end of December 2020. The first round of the new format reports for service performance have been through to Committee and are being further refined following committee feedback. Service plans were approved in October/November 2020. Research on outcome based planning is underway and a development session undertaken with Members. Capacity of the team which analyses and produces performance reports is to be reviewed by April 2021.	
		Dec 2020	H/GSP		Improve the quality and clarity of Service Performance reporting	See above	
		Feb 2021	DCE (EEF)	1	Financial Planning	Update planned for January 2021 in terms of the further development of a medium-long term financial strategy. Development work continues to identify and achieve savings over more than one financial year with some work done on children's services. The review and development of financial aspects of existing Transformation projects to confirm their contribution to the financial strategy is dependent upon further development and update of the IMP. A review has commenced and potential savings for 2021/22, including loan charges, is being developed. A template and process has been produced and agreed and circulated as part of a plan to use reserves to support the required transformation period leading up to eliminating the structural deficit and leading to a sustainable financial position. There may be an opportunity to consider strengthening links between financial planning and the council's priorities during the 2021/22 budget setting process.	
		Oct 2021	H/HR ICT & OD	3	Implement the Elected Member Development Strategy	Strategy approved at ECOD Committee in November 2020. Joint programme being developed to cover overlap and interdependencies between this recommendation and the Accounts Commission finding. See below.	
		April 2021	H/GSP	4	Continue to progress the Governance Review	Report due to Moray Council on 20 January 2021 in terms of:- - review of committee structures - review temporary Covid arrangements - review 2nd tier governance documents	
		June 2023	H/E	2	Improve Educational Attainment	Revised Education Plan launched across schools. Revised Education Attainment Strategy approved by ECOD Committee in November 2020. Flexible learning pathways being developed for senior phase using a range of consortia. Primary schools continue to develop learner pathways with a core focus on literacy and numeracy. "Our Moray Standard for Learning and Teaching" launched. Framework for professional development and career pathways ongoing with information week planned for January 2021 to encourage staff to enroll on courses for career progression and raising aspiration. To support learners across wider education, a strategic group has been established. There has been a significant decrease in the number of violence and aggression incidents being reported along with a significant decrease in exclusions in primary.	
		Dec 2021	H/H&P	5	Improving satisfaction levels in Housing	Revised improvement plan reported to Committee. Presentation held by Scottish Housing Network to review Moray's results against similar rural councils and RSLs. Feedback to be analysed. Tenants Voice issued for December 2020.	
		April 2021	CEX CPP		Continue working with CPP to determine clear outcomes and milestones and Performance reporting	Leads agreed and in place for all 4 priorities. Overarching raising aspirations/poverty lead to be confirmed. Workshops held in December to prepare delivery plans for each priority.	
		Oct 2021	CEX	1	Accounts Commission Findings: Need for clear committed and decisive leadership  Item 7	Detailed in update on Elected Member Development Strategy in terms of leadership development. In terms of leadership roles, this is detailed in progress on the review of governance. Initial review of governance documentation has begun in consultation with CMT and SMT to review capacity and refresh ways of working of CMT and SMT.	

Key	Issues (I)	Major Risks (R)	Change Request (C)		Targets for Next Period
	Issues / Major Risks / Change Requests				
1	R - implementation will rely on the contribution of key staff who may potentially be involved in other key priorities			1	Complete review and reprioritisation of IMP.
2	IR - lack of engagement by Councillors or Officers with development activity due either to work pressures or individual approach.			2	Complete Corporate Plan format and catch up on 2020/21 performance reporting for March committee cycle.
3	R - progress dependent upon engagement of Community Planning partners.			3	Update on potential savings 2021/22 and consequential update of revenue plan; review of medium-long term financial strategy commenced and 10 year capital plan updated.
4	R - Schools - the impact of Covid in terms of access to the curriculum, raising attainment and supporting all learners generally due to interrupted learning.			4	Produce draft joint leadership/members development programme.
5				5	Agreed committee model/structure.
6				6	Literacy and numeracy progressions implemented in all ELC settings and staff enrolled on courses for career progression and raising aspirations.
7				7	Options for engaging with tenants assessed and tender documents for tenant survey consultant completed. Feedback from other councils with higher satisfaction results analysed.
8				8	Production of delivery plans for each of the 4 LOIP priorities.
9				9	
10				10	

**Programme Summary**  
 This update provides progress to date at a strategic level. This has been developed from the Action Plan formally approved by council in October 2020. This update consists of the constituent strategies, projects and actions which need to come together to achieve the required step change in improvement and transformation. In addition to the risks and issues identified in this update, the current situation relating to Covid-19 is expected to at least remain at the current level for the short-medium term. This situation is having a significant impact in terms of the council's response to it in terms of the limits of capacity or capability and the situation needs to be effectively managed in terms of reviewing and resetting the Action Plan in the short-medium term.





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**REPORT TO: MORAY COUNCIL ON 20 JANUARY 2021**

**SUBJECT: FINANCIAL PLANNING**

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

**1. REASON FOR REPORT**

1.1 To update the Council's projected financial position for 2021/22 to 2023/24 and to request early consideration of two potential recurring savings.

1.2 This report is submitted to Council in terms of Section III (A) (2) of the Council's Scheme of Administration relating to considering Capital and Revenue budgets and long-term financial plans.

**2. RECOMMENDATION**

**2.1 It is recommended that the Council approves:**

- (i) Retaining three weekly household recycling collections, generating an annual budget saving of £129,000 as set out in paragraphs 3.11 and 3.12 of this report;**
- (ii) Increasing the annual charge for household green waste permits from £40 to £41; and**
- (iii) Remitting to Moray Leisure Ltd the sum of £73,000, which is the component of the funding the Council has been notified it will receive in respect of lost income for the first six months of 2019/20 which relates to Moray Leisure Centre.**

**2.2 It is recommended that the Council notes:**

- (i) The continuing high level of uncertainty regarding key financial planning assumptions;**
- (ii) The sensitivity of the Council's budget to these uncertainties;**
- (iii) The recent pay claim for SJC staff;**

- (iv) **The emerging position regarding financial flexibilities in 2021/22; and**
- (v) **The projected current budgetary position in the short to medium term.**

### **3. BACKGROUND**

#### **Revised budgetary projections**

- 3.1 As reported to Council on 16 December 2020 (paragraph 7 of the draft Minute refers), current costs of borrowing are low and projected to remain low in the short to medium term. The estimated impact of this reduction in interest rates is included in this update of the projected budgetary position. The loan pool rate when the budget was set in March 2020 was 4.1902%. The current projected rate for 2020/21 as developed for the estimated actuals is 3.813%. On a budget for loan interest of £7.3 million this reduction is clearly significant. Revised guidance on accounting for the loans pool come into effect in 2021/22 and this enables the Council to defer the first principal repayment of a loan into the year following the year the asset comes into use. The joint impact of these changes is a projected reduction in loan charges in 2021/22 of £1,500,000, £1,200,000 more than projected when the budget for 2020/21 was set.
- 3.2 Wages and salaries, including oncosts, comprise over half of the Council's net revenue budget for General Services. The rate of pay award for 2021/22 is unknown. It was originally budgeted for as 2%, which was seen as an optimistic forecast, being equivalent to the Treasury target for inflation. During the pandemic inflation has been erratic but generally very low. Although the treasury target remains at 2% the Office of Budgetary responsibility are forecasting that in the short term inflation will remain below that level. The projected budget includes provision for a 2% increase. In the light of current inflation forecasts, this might have been considered to be the central case. However, the SJC pay claim received by COSLA on 16 December casts doubt on that.
- 3.3 The pay claim is detailed and complex and is the first step in what will be an iterative process. The claim is for a one year settlement and includes the following points: a flat rate increase of £2,000 or 6%, whichever is the greater, for all spinal points; an underpinning minimum rate of £10.50 per hour; additionally an increase to partially redress previous under-inflation settlements; a pro rata uprating of all allowances. The impact of this is difficult to assess and at this early stage in the process detailed pay modelling has not been undertaken. However, a 3% increase in SJC staff is estimated at £2.4 million so the pay claim as stated would represent an increase in the SJC pay bill of in excess of £5 million. The current provisional budget includes provision of £1.6 million for SJC staff.
- 3.4 Budget pressures are monitored during the year and adjusted for as circumstances change and events crystallise the need for additional expenditure. Budget pressures for 2021/22 are now noted as £3.2 million (£2

million in March 2020). £1.2 million of the increase relates to the ongoing impact of COVID-19. Scottish Government has granted local authorities financial flexibilities to facilitate response to the pandemic. As guidance is issued it has become clear that exercising the flexibilities will be limited to actual costs incurred. This is discussed in paragraph 3.16 of this report. Budget pressures are listed in **APPENDIX 2** to this report.

- 3.5 Based on the current estimate of capital receipts held and likely to be generated before March 2022, the potential to invest in change has been increased from £400,000 to £1,500,000, fully funded from capital receipts. Such investment must be forecast to generate savings before capital receipts can be used.
- 3.6 The level of grant funding from Scottish Government was originally assumed to be flat cash. This is not a sustainable level of funding. The recent UK spending review resulted in consequential for the devolved administration and the current assumptions used for funding is for a 1% increase in core funding (ie not including new burdens or COVID-19 related funding). However, given current economic uncertainties this might be considered to be optimistic.
- 3.7 Projected Council Tax income has been adjusted to reflect a lower collection rate than originally budgeted for, as the economy continues to suffer from the pandemic, and a higher rate of Council Tax Reduction, matching the current level. A real increase of 3%, in line with the last two years capped limit, was estimated as a nominal 4% increase. Inflation has been fluctuating considerably over the course of the pandemic. The most recent inflation measures show significant decreases: CPIH was 0.6% in November 2020 compared to 0.9% in October 2020 and CPI 0.3% in November 2020 compared to 0.7% in October 2020. The measure of inflation used to calculate the Council Tax cap has been GDP deflator, which tends to be lower than CPI measures. Accordingly it is considered prudent to reduce the likely increase in Council Tax to a nominal 3%.
- 3.8 An estimate of recurring savings from Children' Services are included in the summary at **APPENDIX 1** in other savings proposed.
- 3.9 The net result of these changes is that the projected budget gap for 2021/22 is reduced from £7.7 million to £4.3 million, with a proposed release from earmarked reserves for repairs and maintenance of £0.7 million, resulting in a savings target of £3.6 million, of which £1.7 million potential savings have been agreed or otherwise identified and a further £217,000 proposed in this report. There is scope to meet the bulk of the balance of £1.6 million from flexibilities relating to the pandemic.
- 3.10 The main risks to this forecast are considered to be pay award and level of government grant. The cost of salaries varies by £1 million for every 0.65% change; the level of grant forecast varies by £1 million for every 0.61% change. The forecast is therefore very sensitive to small movements in these key variables. The recently submitted pay claim is significantly in excess of that allowed for in the draft budget. This will be updated as pay negotiations progress.

## Savings

- 3.11 In recent years the Council has considered savings in advance of the budget setting meeting, particularly when early consideration would facilitate consultation or other requirements for action prior to savings being realised. There are two proposed savings related to Waste Management which require early consideration and decision, one to implement the savings if agreed, the other to revert to pre-pandemic routine if the saving is not approved.
- 3.12 The brown bin permit charge was introduced in April 2019 at a starting rate of £36.00 which was increased to £40.00 with effect from 1 April 2020. In 2019/20 the Council achieved an income of £734,832 from 20,412 permit sales at £36.00 per permit. In 2020/21 income at £40.00 per unit is currently £866,175 and had exceeded the budget of £773,000 by the end of May. Whilst there has been a notable increase in permit sales over the first six month period in 2020/21 compared to 2019/20 consideration must be given to the influence of the pandemic and subsequent temporary closure of the Council's Household Waste Recycling Centres, which may have increased permit sales. For the purpose of predicting annual sales a target figure of 21,000 permits has been used. Retaining a price of £40.00 would generate £840,000 or £67,000 above the current budget. Following the default rise of 2% would increase the cost of a permit to £40.80, which would be rounded to £41 and generate income of £861,000 or £88,000 above current budget.
- 3.13 Kerbside recycling collections were introduced in Moray on a fortnightly basis in 2004. The service was delivered on that basis until collections were suspended on 30 March 2020 for 3 weeks, due to restrictions imposed in the light of the pandemic. From 20 April collections were reinstated but given the restrictions required to ensure social distancing the service was delivered on a three-weekly schedule and that has continued to date. Retaining the revised collection schedule offers the opportunity for the Council to reduce revenue expenditure by £128,900 through the removal of one refuse collection vehicle and a driver plus 2 loaders from the staffing complement. This will be achieved by not filling current vacancies.
- 3.14 The recovery survey carried out indicated that the three weekly cycle has caused problems for some households although some were unaffected by this and some supportive of its retention) and in mitigation of this larger recycling bins (blue and purple) or additional bins can be supplied to compensate for the reduction in frequency of collection. The capital budget for next year has an annual allowance to deliver 450 x 5 new bins, (issue for new housing which are charged at cost) and 350 x 2 larger (blue and purple) bins (240lt) which can be offered on a first come first serve basis to requests for larger blue and/or purple bins, thereafter requests will go onto a waiting list. The 140lt bins that are returned can be redistributed depending on condition as additional bins to those on the waiting list. It should be noted that there is a preference to issue one larger 240lt rather than two 140lt as this avoids additional handling by the loaders. In the 7 months following the introduction of the 3 weekly collection the Council had requests for the larger 240lt bins: 155 purple (plastics and cans) bins and 115 blue (cardboard and paper) bins. Given that there is provision within the capital budget for 2021/22 for 350 bins

each then based on the current demand there should be sufficient stock available. However this service will be under constant review to assess the impact of the routes and size of waiting list and be reported back to Committee if necessary to change the policy or increase the expenditure for new bins.

### **Funding for loss of income during the pandemic**

- 3.15 Scottish Government announced funding of £90 million to compensate Council's and Arms Length External Organisations (ALEOs). All local authorities submitted information of loss of income from lockdown to 30 September 2020 and these submissions were reviewed and moderated to ensure consistency across authorities by finance staff from a number of authorities on behalf of COSLA. Methodology for distributing funds was agreed by COSLA. Allocations of funding for this period were circulated on 17 December 2020. This represented 52% of the submissions of reduced income. Moray's allocation totalled £1,264,000, of which £73,000 related to net lost income at Moray Leisure Centre. It is recommended that this sum is passed on to Moray Leisure Ltd, affording the ALEO the same level of support for lost income as the Council received for its in-house services. The balance of £1,191,000 will be retained to shelter the Council's lost income. The overview included at **APPENDIX 1** reflects free general reserves at 31 March 2021 which are £1,191,000 higher than those reported to Economic Development, Housing and Economic Sustainability Committee on 1 December 2020 (paragraph 11 of the Minute refers).

### **Financial Flexibilities**

- 3.16 As reported to Council on 16 December 2020 (paragraph 7 of the draft minute refers) there are two financial flexibilities which may be available for the Council to use in respect of the budget for 2021/22. Since then guidance has been received from Scottish Government regarding the use of capital receipts to fund revenue expenditure related to the pandemic and a draft Statutory Instrument has been circulated regarding the conditions around taking a loans holiday. The extent of the loans holiday is restricted to expenditure arising from the response to the pandemic. The draft Statutory Instrument appears to require a change to how loans repayments are accounted for in repaying those loans from which a holiday was taken. Depending on exactly how this is interpreted the restrictions could make this option less attractive and clarity on this matter is being sought. At present it appears that there is still an option to exercise financial flexibility in 2021/22 and that that flexibility would be limited to the £1.2 million budget pressures included relating to the pandemic (unless account can be taken of reduced Council Tax income – that is still unclear). The flexibilities are for one year only. The impact on the pandemic on income from sports and leisure facilities is expected to last for more than one year and is shown in the budget pressures listed in **APPENDIX 2** are tapering off over a three year period.

### **Financial Sustainability**

- 3.17 At its meeting on 2 March 2020, the Council approved a medium to long term financial strategy (paragraph 5 of the Minute refers). This strategy included a

small suite of Performance Indicators (PIs), the first of which related to reliance on use of free reserves to balance the budget. The Council needs to reduce reliance on use of free reserves to balance the budget, as such use masks an underlying overcommitment of funds. The position over the last four years and current projection for 2021/22 (based on projected use of reserves and savings to be identified per **APPENDIX 1**) is as follows:

	Budget		Actual (est act 2020/21)	
	£m		£m	
2017/18	7.611	3.8%	4.615	2.3%
2018/19	4.720	2.4%	3.787	1.9%
2019/20	2.094	1.0%	-	0%
2020/21	2.348	1.1%	1.715	0.8%
2021/22	2.300	1.0%		

- 3.18 When the current budget was set, it was overcommitted by over £2 million. Without savings in 2021/22 the underlying overspend will increase by the amount required to fund inflationary increases and approved budget pressures. The level of savings currently identified, including reduction in loans charges, still leaves an underlying overcommitment. Proposals to partially address this are included in this report and further proposals, mainly relating to financial flexibilities re COVID-19, will be brought forward when the budget is due to be approved.
- 3.19 Funding from Scottish Government will be confirmed when the budget is set but it is unlikely that a pay award will have been agreed and the on-going impact on Council Tax collection is likely to take some time to become clear. When these issues crystallise it may be necessary to bring back a report looking for in-year savings in 2021/22.

#### **4. SUMMARY OF IMPLICATIONS**

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

Delivery of the Corporate Plan and the LOIP is underpinned by financial planning.

**(b) Policy and Legal**

There are no policy or legal implications arising directly from this report.

**(c) Financial implications**

The report identifies potential recurring savings of £88,000 and £128,900.

**(d) Risk Implications**

There is a risk that uptake of recycling of garden waste reduces as a result of the increase in fee but given the level of increase proposed this is viewed as minimal. There is a risk that recycling reduces as a result of the three weekly cycle, but experience to date suggests this risk is not significant. These entail the risk that landfill increases and the Council

has to pay more landfill tax but as indicated the risk is considered to be minimal.

**(e) Staffing Implications**

The proposed staff reduction would be met by deleting vacant posts.

**(f) Property**

There are no property implications arising directly from this report.

**(g) Equalities/Socio Economic Impact**

An Equalities Impact Assessment (EIA) was completed when general household waste was rescheduled to a three week collection cycle and although some potential impacts were identified these were mitigated by a number of actions. The Equal Opportunities Officer advises that the offer of larger bins mitigates any potential impact from a three weekly cycle for paper and cardboard, plastics and cans recyclables and that no EIA is required for the modest increase in an existing charge for garden waste permits.

**(h) Consultations**

CMT, Heads of Services and the Equal Opportunities Officer have been consulted in the preparation of this report and any comments incorporated.

**5. CONCLUSION**

- 5.1 The indicative budgets for 2021/22, 2022/23 and 2023/24 have been revised and indicate a reduced level of savings required in 2021/22 than previously forecast.**
- 5.2 Recurring savings for 2021/22 have been identified and are brought for consideration now because of the lead-in time required to implement the increase in garden refuse permit if approved and to revise schedules and staff up for these if the retention of a three weekly cycle of recycling collection is not approved.**
- 5.3 There remains a considerable level of uncertainty around key budget variables for 2021/22.**

Author of Report: Lorraine Paisey, Chief Financial Officer  
Background Papers:  
Ref: LP/LJC/



## APPENDIX 1

## BUDGET OVERVIEW AS AT 23 DECEMBER 2020

	2020/21	2021/22	2022/23	2023/24
	£000s	£000s	£000s	£000s
<b>Revenue Expenditure</b>				
Service allocations (assuming prior year savings are achieved)	202,422	209,690	211,986	212,644
Adjustments to brought forward figure:	(3)	102	218	24
Opening budget	<u>202,419</u>	<u>209,792</u>	<u>212,204</u>	<u>212,668</u>
Pay and price increases	4,400	4,000	4,000	4,120
(Decrease) / Increase in Loan Charges	1,700	(1,500)	1,000	900
New Burdens	5,099	18	0	0
Budget pressures:				
- Approved or noted for future years when budget set	4,149	1,600	610	660
- Approved since budget set	420	989	263	263
Emerging	0	637	(81)	0
Investment in Change	2,000	1,500		
Funded by capital receipts	(2,000)	(1,500)		
	<u>218,187</u>	<u>215,536</u>	<u>217,996</u>	<u>218,611</u>
<b>Revenue Funding</b>				
General Revenue Grant / NDRI	163,063	163,668	165,014	166,374
New burdens funding not included in grant above	5,099	18	0	0
Council Tax	44,760	45,737	47,630	49,756
BRIS retention	1,859	1,859		
Release from Repairs and Renewals Reserve		704		
<b>Funding from General Reserves:</b>				
Impact of estimated actuals	1,166			
Other one-off funding from reserves	437			
Economic Development recovery (not reflected in estimated actuals)	60			
MIJB deficit (37% share)	112			
Impact of funding for loss of income	(1,191)			
Transfer to ear-marked reserve for Transformation	1,880			
	<u>217,245</u>	<u>211,986</u>	<u>212,644</u>	<u>216,130</u>

<b>SAVINGS REQUIRED</b>		3,550	5,352	2,481
<b>Savings Summary</b>				
<b>Savings Approved:</b>				
Approved when budget set	1,979	376	115	0
Approved subject to consultation	149	31	0	
Temporary savings	705	103	24	0
Further savings approved	414			
Indicative Savings from I&M Programme	360	107		
<b>Other savings proposed</b>	221	1,120	0	0
<b>Savings proposed in this report</b>		217		
<b>Savings to be identified</b>		1,596	5,213	2,481
	3,828	3,550	5,352	2,461
<b>Estimated Free Balance on General Reserves</b>	12,175	12,175	12,175	12,175
<b>Earmarked reserves</b>				
I&M Programme / Transformation of services	2,580			
Council priorities	2,540			
Insurance fund (not statutory fund)	272			
	5,392			
Capital receipts held for transformation	912	412		
	<i>projected balance at year end</i>	<i>projected balance at year end</i>		

## APPENDIX 2

## BUDGET PRESSURES

	2021/22 £000s	2022/23 £000s	2023/24 £000s
Noted for future years when budget 2020/21 set			
Linkwood Primary School running costs	275		
School rolls	855		
School repairs and maintenance		200	400
School meals (change of regulations)	232	139	
Children in Transition to adult services	200	200	200
Social Work posts (approved C&YP Committee 23/8/2017)	6	17	
Closure of swimming pools for refurbishment		55	55
Microsoft licences	35		
Other approved budget pressures			
Economic Recovery Plan	197	263	263
Social care (MC 1/12/2020)	267		
Additional expenditure associated with COVID-19			
Recurring costs ICT equipment	37		
Additional building cleaning	452		
Fogging canisters for mini-buses	36		
Emerging budget pressures			
Reduction in leisure income post pandemic	500	(200)	(300)
Loss of industrial rental income due to disposal of units	64		
Increased fuel duty		103	
Renewal of iTrent contract (HR and Payroll system)	23	16	
Moray Growth Deal revenue contribution	50		
<b>TOTAL</b>	<b>3,226</b>	<b>792</b>	<b>923</b>






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**REPORT TO: MORAY COUNCIL ON 20 JANUARY 2021**

**SUBJECT: COMMITTEE GOVERNANCE ARRANGEMENTS DURING COVID-19 RESTRICTIONS**

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

**1. REASON FOR REPORT**

- 1.1 To review the temporary decision making arrangements put in place due to the Covid-19 response.
- 1.2 To progress the Governance Review.
- 1.2 This report is submitted to the Council under paragraph II (19) of the Scheme of Administration, emergency arrangements.

**2. RECOMMENDATION**

**It is recommended that the Council agree:**

- 2.1 That meetings continue to be held by video conference and webcast until government guidance changes.
- 2.2 Whether they wish to determine a future structure for Council committees based on the Options 1 or 2 in Appendix 1:  
 Option 1. Two main service committees based around Depute Chief Executive roles.  
 Option 2. Three main service committees. Two committees based around Depute Chief Executive roles plus a further committee dealing with corporate issues.
- 2.3 Whether they wish to proceed with any of the specific options to combine committees in Appendix 1:  
 Option A. Licensing Board with Licensing Committee  
 Option B. Planning and Regulatory Services with IJB  
 Option C. Policy & Resources with Audit & Scrutiny
- 2.4 To reinstate membership of Tenant Representatives on the committee which deals with Housing policy issues.

- 2.5 To reinstate membership of religious representatives on the committee which deals with education policy issues for consideration of education policy items only and:**  
**(a) to consider whether they wish to keep non-statutory members (pupil, parent, teacher reps) on this committee for these items**  
**(b) to consider the entitlement of non-councillor committee members to vote on these items.**
- 2.6 To instruct the Head of Governance Strategy and Performance to make the appropriate changes to the Scheme of Administration for further approval.**
- 2.7 Endorse the practice of keeping information and noting reports separate from discussion reports on committee agendas with an opportunity to call these in to a future meeting as detailed in paragraph 4.9 below.**
- 2.8 To continue the position where the Chief Executive may exercise the delegation granted to him under para 5(7) of the Council's Scheme of Delegation (to take such executive actions as may be deemed necessary in the discharge of the Authority's functions) without the need for homologation.**
- 2.9 To note that the next step of the Governance Review will be to consolidate and refresh the Council's Second Tier Governance documents and specifically to**  
**-Update guidance on the relationship between councillors and officers, -**  
**-Formally adopt a Virtual Meetings Protocol,**  
**-Clarify the working arrangements for of the Group Leaders forum.**  
**-Clarify the process for agreeing councillor senior responsibility allowances.**

### **3. BACKGROUND**

#### **3.1 Initial COVID-19 response**

MorayMorayCouncil on 25 March (paragraph 2 of the [minuteminute](#) refers) agreed the following temporary decision making arrangements:

- delegated powers to Chief Executive to take decisions in consultation with a sounding board without the need for committee homologation.
- Emergency Cabinet for higher risk decisions.
- Meetings to be held virtually.
- To review the position on or before 17 June 2020.

#### **3.2 Move to temporary simplified committee structure**

MorayMorayCouncil agreed on 17 June 2020 (para 10 of the [minute](#) refers) that statutory committees should resume as normal from 02 September 2020 and that a temporary (simplified) committee structure be put in place from that date with 2 composite committees following the remits of each Depute Chief Executive:

- Environment, Growth & Environmental Sustainability Ctee.
- Education, Communities and Organisational Development Ctee.

It was also agreed to trial a system where routine information reports (reports with less of a public interest) are posted publicly on CMIS, alongside but separately from the meeting agenda, with an opportunity for Councillors to call in an information report for discussion at the next meeting.

The Council agreed that these temporary arrangements would be reviewed by February 2021.

Whilst the level of normal committee business was less during the initial phases of Covid because resources were diverted to responding to the pandemic, this increased to more normal levels as the restrictions of covid were lifted and services adapted to new ways of working recovery began and Councillors and officers became more familiar with virtual meetings. In some areas there has been a spike in business as the backlog in routine reporting is addressed and work that had been on hold re-commenced.

### **3.3 Holding meetings virtually**

Whilst there are still some technical and communication challenges with virtual meetings the Council has become more comfortable with them.

A Virtual Meetings Protocol has been agreed informally by group leaders and is attached as Appendix 2. It is proposed that this adopted as part of the Council's 2<sup>nd</sup> Tier Governance documents which are discussed in para 4.11 below.

Longer term it is hoped to be in a position where:

- the majority of attendees at a meeting will be able to be physically present
- participants can join remotely if they wish
- the public can view the meeting on a webcast.

### **3.4 Governance Review**

Before the outbreak of Covid and as part of the Improvement and Modernisation programme the Council agreed to review governance arrangements to reduce bureaucracy, streamline decision making processes, reduce material going to committee and look at alternative governance structures.

The organisational remits of the 2 Depute Chief Executive posts (created by the management restructure in October 2019) do not align neatly with the previous committee structure. To maximise efficiency of business moving forward, the Council's governance structures should match the organisational structure.

At a meeting on 12 February 2020 (para 12 of the [minute](#) refers) the Council

- amended the Scheme of Delegation to take account of the Management Restructure. Following consultation with Heads of Service there were no significant areas identified to increase officer delegation. A balance has to be struck between the strategic involvement of members and operational decision making. Opportunities do arise on an ad-hoc basis to make changes, for example the delegation of [planning example] to officers.
- agreed its preference for a committee system (rather than a cabinet/executive governance system and this position was affirmed at the Council meeting on 27 October 2020 (para 9 of the minute refers)

The meeting on 12 Feb 2020 agreed that further work be undertaken to progress the governance review:

- Reviewing the number of meetings the Council hold to see if this can be reduced by re-theming them, combining them or changing their frequency.
- Investigating whether there is scope to reduce the instance of similar reports having to go to more than one meeting.
- Review the number of reports going to meetings and the style of reporting.
- Review the number of reports going to meetings and the style of reporting.
- Looking at other ways to present information to Councillors and the public.
- Considering whether more business can be delegated to officers or partner bodies.

Progress on the governance review was delayed due to the Covid-19 response however a detailed review of the Council's committee structure, which addressed many of the aims of the Governance Review was addressed in the report to the meeting of Moray Council on 17 June 2020 detailed in para 3.2 above. The temporary committee arrangements approved have given a valuable opportunity to trial an alternative committee structure and have been used to inform the proposals below.

### **3.5 Latest developments**

Since this report has been drafted there have been significant developments with Moray entering Tier 4 restrictions on 26 December 2020 and with the national lockdown announced on 5 January 2021. This will impact on the options considered below as it places additional demands on officers that will once again require a review of what can be delivered while managing the response to the pandemic and delivering adapted services.

## **4. PROPOSALS**

### **4.1 Temporary COVID-19 Restrictions.**

It is proposed to continue with the current virtual meeting/webcast arrangements until social distancing restrictions are relaxed.

It is proposed that members

- review the temporary committee structure put in place to help deal with COVID-19 capacity issues

- consider whether they wish to make a decision on the next stage of the Governance Review, determining a Committee Structure for the future, at this point in time. Whilst this element of the Governance Review is outstanding and is linked to our BVAR action plan, it may not be considered a priority in terms of the pandemic response.

## 4.2 Committee Structure going forward

Options on how Council Committees could be rationalised are explored in more detail in Appendix 1.

### Wider options

It is proposed that members agree which of these Wider Options they wish to see taken forward. In considering these options, the Council is asked to take account of the recent lockdown and the additional pressures and adjustments that arise from that. At this time, it is not considered that there would be organisational capacity to revert to the wider committee structure that was operational pre-covid and so it is proposed that this option is set aside at this time. It is also of note that remote working and the temporary committee structure are areas where councillors and officers were gaining experience. Given the circumstances of covid, these committees had not yet settled into a normal routine where the ongoing effectiveness could be assessed based on business as usual. Based on the current situation, it seems likely to be some time before a return to pre-covid normal business can be anticipated. Therefore, it may be more appropriate to consider a further temporary arrangement at this time and to return to a longer term review after the summer recess. The Council's guidance on the preferred approach is sought based on the options below and in the appendix

- Option 1: Continue with EGHE and ECOD committees, either on a continued temporary or on a longer term basis.
- Option 2: Move to a simplified committee structure EGHE, ECOD plus an additional Corporate committee.
- Option 3: Move back to a wider Committee Structure, with some minor adjustments.

### Specific options looking at combining committees:

It is proposed that members indicate if they wish any of these options to be taken forward:

Option A: Licensing Board and licensing Committee

Option B: Planning and Regulatory Services and LRBLRB

Option C: Policy & Resources and Audit & Scrutiny

## 4.6 Joint boards/meetings with other agencies

It is proposed that, due to the difficulties of bringing in external representatives would make meeting management tricky,, this committee stays as a standalone committee with further consultation with statutory partners to reduce the frequency to minimise the burden on constituent bodies.

#### 4.9 Noting and information reports

The practice of separating noting/information reports from the main part of the agenda has been successful in reducing the volume of material going onto the public agenda at a committee. There have been 2 call-ins during the trial period. It is proposed that this practice is adopted on an ongoing basis and that the following provision is added to the Council's standing orders:

"INFORMATION REPORTS – CALL IN

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 following meeting. The notice shall be countersigned by one other elected member and shall explain the reason for call in.

#### 4.10 Chief Executive's delegated powers.

As the requirement for urgent decision continues due to COVID -19 response it is proposed to maintain the current temporary arrangements that the Chief Executive may exercise the delegation granted to him under para 5(7) of the Council's Scheme of Delegation (to take such executive action as may be deemed necessary in the discharge of the Authority's functions) without the need for homologation.

#### 4.11 Second tier governance documents

The Council have agreed a number of Policies, protocols and guidance documents which sit below the primary Constitutional Documents, to help define roles and behaviours and to regulate procedures. They have been agreed over time on an ad-hoc basis and are detailed on the Interchange Web pages. As the final part of the Governance Review it is proposed that a further report is considered by the Council with recommendations to review and update these documents where appropriate and to identify gaps. In particular it is proposed to include:

- Updated guidance on the relationship between Councillors and Officers.
- Virtual meetings Protocol – recently approved by group leaders and attached at **Appendix 2**
- Group Leaders guidance – operational guidance to regulate this Councillor/Officer group.
- Clarification on determination of Councillors Senior Responsibility Allowances.

### 5. SUMMARY OF IMPLICATIONS

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

It is important for the Council to maintain an effective decision making process to continue to deliver vital services to vulnerable people in Moray and to support businesses through this challenging period.

**(b) Policy and Legal**

These proposals will temporarily amend the Council's Scheme of Administration and Scheme of Delegation.

**(c) Financial implications**

None

**(d) Risk Implications**

The Council needs to ensure that appropriate governance arrangements are put in place to deal effectively with ongoing Covid-19 response.

**(e) Staffing Implications**

The proposals should provide a balance between providing more operational freedom for senior staff to respond to the Covid-19 crisis and involving elected members in the decision making process.

**(f) Property**

None

**(g) Equalities/Socio Economic Impact**

No direct implications

**(h) Consultations**

The Corporate Management Team and Group Leaders have been consulted. CMT have noted that the re-entry into covid lockdown requires a review of the priorities that services will be able to address. This may require only essential committee reports to come forward during this time and will be kept under review. In light of this, the advice from CMT is that it would be extremely challenging to revert to the previous committee structure across all services at this time and that if that option is the preference of the council, it should be put on hold pending a change in the covid situation and the demands it places on council services.

**6. CONCLUSION**

**6.1 The Council's response to the Covid-19 pandemic continues affect the Council's normal meeting arrangements.**

**6.2 Councillors are invited to consider the next steps in the Governance Review, agreeing a committee structure for the future and looking at the Council's second tier governance docs.**

Author of Report: Alasdair McEachan, Head of Governance Strategy and Performance.

Background Papers:

Ref:

Options to reduce the number of main reporting committees

Option 1 : Continue the current arrangements: 2 main service committees built around Depute Chief Executive Roles	
<ul style="list-style-type: none"> <li>• <b>Education, Communities and Organisational Development</b> To include CYPS, and service elements of Communities and P&amp;R.</li> <li>• <b>Economic Growth, Housing and Environmental Sustainability</b> To include EDIS and service elements of Communities and P&amp;R.</li> </ul>	
Pros	Cons
<ul style="list-style-type: none"> <li>• Committee structure is based on the organisational management structure that the council has decided upon for its functions, 2 main service portfolios.</li> <li>• Makes efficient use of officer resource.</li> <li>• Larger more strategic committees help with strategic focus, which helps address the level of detail issue in the BVAR.</li> <li>• We have had a chance to test it.</li> </ul>	<ul style="list-style-type: none"> <li>• Additional reporting required to full council. Some items currently within P&amp;R remit fall within the 2 roles. For example Council wide policies/programmes or council wide financial/asset management issues.</li> <li>• Potential for large agendas – although this is partly due to the backlog of routine reporting due to the initial COVID lockdown.</li> <li>• Children Social Work Services reports will still go through ECOD during shadow period until transfer to IJB – revised timescale Apr 22.</li> </ul>
<p>Additional Ctees:  <b>Statutory*</b>: Planning and Regulatory Services, LRB, Licensing Board, Licensing Committee  <b>Other</b>: Audit and Scrutiny*, Police and Fire Rescue, Appeals, Recruitment                      *further proposals below</p>	

Option 2: Current arrangements (2 main service committees built around Depute Chief Executive Roles) + a further committee picking up Corporate Issues.	
<p><b>Suggestion:</b></p> <ul style="list-style-type: none"> <li>• Environmental/Housing committee</li> <li>• Social/Education committee</li> <li>• Corporate committee picking up Finance, Policy, Risk and Audit</li> </ul>	
Pros	Cons
<ul style="list-style-type: none"> <li>• Committee structure is based on the organisational management structure that the council has decided upon for its functions, 2 main service portfolios.</li> <li>• Larger more strategic committees help with strategic focus, which helps address the level of detail issue in the BVAR.</li> <li>• Recognises the benefits in having a committee to consider the Financial and policy issues which don't neatly fall into the 2 committees in Option 1 above.</li> </ul>	<ul style="list-style-type: none"> <li>• An additional committee (compared with Option 1) will take up officer time with more behind the scenes administration.</li> <li>• No separate Audit committee –further detail note 6 below</li> <li>• Greater likelihood of reports going to more than one committee.</li> </ul>
<p>Additional Ctees:  <b>Statutory*</b>: Planning and Regulatory Services, LRB, Licensing Board, Licensing Committee  <b>Other</b>: Police and Fire Rescue, Appeals, Recruitment                      *Further proposals below</p>	

Option 3: Keep a wider range of committees in line with our existing Scheme of Administration.	
<p><b>Suggestion:</b></p> <ul style="list-style-type: none"> <li>• Move back to the pre-existing Committee Structure</li> <li>• Opportunities for some minor alignment of remits.</li> </ul>	
Pros	Cons
<ul style="list-style-type: none"> <li>• Familiarity</li> <li>• Minimal changes to Scheme of Administration.</li> </ul>	<ul style="list-style-type: none"> <li>• Lose opportunity for efficiency</li> <li>• Does not fully align with the organisational structure that the council has decided upon for its functions, 2 main service portfolios.</li> <li>• Harder to achieve strategic focus.</li> <li>• Inefficient use of officer time servicing a number of meetings.</li> <li>• May need further review as Children SW Services move to to IJB.</li> </ul>
<p><b>Service Ctees:</b> P&amp;R, EDIS, C&amp;YPS, Communities,  <b>Statutory Ctees*:</b> Planning and Regulatory Services, LRB, Licensing Board, Licensing Committee  <b>Other Ctees:</b> Audit and Scrutiny*, Police and Fire Rescue, Appeals, Recruitment                      *further proposals below</p>	

**Specific Committee Options**

Option A: Align membership of the Licensing Board and Committee.
<p><b>Suggestion:</b></p> <ul style="list-style-type: none"> <li>• One Chair</li> </ul>

<ul style="list-style-type: none"> <li>• <b>9 members for both Liquor and Civic</b></li> <li>• <b>Single meeting with agenda split into Liquor and Civic sections.</b></li> </ul>	
Pros	Cons
<ul style="list-style-type: none"> <li>• Now under same Chairperson, which makes combination simpler.</li> <li>• More efficient number for committee</li> <li>• Allows members to develop specialism.</li> </ul>	<ul style="list-style-type: none"> <li>• Could cause timing difficulties with hearings however these could be overcome.</li> <li>• Statutory requirement for liquor training for members of the Board which is costly but not the same requirement for Members sitting on Licensing Committee so could influence which Members are chosen to sit on a combined Board/Committee</li> </ul>

<b>Option B: Align membership of Planning and Regulatory Services Ctee and Local Review Body.</b>	
<p><b>Suggestion:</b></p> <ul style="list-style-type: none"> <li>• <b>One Chair</b></li> <li>• <b>Reduced numbers from a standard committee to say 9.</b></li> <li>• <b>Single meeting with agenda split into PRS and LRB items.</b></li> </ul>	
Pros	Cons
<ul style="list-style-type: none"> <li>• More efficient number for specialist committee</li> <li>• Allows members to develop specialism.</li> <li>• Reduced number of meetings</li> </ul>	<ul style="list-style-type: none"> <li>• Smaller number of members setting policies which impact across the whole council remit</li> <li>• Could cause timing difficulties with hearings.</li> <li>• Different group of officers needed for each part of the agenda, Planning/LRB.</li> </ul>

	<ul style="list-style-type: none"> <li>• 2 bodies have separate roles – PRS committee setting policy and determining applications and LRB sitting as an appellate body – important LRB seen as a distinct body in determining appeals</li> </ul>
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Option C: Review remit of Audit and Scrutiny Committee	
<p><b>Suggestion:</b></p> <ul style="list-style-type: none"> <li>• <b>Scrutiny function is recognised as a Service Committee function with a Scrutiny Charter agreed as a Second Tier Governance document</b> <ul style="list-style-type: none"> <li>○ For Option 1 it retains the remaining delegated functions to become an <b>Audit and Risk Committee</b></li> <li>○ For Options 2 and 3 its functions merge with P&amp;R to become a <b>Finance, Policy, Risk and Audit Committee</b></li> </ul> </li> </ul>	
Pros	Cons
<ul style="list-style-type: none"> <li>• Clarifies scrutiny role for councillors</li> <li>• Allows a strong focus on corporate governance.</li> </ul>	<ul style="list-style-type: none"> <li>• For Option 1, agendas may be light although reducing frequency of meetings could counterbalance this.</li> </ul>

Issues to be resolved from these options	
Issue	Suggestion
1. Numbers on temp committees/political balance	Whilst fewer numbers on committees makes for more efficient meetings the Council have clearly expressed their wish to keep committee numbers at 14.
2. Frequency of meeting cycle for main committees	Keep to an 8 week cycle as we do have other 'partnership' meetings scheduled in which may cause unnecessary complications in trying to re-arrange them.
3. Reporting for Children's Services +remnants of Social Work <ul style="list-style-type: none"> <li>Children's services are in the process of transferring to the IJB. This is being referred to as a shadow period. Meantime there still needs to be direct democratic accountability for these services within the Councils structure.</li> <li>The role of the CSWO and remnants of social work services, although managed on a day to day basis through the IJB, need a direct report to the Council. There is no statutory power to delegate them to the IJB.</li> </ul>	<ul style="list-style-type: none"> <li>Children's Services report to the committee taking on C&amp;YPS (in addition to any reporting required by the IJB) during shadow period. When the IJB takes on statutory responsibility for these services this accountability will cease.</li> <li>CSWO and non-delegated social work services report through full Council</li> </ul>
4. Tenant reps membership has been temporarily suspended with additional consultation measures put in place	Membership is reinstated and items ordered on the agenda so Tenant reps do not have to sit through a whole meeting.
5. Religious, teacher, parent pupil reps attendance for educational policy reports <ul style="list-style-type: none"> <li>3 religious reps (statutory) agreed not to attend the temporary ctees but to receive papers</li> <li>Teacher and parent reps (discretionary) continue to attend temp meetings although some tension over timing of meetings</li> </ul>	<ul style="list-style-type: none"> <li>Membership of religious reps is reinstated.</li> <li>Membership of other external members is reviewed.</li> <li>Consideration is given to removing voting rights of all non-councillor committee members.</li> </ul>
6. Having a distinct audit committee <ul style="list-style-type: none"> <li>It is generally recognised as good practice for Councils to have a separate audit committee however we sometimes find it difficult to fill the agenda.</li> </ul>	<ul style="list-style-type: none"> <li>If the Council decide to have a combine Audit with other elements such as Finance, it is suggested that a section of that agenda of that committee could be set aside for Audit Items.</li> <li>The Council agree a Scrutiny Charter to help councillors fulfil their scrutiny role.</li> </ul>

<ul style="list-style-type: none"> <li>• The Council has effective scrutiny through service committees since they took on service performance monitoring.</li> </ul>	
<p>8. Senior Responsibility Allowances</p> <ul style="list-style-type: none"> <li>• Regulations allow up to 9 SRA's to paid, subject to an overall cap.</li> <li>• The Council have agreed that a total of 8 SRA's are paid to positions of significant responsibility and these are normally settled when committee chair positions are agreed.</li> <li>• With fewer Chairs the Council will need to reconsider how SRA's are allocated.</li> </ul>	<ul style="list-style-type: none"> <li>• Consider payment of SRA's to a combination of committee Chairs and portfolio holders.</li> <li>• Allow portfolio holders to lead on relevant agenda items within committees with wider remits.</li> <li>• Minute decision at full Council.</li> </ul>



**REMOTE/VIRTUAL MEETINGS**

Item 9

**GOVERNANCE PROTOCOL**

Status: good practice agreed through political consensus.  
 Author: Head of Governance Strategy and Performance  
 Date agreed:  
 Date for review:

**PURPOSE OF THIS PROTOCOL**

Remote/virtual meetings can be trickier to convene than conventional meetings.

It is considered helpful in terms of [good governance principles](#) to have additional measures in place to assist with the smooth running of such meetings.

The Council's Standing Orders still apply with remote/virtual meetings. This protocol complements Standing Orders and it is proposed that the protocol is adopted as good practice through political consensus.

**AT LEAST THE DAY BEFORE THE MEETING**

1	Pre-meeting	<p>CMT Admin will arrange a pre-meet to go through the agenda to identify any-pertinent issues arising from the meeting agenda, any written questions or Notices of Motion received and identify which officers will be responding to questions on reports if required.</p> <p>Clerk and Chair to agree if any preliminary remarks are required, beyond those noted below.</p> <p>The clerk will ensure that first-time participants have been offered an induction session for Connect Remote</p>
2	Joining meeting and access to papers	Members should contact the clerk if they need advice on joining the meeting, using Connect Remote or accessing papers.
3	Pre-notification of interests	Inform the Clerk of any interests being declared and whether withdrawing or not, to help the Clerk follow correct Connect Remote procedures.
3	Substitutes	Inform Clerk of substitutes (where permitted) attending to allow Connect Remote invitation to be sent.

4	Fair notice of motions/amendments	<p>It can be harder to co-ordinate officer advice at short notice with remote meetings. Where a Member wishes to put forward a motion/ amendment which differs significantly from the recommendations within a report on the agenda they are encouraged to provide a written copy of the proposal to the clerk by 2pm on the working day before the meeting.</p> <p>The clerk may offer or coordinate advice on the terms of the motion/amendment and will circulate it amongst the council/committee Members with the consent of the proposer.</p> <p>It is understood that</p> <ul style="list-style-type: none"> <li>• advance notice of a motion/amendment may not be possible with urgent/last minute agenda items</li> <li>• Even if advance notice has been given there will still be an opportunity to raise further changes to motions/amendments at meetings</li> <li>• Where a motion/amendment which is a significant departure from agenda report recommendations is raised during a meeting there is a risk that the motion/amendment is deemed incompetent by the Chair in terms of Standing Order 34.</li> </ul>
5.	Advance notice of questions	<p>It is harder to have officers on hand to answer questions that arise during a remote meeting. Members are encouraged to raise factual questions with officers in advance of a meeting and make use the written questions procedure within SO 35.</p>

**ON THE DAY OF THE MEETING**

1	Joining the meeting on time	<p>Join Connect Remote Meeting at least fifteen minutes before the Committee meeting is due to start. Ensure that video and audio is selected and switched on. All present should mute audio until invited to speak by the Chair.</p> <p>All should be aware that the meeting will be webcast live over the internet and be mindful of their surroundings particularly as most will likely be joining the meeting from their own home. If there are other people in the home, they should be made aware that you will be filmed. This is particularly important if there are children/young adults in the household as the footage will be archived and available for public viewing for 12 months following the meeting.</p>
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2	Chair	The Chair should join the meeting using their video.
3	Equipment check	The clerk will welcome those joining the meeting as they arrive and test cameras and microphones then request microphones are muted and cameras off when not speaking.  Confirm to the Chair when all Members are present.

### AT THE START OF THE MEETING

1	Welcome and formalities	<p>Chair to state:-</p> <ul style="list-style-type: none"> <li>• Welcome</li> <li>• Reminder of live webcast</li> <li>• All attendees reminded to mute microphones and switch off camera when not speaking</li> <li>• Please do not come in to speak during items unless I invite you to do so</li> <li>• If you wish to speak let us know by raising the electronic hand on-screen or sending a chat message</li> <li>• If any Member loses connection or have any technical issues during the meeting, please alert the Committee Officer on stand by via telephone . We may not be able to halt the meeting if a Member loses connection</li> </ul>
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### ORDER OF BUSINESS etc.

1	Roll Call	<ul style="list-style-type: none"> <li>• The clerk shall take the Sederunt by checking which Members are in the Connect Remote Meeting, by roll call</li> </ul>
2	Introductory	<p>The chair shall deal with :-</p> <ul style="list-style-type: none"> <li>• Other introductory remarks, if any</li> <li>• Urgent business, if any</li> <li>• Re-order reports if appropriate</li> </ul>
3	Declarations of Interest	As normal
4	Confidential items	As normal
5	Minutes	As normal

### DURING THE MEETING

1	Declaration of interest	Where a Member has declared an interest in the item they should withdraw from the discussion. The chair will remind the Member that they cannot speak or communicate with others present.  The chair should remember to advise the Member that they may re-join after conclusion of the affected item of business.
2	Presentation materials	Any presentation material should be provided to the Clerk in advance of the meeting in order that it can be circulated to members prior to the meeting.  A presentation can be given at the meeting by the Officer sharing his screen, this will allow the presentation to be visible on the webcast.
4	Meeting proceedings	The chair will <ul style="list-style-type: none"> <li>• conduct proceedings as usual in accordance with Standing Orders and any committee-specific procedures</li> <li>• Pause and delay if necessary to ensure efficient meeting and participation by all</li> <li>• When moving between procedural stages ask if all Members have spoken who wished to do so</li> <li>• Pause and adjourn for a short time if procedural or legal advice is required, explaining and ensuring all microphones are muted and cameras off before doing so.</li> </ul>
5	Use of “hands up” sign	The clerk will assist the chair in identifying Members wishing to speak by monitoring ‘hands up’ signs.
6	Leaving a meeting before it has concluded	When a Member needs to leave the meeting before it has concluded they should put a message into the chat advising the Clerk and Chair who in turn can advise the meeting that a member has left.

#### **DEBATE, MOTIONS AND AMENDMENTS**

1	Debate	Debate shall be controlled through the chair as normal. Members should aim to be as clear and concise as possible.
2	Written material	If written material needs to be circulated during the meeting (where advance notice was not possible) this shall be shared with other Members and relevant officers using the chat function or by the officer

		sharing their screen. If possible, such material should be kept within one side of A4. The chair will consider the competency of any such material, taking advice from officers where appropriate.
3	Adjournment	If required the meeting shall be paused or adjourned to allow written material to be shared and read. At the resumption of the meeting the Chair will ask for a roll call to be taken to ensure that they are present and connected.

### VOTING AND DECISION

1	Voting	At close of summing-up the chair shall instruct the clerk to proceed to the vote.  The clerk shall <ul style="list-style-type: none"> <li>• share their screen in order that all Members can access the electronic voting,</li> <li>• invite Members to vote using the relevant icons that will appear on their screens,</li> <li>• the clerk will confirm that all Members have voted before closing the vote and thereafter declare the result which will also be visible on screen;</li> </ul> If for any reason the Electronic Voting system fails, the clerk will revert to taking the vote manually and shall <ul style="list-style-type: none"> <li>• Advise Members to activate their microphones, vote and then mute again</li> <li>• Take the vote by roll call, pausing to allow each Member time to vote</li> <li>• If a Member does not vote when contacted, return to them at the end for a second opportunity</li> </ul>
2	Drop out during vote	If Members do not respond when asked to vote the chair shall investigate and consider whether the meeting should be adjourned.
3	Announcement of vote	The clerk shall announce the result of the vote

### QUESTION TIME

1	All Members	Members should note that, in virtual meetings, it is harder to have officers on hand to answer spontaneous questions at the “question time” part of the agenda so there is an increased likelihood that on the spot answers will not be available. Members are
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		therefore encouraged, where possible, to use the written questions procedure within SO 35.
2	Chair	Seek questions by asking Members to raise the virtual hand

<b>CONFIDENTIAL REPORTS</b>		
1	Pause in meeting	<p>The chair shall pause the meeting to allow the Clerk to ensure Members of the public are not present and remind that only those who require to be present at the meeting should remain.</p> <p>The clerk will ensure that any public webcast link is stopped and that only those who require to be connected to the meeting remain.</p>
3	Resume meeting to consider confidential items.	The chair shall resume the meeting and deal with business as usual

<b>IN THE EVENT OF TECHNICAL DIFFICULTIES</b>		
1	Loss of sound/vision	Members should alert the clerk on standby via telephone if they are having technical difficulties. The standby clerk will alert the meeting Clerk who shall clarify the extent of the issue with the Chair.
2	Continuation of the meeting	<p>If temporary dropout which is now resolved, the Chair can proceed with the meeting, unless the matter is quasi-judicial or regulatory in which case advice should be sought from the clerk.</p> <p>If ongoing issue, advise that the meeting will be adjourned for a short period to allow investigation and resolution if possible.</p> <p>If the issue cannot be resolved, continue with the meeting if quorate.</p>