

MORAY COUNCIL

Minute of Meeting of the Moray Council

Wednesday, 20 January 2021

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 Shona Morrison, Councillor Louise Nicol, Councillor Laura Powell, Councillor Derek Ross, Councillor Amy Taylor, Councillor Sonya Warren, Councillor Walter Wilson

SUBSTITUTES

APOLOGIES

IN ATTENDANCE

The 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, Chief Social Work Officer, Head of Governance, Strategy and Performance, Chief Financial Officer, Head of Environmental and Commercial Services, Acting Head of Children and Families and Justice Services and the Democratic Services Manager as Clerk to the Meeting.

1 Declaration of Group Decisions and Members Interests *

In terms of Standing Order 20 and the Councillors' Code of Conduct, Councillors Morrison, Brown, Coull and Divers, as members of the Moray Integration Joint Board, all declared an interest in Agenda Item 5 "Annual Report of the Chief Social Work Officer". Councillor Alexander, declared an interest in Agenda Item 9 "Committee Governance Arrangements during Covid-19 Restrictions" on behalf of the Councillors Open Group (COG) who had discussed the item and come to an agreement.

The meeting noted that there were no other declarations from Group Leaders or Spokespersons in regard to any prior decisions taken on how Members will vote on any item on the agenda or any declarations of Member's interests in respect of any item on the agenda.

2 Minute of Meeting of Moray Council dated 28 October 2020

The Minute of the Meeting of Moray Council dated 28 October 2020 was submitted and approved.

3 Minute of Special Meeting of Moray Council dated 17 November 2020

The Minute of the Special Meeting of Moray Council dated 17 November 2020 was submitted and approved.

4 Minite of Special Meeting of Moray Council dated 01 December 2020

The Minute of the Special Meeting of Moray Council dated 1 December 2020 was submitted and approved.

5 Minute of Special Meeting of Moray Council dated 16 December 2020

The Minute of the Special Meeting of Moray Council dated 12 December 2020 was submitted and approved.

6 Written Questions **

The Council noted that no written questions had been submitted.

7 Annual Report of The Chief Social Work Officer 2019-2020

A report by the Chief Social Work Officer informed the 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.

Following lengthy discussion the Council agreed to note the contents of the report.

8 Update on SPSO Reports and Improvement Outcomes

A report by the Chief Officer Health & Social Care Moray informed the Council of completed action plan for the Scottish Public Services Ombudsman (SPSO) report and subsequent feedback from the SPSO dated 11 December 2020. The report also asked the Council to note the continuing work being undertaken for the SPSO Report

Following lengthy discussion the Council agreed to note:

- i. 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;

- ii. that the work continues on the action plan for the SPSO report on transitions to adult services and that meeting the extended time-frame for doing so remains challenging, and
- iii. 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.

9 Best Value Assurance Report Strategic Action Plan - Progress Report

A report by the Chief Executive informed the Council of progress on the Best Value Assurance Report Strategic Action Plan.

Following consideration the Council agreed to note the progress made on the Best Value Assurance Report Strategic Action Plan.

10 Financial Planning

A report by the Depute Chief Executive (Economy, Environment and Finance) updated the Council's projected financial position for 2021/22 to 2023/24 and requested the Council give early consideration of two potential recurring savings.

Councillor Leadbitter, in referring to the recommendations, stated that whilst the Administration Group were supportive of the recommendation to retain three weekly household recycling collections, he was aware that there was ongoing discussion regarding an outstanding employee relations issue relating to this and if there was a feeling that it would be sensible to defer consideration of this matter until the February meeting, the Administration Group would be agreeable to do so. He further stated that in relation to the proposal increase to the annual charge for green waste, the Administration Group was minded not to agree to this but to retain the charge at the current level and as regards to the remainder of the recommendations, was happy to support these as detailed in the report.

Councillor Alexander stated that the Councillors Open Group would agree with the proposal to retain the annual charge for green waste at the current level.

Councillor Eagle stated that in terms of the views of the Conservative Group, there was agreement to the proposal to retain the annual charge for green waste at the current level, however, in terms of the proposal relating to the retention of three weekly household collections had a different view on this from the Administration Group. He further stated that various issues were raised by people with the proposal and asked whether there was any data available on the environmental impact of the proposal in terms of carbon footprint and in regard to access to larger bins, whether this would prove to be problematic in the long term.

In response the Head of Environmental and Commercial Development advised that he did not have data available in respect of the carbon saving although it would save on a vehicle running costs. He further advised that as these are long term measures it would require looking at post Covid journeys to the recycling centres using the booking system verses pre Covid journeys where there was no booking system.

However he would not know what that comparison would be for Elgin or the other recycling centres outwith Elgin at this time. In regard to the accessibility to larger bins, this was based on current demand, however should this demand increase in light of a decision being made, a further report would have to be submitted with a view to increasing the capital provision to support additional bins.

Councillor Eagle stated that in terms of the response and the lack of environmental data at this time, he was concerned that this was a short term measure put in place because of the pandemic and that the Council should not rush into making a decision based on savings grounds if not entirely clear of the benefits that may bring and was therefore not happy to support the proposal at this time.

Following further lengthy discussion Councillor Leadbitter, seconded by Councillor A McLean moved that the Council agree to:

- i. defer consideration of retaining three weekly household recycling collections to a future date until the outcome of the ongoing discussion with staff has been concluded;
- ii. retain the annual charge for household green waste permits at £40;
- iii. remit 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.
- iv. note the continuing high level of uncertainty regarding key financial planning assumptions;
- v. note the sensitivity of the Council's budget to these uncertainties;
- vi. note the recent pay claim for SJC staff;
 - i. note the emerging position regarding financial flexibilities in 2021/22; and
 - i. note the projected current budgetary position in the short to medium term.

As an amendment Councillor Eagle, seconded by Councillor Gatt, moved that the Council agree to:

- i. reject the proposal for retaining three weekly household recycling collections;
- ii. retain the annual charge for household green waste permits at £40;
- iii. remit 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.
- iv. note the continuing high level of uncertainty regarding key financial planning assumptions;
- v. note the sensitivity of the Council's budget to these uncertainties;
- vi. note the recent pay claim for SJC staff;
 - i. note the emerging position regarding financial flexibilities in 2021/22; and
 - i. note the projected current budgetary position in the short to medium term.

On a division there voted:

For the Motion (16)

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

For the Amendment (10)

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

Accordingly the Motion became the finding of the meeting and the Council agreed to:

- i. defer consideration of retaining three weekly household recycling collections to a future date until the outcome of the ongoing discussion with staff has been concluded;
- ii. retain the annual charge for household green waste permits at £40;
- iii. remit 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.
- iv. note the continuing high level of uncertainty regarding key financial planning assumptions;
- v. note the sensitivity of the Council's budget to these uncertainties;
- vi. note the recent pay claim for SJC staff;
- i. note the emerging position regarding financial flexibilities in 2021/22; and
- i. note the projected current budgetary position in the short to medium term.

11 Committee Governance Arrangements during Covid-19 Restrictions

Prior to discussion of this item the Meeting agreed to suspend Standing Order 25 and agreed to continue beyond 12.45 to conclude the remaining business on the Agenda.

Under reference to paragraph 10 of the minute of the Meeting of Moray Council dated 17 June 2020 a report by the Depute Chief Executive (Education, Communities and Organisational Development) asked the Council to review the temporary decision making arrangements put in place due to the Covid-19 response and to progress the Governance Review.

The Head of Governance, Strategy and Performance advised the Council that the bulk of the report was written prior to Christmas when it appeared that in terms of the pandemic things were easing. However, since then restrictions have tightened. Taking account of meetings he has had with Group Leaders, he proposed that the Council should continue with the temporary arrangements for a further temporary period and that meetings continue to be held by video conference and webcast until the covid pandemic situation changes. This would retain the two larger committees and in terms of some of the subsequent issues outlined in the recommendations at 2.4 and 2.5 of the report, the Council was invited to consider whether to ask the Tenant and Religious Representatives to attend the relevant committees now that everyone is more comfortable with the workings of remote meetings.

He further advised that in terms of recommendations 2.7 to 2.9 that these be considered for approval. He further advised that the Council may wish to consider putting a timescale on the continuation of the temporary arrangements and suggested a period of 6 months for consideration but it was for the Council to determine.

Following lengthy discussion the Council agreed:

- i. that meetings continue to be held by video conference and webcast until government guidance changes;
- ii. to continue with the temporary committee structure as agreed at the meeting on 17 June 2020 to be reviewed in June 2021;
- iii. to defer recommendations 2.3, 2.5 (b) and 2.6 for consideration as part of the review in June;
- iv. to reinstate membership of Tenant Representatives on the committee which deals with Housing Policy issues;
- v. to reinstate membership of religious representatives on the committee which deals with education policy issues for consideration of education policy items only and to keep the non statutory members (pupil, parent and teacher reps) on this committee for these issues;
- vi. to defer consideration of the entitlement of non-councillor committee members to vote on these items for consideration as part of the review in June 2021;
- vii. to 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 of the report;
- viii. 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;
- ix. 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 of the Group Leaders Forum
 - clarify the process for agreeing councillor senior responsibility allowances.

12 Question Time ***

Under reference to paragraph 5 of the minute of the meeting of Moray Council dated 28 October 2020 Councillor Ross stated that he had noted that there had been another opportunity for bids to the Economic Growth and Regeneration Fund and asked whether the Council had been in receipt of any funding from this?

In response the Depute Chief Executive (Economy, Finance and Environment) advised that she did not think that the Council had been able to bid into this and had received an update from the Head of Economic Growth advising that the wider community consultation was still to take place and therefore the team had not had the opportunity to resolve the issues raised during the previous bid largely due to the demands placed on them associated with the pandemic grants and so forth that we have heard about and that the demands on staff time are reflected in some of the prior minutes and could only assume from that that we were not in a position to submit a bid yet as some of the work is still outstanding.

Councillor Ross stated his concerns that once we emerge from the pandemic there are going to be huge pressures on the tourist infrastructure and therefore had thought a bid would have been submitted. He further stated that in his opinion this would have implications in terms of preparing the budget should funding not be forthcoming from the economic growth and regeneration fund.

Under reference to paragraph 9 of the minute of the special meeting of Moray Council dated 16 December 2020 Councillor Cowe stated that during discussion he had asked that a review of the arrangements put in place to replace the polling place at the Lossiemouth community centre which was due to be demolished as part of the development of the new Lossiemouth High School and this had been agreed and asked that this be reflected in the minute.

In response the Democratic Services Manager advised that she would amend the minute to reflect the discussion.

Councillor Eagle asked when the Council would receive an update on progress in relation to the Climate Change Strategy and when this would be reported.

In response Councillor Nicol stated that this had been deferred due to each action requiring a template to be raised and that due to staff being deployed to other duties relating to the pandemic this had been delayed but it should be ready to be reported in March 2021.

Councillor Gatt, in referring to a recent press statement relating to photocopying and phone bill costs being charged against Inveravon Primary School which has been closed for the past 3 years, asked if information to contracts relating to that school can be cancelled, what the costs have been in relation to that school since its closure and what are the future plans for that school.

In response the Chief Executive advised that he recalled that this question may have been asked previously, and that he believed that the costs related to the school previously being managed through paired headship and therefore this was an accountancy issue in that the budget was spread over two schools and the budget reflected for Inveravon is in fact the budget relating to the other school. He further advised that he would follow this up and advise accordingly.