

MORAY COUNCIL

Minute of Meeting of the Moray Council

Wednesday, 08 May 2019

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

PRESENT

Councillor George Alexander, Councillor James Allan, Councillor David Bremner, Councillor Theresa Coull, 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 Louise Laing, Councillor Graham Leadbitter, Councillor Marc Macrae, Councillor Aaron McLean, Councillor Maria McLean, Councillor Shona Morrison, Councillor Derek Ross, Councillor Ron Shepherd, Councillor Amy Taylor, Councillor Sonya Warren, Councillor Walter Wilson

APOLOGIES

Councillor Frank Brown, Councillor John Cowe, Councillor Ray McLean

IN ATTENDANCE

Also in attendance at the above meeting were the Corporate Director (Corporate Services), Corporate Director (Economic Development, Planning and Infrastructure), Acting Corporate Director (Education and Social Care), Head of Legal and Democratic Services, Head of Financial Services, Acting Head of Integrated Children's Services, Head of Direct Services, Head of Development Services, Environmental Protection Manager, Principal Officer Economic Development and Tracey Sutherland, Committee Services Officer as Clerk to the meeting.

1. Chair

The meeting was chaired by Councillor Shona Morrison.

2. Declaration of Group Decisions and Members Interests *

In terms of Standing Order 20 and the Councillors' Code of Conduct, Councillors Macrae and Taylor declared an interest in Agenda Item 11 and would leave the meeting during the discussion of that item. 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 Council resolved that, in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting for Items 14 and 15 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. Written Questions **

The Council noted that no written questions had been received.

5. Minute of Meeting dated 13 March 2019

The minute of the meeting of Moray Council dated 13 March 2019 was submitted and approved.

6. Recruitment Procedures for Senior Staff

A report by the Corporate Director (Corporate Services) invited the Council to consider the procedures for recruitment of senior staff and to amend these to incorporate improvements.

Following lengthy discussion Councillor Eagle moved that the Council should not endorse the revised procedures. Councillor Feaver seconded the motion.

As an amendment Councillor Leadbitter, seconded by Councillor A McLean, moved that the Council approve the revised procedures.

On a division there voted:

For the Motion (11) Councillors Eagle, Feaver, Allan, Cowie, Edwards, Gatt, M McLean, Macrae, Ross, Shepherd and Wilson

For the Amendment (12) Councillors Leadbitter, A McLean, Alexander, Bremner, Coull, Coy, Creswell, Divers, Laing, Morrison, Taylor and Warren

Abstentions (0)

Accordingly the Amendment became the finding of the meeting and the Council agreed to approve the revised procedures for the appointment of senior staff as set out in Appendix B.

7. Financial Planning 2019-20 - Consultation Update

A report by the Corporate Director (Corporate Services) informed the Council of the outcome of the equalities and workforce consultation on budget options considered at the Council meeting on 27 February 2019 and to agree how to proceed.

The Corporate Director (Corporate Services) updated the Council to request the decision on English for Speakers of Other Languages (ESOL) services be deferred to allow further investigation work to take place with regards to funding arrangements.

Councillor Morrison sought clarification on how long the item recommendation would be deferred. In response, the Corporate Director (Corporate Services) confirmed that a report would be brought to the next meeting of Moray Council on 27 June 2019. As there was no one otherwise minded it was agreed to defer the decision on

ESOL until 27 June 2019.

Following lengthy discussions Councillor Ross moved that the Council defer the decision on Essential Skills until the June meeting. Councillor Divers seconded the motion.

As an amendment, Councillor Leadbitter, seconded by Councillor Coy, moved that the Council approve the recommendations as stated in the report with the exception of the ESOL services.

On the division there voted:

For the Motion (12) Councillors Ross, Divers, Allan, Creswell, Eagle, Edwards, Feaver, Gatt, M McLean, Macrae, Shepherd and Wilson

For the Amendment (11) Councillors Leadbitter, Coy, Alexander, Bremner, Coull, Cowie, Laing, A McLean, Morrison, Taylor and Warren

Abstentions (0)

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

- i) to note the information in the revised equality impact assessments (Appendices A, B and C) and the mitigations proposed in response to consultation;
- ii) to defer the savings relating to the reduced library opening hours, Essential Skills and ESOL services until the meeting of Moray Council on 27 June 2019; and
- iii) to note the alternative savings proposals have emerged from the workforce consultation in relation to janitorial savings and remits further consideration of the saving to the service committee, subject to any variation in the amount saved being reported to a future meeting of the Council.

8. Use of Capital Receipts to Fund Transformation

A report by the Corporate Director (Corporate Services) requested Council's approval to use capital receipts to fund a specified range of transformation or service redesign projects, in terms permitted by the Scottish Government as set out in Local Government Finance Circular No 4/2019.

Following consideration Council agreed to:

- i) approve the use of capital receipts to fund expenditure of £433,418 in 2018/19 on the Improvement and Modernisation Programme, Digital Services and service restructure, as set out in section 4 of the report;
- ii) note that annual recurring savings of at least £1,016,000 are projected to be achieved from this investment of capital receipts; and

iii) note that further reports on the use of capital receipts in 2019/20 will be brought for approval as the details of the Improvement and Modernisation Programme are developed.

9. Workload Pressures for Education and Social Care Staff Responding to Communications and Complaints

A report by the Acting Corporate Director (Education and Social Care) informed the Council of the pressures affecting Education and Social Care staff in relation to the responding to communications and complaints, and to consider and approve an increase in budget.

Following a lengthy discussion, Councillor A McLean moved that the Council defer the report until the June meeting of Moray Council. Councillor Warren seconded the motion.

As an amendment Councillor Ross, seconded by Councillor Alexander, moved that the Council approve the recommendation note in the report.

On the division there voted:

For the Motion (10) Councillors A McLean, Warren, Bremner, Coull, Coy, Laing, Leadbitter, Morrison, Shepherd and Taylor.

For the Amendment (13) Councillors Ross, Alexander, Allan, Cowie, Creswell, Divers, Eagle, Edwards, Feaver, Gatt, M McLean, Macrae and Wilson

Abstentions (0)

Accordingly the Amendment became the finding of the meeting and the Council agreed to note the content of the report and approve an increase in the Business Support Unit budget of up to £43,000 per year to enable recruitment of a Business Support Officer (Communications and Complaints).

10. Domestic Waste Charges

A report by the Corporate Director (Economic Development, Planning and Infrastructure) sought approval for a new charge for household recycling containers for new build domestic properties.

Following consideration Council approved with immediate effect the replacement of the current charge for the green bin with a new composite charge of £113.29 for all the household containers for new build domestic properties.

11. Moray Leisure Centre (MLC) Developments

Prior to discussion of this item Councillors Macrae and Taylor declared an interest in this item as Directors of Moray Leisure Centre Board and left the meeting taking no part in the discussion or decision.

A report by the Acting Corporate Director (Education and Social Care) updated Council with regards to Moray Leisure Limited's development plan and to seek

approval for an extension of a year to their lease.

Following consideration Councillor Eagle moved that recommendation 2.1 (ii) be removed until the full review of leisure services is carried out. Councillor Feaver seconded the motion.

As an amendment Councillor A McLean, seconded by Councillor Leadbitter moved that the recommendations in the report are approved as written.

In response Councillor Alexander suggested that it was important to keep a good working relationship with Moray Leisure Board and Highland Highlife and suggested to Councillor Eagle and Councillor A McLean that a compromise of wording could be achieved.

Following a lengthy discussion, Councillors Eagle and A McLean withdrew their motion and amendment respectively.

Councillor Warren requested that wording which included reference to a Service Level Agreement be included in the recommendation. In response, the Head of Legal and Democratic Services suggested that to include the reference to a Service Level Agreement would revert back to the original wording of the recommendation which the Conservative Group were not comfortable with and could therefore refer back to Councillor Eagles original motion and Councillor McLean's original amendment.

Both Councillor Eagle and McLean confirmed that they were both minded to continue with the withdrawal of their motion and amendment in favour of the compromise. Councillor McLean further confirmed that Councillor Warren's concern were included in the wording of the compromise.

As there was no one else otherwise minded the Committee agreed:

- i) an extension to Moray Leisure Limited's lease for a further year to 30 June 2020 and month to month thereafter; and
- ii) that discussions are held with the Moray Leisure Board regarding the future of Leisure Services in Moray and that a report is submitted to a future meeting of Council.

12. Appointments to Commitees

A report by the Corporate Director (Corporate Services) invited the Council to consider the appointment of Chair to the Audit and Scrutiny Committee.

Councillor Eagle moved that Councillor Donald Gatt, previously Depute Chair was appointed to Chair and Councillor Claire Feaver be appointed to Depute Chair. Councillor Edwards seconded the motion.

Councillor Eagle further added that if the appointments were agreed then could Council agree to a change to the Policy and Resources Committee and replace Councillor Macrae with Councillor Gatt.

There being no one else otherwise minded the Council agreed that Councillor Donald Gatt be appointed as Chair of Audit and Scrutiny and Councillor Claire Feaver be appointed as Depute Chair and that Councillor Gatt would replace Councillor Macrae on Policy and Resources Committee.

13. Town Centre Fund Capital Grant 2019-20

A report by the Corporate Director (Economic Development, Planning and Infrastructure) informed Council of the Town Centre Fund and asked the Council to authorise the proposed works and grant schemes.

Following consideration, Council agreed:

- i) for Elgin, Forres, Buckie, Lossiemouth and Keith
 - a) the grant scheme turning empty space into living space;
 - b) enhance low carbon accessibility and transport hubs;
- ii) for all towns and settlements with a population of 1000 or more
 - a) the grant scheme for shop front improvement and/or small grants
 - b) enhance some of the public realm including digital smart systems;
- iii) subject to Council agreeing 2.1. (i) and (ii) road shows will be held throughout May/June 2019 to provide initial support and guidance for any applicant;
- iv) the grant scheme deadline for submission of applications will be 21 June 2019;
- v) to delegate authority to the Head of Development Services in consultation with the Chair of this committee and group leaders to assess and prioritise requests in accordance with the criteria set out in paragraphs 3.15 and 3.16 of the report and to approve any grants and proposed works; and
- vi) should the grant scheme be undersubscribed to hold a second round in early autumn with any sums then remaining unallocated to be further invested in additional public realm, transport and/or digital investments which can be delivered within the grant conditions.

14. Moray Growth Deal - Progress Update

Prior to continuing with the debate the Chair sought the agreement of Council to suspend standing order 74 in order to allow the meeting to continue beyond 12.45pm. This was unanimously agreed.

A report by the Corporate Director (Economic Development, Planning and Infrastructure) provided Council with an update on the development of a growth funding proposal for Moray since the previous update was provided on 28 June 2018, and sought endorsement by the Council of the work completed to date as well as agreement to the next steps proposed.

Following consideration, Council agreed to:

- i) note the following:
 - a. the progress made on the Moray Growth Deal since June 2018;
 - b. that the next stage of the process is agreement on the quantum of funding from each government followed by Heads of Terms
 - c. that the target date for funding quantum announcement is May/June 2019, with Heads of Terms being concluded within the following 4 - 12 weeks.
 - d. that Heads of Terms may therefore require to be signed by the Council Leader on behalf of the Moray Growth Deal partners outwith the normal cycle of Council meetings
 - e. that a negotiating team is being created as described in paragraph 8.4 to ensure that the fast paced negotiations are well informed and representative of the various key stakeholders interests; and

- ii) delegate authority to draw down up to £40,000 previously identified as a budget pressure for 2019/20 to enable further development of the deal programme as detailed in paragraph 10 of the report to the Corporate Director (Economic Development, Planning and Infrastructure) in consultation with Group Leaders and the Head of Financial Services.

15. Question Time ***

Under reference to paragraph 11 of the minute of the meeting of Moray Council on 13 March 2019, Councillor Alexander sought an update on when Members would receive feedback on the Education Services Improvement Plan.

In response the Chief Executive confirmed that all he could report was that discussions are ongoing with Education Scotland.

Under reference to paragraph 12 of the minute of the meeting of Moray Council on 13 March 2019, Councillor Alexander sought an update on the ERDPs for CMT staff.

In response the Chief Executive confirmed that the process is underway and he apologised for not updating Councillor Alexander to that effect.

Under further reference to paragraph 12 of the minute of the meeting of Moray Council on 13 March 2019, Councillor Alexander sought clarification on whose failing the Convener referred to.

In response the Convener stated that she suggested it was the Elected Member's failing that they had not used the opportunity to explore the paper as well as they should have done prior to the last meeting.

Councillor Alexander sought clarification on the position on the Chair of Grampian Valuation Joint Board, as he understood that the position used to rotate around the 3 constituent authorities.

In response, Councillor Leadbitter, as Chair of Grampian Valuation Joint Board confirmed that the constitution of the Board has not changed and therefore the Chair is always a Moray councillor.

Councillor Alexander further asked whether this was a burden financially and in staffing on Moray Council.

In response, Councillor Leadbitter confirmed that all associated admin, legal and financial costs are recharged to the Board.

The Convener joined Councillor Warren in congratulating the 7 Moray schools which had taken part in the Glee competition and in particular Bishopmill Primary who won and now go on to represent Moray in the Scottish finals at the Caird Hall in Dundee on 9 June 2019. They also congratulated Findochty Primary School in winning the spirit of Glee competition for their good behaviour.

Councillor Coy sought clarification on how the behaviours of some Councillors towards each other and staff can be addressed.

In response, the Head of Legal and Democratic Services confirmed that regular training takes place on the Councillors Code of Conduct and updates from the Standards Commission and he would be happy to look at providing a session on respect, which is one of the key principles within the code.

The Corporate Director (Corporate Services) further added that as part of the commitment in the culture work being carried out 'Leading by Example' and Self Regulation were a couple of the points made, for Councillors setting that example. The Corporate Director (Corporate Services) agreed to circulate that information round to Members as well as the training session.

Councillor Ross further suggested that use of Social Media also be included in the training.

The Head of Legal and Democratic Services confirmed that social media is one of the areas that the Standards Commission and Scottish Government are looking to update around the Code of Conduct.

Councillor Eagle requested whether the Chief Executive could provide a confidential 3 minute brief to Group Leaders on the discussions with Education Scotland.

In response the Chief Executive said he would be happy to discuss the matter in the confidential section of the meeting.

16. Moray Growth Deal - Progress Update [Para 9]

A report by the Corporate Director (Economic Development, Planning and Infrastructure) provided an update on the development of a growth funding proposal for Moray since the previous update was provided on 28 June 2018, and sought endorsement by the Council of the work completed to date as well as agreement to the next steps proposed.

Following consideration Council agreed to:

- i) the projects detailed in the revised Strategic Outline Programme v1.4 in Appendix 1 will form the basis for ongoing discussion and negotiation with both governments;
- ii) note the following:

- a. the progress made on the Moray Growth Deal since June 2018;
 - b. that the next stage of the process is agreement on the quantum of funding from each government followed by Heads of Terms;
 - c. that the target date for a funding quantum announcement is May/June 2019, with Heads of Terms being concluded within the following 4 -12 weeks;
 - d. that Heads of Terms may therefore require to be signed by the Council Leader on behalf of the Moray Growth Deal partners outwith the normal cycle of Council meetings;
 - e. that a negotiating team is being created as described in paragraph 9.4 to ensure that the fast paced negotiations are well informed and representative of the various key stakeholders interests;
- iii) once negotiations have been concluded by the negotiating team; give delegated authority to the Corporate Director (Economic Development, Planning and Infrastructure) in consultation with Group Leaders to agree Heads of Terms in accordance with the approach set out in section 8 of the report;
 - iv) delegate authority to draw down up to £40,000 previously identified as a budget pressure for 2019/20 to enable further development of the deal programme as detailed in paragraph 10 of the report to the Corporate Director (Economic Development, Planning and Infrastructure) in consultation with Group Leaders and the Head of Financial Services.

17. Workload and Budget Pressures for Children and Families Social Work

A report by the Acting Corporate Director (Education and Social Care) informed Council of the pressures affecting children and families social work services in relation to both workload and budget, and to consider and approve an increase in budget and establishment.

Following consideration Council agreed to:

- i) increase Children and Families social work by £115,990 per year for 2 Full Time Equivalent (FTE) Senior Social Work posts at Grade 10; and
- ii) immediate advertising of the posts required.

18. Budget 2019-20 - Voluntary Severance - Voluntary Early Retirement Applications (Para 1 and 11)

This report was withdrawn as a result of the decisions made with regards to the paper on Financial Planning 2019-20 – Consultation Update.