



Moray Council

Wednesday, 12 February 2020

NOTICE IS HEREBY GIVEN that a Meeting of the **Moray Council** is to be held at **Council Chambers, Council Office, High Street, Elgin, IV30 1BX** on **Wednesday, 12 February 2020** at **09:30**.

BUSINESS

1 Sederunt

2 Declaration of Group Decisions and Members Interests *

3 Resolution

Consider, and if so decide, adopt the following resolution:
"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 16 - 20 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 Minutes

4a) Minute of Moray Council on 27 November 2019 **7 - 14**

4b) Minute of Special Meeting of Moray Council on 17 December 2019 **15 - 20**

5 Written Questions **

6 Notice of Motion - Councillors Laing and Coull **21 - 22**

7 Revenue Budget Monitoring to 31 December 2019 **23 - 48**

Report by Depute Chief Executive (Economy, Environment and Finance)

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| | Report by Depute Chief Executive (Education, Communities and Organisational Development) | |
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| | Report by Depute Chief Executive (Education, Communities and Organisational Development) | |
| 14 | Approved Minutes of Moray Integration Joint Board | 193 - 216 |
| | Report by Chief Officer, Moray Integration Joint Board | |
| 15 | Question Time *** | |
| | Consider any oral question on matters delegated to the Committee in terms of the Council's Scheme of Administration. | |
| | Item(s) which the Committee may wish to consider with the Press and Public excluded | |
| 16 | Proposed Restructure of Property Services and Building Services (DLO) [Para 1] | |
| | <ul style="list-style-type: none"> Information relating to staffing matters; | |

17 Financial Planning [Para 1]

- Information relating to staffing matters;

18 Moray Growth Deal - Progress Update [Para 9]

- Information on proposed terms and/or expenditure to be incurred by the Authority;

19 Moray Affordable Housing Programme - Council Land Acquisition [Para 9]

- Information on proposed terms and/or expenditure to be incurred by the Authority;

20 Land at Station Road, Portessie [Para 9]

- Information on proposed terms and/or expenditure to be incurred by the Authority;

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

* **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.

Clerk Name:

Clerk Telephone: 01343 563016

Clerk Email: committee.services@moray.gov.uk

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 Louise Laing (Member)
Councillor Marc Macrae (Member)
Councillor Aaron McLean (Member)
Councillor Maria McLean (Member)
Councillor Ray McLean (Member)
Councillor Laura Powell (Member)
Councillor Derek Ross (Member)
Councillor Amy Taylor (Member)
Councillor Sonya Warren (Member)
Councillor Walter Wilson (Member)

Clerk Name:

Clerk Telephone: 01343 563016

Clerk Email: committee.services@moray.gov.uk

Minute of Meeting of the Moray Council

Wednesday, 27 November 2019

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

PRESENT

Councillor George Alexander, Councillor James Allan, Councillor David Bremner, Councillor Frank Brown, Councillor Theresa Coull, Councillor John Cowe, Councillor Gordon Cowie, Councillor Paula Coy, Councillor Lorna Creswell, 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 Laura Powell, Councillor Derek Ross, Councillor Amy Taylor, Councillor Sonya Warren, Councillor Walter Wilson

APOLOGIES

Councillor John Divers, Councillor Ray McLean

IN ATTENDANCE

Also in attendance at the above meeting were the Chief Executive, Depute Chief Executive (Economy, Environment and Finance), Chief Officer, Moray Integration Joint Board, Head of Housing and Property, Head of Economic Growth and Development, Chief Financial Officer, Head of Governance, Strategy and Performance, Economic Growth and Regeneration Manager and Tracey Sutherland, Committee Services Officer.

1. Chair

The meeting was chaired by Councillor Shona Morrison.

2. Welcome and Guidance

Members joined the Chair in welcoming Councillor Laura Powell to her first meeting of Moray Council as the newly elected member of Ward 2, Keith and Cullen.

The Head of Governance, Strategy and Performance reminded all Members about the pre-election publicity guidance. Officers had taken the view that the Council business should continue as normal and therefore the meeting will be webcast, but reminded Members to ensure that public resources are not used in a way which might influence the results of the UK election and to bear this in mind during debate today.

3. 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.

4. Resolution

The Committee resolved that in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended the public and media representatives be excluded from the meeting during consideration of Items 17 and 18 of the Business so as to avoid disclosure of exempt information of the class described in the appropriate paragraphs of Part 1 of Schedule 7A of the Act.

Paragraph Number of the Minute	Paragraph Number of	Schedule 7A and reason
24	9	Information on terms proposed or to be proposed by or to the Authority
25	1	Information relating to staffing matters

5. Minute of Appeals Committee dated 13 March 2019

The minute of the meeting of the Appeals Committee dated 13 March 2019 was submitted and approved.

6. Minute of Appeals Committee dated 21 August 2019

The minute of the Appeals Committee dated 21 August 2019 was submitted and approved.

7. Minute of special meeting of Moray Council dated 25 September 2019

The minute of the special meeting of Moray Council dated 25 September 2019 was submitted and approved.

8. Minute of special meeting of Moray Council dated 26 September 2019

The minute of the special meeting of Moray Council dated 26 September 2019 was submitted and approved.

9. Minute of Meeting of Moray Council dated 2 October 2019

The minute of the meeting of Moray Council dated 2 October 2019 was submitted and approved.

10 Minute of Appeals Committee dated 9 October 2019

The minute of the Appeals Committee dated 9 October 2019 was submitted and approved.

11. Minute of Appeals Committee dated 8 November 2019

The minute of the Appeals Committee dated 8 November 2019 was submitted and

approved.

12. Written Questions **

The Council noted that no written questions had been submitted.

13. Housing Business Plan Review 2019 and Preparation for the HRA Budget Setting 2020-21

A report by the Depute Chief Executive (Economy, Environment and Finance) presented Council with a summary of the findings of the Housing Business Plan Review. The report also considered the implications of this review for the budget preparation work to be carried out prior to presentation of the draft HRA Budget 2020/21 for Council's consideration in February 2020.

Councillor Laing, Chair of Communities Committee informed Council that last year the HRA was able to budget for no rent increase but this year it is proposed to increase the rents by 3% and to revise the new build target of 70 back to 50 per year.

Following consideration Council agreed:

- that the main findings of the Housing Business Plan 2019 Review and noted that
- i) housing activities must remain fundable and affordable within the constraints of the accounting regime for housing;
- ii) to reduce council new build provision from 70 to 50 units per annum in order to ensure that all housing activities remain fundable and affordable;
- iii) to increase housing rents by 3% in 2020/21 in order to ensure that all housing activities remain fundable and affordable;
- iv) to consult with tenants from 28 November 2019 to 10 January 2020 on the proposed rent increase for 2020/21; and
- v) that the views of tenants are included within the Housing Revenue Account Budget for 2020/21, due to be presented to Council in February 2020.

14. Revenue Budget Monitoring to 30 September 2019

A report by the Depute Chief Executive (Economy, Environment and Finance) advised Committee of the revenue budget monitoring position to 30 September 2019 and of the current estimated out-turn for 2019/20.

Councillor Leadbitter proposed deferring recommendation 2.2 (ii) until January 2020 to consider alongside the review of commercial waste permits.

Councillor Gatt sought an update on the request being made to Cosla to review the funding formula which determines the Council's payment from the Scottish Government.

In response, Councillor Leadbitter confirmed that Cosla have agreed to review the formula but he urged members not to underestimate how long the review will take as

it is a huge piece of work with lots of factors to be included.

Following consideration and as there was no one otherwise minded, the Council agreed to:

- i) note the budget monitoring position of £293,000 under budget for 2019/20 as at 30 September 2019;
- ii) note that this position consists of an underspend on Devolved School budgets of £795,000, an overspend on Social Care services delivered on behalf of the Moray Integration Joint Board (MIJB) of £762,000 and an underspend on other services of £260,000;
- iii) note movement of £195,000 in the General Revenue Grant, as detailed in paragraph 3.4;
- iv) note the current estimated out-turn for 2019/20 of an underspend of £1,770,000, resulting in a decrease in the planned use of Council reserves;
- v) note that there are no new emerging budget pressures as at 30 September 2019;
- vi) note the position regarding MIJB as described in paragraph 8.3, with cost implications of £553,000 for the Council;
- vii) note the commitments of £2,537,000 against reserves as summarised in section 9.
- viii) release from provisions £2,897 from reserves, for use in Buckie for regeneration, as detailed in paragraph 9.5; and
- ix) defer the decision until January 2020 on approval to cancel recycling centre permits from 1 April 2020 as a measure to control the overspend on recyclates.

15. Capital Plan 2019-20

A report by the Depute Chief Executive (Economy, Environment and Finance) advised the Council of the expenditure to 30 September 2019 under the capital plan for financial year 2019/20 and of the estimates of projected expenditure profiled into quarters.

During consideration of the report Councillor Gatt sought clarification on the increase in costs for the Integrated Waste Facility at Moycroft, Elgin. In response the Head of Environmental and Commercial Services confirmed that he would provide information to Members following the meeting on the increased costs.

Councillor Edwards, during discussion of the report sought confirmation on the legal requirements and use of the pilot boat in Buckie Harbour. In response, the Head of Environmental and Commercial Services confirmed that the Council must ensure safe passage of cargo vessels into and out of Buckie harbour and carrying out this role does generate income for the Council. He further added that a business case

has been developed in regards to the purchase of a new pilot boat and it was agreed that a copy would be circulated to all members for information.

Following consideration Council agreed to note:

- i) expenditure to 30 September 2019 of £26,102,000
- ii) the current projected expenditure of £67,977,000 for 2019/20 profiled into quarters;
- iii) the projected overall expenditure for projects spanning more than one financial year, as set out in Appendix 2;
- iv) capital expenditure for Early Learning and Childcare expansion is to be funded, in part, from revenue grant funding as detailed in paragraph 5.6;
- v) potential savings of £28,000 from the Schools ICT budget as detailed in paragraph 5.20

Council also approved

- a proposed budget deferment of £7,546,000 arising from slippage and
- vi) expenditure reprofiling from 2019/20 to 2020/21 as summarised in paragraph 5.21 of the report;
- vii) a budget reduction of £115,000 as detailed in paragraphs 5.14;
- viii) budget transfers of £85,000 as detailed in paragraph 5.7;
- ix) the option to bring forward schools make do and mend projects to 2019/20 as detailed in paragraph 5.3; and
- x) the addition of £100,000 for the purchase of a replacement Pilot Boat, as set out in paragraph 6.8 of the report.

16. Financial Planning

A report by the Depute Chief Executive (Economy, Environment and Finance) updated the Council on the development of savings proposals aimed at reducing the predicted budget gap for 2020/21 and also the current financial forecasts.

Councillor Ross seconded by Councillor Edwards moved to defer the discussion of this report until a future meeting of the Council after the General Election on 12 December 2019.

Councillor Leadbitter proposed to defer the decision on line D4b (green waste) in Appendix 1 until January 2020 and this was seconded by Councillor Coy, and to agree the remaining recommendations as state in the report.

The Chair, on the advice of the Head of Governance, Strategy and Performance, advised members that it may be prudent to decide whether or not to

defer the report in the first instance.

Following a short adjournment Councillor Leadbitter withdrew his amendment and proposed that the paper is not deferred and consideration is given to the report at the meeting, this was seconded by Councillor Coy.

On the division there voted:

For the motion (12)	Councillors Ross, Edwards, Allan, Brown, Creswell, Eagle, Feaver, Gatt, M McLean, Macrae, Powell and Wilson
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For the Amendment (11)	Councillor Leadbitter, Coy, Alexander, Bremner, Coull, Cowe, Laing, A McLean, Morrison, Taylor and Warren
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Abstentions (1)	Councillor Cowie
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Accordingly the motion became the finding of the meeting and Council agreed to defer the discussion of this report until a future meeting of the Council after the General Election on 12 December 2019.

17. Medium to Long Term Financial Strategy

A report by the Depute Chief Executive (Economy, Environment and Finance) asked Council to consider a draft financial strategy to facilitate medium to long term financial planning.

18. Town Centre Fund Capital Grant

A report by the Depute Chief Executive (Economy, Environment and Finance) provided the Council with an update on the Town Centre Fund Capital Grant and sought approval for the recommendations.

Councillor Cowie sought confirmation on why Sulva Cottage in Elgin was an exception and being allocated 100% grant for upgrades. In response the Head of Economic Growth and Development confirmed that the Sulva Cottage is a trust cottage managed by the Council and has no access to any other funding streams to complete the renovation works. Once completed the income from the rent received for Sulva Cottage would be used to finance the upgrading of the neighbouring property.

Following further consideration the Council agreed to:

- i) note the progress of the Town Centre Fund Capital Grant commitments and work in progress;
- ii) provide 100% grant award for Sulva Cottage, Elgin to bring it back into use; and
- iii) agree to allocate any funds that become available for footfall counters in the towns of Elgin, Lossiemouth, Forres, Buckie and Keith and any remaining funds to be invested in further Public Realm proposals.

19. European Structural Investment Funds

A report by the Depute Chief Executive (Economy, Environment and Finance) provided Council with an update on Council led European Structural Investment Funds (ESIF) projects and sought approval for the recommendations.

Following consideration the Council agreed:

- i) to note the progress for the Employability and Poverty and Social Inclusion projects;
- ii) to homologate the decision to forward fund as set out in paragraph 3.6 of the report;
- iii) to consider refraining from accepting the current offer of grant for Employability Challenge fund and the Poverty and Social Inclusion Challenge Fund when received until there is further clarity on the implications of the recent changes;
- iv) to delegate authority to the Head of Growth and Development Services in consultation with the Chief Financial Officer and Chair of this Committee to agree if and when the Challenge Funds can be opened once there is greater clarity on risk, such agreement only being given if they are satisfied that opening these funds falls within acceptable parameters as informed by the discussion at (iii) above, noting that if this is in doubt a further urgent report will be submitted for consideration; and
- v) that for the Challenge Fund projects any third sector organisation claims can be paid in advance of receiving monies from the Government.

20. Internet of Things - Scotland Network

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Council of a proposal to develop a Longer Range Wide Area Network (LoRaWAN) in Moray.

Following consideration the Council agreed to delegate authority to the Head of Economic Growth and Development Services to progress a site sharing agreement to form part of the national Internet of Things network in Moray.

21. Moray Integration Joint Board

A report by the Chief Officer, Moray Integration Joint Board informed the Council of the latest approved minutes of the meetings of the Moray Integration Joint Board.

Following consideration Council agreed to note the contents of the report.

22. Delegation of Services to Moray Integration Joint Board

A report by the Chief Officer, Moray Integration Joint Board informed the Council of the pending process and estimated timescale for the proposed delegation of additional Moray Council Services to the Moray Integration Joint Board (MIJB).

Following consideration the Council agreed to note:

- i) the process and the timescale for completion of the preparatory work for the

proposed delegation of Moray Council Services to the Moray Integration Joint Board, allowing formal decision making to take place: and

- ii) that Grampian Health Board on 5 December 2019 will meet to agree their position in relation to this proposal, the report seeking approval to proceed to the next steps for implementation.

23. Question Time ***

Under reference to para 8 of the minute of the meeting of Moray Council on 2 October 2019, Councillor Taylor sought an update on the BT payphones in Hopeman and Grant Drive, Forres.

In response, the Depute Chief Executive (Economy, Environment and Finance) confirmed that the Council objected to the removal of the payphone in Hopeman, which BT accepted and that the phone should remain in situ.

She further added that the Council were unable to object to the removal of the Grant Drive, Forres payphone as there is another payphone within 800m at Pilmuir Road and therefore the Council did not have the right to object to that proposal.

24. Land at Garmouth Road, Lhanbryde

A report by the Depute Chief Executive (Economy, Environment and Finance) asks the Council approve the sale of the Council's land at Garmouth Road, Lhanbryde.

Following consideration the Council agreed to:

- i) approve the proposed sale on the main terms set out in paragraph 5.2 of this report; and
- ii) refer the matter to the Estates Manager and Legal Services Manager to conclude the transaction.

25. Freedom of Moray

A report by the Chief Executive invited Council to consider conferring upon the nominee the Freedom of Moray and if so decided to authorise officers of the Council to make the necessary arrangement.

Following consideration the Council agreed to:

- i) admit the nominee as an Honorary Freeman of Moray; and
- ii) remit to the Chief Executive in consultation with the Convener and Group Leaders to arrange for a commemorative scroll to be prepared and for arrangements to be made for the Freedom to be formally awarded.

Minute of Special Meeting of the Moray Council

Tuesday, 17 December 2019

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

PRESENT

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

APOLOGIES

Councillor Ryan Edwards, Councillor Marc Macrae

IN ATTENDANCE

Chief Executive, Depute Chief Executive (Education, Communities and Organisational Development), Depute Chief Executive (Education, Communities and Organisational Development), Head of Environmental and Commercial Services, Head of Economic Growth and Development, Head of Governance, Strategy and Performance, Chief Financial Officer, Consultancy Manager, Acting Educational Resources Manager, Chief Social Work Officer and Mrs L Rowan, Committee Services Officer 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 R McLean and Taylor declared an interest in item 5 "Moray Leisure Centre" being Council representatives on the Moray Leisure Centre Board of Directors.

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

2 Resolution

The meeting resolved that in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting during consideration of the items of business appearing at the relevant paragraphs of this minute as specified below, so as to avoid disclosure of exempt information of the class described in the appropriate paragraphs of Part 1 of Schedule 7A of the Act.

Paragraph Number of Minute	Paragraph Number of Schedule 7A and reason	
7	11	Information relating to any consultations or negotiations in connection with any labour relations.
8	1	Information relating to staffing matters.
9	9	Information on terms proposed or to be proposed by or to the Authority.

3 Withdrawal of Item 8 “Proposed Restructure of Property Services and Building Services (DLO)”

The Chair advised that item 8 “Proposed Restructure of Property Services and Building Services (DLO)” has been removed from the agenda so that a full briefing can be provided to Members prior to consideration.

4 Replacement of the Bridge from Lossiemouth to East Beach

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Council of proposals to replace the bridge between Lossiemouth and East Beach.

The report detailed the importance of having a bridge linking Lossiemouth to the East Beach to preserve the economy and amenity of the town however, as the Community did not wish to take ownership of the bridge after it had been replaced, the Council was asked to consider taking ownership of the bridge so that the project could go ahead.

Following an invitation from the Chair, Councillor Cowe provided the Council with a brief history of the Lossiemouth Footbridge which the Council has maintained until recently when ownership of the bridge was under dispute following the bridge having to be closed to preserve public safety. He pointed out how many local businesses relied on the popularity of Lossiemouth as a tourist destination for their livelihood, particularly due to its 2 beaches and how closure of the bridge, being the main access to the East Beach, is having a devastating effect on the visitor numbers and the local economy. He commended the work of the Lossiemouth Community Development Trust in raising funds that will be used for the options appraisal and thanked the Scottish Government for their commitment to provide funding for a replacement bridge. He acknowledged that some members of the Council may not support the proposal given the current financial state of the Council however urged members to consider the future viability of Lossiemouth and support the recommendations.

The Council Leader also commended the efforts of the Lossiemouth Community in seeking support to replace the bridge and welcomed the commitment of funding from the Scottish Government to replace the bridge and encouraged the Council to support the project.

Following consideration, the Council agreed:

- i. in principle, that the Council will take ownership of the new or refurbished bridge on completion of construction, as this is a necessary precondition to the project progressing;
- ii. to the Council providing staff resources to progress to option appraisal, phase 1 subject to tenders being within the existing funding package outlined in paragraph 3.5 of the report (bullet point 2); and
- iii. to submit a report to Council on the outcome of the option appraisal, which will detail whether there is a viable option to progress to phase 2 (Design and Build) that can be fully funded by the Scottish Government.

5 Moray Leisure Centre

Councillors R McLean and Taylor, having declared an interest in this item, left the meeting at this juncture and took no part in the discussion.

A report by the Depute Chief Executive (Education, Communities and Organisational Development) provided an update to the Council regarding Moray Leisure Centre's (MLC) progress and sought approval for an extension to their lease of the Moray Leisure Centre and Rainbow Castle Nursery.

During discussion, concern was raised that the Council was being asked to agree a further 10 year lease when a report on the future of Leisure Services in Moray would be considered in early 2020, and reassurance was sought that the Council was not at risk of being tied into an agreement which may need to change when the outcome of the leisure review is known.

In response, the Head of Governance, Strategy and Performance advised that Officers were recommending that Council agree the longer lease as this puts MLC in a stronger position when negotiating utility rates as more competitive rates are available to properties with longer leases and assured the Council that appropriate break clauses had been built into the agreement. The Depute Chief Executive (Education, Communities and Organisational Development) further highlighted paragraph 4.4 in the report which stated that, as the Council has not yet resolved the future model for delivery of leisure services in Moray or the long-term aims and outcome requirements for the service, break options would be included in the lease extension to retain flexibility for a full range of service provision options to remain open until a decision is reached, including a Service Level Agreement with Moray Leisure Limited.

Councillor Alexander noted the financial benefits available to MLC should they be provided with a long term lease in terms of negotiating cheaper utilities and was of the view that this would help the organisation get to a point where the Council could reduce the amount of financial support given to MLC and moved that the Council agree the recommendations as printed within the report. This was seconded by Councillor Leadbitter.

There being no-one otherwise minded, the Council agreed to:

- i. note the progress of Moray Leisure Centre over the past year;
- ii. approve 10 year lease extensions and other variations of the existing leases (as set out in Section 4 of this report) of the Moray Leisure Centre and Rainbow Castle Nursery with Moray Leisure Limited; and
- iii. note the arrangements to include an improved Service Level Agreement being in place by 30 June 2020.

Councillors R McLean and Taylor rejoined the meeting at this juncture.

6 Annual Report of the Chief Social Work Officer 2018-2019

A report by the Chief Executive 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 2018 to 31 March 2019 inclusive.

Following consideration, the Council agreed to note the contents of the report.

7 Review of Moray's Leisure and Libraries Service Update [Para 11]

Under reference to paragraph 5 of the Minute of Moray Council dated 12 December 2018, a report by the Depute Chief Executive (Education, Communities and Organisational Development) informed the Council of the progress made in relation to the Review of Moray's Leisure and Libraries Services including the iESE report and Early Market Engagement Exercise.

Following consideration, the Council agreed:

- i. to note the highlights from the iESE report on the Review of Moray's Leisure and Libraries Estate;
- ii. note that a number of interests were received from the early market testing exercise that was undertaken which suggests there is some limited interest in the market for Leisure and Libraries Services; and
- iii. that the Leisure and Libraries Review Board continue to review the options in light of the above information and the changing context and that a further report is presented identifying next steps in early 2020.

8 Coastal Communities Fund [Para 9]

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Council of Scottish Ministers' arrangements for Scottish Crown Estate net revenue allocations for 2019-2020 to coastal local authorities for funding coastal community benefit. The report also sought approval to support the Buckie Harbour Infrastructure Improvement Project, to be funded from the Coastal Communities Fund 2019-20 in conjunction with an increase in the spend agreed in the 2018/19 Capital Plan.

The Council Leader acknowledged the new funding arrangement which will see coastal communities receive 100% of revenue generated from the Scottish Crown Estate's marine assets however noted the electricity generated from the Moray Firth through the significant infrastructure both below and above ground, particularly in Keith which Moray doesn't currently gain from using the current formula. He therefore moved that the Committee agree an additional recommendation instructing Officers to consider alternative distribution models and bring options to the appropriate service committee for consideration with a view to progressing the proposals through COSLA. This was agreed.

Thereafter, the Council agreed to:

- i. note Scottish Crown Estate net revenue allocations for 2019-2020 as Moray's Coastal Community Fund and development work towards future annual allocations;
- ii. approve the infrastructure improvement proposals detailed in this report;
- iii. approve an increase of £28K in the £132K spend agreed in the 2018/19 Capital Plan noting that the estimated payback period is within 3 years;
- iv. approve spend from the Coastal Communities Fund 2019/20 of £102K; and
- v. to instruct officers to consider alternative distribution models and bring options to the appropriate service committee for consideration with a view to progressing the proposals through COSLA.

NOTICE OF MOTION

ADJUSTMENT OF GRITTING ROUTES

Council notes that following the review of Priority 1 Gritting Routes following the 2019/20 budget and the subsequent experience of working the new routes that there is a limited amount of driver and vehicle time that could be utilised to extend winter maintenance cover without the introduction of additional routes, vehicles or personnel.

Council agrees that the existing Dallas and Knockando routes be extended to cover the C13E road connecting Knockando with Dallas.

Council further agrees that the Rothiemay route should be extended to cover an additional few hundred metres on the short stretch of road connecting the existing Priority 1 route on B9118 with the nearby Aberdeenshire road.

Council agrees that the cost for the remainder of the current winter period, estimated to be circa £5.5k is covered from General Reserves and that the full season additional cost, estimated at circa £15k is included in the 2020/21 budget.

Council notes that these additional extensions will take the existing routes up to their limit and any further additions would require a complete re-routing exercise that would require additional crews and vehicles to be deployed.

Proposer

Seconder

Louise Laing

Theresa Coull



REPORT TO: MORAY COUNCIL ON 12 FEBRUARY 2020

SUBJECT: REVENUE BUDGET MONITORING TO 31 DECEMBER 2019

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

1. REASON FOR REPORT

- 1.1 To advise Council of the revenue budget monitoring position to 31 December 2019 and of the current estimated out-turn for 2019/20.
- 1.2 This report is submitted to Council in terms of Section III A (8) of the Council's Administrative Scheme relating to monitoring current revenue expenditure against approved budget.

2. RECOMMENDATION

2.1 It is recommended that Council considers and notes:-

- (i) the budget monitoring position of £723,000 under budget for 2019/20 as at 31 December 2019;
- (ii) that this position consists of an underspend on Devolved School budgets of £778,000, an overspend on Social Care services delivered on behalf of the Moray Integration Joint Board (MIJB) of £1,351,000 and an overspend on other services of £50,000 after receipt of £1,325,000 one-off income;
- (iii) movement of £208,000 in the General Revenue Grant, as detailed in paragraph 3.4;
- (iv) the current estimated out-turn for 2019/20 consists of an underspend of £619,000 for services; £1,325,000 one-off income; unallocated provisions (including additional savings of £1,691,000) of £3,604,000 and an overspend on Social Care services delivered on behalf of the Moray Integration Joint Board (MIJB) of £632,000, resulting in a decrease in the use of Council reserves of £4,916,000; and
- (v) there are no new emerging budget pressures as at 31 December 2019;

(vi) the position regarding Moray Integration Joint Board (MIJB) as described in paragraph 8.3, with cost implications of £632,000 for the Council; and

(vii) commitments of £272,000 against reserves as summarised in section 9.

2.2 It is recommended that Committee approves setting aside £881,000 budgeted to be spent on transformation of services into an ear-marked reserve for implementing Council priorities.

3. BACKGROUND

3.1 When the revenue budget for 2019/20 was approved by Moray Council on 27 February 2019 (paragraph 4 of the minute refers), General Revenue Grant (GRG) of £157,236,000 was estimated for the year, based on the latest amount notified to the Council and including estimates for further distributions of grant during the year. Council Tax receipts of £41,530,000 were anticipated. Budgeted expenditure of £203,954,000 was agreed, and this required projected use of £5,188,000 of the Council's General Reserves to balance the budget.

3.2 On 8 May 2019 Council approved additional posts budgeted at a cost of £119,000 in 2019/20. On 27 June 2019 Council approved adjustments to the base budget to reflect variances during 2018/19 which were projected to continue into 2019/20. The net effect of these adjustments which included an increase of £955,000 in budgeted Council Tax receipts was to reduce budgeted expenditure by £1,121,000. At the same meeting additional expenditure of £118,000 to be funded from General Reserves was also approved. A further adjustment of £871,000 for Council Tax was notified in quarter 3. All of these adjustments have been posted to departments as at 31 December 2019.

3.3 In addition to the Council's core budget, monies allocated to schools through the Devolved School Management (DSM) scheme and not spent are brought forward from previous years. The balance brought forward in 2019/20 is £10,000 (2018/19 £448,000). Unused funding of £61,000 received in 2018/19 for the expansion of Early Learning and Childcare (ELC) has been carried forward into 2019/20 in accordance with the grant conditions.

3.4 A variation to General Revenue Grant (GRG) of £208,000 has been notified in quarter 3. This relates to access to counselling through schools and additional budget will be allocated when required. This is in addition to the variations amounting to £195,000 net reduction notified in quarter 2 noted by Council on 27 November 2019.

3.5 Funding of £5,507,000 for ELC has been notified for 2019/20. ELC is funded by specific grant.

3.6 With these adjustments the Council's overall General Services revenue budget currently stands at £208,279,000.

- 3.7 Reconciliation of the movements in the base budget from that which was approved by the Moray Council on 27 February 2019 is shown in **APPENDIX 3** and allocations to departments from the provisions for Inflation and Contingencies, Additional Costs and Savings are listed in **APPENDIX 4**.
- 3.8 The budget structure had not been amended for the staffing restructure agreed by Council on 25 September 2019 by end December 2019 and the budgets reported in this report still reflect the old structure. Work to disaggregate the budgets and transfer them is underway and it is anticipated that this will be completed during February 2020. The Council's Financial Regulations stipulate budget reporting for Corporate Services. This will be amended when the Financial Regulations are given their annual review, which is due in early course, and the reporting level for future budget monitoring reports will reflect the new structure.

4. BUDGET POSITION

- 4.1 **APPENDIX 1** summarises the current position for each service area, comparing the actual expenditure for the year to 31 December 2019 with the budget to 31 December 2019.
- 4.2 Overall the budget position at 31 December 2019 is expenditure under budget to date of £723,000 or 0.5% of budget to date (including services delivered on behalf of the Moray Integrated Joint Board).
- 4.3 The principal areas of overspend and underspend across the Council are summarised below:
- 4.3.1 Devolved School budgets are underspent by £778,000 at the end of the third quarter, £194,000 in primary schools and £584,000 secondary schools. A significant quarter 4 spend from devolved school budgets has been common practice over the years. The central supply teachers budget is overspent by £259,000 for the second quarter.
- 4.3.2 Integrated Children's Service is showing an under spend of £117,000 relating to adoption and fostering due to a large movement from foster carers to kinship carers, who don't receive fees. There are also variances relating to operational budgets for area teams and the inclusion service totalling £55,000.
- 4.3.3 There are a number of fluctuations in income across the Council. Housing and Property rental income £92,000, gas generation from Dallachy landfill site £19,000, rental income from leasing car parking spaces £48,000 and various development services £21,000 are more than expected at the end of the third quarter. However the income expected from school meals is £106,000 below target, and building and development control fees are £238,000 less than expected. The income from waste recyclates is also £132,000 below target. Income also includes one-off receipts from insurance claim £417,000 and from a VAT refund arising from having opted to treat leisure income as exempt £904,000.

- 4.3.4 Central repairs and maintenance budget is currently £176,000 under budget due to slippage in planned repairs.
- 4.3.5 Other major variances in Direct Services mainly relate to underspends in the catering supplies and transport costs budget, totalling £53,000. Landfill tax is also under budget, by £72,000.
- 4.3.6 There is an overspend of £127,000 for additional pension costs mainly due to the strain on the fund costs.
- 4.3.7 When MIJB set its budget for 2019/20 it included a financial recovery plan amounting to £3,070,000 over the years 2019/20 to 2021/22. In quarter 2 the MIJB reported that this target is not being achieved and the overspend in quarter 3 has increased. There is an overspend across both Council and NHS services during quarter 3 of £2,752,000. The figures included in this report relate purely to the services delivered by Moray Council on behalf of the MIJB and amount to an overspend of £1,351,000.

5. BUDGET PRESSURES AND NEW DUTIES

- 5.1 Budget pressures recognised when the budget was approved on 27 February 2019 are released when the pressure crystallises to the extent that it can be accurately quantified. Provisions to meet budget pressures and new duties totalling £464,000 have been released in quarter 3 and are detailed in **APPENDIX 4**.
- 5.2 Provisions still held centrally at the end of quarter 3 total £4,574,000 and are detailed in **APPENDIX 5** and given a RAG assessment for likelihood of requirement.
- 5.3 Six provisions are assessed as red or unlikely to be needed: £22,000 for industrial estate voids, with rental income from industrial estates above budget to date; £91,000 reduction in teachers' pension scheme discount; £6,000 economic development restructure, £8,000 for children's services pressures, £10,000 for ERDMS extension and £1,049,000 for Integrated Children's Services out of area placements. The budget pressure for industrial estate voids has been partly allocated, reduction in teachers' pension scheme discount rate was for a full year effect but the pension increase was not until September; and economic development restructure and children's services pressures have been partially allocated and the balance is not now anticipated to be required in this financial year. The ERDMS project extension has now finished and posts merged into Customer Services so the provision for additional funding is not required. The out of area placements are based on forecast spend and for the third quarter there has been a number of transitions to adult services, which has resulted in no funding required to be drawn down. A detailed report will be going to a future meeting of the Children and Young People's Services Committee.
- 5.4 Two provisions are assessed as amber, as the cost exceeded provision by £5,000 for school roll numbers and the provision for the Improvement and Modernisation program is now expected to be required for 2020/21.

- 5.5 All other provisions still held centrally are expected to be required in full at this juncture. It is proposed that the provisions for Investment in Change (£500,000) and the Improvement and Modernisation program (£381,000) are transferred to an ear-marked reserve, facilitating the achievement of Council priorities

6. EMERGING BUDGET PRESSURES

- 6.1 Emerging budget pressures are noted throughout the year as they are identified. There are no emerging budget pressures for 2019/20 as at 31 December 2019.

7. SAVINGS

- 7.1 Savings of £10,124,000 were approved when the budget was set on 27 February 2019. These savings comprised increased income of £18,000 from inflationary uplifts to charges for services; one-off savings of £149,000, and other permanent savings of £9,957,000.
- 7.2 To date budgets for charges have been adjusted by £13,682. The remaining balance of £4,318 has been reviewed as part of the estimated actual process and budgets will be adjusted accordingly in quarter 4. Temporary savings of £156,579 have been posted to departmental budgets, £7,579 more than the impact of the approved temporary savings estimated when the budget was set.
- 7.3 Of the originally approved permanent savings, a balance of £449,207 remains in central provisions as at the end of December. These are detailed in **APPENDIX 6** and given a RAG assessment for anticipated achievement.
- 7.3.1 Eight savings totalling £569,079 are assessed as red. The full provision for savings from increase in NI threshold and contracts renewal is not achievable. A saving from Accounts Payable electronic processing has not yet been realised as it is dependent upon an ICT solution, which has yet to be developed.

Following on from Committee decision on 25 September 2019:

Essential Skills Savings not approved	£146,000
Libraries not achieved	£25,000
ESOL deferred in 2020/21	£12,000
Janitors deferred in 2020/21	£36,000

Roads Maintenance for road patching vehicle and dual purpose vehicles/tippers will not be achieved due to unforeseen operational issues and a phased replacement program will achieve minimal savings. Implementation of parking charges at additional locations has not progressed in 2019/20, resulting in the £5,000 saving not being achieved.

- 7.3.2 Savings of £300,000 from the commercialisation of the sports and leisure service were approved in the budget. Of this £60,000 is still held centrally. £24,000 of this relates to a miscalculation of the impact of uptake of Fit Life membership. It is considered that this is unlikely to be achieved. Potential savings from Elgin Community Centre have been assessed and the balance of £36,000 will not be achieved.
- 7.3.3 The allocated budget for income from Fit Life reflects the target increase in numbers. The budget for quarter 3 was £859,000 and the income reflected in the General Ledger and thus in this report has broadly been attained – actual income recorded of £843,000. However, this does not reflect the level of default on payment of Fit Life membership fees. The problems experienced immediately following the campaign for increased membership are being resolved. The true picture requires to take into account outstanding debt. There are outstanding debts from the second quarter of 2019/20 totalling £6,993. The real shortfall of income to budget is therefore £22,993, or 2.7% of budgeted income.
- 7.3.4 Five savings totalling £206,249 are assessed as amber. Reduction in cleaning hours at schools will not be achieved in full in 2019/20 due to 6 months of pay protection. The effect of the review of Property Service will not be achieved in 2019/2020 as proposals have yet to be agreed. These are the subject of another report on the agenda for this Council meeting. Relocation from Auchernack and Forres Community centre staff restructure has been delayed and the building is now closed, but the full savings will not be achievable in this financial year. The split of the DSM budget saving between 2019/20 and 2020/21 was incorrect and the balance of the saving approved for 2019/20 will not be achieved this year but will be taken in 2020/21. The balance of the schools central admin will not be achieved as it is related to the Library and ESOL savings which were not approved by Committee.
- 7.3.5 The other unposted savings are assessed as green - these are expected to be achieved or substantially achieved during this financial year.

8. ESTIMATED OUT-TURN

- 8.1 **APPENDIX 2** summaries the updated estimated out-turn position for each service area, comparing the estimated expenditure to the financial year-end with the full year budget as at 31 December 2019.
- 8.2 Overall the estimated out-turn position for 2019/20 is expenditure under budget to date of £5,548,000 or 3.3% of budget (excluding services delivered on behalf of the Moray Integrated Joint Board). This significant underspend in large part arises from one-off income (£1.3 million) and additional savings (£1.7million), some of which are also one-off. Growth in Council Tax base accounts for a further £1.9 million - £4.9 million in total. Council services are anticipated to underspend by £0.6 million – 0.4% of budget (excluding social care).

- 8.3 The estimated out-turn position for 2019/20 for Health & Social Care is an overspend of £1,643,000 on services provided by the Council. The overall projected overspend for all MIJB services is £1,707,000. As the MIJB has a cost sharing agreement between the Council and NHS Grampian, an adjustment to reflect the agreement is shown. This reduces the budget shortfall for which the Council is liable to £632,000, this is an increase of £79,000 from the quarter 2 estimate. This brings the total anticipated variance for 2019/20 to an underspend of £4,916,000.
- 8.4 The principal areas of overspend and underspend across the Council largely reflect the major variances mentioned in paragraph 4 above. Details of out-turn variances are summarised below:
- 8.4.1 Lifelong Learning , Culture and Sport Service is estimated to be £310,000 under budget at the end of the financial year, mainly due to staffing vacancies, and a projected underspend in the repairs and maintenance budget of £155,000.
- 8.4.2 Integrated Children's Services are estimated to be £447,000 under budget at the end of the financial year. This primarily relates to fostering and adoption services. Fostering is underspent on fees and allowances by £145,000 due to a large movement from foster carers to kinship carers, who don't receive fees, and on school travel by £25,000, due to improved monitoring of school transport. The Adoption service is projected to underspend on external adoption placements and post adoption support by £44,000; £21,000 on adoption allowances and £14,000 from income from other authorities for adoption placements in Moray. £65,000 underspend on self-directed support whilst the service is still expanding as well underspends in the team operational budget of £52,000 and £30,000 additional funding for the Whole Systems Approach, due to implementation being slow.
- 8.4.3 Expenditure on schools is forecast to be £165,000 underspent with staffing vacancies higher than budgeted for, including a delay in filling 3 vacant Education Support Officer posts and delays in filling ELC positions. A £40,000 underspend on facilitating school improvements is expected, due to lack of staff to implement the projects and with a forecast overspend of £275,000 on supply teachers arising from cover for sickness and maternity leave and from excess staff. No variance is forecast for devolved school budgets, on the assumption that any overspends or underspends fall within the limits of the DSM Scheme permitted carry forwards.
- 8.4.4 The Housing and Property Service is projecting an underspend of £330,000. A net income of £417,000 is estimated as a one-off payment for the insurance claim for Isla Bank Mills. Property service fee income is expected to be £386,000 below target income, primarily due to a change in the charging method, as well as reduced programme for 2019/20. Corporate repairs and maintenance are forecast to be £152,000 below budget.

- 8.4.5 Direct Services are projected to be almost on budget. The recycling budget is expected to overspend by £190,000 by the end of the financial year due to the continuing market fluctuations in the cost of recycling mixed paper. Trade waste income is expected to have a shortfall of £95,000, as there has continued to be a reduction in use of this service following the price increase in April 2018. Catering is estimated to be £24,000 over budget primarily due to a lower uptake of school meals. However, income from garden waste £56,000 is above target and bulky uplifts £4,000 is expected to be above target, Grounds maintenance is estimated to be £85,000 under spent primarily due to increased income and car parking income is expected to be £48,000 above target.
- 8.4.6 Waste Management is underspending on leachate, which is expected to be £25,000 under budget by the year end and landfill tax, due to reduced tonnage being landfilled is anticipated to be under budget by £55,000.
- 8.4.7 Development Services are also projected to spend almost exactly on budget. There is an expected shortfall of £180,000 in planning fee income and £58,000 shortfall in building standards income. Income for both services is dependent on market activity and currently we are encountering lower levels of applications due to the economic investment, which is out with our control. This is largely offset by vacancies.
- 8.4.8 Corporate services are projected to under spend by £887,000, this is primarily due to the one off income of £908,000 relating to the VAT leisure claim, which is reduced by other minor variances.
- 8.4.9 Staff savings from vacancies and appointment below top of scale are anticipated to exceed the overall budget provision by £936,000. Major variances are anticipated in Development Services (£208,000 above target), Corporate Services (£79,000 above target), Lifelong Learning, Culture Support (£76,000 above target) and Chief Executive's Services (£103,000 above target). These services had posts held vacant pending restructuring. There is an anticipated shortfall of £11,000 in Integrated Children's Services.
- 8.4.10 Loans charges are expected to be £207,000 under budget at the year end due to the impact of capital projects which have slipped or been deferred. The timing of spend will reduce loan charges for 2019/20 and 2020/21. It is unlikely that the recently announced increase in Public Works Loans Board (PWLBB) interest rates will impact on loans charges in 2019/20, as we are managing through short term borrowing.
- 8.4.11 As indicated in section 5 of this report not all provisions held centrally will be required to be released. It is estimated that a balance of £2,299,000 for additional costs will be retained centrally at the year end, along with a balance of £1,691,000 additional savings made. However, it is currently estimated that an additional £168,000 will be needed for inflationary rises relating to NDR and recycling contract.

9. GENERAL RESERVES

- 9.1 The balance on general reserves (excluding DSM and ear-marked reserves) as at 1 April 2019 was £12,276,000. Use of reserves totalling £4,016,000 was approved to balance the 2019/20 budget, with a further £1,172,000 committed for investment in change.
- 9.2 The Moray Council on 8 May 2019 approved an additional use of reserves totalling £119,000 and on 28 June 2019 approved a net budget reduction of £1,121,000, reducing the underlying need to use reserves to £2,895,000, and also additional funding from reserves for specific items, totalling £118,000. Moray Council on 27 November 2019 approved an additional use of reserves of £3,000. This budget was released in full in quarter 3. Commitments of £4,307,000 against general reserves are detailed in **APPENDIX 7**.
- 9.3 Policy and Resources Committee on 3 September 2019 approved the introduction of an ear-marked reserve for council priorities / transformation of £2,000,000, this reduces the level of free balance. As detailed in para 5.5 above it is proposed to move £881,000 to an ear marked reserve, which will also reduce the level of free balance.
- 9.4 The impact of the estimated out-turn is a reduction in the use of reserves of £4,916,000, leaving an estimated free balance of £10,004,000 at 31 March 2020.

10. SUMMARY OF IMPLICATIONS

- (a) **Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**
Effective budget management is an essential component of delivery of council priorities on a sustainable basis.
- (b) **Policy and Legal**
No policy or legal implications arise directly from the contents of this report.
- (c) **Financial implications**
The financial implications are addressed throughout the report.
- (d) **Risk Implications**
There are no risk implications arising directly from this report. Budget managers are aware of their responsibilities for managing their budgets in accordance with the Council's Financial Regulations. There is a risk to the council arising from the agreement that if the Moray Integrated Joint Board overspends the council will meet around 40% of the additional costs incurred. When the budget for 2019/20 was set it was anticipated that the MIJB recurring overspend from 2018/19 would be met from additional funding from Scottish Government passed through the local government settlement. The MIJB approved a Recovery Plan which anticipated budget pressures for 2019/20 being contained within

the overall funding from NHS Grampian and Moray Council. The current position is a projected overspend of £1,707,000 million.

(e) Staffing Implications

No staffing implications arise directly from this report.

(f) Property

No property implications arise directly from this report.

(g) Equalities/Socio Economic Impact

No equalities implications arise directly from this report.

(h) Consultations

Consultation concerning Revenue Budget Monitoring is an on-going process with budget managers across the Council. CMT and Heads of Service have also been consulted in the preparation of this report and any comments incorporated.

11. CONCLUSION

11.1 The financial position of the Council at the end of December 2019 is an underspend against General Services Revenue Budget of £723,000 (including services delivered on behalf of the Moray Integration Joint Board).

11.2 Variations in General Revenue Grant totalling £208,000 have been notified to the council during quarter 3.

11.3 Not all savings approved by the Council for 2019/20 will be achieved. Some of this is due to timing differences. Where savings will not be made they have been largely outweighed by additional savings, although the additional savings are in different areas and not related.

11.4 There are no additional budget pressures noted for Council services at quarter 3. The estimated out-turn position consists of an underspend of £5,548,000, including one-off receipts of £1,325,000, less the overspend of £632,000 relating to MIJB, a total of £4,916,000.

Author of Report: Deborah O'Shea, Principal Accountant
Background Papers: Held by author
Ref: DOS/LJC/

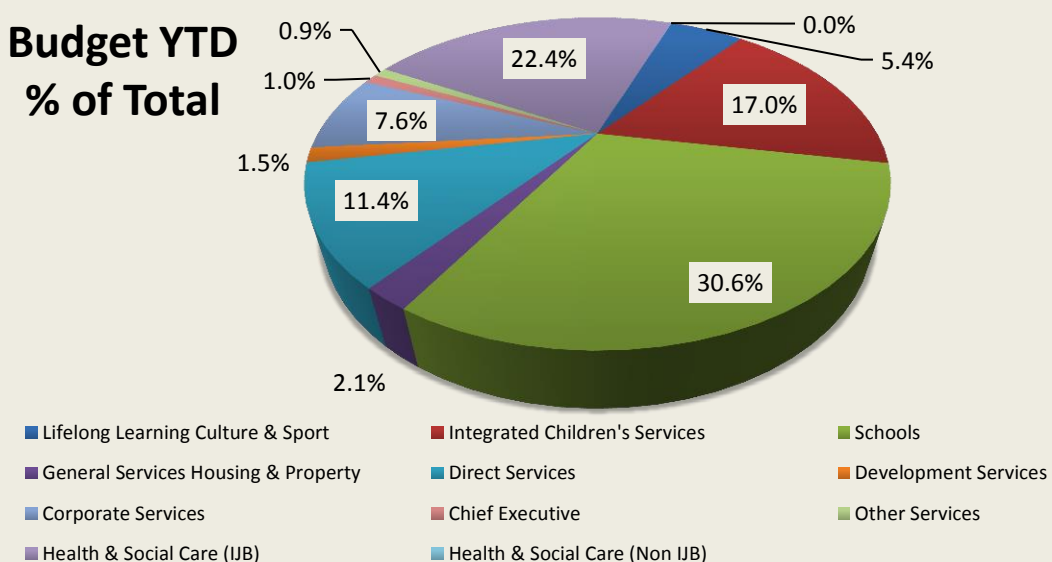
MORAY COUNCIL - APPENDIX 1
BUDGET MONITORING REPORT
QUARTER 3 to 31st DECEMBER 2019

Item 7

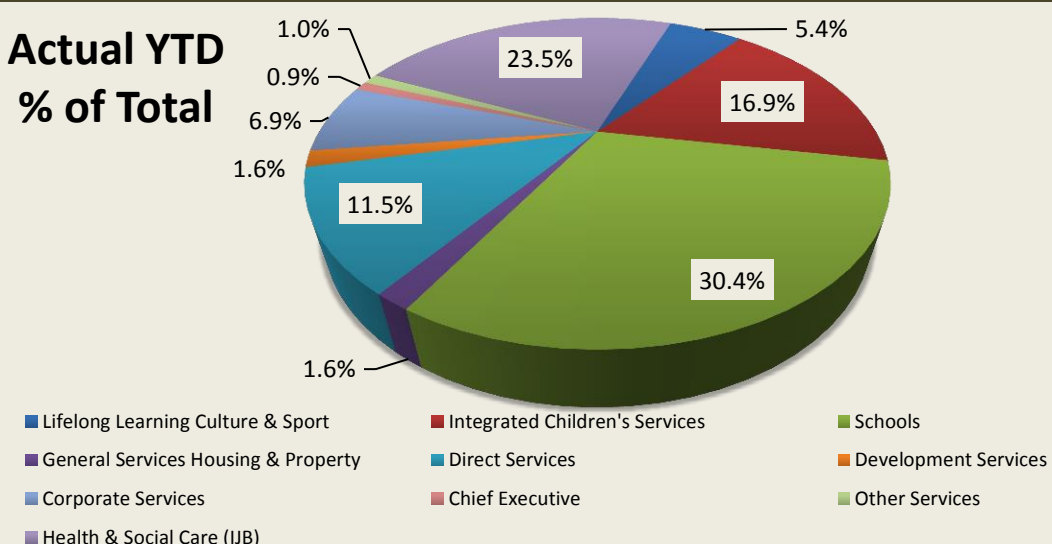
Service

	Revised Budget 2019/20 £000s	Budget to 31 Dec 2019 £000s	Actual & Committed to 31 Dec 2019 £000s	Year to date variance £000s
Lifelong Learning Culture & Sport	9,698	7,444	7,468	(24)
Integrated Children's Services	31,515	23,555	23,281	274
Schools	60,523	42,405	41,861	544
General Services Housing & Property	3,122	2,972	2,203	769
Direct Services	21,889	15,792	15,826	(34)
Development Services	3,093	2,025	2,230	(205)
Corporate Services	11,432	10,552	9,561	991
Chief Executive	1,724	1,329	1,305	24
Other Services	1,992	1,306	1,442	(136)
SERVICES excl HEALTH & SOCIAL CARE	144,988	107,380	105,177	2,203
Health & Social Care (IJB)	42,257	31,053	32,404	(1,351)
Health & Social Care (Non IJB)	(28)	(23)	106	(129)
TOTAL SERVICES incl HEALTH & SOCIAL CARE	187,217	138,410	137,687	723
Loans Charges	13,507	0	0	0
Provision for Contingencies and Inflation	546	0	0	0
Additional Costs	4,574	0	0	0
Unallocated Savings	2,435	0	0	0
TOTAL PROVISIONS	7,555	0	0	0
TOTAL GENERAL SERVICES EXPENDITURE	208,279	138,410	137,687	723

**Budget YTD
% of Total**



**Actual YTD
% of Total**



Commentary on Quarter 3 Performance

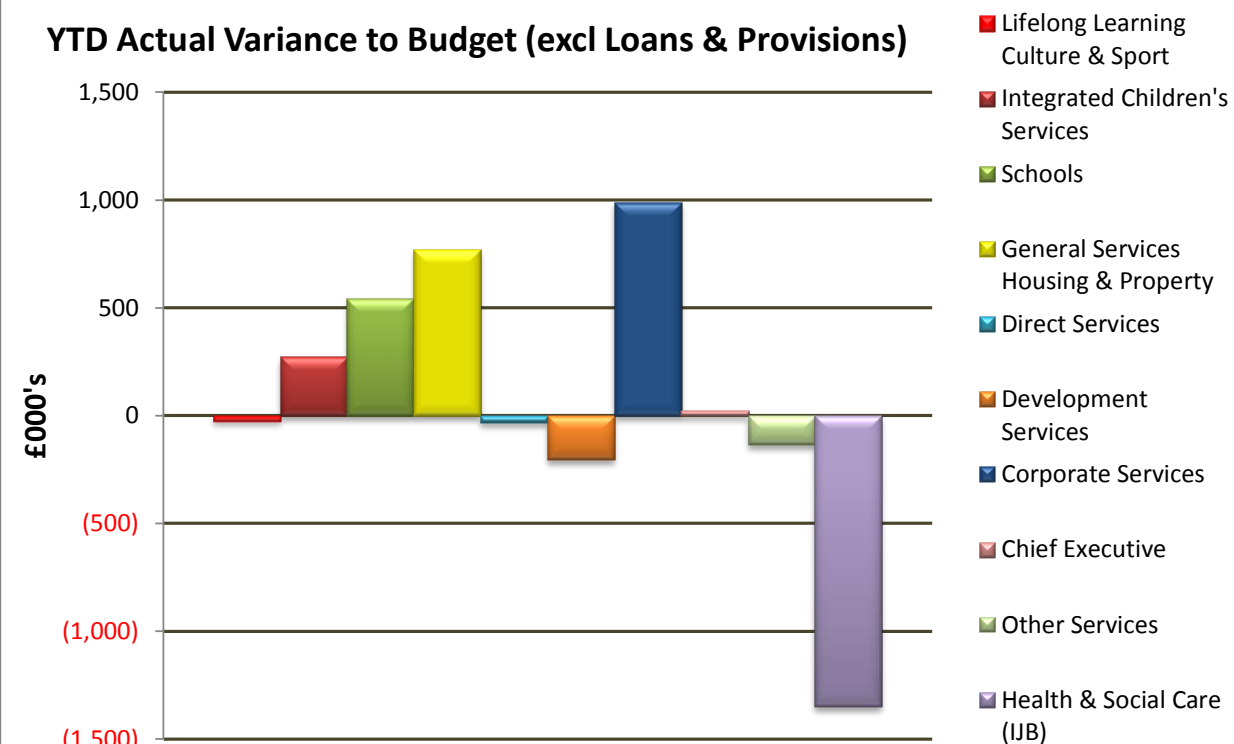
Schools underspend in Primary devolved budget £194k and secondary devolved budget £584k, with an overspend in Central Supply £259k

Integrated Childrens Service underspends in external adoption placements, legal fees and fostering allowances £117k, and area teams operational budget £55k.

Health & Social Care services for services devolved to MIJB are overspent by £1,351k

One off income received in General Services Housing & Property of £417k for insurance refund and in Corporate services of £908k for income from VAT Leisure review.

YTD Actual Variance to Budget (excl Loans & Provisions)



APPENDIX 1

MORAY COUNCIL - APPENDIX 2
BUDGET MONITORING REPORT
QUARTER 3 to 31st DECEMBER 2019

Service	Revised Budget 2019/20 £000s	Estimated Outturn 2019 £000s	Anticipated Variance £000s Item 7	Variance vs Base Budget %
Lifelong Learning Culture & Sport	9,698	9,388	310	3.2%
Integrated Children's Services	31,515	31,068	447	1.4%
Schools	60,523	60,358	165	0.3%
General Services Housing & Property	3,122	2,792	330	10.6%
Direct Services	21,889	21,866	23	0.1%
Development Services	3,093	3,116	(23)	(0.7)%
Corporate Services	11,432	10,545	887	7.8%
Chief Executive	1,724	1,622	102	5.9%
Other Services	1,992	2,133	(141)	(7.1)%
SERVICES excl HEALTH & SOCIAL CARE	144,988	142,888	2,100	1.4%
Health & Social Care (IJB)	42,257	43,964	(1,707)	(4.0)%
Health & Social Care (Non IJB)	(28)	128	(156)	557.1%
Adjustment to reflect cost sharing agreement			1,075	
TOTAL SERVICES incl HEALTH & SOCIAL CARE	187,217	186,980	1,312	0.7%
Loans Charges	13,507	13,300	207	1.5%
Provision for Contingencies and Inflation	546	168	378	69.2%
Additional Costs	4,574	2,299	2,275	49.7%
Unallocated Savings	2,435	1,691	744	30.6%
TOTAL PROVISIONS	7,555	4,158	3,397	45%
TOTAL GENERAL SERVICES EXPENDITURE	208,279	204,438	4,916	2%
Funded By:				
Scottish Government Grant	159,543	159,543	0	0.0%
Council Tax	43,356	43,356	0	0.0%
Funded From Reserves:				
DSM			0	0.0%
DSM c/f	10	10	0	0.0%
General	5,370	1,529	3,841	71.5%
MIJB Adjustment			1,075	0.0%
TOTAL FUNDING	208,279	204,438	4,916	2.4%
OVERALL VARIANCE	0	0	0	

Commentary on Quarter 3 Performance

ICS: Underspends: relate primarily to Fostering and adoption services. Due to a large movement from foster carers to kinship carers ,improved monitoring of the travel to school service and adoption placements.

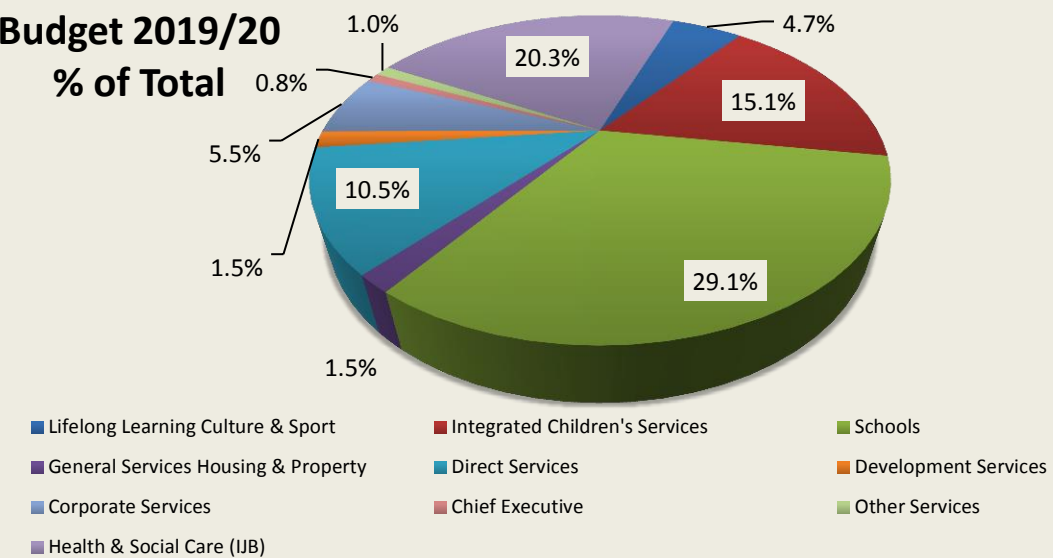
Chief Executive: £102k underspend primarily due to staffing.

Health & Social Care services for services devolved to MIJB are expected to overspend by £1,707k

One off income received in General Services Housing & Property of £417k for insurance refund and in Corporate services of £908k for income from VAT Leisure review.

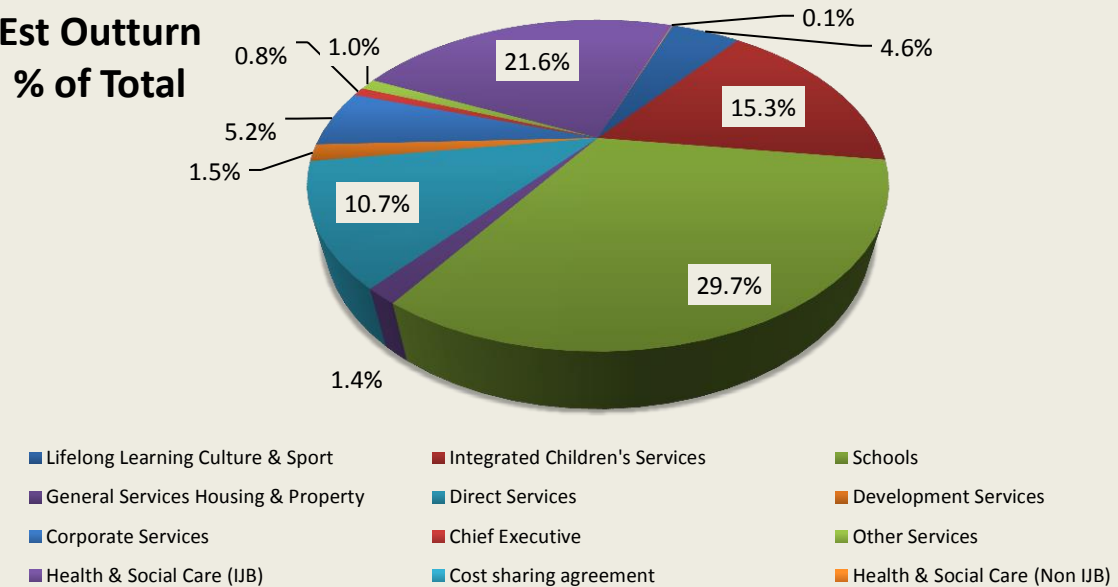
Budget 2019/20

% of Total

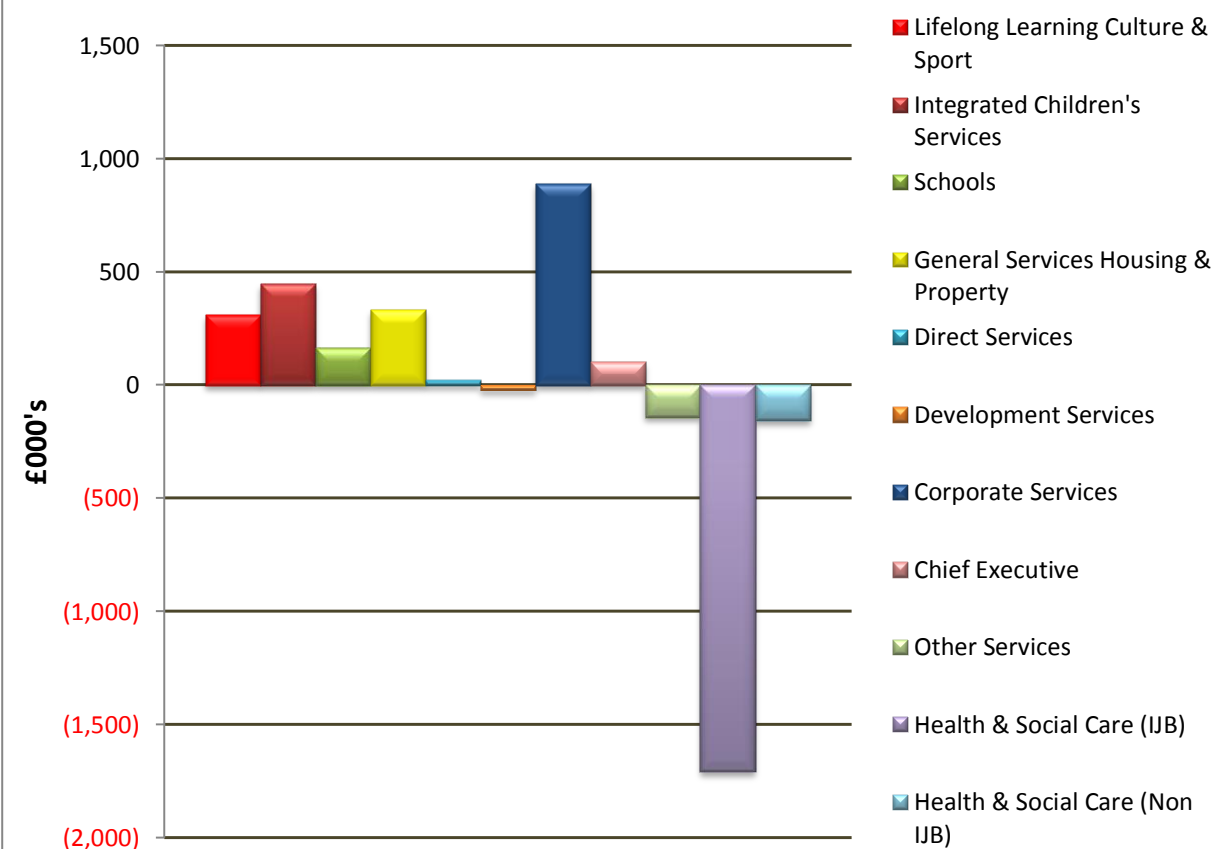


Est Outturn

% of Total



Est Outturn Variance to Budget (excl Loans & Provisions)



£000s	Allocated Budget	Provisions for Contingencies and Inflation	Additional costs	Savings	Budget	Loan Charges	Depreciation	Total Budget
	£000s	£000s	£000s	£000s	£000s	£000s	£000s	£000s
27 February 2019	182,917	8,706	7,930	(10,124)	189,429	14,525		203,954
School carry forwards	10				10			10
Additional GRG			2,294		2,294			2,294
Variance review	(167)		(42)	1,164	955			955
Adjustment 1	2,064	(7,864)	(2,272)	9,090	1,018	(1,018)		0
Funded from reserves - approved MC 27/06/19	118				118			118
Funded from reserves ELC	61				61			61
					0			0
P&R 3 September 2019	185,003	842	7,910	130	193,885	13,507	0	207,392
Adjustment 2	2,064	(235)	(2,677)	848	0	0		0
Additional/(reduction) GRG			(195)		(195)			(195)
Moray Council 27 November 2019	187,067	607	5,038	978	193,690	13,507	0	207,197
Adjustment 3	(932)	(61)	(464)	1,457	0			0
Increase in GRG	208				208			208
Funded from Reserves	3				3			3
Council Tax adjustment	871				871			871
Moray Council 12 February 2020	187,217	546	4,574	2,435	194,772	13,507	0	208,279

ALLOCATIONS FROM PROVISIONS SINCE 30 SEPTEMBER 2019

Provision for Contingencies and Inflation	Committee reference	£000s	£000s
Balance at 30 September 2019			Item 7 607
Dredger statutory inspection		(45)	
Regradings / conservation		(24)	
Maximum Basic Scale (MBS) Primary & Secondary		(6)	
NDR refunds		56	
Contract uplifts		(42)	
		<hr/> (61)	
Balance at 30 December 2019			546
Additional Costs		£000s	£000s
Balance at 30 September 2019			5,038
Movements in General Revenue Grant			
Access to counselling through schools		208	
Movements approved when budget set			
Implementing the Carers Act	MC 27/02/19	(189)	
EU exit funding		(20)	
ELC specific grant		(206)	
NQT redetermination posted to department		(10)	
School roll numbers		(68)	
Childrens services pressures	MC 27/02/19	(9)	
IMP			
Improvement & Modernisation costs	P&R 14/1/20	<hr/> (170)	
		(464)	
Balance at 30 December 2019			4,574
Savings & Charges		£000s	£000s
Balance at 30 September 2019			978
Savings identified when budget set:			
Permanent savings taken	MC 27/02/19	75	
Savings identified after budget set:			
Increase in Council Tax base		871	
NDR savings relating to 2019/20		164	
NDR savings relating to prior years		293	
Emergency planning		17	
Elgin community centre		11	
School crossing patrollers		16	
Improvement and modernisation		4	
Insurance		<hr/> (1)	
		1,450	
Charges			
Trade Waste		7	
Balance at 30 December 2019			2,435
Funded from Reserves			
Buckie regeneration	MC 27/11/19	3	
		<hr/>	3

BUDGET PRESSURES & NEW DUTIES

Ref	Description	Para Ref	Amount £000s	Status	Committee reference
RECOGNISED WHEN BUDGET SET					
	Integrated Childrens Services				
5	Out of Area placements		1,049	not required	
8	Childrens Services pressures		8	not required	
	Schools				
14	School roll numbers		(5)	Cost more than provision	
	Income				
30	Industrial estate voids		22	not required	
	Corporate Services				
35	Reduction in Public Service Pension scheme discount rate		91	not required	
41	Economic development restructure		6	not required	
43	ERDMS extension		10	not required	
	Other				
	investment in change		2,000	Transfer to ear marked reserve	
	Funded by capital receipts		(1,500)	Transfer to ear marked reserve	
	Improvement & modernisation program		381	Transfer to ear marked reserve	
	Total		2,062		
AGREED AT MC SPECIAL MEETING 27.6.19					
	Music tuition income reduction		(42)	Released	
	Total		(42)		
FUNDING FOR NEW DUTIES					
	Access to free sanitary products		3	Held	
	Discretionary Housing Payments		4	Held	
	Teachers pay award		434	Held	
	ELC Specific Grant		1,769	Held	
	EU Exit funding		30	Held	
	Rapid rehousing transition plans		97	Held	
	Statutory appropriate adult		9	Held	
	Access to Counselling through schools		208		
			2,554		
	Total		4,574		

SAVINGS

APPENDIX 6

Description	Cttee Ref	Amount £000s	Qtr 3 update
Corporate			
Increase in NI threshold	MC Feb 2017	12,051	Unlikely to be achieved in full - balance relates to ringfenced budgets: MIJB/HRA
Financial Services			
AP Electronic processing - staff saving	MC 12/12/18	20,000	Savings not achievable and is reliant upon a solution from ICT to progress
VAT review - leisure services opt to exempt	MC 12/12/18	(72,302)	Additional £72k saving achieved
Insurance - increase insurance excess	MC 12/12/18	(332,367)	Additional £332k saving achieved
HR & ICT			
Contracts - contract renewal	MC 12/12/18	47,924	Balance largely relates to savings unable to be extracted from ringfenced budgets mainly MIJB/HRA
Direct Services			
Roads Maintenance - road patching vehicle	MC 12/12/18	35,000	A dual purpose pothole jetpatcher vehicle has been purchased but due to unforeseen operational issues with the vehicle when it arrived, it has been required to retain one of the old jetpatchers in operation to ensure that the surface dressing programme was delivered on time during the summer months. The overall saving to the council is minimal due to this being an internal recharge.
Roads Maintenance - dual purpose vehicles/tippers	MC 12/12/18	170,000	A full review of vehicles has been undertaken in line with the council's capital replacement programme. This review was completed at the end of August 2019. It has been agreed that the roads service will dispose of 10 vehicles from its fleet. The annual charge to the roads service is £165,000. These vehicles are to be removed on a phased basis from October 2019 to the end of the financial year. However, the overall saving to the council is lower due to this being an internal recharge from Fleet Services, which consists mainly of depreciation and fleet staff costs, therefore overall saving to the council is estimated at £20,000 for a full year. This saving consists of tyres, road tax, insurance, fees and radio trackers for the vehicles. There will be a capital receipt arising from the disposal of these vehicles, the amount of the receipt will be confirmed in the next quarterly report.
Parking charges - Additional charged locations	MC 23/01/19	5,000	Implementation of parking charges at additional locations has not progressed in 2019-20.
Building Cleaning - Reduce cleaning hours at schools	P&R 12/02/19	83,762	6 months pay protection. Balance of £83,762 should be available to take in 20/21

Development Services			
Environmental Health - house closing and demolition	MC 12/12/18	24,000	
Housing & Property Services			
Property Services - review of service	MC 12/12/18	55,000	Savings will not be achieved in 2019/20.
Integrated Children's Services			
Review Service Management	MC 12/12/18	(112,510)	Saving was split over 2 years. Increased saving in 2019/20 and reduced saving in 2020/21.
Description	Cttee Ref	Amount £000s	
Lifelong Learning, Culture and Sport			
Sports/Leisure Service - commercialisation of service	MC 12/12/18	60,022	Balance of Elgin CEC £36k and commercialisation income savings £24k will not be achieved.
ESOL/Libraries/Essential skills/ Janitors - reduce library operating costs	MC 12/12/18	219,082	£146k Essential Skills saving not approved MC 25/9/19, ESOL £12k balance in 20/21. Libraries - £25k will not be achieved due to licence reduction and book reduction linked to original closure of libraries. Janitors saving will not be achieved in 2019/20.
Relocate staff from Auchernack plus Forres Community Centre staff restructure	MC 23/01/19	39,149	£39,142 balance still to post relating to closure of Auchernack building. As per RA, this has been delayed due to issues with appointing contractors. Building Closure expected Dec 2019 with savings only likely from Q4.
Schools & Curriculum Development			
0.5% DSM budget saving	MC 23/01/19	20,538	Taken in full - balance will be taken as a greater saving in 2020/21.
Central Admin	MC 23/01/19	7,800	No further saving to be achieved as linked to Library & ESOL savings still not agreed.
Indicative Savings from I&M Programme:		167,058	
Sub total		449,207	
Charges:		4,318	
Balances from roundings:			
Emergency savings		(7,579)	
Savings		(1,444)	
Additional Savings Identified :			

Amendments MC 28.2.19:			
Waste Management restructure		(49,845)	
Development Services structure review		(156,485)	
Amendments MC 27.6.19 para 3.7:			
Increase Vacancy Target		(114,940)	
Virements Corporate services & Council tax		(999,000)	
Oncost saving		(50,000)	
Direct Services			
School Transport Reduction 2 school days 19/20 (external contracts)		(37,512)	
School Transport External contract amendments		(38,982)	
School Transport Reduction 2 school days 19/20 (internal contracts)		(6,808)	
School Transport Internal contract amendments		(11,241)	
Fuel savings GM and fleet		(30,000)	
Amendments P&R 3.9.19:			
Energy saving Schools		(4,658)	
Energy saving Halls		(19,821)	
Cullen Harbour Toilets		(1,561)	
Insurance internal recharges		1,625	
School crossing patrollers		(15,887)	
Increase in council tax base		(871,000)	
NDR Savings		(457,371)	
Emergency planning temporary saving		(16,966)	
Sub total		(2,880,452)	
TOTAL		(2,435,950)	

APPENDIX 5

APPENDIX 7

General Reserves	Committee reference	Approved £000s	Budget released £000s
General Reserves @ 1 April 2019		12,276	
Less commitments against reserves when budget was set:			
To balance the 2019/20 budget	MC 27/02/19	4,016	
Investment in change	MC 27/02/19	1,172	
Additional funding:			
Business Support Post	MC 08/05/19	32	
Senior Social Workers (ICS)	MC 08/05/19	87	
Budget reduction from variance report	MC 27/06/19	(1,121)	
Funding from reserves approved in 2019/20:			
Development of child poverty outcomes	MC 27/06/19	5	5
Moray Growth Deal	MC 27/06/19	5	5
Discretionary Housing Payments	MC 27/06/19	29	29
Community Planning	MC 27/06/19	25	25
Homelessness: temporary accommodation	MC 27/06/19	15	15
Syrian Refugees	MC 27/06/19	39	39
Buckie regeneration	MC 27/11/19	3	3
		<hr/> 121	<hr/> 121
Approved use of reserves		4,307	
Transfer to ear marked reserve for transformation	P&R 3/9/19	2,000	
Transfer to ear marked reserve for Improvement & Modernisation	MC 12/2/20	881	
Estimated out-turn - variance not required from reserves		(4,916)	
Estimated Free balance as @ 31 December 2019		10,004	



REPORT TO: MORAY COUNCIL ON 12 FEBRUARY 2020

SUBJECT: CAPITAL PLAN 2019/20

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

1. REASON FOR REPORT

- 1.1 To advise the Council of the expenditure to 31 December 2019 under the capital plan for financial year 2019/20 and of the estimates of projected expenditure profiled into quarters.
- 1.2 This report is submitted to Council in terms of Section III (B) 5 of the Council's Administrative Scheme relating to monitoring progress of projects in the approved capital plan including any revisions to the price or phasing on a quarterly basis.

2. RECOMMENDATION

2.1 It is recommended that the Council notes:

- (i) expenditure to 31 December 2019 of £36,236,000;
- (ii) the current projected expenditure of £68,937,000 for 2019/20 profiled into quarters;
- (iii) the projected overall expenditure for projects spanning more than one financial year, as set out in APPENDIX 2;
- (iv) capital expenditure for Early Learning and Childcare expansion is to be funded, in part, from revenue grant funding as detailed in paragraph 5.3.4

2.2 It is recommended that the Council approves:

- (i) proposed budget deferrals of £653,000 arising from slippage and expenditure reprofiling from 2019/20 to 2020/21 as summarised in paragraph 5.6 of the report;

3. BACKGROUND

- 3.1 The capital plan for 2019/20 of £72,668,000 was approved by a meeting of Moray Council on 27 February 2019. Amendments approved by Council since this date have been incorporated to give a current approved capital plan for 2019/20 of £69,826,000. The current projected expenditure is £68,937,000.
- 3.2 Regular monitoring reports are provided to Policy and Resources Committee or to Council showing expenditure to date for each project and details of capital receipts received. Policy and Resources Committee on 10 May 2016 agreed to amendments to the information provided in response to the Audit Scotland report “Major Capital Investment in Councils”. Accordingly this report includes a separate **APPENDIX 2**, giving details of expenditure on projects which span more than one financial year.

4. CAPITAL PLAN 2019/20

- 4.1 A copy of the capital plan is attached as **APPENDIX 1**, showing actual expenditure to 31 December 2019 of £36,236,000. Capital receipts of £1,361,000 from sale of assets are identified (it is planned to use these to fund revenue expenditure on transformation of Council services) along with General Capital Grant of £17,364,000 from the Scottish Government and Specific Capital Grants of £2,800,000 relating to Early Learning and Childcare expansion and £925,000 relating to the Town Centre Fund Initiative. Developer obligations of £504,000 have been utilised for the new build schools at Linkwood Primary in Elgin and Lossiemouth High with a further £103,000 for a new footpath at Pinefield in Elgin and £8,000 for a new passing place. Additional developer obligations of £528,000 have been received in this financial year.
- 4.2 Expenditure on land and buildings to 31 December totals £28,467,000. The major items of expenditure are £12,262,000 for the new Lossiemouth High School, £4,936,000 for the new Linkwood Primary School, £2,552,000 for early learning and childcare expansion, mainly at Cullen and Pilmuir in Forres. The early learning and childcare expansion projects are funded by capital grant received from the Scottish Government. A further £2,374,000 has been spent on the Schools estate under Make Do and Mend. Expenditure of £1,680,000 has been incurred for the ongoing project to provide integrated waste facilities at Moycroft in Elgin. The new NESS Energy from Waste facility located in Aberdeen has incurred expenditure to date of £4,025,000.
- 4.3 Expenditure on infrastructure assets to 31 December totals £5,951,000. The major items of expenditure are £1,790,000 on carriageway resurfacing/reconstruction, £725,000 for street lighting including new LED lighting and £1,088,000 for Portknockie Landslip works.
- 4.4 Expenditure on vehicles, plant and equipment to 31 December totals £1,818,000. The major items of expenditure are £1,097,000 on the vehicle replacement programme and £448,000 on ICT projects.

5. **PROJECTED OUTTURN**

- 5.1 Budget managers have been requested to update projected estimates of expenditure on capital projects in 2019/20. Projects are graded for confidence of achieving projected expenditure with high confidence rated as green, medium confidence as amber and low confidence as red. A summary of the ratings is given in the table below.

Risk status	RAG	No. of projects	Projected expenditure 2019/20 £000s
High confidence of spend to estimate	G	89	67,631
Medium confidence spend to estimate	A	6	1,306
Low confidence of spend to estimate	R	0	0
		95	68,937

- 5.2 A summary of the projected variances at September 2019 from the current approved capital programme, as detailed in **APPENDIX 1**, is set out below:

Description	Para ref	Underspend (Overspend) £000
Land & Buildings		
Schools Estate	5.3.1	240
Findrassie Primary School Elgin	5.3.2	(38)
Milnes Primary Early Learning & Childcare	5.3.3	(31)
Schools fire audits	5.3.5	(15)
Forres Academy SEN Extension	5.3.5	(45)
Car Parks - Waterproofing	5.3.6	215
Replacement Burial Grounds	5.3.7	11
Industrial Portfolio	5.3.8	(48)
Infrastructure		
Elgin Transport Strategy	5.4.1	(10)
Street Lighting LED lights	5.4.2	400
Remote Footbridges	5.4.3	77
Lossiemouth Seatown	5.4.4	100
Plant & Equipment		
Moray Leisure Centre Equipment	5.5.1	(2)
Domestic & Trade Waste Bins	5.5.2	(8)
ICT Programme	5.5.3	43
Total		889

5.3 Land and Buildings – Children & Young Peoples Services Committee

- 5.3.1 **Schools Make Do and Mend Programme** – A budget of £3,276,000 is allocated to this programme over a variety of building works projects. Projected expenditure of £3,036,000 is anticipated resulting in an underspend of £240,000 in this financial year.
- 5.3.2 **New Primary School at Findrassie Elgin** – Preliminary fees of £38,000 relating to a new primary school at Findrassie Elgin have been incurred. Capital budget has been allocated in future years for a new primary school at Findrassie in Elgin but the details of the project have not been subject to an options appraisal, which is required before detailed approval can be sought from members. Preliminary work is required to inform the options appraisal.
- 5.3.3 **Milnes Primary School Early Learning** – The new early learning facility at Milnes Primary School is anticipated to spend £158,000 in the current financial year, including works relating to the water tanks. This project spans more than one financial year with **APPENDIX 2** identifying the total project budget of £2,500,000 and anticipated project spend of £2,521,000.
- 5.3.4 **Early Learning and Childcare (ELC) Expansion** – This programme includes 4 new build nurseries and 7 refurbishments. As reported to Children and Young Peoples Services Committee on 18 December 2019 (paragraph 13 of the draft Minute refers), due to an increase in building works and construction costs the capital budget for this expansion programme is under pressure. Other local authorities are experiencing similar budget pressures. The Scottish Government has confirmed that ELC revenue grant funding can be used to bridge the gap in capital grant funding. For Moray, this means that capital expenditure currently estimated to be in the region of £1.3 million will be funded from revenue grant. This ongoing project covers a number of financial years and officers intend to reprofile the ELC capital budget and use ELC revenue funding where necessary at the end of this financial year.
- 5.3.5 **Other Schools** – Works on the programme relating to the **Schools Fire Audits** are projected to show an overspend of £15,000 above the allocated budget of £140,000. Expenditure of £45,000 has been incurred in this financial year relating to the **Forres Academy extension**. This is settlement of an outstanding final account where the Council has been in dispute with the contractor over the warranty of the roof. This matter has now been resolved.
- 5.3.6 **Car Parks Waterproofing** - Works at the multi-storey car park in Batchen Lane have now been tendered but the majority of these works will be carried out after 31 March 2020, therefore it is recommended that Council approves the deferral of budget of £215,000 from 2019/20 to 2020/21.
- 5.3.7 **Burial Grounds** – It is anticipated that no expenditure will be incurred in this financial year for the provision of new burial grounds in Elgin. It is recommended that committee approves the deferral of budget of £11,000 from 2019/20 to 2020/21.

5.3.8 **Industrial Portfolio**

The refurbishment of industrial estates is anticipated to incur expenditure of £172,000 in this financial year, which is £48,000 above the current budget. However this project is rated as amber due to uncertainty in timing of several projects. Budget of £123,000 was deferred earlier this year from 2019/20 to 2020/21 for this project, therefore the projected spend remains within the original budget allocation. The budget allocation for 2020/21 will be adjusted for any in-year overspend in 2019/20 when the final position for 2019/20 is reported to Council in June.

5.4 **Infrastructure**

5.4.1 **Elgin Transport Strategy** – The majority of year-to-date expenditure within this budget heading relates to the construction of a new footpath at Pinefield in Elgin, fully funded by developer obligations. The projected overspend of £9,000 relates to the final instalment of professional fees incurred to refresh the traffic model data for Elgin, budgeted for in 2018/19 (Moray Council 14 February 2018 paragraph 9 of the Minute refers).

5.4.2 **Street Lighting LED lights** – The project to install new LED lighting across Moray spans a number of years, as detailed in **APPENDIX 2**, and the project is nearing completion. It is anticipated that expenditure of £700,000 will be incurred in this financial year from the 2019/20 budget allocation of £1,100,000. It is estimated that around 900 units will still be outstanding to be replaced by the end of this financial year, therefore it is recommended that committee agree to defer budget of £250,000 from 2019/20 to 2020/21 to allow completion of the project. The remaining £150,000 budget allocation in this financial year is a budget saving to the Council.

5.4.3 **Remote Footbridges** – Works to the Findochty Bridge are currently out to tender and it is very likely that these works will commence on site after 31 March 2020. Therefore it is recommended that committee approves the deferral of budget of £77,000 from 2019/20 to 2020/21.

5.4.4 **Lossiemouth Seatown Flood Management** – Design works are planned to continue in 2020/21, therefore it is recommended that committee approves the deferral of budget of £100,000 from 2019/20 to 2020/21.

5.5 **Vehicles Plant and Equipment**

5.5.1 **Moray Leisure Centre Equipment** – A small overspend of £2,000 from the budget, allocated over 2 years, of £500,000 for gym refurbishment and equipment is anticipated for the purchase of fitness equipment at Moray Leisure Centre.

5.5.2 **Domestic & Trade Waste Bins** – Expenditure of £43,000 has been incurred, representing an overspend of £8,000 from the capital budget of £35,000. However this is offset by a revenue budget allocation for waste bins of £8,000 which will not be used and which will be taken as a revenue saving in future years.

- 5.5.3 **ICT Programme** – Within the Schools ICT Strategy a budget saving in the region of £28,000 is anticipated as a result of a re-procurement exercise for interactive panels. The actual saving will be confirmed in the 2019/20 final outturn monitoring report to committee. Within the Servers Infrastructure budget an underspend of £15,000 is anticipated relating to Citrix licences required for the implementation of the Windows 10 project, although this may change as the project progresses.
- 5.6 **Proposed budget deferrals to 2020/21** – This report includes details of projects which have slipped or been deferred and therefore it is proposed to defer budget from 2019/20 to 2020/21 to reflect this fact.

A summary of the proposed budget deferrals is listed below:

	Para ref	£000s
Car Parks – Waterproofing	5.3.6	215
Burial Grounds	5.3.7	11
Street Lighting LED lights	5.4.2	250
Remote Footbridges	5.4.3	77
Lossiemouth Seatown Flood Mgt	5.4.4	100
Total		653

6. **RISK AND EMERGING ISSUES**

- 6.1 Budget managers have been requested to identify any specific areas of risk for the projects in the Capital Plan for which they are responsible.
- 6.2 The main risk for the vehicle replacement programme is manufacturers failing to deliver to agreed timescales.
- 6.3 Land compensation claims remain a risk for the major flood alleviation scheme at Forres.
- 6.4 Projects can be subject to risks which are outwith the direct control of the Council.
- 6.5 Poor weather conditions can impact project timescales.
- 6.6 Lack of staff resources and staff turnover can impact on project timescales.
- 6.7 Other emerging work priorities can impact on scheduled works.
- 6.8 There is a potential risk to grant funding of the new Lossiemouth High School should the project not complete on time.
- 6.9 No other project risks have been specifically identified by budget managers, however, property professionals at a national level are predicting increased tender prices. If this is seen in the local market, there is a risk to the affordability of future capital projects.

- 6.10 The recent increase in Public Works Loans Board (PWLb) interest rates also poses a risk to the affordability of future capital projects.

7. SUMMARY OF IMPLICATIONS

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

Effective budget management is an essential component of delivery of Council priorities on a sustainable basis.

The capital plan is one of the vehicles through which the council's priorities can be delivered. The approved capital plan for 2019/20 and the outline ten year plan incorporates measures designed to address the Moray 2026 priorities of achievement and attainment by children and young people, adults leading safer lives and sustainable economic development.

(b) Policy and Legal

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

(c) Financial Implications

The financial implications are highlighted within the report and Appendices 1 and 2 to the report. A significant part of the total projected capital expenditure is profiled into quarter 4 of the financial year. This increases the general risk of projected expenditure not being achieved by 31 March 2020.

(d) Risk Implications

Budget managers are aware of their responsibilities for managing budget allocations and approval for variance will be sought from committee in line with the financial regulations. Risks specific to items within the capital plan are highlighted in paragraph 6 of the report.

(e) Staffing Implications

There are no staffing implications arising directly from this report.

(f) Property Implications

There are no property implications arising directly from this report.

(g) Equalities/Socio Economic Impact

There are no equalities issues arising from this report.

(h) Consultations

All capital budget managers have been consulted in the development of estimated actuals as part of the preparation of this report. All Heads of Service and CMT have been consulted and any comments incorporated in the report.

8. CONCLUSION

- 8.1 Capital expenditure in the first quarter of the year amounts to £36,236,000 to the end of December 2019.**

8.2 Capital expenditure is currently projected to be £889,000 lower than the approved capital plan for 2019/20.

Author of Report: Douglas McLaren, Accountant
Ref: DMcL/LJC/

Moray Council Capital Programme 2019/20
As at 31 December 2019

	Current Capital Plan 2019/20 £000	Actual Expend £000	Projected Expenditure				Total Projected Expend £000	R/A/G
			Q1 £000	Q2 £000	Q3 £000	Q4 £000		
Vehicles Plant & Equipment								
Children and Young People's Services Committee								
Libraries & Leisure								
Swimming pool equipment	50	38	0	35	3	12	50	G
Moray Leisure Centre Equipment	12	14	8	6	0	0	14	G
Moray Leisure Centre Dehumidifiers	60	42	0	0	0	60	60	G
Moray Leisure Centre Combined Heat Power	270	9	0	0	0	270	270	G
Total Children and Young People's Services Committee	392	103	8	41	3	342	394	
Economic Development & Infrastructure Committee								
Vehicle & plant replacement programme	3,827	1,097	450	350	400	2,627	3,827	G
Facilities Management Equipment	8		0	0	4	4	8	G
Traffic								
Traffic Data Collection Equipment	7	1	1	0	0	6	7	G
Traffic Signal Replacement Forres	5	2	0	5	0	0	5	G
Waste Management								
Domestic & Trade Waste Bins	35	43	28	15	0	0	43	G
MRF Relocation & Replacement Baler	280	89	0	0	86	194	280	G
Replacement Green Waste Shredder at Moycroft	235		0	0	0	235	235	G
Upgrade Recycling Centres	4	4	0	4	0	0	4	G
Waste Strategy Development	10		0	0	0	10	10	G
Parks & Open Spaces								
Children's Play Areas (Parkland)	35	24	14	5	8	8	35	G

Harbours							
Pilot Boat Replacement Buckie	100		0	0	0	100	100 G
Total Economic Development and Infrastructure Committee	4,546	1,260	493	379	498	3,184	4,554
Policy and Resources Committee							
ICT Programme							
Desktop and Mobile Devices	212	129	99	40	60	13	212 G
Digital Public Services	75	7	1	0	25	49	75 A
Network Infrastructure	115	3	3	0	60	52	115 G
School ICT Strategy	248	179	11	173	24	12	220 G
Servers Infrastructure	256	102	0	96	31	114	241 G
Software	120	27	14	13	65	28	120 A
Unix server replacement	100		0	0	85	15	100 G
Telephony/Contact Centre System	235	1	0	0	191	44	235 G
Corporate							
Audio visual equipment	6		0	0	0	6	6 G
Corporate office furniture	10	7	4	3	3	0	10 G
Total Policy and Resources Committee	1,377	455	132	325	544	333	1,334
Total Vehicles Plant & Equipment	6,315	1,818	633	745	1,045	3,859	6,282

Major Capital Projects spanning more than 1 financial year (as at 31 December 2019)

APPENDIX 2

Description	Approved Total Budget	Total Expenditure in previous financial years	Current Budget 2019-20	Actual spend 2019-20	Remaining Budget 2019-20	Project Life Spend to 31/12/19	Projecte dFuture Years Budget Required	Estimated Final Cost	Projected Variance
	£000	£000	£000	£000	£000	£000	£000	£000	£000
Milnes PS 61582 early learning & childcare	2,500	2,373	127	148	-21	2,521	0	2,521	-21
New Linkwood Primary School	12,810	1,549	10,067	4,936	5,131	6,485	1,194	12,810	0
New Lossiemouth High School	43,000	10,171	21,273	12,262	9,011	22,433	11,556	43,000	0
Early Years Learning & Childcare	7,143	1,176	4,067	2,552	1,515	3,728	1,900	7,143	0
LED Street lighting replacement programme	5,000	3,117	1,100	375	725	3,492	0	4,067	933
Moycroft Integrated Waste Facility	2,947	366	2,581	1,680	901	2,046	0	2,947	0
NESS Energy from Waste	27,224	660	7,606	4,025	3,581	4,685	18,958	27,224	0
Total	100,624	19,412	46,821	25,978	20,843	45,390	33,608	99,712	912



REPORT TO: MORAY COUNCIL ON 12 FEBRUARY 2020

SUBJECT: FINANCIAL PLANNING

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

1. REASON FOR REPORT

- 1.1 To report to the Council on the development of savings proposals aimed at reducing the predicted budget gap for 2020/21.
- 1.2 To update the Council on current financial forecasts.
- 1.3 This report is submitted to Committee 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 agrees:-

- (i) having considered the Equalities Impact Assessment, those savings which do not require consultation for implementation by 1 April 2020;
- (ii) that staff consultation is undertaken for the remainder of the savings and thereafter, as the scale of change proposed is at a level normally dealt with through service level Change Management Plans and changes are based on vacancies, that authority is delegated to service managers to consider responses, make any necessary adjustments and then proceed with implementation in accordance with the Council's agreed policies and procedures; and
- (iii) that any savings in APPENDIX 1 not agreed today may be reconsidered at a later date if the funding gap still remains.

2.2 It is recommended that the Council notes the updated projections for 2020/2023 as set out in APPENDIX 3.

2.3 It is recommended that in light of the draft Medium to Long Term Financial Strategy and pending greater clarity on the budget process for

Local Government for 2020/21, the Council continues the short term financial planning process agreed in September 2018 which is based on a combination of:

- (i) savings already identified in APPENDIX 1;**
- (ii) consideration of further savings which could be implemented in 2020/21 and 2021/22 many of which would involve service reductions;**
- (iii) savings generated through the Improvement and Modernisation Programme; and**
- (iv) use of budget flexibility including general reserves within the agreed Reserves Policy.**

3. BACKGROUND

- 3.1 The Council began planning its approach to setting a budget for 2019/20 in September 2018. At that time a short term plan was formed to reduce expenditure in 2019/20 and 2020/21. This recognised the two fundamental issues underpinning the Council's budget gap: an underlying historical overspend in the revenue budget (£5.2million) and the pressure of accommodating increasing costs and growth against shrinking funding (£7million). In light of this it was agreed that work should be also be undertaken on medium and longer term financial planning. The draft Medium to Long term Financial Strategy was considered by Council on 27 November 2019 (paragraph 17 of the Minute refers) and will be presented to Council on 3 March 2020.
- 3.2 When the Council approved its budget for 2019/20 on 27 February 2019, £10.3 million of savings were projected for that financial year with further projected savings in 2020/21 of £2.3 million and in 2021/22 of £0.4 million. At that point a budget shortfall of £12.2 million was forecast for 2020/21. Following cumulative savings of £53 million since 2009/10, there are clearly diminishing returns in terms of the ability to identify further savings based on redesigning and redefining services particularly given the scale of savings made in 2019/20 and so the focus must increasingly turn to income generation and transformation through the Improvement and Modernisation Programme and other transformational programmes or projects.
- 3.3 The predicted shortfall for 2020/21 has been reviewed in the light of the out-turn for 2018/19, projected out-turn for 2019/20 and other changes notified to date, including savings of £178,000 arising from appeals on the valuation of schools resulting in a reduction in NDR due of £178,000 in year. The historic underlying overspend brought forward to 2020/21 has been reduced to £1.9 million. A more detailed review of the assumptions, risks and uncertainties inherent in the financial planning process was included in the draft Medium to Long Term Financial Strategy. The current estimated budget gap for 2020/21 is £8.2 million. Savings of £1.752million have previously been approved for 2020/21 and indicative savings of £0.538 million for the Improvement and Modernisation programme are forecast.

4. CURRENT POSITION

- 4.1 Due to the general election, the UK Government postponed the UK Budget announcement from 6 November 2019. A new budget date of 11 March 2020 has been set. As a result of this delay, the Scottish Government did not set their budget as proposed on 12 December 2019. A revised date of 6 February 2020 was announced on 31 January, 2020, along with a truncated budget timetable. The budget is anticipated to be debated in Holyrood in the first week of March. The Council plans to set its budget on 3 March 2020.

UPDATED SHORT TERM FINANCIAL PLANNING PROCESS

- 4.2 **Additional Savings – APPENDIX 1:** The long term financial stability of the Council will require transformation of the delivery of services but meantime immediate savings are required to reduce the Council's reliance on the use of reserves to balance the budget. The savings listed in **APPENDIX 1** total £609,000 for 2020/21.

These savings would be aligned for implementation on 1 April 2020 if agreed by Council, with communication as indicated in **APPENDIX 1**.

- 4.3 Staff numbers are anticipated to be decreased by 5 FTE posts as a result of proposed savings but this reduction will be accommodated through vacancies and using the Council's Transform procedures. Workforce consultation will be undertaken in accordance with existing policies and procedures. Given the profile of the staffing savings which is at a scale normally managed through service level Change Management Plans and the fact that they are based on existing vacancies, delegated authority is sought to enable service managers to proceed with implementation subject to any adjustments identified in the consultation as required having been made.
- 4.4 **Further savings** – Further savings proposals with staffing implications are the subject of a confidential report on this agenda.
- 4.5 As was the case in 2019/20, achieving savings of the scale required to bridge the gap is incredibly challenging and so it is likely that we will manage this over a two year period by making savings in 2020/21 and using our reserves to help balance our budget while further savings options are identified both in year for 2020/21 and for 2021/22. Workforce management is an area which has consistently borne savings as vacancies provide the opportunity to release efficiencies. Procurement is another area in which further savings may be possible through more effective contract management. A dialogue will also continue with local communities around areas where they may have capacity to assist if services are reduced or stopped, such as has been the case with grass cutting and public conveniences. Ultimately however, a radical change in thinking will be required and services which are not otherwise protected may require to be further tailored, targeted and stopped in order to control costs, recent examples being the restriction in opening hours at public libraries and council access points and removal of school crossing

patrols. Moving forward consideration has been given to the level at which core services must be delivered and where possible, savings configured on this basis. These and other challenges facing the Council formed part of the conversation with the public on the draft Corporate Plan in November.

- 4.6 **The Improvement and Modernisation Programme** - An Improvement and Modernisation Programme was approved by Council on 12 December 2018 (paragraph 5 of the Minutes refers) and updates provided thereafter to Policy and Resources Committee and Transforming the Council Board.
- 4.7 Although the Council has made significant savings over the past ten years, many of these have been based on service efficiencies and reductions. The Council consulted with members of the public during 2017/18 on potential measures to reduce the Council's reliance on the use of reserves – "Bridging the Gap" – and to enable the Council to manage within further reduced support from Scottish Government for core services. The immediacy of the need to reduce reliance on reserves has required a focus on savings which can be generated within a short time scale. The Council was close to having bridged the gap created by use of reserves to fund recurring budgets in 2019/20 (albeit that the gap will again widen in 2020/21, mainly due to inflationary pressures) and must now focus its attention on longer term transformation of service delivery. The Improvement and Modernisation Programme is the approved vehicle for such work currently being carried out. During development of this Programme it has become clear that further transformational programmes or projects will be required going forward.
- 4.8 The current Programme includes major areas for service transformation – Education and Children's Services – which are in the process of being developed and which will form a significant part of the Council Transformation agenda. As reported to Policy and Resources Committee on 14 January 2020 (paragraph x of the Minute refers) work continues to confirm potential savings and timescales and will be reported when fully developed.
- 4.9 **Budget Flexibility** – the whole thrust of the Council's short and medium to long term financial planning process is to minimise use of reserves to plug the budget gap, as this is ultimately unsustainable. However, the heightened lack of certainty in terms of Scottish Government funding for 2020/21 arising from the UK General Election and delay in budget announcements at UK and Scottish level increase the likelihood that the Council may require to fall back on reserves to balance the budget in 2020/21. Use of reserves of £5 million is included in the budget overview at **APPENDIX 3**, leaving an estimated free balance on general reserves of £5.6 million. The overview includes the savings proposed in this report in the savings summary. The Council's current reserves policy is to retain free reserves of £5 million. The Council therefore has the flexibility to use a further £0.6 million free reserves. However there are risks inherent in reliance on reserves and the scale of use of reserves currently forecast highlights the need to achieve recurring savings in early course. Use of reserves entails a requirement to find additional savings in 2021/22. This is reflected in the projected savings requirement for 2021/22 of £11.4 million.

- 4.10 In addition to free reserves, the Council has ear-marked reserves of £2 million for Council priorities and £0.7 million for Transformation – the Council could utilise these reserves to bridge the budget gap if the local government settlement is worse than contained in current budget assumptions. However, this would significantly reduce the Council's capacity to fund change. The projections and estimates on which this gap has been based are set out in the draft Medium to Long term Financial Strategy.
- 4.11 **Other Actions** – The Chief Executive remains in ongoing discussion with representatives of the Scottish Government regarding the budgetary challenges which the Council faces. Work has also commenced through Cosla to review the funding methodology used for Local Government funding, and lobbying continues through the Administration Group and otherwise on issues relevant to our budget settlement.

5. SUMMARY OF IMPLICATIONS

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

The Council's Corporate Plan 2019-24, approved in draft by Council on 2 October 2019, will provide direction and focus for financial planning and the alignment of resources to priorities.

The Corporate Plan 2018-23 included as a priority "work towards a financially stable council that provides valued services to our communities". The savings proposed in this report contribute to achieving that priority.

(b) Policy and Legal

The Council is required by statute to set its Council Tax rates for 2020/21 by 11 March 2020. Before it can do so it must ensure that it has sufficient money to meet its total estimated expenses for the coming year. This requirement (setting a balanced budget) is set out in the Local Government Finance Act 1992 (Section 93).

As previously reported, other legislation sets out the requirements for the proper administration of financial affairs, the requirement to secure Best Value and for sound financial stewardship in revenue and capital budgets. There is also a requirement to comply with the CIPFA Prudential Code.

This report has been prepared as part of ensuring the Council is undertaking the preparation that is necessary to enable the Council to comply with these duties.

(c) Financial implications

The Council is forecast to require finding savings of £8.2 million in 2020/21. This report identifies £609,000 which if approved will contribute towards this target. The savings identified will still leave a significant budget gap, which will require use of reserves. However there are risks inherent in reliance on reserves and the scale of use of reserves currently forecast highlights the need to achieve recurring savings in

early course. Use of reserves entails a requirement to find additional savings in 2021/22. This is reflected in the projected savings requirement for 2021/22 of £11.4 million.

(d) Risk Implications

There are numerous risks associated with financial planning and setting a balanced budget, particularly as the Council's reserves reduce.

The following are of particular note:

- Short timescale due to UK General Election;
- One year settlement expected;
- Likely scale of savings still to be achieved;
- Strain on resources in undertaking required scale of budget and change work while also managing day to day services, which is also likely to affect service delivery;
- Challenge of implementation of savings options with little scope for slippage or review;
- Reduction of reserves to minimal level limits scope for investment in change or to accommodate unforeseen circumstances;
- Cost of employee exit payments place added budget pressure to be accommodated through savings.

Reliance on use of reserves is itself a risk for the Council as it removes flexibility to deal with the cost of change and increases future savings requirements.

A significant risk to the Council arises from the funding arrangements for Moray Integration Joint Board (MIJB), whereby the Council is obliged to meet around 40% of any MIJB overspend. This risk is being managed through management discussions held jointly with the Chief Executives of NHS Grampian and Moray Council and the MIJB Chief Officer, supplemented by quarterly financial Cross Partnership meetings, which involve a wider officer group and the Chair of MIJB and Council Leader.

(e) Staffing Implications

The workforce implications in the budget proposals for 2020/21 contained within this report are as follows:

Vacancies – the proposals in Appendix 1 would lead to 5 full time equivalent posts being removed that are currently vacant. For two of the posts, the service is being redesigned with the impact on remaining posts part of a consultation with employees affected. One post reflects a slight redesign where there was a vacant post following retirement and the other post has been empty for some time and duties and responsibilities have already been re-allocated.

Service change – one post is being removed and the employee is being automatically matched to another post.

Given the limited scale of the workforce implications of the proposals it is proposed that any consultation responses are considered by service

managers and reported to heads of service with delegated authority to make any necessary adjustments and proceed with implementation.

(f) Property

There are no property implications arising from this report.

(g) Equalities/Socio Economic Impact

One Equality Impact Assessment Statement (EIA) was been required for a saving proposed in this report, and this is attached as **APPENDIX 2**. No other saving proposed in this report potentially impacts on people with protected characteristics.

(h) Consultations

The Corporate Management Team and Heads of Service have been consulted in the preparation of this report and their comments have been incorporated into the report.

6. CONCLUSION

6.1 A number of savings which can be implemented immediately are proposed, in order to lessen dependence on reserves.

6.2 Projections for 2020 to 2023 have been updated to accommodate the most up to date information available to the Council.

6.3 Future financial planning reports will consider service transformations. The potential scale for transformation and likely timescales require to be further developed. Meantime additional savings will require to be considered.

Author of Report: Rhona Gunn, Depute Chief Executive (Economy, Environment and Finance)

Background Papers:

Ref: LP/LJC/

APPENDIX 1

Ref	Details of saving	2020/21 £000s	2021/22 £000s	Comms
C3 2	<p>Housing information Officer</p> <p>The post assists with gathering information regarding service trends and performance and reporting to the Scottish Housing Regulator. Duties will be reallocated across other staff in the service.</p> <p>There would be a reduction of 1 fte based on a vacancy.</p>	34		3
C3 3	<p>Homelessness central admin restructure</p> <p>The proposal is to return management responsibility for the admin team to service managers and remove the 2 senior clerical posts from the admin team.</p> <p>There would be a reduction of 2fte staff based on vacancies.</p>	53		3
D1&D2(2)	<p>Cleaning and Catering management restructure</p> <p>To formalise the interim arrangements for the management of the service, subject to Job Evaluation.</p> <p>There would be a net reduction of 1 fte based on a vacancy.</p>	21		3
D7b	<p>Reduce street lighting maintenance budget</p> <p>Programme replacement of faulty units rather than replace individually.</p>	50		1
D8	<p>Reduce vehicle fuel consumption by 5%</p> <p>Target to reduce fuel consumption by more efficient routing, reduction of idling, improved efficiency of fleet, facilitated by in-vehicle reporting system. Reduction in carbon consumed.</p>	77		1
D9b	Car park income – increase budget to match performance	48		1

Ref	Details of saving	2020/21 £000s	2021/22 £000s	Comms
D9c	Transportation management restructure Merge Traffic and Transport teams – subject to Job Evaluation. No overall reduction in staff numbers.	7		3
E1	Reduce Building Standards establishment by 1 fte Reduction of 1 FTE based on a vacancy.	34		3
E1	Introduce discretionary charging for Building Standards Introduce charges for building warrant amendments.		10	2
E3	Strategic planning – charge for processing viability assessment This will increase development cost for those choosing to challenge developer obligations on the basis of site viability. There are few challenges at present but if the CAP is removed as proposed they will become more frequent and will have an impact on staff resources, a charge may act as a control on challenge and cover costs.	3		2
E3	Reduce consultancy budget (Strategic Planning)	3		1
F4a	Employee Assistance Programme Reduce provision of support, using national and local services on an as and when required basis. EIA completed.	15		2
F5a	ICT contract review Replace contract for video conferencing software with another being piloted; reduce SWAN circuits at vacated buildings; rationalise telephony contracts.	20	6	1
F5b	Telephone book review Council entries in BT phone book have been streamlined, reducing the	16		1

Ref	Details of saving	2020/21 £000s	2021/22 £000s	Comms
	annual charge for this. Savings will be allocated across departments as costs are currently recharged.			
F6b	VAT exempt supply of leisure services The decision to opt for exemption was taken last financial year; continued work on this has confirmed the level of savings likely to be achieved. Opt to exempt took force from 1 October 2019.	220		1
	Purchasing card rebate The Payments section have been actively managing the use of purchasing cards to increase the rebate made by the purchasing card supplier and this has generated recurring savings of £8,000 in 2019/20	8		
	TOTAL	609	16	

Communications required:

- 1 None
- 2 Information
- 3 Consult staff
- 4 Consult public

SECTION 1 - DO I NEED AN EIA?

DO I NEED AN EIA? *(see note 1)*

Name of policy/activity

F4E Remove Employee Assistance

Please choose one of the following:

Is this a:

- New policy/activity?
- Existing policy/activity?
- Budget proposal/change for this policy/activity? ✓
- Pilot programme or project?

Decision

Set out the rationale for deciding whether or not to proceed to an Equality Impact Assessment (EIA)

Removing employee support could impact on particular groups i.e. staff with;

- Mental health or general health issues
- Carers
- Age – stress at home and work for middle age high due to family and career commitments
- Social economic – with staff reductions, lower paid staff may feel less empowered and more impact of stress

EIA Required - YES

Date of Decision: 10.11.2018

If undertaking an EIA please continue onto the Section 2. If not, pass this signed form to the Equalities Officer.

SECTION 2: EQUALITY IMPACT ASSESSMENT

General Information

Assessment undertaken by *(please complete as appropriate)*

Director or Head of Service	
Lead Officer for developing the policy/activity	
Other people involved in the screening (this may council staff, partner or others i.e contractor, partner or community)	

Brief description of policy/activity

Describe the policy/activity *(see note 2)*:

Reduce employee assistance provision by using local services on an as and when required basis. 2017/18 usage figures were 79 contacts in total. Some of those may have been the same person more than once. This equates to 1.6% of the workforce accessing the service at an approximate cost of £170 per person making initial contact with the service, falling to 1.3% in terms of actual take-up of counselling. This is a slight decrease from 2016/17 where 84 contacts were made. The majority of this was for face-to-face counselling.

Who are your main stakeholders? *(see note 3)*

Staff

--

Evidence base for assessment (see note 4)

Please cite any quantitative and qualitative evidence relating to groups having different needs, experiences or attitudes in relation to this policy/activity. What baseline evidence do you have already for this policy/activity?

Describe briefly the evidence you will draw on to inform this EIA.

EAP annual report (confidential). The report shows how often the service has been used and what the main reasons for use were.

Engagement and consultation (see note 5)

Thinking about people inside the council, partners and the wider community use the table below to outline any previous engagement or consultation which is relevant to this policy/activity.

Protected groups	Engagement and consultation
Race	
Disability	
Carers (for elderly, disabled or minors)	
Gender or gender identify/gender reassignment	
Pregnancy and maternity (including breastfeeding)	
Sexual orientation	
Age (include children, young people, midlife and older people)	
Religion, faith and belief	
Marriage or civil partnership	

Human rights	
Socio- economic disadvantage (low income, deprived area, rural or remote area)	
Inequalities of outcome (poorer outcomes for certain people or communities)	
Staff	
Partners/contractors	
Other	

Procurement and partnerships (see note 6)

Is this policy/activity currently or anticipated to be carried out wholly or partly by contractors or other partners? Are they aware of their obligations to address equalities?

Briefly explain:

External contractor. Timefortalking

Evidence gaps (see note 7)

Are there any significant gaps in the known evidence base, engagement or procurement that would prevent this EIA being completed? If so, you will need to address the gaps before finalising this EIA. Please go to Appendix 1 to assist you in developing a work plan to address the gaps.

It is unsure to what extent each contact represents different members of staff or if there have been multiple contacts by one or more individuals.

There is limited information about how successful the service is. Information is confidential and cannot be linked to specific individuals. There is some limited feedback from those who have used the service and this is mainly positive.

Who is affected and what is the impact? (see note 8)

From this evidence or engagement you have already, list how this policy/activity might impact equality and/or the elimination of discrimination for each of the equality groups.

Protected Groups	Positive	Negative
Race		
Disability		✓
Carers (for elderly, disabled or minors)		✓
Gender or gender identity/gender reassignment		✓
Pregnancy and maternity (including breastfeeding)		
Sexual orientation		
Age (include children, young people, midlife and older people)		✓
Religion, faith and belief		
Marriage or civil partnership		
Human rights		
Socio- economic disadvantage (low income, deprived area, rural or remote area)		✓
Inequalities of outcome (poorer outcomes for certain people or communities)		
Whole population (universal service)		
Staff		✓
Partners/contractors		
Other		

Summary of impacts (see note 9)

Summarise the impacts of the policy/activity and resulting activities affect different communities and groups.

Does it create positive impacts? Yes/No

Please explain

The proposals will mean that staff will be signposted to local and national service provider(s).

Does it create negative disadvantage or inequalities? Yes/No

Please explain

Possible impacts on the following

- Mental health, health, middle age, carers, low income, job losses will increase stress within the workforce. This may impact on particular staff groups who feel less empowered. Also high number of staff already suffers with stress as note in sick leave figures.
- The service is predominantly used by female workers, and staff from Education and Social Care
- The service is also provided to (and to a small extent used by) foster carers and members of staff's families.
- The reasons for using the service are predominantly to do with stress, anxiety and depression.

If you have indicated there is a negative impact on any group, is that impact (see note 8):

Legal? Yes/No

Please explain

A booklet has been compiled signposting people to alternative provision.

Intended? Yes/No

Please explain

As above

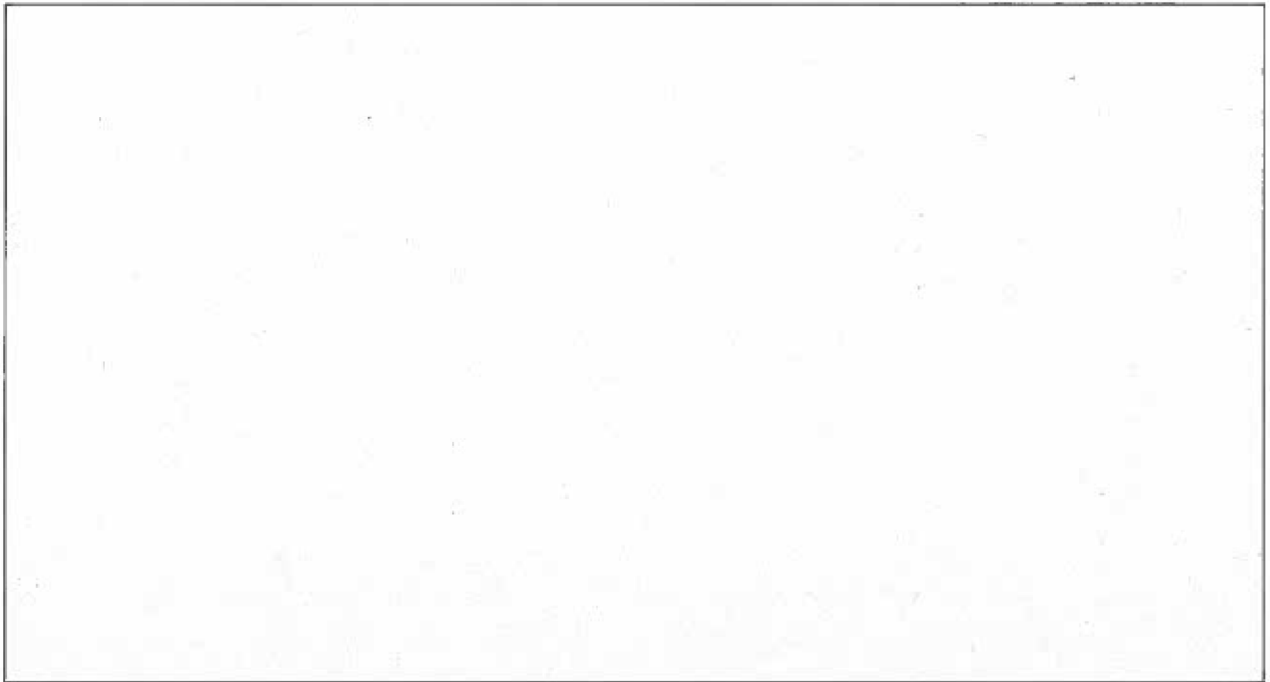
Mitigating action (see note 10)

Can the impact of the proposed policy/activity be mitigated? Yes/No

Please explain

HR have compiled a booklet signposting people to alternative provision.

What practical actions do you recommend to reduce, justify or remove any adverse/negative impact? If more than one action, please list them in the action plan in appendix 2.



Justification (see note 11)

From the evidence you have and the impacts identified, what are the key risks (the harm or 'adverse impacts') and opportunities (benefits and opportunities to promote equality) this policy/practice/activity might present?

There will no longer be a one-stop shop for this service, but employees will be signposted to alternative provision.

Keeping in mind the proportionality of any action proposed to mitigate the impact, describe the scale and likelihood of these risks.

The scale of the impact is relatively small and difficult to quantify without the risk of identifying individual users of the service.

If nothing can be done to reduce the negative impact(s) but the proposed policy/activity must go ahead, what justification is there to continue with the change?

NA

SECTION 3 CONCLUDING THE EIA

Concluding the EIA (see note 12)

Summarise your findings and give an overview of whether the policy will meet the council's responsibilities in relation to equality and human rights referring to the four possible outcomes.

Some impacts have been identified but adjustments have been made to remove the barriers.

Decision

Set out the rationale for deciding whether or not to proceed to full impact assessment

Date of Decision: 19/01/2018

Sign off and authorisation:

Service	
Department	
Policy/activity subject to EIA	
We have completed the equality impact assessment for this policy/activity.	Name: Position: Date:

Authorisation by head of service or director.	Name: Frances Garrow Position: Acting Head of HKHCT (Joint) Date: 10-09-18
Please return this form to the Equal Opportunities Officer, Chief Executive's Office.	

Appendix 1: evidence gaps

Evidence gaps *(see note 13)*

Have you got a 'baseline' position and understanding of the service users and their views? If not what would be needed to complete that baseline? How do you plan to obtain that evidence?

Engagement and consultation *(see note 14)*

Do you need to further engagement with your stakeholders before the policy/activity can be considered? If so, what is needed and how do you plan to undertake the engagement?

NA

Procurement and partnerships *(see note 15)*

Have you done any work to include equality and human rights considerations into the contracts already? If not, consider steps you can take to build into all stages of the procurement process the requirement to consider the general equality duties and equality more broadly.

NA

Additional research

Do you need any additional research or data to fill any gaps in your understanding of the potential or known effects of the policy? Have you considered commissioning new data or research?

NA

Appendix 2: mitigating action – action plan

Action plan *(see note 16)*

Describe the actions/measures you will put in place to reduce these negative impact(s).
Action/measure: 1
Compile an overview of available alternative services locally or nationally
Describe how this action/measure will reduce impact.
Provide an alternative through signposting employees to national and local provision.
State whether this action/measure will completely or partially reduce impact.
Completely.
Describe how you will know whether this action/measure has had the desired effect i.e. how will you be able to demonstrate that the negative impact(s) has been reduced?
Not possible
When will the impact of this action/measure be reviewed?
Who will be responsible for this action/measure?
Action/measure: 2
Describe how this action/measure will reduce impact.
State whether this action/measure will completely or partially reduce impact.
Describe how this action/measure will reduce impact.
Describe how you will know whether this action/measure has had the desired effect.

Who will be responsible for this action/measure?
When will the impact of this action/measure be reviewed?
Action/measure: 3
Describe how this action/measure will reduce impact.
State whether this action/measure will completely or partially reduce impact.
Describe how this action/measure will reduce impact.
Describe how you will know whether this action/measure has had the desired effect.
Who will be responsible for this action/measure?
When will the impact of this action/measure be reviewed?

APPENDIX 3

BUDGET OVERVIEW AS AT 16 JANUARY 2020

	Est Actual			
	2019/20	2020/21	2021/22	2022/23
	£000s	£000s	£000s	£000s
Revenue Expenditure				
Service allocations (assuming prior year savings are achieved)	205,366	205,366	211,948	208,805
Adjustments to brought forward figure:		36	(557)	(457)
Opening budget	205,366	205,402	211,391	208,348
Pay and price increases		4,297	4,000	4,000
Increase in Loan Charges		1,731	1,563	1,100
New Burdens	535	643	500	270
Budget pressures:				
- Approved or noted for future years when budget set		2,250	1,490	270
- Approved since budget set		110	0	0
Emerging		219	832	0
MIJB deficit (37% share)	553			
2019/20 Estimated Actual	(2,323)			
Investment in Change		1,500	400	
Funded by capital receipts		(900)	(400)	
	204,131	215,252	220,176	213,988
Revenue Funding				
General Revenue Grant / NDRI	159,335	158,549	158,902	158,612
New burdens funding not included in grant above	535	643	500	270
Funding for changes to Teachers Pensions not included in grant above		1,682	1,682	1,682
Council Tax	43,356	45,511	47,147	48,844
Release from Repairs and Renewals Reserve	704			
Funding from General Reserves:				
Transfer (to) / from Other ear marked reserves	62			
Amount From Reserves Required to balance budget	(414)	4,963	574	
Other one-off funding from reserves				
Investment in Change		600		
MIJB deficit (37% share)	553			
VAT refund	(1,000)			
	203,131	211,948	208,805	209,408

SAVINGS REQUIRED		3,304	11,370	4,581
Savings Summary				
Savings Approved:	9,774			
Part year effect of decision made for implementation in prior years		1,160	408	30
Savings commencing in year		605	74	30
Savings from NDR appeals		178		
Temporary savings	241	43	43	24
Indicative Savings from I&M Programme	250	538		
Other savings proposed	0	609	16	0
Savings to be identified		171	10,829	4,497
	10,265	3,304	11,370	4,581
Estimated Free Balance on General Reserves	11,137	5,574	5,000	5,000



REPORT TO: MORAY COUNCIL ON 12 FEBRUARY 2020

**SUBJECT: USE OF CAPITAL RECEIPTS AND EAR-MARKED RESERVES
TO FUND TRANSFORMATION**

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

1. REASON FOR REPORT

- 1.1 To request Council's approval to use capital receipts to fund a specified range of transformation or service redesign projects, in the terms permitted by Scottish Government as set out in Local Government Finance Circular No 4/2019.
- 1.2 This report is submitted to Council in terms of Section III (A) (2) of the Council's Scheme of Administration relating to consideration of capital and revenue budgets and long-term financial plans.

2. RECOMMENDATION

2.1 It is recommended that Council:

- i) **approves the use of capital receipts to fund expenditure estimated at £557,000 in 2019/20 on the Improvement and Modernisation Programme, Digital Services, Community Asset Transfer and service restructure, as set out in section 4 of this report;**
- ii) **notes that annual recurring savings of at least £1,321,000 are projected to be achieved from this and last year's investment of capital receipts; and**
- iii) **notes that further reports on the use of capital receipts in 2020/21 will be brought for approval as the details of the Improvement and Modernisation Programme are developed.**

2.2 It is also recommended that the Council approves use of £30,000 from the ear-marked reserve of £2,000,000 set aside to fund Council priorities to facilitate the development of the Council's Climate Change Strategy and Action Plan.

3. BACKGROUND

- 3.1 Local authorities are required to use capital receipts to fund capital expenditure. Scottish Ministers are empowered by the Local Government Scotland Act 2003 to vary proper accounting practices by issuing statutory guidance. The Cabinet Secretary for Finance, Economy and Fair Work wrote to the COSLA Spokesperson for Resources on 10 December 2018 stating his intention to issue guidance enabling capital receipts to be used to fund services transformation. The statutory guidance was issued on 28 March 2019 as Local Government Finance Circular No 4/2019.
- 3.2 The Guidance covers expenditure in the financial years 2018/19 to 2021/22. To be funded from capital receipts, expenditure must be on a transformation or service redesign project where incurring up-front costs will transform service delivery in a way that reduces costs and/or demand for services in future years and generate on-going savings.
- 3.3 The Guidance requires a report to be presented to Council for approval to use capital receipts to fund qualifying expenditure. The report is required to set out the total estimated cost of each project; the expected savings or service demand reduction; details of the expenditure and the amounts and value of capital receipts to be used. Without the approval of Council capital receipts cannot be used for this purpose.
- 3.4 In addition to the use of capital receipts, the Council has planned to use its revenue resources to fund transformation, and has also set aside £2,000,000 in an ear-marked reserve to fund Council priorities.

4. USE OF CAPITAL RECEIPTS 2019/20

- 4.1 Capital receipts of £1,361,000 have been generated in 2019/20 as at 31 December 2019. It is proposed to fund qualifying expenditure in 2019/20 from these receipts as set out below.
- 4.2 The Council, at a special meeting on 12 December 2018, approved an Improvement and Modernisation Programme (IMP) (paragraph 5 of the Minute refers). There have been regular update reports to Policy and Resources Committee, with the last update to that committee on 14 January 2020 (paragraph x of the Minute refers). It is proposed that expenditure incurred on projects forming part of IMP is funded from capital receipts. Expenditure of £181,396 has been incurred to date and current estimates are that expenditure of £291,000 will be incurred in 2019/20, with total savings from IMP currently projected at £672,000 - £732,000.
- 4.3 In addition to costs directly attributable to IMP, the Council has a Business Change Officer in the ICT service. The cost of this post, including oncosts, is £58,000. The Council is a member of the Digital Office for Scottish Local Government, for an annual membership fee of £15,000. These costs relate to the support for change which digital services can bring about and it is proposed that these costs in 2019/20 are funded from capital receipts.

- 4.4 The cost of statutory redundancy or early retirement where these result from a business efficiency rather than a cut in service are qualifying expenditure for the use of capital receipts under the Statutory Guidance. The Council's approved savings for 2019/20 include savings arising from review and streamlining of management posts. In order to achieve these savings one-off costs of £140,054 were incurred on statutory redundancy payments. It is proposed that this cost is funded from capital receipts. Savings from the management restructure are included in IMP savings.
- 4.5 The Council approved savings of £259,000 from Community Asset Transfer (CAT) / closure of town halls and community centres when the budget for 2018/19 was set. Savings of £56,000 were made in 2018/19 and further savings of £219,000 have been made in 2019/20, a total of £275,000. It was estimated that supporting the CAT process for these facilities would require an additional full time Community Support Officer, and the Community Support Unit estimate that time across Community Support Officers in support CAT in these areas has amounted to one full time equivalent during 2019/20. It is proposed that the cost of £51,346 is funded from capital receipts. The Council has incurred miscellaneous costs for valuation, advertising, Energy Performance Certificates for the properties of £2,189, which is proposed to be funded from capital receipts. There are significant costs associated with staff time dealing with CAT in a number of departments across the Council. If these can be quantified with certainty they will be reported back to Council with a view to funding these from capital receipts also.
- 4.6 The overall position of proposed investment and forecast savings is summarised in the table below:

Project	Cost 2018/19 £000s	Projected Cost 2019/20 £000s	Actual Saving 2018/19 £000s	Projected Saving 2019/20 £000s	Projected future savings £000s
IMP	45	291		165	565
Digital Services	140	73	44		
Service restructure	258	140		272	
CAT		53	56	219	
Total	443	557	100	656	565

5. **OTHER COUNCIL PRIORITIES**

- 5.1 The Council at its meeting on 27 June 2019 agreed to form a Climate Change Working Group to consider and approve a Climate Change Strategy and Action Plan (paragraph 6 of the Minute refers).

- 5.2 The Council's Energy Officer has been working extensively on the preparation of the Action Plan. In order to enable this work to continue apace, it is proposed to employ an external contractor to carry out energy audits, thus freeing up some officer time. Ten audits are required, and the cost for carrying these out and writing the required reports is estimated at £30,000.
- 5.3 As this unbudgeted expenditure would be in support of a Council priority, it is recommended that it is funded from the ear-marked reserves for funding delivery of Council priorities.
- 5.4 If the energy audits identify opportunities to make savings, it would be proposed to fund the expenditure from capital receipts, and this proposal would be included in a future report on the use of capital receipts.

6. SUMMARY OF IMPLICATIONS

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

Use of capital receipts to fund transformation assists in achieving the Council's priority of being financially sustainable and to assist the Council to become carbon neutral by 2030.

(b) Policy and Legal

This report is made following statutory guidance issued by Scottish Ministers under section 12 (2)(b) of the Local Government in Scotland Act 2003, on proper accounting practices.

(c) Financial implications

The financial implications are addressed through the report. One-off investment in transformation totalling £557,000 added to one-off investment of £443,000 in 2018/19 is currently projected to generate recurring annual savings of £1,321,000.

(d) Risk Implications

There are risks that projected savings are not achieved by the investment in transformation. Risks are mitigated by closely monitoring progress in achieving savings.

(e) Staffing Implications

There are no staffing implications arising directly from this report.

(f) Property

There are no property implications arising directly from this report.

(g) Equalities/Socio Economic Impact

There are no implications for equalities or the socio-economic duty arising directly from this report.

(h) Consultations

The Corporate Management Team has been consulted in the preparation of this report.

8. CONCLUSION

- 8.1 The Council has generated capital receipts of £1,361,000 in 2019/20 to date. This sum is available to invest in transformation projects, following approval by Council. Expenditure of £557,000 in 2019/20 is recommended. Savings of £756,000 have been generated and a further £565,000 anticipated in future years.**
- 8.2 The Council is preparing a Climate Change Strategy and Action Plan. To facilitate this it is proposed to use external contractors to carry out Energy Audits.**

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



REPORT TO: MORAY COUNCIL ON 12 FEBRUARY 2020

SUBJECT: HOUSING REVENUE ACCOUNT BUDGET 2020/21

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

1. REASON FOR REPORT

- 1.1 This report presents the Housing Revenue Account (HRA) Budget and Housing Investment Plan for 2020/21 to the Council for approval.
- 1.2 This report is submitted to Council in terms of section (II) (1) of the Council's Administrative Scheme relating to the setting of rent levels for council houses, garages etc.

2. RECOMMENDATION

2.1 It is recommended that the Council:-

- (i) **agrees the proposed HRA Budget (APPENDIX I) and Housing Investment Plan (APPENDIX II);**
- (ii) **agrees that council house rents increase by 3% for 2020/21;**
- (iii) **agrees that garage rents are increased by 7% (this is a two yearly increase);**
- (iv) **agrees service developments at a cost of £50k;**
- (v) **agrees that grass cutting charges are increased by 3.5%; and**
- (vi) **notes the three year projection to 2023 (APPENDIX III).**

3. BACKGROUND

- 3.1 The Housing Revenue Account (HRA) deals with expenditure and income for the Council's housing stock. As part of the process of preparation of the Council's Standard Delivery Plan for Communities Scotland in April 2005, the Council agreed a Housing Business Plan over a 30 year period (paragraph 9 of the Minute refers). Since 2005, the Business Plan has been reviewed on a 3 yearly basis. This is to provide reassurance that the Council can continue to fund its housing activities within the constraints of the accounting regime for housing. Each review of the Plan considers current and future business risks

and tests the affordability of the Business Plan against these. The Business Plan was last reviewed in 2019.

4. PROJECTED OUTTURN 2019/20

- 4.1 The Council agreed its HRA Budget for 2019/20 on 27 February 2019 (paragraph 6 of the Minute refers). Reports on budgetary performance have been presented to the Communities Committee throughout 2019/20.
- 4.2 The last HRA budget monitoring report presented to the Communities Committee on 17 December 2019 (paragraph 8 of the Minute refers) identified the main variations in the projected outturns to 31 March 2020 as follows –
- 4.3 Expenditure
 - 4.3.1 **Supervision and management** - an underspend of £440k was projected. This variance resulted from projected underspends in staffing (£296k), Insurance (£168k), shared accommodation costs (£45k) and other minor cumulative net underspends (£18k). This is reduced by a projected overspend in voids (£87k).
 - 4.3.2 **Sheltered Housing** - an underspend of £10k was projected due to lower energy costs and the transfer of the rates liability for the communal facilities at Gurness Circle to the Moray Integration Joint Board. This is an appropriate transfer given that these facilities are now being used to provide day care services for older people.
 - 4.3.3 **Repairs and Maintenance** - an underspend of £411k was projected. Planned/Cyclical works was projected to underspend (£733k) but this would be reduced by projected overspends in response repairs (£269k) and voids (£53k).
 - 4.3.4 **Financing costs** - an underspend of £469k was projected due to lower borrowing requirements, lower expenditure on new build and the continued level of Capital from Current Revenue (CFCR) used to keep borrowing to a minimum.
 - 4.3.5 **Bad and Doubtful debts** - an underspend of £125k was projected due to lower write-offs than originally expected.
 - 4.3.6 **CFCR** - the level of Capital from Current Revenue (CFCR) was projected to increase by £1.5m due to underspends elsewhere across the HRA budget.
 - 4.3.7 **Downsizing Incentive Scheme** – it is currently projected that the full budget of £72k will be spent by year end.
 - 4.3.8 **Service Developments** – an underspend of £5k was projected due to the Business Plan costing less than expected as well as a small underspend in the ICT budget.
 - 4.3.9 **Total expenditure on the HRA** - was projected to be £41k higher than budgeted.

4.4 Income

4.4.1 Minor variations were projected for income on non-dwelling rents, house rents and other income during 2019/20.

4.4.2 Total income to the HRA was projected to be £41k higher than originally budgeted for 2019/20.

4.4.3 Overall, a surplus balance of £1.172m is projected for the HRA budget in 2019/20.

4.5 The HRA cannot operate in deficit. The Business Plan Review 2019 recommended that a minimum surplus of £750k should be carried forward. To reflect current and potential future risks, it is considered prudent to carry forward a slightly higher surplus than the minimum recommended.

5. **BUDGET PROPOSALS FOR 2020/21**

5.1 As in previous years, Officers have considered in detail the base budget agreed for 2020/21. Each cost centre within the HRA budget is scrutinised by the Head of Housing and Property, Finance staff and the budget service managers on a line by line basis.

5.2 **APPENDIX I** details the proposed HRA Budget for 2020/21. Comments on the proposed budget can be made as follows:-

5.3 **Expenditure**

5.3.1 The total expenditure proposed amounts to £20.643m. The main areas of expenditure are considered below.

Supervision and Management

5.3.2 The budget proposed for supervision and management costs is £4.239m. This provides for a 3% pay award and also takes account of reduced insurance premiums.

5.3.3 Based on the HRA Statistical Bulletin 2019/20 published by the Scottish Government in October 2019, Moray will continue to be in the lowest quartile (6th) of Council's with regards to supervision and management costs per house.

Sheltered Housing

5.3.4 It is proposed to reduce the Sheltered Housing Budget by £11k to £22k for 2020/21. This reduction reflects the transfer of non-domestic rates to the Moray Integration Joint Board for the use of the communal facilities at Gurness Circle.

Repairs and Maintenance

5.3.5 Repairs and maintenance is the largest block of expenditure within the HRA. The level of expenditure proposed - £6.981m – will be mainly targeted towards improving the Council's existing housing stock. The proposed revenue expenditure in the Housing Investment Plan summarised in **APPENDIX II**.

Planned Maintenance and Improvements

- 5.3.6 The Housing Investment Plan continues to reflect the investment priorities that tenants identified within the Tenants Survey (2019). Higher investment is required to replace older/inefficient heating systems as well as deliver other home improvements (i.e. new kitchens, bathrooms, windows, etc.). Capital investment is also required in order to meet the Energy Efficiency Standard for Social Housing (EESH) and link smoke/CO2 detectors in every council property to comply with updated legislation.

Financing Costs

- 5.3.7 Financing costs are projected at £4.236m for 2020/21. This is a decrease of £89k when compared to the previous year's budget. The decrease assumes a revised interest rate of 3.93% against projected borrowing of £13.842m. This level of borrowing is required to fund the Housing Investment Capital Programme for 2020/21.

Bad and Doubtful Debts

- 5.3.8 No change is proposed to the budgetary provision for bad and doubtful debts. This will remain at £250k for 2020/21 to reflect the potential for increased rent arrears and/or bad debts.

Capital from Current Revenue (CFCR)

- 5.3.9 CFCR enables the Council to utilise available revenue resources to help fund capital projects and reduce the requirement for prudential borrowing. The Housing Investment Plan sets out the repairs and maintenance priorities for 2020/21. These will be financed through the HRA revenue and capital budgets. For 2020/21, it is proposed to set CFCR at £4.793m to allow the Council to maintain an operating surplus of £1.100m at year end.

Downsizing Incentive Scheme

- 5.3.10 It is proposed to maintain the annual budget for the Downsizing Incentive Scheme at £72k for 2020/21.

Service Developments

- 5.3.11 A service development of £50k has been included in the budget for 2020/21. This is required to fund the upgrade of ICT housing systems to include a new module for Asset Management. Progress on the implementation of the new module will be reported to Communities Committee during 2020/21.

5.4 Income

- 5.4.1 Rental income is the primary source of income for the HRA. The HRA must balance (or the deficit must be funded from General Services). The level of income generated within the HRA continues to influence what the Council can fund with regards to its housing activities.
- 5.4.2 The Housing (Scotland) Act 2001 requires social landlords to consult tenants and take account of their views when making decisions about any proposed rent increase. In 2019/20, this was clearly demonstrated when the Council froze council house rents for that year. Such views however must be balanced with the Council's ability to fund all of its housing activities and maintain a balanced budget.

- 5.4.3 From 28 November 2019 to 10 January 2020, tenants were consulted on the proposed rent increase and why it was necessary to increase the charge by 3% for 2020/21. Of the 6,021 tenants who were consulted, 269 responded. This equates to 0.13% of all Council tenants. Responses on the consultation were as follows:

Responses	Number	%	Overall
Strongly agree	21	7.81%	39.78%
Agree	86	31.97%	
Neither Agree nor disagree	27	10.04%	10.04%
Disagree	60	22.30%	50.19%
Strongly disagree	75	27.88%	
Total	269	100%	

- 5.4.4 The Housing Business Plan Review (2019) which was reported to Council on 27 November 2019 (paragraph 6 of the Minute refers) modelled the financial investment that will be required to improve the housing stock. The main investment priorities must include:

- i) Meeting the Energy Efficiency Standard for Social Housing (ESSH);
- ii) Increasing the number of heating replacements;
- iii) Carrying out electric testing within the housing stock;
- iv) Linking smoke/CO2 detectors in all council houses;
- v) Upgrading property elements (i.e. kitchens, bathrooms, etc.); and
- vi) Delivering new build housing.

- 5.4.5 The Review (2019) concluded that the Council would need to make some key financial decisions for 2020/21 in order to fund all of the additional work programmes (as detailed in 5.4.4). The Review recommended that the number of new builds should reduce from 70 to 50 (this figure will now be reviewed on an annual basis) and apply a 3% rent increase for 2020/21 to ensure that all of the Council's housing activities remain fundable and affordable.

- 5.4.6 The overarching priority for the Council must be to improve tenants' homes. This can only be achieved by increasing rents by 3% which equates to inflation + 1%.

- 5.4.7 On the basis of a 3% rent increase in 2020/21, the total projected house rent income would be £20.571m. This level of increase equates to an average rent increase of £1.79 per week for existing council house tenants (on the basis of 52 weeks). Such an increase would result in an average council house rent (also based on 52 weeks) of £62.43 per week.

- 5.4.8 Based on the HRA Statistical Bulletin 2019/20 published by the Scottish Government in October 2019, Moray will continue to have the lowest average council house rents in Scotland.

- 5.4.9 The Moray Tenants Forum was consulted on the proposed rent increase and the majority are in favour of this because it supports the ongoing improvement of tenants' homes.

5.4.10 An increase in grass cutting charges of 3.5% is also proposed. An increase in garage rents of 7% is also proposed (this is a two yearly increase).

6. THREE YEAR PROJECTION

6.1 A three year projection for the HRA budget is provided in **APPENDIX III**.

7. SUMMARY OF IMPLICATIONS

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

The provision of new affordable housing, the maintenance of the Council's housing stock and dealing with homelessness are priorities identified within the Corporate Plan and 10 Year Plan, the Council's Local Housing Strategy and Strategic Housing Investment Plan (SHIP) and the Housing and Property Service Plan.

(b) Policy and Legal

There is no policy or legal implications arising from this report.

(c) Financial Implications

The financial implications of the budgetary proposals are considered throughout this report. Details of budget proposals are included within the Appendices. Subject to the Council agreeing all of the proposed charges, the HRA Budget is projected to balance, with a surplus of £1.100m being carried forward.

(d) Risk Implications

Any risks associated with the budget proposals are identified in this report.

(e) Staffing Implications

There are no staffing implications arising from this report.

(f) Property

None.

(g) Equalities/Socio Economic Impact

There are no equalities/socio economic impacts arising from this report.

(h) Consultations

This report has been developed with the assistance of and in close consultation with the Council's Finance Service. Consultation on this report has been carried out with the Chief Financial Officer; Tracey Sutherland, Committee Services Officer and senior managers within the Housing and Property Service.

8. CONCLUSION

8.1 This report presents the HRA Budget proposals for 2020/21. It also includes a three year financial projection to 2022/23. The Housing Business Plan Review (2019) recommended that the number of new

builds must reduce from 70 to 50 and a 3% rent increase will be required to ensure that the Council's housing activities remain fundable and affordable. The number of new builds will be reviewed on an annual basis.

Author of Report:	Richard Anderson, Head of Housing and Property
Background Papers:	Held by author
Ref: TMC/RA/TS –	HRA Budget – 10 January 2020

APPENDIX I

HOUSING REVENUE ACCOUNT

Draft HRA Budget 2020/21 – based on a 3% rent increase

Service Description	Annual Budget 2019-20	Projected Outturn to 31st March 2020	Projected Variance to 31st March 2020	Draft Budget 2020-21	Variation between 2019-20 & 2020-21
Expenditure	£,000	£,000	£'000	£'000	£'000
Supervision & Management	4,272	3,922	350	4,239	33
Sheltered Housing	33	23	10	22	11
Repairs and Maintenance	6,707	6,296	411	6,981	(274)
Financing Costs	4,325	3,856	469	4,236	89
Bad & Doubtful Debts	250	125	125	250	0
CFCR	3,705	5,206	(1,501)	4,793	(1,088)
Downsizing Incentive Scheme	72	72	0	72	0
Service Development	39	34	5	50	(11)
Total Gross Expenditure	19,403	19,534	(131)	20,643	(1,240)
Income	£,000	£,000	£,000	£,000	£,000
Non-dwelling rents	214	214	0	227	13
House rents	19,062	19,100	38	20,217	1,155
IORB	35	38	3	37	2
Other income	92	92	0	90	(2)
Total Income	19,403	19,444	41	20,571	1,168
Surplus / (Deficit)	0	0		72	
Balance carried forward		1,172		1,172	
Estimated Balance at end of Period	0	1,172		1,100	

APPENDIX II

HOUSING INVESTMENT PLAN 2020 – 2022/23

1. The investment proposals for 2020/21 to 2022/23 can be summarised as shown below:-

Investment Heading	Programme	2020/21 £'000	2021/22 £'000	2022/23 £'000
Response and Void repairs	Response Repairs	2,390	2,339	2,409
	Void House Repairs	1,485	1,377	1,417
	Gas Heating Repairs	420	324	334
	Total Response	4,295	4,040	4,160
Estate Works	Garage Upgrades	25	10	10
	Asbestos	260	225	225
	Estates/Forum Budget	225	232	239
	Landscape Maintenance	35	50	65
	Miscellaneous	75	50	0
	Total: Estate Works	620	567	539
Cyclic Maintenance	Gas Servicing	298	328	316
	Solid Fuel Servicing	21	15	0
	ASHP Servicing	45	65	90
	Smoke Alarm Servicing	0	0	0
	PPR/Painterwork	260	268	276
	General Servicing	50	51	53
	Inspections/surveys	45	0	0
	Total: Cyclic Works	719	727	735
Planned Maintenance	Roof and Fabric Repairs	200	300	400
	Rainwater goods	200	250	250
	Central Heating	2,600	1,800	2,200
	Insulation	200	50	50
	EESH/EESH 2	2,600	3,150	3,250
	Kitchen Replacements	1,420	1,463	1,506
	Plumbing Upgrades	100	100	100
	Electrical Upgrades	372	383	395
	Doors and Windows	880	906	934
	Safety & Security	20	20	20
	Common Stairs	20	21	22
	Shower Installations	50	52	53
	Sheltered Housing	10	10	10
	Smoke/CO2 Upgrades	2,200	200	0
	Total: Planned	10,872	8,705	9,190
Other investment	Adaptations	360	371	382
	Enabling Budget	10	10	10
	Total: Other	370	381	392
Proposed Investment		16,876	14,420	15,016

2. Funding for Response and Void Repairs, Estates Improvements and Cyclic Maintenance is reflected within the Housing Revenue Account Budget for 2020/21.
3. The Housing Business Plan (2019) proposed that planned expenditure would be met from available revenue resources, after allowing for a surplus of £1.100 million on the HRA as a cushion for unexpected expenditure/variations in the year. Bearing in mind guidance regarding what works would be more appropriately deemed as 'capital' expenditure, expenditure on window/doors, kitchens and bathrooms, and heating improvements are treated as capital expenditure. Capital from Current Revenue (CFCR) also contributes to the funding of Planned Capital works from the Housing Revenue Account, with prudential borrowing meeting any further capital expenditure required. Other revenue planned works (roofs, rainwater goods, plumbing upgrades etc.) are funded from the Housing Revenue Account.
4. Capital expenditure proposed for 2020/21 to 2022/23 can be summarised as:-

Investment	2020/21 £'000	2021/22 £'000	2022/23 £'000
Doors and Windows	880	906	934
Central Heating	2,600	1,800	2,200
EESH	2,600	3,150	3,250
Kitchen Replacements	1,420	1,463	1,506
Disabled Adaptations	360	371	382
Smoke Detectors	2,200	200	0
Council House New Build	18,454	9,739	7,000
Total Capital Investment	28,514	17,629	15,272

5. For the same period, capital funding is projected at:-

Projected income	2020/21 £'000	2021/22 £'000	2022/23 £'000
CFCR	4,793	6,044	6,725
Prudential Borrowing	13,842	11,035	5,047
Scottish Government Grant	9,329	0	2,950
Council Tax Discount on 2 nd homes	550	550	550
Total	28,514	17,629	15,272

APPENDIX III

Housing Revenue Account

Three Year Projection

Service Description	Annual Budget 2020-21	Annual Budget 2021-22	Annual Budget 2022-23
Expenditure	£,000	£,000	£,000
Supervision & Management	4,217	4,346	4,473
Sheltered Housing	22	23	24
Repairs and Maintenance	6,981	6,694	6,622
Financing Costs	4,236	4,543	4,694
Bad & Doubtful Debts	250	275	300
CFCR	4,815	6,044	6,725
Downsizing Incentive Scheme	72	72	72
Service Developments	50	0	0
Total Gross Expenditure	20,643	21,997	22,910
Income	£,000	£,000	£,000
Non-dwelling rents	227	229	242
House rents	20,217	21,641	22,541
IORB	37	37	37
Other income	90	90	90
Total Income	20,571	21,997	22,910
Surplus / (Deficit)	(72)	0	0
Balance carried forward	1,172	1,100	1,100
Estimated Balance at end of Period	1,100	1,100	1,100



REPORT TO: MORAY COUNCIL ON 12 FEBRUARY 2020

SUBJECT: POLITICAL BALANCE – APPOINTMENTS TO COMMITTEE

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

1. REASON FOR REPORT

- 1.1 To invite the Council to consider proposals regarding political balance allocations for Committees.
- 1.2 This report is submitted to Committee in terms of Section II (11) of the Council's Scheme of Administration relating to appointments to Committees

2. RECOMMENDATION

2.1 That the Council consider and agree:-

- i) the size of the Council's Committees and sub Committees;
- ii) the political balance allocations for Committees following a change in the political balance of the Council to ensure business can continue to be conducted to avoid impasse situations arising; and
- iii) nominations from Group Leaders of Councillors to each Committee and sub Committee.

3. BACKGROUND

- 3.1 Following the retirement of Councillor Ron Shepherd and the subsequent bi-election held on 21 November 2019, the political balance of the Council has changed.
- 3.2 At the special meeting of Moray Council on 13 June 2018, following a resolution to change the constitution and administration, the Council agreed that principal committees would have 13 members made up of 5 SNP group members, 3 Independents and non-aligned Conservative group members; 3 Conservative group members and 2 MAG group members (paragraph 2 of the minute refers).

4. SUMMARY OF IMPLICATIONS

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

None

(b) Policy and Legal

There is no legislation in Scotland governing how Local authority committees should be constituted.

The local Government and Housing Act 1989 requires local authorities in England to give proportionate representation to political groups. A political group is defined there as 2 or more councillors who wish to form a group and who have appointed a leader. This legislation has never been introduced in Scotland. COSLA issued a letter to all newly formed unitary authorities in 1993 highlighting the importance of “party representation” on committees. The Scottish Government have mentioned the introduction of legislation similar to that in England if local authorities do not stick to the spirit of the COSLA letter.

Moray Council has traditionally treated non-aligned councillors collectively as a group but this does not appear to be a requirement of the COSLA letter. Practice varies across Scotland as to how “party representation” is applied to particular circumstances.

(c) Financial Implications

Payment of allowances to Members is governed by the Local Governance (Scotland) Act 2004 (Remuneration) Amendment Regulations 2016 and the Local Government (Allowances and Expenses) (Scotland) Regulations 2007 with maximum rates of payment of remuneration and allowances and expenses being specified by Scottish Ministers.

(d) Risk Implications

Impact on strategic management of the business of the Council.

(e) Staffing Implications

None

(f) Property

None

(g) Equalities/Socio Economic Impact

None

(h) Consultations

None

5. CONCLUSION

5.1 That the Council consider Committee representation.

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

Background Papers:

Ref:



REPORT TO: MORAY COUNCIL ON 12 FEBRUARY 2020

SUBJECT: CONSTITUTIONAL DOCUMENTS REVIEW

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

1. REASON FOR REPORT

- 1.1 To invite the Council to consider a strategic operating model as part of the Governance Review and to consider and approve changes Council's constitutional documents following the recent management restructure.
- 1.2 This report is submitted to Committee in terms of Section II (15) of the Council's Scheme of Administration relating to the formulation, review and amendment of the Constitutional Documents.

2. RECOMMENDATION

2.1 It is recommended that the Council:-

- (i) **approve the amendments to the Scheme of Delegation detailed in Appendix 1;**
- (ii) **consider the broad type of operating structure from Appendix 2 which they wish to see developed further as part of the Governance Review, a traditional committee structure or a cabinet/executive committee structure; and**
- (iii) **note the next steps for progressing the Governance Review detailed in paragraph 5.5 below**

3. BACKGROUND

3.1 The Council's Constitutional documents comprise:

- Standing Orders
- Scheme of Administration (how committee functions are split up)
- Scheme of Delegation (powers delegated to officers)
- Financial Regulations
- Health and Social care Integration Scheme (powers delegated to the IJB)

- 3.2 The first four documents are normally reviewed annually and were last reviewed on 23 Jan 2019 (para 7 of the minute refers).
- 3.3 The Integration Scheme was last reviewed in March 2018 and a further review is underway.
- 3.4 Since these reviews there have been two significant developments:
 - 3.4.1 The management restructure which was agreed by the Council on 26 September 2019 (para 5 of the agenda refers). This has changed responsibilities within the Council's management arrangements and recommended further delegation of statutory social work responsibilities to the MIJB.
 - 3.4.2 The governance review agreed by the Council on 12 December 2018 (para 5 of the minute refers) as part of the Transform programme. The aim of the review, more fully set out below, is to improve the efficiency of the Councils decision making process.
- 3.5 These two developments will require further changes to the Council's Constitutional documents which are outlined below.

4. Management restructure

- 4.1 A revised Scheme of Delegation re-allocating duties from previous management posts to the new management posts is attached as **Appendix 1**. This would normally be presented as a "tracked changes" document however the changes have been so substantial this year that this was not practicable.
- 4.2 The post of Chief Officer to the Moray Integration Joint Board (MIJB) has been added to the Council's Scheme of Delegation as a CMT level post responsible for both Adult and Children's Services. This is considered to be a reasonable way to represent a complex legal situation:

Adult Services: Most of these are formally delegated to MIJB, a separate legal body who are accountable for these services, but using Council and NHS staff to deliver the services.

Children's Services: There is a proposal to formally delegate these services to MIJB in the same way Adult Services are delegated. It has been estimated that this will take around 18 months to achieve. Meantime it is considered reasonable for the MIJB Chief Officer to manage Children's services/staff, the Chief Officer being accountable to the Council's Chief Executive and the Council for these services.

Non delegated social care services: There are a small amount of social care services which (in terms of legislation) are not capable of being delegated formally to the IJB, for example guardianship for adults with incapacity. These services can be managed on the Council's behalf by the MIJB Chief Officer, as with Children's Services above, with the MIJB Chief Officer being accountable to the Council's Chief Executive and the Council for these services.

Post of Chief Social Work Officer: although part of the duties of the Head of Service (MIJB) who sits within the social care service group, this post is directly accountable to the Council terms of legislation.

- 4.3 In addition the following further changes have been made to take account of operational issues which have cropped up over the past year:

paragraph	change	reason
Page 26, para. 32	money advice/debt arrangement service added to benefits	Service transferred from trading standards last year.
Page 34 para. 48 (d)	Remove wording requiring approval of P&R-	already in Scheme of Administration.
Page 36, para. 56	Extend period where leases can be granted under delegated powers from 20 to 25 years.	To be able to progress routine leases quickly and cost effectively.
Former para. 60/61	Remove and renumber	Previously blank
61 (formerly 63)	Increase in waiver/indemnity which can be negotiated under delegated powers from £10k to £20k	Very rarely used. Figure has not been updated for a number of years.
63 (formerly 65)	Increase in threshold of delegation to approve negotiated sales from £20k to £30k.	To be able to progress relatively low value sales quickly and cost effectively.

- 4.4 Some further changes will be required to the Scheme of Administration and the Health and Social Care Integration Scheme to deal with the proposed transfer of children's social work services to MIJB.

5. **Governance Review**

- 5.1 The stated purpose is to review committee structures, Scheme of Delegation and reports to committee with a view to faster, more focused and efficient decision making and investigation of any cost savings. The focus is to:

- Reduce bureaucracy
- Streamline decision making processes
- Reduce material going to committee
- Look at alternative governance structures such as executive committees.

- 5.2 As an initial step it is recommended that the Council decide which type of operating structure they prefer for the future administration of Council business.

- 5.3 The Local Government (Scotland) Act 1973 allows councils in Scotland to devolve their decision making on statutory functions to committees and to

officers. A briefing to Councillors on 15 January 2015 outlined the different decision making models used by Local Authorities throughout Scotland. The table attached as **Appendix 2** summaries these different models with their relative advantages/disadvantages.

5.4 Operating models fall into two broad categories:

- A traditional committee model which the council currently operates.
- A cabinet/executive model which around one third of Scottish Councils operate.

There does not appear to be any correlation between the type of Council (in terms of population, city/rural, geographical area, political composition) and what operating model they use. The type of model adopted appears to be a matter for political preference. The recommendations in this report seek a decision from the Council on its preferred operating model.

5.5 When the Council has decided on its preferred operating model, further work will then take place to identify efficiencies which can be made within the chosen model, our processes benchmarked against other councils and options presented to the Council for approval. These options include:

- 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
- Reviewing 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

6. SUMMARY OF IMPLICATIONS

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

Effective governance arrangements are essential for the development and delivery of the Council's stated priorities and plans.

(b) Policy and Legal

The Council requires to have effective administration and delegation arrangements to be legally compliant.

(c) Financial implications

None

(d) Risk Implications

Having accurate and up to date governance documents reduces the chance of successful legal challenge to Council decisions and activity.

(e) Staffing Implications

The proposals can be accommodated within existing staffing resources.

(f) Property

None.

(g) Equalities/Socio Economic Impact

There are no direct impacts as the Council's constitutional documents regulate the Council's internal procedures only.

(h) Consultations

The review of the Scheme of Delegation has been undertaken in consultation with CMT and Heads of Service.

7. CONCLUSION

7.1 Changes need to be made to the Council's Scheme of Delegation to take account of the management restructure agreed by the Council on 26 September 2019.

7.2 A decision is required on the Council's preferred operating model to progress the Governance Review, part of the Council's Improvement and Modernisation programme.

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

Background Papers: none

Ref:



Appendix I

MORAY COUNCIL CONSTITUTIONAL DOCUMENTS

3. SCHEME OF DELEGATION

Detailing the powers delegated to Council officers
[under Section 50G of the Local Government (Scotland) Act 1973]

Approved by Moray Council on ????
Review due:
Responsible Officer:

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1. GENERAL TERMS

DEFINITIONS

- (1) The powers specified in this Scheme of Delegation are delegated to officers of the Council. Except where prohibited by law or otherwise prohibited by the Council, an officer to whom delegated powers have been granted may make such arrangements within his/her Department for the exercise of the delegated powers as he/she considers appropriate, save that the responsibility for such exercise remains with the Chief Executive/Depute Chief Executive/Head of Service. Such delegations are in addition to the normally accepted powers of a Chief Executive/Depute Chief Executive or Head of Service to deal with routine matters within the scope of their departmental responsibilities. If he/she deems it appropriate any Chief Executive/Depute Chief Executive/Head of Service may refer the delegated matter to the Council or the appropriate Committee rather than exercise the delegation him/herself.
- (2) For current purposes “CMT” shall mean the Chief Executive, Depute Chief Executive (Education, Communities and Organisational Development), and the Depute Chief Executive (Economy, Environment and Finance).
- (3) References in this scheme to authorisation to CMT or Head of Service to grant, approve or issue shall be taken to include authority also to refuse or to grant, approve or issue subject to conditions.

- (4) Any reference in this Scheme to legislation including delegated or subordinate legislation should be taken as including any amendments, replacements and re-enactments of such legislation currently in force.
- (5) The Scheme of Delegation is maintained for the purposes of Section 50G of the Local Government (Scotland) Act 1973.

SAFEGUARDS

- (6) The delegation granted in this Scheme to Officers of the Council shall be exercised:
- (a) in conjunction with the Council's other constitutional documents including the following:
- ☐ Access to Information/Publication Scheme
 - ☐ Scheme of Administration
 - ☐ Code of Corporate Governance
 - ☐ Complaints Procedure
 - ☐ Councillor's Code of Conduct
 - ☐ Employees Code of Conduct
 - ☐ Financial Regulations
 - ☐ Members' Allowances and Expenses Scheme
 - ☐ Protocol on Consultation and Access to Information
 - ☐ Standing Orders
- (b) on the basis that the exercise of the delegated power will not result in actual expenditure exceeding that set out in the relevant part of the budget to the extent that this could not be contained by the relevant Officer viring in accordance with the Financial Regulations;
- (c) on the basis that the exercise of the delegated power will not result in actual income falling below that set out in the relevant part of the budget to the extent that this could not be contained by the relevant Officer viring in accordance with the Financial Regulations.
- (d) on the basis that the exercise of the delegated power will not result in expenditure exceeding that set out in the relevant part of the Capital Programme for the financial year in question;
- (e) subject to the member of the public or, in the case of employment matters, employee being notified in writing of any rights of appeal;
- (f) only in respect of items which are not controversial, sensitive or complex and where the matter appears to be one which is controversial, sensitive or complex, the Officer shall, prior to the decision or action being taken, consult the Chief Executive and in addition the Head of Governance, Strategy and Performance / Chief Financial Officer as appropriate. (See 5.10).

- (g) consistent with the Council's procedures, policies, corporate standards and strategies;
 - (h) consistent with any qualifications required to exercise the delegation;
 - (i) consistent with agreed service objectives;
 - (j) where material and substantive changes are to be made to a project, the Officer shall, prior to the decision or action being taken, consult the Chief Executive and in addition the Head of Governance, Strategy and Performance/Chief Financial Officer as appropriate;
 - (k) Subject to the Health and Social Care Integration Scheme for Moray.
- (7) In the context of this Scheme, delegation shall extend to include homologation of action taken.
- (8) In the context of this Scheme, power to serve a Notice or other proceedings shall also include power to enforce that Notice or those proceedings.

WARD MEMBERS

- (9) In using the authority delegated to them, officers must consult all Ward Members if they consider that a proposed decision or action is of a non-routine nature and is likely to significantly and directly affect the Ward interests of Ward Members. This does not apply to proposed decisions or actions that have a general effect throughout the area, or are of a routine nature covered by this Scheme of Delegation.
- (10) To assist Councillors and Officers of the Council in relation to a Councillor's representative role, the Council has an agreed Protocol on consultation, access to information and Councillor's involvement in Council business.

INTERPRETING POLICY

- (11) If there is a question on whether a decision taken by or action authorised by a Committee, Sub-Committee or Depute Chief Executive sets up or alters Council policy on any matter, this will be decided by the Chief Executive in consultation with the Council Leader (or Convener if the Leader is absent).

CONFLICT OF INTEREST

- (12) If a Member of the Council or an employee applies for a Council service, except for services available to the general public for a set fee, the officer who is delegated to decide on the application must first consult the Head of the relevant service. If considered necessary, the application will be referred to the Chief Executive or the relevant Committee for a decision.

DISPUTES

- (13) The Chief Executive, in consultation with the Council Leader (Convener if the Leader is absent), will decide all disputes on whether an issue is delegated to a particular Committee or officer.

2. GENERAL DELEGATIONS TO CHIEF EXECUTIVE AND DEPUTE CHIEF EXECUTIVES – CENTRAL MANAGEMENT TEAM (CMT)

APPOINTMENTS

Appointing employees within the parameters set out in the Scheme of Administration the Financial Regulations, and the Recruitment and Selection of Senior Staff Procedure.

ACTING CHIEF OFFICER APPOINTMENTS

- (1) The Chief Executive, in consultation with the Council Leader (or Convener if the Leader is absent), can appoint an acting Depute Chief Executive from the staff of the Council when a Depute Chief Executive is absent for a significant period or the post is vacant. Depute Chief Executives can appoint an acting Head of Service or other Manager from the staff of the Council when a member of staff is absent for a significant period or the post is vacant.

CMT EXERCISING POWERS OF THE CHIEF EXECUTIVE

- (2) Depute Chief Executives shall have the authority to exercise the powers of the Chief Executive contained within Section 5 below in situations of urgency when the Chief Executive is temporarily unavailable

CMT EXERCISING THE POWERS OF EACH OTHER

- (3) Depute Chief Executives shall have the authority to exercise the powers of each other in situations of urgency when the nominated Depute Chief Executive (in terms of the delegations below) is unavailable. Any use of this authority shall be reported to the next scheduled meeting of CMT

DISCIPLINE AND GRIEVANCE

- (4) Conducting disciplinary and grievance proceedings for employees under the Council's approved procedures.

PRESS RELEASES

- (5) To issue press releases on behalf of the Council, in accordance with established procedures.

ACCESS TO INFORMATION

- (6) To comply with the Access to Information Act 1985 (Section 50A of the Local Government (Scotland) Act 1973).

SUPPLY AND PROVISION OF GOODS AND SERVICES

- (9) To enter into agreements for the purchase, supply and storage of any goods, materials, administrative, professional or technical services; the use of any vehicle, plant or apparatus; the carrying out of works or maintenance in connection with land or buildings in accordance with the Local Authorities (Goods and Services) Act 1970 and the Public Bodies (Joint Working) (Scotland) Act 2014.

PARTICIPATION REQUESTS

- (10) Corporate Management Team to consider and respond to participation requests.

USE OF COAT OF ARMS

- (11) Chief Executive, in consultation with Convener and Group Leaders, to consider requests for the use of the Council's Coat of Arms.

3. PROPER OFFICERS AND STATUTORY APPOINTEES

PROPER OFFICERS

- (1) The undernoted officers are appointed to act as Proper Officer or by virtue of statutory requirement for the following purposes.

(a) Local Government (Scotland) Act 1973

- (i) Section 33A – Councillors' declaration of acceptance of office:

- Chief Executive
- Deputy Chief Executive (Education, Communities and Organisational Development)
- Head of Governance, Strategy and Performance

- (ii) Section 34 – Receipt of Councillors' resignations:

- Chief Executive
- Deputy Chief Executive (Education, Communities and Organisational Development)
- Head of Governance, Strategy and Performance

- (iii) Section 40 – Receipt of general notices from Councillors in respect of pecuniary interests and for recording of Councillors' disclosures of

pecuniary interests:

- Depute Chief Executive (Education, Communities and Organisational Development)
 - Head of Governance, Strategy and Performance
- (iv) Section 43 and Schedule 7 paragraph 1(4) – Receipt of requisition for special Council meeting:
- Chief Executive
 - Depute Chief Executive (Education, Communities and Organisational Development)
 - Head of Governance, Strategy and Performance
- (v) Section 43 and Schedule 7 paragraph 2(1) – Signing summons to Council meeting:
- Depute Chief Executive (Education, Communities and Organisational Development)
 - Head of Governance, Strategy and Performance
 - Legal Services Manager (in the absence of the Head of Governance, Strategy and Performance)
- (vi) Section 43 and Schedule 7 paragraph 2(2) – Receipt of notice by Councillor of alternative address:
- Chief Executive
 - Depute Chief Executive (Education, Communities and Organisational Development)
 - Head of Governance, Strategy and Performance
- (vii) Section 50B – Excluding reports containing exempt information from public, and providing documents to the press:
- Depute Chief Executive (Education, Communities and Organisational Development)
 - Head of Governance, Strategy and Performance
 - Legal Services Manager (in the absence of the Head of Governance, Strategy and Performance)
- (viii) Section 50C – Providing written summary where minutes are excluded from public:
- Chief Executive
 - Depute Chief Executive (Education, Communities and Organisational Development)
 - Head of Governance, Strategy and Performance
- (ix) Section 50D – Compiling a list of background papers to a report:

- Chief Executive/Depute Chief Executive with responsibility for the relevant function to which the report relates
 - Head of Service with responsibility for the relevant function to which the report relates
- (x) Section 50F – determining documents which are not open to inspection:
- Chief Executive
 - Depute Chief Executive (Education, Communities and Organisational Development)
 - Head of Governance, Strategy and Performance
- (xi) Section 92 – Dealing with the transfer of securities:
- Depute Chief Executive (Economy, Environment and Finance)
 - Chief Financial Officer
- (xii) Section 95 – Administration of the Council’s financial affairs:
- Chief Financial Officer
- (xiii) Section 145 – Ordnance Survey applications:
- Depute Chief Executive (Economy, Environment and Finance)
 - Head of Housing and Property Services
- (xiv) Section 189 – Instituting legal proceedings:
- Depute Chief Executive (Education, Communities and Organisational Development)
 - Head of Governance, Strategy and Performance
 - Legal Services Manager
- (xv) Section 190 – Service of legal proceedings, notices on the Council:
- Depute Chief Executive (Education, Communities and Organisational Development)
 - Head of Governance, Strategy and Performance
 - Legal Services Manager (in the absence of the Head of Governance, Strategy and Performance)
- (xvi) Section 191 – Signing any claim on behalf of the Council in any sequestration, liquidation and other such proceedings in which the Council is entitled to make a claim:
- Head of Governance, Strategy and Performance
 - Legal Services Manager

- (xvii) Section 193 – Signing notices, orders, etc:
- Depute Chief Executive with responsibility for the relevant function to which the notice, order etc relates
 - Head of Service with responsibility for the relevant function to which the notice, order etc relates
- (xviii) Section 194 - Execution of all deeds and other documents which require to be sealed with the Council's common seal (other than stock certificates, bonds and mortgages):
- Chief Executive
 - All Depute Chief Executives
 - Head of Governance, Strategy and Performance
 - Legal Services Manager
 - Legal Services officers expressly authorised by the Council to sign that category of document
 - Chief Financial Officer for mortgages, bonds and other financial documents or instruments that transfer any of these or instruments which put into effect the power of investment and borrowing delegated to this officer by the Financial Regulations
- (xix) Section 197 – Inspection and deposit of documents:
- Depute Chief Executive (Education, Communities and Organisational Development)
 - Head of Governance, Strategy and Performance
- (xx) Section 202 – Authenticating byelaws:
- Depute Chief Executive (Education, Communities and Organisational Development)
 - Head of Governance, Strategy and Performance
- (xxi) Section 202B – Certifying entry in register of byelaws:
- Depute Chief Executive (Education, Communities and Organisational Development)
 - Head of Governance, Strategy and Performance
- (xxii) Section 204 – Providing certificate as evidence of byelaws:
- Depute Chief Executive (Education, Communities and Organisational Development)
 - Head of Governance, Strategy and Performance
- (xxiii) Section 231 – Making application to the sheriff on questions arising from the Local government (Scotland) Act 1973:

- Depute Chief Executive (Education, Communities and Organisational Development)
- Head of Governance, Strategy and Performance

(b) Civic Government (Scotland) Act 1982

(i) Section 113 – Evidence of management rules:

- Depute Chief Executive (Education, Communities and Organisational Development)
- Head of Governance, Strategy and Performance

(c) Local Government and Housing Act 1989

(i) Section 2 – Lists of politically restricted posts:

- Depute Chief Executive (Education, Communities and Organisational Development)
- Head of HR, ICT and Organisational Development

(ii) Section 19 - Receipt of notices of Councillors' interests and maintenance of records:

- Depute Chief Executive (Education, Communities and Organisational Development)
- Head of Governance, Strategy and Performance

(d) Local Government (Scotland) Acts 1973 and 1975, Abolition of Domestic Rates etc (Scotland) Act 1987, Local Government Finance Act 1992 and associated delegated legislation

(i) All administrative functions, including preparation of the Assessment Roll, preparation and issue of rates notices, collection of rates, receiving and settling claims for exemption from rates, handling objections to rates levels and the abatement, remission or repayment of rates under the relevant rating provisions:

- Depute Chief Executive (Economy, Environment and Finance)
- Chief Financial Officer

(e) Local Government Finance Act 1992 and associated delegated legislation

(i) All administrative functions, including preparation and issue of council tax notices, collection of council tax, handling of objections to assessments and the exemption, abatement or remission of charges:

- Depute Chief Executive (Economy, Environment and Finance)
- Chief Financial Officer

(f) Local Government etc (Scotland) Act 1994

(i) Section 16 – Property held in trust:

- Depute Chief Executive (Economy, Environment and Finance)
- Head of Governance, Strategy and Performance
- Chief Financial Officer

(g) Requirements of Writing (Scotland) Act 1995

(i) Schedule 2, paragraph 4(1) – Signing of documents:

- Chief Executive
- All Depute Chief Executives
- Head of Governance, Strategy and Performance
- Legal Services Manager
- Legal Services officers expressly authorised by the Council to sign that category of document

(h) Local Authorities (Contracts) (Scotland) Regulations 1997

(i) Regulation 4 – Certification purposes:

- Depute Chief Executive (Education, Communities and Organisational Development)
- Head of Governance, Strategy and Performance
- Chief Financial Officer
- Legal Services Manager
- Relevant Authorised Procurers

(i) Ethical Standards in Public Life etc (Scotland) Act 2000 (Register of Interests) Regulations 2003

(i) Regulation 3 – Setting up, maintaining and making available for public inspection the register of interests:

- Depute Chief Executive (Education, Communities and Organisational Development)
- Head of Governance, Strategy and Performance

(j) Scottish Local Government Elections Order 2011

(i) Schedule 1, Rule 60 – Receipt of documents following an election:

- Chief Executive
- Depute Chief Executive (Education, Communities and

Organisational Development)

(k) The Cairngorms National Park (Scotland) Order 2003

- (i) Rule 49 – Retention of Documents for public inspection:
- Depute Chief Executive (Education, Communities and Organisational Development)

STATUTORY APPOINTEES

(2) The following appointments are made in terms of the undernoted legislation:

(a) Social Work (Scotland) Act 1968 as amended

(i) Section 3 – Chief Social Work Officer:

Head of Service (MIJB)

(b) Representation of the People Act 1983

(i) Section 41 – Returning Officer:

- Depute Chief Executive (Education, Communities and Organisational Development)

(c) Weights and Measures Act 1985

(i) Section 72(1)(a) – Chief Inspector of Weights and Measures:

- Environmental Health and Trading Standards Manager

(d) Local Government and Housing Act 1989

(i) Section 4 – Head of Paid Service:

- Chief Executive

(ii) Section 5 – Monitoring Officer:

- Head of Governance, Strategy and Performance

(e) Environmental Protection Act 1990

(i) Section 149(1) – Officer appointed for the purposes of discharging the functions imposed or conferred on the Council for dealing with stray dogs in its area:

- Environmental Health and Trading Standards Manager

(f) Regulation of Investigatory Powers (Scotland) Act 2000

(i) Sections 6 and 7 – Authorising Officers:

- Chief Executive (where required by statute)
- Depute Chief Executive (Economy, Environment and Finance)
- Head of Economic Growth and Development
- Environmental Health and Trading Standards Manager

Senior Responsible Officer – Head of Development Services

(g) Licensing (Scotland) Act 2005

(i) Schedule 1, Paragraph 8 – Clerk of the Licensing Board:

- Head of Governance, Strategy and Performance

(h) Valuation Joint Boards (Scotland) Act 1995

(i) Schedule 2, Section 4 - To act as the Treasurer of Grampian Valuation Board:

- Chief Financial Officer

4. SCHEME OF DELEGATION TO OFFICERS (PARTICULAR DELEGATIONS)

(1) EMERGENCY PLANNING

- (i)** The Chief Executive shall hold delegated power to declare an emergency situation as defined by the Civil Contingencies Act 2004. This includes the power to take such executive action as may be considered necessary to protect the community and the Council's property and to assist the emergency services and other partners in the response and recovery from an emergency.
- (ii)** In addition to the Chief Executive, all Depute Chief Executives and Heads of Service participate in an Emergency Response Co-ordinator Duty Rota whereby one senior officer is on call to respond to emergencies for a set period. When acting in the role of the Emergency Response Co-ordinator, each officer shall hold delegated power to take such executive action (in consultation with other appropriate officers where reasonably possible) as may be considered necessary to protect the community and the Council's property and to assist the emergency services and other partners in the response and recovery from an emergency, until advised

otherwise by the Chief Executive or, in the case of a Head of Service only, a member of the Corporate Management Team.

5. CHIEF EXECUTIVE

	DELEGATION	RESPONSIBLE OFFICER
(1)	To give a direction in special circumstances that any officer shall not exercise a delegated power	Chief Executive
(2)	Except where otherwise referred to in the constitutional documents, to determine minor incidental issues on behalf of the Council, provided that the matter falls within established policy positions of the Council, in consultation with the Council Leader or the appropriate Committee Chair.	Chief Executive
(3)	To take disciplinary action against employees within the Chief Executive's Department and Depute Chief Executives, in accordance with the Council's approved disciplinary procedures.	Chief Executive
(4)	To authorise official hospitality on behalf of the Council, in consultation with the Convenor and within existing budgets	Chief Executive
(5)	To submit the views of the Council, where requested as a matter of urgency, to a Government department, the Scottish Parliament, the Scottish Government, the Convention of Scottish Local Authorities or an outside body, where there is insufficient time to refer the matter to the Council.	Chief Executive
(6)	In an election year, to determine all urgent matters on behalf of the Council in the period between the date of the ordinary Council Election and the statutory meeting.	Chief Executive
(7)	To authorise all such executive action as may be deemed necessary in the discharge of the Authority's functions subject to homologation.	Chief Executive
(8)	To seek to resolve local disputes with recognised trade unions in matters relating to staffing and operational issues affecting Moray Council.	Chief Executive
(9)	To organise and represent the Council at civic ceremonies and processions where appropriate.	Chief Executive

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| (10) | To determine whether a particular proposed action or decision is controversial, sensitive or complex within the terms of the general provisions of the Scheme of Delegation and, where he judges this appropriate, to direct that the matter be determined by the relevant Depute Chief Executive despite its controversial, sensitive or complex nature. | Chief Executive |
| (11) | To develop the Council's Community Planning Process. | Chief Executive |
| (12) | Maintaining and keeping under review the Council's complaints procedure including taking appropriate action to deal with complaints to the Scottish Public Services Ombudsman. | Chief Executive |
| (13) | To determine in consultation with relevant officers whether a matter should be referred to the police. | Chief Executive |
| (14) | To determine the local Council holidays and festive closing times. | Chief Executive |

6. DEPUTE CHIEF EXECUTIVE (EDUCATION, COMMUNITIES AND ORGANISATIONAL DEVELOPMENT) (ED, COMMS AND OD)

DELEGATION

RESPONSIBLE OFFICER

The Depute Chief Executive (Education, Communities and Organisational Development) has overall responsibility for the following Services:

Depute Chief Executive (Ed, Comms and OD)

- Education, Education Resources and Communities
- Governance, Strategy and Performance
- Human Resources and ICT (Information Communications Technology)

The Head of each of these Services has the delegated powers set out below. The Depute Chief Executives are also authorised to exercise these delegated powers, excepting always the roles of Section 95 Officer and Monitoring Officer which are statutory roles, although aspects of these roles may be exercised in the absence of or on behalf of the statutory officer, the statutory officer remaining responsible in terms of the legislation.

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| (1) | The Depute Chief Executive (Education, Communities and Organisational Development) shall act as the Council's Returning Officer in terms of the Representation of the People Act 1983 and is authorised to: | Depute Chief Executive (Ed, Comms and OD) |
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- Liaise with the Electoral Commission and undertake the administration required for elections;
- Appoint Depute Returning Officers as required;
- Determine the fees paid to staff undertaking the duties at elections where such fees are not centrally prescribed;
- Appoint staff to assist with the running of the elections from amongst the officers of the Council; and
- Undertake all administration required in connection with the running of the elections process.

7. EDUCATION

	DELEGATION	RESPONSIBLE OFFICER
(1)	Carrying out the functions of the Council as Education Authority in terms of Council policy and the legislative framework set by The Standard in Scotland Schools etc. Act 2000.	Head of Education
(2)	Enforcing attendance at school (Sections 36, 37, 38 and 53 of the Education (Scotland) Act 1980) as amended.	Head of Education
(3)	Allowing pupils to miss school (Section 34 of the Education (Scotland) Act 1980).	Head of Education
(4)	Ensuring schools are Health Promoting Schools (Health Promotion and Nutrition) (Scotland) Act 2007.	Head of Education
(5)	Dealing with requests to educate at home (Sections 35 and 37 of the Education (Scotland) Act 1980).	Head of Education
(6)	Employment of children (Children and Young Persons (Scotland) Act 1937) as amended.	Head of Education
(7)	Providing or arranging in-service training for staff.	Head of Education
(8)	Providing work experience for pupils who are eligible (Section 123 of the Education (Scotland) Act 1980).	Head of Education
(9)	To seek to resolve local disputes with recognised trade unions in relation to local staffing and operational issues affecting Educational Services.	Head of Education
(10)	Provide support and guidance to Parent Councils.	Head of Education

(11)	Admitting pupils to schools (Section 32 of the Education (Scotland) Act 1980).	Head of Education
(12)	Admitting children to pre-school education (Education (Scotland) Act 1996).	Head of Education
(13)	Awarding bursaries (Section 49 of the Education (Scotland) Act 1980) and dealing with Educational Endowments (Section 128 of the Local Government (Scotland) Act 1973 as amended.	Head of Education
(14)	Providing clothing (Section 54 of the Education (Scotland) Act 1980) as amended.	Head of Education
(15)	Providing, from staff employed in the Department, the Education Authority's representatives on the Appointment Committees for all Head and Depute Head Teacher appointments in Schools.	Head of Education
(16)	Dealing with the closure of schools and other educational establishments under the control of the Council as Education Authority.	Head of Education
(17)	Administration of Education Maintenance Allowances.	Head of Education
(18)	Licensing the staging of theatrical performances by children (Children and Young Persons (Scotland) Act 1937) as amended.	Head of Education
(19)	Provision of a school transport service in accordance with the Education (Scotland) Act 1980.	Head of Education

8. EDUCATION RESOURCES AND COMMUNITIES

(20)	Maintaining and equipping schools and other buildings (Section 17 of the Education (Scotland) Act 1980).	Head of Housing and Property Services
(21)	Improving the access to premises for the safety of pupils (Section 18 of the Education (Scotland) Act 1980).	Head of Housing and Property Services
(22)	Operating arrangements for pupils from outside the area (Sections 23 and 24 of the Education (Scotland) Act 1980 as amended.	Head of Education Resources and Communities
(23)	Providing an education psychology service in schools.	Head of Education

		Resources and Communities
(24)	Making adequate and efficient provision for each child or young person (including 3-5yr olds and disabled children under 3) (Education (Additional Support for Learning (Scotland) Act 2004.)	Head of Education Resources and Communities
(25)	Making recommendations on grants to organisations involved with education.	Head of Education/Head of Education Resources and Communities
(26)	Managing or leasing out Educational Services accommodation/facilities.	Head of Education Resources and Communities
(27)	Providing programmes of adult education, youth work and community development.	Head of Education Resources and Communities
(28)	Dealing with the use of educational premises for licensed functions.	Head of Education Resources and Communities
(29)	To assist voluntary organisations which provide youth and community facilities.	Head of Education Resources and Communities
(30)	Providing Library, Local History, Archives, Records Management and Museum Services.	Head of Education Resources and Communities
(31)	Providing Sports, Arts and Leisure Services.	Head of Education Resources and Communities
(32)	To vary or waive charges for leisure facilities fixed by the Council from time to time, following consultation with the Chair of the Children and Young People's Services Committee and the Leader of the Council, to facilitate agreed service objectives, subject to reporting any changes to charges to Children and Young People's Committee and	Head of Education Resources and Communities

Policy and Resources Committee for information.

9. GOVERNANCE, STRATEGY AND PERFORMANCE

LEGAL SERVICES

	DELEGATION	RESPONSIBLE OFFICER
(1)	Concluding missives and executing other self proving conveyancing documents for the purchase or disposal of heritable property and signing notices and orders about Compulsory Purchase Orders.	Head of Governance, Strategy and Performance
(2)	Instituting, defending or appearing on behalf of the Council in legal proceedings when deemed appropriate.	Head of Governance, Strategy and Performance
(3)	Settling actions and claims.	Head of Governance, Strategy and Performance
(4)	Instructing private legal firms, Sheriff Officers, patent agents and parliamentary agents when deemed appropriate and any other appropriate or professional service when required.	Head of Governance, Strategy and Performance
(5)	Obtaining counsel's opinion in consultation with the Council Leader and relevant Committee Chair.	Head of Governance, Strategy and Performance
(6)	Instructing counsel in consultation with the Council Leader and relevant Committee Chair.	Head of Governance, Strategy and Performance
(7)	Carrying out legal procedures necessary to implement any matters delegated to the other services.	Head of Governance, Strategy and Performance
(8)	Work with the Estates Section to negotiate and obtain any waiver or indemnity, for no more than £20,000, which might be necessary in connection with disposing of property, and	Head of Governance, Strategy and

	paying this amount and any expenses connected with it.	Performance
(9)	To advise the Council and its departments on all legal and administrative matters and, in accordance with duties authorised, together with such members of staff designated, provided these are suitably qualified, to raise legal actions on behalf of the Council, its Committees or sub-committees with appropriate delegated power to enforce their rights and where decree is granted to enforcement and implementation thereof including the right to make judicial settlements.	Head of Governance, Strategy and Performance
(10)	To co-operate with other Local Authorities and put arrangements in place to carry out local court appearances on each others behalf for minor procedural issues.	Head of Governance, Strategy and Performance
(11)	To prepare the Council's response to planning and other appeals, including representing the Council at Public Inquiries and calling Councillors to appear as witnesses, where the decision of the Council is contrary to the recommendations put forward for consideration by officers.	Head of Governance, Strategy and Performance
(12)	To issue permits under Section 19 of the Transport Act 1985.	Head of Governance, Strategy and Performance
(13)	To act as private prosecutor (truancy) in terms of Section 56(1) of the Local Government (Scotland) Act 1973 and also in terms of Section 43(2) of the Education (Scotland) Act 1980.	Head of Governance, Strategy and Performance
(14)	To act as the responsible officer for vetting members in relation to child care positions.	Head of Governance, Strategy and Performance
(15)	When requested by the Head of Environmental and Commercial Services, to impose any temporary restriction on traffic and roads by means of public notice and/or traffic regulation order in terms of the Road Traffic Regulation Act 1984 and the Roads (Scotland) Act 1984.	Head of Governance, Strategy and Performance

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| (16) | To approve, in consultation with the appropriate Member(s), applications for co-opted members to Community Councils which would meet the criteria laid down within Moray Council Community Council Scheme. | Head of Governance, Strategy and Performance |
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Note only applications which do not meet the criteria or which Members do not support will require to be brought before Council for consideration.

LICENSING

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| (17) | (i) In connection with the Council's licensing functions:

Under the following legislation and/or any legislation that repeals, replaces or subsumes the same: | Head of Governance, Strategy and Performance |
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- Cinemas Act 1985
- Civic Government (Scotland) Act 1982
- Deer (Scotland) Act 1996
- Fireworks (Scotland) Regulations 2004
- The Housing (Scotland) Act 2006 Part 5 – Licensing of Houses in Multiple Occupation
- Local Government Miscellaneous Provisions Act 1982
- Theatres Act 1968

and in particular in respect of the following licence types:

- Cinema
- Houses of Multiple Occupation
- Itinerant metal dealers
- Knife dealers
- Late hours catering
- Market operators
- Metal dealers
- Metal dealers exemption warrant
- Private hire drivers
- Private hire operators
- Public charitable collections
- Public entertainment
- Public processions
- Second hand dealers
- Street Traders
- Taxi booking offices
- Taxi drivers
- Taxi operators
- Venison dealers

- Window cleaners
- Head of
Governance,
Strategy and
Performance
- (ii) To grant for three years or such shorter period as determined to be necessary and, where appropriate, to renew, vary, transfer, or accept surrender of the licence/temporary licence/provisional licence/permission/dispensation subject to there being no objections or adverse representations received from any consultees and where no Member of the Council has requested that the application be decided by a Committee and where the application is one which the Officer concerned considers should be granted;
 - (iii) To add, vary or remove conditions that are straightforward in nature, particularly where such changes are recommended by consultees;
 - (iv) To grant or refuse applications for substitutions, consents to alter or permission to effect a material change in circumstances subject to there being no objections or adverse representations received from any consultees;
 - (v) To refuse to accept any application which does not provide the required supporting documentation, including the relevant fee;
 - (ii) To refuse to grant a licence where the applicant has failed to satisfy any administrative requirement necessary to the granting and issue of a licence including, but not limited to, failing to pass a driver test for a taxi driver or a vehicle test for a taxi operator (including suitability as to the vehicle) or failing to supply a photograph;
 - (iii) To relieve the applicant of any failure to satisfy an administrative requirement including to decide whether or not to accept applications for renewal made up to 28 days after the expiry of a licence;
 - (iv) To temporarily suspend licences in the interests of public order or safety, following consultation with the Chair of the Licensing Committee, whom failing the Deputy Chair, whom failing any other member of the Committee as well as the relevant statutory consultees whomsoever.

(18)	<p>In relation to taxi or private hire driver licences:</p> <p>(a) to grant or renew those licences as appear to be uncomplicated where medical issues have arisen but where medical opinion has been received which indicates that the applicant is not unfit by reason of his or her medical condition to be a taxi or private hire driver, and to request that any such licence holder submit regular medical updates; and</p> <p>(b) in the case of drivers aged over 70 years to grant or renew licences for up to three years on condition of production by the licence holder of a valid DVLA licence annually, to receive and review DVLA licences in addition to exercising general powers in relation to licences as detailed above.</p>	<p>Head of Governance, Strategy and Performance</p>
(19)	<p>To grant an application for dispensation in terms of the Fireworks (Scotland) Regulations 2004 providing there are no objections to the application from relevant consultees.</p>	<p>Head of Governance, Strategy and Performance</p>
(20)	<p>(a) To grant Theatre Licences for a standard duration of one year, Theatre Licence renewals for a standard duration of one year and temporary Theatre Licences where there are no objections or observations to such applications;</p> <p>(b) To authorise an application for a Theatre Licence as exempt from payment of licensing fees within the terms of the Theatres Act 1968 and to refer any refusal from exemption from such payment to Committee.</p> <p>(Note: For the purpose of all licensing delegations the Officer may disregard objections or adverse representations where they are based on convictions (current or spent) that have previously been considered by the Committee and the relevant licence/permission/ dispensation was granted notwithstanding this information)</p>	<p>Head of Governance, Strategy and Performance</p>
(21)	<p>To appoint Licensing Standards Officer under the Licensing (Scotland) Act 2005 and Civic Government (Scotland) Act 1982, including any Orders, Regulations, Statutory Instruments or other subordinate legislation made under the Acts.</p>	<p>Head of Governance, Strategy and Performance</p>
(22)	<p>To exercise the functions and powers conferred by Section 7 of the Smoking, Health and Social Care (Scotland) Act 2005 and Regulations, including any Orders, Regulations,</p>	<p>Head of Governance, Strategy and</p>

Statutory Instruments or other subordinate legislation made under this Act, to enable the performance of functions under the Gambling Act 2005.

Performance

INFORMATION MANAGEMENT

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| (23) | Determining requests for internal review of the handling of freedom of information requests [Freedom of Information Act 2000, Freedom of Information (Scotland) Act and Environmental Information (Scotland) Regulations 2004] | Head of Governance, Strategy and Performance |
| (24) | To maintain the Register of Gifts and Hospitality received by Employees in terms of the Employee's Code of Conduct. | Head of Governance, Strategy and Performance |

CURATORS AD LITEM

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| (25) | In consultation with the Head of Children's Services, to establish, make appointments to and thereafter administer a panel of Curators Ad Litem and Reporting Officers as laid down in the Curators Ad Litem and Reporting Officers (Panel) (Scotland) Regulations 2001 and to consult with the Sheriff Principal and other relevant parties as required, subject to agreement on resource allocation. | Head of Governance, Strategy and Performance |
| (26) | To agree future amendments to fees for Joint Curators ad Litem and Reporting officers, in line with the percentage salary change agreed for Council employees through the Scottish Joint Council (SJC), subject to agreement on resource allocation. | Head of Governance, Strategy and Performance |
| (27) | To agree additional fees of up to 80% of the original fee if a Curator ad litem and Reporting Officer is asked by the Sheriff to carry out additional work. | Head of Governance, Strategy and Performance |

BENEFITS

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| (28) | Authorise Discretionary Housing Payments (DHP) in accordance with the DHP (Grants) Order 2001. | Head of Governance, Strategy and Performance |
| (29) | To ensure that Council Tax Benefit and Housing Benefit are administered in accordance with the Council Tax Benefit Regulations 2006 and the Housing Benefit Regulations 2006. | Head of Governance, Strategy and Performance |

(30)	The issue of any Local Authority Authorisation Certificate under the terms of Section 110 of the Social Security Admin Act 1992, as amended by the Child Support, Pensions and Social Security Act 2000.	Head of Governance, Strategy and Performance
(31)	To determine applications for discretionary rates relief from applicants where the organisation meets the statutory regulations and is for the benefit of the Moray community or the welfare of vulnerable people in the Moray community.	Head of Governance, Strategy and Performance
(32)	To provide a money advice service and assist clients with Statutory debt management schemes.	Head of Governance, Strategy and Performance

COUNCIL TAX AND RATES

(33)	<p><i>To ensure the levying, collection and recovery of arrears of:</i></p> <ul style="list-style-type: none"> <i>• Council Tax in accordance with Section 97 of the Local Government Finance Act 1992 and any subsequent amendments/regulations.</i> <i>• Non Domestic Rates in accordance with Local Government Finance Act 1988 and any subsequent amendments/regulations.</i> <i>• Business Improvement District levy under the Planning etc. (Scotland) Act 2006 and any subsequent amendments/regulations.</i> 	Head of Governance, Strategy and Performance
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EQUALITIES

(34)	To ensure that the Public Sector Equalities duties are incorporated into Council Services.	Head of Governance, Strategy and Performance
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10. HUMAN RESOURCES (HR) AND INFORMATION AND COMMUNICATIONS TECHNOLOGY (ICT)

	DELEGATION	RESPONSIBLE OFFICER
(1)	To review for consideration by the Policy and Resources Committee, proposals for the establishment of new posts that require to be reported to Committee. This will apply to all posts at or above SCP 92 and where otherwise appropriate.	Head of HR, ICT and (OD)

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| (2) | Where not required to be reported to Committee, as set out in (1) above, to approve the establishment of new posts as recommended by the Director/Head of Service to deliver activities specified by the Service Committee to meet Council priorities where budget provision is available. | Head of HR, ICT and OD |
| (3) | To approve changes in designation, hours and grades of posts, provided any financial implications are within the approved budget allocations. | Head of HR, ICT and OD |
| (4) | To approve the necessary administration procedures and documentation to facilitate the Council's procedures for the release, advertisement and establishment of posts. | Head of HR, ICT and OD |

SERVICE CONDITIONS:

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| (5) | <p>(a) To apply national circulars. Where there is a choice of action the circular will be sent to Committee.</p> <p>(b) To interpret and authorise the revised conditions of service in respect of employees of Moray Council as approved by the appropriate national negotiating body or agreed locally</p> <p>(c) Authorising all officers, under relevant agreed guidelines and in consultation with Human Resources officers as appropriate to decide the following personnel matters:</p> <ul style="list-style-type: none"> • special leave, secondment, leave of absence or leave to work abroad; • extending sickness allowance; • recovery of maternity pay, training or relocation expenses • attendance of outside organisations at training courses. | Head of HR, ICT and OD |
| (6) | Using an agreed job evaluation or similar process, to determine the appropriate grade for new posts where re-grading situations arise and determine re-grading applications, provided appropriate allowance is made in the approved estimates of the Council. | Head of HR, ICT and OD |
| (7) | Preparing and maintaining a list of politically restricted posts (Section 2 of the Local Government and Housing Act 1999). | Head of HR, ICT and OD |

(8)	To authorise the acceleration of an employee with their salary, wage, grade (or such extended grade as may be provided for under the relevant conditions of service) who has achieved advancement criteria within a recognised career grade scheme, exceptional performance, or who is temporarily undertaking duties at a higher grade.	Head of HR, ICT and OD
(9)	To ensure the proper development, implementation and agreement of Employment Policies and Procedures.	Head of HR, ICT and OD
(10)	To determine the suitability of all posts for job share, homeworking or other flexible arrangements.	Head of HR, ICT and OD
(11)	To make recommendations on applications for early retirement in the interests of the efficiency of the service, subject to any proposals being referred to the Policy & Resources Committee for consideration.	Head of HR, ICT and OD
(12)	To consider and approve, in consultation with the Head of Financial Services, applications for early retirement where there are no cost implications to the Council.	Head of HR, ICT and OD
(13)	To determine applications for retirement on the grounds of ill-health, where a medical view has been obtained from the Council's Medical Adviser confirming the employee as permanently unfit to carry out the duties of the post.	Head of HR, ICT and OD
(14)	To determine requests for payment of pension benefits to former employees who are 50 or over on compassionate grounds under the terms of the Local Government Pension Scheme (Scotland) Regulations 1998.	Head of HR, ICT and OD
(15)	(a) To operate Health and Safety checks on work experience placements;	Head of HR, ICT and OD
	(b) To carry out the Council's Health and Safety objectives and arrangements, providing corporate support for the implementation and management of health and safety legislation, policy and practice across the Council.	
(16)	To provide and make arrangements for corporate training and development of employees and Elected Members.	Head of HR, ICT and OD
(17)	To represent the Council in respect of specific dismissal, disputes, grading and grievance matters at external bodies/tribunals.	Head of HR, ICT and OD
(18)	To approve the payment of honoraria to individual members of staff, on the recommendation of the appropriate Corporate Director in accordance with the relevant Council policy.	Head of HR, ICT and OD

(19)	To approve expenditure for legal advice for up to 2 hours, charged in accordance with the Law Society of Scotland's Table of Use for General Business, Chapter 3, Section B + VAT for individual Officers subject to involvement in Police investigations. This delegation is only to apply to any advice obtained during the investigation stage, prior to any charge that may be made and only in circumstances where the Head of Human Resources and ICT deems it appropriate. For example, it would not be appropriate to fund such advice where the charge may arise out of actions wholly unconnected with the Officers employment e.g. theft or assault.	Head of HR, ICT and OD
(20)	To establish and advise Appeals Panels to consider and determine gradings appeals within the Authority for all non-teaching staff and to approve and implement the outcome of such appeals.	Head of HR, ICT and OD
(21)	To prepare and implement appropriate policies regarding the use of Council computers and associated ICT.	Head of HR, ICT and OD
(22)	To act as the Confidential Reporting Officer ("Whistle Blowing Officer") in terms of the Public Interest Disclosure Act 1998.	Head of HR, ICT and OD
(23)	To maintain a Register of Employees interests in terms of the Employees Code of Conduct.	Head of HR, ICT and OD
(24)	To consider and approve, in consultation with the Chief Financial Officer, Early Retirement Applications where there are no cost implications to the Council	Head of HR, ICT and OD

11. DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND FINANCE)

	DELEGATION	RESPONSIBLE OFFICER
(1)	<p>The Depute Chief Executive (Economy, Environment and Finance) has overall responsibility for the following Services:</p> <ul style="list-style-type: none"> • Housing and Property Services • Environmental and Commercial Services • Economic Growth and Development Services 	Depute Chief Executive (Economy, Environment and Finance)

The Head of each of these Services has the delegated powers set out below. The Depute Chief Executive (Economy, Environment and Finance) is also authorised to exercise these delegated powers, excepting always any roles for which a qualification is needed or statutory appointments

of a single officer.

12. HOUSING AND PROPERTY SERVICES

STRATEGY/POLICY

	DELEGATION	RESPONSIBLE OFFICER
(1)	To provide advice to the Council on housing matters.	Head of Housing and Property Services
(2)	To develop policies and procedures covering all activities within the housing service.	Head of Housing and Property Services
(3)	To carry out assessment of housing need and conditions across all tenures.	Head of Housing and Property Services
(4)	To prepare, review and monitor a Local Housing Strategy in accordance with Scottish Government guidance.	Head of Housing and Property Services
(5)	To prepare, review and monitor a Homelessness Strategy, in accordance with Scottish Government guidance.	Head of Housing and Property Services
(6)	To prepare such other strategies/plans as may be required by the Scottish Government on housing matters.	Head of Housing and Property Services
(7)	To contribute to the development of the Council's planning policies.	Head of Housing and Property Services
(8)	To contribute to the development of corporate strategies, plans and policies.	Head of Housing and Property Services
(9)	To lead the implementation of the Home Energy Conservation Act.	Head of Housing and Property Services
(10)	To ensure that Equal Opportunities is reflected within all strategies, policies, procedures and plans developed by the Service (see 106 Housing Scotland Act).	Head of Housing and Property Services

ENABLING

	DELEGATION	RESPONSIBLE OFFICER
(11)	To work with other housing providers to enable accommodation/housing to be provided to meet identified needs.	Head of Housing and Property Services
(12)	To prepare the Strategic Housing Investment Plan in accordance with Scottish Government guidance.	Head of Housing and Property Services
(13)	To liaise with the Scottish Government on the Affordable Housing Investment Programme.	Head of Housing and Property Services
(14)	To develop and manage Council house new building projects.	Head of Housing and Property Services
(15)	To work with private sector landlords, other agencies, etc.	Head of Housing and Property Services

PRIVATE SECTOR IMPROVEMENTS/REPAIRS

	DELEGATION	RESPONSIBLE OFFICER
(16)	To administer the mandatory and discretionary Housing Grants (including disabled grants).	Head of Housing and Property Services
(17)	To prepare, implement, review and monitor a Private Sector Scheme of assistance in accordance with Scottish Government guidance.	Head of Housing and Property Services
(18)	To undertake assessments of housing conditions in the private sector as may be appropriate from time to time.	Head of Housing and Property Services
(19)	To take appropriate action, in accordance with Part 6 of the Housing (Scotland) Act 2014 and in conjunction with the Chair of the Communities Committee, with regard to enforcing repairs and maintenance in private homes.	Head of Housing and Property Services

ALLOCATIONS

	DELEGATION	RESPONSIBLE OFFICER
(20)	To allocate council houses, lock up garages and garage sites in accordance with Council policy.	Head of Housing and Property Services
(21)	To maintain Waiting and Transfer Lists.	Head of Housing and Property Services
(22)	To ensure that special cases are dealt with in accordance with the Council's policy.	Head of Housing and Property Services
(23)	To work closely with Registered Social Landlords to ensure that nomination agreements operate effectively.	Head of Housing and Property Services

HOMELESSNESS

	DELEGATION	RESPONSIBLE OFFICER
(24)	To carry out assessments and discharge the statutory functions under the Homeless Persons legislation.	Head of Housing and Property Services
(25)	To provide housing information and advice services to homeless households.	Head of Housing and Property Services
(26)	To develop, implement, monitor and review a protocol with Registered Social Landlords regarding housing and homeless persons.	Head of Housing and Property Services
(27)	To assess and provide support to vulnerable people who are homeless or threatened with homelessness.	Head of Housing and Property Services
(28)	To negotiate and secure temporary accommodation and conclude leases, in consultation with the Council's Legal services.	Head of Housing and Property Services

TENANCY/ESTATE MANAGEMENT

	DELEGATION	RESPONSIBLE OFFICER
(29)	To consider and agree requests for assignments, subletting, mutual exchanges and successions in accordance with legislation and the Council's policy.	Head of Housing and Property Services
(30)	To collect rents and other monies due to the Council.	Head of Housing and Property Services
(31)	To establish, implement and enforce the terms of the Council's lease, including repossession and eviction action.	Head of Housing and Property Services
(32)	To consider and agree applications for Anti-Social Behaviour Orders, in consultation with the Anti-Social Behaviour Panel.	Head of Housing and Property Services
(33)	To develop and support tenant participation.	Head of Housing and Property Services
(34)	To implement, monitor and review a statutory Register of Tenant Organisation.	Head of Housing and Property Services
(35)	To provide information and advice to tenants on a range of housing matters, as required by the Housing (Scotland) Act 2001.	Head of Housing and Property Services
(36)	To consult tenants on proposals for changes to housing management policies, as required by the Housing (Scotland) Act 2001.	Head of Housing and Property Services

REPAIRS/IMPROVEMENTS

	DELEGATION	RESPONSIBLE OFFICER
(37)	To authorise and instruct repairs in accordance with the Council's policy.	Head of Housing and Property Services
(38)	To carry out maintenance and repair of the Council's housing stock and related assets to ensure that the Council housing stock meets the Scottish Housing Quality Standard.	Head of Housing and Property Services

(39)	To operate the Right to Repair regulations.	Head of Housing and Property Services
(40)	To develop programmes of works to maintain and improve the Council's housing stock, garages and other related assets in accordance with Financial Regulations and the approved estimates of expenditure.	Head of Housing and Property Services
(41)	To devise, develop and monitor Capital programmes to ensure the Council's HRA stock is kept in a satisfactory condition.	Head of Housing and Property Services
(42)	To operate the Right to Compensation regulations.	Head of Housing and Property Services

TRAVELLING PEOPLE

	DELEGATION	RESPONSIBLE OFFICER
(43)	To present appropriate site provision for Gypsies/Travellers.	Head of Housing and Property Services
(44)	To develop, review, implement and monitor the Council's Policy on Unauthorised Encampments, in consultation with other Services.	Head of Housing and Property Services

BUDGETARY

	DELEGATION	RESPONSIBLE OFFICER
(45)	To prepare budgets for the Housing Revenue Account and Capital Programme, in consultation with the Depute Chief Executive (Economy, Environment and Finance).	Head of Housing and Property Services
(46)	To consult tenants on proposals for any rent increase.	Head of Housing and Property Services
(47)	To agree write offs of rent etc in accordance with Financial Regulations.	Head of Housing and Property Services
(48)	To declare a property surplus to the Council's requirements on condition that the Asset Management Working Group is satisfied that the property asset is:	Head of Housing and Property Services

- (a) no longer required by the Council to provide a service either directly, or indirectly through a third party;
- (b) no longer required for the future use of the Council.

and subject to the following exclusions:

- (a) assets held on the Common Good Accounts or Housing Revenue Accounts;
- (b) those assets having an asset value in excess of £1m;
- (c) assets identified for disposal where the capital receipt is to be retained for reinvestment;
- (d) authority is required to be sought from the Council's Policy and Resources Committee for all sales in excess of £10,000.

PERFORMANCE

	DELEGATION	RESPONSIBLE OFFICER
(49)	To prepare the Council for inspection by the Scottish Housing Regulator, implement and monitor any resulting Improvement Plans.	Head of Housing and Property Services

DESIGN AND PROPERTY RESOURCES

	DELEGATION	RESPONSIBLE OFFICER
(50)	To organise and manage the multi-disciplinary professional and technical service in accordance with the needs and priorities of the Council and external Clients, and to act as Architect/Contract Administrator on such construction projects.	Head of Housing and Property Services
(51)	To follow Procurement Policy and Procedures when appointing construction services contractors and professional consultants, and thereafter select, recommend for award, appoint and audit performance.	Head of Housing and Property Services
(52)	To implement and instruct all appropriate legislative requirements for the maintenance and servicing of Council property, including Asbestos and Legionella policies and procedures for risk management.	Head of Housing and Property Services

(53)	To approve acquisitions of heritable property up to a value of £50,000 where appropriate provisions has been made in the Capital or Revenue Plan. For acquisitions by lease, this delegation covers property with a rental value of up to £5,000 per annum where appropriate provision has been made in the Capital or Revenue Plan.	Head of Housing and Property Services
(54)	To settle compensation claims up to a maximum of £100,000 arising from the Flood Prevention legislation or in terms of the Land Compensation (Scotland) Acts 1963 and 1973 in respect of compensation for losses arising from the compulsory acquisition by the Council of heritable property or acquisition by agreement with compulsory powers in the background, provided always that payments can be accommodated within approved budgets for the scheme or project.	Head of Housing and Property Services
(55)	To accept the highest offer received for surplus heritable property provided that the highest offer received is for a sum no less than the price at which the property has been offered for sale on the open market.	Head of Housing and Property Services
(56)	To grant leases, licenses or other occupation agreements of land and buildings for 25 years or less duration where the initial rent does not exceed £35,000 per annum and sites on long term building leases of up to 125 years duration where the initial rent does not exceed £35,000 per annum.	Head of Housing and Property Services
(57)	To conduct rent reviews and fix new rents.	Head of Housing and Property Services
(58)	To grant assignments of existing leases where the terms of lease remain substantially unaltered and to authorise sub-lets.	Head of Housing and Property Services
(59)	To grant wayleaves or servitudes over Council owned property.	Head of Housing and Property Services
(60)	To approve terms for the grant of Minutes of Waiver and issue Landlord's consent.	Head of Housing and Property Services
(61)	To negotiate and acquire any Waiver or Indemnity up to maximum consideration of £20,000 which might be necessary in connection with the disposal or surplus property.	Head of Housing and Property Services
(62)	To co-ordinate the implementation of the Council's energy and water strategy.	Head of Housing and Property

		Services
(63)	To approve the sale of Council property where the purchase price does not exceed £30,000, subject to liaison with appropriate officials of the Council, and the ward members.	Head of Housing and Property Services
(64)	To develop a corporate Property Asset Management Plan.	Head of Housing and Property Services

13. ENVIRONMENTAL AND COMMERCIAL SERVICES

ROADS

	DELEGATION	RESPONSIBLE OFFICER
(1)	To manage and implement the Council's statutory functions under all Roads legislation including the following Acts and any subordinate legislation promoted under them:	Head of Environmental and Commercial Services
(2)	Manage and implement the requirements of the Roads (Scotland) Act 1984.	Head of Environmental and Commercial Services
(3)	In consultation with the Chair, Depute Chair and relevant Ward Members, to undertake the statutory process for the promotion of Road Traffic Regulation Orders and only bring the matter before Economic Development and Infrastructure Services Committee where there is not unanimous support for the proposal or there are outstanding objections following on from the statutory/ public consultation process.	Head of Environmental and Commercial Services
(4)	Manage and implement the requirements of the New Roads and Streetworks Act 1991.	Head of Environmental and Commercial Services
(5)	Manage and implement the requirements of the Road Traffic Regulation Act 1984.	Head of Environmental and Commercial Services
(6)	Manage and implement the requirements of the Traffic Signs Regulations and General Directions 2016.	Head of Environmental and Commercial Services

(7)	Manage and implement the requirements of the Road Traffic Reduction Act 1997.	Head of Environmental and Commercial Services
(8)	Manage and implement The Road Traffic Reduction (National Targets) Act 1998.	Head of Environmental and Commercial Services
(9)	Manage and implement the requirements of the Transportation Act 2000.	Head of Environmental and Commercial Services
(10)	Manage and implement the requirements of the Transport (Scotland) Acts 2001 and 2005.	Head of Environmental and Commercial Services
(11)	Manage and implement the requirements of the Disabled person' Parking Places (Scotland) Act 2009.	Head of Environmental and Commercial Services
(12)	Adopt new roads onto the Statutory List of Public Roads that are constructed by developers in accordance with the Council's specification and approved Roads Construction Consent details as required by the Roads (Scotland) Act 1984 and to inform Local Members of the new roads adopted in terms of this delegated power.	Head of Environmental and Commercial Services
(13)	Proceed with necessary roads maintenance works and annually publish a main list of schemes, which can be funded from budget provision, and a reserve list of desirable schemes, which cannot presently be funded, along with a list of projects to be funded from the Capital allocation.	Roads Maintenance Manager

CAR PARKS

	DELEGATION	RESPONSIBLE OFFICER
(14)	Manage and implement the requirements of the Grampian Regional Council (Off Street Car Parks Order) 1989.	Head of Environmental and Commercial Services

HARBOURS AND COASTLINE

	DELEGATION	RESPONSIBLE OFFICER
(15)	To manage and implement the Council's statutory functions under all harbour legislation including the Grampian Regional Council Harbour Confirmation Act 1987 and the Grampian Regional Council Harbour Byelaws.	Head of Environmental and Commercial Services
(16)	Manage and implement the requirements of the Pilotage Act 1987.	Head of Environmental and Commercial Services
(17)	Manage and implement the requirements of the Diving at Work Act 1997.	Head of Environmental and Commercial Services
(18)	Manage and implement the requirements of the Coast Protection Act 1949.	Head of Environmental and Commercial Services
(19)	Amend commercial (but not leisure) charges at Moray Council harbours in consultation with Group Leaders and the Chair of Economic Development and Infrastructure Services Committee, subject to such amendments being brought for annual review by Economic Development and Infrastructure Services Committee and/or Policy and Resources Committee.	Head of Environmental and Commercial Service

FLOODING AND RESERVOIRS

	DELEGATION	RESPONSIBLE OFFICER
(20)	Manage and implement the requirements of the Flood Risk Management (Scotland) Act 2009	Head of Environmental and Commercial Services
(21)	Manage and implement the requirements of the Reservoirs Act 1975. <i>(Note: this responsibility will be transferred to SEPA under the Flood Risk Management (Scotland) Act 2009 above and the delegation will cease when transfer is completed.)</i>	Head of Environmental and Commercial Services

TRANSPORT

	DELEGATION	RESPONSIBLE OFFICER
(22)	Provide transport services for schools and socially desirable services in terms of the Public Transport Act 1985 and the Education (Scotland) Act.	Head of Environmental and Commercial Services
(23)	Manage and implement School crossing patrols under the Road Traffic Regulation Act 1984 and related orders/regulations.	Head of Environmental and Commercial Services
(24)	Manage and implement the requirements of approved concessionary transport schemes.	Head of Environmental and Commercial Services
(25)	Erecting bus stops, shelters and information panels.	Head of Environmental and Commercial Services

FLEET SERVICES

	DELEGATION	RESPONSIBLE OFFICER
(26)	Manage all vehicles and plant on behalf of the Council including operations, purchase, hires, maintenance and disposal.	Head of Environmental and Commercial Services
(27)	Act as the responsible officer for the Licence required under the Goods Vehicles (Licensing of Operators) Act 1995 and related legislation.	Fleet Services Manager

CEMETERIES, LANDS AND PARKS

	DELEGATION	RESPONSIBLE OFFICER
(28)	Manage and maintain the Council's cemeteries, parks, open spaces, woodlands, play areas, recreational grounds, public conveniences, war memorials and such like areas.	Head of Environmental and Commercial Services
(29)	Manage and maintain that part of the Speyside Way long	Head of

distance route which is in Moray.

Environmental
and Commercial
Services

- (30) Manage and implement the requirements of public access legislation including the Land Reform (Scotland) Act 2003 relating to core paths.

Head of
Environmental
and Commercial
Services

WASTE COLLECTION AND DISPOSAL

DELEGATION

RESPONSIBLE OFFICER

- (31) Manage and implement the refuse collection service, waste management service, recycling centres, landfill sites and recycling operations in accordance with all relevant EU directives and UK legislation.

Head of
Environmental
and Commercial
Services

BUILDING CLEANING AND CATERING SERVICES

DELEGATION

RESPONSIBLE OFFICER

- (32) Manage the cleaning of Council premises.
- (33) Manage the supply and provision of catering and janitorial services to Schools and other Council buildings as required.

Head of
Environmental
and Commercial
Services

Head of
Environmental
and Commercial
Services

EMERGENCY PLANNING

DELEGATION

RESPONSIBLE OFFICER

- (34) To act as Oil Pollution Control Officer.

Head of
Environmental and
Commercial
Services

GENERAL

	DELEGATION	RESPONSIBLE OFFICER
(35)	To submit tenders on behalf of the Council for construction or design works in accordance with invitations to tender issued from time to time by the Council or outside bodies.	Head of Environmental and Commercial Services
(36)	To implement such matters of the Health and Safety at Work Act 1974 as is necessary to satisfy the general operations and construction of projects or services.	Head of Environmental and Commercial Services
(37)	To implement the requirements of the Construction (Design & Management) for construction and maintenance projects.	Head of Environmental and Commercial Services
(38)	To authorise further grant applications supporting the work of the traffic section, in consultation with the Chief financial Officer, the Chair of the Economic Development and Infrastructure Services Committee and Group Leaders, where there is no call on capital funding/	Head of Commercial Services

14. ECONOMIC GROWTH AND DEVELOPMENT

BUILDING STANDARDS

	DELEGATION	RESPONSIBLE OFFICER
(1)	Determine need for and carry out enforcement action in respect of Dangerous Buildings in terms of the Building (Scotland) Act 2003.	Head of Economic Growth and Development
(2)	Determine need for and carry out enforcement action in respect of Unauthorised Works in terms of the Building (Scotland) Act 2003.	Head of Economic Growth and Development
(3)	Determine applications for Authorisation of Temporary Occupation or Use of Buildings in terms of the Building (Scotland) Acts 1959/70 and 2003.	Head of Economic Growth and Development
(4)	Refusal of Building Warrants in terms of the Building (Scotland) Acts 1959/70 and 2003.	Head of Economic Growth and Development

(5)	Determination of applications for Letters of Comfort.	Head of Economic Growth and Development
(6)	Determine enquiries regarding the need to obtain Building Warrant and provide preliminary advice in regard to Building Standards.	Head of Economic Growth and Development
(7)	Determine and approve Applications for Building Warrant, including the signing of Building Warrant Approvals in terms of the Building (Scotland) Act 2003.	Head of Economic Growth and Development
(8)	Accept or reject Completion Certificate submissions including the signing of the accepted or rejected notice in terms of the Building (Scotland) Act 2003.	Head of Economic Growth and Development
(9)	Make representations or objections to matters relating to the issue of licences and registrations by local authorities.	Head of Economic Growth and Development

ENVIRONMENTAL HEALTH

	DELEGATION	RESPONSIBLE OFFICER
(10)	To execute statutory duties of Moray Council in respect of the legislation set out in Appendix 1.	Head of Economic Growth and Development
(11)	To sign Closing Orders, Demolition Orders, Suspension Orders and Revocation Orders under the Housing (Scotland) Act 1987 or any amended or new legislation on behalf of Moray Council.	Head of Economic Growth and Development
(12)	To bury or cremate any person who was in the care of, or receiving help from, the Council immediately before their death and to recover expenses not reimbursed, in terms of Section 28 of the Social Work (Scotland) Act 1968.	Head of Economic Growth and Development
(13)	To defraying expenses of parent, etc., visiting persons or attending funerals in terms of Section 29 of the Social Work (Scotland) Act 1968.	Head of Economic Growth and Development

TRADING STANDARDS

	DELEGATION	RESPONSIBLE OFFICER
(14)	To exercise the powers conferred by Acts of Parliament and Regulations, including any Orders, Regulations, Statutory	Head of Economic Growth and

	Instruments or other subordinate legislation, as amended, made under any of the Acts set out in Appendix 2.	Development
(15)	To carry out a programme of enforcement action in its area under the Tobacco and Primary Medical Services (Scotland) Act 2010, including: <ul style="list-style-type: none"> (a) the investigation of complaints in respect of alleged offences under Chapter 1 or 2 of the Act; (b) the taking of other measures intended to reduce the incidence of offences under those Chapters. 	Environmental Health and Trading Standards Manager
(16)	Authority to issue fixed penalty notices for contraventions of the Tobacco and Primary Medical Services (Scotland) Act 2010.	Head of Economic Growth and Development
(17)	Authority to apply to court to have retailers banned from selling tobacco or nicotine vapour products, as prescribed within the Tobacco and Primary Medical Services (Scotland) Act 2010.	Head of Economic Growth and Development
(18)	Authority to issue fixed penalty charge notices for contraventions of the Energy Performance of Buildings (Scotland) Regulations 2008.	Head of Economic Growth and Development
(19)	Grant, refuse or revoke licenses to sell fireworks outside the traditional periods in accordance with the Fireworks Regulations 2004	Environmental Health and Trading Standards Manager
(20)	To grant or refuse licences under the Explosives Regulations 2014.	Environmental Health and Trading Standards Manager
(21)	To grant or refuse petroleum storage certificates and petroleum licences under the Petroleum (Consolidation) Regulations 2014.	Environmental Health and Trading Standards Manager
(22)	Submit the annual statutory return in relation to the Trading Standards Function to the Secretary of State under Section 70 of the Weights and Measures Act 1985	Environmental Health and Trading Standards Manager
(23)	To issue a Notice under Section 94 of the Civic Government (Scotland) Act 1982, to require disused petrol storage tanks to be made safe.	Environmental Health and Trading Standards Manager

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| (24) | <p>To issue Prohibition Notice under Section 13 of the Psychoactive Substances Act 2016 to any person if the following conditions are met:-</p> <p>Condition A:- that the senior officer or local authority reasonably believes that the person is carrying on, or is likely to carry on, a prohibited activity; and</p> <p>Condition B:- that the senior officer or local authority reasonably believes that it is necessary and proportionate to give the Prohibition Notice for the purposes of preventing the person from carrying on any prohibited activity.</p> <p>A Prohibition Notice is a notice that requires the person to whom it is given not to carry on any prohibited activity or a prohibited activity of a description specified in the notice.</p> | Head of Economic Growth and Development |
| (25) | <p>To issue Premises Notice under Section 14 of the Psychoactive Substances Act 2016 to a person if the following conditions are met:-</p> <p>Condition A - that the:-</p> <ul style="list-style-type: none"> (i) senior officer or local authority reasonably believes that a prohibited activity is being, or is likely to be, carried on at particular premises; and (ii) the person owns, leases, occupies, controls or operates the premises. <p>Condition B – that the senior officer or local authority reasonably believed that it is necessary and proportionate to give the Premises Notice for the purposes of preventing any prohibited activity from being carried on at any premises owned, leased, occupied, controlled or operated by the person.</p> <p>A Premises Notice is a notice that requires the person to whom it is given to take all reasonable steps to prevent any prohibited activity, or a prohibited activity of a description specified in the notice, from being carried on at any premises specified in the notice that are owned, leased, occupied, controlled or operated by the person.</p> | Head of Economic Growth and Development |
| (26) | <p>To make application to the Court, in accordance with Section 21 of the Psychoactive Substances Act 2016, for a Prohibition Order [under Section 18] or a Premises Order.</p> | Head of Economic Growth and Development |

DEVELOPMENT SERVICES

	DELEGATION	RESPONSIBLE OFFICER
(27)	To exercise the powers contained in Part 8 of the Enterprise Act 2002 to apply for an Enforcement Order to prevent acts or omissions which harm the collective interests of consumers.	Head of Economic Growth and Development
(28)	To exercise the powers to apply for interdict to prevent use of unfair contract terms under the Consumer Rights Act 2015.	Head of Economic Growth and Development
(29)	To make application to the Sheriff to require production of information under the Consumer Rights Act 2015, Schedule 5, Part 3, Paragraph 16.	Head of Economic Growth and Development
(30)	To exercise the powers to apply for interdict to prevent breach of the Consumer Protection (Distance Selling) Regulations 2000.	Head of Economic Growth and Development
(31)	Manage and implement the Council's street naming functions under the Civic Government Act 1987 and related legislation.	Head of Economic Growth and Development
(32)	In consultation with the Chair, Depute Chair and relevant Ward Members, to undertake the statutory process for the promotion of Stopping Up Orders under the Town & Country Planning (Scotland) Act 1997 and only bring the matter before Planning & Regulatory Services Committee where there is not unanimous support for the proposal or there are outstanding objections following on from the statutory/public consultation process.	Head of Economic Growth and Development
(33)	To consider and agree applications for Anti-Social behaviour orders in consultation with the Anti-Social behaviour panel.	Head of Economic Growth and Development

DEVELOPMENT MANAGEMENT

	DELEGATION	RESPONSIBLE OFFICER
(34)	Carry out all of the following in accordance with Town and Country Planning (Scotland) Act 1997, The Planning (Hazardous Substances) (Scotland) Act 1997, and the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997.	Head of Economic Growth and Development

All categories of development applications submitted to Moray Council as Planning Authority for consideration may normally be determined for approval or refusal by the appointed officer with the exception of applications for which one or more of the following applies:

- The application is on a housing site designated for 50 or more dwellings within the Development Plan, regardless of whether the application is for all or part of the site;
- Applications for 5-49 dwellings will only be approved under delegated powers if they are in accordance with the development plan);
- Any development where the gross floor space of the building, structure or other erection constructed as a result of the proposal exceeds 2000 sq. metres. (This will include, but is not limited to, business & general industry, storage and distribution, retail, leisure and entertainment, education, healthcare, community facilities, transport interchanges, transport infrastructure projects, water and drainage developments and other similar projects);
- Any other application where the overall area of the proposed site exceeds a maximum of 2 hectares;
- An application is submitted by, or on behalf of, an Elected Member of the Authority or an Officer involved in the statutory planning process;
- The proposal (as a whole or in part) has previously been reported to Committee or to a Departure Hearing (Special Committee Meeting) and the appointed officer considers that significant amendments have been made to any previous application for Committee to reconsider the development;
- The appointed officer considers, following the consultation process, that the application raises matters of wider community interest and/or planning significance. The decision to refer to Committee or hold a hearing rests with the appointed officer and this discretion to refer may be exercised where, for example, all ward members and the chair consider that an application raises matters of wider community interest.

Major Development Applications (defined on the basis of

the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2008 (the Hierarchy Regulations) which came into force on 06 April 2009).

- All Schedule 1 Developments mentioned in the Environmental Impact Assessment (Scotland) Regulations 1999(a) (other than exempt development within the meaning of those Regulations;
- Housing - Construction of buildings, structures or erections for use as residential accommodation where:
 - (a) The development comprises 50 or more dwellings, or
 - (b) The area of the site is or exceeds 2 hectares.
- Business & General Industry, Storage and Distribution – Construction of a building, structure or other erection where the gross floor space is or exceeds 10,000 square metres or the area of the site is or exceeds 2 hectares, for use for any of the following purposes :
 - (a) as an office
 - (b) for research and development of products or processes
 - (c) for any industrial process, or
 - (d) for use for storage or as a distribution centre
- Electricity Generation – Construction of an electricity generating station where the generating station has a capacity of or exceeding 20 MW;
- Waste Management Facilities – construction of facilities for use for the purpose of waste management or disposal where the facility has a capacity of or exceeding 25,000 tonnes per annum; In relation to facilities for use for the purpose of sludge treatment, a capacity to treat more than 50 tonnes (wet weight) per day of residual sludge.
- Transport and infrastructure projects – Construction of new or replacement roads, railways, tramways, waterways, aqueducts or pipelines where the length exceeds 8 kilometres.
- Fish Farming – The placing or assembly of equipment for the purpose of fish farming within the meaning of section 26 (6) of the Act where the surface area of water covered

is or exceeds 2 hectares.

- Minerals – Extraction of minerals where the area of the site is or exceeds 2 hectares.
- Other Development – Any development not falling wholly within any single class of development as described in all above where:

(a) The gross floor space of any building, structure or erection constructed as a result of such development is or exceeds 5,000 square metres; or

(b) The area of the site is or exceeds 2 hectares.

(35)	Determine applications for planning permission, listed building consent conservation area consent, hazardous substances consent, advertisement consent and minerals consent, Crown Developments and Notifications of Intention to Develop by the Planning Authority, decisions will be made in accordance with the Council's Scheme of Delegation for Planning applications: http://www.moray.gov.uk/downloads/file60539.PDF	Head of Economic Growth and Development
(36)	Determine applications for Certificates of Lawfulness for a Proposed Use or Development and Certificates of Lawfulness for an Existing Use or Operation or Activity in Breach of a Planning Condition.	Head of Economic Growth and Development
(37)	Determine applications for Certificates of Appropriate Alternative Development.	Head of Economic Growth and Development
(38)	Determine applications for non-material variations of planning consents.	Head of Economic Growth and Development
(39)	Determine applications for approval of details required by conditions of consents.	Head of Economic Growth and Development
(40)	Determine applications for revocation of planning consent.	Head of Economic Growth and Development

(41)	Determine, in consultation with the Head of Governance, Strategy and Performance, the response to any Purchase Notice served on the Council.	Head of Economic Growth and Development
(42)	Refer offences arising from enforcement action to the Fiscal for prosecution and/or instigate direct action or proceedings for Interdict. Proceedings for Interdict to be the subject of consultation with The Head of Governance, Strategy and Performance.	Head of Economic Growth and Development
(43)	Determine preliminary enquiries for prospective proposals.	Head of Economic Growth and Development
(44)	Determine the need for planning consent, conservation area consent, listed building consent, hazardous substances consent, mineral consent and advertisement consent, Crown Development and Notification of Intention to Develop by the Planning Authority.	Head of Economic Growth and Development
(45)	Prepare the Council's responses to planning appeals including acting as witnesses at public inquiries except for those appeals where the decision of the Council is not the same as the recommendations put forward for consideration.	Head of Economic Growth and Development
(46)	Determine requests for screening and scoping opinions about the need for Environmental Assessments in accordance with Environmental Impact Assessment (Scotland) Regulations 2011.	Head of Economic Growth and Development
(47)	Determine all applications for prior notifications.	Head of Economic Growth and Development
(48)	Respond to consultations from adjacent planning authorities and The Scottish Government on planning applications being considered by these authorities and The Scottish Government.	Head of Economic Growth and Development
(49)	Make representation or objection to matters relating to the issue of licences and registrations by local authorities.	Head of Economic Growth and Development
(50)	To exercise the functions and powers under the High Hedges Act (Scotland) 2013 with the exception of determining	Head of Economic

	whether or not a High Hedge Notice should be issued.	Growth and Development Services
(51)	To spend developer obligations relating to Community Facilities, Playing Fields, Indoor/Outdoor Sport Facilities and Library Facilities, in consultation with Ward Members of the relevant Associated Schools Group (ASG).	Head of Economic Growth and Development
(52)	Take enforcement action required under the Planning Acts	Head of Economic Growth and Development.

DEVELOPMENT PLANS, ECONOMIC DEVELOPMENT

	DELEGATION	RESPONSIBLE OFFICER
(53)	To prepare and publish Development Briefs for sites designated in the Local Development Plan, following full consultation and with the approval of Ward Member(s) and the Chair and Deputy Chair of the Planning and Regulatory Services Committee; and that Members be advised of Development Briefs determined under delegation by way of an information report to Committee.	Head of Economic Growth and Development
(54)	To make and serve a Tree Preservation Order as required by the Town and Country Planning (Scotland) Act 1997, in consultation with the Chair and Deputy Chair of the Planning and Regulatory Services Committee and Ward Members.	Head of Economic Growth and Development
(55)	To determine applications to works to trees covered by a Tree Preservation Order, including approval (subject to conditions as required/ or refused).	Head of Economic Growth and Development
(56)	To prepare and submit tenders to the employment service, and other appropriate agencies, to manage and deliver training and employment programmes.	Head of Economic Growth and Development
(57)	To enter into licences and contracts with the employment service, Highland and Islands Enterprise and other appropriate agencies, to manage and deliver training and employment programmes.	Head of Economic Growth and Development
(58)	To enter into contracts with training providers and other specialist agencies for the delivery of aspects of government training and employment programmes.	Head of Economic Growth and

		Development
(59)	To grant permission for the use of the Plainstones, Elgin, subject to no notifications or adverse comments being received from the Chief Constable, Grampian Fire and Rescue Service or Corporate Director (Economic Development, Planning and Infrastructure).	Head of Economic Growth and Development

15. FINANCIAL SERVICES

	DELEGATION	RESPONSIBLE OFFICER
(1)	To determine in light of the provisions of Section 219 of the Housing (Scotland) Act 1992, the rate of interest to be charged on home loans granted in terms of the Housing (Financial Provision) (Scotland) Act 1968 and in terms of the 1992 Act.	Chief Financial Officer
(2)	Advising the Policy and Resources Committee on Administration, Management and Control of the Council's finances and accounts in accordance with the policies determined by the Council.	Chief Financial Officer
(3)	The functions of the Council including the use of any suitable broking and advisory services relating to the following (and in accordance with the Council's Financial Regulations where appropriate): <ul style="list-style-type: none"> (a) Implementing and monitoring the Treasury Management Policy Statement dealing with management of all money and capital market transactions in connection with cash and funding resources of the Council. (b) Negotiating and managing loans raised by the Council; (c) Funds and Investments (including Trust Funds under the control of the Council); (d) Insurance; (e) Banking Arrangements; (f) to select and implement appropriate methods of recovery of rent arrears and sundry debts; (g) Disposing of assets other than property by sale or lease; (h) Considering any reports from the External Auditors and obtaining and considering any comments on them; and 	Chief Financial Officer

(i) Implementing and monitoring the Treasury Management Policy Statement dealing with management of all money and capital market transactions in connection with cash and funding resources of the Council.		
(4)	Complete Final Claim for Council Tax Benefit and Housing Benefit Subsidy	Chief Financial Officer
(5)	To supervise the payments and recovery of monies on behalf of the Council.	Chief Financial Officer
(6)	To monitor current expenditure in relation to approved estimates.	Chief Financial Officer
(7)	To authorise the arrestment of wages in respect of employees of the Council.	Chief Financial Officer
(8)	To determine the arrangements for the payment of debts due by the Council.	Chief Financial Officer
(9)	To complete the Annual Accounts of the Council	Chief Financial Officer
(10)	To allocate approved expenditure to Capital or Revenue accounts at the year end as deemed appropriate.	Chief Financial Officer
(11)	Effect payments in the most efficient way in relation to any taxation implications for the Council and any partner organisation involved in a financial transaction.	Chief Financial Officer
(12)	Effect payments required for the settlement of disputes agreed by the Chief Executive or the Head of Governance, Strategy and Performance.	Chief Financial Officer
(13)	Implement nationally agreed pay awards for Council staff and allowances for Councillors.	Chief Financial Officer
(14)	Approval of arrangements for staff travelling outwith the United Kingdom on Council business which are not subject to approval by Policy & Resources Committee.	Chief Financial Officer
(15)	Settle any liabilities arising from reviews by the Her Majesty's Revenues and Customs and enter into local agreements with these bodies for the efficient processing of taxation matters.	Chief Financial Officer
(16)	Effect Common Good and Trust Fund payments in consultation with appropriate Members or in accordance with decisions of the Council as appropriate.	Chief Financial Officer

- (17) Procurement Strategy – Future minor amendments delegated to the Chief Financial Officer subject to consultation with Group Leaders who will determine whether any particular minor amendment should be reported to the Policy and Resources Committee.

16. CHIEF OFFICER TO THE MORAY INTEGRATION JOINT BOARD

The Chief Officer of the Moray Integration Joint Board (MIJB) is authorised to take action in connection with any function delegated or specified under the Integration Scheme between Moray Council and NHS Grampian or otherwise conferred on the MIJB by virtue of the Public Bodies (Joint Working) (Scotland) Act 2014, including but not limited to any function directed to any of them by the Scottish Ministers.

The Chief Officer of the MIJB shall direct the following social care services:

- (a) Adult Services
- (b) Children's Services

Note:

For those services formally delegated to the MIJB the Chief Officer shall be accountable to the Integration Joint Board for strategic planning, performance, governance and delivery and the Chief Executives of the Health Board and Council respectively for the operational delivery. For those services not formally delegated to the MIJB the Chief Officer shall be accountable to the Council.

The Chief Social Work Officer post has a statutory designation, in terms of the Local Government Act 1995, with responsibility for oversight of all Social Work services, and a direct line of accountability to the Council for the exercise of those responsibilities.

Where delegations are granted to the Head of Adult Services these relate to functions for those of 18 years and over; and where they are granted to the Head of Children's Services, they relate to functions for those under 18 years of age.

CHIEF SOCIAL WORK OFFICER

	DELEGATION	RESPONSIBLE OFFICER
(1)	<p>To act as the Council's Chief Social Work Officer in terms of the Social Work (Scotland) Act 1968 and associated legislation and guidance.</p> <p>Aspects of the Chief Social Work Officer role may be delegated or exercised in the absence of or on behalf of the statutory officer although the statutory officer remains responsible in terms of legislation.</p>	Head of Service (MIJB)

Note: The Chief Social Work Officer post has a statutory designation, in terms of section 3 of the Social Work (Scotland) Act 1968 as amended, with responsibility for oversight of all Social Work services, and a direct line of accountability to the Council for the exercise of those responsibilities.

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| (2) | In terms of this role, the following is authorised: | Head of Service
(MIJB) |
| | <p>(a) To agree, with the person in charge of the establishment, to place and keep a child in secure accommodation or to implement a relevant order or warrant which includes a secure accommodation authorisation with the consent of the person in charge of the establishment or to remove the child from the secure accommodation if considered necessary or required to do so in terms of sections 151 and 152 of the Children's Hearings (Scotland) Act 2011 and the Children's Hearings (Scotland) (Implementation of Secure Accommodation) (Scotland) Regulations 2013 and the Secure Accommodation (Scotland) Regulations 2013.</p> <p>(b) To have the power, in any case of urgent necessity, to direct that a child who is obliged to reside in a specified place be transferred to another place in his/her interests or in the interest of other children in terms of section 143 of the Children (Scotland) Act 2011.</p> | |

SOCIAL CARE SERVICES

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| (3) | To operate a procedure as approved by the Council for the receipt and investigation of complaints in terms of Section 5B of the Social Work (Scotland) Act 1968. | Head of Service
(MIJB) |
| (4) | To assess need in terms of Section 12A of the Social Work (Scotland) Act 1968. | Head of Service
(MIJB)/Head of
Children's
Services |
| (5) | To provide home help and laundry facilities in terms of Section 14 of the Social Work (Scotland) Act 1968. | Head of
Children's
Services |
| (6) | To recover any charges for services provided where The Council is legally entitled to do so. | Head of Service
(MIJB)/Head of
Children's
Services |
| (7) | To provide services to Disabled Persons in terms of the Disabled Persons' (Services, Consultations and Representations) Act 1986. | Head of Service
(MIJB)/Head of
Children's |

		Services
(8)	To assess a carer's ability to provide, or to continue to provide, care for a disabled child when asked to do so by the carer in terms of Section 24 of the Children (Scotland) Act 1995.	Head of Service (MIJB)/Head of Children's Services
(9)	To carry out the functions of local authorities in terms of Section 10 of the Adults with Incapacity (Scotland) Act 2000	Head of Service (MIJB)
(10)	To take such steps in terms of Section 10 of the Adults with Incapacity (Scotland) Act 2000 as seem necessary to safeguard the property, financial affairs or personal welfare of an adult and to cooperate with the public guardian, mental welfare commission and other local authorities for this purpose in terms of Section 12 of the Adults with Incapacity (Scotland) Act 2000.	Head of Service (MIJB)
(11)	To supervise welfare attorneys in terms of a court order made under Section 20(2)(c) and to apply for an order under Section 20(1) of the Adults with Incapacity (Scotland) Act 2000.	Head of Service (MIJB)
(12)	To appeal to the Sheriff or the Court of Session in terms of Section 52 of the Adults with Incapacity (Scotland) Act 2000 where necessary.	Head of Service (MIJB)
(13)	To apply to the Sheriff for an intervention order in terms of Section 53(1), (3) of the Adults with Incapacity (Scotland) Act 2000.	Head of Service (MIJB)
(14)	To keep records in terms of Section 54 of the Adults with Incapacity (Scotland) Act 2000.	Head of Service (MIJB)
(15)	To notify the public guardian of any change of address in terms of Section 55 (a) and (b) of the Adults with Incapacity (Scotland) Act 2000.	Head of Service (MIJB)
(16)	To carry out all necessary notifications in terms of Section 76 of the Adults with Incapacity (Scotland) Act 2000 and to transfer and accept Guardianship Orders to and from other local authorities in terms of Section 76(1) of the Adults with Incapacity (Scotland) Act 2000.	Head of Service (MIJB)
(17)	To apply for registration of financial intervention orders to the General Register of Sasines or the Land Register of Scotland in terms of Section 56 of the Adults with Incapacity (Scotland) Act 2000.	Head of Service (MIJB)
(18)	To apply for guardianship orders in terms of Section 57 of the Adults with Incapacity (Scotland) Act 2000, including interim orders and deal with any financial implications arising there from	Head of Service (MIJB)

all in terms of Section 57 of the Adults with Incapacity (Scotland) Act 2000.

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| (19) | The power to be appointed as welfare guardian for any adult within the local authority area in terms of Section 59 of the Adults with Incapacity Act (Scotland) 2000 and to discharge the functions as welfare guardian in terms of s64 of the Adults with Incapacity (Scotland) Act 2000, including the power to appoint an officer who shall be responsible in terms of S64 (9) for carrying out the functions and duties of guardian. | Head of Service
(MIJB) |
| (20) | The power to apply to the Sheriff for renewal of guardianship orders in terms of Section 60 of the Adults with Incapacity Act (Scotland) 2000. | Head of Service
(MIJB) |
| (21) | The power to instruct such persons as appropriate to discharge the powers under financial intervention orders applied for under Section 53 of the Adults with Incapacity (Scotland) Act 2000. | Head of Service
(MIJB) |
| (22) | The power to apply to the Sheriff in terms of Section 70 of the Adults with Incapacity (Scotland) Act 2000 in cases of non-compliance of third parties with orders granted on behalf of the local authority. | Head of Service
(MIJB) |
| (23) | The power to apply to the Sheriff for the replacement or removal of a guardian or the recall of a guardianship order in terms of Section 71 of the Adults with Incapacity (Scotland) Act 2000. | Head of Service
(MIJB) |
| (24) | The power to apply to the Sheriff for variation of guardianship orders in terms of Section 74 of the Adults with Incapacity (Scotland) Act 2000. | Head of Service
(MIJB) |
| (25) | The power to delegate any of the powers granted under guardianship and intervention orders and any functions under the Adults with Incapacity (Scotland) Act 2000 to the appropriate person in the management structure of the Social Work Department as per Section 56 of the Local Government (Scotland) Act 1973 as amended. | Head of Service
(MIJB) |
| (26) | To promote joint working and council's ability to provide health care services and to share budgets with the NHS, Community Care and Health (Scotland) Act 2002. | Head of Service
(MIJB)/Head of
Children's
Services |
| (27) | To commission, enter into and manage any contacts with External Providers for services in accordance with Financial Regulations and any Joint Commissioning Strategy agreed with the Integration Joint Board for Moray. | Head of Service
(MIJB)/Head of
Children's
Services |
| (28) | To carry out the functions of the Council as Social Work Authority | Head of Service |

	in terms of Council Policy and the legislative framework set by the Community Care and Health (Scotland) Act 2002. (social care charging)	(MIJB)/Head of Children's Services
(29)	To carry out the functions of the Council as Social Work Authority in terms of Council Policy and the legislative framework set by Mental Health (Care and Treatment) (Scotland) Act 2003. (detention, care and treatment of persons with a mental disorder)	Head of Service (MIJB)/Head of Children's Services
(30)	To apply to the Department of Work and Pensions (DWP) for Corporate Appointeeship for clients without capacity in terms of the Social Security (Claims and Payments) Regulations 1987 and to receive and deal with any sums received.	Head of Service (MIJB)
(31)	To access funds for clients without capacity in terms of Part 3 of the Adults With Incapacity (Scotland) Act 2000.	Head of Service (MIJB)
(32)	To make inquiries and exercise investigatory powers in terms of Sections 4 and 7-10 of the Adult Support and Protection (Scotland) Act 2007.	Head of Service (MIJB)
(33)	To provide appropriate services in terms of Section 6 of the Adult Support and Protection (Scotland) Act 2007.	Head of Service (MIJB)
(34)	To have the power to apply to a Sheriff for an Assessment Order in terms of Section 11 of the Adult Support and Protection (Scotland) Act 2007.	Head of Service (MIJB)
(35)	To have the power to apply to a Sheriff for a Removal Order in terms of Section 14 of the Adult Support and Protection (Scotland) Act 2007.	Head of Service (MIJB)
(36)	To have the power to apply to a Sheriff for a Banning Order in terms of Section 22 of the Adult Support and Protection (Scotland) Act 2007.	Head of Service (MIJB)
(37)	To have the power to apply to a Sheriff for a Warrant for Entry in terms of Section 38 of the Adult Support and Protection (Scotland) Act 2007.	Head of Service (MIJB)
(38)	To implement directions re integrated services received from the Integration Joint Board for Moray in terms of the Public Bodies (Joint Working) (Scotland) Act 2014.	Head of Service (MIJB)
(39)	To provide such information as may reasonably be required by the Chief Officer of the Moray Integration Joint Board to enable planning, monitoring and delivery of integrated services.	Head of Service (MIJB)

CHILDREN'S SERVICES

(40)	To supervise and care for persons placed on probation, released from prison etc. and to provide the necessary social background and other reports as required in terms of Section 27 of the Social Work (Scotland) Act 1968.	Head of Children's Services
(41)	To provide aids and adaptations in terms of Section 2 Chronically Sick and Disabled Persons Act 1970 and Section 71 Housing (Scotland) Act 2006.	Head of Children's Services
(42)	To promote social welfare in terms of Section 12 of the Social Work (Scotland) Act 1968.	Head of Children's Services
(43)	To provide and maintain such residential and other establishments as are required for the Council's functions, Section 59 of the Social Work (Scotland) Act.	Head of Children's Services
(44)	To recover contributions in respect of children who are looked after by the authority in terms of Section 78A of the Social Work (Scotland) Act 1968.	Head of Children's Services
(45)	To recover contributions that have not been paid in terms of Section 82 of the Social Work (Scotland) Act 1968.	Head of Children's Services
(46)	To pay allowances in respect of the maintenance of children in terms of Section 50 of the Children Act 1975.	Head of Children's Services
(47)	To arrange for visits to be made to a child or young person in relation to whom parental rights and responsibilities have been transferred to the council in terms of Section 10 of the Mental Health (Scotland) Act 1994.	Head of Children's Services
(48)	In consultation with the Chair of the Children and Young People's Services Committee and the Chair of the Policy and Resources Committee, to vary kinship allowances in exceptional circumstances.	Head of Children's Services
(49)	To assess the need for the provision of social work services to any young person reaching school leaving age who is regarded as disabled in terms of the Education (Additional Support for Learning) (Scotland) Act 2004.	Head of Children's Services
(50)	To safeguard and promote the welfare of children looked after by the Council in terms of Section 17 of the Children (Scotland) Act 1995.	Head of Children's Services
(51)	To prepare and publish a plan for the provision of relevant services	Head of

	for, or in respect of, children in the Council's area in terms of Section 19 of the Children (Scotland) Act 1995;	Children's Services
(52)	To prepare and publish information about relevant services for children in the Council's area in terms of Section 20 of the Children (Scotland) Act 1995.	Head of Children's Services
(53)	To request help in exercise of any functions that the Council has under Part II of the Children (Scotland) Act 1995.	Head of Children's Services
(54)	To provide services to safeguard and promote the welfare of children who are in need and to promote the upbringing of such children by their families in terms of Section 22 of the Children (Scotland) Act 1995.	Head of Children's Services
(55)	To ensure that services provided under Section 22 of the Children (Scotland) Act 1995 to a child with or affected by a disability are designed to minimise the effect of his/her disability, or to minimise the effect of the disability of a family member on the child and to provide the opportunity for the child to lead as normal a life as possible in terms of Section 23(1) of the Children (Scotland) Act 1995.	Head of Children's Services
(56)	To carry out an assessment (if asked to do so by the child's parent or guardian) of the child with or affected by disability or any other person in his/her family in order to ascertain the child's needs as in so far as they are attributable to his/her disability or that of another person in terms of Section 23(3) of the Children (Scotland) Act 1995.	Head of Children's Services
(57)	To provide accommodation for children in terms of Section 25 of the Children (Scotland) Act 1995.	Head of Children's Services
(58)	To provide accommodation for children looked after by the Council in terms of Section 26 of the Children (Scotland) Act 1995.	Head of Children's Services
(59)	To provide day care for children in need within the Council's area who are aged 5 or under and who have not yet started school in terms of Section 27(1) of the Children (Scotland) Act 1995.	Head of Children's Services
(60)	To provide appropriate care for school children in need within the Council's area outside school hours or during school holidays in terms of Section 27(3) of the Children (Scotland) Act 1995.	Head of Children's Services
(61)	To provide advice, guidance and assistance for children under 19 years of age but over school age who were previously in the care of a Council or voluntary organisation in terms of Section 29 of the Children (Scotland) Act 1995.	Head of Children's Services

(62)	To provide financial help towards maintaining, educating or training formerly looked after people over school age in terms of Section 30 of the Children (Scotland) Act 1995.	Head of Children's Services
(63)	To review cases of children looked after by the Council in terms of Section 31 of the Children (Scotland) Act 1995.	Head of Children's Services
(64)	Upon receipt of notification in terms of Section 36(1) of the Children (Scotland) Act 1995 to determine whether the child's welfare is adequately safeguarded and whether to exercise any functions under the Act in terms of Section 36(2).	Head of Children's Services
(65)	To have the power to provide short-term refuge to children who appear to be at risk of harm and who themselves request to be provided with such refuge in terms of Section 38 of the Children (Scotland) Act 1995.	Head of Children's Services
(66)	To make enquiries and provide information to the Reporter to the Children's Panel where children may require compulsory measures of supervision in terms of Section 53 and 56(1) of the Children (Scotland) Act 1995 or section 60 of the Children's Hearings (Scotland) Act 2011.	Head of Children's Services
(67)	To have the power to apply to a Sheriff for a child assessment order in terms of section 55 of the Children (Scotland) Act 1995 or Section 35 of the Children's Hearings (Scotland) Act 2011.	Head of Children's Services
(68)	To provide reports on children and their social background for a Children's Hearing in terms of Section 56(2) and/or (7) of the Children (Scotland) Act 1995 or Section 66 of the Children's Hearings (Scotland) Act 2011.	Head of Children's Services
(69)	To have the power to apply for a child protection order in terms of Section 57 of the Children (Scotland) Act 1995 or Section 37 of the Children's Hearings (Scotland) Act 2011.	Head of Children's Services
(70)	To provide and maintain such residential and other establishments as are required for the Council's functions in terms of Section 59 of the Social Work (Scotland) Act 1968 or under Part II of the Children (Scotland) Act 1995, or arrange for the provision of such establishments.	Head of Children's Services
(71)	To have the power to apply to a Justice of the Peace for an emergency child protection authorisation in terms of Section 61 of the Children (Scotland) Act 1995 or section 55 of the Children's Hearings (Scotland) Act 2011.	Head of Children's Services
(72)	To put into effect a supervision requirement made by a Children's Hearing in terms of Section 71(1) of the Children (Scotland) Act	Head of Children's

	1995 and to recommend a review of such a supervision requirement or ask for an advice hearing to be held in terms of Section 73(4) of the Children (Scotland) Act 1995; or to give effect to a compulsory supervision order (including an interim order) in terms of section 83 of the Children's Hearings (Scotland) Act 2011 and to require a review of such a compulsory supervision order in terms of section 131 of the Children's Hearings (Scotland) Act 2011.	Services
(73)	To have the power to apply to a Sheriff for an exclusion order in terms of Section 76 of the Children (Scotland) Act 1995.	Head of Children's Services
(74)	To have the power to apply for the attachment of a power of arrest at any time while an exclusion order has effect in terms of Section 78(2) of the Children (Scotland) Act 1995.	Head of Children's Services
(75)	To approve or de-register foster carers and to pay fostering allowances to approved foster carers under the Looked After Children (Scotland) Regulations 2009.	Head of Children's Services
(76)	To provide a service, in collaboration with Health and Voluntary sector agencies to those who misuse or are affected by those who misuse drugs and alcohol.	Head of Children's Services
(77)	To work with the Head of HR, ICT and OD to ensure the adequate provision of professional training for staff working in Social Work services.	Head of Service (MIJB)/Head of Children's Services
(78)	To carry out the functions of the Council as Social Work Authority in terms of Council policy and the legislative framework set by Section 6 Children (Leaving Care) Act 2000.	Head of Children's Services
(79)	To carry out the functions of the Council as Social Work Authority in terms of Council policy and the legislative framework set by the Regulations and Guidance for Leaving Care 2004 and the Education (Additional Support for Learning) (Scotland) Act 2004.	Head of Children's Services
(80)	To have the power to instruct the Council's solicitors to apply to a Sheriff for a Permanence Order relating to a child in terms of section 80 of the Adoption and Children (Scotland) Act 2007 and for any interim order, variation or revocation thereof and when deemed appropriate to represent the Council at those proceedings.	Head of Children's Services
(81)	To exercise rights and fulfil responsibilities granted to the local authority under any Permanence Order granted in terms of Section 80 of the Adoption and Children (Scotland) Act 2007 while the	Head of Children's Services

Order remains in force.

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|------|---|-----------------------------|
| (82) | To provide an adoption service and undertake the duties of an adoption agency in terms of relevant legislation. | Head of Children's Services |
| (83) | To prepare and publish a plan for the provision of an adoption service in terms of Section 4 of the Adoption and Children (Scotland) Act 2007. | Head of Children's Services |
| (84) | To assess, plan, provide and review post adoption support services in terms of Section 9, 10, 45, 47 and of the Adoption and Children (Scotland) Act 2007 and the Adoption Support Services in Allowances (Scotland) Regulations 2009. | Head of Children's Services |
| (85) | To pay adoption allowances in terms of section 71 of the Adoption and Children (Scotland) Act 2007 and the Adoption Support Services and Allowances (Scotland) Regulations 2009. | Head of Children's Services |
| (86) | Having regard to all relevant matters, to consider whether adoption is in the best interest of a child or whether there is better practicable alternative in terms of Section 14 of the Adoption and Children (Scotland) Act 2007. | Head of Children's Services |
| (87) | To investigate the circumstances of and submit a report to the court in respect of a child for whom an Adoption Order is being sought in terms of Sections 17 and 19 of the Adoption and Children (Scotland) Act 2007. | Head of Children's Services |
| (88) | To manage and implement the Council's statutory responsibilities in terms of the Children (Scotland) Act 1995 and the Children's Hearings (Scotland) Act 2011. | Head of Children's Services |
| (89) | To make appointments to the Permanence Panel in relation to adoption and fostering, in terms of the Adoption Agencies (Scotland) Regulations 2009 and the Looked after Children (Scotland) Regulations 2009. | Head of Children's Services |
| (90) | <p>In terms of this role, the following is authorised:</p> <p>(a) To agree, with the person in charge of the establishment, the period during which a child shall be liable to be placed and kept in secure accommodation in terms of Section 70(9) and 70(10) of the Children (Scotland) Act 1995 or to implement a relevant order or warrant which includes a secure accommodation authorisation with the consent of the person in charge of the establishment or to remove the child from the secure accommodation if considered necessary or required to do so in terms of section 151 of the Children's Hearings (Scotland) Act 2011 and the Children's Hearings (Scotland) (Implementation of Secure Accommodation)</p> | Head of Children's Services |

(Scotland) Regulations 2013; and

- (b) To have the power, in any case of urgent necessity, to direct that a child who is obliged to reside in a specified place be transferred to another place in his/her interests or in the interest of other children in terms of Section 72(1) of the Children (Scotland) Act 1995 or section 143 of the Children (Scotland) Act 2011.

APPENDIX 1

Environmental Services – List of Relevant Legislation

- Environment Act 1995
- Public Health etc. (Scotland) Act 2008
- Offices, Shops and Railway Premises Act 1963
- Prevention of Damage by Pest Acts 1949
- Civic Government (Scotland) Act 1982
- Water (Scotland) Act 1980
- Environmental Protection Act 1990
- Control of Pollution Act 1974
- Food and Environment Protection Act 1985
- Civic Amenities (Scotland) Act 1982
- Health and Safety at Work etc. Act 1974
- Noise and Statutory Nuisance Act 1993
- Food Safety Act 1990
- The Countryside Act 1968
- Clean Air Act 1993
- Caravan Sites and Control of Development Act 1960
- Sewerage (Scotland) Act 1968
- National Assistance Act 1948
- Radioactive Substances Act 1960
- Riding Establishments Act 1964-1970
- Housing (Scotland) 1987
- Breeding of Dogs Act 1973-91
- Burial Grounds (Scotland) Act 1855
- Caravan Sites Act 1968
- Pet Animals Act 1951
- Animal Boarding Establishments Act 1963
- Dogs Act 1906-28
- Animal Health Act 1981
- Dangerous Wild Animals Act 1976
- General Product Safety Regulations 2005
- Animal Health and Welfare (Scotland) Act 2006
- Housing (Scotland) Act 2006
- European Communities Act 1972
- Meat (Enhanced Enforcement Powers) (Scotland) Regulations 2000
- TSE (Scotland) Regulations 2002
- Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2002
- Products of Animal Origin (Import and Export) Regulations 1996
- Imported Food Regulations 1997
- Food Hygiene (Scotland) Regulations 2006
- Animal By-Products (Enforcement)(Scotland) Regulations 2011
- Agriculture (Miscellaneous Provisions) Act 1968
- Protection of Animals (Scotland) Act 1912
- Animal Health and Welfare Act 1984

- Breeding and Sale of Dogs (Welfare) Act 1999
- Performing Animals (Regulations) Act 1925
- Refuse Disposal (Amenity) Act 1978
- Official Feed and Food Controls (Scotland) Regulations 2009
- Control of Pollution (Amendment) Act 1989
- National Health Service Amendment Act 1986
- Water Act 1989
- Private Water Supplies (Scotland) Regulations 2006
- Zoo Licensing Act 1981
- The Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006
- General Food Regulations 2004
- Smoking, Health and Social Care (Scotland) Act 2005
- Animal By-Products (Scotland) Regulations 2003
- Private Water Supplies (Grants) (Scotland) Regulations 2006
- Private Water Supplies (Notices) (Scotland) Regulations 2006
- The Dog Fouling (Scotland) Act 2003
- Contaminated Land (Scotland) Regulations 2000-2005
- Public Health (Scotland) Act 2008 (restates and amends the law on public health, makes provision about mortuaries and disposal of bodies, makes provision for the control of sun beds, amends the law relating to statutory nuisances and requires local authorities to designate competent persons to exercise the functions relating to the protection of public health.
- Housing (Scotland) Act 2006 (requires the local authority to authorise officers to deal with various issues including Housing Standards, Repairing Standard, Works Notices, maintenance orders and enforcement for Houses in Multiple Occupation) (for licensing of HMO see para 8(18).
- The two Animal Service Officers will be authorised to act in terms of the Dog Fouling (Scotland) Act 2003 and any Orders, Regulations, Statutory Instruments or other subordinate legislation made thereunder
- Control of Dogs (Scotland) Act 2010
- Dangerous Dogs Act 1991
- Trade in Animals and Related Products (Scotland) Regulations 2012
- Food Information (Scotland) Regulations 2014
- Smoking Prohibition (Children and Motor Vehicles) (Scotland) Regulations 2016
- Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017

APPENDIX 2

Trading Standards – List of Relevant Legislation

- Agriculture Act 1970
- Agricultural Product (Grading and Marking) Act 1928
- Antisocial Behaviour etc. (Scotland) Act 2004
- Children and Young Persons (Protection from Tobacco) Act 1991
- Children and Young Persons (Scotland) Act 1937
- Civic Government (Scotland) Act 1982
- Companies Acts 1985 and 2006
- Construction Products Regulations 2013
- Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013
- Consumer Rights Act 2015 – the undernoted powers in relation to ‘the enforcer’s legislation’ as defined in Schedule 5:
 - (i) Power to require the production of information
 - (ii) Power to purchase products
 - (iii) Power to observe carrying on of business etc.
 - (iv) Power to enter premises without warrant
 - (v) Power to inspect products
 - (vi) Power to test equipment
 - (vii) Power to require the production of documents
 - (viii) Power to seize and detain goods
 - (ix) Power to seize documents required as evidence
 - (x) Power to break open container etc.
 - (xi) Power to enter premises with warrant
 - (xii) Power to require assistance from person on premises
- Consumers, Estate Agents and Redress Act 2007
- Cosmetic Products Enforcement Regulations 2013
- Energy Act 1976
- Energy Information Regulations 2011
- Energy Performance of Buildings (Scotland) Regulations 2008
- Enterprise Act 2002
- European Communities Act 1972
- Explosives Regulations 2014
- Feed (Hygiene and Enforcement) (Scotland) Regulations 2005
- Fireworks Act 2003
- Food (Hygiene and Enforcement) (Scotland) Regulations 2005
- Food & Environmental Protection Act 1985
- Health and Safety at Work Etc Act 1974, Sections:
 - 20 – Power of Entry
 - 21 – Improvement Notices
 - 22 – Prohibition Notices
 - 23 – Causes of Imminent Danger
- The Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016
- Housing (Scotland) Act 2006, Part 3 and Schedule 3
- The Manufacture and Storage of Explosives Regulations 2005

- Official Feed and Food Controls (Scotland) Regulations 2005
- Petroleum (Consolidation) Regulations 2014
- The Psychoactive Substances Act 2016
- Regulatory Enforcement and Sanctions Act 2008
- Sale of Spray Paint (Display of Warning Statement) (Scotland) Regulations 2004
- Single Use Carrier Bags Charge (Scotland) Regulations 2014
- Tobacco Advertising and Promotion Act 2002
- Tobacco and Primary Medical Services (Scotland) Act 2010
- Vehicles (Crime) Act 2001
- Weights and Measures Acts 1985

Summary of Council operating structures across Scotland.

Type of structure	Description	Evaluation
Traditional Committee		
By management structure	Committee remit focused around the Council's departmental structures.	<p>Pros:</p> <ul style="list-style-type: none"> • Clear tasking and accountability of officers to that committee <p>Cons:</p> <ul style="list-style-type: none"> • Less able to develop cross cutting strategies-requires more issues to be pushed up to a central policy committee. • Potential for a greater number of committees and more resource intensive to service • If departmental structures change this can lead to overlaps.
By theme	<p>Committee remit focused around the Council's strategic priorities, or broader themes such as:</p> <ul style="list-style-type: none"> • people • place • environmental • regulatory 	<p>Pros</p> <ul style="list-style-type: none"> • Could help the council focus attention on the outcomes of our strategic priorities. <p>Cons</p> <ul style="list-style-type: none"> • We still need to crunch through the operational detail of the wide range of services we provide. • More resource in pulling together multi-department material
By area	Many larger authorities operate area committees. Some of	Pros:

	these have local spending powers and local regulatory functions including planning and licensing. Others appear more focused on Community Planning issues.	<ul style="list-style-type: none"> • Good for local democracy and accountability Cons: <ul style="list-style-type: none"> • Q whether Moray is large enough (by population and area) to justify this.
Summary comments	<p>Around two thirds of councils in Scotland operate this type of model.</p> <p>There is still a requirement to have distinct committees for statutory functions including planning, licensing and appeals. Best practice also suggests the need for an audit committee.</p>	Pros <ul style="list-style-type: none"> • Tried and tested. • Gives flexibility. • Easy to reflect political balance • Allows high levels of councillor engagement committees so more inclusive and good for scrutiny. Cons: <ul style="list-style-type: none"> • Resource intensive • Potential for overlap and reports going to multiple committees. • Can there be too much scrutiny?
Cabinet or executive		
Extent of powers	<p>Some Councils have almost all policy decisions made by the cabinet/executive committee with just the annual budget setting and statutory functions reserved to full Council .</p> <p>In a hybrid model, less power is devolved to the cabinet with some decision making in service committees. This could be viewed as a “super P&R”.</p>	<p>The more powers that are devolved to the cabinet/executive, the more the likely efficiencies are.</p> <p>The annual budget setting process and statutory functions are reserved to full Council.</p>
Administration only	Only administration members sit on the cabinet. Political balance is achieved by having a one or more scrutiny committees on which a majority of opposition members sit. These scrutiny committees have the power to call in decisions of the cabinet/executive but final decision	Pros <ul style="list-style-type: none"> • Speedy decision making Cons <ul style="list-style-type: none"> • Potential for decision making to be slowed down by call

	making. The scrutiny safety net for opposition councillors comes in the annual budget setting meeting spending priorities are agreed by all Councillors.	ins to scrutiny committees. <ul style="list-style-type: none"> Questionable in terms of political balance
Rainbow	The cabinet/executive reflects political balance.	Pros <ul style="list-style-type: none"> Political balance observed. Examples of it working elsewhere. Cons <ul style="list-style-type: none"> There is anecdotal evidence that opposition group members find it hard to operate in the cabinet without a steer from their group.
Rainbow light	As above but token opposition Councillors sit on the cabinet/executive. Their position is more like an observer.	As above.
General comments	Around one third of councils in Scotland operate this type of model. As in the committee structure above there is still a requirement to have distinct committees for statutory functions including planning, licensing and appeals. Best practice also suggests the need for an audit committee.	Pros <ul style="list-style-type: none"> Faster decisions: more frequent meetings involving fewer councillors Less potential for overlap Potential to free up time of non-executive councillors to concentrate on constituency work Less meetings to service Cons: <ul style="list-style-type: none"> Potential for call-in to scrutiny committees could slow down decision making Excludes majority of Councillors from core decisions. Weaker overall scrutiny of decision making



REPORT TO: MORAY COUNCIL ON 12 FEBRUARY 2020

SUBJECT: APPROVED MINUTES OF MORAY INTEGRATION JOINT BOARD

BY: CHIEF OFFICER, MORAY INTEGRATION JOINT BOARD

1. REASON FOR REPORT

- 1.1 To inform the Council of the latest approved minutes of the meetings of the Moray Integration Joint Board.
- 1.2 This report is submitted to Committee in terms of Section II (22) of the Council's Scheme of Administration relating to the Moray Integration Joint Board (MIJB).

2. RECOMMENDATION

- 2.1 **The Council is asked to consider and note the contents of this report.**

3. BACKGROUND

- 3.1 The MIJB was established on 6 February 2016 under the terms of the Public Bodies (Joint Working) (Scotland) Act 2014 with full delegation of functions and resources to enable integration of primary and community health and social care services effective from 1 April 2016. The MIJB is a separate legal organisation and acts as principal in its own right.

The principal ambitions of health and social care integration are to:

- Support the improvement of the quality and consistency of services for patients, carers, service-users and their families.
 - Provide seamless, joined-up quality health and social care services in order to care for people in their homes or a homely setting where it is safe to do so.
 - Ensure resources are used effectively and efficiently to deliver services.
- 3.2 **APPENDIX 1** is the approved minutes from the MIJB meeting held on 31 October 2019 and 28 November 2019 which were accepted as correct records of the meetings on 28 November 2019 and 30 January 2020 respectively. A few key highlights from these meetings for the Moray Council to note were, the MIJB:

31 October 2019

- Noted the proposal to move Children and Families Social Work Services and Criminal Justice Social Work services to the MIJB had been agreed by Moray Council on 25 September 2019. A report to the next meeting of MIJB would seek agreement in principle for the move.
- Endorsed the schedule of meetings of the MIJB, the Audit, Performance and Risk Committee and the Clinical and Care Governance Committee for 2020/21.
- Noted the progress to date to implement the Carers (Scotland) Act 2016 into everyday practice in line with the duties encompassed within the Act and key areas for development.
- Noted the appointment of a new convener for Moray Adult Protection Committee; the outcome of the self-evaluation exercise undertaken and improvement plan.
- Agreed to adopt the Strategic Plan, Transformation Plan and the Medium Term Financial Framework.

28 November 2019

- Noted that Moray teams/individuals were finalists in 4 out of 17 categories at the Scottish Health Awards 2019, with Distress Brief Interventions winning on the night in the Care for Mental Health category.
- Noted the interim closure of Fleming Hospital to inpatients and the work Health and Social Care Moray (HSCM) senior leadership team have done to date to engage and support staff, patients and members of the public.
- Agreed to co-opt a member of the NHS Grampian public health team to the MIJB.
- Noted the financial position of the MIJB as at 30 September 2019 and the provisional forecast position for 2019/20. The MIJB also noted the progress against the financial recovery plan.
- Approved the charges for services for 2020/21 financial year for recommendation to Moray Council for approval and inclusion into their budget setting processes. Noted the recommended charges will be subject to assessment for the socio-economic impact.
- Approved the draft MIJB Climate Change Duties Report submission for 2018/19 to Sustainable Scotland Network.
- Noted the HSCM, Dr Gray's Hospital and GMED (the NHS out of hours service) winter surge plans.
- Noted the proposal by the Moray Council at its meeting on 25 September 2019 to proceed with the next steps to implementation in the potential delegation of Children and Families Social Work Services and Criminal Justice Social Work services to the MIJB. The Board also agreed to explore potential of a shadow period during transition if NHS Grampian and Moray Council agree.
- Approved the Strategic Plan (which had the addition of the foreword since members last had sight of the plan) and suite of high level supporting documents, noting they will be reviewed annually. The four additional documents are Performance Management Framework,

Organisational Development & Implementation Plan, Workforce Plan 2019-2022 and Communication, Engagement & Participation Plan.

- Noted the updated Strategic Risk Register.
- Noted the continuing progress in implementing the Learning Disability Transformation Project Plan.
- Noted the evaluation of the Jubilee Cottages and agreed to instruct officers' to progress in partnership with Housing Services, Moray Council, to consider suitable and cost effective options to meet the identified need outlined in the report.

3.3 Mental Health and Learning Disabilities Services at Royal Cornhill Hospital, Aberdeen.

The Integration Schemes for all of the IJB's across Grampian are under review in line with the legislation and due to a number of proposed changes being explored. In Moray the proposal to delegate Children and Families Social Work and Criminal Justice Services already in progress.

Mental Health Services and the associated functions at the Royal Cornhill Hospital whilst delegated and recorded within the Integration Scheme have not been transferred operationally to date. In reviewing this position NHS Grampian has proceeded to implement the transfer of services on a hosting basis to the Aberdeen City IJB, the detail and implications of this are currently being worked through and some amendment to the Schemes will be required. The detail of this and the amendments will come to Moray Council in due course when the Integration Scheme is processed for approval between the Council and the NHS. The Chief Officer will proceed with a members briefing in the near future to allow elected members to be fully sighted on the detail and implications of this, ensuring full knowledge is in place for the council in decision making. This will also allow any observations and concerns to be raised early in the process.

4. SUMMARY OF IMPLICATIONS

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

This report forms part of the governance arrangements of MIJB; good governance arrangements will support the Board to fulfil its objectives.

(b) Policy and Legal

There are no policy or legal implications associated with this report.

(c) Financial implications

There are no financial implications associated with this report.

(d) Risk Implications

There are no risk implications associated with this report.

(e) Staffing Implications

There are no staffing implications arising from this report.

(f) Property

There are no property implications arising from this report.

(g) Equalities/Socio Economic Impact

An Equalities Impact Assessment is not required as there is no change to policy and procedures resulting from this report.

(h) Consultations

Consultation on this report has taken place with Corporate Manager, Health and Social Care Moray, and Tracey Sutherland, Committee Services Officer, who are in agreement with the content in relation to their area of responsibility.

5. CONCLUSION

5.1 This report provides a summary of the business addressed by the MIJB at their meetings on 31 October 2019 and 28 November 2019.

Author of Report:	Isla Whyte, Interim Support Manager, Health and Social Care Moray
Background Papers:	with author
Ref:	



MINUTE OF MEETING OF THE INTEGRATION JOINT BOARD

Thursday, 31 October 2019

Inkwell Main, Elgin Youth Café, Francis Place, Elgin, IV30 1LQ

PRESENT

Ms Tracey Abdy, Mr Ivan Augustus, Ms Elidh Brown, Mr Roddy Burns, Mr Sean Coady (NHS), Mr Tony Donaghey, Mrs Pam Dudek, Councillor Tim Eagle, Mrs Linda Harper, Councillor Louise Laing, Mr Steven Lindsay, Ms Jane Mackie, Dr Malcolm Metcalfe, Councillor Shona Morrison, Mr Jonathan Passmore, Mr Sandy Riddell, Mr Dennis Robertson, Dr Graham Taylor, Mrs Val Thatcher, Dr Lewis Walker

APOLOGIES

Professor Amanda Croft

IN ATTENDANCE

Also in attendance at the above meeting was Tracey Sutherland, Committee Services Officer.

1. Chair

The meeting was chaired by Mr Jonathan Passmore.

2. Welcome and Apologies

Mr Passmore welcomed everyone to the meeting and his first as Chair of the IJB. He further thanked Councillor Shona Morrison for her time as Chair.

3. Declaration of Member's Interests

There were no declarations of Member's interests in respect of any item on the agenda.

4. Minute of the Integration Joint Board meeting dated 29 August 2019

The minute of the meeting dated 29 August 2019 was submitted for approval.

Dennis Robertson asked that his title be changed from Councillor to Mr as he was not a member of the MIJB in his capacity as a Councillor.

Subject to the change noted above, the Board agreed to approve the minute as submitted.

5. Action Log of the Integration Joint Board meeting dated 29 August 2019

The Action Log of the meeting dated 29 August 2019 was discussed and the Board noted:

Under reference to item 4 - Mr Burns and Professor Croft have now been invited to attend the MIJB.

Under reference to item 5 - the evaluation report of the Overnight Responder Service Pilot would now be presented later in 2020.

Under reference to Item 6 - the Draft Strategic Plan will be discussed later in the agenda.

6. Minute of the Integration Joint Board Clinical and Care Governance Committee meeting dated 30 May 2019

The minute of the meeting of Clinical and Care Governance Committee dated 30 May 2019 was submitted and noted.

7. Minute of the Integration Joint Board Audit, Performance and Risk Committee dated 25 July 2019

The minute of the Audit, Performance and Risk Committee was submitted for noting by the Board.

Mr Robertson asked that the word 'minute' be changed to reflect that it was a note of the meeting as the meeting was not quorate. As the minute was at the Board for noting and was previously approved at the meeting of the Integration Joint Board Audit, Performance and risk Committee on 19 September 2019 (para 8 of the minute refers) no changes will be possible.

8. Minute of the Integration Joint Board Audit, Performance and Risk Committee meeting dated 1 August 2019

The minute of the Audit, Performance and Risk Committee dated 1 August 2019 was submitted for noting by the Board.

Mr Stephen Lindsey asked that his apologies be added as they were submitted prior to the meeting.

As the minute was at the Board for noting and was previously approved at the meeting of the Integration Joint Board Audit, Performance and risk Committee on 19 September 2019 (para 9 of the minute refers) no changes will be possible.

9. Chief Officers Report 31 October 2019

A report by the Chief Officer asked the Committee to note the update.

Mrs Dudek updated the meeting to inform them that the proposal to move children and families social work to the MIJB had been agreed. She further added that a report to the next meeting of MIJB would seek agreement in principle for the move. The move will require a lot of work and due diligence and it is not anticipated to be completed until Autumn 2020. All the constitutional documents will need to be reviewed to take into account the change.

Dr Taylor sought clarification on whether this included Community based Children's services like paediatrics. Mrs Dudek confirmed that the change involved children's social work only.

The Chair confirmed that the Scheme of Integration between NHS Grampian and Moray Council was due to be reviewed so the existing agreement will be assessed for appropriateness for going forward and including the Children and Families element which will need to be credible and workable to allow the changes to be deliverable. The Chair asked that if any members of the Board had any thoughts on the due diligence, that they be passed to Mrs Dudek and not to wait for the report to the Board.

Mrs Dudek also gave an update on the Grampian wide strategy developments and prevention.

Following consideration the Board agreed to note the updates provided.

10. Moray Integration Joint Board Meeting Dates 2020-21

A report by the Chief Officer proposed the schedule of meetings of the MIJB, the Audit, Performance and Risk Committee and the Clinical and Care Governance Committee for 2020/21.

Mrs Dudek confirmed that the dates had been developed to try and ensure optimum attendance at the meetings.

Following consideration the board agreed to endorse the schedule of meetings for MIJB, Audit Performance and Risk Committee and the Clinical and Care Governance Committee for 2020/21.

11. Progress on the Implementation of the Carers (Scotland) Act 2016

A report by the Chief Social Work Officer/Head of Service Strategy and Commissioning informed the Board of the progress to date to implement the Carers (Scotland) Act 2016 into everyday practice in line with the duties encompassed within the Act and key areas for development.

Mr Augustus raised concerns regarding how the act could be implemented as he was aware that there is a difficulty in employing carers. In response Mrs Mackie confirmed that she shared his concerns but felt it was important to put the resources in to implement the plan.

Mr Robertson sought clarification on whether there is a process to provide staff with additional training to assist moving clients from hospital to home as there was acknowledgement that this is an area of concern.

In response Mrs Mackie confirmed that there is a need to involve carers in a different way and that the debate around discharge needs to be handled sensitively where there is a difference of opinion between staff and family.

The Chair confirmed that there is more work required from the Board, around how it aligns with the strategic plan, the understanding of what the resources and requirements are and if there is sufficient resources available to undertake all the work identified.

Following further consideration the Board agreed to:

- i) note the progress to date in relation to the Carers (Scotland) Act 2016
- ii) approves the developments highlighted to ensure that key duties and requirements within the Act are embedded in Moray; and
- iii) notes the use of the Scottish Government allocated funding for the implementation of the Carers Act.

12. Adult Protection Committee

A report by the Chief Social Work Officer/Head of Service informed the Board of the appointment of a new convener for Moray Adult Protection Committee; the outcome of the self evaluation exercise undertaken and note the improvement plan.

Mrs Mackie informed the Board that the new Chair is Ms Samara Shah who has also taken over the role of Chair of the Moray Child Protection Committee.

Mrs Dudek reminded the Board that Adult Protection is the responsibility of the Board to ensure that the Adult Protection Committee and Chair are appointed.

Mr Riddell confirmed that he was re-assured by the report. He highlighted that it was apparent that 1 or 2 agencies had really engaged with process and sought confirmation that other agencies were now engaging.

In response Mrs Mackie confirmed that there had been a large response from social work staff and confirmed that there was good attendance at Adult Protection Committees.

The Chair sought clarification on whether a member of the IJB sit on the Committee and suggested the Chair of Clinical and Care Governance.

Mrs Dudek confirmed that the membership is now the responsibility of the Board. Mr Riddell, Chair of CCG said that he would need to consider the frequency of meetings

prior to agreeing to sit on the Board to ensure the meetings didn't clash with other responsibilities. Mrs Mackie agreed to send the dates to Mr Riddell.

Mrs Dudek further added that there is a pan Grampian Chief Executives Group and in Moray there is a Chief Officer multi agency group which currently meet monthly but will shortly be moving to meeting every 2 months.

The Chair, with reference to the Action Plan sought confirmation that Adult Protection is a priority for all work areas and commented that it would be helpful to include identified risks and implications if this area is not resourced properly.

In response Mrs Mackie confirmed that it is a priority and that the IJB need to be clear about the resource priority. She further confirmed that the final workshop will fully identify the resource and any gaps will be identified.

Following consideration the Moray Integration Joint Board noted the content of the report.

13. Moray Strategic Plan - Partners in Care 2019-2029

A report by the Chief Officer provided the Board with the final Moray Strategic Plan - Partners in Care 2019-2029 and associated appendices post final consultation and seek approval to adopt and publish the plan.

The Chair thanked Mrs Dudek and her team for bringing the Plan to the Board and all the work that had gone into the documents so far.

Mr Metcalfe said that it was an impressive piece of work but expressed concern about some of the language used in the document and that members of the public may not understand some of the language used. He felt that it would be useful to have a glossary of terms as the document will be in the public domain.

In response Mrs Dudek confirmed that a glossary of terms could be added to the plan. She also confirmed that an easy read version will also be available and this will be circulated to members of the Board.

The Chair confirmed that Cllr Morrison, Mrs Dudek and himself have discussed the content of the forward and the draft will be presented to the Board for approval, prior to inclusion into the plan.

Mr Robertson expressed concern about using words like ensure as this may be raising expectations. The Chair confirmed that the plan is a 10 year working document and will be reviewed frequently to ensure the Board is working towards delivery.

Following further consideration the Moray Integration Joint Board agreed to:

- i) agree to adopt the Strategic Plan (Appendix 1), Transformation Plan (Appendix 3) and the Medium Term Financial Framework (Appendix 4);
- ii) note the feedback from the final consultation (Appendix 2);
- iii) note the framework for Strategic Change and Service Improvement developed to

give a consistent approach across the partnership to these activities (Appendix 5);
and

- iv) agree to supporting documents to the Strategic Plan in the form of the Performance Framework, Organisational Development and Workforce Plan and the Communication, Engagement and Participation Plan being presented to the MIJB in November 2019.



MINUTE OF MEETING OF THE INTEGRATION JOINT BOARD

Thursday, 28 November 2019

Inkwell Main, Elgin Youth Café, Francis Place, Elgin, IV30 1LQ

PRESENT

Ms Tracey Abdy, Ms Elidh Brown, Mr Tony Donaghey, Mrs Pam Dudek, Councillor Tim Eagle, Mrs Linda Harper, Dr Malcolm Metcalfe, Councillor Shona Morrison, Mr Jonathan Passmore, Mr Sandy Riddell, Mr Dennis Robertson, Mrs Val Thatcher, Dr Lewis Walker

APOLOGIES

Mr Ivan Augustus, Mr Sean Coady (NHS), Councillor Louise Laing, Mr Steven Lindsay, Ms Jane Mackie, Dr Graham Taylor

IN ATTENDANCE

Mrs Lesley Attridge, Service Manager; Mrs Tracey Gervaise, Children and Families Health Service Lead; Mrs Jeanette Netherwood, Corporate Manager; Mr Charles McKerron, Integrated Service Manager and Mrs Isla Whyte, Interim Support Manager as clerk to the Board.

1 Chair of Meeting

The meeting was chaired by Mr Passmore.

2 Welcome and Apologies

The Chair welcomed everyone to the meeting and apologies were noted.

3 Declaration of Member's Interests

Mr Robertson, as a former manager of North East Sensory Services and having continued links, declared an interest in respect of a number of items on the agenda where there is reference to adult care services.

Having declared an interest the Chair agreed there was no requirement for Mr Robertson to leave the meeting during discussion of the items.

There were no other declarations of Members' Interests in respect of any item on the agenda.

4 Minute of Meeting dated 31 October 2019

The Minute of the meeting dated 31 October 2019 was submitted for approval.

The Clerk highlighted that the minutes of the Clinical and Care Governance Committee and the Audit, Performance and Risk Committee were not put to the Board for approval and therefore wording should be changed to noting.

Under reference to paragraph 7 of the Minute, Mr Riddell advised it was Mr Robertson who had asked for a change of wording and not Mr Riddell as stated.

Subject to the changes noted above, the Board agreed to approve the minute.

5 Action Log of Meeting dated 31 October 2019

The Action Log of the meeting dated 31 October 2019 was discussed and updated accordingly at the meeting.

6 Chief Officers Report

A report by the Chief Officer (CO) provided the Board with an update on Community Hospitals and Care at Home services in upper Speyside, the Scottish Health Awards and Self-Assessment action plan for integration.

Mrs Dudek informed the Board that The Scottish Health Awards took place on 14 November 2019. Moray teams/individuals were finalists in 4 of the 17 categories, with Distress Brief Interventions winning on the night in the Care for Mental Health Category. The Board wished to formally record their congratulations to those making the finals.

Mrs Dudek reminded the Board that after October's Board meeting members were alerted, informally outside of formal business, of the potential interim closure of Fleming Hospital to inpatients. On 1 November 2019, further admissions to Fleming Hospital were stopped on an interim basis and the Minor Injury Unit temporarily closed. All inpatients at Fleming Hospital have now either transferred to Stephen Hospital or another appropriate facility or have gone home with a care package. Public meetings have been held and a number of staff meetings. Although there are concerns, the public understand the difficulties and are keen to be part of the solution. Mrs Dudek stressed there are the same number of beds available as it has now been possible to open all the beds at Stephen Hospital. Mrs Harper confirmed the staffing situation is now better, adding staff are also able to assist Turner Hospital as they continue to recruit. Day case services are still provided from Fleming Hospital.

Mrs Dudek continued, stating this change allows the senior leadership team to

explore new ways of working and challenge what is possible. Two workshops have taken place around flow and actions from there are being expedited. There are Health Care Support Workers in place supporting home carers and further discussions are ongoing around discharge packs and care at home.

Mr Robertson asked for assurance that staff members are being supported through these changes. Mrs Dudek responded advising staff have been involved in many discussions and although upset realise changes require to be made. Hospital staff and doctors are very supportive and in constant dialogue. Mrs Dudek informed the Board that managers will be more visible in Speyside and supporting care at home staff through healthy working lives initiatives.

Communication pieces around temporary closure of Minor Injury Unit, drop in sessions and Q&As have been prepared. It was agreed to copy in Board members to the communications. The Chair and Vice-Chair will also meet with staff in the area in due course.

In response to a question from Councillor Morrison, Mrs Dudek advised an additional pool car has been given to the team in Speyside. Also secured some additional support from volunteering team in that area which will contribute to assessment around changes for individuals regarding travel.

Councillor Eagle asked if there is a barrier in the recruitment process. Mrs Harper advised there is a new process in place which does take a bit longer, however, this is a Scotland wide issue. Mrs Dudek added she is liaising with Highland and Islands Enterprise and local Business Leaders around what Moray has to offer in a bid to attract more people to Moray for work.

A report will come the January 2020 Board meeting to provide an update on progress with the situation in Speyside.

As stated in the CO report, the improvement action plan developed from the integration self-evaluation submission requires to go through a number of different groups and as such the Chair agreed it will be presented to the Board in January 2020.

7 Membership of Moray Integration Joint Board

A report by the Chief Officer informed the Board of proposed changes to the membership of the Moray Integration Joint Board

Mrs Dudek advised that due to changes in public health, it may not be Mr Littlejohn who would join the Board, as stated in the report. The Board agreed having public health expertise input would be valuable.

Thereafter the Board agreed to Co-opt Mr Chris Littlejohn, Deputy Director of Public Health and Head of Health Improvement, NHS Grampian, or another member of the Public Health team, to the Moray Integration Joint Board.

8 Revenue Budget Monitoring Quarter 2 for 2019-2020

A report by the Chief Financial Officer (CFO) updated the Moray Integration Joint Board (MIJB) on the current Revenue Budget reporting position as at 30 September

2019 and provided a provisional forecast position for the year end.

Firstly, Mrs Abdy highlighted an error; the figure under 2.1 (i) is correct, this conflicts with the figure stated in the financial implications section of the report.

Mrs Abdy advised that there is a £1.6m end of year overspend forecast following use of strategic funds.

Mrs Abdy has offered to meet with budget managers to discuss discretionary spend, vacancies etc. to encourage managers to think differently. The services reviews have proved valuable and Mrs Abdy plans to share the information from these more widely.

The recovery plan is set out in the report. Mr Robertson asked what the Board can do to support this process and asked members what the Board is prepared to do differently going forward, making reference to the Strategic Plan. Mrs Abdy advised she aims to change the style of the report to allow more meaningful conversations, which perhaps a development session could be used to do that.

In response to a question from Mr Robertson, the Chair advised of the approach taken to discuss set aside; there are quarterly meetings between the NHSG Chief Executive and Moray Council Chief Executive, Chief Financial Officer of MIJB, Deputy Director of Finance of NHSG, MIJB Chief Officer, MIJB Chair and MIJB Vice-Chair.

Mrs Abdy highlighted that children transitioning to adult services has created a higher than normal financial pressure for the year. Mrs Abdy continued advising she will be making case of in-year contribution for that and gives assurance to the Board that appropriate conversations are taking place. Additionally, Health and Social Care Moray (HSCM) will be going out to tender for cost of care for a supported housing initiative which is a better approach.

The Chair commended the work of Mrs Abdy and her colleagues in producing this report and plan.

The Board acknowledged the financial position and recognised there may be difficult decisions to make. Transformation of system in Moray, including Dr Gray's Hospital, in terms of older people and unscheduled care is the focus, however, it was noted the scale of efficiency needed in-year is significant and clearly there is limited time available to introduce additional saving measures.

Further discussion took place around models of care and elderly medicine where the key is caring for the elderly who are on the verge of becoming acutely unwell and trying to prevent crisis admission. Part of the Primary Care Improvement Plan is around devising methodologies to keep people safely at home and prevent admission, developing rapid response teams who are community based with Occupational Therapists having a key part to play. Mr Walker informed the Board there have been no applications for the advertised Geriatric Consultant position.

Mr Walker assured the Board measures are in place around prescribing and commended work of pharmacotherapy teams. It was noted there is no control on price and tariffs. The Board went on to discuss prevention and in particular exercise, to which services can signpost patients to. Mrs Brown added there are a range of activities in Moray (51 projects) and noted how important it was they are continued to be invested in.

Mrs Dudek concluded HSCM are key partners around community planning and continue to push those public health priorities around healthy eating, exercise, strengthening and movement.

After further discussion the Board agreed to:

- i. note the financial position of the Board as at 30 September 2019, which shows an overspend of £1,453,329 on core services;
- ii. note the provisional forecast position for 2019/20 of an overspend of £2,791,556 on core services;
- iii. note the revisions to staffing arrangements dealt with under delegated powers and in accordance with financial regulations within the Council (MC0 and NHS Grampian (NHSG) for the period 1 July to 30 September 2019;
- iv. approve for issue, the Directions arising from the updated budget position; and
- v. consider holding a development session to review style of report, narrative and inter-dependencies to allow more meaningful conversations at future meetings.

9 Charging for Services

A report by the CFO asked the MIJB to consider the charges for services for 2020/21 financial year.

Mrs Abdy advised the Contributions Policy is currently under review and will be in place April 2020, the final policy will be presented to the Board thereafter.

Mrs Abdy highlighted Moray is below the Scottish average for community alarm charges and suggest over the next few years they be brought in line with national average. The Board noted it was very useful to see what Moray is charging and subsidising compared to other areas and agreed failing to set reasonable charges impacts on overall budget.

Thereafter the Board agreed to:

- i. adhere to the request of the Moray Council that the MIJB recommend to them, the charges for the services delivered within the delegated functions;
- ii. approve the changes for recommendation to Moray Council for approval and inclusion into their budget setting processes; and
- iii. note the recommended charges will be subject to assessment for the socio-economic impact and reported back to the MIJB where there is significant impact and no mitigation.

10 Public Sector Climate Change Duties Reporting Submission 2018-19

A report by the CO presented the draft MIJB Climate Change Duties Report submission for 2018/19.

Following discussion the Board agreed to approve the draft submission to

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11 Moray Surge Plan with Winter Rotas 2019-20

A report by Isla Whyte, Interim Support Manager, informed the Board of the Health and Social Care Moray (HSCM), Dr Gray's Hospital and GMED Winter/Surge Plans for 2019/20.

Mrs Dudek advised NHS Grampian have already approved their winter plan. Content is now in place for Moray. Mr Metcalfe advised of the mandatory requirement to have a winter plan but noted this is called a surge plan. Mr Riddell added there will be requirements for a surge plan to be needed all year round but that specific detail / initiatives will be required for over the winter period.

Mrs Dudek advised the allocation of winter funds will be used for additional capacity for discharge coordinator at Dr Gray's Hospital and for unscheduled short stay accommodation at Loxa Court.

Mrs Dudek advised the operational plan was produced collectively and further work on flow is underway.

The Board asked that some consideration be given to the timing of the report being presented to the Board and terminology.

After discussion the Board agreed to note that the HSCM, Dr Gray's Hospital and GMED (the NHS out of hours service) have robust and deliverable plans in place to manage the pressures of surge at any time of the year including the festive period.

12 Proposed Delegation of Services - Update

A report by the CO provided the Board with further information on the process and estimated timeline for the delegation of Children and Families Social Work Services and Criminal Justice Services.

The Moray Council, at its meeting on 25 September 2019, agreed to proceed with the next steps to implementation in the potential delegation of Children and Families Social Work services and Criminal Justice Social Work Services to the MIJB. The process of delegation requires the Council to agree on the proposed delegation and a paper went to Moray Council on 27 November 2019 and a similar paper will go to NHS Grampian on 5 December 2019.

Mrs Dudek asked the Board members to state any comments or observations.

Mr Riddell gave his support and commended the Council on this vision. Mrs Abdy has confirmed discussions will take place around assurance of transition of adequate financial resources.

The Chair shared his thoughts on the proposal which included, due diligence for short term finance and long term settlement, status of improvement plan and who owns it during transition and thereafter, governance challenges around Chief Social Work Officer (CSWO) and legislative accountability, capacity and expertise (leadership / model), performance and quality assurance, consideration of a shadow period, time needed to review and adjust all supporting plans.

Mrs Dudek confirmed that as part of partnership arrangements in place for children's services there has been significant involvement already with the improvement plan. Mrs Dudek continued, stating this move is about line management arrangements for children's services and not about separating; multiagency plans still set the direction regardless of structure.

Mrs Dudek agreed a shadow arrangement is a good idea for this shared endeavour to allow shared decision making.

Councillor Eagle highlighted the staffing implications and that communication is vital to give assurance to staff.

Mrs Gervaise suggested using some development time to focus on the statutory requirements and children's services planning arrangements. Mr Riddell suggested including the wider elected members. The Board agreed.

After further discussion the Board agreed to:

- i. note the proposal by the Moray Council at its meeting on 25 September 2019 (para 5 of the Minute refers) to proceed with the next steps to implementation in the potential delegation of Children and Families Social Work services and Criminal Justice Social Work services to the MIJB;
- ii. explore potential of a shadow period during transition if Health Board and Council agree to proceed; and
- iii. have a number of development sessions dedicated to children's services including all elected members.

13 Moray Strategic Plan - Partners in Care 2019-2029

A report by the CO provided the Board with additional key documents supporting the Moray Strategic Plan – Partners in Care 2019-2029 to be published December 2019.

Hard copies of the Strategic Plan were tabled during the meeting. Mrs Dudek advised there has been minor editorial changes and the addition of the foreword since members last had sight of the plan and formal approval has been delayed until now.

Board members confirmed they are content with the plan and the foreword.

The four additional documents circulated with papers for approval are:

- Performance Management Framework
- Organisational Development & Implementation Plan
- Workforce Plan 2019-2022
- Communication, Engagement and Participation Plan

It was agreed the Performance Management Framework requires further work to align with strategic targets. It was agreed that the pyramid diagram at section 5 be updated to show MIJB at the top of the pyramid as opposed to vision.

Councillor Eagle made mention to the *workforce transformation and effective change* section of the Organisational Development & Implementation Plan, where it discusses opportunities for 'no limits' innovation. Councillor Eagle would want this disseminated to all staff. Mrs Abdy added, now HSCM have these plans it is important staff are sighted on them and are clear about what it means for them.

Mr Metcalfe said it would be good to have a section on realistic medicine – embraces innovation/effective use of resources.

Recruiting and retaining staff remains a key area of focus and approach is constantly being reviewed. Mrs Dudek made mention again of the work currently underway with the business community. Mrs Dudek agreed to keep the Board informed of progress with a proposal or update at the very least to the March 2020 MIJB meeting.

Mrs Dudek advised managers will be encouraged to develop and embed a culture that supports transformation and stated there will be further sessions with the Senior Leadership Group around this. Mr Riddell asked to see some narrative included around how this will be resourced and supported.

After further discussion the Board confirmed they are content with these supporting documents as a starting point and agreed to hold workshops on each plan over the next 12 months to fine tune and take back to the Board in November 2020. It was noted these are live documents.

Thereafter the Board agreed to:

- i. approve the Strategic Plan and note Board members will be formally invited to the launch;
- ii. approve the suite of high level supporting documents to the Moray Strategic Plan - Partners in Care 2019-2029 with a view to holding a workshop on each over the next 12 months to refine the live documents;
- iii. note the strategic documents will be reviewed annually; and
- iv. receive a progress update from Mrs Dudek with regards to work underway with the business community in attracting people to live and work in Moray.

14 Strategic Risk Register - November 2019

A report by the CO provided the Board with an overview of the current strategic risks, along with a summary of actions which are in place to mitigate those risks, updated November 2019.

Mrs Dudek confirmed the next iteration of the risk register will be more in line with the strategic plan. There is lots of work underway on operational and strategic risk. There is a scheduled Development session in February to discuss risk appetite.

Mr Metcalfe suggested showing where risks originate from and show how the risk changes. To get consistency would require local authority and NHS Grampian to adopt one system. It was agreed to discuss this further at the workshop. The Chair noted the IJB Chairs meeting is taking place on 29 November 2019 and will agree the terms of reference. Opportunity to discuss joint systems and coordination.

Thereafter the Board agreed to note the:

- i. amendments to the description of risk; and
- ii. the Strategic Risk Register being updated.

15 Update on the Learning Disability Transformation Project

A report by Charles McKerron, Integrated Service Manager (Learning Disabilities-Acting) provided an update to the Board of the continuing progress being made in implementing the Learning Disability Transformation Project.

Mr McKerron stated a progression model is being used which focuses on improved outcomes and reduced need for services. Mr McKerron talked to the report and highlighted section 4.3 which details the additional financial pressure incurred when people who have been placed out of area as children return to Moray as young adults to their own tenancies with support. Mr McKerron went on to explain a Market Shaping Strategy is used giving an opportunity to have an ongoing conversation with local providers of accommodation to ensure the right model of housing is in place to meet need. The use of the CareCubed tool is being actively used which supports the achievement of personal outcomes for service users.

Mr McKerron advised the Overnight Responder Service has been delayed and will now be implemented in January 2020. The high level of concern from some clients' families around this strategy was highlighted to the Board.

Mr Riddell thanked Mr McKerron for this useful and illuminating report and asked if the resources and capacity are in place to keep on track. Mr McKerron responded advising this is not a short term project and lifelong care is required for these clients. He went on to advise they are concentrating on the next 3-5 years and assured the Board focus is on sustainability.

Mr Riddell advised of the need to be able to have the wider view of all transformation change projects and see direction of travel. Mrs Dudek responded advising this started pre-integration and was an early commitment of the change fund.

Mr Metcalfe said this was an excellent example of a transformation project that shows better care and a reduction of cost. Mr McKerron advised that for those who support the model it is working satisfactorily but stressed that there are service users who are sceptical about the model and feel uncomfortable with this situation. There are ongoing conversations with patients / carers, everyone has been given the opportunity to have a voice and everyone who was known to the service was communicated with.

The Board gave thanks to Mr McKerron and restated their support for the Overnight Responder Service trial. The Board confirmed they are comfortable with the communication carried out and safety measures in place.

After discussion the Board agreed that case studies should not be included in future reports even though permission from clients was granted. They agreed it was better to depersonalise and allow Board members to make evidence based decisions.

The Chair requested that the MIJB is not referred to as Committee in future reports.

Thereafter the Board agreed to:

- i. note the continuing progress in implementing the Learning Disability Transformation Project Plan as outlined in The Learning Disability Transformation Project Plan as outlined in The Learning Disability Transformation Project Overview;
- ii. restate their support for the Overnight Responder Service trial; and
- iii. advise officers to not include client case studies in future reports.

16 Jubilee Cottages Elgin - Pilot Project

A report by Lesley Attridge, Service Manager, informed the Board of the evaluation of the Jubilee Cottages.

Mrs Attridge directed the Board to the costs within the report, set out at 4.15 and 4.16. An options appraisal is required to establish where else in the system would this client group go if the cottages weren't available.

The clients are supported in the cottages via existing workforce teams. Mrs Attridge acknowledged there has been a shift in the intended use of the cottages.

Mr Walked asked if the cost per annum at 36% occupancy would be the same if 100% occupancy, Mrs Attridge confirmed it would. In response to a further question from Mr Walker, Mrs Attridge advised HSCM would still cover the cost of these clients if they were not being supported in the cottages i.e. under Tier 2 crisis intervention.

Mr Metcalfe enquired if the space could be utilised differently. Mr Attridge advised if there was to be a change in the use of cottages a report would need to go to the Policy and Resources Committee of Moray Council to explore further. Mrs Dudek advised there are limitations with the cottages i.e. no disabled access. Longevity and maintenance of cottages to be explored.

The Chair suggested the entry criteria be changed to focus on the outcomes instead to maintain flexibility. Mrs Attridge advised there have been various elements that have led to low occupancy i.e. age group, physical limitations and lack of knowledge of the resource.

Mrs Attridge sees a much more inclusive use of the cottages where clients have identified health and social care needs and outcomes identified. Mr Walker added there needs to be a clear entry and exit strategy, not necessarily an end point but a transitions to next appropriate place. Mrs Attridge advised Moray Council housing department would be part of options appraisal.

Mrs Dudek concluded there is an opportunity to use this facility and the limitations were always known. Further work will be carried out between now and March 2020 where all aspects will be considered. A further report with a very clear position will be presented to the Board in March 2020.

After further discussion the Board agreed to:

- i. note the evaluation of the Jubilee Cottages in the report and that the cottages are not being used for the intended use;

- ii. note the need that has been identified through the pilot for accommodation for those with an assessed health or care need and who do not have suitable accommodation;
- iii. instruct officers to progress in partnership with Housing Services, Moray Council, to consider suitable and cost effective options to meet the identified need outlined in the report; and
- iv. the outcome of the options appraisal be brought back to the Board in March 2020.

17 Items for the Attention of the Public

Under reference to paragraph 10 of the minute of the meeting of the Moray Integration Joint Board dated 26 October 2017 the Board agreed that the following items be brought to the attention of the public:

- i. update on Speyside - communication; and
- ii. publication of strategic plan and supporting documents.

