

MORAY COUNCIL

Minute of Meeting of the Moray Council

Wednesday, 17 June 2020

To be held virtually,

PRESENT

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

APOLOGIES

IN ATTENDANCE

Also in attendance at the above meeting were the Chief Executive, Depute Chief Executive (Economy, Environment and Finance), Depute Chief Executive (Education, Communities and Operational Development), Head of Governance, Strategy and Performance, Head of Economic Growth and Development, Chief Financial Officer and Democratic Services Manager as Clerk to the meeting.

1. Chair of Meeting

The meeting was chaired by Councillor Shona Morrison.

2. Recent Events

The Chair addressed the meeting and referred to recent events and how they are shaping and changing communities across Moray. She stated that COVID-19 has been a real test of fortitude and determination and has brought the very best in our communities despite the devastation it has brought to so many it is important to acknowledge that in the face of adversity, communities have displayed a real sense of cohesion, trust, respect and empathy. That strong sense of community and supporting one another in difficult times is not something that should be taken for granted and thanked everyone who had reached out to others in their community.

She further stated that, like everyone, she had watched with sadness the events unfolding in America and witnessed the global frustration as thousands to the streets in protest against racism. She stated that she was sure everyone was committed to

promoting equalities in our communities and condemn racism in all its forms. She concluded that the Council has a responsibility and a platform to make a stand against injustice and to defend the human rights of all.

Councillor Eagle stated that he was delighted that the Convener had taken the time to recognise the aid given by our communities across Moray over the last weeks and concurred with everything she said.

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. Written Questions **

The meeting noted that no written questions had been submitted.

5. Emergency Notice of Motion by Councillors T Eagle and J Allan

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

That the council agrees that:

- As part of wider impact assessment and action planning relative to economic recovery in Moray through Moray Economic Partnership, the Head of Economic Growth and Development works with partners on a local grant scheme which would help businesses that otherwise could not access grant support, an example of which is large hotels. Where the grant scheme is tailored to help those in most need.
- The grant scheme proposal is brought back to full council for consideration as soon as reasonably possible along with officer recommendations on how the cost could be set-aside to fund it.
- The local grant scheme also gives thought to providing support for marketing within the tourism sector and investment in town centres to create appropriate social distancing and more outdoor seating and business space to encourage safe footfall.

Councillor Eagle, in introducing the Motion, referred to the far reaching impact of Coronavirus and the radical change to the way we now live. He referred to the monthly economic brief from the Office of the Chief Economic Adviser which highlights the unprecedented impact on business and consumer activity over the lockdown period and the need for continued support for business. He stated that Moray tops the charts for having the greatest regional exposure to impacts from COVID-19 in terms of the business sectors most exposed with 18,500 jobs in exposed sectors in Moray, which equals 19% of the population and 39.7% of the working population in Moray. He further stated there have been predictions of up to

10,000 job losses due to the economic impact of the virus. In recognising the investment the UK government has made both in Scotland and in Moray protecting vulnerable jobs and giving businesses vital grant funding, he stated that moving forward more was needed to support the local economy as not all businesses had been able to access grants as there was always going to be cases where they fall outside the safety net and believed that it was vital to find ways to protect them. He concluded that the Notice of Motion asks the Council to look at the development of a local grant scheme to cover the gap. Given the importance of businesses especially in areas like tourism he was of the opinion that the council could not allow major employers to fail. A local support grant is just one aspect of what the Motion was seeking and as the area recovers from the virus there will be a need for town centres, amongst other areas, to adapt to support the new social distancing measures in place; tourism will also require support to ensure that Moray is showcased as a place to visit at a time when there may be an increase in 'staycations'. He stated that while he was aware that the Council was not awash with cash, now was not the time, in his opinion, to sit back and do nothing and referring to the Council's reserves and asked that consideration be given to making use of this. Whilst the Motion put forward was not seeking funding, he stated that it would likely lead on to that. He stated that in reality it was likely that there would be a call for funding in areas such as health and social care and education departments to support local people and stated that it was time for the Council to work with both the UK and Scottish Governments to secure funding needed to get through this crisis and moved approval of the motion.

Councillor Brown seconded the motion.

Councillor Leadbitter stated that he agreed with all that had been said by Councillor Eagle and had no issue in supporting the motion. He stated that he had had recent discussions with officers as to how the Council could fund the gap and whilst the various funding measures in place are covering most businesses, there will inevitably be some that fall through the gaps which is understandable given that the Council is dealing with emergency legislation from which issues are likely to arise due to the very nature of emergency legislation. In referring to the types of businesses that have fallen through the gaps such as hotels, he highlighted other businesses such as those offering tours, where the business may not have premises that would have a rateable value against which a grant could be based. He further stated that as these grant schemes are being expanded and adjusted over time the point is being reached where they will end and a clear picture of what still remains emerges and what needs to be funded going forward will be seen.

Following further discussion during which various members stated their support the Council agreed the terms of the Motion.

6. Community Asset Transfers - Annual Report

A report by the Depute Chief Executive (Economy, Environment and Finance) advised the Council of the Community Asset Transfer requests dealt with during the period 1 April 2019 to 31 March 2020.

Councillor A McLean, in his capacity as Chairman of the Policy and Resources Committee, expressed his congratulations to the staff for the work undertaken in bringing the report to the Council.

Councillor Gatt stated that he wished to thank all of the communities who had taken on asset transfers, in particular the Cullen Residential Centre and the Longmore Halls, Keith and commended all of the communities for the amount of work they had undertaken to preserve these assets in their communities.

Following consideration the Council agreed to note that:

i) during the financial year ending 31 March 2020, eight valid asset transfer requests were made to the Council under Part 5 of the Community Empowerment (Scotland) Act 2015, details of which are set out in Appendix 1;

ii) during the same period, six asset transfer requests made outside of the provisions of the Act were dealt with, details of which are set out in the Appendix 2;

iii) all community groups submitting a formal Expression of Interest in a Council property asset are signposted to both internal and external sources of additional guidance and support;

iv) a series of targeted training and workshop events were delivered to community groups by the Community Support Unit over the reporting period; and,

v) in the event of a formal review request being received in respect of a decision made by the Council in relation to an asset transfer request made under the Act, further training will be made available to Elected Members prior to its consideration.

Councillor R McLean left the meeting at this juncture.

7. Regeneration Capital Grant Fund

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the council of the Regeneration Capital Grant Fund invitation for stage 1 applications with a deadline of 19 June 2020. The report also advised the Council that as only Local Authorities can apply to this fund, the Cabrach Trust and Forres Area Community Trust were requesting for the Council to be the lead applicant on their behalf.

Following consideration the Council agreed to:

i) the request by the Cabrach Trust to act as a lead applicant to the Regeneration Capital Grant Fund with no financial implications for the Council;

ii) approve the submission of stage I application and if successful stage II application;

iii) the request by the Forres Area Community Trust to act as a lead applicant to the Regeneration Capital Grant Fund with no financial implications for the Council and,

- iv) approve the submission of stage I application and if successful stage II application.

8. Expanded Elected Representation on the Moray Economic Partnership

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Council that at the most recent meeting of the Moray Economic Partnership (MEP) on 27 May 2020 it was agreed that the number of elected members on the MEP would be expanded to a total of 3 and asked the Council to consider nomination of 2 additional members to the Moray Economic Partnership in addition to the existing membership of Councillor Leadbitter.

Following consideration the Council unanimously agreed that Councillors Cowe and Eagle be appointed to the Moray Economic Partnership.

9. Financial Monitoring - Impact of Response to COVID-19

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Council of the current estimate of the financial impact of the Council's response to the COVID-19 outbreak, as at 29 May 2020.

Following consideration the Council agreed to note:

- i) the current estimated financial position for the initial lockdown period; and
- ii) the longer term issues which will impact on the Council's finances.

10 Committee Governance Arrangements During COVID-19 Restrictions

Under reference to paragraph 2 of the minute of the meeting of the Moray Council dated 25 March 2020 a report by the Depute Chief Executive (Education, Communities and Organisational Development) asked the Council to review the decision making arrangements put in place due to COVID-19 social distancing requirements.

Councillor Leadbitter stated that discussions had taken place with the political groups and the Sounding Board in regard to the proposals and that there was broad support for the Licensing Committee and Licensing Board to continue to meet as separate entities but back to back.

In regard to the options outlined in the report he stated that whilst there was a lot of agreement across the different political groups, some differences remained and on behalf of the SNP Group he moved that the Council agree:

1. to continue to hold meetings through video conference and webcast with a view to holding meetings with a combination of physical presence, webcast and video conference when technology and social distancing restrictions permit.

2. that the suspension on committees is lifted and that, other than the statutory/ad hoc committees detailed in recommendation 2.3 as outlined at 3 below:
 - i) the June cycle of committee meetings is cancelled
 - ii) a simplified committee structure is put in place from 2 September
 - iii) the Emergency Cabinet continues to meet as required until this date
3. For following statutory/ad-hoc committees
 - i) that meetings of the Planning and Regulatory Services committee resume on the date of the next scheduled meeting, noting that these will revert to the previous Development Management Scheme of Delegation (agreed on 29 January 2019);
 - ii) that Licensing Board and Licensing Committee meetings are held back to back, with the existing committee and board membership and chairing arrangements retained;
 - iii) that meetings of the Audit & Scrutiny Committee will be reconvened with a view to meeting quarterly, subject to the availability of sufficient business to be considered by the committee;
 - iv) note that the Local Review Body and Appeal Committees will continue to meet on their normal cycle, subject to suspension of site visits for LRB, and
 - v) that other ad hoc committees will be convened as required.
4. that the main committee structure is temporarily simplified using Option from Appendix 2, which is Full Council + 2 committees and that:
 - i) 14 councillors will sit on each Committee with political balance arrangements as per the currently suspended committees of 14;
 - ii) These committees will cover the remits of the Depute Chief Executive Roles
 - iii) Group Leaders will notify Committee Services of their representatives on these committees ;
 - iv) The Administration Group will appoint a Chair to each of the 2 Committees and notify Committee Services and other Group Leaders, and
 - v) External representatives who are normally present at Communities and Children & Young People's Services Committees will be consulted on how their interests can be best represented on the consolidated committees and a proposal on this aspect will be brought to the Emergency Cabinet.

5. to retain meetings of the Police and Fire committee subject to discussion with partner authorities over their frequency;

to continue delegation to Chief Exec agreed by the Council on 25 March (paragraph 2 of minute refers) for lower risk business (judged in terms of strategic importance, legal, financial, reputational and political considerations) , to exercise the delegated authority given to him in para 5
6. (7) of the Council's Scheme of Delegation (to take such executive actions as may be deemed necessary in the discharge of the Authority's functions) without the requirement for homologation, using membership of the Emergency Cabinet as a sounding board where appropriate;
7. to trial an alternative system for information and consider/note reports as detailed in paragraph 4.9.4 of the report;
8. to review these arrangements on or before 24 February 2021, taking account of the phased progress of the Scottish Government's Covid-19 Route map, officer capacity to support committees and other relevant public health and workplace advice.

Councillor Morrison seconded the motion.

Councillor Ross stated that he was not wholly in favour of this and referred to the previous consideration of this matter earlier in the year. He referred to paragraph 4.2 of the report and stated that he was of the opinion that a normal committee cycle is resumed and should there not be enough business for a particular committee then that committee could be cancelled. In terms of the length of meetings he questioned how long the combined meetings would last, stating as an example the last meeting of the Children and Young People's Service Committee which had had to be reconvened the following day to get through the business.

He stated that it was the view of the Moray Alliance Group (MAG) that the Council resume the normal committee cycle. Should there be an issue in terms of producing reports for a committee or there isn't sufficient business, then the committee does not meet. He referred to staff returning to schools in August and stated that in his opinion as Councillors, they should set a good example by returning to the committee cycle and moved as an amendment that the council return to the normal committee cycle.

Councillor Edwards seconded the amendment.

Councillor Eagle stated that whilst he had some sympathy with Councillor Ross, it was important during the pandemic to allow officers to get on with what they are good at. In referring to the Children and Young People's Services Committee he noted that a large element of the papers for that committee were consider and note papers and within the proposals was a way to deal with those differently which would significantly reduce the quantity of reports going to committee.

He referred to the constructive debate with the Group Leaders and thanked them for that and for the most part the Conservative Group agree with Option 3 as a way forward. He was pleased to see the addition of the Audit and Scrutiny Committee as

this provided an additional element of scrutiny which is important in any governance model. In terms of the membership, he stated that he disagreed with the motion's suggestion of 14 and that the Conservative Group were suggesting 9 for a variety of reasons, in particular there were benefits to holding meetings within the Council Chamber and should the Council be able to return to that it would be easier to socially distance on a smaller number. Whilst he appreciated the point of allowing more members to be involved, in addition to the 2 larger committees, there will be the quasi-judicial committees as well as a few others so there is a range of options that will allow members to be involved.

He referred to the continuation of the Chief Executive's delegated powers as the Conservative Group are of the opinion that with a new governance programme back in place there are plenty of options and abilities for the Chief Executive to bring those areas that he had extended to him to committee for members to take a decision on. Should there be a further lockdown then it would be possible for those powers to be granted back to him. In regard to the timing of the committee cycle, he stated that other than the first meeting of the new Economic, Environment and Finance Committee which could be postponed, he would wish the cycle to remain as shown in the diary previously circulated. He further stated that he would wish to see a 3 monthly review of the programme. Thereafter he moved as a further amendment that the council agree:

1. to continue to hold meetings through video conference and webcast with a view to holding meetings with a combination of physical presence, webcast and video conference when technology and social distancing restrictions permit.
2. that the suspension on committees is lifted and that, other than the statutory/ad hoc committees detailed in recommendation 2.3 as outlined at 3 below:
 - i) the June cycle of committee meetings is cancelled;
 - ii) a simplified committee structure is put in place as soon as possible following the July recess;
 - iii) the Emergency Cabinet continues to meet as required until this date
3. For following statutory/ad hoc committees;
 - i) that meetings of the Planning and Regulatory Services committee resume on the date of the next scheduled meeting, noting that these will revert to the previous Development Management Scheme of Delegation (agreed on 29 January 2019);
 - ii) that Licensing Board and Licensing Committee meetings are held together, as detailed in para 4.4.3 of the report and that the nine councillors on the Board double up as Licensing Committee members;
 - iii) note that the Local Review Body and Appeal Committees will continue to meet on their normal cycle, subject to suspension of site visits for LRB, and

iv) that other ad hoc committees will be convened as required.

4. that the main committee structure is temporarily simplified agreeing Option 3 from Appendix 2, with the addition of the return of the Audit and Scrutiny Committee and agree the meeting management suggestions within that Appendix:
 - i) that the committees will be made up of 9 elected members, 3 SNP, 3 Conservative and 3 Other
5. to retain meetings of the Police and Fire committee subject to discussion with partner authorities over their frequency;
6. to rescind delegation to Chief Exec agreed by the Council on 25 March (paragraph 2 of minute refers);
7. to trial an alternative system for information and consider/note reports as detailed in paragraph 4.9.4 of the report
8. to review these arrangements every 3 months.

Councillor Feaver seconded the Amendment.

Following further discussion Councillor Alexander stated that whilst he was happy to accept a review date of on or before 24 February 2021, he asked whether there was a mechanism for members to insist a review be brought back before the 24 February and would be happier if that was possible.

In response the Head of Governance, Strategy and Performance advised that this could be done by the submission of a Notice of Motion to one of the Emergency Cabinet meetings following the summer recess.

Councillor Alexander stated that he was satisfied with this response.

Councillor Leadbitter stated that he was comfortable with the point raised by Councillor Alexander as there were likely to be changes albeit it won't be known what they are or when they will happen and by the Council meeting in September there should be a clearer picture of where we are and what a reasonable timescale would be. Therefore the response given by the Head of Governance, Strategy and Performance is a reasonable way forward and he was happy for this to be minuted.

Thereafter in terms of Standing Order 63(c), there being a Motion and two Amendments, a vote was taken between the first and second Amendment as follows:

On a division there voted:

For the 1st Amendment (4) Councillors Ross, Edwards, Divers and Wilson

For the 2nd Councillors Eagle, Feaver, Alexander, Allan, Brown, Cowe, Amendment (12) Cowie, Creswell, Gatt, Macrae, M McLean and Powell.

Abstentions (9) Councillors Morrison, Leadbitter, Bremner, Coy, Laing, A McLean, Taylor and Warren.

Accordingly the 2nd Amendment became the finding of the meeting and a vote was taken between the Motion and the 2nd Amendment.

On the division there voted:

For the Motion Councillors Leadbitter, Morrison, Alexander, Bremner, Coull, (14) Cowe, Cowie, Coy, Creswell, Divers, Laint, A McLean, Taylor and Warren.

For the Councillors Eagle, Feaver, Allan, Brown, Gatt, Macrae, M Amendment (10) McLean, Powell, Ross and Wilson

Abstentions (1) Councillor Edwards

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

1. to continue to hold meetings through video conference and webcast with a view to holding meetings with a combination of physical presence, webcast and video conference when technology and social distancing restrictions permit.
2. that the suspension on committees is lifted and that, other than the statutory/ad hoc committees detailed in recommendation 2.3 as outlined at 3 below:
 - i) the June cycle of committee meetings is cancelled
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 - iii) the Emergency Cabinet continues to meet as required until this date
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 - ii) that Licensing Board and Licensing Committee meetings are held back to back, with the existing committee and board membership and chairing arrangements retained;

- that meetings of the Audit & Scrutiny Committee will be reconvened with a
 - iii) view to meeting quarterly, subject to the availability of sufficient business to be considered by the committee;
 - iv) note that the Local Review Body and Appeal Committees will continue to meet on their normal cycle, subject to suspension of site visits for LRB, and
 - v) that other ad hoc committees will be convened as required.
- 4. that the main committee structure is temporarily simplified using Option from Appendix 2, which is Full Council + 2 committees and that:
 - i) 14 councillors will sit on each Committee with political balance arrangements as per the currently suspended committees of 14;
 - ii) These committees will cover the remits of the Depute Chief Executive Roles
 - iii) Group Leaders will notify Committee Services of their representatives on these committees ;
 - iv) The Administration Group will appoint a Chair to each of the 2 Committees and notify Committee Services and other Group Leaders, and
 - v) External representatives who are normally present at Communities and Children & Young People's Services Committees will be consulted on how their interests can be best represented on the consolidated committees and a proposal on this aspect will be brought to the Emergency Cabinet.
- 5. to retain meetings of the Police and Fire committee subject to discussion with partner authorities over their frequency;
- 6. to continue delegation to Chief Exec agreed by the Council on 25 March (paragraph 2 of minute refers) for lower risk business (judged in terms of strategic importance, legal, financial, reputational and political considerations) , to exercise the delegated authority given to him in para 5 (7) of the Council's Scheme of Delegation (to take such executive actions as may be deemed necessary in the discharge of the Authority's functions) without the requirement for homologation, using membership of the Emergency Cabinet as a sounding board where appropriate;
- 7. to trial an alternative system for information and consider/note reports as detailed in paragraph 4.9.4 of the report;
- 8. to review these arrangements on or before 24 February 2021, taking account of the phased progress of the Scottish Government's Covid-19 Route map, officer capacity to support committees and other relevant public health and workplace advice.

11. Chief Executive Response to COVID-19

A report by the Chief Executive informed the Council of activities within the Chief Executive's portfolio that have been undertaken during the COVID-19 pandemic to provide a response to the emergency.

Following consideration the Council agreed to note the activities within the Chief Executive's portfolio that have been undertaken during the COVID-19 pandemic to provide a response in terms of the Council's statutory obligations and related Council policy and practice respectively.

12. Question Time ***

Councillor Alexander sought clarification on whether the continuation of the school lunch voucher scheme during the summer holidays applied only to hardship cases.

In response the Depute Chief Executive (Education, Communities and Organisational Development) advised that this was the case.

Councillor Allan paid tribute to all of the community groups who have continued to provide support and assistance to their communities through food parcels etc., and to thank the NHS, Emergency Services, Teachers and all of the Council Staff providing front line services at this time.