



Moray Council

Wednesday, 30 June 2021

NOTICE IS HEREBY GIVEN that a Meeting of the **Moray Council** is to be held at various locations via video-conference, on **Wednesday, 30 June 2021** 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 26 and 27 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 Meeting of 12 May 2021** 7 - 16
 - 4b **Minute of Meeting of 16 June 2021** 17 - 20
 5. **Emergency Notice of Motion - Findochty Harbour** 21 - 22
 6. **Written Questions ****
 7. **Best Value Assurance Report - Strategic Action Plan** 23 - 32
- Progress Report**
Report by the Chief Executive

8. Covid Related Pressures and Service Prioritisation Report	33 - 44
Report by the Chief Executive	
9. Role and Remit of Chief Officer Health and Social Care Moray	45 - 52
Report by the Chief Executive	
10. Potential Delegation of Children and Families and Justice Services Social Work to MIJB	53 - 56
Report by Chief Officer, Health and Social Care	
11. Place Based Investment Programme	57 - 60
Report by the Depute Chief Executive (Economy, Environment and Finance)	
12. The Queens Green Canopy	61 - 68
Report by the Depute Chief Executive (Economy, Environment and Finance)	
13. Property Asset Management Appraisal Update	69 - 86
Report by the Depute Chief Executive (Economy, Environment and Finance)	
14. Office Review Report	87 - 96
Report by the Depute Chief Executive (Economy, Environment and Finance)	
15. Homelessness Policy Review	97 - 124
Report by the Depute Chief Executive (Economy, Environment and Finance)	
16. Revenue Out-Turn Variances from Budget	125 - 138
Report by the Depute Chief Executive (Economy, Environment and Finance)	
17. Capital Plan 2020-21 Q4	139 - 160
Report by the Depute Chief Executive (Economy, Environment and Finance)	
18. Trust Funds Summary Expenditure Disposable Income	161 - 170
Report by the Depute Chief Executive (Economy, Environment and Finance)	
19. Unaudited Annual Accounts for 2020-21	171 - 176
Report by the Depute Chief Executive (Economy, Environment and Finance)	
20. Forres Common Good - Transition Town Forres	177 - 180
Report by the Depute Chief Executive (Economy, Environment and Finance)	
21. Education Recovery Monies	181 - 192
Report by the Depute Chief Executive (Education, Communities and Organisational Development)	

- | | |
|--|----------------------|
| 22. Review of the Community Council Scheme and Election Arrangements | 193 -
254 |
| Report by the Depute Chief Executive (Education, Communities and Organisational Development) | |
| 23. Committee Governance | 255 -
270 |
| Report by the Depute Chief Executive (Education, Communities and Organisational Development) | |
| 24. Political Balance - Appointments to Committees | 271 -
276 |
| Report by the Depute Chief Executive (Education, Communities and Organisational Development) | |
| 25. 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 Council may wish to consider with the Press and Public excluded

- 26. UK Levelling Up Fund - [Para 8 and 9]**
- Information on proposed terms and/or expenditure to be incurred by the Authority;
- 27. Land Acquisition Buckie [Para 8 and 9]**
- Information on proposed terms and/or expenditure to be incurred by the Authority;

Moray Council Committee meetings are currently being held virtually due to Covid-19. If you wish to watch the webcast of the meeting please go to:
http://www.moray.gov.uk/moray_standard/page_43661.html
to watch the meeting live.

* **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.

THE MORAY COUNCIL

Moray Council

SEDERUNT

Councillor Shona Morrison (Chair)
Councillor Graham Leadbitter (Depute Chair)

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

Clerk Name:	Moirra Patrick
Clerk Telephone:	
Clerk Email:	committee.services@moray.gov.uk

Minute of Meeting of the Moray Council

Wednesday, 12 May 2021

Various Locations via Video Conference

PRESENT

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

APOLOGIES

Councillor Frank Brown, Councillor Tim Eagle, Councillor Claire Feaver, Councillor Ray McLean, Councillor Walter Wilson

IN ATTENDANCE

Chief Executive, Depute Chief Executive (Economy, Environment and Finance), Depute Chief Executive (Education, Communities and Organisational Development), Head of Governance Strategy and Performance, Head of Environmental and Commercial Services, Chief Financial Officer, Head of HR, ICT and Organisational Development, Head of Economic Growth and Development, Consultancy Manager, Mr W Burnish, Senior Engineer (Flood Risk Management) and Mrs L Rowan, Committee Services Officer as Clerk to the meeting.

1 Chair

Councillor Morrison, being Convener of the Council, chaired the meeting.

2 Congratulations

The Council joined the Chair in congratulating Karen Adam MSP and Richard Lochhead MSP who were elected and re-elected to the Scottish Parliament representing Moray and also congratulated other members on the list elected to represent the Highland and Islands Region. The Council joined the Chair further in commending the efforts of the Returning Officer and staff in carrying out a very successful polling day and count in exceptional circumstances.

3 Covid Update

The Leader advised that he had been in recent discussions with the Scottish Government, Public Health and other agencies in relation to the change in levels and the high probability that Moray will stay in level 3 with a final decision expected

by the end of the week. He stated that assurance had been sought that this would be under continuous review so that, should the covid levels in Moray decrease, the protection level will reduce in line with the rest of Scotland. The Leader went on to commend the work of Public Health in partnership with the Council and other agencies as well as schools and noted that there had been no significant transmission within schools as a result of safety protocols put in place. He stated that there was a vaccination increase in Moray and that every adult over 18 should have been offered a first vaccine by the end of the month. This was noted.

4 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.

5 Written Questions

The Council noted that no written questions had been submitted.

6 Minute of Meeting of Moray Council dated 10 March 2021

The minute of the meeting of Moray Council dated 10 March 2021 was submitted and approved.

7 Minute of Special Meeting of Moray Council dated 3 March 2021

The minute of the meeting of the special meeting of Moray Council dated 3 March 2021 was submitted and approved.

8 Minute of Meeting of Moray Council dated 20 January 2021

The minute of the meeting of Moray Council dated 20 January 2021 was submitted and approved.

9 External Audit Plan for the Year 2020/21

A report by the Depute Chief Executive (Economy, Environment and Finance) provided the Council with a copy of the External Auditor's Annual Plan for the Annual Accounts for 2020/21.

Mr Brian Howath, Audit Scotland introduced the report and advised that the Council is in a better financial position than what was expected 3-4 months ago and that it was hoped that the annual accounts would be signed off by November 2021.

Following consideration, the Council joined the Chair in thanking Mr Howath and Audit Scotland for the flexibility shown to Local Authorities in recognising the pressures on services as a result of the Covid-19 pandemic and thereafter agreed

to note the contents of the External Auditor's Annual Plan for the Annual Accounts of the Council and of the Trusts administered by the Council for 2020/21.

10 Best Value Assurance Report Strategic Action Plan - Progress Report

Under reference to paragraph 3 of the Minute of the special meeting of Moray Council dated 7 October 2020, a report by the Chief Executive informed the Council of progress on the Best Value Assurance Report Strategic Action Plan.

During his introduction, the Chief Executive advised that overall the report revealed that the Council's progress was reasonable to good in the current circumstances and that there had been a change to some of the target dates as the Best Value Team within Audit Scotland are aware of the challenges to the Council as a result of the Covid-19 pandemic.

Following consideration, the Council agreed to note progress made on the Best Value Assurance Report Strategic Action Plan as set out in Appendix 1 of the report.

11 Legal Services Staff Resources

Under reference to paragraph 7 of the Minute of the meeting of Moray Council dated 27 February 2019, a report by the Deputy Chief Executive (Education, Communities and Organisational Development) asked the Council to consider staffing resources within Legal Services and sought approval for an additional resource to support delivery of priority work.

Following consideration, the Council agreed to approve additional revenue budget within Legal Services of up to £54,000 to establish the post of Solicitor on Grade 9 in order to meet increased service demand.

12 ICT Resourcing

A report by the Deputy Chief Executive (Education, Communities and Organisational Development) asked the Council to note the content of the report and authorise the request for budget for increased staff in order to secure the future resilience of the ICT Service.

Following consideration, the Council agreed:

1. the staffing resources proposed in section 7e of the report; and
2. the budget of £386,000 is allocated, reducing to £293,000 after 12 months and £93,000 thereafter.

13 Improvement and Modernisation Programme

Councillor Edwards lost connection during discussion of this item and took no part in the remainder of the meeting.

Under reference to paragraph 34 of the Minute of the meeting of the Education, Communities and Organisational Development Committee dated 18 November 2020, a report by the Depute Chief Executive (Education, Communities and Organisational Development) sought direction on the next stage of development of the Council's Improvement and Modernisation programme: Transformation to Achieve based on developing a programme of investment to improve the future efficiency and sustainability of Council services.

The Council joined the Leader in commending the Depute Chief Executive (Education, Communities and Organisational Development) and the wide team for their work in preparing the Improvement and Modernisation Programme as this was recognised as being a large piece of work. He stated that this had been discussed amongst Councillors at several Budget Development Group meetings and stated that the bulk of the investment is within Education projects with further financial investment needed to take the remaining projects forward. He stated that the Administration is pleased that the Poverty project is top of the priority list as this is particularly important due to people struggling as a result of the Covid-19 pandemic however acknowledged that Education remains a high priority across all groups within the Council.

During discussion, Councillor Gatt noted the references within the Improvement and Modernisation Programme in relation to poverty and climate change and stated that, whilst he recognised the importance of each of these projects, he was concerned that these were unfunded projects. Councillor Gatt further noted that the governance of the projects would take place via the Transformation Boards however was of the view that Transformation Boards do not provide due governance, are a drain on officers time and capacity and are not held in a public forum and that, in his opinion, the governance of these projects should take place via the relevant Service Committee as these meetings are available for viewing by the public. Councillor Gatt therefore moved that the Council agree the recommendations as printed subject to the poverty and climate change projects being deferred at this stage from the programme until there is clear Scottish Government funding and that references to Transformation Boards are deleted and replaced with the relevant Service Committee. This was seconded by Councillor Macrae.

The Chief Executive raised a question, as principle policy adviser to the Council, in relation to the competency of Councillor Gatt's motion given that it is Council policy for major projects to be overseen by the Transformation Boards and also advised that the Council's budget aligns with the priorities of the Scottish Government of which climate change is one.

In response, the Head of Governance Strategy and Performance suggested that Councillor Gatt may wish to amend his motion to reflect that the governance of projects takes place through Service Committees and acknowledged that the Council's Corporate Plan reflects national priorities such as climate change therefore asked for a short recess so that he could provide Councillor Gatt with advice in relation to the terms of his motion. This was agreed.

On resumption of the meeting and after considering the advice from the Monitoring Officer, Councillor Gatt agreed to amend his motion and moved that the Council agree the recommendations as printed subject to the poverty and climate change projects being deferred at this stage from the programme until there is clear Scottish Government funding and that the governance for the remaining projects take place through the normal Committee reporting process and not through

Transformation Boards. Councillor Macrae, as seconder to Councillor Gatt's original motion agreed with the amended wording and seconded the revised motion.

The Leader stated that each project within the Improvement and Modernisation Programme is important and moved the recommendations as printed within the report. This was seconded by Councillor A McLean.

On a division there voted:

For the Motion (6):	Councillors Gatt, Macrae, Allan, M McLean, Powell and Ross
For the Amendment (14):	Councillors Leadbitter, A McLean, Alexander, Bremner, Coull, Cowe, Cowie, Coy, Creswell, Divers, Morrison, Nicol, Taylor and Warren
Abstentions (0):	Nil

Accordingly, the Amendment became the finding of the Council and it was agreed:

1. to note the progress made against the existing projects within the IMP and agreed the re-prioritisation of the existing projects, as set out in Appendix B of the report;
2. to add the design principles of targeting early intervention and prevention and developing the skills, knowledge and capacity of the workforce to deliver better into the Council's transformation programme;
3. to note the range of investment opportunities identified which add a focus on the above new objectives and contribute to improving the long term sustainability of Council services as set out in Appendix D of the report;
4. to proceed with the development of a programme of investment as the next stage of the Council Improvement and Modernisation Programme, and release £5 million of the reserves ear-marked for transformation and Council priorities to fund the programme of investment, retaining £1.2m (20% of ear marked transformation fund) as a contingency to address emerging issues as projects develop.
5. in order to develop the investment programme as set out below, to approve a project team to support the delivery of the projects:
 - initially the appointment of the preliminary team set out in para 4e; and
 - further project resources to be drawn upon as required as projects develop, up to the level in para 4e with approval for release of resources delegated to CMT in liaison with Transform Boards;
6. to approve a programme of investment as the next stage of development of the Improvement and Modernisation Programme, with detail to be reported further to the Council per (vii) below as follows and as set out in Appendix C to the report:
 - the efficiency projects, which offer cashable efficiency savings, to be funded from capital receipts; (project numbers 7,8,9 as set out in Appendix C of the report);

- the identified investment projects (project numbers 1,2,5 and 6 as set out in Appendix C of the report);
 - education projects (project numbers 3 and 4 as set out in Appendix C of the report) to be developed further in two workstreams both aimed at Raising Attainment, as set out in Appendix E:
 - a) Education Project A: Well-being (comprising of projects 7,11 &15 as set out in Appendix D of the report)
 - b) Education Project B: Curriculum Breadth and Digital (comprising of projects 8 &10 as set out in Appendix D of the report); and
 - instructs further development of these 2 Education workstreams to clarify the scope, outcomes and level of investment within an indicative funding bracket of up to £3.2m with further detail on these projects to be reported back to a future meeting of the Council for determination of how to proceed;
7. in relation to the remaining projects, agrees to:
- defer lower priority projects (project numbers 10-14 as set out in Appendix C of the report) to be re-considered should funds become available for investment; and
 - put on hold the set of low cost projects (project numbers 16-19 as set out in Appendix C of the report) to be considered as part of the 2022/23 budget setting process, or at such earlier time as funds may become available or circumstances change;
8. that governance for project management takes place via Transform Boards and that reports are brought back to the Council on the definition of the full programme of investment with further developed specification of projects and costs for projects as they develop.

14 Living Wage Consolidation

Under reference to paragraph 13 of the Minute of the Meeting of the Education, Communities and Organisational Development Committee dated 31 March 2021, a report by the Depute Chief Executive (Education, Communities and Organisational Development) asked the Council to approve the recommendation from the Education, Communities and Organisational Development Committee to establish budget provision to secure expert consultancy to undertake the specialist work required for consolidation to the Living Wage.

Following consideration, the Council agreed to:

1. approve the recommendation from the Education Communities and Organisational Development Committee to establish budget provision budget of £30,000 to engage external expertise on pay and grading design and equal pay to be funded from free general reserves; and
2. note that the financial implications of the consolidation of the Living Wage will be reported in due course as the specialist work is progressed.

15 Regulation of Investigatory Powers (Scotland) Act 2000 and Regulation of Investigatory Powers Act 2000

Under reference to paragraph 7 of the Minute of the meeting of the Policy and Resources Committee dated 27 April 2010, a report by the Depute Chief Executive (Economy, Environment and Finance) invited the Council to note the use made of covert surveillance by Council employees in the course of their duties for the years 1 April 2018 to 31 March 2021 and the acquisition of communications data by Council employees in the course of their duties for the years 2018 to 2021.

During her introduction, the Depute Chief Executive (Economy, Environment and Finance) advised that the Council had recently undergone an independent inspection with regard to compliance with RIPSAs legislation and that a report detailing the outcome of this inspection will come to a future meeting of Council.

The Leader acknowledged the comments from the Depute Chief Executive (Economy, Environment and Finance) with regard to the independent inspection and stated that the report shows strong governance in place to comply with RIPSAs legislation.

Following consideration, the Council agreed to note the use of covert surveillance by Council employees in the course of their duties for the 3 years to 31 March 2019 and to 31 March 2020 and to 31 March 2021 and the acquisition of communications data by Council employees in the course of their duties for the years to 31 December 2019 and 2020 and 2021 for information purposes only.

16 Concessionary Rentals

A report by the Depute Chief Executive (Economy, Environment and Finance) requested that the Council approve a simplified process for dealing with requests for concessionary rental of low value and short duration.

Following consideration, the Council agreed to:

1. approve the process for dealing with requests for concessionary rentals of low value and short duration as set out in paragraphs 3.4 to 3.7 of the report; and
2. grant delegated authority to the Chief Financial Officer accordingly.

17 Lossiemouth East Beach Footbridge Replacement

Under reference to paragraph 4 of the Minute of the meeting of Moray Council dated 17 December 2019, a report by the Depute Chief Executive (Economy, Environment and Finance) informed the Council of the outcome of the Option Appraisal to replace the footbridge from Lossiemouth to East Beach and Scottish Governments decision with regard to funding the design and construction of the new bridge.

Councillor Cowe welcomed the report and thanked the Lossiemouth Community Development Trust and the Moray Council for their efforts in ensuring a replacement footbridge. He stated that the current bridge is an iconic landmark and

moved that the Council agree to defer the decision as to whether the old bridge be demolished or not until the new bridge has been built.

In response, the Head of Environmental and Commercial Services advised that if the demolition takes place whilst the new bridge is being constructed then the contractor will carry this out however if it is deferred until the new bridge is completed then this will incur an additional cost to the council.

At this point in the meeting, the Chair sought the agreement of the Council to adjourn the meeting so that Members may attend a briefing by NHS Grampian Public Health on Covid levels in Moray, with a view to resuming the meeting at 2:00 pm. This was unanimously agreed.

Resumption of Meeting

PRESENT

Councillor George Alexander, Councillor James Allan, Councillor David Bremner, Councillor Theresa Coull, Councillor John Cowe, Councillor Gordon Cowie, Councillor Paula Coy, Councillor Lorna Creswell, Councillor John Divers, Councillor Donald Gatt, Councillor Graham Leadbitter, Councillor Marc Macrae, Councillor Aaron McLean, Councillor Maria McLean, Councillor Shona Morrison, Councillor Louise Nicol, Councillor Laura Powell, Councillor Derek Ross, Councillor Amy Taylor, Councillor Sonya Warren

APOLOGIES

Councillor Frank Brown, Councillor Tim Eagle, Councillor Ryan Edwards, Councillor Claire Feaver, Councillor Ray McLean, Councillor Walter Wilson

17 Lossiemouth East Beach Footbridge Replacement Continued

On resumption of the meeting, the Council continued to consider a report by the Depute Chief Executive (Economy, Environment and Finance) informing the Council of the outcome of the Option Appraisal to replace the footbridge from Lossiemouth to East Beach and Scottish Governments decision with regard to funding the design and construction of the new bridge.

After considering the earlier advice from the Head of Environmental and Commercial Services in relation to the cost of demolition of the of the old bridge during construction of the new bridge compared to demolition after the new bridge has been constructed, Councillor Cowe withdrew his motion to defer demolition of the bridge until the new bridge is completed and moved the recommendations i-v as printed in the report.

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

1. to note that Scottish Government has agreed to fund the preferred option to construct a new footbridge from the esplanade in Lossiemouth to East Beach;

2. to providing staff resources to progress delivery of the design and construction of the replacement footbridge from Lossiemouth to East Beach. Costs included in Scottish Government funding package, see paragraph 3.7;
3. to give delegated authority to the Legal Services Manager to prepare and sign all Compulsory Purchase Order documentation and to take all necessary steps, including publication of all statutory notices, to secure conformation of the Order by Scottish Ministers and the vesting of the land in the Council, if required;
4. that the Council take ownership of the new bridge on completion of construction; and
5. to use section 20 of the Local Government in Scotland Act 2003 to demolish the old bridge at the same time as building the new one at a cost of £69k with the cost to be met from reserves.

18 Staycation Ready Project

Under reference to paragraph 5 of the Minute of the meeting of Moray Council on 3 March 2021, a report by the Depute Chief Executive (Economy, Environment and Finance) informed the Council of the overall project details and proposals to seek additional funding and request to use the Scottish Crown Estate net revenue allocations for 2020-2021 and 2021-2022 to coastal local authorities for the coastal areas of this project.

Following consideration, the Council agreed to:

1. give delegated authority to the Head of Environmental and Commercial Services in consultation with local ward members to install Phase 1 and 2 of the projects as outlined in paragraphs 3.4 and 3.5 of the report subject to agreement with local community councils on a suitable location, which may differ from those identified in the report;
2. approve proposed waste disposal points charges of £6.82 per use, as outlined in paragraph 3.4 of the report;
3. approve the submission of an Expression of Interest and if successful submission of a stage 2 application to the Rural Tourism Infrastructure Fund, as outlined in paragraph 3.7 of the report;
4. approve the Coastal Communities fund allocation for 20/21 and 21/22 for funding phase 3, as match funding for the application to the Rural Tourism Infrastructure Fund phase 4 and any elements, which are not eligible in the coastal areas, as outlined in paragraph 3.6 of the report; and
5. approve the submission of an application to NatureScot Better Places Fund, as outlined in paragraph 3.8 of the report.

19 Question Time

Residual Household Waste

Under reference to paragraph 10 of the minute of the meeting of Moray Council dated 20 January 2021, Councillor Gatt sought clarification as to when fortnightly collection of residual household waste would resume.

In response, the Head of Environmental and Commercial Services advised that this decision had been deferred until social distancing restrictions had been lifted and that once this had taken place, a comparison would be made between the 2 weekly and 3 weekly collections in conjunction with the Trade Unions and a report would be brought to a future meeting in this regard. This was noted.

Dick Bequest Trust

Councillor Alexander sought clarification in relation to the position the Council should take in light of the recent discovery by the Historian David Alston regarding the Dick Bequest Trust given that the Council significantly uses this fund.

In response, the Head of Governance, Strategy and Performance advised that the Dick Bequest Trust is a statutory Trust of which the Council is a trustee and that the Trust covers the Grampian area providing benefits to pupils. He further advised that Mr Alston, the Historian, has discovered that the Dick Bequest fortune came from profits made in Jamaica and suggested that he provide a short briefing for consideration amongst Group Leaders with a view to providing a fuller report to a future meeting of Council. This was agreed.

Use of Social Media during Council Meetings

Councillor Gatt queried, as part of the governance review, if consideration could be given to include guidance regarding the use of social media during meetings, in particular posts that may be defamatory in nature.

In response, the Head of Governance, Strategy and Performance agreed to consider the use of social media during meetings when carrying out the governance review however acknowledged the wide use of social media platforms that many people use during meetings and reiterated that any defamation to a particular individual should be addressed through the Standards Commission and the Code of Conduct.

Minute of Special Meeting of the Moray Council

Wednesday 16 June 2021

Various Locations via Video-Conference

PRESENT

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

APOLOGIES

Councillor Lorna Creswell, Councillor Ryan Edwards, Councillor Derek Ross, Councillor Walter Wilson

IN ATTENDANCE

Chief Executive, Depute Chief Executive (Education, Communities and Organisational Development), Depute Chief Executive (Economy, Environment and Finance), Head of Development Services, Head of Education Resources and Communities, Head of Governance, Strategy and Performance and Mrs L Rowan, Committee Services Officer as Clerk to the Meeting.

1 Chair

Councillor Morrison, being Convener of the Council, chaired the meeting.

2 Declaration of Group Decisions and Members Interests *

In terms of Standing Order 20 and the Councillors' Code of Conduct, there were no declarations from Group Leaders or Spokespersons in regard to any prior decisions taken on how Members will vote on any item on the agenda or any declarations of Member's interests in respect of any item on the agenda.

3 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 for Item 11 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.

Para Number of the Minute Para Number of Schedule 7a

7

1

4 Armed Services Covenant

A report by the Chief Executive asked the Council to approve the Armed Forces Covenant and retain the Council's silver accreditation.

Following consideration, the Council agreed to:

- i. note the content of the Armed Forces Covenant; and
- ii. approve the Covenant for signature by the Council

5 UK Community Renewal Fund

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Council of the UK Government Community Renewal Fund (UKCRF) and sought approval for submitting proposals.

Following consideration, the Council agreed to:

- i. note the criteria and timescales for delivery of projects under UK Government Community Renewal Fund;
- ii. note the recommendations by the assessment panels; and
- iii. approve the submission of the proposals to the UK Government.

6 Summer Activities Funding (Targeted Provision)

A report by the Depute Chief Executive (Education, Communities and Organisational Development) provided the Council with an update on plans for the Summer of Activities for Children and Young People (Targeted Provision).

Following consideration, the Council agreed to approve the targeted programme of activities and support that will be provided for children and young people in Moray during the summer school holiday period.

7 Voluntary Early Retirement Application - Lands, Parks and Countryside Service [Para 1]

A report by the Depute Chief Executive (Education, Communities and Organisational Development) asked the Council to consider an application under terms of the agreed Voluntary Early Retirement (VER) Scheme.

Following consideration, the Council agreed to approve the application for Voluntary Early Retirement contained within the report.

**Emergency Notice of Motion
Full Council 30 June 2021**

Findochty Harbour

This motion is put forward as an emergency motion to recognise the feelings of the community in Findochty and to provide certainty on the financial element of the following to them.

As local members for the Buckie ward we have been in communication with boat users in Findochty harbour. As council will know permission was given to replace the pontoons in this years capital program, an agreement worth nearly half a million pounds

Sadly the effects of the COVID pandemic and the complexity in the Marine Scotland license application amongst other issues has led to significant delays with the original plan. It is unlikely we will now see them installed until after most boat users will have removed their boats for the winter.

A previous full council agreed to charge pro-rata fees once the pontoons are installed. Currently officers are expecting that to be September 2021.

Recognising the delays as well as the fact the previous pontoons were broken last year we do not feel it is fair to charge users a pro-rata harbour fee when they will not get summer use of the pontoons.

We ask that Council approve –

- That all harbour fees for users affected by the pontoon replacement programme be waived for the 21/22 financial year.

Council officers advise that the financial impact of this decision would be approximately £17,000. This is on the basis that the council, in setting its charges for 21-22, had already agreed to charge pontoon users pro-rata for the financial year 21-22 based on the date that vessels were able to use the new pontoons. This date is estimated to be September 2021, subject to licence approvals.

Signed

Cllr Sonya Warren

Cllr Tim Eagle

Cllr Gordon Cowie



REPORT TO: MORAY COUNCIL ON 30 JUNE 2021

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

BY: CHIEF EXECUTIVE

1. REASON FOR REPORT

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

2. RECOMMENDATION

- 2.1 **The Council is asked to consider and note progress made on the Best Value Assurance Report (BVAR) Strategic Action Plan shown in Appendix 1.**

3. BACKGROUND

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

4. SUMMARY OF IMPLICATIONS

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

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

(b) Policy and Legal

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

(c) Financial Implications

The Council has committed earmarked reserves for transformational change which will require to be drawn upon to develop the capacity to deliver the action plan. The Council agreed at its last meeting on 12 May 2021 (para 13 of the minute refers) to proceed with the development of a programme of investment at the next stage of the Council's Improvement & Modernisation Programme (IMP) and release £5m of Reserves earmarked for transformation and Council's priorities.

(d) Risk Implications

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

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

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

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

Returning to responding to the demands of another lockdown has created a range of concurrent risks and responsibilities. These take the form of community testing and the vaccination programme. This is in addition to managing expectations of business as usual; Brexit (in terms of UK Government Levelling Up Fund) improvement and transformation of council services; future levels of additional investment all whilst dealing with the pressure of such an absolute priority. These were the subject of a report on Covid Related Pressures and Service Prioritisation to the meeting of Moray Council on 10 March 2021 and an update report to this meeting of the Council.

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

performance indicators amongst others. Audit Scotland have now intimated the timetable for the BVAR Follow Up Audit.

(e) Staffing Implications

There are no implications arising directly from this report. The development of the officer capacity to deliver the required improvements related to the various actions will require to be costed as the actions are considered and initiated. Management capacity to lead and direct this continues to be compromised at present due to the response to the Covid pandemic and this may impact on progress to planned timescales as indicated in the report. Reference is also made to the report to the meeting of Moray Council 10 March 2021 on the subject of Covid Related Pressures and Service Prioritisation and an update report to this meeting of the Council.

In order to develop the investment programme referred to at para 4c the Council approved the appointment of a preliminary project team to support the delivery of the project in the Council's IMP.

(f) Property

None.

(g) Equalities/Social Economic Impact

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

(h) Consultations

CMT and SMT have been consulted.

5. CONCLUSION

- 5.1 This report provides progress to date of the high level strategic objectives of the Action Plan approved at the end of October last year and covers the strategies, plans and projects which have been integrated into the Plan in order to establish and maintain clear focus on delivery of the Plan and to ensure it is sufficiently embedded, if the change and transformation envisaged, is to be delivered.**
- 5.2 Whilst the situation regarding Covid-19 is moving from the use of lockdown as a means of suppression the shift of focus to a programme of vaccination and community testing continues to have a significant impact on the Council's current strategic corporate capacity and capability given the level of responsibilities and concurrent risks the Council continues to carry for the foreseeable future. This continues to be effectively managed by reviewing and resetting strategic, corporate and tactical priorities with actions to mitigate in the short to medium term.**

Author of Report: Roddy Burns
Background Papers: [BVAR Action Plan Report 001](#) (20.01.2021)
[BVAR Action Plan Report 002](#) (10.03.2021)

[Covid Related Pressures and Service Prioritisation Report](#) and [Appendix](#) (10.3.21)
[BVAR Action Plan Report 003](#) (12.05.2021)

Scottish Government published advice and guidance on Coronavirus (COVID-19) protection levels and decision making framework

Ref:

SPMAN-1108985784-636
SPMAN-1108985784-6XX

Item 7.

BVAR Strategic Summary Progress Update					
Committee Report Ref:		MC 004			
Report Date:		07/06/21			
Committee Date:		30/06/2021			

Key	Not Started	Concern	Caution	On Target	Complete		
RAG	% Completed	Target Date	Lead	Priority	Workstreams (BV Recommendations)	Status Update	Decisions Required/Made by cmt/smt
	70	May 2021	DCE (ECOD)	1	Increase the pace of Transformational Change	<p>Report 003 Update: Preparations have progressed to report the updated positon on IMP and investment projects to the council. There may be time implications resulting from the pre-election period and consideration is being given to how to progress in this environment.</p> <p>Report 004 Update: Decisions at council on 12/5/21 has provided direction on future IMP which will enable progress to be made across a number of projects. Amber rating due to vacant HoT and time required to recruit adn to catch up on learning estate</p>	<p>Report 002 Update: 01.3.21: Change target date to May 2021</p>
	50	July 2021	H/GSP	2	Improve Performance Management reporting/Improve the quality and clarity of Service Performance reporting	<p>Report 003 Update: Reasonable progress continues to be made towards the target dates set and getting a revised structure in place. Restrictions on the time of senior officers and RIO's (due to Covid-19 response) have meant that there has been some slippage in these target dates. Whilst the quality of material produced is not as high as it ideally could have been, the bulk of improvements have been made and further refinements can take place going forward.</p> <p>Report 004 Update: Good progress has been made on improving the focus of performance management with one cycle of revised reporting. Further work is required on LOIP and Corporate Plan reporting and on training of staff and councillors in the process which is the reason for the amber rating. This work is on schedule for August schedule of meetings</p>	
	35%	Feb 2022	DCE (EEF)	1	Financial Planning	<p>Report 003 Update: There is a seasonal element to this work and following approval of the budget for 2021/22 and updated MLTFS little progress was planned for the remainder of March. Following discussion at CMT agreed the need to incorporate a budget for service improvements and to include planned use of ear-marked reserves in next iteration of MLTFS, following summer recess.</p> <p>Report 004 Update: Following Council approval of the updated IMP the next stage is to update the financial plan to reflect the outturn of 2020/21 and current levels of Covid related funding from Scottish Government.</p>	
	30	Oct 2021	H/HR ICT & OD	3	Implement the Elected Member Development Strategy	<p>Report 003 Update: Full range of development requirements captured and development activity planned. Blended solution for leadership development being developed and draft appraisal process work begun.</p> <p>Report 004 Update: This work has stalled due to resourcing issues, some of which will be resolved from early June at which point the work will be prioritised.</p>	
	50	Sept 2021	H/GSP	4	Continue to progress the Governance Review	<p>Report 003 Update: Good progress has been made in the review. All of the issues and options have been identified with the timing of decision making having been interrupted by the wider Covid-19 response. A further workstream, review of second tier governance documents has been identified and can be progressed meantime.</p> <p>Report 004 Update: Information gathering and identification of options taken place for Governance review, however the impact of Covid has delayed the making of a final decision. Deadline has been extended to Sept 21.</p>	<p>Report 003 Update: 26.4.21: Change target date to September 2021 to reflect ongoing Covid situation which has deferred long term decision</p>
	40	June 2023	H/E	2	Improve Educational Attainment	<p>Report 003 Update: Requirement to respond to changing environment re school attendance, testing, and to deal with SQA accreditation process has placed pressure on the system that has left limited scope for progressing normal improvement actions.</p> <p>Report 004 Update: Work continues at pace alongside managing outbreaks over the last reporting period. The Alternative Certification Model has created significant additional workload to the system in supporting processes to provide provisional grades for young people by the end of June. Across the BGE staff are ensuring that they have identified the gaps in learning as pupils have returned full-time and gathering evidence of achieving CFE levels for national reporting purposes in June.</p>	

	30	Dec 2021	H/H&P	5	Improving satisfaction levels in Housing	<p>Report 003 Update: Good progress continues to be made. Feedback from others councils on their approach to tenant surveys has been received earlier than expected and this is being analysed. Stock Condition Survey report received and the investment for the next 30 years will be profiled in the review of the HRA Business Plan.</p> <p>Report 004 Update: Good progress continues to be made. Tenant survey feedback from other LA's analysed and summarised into a report. Findings incorporated into tenant survey tender document and tender issued. Investment profiles for existing and new housing carried out in preparation for Business Plan Review in June 2021.</p>	Report 002 Update: 01.3.21: Maintain overall timescale but extend target date from June to August for learning from other councils.
	60	April 2021	CEx CPP		Continue working with CPP to determine clear outcomes and milestones and Performance reporting	<p>Report 003 Update: CPB to be held on 28 April 2021.</p> <p>Report 004 Update: Priority plans now in place which provides foundation for performance reporting to be on stronger footing. Performance report to CPB in June. Poverty work remains a gap but temp Chair in place for FMF and council poverty team when recruited can provide some support to partnership working in this area.</p>	
	50%	Oct 2021	CEx	1	Accounts Commission Findings: Need for clear committed and decisive leadership	<p>Report 003 Update: Leadership development research progressing albeit slowly due to resourcing and other pressures, interim paper and provision being finalised.</p> <p>Report 004 Update: Leadership development work has been delayed further due to additional resourcing issues. Other work will require to be re-prioritised to release resource to progress this work.</p>	

Key	Issues (I)	Major Risks (R)	Change Request (C)	Issues / Major Risks / Change Requests		Targets for Next Period	
R1	Increase the pace of transformational change: (I) Flexible Working project will be informed by the longer term homeworking considerations which will precede the work of the group to some extent.			R1	Increase the pace of transformational change: Progress DAR, job descriptions and identify phasing for project resources Progress recruitment for core team Review project documents and processes to trigger next project stage as approp for each Develop high level project plan/timelines for learning estate Develop plans for options appraisal for learning estate Progress procurement/commissioning for relevant IMP projects		
	Increase the pace of transformational change: (R) Vacancy for H/Transformation and Inclusion Manager (Now DHT) - impact on specific projects and overall programme. Pandemic is adding pressure and requires attention on day to day operation which draws focus from development work						
R2	Improve Performance Mgmt: (R) Lack of engagement by councillors or officers with development activity due either to current pressures or individual approach			R2	Improve Performance Mgmt: Aug 21: Annual corporate plan report format agreed and indicators approved. Sept 21: Finalise service PI review and incorporate into Q1,2 performance reports to service committees.		
	(I) Part of development work links with R4, R8 and accounts comm section						
R3	Financial Planning: (I) Part of the work is dependent on IMP			R3	Financial Planning: Draft prioritisation of investment templates. Incorporate planned programme of spend from reserves into Medium to Long Term financial strategy ; add budget pressure for service improvements. Update for outturn 2020/21		
R4	EMs Development Strategy: (I) Overlaps and interdependencies with R8 and Accounts Comm.			R4	EMs Development Strategy: CMT input to corporate development needs obtained. Final agreement on design of blended solution agreed and methodology for appraisals and psychometric tool activity. Final agreement on EM activity development planner so EMs can access and dates for activity planned. To restart work following new start within OD team.		
	(R) Lack of engagement from EMs would impact on achievement of outcomes.						
R5	Governance Review: (R) Continue to progress the governance review: Covid-19 response has delayed a final decision on committee structure.			R5	Governance Review: Proceed with review of second tier governance documents. Agree post Covid committee structure.		
	(C) Streamline processes including reviews of committee structures, Scheme of Delegation and reporting to Committees: Amend target date to Sept 2021 to reflect ongoing Covid situation which has deferred long term decision						
R6	Raising Attainment: (I) Consultation on the PLL plan has been curtailed due to Covid-19 and will be carried over to the next reporting period. (I) Following Covid-19, schools are beginning to engage with RRSA. Building Relationships Programme on hold till August 2021.			R6	Raising Attainment:		
	(R) ACEL attainment moving forwards taking into account emerging evidence of pupil participation during lockdown including parent over-assistance in learning. Continued need for consistency of assessment and moderation processes. (R) Wellbeing of all learners, their parents and staff continues to impact and ELC settings/schools continue to work with their communities in reducing risk. This may have impact on ACEL, ACM and wider learning.						
R7	Satisfaction Levels in Housing: (C) Extend completion date for the "Learn from other Councils with higher satisfaction results" from June 2021 to August 2021. The return to lockdown has restricted the service and other authorities availability to respond to requests for information.			R7	Satisfaction Levels in Housing: Tenant satisfaction survey consultant tenders to be returned and assessed before making appointment. Housing investment programme to be incorporated into the HRA Business Plan Review. Business Plan review to begin.		
R9	CPP: (I) Progress dependent on engagement of CPP.			R9	CPP: Further develop overview of poverty governance and link with new council poverty team once appointed Complete performance reports and report to June CPB		
	Accounts Commission: (R) Progress dependent on EM and senior officer engagement with development programme/activity				Accounts Commission: Agreement on blended approach to Leading in Complexity and 3 Horizons so the launch to senior managers can be planned and implemented. Work to be reprioritised to allow this work to progress.		

Programme Summary

Report 002 Update:	There is progress in all areas but timescales have been revised in a number of workstreams in light of ongoing challenges in relation to the national pandemic. Members' attention is also drawn to the separate report to this meeting of Council on Covid related pressures and the impact on council services.
--------------------	---

Report 003 Update:	Progress continues in all areas but timescales have been revised in one workstream in light of the continuing challenges in relation to the national pandemic. Audit Scotland are cognisant of the challenges and impact of covid-19 on the Council and will reflect this in their reporting. Information that would help convey this context will be made available for this purpose.
Report 004 Update:	Delays with Elected member development and leadership development due to resourcing issues have impacted on progress. Successful recruitment and re-prioritisation of work should allow for more progress in the next period. Information gathering and identification of options taken place for Governance review, however the impact of Covid has delayed the making of a final decision. Deadline has been extended to Sept 21.



REPORT TO: MORAY COUNCIL ON 30 JUNE 2021

**SUBJECT: COVID RELATED PRESSURES AND SERVICE PRIORITISATION
- UPDATE**

BY: CHIEF EXECUTIVE

1. REASON FOR REPORT

- 1.1 To provide the Council with an update of the assessment of the impacts of the varying degrees of lockdown as a consequence of the national pandemic, including additional Covid-related provisions that are being delivered by Council services, and the affect this is having on staff capacity and service delivery.

2. RECOMMENDATIONS

2.1 The Council is invited to:

- i) **consider and note the additional COVID related services being delivered; continued pressures that this puts on service delivery as a consequence; and the continued effect on the services in a specific number of areas;**
- ii) **continue to acknowledge the expectation of a scaled down delivery of the non-statutory services outlined in Section 4 of this report; and**
- iii) **agree to review the situation in September 2021.**

3. BACKGROUND

- 3.1 The Council at the meeting on 10 March 2021 (para 9 of the minute refers) considered an update of the assessment of the impacts of the varying degrees of lockdown as a consequence of the national pandemic.
- 3.2 As Members will recall, the First Minister's announcement on 19 December 2020 moved Moray from tier 1 to tier 4 restrictions from 26 December 2020. Tier 4 restrictions anticipated to last until 29 April came to an end on 21 May when Moray moved to level 2. This followed a period when Moray remained in level 3. The Council has had to review and reset a range of Council activities and services in accordance with updated guidance and directions. This report sets out the pressures as a consequence.

- 3.3 As a consequence of being thrown back into lockdown from January 2021, the Council moved into an enhanced response phase for many activities and services and this, combined with ongoing service delivery, renewal and recovery, improvement and transformation agendas, has created significant pressures on an already stretched workforce.
- 3.4 Although there was some easing during this time, this period of lockdown continued effectively from January to Friday 21 May.

ENHANCED COVID RESPONSE SERVICE PROVISION

Community Asymptomatic Testing

- 3.5 Asymptomatic testing is being provided to staff in schools and ELC settings and to senior pupils which has required administrative and distribution arrangements to be put in place. Mention is also made of the work to establish and co-ordinate the running of two mobile testing units rotating across Moray for general community testing.
- 3.6 Funding for general asymptomatic community testing initially extended to March 2021 has now been confirmed as being extended to March 2022. This is in recognition of what has been termed the third wave, with testing being a major aspect of the controls put in place to manage transmission as the virus continues to evolve. As part of this approach, the council continues to provide support for the fixed testing units which provide testing facilities for those who are symptomatic at Forres and Elgin. This is in the form of parking spaces, traffic management and welfare facilities.

Vaccination Programme

- 3.7 Support continued for the vaccination programme in Moray in terms of the centre located in Elgin. Accordingly, council officers continue to be involved in regular liaison group meetings with NHS and other representatives. Vaccination levels in Moray are progressing well following the initiatives taken to reduce case levels to allow the area to move to level 2 in May and subsequently to level 1.

Humanitarian Assistance

- 3.8 The Council's contact centre continues to undertake the role of Community Assistance Hub and is handling calls to/from those required to self-isolate and who are shielding, offering support as required. .

Business Support Grants

- 3.9 Alongside other agencies the Council continues to administer and distribute business support grants with over £31.75 million to the end of March 2021. Significant additional grant funding has been allocated for Local Government distribution since the January 2021 lockdown began with additional funding distributed in May when Moray was held at level 3 for a week while other areas moved to level 2.

Incident Management Team

- 3.10 As a consequence of the much publicised spike in the prevalence of infection in Moray, under the chairmanship of NHSG Public Health, a Moray Incident

Management Team (IMT) was stood up from 6-25 May. This involved the participation of the Head of Education; Head of Economic Growth and Development; Environmental Health and Trading Standards Manager and Senior Communications Officer in six meetings of the Team during this period. Due to the volume of positive cases at Elgin Academy, a separate IMT was stood up over a similar period and they met on four occasions.

Other

- 3.11 Payments equivalent to free school meals payments for those who are eligible on financial grounds have been made during holiday period while pupils do not attend schools and this will continue for the summer break.
- 3.12 Covid related financial benefits are administered by the Money Advice Team, including the flexible food fund and covid hardship payments. An additional temporary resource has been added to the team to add capacity given the volume of cases.

LIVING WITH COVID

- 3.13 Services across the Council have had to adapt to operating in a covid safe environment, which can be more resource intensive, take more time and in some cases be less effective.

Enforcement of Compliance and Surveillance

- 3.14 Capacity has been taken up with responding to requests for advice and guidance on compliance and surveillance of intelligence received from NHS Grampian Public Health; Public Health Scotland and other sources of intelligence received by the Council on an ongoing basis. Police Scotland have also been taking an enhanced role in terms of compliance.

Covid Return Figures from 15 March – 13 June 2021

Number of Business Advice Requests on Covid 19 Compliance	66
Number of Enquiries/Complaints regarding Covid 19 Compliance	108
Open Premises - Interventions with Businesses Initial Assessment of Compliance	310
Open Premises - Interventions with Businesses Follow-up action required to assess compliance	5
Social Media Releases	105
Enforcement Action (number of written warnings issued (inc FPNs)	0
Enforcement Action (number of Prohibition Notices issued)	0
Enforcement Action (number of directions issued	1
Other Comments: Considerable time has been devoted to site identification for pop up MTUs and redeploying the ATS mobile drive through. Several hours spend in IMTs in	

addition to usual partnership working weekly meetings.
It should be noted that the Public Health Communications Group (which includes reps from Moray Council, City, Shire, NHS, Police etc) agreed that the encouraging decline in infection rate figures and relaxation of restrictions provided an opportunity to reduce behavioural messaging. This reflects the reduced engagement experienced through social media resulting from message fatigue and enables Comms to make a greater impact if/when activity is stepped back up to support local outbreaks should cases increase. There is a continued reduction of engagement experienced through social media.
Council officers currently working with Police Scotland conducting joint visits targeting licensed premises that have reports of non-compliance.

Education/Educational Support

- 3.15 To enable schools to continue to operate in a Covid environment there will be ongoing adjustments such as enhanced cleaning, school transport and school meals provision until such time as Guidance is changed. Use of buildings has been adapted and social distancing and hygiene measures are in place as required and these are adapted to take account of the Covid Tiers. Covid measures impact on time available and delivery methods for education.
- 3.16 All children and young people across early years, primary and secondary have returned to their centre or school and while the covid-19 working environment will continue to present constraints on the delivery of some aspects of the curriculum, education has returned to as close to normal as possible. There has been an impact on school attendance from the need for self-isolation arising from Covid infections and test and trace. Alternative arrangements have been put in place for pupils who have to self-isolate, including to support meet the requirements of the alternative certification model for senior phase pupils where necessary. Work to identify gaps in learning due to a second lockdown, reduced participation and engagement as well as impact on attainment and achievement continues. The planned use of Covid Monies to support Education is presented as a separate paper.
- 3.17 Considerable work has been undertaken to ensure that there is robust evidence to support assessments for SQA qualifications by the required date of 25 June 2021. Our secondary teams are well prepared through ongoing assessment and monitoring of learning that has been pursued throughout lockdown and this was supplemented once schools returned. Pupil wellbeing has also been a factor as pupils returned to school, and an increase in demand for support from central Additional Support Needs (ASN)/Inclusion Teams, youth work etc. has been seen. The new counselling service "Exchange" has started with referrals being processed and engagement with young people across latter stages of primary and throughout secondary schools already started. Where requires, this will continue during the summer holiday period.

Welfare and Wellbeing

- 3.18 Community support staff worked with communities to provide support to those who needed it during the pandemic and worked on developing community resilience. Recently there has been excellent progress on the development of

a local community resilience plan in the Looe area. There have been significantly increased requests to the Council's Money Advice team and a high level of demand continued beyond the period of lockdown as people continue to face the financial impacts of reduced employment.

Temporary Changes to HR Policies and Procedures

- 3.19 The Covid pandemic has been an evolving situation and there has been an ongoing requirement to provide guidance and procedures on employment related matters, including considerable pressure on health and safety and risk assessments. Management of employee relations has been a key feature for the HR service with weekly meetings held with trade union representatives. Recent work has focussed on preparing for a possible return from homeworking and the arrangements that might be required to enable this while also observing social distancing which limits numbers in buildings.

ICT

- 3.20 The ICT service has issued devices across the corporate and education digital estate and has experienced a significant increase in requests for support. There will be an ongoing requirement to develop the Council's ICT infrastructure to effectively manage this new digital environment and respond to the need for services to be connected to each other and service users remotely. On 12 May 2021, the Council agreed to additional resources to deliver the ICT services necessary in this new environment (para 12 of the draft minute refers).

IMPACT ON NON-STATUTORY SERVICE DELIVERY

- 3.21 The previous report to the council on Covid related pressures highlighted a number of impacts and adjustments on planned work arising from the additional workload and adaptations required to operate in a Covid environment. These are all issues that are reported via service committees now that performance reporting is re-established. While Covid pressures remain in a number of areas, as noted above, there has also been pressure to advance issues that had been on hold or delayed as a result of the pandemic as council services moved to deliver pandemic response, emerging Covid services and provide business as usual services in most areas. As a result while progress has been delayed, most of the issues highlighted previously are now progressing with reporting through the service committees where appropriate.
- 3.22 Updates on the examples from the previous report are provided below:

Corporate and Strategic Planning

- Development of Local Outcomes Improvement Plan (LOIP) delivery plans – services and partners have struggled to release resources which has extended the timescales for implementation planning – now agreed at Community Planning Board and performance reports catch up due to June Board meeting
- Corporate plan review and development – would be due around March 2021 as part of annual report. More limited work will be possible and timing delayed. Work is underway to bring a report to the August ECOD committee

- Poverty – whilst it was not possible to develop this policy area during the pandemic, this is now an agreed area for investment by the Council. Investment was agreed by the Council on 12 May 2021 (para 13 of the draft minute) and work will progress once appointment made to new post
- Learning Estate Strategy – lockdown has impacted on planned timescales for options appraisal work. This remains a priority area that resources will be focussed on to meet an adjusted timeframe. Project Manager now in post and work being planned
- Schools Digital Strategy – delayed as staff leading this area are deployed to response and recovery of schools - report planned for August ECOD committee. Now likely to be October Committee as information is awaited from Scottish Government about the standard of devices and consultation is not complete. Broadband width continues to be an issue due to the volume of activity in creating an excess of demand which is not supported by available bandwidth.
- Climate Change Strategy Action Plan – although completion and implementation has been delayed in some areas, this is also an agreed area for investment by the Council, with areas for early development having been agreed at the Council meeting on 12 May 2021 (para 13 of the minute refers) as hydrogen and renewables, heat in buildings and the vehicle charging infrastructure in Moray. Recruitment to the Principal Officer post within the Climate Change Team is now ongoing with the two remaining posts to follow.
- Community Safety Strategy Review – Seeking to appoint consultants to progress the strategy.
- Economic Recovery Plan - some aspects were delayed such as the pop up shops which were affected by the shut-down of non-essential retail, but progress continues to be made with a second update provided to Moray economic Partnership in May.

Policy

- Homeworking and Flexible Working – policy and guidance requires development and continues to be scheduled over the coming 3 months - work has progressed to plan for possible return to offices but further policy development is required

Improvement and Transformation

- Additional Support Needs review – Priority area but demands on staff are limiting progress. Support has been secured from Education Scotland and plans are being modified to keep as closely as possible to planned timescales. Additional resources are also under consideration to come forward to the Council. Council has agreed management post and efforts to recruit continue. Business case considered at Transform Learning Board and to come to ECOD committee in August.
- School Business Support review – lead officer has been required to support covid response and recovery. Project delayed but revised plan

in place and agreed by Transforming Learning Board. Resources have been deployed to Covid response and schools return. Work to re-commence in August.

- Leisure Services business plan – lockdown impacts on this service area so that it is not possible to progress some aspects until services can resume. Work will continue where possible in the meantime. Work is advancing on the business plan and progress is being reported to Transform Learning Board
- Leadership development – work is continuing at reduced pace, with reduced options and restricted capacity from managers to participate. Work continues to be delayed due to workforce issues.
- Best Value Audit Review Action plan – progress is being made but more slowly than anticipated in a number of areas. Progress has been made on a number of areas including performance management and the transformation programme
- PAMA – there was some delay in progressing this while service demand relative to Covid adjustments continued to evolve but reports on the overarching PAMA corporate review as well as the Office review are separate items on the agenda. The Stores and Depot reviews require further work and will be reported as soon as possible.
- Asset Management Change Management Plan - progress was again delayed but barring the education asset management aspects of the plan which are being reviewed to dovetail with the school estate management function within Education Resources and Communities, the final stages of the plan are now being implemented.

Performance

- Performance Management Framework (PMF) – performance team have been providing various data and reported for covid and as a result reviewing the format of performance data has been delayed. All service performance reports are now up to date for 2020/21 and will proceed as normal. A new format of reporting has been established to ensure effective implementation of the PMF.

Other

- Customer services change management – review of access point service delivery has been delayed – recent appointment to manager post will now enable this to progress
- Finalising management structures and recruitment in number of services – management capacity was absorbed during response and recovery with progress being made pre-lockdown 2 and stalling again. This area is moving forward at a slower pace than originally planned. Progress has been made through change management plans for a number of areas including communities team, learning estate and leisure and culture.
- Employee Engagement – this has been re-prioritised and is being re-activated with a focus on mental health but there will be reduced options for delivery of some aspects. Culture Working Group met in June and noted plans to re-activate work in this area. Section in Interchange to recognise staff is in place and employee well-being survey is underway.

- Workforce data analysis to inform planning – on hold at present and will resume when capacity allows. This team remains under pressure and progress is delayed. It is intended to prioritise this services area for the service efficiency project agreed in relation to the IMP with a view to relieving some pressure by ensuring processes are as efficient as possible.
- Training – priority is being given to maintaining areas such as social work training and to moving material online where possible, however, other aspects will be slowed as a result e.g. project management This remains an area to be recovered as there has been an impact from workforce issues
- Web development – ICT resources have been and continue to be focussed on response with reduced capacity in this area. There remains work to be caught up in this area
- Regulation of Investigatory Powers (Scotland) Act (RIPSA) – annual reporting considered by Council on 12 May.

4. IMPACT ON SERVICE DELIVERY GENERALLY

4.1 A number of service functions have been impacted by the following Covid related factors:

- Restrictions in relation to how normal business is conducted – such as limitations on travel, physical distancing, and new regulations on the operation of certain sectors e.g. construction sites; non-emergency access within Council housing; economic recovery plan actions involving non-essential retail
- Restrictions on productivity caused by reliance on virtual working methods
- Ability of service users to engage with services remotely and consequential impact of virtual methods on effectiveness of communications and engagement activity, for example with Council tenants
- The movement of staff to new Covid related activities – such as over 20 staff deployed to the new Covid Emergency Business Support and Grants function leaving elements of normal business which are not urgent on hold to create capacity.
- The impact of test and trace on officer time involved in administration and impact on services, particularly education.

4.2 These relate to operational matters which are being managed as permitted by the Covid lockdown rules, maintaining adherence to legal requirements, and keeping under regular review. Adjustments will be made as the restrictions and impacts of the pandemic lessen so that services can return to normal or near normal as soon as possible. The areas currently under pressure include:-

- Non-critical adaptation of houses for people with a disability – occupational health capacity issues and the significant work needed to tackle the Scottish Housing Quality Standard and Energy Efficiency Standard for Social Housing given delays in respective programmes
- Food hygiene and health and safety work – Environmental Health Team have no capacity

- Economic Development work - there is a backlog of work now that key grants including discretionary grants have been distributed and ongoing new grants such as levelling up and community renewal are absorbing much of the capacity freed up meaning that some backlog will continue. Areas such as progress with the museums service trust development must still remain on hold

5. OTHER IMPACTS

5.1 There may be possible distortion of performance data as a consequence of the pressures on service delivery as follows:

- Statutory Performance Indicators that may be adversely affected given the restrictions Covid has placed on service delivery.
- Ability to maintain levels of performance which will be reflected in the next round of performance reports.
- Potential to affect the delivery of major programmes such as the Improvement and Modernisation Programme and Best Value Action Plan.
- Progress on service plan actions
- To date, there has been no material increase in the number of complaints due to reductions in service capacity to deliver business as usual functions.

6. ADDITIONAL PRESSURES ON SERVICES

6.1 As Council services have returned to deliver as close as possible to business as usual it has been necessary to retain some Covid response services and to develop other new services as set out above. These additional responsibilities are not always resourced and even when they are it can be challenging to secure additional skilled staff at short notice and for an undetermined temporary period. Therefore, there remain considerable pressures on council services at this time.

6.2 In addition, services such as Education, Social Work and Money Advice are seeing the impacts of Covid on the community leading to additional demand for council services such as additional support needs for pupils and financial support. The Council has also been required to administer and manage a considerable number of funds and services at short notice, such as the summer of play, support for Covid resourcing in schools and the Family Pandemics Payment (FPP). While these are welcome, they are additional burdens and responding at short notice places additional pressures on staff and services and at times may not enable the most considered approach to the planned use of funds.

7. SUMMARY OF IMPLICATIONS

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

The implications are addressed in section 4 of this report.

(b) Policy and Legal

The Council has to operate within the nationally imposed legal restrictions and this has impacted on service delivery across a range of functions.

(c) Financial Implications

Throughout the response to the pandemic and the lockdown etc, financial implications have been the subject of separate reports to Members, either in the form of freestanding reports such as on 17 June and 1 July 2020 or as part of the regular monitoring reports to Members on financial planning.

(d) Risk Implications

The 4 harms of Covid are the direct health impact of the virus, other health impacts, societal impacts, and economic impacts. All pose a significant risk to the Council's overarching strategic objectives; to the delivery of core services; and to the health and wellbeing of our staff and the wider public.

Some of the work that has been delayed or put on hold may have been targeted at managing risks (e.g. learning estate, workforce actions) and it is possible that some of these risks could escalate or new risks could arise as a result of slower progress. Where possible, priority is being given to continuing to progress actions in these areas, as noted above, in order to mitigate the risks.

Finally, there are implications for budget management, both in terms of additional pressures and also lost income making it particularly difficult to predict service budget out-turns. It is not possible for all eventualities to be predicted or mitigated fully.

(e) Staffing Implications

The resource implications set out in this report largely relate to staff capacity. However, it should be noted that the national pandemic has impacted on the ability to generate income across a range of areas and this is reflected in more detail in the unaudited annual accounts and revenue outturn which is being considered separately by the Council.

(f) Property

There are no direct implications in this report.

(g) Equalities/Socio Economic Impact

Council services have a critical role in supporting businesses and the wider community through the pandemic and this in turn has a positive impact on communities and poverty across Moray. Reduced capacity to deliver a small number of services will not have a differential impact on rural communities or on those with protected characteristics.

(h) Consultations

This report has been prepared in consultation with CMT and Heads of Service.

8. CONCLUSION

8.1 Although the trajectory of response to the pandemic is altering from lockdown to vaccination and test and trace as the means of suppressing

the virus, this continues to require multiple contingencies to be considered and regularly reviewed, particularly whilst the nature, duration and impact of a third wave is unclear.

- 8.2 Council services therefore continue to adopt a flexible and responsive approach and attempt to mitigate risk as much as possible whilst maintaining a reasoned expectation of what can be delivered in the current circumstances as they continue to develop.**

Author of Report: Roddy Burns, Chief Executive
Background Papers:
Ref: SPMAN-1108985784-628



REPORT TO: MORAY COUNCIL ON 30 JUNE 2021

SUBJECT: ROLE AND REMIT OF CHIEF OFFICER, HEALTH AND SOCIAL CARE MORAY

BY: CHIEF EXECUTIVE

1. REASON FOR REPORT

- 1.1 To inform the Council as a constituent party of the implications for the Chief Officer for Moray Health and Social Care Partnership (MSCP) portfolio of:-
- the Partnership's transition from a Covid-19 operating model (Operation Snowdrop)
 - NHS Grampian's transition from a Covid-19 operating model (Operation Snowdrop)
 - the launch of the new NHS Grampian (NHSG) strategy and the associated plan of implementation and its implications for the portfolios of the Chief Executive's Management Team and of the three Integration Joint Board (IJB) Chief Officers
- 1.2 This report is submitted to Council in terms of II (20) of the Council's Scheme of Administration relating to any new policy matter which does not fall within the terms of reference of any Committee

2. RECOMMENDATIONS

2.1 It is recommended that the Council consider and note:-

- i) the nature and extent of participation at CMT of the Chief Officer (CO) IJB is under review in response to an external review of senior management portfolios;
- ii) the potential opportunities of an expanded portfolio alongside the risks for strategic management capacity in terms of strategic and corporate planning; transformational change and corporate leadership and management;
- iii) the risk mitigation measures being considered (Appendix 1); and
- iv) an interim stage to an expanded portfolio is being used to gauge the level of risk, and whether the risk mitigation requires further intervention.

3. BACKGROUND

Introduction

- 3.1 The Corporate Management Team (CMT) which has operational responsibility for good governance arrangements comprises the Chief Executive and two Depute Chief Executives with portfolio responsibilities for education, communities and organisational development and economy, environment and finance respectively. The Chief Officer (Health and Social Care Moray) of the Integration Joint Board (IJB) is also a member of CMT, a role which straddles three organisations.
- 3.2 In order to deliver the proposed new NHS Grampian (NHSG) Strategy, the Chief Executive (CE) of NHSG is reviewing the portfolios of NHSG management team which includes IJB Chief Officers, which would give them responsibility for a range of acute services. In Moray, the Chief Officer is also responsible for two priorities in Moray Community Planning Partners (CPP) Local Outcome Improvement Plan (LOIP); Children's Services and has a role within the Moray Council Corporate Management Team (CMT).
- 3.3 The request is part of a whole system change proposed by the Chief Executive to the senior management team of NHSG and the role of all three CO IJBs within Grampian Health Board's administrative area which the Chief Executive NHSG plans to transition to.
- 3.4 Arrangements for the Moray IJB and the role and remit of CO Moray IJB are set out in a document known as the H&SC Integration Scheme for Moray.
- 3.5 Any issues about the Scheme is a matter for both CEs and CO to resolve, to line which there is provision for escalation to mediation and ultimately Scottish Government. Whilst the Scheme of Delegation is silent on the role of the Council in the resolution of any issues relating to the Scheme, it is the intention to report to the Council as a party to the Scheme before the start of the summer recess.
- 3.6 The issues are different in Aberdeen City and Aberdeenshire because the acute "ask" is different (they do not have a district general hospital in their respective areas) and Children's Services are managed differently.
- 3.7 Accordingly the Integration Scheme is effectively a partnership agreement and provides for escalation of resource issues to the respective Chief Executives which has happened here namely notification by NHS that they need the CO to take on additional leadership responsibilities for health services to help with recovery from the current pandemic and to deliver the newly published NHSG Strategy.
- 3.8 In terms of the Scheme along with NHSG the Council is obliged to support the IJB. This obligation is not to the detriment of any statutory obligation, performance etc. standards which NHSG or the Council is required to meet.
- 3.9 The Chief Executive's intention is to resolve the issue of the request from the Chief Executive NHSG to alter the CO IJB's remit by reaching a written consensus with the Chief Executive and the Chief Officer on how the

respective statutory and other obligations, standards set by Government etc could be met were the remit to be altered as requested and what mitigation measures and other interventions would be required.

Key Matters Relevant To Recommendations

- 3.10 An expanded portfolio provides an opportunity to reshape the relationship of NHS services in Moray with partners and with communities and to make a step change in inequalities and population health (see para 3.12 below).
- 3.11 However, any expansion of the portfolio and therefore the responsibilities of the Chief Officer has to be balanced against a potential risk to the attention that any part of the portfolio receives.
- 3.12 Current high level NHS strategic demands include:-
- Building a single system of public health across the North East;
 - Putting the work force centre stage;
 - Reshaping the relationship between NHS secondary care services, health and social care; partnerships and communities through pathways that begin and end at home;
 - Utilising NHS assets to make a step change on inequalities and population health;
 - Embedding and accelerating digital changes.
- 3.13 Moray Council's high level strategic demands relative to the portfolios of CMT and the CO IJB respectively include the:-
- Climate Change Strategy;
 - Promise Plan 2021-24 (the first of three 3-year plans);
 - Recovery and Renewal Framework and Poverty Strategy;
 - Independent Review of Adult Social Care;
 - Resumption of Inspections of Adult Protection.
- 3.14 Also relevant is the corporate role generally of the CO IJB as a member of Moray Council CMT. In this role the CO has responsibility for the Wellbeing and Children's Services Delivery Plans for the Community Planning Partnerships Local Outcome Improvement Plan.
- 3.15 In terms of other corporate roles, the CO chairs the GIRFEC Leadership Group and has accountability for reporting to committee on performance etc of Children's Services.
- 3.16 Also to be highlighted are the capacity and resourcing risks of the potential competing demands of the transformation of Children's Services and the decision to transfer to the IJB which is the subject of a separate report to this meeting of Council.
- 3.17 We remain in a pandemic response phase (Scottish Government has confirmed the position up to 9 August 2021), and we continue to be alert as to what is required. Whilst the pandemic has provided opportunities to accelerate work in some areas, it has also been a cause of delay and disruption in others.

- 3.18 The challenges of finance have not gone away for either the Council or the IJB and for the latter there remains the need to address any underlying deficit. Funding partners are unlikely to have the ability to cover overspends going forwards. Winter/Covid funding will only cover additional expenditure in the short-term and so it is important to understand the emerging landscape.
- 3.19 Transformational change, or redesign, that provides quality and safe services, whilst bringing more efficient ways of operating, is the focus of senior management teams, operating within finite budgets, while meeting the needs of the Moray population.
- 3.20 For the IJB planning for remobilisation has begun, and will build from achievements and learning from the current pandemic phase. The interdependencies between services will need to form part of the assessment on how to remobilise, as no part of the system operates in isolation.

4. SUMMARY OF IMPLICATIONS

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

Working with our partners to support people so they can cope with, and where possible, overcome the health and wellbeing challenges they may face.

Ensuring that the right care is provided at the right place at the right time when people are in need. Ensuring that our systems are as simple and efficient as possible.

(b) Policy and Legal

The Chief Officer continues to operate within the appropriate level of delegated authority, ensuring that the MIJB is sighted on key issues at the earliest opportunity, and continues to influence and agree the strategic direction.

(c) Financial implications

There are no financial implications arising directly from this report. The respective Chief Finance Officers report regularly on actual expenditure and variations to plan to ensure that the Scottish Government are sighted on additional costs arising from COVID-19.

(d) Risk Implications

The risk of not redesigning services will mean that Health and Social Care Moray cannot respond adequately to future demands. This has to be balanced against the risks of detrimental impact on strategic management capacity in terms of strategic and corporate planning; transformational change and corporate leadership and management.

(e) Staffing Implications

Staff remain the organisation's greatest asset, and we must continue to engage with all sectors to ensure full involvement, which will create the best solutions to the challenges we face.

The uncertainty on the future management arrangements for Children's Social Work and Criminal Justice is creating a disproportionate level of work, and does need resolving in terms of potential delegation to the Integration Joint Board, and also the longer term structural management and leadership of the service.

(f) Property

There are no property issues arising directly from this report.

(g) Equalities/Socio Economic Impact

HSCM will continue to work closely with all our partners to ensure that we contribute to the health and well-being of the community and support the recovery phase of the COVID-19 pandemic.

(h) Consultations

The report has been prepared in consultation with CMT.

8. CONCLUSION

- 8.1 For the Moray HSCP, there is a particular opportunity to expand the portfolio, with benefits that extend beyond direct health and care, but where that will need to be weighed against the impacts on capacity within the wider constructs of Moray public services and Moray Council's CMT in particular. It should be recognised that during the last year, within a pandemic situation that has required an emergency response, the portfolios of all senior managers have been subject to change and expansion. While risk is inherent in any system, the likelihood and severity can be mitigated. Management capacity through Covid has been stretched, but the system has performed well. A plan to redefine portfolios creates new risk that needs to be balanced by the risk of not redesigning the system. A number of mitigations that will in the short, medium and longer term resolve some of the more immediate capacity issues have been identified as an interim stage to gauge the level of risk and the sufficiency of the mitigation measures.**

Author of Report:	Roddy Burns, Chief Executive
Background Papers:	
Ref:	SPMAN-1108985784-643

SUMMARY OF KEY RISKS AND MITIGATIONS

Risk	Detail	Mitigation	Residual risk
Chief Officer capacity	Ability to fully cover the portfolio	Utilise full structure from expanded portfolio- direct and indirect reports as follows: <ul style="list-style-type: none"> • Moray Council CMT • Wellbeing Delivery Plan • Children's Services Delivery Plan • Transformation of Children's Services • GIRFEC Leadership Group (GLG) 	Demands might be too great
		Complete recruitment to Strategic Planning and Performance Lead/Deputy CO	Recruitment unsuccessful
		Remove the SRO Covid vaccination role	Remain responsible for local delivery
Team capacity	HSCP senior management team ability to cover the portfolio	Transition from Operation Snowdrop	Further Covid waves
		Provide good business support to all team members. Review admin support and relook at roles and functions required to support senior management team	Budget and staff cannot be aligned effectively
	Wider staff contingent recovery in order to remobilise	Focus on staff health and well-being. Phase remobilisation to allow recovery period	Not all staff are fully recovered, and therefore able to contribute to business as usual, putting additional burden on senior management team
System capacity	Uncertainty around Children's Social Work management lines/capacity	Complete work on potential delegation. Resolve the service leadership arrangements.	The uncertainty that persists creates additional work for the Chief Officer. Head of Service and the wider team.



REPORT TO: MORAY COUNCIL ON 30 JUNE 2021

SUBJECT: UPDATE ON THE PROPOSED DELEGATION OF CHILDREN AND FAMILIES SOCIAL WORK AND CRIMINAL JUSTICE SERVICES

BY: CHIEF OFFICER, HEALTH AND SOCIAL CARE

1. REASON FOR REPORT

- 1.1. To provide a progress update in relation to the proposed delegation of Children and Families Social Work and Criminal Justice to the Moray Integrated Joint Board (MIJB).
- 1.2. This report is submitted to Council in terms of Section II (17) of the Council's Scheme of Administration relating to the formulation, review and amendment of the Council's constitutional documents comprising the Standing Orders, Scheme of Administration, Scheme of Delegation and Financial Regulations.

2. RECOMMENDATION

2.1. It is recommended that the Council agree to consider and note:

- i) **the work being carried out by the Programme Board which is focusing on both development of the service and the business case for where the service is best aligned; and**
- ii) **that further updates will be provided to the Council as the project continues to progress.**

3. BACKGROUND

- 3.1 The Scottish Government National Performance Framework sets out the ambitions of the Scottish Government underpinned with the values of treating all people with kindness, dignity, and compassion; with respect for the rule of law; and to act in an open and transparent manner. The national outcome most relevant to Children and Families and Justice Social Work is that people grow up loved, safe and respected so that they realise their full potential.
- 3.2 Improving outcomes for our most vulnerable children and families, to meet the ambitions contained in the national performance framework, our Moray Children's Services plan 2020-23, and the Independent Care Review's Promise, requires a shift in approach of how we work with families to one which focuses on family strengths and assets, recognising the enduring and lifelong nature of family relationships which need to be nurtured and enhanced. Family

Based Decision Making is a well-supported way of working (in the 1990s, Moray was an early adopter of this approach in conjunction with Children First) which is used by several Scottish local authorities to enable families to identify what support they need to look after their own children in a whole family approach.

Management Structure Changes

- 3.3 On 25 September 2019 (para 5 of the minutes refers) the Council approved the revised management structure that would ensure the continuity, stability and availability of strategic leadership and direction to meet the challenges of the future as efficiently and effectively as possible with the flexibility to meet future requirements. The agreed management structure shows children and families social work and criminal justice services moving under the direct oversight of the Head of Service and Chief Social Work Officer within the Moray Integration Joint Board (MIJB).
- 3.4 Progress updates were presented to Moray Council on 27 November 2019 (para 22 of the minute refers) and NHS Grampian on 5 December 2019 (para 11 of the minute refers) where both parties agreed to proceed to the next steps of assessing the various gateways and milestones of the potential delegation of Children's Social Work and Criminal Justice to the MIJB. It was anticipated that the work required for the transfer would take between 12-18 months with an initial target date for any delegation of 1 April 2021.
- 3.5 Due to the current public health situation and resultant changes in priorities during 2020, limited progress was made in relation to the preparatory work required towards the proposed delegation of services, consequently delaying the date for any potential delegation.

Programme Board

- 3.6 The Programme Board was inaugurated on 16 November 2020 with a purpose to lead and provide strategic direction in relation to the potential delegation and modernisation of Children and Families and Justice Social Work to the MIJB in line with national policy, legislation, and local requirements. This was noted by Council on 16 December 2020 (para 10 of the minutes refers).
- 3.7 The remit of the Programme Board is to provide a joint forum for discussion amongst key partners and stakeholders regarding delegation whilst offering support and scrutiny to aid a decision for all parties to agree on taking forward a proposal around delegation. The ambition of the Board is to aim for the integration scheme to be approved by Scottish Ministers by 1 April 2022. This is subject to agreement by NHS Grampian, Moray Council and MIJB. However, this timeline may need to be revised given competing priorities across the whole system.
- 3.8 The focus of the Programme Board has been to identify the risks and issues associated with the potential delegation and to identify the key benefits of delegating Children and Families Social Work and Criminal Justice into the MIJB. The Board have received a draft benefits realisation plan and risk register, along with a comprehensive update backed by a data set on the progress the service is making. Development of the options appraisal will form part of the work that is ongoing to support any decision around delegation.

4. KEY MATTERS RELEVANT TO RECOMMENDATION

Interim Head of Service

- 4.1 Since April 2020, the Interim Head of Children and Families Social Work and Criminal Justice has been reporting to the Chief Officer for Health and Social Care Moray (HSCM) and is part of their Senior Management Team.
- 4.2 Whilst work to consider delegation has commenced, it has been considerably delayed by the public health situation. In light of this, it has been considered necessary that the Interim Head of Service post continues to provide leadership of the Service until a decision on delegation can be considered. In line with the aim to have a revised Integration Scheme approved by Scottish Ministers by 1 April 2022, the Interim Head of Service post has been extended to align with this date.
- 4.3 Governance of these services would remain with the Moray Council through their Children and Young People's Services Committee (currently Education, Communities and Organisational Development Committee). Accountability and responsibility for these services and functions remain with the Moray Council Chief Executive as Head of Paid Service until any revised Integration Scheme has received approval from the Scottish Ministers. The Chief Social Work Officer retains responsibility and accountability for the professional governance of social work across Moray.

5. SUMMARY OF IMPLICATIONS

- (a) **Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP)) and Moray Integration Joint Board Strategic Plan "Moray Partners in Care 2019 – 2029"**
Moray Council Corporate Plan 2020-23 outlines its ambitions to support children and families and communities

(b) **Policy and Legal**

The legal resource required to undertake any due diligence for amending the Integration Scheme requires to be established. This will be assisted by a clear identification of all services that are in scope for transferring over to the MIJB

Children and Young People (Scotland) Act 2014 (Part 3) sets out a legal framework for children's services planning, including its scope and aims.

(c) **Financial implications**

In preparation for any delegation of additional functions to the MIJB it will be necessary for the MIJB to obtain assurance that financial resources are adequate to allow it to carry out the functions and to assess the risks associated with this. The MIJB Chief Financial Officer, Moray Council Chief Financial Officer and the NHS Grampian Deputy Director of Finance will work together in establishing the required assurance.

The cost of the Interim Head of Service post for 6 months extension will be £53,655.

(d) Risk Implications and Mitigation

The scale of this work should not be underestimated. Departments will require commitment to the project to achieve the indicative timeline. The risk of operating the service in a transitional period has been identified by the Programme Board as a significant risk therefore the indicative timeline will require commitment and prioritisation of resources to drive forward the project.

Children and Families Social Work and Criminal Justice workforce require stability and continuity of service delivery through short term investment to ensure the Interim Head of Service post can offer strengthened leadership and create the vision for the future. As the Interim Head of Service is only funded until Sep 21, this is a major risk identified by the Programme Board.

(e) Staffing Implications

Staff need to be supported to make the improvements and so that they are confident in their practice at a time of change. Supportive leadership will result in achieving good outcomes for staff as well as children and families.

(f) Property

No property issues identified at this point.

(g) Equalities/Socio Economic Impact

Managers consider equalities issues for staff and service users when assessing current service delivery arrangements and future requirements

(h) Consultations

Chief Social Work Officer; Chief Financial Officer MIJB, Head of Governance, Strategy and Performance (Moray Council); Tracey Sutherland, Committee Services Officer (Moray Council); have been consulted.

6. CONCLUSION

6.1. To drive the progress in delegating Children and Families Social Work and Criminal Justice services to MIJB, it is anticipated that the Programme Board meet monthly to ensure necessary due diligence and financial planning has been undertaken to the satisfaction of all three bodies (NHS Grampian; Moray Council and MIJB).

Author of Report: Carmen Gillies Senior Project Officer HSCM
Background Papers: With Author
Ref: SPMAN-1108985784-640



REPORT TO: MORAY COUNCIL ON 30 JUNE 2021

SUBJECT: PLACE BASED INVESTMENT PROGRAMME

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

1. REASON FOR REPORT

- 1.1 To inform Council on the Place Based Investment Programme and recommend spend for 2021/22.
- 1.2 This report is submitted to the Council in terms of Section III A (2) of the Council's Scheme of Administration relating to long-term financial plans.

2. RECOMMENDATION

- 2.1 **It is recommended that Council approve spend of this year's allocation for the Placed Based Investment Programme for the procurement and preparation of Buckie Harbour for offshore wind support business.**

3. PLACE BASED INVESTMENT PROGRAMME

- 3.1 The 2020 Programme for Government committed to establishing a Place-Based Investment Programme (PBIP), linking and aligning place-based funding initiatives. The aim of the PBIP is to ensure that all place based investments are shaped by the needs and aspirations of local communities and accelerate ambitions for place, 20-minute neighbourhoods, town centre action, community led regeneration and community wealth building.
- 3.2 The Place Principle, which underpins this approach, was adopted by Scottish Government and COSLA as a basis for collaborative working to ensure that future local investment is relevant to local communities for the benefit of local people. Bringing relevant services, enterprise, and communities together to make our towns, villages, and neighbourhoods more viable. The PBIP alongside the developing Place Framework are designed to make the Place Principle real.
- 3.3 Local Government will receive a share of the funding over 5 years to support and advance place-based investment and build on the strong partnership currently existing through the Regeneration Capital Grant Fund, which will also have its funding continued through the PBIP. Local Government will

receive a share of this capital funding, with £38m in 2021/22; £33m in 2022/23; £23 in 2023/24; £23m in 2024/25; and £23m in 2025/26.

- 3.4 The allocation for Moray for 2021/22 is £770k capital funding with an expectation that works will be delivered by 31 March 2022 or at least contracts let and work commenced.
- 3.5 The main objectives of the Place Based Investment Programme are:
- to link and align place based initiatives and establish a coherent local framework to implement the Place Principle;
 - to support place policy ambitions such as town centre revitalisation, community led regeneration, 20 minute neighbourhoods and Community Wealth Building;
 - to ensure that all place based investments are shaped by the needs and aspirations of local communities;
 - to accelerate our ambitions for net zero, wellbeing and inclusive economic development, tackling inequality and disadvantage, community involvement and ownership.
- 3.6 It is expected that local authorities make investment decisions which will accelerate our ambitions for place, 20-minute neighbourhoods, town centre action, community led regeneration and community wealth building. The funding is also expected to contribute to net zero carbon, wellbeing and inclusive economic development, tackling inequality and disadvantage, and community involvement and ownership, including the repurposing of buildings, maintenance and repairs, reallocating external space and community led land acquisition.

4. PROPOSAL

- 4.1 Buckie Central East was identified as a priority area within the Local Outcome Improvement Plan and work with the community produced Buckie Central East Locality Plan 2019-2029.
<http://www.yourmoray.org.uk/downloads/file128000.pdf>
- 4.2 One of the actions from the locality plan is to work together to enable the community to access employment, volunteering and community activity opportunities.
- 4.3 The harbour area sits within Buckie Central East, there are a number of vacant or derelict properties on Commercial Road Buckie that diminish the character of the area and contribute to a perception of decline rather than an area where young people achieve their aspirations as articulated in the Locality Plan.
- 4.4 The Locality plan recognises that “the renewable sector is starting to attract more people from the area and there is a desire within the community that this be developed in the coming years to bring specialist training and employment opportunities”.

- 4.5 Ocean Winds the developer for the Moray West Offshore windfarm aim to secure a government Contract for Difference at the next auction round later this year or Q1 2022. This is a key milestone for the project. At the time of writing this report the Council is still in discussion about the role Buckie Harbour could have in supporting this development.
- 4.6 In addition to the two existing windfarms in the Moray Firth- Beatrice with operating capacity of 0.588GW, Moray East at 0.95GW capacity and 0.95GW planned for Moray West a further 5GW of offshore wind is expected to be licensed for development in the Moray Firth over the next decade and shore based development will be an essential part of delivery.
- 4.7 With the existing and increased development expected, Buckie is well placed to support this industry and attract supply chain business that can include parts supply, vessel support, diving, lubricants, training etc...
- 4.8 In order to provide for regeneration activity in Buckie Central East and support the action to create employment opportunity it is proposed to use the £770k for the purpose of procuring and preparing vacant and derelict sites or key properties on Commercial road and for associated harbour development that will facilitate the off shore wind development and its supply chain and training needs.

5. SUMMARY OF IMPLICATIONS

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

Economic development is a key priority in the corporate plan and as a result of the pandemic the need for economic investment has grown considerably.

As a priority area within the LOIP Buckie Central East has produced a locality plan, creating job opportunities related to renewables is part of that plan.

(b) Policy and Legal

The proposal will meet the terms of the Place based investment programme as it community led regeneration through the Locality Plan produced for Buckie Central East, provides inclusive growth by creating employment opportunities in a priority area and contributes to net zero through provision for the renewables industry.

(c) Financial implications

The grant of £770k must be spent or committed with works started by March 2022.

(d) Risk Implications

The area needs regeneration and the purchase of vacant and derelict sites for redevelopment is the first step to achieve this. There will be

some risk around the purchase process as it is dependent on a willing seller.

(e) Staffing Implications

The programme for this work will be done within existing resources.

(f) Property

N/A

(g) Equalities/Socio Economic Impact

The funding is to address economic disadvantage and therefore should provide positive benefits.

(h) Consultations

The Depute Chief Executive (Economy, Environment and Finance), the Legal Services Manager, the Head of Financial Services, Tracey Sutherland, Committee Services Officer and the Equalities Officer have been consulted and comments received have been incorporated into the report.

6. CONCLUSION

6.1 It is proposed to use the 2021/22 Place Based Investment Programme funding for the purpose of Harbour developments in Buckie Central East to provide for future offshore wind development and create employment opportunities through regeneration.

Author of Report: Jim Grant, Head of Economic Growth and Development

Background Papers: Documents on file in Economic Growth & Regeneration section.

Ref:

<http://spman.moray.gov.uk/MANComRepDraftSite/DevServLib/2021%2006%2030/Place%20Based%20Investment%20Programme.docx>



REPORT TO: MORAY COUNCIL ON 30 JUNE 2021

SUBJECT: THE QUEENS GREEN CANOPY- PLANT A TREE FOR THE JUBILEE

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

1. REASON FOR REPORT

- 1.1 To inform Council on the Queen's Green Canopy (QGC) project which was launched on 17 May 2021.
- 1.2 This report is submitted to the Council in terms of Section F (11) of the Council's Scheme of Administration relating to Parks, Open Spaces and Tree/ Woodland management and maintenance.

2. RECOMMENDATION

2.1 It is recommended that Council:-

- (i) notes the proposals for the Queen's Green Canopy project;
- (ii) progress a compensatory tree planting programme as part of the Council's contribution to the project;
- (iii) delegates authority to the Head of Direct Services in consultation with other Heads of Service to consider requests against a set of criteria from schools, communities, members of the public and other organisations for opportunities for avenues, copses, plaques and individual trees to be planted on Council property as set out in paragraph 3.4; and
- (iv) considers the invitation to nominate an elected member or members to join the Steering Group to deliver the project.

3. PROPOSALS

- 3.1 On 17 May 2021 the QGC project was launched <https://queensgreencanopy.org/> The project is a UK wide tree planting initiative created to mark the Queen's Platinum Jubilee in 2022, by inviting people to Plant a Tree for the Jubilee. Communities and individuals will be

encouraged to plant trees from October 2021 when the tree planting season begins to the end of the Jubilee year in 2022.

- 3.2 Trees must be planted with care at the right time of year, in the right place and with suitable species. From October all planting projects can be uploaded onto an interactive map on the new QGC website so that everyone can share and inspire others as well as creating a green canopy of projects to cover the country.
- 3.3 The QGC is a not for profit initiative and money raised will benefit deprived areas and urban schools primarily through the QGC partner, Trees for Cities. The project also offers people the opportunity to commemorate loved ones through the donation of a Jubilee tree.
- 3.4 The planting of new trees may take the form of:
- Individuals- planting trees on their private land
 - Corporates and businesses planting trees on their land and creating tree planting projects with employees
 - Platinum Jubilee Community Planting-projects for youth groups, community councils
 - A Platinum Jubilee Avenue of medium sized or large trees ideal for cities, large estates, new housing developments
 - A platinum Jubilee Copse on private land or land allocated by the Council
 - A Platinum school tree- all schools are encouraged to actively engage with the project, schools may apply for free saplings through the Woodland Trust on the QGSC website from July 2021. There is also an education hub on the website which provides materials for schools

The project aims to ensure that the organisation or individual planting the tree(s) is responsible for watering and caring for the trees as they grow.

- 3.5 The project is being led in Moray through the Lord Lieutenants of Moray and Banff respectively, with a Steering Group initially meeting on the day the project was launched consisting of the Lord Lieutenants, their deputies and representatives from the Council's Education, Planning and Lands and Parks Services. The Group is chaired by the Earl of Moray. The Group has invited the Council to consider whether an elected member(s) wish to be on the Group.
- 3.6 As the project has just been launched, awareness raising and establishing a network of contacts is being progressed to inform and develop Moray's approach to support the project. It is proposed that the Council's role is;
- To act as a conduit for information and to raise awareness of the project through the Council's Communications team and a Communications and Engagement Plan.
 - To work with the Lord Lieutenants to set up a process for consideration of requests for planting on both public and private land. Requests on Council owned property will be scrutinised by Officers from Lands and Parks, Estates, Education and Planning against a set of criteria including amenity value, appropriateness of species, maintenance proposals, biodiversity

value. If the Council officers are not satisfied with the proposals, including for ongoing maintenance then the planting will not be supported.

- To progress proposals agreed at the Planning and Regulatory Services Committee on 25 February 2020 (para 14 of minute refers) for compensatory planting to be delivered to tie in with the timing for the QGC. This is funding which is secured from development proposals where trees have been felled and not compensated for on site or on another site and the Council has secured a commuted payment. The commuted payment sum covers the maintenance cost for the life time of the trees. It is proposed that £10,000 from this compensatory planting budget is ring fenced for long term maintenance of trees arising from the Queen's Green canopy project, to safeguard the Council from incurring additional cost arising from supporting this project. A List of sites agreed for compensatory planting is set out in **Appendix 1**.
- To encourage schools to get involved in the project.
- To support the Working Group in developing, co-ordinating and implementing proposals and to maximise the benefits of the project.
- To ensure the Lord Lieutenants proposal for a commemorative avenue of semi mature trees in Cooper Park is complimentary to other proposals for improving the Park and to consider other proposals for commemorative avenues. These are to be funded by individuals or communities at no cost to the Council. In the case of Cooper Park, a private individual has offered to pay for the avenue. It is important that the proposed location of the avenue, running north from Grant Lodge, compliments wider proposals for the Cultural Quarter project and the consultants who are being commissioned to prepare designs for Cooper Park will consider and advise upon this proposal. The community will be consulted on the proposed avenue as part of the consultation on Cooper Park.

4. SUMMARY OF IMPLICATIONS

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

The project supports the environmental aspirations of the Corporate Plan, with associated education and health benefits.

(b) Policy and Legal

The project supports the environmental aspirations of the Local Development Plan and supports the Council's Climate Change Strategy.

(c) Financial implications

The project requires that the individuals, groups or business who plant the tree(s) take responsibility for ongoing maintenance. This will be a key consideration in considering requests for tree planting and will be scrutinised by officers. Ring fencing an element of the compensatory planting budget to cover longer term maintenance costs safeguards the Council from incurring additional costs arising from this project.

The maintenance costs arising from the programme of compensatory planting is covered by the budget as the cost per hectare secured through the commuted sum reflects the cost of planting and maintenance for the lifetime of the trees.

(d) Risk Implications

Risk that trees are not maintained by those planting the trees and responsibility falling to the Council. This has been mitigated by the introduction of an application/ request process which will be scrutinised by officers and by ring fencing an element of the existing compensatory planting budget to cover longer term maintenance.

There is also a risk that uptake of the project is low if the Council do not support and help raise awareness of the project.

(e) Staffing Implications

There are staffing implications arising for Lands and Parks in particular and also implications for Education, Estates, Strategic Planning and Development and Communications Team. It is important that expectations are managed and that the Council plays a facilitation role, rather than leading on delivery of the project due to resource issues.

(f) Property

The QGC project is likely to result in tree planting on Council owned open spaces and school grounds.

(g) Equalities/Socio Economic Impact

The project will be inclusive in terms of including people of all ages and abilities in the planting and maintenance of trees. Planting will also be encouraged in areas of poor quality open spaces to improve amenity value for local residents.

(h) Consultations

The Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth and Development, the Head of Environmental and Commercial, the Head of Education Services, the Head of Governance, Strategy and Performance, the Head of Financial Services, the Open Spaces Manager, the Estates Manager, Tracey Sutherland, Committee Services Officer, the Communities Service Manager, Kevin Pirie (Acting Quality Improvement Officer) and the Equalities Officer have been consulted and comments received have been incorporated into the report.

5. CONCLUSION

- 5.1 The QGC encourages individuals, communities and other organisations to “plant a tree for the Jubilee” as part of the Queen’s Platinum Jubilee celebrations. The delivery of the project in Moray is led by the Lord Lieutenants of Moray and Banff with support from the Council. It is proposed that the Council delivers a programme of compensatory tree planting as part of the project and acts as a conduit for information to support the project, including encouraging schools to get involved.**

5.2 It is important that short and long term maintenance issues are addressed to ensure the longer term benefits of the project, with a process being set up to consider requests for tree planting on Council owned land as part of the project.

Authors of Report: Gary Templeton, Strategic Planning and Development Manager
James Hunter, Open Spaces Manager

Background Papers:

Ref: <http://spman.moray.gov.uk/MANComRepDraftSite/DevServLib/2021%2006%2030/The%20Queens%20Green%20Canopy.docx>

Appendix 1

Queens Green Canopy

List of sites for compensatory planting approved in February 2020.

Compensatory Planting Sites

Elgin HMA

- Land Adjacent to Seafield Primary School, Elgin
- Rear of Kennedy Place, Elgin *
- Millbuies Country Park, Fogwatt
- Robertson Road Playing Fields, Lhanbryde
- Sunbank East, Lossiemouth *

Forres HMA

- Blaven Court, Forres *
- Bogton Park, Forres
- Califer Road, Forres
- Forres Train Station *
- Mannachie Park, Forres

Buckie HMA

- Former Railway Lines, Buckie
- Land Adjacent to Gollachy Waste Site, Buckie
- Queen Street Gardens, Buckie

Speyside HMA

- Tininver Park, Dufftown



REPORT TO: MORAY COUNCIL ON 30 JUNE 2021

SUBJECT: PROPERTY ASSET MANAGEMENT APPRAISAL

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

1. REASON FOR REPORT

- 1.1 This report provides a progress update on the key recommendations set out within the Property Asset Management Appraisal (PAMA).
- 1.2 This report is submitted to Committee in terms of Section II of the Council's Scheme of Administration relating to matters excluded from delegation to Committees.

2. RECOMMENDATION

2.1 It is recommended that the Committee:

- i) considers and notes the progress achieved to date;
- ii) considers and notes the revised timescales identified in Appendix I; and
- iii) agrees that a further update on the various actions within the PAMA that are nearing completion will be presented to Committee in December 2021.

3. BACKGROUND

- 3.1 On 12 December 2018, the Policy and Resources Committee considered the findings from the PAMA and agreed 20 separate recommendations aimed at improving how the Council manages and maintains its property assets (para 6 of the minute refers).
- 3.2 An update on the PAMA was reported to Policy and Resources on 29 October 2019 (para 13 of the minute refers) along with an **APPENDIX I** which provided details of the PAMA Improvement Plan and the status of actions required to be taken forward. These actions were intended to provide a strategic framework and direction to enable the Council to improve its management of property assets and to promote cultural, operational and strategic change.

- 3.3 The progress of the improvement actions was delayed due to two major developments which impacted on its implementation during 2020/21. The first is the impact of the pandemic on the implementation of the Asset Management Change Management Plan within Housing and Property Services and secondly the Council decision to restructure second tier management and form an establishment within Education Resources and Communities for the development of a Learning Estate Strategy and Investment team.
- 3.4 To reflect the significant delays to the programme and the change of senior lead officers a revised improvement plan (**APPENDIX I**) has been created which sets revised timescales and responsibilities.

4. PROGRESS TO DATE

Recommendation 1 – School Estate Strategy

- 4.1 The draft learning estate strategy was presented to Children and Young People's Committee on 4 March 2020 and to a special meeting of Moray Council on 9 October 2020. Following consultation on the proposed strategic approach the final learning estate strategy was approved by Council on 16 December 2020 (para 5 of the minute refers). This recommendation is complete.

Recommendation 2 – Devolved School Management (DSM) Tenant Protocol

- 4.2 A review of the DSM scheme was delayed due to capacity issues relating to COVID and a delay in the national timeline for review. The DSM review is now due to conclude by end March 2022.

Recommendation 3 – Option Appraisals Template

- 4.3 A draft options appraisal template has been developed and will be taken forward by the Learning Estate team within Education Resources and Communities. This recommendation is complete.

Recommendation 4 – A Review of Council Offices

- 4.4 The office review has focused on how services are currently using offices, how they interact with customers and what opportunities there are to bring services together through co-location of office space.
- 4.5 The review has been updated to take account of the impact of the pandemic on current working practice and the emerging options for a staged return to offices in 2021. The report has been considered by CMT/SMT along with the draft Flexible Working Policy which sets out how staff will return to a more flexible working environment. The office review is a separate agenda item for this Council meeting.

Recommendation 5 – Depot Review

- 4.6 The draft review of depots has been updated to take account of the impact of COVID-19 and completed. The review has been given the go ahead by CMT to progress to Business Case stage to assess the investment required. The Business Case requires to be updated to take account of the impact of COVID and consultation with Services within depots is underway.

Recommendation 6 – Review of Storage Space

- 4.7 All storage units have been visited and information gathered to inform a draft report.
- 4.8 The Council's records are currently stored at the Buckie Drifter and the draft report recommended the continued use of this building. However, activity at the harbour which is the subject of a separate confidential report on the agenda will have an impact on this..
- 4.9 It is proposed that further options for the records store are investigated and the strategic requirement for the Buckie Drifter in relation to any future developments at Buckie Harbour are assessed. The review of options will be undertaken once the Records Manager returns to work from maternity leave.

Recommendation 7 – Leisure Review and Museum Buildings

- 4.10 A report on progress with the Leisure Review was presented to Education, Communities and Organisational Development Committee on 18 November 2020 (para 22 of the minute refers). Committee approved the new Business Plan for the Sport and Leisure service in Moray, which includes an objective to develop our facilities to align with customer service needs.
- 4.11 Work to support the transfer of Museum Buildings to a trust have been delayed to create capacity for the response to COVID. This will progressed by the Head of Development Services when capacity allows.

Recommendation 8 – Register of Infrastructure Assets

- 4.12 Direct Services maintain a register of infrastructure assets. Significant information is held and updated as required. This recommendation is complete.

Recommendation 9 – Retention of the Industrial Portfolio

- 4.13 An update of the retention of the Industrial Portfolio was presented to Policy and Resources on 29 October 2019 (para 13 of the minute refers) when the decision was to retain the portfolio with disposal supported only in limited circumstances. This recommendation is complete.

Recommendation 10 – Housing Revenue Account Assets – (sites)

- 4.14 The new build programme and investment sites will be assessed in June 2021 as part of the review of the HRA Business Plan. The review of the Business Plan will take account of the investment requirements for the existing council housing stock to meet Energy Efficiency Standard for Scotland (EESH), which will inform the affordability of future new build programmes.

Recommendation 11 – Review Policy of Make Do and Mend

- 4.15 The Council ended its Make Do and Mend Policy (MDAM) on 27 February 2019. (para 4 of the minute refers). A new strategy for the maintenance of the learning estates will be developed as part of recommendation 1 of this report. This recommendation is complete.

- Recommendation 12 – Develop a Landlord Charter for Property Assets
- 4.16 A Landlord Charter will be developed which will set out the building related Health and Safety responsibilities which any service has in either occupying or making alterations to a building. A Landlord Charter will be developed for the school estate first once the Educational Resources team are in place.
- Recommendation 13 – Reduce ICT systems that store property information
- 4.17 A Business Case for the implementation of a Building Information Modelling (BIM) including the review of all current council systems and strategies has been drafted. A bid for funding was approved as part of the Improvement and Modernisation Programme (IMP) at Moray Council on 12 May 2021 (para 13 of the minute refers).
- Recommendation 14 – Baseline performance indicators should be developed
- 4.18 This will be developed once the new Asset Management structure is in place and resources are available to undertake this work. The full implementation of the new Asset Management Structure has been delayed until the permanent recruitment of the Head of Housing and Property Services who will take up post on 12 July 2021.
- Recommendation 15 (i) – Combine Repairs Budgets for Property/Education
- 4.19 The education requirements in relation to a maintenance repairs strategy which aligns with the objectives of the School Estate Strategy will be developed by the new strategy team within Education Resources & Communities. The budget level and responsibility will be agreed once the strategy is complete as part of recommendation 11.
- Recommendation 15 (ii) – Review of Property/Education Staffing Structures
- 4.20 The Moray Council at its meeting of 9 October 2020 agreed to the reactivation of engagement on a new approach to developing a long-term strategy for the Learning Estates, and the final strategy was approved by Council on 16 December 2020 (para 5 of the minute refers). The formation of the team within Education Resources & Communities to support the development of the Learning Estate Strategy is ongoing and the Senior Project Manager (Learning Estate) took up post on 26 April 2021. The Service Manager will take the lead in recruitment to the team and the development of policies and strategies relating to the educational requirements for the school estate.
- 4.21 The Change Management Plan (CMP) within Housing and Property Services will be adapted to take account of the roles and responsibilities of Property Services and Education Resources and Communities service which are currently being clarified by the heads of service to ensure effective working between the services. Once the heads of service agree the roles and responsibilities an update of the revised Education Asset Management structure within Housing and Property Services will be subject of a future report. This will seek to link the Learning Estate Strategy to the Corporate property priorities.

- Recommendation 16 – Challenge/rationalise the non-operational portfolio
- 4.22 A 3-year property disposal programme with a target of £3m in capital receipts is being undertaken. The programme has already met its target, in 2019-20 £1.4m was achieved and in 2020-21 £1.57m was achieved.

- Recommendation 17 – Consider full-life costings as part of option appraisals
- 4.23 As part of the BIM Business Case it is planned to adopt the Scottish Futures Trust (SFT) Whole Life Appraisal Tool. The appraisal tool provides a consistent method of comparing and reporting whole life outcomes for a project. It is both a qualitative and quantitative process that looks at the costs and outcomes during the design, construction, operation and disposal stages for a built asset. The appraisal tool promotes the analysis of whole life outcomes across three assessment criteria: commercial, performance and environmental.

- Recommendation 18 – Review Project Governance
- 4.24 The Property Asset Management Working Group will meet to discuss operational issues. Recommendations can come forward from this group to Asset Management Working Group. This recommendation is complete.

- Recommendation 19– Review the Council’s approach to Capital Plan
- 4.25 The approach to Corporate Capital Plan was reviewed and this was reported to Council on 18 February 2021 (para 6 of the minute refers). This recommendation is complete.

- Recommendation 20 – Procurement to be involved earlier in property projects
- 4.26 Procurement Construction Working Group will be enhanced with Administrative support from the PMO team. This support will assist with minutes and tracking actions. Findings from the Procurement Construction Working Group will go to the Asset Management Working Group.

5. CURRENT ISSUES

- 5.1 The impact of the COVID-19 pandemic and its short and long-term impact on property assets and how services are delivered from them, continues to develop as scientific research continues to inform the national response. Completed and current reviews could be impacted by national guidance changes which will in turn affect staff resources and programmes. Remote working, social distancing and ventilation are key areas that are known will impact property operation. However, with new variants, it is possible other considerations will be required.

6. SUMMARY OF IMPLICATIONS

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

This project forms part of the Improvement & Modernisation Programme of Work that supports the Council priority of a financially stable Council.

(b) Policy and Legal

None.

(c) Financial Implications

The prioritisation of the Council's disposal programme has generated capital receipts of £1.4m in 2019/20 and £1.57m in 2020/21. The secondment of the Head of Housing and Property to carry out the PAMA reviews outturned within budget at £86k.

(d) Risk Implications

The recruitment to the establishment within Education Resources & Communities of the Project Officer, Community Support Officer and Communications Officer are key to the implementation of the Learning Estate Strategy and Investment programme.

The impact of COVID-19 pandemic will affect the delivery of services from council building assets. A staged approach is to be adopted to remain flexible and resilient.

(e) Staffing implications

There are no direct staffing implications from this report.

(f) Property

These are set out in the report.

(g) Equalities/Socio Economic Impact

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

(h) Consultations

Consultations on this report have taken place with the Head of Financial Services, Head of Educational Resources and Communities, Head of Economic Growth and Development Services, Head of Environmental and Commercial Services and Tracey Sutherland, Committee Services Officer and any comments have been incorporated into the report.

7 CONCLUSION

7.1 This report provides an update of actions to be taken forward as part of the PAMA Improvement Plan. It provides revised completion timescales for actions.

Author of Report:	Moray Macleod, Acting Head of Housing and Property
Background Papers:	Held by author
Ref:	SPMAN-1285234812-863

APPENDIX I

1. IMPROVEMENT PLAN 2021-2022 – Linked to the 20 Recommendations provided within the Appraisal

This improvement plan update takes account of two major developments, which has impacted its implementation during 2020/21. The first is the impact of the pandemic on the implementation of the Asset Management Change Management Plan and secondly the Council decision to form an establishment within Education for the development of a Learning Estate Strategy and Investment team. This improvement plan supersedes the previous plan agreed in 2018 and updated in 2019. The improvement plan is based on the strategic recommendations identified within the report. Recommendations are ranked short (up to 6 months), medium (up to 1 year) and long term (more than 1 year). Short-term actions will include priorities that need to be progressed due to their urgency or they are quick to implement. Progress on implementing the Plan will be determined by the resources made available within each of the different service areas. Where recommendations are included within the Corporate Improvement and Modernisation Programme (IMP) these are cross-referenced in this Improvement Plan.

Recommendations from the Property Asset Management Appraisal	IMP reference	Key Milestone	By	Lead Officer(s)	Complete
<u>Recommendation 1</u> Develop a school estate strategy to address a range of property related issues and educational outcomes. This should include options for replacement/refurbishment and rationalisation where necessary. The strategy should contain key criteria to underpin key strategic decisions. <u>Status as at 30/04/2021</u>	Section 1.1	School Estate Strategy in place	March 2019	Head of Education Resources & Communities Acting Director of Education	100%

Recommendations from the Property Asset Management Appraisal	IMP reference	Key Milestone	By	Lead Officer(s)	Complete
The draft learning estate strategy was presented to Children and Young People's Committee on 4 March 2020 and to a special meeting of Moray Council on 9 October 2020. Following consultation on the proposed strategic approach the final learning estate strategy was approved by Council on 16 December 2020. This recommendation is complete.			Completed		
<u>Recommendation 2</u> Develop a new protocol for the DSM tenants' budget – linked to Recommendation 1. <u>Status as at 30/04/2021</u> A review of the DSM scheme was delayed due to capacity issues relating to COVID and a delay in the national timeline for review. The DSM review is now due to conclude by end March 2022.	Section 1.1	New Protocol in place	September 2019 Revised date: March 2022	Head of Education Resources & Communities Acting Director of Education	
<u>Recommendation 3</u> Develop an options appraisal template to support the decision making process for the replacement/refurbishment/rationalisation of the school estate – linked to Recommendation 1.	Section 1.1	Options Appraisal tool kit in place	March 2019	Head of Education Resources & Communities	100%

Recommendations from the Property Asset Management Appraisal	IMP reference	Key Milestone	By	Lead Officer(s)	Complete
<p><u>Status as at 30/04/2021</u> A draft options appraisal template has been developed and will be taken forward by the Learning Estate team within Education Resources & Communities.</p>			Completed		
<p><u>Recommendation 4</u> A review of the Council's office estate should be completed.</p> <p><u>Status as at 30/04/2021</u> A draft Office Review has been completed and is being reported to Full Council on 30 June 2021.</p>	Section 1.1	Office review completed	November 2019 Completed	Head of Housing & Property Services	100%
<p><u>Recommendation 5</u> A further review of depots should be undertaken.</p> <p><u>Status as at 30/04/2021</u> A draft Review of Depots has been updated to take account of the impact of COVID-19 and completed. Consultation with Services within depots underway</p>	Section 1.1	Depot review completed	November 2019 Revised date: August 2021	Heads of Housing and Property and Environmental and Commercial Services	
<p><u>Recommendation 6</u> A review of storage options should be undertaken.</p>			August 2021		

Recommendations from the Property Asset Management Appraisal	IMP reference	Key Milestone	By	Lead Officer(s)	Complete
<p><u>Status as at 30/04/2021</u> The storage review has been delayed until the return to work of the Records Manager.</p>	Section 1.1	Storage review completed	Revised date: April 2022	Head of Housing & Property Services	
<p><u>Recommendation 7</u> The Council needs to reach decisions with regards to the Leisure Review and Museum buildings.</p> <p><u>Status as at 30/04/2021</u> A report on progress with the Leisure Review was presented to Education, Communities and Organisational Development Committee on 18 November 2020. Committee approved the new Business Plan for the Sport & Leisure service in Moray, which includes an objective to develop our facilities to align with customer service needs.</p> <p>Work to support the transfer of Museum Building to a trust have been delayed to create capacity for the response to COVID. This will progressed by the Head of Development Services when capacity allows.</p>	Section 3.1 & 3.2	Decisions made	November 2019	<p>Head of Education Resources & Communities</p> <p>Head of Economic Growth and Development Services</p>	

Recommendations from the Property Asset Management Appraisal	IMP reference	Key Milestone	By	Lead Officer(s)	Complete
<u>Recommendation 8</u> The Council should develop a register of all its infrastructure assets. <u>Status as at 30/04/2021</u> Direct Services maintain and update a register of infrastructure assets.	N/A	Full Register in place	March 2020 Completed	Head of Environmental and Commercial Services Director of Corporate Services and Head of Financial Services	100%
<u>Recommendation 9</u> The Council should consider whether it wishes to retain its industrial portfolio (in full or in part) or sell the estate (in full or in part) to generate capital receipts. <u>Status as at 30/04/2021</u> A desktop review has been carried out and there is no case for sale and this was reported to Policy and Resources on 29 October 2019.	Section 1.1	Future of the Industrial Portfolio determined	March 2019 Completed	Head of Housing & Property Services	100%

Recommendations from the Property Asset Management Appraisal	IMP reference	Key Milestone	By	Lead Officer(s)	Complete
<u>Recommendation 10</u> The Council should review the sites that are held within the Housing Revenue Account. <u>Status as at 30/04/2021</u> As part of the review of the HRA Business Plan the new build programme and investment sites will be assessed in June 2021.	N/A	Review of sites completed	September 2019 November 2021	Head of Housing & Property Services	
<u>Recommendation 11</u> The Council is due to review its policy of Make Do and Mend Policy in 2018/19. <u>Status as at 30/04/2021</u> Completed	Section 1.1	Review Completed	March 2019 Completed	Corporate Management Team and Head of Housing & Property Services	100%
<u>Recommendation 12</u> Develop a Landlord Charter to support the management of the Property Portfolio. <u>Status as at 30/04/2021</u> A Landlord Charter will be developed which will set out the building related Health and Safety	Section 1.1	Corporate Landlord Charter developed	September 2019 Revised date: March 2022	Head of Housing & Property Services	

Recommendations from the Property Asset Management Appraisal	IMP reference	Key Milestone	By	Lead Officer(s)	Complete
responsibilities which any service has in ether occupying or making alterations to a building. A Landlord Charter will be developed for the school estate first once the Educational Resources team are in place.					
<p><u>Recommendations 13</u></p> <p>Review options that will allow the Council to store its property information in fewer ICT systems.</p> <p><u>Status as at 30/04/2021</u></p> <p>The council at its meeting of 12 May 2021 agreed to fund a review of its ICT systems to scope the requirements of adopting Building Information Modelling (BIM).</p>	Section 1.1	Corporate property asset information held on a Common Database Environment (CDE)	<p>December 2019</p> <p>Revised date: December 2021</p>	<p>Head of HR, ICT & Organisational Development, Head of Education Resources & Communities, Head of Housing & Property Services</p> <p>Acting Heads of Education and ICT & Heads of Housing and</p>	

Recommendations from the Property Asset Management Appraisal	IMP reference	Key Milestone	By	Lead Officer(s)	Complete
				Property, Direct Services	
<p><u>Recommendations 14</u></p> <p>The Council should develop baseline performance indicators to allow it to manage and monitor its property assets.</p> <p><u>Status as at 30/04/2021</u></p> <p>This will be developed once the new Asset Management Structure is in place.</p>	Section 1.1	Baseline information in place	<p>December 2019</p> <p>Revised date: December 2021</p>	Head of Housing & Property Services	
<p><u>Recommendation 15</u></p> <p>i) Council should combine the repairs and maintenance budgets for the school estate and corporate buildings.</p> <p><u>Status as at 30/04/2021</u></p> <p>The maintenance repairs strategy will be developed by the new team within Education in line with the School Estate Strategy. The budget level and responsibility will be agreed once the strategy is complete.</p>	Section 1.1	Budget amalgamated and transferred to property	<p>April 2019</p> <p>Revised date: December 2021</p>	Head of Education Resources & Communities and Head of Housing & Property Services	

Recommendations from the Property Asset Management Appraisal	IMP reference	Key Milestone	By	Lead Officer(s)	Complete
<p><u>Recommendation 15</u></p> <p>ii) A review of staff structures involving Property/Education should be completed transferring the duty for managing the property elements of the school estate to Property Services.</p> <p><u>Status as at 30/04/2021</u> The Moray Council at its meeting of 9 October 2020 agreed to the reactivation of engagement on a new approach to developing a long-term strategy for the Learning Estates. The formation of a staffing establishment within Education to support this is ongoing.</p>	Section 1.1	Review completed	December 2019 Revised date: August 2021	Head of Education Resources & Communities and Head of Housing & Property Services	
<p><u>Recommendation 16</u></p> <p>The Council should develop a framework that allows it to challenge and rationalise where appropriate the non-operational portfolio.</p> <p><u>Status as at 30/04/2021</u> A 3-year property disposal programme with a target of £3m in capital receipts is being undertaken. In 2019-20 £1.4m was achieved and in 2020-21 £1.57m was achieved.</p>	Section 1.1	Framework developed	May 2019 Completed	Head of Housing & Property Services	100%

Recommendations from the Property Asset Management Appraisal	IMP reference	Key Milestone	By	Lead Officer(s)	Complete
<u>Recommendation 17</u> The Council should consider whether it wishes to introduce criteria that capture “full life” costs when it is considering refurbishment projects. <u>Status as at 30/4/2021</u> As part of the BIM Business Case it is planned to adopt the Scottish Futures Trust (SFT) Whole Life Appraisal Tool.	Section 1.1	Issues and Options identified	On adoption of BIM Business Case	Head of Education Resources & Communities and Head of Housing & Property Services	100%
		Council decision taken on “full life” costs	Complete		
<u>Recommendation 18</u> The Council should decide whether it wants to enhance the role of the Property Asset Management Working Group to improve its oversight and governance of “lower value” property projects. <u>Status as at 30/04/2021</u> The Property Asset Management Working Group will meet to discuss operational issues. Recommendations can come forward from this group to Asset Management Working Group.	Section 1.1	Future remit and role of the Property Asset Management Working Group determined	March 2019 Revised date: August 2021	Head of Financial Services and Head of Housing & Property Services Director of Corporate Services and Head of	100%

Recommendations from the Property Asset Management Appraisal	IMP reference	Key Milestone	By	Lead Officer(s)	Complete
				Housing and Property	
<u>Recommendation 19</u> The Council should decide whether it wants to change its current approach to Capital Planning. <u>Status as at 30/04/2021</u> Approach to Corporate Capital Plan reported to Council 18 February 2021.	N/A	Future approach to Capital Planning agreed	March 2020 Complete	Corporate Management Team, Chief Financial Officer Corporate Management Team and Head of Financial Services, Housing and Property & Direct Services	100%

Recommendations from the Property Asset Management Appraisal	IMP reference	Key Milestone	By	Lead Officer(s)	Complete
<p><u>Recommendation 20</u> The Council should ensure that the Procurement Team play an active and earlier role in property related projects.</p> <p><u>Status as at 30/04/2021</u> Procurement Construction Working Group now has Administrative support from the PMO team to minute and track actions from meetings. Recommendations from the Procurement Construction Working Group will go to the Asset Management Working Group.</p>	N/A	Procedures developed to support this objective.	October 2020 Complete	Chief Financial Officer, Heads of Environmental and Commercial Services and Housing and Property Services Heads of Financial Services, Housing and Property & Direct Services	100%



REPORT TO: MORAY COUNCIL ON 30 JUNE 2021

SUBJECT: OFFICE REVIEW

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

1. REASON FOR REPORT

- 1.1 This report provides a progress update on the Office Review following the recommendations set out within the Property Asset Management Appraisal.
- 1.2 This report is submitted to Committee in terms of Section II of the Council's Scheme of Administration relating to matters excluded from delegation to Committees.

2. RECOMMENDATION

2.1 It is recommended that the Committee:

- i) **considers and notes the Office Review (included as an additional document on the meeting agenda);**
- ii) **agrees a staged implementation of the Office Review; and**
- iii) **agrees that a further update on the various actions within the Office Review will be presented to Committee in December 2021.**

3. BACKGROUND

- 3.1 On 12 December 2018, the Policy and Resources Committee considered the findings from the Property Asset Management Appraisal (PAMA) and agreed 20 separate recommendations aimed at improving how the Council manages and maintains its property assets (para 6 of the minute refers).
- 3.2 Recommendation 4 of the PAMA stated that a review of the Council's office estate should be completed.
- 3.3 An update on the PAMA was reported to Policy and Resources on 29 October 2019 (para 13 of the minute refers) including an update on recommendation 4, the review of the Council's office estate.
- 3.4 The purpose of the Office Review was to provide a strategic overview of council offices; how they are used; what opportunities there may be to co-

locate services to improve joint working for further investigation; and examine opportunities to reduce operational costs through a programme of rationalisation.

- 3.5 The first draft of the office review was impacted by the lockdown in March 2020, following the government imposing a lockdown which included all non-essential staff working from home. The second draft was completed and consulted with CMT/SMT in October 2020 with a considerable number of comments received from Heads of Service. The current draft of the Office Review takes account of comments from CMT/SMT and also takes account of the latest guidance about the re-occupation of offices. A summary of the recommendations from the Office Review are listed in **Appendix I** of this Report.
- 3.6 In response to the COVID restrictions a roll out of ICT equipment to previously office based staff to allow them to work from home has been completed. This allows the Council to take a more flexible approach for staff to return to the office.

4. STAGED APPROACH

- 4.1 The Review recommends a staged approach to the implementation of the office review which will be linked to government advice in terms of the re-occupation of offices and the completion of a new flexible working policy currently being drafted.
- 4.2 For present purposes, it is assumed that when government advice on the re-occupation of offices is introduced, it is likely that the 2 metre rule for social distancing will remain in place, although the governments policy is current under review. The impact of maintaining social distancing within the offices is to reduce the occupant capacity to around one third of pre-COVID levels.
- 4.3 The new draft flexible working policy is being framed around a model where staff would operate a hybrid working pattern of 2 to 3 days in the office. It will recognise that there will be staff who do not have suitable work spaces at home or who, for mental health or similar reasons, want or need to be based permanently in offices and equally those who, for good reason, wish to work from home.
- 4.4 The Review recommends a three stage approach to be adopted in the short, medium and long term.

Short Term

- 4.5 The short-term approach will be adopted once government restrictions on working from home are lifted. This will be based on social distancing being in place and the capacity of the Headquarters and Annexe being a third of pre-COVID levels. The return to the office by staff will be phased and will be on a rota of either 2 or 3 days in the office and the remainder of the week working from home. Each Head of Service will aim to manage their staff within their current designated areas or rooms with any consequential adjustment to rotas at this stage being dictated to an extent by the space available and distancing requirements. Heads of service and service managers are best placed to

make these adjustments and discussions are ongoing as regards the interplay between allocated space and particular service needs..

- 4.6 Circulation routes will remain in place and kitchen and breakout spaces will be managed with social distancing in place.
- 4.7 Desktop ICT equipment has been ordered and will be configured to between 30 and 40% of the available desks.
- 4.8 Space will be released for collaborative work and block booking of meeting rooms, committee room, chamber and training spaces will be controlled.

Medium Term

- 4.9 The medium term approach seeks to maximise the use of buildings within Elgin and identifies currently occupied buildings which could be released.
- 4.10 Health and Social Care Moray currently occupy leased buildings in Elgin at Southfield and Highfield House. These building could be released and the staff accommodated within the HQ campus. The Southfield property requires a one year notice to quit the current lease arrangements but further discussions are required in light of the closure of the related medical practice..
- 4.11 The Review identifies that 9 North Guildry Street could be closed and the staff relocated to either of 3 other buildings within the office estate.
- 4.12 A review of the ASN function which is currently based in Beechbrae offices is currently underway, therefore no recommendations have been made until this has been reported. Once this review is complete it will allow further options within the office estate to be considered.
- 4.13 The introduction of the new flexible working policy will impact the current staff workstyles and this is likely to be reflected in the configuration of office spaces with the requirement for more collaborative working space and larger remote working screens for mixed meetings.
- 4.14 The Scottish Futures Trust have recently published a study entitled New Frontiers for Smarter Working which considers the new distributed working pattern that Local Authorities may consider adopting. Distributed working is a pattern of organisation where individuals and teams are dispersed across geographies, mixing traditional corporate facilities with remote locations, including co-working spaces and home offices enabled by technology, space strategies and culture.

Long Term

- 4.15 The longer term vision will be linked to corporate priorities with property requirements linked to the strategic view of the future. The development of the Learning Estate Strategy will provide opportunities for placed based developments in localities and opportunities to deliver this through the Northern Infrastructure Commission. For some public organisations, including the council, the distributed working model may consist of only home and office but for others a rich range of options can be created across homes, hubs and HQ's (main offices) that truly support the way people work.

- 4.16 The development and review of the flexible working policies will support the long term strategic outcomes of the council.

5. SUMMARY OF IMPLICATIONS

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

This project forms part of the Improvement & Modernisation Programme (IMP) of Work that supports the Council priority of effective asset management and digital services. a financially stable Council.

(b) Policy and Legal

None.

(c) Financial Implications

The financial implications of this report are contained within the Office Review.

(d) Risk Implications

The impact of COVID-19 pandemic will impact the delivery of services from council offices. A staged approach is to be adopted to remain flexible and resilient.

(e) Staffing Implications

Council at its meeting of 12 May 2021 (paragraph 2.2 refers) agreed to set up a project team to support the implementation of the IMP programme including resource to support the progression of the Office Review.

(f) Property

These are set out in the report.

(g) Equalities/Socio Economic Impact

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

(h) Consultations

Consultations on this report have taken place with the Head of Human Resources, ICT and Organisational Development, and Tracey Sutherland, Committee Services Officer and any comments have been incorporated into the report. The Office Review has been consulted on with CMT/SMT and the views of Heads of Service have been incorporated into the Review.

6 CONCLUSION

- 6.1 This report provides an update on the Office Review and makes a recommendation for a staged approach to its implementation.**

Author of Report:	Moray Macleod, Acting Head of Housing and Property
Background Papers:	Held by author
Ref:	SPMAN-1285234812-865

APPENDIX I

REPORT TO: CORPORATE MANAGEMENT TEAM

SUBJECT: REVIEW OF COUNCIL OFFICES, RECOMMENDATIONS SUMMARY

BY: ACTING HEAD OF HOUSING AND PROPERTY

Numbering has been retained from the Office Review for ease of reference.

THE ANNEXE**4.13 Recommendation 1, Annexe Desk Allocation**

4.13.1 The Annexe is not operating at its designed capacity following the DBS programme with both the identified fixed and HOT desks not being fully utilised. The Council could increase staff numbers within the Annexe by taking the following steps. Rather than disrupting all staff, decants from satellite buildings would be managed by allocation in the order set out below by reference to service business need and benefits, with a need for options 2 and 3 unlikely at this stage:

1. In the short term: Assigning all of the unallocated desks (15) within the Annexe to staff with flexible work styles to increase capacity by 21. Change the requirement to provide HOT desks to recognise the roll out of mobile ICT equipment during the pandemic. Assign the current 55 HOT desks to staff with either a mobile or flexible working style creating capacity for a further 110 or 78 staff respectively. During stage 1 where additional staffing are moving into the Annexe, desks are allocated on the basis of their workstyle. Consideration should also be given to whether additional collaboration space is required.
2. In the medium term: Designate the remaining 223 desks within the Annexe in line with staff work style of fixed, flexible or mobile.
3. In the long term: Once the new flexible working policy is completed and the workstyles and desk requirements are established, implement a programme to assign all desk space within the Annexe in line with the new policy.

4.14 Recommendation 2, Annexe Meeting Room Requirements

4.14.1 The Council should establish its short to medium term meeting room requirements once the new flexible working policy and supporting ICT provision has been established as part of the stage 2 review.

4.15 Recommendation 3, Increased Capacity of the Annexe

- 4.15.1 In increasing the capacity of the Annexe building, and given new ways of working, the Council should place a higher priority for services to be co-located with connected services rather than for services that were customer facing. Co-location of services is discussed and covered by recommendation 21 of this report at paragraph 5.7.

COUNCIL HQ BUILDING

4.16 Recommendation 4, Council HQ Capacity

- 4.16.1 The Council HQ is not operating at its designed capacity following the DBS programme with both the identified fixed and HOT desks not being fully utilised. The Council could increase staff numbers within the Council HQ by taking the following measures. As with the annexe, steps 2 and 3 are unlikely to be required at this stage:
1. In the short term: Assigning all of the unallocated desks (26) within HQ to staff with flexible work styles to increase capacity by 37. Change the requirement to provide HOT desks to recognise the roll out of mobile ICT equipment during the pandemic. Assign the current 34 HOT desks to staff with either a mobile or flexible working style creating capacity for 68 or 48 staff respectively. During stage 1 moves to the Annexe would be prioritised. Consideration should also be given to whether additional collaboration space is required.
 2. In the medium term: Designate the 515 fixed desks in line with the DBS requirements for the work styles of fixed, flexible and mobile to establish a notional capacity. The joint capacity of the Annexe and the HQ building on a 20:80 split of fixed and flexible staff would be 999.
 3. Once the new flexible working policy is completed and the workstyles and desk requirements are established, implement a programme to assign all desk space within the Council HQ in line with the new policy.

ROSE COTTAGE

4.17 Recommendation 5 Rose Cottage

- 4.17.1 Recommendations for Rose Cottage are as follows:
1. Rose Cottage should be retained and additional or alternative parking arrangements considered for staff taking children and equipment into the building throughout the working day.
 2. Co-location of the Children and Families function at Rose Cottage should be further explored once the Education ASN Review is complete for the possible relocation of activities to Beechbrae.

3. Should a co-location of Children and Families release Rose Cottage then an option appraisal of its use as an office for the Assessors in 234 High Street should be carried out.

BEECHBRAE, ELGIN

4.18 Recommendation 6, Beechbrae Office

- 4.18.1 The Council requires to make adequate provision for children with additional support needs. It is recommended that while the service review is underway that the Council:
 1. Retains Beechbrae with the staff and services continuing to be delivered from this location.
 2. In the short term, there is need to review the accommodation for the ASN and SEBN service and consider reasonable interim adaptations to better meet the needs of the children and young people using the service.
 3. Once the Education ASN review has been carried out a further option appraisal should be carried out as to whether the building is suitable for other Service functions or should be declared surplus.

4.19 Recommendation 7, 10 Duffus Road

- 4.19.1 It is recommended that the Council retain 10 Duffus Road, Elgin until the Education ASN review is complete and the requirements for Beechbrae are known. An option appraisal should then be carried out to establish if Beechbrae provides opportunities for co-location of the remaining services, services provided at Rose Cottage and the Assessors in 234 High Street.

CHILD PROTECTION UNIT, HAMILTON DRIVE, ELGIN

4.20 Recommendation 8, Child Protection Unit

- 4.20.1 The Children and Families Access Team should continue to be permanently based within the Child Protection Unit.

17 HIGH STREET, ELGIN

4.21 Recommendation 9, 17 High Street, Elgin

- 4.21.1 The Business Gateway Team should relocate preferably to a Business Hub or if that were not possible to accommodation within the HQ Campus allowing the Council to market the property for sale or lease.

240 HIGH STREET, ELGIN

4.22 Recommendation 10, 240 High Street, Elgin

1. The Council should engage with the Assessors to establish the long-term sustainable plans for their office accommodation within Elgin.
2. The outcome of the Education ASN review will inform whether Rose Cottage and Beechbrae could be considered as part of an option appraisal of accommodating the Assessors in existing council office space.
3. The council should investigate the option of relocating the Registrars from 240 High Street to the HQ Annexe and marketing the ground floor for office or retail space.

9 NORTH GUILDRY STREET, ELGIN

4.23 Recommendation 11, 9 North Guildry Street

- 4.23.1 The Council should close and sell 9 North Guildry Street to generate a capital receipt. To achieve this:
1. The cost to move/remove the ICT infrastructure should be established and unless costs are prohibitive, removal should be completed.
 2. Staff from Barlink and Health & Social Care should relocate to Council HQ.
 3. If shift working needs cannot be otherwise addressed, the Home Care Team should relocate to 11 North Guildry Street, Rose Cottage or Cameron Parkbrae.
 4. A dedicated ICT Training Room if still required would be sourced within the HQ campus.
 5. A desktop valuation indicates a capital receipt in the region of £80k may be possible in suitable market conditions.

11 NORTH GUILDRY, STREET, ELGIN

4.24 Recommendation 12, 11 North Guildry Street, Elgin

- 4.24.1 11 North Guildry Street should be retained.

CAMERON PARKBRAE, ELGIN

4.25 Recommendation 13, Cameron Parkbrae

- 4.25.1 A review of the councils out of hours arrangements across all departments should be undertaken. The review should include the requirements for ICT infrastructure and any co-location of teams. This review would establish if the additional office accommodation would be required for out of hours services.

While the out of hours review was being undertaken the office accommodation could be used by the Home Care Team transferring from 9 North Guildry Street provided access arrangements were agreed once the current restrictions are lifted.

MORAY RESOURCE CENTRE, ELGIN

4.26 Recommendation 14, Moray Resource Centre

- 4.26.1 Health and Social Care are currently considering options for the services delivered from the Resource Centre.

This building should be retained until the service review is complete. Depending on the length of the service review, there are options to assign 5 desks to 7 staff operating a flexible work style.

HIGHFIELD HOUSE, ELGIN

4.27 Recommendation 15, Highfield House, Elgin

The relocation of these staff will generate an annual saving of £11k for Health and Social Care Moray, which should in turn create a small saving for the council. There may be financial implications for Elgin Community Surgery, which would require to be considered by the NHS.

The relocation of these staff will generate an annual saving of £11k for Health and Social Care Moray.

9A & 9C SOUTHFIELD, ELGIN

4.28 Recommendation 16, 9a & 9c Southfield, Elgin

- 4.28.1 If the DBS occupancy capacities were to be operated within the HQ Campus there would be sufficient desks to move the Health and Social Care Team and give up the lease of 9a and 9c Southfield.

The relocation of these staff will generate an annual saving of £169k for Health and Social Care Moray, which should in turn create a small saving for the council.

30- 32 HIGH STREET, ELGIN

4.29 Recommendation 17, 30-32 High Street Elgin

- 4.29.1 It is recommended that the Asset Management Group to consider if this building should be declared as surplus following the completion of the short term leases related to the response to the pandemic.

19- 23 HIGH STREET, ELGIN

4.30 Recommendation 18, 19-23 High Street Elgin

- 4.30.1 It is recommended that the property remains leased to a third sector organisation and negotiations on an extension of the lease are undertaken in 2022.

5. OFFICES (out of Elgin)

5.5 Recommendation 19, 13 Cluny Square, Buckie

- 5.5.1 A review should be carried out to establish if the services within 13 Cluny Square could be delivered in Buckie Town House or another location. The approach recently adopted at Forres House should be used as a model.

Depending on whether an alternative location can be identified, a review should be carried out to establish what alterations are required to improve 13 Cluny Square to reach a suitability level of B or above.

5.6 Recommendation 20, Keith Community Hub

- 5.6.1 There are no immediate accommodation options that present themselves to support the relocation of staff to alternative accommodation in Keith. The proposed new build of a health centre in Keith would provide a future opportunity to relocate staff into the centre within a community hub setting.
Note: There should also be some consideration as to whether the staff from Buckie could be co-located in the new Keith Health Centre and this building becomes the main office base in East Moray.

6. CO-LOCATION OF SERVICES

6.6 Recommendation 21, Co-location of Services

- 6.6.1 As part of the stage 2 review, the Council should consider the relocation of front-line services where they work together in terms of delivering customer focused outcomes. To achieve this:
1. The HQ Annexe as an open plan environment would provide a suitable location for co-located services
 2. Co-location is already a feature within offices out of Elgin.

7. SERVICE RE-DESIGN

7.4 Recommendation 22, Service Redesign

- 7.4.1 The Council should embrace the opportunity to redesign services. This can be achieved by:
1. Continuing to invest in ICT infrastructure;
 2. Reviewing the flexible working policy;
 3. Moving more staff into flexible work (where appropriate); and
 4. Making a desk allocation per service linked to an agreed model of flexible working.



REPORT TO: MORAY COUNCIL ON 30 JUNE 2021

SUBJECT: HOMELESSNESS POLICY UPDATE

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

1. REASON FOR REPORT

- 1.1 This report provides the Council with an update of requirement to amend the Homelessness Policy and informs the Committee of future legislative changes.
- 1.2 This report is submitted to Council in terms of Section III (G) (4) of the Council's Scheme of Administration relating to the allocation and letting of houses and homelessness.

2. RECOMMENDATION

2.1 It is recommended that the Council:

- (i) **notes the requirement to amend the Homelessness Policy as set out in Section 4;**
- (ii) **considers the amendments and approves the revised draft Homelessness Policy as set out in Section 4 and APPENDIX I;**
- (iii) **notes the future legislative changes set out in Section 5; and**
- (iv) **notes that further changes will be required to the Homelessness Policy in accordance with the changes set out in Section 5.**

3. BACKGROUND

- 3.1 The Homelessness Policy was last reviewed and updated in 2019 to reflect changes in legislation which were due to be commenced and the national policy agenda. The Homelessness Policy was agreed by the Communities Committee on 9 October 2019 (paragraph 6 of the Minute refers).
- 3.2 The overall aim of the Homelessness Policy is to prevent and alleviate homelessness in a sensitive but effective manner and when homelessness does occur, to provide responsive and sustainable solutions, which minimise its impact on affected households.

4. HOMELESSNESS POLICY AMENDMENT

4.1 The Homelessness Policy sets out the framework, in accordance with legislation and guidance, which the Council will use to assess if an applicant is homeless or threatened with homelessness.

4.2 The Homelessness Policy has been reviewed following a recent challenge and amended in two areas to provide clarity when being applied operationally.

Intentionality

4.3 The circumstances in which a person is to be regarded as having become intentionally homeless or threatened with homelessness are set out in Section 26 of the Housing (Scotland) Act 1987, as amended. The intentionality criteria allows the Council to distinguish between the case of a person who has become homeless through no fault of their own, and the case of a person, who through deliberate action or inaction, has contributed to their homelessness. Whether or not someone is found to be intentionally homeless, the local authority should seek to find solutions to the person's homelessness and offer support to address any difficulties that they face.

4.4 Changes to homeless legislation, which came into force on 7 November 2019, mean that local authorities now have a discretionary power, rather than a duty, to investigate whether a household is intentionally homeless. There was no change to the statutory test, referred to above, to determine intentionality.

4.5 The Homelessness Policy was updated and approved on 9 October 2019 and the Communities Committee agreed that the Council would continue to use its power to investigate intentionality as part of a homeless assessment (paragraph 6 of the Minute refers).

4.6 Legal advice received has advised that interpretation of Section 28 of the Housing (Scotland) Act 1987 (as amended) can be ambiguous and it should be interpreted in accordance with national policy. The intentionality provisions set out in Section 28 should not be interpreted at high level (i.e. policy level) instead, the discretion to investigate intentionality should be exercised in relation to individual applications.

4.7 Although the Council does apply the discretion to investigate intentionality at an individual level and assess each case on its own merit, taking into account the specific circumstances associated with each case, the Homelessness Policy has been further revised to provide greater clarity and to reduce the risk of further challenge.

4.8 Section 13.3 and Section 15 of the revised draft Homelessness Policy (**APPENDIX I**) clarifies that as part of a homeless assessment the Council can decide to use the discretionary power under Section 28 of the Housing (Scotland) Act 1987 (as amended) Act, if it thinks fit, to investigate whether the applicant became homeless intentionally.

4.9 The policy has been amended so that where the Council opts to use its discretionary power to investigate if an applicant is intentionally homeless, it

should advise the applicant that the Council has chosen to exercise the discretion and confirm how the decision was reached and the outcome of the assessment in its decision letter. Section 18 of the revised draft Homelessness Policy has been amended to reflect this.

Public Sector Equality Duty

- 4.10 The general Public Sector Equality Duty (PSED) is contained in Part II of the Equality Act 2010 (sections 149 to 157). This places a continued obligation on public bodies, in the exercise of their functions to pay “due regard” to equality issues. The PSED applies to a wide range of functions ranging from national policy development, application of policies to decision making on individual cases.
- 4.11 The public sector equality duty under section 149 of the Equality Act 2010 applies to the duties under Part II of the Housing (Scotland) Act 1987. With regard to homeless assessments, the PSED seeks to ensure that there is a proper and conscientious focus on equality issues in the decision making process and that each case is assessed on its own merits.
- 4.12 At each stage of the decision-making process, Officers are required to have the equality duty in mind and focus very sharply on whether an applicant has an actual or probable disability, or other protected characteristic (as defined by the Equality Act 2010), which need enhanced consideration. Where an applicant has a protected characteristic, inquiries must be even more careful, and fuller reasons must be given for a negative decision.
- 4.13 The revised draft Homelessness Policy has been amended with the insertion of Section 4.7 to reaffirm the PSED requirements.

Unsuitable Accommodation

- 4.14 Previously, the definition of what constitutes unsuitable accommodation only applied when the household includes dependent children or when someone within the household is pregnant. This means that anyone staying in accommodation deemed as ‘unsuitable’ for more than seven days will constitute a breach of the Unsuitable Accommodation Order (UAO). The unsuitability also relates to the location of the accommodation, the quality of the accommodation and the facilities that are available there. The most common type of accommodation, which would be categorised as unsuitable accommodation, is bed and breakfast (B&B) type accommodation.
- 4.15 Section 21.3 of the revised draft Homelessness Policy has been updated to reflect the Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment Order 2020 which extends the Order to all homeless households. However, due to ongoing COVID-19 restrictions there are exceptions to the Order at this point in time, which will be removed when restrictions are sufficiently eased.
- 4.16 All changes made to the revised draft Homelessness Policy have been noted in italics and highlighted.

- 4.17 There is no requirement to consult with stakeholders, given that the changes to the revised draft Homelessness Policy are primarily legislative, which the Council must adhere to.

5. FUTURE LEGISLATIVE CHANGES

- 5.1 The Scottish Government confirmed in its Programme for Scotland 2019 – 2020 that in an attempt to eradicate homelessness in Scotland, it intended to make legislative changes. Several of the identified legislative changes were impacted by the coronavirus pandemic.

Removal of Local Connection

- 5.2 Currently local authorities have the power under Section 33 of the Housing (Scotland) Act 1987 (as amended) to refer homeless households who do not have a local connection to their authority area to another local authority where they do have a connection. This does not apply where there is a risk of domestic abuse.

- 5.3 The Homelessness etc (Scotland) Act 2003 (Commencement No.4) Order 2019 commenced on 7 November 2019, allowing Scottish Ministers to modify the operation of Section 33 of the 1987 Act. The suspension of referrals between Scottish local authorities will remove the local connection part of the homeless assessment and will mean that households can choose where to make a homeless application. Homeless households will be able to present and receive homelessness assistance, including accommodation, in any Scottish local authority area of their choice, regardless of whether they have a local connection to that area.

- 5.4 It was expected that this change would commence in May 2021, however this has been delayed due to ongoing COVID-19 restrictions. Although a new commencement date has yet to be confirmed, the Scottish Government has advised that this will be progressed in Session 6 of Parliament (2021 – 2026).

Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment Order 2020

- 5.5 As detailed in paragraphs 4.14 and 4.15 above, this legislation extends the UAO to include all homeless households. However, in response to COVID-19, there currently are temporary exceptions to allow for the use of hotel and B&B accommodation where that would be the best option for people to self-isolate and adhere to social distancing guidelines.
- 5.6 The Scottish Government have advised that from 30 September 2021 the temporary exceptions will lapse and local authorities will need to comply with the UAO from 1 October 2021. This means that any homeless household placed in unsuitable temporary accommodation for more than seven days will need to be recorded as a breach of the UAO.
- 5.7 Moray Council has not breached the unsuitable accommodation order since 2010. The provision of temporary accommodation is subject to ongoing monitoring, assessment and reconfiguration to ensure that the supply of suitable accommodation meets demand and the use of bed and breakfast

accommodation is minimised. Any breach of the UAO will be reported in our Performance Report.

6. FUTURE ACTIONS

- 6.1 Subject to Council's approval of the revised Homelessness Policy, Officers will undertake a review of operational procedures and will review information resources to reflect the changes. This will include updating templates used for correspondence with homeless applicants, ensuring fuller reasons are set out in any decision letter, information on the Council's website and guidance provided to applicants to ensure compliance with homelessness legislative changes and the PSED. Since the introduction of the new legislation in 2019, this is the first challenge to the operational application of these requirements. This challenge was a unique case. Therefore, there is no requirement to undertake retrospective reviews of previous decisions made.
- 6.2 Staff have already undertaken Equality and Diversity Awareness training. Additional training will be provided to staff on PSED and the implications it has on the homeless assessment process.
- 6.3 The Homelessness Policy will be subject to further review and amendment in accordance with the commencement of legislative changes summarised in Section 5. These will be reported to Council/the appropriate committee as required.

7. SUMMARY OF IMPLICATIONS

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

Moray 2027 and the Service Plan identify the need to address the shortage of affordable housing and tackle homelessness. The Local Housing Strategy details set of outcomes that contribute to the achievement of the Council's wider strategic aims and priorities, in particular meeting statutory obligations to homeless households.

(b) Policy and Legal

This policy has been developed in line with the legal framework contained within the Housing (Scotland) Act 1987 (as amended by the Housing (Scotland) Act 2001 and the Homelessness etc. (Scotland) Act 2003 and has due regard for the Code of Guidance on Homelessness (Interim Update) 2019, the Prevention of Homelessness Guidance (2009), the Housing Support Duty to Homeless Households - Guidance for Local Authorities, Housing Options Guidance 2016. The policy changes also reflect advice from Legal Services.

(c) Financial implications

There are no financial implications arising from this report.

(d) Risk Implications

There are no risk implications arising from 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

The policy has been redrafted with a view to reaffirming the requirement of the Public Sector Equality Duty.

(h) Consultations

Consultation on this report has taken place with the Acting Head of Housing and Property, Housing Needs Manager, Housing Services Manager, Housing Strategy and Development Manager, and Officers within the Housing Service, Deborah O'Shea (Principal Accountant), Legal Services Manager, the Equal Opportunities Officer and Tracey Sutherland (Committee Services Officer) and any comments have been incorporated into the report.

8. CONCLUSION

- 8.1 This report provides the Council with an update on requirement to amend the Homelessness Policy and seeks the Council's approval of the revised draft Homelessness Policy. It informs Council of future legislative changes, which will require further review of the Homelessness Policy.**

Author of Report:	Gillian Henly, Senior Housing Officer (Policy)
Background Papers:	With author
Ref:	SPMAN-1285234812-857



MORAY COUNCIL

HOUSING AND PROPERTY SERVICES

HOMELESSNESS POLICY

1. [Scope of the policy](#)
2. [Strategic context](#)
3. [Objectives and principles of the policy](#)
4. [The legal and regulatory framework](#)
5. [Approach to homelessness in Moray](#)
6. [Accessing the service](#)
7. [Information and advice](#)
8. [Provision of support to vulnerable people](#)
9. [Repeat homelessness](#)
10. [Avoidance of screening](#)
11. [Interview standards](#)
12. [Housing options](#)
13. [Inquiries into decision making](#)
14. [Reasonableness of occupation](#)
15. [Assessment of intentionality](#)
16. [Assessment of local connection](#)
17. [Maintaining contact with customers](#)
18. [Notification of outcomes](#)
19. [Review of an intentionality decision](#)
20. [Quality assurance](#)
21. [Provision of temporary and settled accommodation](#)
22. [Provision of permanent accommodation](#)
23. [Request for a review of decisions](#)
24. [Records management](#)
25. [Performance monitoring](#)

1. Scope of the policy

- 1.1 The scope of this policy is to provide clear and transparent detail regarding the activities and responsibilities of the Council to people who are homeless or threatened with homelessness.
- 1.2 Homelessness is not a lifestyle choice that people make; it can happen to anyone, and is the most extreme form of housing need. It is rarely just a 'bricks and mortar' problem - it is a complex issue.
- 1.3 The Council aims to provide realistic solutions to address housing need in order to maximise housing options and alleviate homelessness through its commitment to improve on prevention measures.
- 1.4 For the purposes of this policy, those who use the service, including customers, service users and customers of temporary accommodation will be referred to as customers.

2. Strategic context

- 2.1 The Homelessness Policy will assist the Council to deliver the Moray Local Housing Strategy, Moray 2027, the Council's Corporate Plan, priorities from the Moray 10 Year Plan and the Health and Social Care Moray Strategic Plan.
- 2.2 The Homelessness Policy will assist the Council to meet its strategic priority within the Local Housing Strategy which is "to prevent and alleviate homelessness."
- 2.3 Addressing homelessness requires a multi-disciplinary, multi-agency approach both within (corporate) and across (partnership) individual organisations, agencies or sectors. The Council is committed to effective partnership working on both a strategic and operational level, with other Council services, external agencies and landlords.

3. Objectives and principles of the policy

- 3.1 The overall aim of Homelessness Policy is to prevent and alleviate homelessness in a sensitive but effective manner and when homelessness does occur, to provide responsive and sustainable solutions which minimise its impact on affected households.
- 3.2 The specific objectives of the Homelessness Policy are to:
 - maximise housing options and early intervention mechanisms;
 - reduce the duration of homelessness when it does occur;
 - ensure that where temporary accommodation is required, it is of an acceptable standard and is affordable;
 - ensure that housing solutions are sustainable through the provision of housing support and other relevant services; and
 - promote and engage in joint working arrangements with other Council services and external partners and agencies.

- 3.3 The principles of the Homelessness Policy are to:
- comply with legislation and guidance and promote best practice;
 - ensure consistency in the provision of services by providing staff training and implementing detailed procedures and agreed practices uniformly across the service;
 - deliver good quality services which are efficient and effective; and
 - provide services that adhere to the principles of equal opportunities.

4. The legal and regulatory framework

- 4.1 Moray Council will ensure that the policy complies with current legislation, promotes good practice and has regard for:

- the [Code of Guidance on Homelessness](#) – (Interim Update) November 2019 (Code of Guidance);
- Meeting the [Best Interests of Children Facing Homelessness Guidance \(2011\)](#) and [Getting It Right For Every Child](#);
- the [Prevention of Homelessness Guidance \(2009\)](#);
- [Housing Support Duty to Homeless Households - guidance for local authorities](#); and
- [Housing Options Guidance 2016](#).

- 4.2 The primary legislation relating to the provision of homelessness services is the Housing (Scotland) Act 1987, as amended by the Housing (Scotland) Act 2001 and the Homelessness etc. (Scotland) Act 2003. Part II of the Housing (Scotland) Act 1987, introduced statutory duties on Local Authorities to assist those who are homeless or threatened with homelessness (potentially homeless), including providing accommodation in certain circumstances. Local Authorities will make inquiries into the circumstances of applicants to satisfy themselves whether the applicant is homeless or potentially homeless. Thereafter, the Local Authority may:

- *use a discretionary power provided by the legislation, as it thinks fit, to assess whether the applicant has made themselves intentionally homeless (Section 28 of the Housing (Scotland) Act 1987); and*
- **assess** whether the applicant has a local connection with another authority in Scotland, England or Wales.

- 4.3 Section 32B of the Housing (Scotland) Act 1987 (as inserted by the Housing (Scotland) Act 2010, section 158) places a statutory duty on local authorities to assess the need for housing support services. The types of housing support services are prescribed by the Housing Support Services (Homelessness) (Scotland) Regulations 2012. If the Council has reason to believe that a customer may be in need of one or more of these services, it must assess whether the customer, or any person residing with the customer, is in need of such support. If so, the Council must ensure that the service is provided to the person who needs it.

- 4.4 The Children (Scotland) Act 1995 requires the Council to assess the needs of young people formerly “looked after” by the authority, and provide housing and support solutions to enable them to move on to independent living. The Children and Young People (Scotland) Act 2014, extends care leavers' entitlement to advice, guidance and assistance up to and including the age of twenty-five years old.
- 4.5 The Council adheres to other relevant legislation, including the Matrimonial Homes (Family Protection) (Scotland) Act 1981, the Data Protection Act 2018 and General Data Protection Regulations, the Human Rights Act 1998, the Equality Act 2010 *and the Equality Act 2010 (Specific Duties)(Scotland) Regulations 2012.*
- 4.6 This policy is concerned with creating equal opportunities for people who are excluded from a most basic human need – a home of their own. The Council recognises that the service deals with a diverse range of people including those who are vulnerable and in highly stressful personal circumstances. The Council will therefore:-
- ensure that all individuals and household are treated sympathetically and with courtesy and respect;
 - be sensitive and respond to the individual needs and circumstances of the people using the services; and
 - monitor services and the outcomes for people using them, to ensure that they are fair and responsive to needs.
- 4.7 *The Council will seek to ensure that all applications are assessed in accordance with its duties under the Equalities Act 2010. Full consideration will be given to the Council's Public Sector Equality Duty (PSED) when assessing the applications. This requires public authorities to: eliminate discrimination, harassment and victimisation; advance equality of opportunity; and to foster good relations between persons who share a relevant protected characteristic and those who do not. The Council will also have due regard while considering the circumstances of the case where the applicant is a part of a protected group under this legislation, and detailed in section 4.10 below, prior to reaching any decision or outcome.*
- 4.8 *At each stage of the decision-making process, officers are required to have the equality duty in mind and focus very sharply on whether an applicant has an actual or probable disability, or other protected characteristic (as defined by the Equality Act 2010), which need enhanced consideration. Where an applicant has a protected characteristic, inquiries must be even more careful, and fuller reasons must be given for a negative decision.*
- 4.9 To support the needs of customers whose first language is not English, the Council will provide translation and interpretation services when needed. The Council will ensure that information is accessible and

available in other formats such as large print, tape and Braille, as required.

- 4.10 The Council will endeavour to ensure that no individual is discriminated against on grounds of sex or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or other personal attributes, including beliefs, or opinions, such as religious beliefs or political opinions.

Regulatory Requirements

- 4.11 In planning and delivering homelessness services, the council will observe the requirements of the Scottish Housing Regulator as set out in the 'Regulation of social housing in Scotland' Framework. This Framework includes how the SHR will regulate housing and homelessness services provided by local authorities. More information of the role of the Scottish Housing Regulator can be found on its website at www.scottishhousingregulator.gov.uk.
- 4.12 In addition to the Scottish Housing Regulator, the council must meet the standards set by the Care Inspectorate for its residential and serviced accommodation. More information on the role of the Care Inspectorate can be found on its website at www.careinspectorate.com.

5. Approach to homelessness in Moray

- 5.1 This policy recognises that homelessness is not just a housing issue. There are a wide variety of reasons why people become homeless or are threatened with homelessness. There can be a single reason or a multiple chain of circumstances that are the causes of homeless risks. Some reasons are outside of an individual's control, such as employment changes, or personal circumstances, such as ill health.
- 5.2 The delivery of the homelessness service is continually reviewed and improved to ensure that it is robust, effective and responsive to the current environment and local context.
- 5.3 The key strategic focus to addressing homelessness in Moray is on housing options. The process starts with the provision of housing information and advice when someone approaches the Council with a housing problem. This approach promotes early intervention and explores all possible tenure options, including social housing, the private rented sector and owner occupation. Trained officers will examine and assess an individual's options, solutions and choices in the widest sense.
- 5.4 To facilitate early intervention, the Council has discharge protocols and liaison mechanisms in place which ensure that homelessness due to households or individuals leaving institutions (hospital, prison, the armed forces, local authority care or interim supported accommodation) is minimised. The Council will also ensure that

advance planning for discharge from institutions and appropriate assessments are carried out in a timely manner.

- 5.5 Awareness raising throughout Moray informs customers of the importance of contacting the Council as soon they find themselves in difficulty that could result in homelessness or a risk of homelessness.
- 5.6 The alleviation of homelessness provides positive impacts and outcomes for individuals, households and the local community. The causes of homelessness are usually a combination of both personal and societal issues. Homelessness can have detrimental and long term effects on households and communities.

6. Accessing the service

- 6.1 The Council will ensure that the homelessness services are accessible to any person who requires assistance, 24 hours a day and 7 days a week.
- 6.2 The service is accessed by the Council's customer service points and contact centre which receive initial enquires and will either provide a response to an enquiry or refer the enquiry to the appropriate team or officer.
- 6.3 In an emergency, out with normal working hours, the Council provides advice and assistance through the Council's Out of Hours Service. The availability of this service is publicised at strategic places throughout Moray and can be accessed using the Out of Hours phone number.

7. Information and advice

- 7.1 The Council will provide free comprehensive information, advice and assistance detailing the full range of options and services available to people who are in housing need, or are homeless or threatened with homelessness. This will explain the context and any constraints within which the service works in order to assist customers to make informed decisions from the range of choices available to them.
- 7.2 The Council will ensure that information resources are reviewed regularly and updated and are readily available both online and at key strategic public places.

8. Provision of support to vulnerable people

- 8.1 Being able to live independently in one's own home requires much more than just securing accommodation. Not only do people need accommodation which is suitable to their personal circumstances (e.g. due to household makeup, disability, or access to services), but they may need care and support to enable them to develop the skills to sustain their accommodation or cope with the limitations of poor health or incapacity.

8.2 The Council recognises that people who approach the service may have additional support requirements. In accordance with the Housing Support Policy, the Council will ensure that services are available to households who are homeless or threatened with homelessness and who have an identified need for support. Failure to do so may compromise a tenancy and in some circumstances may lead to an individual experiencing difficulty in living independently.

8.3 Staff from the Housing and Property Service will work with a range of other services and agencies to ensure that vulnerable households receive appropriate support to:

- help them to avoid becoming homeless;
- support them through any period of homelessness; or
- assist them to resettlement and avoid homelessness recurring in the future.

9. Repeat homelessness

9.1 Each year, a number of people will become homeless again for reasons such as housing debt or abandonment. The Council acknowledges that in many cases there are underlying and unaddressed issues, such as poor budgeting skills, that undermine a person's capacity to maintain accommodation in the long-term. If these underlying issues are not addressed, customers may repeatedly fail to sustain their housing and may find it increasingly difficult to access housing (e.g. because of previously accrued housing related debt).

9.2 The Council will endeavour to identify the vulnerability factors in each individual case that may lead to further presentations. By assisting customers to address these issues, it is hoped that recurring homelessness will be reduced and ultimately prevented. The type of assistance provided may vary from, housing support to signposting to money advice services.

10. Avoidance of screening

10.1 The Council will avoid screening people who approach the service and will ensure that no-one is refused the right to make a homeless application. Care will be taken to ensure staff do not carry out any informal 'first screening', either deliberately or unwittingly. Screening is defined as preventing, deterring or discouraging a person from making an application. The Council will ensure that staff are appropriately trained.

10.2 In accordance with the Housing (Scotland) Act 1987 (as amended), any person aged 16 or over who wants to make a homeless application has the right to do so. The Council will ensure that information about this is clearly visible in offices where people in housing crisis are likely to present and in other locations across Moray. The Council has a duty

to accept applications from people who are homeless and will be homeless within two months, as defined by the Housing (Scotland) Act 2001.

- 10.3 Every person who contacts the Council with concerns about security of their tenure, potential or actual homelessness will be advised of their right to make a homeless application.

11. Interview standards

- 11.1 Every person will be treated with respect, courtesy and in a non-judgemental manner.
- 11.2 Where possible, customers will be advised prior to an interview that they have the right to be interviewed by a member of staff of the same sex and that they have a right to have a friend, relative or representative present at the interview.
- 11.3 Interviews will take place in a private interview room and at a time and location convenient both for the customer and their personal representative or, if required, interpreter.
- 11.4 Customers will be encouraged to disclose all relevant information. Any information provided will be used in a non-prejudicial way and in complete confidence. All information provided by a customer will be treated confidentially and will only be shared in accordance with the Data Protection Act 2018 and General Data Protection Regulations.
- 11.5 Every customer will receive a clear and simple explanation of this policy and on the Council's procedures for maximising housing options and assessing homelessness applications.

12. Housing options

- 12.1 The Council utilises a housing options approach, delivered by a specialist housing options team. The aim of the team is to provide information and advice in an attempt to resolve housing issues and prevent them escalating.
- 12.2 The housing options team use a person-centred approach to assess a customer's needs and abilities. The intention of this is to:
- **identify and** address the underlying cause of homelessness or potential homelessness;
 - identify housing options with the customer which suit their circumstances;
 - provide information and advice and realistic housing solutions; and
 - avert a housing crisis and avoid the customer becoming homeless.

- 12.3 Customers are encouraged to approach the service for assistance as soon as a risk to their current housing situation is identified. This early intervention will enable the Council to respond effectively to the presenting issues identified. The earlier the intervention, the greater likelihood there is of a successful resolution. This in turn will increase the opportunity to avoid any detrimental impact on the customer and their household.
- 12.4 Depending on the customer's circumstances, it may be possible to resolve housing problems without them becoming homeless. An initial housing options enquiry will be completed to establish the extent of a customer's housing crisis and determine if there are any intervention actions that could be taken to allow them to remain in or return to their current accommodation. This will only apply where the Council is satisfied that the accommodation is reasonable to continue to occupy. An enquiry may include an interview with customers. Where possible, interviews will be offered on the same day, or on the next working day, that a customer contacts the Council.
- 12.5 Due to the nature of homelessness, the housing options team may be required to take a lead role in co-ordinating assistance from partner agencies and services in an attempt to secure a successful outcome. Where necessary, the Council will refer customers to other independent providers of housing, financial or legal services and can offer access to mediation services for family and neighbour disputes and harassment.

13. Inquiries into decision making

- 13.1 A possible outcome following involvement by the housing options team is that a customer decides to submit a homelessness application. Every customer will be informed of their right to make a homeless application.
- 13.2 The Council's assessment of homelessness applications will be based on statutory requirements and any subsequent changes to legislation. The enquiry process involves *collating all relevant information in relation to the customer's individual/personal circumstances to enable a holistic assessment of the case.* The Council will make decisions in accordance with the Housing (Scotland) Act 1987, as amended by the Housing (Scotland) Act 2001 and the Homelessness etc (Scotland) Act 2003 and the Code of Guidance on Homelessness.
- 13.3 The Council is required by law to undertake enquiries into homelessness in a specific order, starting with whether the customer is eligible to apply for assistance, then whether they are homeless, as defined by the legislation. *The Council may, if it thinks fit, use the discretionary power set out in Section 28 of the Housing (Scotland) Act 1987 (as amended) to* assess whether a person has become homeless or threatened with homelessness intentionally and if they have a local

connection with Moray. *If the Council opts to use the discretionary power to consider intentionality it will advise the applicant accordingly.*

- 13.4 In accordance with Section 24 of the Housing (Scotland) Act 1987 (as amended), a person is homeless if he or she has no accommodation in the United Kingdom or elsewhere which he or she is entitled or permitted to occupy in one of the following ways:-
- by virtue of an interest in it (for example as an owner or customer); or
 - by right or permission, or an implied right or permission, to occupy (for example as a lodger or as a member of an existing household); or by virtue of some protection given by law; or
 - by virtue of a court order.
- This applies to any homeless customer and any other person who would normally reside with them. It also covers the situation where a split household is regarded as being homeless if they would normally reside together, but are not doing so as a consequence of their accommodation situation.
- 13.5 A person is defined in the Housing (Scotland) Act 1987 (as amended) as being threatened with homelessness if he or she is likely to become homeless (as defined above) within two months.
- 13.6 Any customer who is threatened with homelessness will be offered an interview within five working days and customers who are homeless will be offered an interview on the day of their approach or the next working day.
- 13.7 Where necessary, the Council may request information to support a customer's case and to assist in reaching a decision on homelessness. Examples of such information include:-
- a valid notice to quit (but will not necessarily require that an order or decree for repossession has been obtained); and
 - financial information to confirm income remaining after payment of housing costs and any changes in household income.
- 13.8 The Council will never seek information from an alleged perpetrator of abuse, nor will the Council insist that "proof" must be provided by a third party where there is alleged abuse. Officers will work with Social Work or other specialist agencies, where appropriate, to assist investigations and to support the customer in such cases.

Persons Subject to Immigration Control

- 13.9 The rights of non-UK nationals to housing and homelessness provisions are a complex area. The Council will ensure that applications received from non-UK nationals are processed in accordance with legislation. Temporary accommodation will be provided pending the outcome of enquiries into eligibility.

14. Reasonableness of occupation

14.1 The Council will investigate whether accommodation is available to the customer, whether it is suitable for them to remain and may ask the customer to provide evidence, depending on their situation.

14.2 In reaching a decision, the Council will consider **each case holistically, based** on its individual merits including (but not exhaustively):

- the health and safety of the household;
- any other statutory duty the Council has towards the household, **including the public sector equality duty;**
- overcrowding and condition of existing accommodation i.e. unfitness, dampness and condensation etc;
- information already obtained from functional assessment applications and assistance requested to support functional assessment applications;
- fear of domestic abuse; and
- fear of violence.

14.3 In accordance with legislation, a person will be considered to be threatened by homelessness or homeless where accommodation available to him/her is unreasonable to occupy because:

- the accommodation is below the tolerable standard (BTS);
- the person is living in bed and breakfast accommodation;
- the person is living in a hostel or other accommodation such as a women's refuge, which is not intended to provide long-stay accommodation;
- there is external violence, including racial or other harassment;
- there is a risk of domestic violence;
- continued occupation of the accommodation poses a substantial risk to a person's health;
- the accommodation is impracticable for a particular person because of his or her physical infirmities or disabilities;
- he or she cannot secure entry to it;
- he or she has a mobile home, caravan, houseboat or other moveable structure but has no place where he or she is entitled or permitted to put it or moor it and to live in it;
- the accommodation is both overcrowded within the meaning of section 135 of the Act **and** may endanger health;
- it is not permanent accommodation, and a local authority had a legal duty to house the person at the time he or she occupied it; or
- as a result of an emergency e.g. fire or flood.

15. Assessment of intentionality

15.1 Where a person has been found to be homeless or threatened with homelessness, the Council *can decide to use the discretionary power under Section 28 of the Housing (Scotland) Act 1987 (as amended) Act, as it thinks fit, to investigate whether the applicant became homeless intentionally. The Council will ensure that the individual circumstances of the applicant are considered holistically on a case by case basis before making a decision to use its power to investigate potential intentionality. Any decisions regarding whether the applicant is intentionally homeless will be made based on all of the relevant information regarding the applicant, the law and the criteria stated in the Code of Guidance and the applicant will be advised the Council has opted to consider intentionality*

15.2 The intentionality criteria allows the Council to distinguish between the case of a person who has become homeless through no fault of their own, and the case of a person, who through deliberate action or inaction, has contributed to their homelessness. Whether or not someone is found to be intentionally homeless the local authority should seek to find solutions to the person's homelessness and offer support to address any difficulties that they face.

15.3 The circumstances in which a person is to be regarded as having become intentionally homeless or threatened with homelessness are set out in Section 26 of the Housing (Scotland) Act 1987, as amended. A decision of intentionality will only be made where there is clear evidence that:

- a person has become homeless, or threatened with homelessness, because they have deliberately done something, or failed to do something, while being aware of all of the relevant facts, that resulted in the loss of their secure accommodation;
- it would have been reasonable for the person to have continued to occupy their previous or current accommodation; and
- they were aware of the consequences of his/her actions.

15.4 There will be no automatic presumption of intentionality. Each case will be assessed on its own merit, taking into account the specific circumstances associated with each case. The Council must satisfy itself whether an applicant became homeless or threatened with homelessness intentionally. There is no onus on the applicant to satisfy the Council that they did not become homeless intentionally. Consideration will also be given to the less obvious reasons which may have contributed to the customer's homelessness and inquiries will take account of any relevant factors such as:-

- the threat or occurrence of domestic or external violence;
- mental health problems;
- financial difficulties;
- substance misuse issues;
- age of the customer; and

- health related issues.
- 15.5 The following are examples when intentionality may be considered:
- voluntary termination of property;
 - non-payment of rent or mortgage;
 - failure to maintain and conduct a satisfactory tenancy;
 - voluntary relinquishment or sale of property without first ensuring that alternative permanent accommodation is available; and
 - failure to follow reasonable advice which would have prevented homelessness.
- 15.6 If the customer is in temporary accommodation they will be required to leave following a reasonable period of time. Consideration will be given to the household's circumstances when determining what a reasonable period is.
- 15.7 Where the Council decides that a customer is homeless but that they became homeless intentionally, the Council will provide them with advice and guidance in finding accommodation. During this period the customer will be expected to make every effort to find alternative accommodation and may be asked to evidence what they have done to secure accommodation.
- 15.8 Where the customer is willing to engage, Officers will work with them in order to address the issue which resulted in them becoming intentionally homeless and provide better outcomes (see section 19).
- 15.9 Only after the Council is able to demonstrate that it has given the applicant reasonable opportunity, can it end the provision of temporary accommodation and record that it has discharged its legal duties towards the applicant.
- 16. Assessment of local connection**
- 16.1 The Council will only investigate local connection where:-
- a customer has been assessed as homeless, and not intentionally homeless; and
 - there are reasons to suggest that the customer does not have a local connection with Moray.
- 16.2 The Council will base its decisions on the definition of local connection provided in the Code of Guidance. This means that a local connection will be established if:-
- the customer has been resident in Moray for at least six months in the previous twelve months, or for at least three years during the previous five years;
 - the customer or a member of their household is employed in Moray;

- a member of the household has a close family member currently resident in Moray for at least five years; or
 - there are special circumstances. For example, where customers have no local connection with anywhere in the United Kingdom.
- 16.3 In accordance with Section 27 of the Housing (Scotland) Act 1987 (as amended by Section 156 of the Housing (Scotland) 2010), any person who is serving in the armed forces (and those who live with them) will form a local connection with the area they have lived or worked in.
- 16.4 Any person who is leaving a settled address out with Moray due to violence or harassment and cannot continue to live in their home locality will be accepted as having a local connection.
- 16.5 Where no local connection exists the person will be referred to an appropriate local authority where a local connection does exist. However, only those who are assessed as unintentionally homeless will be referred to another authority.
- 16.6 A person will not be referred to another local authority if there is a risk of domestic abuse, to either the person or anyone who might reasonably be expected to reside with him or her in that other local authority's area. "Abuse" includes violence, harassment, threatening behaviour, and any other conduct giving rise, or likely to give rise, to physical or mental injury, fear, alarm or distress.
- 17. Maintaining contact with customers**
- 17.1 Customers will be notified of their decision within 28 days from the date of their homeless application. Where a customer has been assessed as homeless, they will be contacted at least every 3 months to review their circumstances.
- 17.2 Customers who are placed in temporary accommodation will be contacted on a weekly basis.
- 18. Notification of outcomes**
- 18.1 *Once its inquiries into a homeless application are complete, the Council will, in accordance with the requirements of Section 30 of the Housing (Scotland) Act 1987 (as amended) and the Code of Guidance on Homelessness 2019, notify the applicant in writing of its decision. The decision letter will first and foremost notify the applicant of the decision that has been made based on their individual circumstances and will clearly set out whether the Council has:*
- *found the applicant to be homeless or threatened with homelessness;*
 - *used its discretionary power to investigate intentionality and whether the applicant is judged to be intentionally homeless or threatened with homelessness; and*

- notified or intends to notify another local authority of the application due to a potential local connection with that local authority.

18.2 The decision letter will meet all further requirements set out in the legislation and Code of Guidance by also detailing, the full reasons for reaching the decision, advice on what happens next, contact details of the officer dealing with the application, how to request a review of the decision, a list of sources of independent advice and advice on the availability of temporary accommodation.

18.3 The decision will normally be made within 28 days unless sufficient information cannot be obtained in that time. The officer will agree with their line manager on whether to accept the case without the full information or advise the customer that the case will be continued and give reasons why.

19. Review of an intentionality decision

19.1 In line with the Code of Guidance on Homelessness 2019, if there is reason to believe that there has been a change in the customer's circumstances, officers can decide to review the earlier decision, taking into account the changed circumstances.

19.2 A change in circumstances can include identification of support needs to address certain behaviours, tenancy sustainment issues which may have contributed to or caused the failure of their current tenancy/last accommodation and / or any clinically evidenced decline in health or functional abilities.

19.3 The customer will be provided with an extended period of three months in temporary accommodation along with appropriate support to address needs and assist to resolve issues.

19.4 The dedicated support worker will provide updates regarding the applicant and whether any progress or effort is being made by them to improve their behaviour and/or issues. The Housing Needs Officer will monitor the situation over three months.

19.5 At the end of the three month period the Housing Needs Officer will reassess the application based on whether the applicant has engaged with the support service and any evident commitment or progress they have shown towards improving their situation and/or their ability to sustain a tenancy. This period can be extended to six months, at the discretion of Housing Needs Senior Management, where the applicant is starting to show signs of engagement and progress.

19.6 Where sufficient progress has been made within the extended period, the Housing Needs Officer will overturn the intentionally homeless decision. The customer will be advised that the decision has been

reviewed and that they have been assessed to be unintentionally homeless and of the rights that they will have to temporary and permanent accommodation (see section 21).

20. Quality assurance

- 20.1 A random sample of 10% of all cases will be quality assured retrospectively (after the decision has been made) by the Senior Housing Needs Officer.

21 Provision of temporary and settled accommodation

- 21.1 The Council does not consider temporary accommodation to be an alternative to having a permanent home and will ensure that time spent in temporary accommodation is as short as possible. However it is recognised that customers may need access to temporary accommodation:-

- while the Council carries out a full investigation into their homelessness and / or;
- where the Council has assessed that it has a duty to secure accommodation for a household, but has not been able to make an offer of housing.

- 21.2 Where possible, the Council will take into account the wishes of the customer, when arranging temporary accommodation although this will be influenced by the availability of temporary accommodation. The Council will ensure that:-

- accommodation is appropriate to the needs of the customer and their household; and
- customers are advised of their right to refuse an offer of temporary accommodation and of the procedure for requesting a review of the decision to offer a particular property.

- 21.3 *The Council will comply with the requirements of Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment Order 2020 which aims to minimise the amount of time homeless households should spend in unsuitable temporary accommodation to a maximum of seven days unless there are exceptional circumstances. It will seek to minimise bed and breakfast usage for temporary accommodation and will only use it in an emergency or if there is no other suitable temporary accommodation.*

- 21.4 All properties rented by the Council will have all necessary licenses and registrations in place.

- 21.5 All temporary accommodation and furnishings provided by the Council will be of a reasonable standard of repair and will comply with fire safety regulations etc. The Council will inspect all temporary accommodation provided on a regular basis. Any damage caused wilfully, accidentally or negligently by the customer, anyone living with

a customer or an invited visitor to the customer's temporary accommodation will be recharged to the customer.

- 21.6 Once a customer is placed in temporary accommodation the Council will ensure that contact is maintained, moves to alternative temporary accommodation are kept to a minimum and assistance will be given with health and education registration.
- 21.7 Customers provided with temporary accommodation will be responsible for the payment of any rent and service charges that apply to the property for the duration of their occupancy in line with the Temporary Accommodation Charging Policy. This responsibility extends to the completion of forms required in order to claim any benefits associated with the payment of the rent or service charges. Where requested, assistance to complete forms will be provided.
- 21.8 The Council will work proactively with customers to manage any arrears accrued. However, continued failure by a customer to make regular payments or to engage with the Council, may result in them being asked to leave the temporary accommodation provided to them. This will not change the Council's duties to provide permanent accommodation.
- 21.9 The Council expects that everyone should be able to have quiet enjoyment of their accommodation, without being abused or harassed or subject to noise or other nuisance caused by those around them. Any complaints of antisocial behaviour in temporary accommodation will be investigated. The Council will work proactively with customers to address and tackle antisocial behaviour. However, if the customer does not engage with the Council, it may result in them being asked to leave the accommodation. This will not change the Council's duties to provide permanent accommodation.

Protection of belongings and storage

- 21.10 Where a customer is unable to do so themselves, the Council has a duty to protect the property of those who it believes may be homeless and who have been provided with temporary accommodation. If there are any moveable possessions that cannot be taken into temporary accommodation, and no other suitable arrangements can be made, then the Council will arrange storage for the possessions.
- 21.11 Any removals and storage of belongings will be arranged with private companies and recharged to the customer. A repayment plan for the total amount of removals and storage will be agreed with the customer.
- 21.12 When the Council's duty to provide temporary accommodation ends its duty to protect belongings also ends. The Council will inform the customer of this when they are initially provided with temporary accommodation.

Unclaimed belongings

- 21.13 If the possessions of a customer leaving temporary accommodation are not claimed, the Council will continue to store them for a maximum of six months and the cost recharged. Thereafter, unclaimed possessions will be disposed of by sale (or to a charity where the money likely to be raised will not offset the costs of the sale).

22. Permanent accommodation

- 22.1 Where a customer is accepted as unintentionally homeless, the Council will seek to provide suitable accommodation using the Council's allocation policy and nomination agreements with Registered Social Landlords (RSLs) and other agencies.
- 22.2 Customers will normally receive **two** reasonable offers of housing. The offer of housing may be made by other housing landlords (such as housing associations).
- 22.3 A "reasonable offer" of housing will be considered on the basis of the size and type of accommodation required, any special education, health or family support reasons or transport or employment. Consideration will also be given to any safety concerns that may exist for the household. At the time of the allocation, the customer will be advised of the procedure for appealing against decisions. This includes the decision to refuse a particular property.
- 22.4 Following the refusal of two reasonable offers of accommodation, the Council will have been deemed to have fulfilled its duty in terms of the homeless legislation. The customer will be provided with temporary accommodation for a reasonable period of time and provided with advice and assistance to enable them to secure alternative accommodation.

23. Requests for a review of a decision

- 23.1 The customer can request a review of the homeless decision or offer of temporary accommodation within 21 days of the date of the decision letter or offer. The customer or their representative should make the request in writing and include the customer's signature or mark.
- 23.2 The request for a review should include the grounds on which it is made. A request for a review will be considered by a senior manager not previously involved with the original decision with a target of 28 days to respond to the customer.
- 23.3 **Complaints – the corporate process**
The Council operates a complaints procedure that is available to any customer. Details of the complaints procedure can be obtained from any Council office or Access Point.

23.4 Customers who are unhappy with a decision may seek a judicial review and this does not diminish their right to approach the Ombudsman or the Care Inspectorate.

23.5 Temporary accommodation and protection of furnishings/belongings will be provided, if required, during the review and appeals process.

24. Records management

24.1 It will be necessary for certain information to be exchanged with other agencies with which the service works. This will be carried out in accordance with the terms of Data Protection legislation and any agreed guidelines and/or with respect to any information sharing protocols. This includes statutory agencies such as the Social Work, NHS services, the police and any other relevant voluntary agencies.

24.2 Certain information will be shared with the Scottish Government for statistical monitoring and analysis purposes. The Council will ensure that such information is anonymous.

24.3 The Council will ensure that confidential information will be requested, retained and managed, in accordance with the Moray Council's Information Management Strategy and Record Management Guidelines.

24.4 Information will not be disclosed to third parties without the customer's written consent. This will not apply if failing to share the information would be likely to put the customer, children or other people at risk or harm, or is required by law; if it would prejudice the prevention of crime.

24.5 The Council will ensure that customers have access to individual records by complying with the requirements of Data Protection legislation and by working in accordance with the Moray Council's policies and procedures.

25. Performance monitoring and policy review

25.1 The Council continually monitors its performance in relation to homelessness. Statistical monitoring on homeless performance is used to assist with the Annual Return on the Charter (ARC) to the Scottish Housing Regulator and Scottish Government statistical returns. Performance indicators are presented to the Council's *Economic Growth, Housing and Environmental Sustainability Committee or any other relevant Committee* on a quarterly basis and are also used for internal monitoring of the service.

25.2 The Council will monitor:-

Annually

Housing Options approaches and outcomes –

- number of new cases in period

- cases closed in period with outcomes –
 - homeless application made
 - chose not to make homeless application
 - lost contact
 - other

Quarterly

Homeless assessments completed within 28 days

Homeless reviews

- number requested in the period
- number completed in the period
- percentage completed in target timescale
- percentage where decision is overturned
- average length of time for review

Average length of time in temporary or emergency accommodation by type

- LA ordinary dwelling
 - HA/RSL ordinary dwelling
 - hostel – LA owned
 - hostel – RSL
 - hostel – other
 - bed and breakfast
 - women's refuge
 - private sector lease
 - other
- percentage of households requiring temporary or emergency accommodation to whom an offer was made
 - percentage of temporary or emergency accommodation offers refused in the last year
 - of those households homeless in the last 12 months, the percentage satisfied with the quality of temporary or emergency accommodation
 - number of temporary accommodation units and percentage units void at the end of period.

25.3 These performance indicators will be reported to the *Economic Growth, Housing and Environmental Sustainability Committee or any other relevant Committee which has the remit to consider Housing issues.* The reports will be public documents but the confidentiality of individual customers' circumstances will be maintained.

25.4 Other statistics will be collected from time to time for management and planning purposes.

- 25.5 Further performance indicators may be developed over a period of time to reflect the requirements resulting from the continued implementation of the Housing (Scotland) Act 2001 and the Homelessness etc (Scotland) Act 2003.
- 25.6 The Council will review the operation of the Homelessness Policy in 2022 or earlier if required by legislative changes.



REPORT TO: MORAY COUNCIL ON 30 JUNE 2021

SUBJECT: 2020/21 REVENUE OUT-TURN VARIANCES FROM BUDGET

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

1. REASON FOR REPORT

- 1.1 To advise the council of the major variances from the approved budget in the actual out-turn for 2020/21 and to seek approval of adjustment to the budget for 2021/22 where income and expenditure trends are forecast to continue into 2021/22 and where there has been slippage in projects which are proposed to be funded from reserves.
- 1.2 This report is submitted to council in terms of Section II (25) of the Council's Scheme of Administration relating to the approval of the annual estimates of revenue expenditure for all services and of Section III (B) (6) relating to monitoring current expenditure in relation to approved estimates.

2. RECOMMENDATION

2.1 It is recommended that the Council considers and notes:

- (i) The major variances from those anticipated when the budget for 2021/22 was approved, as summarised in APPENDIX 1;
- (ii) The major variances from the approved budget for 2020/21 totalling £24,055,000 as summarised in APPENDIX 2; and
- (iii) A report on the use of the new ear-marked reserve for covid related expenditure will be submitted to Council or committee in early course, indicating the likely calls on this reserve.

2.2 It is recommended that the Council approves:

- (i) Adjustments amounting to a net cost of £242,000 for variances which are anticipated to continue into 2021/22, as detailed in the table in paragraph 3.21; and
- (ii) Additional budgets for projects subject to slippage in 2020/21 as detailed in paragraph 3.23 totalling £161,000 to be funded from free general reserves.

3. **BUDGET VARIANCES**

- 3.1 The unaudited accounts for 2020/21 are subject to a separate report to this Committee. The unaudited accounts show that the balance on free general reserves remains the same at 31 March 2021 as at 31 March 2020.
- 3.2 The Council at a meeting on 3 March 2020 approved budgeted net expenditure of £210,490,000 which anticipated the use of £2,348,000 free general reserves (paragraph 3 of the minute refers). The final budget for the year, after adjustments for additional funding from reserves, additional government grant funding announced during the year and additional savings, approved was for expenditure of £232,090,000, including use of ear-marked reserves: Devolved School Management (DSM) balances brought forward of £466,000; Early Learning Childcare expansion carried forward of £432,000 and Pupil Equity Funding carried forward of £660,000. The final budgeted use of free general reserves was £2,514,000, against an actual nil use of reserves, a variance of £2,514,000.
- 3.3 The budgeted use of general reserves is set out in the table below:

	£000s	£000s
Budgeted use of free general reserves @ March 2021		2,348
Additional budget approved and drawn down during the year	166	
Final budgeted use of free general reserves		2,514

- 3.4 Expenditure against budget was reported to Committee on a quarterly basis during the financial year. Quarter one was reported to Economic Growth, Housing and Environmental Sustainability (EGH&ES) Committee on 6 October 2020; quarter two to EGH&ES Committee on 1 December 2020 and quarter three to EGH&ES Committee on 16 February 2021 (paragraph 12 of the Minute refers). The forecast at the end of quarter three was use of free general reserves of £1,998,000 after transfer of £2,640,000 estimated underspend on Children's Services to the ear-marked reserve for transformation of Council services. The forecast for the year is used as a key part of the budget-setting process and the differences highlighted in this report can be used to amend the budget for 2021/22. The final out-turn and main changes from the out-turns forecast at the end of December 2020 are summarised on a departmental basis in **APPENDIX 1**.
- 3.5 The principal variances from that forecast were additional funding from Scottish Government relating to the pandemic of £14,003,000 and services underspend £3,459,000 more than forecast. Significant amounts of the unforecast underspend relate to DSM budgets, with a total of £1,343,000 net underspends. Other smaller service underspends also relate to ring-fenced funding. The other single largest movement was in staff costs, within underspends from vacancies arising from the estimated £1,852,000 above the vacancy factor to £2,538,000, an increase of £686,000. Underspends totalling £161,000 arise from slippage in projects as itemised in paragraph 3.23. Council Tax income was £1,779,000 more than forecast. The forecast was based on cash receipts, the actual out-turn includes Council Tax for 2020/21 billed but not yet received.

Movement in use of free general reserves since final estimated actual	£000s	£000s
Predicted use of reserves		1,998
Additional Covid funding	14,003	
Other additional SG funding	154	
Further underspend in services	3,459	
Less increase in transfer to ear-marked reserves: DSM, PEF,ELC Transformation Covid related	(1,178) (324) (16,421)	
Increase in Loans charges	(10)	
Increase in Council Tax	1,779	
Movement in balance of provisions	536	
Total	1,998	
Actual use of free general reserves		Nil

3.6 When there is a significant difference between departmental out-turn and that forecast a review of budget variance is carried out to identify if there is scope for additional savings. In this instance no further savings have been identified. The review is summarised below.

3.7 A summary of the variance against budget for the year by type of spend across the Council is set out in the table below:

	Overspend £000s	Underspend £000s	Net £000s
Staff	(221)	2,538	
Income / recharges to capital and HRA	(5,177)	553	
Purchase of children's services / looked after children	-	2,451	
School DSM budgets	-	1,343	
Repairs and maintenance	(71)	927	
Energy costs	(14)	122	
Software licences	(53)	73	
Roads and Winter Maintenance	(1,715)	127	
PEF funding	-	802	
Other	(1,890)	3,970	
	-----	-----	
Service underspend	(9,141)	12,906	3,765
Loans charges		2,445	
Balance on central provisions	(555)	2,173	
Balance of Covid related provisions	-	16,227	
Council Tax	(621)		
BRIS retention	-	1,859	
Government Grant	(440)		
Transfer to ear-marked reserves	(22,339)	-	
Total variance	(33,096)	35,610	2,514

3.8 Major variances at departmental level are set out in **APPENDIX 2**.

- 3.9 The variances against the budget have been reviewed and classified as one-off or likely to be recurring. The classification takes into account the savings and other adjustments made when the budget for 2021/22 was approved. The overall position is summarised below:

	Para ref	Recurring £000s	Non- recurring £000s	Impact already included 2021/22 Budget £000s	Proposed further adjustment to 2021/22 Budget £000s
Overspends					
Staff / subcontractors	3.9	-	(221)	-	-
Income	3.10	(173)	(5,004)	-	-
Roads maintenance	3.11	-	(1,715)	-	-
Other		(325)	(1,703)	-	-
Total overspends		(498)	(8,643)	-	-
Underspends					
Staff / subcontractors	3.12	-	2,581	-	-
Income	3.13	48	505	-	-
Purchase / provision of care for children	3.14	600	1,851	744	-
Repairs and maintenance	3.15	-	927	-	-
Energy cost		-	122	-	-
PEF	3.16		802		
Other	3.17	132	3,995	-	-
Total underspends		780	10,783	-	-
Loan charges	3.18	-	2,445		
Balance on provisions	3.19	-	1,618		
Covid balance of provisions	3.19		16,227		
BRIS retention	3.20		1,859		
Government grant			(440)		
Transfer to ear- marked / capital reserves			(20,996)		
Council Tax		-	(621)		
Total net (over)/ underspend		282	2,230	744	

- 3.10 There are some minor overspends in staff and subcontractors within Fleet services where there is difficulty in recruiting staff which has necessitated the use of sub-contractors, which is a more expensive way of delivering the service, totalling £185,000. Financial services underachieved their vacancy target by £20,000 and the central supply budget was overspent by £16,000, due to difficulties in recruiting teaching staff, sickness levels and an increase

in maternity cover. This situation is not expected to continue and the use of central supply will be managed by the service.

- 3.11 The impact of the Covid-19 pandemic and lockdown measures have had significant impact on budgets during the first half of the year. All services are generating less income than budgeted, with a total shortfall of £5,177,000 for the year to date. This includes loss of leisure income, catering income, car parking income, planning and building control fees. Scottish Government provided funding of £1,191,000 for loss of income in 2020/21. There is a shortfall of income of £116,000 for Employment Services as the range of services and potential for income generation has changed over the years but the budget has not been adjusted. This service is currently managed with Social Care services but does not fall within the remit of Moray Integration Joint Board. Consideration is therefore being given to transferring some or part of this service into the Council's Economic Development function. It is recommended that the income budget is adjusted to reflect the current potential for income generation. The recurring shortfall also relates to historical issues. £100,000 lies within Property Services, where the historic budget for property fees for capital projects does not match the pattern of planned work following the cessation of the Make Do and Mend policy. This budget will be reviewed against the currently approved capital plan and if necessary an emerging budget pressure reported as part of the financial planning process for 2022/23. £53,000 relates to a historical shortfall for legal recharges; £9,000 relates to shared accommodation historical shortfall and £11,000 relates to the corporate advertising income budget, all of these budgets are recommended to be reduced
- 3.12 Expenditure on roads maintenance exceeded budget by £1,715,000, £883,000 is due to winter maintenance, following the severe winter weather at the end of the year and £832,000 relates to loss of income due to staff and materials being unable to be recharged to Capital, due to Covid.
- 3.13 Staff turnover can result in underspends, as the process of filling posts takes longer than the one month notice which most staff have to give. Underspends then accrue from vacancies whilst posts are filled and from new staff being appointed on lower points on the salary scale than more experienced staff who have left. (Posts are budgeted for at top of scale). This is on-going and the Council recognised that when setting its budget, by incorporating estimates of underspends arising from staff turnover. The estimate was originally based on 5% of budgeted salaries in areas where vacancies are not automatically covered by relief staff or sub-contractors. The estimate was a conservative one, and has consistently been exceeded. The current provision across the Council (excluding Health and Social Care) is £4,200,000. The net underspend on staff and sub-contractors in 2020/21 was £2,360,000 above that provision. This is particularly high due to vacancies in pre-school provision as the service prepares for expanding the hours of early learning offered as well as being due to Covid following an effective recruitment freeze in the first lockdown. Allowing for that, and also that some savings arising from vacant posts were taken when the budget for 2021/22 was set, it is recommended to leave the provision at the same level for 2021/22 at the moment and to review the vacancy factor during 2021/22 when it is anticipated that spending patterns will be more normative, with a view to taking savings for 2022/23..

- 3.14 Income underspends arise from more income being received than budgeted for Waste, Harbours and Roads construction consent/traffic income as well as one-off income relating to Children's services for a placement for an adopted child by another authority and miscellaneous land sales of small areas of land not held on the fixed asset register and therefore the receipt must be treated as revenue. It is not recommended to revise any budgets at this time.
- 3.15 There is an underspend of £2,451,000 in the purchase/provision of care for young people. This consists of an underspend of £449,000 in fostering and adoption, £137,000 on Continuing Care and £1,865,000 relating to out of area placements. Savings of £744,000 were taken from Children's Services when the budget for 2021/22 was approved. Children's Services are currently being reviewed with a view to identifying whether further savings can be achieved and it is not recommended that any revision to budget is made at this time.
- 3.16 The budget for property repairs and maintenance was underspent by £927,000, split between corporate properties (£384,000), schools (£390,000), Grounds Maintenance (£92,000), burial grounds (£12,000), Urquhart Place (£27,000), war memorials (£22,000). This was partly due to slippage in planned repairs to corporate properties and schools and partly due to capitalisation of expenditure on Forres Community Centre roof repairs originally set against the revenue budget provision for repairs and maintenance but on review considered to be more appropriately treated as capital work. No further budget amendments are proposed.
- 3.17 The Pupil Equity Fund (PEF) is in the form of ring-fenced funding, and the underspends in this area, arising from the timing of projects, which are planned to spend by academic year, are held in ear-marked reserves and consequently do not impact on the free General Fund Reserve balance.
- 3.18 There is an overall underspend on other various budget headings. Within this is £21,000 relating to Council Tax penalty income/ Sheriff officer fees which have historically been underspent. It is proposed to take the underspend relating to Council Tax as a saving in 2021/22.
- 3.19 There is a one-off underspend on loans charges. This is due to borrowing at low rates of interest, partly as a result of the effect that the pandemic has had on the economy, and to slippage in the capital programme, again primarily due to the pandemic.
- 3.20 The balance on central provision which was underspent consists of £555,000 savings identified at the start of the year, which have not been achieved, this is principally the one-off VAT saving budget to be taken in 2020/21 but in fact recorded in 2019/20; £453,000 slippage on planned expenditure which has been delayed due to the impact of Covid (of which £360,000 relates to the Improvement and Modernisation Programme) both of which are carried forward into the budget for 2021/22. The planned expenditure is expected to be achieved in 2021/22. £17,512,000 additional funding received at the end of the year, primarily due to Covid, which will be carried forward into 2021/22 – the likely call on this funding is being scoped and will be reported in early course, current indications are that the repercussions of the pandemic will require significant use of this funding to compensate for the ongoing impact of

the pandemic; £573,000 balance of grant for the expansion of Early Learning and Childcare, which will be carried forward into 2021/22; budget pressures totalling £306,000 that were approved at the start of 2020/21 that were not required, and the provision for contingencies and inflation balance of £10,000 that was not required during the year. There is a recurring unachieved saving for the Multi-Functional Devices (MFD) finance lease of £30,000 relating to use by services charged to the HRA or delegated to MIJB and it is now recommended that this saving target is removed

- 3.21 The Business Rates Incentivisation Scheme (BRIS) sets targets over a three year period. 2020/21 was the second year of the current three year period. The Council exceeded its target buoyancy and was permitted to retain £1,859,000 for each of the three years in the period. Consequently this retention has now been included in the budget for 2021/22.

- 3.22 In summary, the following budget adjustments are recommended:

	Budget increase £000s	Budget savings £000s	Net effect £000s
Income:			
Employment Services	160		
Shared accommodation/CSS	9		
Corporate advertising	11		
Legal recharges	53		
MFD finance lease savings unachieved as relate to HRA/MIJB	30		
CTax penalty income/ Sheriff officer fees		(21)	
Total	263	(21)	242

- 3.23 The proposed budget increase of £103,000 is slightly reduced by the proposed budget savings of £21,000, leaving a net budget increase required of £242,000.
- 3.24 Recruitment of staff to implement the Council's Rapid Rehousing Transition Plan (RRTP) has been delayed. The Council had funding of £97,000 for RRTP in the local government settlement for 2020/21 and it is proposed that the underspend on £97,000 is carried forward as budget in 2021/22 funded from free general reserve. The Council underspent by £11,000 on Community Planning in 2020/21. This budget is match-funding with Community Planning Partners (chiefly Police Scotland) and it is recommended that this is carried forward as budget in 2021/22 funded from free general reserves. The second lockdown caused slippage in some of the agreed measures to assist economic recovery and it is recommended that budget of £11,000 for pop-up shops and £19,000 for the Local Growth Accelerator Programme are carried forward as budget in 2021/22 funded from free general reserves. The underspend of £23,000 on Moray Growth Deal is also requested to be carried forward as additional expenditure on professional fees to assist with revision of Outline Business Cases for submission to Scottish and UK Governments will be incurred in 2021/22.

	£000s
RRTP	97
Community Planning	11
Economic Development	53
Total	161

4. **SUMMARY OF IMPLICATIONS**

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

Effective budget management is essential for the delivery of council services on a sustainable basis. Review of budget against actual for trends which are likely to continue assists in the process of budget management.

(b) Policy and Legal

No policy or legal implications arise directly from the contents of this report.

(c) Financial implications

Financial implications are discussed throughout the report.

(d) Risk Implications

No risks arise directly from this report. The Council's base budget is over-committed and it requires to make savings over the next two years. The impact of the pandemic is still being assessed and the likelihood is that there is significant underlying need to call upon the ear-marked covid reserve to cushion this impact.

(e) Staffing Implications

None 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

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

5. **CONCLUSION**

5.1 The Council's final out-turn position on the General Fund as at 31 March 2021 was an improvement on the position forecast when the budget for 2021/22 was set. This report identifies major areas of variance between estimated actual and actual for 2020/21.

- 5.2 The report also considers variances against budget with a view to identifying trends in expenditure and recommends an increase to the net budget of £242,000 to reduce ongoing variances in 2021/22.**
- 5.3 Slippage of £161,000 in projects planned for 2020/21 is recommended to be carried forward to 2021/22, funded from free general reserves.**
- 5.4 Significant levels of funding for covid related expenditure is carried forward in an ear-marked reserve – the likely level of call on this is being scoped and will be reported in early course. It is anticipated that there is significant underlying requirement for use of this funding.**

Author of Report: Deborah O'Shea, Principal Accountant
Background Papers:
Ref: LP/LJC/

SPMAN-1293228629-552

Moray Council Outturn v Forecast
As at 31st March 2021

SERVICE

	Actual £'000s	Forecast Outturn at 31.12.20 £'000s	Var vs Prediction £'000s
Education	62,460	64,732	2,272
Education Resources & Communities	19,401	19,676	275
Childrens Services	16,730	17,010	280
Moray Council Social Care	97	93	(4)
General Services Housing & Property	2,768	2,923	155
Environmental & Commercial Services	25,320	24,986	(334)
Economic Growth & Development	3,116	3,367	251
HR, ICT & Organisational Development	4,999	5,061	62
Financial Services	1,842	1,850	8
Governance, Strategy & Performance	5,703	6,003	300
Other Services	2,520	2,717	197
Transfer of Interest to Capital Reserves & Stat Funds	3	0	(3)
SERVICES excl MIJB	144,959	148,418	3,459
MIJB	44,123	44,123	0
TOTAL SERVICES incl MIJB	189,082	192,541	3,459
Loans Charges	18,953	18,963	10
Provision for Contingencies and Inflation		3	3
Additional Costs	0	1,256	1,256
Additional Costs - Covid	0	16,227	16,227
Unallocated Savings	0	595	595
TOTAL PROVISIONS	0	18,081	18,081
TOTAL GENERAL SERVICES EXPENDITURE	208,035	229,585	21,550

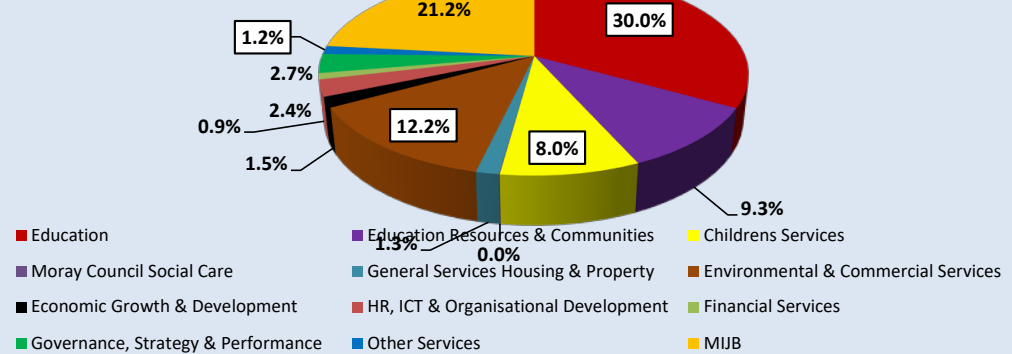
Commentary

Education : larger underspends in Devolved School Management, PEF & reduced level of spend on central supply than expected, primarily due to Covid.

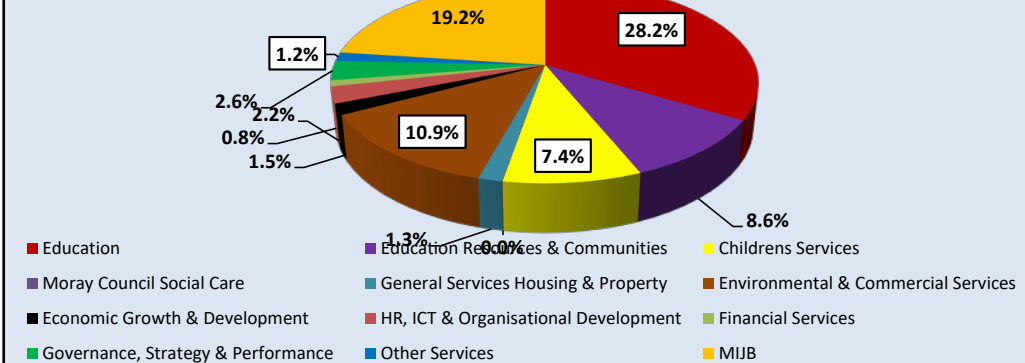
Environmental & Commercial Services: larger overspend on roads due to the severe cold weather in the last quarter, overspend on fleet for vehicle costs, underspend on transportation due to extended lockdown periods and consultancy due to slippage in bridge and flood works due to lockdown.

Provisions: the Scottish Government announced significant additional funds for expenditure related to the Covid-19 pandemic when the local government settlement was approved. These funds have been carried forward in an ear marked reserve

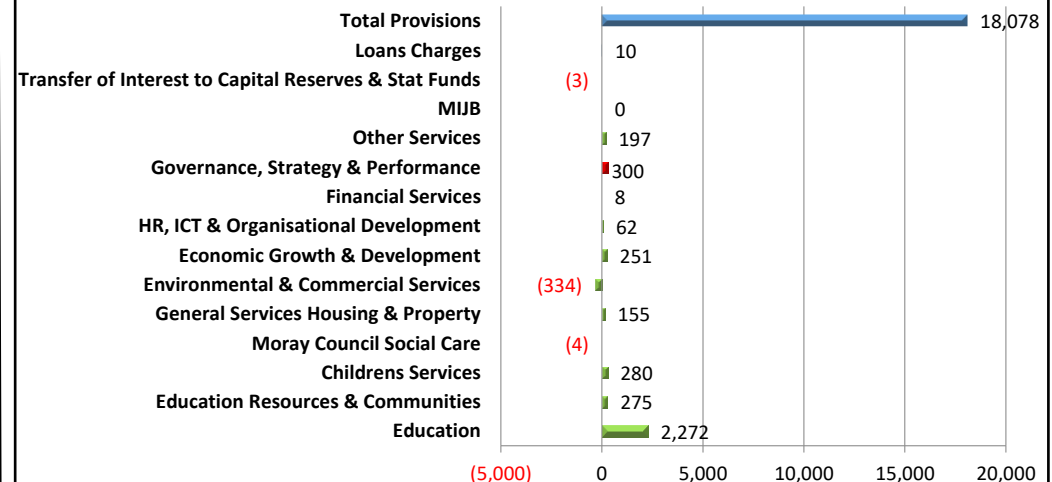
Actual % of Total



Predicted Outturn % of Total



Variance vs Prediction £000's



Moray Council Outturn report
As at 31st March 2021

SERVICE

	Actual £'000s	Budget £'000s	Var vs Budget £'000s
Education	62,460	64,592	2,132
Education Resources & Communities	19,401	19,544	143
Childrens Services	16,730	19,694	2,964
Moray Council Social Care	97	(19)	(116)
General Services Housing & Property	2,768	2,835	67
Environmental & Commercial Services	25,320	23,062	(2,258)
Economic Growth & Development	3,116	3,305	189
HR, ICT & Organisational Development	4,999	5,295	296
Financial Services	1,842	1,653	(189)
Governance, Strategy & Performance	5,703	6,029	326
Other Services	2,520	2,734	214
Transfer of Interest to Capital Reserves & Stat Funds	3	0	(3)
SERVICES excl MIJB	144,959	148,724	3,765
MIJB	44,123	44,123	0
TOTAL SERVICES incl MIJB	189,082	192,847	3,765
Loans Charges	18,953	21,398	2,445
Provision for Contingencies and Inflation	0	11	11
Additional Costs	0	2,162	2,162
Additional Costs - Covid	0	16,227	16,227
Unallocated Savings	0	(555)	(555)
TOTAL PROVISIONS	0	17,845	17,845
TOTAL GENERAL SERVICES EXPENDITURE	208,035	232,090	24,055

Commentary

Provisions: the Scottish Government announced significant additional funds for expenditure related to the Covid-19 pandemic when the local government settlement was approved. These funds have been carried forward in an ear marked reserve

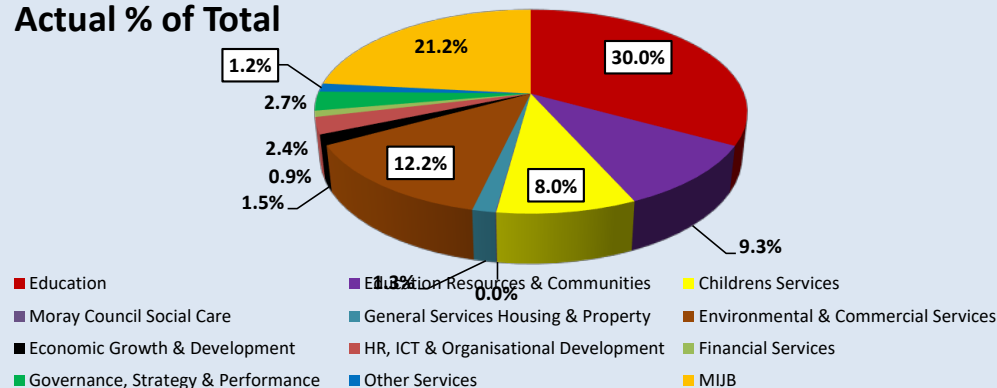
Loans charges: due to change in interest rates

Environmental & Commercial Services: larger overspend on roads due to the severe cold weather in the last quarter, overspend on fleet for vehicle costs, underspend on transportation due to extended lockdown periods and consultancy due to slippage in bridge and flood works due to lockdown.

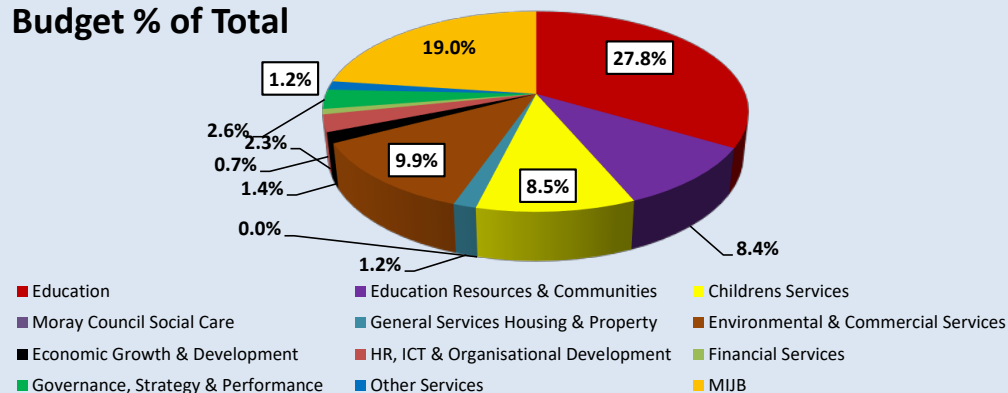
Childrens Services: underspend in out of area and adoption placements and fostering fees and allowances,

Education : larger underspends in Devolved School Management, PEF & reduced level of spend on central supply than expected, primarily due to Covid.

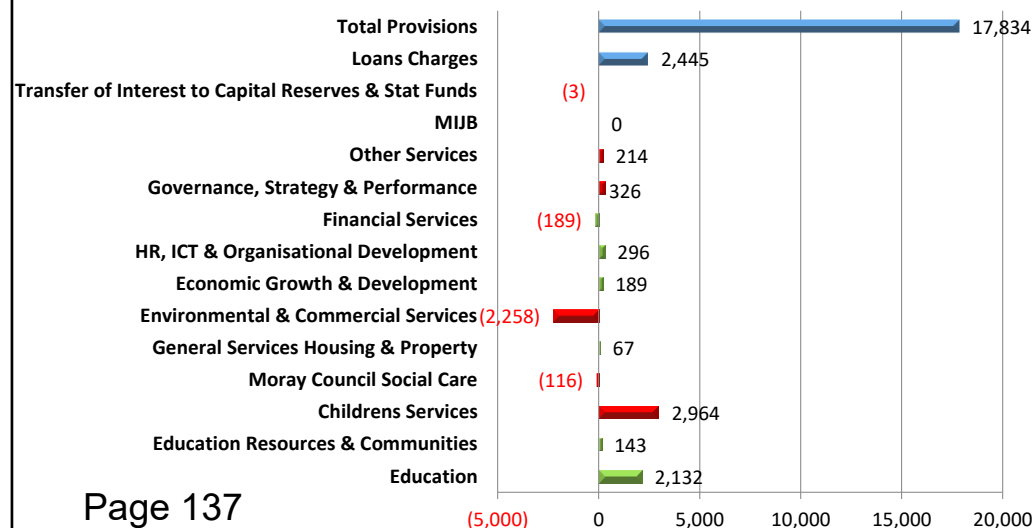
Actual % of Total



Budget % of Total



Variance vs Budget £000's





REPORT TO: MORAY COUNCIL ON 30 JUNE 2021

SUBJECT: CAPITAL PLAN 2020/21

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

1. REASON FOR REPORT

- 1.1 To inform the Council of the expenditure to 31 March 2021 under the capital plan for financial year 2020/21 and to recommend budget adjustments for inclusion in the Capital Plan for 2021/22 and future years.
- 1.2 This report is submitted to Committee in terms of Section III (B) 5 of the Council's Scheme of Administration 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:

- (i) **Considers and notes expenditure to 31 March 2021 of £39,269,000 as set out in APPENDIX 1;**
- (ii) **Considers and notes the projected overall expenditure for projects spanning more than one financial year, as set out in APPENDIX 2; and**
- (iii) **Approves carry forwards to 2021/22 and future years totalling £7,158,000 in 2021/22 detailed in section 5.**

3. BACKGROUND

- 3.1 The capital plan for 2020/21 of £42,319,000 was approved by a meeting of Moray Council on 3 March 2020 (paragraph 2 of the minute refers). Amendments approved by the Council and by the Economic Growth, Housing and Environmental Sustainability Committee since this date have been incorporated to give a current approved capital plan for 2020/21 of £42,442,000.
- 3.2 Quarterly monitoring reports are made to Economic Growth, Housing and Environmental Sustainability Committee or to Council showing expenditure to

date for each project and details of capital receipts received. As agreed by Policy and Resources Committee on 10 May 2016 in response to the Audit Scotland report “Major Capital Investment in Councils” (paragraph 7 of the Minute refers), monitoring reports include a separate **APPENDIX 2**, giving details of expenditure on projects which span more than one financial year.

4. CAPITAL PLAN 2020/21

- 4.1 A copy of the capital plan is included as **APPENDIX 1**. Expenditure to 31 March 2021 of £39,269,000 has been funded by General Capital Grant of £8,236,000 from the Scottish Government, Early Learning and Childcare Grants totalling £3,178,000 from the Scottish Government, other specific government grants of £421,000, other grants and contributions of £927,000 and Prudential Borrowing of £26,507,000.
- 4.2 A summary of the variances during the year are set out in the table below and discussed in more detail in the noted paragraphs.

Description	Paragraph	Underspend (Overspend) £000s
Land and Buildings		
Schools BB Works	4.4	(76)
Lossiemouth High School	4.5	(1,223)
Linkwood Primary School	4.6	(534)
Findrassie Primary School	4.7	148
Fire Safety Works – Schools	4.8	44
4 Schools Refurbishment	4.9	(48)
Milnes Primary School – Nursery Extension	4.10	(73)
Expansion of Early Learning and Childcare	4.11	(370)
Libraries and Leisure – All Public Facilities	4.12	10
Various Car Parks works	4.13	155
Dallachy Landfill Site	4.14	(321)
NESS Energy from Waste Plant	4.15	1,939
Moycroft	4.16	(51)
Industrial Estates Roads	4.17	10
Refurbishment of Industrial Units	4.18	22
Cemetery Provision in Moray	4.19	(2)
Energy Efficiency Projects	4.20	9
Forres CEC Flat Roof Replacement	4.21	(254)
Town Centre Initiative	4.22	687
Infrastructure		
Road Safety – Disability Adaptations	4.24	5
New Road Signs and markings	4.25	10
Road Safety Provision	4.26	(24)
Road Improvements	4.27	456
A95 Landslip River Isla	4.28	(3)
Street Lighting	4.29	163
Bridges	4.30	1,155
Findhorn Flood Alleviation	4.31	113
Portknockie Landslip	4.32	15

Description	Paragraph	Underspend (Overspend) £000s
Elgin Transport Strategy	4.33	(7)
Harbours	4.34	516
Vehicles, Plant and Equipment		
Swimming Pool and Leisure Equipment	4.36	59
Moray Leisure Centre Equipment	4.37	(261)
Gladstone Fit-Life Integration	4.38	5
Electrostatic Cleaning Machines for Schools	4.39	5
Vehicles Replacement Programme	4.40	527
Facilities Management Equipment	4.41	9
Traffic Data Collection Equipment	4.42	6
Domestic and Trade Waste Bins	4.43	15
MRF Relocation & Replacement Baler	4.44	(16)
Automated Barrier/Vehicle Registration Software and Chanonry HWRC	4.45	23
Chemical Waste Disposal Points	4.46	(2)
Replacement Engine Selkie	4.47	(124)
ICT Programme	4.48	453
Corporate Office Furniture	4.49	3
Total		3,173

Land and Buildings

- 4.3 The capital plan included budget provision of £30,184,000 for expenditure on land and buildings. Actual expenditure totalled £30,112,000. The detail of this is discussed below.
- 4.4 **Schools BB Works** – The original programme of works under this heading was well progressed when the Covid-19 pandemic commenced in March 2020. Work was suspended as the focus was moved toward the safe return of pupils in August. Preparations were made to substitute external fabric works which could be safely carried out during term time for these projects. However the second national lockdown saw further delays in this work and the Economic Growth, Housing and Environmental Sustainability Committee on 16 February (paragraph 6 of the minute refers) agreed that an underspend of £1,655,000 be carried forward to 2021/22 to allow these projects to complete. The final budget of £829,000 for this Programme of works was overspent by £76,000, with actual expenditure of £905,000. There were several overspends on drainage projects and investigative works, offset by underspend elsewhere. Buckie High School science gas pipework was replaced as a matter of urgency on safety grounds – this unplanned project had no budget and cost £99,000.
- 4.5 **Lossiemouth High School** – This project outturned £11,738,000 against an amended budget of £10,515,000, an overspend of £1,223,000. This overspend is a result of an earlier restart of construction work than projected during the first lockdown and the Covid costs paid to the contractor to date. The conditions of contract entitle the contractor to recover reasonable costs due to the delays experienced following the Covid-19 government restrictions.

These cost negotiations have now reached a conclusion between the Council and hub North Scotland. The Scottish Government have been contacted to request assistance with the additional costs with full evidence of costs claimed being provided to assist their determination. The outcome of this approach will be reported in due course.

- 4.6 **Linkwood Primary School** – The overall expenditure against the project was £3,979,000 during 2020/21 against a budget of £3,445,000, resulting in an overspend of £534,000. The overspend is a result of a combination of the Housing developer's obligations to provide a serviced site for the school not being met and additional Covid-19 costs paid to the contractor to date. The conditions of the contract entitle the contractor to recover reasonable costs due to the delays experienced following the Covid-19 government restrictions. The costs have now been agreed between the Council and hub North Scotland. The Scottish Government have been contacted to request assistance with the additional costs with full evidence of costs claimed being provided to assist with their determination. The outcome of this approach will be reported in due course. Discussions with the Housing developer are ongoing to agree a figure for compensation to the Council for the additional costs of providing temporary servicing to the school.
- 4.7 **Findrassie Primary School** – At the special meeting of Moray Council on 9 October 2020 (paragraph 4 of the Minute refers) Council approved that a new primary school at Findrassie would be the priority project submitted to the Scottish Government Learning Directorate for funding through the Learning Investment Programme (LEIP). On 18 December 2020, the Scottish Government announced that Findrassie Primary School was one of 25 projects which had been awarded LEIP funding. A Project Manager was appointed in April 2021 to the Educational Resources and Communities team and preparations are underway to begin consultation on the project with Elgin Academy ASG. The time required to arrange the consultation process has resulted in a budget underspend for the project in 2020/21 and it requested that the underspend of £148,000 be carried forward to 2021/22 to cover the cost of this initial work.
- 4.8 **Schools Fire Safety Works** – This project outturned £56,000 against a budget of £100,000, an underspend of £44,000. This programme of works was delayed due to the lockdown restrictions put in place as a result of the Covid-19 pandemic which meant that schools were either closed or open for childcare provision, both of which precluded works being carried out. It is requested that £25,000 be carried forward to 2021/22. Works which would have taken place in 2020/21 are now planned for the school estate in 2021/22, including remote monitoring system works required by the Council's insurers.
- 4.9 **4 Schools Refurbishment** – This expenditure is the final release of the retention after remedial works were undertaken as part of the 4 Schools Refurbishment project. Although this is showing as an overspend in the 2020/21 financial year, the overall project will still come in under budget.
- 4.10 **Milnes Primary Nursery Extension** – This expenditure is the final release of the retention following the agreement of the final accounts, which was a long

and challenging process. Although this is showing as an overspend in the 2020/21 financial year, the overall project will still come in under budget.

- 4.11 **Expansion of Early Learning and Childcare (ELC) Provision** – This project is fully funded by Scottish Government Grant. The programme of works under this heading had total expenditure of £3,178,000 against a budget of £2,808,000, an overspend of £370,000. Delays experienced in undertaking the refurbishment programme has seen costs increase. Additional costs have been met in full by the re-allocation of funding from the ELC revenue budget, as permitted by Scottish Government regulations.
- 4.12 **Libraries & Leisure Public Facilities** – This programme of fixed and fittings refresh had a budget of £10,000 in 2020/21. The Covid-19 pandemic resulted in Leisure and Libraries buildings being closed, which meant that work was unable to be progressed. No carry forward is requested.
- 4.13 **Various Car Park Works** – Due to delays experienced as a result of the Covid-19 pandemic, the budget allocation of £155,000 for re-surfacing and replacing lighting in various car parks in Moray has not been spent and it is therefore requested that this amount be carried forward to enable the planned works to progress in 2020/21.
- 4.14 **Dallachy Landfill Site** – This project outturned £1,695,000 against an amended budget of £1,374,000, an overspend of £321,000. At a meeting of Economic Growth, Housing and Environmental Sustainability Committee on 16 February (paragraph 6 of the minute refers), it was agreed that £453,000 could be carried forward to 2021/22. The reason for this was due to the capping of Phase 7b of the landfill site progressing later than originally planned due to a decrease in the amount of waste that was being landfilled (any decrease in waste being sent to landfill extends the life of the cell, therefore delaying the schedule for capping and restatement works). However, some capping works were carried out earlier than expected in February, and is the main reason for the overspend. The budget allocation for 2021/22 will be reviewed with a view to reducing it by the cost of the accelerated capping works.
- 4.15 **NESS Energy for Waste Plant** – The final amended budget for this project was £9,159,000 and expenditure was £7,220,000, an underspend of £1,939,000. This is due to delays in manufacturing equipment due to the pandemic disrupting the supply chain. The NESS project is being managed on behalf of the partner local authorities by Aberdeen City Council. There have been a number of changes to the payment schedule, however the overall budget for the project is still in line with the initial agreement. As a consequence of these changes to the schedule it is recommended that the underspend of £1,939,000 in 2020/21 be carried forward to 2021/22.
- 4.16 **Moycroft** – This project outturned £597,000 against a budget of £546,000, an overspend of £51,000. This was due to additional design work and markings on the cycle path required on health and safety grounds following inspection by the Health and Safety Executive.

- 4.17 **Industrial Estate Roads** – The Covid-19 pandemic has resulted in delays in this project which has seen the £10,000 budget be unspent and it is requested that this be carried forward to progress the programme of works.
- 4.18 **Industrial Portfolio Refurbishment** – This project outturned £85,000 against a budget £107,000, an underspend of £22,000. Work has begun on the industrial unit refurbishment programme but has been delayed by the Covid-19 pandemic and it is therefore requested that this underspend be carried forward to 2021/22 in order for these works to be completed.
- 4.19 **Cemetery Provision in Moray** – This project has a small overspend of £2,000, which is as a result of preparatory work that has been carried out in advance of the larger Cemetery Provision project included in the capital plan.
- 4.20 **Energy Efficiency Projects** – This project outturned £6,000 against a budget of £15,000. The covid-19 pandemic has had a detrimental impact on the ability to identify projects and engage with contractors to undertake the work, which has resulted in this underspend. These energy saving projects strongly support the objectives of the Council's Climate Change Strategy so it is requested that this underspend is carried forward to 2021/22 in order for them to be progressed.
- 4.21 **Forres Community Centre Flat Roof Replacement** – The flat roof at Forres Community Centre was replaced. These works were originally coded to revenue repairs and maintenance budgets. However, the nature of the works meet the definition of capital expenditure so they have been transferred to capital. The additional cost of capital will be outweighed by the resultant revenue saving of £254,000.
- 4.22 **Town Centre Fund Initiative** – This project outturned £181,000 against a budget of £868,000, an underspend of £687,000. This project is 100% funded by Scottish Government grant. Due to Covid-19 all Town Centre Initiative Fund work had come to a halt with some of the projects still experiencing delays in starting up again. It is anticipated that most of the projects will spend their allocated funding in the next financial year so it is requested that the underspend be carried forward to 2021/22. Scottish Government has confirmed the grant funding can be retained to meet the delayed

Infrastructure

- 4.23 The capital plan included budget provision of £6,461,000 for expenditure on infrastructure. Actual expenditure totalled £4,062,000. The detail of this is discussed below.
- 4.24 **Road Safety Disability Adaptations** - £20,000 spend was incurred on this project against a budget of £25,000, resulting in an underspend of £5,000. The number of new dropped kerbs provided reduced to the availability of Roads Maintenance staff to undertake the works. A backlog of disability adaptations and dropped kerb applications is expected this year as covid restrictions are eased. Access to mobility groups to discuss needs is restricted at this time due to Covid-19. It is requested that this underspend be used to

offset the overspend on the Road Safety Provision budget, as detailed in paragraph 4.26 below.

- 4.25 **New Road Signs and Markings** – This heading outturned £27,000 against a budget of £37,000, an underspend of £10,000. A contract for road markings was issued but the contractor failed to complete the works by 31 March 2021. Covid-19 led to a delay of works being undertaken during the summer of 2020. Additional works are to be included in this year's contract to utilise part of the carry forward which was previously approved. It is requested that the underspend of £10,000 be used to offset the overspend on the Road Safety Provision budget, as detailed in paragraph 4.26 below.
- 4.26 **Road Safety Provision** – This heading had actual spend of £51,000 against a budget of £27,000, resulting in an overspend of £24,000. Additional works were required, including remedial measures at the School Brae signals in Lossiemouth. It is requested that this overspend be offset by underspends on the Disability Adaptations and New Road Signs and Markings budget, as detailed in paragraphs 4.24 and 4.25 above.
- 4.27 **Road Improvements** – This heading saw actual to 31 March of £1,561,000 versus a budget of £2,020,000, an underspend of £459,000. The introduction of construction sector revised guidance in January as a result of the second lockdown led to programmes taking longer than expected due to additional Health and Safety such as one man per vehicle. A report to Economic Development and Infrastructure Services Committee on 21 January 2020 (paragraph 7 of the minute refers) highlighted that Moray's road condition indicator figures, based on results for that year, were now increasing more aggressively than previous years and that if this was not addressed, the cost of reversing this trend would rapidly become unaffordable. The draft capital plan was therefore to include a phased increase in the capital budget of £500,000, on an annual basis, to address the issue. It is now also recommended that the underspend on the Carriageway Resurfacing/Reconstruction/Surface Dressing heading of £456,000 is brought forward and added to the 2021/22 budget allocation.
- 4.28 **A95 Landslip River Isla** – This project had actual expenditure of £43,000 against a budget of £40,000. The overspend was due to increased requirements following survey work and the discovery of otters on the site. This project is now complete.
- 4.29 **Street Lighting** – Street lighting projects saw an actual to 31 March of £337,000 against an amended budget of £500,000. A combination of covid-19 restrictions and staff sickness resulted an underspend of £163,000, £40,000 on replacement columns and £123,000 on the LED street lighting project. It is requested that the underspend on the Replacement of the SOX/SON Lanternsplacement Lights and Columns programme of £123,000 be carried forward to 2021/22 to allow for the completion of the LED spend to save project.

4.30 **Bridges** – Projects under this heading had a budget of £1,795,000 and an actual spend of £640,000 – an underspend of £1,155,000. The details of this are as follows:

Project	Budget £000s	Actual £000s	Carry Forward £000	Reason for Variance
Cloddach Bridge	48	3	45	This project was delayed due to vacancies within the Traffic team, which was undertaking the design work.
Cappies Hill Bridge	48	0	48	This project was delayed due to vacancies within the Traffic team, which was undertaking the design work.
MacDowall Bridge	360	8	352	This project was initially delayed by Covid-19 disruption which meant that land access discussions were unable to take place. Winter also saw the discovery of hibernating bats which has further delayed the project.
Bantrach Bridge	336	246	-	This project is complete and the underspend is due to the fact that not all the risk allowance included in the budget was required.
Tomliath Bridge	160	9	151	This project has seen delays due to supplier availability.
A941 Craigellachie Bridge	555	189	-	This project was due to end in March 2020 but the last tasks were unable to be completed due to covid restrictions and the 2019/20 underspend was carried forward in full as, at that point, it was not clear how long restrictions would be in place and what the impact would be on price. The project is now complete and no further costs will be incurred.
Arthur's Bridge	28	0	-	This project is complete

Project	Budget £000s	Actual £000s	Carry Forward £000	Reason for Variance
				and the underspend is due to the fact that not all the risk allowance included in the budget was required.
Lossiemouth Bridge Replacement	133	100	33	The Council is undertaking phase 1 of this project and was still underway at 31 March.
Remote Footbridges	127	85	42	This rolling programme of works was delayed due to the covid-19 pandemic.
TOTAL	1,795	640	671	

Works on the delayed projects are all planned to be undertaken and completed in 2021/22 so it is requested that the underspends on these projects, totalling £671,000 are carried forward to 2021/22.

- 4.31 **Findhorn Flood Alleviation** – The budget of £113,000 was brought forward from future years to cover a compensation claim which had been agreed, but there has been a delay in settlement of the claim and it is requested that this is carried forward to 2021/22.
- 4.32 **Portknockie Landslip** – This project saw no spend against a budget of £15,000 due to white lining works not completed by the Roads department due to vacancies, and it is requested that this budget be carried forward to 2021/22 when the work will be carried out.
- 4.33 **Elgin Transport Strategy** – The unbudgeted £7,000 spend against this project is for preparatory works that required to be undertaken for the Edgar Road/The Wards junction works that will be carried out in 2021/22. The works will be fully funded by Developer Contributions.
- 4.34 **Harbours** – The programme of works in harbours had a budget of £831,000 against which £267,000 was spent, an underspend of £564,000. Works undertaken at Burghead and Cullen Harbours are complete, however works at Portknockie were delayed due to the covid-19 pandemic and it is requested that £392,000 be carried forward in order for this work to be completed, and for the next phase of works at Cullen to progress. When the 2020/21 capital plan was agreed a budget of £300,000 was included for works on pontoons at Findochty Harbour. At a meeting of the Economic Growth, Housing and Environmental Sustainability Committee on 1 December 2020 (paragraph 5a of the minute refers) it was agreed to defer this budget until 2021/22. The budget should have only been partially deferred as the works will span more than one financial year and it is therefore showing an overspend of £169,000 in 2020/21. The budget in 2021/22 will be reduced to reflect this. The project is expected to be on budget overall. Both projects under the heading of Harbours Economic Development were delayed due to the Covid-19 pandemic and saw underspends as follows:

Project	Budget	Actual
	£000	£000
Economic Development	18	1
Buckie Harbour Infrastructure Improvements – Ice Plant	160	56

It is requested that the underspend on both these projects, totalling £121,000 be carried forward to 2021/22 to enable them to be completed.

Vehicles, Plant and Equipment

- 4.35 The capital plan included budget provision of £5,797,000 for expenditure on vehicles, plant and equipment. Actual expenditure totalled £5,095,000. The detail of this is discussed below.
- 4.36 **Swimming Pool and Leisure Equipment** – Equipment has been ordered but there was a delay in delivery meaning that there was no spend against the budget of £59,000 against this heading. It is requested that the full £59,000 budget be carried forward to 2021/22 to meet the costs of the equipment, and also progress plans for the upgrade of underwater camera systems at Buckie, Keith and Forres swimming pools, originally planned for 2024/25. The phasing of this budget will be reviewed with the service
- 4.37 **Moray Leisure Centre Equipment** – The unused budget for Moray Leisure Centre’s Combined Heat and Power unit was inadvertently not identified as a carry-over from 2019/20 and incorrectly released. The overspend in this area is a result of this omission but expenditure is within the original budget for the project. Work has been carried out to upgrade the gym facilities in the Leisure Centre. The Council has stopped the capital element of its grant to Moray Leisure Ltd in order to fund these works.
- 4.38 **Gladstone Fit-Life Integration** – The Gladstone Fit Life Integration Project is complete from a customer-facing perspective however there are still some background elements being finalised in regards to generating reports required for finance and ICT purposes. The project funding allocation was £40,000 however to date the project has only cost £35,000 due to the fact that ICT have managed to reduce the volume of user licences required from the initial quotation.
- 4.39 **Electrostatic Cleaning Machines Schools** – Due to the enhanced cleaning requirements in schools as a result of the Covid-19 pandemic Electrostatic Cleaning Machines were purchased. The initial estimated cost of this was £13,000 but the actual cost was £8,000, resulting in an underspend on this budget.
- 4.40 **Vehicle & Plant Replacement Programme** – This project had an outturn to the 31 March of £2,296,000 against an amended budget of £2,823,000, an underspend of £527,000. Vehicle manufacturers ability to build and deliver vehicles has been impacted both by Brexit and the Covid-19 pandemic which has resulted in this underspend. Vehicles had been ordered by 31 March and

delivery is awaited so it is requested that the underspend be carried forward to meet payment when they are received. By carrying forward the budget to meet these costs, there will be no impact on the planned vehicle replacement programme in 2021/22.

- 4.41 **Facilities Management Equipment** – This heading saw minimal spend of £1,000 against a budget of £10,000. The move to home-working meant that buildings were not used to the same extent during the year which meant that equipment has lasted longer than expected. Due to the enhanced cleaning requirements as a result of the pandemic it is anticipated that equipment will require replacement sooner through increased use so it is requested to carry forward the full underspend in full to meet the anticipated increased costs.
- 4.42 **Traffic Data Collection Equipment** – This heading saw minimal spend of £1,000 against a budget of £7,000. There has been limited use of temporary equipment during the pandemic due to staff shielding, therefore less wear and tear on equipment and no carry forward is recommended.
- 4.43 **Domestic and Trade Waste Bins** – This budget heading has outturned £70,000 against a budget of £85,000, an underspend of £15,000. This has been due to extended lead time for the receipt of orders placed with the supplier. It is therefore requested that this underspend be carried forward to meet the costs of orders that had been placed, but not received by 31 March 2021. By carrying forward the budget to meet these costs, there will be no impact on the planned orders for bins in 2021/22.
- 4.44 **MRF Relocation and Replacement Baler** - There has been an overspend of £15,000 due to alterations required by Council Health and Safety staff and to contractor observations during the refit at Moycroft Waste Transfer Station. The alterations were made in order to enhance safety measures around the hopper which feeds the materials onto a shaker plate before the first picking line. The MRF Relocation and Replacement Baler are both essential components of the Moycroft re-development. Completion of the project (inclusive of the highlighted amendment) was vital in order for the service to handle recycling materials and process them in the most financially effective way for the Council as the MRF enables metal, aluminium and plastics to be extracted from the waste in the purple recycling bins, which is then sold to various companies. If the MRF was not operating then the material would not be able to be separated and would, therefore, not be able to be sold.
- 4.45 **Automated Barrier/Vehicle Registration Software** - This project relates to the erection of an automated barrier on site at the Chanonry Household Waste Recycling Centre (HWRC). As a result of the covid-19 pandemic controls were introduced at the site to reduce the number of vehicles permitted to gain access at any one time, which was controlled by having a member of staff man the gate. In the latter part of 2020 Zero Waste Scotland offered grant funding to aid waste operators to keep their services going whilst adhering to government covid-19 guidelines. Therefore the barriers were fitted at Chanonry and this has removed the need to have staff controlling access. The underspend on this is due to the timely integration of associated software packages that was anticipated to take longer and charged by the contractor on a cost per day.

- 4.46 **Chemical Waste Disposal Points** – This project has a small overspend of £2,000, which is as a result of preparatory work that has been carried out in advance of the larger Staycation Ready project included in the capital plan.
- 4.47 **Replacement Selkie Engine** – Following a breakdown of the excavator’s engine on board Selkie in late September 2020 advice was sought from the manufacturer of the engine and our own Fleet Services. While a repair could have been undertaken the advice received was that as the engine was stripped down for repair there was a strong possibility that other components were likely to fail and require replacing. Our Fleet Services Manager advised that replacing the engine reduced the ongoing risk considerably. Going forward measures have been identified and put in place to reduce corrosion as much as possible in the future.
- 4.48 **ICT Programme** – Actual expenditure on the ICT Core Programme is significantly underspent but there is an overall spend on ICT Equipment, including items purchased as a result of the pandemic, with a total spend of £1,530,000 against a budget of £1,983,000. The table below provides more detail on this:

Project	Budget £000s	Actual £000s	Reason for Variance
Core ICT Programme			
Desktop and Mobile Devices	276	162	The long term ICT Strategy has had to be adapted following the pandemic and this has meant that the planned purchase of some items is no longer relevant, and some service requirements have been changed.
Network Infrastructure	159	115	Underspend due to a delay in the IP Telephony to schools and the delay in the upgrade to the Wi-Fi provision, due to increased homeworking.
School ICT Strategy	238	13	Majority of underspend due to the delay in the final phase of the rollout of interactive panels in schools which was delayed due to the pandemic and the need to purchase other equipment.
Servers Infrastructure	259	114	Projects under this heading saw delays due to ICT resources being diverted elsewhere during the pandemic.
Software	192	93	Projects under this heading saw delays due to ICT

Project	Budget £000s	Actual £000s	Reason for Variance
			resources being diverted elsewhere during the pandemic.
Telephony/Contact Centre System	336	153	This project has been deferred until there is more clarity around the future utilisation of office work space post pandemic.
Unix Server Replacement	100	-	A tender was undertaken for the replacement of the current Unix environment but this was unaffordable. In the interim, requirements are changing and the longer-term position is unclear.
Covid-19 ICT Costs			
Digital Inclusion	423	423	Spend against this line was fully funded by Scottish Government grant and was for the purchase of devices for pupils to access home learning.
ICT Costs	-	457	This covers the cost of the rollout of dedicated laptops and associated software and accessories to facilitate home working during the pandemic.
TOTAL	1,983	1,530	

The following amounts are requested to be carried forward to 2021/22 in relation to ICT projects:

Project	Amount of Carry Forward £000s	Reasons
Desktop and Mobile Devices	74	To enable the purchase of equipment for the reconfiguration of offices and laptop devices for schools, and also to allow the project to upgrade the public access network in libraries to progress.
Network Infrastructure	44	To allow for the upgrade of Wi-Fi in corporate sites and for various telephony projects to progress.
School ICT Strategy	225	To allow for the final phase of the implementation of interactive panels in schools and to finalise requirements for

Project	Amount of Carry Forward £000s	Reasons
		wireless provision in schools and to provide additional bandwidth where necessary.
Servers Infrastructure	130	To allow projects for various server upgrades to progress.
Telephony/Contact Centre System	183	Although the project has been deferred, there is still a commitment to deliver this project once the exact specifications are clearer.
Unix Server Replacement	100	Further work is required to confirm requirements for Unix environment but there will be a requirement to do further upgrade work on the Housing System and Financial Management System.
TOTAL	756	

- 4.49 **Corporate Office Furniture** – This budget had an actual at 31 March of £2,000 against a budget of £5,000, an underspend of £3,000. This is due to the fact that, during the pandemic, staff have been working from home and there has been less need to purchase equipment due to offices being largely unoccupied. No carry forward is recommended.

5. **CAPITAL PLAN AMENDMENTS**

- 5.1 The following amendments to the capital plan are proposed:

Project	Paragraph	2021/22 £000s	2022/23 £000s
Land and Buildings			
Findrassie Primary School	4.7	148	-
Schools Fire Safety Works	4.8	25	-
Various Car Parks Works	4.13	155	-
NESS Energy for Waste Plant	4.15	1,939	-
Industrial Estate Roads	4.17	10	-
Industrial Portfolio Refurbishment	4.18	22	-
Energy Efficiency Projects	4.20	9	-
Town Centre Fund	4.22	687	-
Infrastructure			
Road Improvements	4.27	456	-
Street Lighting	4.29	123	-
Bridges	4.30	671	-
Findhorn Flood Alleviation	4.31	113	-
Portnockie Landslip	4.32	15	-
Harbours	4.34	392	(169)
Harbours Economic Development	4.34	121	-

Project	Paragraph	2021/22 £000s	2022/23 £000s
Vehicles, Plant & Equipment			
Swimming Pool & Leisure Equipment	4.36	59	-
Vehicle & Plant Replacement Programme	4.40	527	-
Facilities Management Equipment	4.41	9	-
Domestic and Trade Waste Bins	4.43	15	-
ICT Projects	4.48	756	-
Other Amendments			
Glassgreen Primary School	5.2	40	-
A95 Meikle Cantly Landslip	5.3	693	-
Energy Efficiency Projects – LED Lighting	5.4	173	-
Extension of Univeral Free School Meals	5.5	-	-
Total		7,158	(169)

- 5.2 **Glassgreen Primary School** – It is requested to include £40,000 in the capital plan for 2021/22 to allow ground investigations to take place in preparation for the construction of a new primary school at Glassgreen in the South of Elgin. This work was planned for 2027/28 and 2028/29 when the 10 year capital plan was approved in March 2021. The current pattern of housing development on the south side of Elgin makes it likely that this project will have to be brought forward and construction begin considerably earlier than then planned. It is therefore requested to include this amount in the capital plan for 2021/22 and reduce the amount included in the capital plan in 2027/28 for this project by the same amount. This increase would result in a minimal increase in borrowing costs of £800.
- 5.3 **A95 Meikle Cantly Landslip** – In Autumn 2019 a landslip occurred on the A95 causing a significant loss of material to slip into the River Isla and the collapse of some of the vehicle restraint system. Since the landslip occurred there has been single lane working with traffic lights on the site. During 2020 a detailed site investigation was carried out to determine the underlying ground condition and identify potential solutions. The proposed works are to stabilise the base of the slope to ensure that no further erosion occurs causing further landslips and it is requested to include £693,000 in the capital plan in 2021/22 to allow for these works to be carried out, and would result in an increase in borrowing costs of £17,000.
- 5.4 **Energy Efficiency Projects LED Lighting** – It is requested to include £147,000 in the capital plan for 2021/22 for the installation of LED Lighting at various sites. This would result in an increase in borrowing costs of £31,000 which will be almost covered by the anticipated savings in energy usage of £30,000 and in the long term the works would generate net revenue savings and contribute towards reduction in carbon.
- 5.5 **Free School Meals** – The Scottish Government have announced the intention to extend to provision of universal free school meals to primary 4-7 by August 2022. The department are starting to explore the implications of this and the

potential impact on the capital plan. Once this is known it will be reported to future Committee meetings.

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 A new and emerging risk to the capital plan is a forecast increase in prices of materials. Scotland Excel have informed the Council of unavoidable increases to costs on two of their frameworks and intelligence is coming from a number of sources that materials may be difficult to source and costlier if they are available. This is partly a world-wide reaction to the pandemic, partly due to Brexit. A report on proposals to manage the Council's response to this situation will be prepared and brought to a future meeting of the Council.
- 6.3 The Council is currently seeking to establish whether the Scottish Government will contribute to the additional costs due to Covid-19 in respect of both the Lossiemouth High School and Linkwood Primary School new build projects. Should the Council have to bear either all or a proportion of these costs, it would be necessary to consider the options available to meet or contain the costs and these would depend on the funding gap the Council had to address.
- 6.4 There is a risk that contract inflation might increase the eventual cost of projects in future years of the capital plan and a risk that any deferment of projects relating to asset condition might result in element failure, potentially incurring unbudgeted costs.
- 6.5 The main ongoing risk for the vehicle replacement programme is manufacturers failing to deliver to agreed timescales.
- 6.6 Projects can be subject to risks which are outwith the direct control of the Council, such as poor weather conditions.
- 6.7 Lack of staff resources and staff turnover can impact on project timescales and other emerging work priorities can impact on scheduled works.
- 6.8 No other project risks have been specifically identified by budget managers.
- 6.9 Looking to the future there is a need to invest significantly in our infrastructure to underpin the Council's priorities of Our People, Our Place, Our Future and work will be brought forward in early course to look at potential capital requirements and how this might best be funded, with a potential call on reserves to support this.

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 2021/22 and the outline ten year plan incorporates measures designed to address the Moray 2026 priorities of achievement and attainment by children and young people 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.

In the main the report proposes differences in timing of capital spend from that originally envisaged. However, additional capital projects are proposed, and this will increase borrowing costs in the revenue budget. One of the projects is a spend to save project, anticipated to deliver annual savings of £30,284.

(d) Risk Implications

Budget managers are aware of their responsibilities for managing budget allocations and approval for variance will be sought from Council in line with the financial regulations. Risks specific to items within the capital plan are highlighted in paragraph 7 of the report.

(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 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 the Corporate Management Team have been consulted and any comments incorporated in the report.

8. CONCLUSION

- 8.1 Capital expenditure of £39,269,000 was incurred during the year ending 31st March 2021.
- 8.2 Amendments to the Capital Plan of an increase of £7,158,000 in 2021/22 based on departmental requests for carry forwards and other amendments and a decrease of £169,000 in 2022/23 are requested.

Author of Report: Laurie Milne, Senior Accountant
Background Papers:
Ref: LM/LJC

SPMAN-1293228629-546

APPENDIX 1

Moray Council Capital Programme 2020/21
As at 31 March 2021

	Capital Plan 2020/21 £000	Actual £000	Variance £000
Land and Buildings			
Children and Young People's Services Committee	17,940	20,060	-2,120
Economic Development and Infrastructure Committee	11,356	9,602	1,754
Policy and Resources Committee	888	450	438
Infrastructure			
Economic Development and Infrastructure Committee	6,461	4,062	2,399
Vehicles Plant and Equipment			
Children and Young People's Services Committee	112	304	-192
Economic Development and Infrastructure Committee	3,697	3,259	438
Policy and Resources Committee	1,988	1,532	456
	42,442	39,269	3,173
Funding			
Prudential Borrowing	30,807	26,507	4,300
General Capital Grant (exc PSHG and CYP)	7,751	8,236	-485
Other Grants & Contributions	285	927	-642
Expansion of Early Learning & Childcare - Capital Grant	3,013	3,013	0
Expansion of Early Learning & Childcare - Revenue Funding	165	165	0
Specific Capital Grant - CWSS	421	421	0
	42,442	39,269	3,173

Major Capital Projects spanning more than 1 financial year (as at 31 March 2021)

APPENDIX 2

Description	Approved Total Budget	Total Expenditure in previous financial years	Current Budget 2020-21	Actual spend 2020-21	Remaining Budget 2020-21	Project Life Spend to 31/12/21	Projected Future Years Budget Required	Estimated Final Cost	Projected Variance
	£000	£000	£000	£000	£000	£000	£000	£000	£000
New Linkwood Primary School	12,810	9,894	3,445	3,979	-534	13,873	0	13,339	-529
New Lossiemouth High School	43,000	29,935	10,515	11,738	-1,223	41,673	1,268	41,718	1,282
Early Years Learning & Childcare	7,143	4,335	2,808	3,178	-370	7,513	0	7,143	0
LED Street lighting replacement programme	5,000	3,783	200	77	123	3,860	1,033	5,000	0
Moycroft Integrated Waste Facility	2,947	2,401	546	597	-51	2,998	0	2,998	-51
NESS Energy from Waste	27,224	7,123	9,159	7,220	1,939	14,343	10,380	27,224	0
Moray Leisure Combined Heat Plant	270	16	254	246	8	270	0	270	
Total	98,124	57,471	26,927	27,035	-108	84,260	12,681	97,422	702



REPORT TO: MORAY COUNCIL ON 30 JUNE 2021

SUBJECT: TRUST FUNDS – SUMMARY EXPENDITURE FOR 2020/21 AND ESTIMATED DISPOSABLE INCOME FOR 2021/22

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

1. REASON FOR REPORT

1.1 To inform Council of the disbursements made from Trusts in 2020/21 and the estimated disposable income available for disbursement in 2021/22.

1.2 This report is submitted to Council in terms of Section III B (16) of the Council's Scheme of Administration relating to the Management and Investment of any funds including Common Good and Trust Funds.

2. RECOMMENDATION

2.1 The Committee is asked to:

(i) note that OSCR approved the reorganisation of 23 Trusts in the year and that these have now been removed from the Scottish Charity Register;

(ii) note the disbursements made from each of the Trust Funds in 2020/21, shown in APPENDIX 1;

(iii) agree the estimated income available for disbursement in 2021/22, shown in APPENDIX 2; and

(iv) approve the use of Covid-19 ear-marked reserves to make up any shortfall of car parking income during 2021/22.

3. BACKGROUND

3.1 The Council administers 37 trust funds in total, acting as sole trustee for 33 trusts and as one of several trustees for the other four trust funds. The trust funds represent legacies bestowed by various individuals and organisations for the benefit of the community or organisations within Moray.

3.2 Moray Council acts as sole trustee for 8 Connected Charity trust funds which have charitable status and are registered with the Office of the Scottish Charity Regulator (OSCR). The Council are one of several trustees for one

other OSCR registered trust fund. The remaining 28 trusts are unregistered with Moray Council being sole trustee for 25 of these and one of several trustees for the other three.

- 3.3 Since 2013/14, the Registered Charitable Trusts require to be audited by an external auditor who is appointed by the Accounts Commission, currently Audit Scotland. This only applies to any Charitable Trust for whom the Council is the sole trustee. Any Charitable Trust for whom the Council is not the sole trustee requires to be examined by an Independent Examiner; Azets (previously Scott-Moncrieff) has been appointed as Independent Examiner for the Auchernack Trust.
- 3.4 Policy and Resources Committee on 2 September 2008 (paragraph 11 of the Minute refers) agreed to only disburse grants from trusts where the disposable income is greater than £50 and to carry forward undistributed funds each year until the disposable income reaches £50. Policy and Resources Committee on 8 October 2013 (paragraph 8 of the Minute refers) agreed that the whole annual income of the trust will be made available for disbursement in accordance with the trust deed (prior to this one third of the income was reinvested) although the policy not to disburse any Trust Fund with disposable income under £50 remains.
- 3.5 Reports to The Moray Council on 14 November 2012 (paragraph 7 of the Minute refers) and 24 June 2015 (paragraph 10 of the Minute refers) agreed to a scheme of Trust reorganisation, and approved the proposal for setting up a new trust along with the wording of the proposed Trust Deed.
- 3.6 In August 2016 OSCR awarded charitable status to the new trust: The Moray Council Charitable Trust (SC046791). An update on reorganisation was reported to Policy and Resources on 24 October 2017 (paragraph 13 of the Minute refers) giving details of the ongoing work in relation to the trust reorganisation and the planned transfer of 27 individual connected charitable trusts into the new trust. The trusts being reorganised into this new single trust will be utilised, as far as possible, in a manner consistent with the original trust purposes.
- 3.7 In 2018/19 one trust was given approval to be reorganised into TMCCT and during 2020/21 a further 23 trusts were approved by OSCR for reorganisation. Their assets have been transferred into the new trust and they have now been removed from the Scottish Charity Register:
- Lord Braco Mortification for Benefit of Poor
 - General Alves Fund for Poor
 - Ritchie Charity Fund for Poor
 - John Martin Charity Fund
 - Dr William Geddes Charity Fund
 - Hospital Master for Auchray (Cumine of Auchray)
 - Mrs Jessie Younie Legacy
 - Miss Fletcher Bequest
 - Robina Fletcher Bequest
 - John & Robina Pringle of Elgin Benevolent Fund
 - Margaret Brander Fund
 - Miss Eliza Jane Grant Fund

- Keith Nursing Trust Fund
- Rev John Archibald Dunbar – Dunbar Bequest
- Provost of Forres Poor
- Robert Anderson Trust
- Jonathan Anderson Trust for Relief of Poor
- James Dick & Taylor Mortifications for Poor of Forres
- Baillie Alexander Smith Coal Bequest
- Dick Coal Fund
- Alexander Ferrier Legacy
- John Munro Trust for Public Baths

3.8 The reorganisation process for the remaining trusts will continue.

3.9 The Moray Council Charitable Trust is now well established and has been set up with nine sub categories based on location and charitable purpose, in order to keep in a manner consistent with the original trust purposes.

4. DISBURSEMENTS IN 2020/21

4.1 **APPENDIX 1** gives details of the disposable income and disbursements made during 2020/21 from each trust fund.

4.2 In total, £64,082 was awarded in the year from twelve of the trust funds. Disbursements included £47,991 from the Education trusts; Moray & Nairn, Banffshire, Donald Manson Fund and the Milne's Institution Trust; £8,000 from the Cooper Park Public Trust, £3,800 from the Auchernack trust; £2,370 from the MacDonald Benevolent Fund. A further £1,921 was awarded from other Trusts.

5. 2021/22 DISPOSABLE INCOME

5.1 **APPENDIX 2** shows the estimated disposable income for each trust fund in 2021/22. The estimated income figure is calculated to assist Local Members' decision making when awarding funds. The figures are only there as a guide. The total projected funds available for disbursement in 2021/22 is £149,963.

5.2 The reorganisation has reduced the number of trusts that have either nil or less than £50 disposable income, ensuring that as much income as possible from the trust funds can be passed on to beneficiaries as efficiently as possible. There are still some trusts that have loans pool balances invested in the Council's Loans Fund, and they earn annual interest on this balance, however a share of administration costs is also allocated to these trusts and this then reduces the income available to below the £50 threshold.

5.3 In the calculation of disburseable income for 2021/22 it has been assumed that the full amount of rental income due in 2021/22 and car park income will be received. It is recognised, however, that due to Covid-19 some income may not be achieved in full. The Council is carrying ear-marked reserves to fund costs and lost income associated with the pandemic and it is recommended that if income falls below normal levels that it is made up using some of the earmarked reserves. The investment income earned on endowment investments could also vary depending on the markets.

- 5.4 The interest on balances held in the Council's bank for 2021/22 has been calculated using the two year fixed PWLB rate as at 1 April 2020 of 2.10%.
- 5.5 The estimated administration charge to be allocated over all trusts in 2021/22 is £16,905 (2020/21 actual £21,019). The higher charge in 2020/21 reflects the additional work done on the reorganisation and is expected to be lower this year.
- 5.6 As is shown in **APPENDIX 2** there are a number of projects with undisbursed income which has been carried forward. The Auchernack Trustees had approved applications in principle during 2020/21 and were awaiting further information before disbursing funds. One of these applications has been processed in 2021/22 and is showing as committed. The Education trust approved amounts were not spent in the year, mainly due to events being cancelled and will be reallocated along with the 2021/22 funds.
- 5.7 The risk of trust properties incurring expenses without generating any income to compensate is identified in paragraph 6(d) below. One trust that falls into this category is Ladyhill Cottages, a public trust made up of two Category C listed cottages, Sulva and Messines Cottage, in Elgin. The trust consists of the pair of single storey cottages, sitting each side of the steps up to Ladyhill. Tenancies for both properties have come to an end and are now empty. Funding has been secured for the improvement of Sulva Cottage. The trust will then look at rental opportunities with all income going towards future refurbishment of Messines. Logie Cottage in Forres was sold and disposed of during 2020/21.

6. **SUMMARY OF IMPLICATIONS**

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

Although there is no direct link to the Moray 2026, the reorganisation of the Trusts will result in efficiencies within the Trust funds.

(b) **Policy and Legal**

The Council's adoption of the policy of disbursing the whole annual income will enable more funds to be available for disbursement.

(c) **Financial implications**

In 2020/21 there was £134,297 of funds available for disbursement with £64,082 disbursed in the year from twelve of the trust funds, as identified in **APPENDIX 1**.

APPENDIX 2 shows the estimated disposable income for each trust fund in 2021/22. The total projected funds available for disbursement in 2021/22, plus carry forwards of undisbursed income from 2020/21, is £149,963 for the trusts with available income over the minimum £50 level. The carry forwards from Auchernack Trust, Banffshire and Moray and Nairn Educational trusts are permitted through the deeds of the trust, allowing a carry forward of any unspent funds into the following year.

The amount committed to date is £4,000 from the Auchernack Trust, as shown in **APPENDIX 2**.

(d) Risk Implications

There is a risk of overspends exceeding disposable income if any unforeseen emergency major repairs are required for properties owned by Trust Funds. Close monitoring of costs and the condition of properties will be undertaken by officers in order to mitigate this risk.

(e) Staffing Implications

There are no staffing implications arising from this report.

(f) Property

The condition of all Trust Fund properties will be monitored in order to keep reactive repairs to a minimum.

(g) Equalities

There are no equalities issues arising directly from this report.

(h) Consultations

Local Members are consulted on discretionary disbursements particular to their ward.

7 CONCLUSION

7.1 Details of disbursements for 2020/21 for each Trust Fund are detailed in APPENDIX 1 and the estimated income available for disbursement for each Trust Fund for 2021/22 is shown in APPENDIX 2.

Author of Report:	Susan Souter, Accountant
Background Papers:	Held in Accountancy
Ref:	SPMAN-1293228629-549

SPMAN-1293228629-549

Trust Funds Disbursements 2020/21

Ward	TRUST FUND	Total Available for Disbursement 2020/21 £	Actual Disbursement 2020/21 £
All	Burial Grounds PERPS	564	564
All	JB Mair Fund	753	-
All	Burial Grounds TRUSTS	165	165
Elgin North	Craigmoray Bequest(Bishopmill)	11,196	-
Elgin North	John Pringle Bequest	1,280	200
Elgin North	Margaret Brander *	53	-
Elgin South/North	Laing Mortification	6,294	-
Elgin South/North	Cumine of Auchray *	2,681	-
Elgin South/North	Munro Baths *	94	-
Elgin South/North	Young	239	-
Fochabers Lhanbryde	Milne's Institution Trust	8,285	8,285
Forres	Auchernack	19,966	3,800
Forres	Dick & Smith Coal *	116	-
Forres	Donald Manson (Edinkillie) Fund	10,084	10,084
Forres	Donald Manson (Forres Burgh) Fund	2,688	2,688
Forres	Dick And Taylor *	161	-
Forres	Forres Squash Courts (PT)	609	-
Forres	Jonathan Anderson *	152	-
Heldon & Laich	Boyd Anderson Trust	666	-
Keith & Cullen	Glenisla Comforts Fund	4,046	-
Keith & Cullen	William Lawtie	2,980	-
Keith & Cullen	Keith Nursing *	426	-
Old Banffshire Boundary	Banffshire Educational Trust	20,841	12,835
Old Moray Boundary	Moray & Nairn Educational	16,439	14,099
Old Moray Boundary	The Pringle Trust	2,127	992
Public Trust	River Lossie	2,968	-
Public Trust	Grant Park	1,542	-
Public Trust	Cooper Park	8,472	8,000
Speyside Glenlivet	Alexander Ferrier *	291	-
Speyside Glenlivet	The MacDonald Benevolent Fund	6,302	2,370
Speyside Glenlivet	Speyside Comforts Fund	1,817	-
	TOTAL	134,297	64,082

Trusts with Disposable Income under £50

Ward	TRUST FUND	Total Available for Disbursement 2020/21 £	Actual Disbursement 2020/21 £
Elgin	Jubilee Cottages	-	-
Elgin	Ladyhill Cottages	-	-
Elgin South/North	Alves *	20	-
Elgin South/North	Braco Mortification *	-	-
Elgin South/North	Dunlop *	-	-
Elgin South/North	Eliza J Grant *	-	-
Elgin South/North	Geddes *	-	-
Elgin South/North	J & R Pringle Benevolent *	10	-
Elgin South/North	Martin *	-	-
Elgin South/North	Miss Fletcher *	40	-
Elgin South/North	Mrs Younie *	-	-
Elgin South/North	Ritchie *	-	-
Elgin South/North	Robina Pringle *	-	-
Forres	Castlehill Trust	-	-
Forres	Dunbar Dunbar *	9	-
Forres	Forres Poor *	14	-
Forres	Grant Park Trust	7	-
Forres	Robert Anderson *	-	-
Keith & Cullen	Keith Poor Funds	-	-
Speyside Glenlivet	Dufftown Food	-	-
All	The Moray Council Charitable Trust	-	-
	TOTAL	100	-

* Reorganised into The Moray Council Charitable Trust in 2020/21

Trust Funds Projected Disbursement 2021/22

Ward	TRUST FUND	Projected Disposable Income 2021/22 £	Undisbursed Income 2020/21 £	Total Available for Disbursement 2021/22 £	Committed Expenditure 2021/22 £
All	Burial Grounds PERPS	562	-	562	-
All	JB Mair Fund	639	-	639	-
All	Burial Grounds TRUSTS	164	-	164	-
All	The Moray Council Charitable Trust	1,238	-	1,238	-
Elgin North	Craigmoray Bequest(Bishopmill)	9,872	-	9,872	-
Elgin North	John Pringle Bequest	1,102	-	1,102	-
Elgin South/North	Laing Mortification	6,413	-	6,413	-
Elgin South/North	Young *	-	-	-	-
Fochabers Lhanbryde	Milne's Institution Trust	6,669	-	6,669	-
Forres	Auchernack **	17,259	9,188	26,447	4,000
Forres	Donald Manson (Edinkillie) Fund	8,431	-	8,431	-
Forres	Donald Manson (Forres Burgh) Fund	2,330	-	2,330	-
Forres	Forres Squash Courts (PT)	-	-	-	-
Heldon & Laich	Boyd Anderson Trust *	299	-	299	-
Keith & Cullen	Glenisla Comforts Fund	3,492	-	3,492	-
Keith & Cullen	William Lawtie	3,084	-	3,084	-
Old Banffshire Boundary	Banffshire Educational Trust	16,790	8,006	24,796	-
Old Moray Boundary	Moray & Nairn Educational *	12,362	2,340	14,702	-
Old Moray Boundary	The Pringle Trust	2,141	-	2,141	-
Public Trust	River Lossie	10,842	-	10,842	-
Public Trust	Grant Park	2,644	-	2,644	-
Public Trust	Cooper Park	16,480	-	16,480	-
Speyside Glenlivet	The MacDonald Benevolent Fund	6,058	-	6,058	-
Speyside Glenlivet	Speyside Comforts Fund	1,558	-	1,558	-
TOTAL		130,429	19,534	149,963	4,000

Trusts with Disposable Income under £50

Ward	TRUST FUND	Projected Disposable Income 2021/22 £	Undisbursed Income 2020/21 £	Total Available for Disbursement 2021/22 £	Committed Expenditure 2021/22 £
Elgin	Jubilee Cottages	-	-	-	-
Elgin	Ladyhill Cottages	-	-	-	-
Forres	Castlehill Trust *	-	-	-	-
Forres	Grant Park Trust *	-	-	-	-
Keith & Cullen	Keith Poor Funds *	-	-	-	-
	Longmore Hall Keith	-	-	-	-
Speyside Glenlivet	Dufftown Food *	-	-	-	-
TOTAL		-	-	-	-

* To be audited by Audit Scotland

** To be audited by Azets



REPORT TO: MORAY COUNCIL ON 30 JUNE 2021

SUBJECT: UNAUDITED ANNUAL ACCOUNTS FOR 2020/21

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

1. REASON FOR REPORT

- 1.1 The Council is asked to consider the unaudited Annual Accounts for the year to 31 March 2021 for both Moray Council and the Connected Charity Trust Funds administered by the council.

2. RECOMMENDATION

2.1 It is recommended that Council considers:-

- (i) **the unaudited Annual Accounts for Moray Council for the year ended 31 March 2021; and**
- (ii) **Moray Council Connected Charity Trust Funds Trustees' Report and Financial Statements for the year ended 31 March 2021.**

3. BACKGROUND

- 3.1 The unaudited Accounts for 2020/21 for the council and for the Connected Charity Trust Funds administered by Moray Council are available as separate documents on the agenda. These documents will be posted to the council's website after this meeting.

Moray Council Annual Accounts

- 3.2 These accounts are prepared in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom 2020/21 (the Code) which is underpinned by International Financial Reporting Standards (IFRS). They summarise the council's financial transactions for the year to 31 March 2021.
- 3.3 The regulations require the unaudited Annual Accounts to be presented to the External Auditor by the 30 June and for the Council to consider before a given date which in ordinary times is 31 August but was extended last year to 30 November and is again this year due to the pandemic.
- 3.4 The Code requires the council to set out a statement not only of its own financial position but also of the financial position of all the entities or activities

for which the council is responsible or in which it has a significant financial interest. These entities are encompassed in the Group Accounts, which are included in the Annual Accounts. The Group Accounts for 2020/21 include Trust Funds and Common Good Funds as entities or activities for which the Council is responsible and the Moray Integration Joint Board, Grampian Valuation Joint Board and Moray Leisure Limited as associate bodies.

- 3.5 There are four core Financial Statements: the Comprehensive Income and Expenditure Statement, the Movement in Reserves Statement, the Balance Sheet and the Cash Flow Statement. Of these, the Statements most likely to be of interest to most users of the accounts are the Comprehensive Income and Expenditure Statement and the Movement in Reserves Statement.
- 3.6 The Comprehensive Income and Expenditure Statement expresses the income and expenditure of the council over the past financial year in a format which complies with International Financial Reporting Standards. This includes entries relating to revaluation of assets and other entries, which by statute cannot be charged to the Council Tax payer.
 - 3.6.1 The Statement shows a surplus of £156.659 million, which includes a net increase of £73.427 million for the revaluation of the Council's assets plus a decrease for the re-measurement of the defined benefit liability of the council's pension fund of £65.676 million.
 - 3.6.2 This leaves a surplus on the Provision of Services of £17.556 million. After adjustment for items not chargeable to Council Tax or Housing Rent payers, this "book surplus" equates to a surplus of £22.52 million. This is reflected in the Movement on Reserves Statement.
- 3.7 The Movement on Reserves Statement shows the movement on the different reserves held by the council, analysed into Unusable and Usable Reserves.
 - 3.7.1 Unusable Reserves arise from accounting entries required to comply with International Financial Reporting Standards but which cannot impact on the level of Council Tax or Council House Rent payable.
 - 3.7.2 Usable reserves accounting align with the basis on which the council sets its budgets. They therefore show the direct financial impact for the Council Tax payer and Council House tenant.
- 3.8 The net movement on the General Fund in 2020/21 was an overall increase of £21.001 million. Note 13 to the Accounts shows an analysis of the General Fund, which consists of a general service element, the Devolved School Management (DSM) balance and various ear-marked and otherwise restricted funds, the most significant of which is the new ear-marked reserve for covid-related expenditure, created from Scottish Government funding for the pandemic unspent at the year end. Significant levels of funding were announced and transferred in March 2021. The likely call on this funding is being scoped, with early indications of the medium term impact of the pandemic that this will be significant.

- 3.9 In order to balance the 2020/21 budget the council planned to use £2.348 million from the free General Services reserve. There was no actual use of this reserve, with expenditure covered exactly by income. DSM was increased by £0.877 million, the ear-marked reserve for the expansion of Early Learning and Childcare increased by £0.159 million and unspent Pupil Equity Funding held in reserves increased by £0.142 million. The ear-marked portion of reserves holding funds planned to be used for the transformation of Council services was increased by £2.964 million, the underspend on Children's Services. Unspent grant funding of £16.421 million was ear-marked to fund covid-19 related expenditure and loss of income in 2021/22 and potentially in future years. Other funds increased by £0.438 million, primarily relating to the Scottish Welfare Fund.
- 3.10 The Balance Sheet summarises the Council's assets and liabilities as at 31 March 2021. This includes pension liabilities falling due in future years, which will be financed by pension contributions through the Council's revenue expenditure. Assets of £1,081.323 million are offset by liabilities of £403.917 million, giving the council a net worth of £677.406 million, which represents the total value of the Council's usable and unusable reserves.
- 3.11 The Cash Flow Statement shows the movement in cash and cash equivalent during the financial year, an increase of £14 million for 2020/21.

Connected Charity Trust Funds Administered by the Council

- 3.12 All 26 Councillors as trustees are responsible for preparing the Trustees' Annual Report and the Financial Statements in accordance with applicable law and regulations. The law applicable to charities in Scotland requires the trustees to prepare financial statements for each financial year in accordance with United Kingdom Generally Accepted Accounting Practice (United Kingdom Accounting Standards and applicable law). The trustees must not approve the financial statements unless they are satisfied that they give a true and fair view of the state of affairs of the charity and of the incoming resources and application of resources of the charity for that period.
- 3.13 The financial statements for the Connected Charity Trust Funds have been prepared under the historical cost convention as modified by the inclusion of investments at fair value, in accordance with the Charities and Trustee Investment (Scotland) Act 2005, the Charities Accounts (Scotland) Regulations 2006 (as amended) and the principles of Accounting and Reporting by Charities: Statement of Recommended Practice 2015 (FRS102) commonly referred to as the SORP.
- 3.14 In line with Regulation 7 of the 2006 Regulations, these financial statements have been prepared on the basis that the trust funds for which it acts as sole trustee are connected charities. As such, the accounts for these individual charities have been prepared on a collective basis for council.
- 3.15 During the year, 23 trusts were transferred into the Moray Council Charitable Trust. Moray Council now administers 8 Registered Charitable Trusts for which it is sole trustee, with a total net worth at 31 March 2021 of £978,000 (31 March 2020 £869,000).

- 3.16 Separate financial statements covering all the council's charitable trusts are published on the council's website.

4. SUMMARY OF IMPLICATIONS

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

The unaudited Annual Accounts have been completed within the target timescale.

(b) Policy and Legal

The Local Authority Accounts (Scotland) Regulations 2014 require a Local Authority to submit a set of accounts to its External Auditor by 30 June.

The council's accounts are prepared in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom 2020/21 which is underpinned by International Financial Reporting Standards.

The Connected Charities unaudited financial statements comply with the Charities and Trustee Investment (Scotland) Act 2005, the Charities Accounts (Scotland) Regulations 2006 (as amended) and the provisions of the trust deed.

The Audited Accounts, together with a copy of the External Auditor's Report shall be laid before a meeting of the council in due course.

(c) Financial Implications

The Annual Accounts provide extensive information about the council and its Connected Charity Trust Funds financial position at 31 March 2021.

(d) Risk Implications

There are no risk issues arising directly from this report. The Annual Accounts will be subjected to an audit by the council's External Auditors, Audit Scotland, who will provide assurance that the Accounts for 2020/21 give a true and fair view of the financial position and expenditure and income of the council and its group for the year.

Audit Scotland will also audit the council's Connected Charity Trust Funds Trustees' Report and Financial Statements and provide a report to Members on their findings.

(e) Staffing Implications

Many staff throughout the council provide information for the inclusion in the Annual Accounts. The process begins before the end of March each year and is only completed once the audit of the Accounts is finalised in September.

(f) Property

None.

(g) Equalities/Socio Economic Impact

There are no equalities issues arising directly from this report.

(h) Consultations

Finalising the Accounts does not involve consultation, but many staff throughout the council are involved in providing information for inclusion in the Accounts.

5. CONCLUSION

5.1 The unaudited Annual Accounts shows the Council's financial position as at 31 March 2021. The audited accounts for 2020/21 will be submitted to the Council meeting in November 2021 along with any findings and recommendations from our external auditors, Audit Scotland.

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

SPMAN-1293228629-524



REPORT TO: MORAY COUNCIL ON 30 JUNE 2021

SUBJECT: FORRES COMMON GOOD – TRANSITION TOWN FORRES

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

1. REASON FOR REPORT

- 1.1 To inform the Council of an application from Transition Town Forres for financial assistance from Forres Common Good Fund to fund a second year's rental of the ground at Bogton Road following a rental review in March 2020
- 1.2 This report is submitted to Council in terms of Section III (B) (16) of the Council's Scheme of Administration relating to management of Common Good funds.

2. RECOMMENDATION

- 2.1 **Moray Council is asked to consider a request for funding from Transition Town Forres. If approved, the grant will be funded from the Forres Common Good Fund.**

3. BACKGROUND

- 3.1 Decisions in relation to Common Good Funds are delegated to the Head of Financial Services in consultation with local Members. If agreement of at least two thirds of local Members cannot be obtained on an application for funding from the Common Good Fund then the application will be reported to Economic Growth, Housing and Environmental Sustainability Committee.
- 3.2 Transition Town Forres leases property from the Council (held on the Forres Common Good account) comprising secured yard, office, storage shed and gardens. The lease is for 30 years from 31 March 2009, but includes an annual break option in favour of Moray Council upon serving 12 months' notice at any time after 31 March 2020. The tenant paid a one off sum of £40,000 at entry and undertook to carry out improvement works to the property. On this basis, it was agreed there would be no annual rent payable until the first rent review at 31 March 2020. The rent at review was agreed with the tenant as £13,200 per annum.
- 3.3 Transition Town Forres applied for grant funding of £15,840 (including VAT) from Forres Common Good Fund in August 2020 to cover the annual rent of

Bogton Road, Forres following the rent review in March 2020. The four local Members approved the application for one year of rent to be waived in order to allow the new board to have time to prepare a business plan which would demonstrate the company could pay future rent. It is the concern of two of the local Members that whilst the allotments have been a success and contribute greatly to the common good of the people of Forres, the building and yard on the site might be more benefit to the Common Good if they were leased on the commercial market.

- 3.4 Transition Town Forres has requested funding of £15,840 (including VAT) to cover the annual rent from 31 March 2021 for the ground at Bogton Road, Forres.
- 3.5 Transition Town Forres Limited was incorporated on 24 July 2008 and is a registered Scottish Charity. The company was set up to help reduce dependency on fossil and other non-sustainable fuels, and to develop local solutions to respond to the social, environmental and economic challenges the communities face. The site at Bogton Road, Forres, houses the Community Garden and is a place where people learn how to grow their own food and meet other gardeners. Currently, there are approximately seventy gardeners using the site.
- 3.6 On 15 June 2020, Transition Town Forres Limited lodged an Expression of Interest in a free transfer of ownership of the Bogton Road site under the CAT Scheme. However, the company was not eligible to make an asset transfer request under the scheme. The company has indicated that it intends to amend its Articles of Association to become eligible and that it has appointed consultants to undertake a feasibility study in relation to a possible asset transfer request. However, no timescale has yet been provided by the company for such a request being made. It should be noted that a future asset transfer request would be subjected to a statutory public consultation before being determined. Although eligible community-controlled bodies have a right to make asset transfer requests to public authorities and the relevant legislation includes a presumption in favour of such requests being granted, they can be refused where there are reasonable grounds for so doing.
- 3.7 The Policy and Resources Committee agreed on 16 January 2002, to continue with the policy of distribution of two-thirds of the estimated annual income available from the Common Good Funds (paragraph 22 of the minute refers). The remaining third is to be re-invested in order to maintain the funds for future generations. Under this policy, £25,936 is available for disbursement from Forres Common Good in 2021/22. As stated in paragraph 4(c) there is currently a balance of £21,606 available to be disbursed in 2021/22.
- 3.8 An examination of the Transition Town Forres accounts shows a deficit of £19,541 for the year ended 31 March 2020. The Balance Sheet shows that the group hold the following funds at the same date:

Cash at Bank/in hand	£ 23,369
----------------------	----------

The accounts for the year ended 31st March 2019 showed a deficit of £21,006 and the year ended 31 March 2018 showed a deficit of £25,191.

- 3.9 The deficit in 2020 arose largely on restricted funds, with unrestricted funds showing a small deficit of £1,131. Unrestricted reserves at 31 March 2020 stood at £17,972. Transition Town Forres have submitted their Business Plan to the Council, which shows projected modest surpluses going forward, based on current costs and income with an element of growth factored in and plans and personnel resource to back that level of growth. The group had to discontinue many of their activities during the first lockdown. In common with many organisations the group may have to revisit their Business Plan, particularly in terms of timing. However, there seems no reason to doubt that the group has the potential for a sustainable future.

4. SUMMARY OF IMPLICATIONS

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

None

(b) Policy and Legal

The Council's adoption of the policy of retaining one third of disposable income in each financial year will protect the capital for each of the Common Good Funds and ensure their sustainability in the future.

(c) Financial implications

£25,936 is available for disbursement in 2021/22 from the Forres Common Good Fund this figure includes two thirds of the rental income due from Transition Towns Forres of £8,800. To date £4,330 has been committed leaving a balance of £21,606 available for disbursement.

The rent of £13,200 per annum is considered to be a fair rent taking into account the provisions of the lease. However the market rent is estimated at £18,800 per annum if let without the clause restricting use to charitable objectives of limiting the Community's carbon footprint including Community Garden, Farmers Market, Vegetable Box Outlet, Bio Fuel Production, compost Production, Education and Training, Seed Swapping and other Community Activities and the annual break option.

(d) Risk Implications

None

(e) Staffing Implications

None

(f) Property

As detailed in this report.

(g) Equalities/Socio Economic Impact

None

(h) Consultations

Local Members for Forres have been consulted and a consensus view could not be achieved. The matter has therefore been referred to Council for a decision. The Chief Financial Officer, Estates Manager and Asset Management Coordinator have been consulted and the comments received have been incorporated in the report.

5. CONCLUSION

- 5.1 The Committee is asked to consider the request from Transition Town Forres to assist them by funding the 2021/22 rental charge for the premises at Bogton Road, Forres.**

Author of Report: Nicky Gosling, Accountant
Background Papers: with author
Ref:

SPMAN-1293228629-



REPORT TO: MORAY COUNCIL ON 30 JUNE 2021

SUBJECT: EDUCATION RECOVERY MONIES

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

1. REASON FOR REPORT

- 1.1 To inform the Council of plans to spend additional monies to support education recovery.
- 1.2 This report is submitted to Committee in terms of Section III (D) (1) of the Council's Scheme of Administration relating to all the functions of the Council as an Education Authority.

2. RECOMMENDATION

2.1 It is recommended that Council agrees:

- (i) the distribution of funding of £1.9m for school year 2021/22 as set out in this report and Appendix 1, based on consultation with Head Teachers;
- (ii) the plans to continue with additional cleaning until December 2021 at a cost of £0.3m;
- (iii) to allocate funding of £0.6m for the estimates for sanitiser, self-isolation and pay award contingencies;
- (iv) funding of £0.06m for two posts within HR, ICT & Organisational Development for the increased employment administration and payroll processing demands associated with the additional posts within Education; and
- (v) to fund the shortfall of £1.5m through Covid funds held in reserves for additional support for schools recovery.

3. BACKGROUND

- 3.1 The First Minister announced plans on 16 February 2021 for an additional allocation of £60m to local government in 2021-22 to further support education recovery. The Moray allocation is £0.981m.

- 3.2 This funding is in addition to a number of grants including 2 additional funding streams to provide budget for additional staffing, i.e. £50m for additional teachers and support staff of which Moray received £0.8m and £30m for additional teachers of which Moray received £0.48m. These allocations were not fully spent as there was a delay in advertising and recruiting to some of the Covid posts. Therefore there was a balance of £0.45m. Details of funding received to date as well as how this has been allocated is shown in **Appendix 1**.
- 3.3 The rationale for the first tranche of monies in August 2020 was to build capacity, provide additionality and in particular to support those primary schools who had who had experienced low participation and engagement during the first lockdown from April to June 2020. This was evidenced in the surveys undertaken. A number of schools benefited from an additional teacher or part of a teacher (8 full time equivalent (FTE) teachers were employed) or additional Pupil Support Assistant hours (ranging from 10 hours to 21 hours across 10 schools).
- 3.4 For the secondary schools we provided additional teachers based on roll with the four largest secondary schools gaining 2 FTE and the remaining 4 1 FTE each. Some schools opted for Principal Teacher raising attainment posts whilst others decided to have teachers supporting the broad general education i.e. S1-3.
- 3.4.1 Schools who received additional Covid posts for the current session have evidenced, within their self-evaluation profiles, the impact of this to support children as they returned from the first lockdown, moved in to a second lockdown as well as further recovery to full-time school. Pupil Support Assistants (PSAs) were used effectively within school hubs during January to March in 2021 in order to support children who were not engaging with remote learning. Covid teachers were used in a variety of ways including reducing class sizes at the start of session 2021, working with groups of children or individuals or targeting areas of the curriculum for example literacy and numeracy. In some instances they were used to work with children who had been affected negatively during Covid lockdown to support their wellbeing in order to be better prepared to integrate back in to school. The Remote Learning survey as previously reported to Education, Communities and Organisational Development Committee on 26 May 2021 (para 9 of the minute refers), evidenced clear progress across all actions identified in lockdown one through self-evaluation findings in the second lockdown survey. The Covid posts contributed to some of the positive outcomes and impact including quality of offer, interventions to improve progress in attainment as well as supporting children's wellbeing. Schools were clear that to support this further, additional capacity and resource would be required to strengthen further engagement in participation and engagement in learning on return to school.
- 3.5 The latest offer letter, as per paragraph 3.1 above, provides local authorities with flexibility in how the funding can be used for the following purposes.

- To employ a variety of school staff to meet the needs of children and young people in their local areas and ensure that levels of teaching and support staff in schools can be maintained in the 2021-22 academic year. This may include, for example, teachers, classroom support staff, facilities management staff, staff to support any wider rollout of testing initiatives to promote safety in school (if necessary and applicable), and administrative staff to relieve burdens on senior management teams.
 - To employ early years practitioners to support the transition from ELC to primary school by, for example, embedding play-based pedagogy in early primary, supporting information sharing and organising transition activities.
- 3.6 To support the expansion to 1140 hours for Early Learning and Childcare, a team of Early Intervention teachers and Learning and Teaching teachers have been employed in Moray to support the early intervention agenda with our nurseries as well as looking at the quality of the learning experience. Play pedagogy has been embraced across all establishments and a very successful training programme has ensured that practitioners across primary schools are also trained in this pedagogical approach. Along with this, the ELC team have worked closely with the Moray nurseries as well as with all partners to ensure that each child moving to Primary 1 this year has a Learner Profile and Strategies (LPS) so that quality information is being passed on to Primary schools to support transition. Due to this strategic approach, the monies will not initially be used to support transition. The team of teachers will continue to work with nurseries and play pedagogy approaches will be supported through further professional development sessions as required. In addition, three new Quality Improvement Officer posts will provide additional capacity across the Quality Improvement team with one officer linked with each Associated Schools Group ensuring greater support and challenge for school improvement including scrutiny of play pedagogy as well as emerging literacy strategies in primary 1 in particular.
- 3.7 In order to plan for any additional monies it was important to consider key priorities within Moray. One key priority is to Raise Attainment and the raising attainment strategy provides a clear plan and direction including targets for both primary ACEL attainment as well as secondary senior phase. Progress to achieve this is ongoing with strides being made to improve key indicators. Covid-19 has seen two lockdowns affecting school pupils with the latest seeing all pupils out of school for a large part of January to March 2021. P1-3 returned first with some senior phase pupils, followed by P4-7 and more secondary pupils. The remote learning offer continually improved from the previous lockdown and the use of digital technology to support learning also increased. Covid-19 posts have supported transition between and within stages identifying gaps in learning and intervention strategies which will result in closing attainment gaps which have emerged during the pandemic.
- 3.8 Senior leaders in schools have spent an inordinate amount of time in managing schools, in providing childcare for key workers, managing remote learning, planning for phased reopening and recovery as well as introducing lateral flow testing for staff, S4-6 pupils and then more recently S1-3 pupils. Additional staffing should support leaders to work with individual and groups of children and young people and to provide time for leaders to lead school

improvement and recovery priorities in line with National Improvement Framework priorities. In addition to this there has been an increase in the number of violent and aggressive incidents as children returned to school as well as more children being unsettled and not in a position to learn. There has been a particular focus on redeveloping social skills and re-establishing routines which were not evident during lockdown. For many children learning was taking place across the week rather than in school hours and this took time to readjust to timetables. As recovery continues and in reference to the above, additional time is required for child's planning and education planning which has caused difficulties for those school leaders who have a class commitment and also for practitioners and support staff who are required to contribute to these planning documents. Workload for all staff has increased exponentially and we are trying to plan for an unknown situation in session 2021/22. Education has continued to provide a full service plus additional asks during the pandemic. In addition, for many families, education has been one of few stabilities during this time and flexibility of staffing has been crucial. Staff have also been required to cover those self-isolating, shielding, unwell and pregnant.

3.9 Taking this into consideration rationale for use of remaining recovery monies are:

- to release those primary Head Teachers with a teaching class commitment to concentrate on leading school improvement for session 2021/2022
- to raise attainment in Curriculum for Excellence Levels (ACEL) particularly in those schools where a positive trend is not in place.
- to build capacity in leadership across schools and the Education system
- to meet SG expectation that Moray accommodates 17 Newly Qualified Teachers (NQTs). Our vacant posts do not equate with this and so Covid monies will be used to fund the additional required
- to create posts for our current NQTs to be eligible to apply for
- to have equity of support for primaries through use of additional funding ie to support schools who did not benefit from this session's funding

3.10 The rationale was shared with Head Teachers with plans in place to undertake the following

- Provide 5 schools who use Head Teacher Relief (HTR) Devolved School Management (DSM) budget to appoint an NQT with 0.2 FTE cover for the day that the Head Teacher would normally provide class cover for the NQTs non-teaching day.
- Provide 9 further schools with a class committed Head Teacher with 0.6 FTE cover to release them from their teaching commitment
- Fund an NQT for 4 schools who are struggling to create classes according to current limits
- Support school improvement, particularly ACEL achievement in 8 schools by providing them with an additional teacher.

3.11 Secondary schools can all evidence the impact of their additional Covid teachers who have been used in a variety of ways and in particular to support the tracking and monitoring of pupils across the senior phase as they prepared for their Alternative Certification Model (ACM) for this session. Due

to the success of this, funding of additional posts (2 FTE for the 4 larger schools and 1 FTE for the smaller schools) will continue.

- 3.12 Deployment of the options above, plus consideration of the underspend of Covid monies, left funding of approaching £0.5m.
- 3.13 Over the course of the last 2 sessions in particular there has been an increase in the level of need in terms of Additional Support Needs (ASN) of our children. The ASN budget is fully allocated for session 2021/2022 with no monies set aside for contingency or emerging need. Therefore it is recommended that £0.1m of the Covid monies is set aside to support any emerging need and to provide additional PSAs if required during the session.
- 3.14 Covid has also seen an increase in support required for families who have English as an Additional Language (EAL) with increased demand on the EAL team in Moray. Therefore it is also proposed that an additional 1.0 FTE Teacher, at a cost of £0.05m is appointed to the team so that children and their families can be supported further.
- 3.15 For the remainder of the non-committed budget and in order to employ a variety of school staff to meet the needs of children and young people locally, a group of Head Teachers, across primary and secondary, were consulted to gauge what posts would add greatest value to schools as we move forwards in our recovery in the Covid-19 pandemic. The suggestions were very similar across schools and were shared with Head Teachers at a weekly briefing session. As a result an e-form was shared with Head Teachers with the following options for additional posts with a request for a first option and a second option:

Primary

- An additional NQT, if available as we received additional fully funded NQTs this year
 - Funding to provide Depute Head Teachers (DHTs) with additional management time i.e. releasing them from class commitment
 - An additional teacher to support smaller class sizes as a mitigation against gaps in attainment from lack of engagement during lockdown
 - Additional PSA hours – to support groups of children
 - Additional Classroom Assistant (CA) hours
 - Additional Inclusive Practice Consultant (IPC) hours
 - Funding to cover any additional McCrone cover i.e. non class contact time for any additional posts
- 3.16 The Scottish Government has allocated a number of additional fully funded NQTs for secondary schools in Moray. Therefore Secondary schools have been offered the following options in an e-form:
- An additional primary qualified teacher to support literacy/numeracy in S1-3
 - Additional PSA hours
 - Additional IPC hours
 - Any other posts and the rationale for these

- 3.17 The e-form closed on Monday 7 June with the options below from across schools. The Head of Education, Quality Improvement Managers and the Business Support Team Manager, reviewed the requests against the rationale and school self-evaluation evidence. In addition, a clear aim of the Best Value Audit Report is to improve attainment and outcomes for children and young people across Moray as well as meet the needs of all learners as we recover from the impact of the pandemic on Education over the course of the last year. Based on this the requests to realise this ambition and Moray Council priority as well as mitigate against the impact of Covid on learning across Moray and further support recovery is as follows:

Post	Number	Cost
Additional teacher	14.0 FTE	£771,092
DHT cover	6.0 FTE	£330,468
PSAs	13.0 FTE	£168,480
CA	5.0 FTE	£65,000
IPC	2.0 FTE	£55,684
PT Cover	0.2 FTE	£11,016
McCrone cover	1.2 FTE	£66,000
PT Raising Attainment	2.0 FTE	£121,002
DHT	1.0 FTE	£68,617

- 3.18 Additional teachers have been allocated to support schools to create additional classes either due to roll data, to reduce multi-composite classes or to allow smaller class sizes to support progression in learning. DHT cover has been provided to release them from their class commitment allowing them to be used more effectively to support school improvement, child's planning processes and to add leadership capacity to drive improvement. PSA hours are being allocated in order to support those children who have not fully engaged during the latest lockdown or where there are identified gaps in learning. In addition, the level of Additional Support Needs has risen during the pandemic and there are concerns regarding some children moving in to Primary one due to the loss of time in Early Learning during the pandemic. Classroom assistant hours are allocated to those schools who have a small amount of hours and this is to provide additional support for teaching staff who are planning a higher level of differentiated learning activities. IPC posts have been allocated to those schools who require to work with families and the community to support learning and health and wellbeing. PT cover will allow management time to release the PT to support school improvement. This is not provided through Devolved School Management Budget. Two secondary schools will benefit from PTs of Raising Attainment to further support early intervention strategies and improve attainment further for particular pupils, groups or cohorts of pupils. One secondary school will benefit from an additional DHT to line manage the Covid posts, to strengthen further work to sustain a positive attainment trend and to put in place sustainable processes to support achievement and attainment for all.
- 3.18 A full breakdown of all funding for Covid is shown in Appendix 1. The shortfall of funding is around £1.5m. It is therefore proposed to seek Council approval to fund this from earmarked reserves for Covid to provide additional support for schools recovery and to meet the requests from HTs in light of the

extraordinary impact that Covid has had on children and young people and in particular the additional health and wellbeing needs arising from this.

- 3.19 In addition to the requests above, contingency has been made for continuation of additional cleaning in schools from August 2021 to December 2021. New guidance is awaited although at this time there is no indication that mitigations will be greatly reduced.
- 3.20 Contingency plans have also been made to continue with the purchase of hand sanitiser with a budget of £200k set aside for this. As there may be further instances for staff to self-isolate due to being a close contact, testing positive or due to restrictions for those who are pregnant, a further £100k has been earmarked for contingency purposes. Finally all of the posts above are pre any pay award. An estimate has been made for a pay award of 3% and £141k budget as a contingency.
- 3.21 The additional staffing elements noted above have created a significant increase in the employment administration and payroll processing transactions required. While some of this stems from the number of movements within the ASN workforce, it is also associated with the demands arising from the vacancy administration, recruitment, processing of appointments and changes to posts and payroll processing from the increased number of posts being created as part of the Covid recovery within Education. It is estimated that there is an increase of approximately 30% of employment administration and payroll processing compared with pre-covid levels. It is therefore requested that an additional 2 full time posts are created for a 12 month temporary period to enable the increased volume of administrative work to be undertaken.
- 3.22 The requests above are accurate at the time of writing this report. However discussions are ongoing with the NQTs who have been allocated Moray for a placement which is resulted in ongoing changes. This will impact on the number of teacher posts above and costs may increase slightly if a main grade teacher is required to fill a post currently earmarked for an NQT.
- 3.23 In order to review progress and impact of this spend across Education, Head Teachers will gather evidence of impact and report this to the Quality Assurance Team in Education during planned visits taking account of and reviewing progress towards the attainment targets set in the raising attainment strategy. In addition all Self Evaluation profiles will include an evaluative paragraph regarding additional Covid posts and impact within the school. The Corporate Management Team will review progress regularly and where necessary highlight exceptions and notable good practice to Council. This information will be used to inform reporting to ECOD committee on BGE and senior phase progress.

4. SUMMARY OF IMPLICATIONS

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

This report was informed by the priorities within the Corporate Plan and 10 Year Plan and in particular to Our People, Our Place and Our Future

and A Growing and Diverse Economy and Building a better future for our children and young people in Moray.

(b) Policy and Legal

There are no legal implications arising directly from this report.

(c) Financial implications

Corporate Management Team Additional Expenditure Warning
When the Council approved the budget for 2021/22 on 3 March 2021 (paragraph 3 of the Minute refers) it balanced only by using one-off financial flexibilities. The indicative 3 year budget showed a likely requirement to continue to make significant savings in future years. All financial decisions must be made in this context and only essential additional expenditure should be agreed in the course of the year. In making this determination the council should consider whether the financial risk to the Council of incurring additional expenditure outweighs the risk to the Council of not incurring that expenditure, as set out in the risk section below and whether a decision on funding could reasonably be deferred until the budget for future years is approved.

The full financial implications are detailed in Appendix one with Covid reserves proposed to fund this.

Schools

14 teachers @ £0.77m
2 ASN teachers @ £0.11m
DHT cover @ £0.33m
14 PSAs @£0.18m
5 CAs @ £0.07m
2 IPCs @ £0.06m
PT cover @ £0.01m
1.2 FTE McCrone Cover @ £0.06m
PT raising attainment £0.12m
DHT grade 1 £0.07m
EAL teacher @ £0.06m
ASN contingency @ £0.01m

Contingency for Covid costs from August 2021 onwards

Cleaning £0.28m
Sanitisation, pay award and self-isolation £0.6m

The budget required for two temporary (12 months) full time posts to address the employment administration elements noted above are as follows:

2 @ Grade 5 £60,400 including on costs

(d) Risk Implications

There could be financial risks from the plan should there be a requirement for an NQT to be replaced by a teacher as there is an additional cost. There are risks associated with filling all of the posts and

for them to be in place in a timely manner at the start of term which would mean a delay in work being undertaken.

(e) Staffing Implications

The additional posts will add additional workload to schools, our Human Resources department and the Business Support Team Manager as well as Educational Support Officer, Staffing. The high volume of recruitment across the Council puts additional pressure on the payroll department also. Employment administration and payroll support is requested as follows:

HR Assistant @ Grade 5 12 months
Payroll Administrator @ Grade 5 12 months
Additional posts in schools will be
14 teachers
1.2 McCrone Teachers
2 ASN teachers
13 PSAs
5 Classroom assistants
2 Inclusion Project Coordinators
2 PTs Raising Attainment
1 DHT Grade 1
EAL teacher

(f) Property

There are no property issues arising from this report.

(g) Equalities/Socio Economic Impact

The needs analysis in the report identifies the appropriate actions to

- address low participation and engagement
- raise attainment across the schools
- reduce the attainment gap for ASN and EAL pupils

This will assist Moray Council in meeting its obligations under the Fairer Scotland Duty as well as its public sector equality duty in promoting equality of opportunity on the grounds of race and disability.

(h) Consultations

The Depute Chief Executive (Education, Communities and Organisational Development), the Head of Education Resources and Communities, the Head of Financial Services, the Human Resources Manager, Quality Improvement Managers, the Business Support Team Manager, the Equal Opportunities Officer and Tracey Sutherland, Committee Services Officer, have been consulted on this report and agree with the sections of the report relating to their areas of responsibility.

5. CONCLUSION

- 5.1 That Council considers the impact of the Covid-19 pandemic on the educational experience and outcomes of children and young people in Moray as well as their wellbeing and supports recovery and raising**

attainment further by endorsing the additional posts and capacity required for session 2021/22.

Author of Report: Vivienne Cross, Head of Education (Chief Education Officer)

Background Papers:

Ref:

APPENDIX 1

Funding	Additional staff £000s	Safe reopening £000s	Education Recovery £000s	Total £000s
	857	371	760	
	832		1,299	
	981			
Total	2,670	371	2,059	5,100
Expenditure 2020/21				
Additional staff	378			
Cleaning, sanitisers etc (2)		754		
Current commitments				
Sanitiser (estimate)			275	
Cleaning (to end December 2021) (1)			279	
Admin testing			13	
Temp acting up			4	
Cover for self-isolation etc			170	
ASN			250	
Additional staff	900			
NQTs	412			
DHT cover			364	
Secondary allocation			761	
Allowance for pay award	149			
Total	1,838	754	2,116	4,708
Balance of funding	832	(383)	(57)	392
Requested				
2 fte ASN teachers	110			
14 teachers	771			
DHT cover			330	
PSAs	168			
Classroom assistants	65			
Inclusion project co-ordinator			57	
PT cover			11	
McCrone cover			66	
PSA Bishopmill			13	
PT Raising Attainment			121	
DHT scale 1			69	
EAL teacher			55	
ASN PSA contingency			100	
Total	1,114	-	820	1,934
Shortfall in funding	(282)	(383)	(763)	(1,542)

(1) Included in base budget as a budget pressure

(2) Shortfall covered by general covid funding in 2020/21.



REPORT TO: MORAY COUNCIL ON 30 JUNE 2021

SUBJECT: REVIEW OF COMMUNITY COUNCIL SCHEME AND ELECTION ARRANGEMENTS

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

1. REASON FOR REPORT

- 1.1 To invite the Council to consider and approve the proposed Moray Council Scheme for the Establishment of Community Councils 2021-2025 following a period of review.
- 1.2 To invite the Council to consider and approve the Scheme of Electoral Arrangements for Community Councils 2021-2025.
- 1.3 This report is submitted to the Council in terms of Section III (B) (23) of the Council's Scheme of Administration relating to the functions of the Council in connection with Community Councils.

2. RECOMMENDATION

- 2.1 It is recommended that the Council agree the proposed amendments to:-
 - (i) the Moray Council Scheme for the Establishment of Community Councils 2021-2025; and
 - (ii) the Moray Council Scheme of Electoral Arrangements for Community Councils 2021-2025.

3. BACKGROUND

- 3.1 The Local Government (Scotland) Act 1973 required local authorities to introduce schemes for the establishment of Community Councils (CC) in their area outlining various arrangements including the framework for CC formation, elections, meetings, boundaries, and finance. Periodically, prior to each CC election, the CC scheme is reviewed and any amendments made come into effect at the next scheduled election due to commence in August 2021.
- 3.2 As reported to the Education, Communities and Organisation Development committee on 23 September 2020 (paragraph 9 of the minute refers), a review

of the CC Scheme, CC boundaries and the Scheme of CC election arrangements has been completed and subject to two rounds of public consultation, including CC's and elected members. Commentary regarding the consultation responses is discussed in **section 7**.

4. PROPOSED AMENDMENTS TO THE COMMUNITY COUNCIL SCHEME

- 4.1 The proposed amendments to the CC Scheme for 2021-2025 have been included in the document provided (**Appendix 1**) and include the model constitution, standing orders and code of conduct. Amendments have been proposed based on comments or requests made during consultation or due to administrative issues during the previous terms.

For reference the main amendments to the scheme are:

- (i) *Section 4 - Roles and Responsibilities*; removal of reference to community council members for data protection reasons, reference made to the use of social media and national standards of community engagement and insertion of clause relating to training;
 - (ii) *Section 6 – Membership*; new clauses relating to the support of an existing community council unable to meet the minimum membership threshold and references to MEPs removed following due to withdrawal from the European Union (EU);
 - (iii) *Section 8 – Casual Vacancies*; Wording in clause 8.1(b) has been amended as it was contradictory to membership provisions in Section 6.2. Clause 8.1(b) previously read “When a Community Council member ceases to be resident within the Community Council area”, this clause has been amended to “...ceases to be resident within the Moray local government area” to remove this anomaly.
 - (iv) *Section 8 – Filling of vacancies*; reduction of the period of a co-opted member to reach full membership from 12 to 6 months
 - (v) *Section 13 – Meeting location*; additional clause to formally allow for remote meetings i.e. online and in the standing orders for reference to a procedure for voting during remote meetings.
- 4.2 Other minor amendments have been made, for clarity or to update references. This includes making reference to the Joint Community Councils' Unacceptable Actions Policy and the Protection of Children and Vulnerable Adults Policy which were developed during the current term with the Community Council Liaison Officer.

5. PROPOSED AMENDMENTS TO COMMUNITY COUNCIL BOUNDARIES

- 5.1 Following review, one minor amendment to the CC boundaries is proposed which affects property at the boundary between Findhorn and Kinloss Community Council (FKCC) and Heldon Community Council to take an area into Findhorn and Kinloss Community Council at Upper Hempriggs (**Appendix 2**). This was outlined in the second round public consultation document and

as proposed by Findhorn and Kinloss Community Council. The move affects an area of approx. 8.5 hectares and includes 10 residential properties.

- 5.2 For reference the FKCC boundary in this area was in place from 1977 and was extended east during the CC review in 2009 from Damhead to its current position and became contiguous with the current Forres/Heldon and Laich local government ward boundary. Prior to 2009 the ward boundary itself moved westward in 2007 on introduction of multi-member wards, and the 1999 ward boundary prior to this encompassed the Upper Hempriggs area in Ward 9 – Finnerne, so this area has been moved back and to, to some extent in the last 15 years. From a community perspective and with additional newer housing in these areas since 1977, the properties would appear to be better aligned with the community groupings within the FKCC boundary.
- 5.3 No objections have been raised during consultation, however it was noted that Heldon Community Council did not formally respond to the consultation. FKCC indicated that they discussed this formally within their meetings but did not undertake local consultation of their own in determining their view to support this proposal.

6. PROPOSED AMENDMENTS TO SCHEME OF ELECTORAL ARRANGEMENTS

- 6.1 Amendments to the Electoral Arrangements for CC's have been included in the document shown in **Appendix 3**.

For reference the main amendments are listed below:

- (i) *Section 1 – Returning Officer*; Addition of clause to allow outsourcing of printing and other functions relating to the delivery of the election, e.g. in relation to the printing of postal votes, should large volumes be required for example
- (ii) *Section 5 - Publicity, Awareness & Guidance*; wording formally allowing the Community Council(s) to disseminate and provide awareness to the community in their area about the election;
- (iii) *Section 7 – Eligibility and Nominations*; removal of wording relating to MEP's due to withdrawal from the EU, additional wording to ensure appropriate format of nomination forms and relating to the age of the witness;
- (iv) *Section 9 – Unsuccessful Elections*; change in term from 6 months to 12 months to allow time to gather local interest to successfully form preventing repeated unsuccessful elections;
- (v) *Section 16 - Dissemination of Results*; change in wording to reflect changing methods of communication for speed of information dissemination;

(vi) *Section 17 – Post Election*, two additional clauses to allow a Returning Officer, following investigation, to deem a contest null and void and re-run the election if required;

- 6.2 Other minor amendments have been made, for clarity, or to update references or standardise practice with administrative changes in other major elections.

7. CONSULTATION RESPONSES TO PROPOSED CHANGES

- 7.1 All comments received during the two consultation periods are available publicly online at www.moray.gov.uk/communitycouncils.
- 7.2 Many of the amendments proposed have been a result of issues during the CC term 2017-2021 and from feedback and responses from Community Councils and the Joint Community Councils of Moray (JCC). These groups took part in two online working group meetings facilitated by the CCLO and Election Officer during lockdown to discuss the existing scheme arrangements and consultation in detail.

8. SUMMARY OF IMPLICATIONS

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

CC's contribute to community engagement and form part of the representative groups supporting and informing sustainable services. The Corporate plan values state that the Council will be responsive, promoting community participation and involvement and will listen to, and involve communities.

(b) Policy and Legal

Local Government (Scotland) Act 1973 – the Local Authority must provide a scheme for establishment of Community Councils in their area. Local Government etc. (Scotland) Act 1994 continues this provision.

(c) Financial implications

As previously reported in the report to Council on 23 September 2020, there is currently no budget provision assigned to the Community Council election. The election cost cannot be forecast accurately as it cannot be predicted how many CC electoral areas will be contested nor how many postal votes will be issued or returned. As an indication in 2017 CC Elections there were no contests, in 2013 five sub-divisions were contested with the total cost amounting to £13,700.

(d) Risk Implications

As noted under (b) and (c).

Should further major amendment be made to the final proposed scheme during consideration of this report, then in line with Scottish Government's best practice review guidance a further round of public consultation is recommended. If this is required then the scheduled CC elections will be postponed while this consultation is conducted and a further report is brought back for consideration

(e) Staffing Implications

None arising directly from this report. CC elections will be undertaken by the elections office as part of their normal scheduled work. If a major unscheduled poll was announced for Autumn 2021 this will cause resourcing pressure.

(f) Property

None arising from this report.

(g) Equalities/Socio Economic Impact

Equalities runs as a strong theme within the CC scheme, code of conduct and CC members' handbook. Standard provisions relating to accessibility of election materials will apply as in all other elections. In relation to this report, it was determined following consultation with the Equalities Officer that an Equalities Impact Assessment was not required.

(h) Consultations

Public consultation has taken place on the existing CC scheme, including elected members and CCs, from 24 September – 19 November 2020 and then again on the amended CC scheme between 18 December 2020 - 25 February 2021. Following response to the second round of consultation, additional amendments are proposed in the final proposed scheme. All comments were published as outlined in section 7.

Consultations in the preparation of this report have been undertaken with the Returning Officer, Democratic Services Manager, Communities Service Manager, Community Learning and Engagement Manager, Community Council Liaison Officer, Tracey Sutherland, Committee Services Officer and the Equalities Officer.

9. CONCLUSION

- 9.1 The Council has a statutory duty to maintain a scheme for the establishment of Community Councils within their local authority area. With scheduled Community Council elections in August/September 2021, it was pertinent to review and amend the current scheme to address issues that have arisen in the current term and take in the views of Community Councils and elected members during the consultation. Thereafter elections will be held based on the approved scheme for 2021-2025.**

Author of Report: Alison Davidson, Elections Officer

Background Papers: Education, Communities and Organisation Development
committee; Item 9, 23 September 2020
Moray Council Consultation on the Review of Scheme of
Establishment of Community Councils – 24 September 2020
and 18 December 2020

Ref: SPMAN-2045703626-66
SPMAN-2045703626-69
SPMAN-2045703626-67
SPMAN-2045703626-68



DRAFT

**Moray Scheme
for the Establishment of
Community Councils
2021-2025**

**Incorporating
Community Council members' Code of Conduct,
Model Constitution, Standing Orders
& Area Descriptions**

Document Version	1.8
Document Status	DRAFT
Document Date	2 June 2021
Review Date	November 2024

Version Control

1.0	30 June 2017	Scheme 2017-2021 finalised following TMC meeting of 29 June 2017
1.1	2 August 2017	Correction to typo in Appendix 1
1.2	19 September 2017	Correction to minor numbering error in Appendix 2 and 3
1.3	30 November 2020	Proposed changes to scheme drafted and inserted
1.4	02 December 2020	Second revision of scheme redraft
1.5	15 December 2020	Second revision of scheme redraft following internal consultation
1.6	11 January 2021	Corrections to formatting issues
1.7	26 February 2021	Changes to scheme amended and inserted following second round comments
1.8	2 June 2021	Minor changes to proposed scheme following final proofing for report
2.0	TBC	Scheme 2021-2025 finalised following TMC meeting of 30 June 2021

DRAFT

Contents

Introduction	2
1 Statutory Purpose of Community Councils	3
2 Establishment of Community Councils under the Scheme	3
3 Community Council Name	3
4 Role and Responsibilities of Community Councils	4
5 Community Council Areas	6
6 Membership of Community Councils	6
7 Scheme of Electoral Arrangements	7
8 Filling of casual vacancies between elections	7
9 Additional Membership	9
10 Term of Office	9
11 Equalities & Inclusion	10
12 Disqualification of Nomination or Membership	10
13 Meetings	11
14 Liaison with the Local Authority	12
15 Resourcing a Community Council	13
16 Liability of Community Council Members	15
17 Dissolution of a Community Council	15
Appendix 1 – Community Council names, membership numbers, sub-divisions and area description	16
Appendix 2 – Model Constitution	22
Appendix 3 – Standing Orders	30
Appendix 4 – Code of Conduct	34

Introduction

Community Councils were established in Scotland following the Local Government (Scotland) Act 1973. Thereafter, the Local Government etc. (Scotland) Act, 1994, which produced the current system of unitary Local Authorities, made provision for the continuation of Community Councils.

Community Councils are voluntary non-party political bodies, formed under a statutory framework, and are recognised as statutory consultees in relation to planning and liquor licensing. The roles and responsibilities of community councils are set out within the scheme and is supported by the council through a discretionary administrative grant and a dedicated officer to enable and support Community Councils in their role within the community.

The Local Authority is required to publish a community council scheme (the 'Scheme') setting out the provisions for the formation and operation of Community Councils in Moray.

The Scheme is supplemented with a number of documents being the Code of Conduct, Model Constitution and Standing Orders, as well as specific policies relating to operational matters.

This version of the Scheme will come into operation from October 2021 and will be subject to review periodically prior to each new term.

1 Statutory Purpose of Community Councils

- 1.1 The statutory purposes of Community Councils established under the Scheme are set out in Section 51 (2) of the Local Government (Scotland) Act 1973, as follows:-

“In addition to any other purpose which a Community Council may pursue, the general purpose of a Community Council shall be to ascertain, co-ordinate and express to the local authorities for its area, and to public authorities, the views of the community which it represents, in relation to matters for which those authorities are responsible, and to take such action in the interests of that community as appears to it to be expedient and practicable”

2 Establishment of Community Councils under the Scheme

- 2.1 Upon the Local Authority’s revocation of the existing Scheme and decision to make a new Scheme, it shall publish a Public Notice, which shall invite the public to make suggestions as to the areas and composition of the Community Councils.
- 2.2 Thereafter, a consultation process on the proposed Scheme shall be undertaken prior to its formal adoption by Moray Council. The scheme may be amended at any time following approval by Moray Council.
- 2.3 If for any reason there is no established Community Council in an area following elections, twenty local electors whom must be on the electoral register for the area concerned may make a request by way of petition to Moray Council for an election to be held. Any members elected in this way will only hold office for a period of up to four years from the date of nomination/election until the end of term for the next scheduled election, in accordance with election procedures.

See also Section 7

3 Community Council Name

- 3.1 The name for each Community Council will be as shown in [Appendix 1](#). These can be modified with the prior approval of Moray Council.

4 Role and Responsibilities of Community Councils

4.1 The general purpose of Community Councils is to act as a voice for their local area. This will involve them articulating the views and concerns of local people in their area on a wide range of issues of public concern and make representations to Moray Council, other public sector bodies and private agencies on matters within their sphere of interest;

4.2 It is essential these views are demonstrated to be accurately representative of the community or communities the Community Council represents. Accordingly, the Community Council must have in place, with reference to the national standards of community engagement, recognised consultative mechanisms to validate their views and devise strategies to secure greater involvement by all sectors of the community whom they represent.

4.3 Role

4.3.1 Community Councils have a statutory right to be consulted on planning and licensing applications;

4.3.2 Community Councils are a community participation body under the Community Empowerment Act 2015 and may make requests in relation to this provision;

4.3.3 There should be mutual engagement in the establishment of working relationships with Moray Council, the Community Planning Partnership, Local Area Forum and other agencies;

4.3.4 Community Councils may be consulted on any other matters by Moray Council, Community Planning Partnership and other public sector and private agencies;

4.3.5 Community Councils may carry out other activities that are in the general interests of the communities they represent, provided these activities fall within the objectives of their Constitution and the terms of the Scheme;

4.3.6 In carrying out their activities Community Councils must at all times adhere to the law, the terms of the Scheme and the Community Council members' Code of Conduct;

4.3.7 Each Community Council is required to adopt a Constitution, based upon the Model Constitution (Appendix 2), together with Standing Orders (Appendix 3), to encourage and maintain consistency for all Community Councils and to facilitate their proceedings being properly structured and regulated, to ensure that items of business relevant to the community are properly debated and decisions reached in a democratic manner. The Community Council's constitution is required to be approved by Moray Council and shall not come into force until approved. The Council cannot approve a constitution that is in conflict with the scheme. A new

constitution must be approved at the start of each term office following election, even if no amendments have been made.

4.4 Responsibilities

- 4.4.1 Community Councils have a duty under statute to represent the views of their local community. It is vital therefore they reflect the broad spectrum of opinion and interests of all sections of the community.
- 4.4.2 In order to fulfil their responsibilities and in being effective and representative, Community Councils shall: -
- a. Provide publicly contact details of the Community Council and how it may be contacted by the general public.
 - b. Inform the community of the work and decisions of the Community Council by posting agendas and minutes of meetings in public places, such as libraries and noticeboards, online and social media;
 - c. Agendas and draft minutes of Community Councils' meetings must be presented to the Moray Council's nominated contact within 30 days from the date of that meeting, and ratified minutes within 14 days of approval and be circulated to Community Council members, relevant elected members and other interested parties.
 - d. With reference to the national standards of community engagement, have in place consultative mechanisms to ascertain, co-ordinate and reflect the views of all sectors of the community which it represents, to liaise with other community groups within the area, and to fairly express and consider the diversity of opinions and outlooks of the people within the course of Community Council business.
 - e. Seek to broaden both representation and expertise by promoting the associate membership of the Community Council of persons for specific projects/issues.
 - f. Make particular efforts to encourage young people and other under-represented groups to attend/participate in Community Council meetings and to ensure equality of opportunity in the way the Community Council carries out its functions.
 - g. At all time, seek to ensure that all persons, including vulnerable groups and children, shall be kept safe and free from harm and protected from physical, sexual, verbal and emotional abuse when involved with the Community Council in line with Moray Community Councils Protection of Children & Vulnerable Adults Policy, if adopted by the Community Council.

- h. Maintain proper financial records and present financial reports at Community Council meetings.
- i. Inform Moray Council's nominated contact of any change in membership (resignations, associate membership, etc.) and circumstances, as soon as is practicable.
- j. Encourage all community council members to participate in training provided for the benefit of community councils and their effective operation, whether council or externally provided.

5 Community Council Areas

- 5.1 Moray Council has listed the named Community Council areas, area descriptions and maps defining their boundaries found in [Appendix 1](#) to the Scheme. Maps of all the Moray Community Council boundaries are available at www.moray.gov.uk/communitycouncils.

6 Membership of Community Councils

- 6.1 There shall be minimum and maximum membership numbers of elected Community Council members in a Community Council as set out in Appendix 1.
- 6.2 To be eligible to be a community council member; individuals must be;
 - a. aged 16 years or older, and,
 - b. qualification to stand for election is by both;
 - i. residency within the specific Community Council area and,
 - ii. named on the current electoral register for the Community Council area as a local government elector.
- 6.3 There shall be provision made for non-voting Associate Membership for purposes as defined by each Community Council (section 9.1).
- 6.4 No elected member of Moray Council shall be eligible to be a member of a Community Council and, if a member of a Community Council is so elected, they will be deemed to have resigned from the Community Council, the day after the result of the Local Government election is declared.
- 6.5 Elected members of Moray Council and members of the United Kingdom and Scottish Parliaments are entitled to become *ex-officio* members of Community Councils, with no voting rights (section 9.2).

- 6.6 If for any reason, the number of community council members falls below the minimum number of members as set out in Appendix 1, the nominated contact for Moray Council in consultation with Democratic Services administering the scheme, will support the community council subject to their agreement, for a period of no more than three months, to address any arising issues and seek to achieve the minimum membership required.
- 6.7 If after the expiration of the three months from the date of membership ceasing to meet the minimum membership and sufficient progress has not been made in meeting the same, then in consultation with the community council and elected members of the Moray Council for the Community Council area the Democratic Services Manager may seek to grant a further three month extension to the support provided, consult with the Returning Officer to initiate an interim election or recommend dissolution of that Community Council to the Moray Council.

7 Scheme of Electoral Arrangements

- 7.1 The Returning Officer, being the Returning Officer appointed by Moray Council for all major elections or their nominated representative(s) will be responsible for the administration of the elections under this Scheme.
- 7.2 The election will be conducted in accordance with the procedures laid within the *Scheme of Electoral Arrangements for Community Councils*.
- 7.3 The Electoral Scheme will be subject to periodic review as required by the Returning Officer.

8 Filling of casual vacancies between elections

8.1 Casual vacancies

Casual vacancies on a Community Council may arise in the following circumstances:

- a. When a Community Council member formally resigns;
- b. When a Community Council member ceases to be resident within the Moray local government area;
- c. When a Community Council member has their membership disqualified or revoked (Section 12);
- d. On the death of a Community Council member;

- e. When a Community Council member is elected to serve as a councillor for the Moray Council.
- f. Due to unreasonable non-attendance by a Community Council member at scheduled Community Council meetings for a period of six months.

8.2 Co-option to Community Councils

- 8.2.1 Filling a vacancy can be undertaken through co-option. However, should circumstances arise that lead to the number of full Community Council members falling below HALF of the maximum permitted membership, Moray Council shall be informed and may undertake arrangements for an interim election, where appropriate, to be held.
- 8.2.2 Co-opted members must be eligible for membership of the Community Council as detailed in Section 6.
- 8.2.3 Notice of any proposed co-option is required to be intimated to all of the Community Council's members at least 14 days prior to the meeting when the matter will be decided.
- 8.2.4 Co-opted members must be accepted onto the Community Council by a two-thirds majority of the full Community Council members present and voting.
- 8.2.5 Such co-opted members shall have full voting rights, with the exception of voting on co-option of members, and will serve until the next round of elections or at such time they become a full member.
- 8.2.6 After 6 months from the date of their co-option to the Community Council the co-opted member will become a full member with the same rights and this full member will no longer be counted within the ratio of co-opted members.
- 8.2.7 The number of co-opted members may not exceed a THIRD of the current elected Community Council membership. Should the ratio of co-opted to elected Community Council members become greater than one third, due to any circumstances, Moray Council shall be informed and may determine arrangements thereafter for an interim election, where appropriate.

9 Additional Membership

9.1 Associate Members

- 9.1.1 Associate members may be appointed by a Community Council where there may be a need for individuals with particular skills or knowledge. These individuals do not have voting rights.
- 9.1.2 Associate members may also include representation from other constituted local voluntary organisations.
- 9.1.3 Associate members serving one Community Council cannot be elected or co-opted members of any other Community Council unless they are representing constituted local voluntary organisations.
- 9.1.4 Associate members may serve for a fixed period as determined by the Community Council or for the term of office of the Community Council that has appointed them.

9.2 Ex-Officio Members

- 9.2.1 Moray Council Councillors, MPs, and MSPs whose wards or constituencies fall wholly or partly within the geographical area of the Community Council area shall be deemed ex-officio members of the Community Council.
- 9.2.2 Ex-officio members shall have no voting rights and will not be entitled to be elected or nominated representatives of a Community Council.

10 Term of Office

- 10.1 All members of the Community Council hold office for a period of approximately four years from the date of election until the date of the next scheduled election, in accordance with the election procedures outlined in Section 7.
- 10.2 Those members appointed by co-option will hold office for a period of up to four years from the date of co-option until the date of the next scheduled election of the appropriate year, as outlined above.
- 10.3 The term of office will cease on the occasion that the Community Council is dissolved by the Moray Council (Section 17).
- 10.4 The Returning Officer reserves the right to vary the Community Council term, should other electoral timetables conflict with the Community Council election for that term, to prevent disruption and conflict to election processes.

11 Equalities & Inclusion

- 11.1 Recognition should be given to the contribution of everyone participating in the work of the Community Council.
- 11.2 Community Councils must comply with the duties of equal opportunities legislation and ensure that equality of opportunity be given to every participant to have their knowledge, opinion, skill and experience taken into account.
- 11.3 Consideration must be given by the Community Council as to the location of their meeting place and reasonable adjustments made in terms of accessibility and facilities for disabled or disadvantaged users as far as practicable, to ensure that the needs of all members, visiting public or other additional members are met.

See also Code of Conduct (Appendix 4)

12 Disqualification of Nomination or Membership

- 12.1 Membership of a Community Council is invalidated should a Community Council member's residency qualification within that Community Council area cease to exist; the Community Council may automatically terminate their membership, with written notice and inform Moray Council as set out in 4.4.1(i).
- 12.2 Membership of a Community Council is invalidated should a Community Council member's name no longer appear on the electoral register for that Community Council area. If any member of a Community Council fails to attend any Community Council meeting, with or without submitting apologies, throughout a period of 6 months, the Community Council may terminate their membership, with written notice, provided that the termination of the membership must be an item on a meeting agenda and be carried with a two-thirds majority vote of those present and voting. The Community Council shall then inform Moray Council as set out in 4.4.1(i).
- 12.3 At the discretion of individual Community Councils, a period of leave of absence for a Community Council member may be granted at any meeting of the Community Council and minuted at any meeting of the Community Council.
- 12.4 In terms of nomination, a person shall be disqualified from being nominated as a candidate for election as, or if already elected from being a Community Council member if;
 - a. He/she is a person whose estate has been sequestrated by a court in Scotland or who has been adjudged bankrupt elsewhere than in Scotland; or
 - b. He/she has, within five years before the day of nomination, or election or since his election, as the case may be, been convicted in the United Kingdom, the

Channel Islands, the Isle of Man or the Irish Republic of any offence and has had passed on him/her a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine; or

- c. Where a person is disqualified, under the subsection above, by reason of his/her estate having been sequestrated, the disqualification shall cease if and when-
- the sequestration of his/her estate is recalled or reduced; or
 - he/she is discharged under or by virtue of the Bankruptcy (Scotland) Act 1985.
- d. Where a person is disqualified, under the first subsection above, by reason of having been adjudged bankrupt then
- if the bankruptcy is annulled on the ground that he/she ought not to have been adjudged bankrupt or on the grounds that his/her debts have been paid in full, the disqualification shall cease on the date of the annulment;
 - if he/she is discharged with a certificate that the bankruptcy was caused by misfortune without any misconduct on his/her part, the disqualification shall cease on the date of his/her discharge; and
 - if he/she is discharged without such a certificate, his/her disqualification shall cease on the expiration of five years from the date of his/her discharge

13 Meetings

13.1 Inaugural Meeting

- 13.1.1 The Inaugural (first) meeting of a Community Council following a Community Council election, will be called by Moray Council's nominated representative, and will take place within 1 calendar month of the date of the election, or as soon as practicable thereafter.
- 13.1.2 The business of the inaugural meeting may include consideration of a Constitution and Standing Orders, appointment of office bearers and any outstanding business matters from the outgoing Community Council.
- 13.1.3 Adoption of a constitution by the Community Council and thereafter approval by Moray Council must follow within 4 months of the Inaugural meeting.
- 13.1.4 In the absence of Community Council agreeing and signing their constitution and seeking approval of the same by Moray Council, the Community Council shall not be constituted, and Community Council members must abide by the Model Constitution in the interim until they are constituted.

13.2 Meeting Location and Frequency

13.2.1 Scheduled Community Council Meetings should be held in a formal setting, in a room with physical quorum and with the right for public attendance, unless national or local restrictions or prevailing conditions determine otherwise that meetings should be held remotely by a method determined by the Community Council. Community Councils may wish to use other remote means for decision making purposes; the method used must be accessible and available to all its members and any external persons who participate.

13.2.2 The frequency of meetings will be determined by each Community Council, subject to a *minimum of one Annual General Meeting, if held* and 6 ordinary meetings being held each year. The Annual General Meeting shall be held in a month of each year to be determined by the Community Council.

13.3 Quorum

The quorum for Community Council meetings shall be one THIRD of the current voting membership of a Community Council, or 3 voting members, whichever is the greater. (*see also section 5*)

13.4 Content of Business

An outline for the content of business that Community Councils should adhere to when holding ordinary, special and Annual General Meetings is contained within the Standing Orders ([Appendix 3Appendix 3](#)).

14 Liaison with the Local Authority

14.1 In order to facilitate the effective functioning of Community Councils, Moray Council has nominated an official to liaise with Community Councils.

14.2 Unless there is a specific agreement or an issue is a specific departmental issue, all correspondence between Moray Council and the Community Councils should preferably, in the first instance, be directed through that official unless otherwise advised.

14.3 Community Councils shall provide copies of their agendas and minutes, and notify any changes to membership within prescribed timescales (section 4.4), to Moray Council via the named official.

14.4 Community Councils may make representations and requests to Moray Council and other public and private agencies, on matters for which it is responsible and which it considers to be of local interest.

- 14.5 Representations should be made, in the case of statutory objections, such as planning or licensing matters, to the appropriate departmental Moray Council official.
- 14.6 Under the Community Empowerment Act 2015, requests for inclusion under the provisions of this Act should be made to the nominated Moray Council official.
- 14.7 On issues where a Moray Council department is consulting with Community Councils, representations should be made to the appropriate departmental officer.
- 14.8 In cases of ongoing Community Council member dispute or complaint, the Community Council should contact the nominated officer for further support and guidance.

15 Resourcing a Community Council

15.1 Financial Year

- 15.1.1 The financial year of each Community Council shall be provided for in the Constitution of each Community Council and shall be from October to September in each succeeding year to allow for the proper submission of audited statement of accounts to the Community Council's *Annual General Meeting (if held)* or ordinary meeting as per the Community Council Constitution.

15.2 Annual Accounts

- 15.2.1 The annual accounts of each Community Council shall be independently examined by at least one examiner appointed by the Community Council, who is not a member of that Community Council by the end of November each year.
- 15.2.2 A copy of the independently examined statement of accounts/balance sheet shall be forwarded immediately thereafter the statement is approved at the Community Council's *Annual General Meeting (if held)* or ordinary meeting, to the nominated official of the Local Authority.
- 15.2.3 The nominated official may, at their discretion and in consultation with the Council's Head of Financial Services, require the Community Council to produce such records, vouchers and account books, as may be required.

15.3 Annual Administrative Grant

- 15.3.1 Moray Council may provide an administrative grant to Community Councils to assist with the operating costs of the Community Council.
- 15.3.2 The grant shall be fixed at a rate reviewed and advised annually by Moray Council and may be disbursed in one or more instalments during the course of the financial year.
- 15.3.3 The administration grant is available to cover the costs in administering community council business which includes:
- a. Auditors' fees
 - b. Production and circulation of minutes, agenda and annual reports or other Community Council documentation
 - c. Stationery
 - d. Photocopying
 - e. Postage
 - f. Travel costs
 - g. Telephone and mobile phone costs
 - h. Information Technology (IT) costs including hardware and software
 - i. Accommodation lets
 - j. Affiliation fees
 - k. Subscriptions
 - l. Bank charges
 - m. Advertising
 - n. General publicity, promotional and ceremonial activities
 - o. Consultation with the community
 - p. Honorariums' to the Community Council secretary and Treasurer
- 15.3.4 Moray Council shall determine any additional support services and resourcing as necessary.
- 15.3.5 On dissolution or suspension of the Community Council, all equipment purchased with the administration grant provided by the Moray Council including IT, peripheral devices, telephones and mobiles must be handed back, within one month of the date of dissolution, to the nominated officer within the Moray Council to be held for the use of successive Community Council(s) established on all or part of that area.

15.4 Other Financial Resources

- 15.4.1 Each Community Council shall have the power to secure external funding and resources for schemes, projects and all other purposes consistent with its functions.

16 Liability of Community Council Members

A scheme of insurance liability cover has been arranged. The insurance liability cover becomes effective upon Moray Council advising the insurance underwriter of the establishment of a Community Council.

17 Dissolution of a Community Council

- 17.1 The terms for dissolution of a Community Council are contained within the Model Constitution ([Appendix 2](#)).
- 17.2 Notwithstanding these terms, should a Community Council fail to hold a meeting for a period of 3 consecutive prescribed meeting dates, or its membership falls below the prescribed minimum for a period of 3 consecutive prescribed meeting dates (during which time the Community Council and Moray Council have taken action to address the situation as detailed in Section 6.6 onwards), Moray Council shall take action to dissolve that Community Council.
- 17.3 On dissolution, the Community Council must surrender equipment, records and files as detailed in section 15.3.5.

DRAFT

Appendix 1 – Community Council names, membership numbers, sub-divisions and area description

Each Community Council below is listed with the minimum (Min) and maximum (Max) Membership numbers to form.

The sub-divisions are listed with reference to the number of members from each sub-area alongside the associated electoral register reference.

The first part of an individual's elector number will be made up of the polling district reference noted below.

CC No.	Community Council Name	Membership			Sub- Divisions & (No. of seats)	Electoral Register & Polling District reference ¹	Locality/ Settlements / Rural Communities in Area
		Min	Max	Quorum			
1	Elgin	9	18	6	1A Elgin City North (9)	MM0507 (pt) Riverside Caravan Park only MM0601 Elgin- Bishopmill West MM0602 Elgin – Bishopmill East MM0603 Elgin – Cathedral MM0604 Elgin – Pinefield	Riverside Caravan Park, Bishopmill, Lesmurdie, Cathedral, Moycroft, Chanonry, Tyock, Waulkmill, East End, Pinefield, Ashgrove
					1B Elgin City South (9)	MM0701 Elgin – Central West MM0702 New Elgin West MM0703 New Elgin East MM0704 – Elgin Linkwood	Borough Briggs, Bruceland, Old Mills, Lady Hill, West End, The Wards, Greenwards, New Elgin, Linkwood, Glassgreen, Hardhillock, Dunkinty, Palmerscross

¹ (Pt) = Part Polling District split across Community Council areas –contact Moray Council's Elections Office for more information if unsure which area a person is eligible for.

CC No.	Community Council Name	Membership			Sub- Divisions & (No. of seats)	Electoral Register & Polling District reference ¹	Locality/ Settlements / Rural Communities in Area
		Min	Max	Quorum			
2	Forres	6	12	4	No sub-divisions	MM0803 (pt) (incl. Invererne, Seafield, Netherton) MM0804 Forres South & Sanquhar MM0805 Forres East MM0806 Forres West and Mundole MM0807 Forres Central MM0808 (pt) (excl. Altyre, Blairs)	Forres, Mundole, Mannachie, Sanquhar, Knockomie, Chapelton, Balnakeith, Invererne, Waterford, Seafield, Hillhead, Netherton, Lochyhill, Springfield, Forres Enterprise Park
3	Findhorn & Kinloss	5	10	3	3A Findhorn (5)	MM0801 Findhorn	Findhorn
					3B Kinloss (5)	MM0803 (pt) Kinloss, Grange, Newton of Struthers MM0506 (pt) Alves and Roseisle (areas at Upper Hempriggs)	Kinloss, Mill of Grange, Milton of Grange, East Grange, Cassieford, Kinloss Barracks, Seapark, Woodside, Newton of Struthers, Cassieford, Hatton, Damhead, Muirhead, Milton Brodie, Miltonhall
4	Dyke Landward	4	7	3	No sub-divisions	MM0802 Dyke-Darnaway MM0810 Edinkillie (pt) (incl. Dounduff only)	Dyke, Conicavel, Culbin, Moy, Brodie, Kintessack, Earlsmill, Whitemire, Dounduff
5	Finderne	4	7	3	No sub-divisions	MM0808 (pt) Altyre, Blairs only MM0809 Rafford MM0810 Edinkillie (excl. Dounduff)	Rafford, Easter Lawrenceton, Dunphail, Edinkillie, Logie, Cathay, Altyre, Burgie, Blairs, Blervie, Brodieshill, Relugas, Glenorney, Braemoray
6	Burghead & Cummington	5	10	3	6A Burghead (8)	MM0501 Burghead & Cummington	Burghead & St Aethans
					6B Cummington (2)		Cummington

CC No.	Community Council Name	Membership			Sub- Divisions & (No. of seats)	Electoral Register & Polling District reference ¹	Locality/ Settlements / Rural Communities in Area
		Min	Max	Quorum			
7	Hopeman & Covesea	4	7	3	No Sub-divisions	MM0502 Hopeman	Hopeman, Covesea, Williamston, Plewlands, Burnside, Greenbrae, Weddershill
8	Lossiemouth	5	10	3	No Sub-divisions	MM0503 Lossiemouth West & Drainie MM0504 Lossiemouth East	Lossiemouth, RAF Lossiemouth
9	Heldon	9	18	6	9A Dallas (2)	MM0101 Dallas	Dallas, Kellas
					9B Fogwatt & Birnie (4)	MM0406 Fogwatt	Fogwatt, Birkenhill, Birnie (excl. Glenlatterach), Thomshill, Clackmarras, Longmorn (excl. Gedloch)
					9C Duffus (2)	MM0505 Duffus	Duffus, Gordonstoun, Roseisle (north), Bank of Roseisle, Waterton
					9D Alves & Roseisle (4)	MM0506 (pt) Alves & Roseisle (excl. areas at Upper Hempriggs)	Alves, College of Roseisle (south), Coltfeld, Cloves, Newton (pt),
					9E Miltonduff & Spynie (6)	MM0507 (pt) Miltonduff (excl. Riverside Caravan Park)	Miltonduff, Spynie, Newton (pt), Quarrywood, Findrassie, Pluscarden, Barnhill, Kintrae, Mosstowie, Pittendreich,
10	Innes	5	10	3	10A Lhanbryde & Pitgaveny (4)	MM0401 Lhanbryde & Pitgaveny	Darkland, Lhanbryde, Pitgaveny (incl. Spynie Palace and surrounds), Troves, Teindland, Barmuckity, Threapland
					10B Urquhart (2)	MM0402 Urquhart	Urquhart, Lochhills, Muir of Lochs, Cappieshill, Innes
					10C Garmouth & Kingston (2)	MM0403 Garmouth & Kingston	Garmouth, Kingston, Corskie
					10D Mosstodloch (2)	MM0407 Mosstodloch	Mosstodloch, Dipple, Stynie, Orbliston

CC No.	Community Council Name	Membership			Sub- Divisions & (No. of seats)	Electoral Register & Polling District reference ¹	Locality/ Settlements / Rural Communities in Area
		Min	Max	Quorum			
11	Buckie & District	6	12	4	11A Buckie (8)	BM0301 (pt) Buckpool BM0303 Buckie West BM0304 Buckie East BM0305 (pt) Millbank, Mains of Buckie BM0306 (pt) Portessie	Buckie, Buckpool, Portessie, Maltings and Industrial Estate
					11B Rathven & Arradoul (4)	BM0202 (pt) excl. Bloomfield, Denside & Smithston BM0301 (pt) Auchentae, Arradoul MM0302 Westerton Arradoul BM0305 (pt) Cleanhill, Rannachy, Hilton BM0306 (pt) Rathven BM0307 (pt) Strathlene Cottages area	Rathven, Arradoul, Drybridge, Loanhead, Letterfourie, Addie Hill, Hilton, Auchentae, Inchgower, Whitegate, Whitefield, Westerton Cottages, Strathlene Cottages area
12	Findochty & District	4	7	3	No sub-divisions	BM0202(pt) (Carnoch Cottage, Bloomfield, Smithstown only) BM0307 (pt) Findochty excl. area at Strathlene Court, Moor of Scotstown	Findochty, Moor of Scotstown, Moor of Findochty, Westertown, Bauds, Law Hillock
13	Portknockie	5	10	3	No sub-divisions	BM0201 Portknockie BM0202(pt) (Denside only)	Portknockie, Hillhead, Cruats, Denside
14	Cullen & Deskford	4	9	3	14A Cullen (6)	BM0202 (pt) excl. Bloomfield, Smithston & Denside & Carnoch Cottage	Cullen, Lintmill, Bin of Cullen
					14B Deskford (3)	BM0203 Deskford	Kirktown of Deskford, Berryhillock, Skeith

CC No.	Community Council Name	Membership			Sub- Divisions & (No. of seats)	Electoral Register & Polling District reference ¹	Locality/ Settlements / Rural Communities in Area
		Min	Max	Quorum			
15	Lennox	7	14	4	15A Spey Bay (2)	MM0404 Spey Bay	Auchenhalrig, Bogmoor, Nether Dallachy, Upper Dallachy, Spey Bay, Tugnet
					15B Portgordon (4)	MM0405 Portgordon	Portgordon, Enzie(pt), Gollachy
					15C Fochabers (6)	MM0408 Fochabers	Fochabers, Bellie, Ordiquish, Forgie
					15D Clochan & Enzie (2)	MM0409 Clochan	Clochan, Enzie(pt), Broadley, Tynet
16	Keith	5	10	3	No sub-divisions	BM0206 Fife-Keith BM0207 Keith and Rural (pt)	Fife Keith, Keith, The Den, Corsairtly Farm
17	Strathisla	5	10	3	No sub-divisions	MM0103 Boharm MM0107 Drummuir MM0204 Newmill BM0205 Grange MM0207 Keith and Rural (pt) BM0208 Rothiemay	Aultmore, Berryhillock, Craighead, Drummuir, Botriphnie, Boharm, Rothiemay, Newmill, Farmtown, Grange, Glentauchers, Knock, Maggiecknockater, Mulben, Towiemore
18	Speyside	5	10	3	No sub-divisions	MM0102 Rothes MM0104 Knockando MM0105 Archiestown MM0106 Craigellachie MM0108 Aberlour	Rothes, Knockando, Archiestown, Aberlour, Craigellachie, Carron, Cardhu (Cardow), Dailuaine, Edinville, Glenlatterach (incl. Gedloch), Ruthrie, Tomnabent, Woodside of Ballintomb, Inchberry
19	Dufftown & District	5	10	3	No sub-divisions	MM0109 Dufftown & Cabrach	Dufftown, Cabrach, Auchindoun, Glen Rinnes, Glenfiddich

CC No.	Community Council Name	Membership			Sub- Divisions & (No. of seats)	Electoral Register & Polling District reference ¹	Locality/ Settlements / Rural Communities in Area
		Min	Max	Quorum			
20	Glenlivet	4	7	3	No sub-divisions	MM0108 Ballindalloch MM0110 Glenlivet MM0111 Tomintoul	Auchbreck, Cragganmore, Glenlivet, Glenfarclas, Bridgend of Glenlivet, Tomintoul, Ballindalloch, Inveravon, Kirkmichael, Auchnarrow, (Knockandhu), Lettoch

DRAFT

Appendix 2 – Model Constitution

COMMUNITY COUNCIL CONSTITUTION

1. Name

The name of the Community Council shall be

(referred to as “the Community Council” in this document).

2. Area of the Community Council

The area of the Community Council shall be as shown on the map associated with, and described in, Moray Council’s **Scheme for the Establishment of Community Councils** (Scheme).

3. Objectives

The objectives of the Community Council shall be:

- a. to ascertain, co-ordinate and inclusively reflect the views of the community which it represents, to liaise with other community groups within the area, and to fairly express the diversity of opinions and outlooks of the people;
- b. to express the views of the community to Moray Council for the area to public authorities and other organisations;
- c. to take such action in the interests of the community as appears to it to be desirable and practicable;
- d. to promote the well-being of the community and to foster community spirit;
- e. to be a means whereby the people of the area shall be able to voice their opinions on any matter affecting their lives, their welfare, their environment, its development and amenity.

4. Role and Responsibilities

In the discharge of their functions and the conduct of their business, the Community Council and its membership shall have regard to their role and responsibilities as set out in Section 4 of the Scheme for the Establishment of Community Councils, approved by Moray Council and in the Community Council members’ Code of Conduct (Appendix 4 of the Scheme).

5. Membership

The Community Council's membership is as governed by Section 6 of the Scheme and as determined from time to time by Moray Council.

6. Method of Election

Election procedures shall be governed by the method of election laid down in Section 7 of the Scheme.

7. Resignations

- a. Resignations of members must be submitted in writing by hard copy or by electronic means to the Chairperson, stating the effective date of resignation. This is not permitted to be retrospective.
- b. If the Chairperson resigns then he/ she should notify the Vice-Chairperson and Secretary in the same manner.
- c. Any notification of resignation received should be acknowledged by the recipient within 7 days or at the next scheduled Community Council meeting whichever is soonest.
- d. If a resignation is made during the course of a Community Council meeting and no written resignation is then submitted, if the resignation has been witnessed by the remainder of the Community Council members present at the meeting, then once formally minuted the resignation will stand.
- e. A notice of resignation may be withdrawn before the next scheduled meeting of the Community Council before it is formally minuted.
- f. A resignation is final once noted and minuted during the course of business at a meeting of the Community Council.
- g. If the member resigning is appointed as Treasurer, all accounts, financial documents and records, whether electronic or in hard copy, held by them on behalf of the Community Council, shall be passed by the resigning member to the nominated person appointed by the Community Council within 7 working days of the effective date of resignation of the Treasurer.
- h. If the member resigning is appointed as Secretary or Minute Secretary, all documents, data and records, whether electronic or in hard copy, held by them on behalf of the Community Council, shall be passed by the resigning member to the nominated person appointed by the Community Council within 7 working days of the effective date of resignation of the Treasurer.

8. Casual Vacancies on the Community Council

- a. Where a vacancy arises which does not result in the number of Community Council members falling below the minimum number as specified in the Scheme (Appendix 1), and at least 6 months has passed since the last election, the Community Council may, if it considers it to be desirable, agree to:-
 - i. the filling of a vacancy by co-option with voting rights to a maximum of one third of the total membership of the community council as governed by Section 8 of the Scheme.
 - ii. the vacancy to be left unfilled until local public interest is expressed or until the next set of regular elections.
- b. Where a vacancy arises which does result in the number of Community Council members falling below the minimum number as specified in the Scheme (Appendix 1), Moray Council shall be informed.

9. Voting Rights of Members of the Community Council

- a. The right to vote at any meeting of the Community Council or any committee thereof, shall be held by all Community Council members whether elected or co-opted, but not by Associate Members appointed for specific issues on a temporary basis, or ex-officio members.
- b. With the exception of circumstances which may arise under the Scheme: Section 8.2– Community Council Elections [Co-option]; and Standing Orders: Clause 8 – Alterations to the Constitution and its Clause 18 – Dissolution, all decisions of the Community Council will be decided by a simple majority of those eligible to vote and present and voting.
- c. In the event of a vote of the Community Council members that results in a majority not being achieved, the chairperson shall have a casting vote.

10. Election of Office-Bearers

- a. At the first meeting of the Community Council after elections in the year the Community Council shall appoint a Chair, Secretary, Treasurer and other such office-bearers as it shall from time to time decide.
- b. All office-bearers shall be elected for four years unless otherwise determined and recorded by the Community Council
- c. Without the express approval of Moray Council, no one member shall hold more than one of the following offices at any one time: Chairperson, Secretary or Treasurer.

11. Committees of the Community Council

The Community Council may appoint representatives to committees of the Community Council and shall determine their composition, terms of reference, duration, duties and powers.

12. Meetings of the Community Council

- a. The quorum for Community Council meetings shall be at least one third of the current eligible voting membership, or 3 eligible voting members, whichever is the greater.
- b. Once in each year the Community Council may convene an Annual General Meeting (AGM) for the purpose of receiving and considering the Chairperson's annual report on the Community Council, the submission and approval of the independently examined annual statement of accounts and the appointment of office bearers.
- c. Excluding the AGM, if held, the Community Council shall meet not less than 6 times throughout the year.
- d. Dates, times and venues of regular meetings of the Community Council shall be fixed at the first meeting of the Community Council following ordinary elections and thereafter at its AGM or once a year. Special meetings shall require at least 7 days public notice, either called by the Chairperson, or on the request of not less than one-half of the total number of Community Council members. An authorised or nominated officer of the Moray Council has the discretion to call a meeting of the Community Council.
- e. If national or local restrictions determine otherwise that meetings should be held remotely by a method determined by the Community Council, then the Community Council shall follow operational guidance on procedures on remote meetings as issued and reviewed from time to time by the Moray Council.
- f. Copies of all minutes of meetings of the Community Council and of committees thereof shall be approved at the next prescribed meeting of the Community Council, but the draft minute shall be circulated within 30 days from the date of that meeting and ratified minutes within 14 days of approval, to Community Council members, other appropriate parties and the Moray Council's Liaison Officer for Community Councils.
- g. The Community Council shall abide by its Standing Orders for the proper conduct of its meetings.
- h. The Community Council has a duty to be responsive to the community it represents. Should the Community Council receive a written request (petition), signed by at least 20 persons resident within the Community Council area to

convene a special meeting for a particular matter or matters to be debated, it shall call such a meeting within 14 days of receipt of such a request and advertise it in the manner prescribed locally for special meetings called by the Community Council.

- i. The Community Council can meet to discuss items of business in private but only where it considers it appropriate to do so. The decision to meet in private will be agreed in advance and decided by a majority vote. Notice of such a meeting will be given to the public in the usual way. However, the Notice will record that the meeting, or a part thereof, shall be held in private.

13. Public Participation in the Work of the Community Council

- a. All meetings of the Community Council and its committees (subject to 11(h), above) shall be open to members of the public. Proper provision is to be made for the accommodation of members of the public and the opportunity should be afforded at each meeting to permit members of the public to address the Community Council, under the guidance of the Chairperson.
- b. Notices calling meetings of the Community Council and its committees shall be posted prominently within the Community Council area for a minimum period of 7 days before the date of any such meeting, and, where possible, be advertised by other suitable means.

14. Information to Moray Council

- a. Moray Council's Liaison Officer shall be sent an annual calendar of the Community Council's prescribed meeting dates, times and venues, which should be agreed at a Community Council's AGM/ordinary meeting, minutes of all meetings, the annual report, the annual financial statement, information about changes to membership and co-options and any other such suitable information, as may from time to time be agreed between the Community Council and Moray Council.
- b. When special meetings of the Community Council are to be held, the Moray Council's Liaison Officer should be advised of the date, time venue and subject(s) of debate of such meetings, at least 7 days in advance of the meeting date.

15. Control of Finance

- a. All monies raised by or on behalf of the Community Council or provided by Moray Council and other sources shall be applied to further the objectives of the Community Council and for no other purpose. The monies provided by Moray Council in the administrative grant for administrative and other approved purposes shall be used only as prescribed in section 15.5.3 of the Scheme. Monies raised from other sources may be used in accordance with the terms of this provision (so long as they are consistent with the objectives of the Community

Council), or in the absence of such terms, for the furtherance of the objectives of the Community Council.

- b. The treasurer shall undertake to keep proper accounts of the finances of the Community Council.
- c. Any two of three authorised signatories, who would normally be office-bearers of the Community Council, may sign cheques on behalf of the Community Council. Authorised signatories may not be co-habitees.
- d. A statement of accounts for the last financial year, independently examined by a least one examiner appointed by the Community Council, whom are not members of this Community Council, shall be submitted to an AGM (if held)/Ordinary meeting of the Community Council and shall be available for inspection at a convenient location.
- e. The financial year of the Community Council shall be from October to September the succeeding year. Examined accounts as received and approved by the Community Council at an ordinary meeting or at the AGM (if held) shall be submitted to Moray Council following approval at a meeting of the Community Council.

16. Complaints

In the event of a complaint being received about the Community Council or one or more of its members, the Community Council will refer to the Community Council complaints procedure.

17. Title to Property

- a. The Community Council, may purchase lease, hire or otherwise lawfully acquire such property or other rights and privileges as may be necessary for the benefit of the community, and construct, maintain and alter the same. The title of all and any real property is to be vested in the Community Council Office bearers acting as trustees for the Community Council. The number of trustees shall not be less than two or more than four. Property and other assets belonging to the Community Council shall be vested in the Chair, Secretary and Treasurer of the Community Council and their successors in these respective offices.
- b. In the event of the Community Council dissolving, all efforts should be made to transfer any properties to similarly minded local bodies with a charitable purpose.

18. Alterations to the Constitution

- a. Any proposal by the Community Council to alter this Constitution must be first considered by a meeting of the Community Council and the terms of the proposal to alter the Constitution shall be stated on the notice calling the meeting, which

shall be issued not less than ten days prior to the meeting. Any proposed alterations may not prejudice the terms and objectives contained within the Scheme.

- b. If the proposal is supported by two-thirds of the total voting membership of the Community Council and is approved in writing by Moray Council, the alteration shall be deemed to have been duly authorised and can then come into effect on the date of approval by Moray Council.

19. Dissolution

- a. If the Community Council by a two-thirds majority of the total voting membership decides at any time that it is necessary or advisable to dissolve, it shall agree a date for a public meeting to be held to discuss the proposed resolution to voluntarily dissolve.
 - i. It is a requirement that not less than ten days prior to the date of such meeting a public notice be given by means of notification in the local newspaper.
 - ii. If the resolution is supported by a majority of those persons present and qualified to vote and is approved by Moray Council, the Community Council shall be deemed to be dissolved and all assets remaining, subject to the approval of Moray Council, after the satisfaction of any proper debts or liabilities shall transfer to Moray Council who shall hold the same in trust for a future Community Council representing that area or part of that area.
- b. In the event that the Community Council is dissolved under the above procedure, and twenty or more electors subsequently wish the re-establishment of a Community Council for the area, these electors shall submit a petition to Moray Council in accordance with Section 52(7) of the Local Government (Scotland) Act 1973, on receipt of which the Returning Officer may arrange for elections to be held in accordance with the Scheme.
- c. Where for any reason, the number of Community Council members falls below the minimum specified in the Appendix 1 of the Scheme Moray Council after providing support as detailed in section 6.6 onwards of the Scheme to the Community Council may, by suspending the Constitution of the Community Council, cause the Community Council to be dissolved and in this event, the procedures for the establishment of a new Community Council being those identified in the immediately preceding paragraph hereof, may be initiated in consultation with the Returning Officer.

20. Approval and Adoption of the Constitution

This Constitution was adopted by

Community Council, on _____ (DATE)

Signed _____ Chairperson

PRINT _____

Date _____

Signed _____ Member

PRINT _____

Date _____

Signed _____ Member

PRINT _____

Date _____

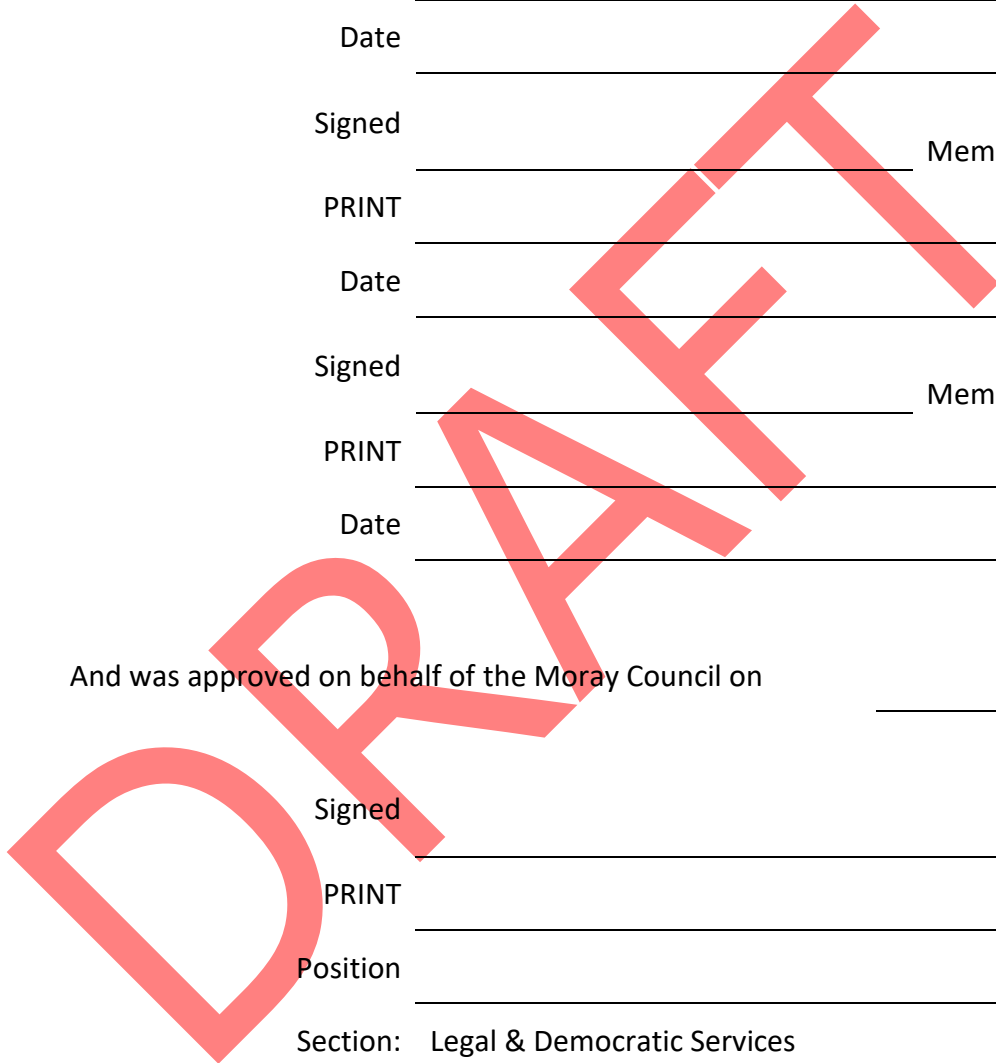
And was approved on behalf of the Moray Council on _____ date

Signed _____

PRINT _____

Position _____

Section: Legal & Democratic Services



Appendix 3 – Standing Orders

1. Meetings (all held in public)

- a. Ordinary meetings of the Community Council shall be held in the months of

Special Meetings may be called at any time on the instructions of the Chairperson of the Community Council on the request of not less than one-half of the total number of Community Council members; or the receipt of a common written request (petition), signed by at least 20 persons, resident within the Community Council area, to convene a special meeting for a particular matter or matters to be debated, it shall call such a meeting. A special meeting shall be held within 14 days of the receipt of the request made to the Secretary of the Community Council.

- b. The notice of ordinary meeting or Annual General Meeting (AGM) (if held) of the Community Council, featuring the date, time and venue, shall be provided to each Community Council member and the Moray Council's Liaison Officer by the Secretary of the Community Council, at least 7 days before the date fixed for the meeting.
- c. If national or local restrictions determine otherwise that meetings shall be held remotely, by a method determined by the Community Council, then the Community Council shall follow operational guidance on procedures on remote meetings as issued and reviewed from time to time by the Council.

2. Minutes

Minutes of the proceedings of a meeting of the Community Council shall be drafted within 30 days from the date of that meeting, distributed in accordance with Section 4 of the Scheme of Community Councils and shall, following their approval, be signed at the next meeting of the Community Council by the person presiding thereat and retained for future reference.

3. Quorum

A quorum shall be one third of the current voting membership of the Community Council, or 3 voting members, whichever is the greater.

4. Order of Business

a) Ordinary Meeting

The order of business at every ordinary meeting of the Community Council shall be as follows, unless otherwise determined during emergency or remote meetings as per issued guidance: -

- i. Recording of membership present and apologies received.
- ii. A Community Council member who is present at the meeting where any item of business in which he or she has any financial or other interest is to be dealt with, shall disclose their interest as soon as possible after the start of the meeting.
- iii. The minutes of the last meeting of the Community Council shall be submitted for approval.
- iv. Any other item of business, which the Chairperson has directed, should be considered.
- v. Any other competent business, including Treasurers report.
- vi. Questions from the floor.
- vii. Chairperson to declare date of next meeting and close meeting.

b) Annual General Meeting (AGM) (if held)

It will not be uncommon that the Community Council has arranged for an ordinary meeting of the Community Council to begin at the close of the AGM, to enable any outstanding reporting on business matters to be heard; and for Community Council members and members of the public to have an opportunity to bring matters to the attention of the Community Council, possibly for inclusion on a future agenda.

The order of business at every AGM of the Community Council shall be as follows: -

- i. *Recording of membership present and apologies received.*
- ii. *The minutes of the last Annual General Meeting of the Community Council shall be submitted for adoption.*
- iii. *Chairperson's Annual Report (and questions from the floor).*
- iv. *Secretary's Annual Report (and questions from the floor).*
- v. *Treasurer's submission of Balance Sheet and Annual Accounts duly independently examined and certified correct (and questions from the floor).*
- vi. *Chairperson to declare date of next Annual General Meeting and close meeting.*

c) Extraordinary General Meeting

The order of business at every extraordinary general meeting of the Community Council shall be as follows: -

- i. Recording of membership present and apologies received.
- ii. Business for debate, as described in the calling notice for the special meeting.
- iii. Chairperson to close meeting.

5. Order of Debate

- a. The Chairperson shall decide all questions of order, relevancy and competency arising at meetings of the Community Council and her/his ruling shall be final and shall not be open to discussion. In particular, the Chairperson shall determine the order, relevancy and competency of all questions from the public in attendance at meetings of the Community Council raised at 4, above. The Chairperson in determining the order, relevance and competency of business and questions shall have particular regard to the relevance of the issue to the community and ensure that the discussion and proceedings are conducted in such a manner that decisions are reached in a democratic manner.
- b. The Chairperson shall have the power, in the event of disorder arising at any meeting and with reference the Unacceptable Actions policy, if adopted by the COMMUNITY COUNCIL, to adjourn the Community Council meeting to a time he/she may then, or afterwards, fix.
- c. Every motion or amendment shall be moved and seconded.
- d. After a mover of a motion has been called on by the Chairperson to reply, no other members shall speak to the question.
- e. A motion or amendment once made and seconded shall not be withdrawn without the consent of the mover and seconder thereof.
- f. A motion or amendment which is contrary to a previous decision of the Community Council shall not be competent within six months of that decision.

6. Voting

- a. Voting shall be taken by a show of hands of those present and eligible to vote, with the exception that, the election of office bearers may be held by secret ballot.
- b. The Chairperson of a meeting of the Community Council shall have a casting vote as well as a deliberative vote.
- c. Where votes take place during remote meetings, the Community Council shall follow guidance issued by Moray Council regarding operational procedures during remote meetings.

7. Obstructive and Offensive Conduct

With reference to the Unacceptable Actions policy, if adopted by the Community Council, in the event of any member of the Community Council or member of public disregarding the authority of the Chairperson of the meeting, or conducting themselves in a disruptive, obstructive or offensive manner, a motion may be moved and seconded to remove the individual from the remainder of the meeting.

Such a motion will be put to the meeting without discussion and if supported by a majority of members of the Community Council present and voting will be declared carried. The individual will be required by the Chairperson to leave the meeting immediately.

8. Alteration of Standing Orders

A proposal to alter these Standing Orders may be proposed to Moray Council to be altered or added to at any time by the Community Council, provided that notice of motion to that effect is given at the meeting of the Community Council previous to that at which the motion is discussed. The Local Authority shall have final discretion on any proposed change.

9. Committees

The Community Council may appoint such committees as it may from time to time decide and shall determine their composition, terms of reference, duration, duties and powers.

10. Suspension of Standing Orders

These Standing Orders shall not be suspended except at a meeting at which three-quarters of the total number of Community Council members are present and then only if the mover states the object of his motion and if two-thirds of the Community Council members present consent to such suspension.

Appendix 4 – Code of Conduct

CODE OF CONDUCT FOR COMMUNITY COUNCIL MEMBERS

This Code of Conduct is based on a similar Code of Conduct for Local Authority councillors and relevant public bodies.

Community Council members, as elected representatives of their communities, have a responsibility to make sure that they are familiar with, and their actions comply with, the principles set out in this Code of Conduct.

The Code of Conduct and its principles, shall apply to all Community Council members and those representing the Community Council. These principles are as follows:

- Service to the Community (Public Service)
- Selflessness
- Integrity
- Objectivity
- Accountability and Stewardship
- Openness
- Honesty
- Leadership
- Respect

When appointed to the Community Council, members formally agree to abide by the Code of Conduct.

Service to the Community

- As a Community Council member you have a duty to act in the interests of the local community, which you have been elected or nominated to represent.
- You also have a duty to act in accordance with the remit of the Moray Council Scheme for the Establishment of Community Councils, as set out by Moray Council under the terms of the Local Government (Scotland) Act 1973.
- You have a duty to establish and reflect, through the Community Council, the views of the community as a whole, on any issue, irrespective of personal opinion.
- You should ensure that you are, within reason, accessible to your local community and local residents. Various mechanisms to allow the general community to express their views, i.e. suggestion boxes, community surveys, opinion polls should, where possible, be made available.

Selflessness

- You have a duty to take decisions solely in terms of the interest of the community that you represent.
- You must not use your position as a Community Council member to gain financial, material, political or other personal benefit for yourself, family or friends.

Integrity

- You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in your representation of your community.
- If you have any private and/or personal interest in a matter to be considered by the Community Council, you have a duty to declare this and if deemed necessary by other members, withdraw from discussions and the decision making process with regard to that matter.
- You should not accept gifts or hospitality that may be seen to influence or be intended to influence your opinion or judgement. The offer and/or receipt of any gifts, regardless of form, should always be reported to and noted by the Secretary of the Community Council.

Objectivity

- In all your decisions and opinions as a Community Council member, you must endeavour to represent the overall views of your community, taking account of information which is provided to you or is publicly available, assessing its merit and gathering information as appropriate, whilst laying aside personal opinions or preferences.
- You may be appointed or nominated by your Community Council to serve as a member of another representative body. You should ensure that this Code of Conduct is observed when carrying out the duties of the other body.
- You are free to have political and/or religious affiliations; however you must ensure that you represent the interests of your community and Community Council and not the interests of a particular political party or other group.

Accountability and Stewardship

- You are accountable for the decisions and actions that you take on behalf of your community through the Community Council.
- You must ensure that the Community Council uses its resources prudently and in accordance with the law.

- Community Council members will individually and collectively ensure that the business of the Community Council is conducted according to the Scheme for the Establishment of Community Councils (Scheme) and this Code of Conduct.
- Community Council members will individually and collectively ensure that annual accounts are produced showing the financial undertakings of the Community Council as set out in the Scheme for the Establishment of Community Councils.
- They must also ensure that all resources are used efficiently, effectively and fairly and are used strictly for the purposes of Community Council business and for no other purpose.
- Minutes of meetings recording all actions and decisions made should be produced and circulated to all members of the Community Council as soon as possible after each meeting.
- Any breach of the Scheme as set out by the Moray Council under the terms of the Local Government (Scotland) Act 1973 may be reported to Moray Council to determine what action, if necessary, should be taken.

Openness

- You have a duty to be open about your decisions, actions and representations, giving reasons for these where appropriate.
- You should be able to justify your decisions and be confident that you have not been unduly influenced by the views and/or opinions of others.
- If you have dealings with the media, members of the public, or others not directly involved in your Community Council, you should ensure that an explicit distinction is made between the expression of your personal views and opinions from any views or statement made about or on behalf of the Community Council.
- If you are present at a meeting where any item of business in which you have any financial or other interest is to be dealt with, you shall disclose your interest as soon as possible after the start of the meeting.

Honesty

- You have a duty to act honestly.
- You also have an obligation to work within the law at all times.
- You must declare any private interest relating to your Community Council duties and take steps to resolve any conflicts arising in a way that protects the interest of the community and the Community Council.

Leadership

- You have a duty to promote and support the principles of this Code of Conduct by leadership and example, to maintain and strengthen the community's trust and confidence in the integrity of the Community Council and its members in representing the views and needs of the local area.
- You must also promote social inclusion and challenge discrimination in any form.
- You should act to assist the Community Council, as far as possible, in the interest of the whole community that it serves.
- Where particular interest groups' concerns are in conflict with those of other groups or other areas you should help to ensure that the Community Council is aware of them.

Respect

- You must respect fellow members of your Community Council and those that you represent, treating them with courtesy, respect and in a non-discriminatory manner at all times. This should extend to any person, or member of staff within any organisation or body regardless of their position that you may have dealings with in your capacity as a Community Council member.
 - Recognition should be given to the contribution of everyone participating in the work of the Community Council.
 - You must comply with equal opportunities legislation and ensure that equality of opportunity be given to every participant to have their knowledge, opinion, skill and experience taken into account.
 - You should ensure that confidential material, including details about individuals, is treated as such and that it is handled with dignity and discretion and is not used for personal, malicious or corrupt purposes and with regard to data protection policy and legislation.
-

Community Council Scheme Review

Proposed Community Council Boundary Amendment

Findhorn and Kinloss Community Council/Heldon Community Council

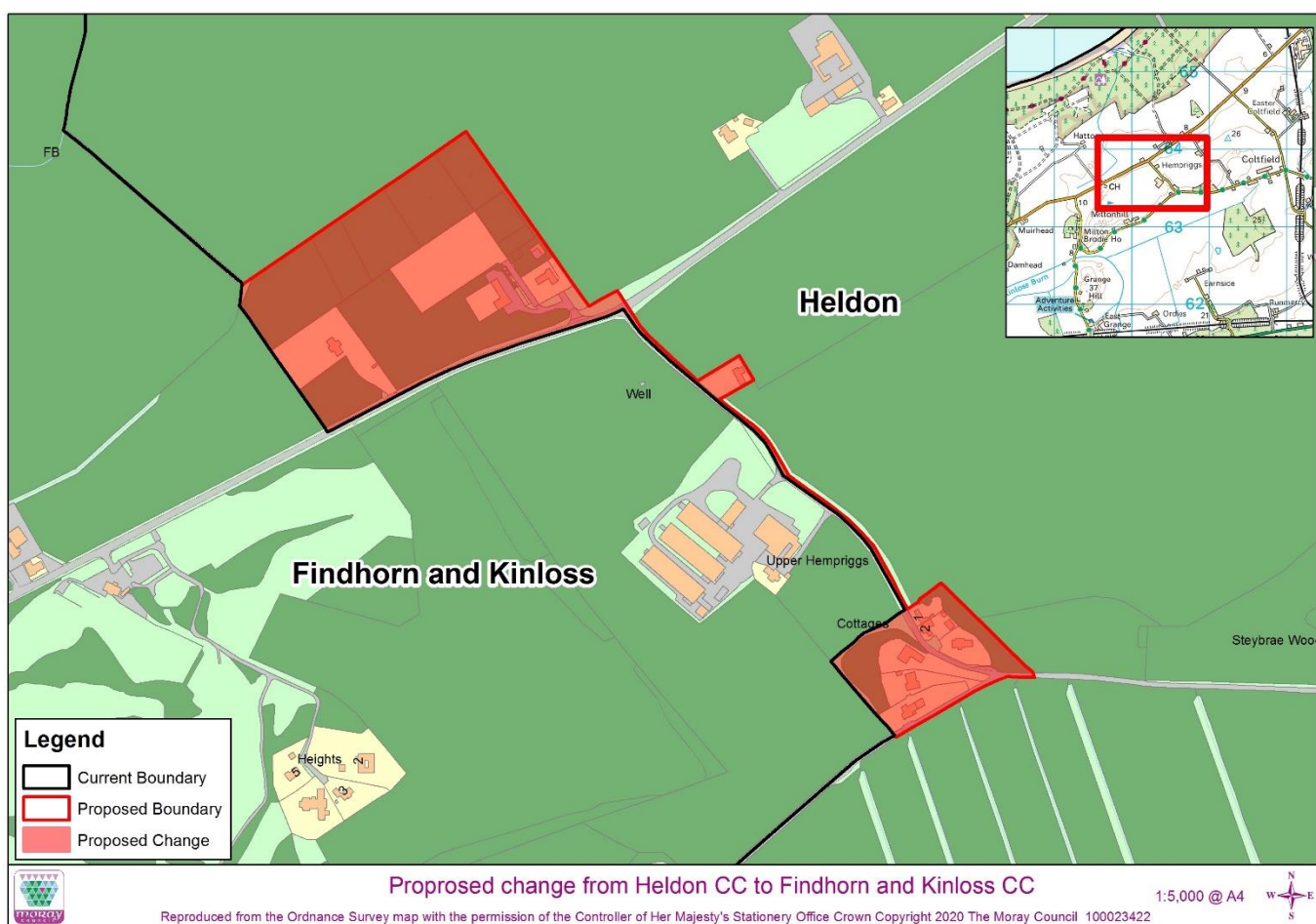
There is one boundary amendment proposed within this review between CC 3 - Findhorn and Kinloss Community Council and CC 9 – Heldon Community Council (CC).

The eastern boundary of the Findhorn and Kinloss CC is coterminous with the Local Government ward boundary between Ward 5 – Heldon and Laich and Ward 8 – Forres.

To the east of this boundary at Upper Hempriggs and alongside the north of the Kinloss Country Golf Club, there are a number of newer clustered residential developments which are within the Heldon CC area.

It has been proposed by Findhorn and Kinloss CC during the first round of the consultation for the above noted review, that these housing groups are incorporated into the Findhorn and Kinloss CC area alongside those nearby, extending their boundary into Ward 5 and encompassing a total of 10 residential properties. This will remove these areas from the Heldon CC.

The map illustrates the area with the three areas in red moving from Heldon CC to Findhorn CC with boundary between the two CC areas moving east.





DRAFT Scheme of Electoral Arrangements for Community Councils 2021-2025

Document Version	1.4
Document Status	DRAFT
Document Date	31 May 2021
Review Date	November 2024

Elections Office, Moray Council, Council Office, High Street, Elgin, IV30 1BX

Contents

1. Returning Officer	3
2. Election Frequency & Timetable	3
3. Requirement of Secrecy	5
4. Electoral Registration and the Electoral Register	5
5. Publicity, Awareness & Guidance	5
6. Notices	6
7. Eligibility and Nominations	7
8. Candidates' Personal Statements	8
9. Unsuccessful Elections	9
10. Contested Elections & Uncontested Elections	10
11. Interim Election Arrangements	10
12. The Poll & Ballot Papers	11
13. Counting of Votes	12
14. Rejected Ballot Papers	12
15. Equality of Votes	13
16. Declaration of Results	13
17. Post Election	13

1. Returning Officer

- 1.1. The Local Authority will administer all Community Council elections.
- 1.2. The Returning Officer for Community Council elections will be the Returning Officer as appointed by the Local Authority under the Representation of the People Act 1983 (s.41).
- 1.3. The Returning Officer will have power to appoint such staff including a depute with the some or all of the same powers, as they consider necessary and appropriate to assist them in the conduct of their duties.
- 1.4. The Returning Officer, or appointed depute, will be responsible for the resolution of any dispute arising from the election process, and their decision is final.
- 1.5. It is the responsibility of the Returning Officer for the conduct of the election, the production of the relevant notices and nomination forms, decision on the validity of nominated candidates, the printing of the ballot papers, the issue and receipt of ballot papers for eligible electorate entitled to vote, the counting of the votes cast and the declaration of the result(s).
- 1.6. Nothing in paragraph 1.5 precludes the Returning Officer from outsourcing printing or other functions related to the delivery of the election.
- 1.7. It is the Returning Officer's general duty to do all such acts and things as may be necessary for conducting the election in the manner provided by these rules.
- 1.8. The Returning Officer may take such steps as they think appropriate to remedy any act or omission which arises in connection with any function the Returning Officer, or relevant person has in relation to the election, and is not in accordance with the rules or any other requirements applicable to the election. Any action or steps taken will not invalidate the poll.

2. Election Frequency & Timetable

- 2.1. Normal elections will be held every four years on dates to be set by the Returning Officer.
- 2.2. Interim elections may be held during the mid-term of the Community Councils on dates to be set by the Returning Officer, if appropriate.
- 2.3. Unless the election is otherwise scheduled, at the end of each term, the Returning Officer will make arrangements to conduct any by-election within twelve weeks;
 - on the dissolution of a Community Council under the relevant section of the Scheme of Establishment of Community Councilsor

- for a unestablished Community Council, on receipt of a request from 20 electors to the Community Council to make arrangements for the establishment of a Community Council under the terms of section 52(7) of the Local Government (Scotland) Act 1973.

2.4. In computing any period of time for the purposes of the timetable:-

- a Saturday or Sunday;
- a day which is a bank holiday in Scotland under the banking and Financial Dealings Act 1971(a);
- a day appointed for public thanksgiving or mourning, shall be disregarded, and any such day shall not be treated as a day for the purpose of any proceedings up to the completion of the poll.

2.5. The proceedings at the election will be conducted in accordance with the following timetable of events:-

Event	Date	Minimum working days
Publication of Notice of Election	Not later than 8 weeks after the notification of requirement to conduct a poll and no less than 7 weeks prior to the poll	-35
Submission of nominations to Returning Officer	Between 10am – 4pm any weekday the day after the date of publication of the Notice of Election	-34
Final date for the submission of nominations and accompanying candidates personal statements to Returning Officer	Not later than 4pm on the twenty-third day before the date of any contested poll	-23
Final date for the withdrawal of candidate nomination	Not later than 4pm on the twenty-third day before the date of any contested poll	-23
Publication of notice of uncontested elections	Not later than the twenty-second day before any contested poll	-22
Publication of Notice of Poll for contested areas	Not later than the twenty-second day before any contested poll	-22
Dispatch of the postal votes for electors in contested areas	Not later than the eleventh day before any contested poll	-11
Last time to apply for a replacement for a spoilt or lost postal vote	Not later than 4pm on the day of poll	0
Deadline for return of votes	POLLING DAY	0
Counting of votes cast and declaration of results	Within five days from the day after the close of poll	+5

- 2.6. The Returning Officer reserves the right to vary the election timetable, in the interests of the voter to take account of local or national circumstances or restrictions, public holidays, events or other polls in order to facilitate the election effectively.
- 2.7. Where the Returning Officer requires to vary the election timetable prior proceedings commencing, advance notice shall be given to the Community Council(s) effected by the modification.

3. Requirement of Secrecy

- 3.1. All persons involved in the election, including candidates are required to maintain and aid in maintaining the secrecy of voting.
- 3.2. No person shall interfere with or attempt to interfere with a voter when the voter is recording their vote.
- 3.3. No person shall communicate at any time to any person any information obtained as to the candidate or candidates for whom a voter is about to vote for or has voted for.
- 3.4. No person shall communicate to any person at any time any information obtained as to the number or other unique identifying mark on the back of any ballot paper sent or issued to any person.

4. Electoral Registration and the Electoral Register

- 4.1. An Electoral Register will be prepared for each Community Council area based on the current Electoral Register for local government elections.
- 4.2. Only those persons whose names appear on the Community Council Electoral Register current for the month prior to the election will be eligible to vote in that election.
- 4.3. There shall be no provision for overseas voters, proxy voters, postal proxy or emergency proxy voters during community council elections.

5. Publicity, Awareness & Guidance

- 5.1. Information regarding the Community Council election will be available on the Moray Council website and by other appropriate means as determined and approved by the Returning Officer.

- 5.2. Guidance and information about the election and the nomination process will be provided to current Community Councils to disseminate amongst their members and the wider community in their area.
- 5.3. The Returning Officer or the local authority will not be responsible for promoting any candidate for election, or any expenses, fees or charges incurred by the candidate or anyone acting on their behalf.

6. Notices

- 6.1. The Returning Officer will publish notices on the Council website or such additional methods as the Returning Officer may think appropriate, including publication in a newspaper or posting on notice boards at council premises and in the area of the community council and by other means as determined and approved by the Returning Officer

- 6.2. Notice of Election

The Returning Officer shall publish a notice advising that an election for the community council will take place and inviting nominations.

The Notice of Election shall state:

- (1) the number of members to be elected to the community council;
- (2) the place and time for the lodging of nominations;
- (3) the qualification to stand as a candidate or to propose or second a nomination;
- (4) that if the number of candidates exceeds the number of places to be filled, a poll will be held on a particular date; and
- (5) indicate the arrangements for the registration of the electors for that election.

- 6.3. Notice of Failure to Establish a Community Council

In the event the number of candidates validly nominated is less than minimum membership, the Returning Officer shall publish a Notice of Failure to Establish a Community Council.

The Notice of Failure to Establish a community council shall state:

- (1) the number of Candidates validly nominated, being less than the minimum membership of the community council, no community council shall be established.

- 6.4. Notice of Uncontested Election

In the event the number of candidates validly nominated exceeds the minimum number of places to be filled, but is less than or equal to maximum number of members, the Returning Officer shall publish a Notice of Uncontested Election.

The Notice of Uncontested Election shall

- (1) list the candidates in alphabetical order of surname and;
- (2) state that the number of candidates validly nominated and declare those candidates to be elected on the date of the election.

6.5. Notice of Poll

In the event the number of candidates validly nominated exceeds the maximum membership, the Returning Officer shall publish a Notice of Poll.

The Notice of Poll shall:

- (1) list the Candidates in alphabetical order of surname;
- (2) specify the date and hours of the Poll;
- (3) specify the location of the polling station and;
- (4) state the method(s) of voting.

7. Eligibility and Nominations

7.1. A person shall be eligible to stand for election to a Community Council:

- if they are 16 years old or over;
- and reside within the community council area;
- and are named on the electoral register for the area for which they are nominated.

7.2. Any individual who is elected to serve on Moray Council, or a person appointed to a committee of Moray Council in terms of Section 57 of the Local Government (Scotland) Act 1973 or a person who is elected to serve on the United Kingdom or Scottish Parliaments shall be ineligible to stand for election or co-option to a Community Council.

7.3. A nomination form must be completed, the style of which will be determined by the Returning Officer immediately prior to the current election.

7.4. Each candidate will submit a separate nomination form as provided by the election office and must be lodged as a signed hard copy or by signed scanned email copy to a nominated email address to, the Returning Officer, no later than the time and final date for submission of nominations, as specified in section 2 above.

7.5. The nomination form must be signed by the candidate and include:-

- the full name and address of the candidate,
- the name which the candidate wishes to appear on the ballot paper if different from the full name.

7.6. Nominations require to be submitted with the candidate's consent. No proposers or seconder's are required by the candidate's consent must be witnessed by someone 16 or over.

7.7. Completed nomination forms must not be handled by any other person other than the candidate and must be sent or submitted to the Returning Officer and not to the Community Council to which the candidate is seeking nomination.

- 7.8. Only one valid nomination paper can be submitted per candidate and the candidate may only stand in respect of one vacancy in one Community Council area or sub-division thereof. Where more than one nomination form is submitted, the first valid nomination form received will be accepted and all others will be disregarded.
- 7.9. It is the candidate's responsibility to ensure that a valid nomination form is received within the time limit, no responsibility will be taken for items lost or delayed by any courier or postal service or email or internet provider or packets or envelopes submitted to any council office that do not have clear indication of the addressee, contents or their urgency.
- 7.10. No nomination forms submitted after the deadline date stated in the election timetable will be accepted.
- 7.11. The Returning Officer shall, as soon as practicable after the delivery of the nomination paper, send by post or email a notice in writing of the decision that a nomination form is valid or invalid to each candidate at the candidate's home address as given in the nomination form. If the nomination is submitted within 2 working days prior to the close of nomination then the acknowledgement will be sent with the notice detailed in paragraph 7.14.
- 7.12. The Returning Officer will be entitled to hold a nomination form invalid if it does not comply with the requirements of this section.
- 7.13. The Returning Officer's decision regarding a nomination form's validity shall be final.
- 7.14. At close of nominations, the Returning Officer will advise all candidates of the nominations lodged within their area in writing or by email as soon as practicable, and whether or not the election will proceed to a poll.
- 7.15. A candidate may only withdraw their candidature by a signed notice of withdrawal and delivered by hard copy or by email to the Returning Officer at the place for the submission of nomination forms, not later than the time and final date for the withdrawal of nominations, as specified in the published election timetable. Paragraph 7.9 will apply to the notice of withdrawal in the same way it applies to the nomination form.

8. Candidates' Personal Statements

- 8.1. All candidates are invited to submit a written personal statement of not more than 100 words in support of their candidacy. This must be lodged with the Returning Officer, no later than the time and date for submission of candidates' personal statements along with their nomination form, as specified in the published election timetable.

- 8.2. No pictures, photographs diagrams or logos may be incorporated into the personal statement.
- 8.3. All material contained in the personal statements will be the sole responsibility of the individual candidate and neither the Returning Officer nor Moray Council will be responsible for the content.
- 8.4. It will be the responsibility of the candidate to ensure that their personal statement does not contain any material which is party political, obscene, defamatory or otherwise likely to cause offence.
- 8.5. Any candidate personal statements submitted which are greater than the word limit stipulated, will be contacted by the Elections Office and invited to amend, if no amendment is submitted the statement will be truncated to the maximum limit.
- 8.6. The Returning Officer, after consultation with the candidate when available, may amend candidate statements to ensure the personal statement submitted does not breach these rules.
- 8.7. In the event that there is a contested election in a community council area or sub-division thereof, copies of all the submitted candidate's personal statements will be made available to electors within their postal voting packs and published on the Moray Council website as soon as is practicable when ballot papers are due to be issued for the election.
- 8.8. The Returning Officer reserves the right to refrain from publishing any personal statement which is in breach of these rules.

9. Unsuccessful Elections

- 9.1. Where the total number of valid nominations for election to any Community Council received by the Returning Officer is less than the minimum permitted membership, as specified for the area, no Community Council will be established at that time.
- 9.2. If the election is unsuccessful, this does not prevent a request from 20 electors or more with reference to Section 2 of the Moray Scheme for the Establishment of Community Councils.
- 9.3. The Returning Officer will not consider a request under 9.2 until a period of at least 12 months from close of any previous poll.
- 9.4. After an ordinary election of Community Councils, no more than one election will be held in any 12 month period, whether due to vacancies or from a lack of members appointed at an election, subject to the discretion of the Returning Officer.

10. Contested Elections & Uncontested Elections

- 10.1. In Community Council areas that are subdivided, if, after the expiry time for the withdrawal of nominations;
- 10.1.1. the number of candidates in any sub-division(s) of the Community Council exceeds the prescribed number of seats for that sub-division but the total number of candidates is less than the total membership then the community council will be declared as uncontested.
 - 10.1.2. the number of candidates in any sub-division(s) of the Community Council exceeds the prescribed number of seats in that sub-division and the total number of candidates in the Community Council exceeds the total membership then a ballot shall proceed and the respective sub-divisions of the community council will be declared as contested.
- 10.2. In Community Council areas that are not sub-divided if, after the expiry time for the withdrawal of nominations;
- 10.2.1. the number of candidates remaining validly nominated exceeds the total maximum permitted membership as specified for the area, arrangements for a poll shall be implemented and the Community Council will be contested.
 - 10.2.2. the number of candidates remaining validly nominated is equal or exceeds the minimum specified membership, but is less than or equal to the total maximum permitted membership as specified for the Community Council, the candidates will be declared as elected.
- 10.3. The Returning Officer will communicate the outcome of the nomination process to candidates via email and/or post as soon as practicable.

11. Interim Election Arrangements

- 11.1. During an interim election any current vacancies on any of the Community Councils will be advertised by the Returning Officer in a Notice of Election and will be subject to the nomination and election process as detailed previously. The vacancies will not be open to co-option during the election period.
- 11.2. All current co-opted members of the community council, subject to interim election, will be invited to submit nominations to become full members.
- 11.3. All current full members of the Community Council and current Community Council business will be unaffected unless the Community Council is held in abeyance and cannot form a quorum.

12. The Poll & Ballot Papers

- 12.1. The poll will be conducted by secret ballot of local electors in the contested Community Council area or sub-division.
- 12.2. The poll will be conducted by a method determined by the Moray Council, in agreement with the Returning Officer and may take the form of online or postal voting, or in-person or a combination of these.
- 12.3. Where applicable, full details of the electoral arrangements will be contained in the Notice of Poll.
- 12.4. There will be no provision for the issue of poll cards in the event of a postal ballot or overseas, proxy, postal proxy or emergency proxy votes.
- 12.5. Ballot papers will be set in the standard format as used for other major elections with the appropriate security marking and unique identifying number and;
 - will contain the names of the candidates as shown on their nomination form
 - will be arranged alphabetically in order of their surnames,
 - where there are two or more candidates with the same surname, the candidates will be arranged alphabetically in respect of their other names.
- 12.6. Each voter will be entitled to cast a number of votes up to the number of prescribed vacancies for election, but will not give more than one vote to any one candidate and will not give an order of preference among candidates (although the recording of preferences would not in itself spoil an otherwise valid ballot paper).
- 12.7. A voter who has inadvertently dealt with a ballot paper in such manner that it cannot be used as a ballot paper may, on contacting the Returning Officer or their representative, within the deadlines in the election timetable, and proving to their satisfaction the fact of the inadvertence, obtain another ballot paper in the place of the ballot paper previously delivered and the spoiled ballot paper shall be immediately cancelled.
- 12.8. Where a postal voter claims either to have lost, or not to have received their postal ballot paper, by the fourth day before the day of the poll, the voter may apply to the Returning Officer by the date and time stipulated on the election timetable for a replacement ballot paper. Such an application shall include evidence of the voter's identity. Where a postal voter exercises this entitlement any ballot paper previously issued shall immediately be cancelled by the Returning Officer.
- 12.9. In the event that a candidate dies, the poll will proceed at the discretion of the Returning Officer. This will not apply if on the death of a candidate the total number of candidates does not exceed the maximum permitted members within the Community Council area as the poll will become an uncontested election.

13. Counting of Votes

- 13.1. The Returning Officer will make arrangements for the counting of votes and will notify the candidates of the time and place at which the count will commence.
- 13.2. No person other than:-
- the Returning Officer and their appointed staff;
 - the candidates; or
 - any person representing a candidate who is not present by prior arrangement, may attend the counting of votes, unless expressly permitted by the Returning Officer.
- 13.3. All persons that attend the count are bound by the Requirements of Secrecy noted in Section 3.
- 13.4. Candidates shall be elected on a simple majority basis. The result will be determined by counting the votes given to each candidate and the candidates with the highest number of votes, equal to the number of prescribed vacancies, will be declared to have been elected.
- 13.5. A candidate or their representative may, if present when the counting of the votes is completed, request the Returning Officer to have the votes re-counted, but the Returning Officer may refuse to do so if in their opinion the request is unreasonable.

14. Rejected Ballot Papers

- 14.1. A ballot paper on which the vote(s) is/are marked:-
- elsewhere than in the proper place;
 - otherwise than by means of a cross;
 - or where the voter has indicated an order of preference, **will not for such reason alone** be deemed to be null and void.
- 14.2. Any ballot paper:-
- on which votes are given for more candidates than the prescribed number of vacancies;
 - on which anything is written or marked by which the voter can be identified;
 - which is want of an official mark; or
 - which is unmarked or null and void for uncertainty will not be counted.
- 14.3. The decision of the Returning Officer on any question arising in respect of a ballot paper will be final.

15. Equality of Votes

- 15.1. Where, after the counting of votes (including any re-count) is completed, an equality of votes is found to exist between any candidates and the addition of a vote would entitle any of those candidates to be declared elected, the Returning Officer will decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

16. Declaration of Results

- 16.1. In a contested election, when the result of the poll has been determined, the Returning Officer will declare the candidates receiving the highest number of votes, equal to the number of available vacancies, to be elected.
- 16.2. In an uncontested election, following the expiry of time for the withdrawal of nominations, the Returning Officer will declare the candidates remaining validly nominated to be elected.
- 16.3. As soon as practicable after declaration, the Returning Officer will give publish the results by displaying a notice to that effect in appropriate public office(s) and on the Council website and the candidates, being either successful or unsuccessful, will be informed as soon as practicable, about the outcome of the poll.

17. Post Election

- 17.1. On completion of the election, whether unsuccessful, uncontested or contested, all nomination forms and ballot papers will be sealed within packets endorsing on each packet a description of its contents, the date of the election to which they relate and the name of the community council area for which the election was held.
- 17.2. The Returning Officer shall then forward to the proper officer of the Council for the packets of ballot papers and nomination papers in the Returning Officer's possession.
- 17.3. No person shall be allowed to inspect any rejected or counted ballot papers, or open any sealed packet in the possession of the proper officer of the Council.
- 17.4. The proper officer of the council shall retain amongst the election records of the council, for one year, all documents mentioned within this section.
- 17.5. The election records will only be available to the Returning Officer or appointed representative, if, following the election there is any accusation of misconduct or fraud which requires investigation.

- 17.6. Following investigation, the Returning Officer may determine that the contest for one or all the community council areas or subdivision was null and void and make declaration to this effect.
- 17.7. The Returning Officer may require the election or part of the election for the area determined to be rerun within 6 months, as circumstances allow.

DRAFT



REPORT TO: MORAY COUNCIL ON 30 JUNE 2021

SUBJECT: COMMITTEE GOVERNANCE

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

1. REASON FOR REPORT

- 1.1 To review the temporary decision making arrangements put in place due to the Covid-19 response.
- 1.2 To progress the Governance Review.
- 1.2 This report is submitted to the Council under paragraph II (10) of the Scheme of Administration, changes in committee structure and II (19) of the Scheme of Administration, emergency arrangements.

2. RECOMMENDATION

2.1 It is recommended that the Council agree:

- i) That meetings continue to be held by video conference and webcast and that the position is reviewed again at the Council meeting on September 2021.
- ii) To continue the temporary change to paragraph 5 (7) of the Council's Scheme of Delegation so that the Chief Executive may exercise the delegation granted to him (to take such executive actions as may be deemed necessary in the discharge of the Authority's functions) without the need for homologation.
- iii) Whether to make a decision on the next stage of the Governance Review and if so, to consider recommendations 2(iv) – 2 (viii)
- iv) Whether they wish to determine a future committee structure for the Council based on the Options 1 or 2 in Appendix 1:

Option 1. Two main service committees based around Depute Chief Executive roles.

Option 2. Three main service committees. Two committees based around Depute Chief Executive roles plus a further committee dealing with corporate issues.

- v) **Whether to proceed with any of the specific options to combine Committees in Appendix 1:**

Option A. Licensing Board with Licensing Committee

Option B. Planning and Regulatory Services with LRB

Option C. Policy and Resources functions with Audit and Scrutiny

- vi) **If the Council decides to maintain a distinct Audit and Scrutiny committee, that the Scrutiny role is further clarified with reference to a scrutiny charter and that the frequency of meetings is reviewed.**
- vii) **Whether to re-consider the voting entitlement of non-councillor committee members on the Committee which deals with education policy issues.**
- viii) **To instruct the Head of Governance Strategy and Performance to make the appropriate changes to the Scheme of Administration for further approval.**

3. BACKGROUND

Initial COVID-19 response

- 3.1 Moray Council on 25 March (para 2 of the [minute](#) refers) agreed the following temporary decision making arrangements:

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

Move to temporary simplified committee structure

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

- Economic Growth, Housing & Environmental Sustainability Committee.
- Education, Communities and Organisational Development Committee.

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

Holding position agreed on 20 January 2021

- 3.4 These temporary arrangements were reviewed by the Council at its meeting on 20 January 2021 and it was agreed (para 11 of the [minute](#) refers):

- to continue to hold virtual meetings on webcast.
- to retain the temporary arrangements for a further 6 months
- to endorse the practice of keeping information reports separate on agendas
- to reinstate membership of external committee members (tenant, teacher, parent, pupil and religious representatives)
- to defer a decision on future committee structures and voting rights on non-councillor committee members to a future meeting.
- that the next step of the Governance Review would be to review of the Council's Second Tier governance documents.

Holding meetings virtually

3.4 Whilst the level of committee business was less during the initial stages of the pandemic this has now returned to normal. Although there are still some technical and communication challenges with virtual meetings the Council has become more comfortable with them. They are operating effectively to deliver their functions remotely and are open to the public as live meetings.

3.5 Due to continuing social distancing rules a return to committee meetings where members and officers are physically present would not currently be feasible. Longer term, when restrictions are eased, it is hoped to be in a position where:

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

As well as enabling remote meetings to take place if required in future, this functionality provides a more flexible option for councillors to participate in relevant meetings in future, which supports the council's equality agenda.

Governance Review

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

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

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

- amended the Scheme of Delegation to take account of the Management Restructure. Following consultation with Heads of Service there were no significant areas identified to increase delegation of functions to officers. A balance has to be struck between the strategic involvement of members and operational decision making of officers.

- agreed its preference for a committee system (rather than a cabinet/executive governance system and this position was affirmed at the Council meeting on 28 October 2020 (para 9 of the [minute](#) refers)

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

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

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

Latest developments

3.11 At the time of drafting this report Moray remains in level 1 restrictions.

4. PROPOSALS

Chief Executive's delegated powers.

4.1 As the requirement for urgent decision continues due to COVID -19 response it is proposed to maintain the current temporary arrangements that the Chief Executive may exercise the delegation granted to him under para 5(7) of the Council's Scheme of Delegation (to take such executive action as may be deemed necessary in the discharge of the Authority's functions) without the need for homologation. This will enable a swift response to any changes or new service requests that emerge over the summer period and as the response to COVID-19 continues. This will be reviewed in September when it is hoped that the next stage of the pandemic will be clearer and anticipated easing of the covid restrictions and response measures comes into effect.

Continue with virtual meetings.

4.2 It is proposed that the Council continues with the current virtual meeting/webcast arrangements until social distancing restrictions are relaxed and that work commences to enable hybrid committee meetings(a mix of remote and in person attendance) to take place, should the Council decide to pursue this in the future.

Timing of potential changes to Committee Structure

4.3 It is proposed that the Council consider whether to make a decision on the next stage of the Governance Review, a committee structure at this time or to continue the current arrangements for a further period.

- 4.4 Implementation of any structural changes to committee are likely to be more challenging during the ongoing Covid restrictions. Although members and officers have become more familiar with working remotely and with virtual meetings, this way of working still presents additional administrative pressures and challenges and meetings/meeting administration can be more time consuming.
- 4.5 Equally however the considerations in the previous paragraph do not prevent the Council considering and agreeing its preferred structure for future implementation.
- 4.6 In any event there would be some lead in time required for changes to the Committee structure to become effective to allow time for the necessary changes to the Council's Scheme of Administration to be drafted and approved by the Council.

Options for changes to the Committee Structure

- 4.7 Options for the rationalisation of the Council Committee Structure are explored in more detail in **Appendix 1**.

Wider options

- 4.8 The Council's guidance on the preferred approach is sought with suggested options below and further detail in this appendix.
- Option 1: Continue with EGHS and ECOD committees, either on a continued temporary or on a longer term basis.
 - Option 2: Move to a simplified committee structure EGHS, ECOD plus an additional corporate committee.
 - Option 3: Move back to a wider committee structure, with some minor adjustments.

Specific options looking at combining committees:

- 4.9 It is proposed that members indicate if they wish any of the following options to be taken forward:

Option A: Licensing Board and Licensing Committee

Option B: Planning and Regulatory Services and LRB

Option C: Policy and Resources and Audit and Scrutiny

Joint boards/meetings with other agencies

- 4.10 To combine the Police and Fire Rescue Services Committee with another committee would create a logistical challenge in the timing of bringing in external representatives. It is therefore proposed that this remains as a standalone committee and that there is further consultation with statutory partners about the possibility of reducing the frequency of meetings.

Second tier governance documents

- 4.11 The Council have agreed a number of Policies, protocols and guidance documents which sit below the primary Constitutional Documents, to help define roles and behaviours and to regulate procedures. They have been agreed over time on an ad-hoc basis and are detailed on the Interchange

[Web pages](#). As the final part of the Governance Review it is proposed that these documents are reviewed and gaps identified. Progress will be monitored through the Transforming Council Board with further reports to the Council as necessary.

5. SUMMARY OF IMPLICATIONS

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

It is important for the Council to maintain an effective decision making process to continue to meet the objectives set out in its Corporate Plan.

(b) Policy and Legal

The proposals in this report will require changes to the Council's [Constitutional Documents](#), and in particular to its Scheme of Administration with the extent of those changes dependant on the option chosen by the Council.

(c) Financial implications

There may be a small financial implication associated with the purchase of an IT system to enable hybrid meetings but this can be met within existing budgets.

(d) Risk Implications

Effective governance arrangements will help the Council address some of the risks identified in its Corporate Risk Register, in particular Political and Regulatory Risks.

(e) Staffing Implications

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

(f) Property

None

(g) Equalities/Socio Economic Impact

No direct implications

(h) Consultations

The Corporate Management Team and Group Leaders have been consulted. As the recommendations in this report have been left open work will continue with member groups until the time of the meeting to answer questions and to assist them in identifying their preferences in terms of the options presented.

6. CONCLUSION

6.1 Covid-19 restrictions continue to affect the Council's normal meeting arrangements and virtual meetings should remain the norm.

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

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

Background Papers: linked with the report.

Ref:

Options to reduce the number of main reporting committees

Option 1 : Continue the current arrangements: 2 main service committees built around Depute Chief Executive Roles	
<ul style="list-style-type: none"> • Education, Communities and Organisational Development To include CYPS, and service elements of Communities and P&R. • Economic Growth, Housing and Environmental Sustainability To include EDIS and service elements of Communities and P&R. 	
Pros	Cons
<ul style="list-style-type: none"> • Committee structure is based on the organisational management structure that the council has decided upon for its functions, 2 main service portfolios. • Makes efficient use of officer resource. • Larger more strategic committees help with strategic focus, which helps address the level of detail issue in the BVAR. • We have had a chance to test it. 	<ul style="list-style-type: none"> • Additional reporting required to full council. Some items currently within P&R remit fall within the 2 roles. For example Council wide policies/programmes or council wide financial/asset management issues. • Potential for large agendas –whilst initial meetings included a backlog of material due to Covid restrictions, some recent meetings have also had long agendas. Of note, most of these items stem from the Children and Young People’s Committee agenda and so the issue is not predominantly related to the combined committee. Whilst these have been managed within allotted times they present members with a lot of reading material. • Children Social Work Services reports will still go through ECOD during shadow period until transfer to IJB – revised timescale Apr 22.
<p>Additonal Ctees:</p> <p>Statutory*: Planning and Regulatory Services, LRB, Licensing Board, Licensing Committee</p> <p>Other: Audit and Scrutiny*, Police and Fire Rescue, Appeals, Recruitment</p> <p>*further proposals below</p>	

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

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

Specific Committee Options

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

Option B: Align membership of Planning and Regulatory Services Ctee and Local Review Body.	
Suggestion: <ul style="list-style-type: none"> • One Chair • Reduced numbers from a standard committee to say 9. • Single meeting with agenda split into PRS and LRB items. 	
Pros	Cons

<ul style="list-style-type: none"> • More efficient number for specialist committee • Allows members to develop specialism. • Reduced number of meetings 	<ul style="list-style-type: none"> • Smaller number of members setting policies which impact across the whole council remit • Could cause timing difficulties with hearings. LRB meets more frequently than P&RS. • Different group of officers needed for each part of the agenda, Planning/LRB. • 2 bodies have separate roles – PRS committee setting policy and determining applications and LRB sitting as an appellate body – important LRB seen as a distinct body in determining appeals
---	--

Option C: Review remit of Audit and Scrutiny Committee	
<p>Suggestion:</p> <ul style="list-style-type: none"> • Scrutiny function is recognised as a Service Committee function with a Scrutiny Charter agreed as a Second Tier Governance document <ul style="list-style-type: none"> ○ For Option 1 the Committee retains the remaining delegated functions to become an Audit and Risk Committee ○ For Options 2 and 3 the Committee's functions merge with P&R to become a Finance, Policy, Risk and Audit Committee 	
Pros	Cons

<ul style="list-style-type: none"> • With a minority administration, non-administration councillors have effective scrutiny of policy and performance through service committees. • Scrutiny Charter clarifies the scrutiny role for councillors. • Option 1 would mirror the IJB structure. • Allows a strong focus on corporate governance with the remaining committee functions. 	<ul style="list-style-type: none"> • Non administration councillors may feel that they have lost an opportunity to hold the council Administration to account. • For Option 1, agendas may be light although reducing frequency of meetings could counterbalance this. • Loss of independence of scrutiny function.
--	--

Issues to be resolved from these options	
Issue	Suggestion
1. Frequency of meeting cycle for main committees	Keep to an 8 week cycle as we do have other 'partnership' meetings scheduled in which may cause unnecessary complications in trying to re-arrange them.
2. Reporting for Children's Services +remnants of Social Work <ul style="list-style-type: none"> • Children's services are in the process of transferring to the IJB. This is being referred to as a shadow period. Meantime there still needs to be direct democratic accountability for these services within the Councils structure. • The role of the CSWO and remnants of social work services, although managed on a day to day basis through the IJB, need a direct report to the Council. There is no statutory power to delegate them to the IJB. 	<ul style="list-style-type: none"> • Children's Services report to the committee taking on C&YPS (in addition to any reporting required by the IJB) during shadow period. When the IJB takes on statutory responsibility for these services this accountability will cease. • CSWO and non-delegated social work services report through full Council
3. External committee members can be tied up in longer meetings with items in open and confidential sections. . (Religious, teacher, parent pupil reps attendance for educational policy reports on ECOD and Tenant reps on EGHE meetings) <ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> • Agenda can be managed so that items relevant to external committee members are grouped together. • Consideration is given to removing the voting rights of all non-councillor committee members.
45. Having a distinct audit committee	

<ul style="list-style-type: none"> • It is generally recognised as good practice for Councils to have a separate audit committee however the Council have found it challenging to find sufficient material to fill the agenda on an 8 week cycle. 	<ul style="list-style-type: none"> • If the Council decide to combine Audit with other elements such as Finance, it is suggested that a section of that agenda of that committee could be set aside for Audit Items. • The Council agree a Scrutiny Charter to help councillors fulfil their scrutiny role.
<p>5. Senior Responsibility Allowances</p> <ul style="list-style-type: none"> • Regulations allow up to 9 SRA's to paid, subject to an overall cap. • The Council have agreed that a total of 8 SRA's are paid to positions of significant responsibility and these are normally settled when committee chair positions are agreed. • With fewer Chairs the Council will need to reconsider how SRA's are allocated. 	<ul style="list-style-type: none"> • Consider payment of SRA's to a combination of committee Chairs and portfolio holders. • Allow portfolio holders to lead on relevant agenda items within committees with wider remits. • Minute decision at full Council.



REPORT TO: MORAY COUNCIL ON 30 JUNE 2021

SUBJECT: POLITICAL BALANCE - APPOINTMENTS TO COMMITTEES

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

1. REASON FOR REPORT

- 1.1 To invite the Council to determine the membership of committees in terms of the political balance in light of a change to the membership of the Moray Alliance Group (MAG) and to approve a protocol for dealing with changes to membership of committees where there is no impact on the political balance.
- 1.2 This report is submitted to Council in terms of Section II (11) of the Council's Scheme of Administration relating to appointments to Committees

2. RECOMMENDATION

2.1 It is recommended that the Council:-

- (i) **determine the membership of committees in terms of the political balance in light of a change to the membership of the Moray Alliance Group (MAG); and**
- (ii) **agree the protocol for dealing with changes to membership not affecting political balance as outlined in para 4.2 of the report**

3. BACKGROUND

- 3.1 At the special meeting of Moray Council on 17 November 2020 (paragraph 5 of the Minute refers), the Council agreed a temporary simplified committee structure which is Moray Council and 2 other committees covering the remits of the Depute Chief Executive Roles. The Planning and Regulatory Services Committee, Licensing Board, Licensing Committee, Audit and Scrutiny Committee, Local Review Body, Police and Fire and Rescue Services Committee and Appeals Committee would continue to meeting as usual. Membership of these committees is detailed in Section 5.
- 3.2 In January 2021, Councillor Edwards advised that he was no longer a member of the MAG. In terms of the political balance this change does not affect the political balance in terms of the SNP, Conservative and Councillors Open Group (COG) but does result in a change in membership for the MAG,

reducing to 1 member and the others (1 Labour and 2 Independent members) rising to 2 members on committees of 14.

- 3.3 A table reflecting political balance according to number of members on committees can be found at **Appendix 1**.

4. PROTOCOL FOR DEALING WITH CHANGES IN COMMITTEE MEMBERSHIP NOT AFFECTING POLITICAL BALANCE

- 4.1 During the term of office, occasions arise where changes within political groups results in a request being made to amend the membership on a committee. Where there is no impact on the political balance this change has in the past been accepted with the resultant change being circulated to Group Leaders for information. However, recent challenges to changes such as this not being reported and approved by the Council has led to some uncertainty around the process.
- 4.2 It is proposed therefore that in order to provide clear guidance to both Members and Officers, the Council agree that changes to the membership of Committees, that do not affect the political balance, are dealt with by any such change being notified to the Democratic Services Manager, who in turn will consult with the Head of Governance, Strategy and Performance, to ensure that the political balance is not affected, and thereafter will notify Group Leaders of the change.

5. CURRENT TEMPORARY COMMITTEE STRUCTURE AND MEMBERSHIP

- 5.1 The previous approved structure of the Council is set out below:

(i) Education, Communities and Organisational Development

Membership – currently consists of 14 Members

Chair: Councillor A McLean Depute: Councillor Warren

(ii) Economic Growth, Housing and Environmental Sustainability

Membership – currently consists of 14 Members

Chair: Councillor Leadbitter Depute: Councillor Nicol

(iii) Audit and Scrutiny

Membership – currently consists of 14 Members

Chair: Councillor Gatt Depute: Councillor Ross

(iv) Planning & Regulatory Services Committee

Membership – currently consists of 14 Members

Chair: Councillor Bremner Depute: Councillor A McLean

(v) Police and Fire and Rescue Services Committee

Membership – Currently consists of 9 Members

Chair: Councillor Coy

Depute: Councillor Nicol

Other

(vi) Appeals Committee

Membership – Currently consists of 9 Members

Chair: Councillor A McLean

Depute Chair: Vacancy

(vii) Licensing Committee

Membership – currently consists of 14 Members

Chair: Councillor Cowie

Depute: Councillor Nicol

(viii) Licensing Board

Membership – currently consists of 9 Members

Chair: Councillor Cowie

Depute: Councillor Allan

(ix) Moray Local Review Body

Membership – currently consists of 9 Members

Chair: Councillor Taylor

Depute: Cllr Bremner

6. 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 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

The Chief Executive, Depute Chief Executives and the Head of Governance, Strategy and Performance were consulted on this report and any comments were incorporated within the report.

7. CONCLUSION

7.1 Council is invited to consider the political balance membership of committees in light of Councillor Edwards resignation from the MAG and to agree a protocol for dealing the changes in membership where there is no political balance impact.

Author of Report:	Moirra Patrick, Democratic Services Manager
Background Papers:	Report to Moray Council dated 17 November 2020
Ref:	

Political Balance

Total Councillors	Conservatives	SNP	CoG	MAG	Other
26	9	8	4	2	3

Total number on Committee	Conservatives	SNP	CoG	MAG	Other	Check
5	1.73	1.54	0.77	0.38	0.58	5.00
6	2.08	1.85	0.92	0.46	0.69	6.00
7	2.42	2.15	1.08	0.54	0.81	7.00
8	2.77	2.46	1.23	0.62	0.92	8.00
9	3.12	2.77	1.38	0.69	1.04	9.00
10	3.46	3.08	1.54	0.77	1.15	10.00
11	3.81	3.38	1.69	0.85	1.27	11.00
12	4.15	3.69	1.85	0.92	1.38	12.00
13	4.50	4.00	2.00	1.00	1.50	13.00
14	4.85	4.31	2.15	1.08	1.62	14.00
15	5.19	4.62	2.31	1.15	1.73	15.00
16	5.54	4.92	2.46	1.23	1.85	16.00

Seats

Total number on Committee	Conservatives	SNP	CoG	MAG	Other
5	2	2	1	0	1
6	2	2	1	0	1
7	2	2	1	1	1
8	3	2	1	1	1
9	3	3	1	1	1
10	3	3	2	1	1
11	4	3	2	1	1
12	4	4	2	1	1
13	5	4	2	1	1
14	5	4	2	1	2
15	5	5	2	1	2
16	6	5	2	1	2

