MORAY COUNCIL

Minute of Meeting of the Moray Council

Wednesday, 07 August 2019

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

PRESENT

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

APOLOGIES

Councillor John Cowe, Councillor Ron Shepherd

IN ATTENDANCE

Also in attendance at the above meeting were the Chief Executive, Corporate Director (Corporate Services), Corporate Director (Economic Development, Planning and Infrastructure), Head of Development Services, Head of Financial Services, Head of Legal and Democratic Services and the Strategic Plan and Development Manager.

Also in attendance was Maggie Bruce, External Auditor.

1. Chair

The meeting was chaired by Councillor Shona Morrison.

2. Declaration of Group Decisions and Members Interests *

In terms of Standing Order 20 and the Councillors' Code of Conduct, 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. Minute of Special Meeting dated 27 June 2019

The minute of the special meeting of Moray Council dated 27 June 2019 was submitted and approved.

4. Emergency Notice of Motion

A notice of motion was submitted by Councillor Edwards, seconded by Councillor Taylor in the following terms:

Given the recent events in Lossiemouth resulting in the closure of the East beach Bridge, Councillors are asked to implement the agreement of the motion raised in the Council meeting on 28 June 2018 (para 6 of the minute refers).

The Council agreed to support the Lossiemouth Community Development Trust (LCDT) in its campaign to secure continuous pedestrian access to the East Beach from Lossiemouth via a bridge. The LCDT are still actively trying to raise funds in order to re-establish a safe link between the town and the beach. More, now than ever they need the assistance of both local authority and central government.

Council agrees to:

Implement the agreement sent out on 28 June 2018, items 1 – 4 and in addition agree and implement item 5.

i) Through officer expertise in funding applications and pathways to funding streams;
ii) With letters of support from both Members and officers of this council in order to help with the funding application;
iii) Logistics – storage location in the form of ground for a lay down area in the car park close to the bridge for specialist equipment or materials in order to repair the bridge;
iv) Financial – the Council assist the LCDT in investing all avenues of funding, including looking further at the use of the Common Good funding as discussed;
v) Request funding from all avenues including both the Scottish and UK Governments in order to repair or replace the bridge.

Councillor Leadbitter welcomed the motion and was of the view that the main funding avenue for LCDT would be the Capital Re-generation Fund. He further added that he was happy to discuss the issue with the Scottish and Westminster Governments. Councillor Leadbitter was of the view that Highlands and Island's Enterprise had also indicated that they were happy to provide support to the LCDT.

Following further discussion it was agreed to amend the wording of point 5 of the motion to read:

Support Lossiemouth Community Development Trust with applications and requests for suitable funding, including to both the Scottish and UK Governments and their agencies in order to repair or replace the bridge.

As there was no one otherwise minded, the Council agreed to:

Implement the agreement sent out on 28 June 2018, items 1 – 4 and in addition agree and implement item 5.

i) Through officer expertise in funding applications and pathways to funding streams;
ii) With letters of support from both Members and officers of this council in order to help with the funding application;

iii) Logistics – storage location in the form of ground for a lay down area in the car park close to the bridge for specialist equipment or materials in order to repair the bridge;

iv) Financial – the Council assist the LCDT in investing all avenues of funding, including looking further at the use of the Common Good funding as discussed; and

v) Support Lossiemouth Community Development Trust with applications and requests for suitable funding, including to both the Scottish and UK Governments and their agencies in order to repair or replace the bridge.

5. Written Questions **

The Council noted that no written questions had been submitted.

6. Draft Food Growing Strategy

A report by the Corporate Director (Economic Development, Planning and Infrastructure) advised the Council that all Local Authorities have a statutory duty to prepare a Food Growing Strategy by 1 April 2020 and asked the Council to agree a draft strategy for public consultation.

Following discussion whereby all Members were in favour of the strategy, Councillor Leadbitter proposed a motion to amend recommendation (iv) of the report to delegate responsibility to Policy and Resources Committee rather than Planning and Regulatory Services Committee, as Policy and Resources Committee had the full range of Committee Chairs in attendance to allow better scrutiny.

In response Councillor Feaver moved an amendment that the reporting on the Food Growing Strategy should be with Moray Council to allow all members the opportunity for scrutiny and not just Committee Chairs.

Councillor Leadbitter further added that the consultation response would come back to Moray Council for consideration and approval and the ongoing scrutiny would be delegated to Policy and Resources Committee.

In order to clarify the position with reporting, the Convener proposed an adjournment to allow further discussion.

On the resumption of the meeting, Councillor Leadbitter withdrew his motion and Councillor Feaver withdrew her amendment and Council agreed:

i) to note the statutory requirement to prepare a Food Growing Strategy by 1 April 2020;

ii) to note the content of the draft Food Growing Strategy;

iii) to approve the draft strategy set out in Appendix 1(subject to the addition of graphics) and issue for public consultation for an 8 week period.

iv) to decide on the delegation responsibility for Section 119 and 120 of the Community Empowerment (Scotland) Act 2015 - Food Growing Strategy

following consideration of the next report to Moray Council following the 8 week public consultation.

v) that responses to the consultation be reported to a future meeting of Moray Council along with the final Food Growing Strategy for approval.

7. Performance Management Framework

A report by the Chief Executive was submitted and sought approval of the revised Performance Management Framework.

Following consideration, Council agreed to:

i) note the issues identified with the current approach to Performance Management;

ii) approve the new Performance Management Framework, guidance and templates produced as Appendix A to this report;

iii) agree that training for elected members on their role in effective performance management be provided;

iv) note that training and development for officers on this subject will also be provided; and

v) note that the Corporate Management Team (CMT) will review self-evaluation activity.

8. Audit Scotland - Management Report 2018-19

A report by the Corporate Director (Corporate Services) was submitted to provide Council with a copy of the External Auditor's management report for 2018/19.

During consideration Councillor Coy raised concerns about the withdrawal from the European Union (EU) and the implications that this may have on Moray. Councillor Coy asked whether the Council's Brexit Task Force Group had recommenced meeting again.

In response, the Chief Executive confirmed that the Brexit Task Force Group had been in abeyance and it will be re-starting as guidance starts coming through from the Scottish Government via Police Scotland and the guidance is based on a set of risk criteria set out on page 117/118 of the papers. The Chief Executive further advised that the Council will be re-assessing those risks against the potential for the 31 October 2019 deadline.

Councillor Coy further requested an update report to the next meeting of Moray Council on the work being carried out. In response, the Chief Executive confirmed that a report will be presented to the Special Meeting of Moray Council on 25 September 2019. To give further assurance, the Chief Executive confirmed that if

the situation deteriorated then a further special meeting of Moray Council would be convened, however there were no indications currently that this would happen.

Following consideration the Council noted the contents of the External Auditor's Management Report for 2018/19.

9. Question Time ***

Under reference to paragraph 14 of the Minute of Moray Council dated 27 June 2019, Councillor Alexander sought an update on the Business Support Officer post.

In response, the Chief Executive confirmed that the recruitment process had started and the post had been advertised but was unclear as to the current status of the post and agreed to seek an update from Education and Social Care and get back to Councillor Alexander following the meeting.

Under reference to paragraph 14 on the Minute of the Moray Council dated 27 June 2019, Councillor Warren sought an update in relation to fresh food processing certification in the event of a no deal Brexit and whether extra Environmental Health Officers would be employed to ensure the required certification could be processed to ensure fresh food processing would not be affected in the event of a no deal Brexit.

In response, the Chief Executive advised that the update was covered in the earlier response to Councillor Coy's question regarding the guidance received from the Scottish Government in terms of risks as this was a risk identified in the national framework and the Council have responded to that.

Under reference to paragraph 14 of the Minute of the Moray Council dated 27 June 2019, Councillor Ross sought an update on the Essential Skills and ESOL services.

In response the Chief Executive advised that members had asked a number of questions with regards to the Essential Skills and ESOL services which there are now answers too and the response was given to Group Leaders as a matter of courtesy. A report to the next meeting of Moray Council will now follow.

The Corporate Director (Economic Development, Planning and Infrastructure) further added that a compendium report on the issues will be presented to the September meeting of Moray Council.

Councillor McLean asked the Chief Executive if he could circulate his response to all Councillors regarding the update on the Business Support Officer vacancy.
In response the Chief Executive said he was happy to update all Councillors.

Councillor Brown requested a response on what steps the Council are taking, if any, to mitigate the cessation of the 340/341 Bus Service run by Deveron Coaches in September 2019.

In response the Corporate Director (Economic Development, Planning and Infrastructure) confirmed that she has asked officers for a response to the issue and is awaiting a detailed response. She further added however, that her understanding is that the Council does not subsidise from its own funding streams, commercial bus routes and from memory this bus route was under threat previously but developer obligation funding could be diverted to resume the service and that if the developer

obligation funding have now been exhausted then the Council would revert to the previous policy decision and the bus service would be withdrawn and the Dial a Bus network would take effect.

Councillor Alexander sought an update on the provision of a pedestrian crossing on the Orchard Road and St Catherines Road junction in Forres.

In response the Corporate Director (Economic Development, Planning and Infrastructure) stated that there is a potential funding gap for the works at that junction but indicated that an update would be sought from the Transportation Manager on the works.

Councillor Ross asked whether the Council could sustain transport services in Moray.

In response the Corporate Director (Economic Development, Planning and Infrastructure) stated that officers are working hard within the financial constraints to provide a transport infrastructure in Moray and some of the solutions within that lie at a national level and some lie at an individual level.