

# MORAY COUNCIL

## Minute of Special Meeting of the Moray Council

Tuesday, 18 December 2018

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

### **PRESENT**

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

### **APOLOGIES**

Councillor Ray McLean, Councillor Ron Shepherd, Councillor Walter Wilson

### **IN ATTENDANCE**

The Chief Executive, the Head of Direct Services, the Head of Development Services, the Head of Financial Services, the Acting Head of Lifelong Learning, Culture and Sport, the housing Strategy and Development Manager, the Head of Legal and Democratic Services, Paul Kendirck, Project Officer Lifelong Learning, Culture and Sport and the Democratic Services Manager as Clerk to the Meeting.

### **1 Chair**

The Meeting was chaired by Councillor S 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 Resolution**

The Council resolved that, in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting during consideration of the items of business appearing at the relevant paragraphs of this minute as specified below, so as to avoid

disclosure of exempt information of the class described in the appropriate paragraphs of Part 1 of Schedule 7A of the Act.

<u>Paragraph Number of Minute</u>	<u>Paragraph Number of Schedule 7A</u>
7	9
8	6& 9

#### **4 Green Infrastructure Fund – Cooper Park**

A report was submitted by the Corporate Director (Economic Development, Planning and Infrastructure) informing the Council of the Green Infrastructure Fund and asking the Council to authorise a funding application for Cooper Park, this being part of the Cultural Quarter Growth Deal proposal.

Following consideration the Council agreed to authorise the submission of funding applications to the Green Infrastructure Fund on the condition that:

- i) the application is clearly submitted as subject to:
  - a. additional funding being attracted through the Growth Deal Bid, and
  - b. business cases to provide sustainable revenue support for any investments provided through the GIF funding being agreed; and
- ii) a further report be submitted to Council to enable consideration of any final offer of grant, any financial implications for the Council being confirmed at that time.

#### **5 Establishment of Post of Early Years Service Manager**

Under reference to paragraph 20 of the Minute of the meeting of Moray Council dated 27 September 2018, a report was submitted by the Acting Corporate Director (Education and Social Care) inviting the Council to approve the establishment of the post of Early Years Service Manager at salary grade 13, as outlined in the Delivery Plan for the expansion of Early Learning and Childcare provision across Moray.

During discussion concern was raised in regard to the continued funding of the Early Years Expansion Programme and clarification was sought in regard to the provision of funding for the post and whether this would be provided by the Scottish Government and for how long. In response the Acting Corporate Director (Education and Social Care) advised that Scottish Government Funding was in place until August 2020 but that the Scottish Government have not advised how this will be funded post 2020 and therefore the Service was working to August 2020 and other service managers are contracted to August 2020.

Following further discussion the Council agreed to approve the establishment of the post of Early Years Service Manager as detailed in the report and to note that the Scottish Government funding for this was in place until August 2020.

#### **6 Linkwood Primary School New Build Project**

Under reference to paragraph 4 of the Minute of the meeting of Moray Council dated 29 June 2016, a report was submitted by the Acting Corporate Director (Education and Social Care) updating the Council on the cost and funding arrangements for the Linkwood Primary School New Build project and seeking approval to enter in to the design and build agreement.

During discussion concern was raised in regard to the lateness of the report and in particular in respect of the increased cost of the project. In response the Acting Corporate Director (Education and Social Care) advised of previous reports to Members outlining the challenges it has faced and hurdles overcome since it was approved in 2016. He further advised of the backstop date of having occupation of the school by August 2020 and in order to meet this date a construction site needs to be set up in January 2019 with construction commencing mid February 2019 to allow for a completion date of late June 2020. The negotiations around price have been long and difficult and had been on going until late into the evening of 12 December 2018 following which a price was accepted following which the outcome was reported to the Corporate Management Team, where the Chief Executive posed questions to the Team. Thereafter the report was finalised for issue as urgent.

The Chief Executive advised that as indicated by the Acting Corporate Director (Education and Social Care), he had raised some questions in relation to this Project. The first being how could the increased cost be mitigated as detailed in paragraph 5c of the report, and secondly what lessons can be learned from this and whilst not reflected in the report, he assured the Council that he will be asking for a report to him on lessons learned and if appropriate this would also be provided to the relevant service committee and the Audit and Scrutiny Committee.

Thereafter following further lengthy discussion the Council agreed:

- i) to note the cost and funding arrangements set out in paragraphs 3 and 4(c) of the report and that capital budget be approved up to the value of £12,810,000 for Linkwood Primary School;
- ii) to authorise the Head of Legal and Democratic Services (or in their absence the Legal Services Manager (Property and Contracts) to:
  - (a) consider and agree any further amendments to the Linkwood Primary School project documents after the date of this meeting;
  - (b) sign all documentation required for the Linkwood Primary School project on behalf of the Council including:
    - the Design and Build Development Agreement between (1) the Council and (2) hub North Scotland Limited;
    - the Contractor's Collateral Agreement between (1) the Council and (2) Balfour Beatty Construction Limited;
    - the Designers Collateral Agreements between (1) the Council and (2) each of (one) JMArchitects Limited; (two) DSSR; and (three)

Waterman Group, and

- any additional or ancillary documents in relation to the Project to which the Council is required to be a party;

iii) The Chair of the Council meetings certifies a copy of the Minute of the proceedings of this meeting as verification that approval has been granted; and

iv) to note that financial close is targeted for 11 January 2019.

v) to note that the Chief Executive had requested a report on lessons learned be submitted to him and if appropriate this would also be provided to the relevant service committee and the Audit and Scrutiny Committee.

## **7 Inter Authority Agreement 2 (Long Stop Date) - Energy From Waste Project [Para 9]**

Under reference to paragraph 2 of the minute of the special meeting of Moray Council dated 25 October 2016, a report by the Corporate Director (Economic Development, Planning and Infrastructure) asked the Council to approve extending the current longstop date which relates to agreeing the terms of the Inter-Authority Agreement 3 (IAA3), agreed in the Stage 2 Inter Authority Agreement (IAA2) that commits the Moray Council, Aberdeen City Council and Aberdeenshire Council to work in partnership to procure an Energy from Waste Facility (EfW) from the 21 December 2018 to 1 June 2019.

Following consideration, the Council agreed to:

- i. extending the longstop date which relates to agreeing the terms of the IAA3 as agreed in the Stage 2 IAA2, from the 21 December 2018 to the 1 June 2019 and;
- ii. note that a further report will be submitted to a full Council meeting by the end of March of 2019 to approve final contract award and further formal, binding inter-authority agreement (IAA3), subject to the project meeting the deadlines in Table 1, paragraph 5 of the report.

## **8 Council New Build Phase 7 - Report on Tender [Paras 6 and 9] - Deferred from Special Full Council 12 December 2018**

Under reference to paragraph 15 of the Minute of the meeting of the Communities Committee dated 26 June 2018, a report was submitted by the Corporate Director (Economic Development, Planning and Infrastructure) presenting an evaluation of a tender received for the Council New Build Programme Phase 7 project at Forsyth

Street, Hopeman and making recommendations in respect of land acquisition and tender acceptance.

Following lengthy discussion Councillor Cowe moved approval of recommendations 3.1 (i) - (iii) as detailed in the report. Councillor Alexander seconded the motion.

As an amendment Councillor Feaver moved that the Council did not approve recommendations 3.1 (i) - (ii) as detailed in the report and only approved recommendation 3.1 (iii) as detailed in the report.

On a division there voted:

For the Motion Councillors Cowe, Alexander, Allan, Bremner, Coull, Cowie, Coy,  
(16) Creswell, Divers, Edwards, Laing, Leadbitter, A McLean, Morrison,  
Patience and Warren.

For the Amendment (6) Councillors Feaver, Gatt, Brown, Eagle, M McLean and Macrae

Abstentions (1) Councillor Ross

Accordingly the Motion became the finding of the Meeting and the Council agreed to:

- i. accept the tender received for the site at Forsyth Street, Hopeman;
- ii. remit it to the Legal Services Manager (Property and Contracts) to conclude the purchase of the site as shown on Appendix II of the report, and
- iii. note that progress on the delivery of the Council's new build programme is reported to the Communities Committee.