



Moray Council

Wednesday, 29 June 2022

NOTICE IS HEREBY GIVEN that a Meeting of the **Moray Council** is to be held at **Council Chambers, Council Office, High Street, Elgin, IV30 1BX** on **Wednesday, 29 June 2022 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 24 - 26 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 6 April 2022** **7 - 18**
 - 4b. **Minute of Meeting of 18 May 2022** **19 - 30**
5. **Notice under Moray Council Standing Order 7** **31 - 32**
6. **Notice of Motion - Councillors Gatt and Bloomfield -
Armed Forces Covenant** **33 - 34**
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Plain English** **35 - 36**

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17.	Summer Holiday Food and Childcare Programme Report by Depute Chief Executive (Education, Communities and Organisational Development)	73 - 78
18.	Appointment of Outside Bodies Report by Depute Chief Executive (Education, Communities and Organisational Development)	79 - 88
19.	Standards Commission Hearing Update Report by Depute Chief Executive (Education, Communities and Organisational Development)	89 - 94

20. **Application for Discretionary NDR Relief - Elgin Sports Trust** 95 - 98
Report by Depute Chief Executive (Economy, Environment and Finance)
21. **Application for Discretionary NDR Relief - Moray Sports Foundation** 99 - 102
Report by Depute Chief Executive (Economy, Environment and Finance)
22. **Application for Discretionary NDR Relief - OspreyHousing** 103 - 106
Report by Depute Chief Executive (Economy, Environment and Finance)
23. **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**
24. **Buckie Harbour Offshore Wind Operations and Maintenance [Para 9]**
- Information on terms proposed or to be proposed by or to the Authority;
25. **Restructure Employability [Para 1]**
- Information relating to staffing matters;
26. **Trade Union Facility Time [Para 1]**
- Information relating to staffing matters;

Any person wishing to attend the meeting should contact customer services on 01343 563217 prior to the meeting as the number of attendees is restricted due to the recent Covid pandemic

You can however watch the webcast of the meeting by going to : http://www.moray.gov.uk/moray_standard/page_43661.html

* **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 Marc Macrae (Chair)
Councillor Neil McLennan (Depute Chair)
Councillor Kathleen Robertson (Depute Chair)

Councillor James Allan (Member)
Councillor Peter Bloomfield (Member)
Councillor Neil Cameron (Member)
Councillor Tracy Colyer (Member)
Councillor Theresa Coull (Member)
Councillor John Cowe (Member)
Councillor John Divers (Member)
Councillor Amber Dunbar (Member)
Councillor Jérémie Fernandes (Member)
Councillor Donald Gatt (Member)
Councillor David Gordon (Member)
Councillor Juli Harris (Member)
Councillor Sandy Keith (Member)
Councillor Scott Lawrence (Member)
Councillor Graham Leadbitter (Member)
Councillor Paul McBain (Member)
Councillor Shona Morrison (Member)
Councillor Bridget Mustard (Member)
Councillor Christopher Price (Member)
Councillor Derek Ross (Member)
Councillor Draeyk Van Der Horn (Member)
Councillor Sonya Warren (Member)
Councillor Ben Williams (Member)

Clerk Name:	Tracey Sutherland
Clerk Telephone:	07971 879268
Clerk Email:	committee.services@moray.gov.uk

Minute of Meeting of the Moray Council

Wednesday, 06 April 2022

Remote Locations via Video Conference

PRESENT

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

APOLOGIES

Councillor John Cowe, Councillor Tim Eagle, Councillor Maria McLean, Councillor Ray McLean, Councillor Walter Wilson

IN ATTENDANCE

Also in attendance at the above meeting were the Chief Executive, Depute Chief Executive (Economy, Environment and Finance), Depute Chief Executive (Education, Communities and Organisational Development), Chief Officer Health and Social Care Moray, Head of Financial Services, Acting Head of Environmental Services and Commercial Services, Head of Economic Growth and Development, Head of Housing and Property, Acting Head of Children, Families and Justice Social Work, Legal Services Manager, Consultancy Manager, Principal Climate Change Strategy Officer, Principal Planning Officer, Senior Officer, Economic Strategy and Development, Interim Strategy and Planning Lead (Health and Social Care Moray), Emma Gordon, Planning Officer and Tracey Sutherland, Committee Services Officer.

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, Councillors, Morrison, Coull, Warren, Brown, Divers and Nicol declared an interest in Item 7 as members of the Moray Integration Joint Board.

There were no other 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 Items 11 to 14 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
21	8 and 9 Information on proposed terms and/or expenditure to be incurred by the Authority
22	9 Information on terms proposed or to be proposed by or to the Authority
23	8 and 11 Information on the amount of any expenditure proposed to be incurred by the Authority Information relating to any consultations or negotiations in connection with any labour relations
24	3 and 5 Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the Authority. Information relating to the adoption, care, fostering or education of any particular child or relating to the supervision or residence of any particular child in accordance with a supervision requirement.

4. Final Meeting

The Chair acknowledged that this was the final meeting of Moray Council for this election term and wished all those standing again good luck and wished all those who were stepping down well for their future.

5. Pre- Election Period

The Legal Services Manager reminded all Members about the pre-election publicity restrictions and guidance received by members and re-iterated the advice previously given by the Head of Governance, Strategy and Performance at the previous meeting of Moray Council on 15 March 2022.

She further reminded members that the meeting must not be used to foster support for a political party or be seen to influence the outcome of the election in any way.

The Chair also reminded Members to be mindful of their conduct.

6. Condolences

Members of the Council joined the Convener in offering their sincere condolences to Councillor Coull and her family following the death of her mother.

7. Minute of Meeting of 22 February 2022

The minute of the Special Meeting of Moray Council on 22 February 2022 were submitted and approved.

8. Minute of Meeting of 23 February 2022

The minute of the meeting of Moray Council on 22 February 2022 was submitted and approved.

9. Minute of Meeting of 15 March 2022

The minute of the Special Meeting of Moray Council on 15 March 2022 was submitted and approved.

10. Written Questions **

The Council noted that no written questions has been submitted.

11. Children and Families Social Work Services Revenue Budget Monitoring Report to 31 December 2021

A report by the Chief Officer, Health and Social Care Moray informed the Council of the budget position for Children and Families Social Work Services as at 31 December 2021.

Following consideration the Council agreed to note the budget position at 31 December 2021.

12. Proposed Delegation of Children and Families and Justice Social Work

A report by the Chief Officer, Health and Social Care Moray asked the Council to consider the outcomes of the business case on the proposed delegation of Children and Families and Justice Social Work to the Moray Integration Joint Board.

Following consideration the Council agreed:

- i) to approve the Business Case for delegation of Children's and Families and Justice Social Work to MIJB attached as Appendix 1 to the report;
- ii) to note that the Business case is being submitted to MIJB and Grampian NHS Board for their respective approvals;

- iii) that financial accountability for the service remains with the Council for a period of 18 months up to 31 March 2024;
- iv) that Officers enter into dialogue with the Scottish Government (as the statutory approval body) over the formal amendments required to the Integration Scheme to enable the delegation; and
- v) to note the final version of the Scheme will come to a future meeting of the Council for approval.

13 Edinburgh Declaration

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Council to sign the Edinburgh Declaration and note potential future actions to assist in halting biodiversity decline.

Councillor Brown sought clarification, following the pre-election guidance at the start of the meeting on whether this paper should be discussed as he felt the paper was quite political.

In response the Legal Services Manager confirmed that elements of the paper were political however it had previously been discussed at the Service Committee, albeit that was prior to the pre-election period.

Following further consideration, Councillor Brown moved to defer the discussion on the report until after the election. This was seconded by Councillor Gatt.

As there was no one otherwise minded, the Council agreed to defer the consideration of the report until a later meeting of Moray Council following the Local Government Elections in May 2022.

14. Renewables Income Fund

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Council to participate in an exercise to identify economic opportunity and methods of maximising local income associated with renewables.

Following consideration the Council agreed to approve the provision of a one off £5k budget to facilitate a contribution towards consultancy work on a renewables income fund report for the Highlands and Islands Region with other HIREP partners.

15. Covid Economic Recovery Fund

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Council of the recently announced Covid Economic Recovery Fund and sought approval for the proposed Council allocations.

Following consideration the Council agreed:

- i) £400,000 for the extension of the Flexible Food Fund;
- ii) £400,000 for the Discretionary Business Support Fund; and

- iii) £410,000 for Town Centre Capital business improvements and start-up grants.

16. Strategic Tourism Infrastructure Development Plan

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Council of the recently opened Rural Tourism Infrastructure (RTIF) for Strategic Infrastructure Development Plans and sought permission to accept the grant offer.

Following consideration the Council agreed to accept the grant offer for the Moray Routes Strategic Infrastructure Development Plan.

17. Scotland Loves Local Moray Gift Card

A report by the Depute Chief Executive (Economy, Environment and Finance) updated the Council on progress for the Scotland Loves Local Moray Gift Card scheme and highlighted opportunities for development.

In welcoming the report, Councillor Warren moved the recommendations as printed in the report as she felt it was a great way of keeping money in Moray and boosting trade for local businesses . This was seconded by Councillor Coull.

Councillor Gatt sought clarification on the advantage of the Scotland Loves Local Moray Gift card as opposed to members of the public using their own debit or credit card.

In response, the Head of Economic Growth and Development confirmed that the intention around the Scotland Loves Local Scheme is to help economic recovery and to encourage people back out and shopping in their own area, using their local high streets and it also brings in the community wealth building approach and keeping more spend local.

Councillor Brown sought clarification on why an additional officer is required as the Council already has a Commercialisation Officer and asked if the promotion of the card could be carried out by the member of staff already in post.

In response, the Head of Economic Growth and Development re-iterated that there is no current capacity within the team to take on this additional work and therefore an additional member of staff is required. He further added that the money to fund the post is coming from the Covid Recovery Fund and should members not wish to agree the recommendations, they would need to determine which of the 3 funds agreed in the previous report the money should be added to as the money needs to be spent this year.

Following further consideration, Councillor Gatt, seconded by Councillor Brown proposed agreeing recommendation (i) and (iii) and to remove the appointment of a temporary Development Officer post from recommendation (ii) and return £45,000 of the proposed £70,000 to the Discretionary Business Support Fund.

On the division there voted:

For the Motion (12)	Councillors Warren, Coull, Alexander, Allan, Bremner, Divers Cowie, Leadbitter, Macrae, A McLean, Morrison and Nicol
For the Amendment (7)	Councillors Gatt, Brown, Creswell, Edwards, Feaver, Powell and Ross
Abstention (1)	Councillor Taylor

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

- i) to note the progress of the Scotland Loves Local Moray Gift Card Scheme rollout and potential for development;
- ii) £70,000 from the Economic Recovery Fund to create a temporary Development Officer post, provide promotional budget and administration cost to continue the scheme; and
- iii) noted the report in conjunction with the Covid Economic Fund report presented to the meeting earlier on the agenda.

18. Route Map to Net Zero Carbon Emissions

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Council to approve the Route Map to Net Zero (RMNZ), approve in principle an updated climate change action plan subject to consideration as part of the financial planning process, and note progress with the consultancy studies approved within the Climate Change Strategy (CCS) for 2022-2030.

Councillor Brown expressed concern about the lack of external funding which, so far has been available for the Council to assist in the development of the RMNZ and moved to agree recommendation (i) to (iv) and (vii) and to change recommendations (v) and (vi) to read as follows:

- v) notes the indicative additional budget pressure from 2023/24 onwards arising from new statutory climate change measures for which external funding from Government is essential
- vi) notes the additional actions and proposals as set out in section 5.4 for which external funding from government will be essential.

This was seconded by Councillor Gatt.

The Depute Chief Executive (Economy, Environment and Finance) expressed concern that Councillor Brown's motion may remove the opportunity for the Council to spend already money already allocated in the budget for the RMNZ, she further added that not all possible income streams will come from the Government and suggested that it may be advisable to remove the word Government from the motion.

The Head of Economic Growth and Development also added that there was a need to retain the words 'These will require to be worked up etc' to ensure projects go through the financial process/asset management to get agreement at a strategic level.

In response Councillor Brown, with the agreement of Councillor Gatt, agreed to amend his motion as follows:

- v) notes the indicative additional budget pressure from 2023/24 onwards arising from new statutory climate change measures for which significant external funding is essential
- vi) notes the additional actions and proposals as set out in section 5.4 below. These will required to be worked up and considered through the Council's financial process and for which significant external funding is essential.

In terms of Standing Order 83 the Chair sought approval of the Council to suspend Standing Order 75 to continue the meeting after 12.45pm to complete the discussion on this item. This was unanimously agreed.

Councillor Leadbitter in response said that whilst he shared Councillor Brown's concerns about making decisions which tied in the next Council, he added that by determining the next Council cannot afford projects is also tying in the Council in so he proposed amending recommendations (v) and (vi) as follows and this was seconded by Councillor Warren:

- v) notes the indicative additional budget pressure from 2023/24 onwards arising from new statutory climate change measures for which external funding will be a significant component;
- vi) notes the additional actions and proposals as set out in section 5.4 below. These will required to be worked up and considered through the Council's financial process and for which significant external funding will be a significant component;

On the division there voted:

For the motion (6)	Councillors Brown, Allan, Gatt, Feaver, Powell and Ross
For the Amendment (11)	Councillors Leadbitter, Warren, Bremner, Coull, Cowie, Divers, Macrae, A McLean, Morrison, Nicol and Taylor
Abstentions (3)	Councillors Alexander, Creswell and Edwards

Accordingly the Amendment became the finding of the meeting and the Council agreed to:

- i) approve the RMNZ as set out in Appendix 1;
- ii) note that in 2020/21 the Council recorded a 17% reduction in its annual carbon emissions reported. These annual greenhouse gas reports will be incorporated into an annual update of the RMNZ to improve accuracy of carbon emissions projections;
- iii) notes that the current pathway the Council is on means that 2030 remains in the range of possible dates when net zero will be met. The RMNZ

contains three pathways to help show options available for climate change actions as well as assumptions on which emissions will have to be considered in the definition of net zero. There is still insufficient data to guarantee that the actions the Council is taking to reduce carbon emissions will meet the 2030 target with minimal carbon sequestration;

- iv) note that decisions around rationalisation of building assets, as well as progress on the decarbonisation of heating and fleet, and progress on improvements to associated depot infrastructure, must be made by 2023-24 to allow for a more accurate estimate of the level of carbon sequestration to meet net zero in 2030 to be determined;
- v) note the indicative additional budget pressure from 2023/24 onwards arising from the new statutory climate change measures for which external funding will be a significant component;
- vi) notes the additional actions and proposals as set out in section 5.4 below. These will require to be worked up and considered through the Council's financial planning process and for which external funding will be a significant component; and
- vii) note the progress of the consultancy studies approved within the CCS as set out in Appendix 2.

Following the conclusion of the item, the meeting adjourned for lunch and resumed at 2.00pm

RESUMPTION OF MEETING

PRESENT

Councillor George Alexander, Councillor James Allan, Councillor Frank Brown, Councillor Theresa Coull, Councillor Gordon Cowie, Councillor Lorna Creswell, Councillor John Divers, Councillor Ryan Edwards, Councillor Claire Feaver, Councillor Donald Gatt, Councillor Graham Leadbitter, Councillor Marc Macrae, Councillor Aaron McLean, Councillor Shona Morrison, Councillor Louise Nicol, Councillor Laura Powell, Councillor Derek Ross, Councillor Amy Taylor, Councillor Sonya Warren

APOLOGIES

Councillor David Bremner, Councillor John Cowe, Councillor Tim Eagle, Councillor Maria McLean, Councillor Ray McLean, Councillor Walter Wilson.

ALSO IN ATTENDANCE

Also in attendance at the above meeting were the Chief Executive, Depute Chief Executive (Education, Communities and Organisational Development), Chief Officer Health and Social Care Moray, Acting Head of Environmental Services and Commercial Services, Head of Economic Growth and Development, Head of Housing and Property, Legal Services Manager, Consultancy Manager, Principal Planning Officer, Senior Officer, Economic Strategy and Development, Interim Strategy and Planning Lead (Health and Social Care Moray) and Tracey Sutherland, Committee Services Officer.

19. Review of Council Response into Storm Arwen

A report by the Depute Chief Executive (Economy, Environment and Finance) advised the Council of the outcome of the reviews of the Council response to storm Arwen and sought approval of the recommendations of the improvement actions arising from these reviews.

Following consideration the Council agreed to approve the action plan as contained in paragraph 4.2 of the report.

20. Question Time ***

The Council noted that no further questions had been asked.

21. Land at Commercial Road, Buckie

A report by the Depute Chief Executive (Economy, Environment and Finance) updated the Council on the Place Based Investment Programme spend for 2021/22 and sought approval to conclude property acquisition and sale.

Councillor Warren moved the recommendations and this was seconded by Councillor Cowie. As there was no one otherwise minded the Council agreed to:

- i) approve the purchase of properties as detailed in para 5.5 - 5.14 of this report;
- ii) give delegated authority to the Legal Services Manager to conclude the purchase of property as contained in paras 5.5 - 5.14 of this report; and
- iii) approve the sale of property detailed in para 5.15 on terms set out in and authorises the Estates Manager and the Legal Services Manager to finalise detailed terms and conditions and conclude the transaction.

22. Property Acquisition - Moray Growth Deal

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Council to authorise officers to negotiate and conclude conditional missives for the acquisition of two properties in Central Elgin, in order to secure them for the delivery of Moray Growth Deal projects.

Following consideration the Council agreed:

- i) to delegate authority to the Head of Economic Growth and Development, in conjunction with the Head of Housing and Property to negotiate provisional terms for the acquisition of properties in Elgin, subject to a back to back legal agreement with Moray College to locate the Business Enterprise Hub at this location, the resolution of issues identified at para 5.2 and at a price to be negotiated as set out in paragraph 6(c) of the report; and
- ii) that a further report to Council be considered at the earliest opportunity addressing the issues set out in para 5.2 and seeking confirmation as to whether the acquisition may be concluded on behalf of the Council on the terms proposed.

23. Moray Education Early Learning and Childcare - External Consultant

A report by the Depute Chief Executive (Education, Communities and Organisational Development) sought approval for budget to appoint an external consultant to support full service review of Early Learning and Childcare (ELC).

Councillor Warren moved the recommendations as printed in the report and this was seconded by Councillor Leadbitter.

In response, Councillor Brown confirmed that he had voted in favour of contracting an external consultant when the issue had been discussed at Education, Children's and Leisure Services Committee however having read the report he was now not in favour of procuring an external consultant and was of the view that the work should be carried out in-house.

In response, the Depute Chief Executive (Education, Communities and Organisational Development) expressed concern about capacity within the already stretched service and a lack of expertise from Officers in carrying out a task like this. Officers had already identified some savings but do not have the knowledge or skills to look at the service more holistically, which is the reason an external consultant was identified as the preferred option. The Chief Executive, as Head of the Paid Service, also expressed concern about capacity within an already stretched service

Councillor Gatt expressed concern about using the identified budget to appoint a external consultant and proposed to not appoint an external consultant and to ask officers to come to a future meeting of the Council before the Summer recess with proposals on how to reduce the deficit. This was seconded by Councillor Feaver.

On the division there voted:

For the Motion (14)	Councillors Warren, Leadbitter, Alexander, Allan, Coull, Cowie, Creswell, Divers, Macrae, A McLean, Morrison, Nicol, Ross and Taylor
For the Amendment (4)	Councillors Gatt, Feaver, Brown and Powell.
Abstentions (0)	

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

- i) note ongoing work, as highlighted in 4.11-4.13, that the ELC service are completeing in attempts to streamline the service to reduce budget pressures; and
- ii) the allocation of up to £50,000 from the earmarked transformation reserves for the appointment of an external consultant to assist Officers with the full service review of ELC. This would enable the Council to make an informed decision on streamlining and reducing cost pressures within the service.

24. Refugee, Resettlement and Relocation Schemes [Para 3 and 5]

A report by the Chief Executive sought approval to participate in the Ukrainian Refugee Scheme and to subsequently advise the Convention of Scottish Local Authorities (CoSLA) of Moray Council's commitment.

Following consideration the Council agreed to:

- i) participate in the Ukrainian Refugee Scheme and the Afghan Citizen Scheme;
- ii) note the updates on the Afghan Resettlement and Relocation Scheme, National Transfer Scheme (NTS) for Unaccompanied Asylum-Seeking Children and the Recruitment of a resettlement team;
- iii) delegate authority to the Head of Housing and Property to negotiate and agree terms for the lease of Ministry of Defence (MOD) housing stock;
- iv) note the precedent for any allocations of social housing under related schemes to be made by the Housing Needs Review Group; and
- v) note the verbal update given at the meeting.

Minute of Meeting of the Moray Council

Wednesday, 18 May 2022

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

PRESENT

Councillor James Allan, Councillor Peter Bloomfield, Councillor Neil Cameron, Councillor Tracy Colyer, Councillor Theresa Coull, Councillor John Cowe, Councillor John Divers, Councillor Amber Dunbar, Councillor Jérémie Fernandes, Councillor Donald Gatt, Councillor David Gordon, Councillor Juli Harris, Councillor Sandy Keith, Councillor Scott Lawrence, Councillor Graham Leadbitter, Councillor Marc Macrae, Councillor Paul McBain, Councillor Neil McLennan, Councillor Shona Morrison, Councillor Bridget Mustard, Councillor Christopher Price, Councillor Kathleen Robertson, Councillor Derek Ross, Councillor Draeyk Van Der Horn, Councillor Sonya Warren, Councillor Ben Williams

IN ATTENDANCE

Also in attendance at the meeting were the Chief Executive, Deputy Chief Executive (Economy, Environment and Finance), Deputy Chief Executive (Education, Communities and Organisational Development, Head of Governance, Strategy and Performance, Legal Services Manager and Tracey Sutherland, Committee Services Officer.

1. Welcome and Apologies

The Chief Executive welcomed everyone to the first meeting of Moray Council following the Local Government Election on 5 May 2022. He further advised that he was co-chairing the meeting with the Deputy Chief Executive (Education, Communities and Organisational Development) in her role as Returning Officer to formally constitute the Council.

The Chief Executive, thanked the press and members of the public watching the webcast, for their patience whilst technical difficulties with the webcast were resolved. He further added that the meeting was being held virtually due to an outbreak of Covid and was in the interests of everyone's safety.

2. Constitution of Council

The Deputy Chief Executive (Education, Communities and Organisational Development), as the Returning Officer at the Moray Council election held on 5 May 2022 intimated that the following had been elected as Members of Moray Council for the ensuing five years until May 2027.

WARD	MEMBER
1 SPEYSIDE GLENLIVET	David Gordon Juli Harris Derek Ross
2 KEITH AND CULLEN	Tracy Colyer Theresa Coull Donald Gatt
3 BUCKIE	Neil McLennan Christopher Price Sonya Warren
4 FOCHABERS LHANBRYDE	Marc Macrae Shona Morrison Ben Williams
5 HELDON AND LAICH	James Allan Neil Cameron John Cowe Bridget Mustard
6 ELGIN CITY NORTH	Amber Dunbar Jérémie Fernandes Sandy Keith
7 ELGIN CITY SOUTH	Peter Bloomfield John Divers Graham Leadbitter
8 FORRES	Scott Lawrence Paul McBain Kathleen Robertson Draeyk Van Der Horn

3. Appointment of Convener, Leader and Constitution of Committees and Appointment of Chairs and Depute Chairs

The Chief Executive advised that a motion had been received by the Conservative Group and an Amendment had been received by the SNP Group in terms of Items

2 - 4 on the agenda. He sought advice from the Head of Governance, Strategy and Performance on whether it would be prudent to take these items together.

In response, the Head of Governance, Strategy and Performance confirmed that the statutory provisions require the Council to firstly appoint a Convener and as the motion and amendment had the appointment of a Convener as part of them, including a number of other appointments, it was competent for the Chief Executive as Chair to accept them as the principal piece of business and should any other amendments be made from the floor, for them to be considered at the same time.

The Chief Executive thanked the Head of Governance, Strategy and Performance and sought confirmation from the Council on whether there were any other amendments to be considered.

Councillor McLennan as Co-Leader of the Conservative Group advised that he wished to make a number of changes to the motion previously submitted as follows:

Police and Fire and Rescue Services Committee	Chair - Councillor Allan	Depute Chair - Councillor Bloomfield
Community Planning Board	Councillor Mustard Councillor McLennan	3 representatives from other groups
Community Engagement Group	Councillor Mustard	2 representatives from other groups
Grampian Valuation Joint Board	Councillor Robertson Councillor McLennan	1 representative from another group
Child Protection Committee	Councillor McLennan	2 representatives from other groups

As there were no further amendments, the Chief Executive moved to formally accepting the motion and the amendment tabled.

Councillor McLennan, the moved the following motion and this was seconded by Councillor Robertson:

Convener - Councillor Marc Macrae

Joint Leader - Councillor McLennan and Councillor Robertson

Committee	Chair	Depute Chair
Audit and Scrutiny	Largest Opposition Group nominee	Largest Opposition Group nominee
Appeals	Councillor McBain	Councillor Colyer
Corporate	Councillor Mustard	Councillor Robertson
Economic Development and Infrastructure	Councillor Macrae	Councillor Dunbar
Education, Children's and Leisure Services	Councillor Robertson	Councillor McLennan
Housing and Community Safety	Councillor Dunbar	Councillor Gatt
Joint Consultative Committee	Councillor Mustard	Councillor McLennan
Licensing Committee	Councillor McBain	Councillor Bloomfield

Licensing Board	TBC	TBC
Moray Local Review Body	Councillor Macrae	Councillor Colyer
Planning and Regulatory Services	Councillor Gatt	Councillor Macrae
Police and Fire and Rescue Services	Councillor Allan	Councillor Bloomfield
School Placings and Exclusions Appeals	Councillor Robertson	Councillor Colyer

Appointments Committees Chairs

Corporate	Councillor Mustard
Economic Development and Infrastructure and Planning	Councillor Macrae
Education, Children's and Leisure Services	Councillor Robertson
Housing and Community Safety	Councillor Dunbar

Other Committees

Housing Appeals	Councillor Dunbar
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Community Planning and Partnership Bodies

Community Planning Board	Councillor Mustard Councillor McLennan	3 representatives from other groups
Community Engagement Group	Councillor Mustard	2 representatives from other groups
Grampian Valuation Joint Board	Councillor Robertson Councillor McLennan	1 representative from another group
Moray Adult Protection	Councillor Robertson	1 representative from another group
Moray Child Protection	Councillor McLennan	2 representatives from other groups
Moray Integration Joint Board	Councillor Colyer (Chair) Councillor McLennan	2 representatives from other groups
Northern Road Collaboration	Councillor Dunbar Councillor McBain	

Membership of the Committees to be notified to Committee Services by Group Leaders within the next working week.

Paired Appointments

NHS Grampian	Councillor Colyer
Cairngorm National Park	September change over. Notification to come following the meeting by Co-Leaders within time frame for Scottish Ministers acceptance
HITRANS	Councillor Dunbar (Substitute - Councillor McBain)
Moray Leisure Centre Board	Councillor Macrae Councillor Gordon 1 representative from SNP Group

Senior Responsibility Allowances

Convener
Leader
Leader of the Opposition
Chair of Audit and Scrutiny
Chair of Corporate
Chair of Economic Development and Infrastructure
Chair of Education, Children's and Leisure Services (split between Chair and Depute Chair Positions)
Chair of Licensing Committee
Chair of Police and Fire and Rescue Services
Chair of Planning and Regulatory Services

In response Councillor Leadbitter seconded by Councillor Coull proposed the following amendment:

It is recommended that the Council agrees to:

- (i) The appointment of Councillor Theresa Coull as Convener
- (ii) The appointment of Councillor Graham Leadbitter as Leader
- (iii) the following committees being constituted with the size of each committee, the Chair, Vice Chair and Special Responsibility Allowances as denoted:

Corporate Committee Membership: 14

6 Conservative, 4 SNP, 2 Labour, 1 from Lib Dem or Green; 1 Independent

Chair: Graham Leadbitter
Vice Chair: Shona Morrison

Audit and Scrutiny Committee Membership: 14

6 Conservative, 4 SNP, 2 Labour, 1 from Lib Dem or Green; 1 Independent

Chair: To be appointed by the Main Non-Administration Party
Vice Chair: To be appointed by the Main Non-Administration Party

Education, Children's and Leisure Services Committee Membership: 14

6 Conservative, 4 SNP, 2 Labour, 1 from Lib Dem or Green; 1 Independent

Chair: Shona Morrison (Special Responsibility Allowance Allocated)
Vice Chair: Jeremie Fernandes

Housing and Community Safety Committee Membership: 14

6 Conservative, 4 SNP, 2 Labour, 1 from Lib Dem or Green; 1 Independent

Chair: Jérémie Fernandes (Special Responsibility Allowance Allocated)
Vice Chair: Theresa Coull

Economic Development and Infrastructure Services Committee Membership:
14

6 Conservative, 4 SNP, 2 Labour, 1 from Lib Dem or Green; 1 Independent

Chair: Sonya Warren (Special Responsibility Allowance Allocated)

Vice Chair: Graham Leadbitter

Planning and Regulatory Services Committee Membership: 14

6 Conservative, 4 SNP, 2 Labour, 1 from Lib Dem or Green; 1 Independent

Chair: Neil Cameron (Special Responsibility Allowance Allocated)

Vice Chair: Sonya Warren

Police and Fire and Rescue Services Committee Membership: 9

4 Conservative, 3 SNP, 1 Labour, 1 from Lib Dem or Green; 1 Independent

Chair: Scott Lawrence (Special Responsibility Allowance Allocated)

Vice Chair: Theresa Coull

Appeals Committee Membership: 9

4 Conservative, 3 SNP, 1 Labour, 1 from Lib Dem or Green; 1 Independent

Chair: Graham Leadbitter

Vice Chair: Shona Morrison

Joint Consultative Committee Membership: 7 Cllrs + 7 TU Reps

(3 Conservative, 2 SNP, 1 Labour, 1 from Lib Dem or Green or Independent)

Chair: Graham Leadbitter

Vice Chair: Shona Morrison

Licensing Committee Membership: 14

6 Conservative, 4 SNP, 2 Labour, 1 from Lib Dem or Green; 1 Independent

Chair: Sonya Warren

Vice Chair: Scott Lawrence

Moray Local Review Body Membership: 9

(4 Conservative, 3 SNP, 1 Labour, 1 from Lib Dem or Green; 1 Independent)

Chair: Neil Cameron

Vice Chair: Sonya Warren

School Placings & Exclusions Appeals Committee Membership 5 Members
and Lay Members

(2 Conservative, 2 SNP, 1 from the remaining councillors)

Appointments Committees Membership: 9

Must include Chair & Vice Chair of the relevant Service committee(s)

(4 Conservative, 3 SNP, 1 Labour, 1 from Lib Dem or Green; 1 Independent)

Education, Children's and Leisure Appointments Committee

Housing and Community Safety Appointments Committee

Economic Development Infrastructure and Planning Services Appointments

Committee – As this Appointments Committee covers 2 Service Committees, the

membership will be drawn from Economic Development and Infrastructure Committee and from the Planning and Regulatory Services Committee.
Corporate Appointments Committee Sub-Committee

Housing Appeals Sub-Committee

Members to be appointed at the first meeting of the Housing & Community Safety Committee

make appointments to community planning and other partnership bodies, as set out in Section 5 of the report; as follows:

Community Planning Board

2 Conservatives; 2 SNP Members; 1 from the remaining councillors

Graham Leadbitter
Shona Morrison

Community Engagement Group

1 Conservative; 1 SNP; 1 from the remaining councillors
Jeremie Fernandes

Grampian Valuation Joint Board

Membership: 1 Conservative; 1 SNP; 1 from the remaining councillors
Substitutes: 1 Conservative; 1 SNP; 1 from the remaining councillors
Member: Neil Cameron
Substitute: Theresa Coull

Moray Adult Protection Committee

Juli Harris

Moray Child Protection Committee

Shona Morrison

Moray Integration Joint Board

Scott Lawrence (Special Responsibility Allowance Allocated)

Northern Roads Collaboration Joint Committee

Membership: 1 SNP; 1 from the remaining councillors
Sonya Warren

make the appointments listed in Section 6 of the report as follows:

Convention of the Highlands and Islands – Leader of the Council

Cosla Appointments:

- Leaders – Council Leader
- Children and Young Peoples Board – Chair of Education, Children's and Leisure Services Committee
- Community and Wellbeing Board – Chair of Housing and Community Safety Committee
- Environmental and Economy Board – Chair of Economic Development and Infrastructure Committee
- Health and Social Care Board – Convener (Joint Chair of IJB)
- Convention – Council Leader; Convener; Leader of largest Non Administration Group

NHS Grampian Board – Juli Harris

Make the following appointments to the Outside Bodies set out in Section 7 of the report, as follows:

Cairngorm National Park Authority

Juli Harris

Highland & Islands Strategic Transport Partnership (HITRANS)

Member: Sonya Warren

Substitute: Graham Leadbitter

Moray Leisure Centre: Board of Directors

Neil Cameron

- vii) agree that the remaining members of the committees and bodies identified be notified to Committee Services by Wednesday 25 May 2022 by respective groups and individual councillors. In the event that mutual agreement cannot be reached on committee memberships for individual councillors, the allocation of committee places shall be resolved by the drawing of lots in the presence of the Monitoring Officer with the process used and results recorded for the committee record.
- viii) note that due to the large number, a further report on the appointment to the remaining Outside Bodies to which the Council is entitled to appoint nominees will be submitted to the next meeting of the Council on 29 June 2022
- ix) agree that a Special Responsibility Allowance is attached to the role of Leader of the largest non-administration group, as per previous council terms

Councillor Divers on behalf of the Labour Group confirmed that the Group had had discussions with both potential Administration Groups which, were constructive and reassuring that there is more common ground amongst all the parties than has been reported in the press previously. Nevertheless there are notable party differences and for that reason the Labour Group will not be voting for or against any Administration today. This will make it unlikely that any Administration formed today will have a majority support but the Labour Group do not feel this is a bad thing as the Administration formed will have to work with a consensual manner across party lines and for what is best for the people of Moray providing democratic scrutiny and accountability.

The Head of Governance, Strategy and Performance sought confirmation from the Conservative Group that they were happy to accept the recommendations at the end of the SNP Group Amendment namely:

- vii) agree that the remaining members of the committees and bodies identified be notified to Committee Services by Wednesday 25 May 2022 by respective groups and individual councillors. In the event that mutual agreement cannot be reached on committee memberships for individual councillors, the allocation of committee places shall be resolved by the drawing of lots in the presence of the Monitoring Officer with the process used and results recorded for the committee record.

note that due to the large number, a further report on the appointment to the remaining Outside Bodies to which the Council is entitled to appoint nominees will be submitted to the next meeting of the Council on 29 June 2022

- ix) agree that a Senior Responsibility Allowance is attached to the role of Leader of the Largest non administration group, as per previous council terms.

Councillor McLennan confirmed that he was happy to accept the additional recommendations as part of the Conservative Group motion.

On the division there voted

For the Motion (12)	Councillors McLennan, Robertson, Allan, Bloomfield, Colyer, Dunbar, Gatt, Gordon, Macrae, McBain, Mustard and Price
For the Amendment (8)	Councillors Leadbitter, Coull, Cameron, Fernandes, Harris, Lawrence, Morrison and Warren
Abstentions (6)	Councillors Cowe, Divers, Keith, Ross, Williams and Van Der Horn

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

Convener - Councillor Marc Macrae

Joint Leader - Councillor McLennan and Councillor Robertson

Committee	Chair	Depute Chair
Audit and Scrutiny	Largest Opposition Group nominee	Largest Opposition Group nominee
Appeals	Councillor McBain	Councillor Colyer
Corporate	Councillor Mustard	Councillor Robertson
Economic Development and Infrastructure	Councillor Macrae	Councillor Dunbar
Education, Children's and Leisure Services	Councillor Robertson	Councillor McLennan
Housing and Community Safety	Councillor Dunbar	Councillor Gatt
Joint Consultative Committee	Councillor Mustard	Councillor McLennan
Licensing Committee	Councillor McBain	Councillor Bloomfield
Licensing Board	TBC	TBC
Moray Local Review Body	Councillor Macrae	Councillor Colyer

Planning and Regulatory Services	Councillor Gatt	Councillor Macrae
Police and Fire and Rescue Services	Councillor Allan	Councillor Bloomfield
School Placings and Exclusions Appeals	Councillor Robertson	Councillor Colyer

Appointments Committees Chairs

Corporate	Councillor Mustard
Economic Development and Infrastructure and Planning	Councillor Macrae
Education, Children's and Leisure Services	Councillor Robertson
Housing and Community Safety	Councillor Dunbar

Other Committees

Housing Appeals	Councillor Dunbar
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Community Planning and Partnership Bodies

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Moray Child Protection	Councillor McLennan	2 representatives from other groups
Moray Integration Joint Board	Councillor Colyer (Chair) Councillor McLennan	2 representatives from other groups
Northern Road Collaboration	Councillor Dunbar Councillor McBain	

Membership of the Committees to be notified to Committee Services by Group Leaders within the next working week.

Paired Appointments

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Cairngorm National Park	September change over. Notification to come following the meeting by Co-Leaders within time frame for Scottish Ministers acceptance
HITRANS	Councillor Dunbar (Substitute - Councillor McBain)
Moray Leisure Centre Board	Councillor Macrae Councillor Gordon 1 representative from SNP Group

Senior Responsibility Allowances

Convener
Leader
Leader of the Opposition
Chair of Audit and Scutiny
Chair of Corporate
Chair of Economic Development and Infrastructure
Chair of Education, Children's and Leisure Services (split between Chair and Depute Chair Positions)
Chair of Licensing Committee
Chair of Police and Fire and Rescue Services
Chair of Planning and Regulatory Services

- vii) agree that the remaining members of the committees and bodies identified be notified to Committee Services by Wednesday 25 May 2022 by respective groups and individual councillors. In the event that mutual agreement cannot be reached on committee memberships for individual councillors, the allocation of committee places shall be resolved by the drawing of lots in the presence of the Monitoring Officer with the process used and results recorded for the committee record.
- viii) note that due to the large number, a further report on the appointment to the remaining Outside Bodies to which the Council is entitled to appoint nominees will be submitted to the next meeting of the Council on 29 June 2022
- ix) agree that a Senior Responsibility Allowance is attached to the role of Leader of the Largest non administration group, as per previous council terms.

The Chief Executive confirmed that this concluded his part in the meeting and handed over to the Convener, Councillor Marc Macrae to continue chairing the remainder of the meeting.

In accepting the appointment, Councillor Macrae took time to thank the two previous Conveners of the Council in the previous term, namely Councillors Allan and Morrison. He added that there had been great work done and there were big shoes to fill and hopefully this can be done successfully.

4. Timetable and Calendar of Meetings

A report by the Depute Chief Executive (Education, Communities and Organisational Development) invited the Council to consider, subject to approval of the preceding items on the agenda 'Constitution of Committees and Appointment of Chairs and Depute Chairs', a proposed eight-week cycle and calendar of meetings.

Following consideration the Council agreed:

- i) the cycle of meetings, as detailed in paragraph 3.3 of the report;
- ii) the calendar of meetings for the period 31 May 2022 to 29 June 2023, as set out in Appendix 1 of the report, and

- iii) to note that a meeting diary will be prepared and published for the period to April 2027.

5. Moray Licensing Board - Appointment of Members

A report by the Head of Governance, Strategy and Performance invited the Council to appoint Members to the Moray Licensing Board (“the Board”) from the membership of the new Moray Council.

The Head of Governance, Strategy and Performance confirmed that training had been arranged for Members of the Board on 8 June 2022 and all nominated Members will be required to attend the training regardless of whether they have already sat on the Board previously.

Following consideration the Council agreed that the number of Members who should serve on the Moray Licensing Board for the period until May 2027 will be 9 and appointments to the Board will be notified to Committee Services in due course.

Notice under Moray Council Standing Order 7

We the undersigned hereby give notice, as required under section 7 of Moray Council's Standing Orders, to the Moray Council meeting of Wednesday 29 June 2022 of our intention to bring forward a Motion of No Confidence in the Convener to the next meeting of Moray Council, scheduled for Wednesday 10 August 2022.

Signed

Cllr Neil Cameron
Cllr Theresa Coull
Cllr John Cowe
Cllr Jérémie Fernandes
Cllr Juli Harris
Cllr Scott Lawrence
Cllr Graham Leadbitter
Cllr Shona Morrison
Cllr Derek Ross
Cllr Sonya warren

**Notice of Motion to Moray Council on
Wednesday 29 June 2022**

Armed Forces Covenant

Moray Council is respectfully invited to adopt this Notice of Motion in support of Her Majesty's Armed Forces and the Armed Forces Covenant as below:

1. Moray Council renews its commitment to the Armed Forces Covenant, which is based on the premise that those who serve or have served, and their families deserve respect, support, and fair treatment. In particular, it states that: "Those who serve in the Armed Forces, whether regular or Reserve, those who have served in the past, and their families, should face no disadvantage compared to other citizens in the provision of public and commercial services. Special consideration is appropriate in some cases, especially for those who have given most such as the injured and the bereaved."
2. Is proud to be Armed Forces friendly and recognises the enormous contribution and sacrifices that members of the Armed Forces and their families make every day for the safety and security of our country.
3. Values the service of all British Armed Forces personnel, past and present, including those from Commonwealth and other nations.
4. Requests production of a report examining what more Moray Council can do to support our serving and veteran community across the full range of services we provide and strengthen partnerships with the Armed Forces Community.
5. Prepares for the new duty to give due regard to the Armed Forces Covenant in policy development and decision making.

Proposed by Cllr D Gatt

Seconded by Cllr P Bloomfield

**Notice of Motion to Moray Council on
Wednesday 29 June 2022**

Plain English

That this Council:

1. Requires that going forward all constitutional documents, strategies, policies, guidance, reports, consultations, public documents, and any other form of communications internal or external whether written or electronic are written using the principles of Plain English, which makes the information easy to read, understand and use by avoiding convoluted and ambiguous language and jargon so that the general public are able to have full accessibility and understanding.
2. Requests that acronyms are written in full on their first occasion and request that they are used minimally and if any technical terms are used not in common usage, there will be a glossary at the end of the document or report.

Proposed: Cllr Gordon

Seconder: Cllr Mustard

**Notice of Motion to Moray Council on
Wednesday 29 June 2022**

Platinum Jubilee

Moray Council is respectfully invited to adopt this Notice of Motion in recognition of Her Majesty the Queen's dedicated service following her Platinum Jubilee:

"Moray Council congratulates Her Majesty the Queen on the occasion of her Platinum Jubilee; expresses its gratitude for Her Majesty's exceptional public service and dedication to duty over 70 years; affirms the deep respect that is held for Her Majesty in Scotland and authorises the Council Leadership to convey Moray Council's good wishes for her continued service and good health."

Proposed by Cllr A Dunbar

Seconded by Cllr D Gatt

**Notice of Motion to Moray Council on
Wednesday 29 June 2022**

Cohesive, Cooperative and Collaborative Leadership

Audit Scotland's March 2022 reported noted "We remain disappointed that the strong cohesive leadership required from elected members is not yet being demonstrated [in Moray]. We once again underline that all elected members have responsibility for working constructively to fulfil the council's statutory duty of Best Value and thus demonstrating that it is able to improve itself and the services and outcomes for the people of Moray."

This Council notes the reinstatement of Group Leaders meetings with senior officers in order to provide open communication, enhance scrutiny and aid decision making. We are committed to our duties and to improve life in Moray for all through cooperative and collaborative approaches.

Proposed: Cllr McLennan

Seconder: Cllr Van Der Horn

**Notice of Motion to Moray Council on
Wednesday 29 June 2022**

Cost of Living Crisis

Council notes that the increasing costs of utilities, food and energy are creating a situation whereby the number of Moray residents living in poverty is growing. Council further notes rising poverty in the region is creating growing pressures on local charities and Council services.

Council regrets that the UK government's monetary and fiscal policies are, as noted by the OECD, becoming restrictiveⁱ. Council notes in particular that the UK is the only country in the G7 to raise National Insurance contributions during this crisis.

Council instructs the Council Leaders to write to the Chancellor of the Exchequer to express concerns over the negative impact the UK government's fiscal and economic policies have on the local economy and services, and demand that action is taken to tackle the cost-of-living crisis.

Proposer: Cllr Morrison

Seconder: Cllr Fernandes

ⁱ [United Kingdom | OECD Economic Outlook, Volume 2022 Issue 1 : Preliminary version | OECD iLibrary \(oecd-ilibrary.org\)](https://www.oecd-ilibrary.org/United_Kingdom/OECD_Economic_Outlook_Volume_2022_Issue_1_Preliminary_version/OECD_iLibrary_oecd-ilibrary.org)

**Notice of Motion to Moray Council on
Wednesday 29 June 2022**

UK Shared Prosperity Fund Distribution

Council expresses its concern over the decision taken by the UK Government on UK Shared Prosperity Fund (UKSPF) distribution which significantly disadvantages the Highlands & Islands area, including Moray, when compared with the EU Structural Funds that the UKSPF is replacing.

Council welcomes COSLA's agreed position on distribution methodology that:

1. the allocation methodology for the UK Shared Prosperity Fund should accurately reflect economic and social need in Scotland across urban and rural regions, recognising that different measures of social and economic need will be required for different geographies;
2. that this assessment of need should fairly include social inequality, rurality, connectivity challenges, distance from services, off-grid energy use and deprivation;
3. that SPF allocations should reflect a fair and accurate picture of social and economic inequalities in both urban and rural communities, and recognising the indicated willingness of the UK government to adopt a distinctive approach for Scotland, recommends therefore that indicators regularly used and relied on in Scotland, such as SIMD, free school meal entitlement and Council Tax Reduction entitlement, should also be considered to determine SPF distribution.

Given the evident disadvantage of the UK Government's UKSPF distribution model for the Highlands & Islands and Moray, Council strongly supports the position that as the UKSPF is a replacement for European Structural Funds, continuity between the two is essential and that as the transition is made between the two funding streams there should be no detriment to existing funding quantum in any region.

Council therefore instructs the Council's Co-Leaders to write to the Secretary of State for Levelling Up, Housing and Communities setting out this position and lobbying the Minister to put in place a no detriment arrangement for the UKSPF distribution in the Highlands & Islands when compared with the funding quantum received from the EU funding the UKSPF replaces.

Proposer : Cllr Leadbitter

Seconder: Cllr Harris

**Notice of Motion to Moray Council on
Wednesday 29 June 2022**

20 MPH ZONES

Council notes that 20 mph zones in built-up areas contribute to reducing noise pollution and CO2 emissions. Council further notes that 20 mph zones significantly reduce the number of casualties on the road.

Council understands that 20mph speed limits offer a low-cost option for promoting road safety, and such schemes have strong local support¹. Council notes that 20mph zones have successfully been implemented in Moray, such as in the vicinity of Alves Primary School.

Council instructs officers to bring forward a report about extending 20mph zones in built-up areas, particularly around schools.

Proposer: Cllr Warren

Seconder: Cllr Coull

¹<https://gov.wales/sites/default/files/publications/2019-08/the-state-of-the-evidence-on-20mph-speed-limits-with-regards-to-road-safety-active-travel-and-air-pollution-impacts-august-2018.pdf>



REPORT TO: MORAY COUNCIL ON 29 JUNE 2022

SUBJECT: FUTURE COUNCIL MEETINGS

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

1. REASON FOR REPORT

- 1.1 To invite the Council to consider how meetings are held, whether in person, remotely or a hybrid.
- 1.2 This report is submitted to the Council in terms of Section I of the Council's Scheme of Administration, a matter which is not delegated to a committee.

2. RECOMMENDATION

- 2.1 **It is recommended that the Council consider how Council and Committee meetings will be held going forward either:**
 - (i) in person, requiring all members to be physically present; or
 - (ii) remotely, continuing with virtual meetings online; or
 - (iii) a hybrid of in person and remote.
- 2.2 **If the hybrid meeting option (iii) is favoured then it is recommended that the Council approve the revised Virtual Meetings Guidance attached at Appendix 1.**

3. BACKGROUND

- 3.1 At the start of the Covid-19 pandemic the Council decided that all meetings would be held virtually. Whilst this presented some initial technical challenges virtual meetings which are webcast to the public now can be held relatively easily. A Virtual Meetings Protocol was agreed to help deal with some of the additional challenges which virtual meetings bring.
- 3.2 The Council Chamber has recently had work carried out to allow hybrid meetings to take place with:
 - Participants in the chamber and participants at home

- Simultaneous voting to be carried out

A number of meetings in this format have already taken place and the technology has proved successful.

- 3.3 The decision to hold meetings online has been reviewed several times with the latest council consideration of this issue on 15 September 2021 (para 32 of the minute refers) when it was agreed that meetings would continue to be held online.
- 3.4 There is a statutory requirement to allow public access to council and committee meetings:
- **In person meetings.** Public attendance must be allowed subject to public health considerations around numbers on people in the building.
 - **Online meetings.** The public access requirement is satisfied by online meetings being webcast.
 - **Hybrid meetings.** Although the statutory position is not entirely clear it is reasonable to expect public access to be given to the “in person” element in the Council chamber.
- 3.5 Given that most of the coronavirus public health restrictions have recently been lifted it is an appropriate time to review the Council’s position. Options are set out below

4. **PROPOSALS**

- 4.1 Three options have been identified and the relative merits of each option are considered below:

Type of meeting	Pros	Cons
In Person	<p>Best for person to person interaction</p> <p>Easier for break out discussions</p> <p>Lower risk of technical glitches</p> <p>Easy to monitor attendance and resolve voting issues.</p>	<p>Remaining public health risk</p> <p>Inefficient use of officer time for those who may only be required to address one report</p> <p>Transport time and cost for those attending from a distance.</p>
Online	<p>Proven technology</p> <p>Efficient use of time for those peripheral to the meeting who can continue to work from their desktop.</p> <p>Efficient use of time for</p>	<p>Risk of technical glitches</p> <p>Harder to Chair, and for officers to give timeous advice to the chair.</p> <p>Participants can miss out on</p>

	<p>those having to travel large distances (for example from neighbouring authorities)</p> <p>Benefit of the “hands raised” and “chat” functions</p> <p>Online meetings can be more accessible for those with a disability, with limited mobility or to help balance caring responsibilities.</p>	<p>nuances of timing and body language.</p> <p>Harder to monitor participants coming in and out of meeting.</p> <p>Break out discussions are harder.</p> <p>Public cannot see chat function (although Chair/clerk can read out anything relevant).</p>
Hybrid	<p>Potential Pros of both previous options – allows greater choice based on personal circumstances.</p>	<p>Potential Cons of both previous options.</p> <p>Additional clerking resource required.</p> <p>Additional risk that those attending remotely may feel they are missing out on the pros of being in person meetings detailed above*.</p>

- 4.2 * The Council's Virtual Meetings Protocol has been updated to include additional measures to help with the smooth running of hybrid meetings. This Protocol is attached as **Appendix 1**. Changes to the previously approved Protocol are highlighted.

5 **SUMMARY OF IMPLICATIONS**

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

No direct implications.

(b) **Policy and Legal**

There is a statutory requirement to allow public access to Council meetings detailed in para 3.4 above. Coronavirus relaxations on this requirement have now been lifted however there are still public health considerations relating to safe use of public buildings.

(c) **Financial implications**

Costs of additional technology required to hold hybrid meetings from the Council chamber have been met from government Covid funding. There is potential for cost savings in councillor expenses from reduced travel requirements.

(d) Risk Implications

Outline in para 4.1 above.

(e) Staffing Implications

Online/hybrid meetings have potential for staff time to be used more efficiently.

(f) Property

None

(g) Equalities/Socio Economic Impact

Online meetings can be more accessible for those with limited mobility or to help balance caring responsibilities. Conversely they can provide additional challenges for those who have difficulty viewing screens for extended periods.

(h) Climate Change and Biodiversity Impacts

Allowing online access to meetings can reduced the number of car/public transport journeys which meeting participants are required to make.

(i) Consultations

Members of CMT have been consulted on a draft of this report and their comments incorporated.

5. CONCLUSION

5.1 Councillors are asked to consider the format of future meetings: in person, online or a hybrid of both.

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

Background Papers:

Ref:

REMOTE/HYBRID MEETINGSDeleted: **VIRTUAL****GOVERNANCE PROTOCOL**

Status: good practice agreed through political consensus.
 Author: Head of Governance Strategy and Performance
 Date agreed:
 Date for review:

PURPOSE OF THIS PROTOCOL

Remote/~~hybrid~~ meetings can be trickier to manage than conventional meetings.

Deleted: virtual

It is considered helpful in terms of [good governance principles](#) to have additional measures in place to assist with the smooth running of such meetings.

The Council's Standing Orders still apply with remote/~~hybrid~~ meetings. This protocol complements Standing Orders and it is proposed that the protocol is adopted as good practice through political consensus.

Deleted: virtual

AT LEAST THE DAY BEFORE THE MEETING

1	Pre-meeting	<p>CMT Admin will arrange a pre-meet to go through the agenda to identify any-pertinent issues arising from the meeting agenda, any written questions or Notices of Motion received and identify which officers will be responding to questions on reports if required.</p> <p>Committee Clerk and Chair to agree if any preliminary remarks are required, beyond those noted below.</p> <p>The clerk will ensure that first-time participants have been offered an induction session for Connect Remote/Hybrid meeting.</p>
2	Joining meeting and access to papers	Members should contact the clerk if they need advice on joining the meeting, using Connect Remote/ Hybrid or accessing papers.
3	Pre-notification of interests	<p>Inform the Clerk of any interests being declared and will withdraw from the discussion of the relevant item, to help the Clerk follow correct Connect Remote/Hybrid procedures.</p>

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3	Substitutes	Inform Clerk of substitutes (where permitted) attending to allow Connect Remote/ Hybrid invitation to be sent.
4	Fair notice of motions/amendments	<p>It can be harder to co-ordinate officer advice at short notice. Where a Member wishes to put forward a motion/ amendment which differs significantly from the recommendations within a report on the agenda they are encouraged to provide a written copy of the proposal to the clerk by 2pm on the working day before the meeting.</p> <p>The clerk may offer or coordinate advice on the terms of the motion/amendment and will circulate it amongst the council/committee Members with the consent of the proposer.</p> <p>It is understood that</p> <ul style="list-style-type: none"> • advance notice of a motion/amendment may not be possible with urgent/last minute agenda items • Even if advance notice has been given there will still be an opportunity to raise further changes to motions/amendments at meetings • Where a motion/amendment which is a significant departure from agenda report recommendations is raised during a meeting there is a risk that the motion/amendment is deemed incompetent by the Chair in terms of Standing Order 34.
5.	Advance notice of questions	It is harder to have officers on hand to answer questions that arise during a remote/ hybrid meeting. Members are encouraged to raise factual questions with officers in advance of a meeting and make use the written questions procedure within SO 35.

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ON THE DAY OF THE MEETING

1	Joining the meeting on time	<p>Join Connect Remote/Hybrid Meeting at least fifteen minutes before the Committee meeting is due to start. Ensure that video and audio is selected and switched on. All present should mute audio until invited to speak by the Chair.</p> <p>All should be aware that the meeting will be webcast live over the internet and be mindful of their surroundings particularly as most will likely be joining the meeting from their own home. If there are other people in the home, they should be made aware that you will be filmed. This is particularly important if there</p>
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		are children/young adults in the household as the footage will be archived and available for public viewing for 12 months following the meeting.
2	Chair	<p>For a fully on-line meeting all members of the meeting will be joining remotely including the Chair.</p> <p>For a hybrid meeting it is expected that the Chair will be present in the Council Chamber.</p>
3	Equipment check	<p>The clerk will welcome those joining the meeting remotely as they arrive and test cameras and microphones then request microphones are muted and cameras off when not speaking.</p> <p>Confirm to the Chair when all Members are present.</p>

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AT THE START OF THE MEETING

1	Welcome and formalities	<p>Chair to state:-</p> <ul style="list-style-type: none"> Welcome Reminder of live webcast All <u>remote</u> attendees reminded to mute microphones and switch off camera when not speaking Please do not come in to speak during items unless I invite you to do so If you wish to speak let us know by raising the electronic hand on-screen or sending a chat message <u>for those in attendance raise your hand</u> If any Member loses connection or has any technical issues during the meeting, please alert <u>committee.services@moray.gov.uk</u> and a Committee Services Officer will assist you. Please do not email the clerk in the meeting as they may not pick up your email until it is too late. We may not be able to halt the meeting if a Member loses connection
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ORDER OF BUSINESS etc.

1	Roll Call	<ul style="list-style-type: none"> The clerk shall take the Sederunt by roll call.
2	Introductory	<p>The chair shall deal with :-</p> <ul style="list-style-type: none"> Other introductory remarks, if any Urgent business, if any Re-order reports if appropriate

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3	Declarations of Interest	As normal
4	Confidential items	As normal
5	Minutes	As normal

DURING THE MEETING

1	Declaration of interest	<p>Where a Member has declared an interest in the item they should withdraw from the discussion. The chair will remind the Member that they cannot speak or communicate with others present.</p> <p>The chair should remember to advise the Member that they may re-join after conclusion of the affected item of business.</p> <p>This applies to both in person and remote attendees.</p>
2	Presentation materials	<p>Any presentation material should be provided to the Clerk in advance of the meeting in order that it can be circulated to members prior to the meeting.</p> <p>A presentation can be given at the meeting by the Officer sharing his screen, this will allow the presentation to be visible on the webcast.</p>
4	Meeting proceedings	<p>The chair will</p> <ul style="list-style-type: none"> • conduct proceedings as usual in accordance with Standing Orders and any committee-specific procedures • Pause and delay if necessary to ensure efficient meeting and participation by all • When moving between procedural stages ask if all Members have spoken who wished to do so • Pause and adjourn for a short time if procedural or legal advice is required, explaining and ensuring all microphones are muted and cameras off before doing so.
5	Use of "hands up" sign	The clerk will assist the chair in identifying Members wishing to speak by monitoring 'hands up' signs.
6	Leaving a meeting before it has concluded	When a Member who is attending remotely needs to leave the meeting before it has concluded they should put a message into the chat advising the Clerk and Chair who in turn can advise the meeting that a member has left.

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Commented [MP1]: Currently this function is unavailable but it is expected to be reinstated following repair on 23 June.

		<u>Any member who needs to leave the meeting early who is present in the chamber should notify the chair and Clerk at the start of the meeting if possible, otherwise indicate to either the Chair or the Clerk that they are leaving so that this can be minuted accordingly.</u>
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DEBATE, MOTIONS AND AMENDMENTS

1	Debate	Debate shall be controlled through the chair as normal. Members should aim to be as clear and concise as possible.
2	Written material	If written material needs to be circulated during the meeting (where advance notice was not possible) this shall be shared with other Members and relevant officers. If possible, such material should be kept within one side of A4. The chair will consider the competency of any such material, taking advice from officers where appropriate.
3	Adjournment	If required the meeting shall be paused or adjourned to allow written material to be shared and read.

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Deleted: At the resumption of the meeting the Chair will ask for a roll call to be taken to ensure that they are present and connected.¶

VOTING AND DECISION

1	Voting	<p>At close of summing-up the chair shall instruct the clerk to proceed to the vote.</p> <p>The clerk shall</p> <ul style="list-style-type: none"> • invite Members to vote using the relevant icons that will appear on their screens, • the clerk will confirm that all Members have voted before closing the vote and thereafter declare the result which will also be visible on screen; <p>If for any reason the Electronic Voting system fails, the clerk will revert to taking the vote manually and shall</p> <ul style="list-style-type: none"> • Advise Members to activate their microphones, vote and then mute again • Take the vote by roll call, pausing to allow each Member time to vote • If a Member does not vote when contacted, return to them at the end for a second opportunity
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2	Drop out during vote	If Members do not respond when asked to vote the chair shall investigate and consider whether the meeting should be adjourned.
3	Announcement of vote	The clerk shall announce the result of the vote

QUESTION TIME

1	All Members	Members should note that, in virtual/hybrid meetings, it is harder to have officers on hand to answer spontaneous questions at the "question time" part of the agenda so there is an increased likelihood that on the spot answers will not be available. Members are therefore encouraged, where possible, to use the written questions procedure within SO 35.
2	Chair	Seek questions by asking Members to raise their hand /the virtual hand

CONFIDENTIAL REPORTS

1	Pause in meeting	The chair shall pause the meeting to allow the Clerk to ensure Members of the public are not present and remind that only those who require to be present at the meeting should remain. The clerk will ensure that any public webcast link is stopped and that only those who require to be connected to the meeting remain.
3	Resume meeting to consider confidential items.	The chair shall resume the meeting and deal with business as usual

IN THE EVENT OF TECHNICAL DIFFICULTIES

1	Loss of sound/vision	Members should alert committee.services@moray.gov.uk if they are having technical difficulties. A CSO will alert the meeting Clerk who shall clarify the extent of the issue with the Chair.
2	Continuation of the meeting	If temporary dropout which is now resolved, the Chair can proceed with the meeting, unless the matter is quasi-judicial or regulatory in which case advice should be sought from the clerk. If ongoing issue, advise that the meeting will be adjourned for a short period to allow investigation and resolution if possible.

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		If the issue cannot be resolved, continue with the meeting if quorate.
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REPORT TO: MORAY COUNCIL ON 29 JUNE 2022

SUBJECT: UK SHARED PROSPERITY FUND

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

1. REASON FOR REPORT

- 1.1 To inform the Council of UK Shared Prosperity Fund (UKSPF) details and seek approval for submitting an Investment Plan.
- 1.2 This report is submitted to Council in terms of Section III A (2) of the Scheme of Administration relating to long-term financial plans.

2. RECOMMENDATION

2.1 It is recommended that Council:-

- (i) consider and note the criteria and timescales for delivery of projects under UKSPF as well as the high level approach currently proposed for the Moray Shared Prosperity Fund (SPF) Investment Plan currently under development; and**
- (ii) agree delegated authority to the Chief Executive in consultation with Group Leaders to submit the final draft Moray SPF Investment Plan**

3. BACKGROUND

- 3.1 In April 2022 the UK Government published the [full prospectus](#) of the UKSPF, a successor to the EU structural funds. The overarching aim of the UKSPF is to build pride in place and increase life chances across the UK. This encompasses four levelling up objectives and three investment priorities. The levelling up objectives are:
- Boost productivity, pay, jobs and living standards by growing the private sector, especially in those places where they are lagging;
 - Spread opportunities and improve public services, especially in those places where they are weakest;
 - Restore a sense of community, local pride and belonging, especially in those places where they have been lost; and

- Empower local leaders and communities, especially in those places lacking local agency.

The Investment Priorities are:

- Communities and place;
- Supporting local business; and
- People and skills.

For the Investment Priorities the interventions list can be found [here](#) and the objectives, outcomes and outputs can be found [here](#).

- 3.2 The UK Government has published individual Council allocations of both core UKSPF funding and Multiply* for delivery over three financial years, specifically the final five/six months of 2022-23 and the next two financial years, 2023-24 and 2024-25. In addition, the UK Government has also published regional totals setting out how much is available across Regional Economic Partnership geographies, as outlined in the table below but it excludes North Ayrshire Council.

Area	Core UKSPF	Multiply	Total
Highlands and Islands Regional Economic Partnership (H&IREP)	£19,967,429	£4,167,958	£24,135,387 (Broken down as follows)
Argyll & Bute	£3,719,068	£776,310	£4,495,379
Na h-Eileanan Siar	£1,857,693	£387,771	£2,245,463
Highland	£7,814,362	£1,631,153	£9,445,515
Moray	£3,570,112	£745,217	£4,315,329
Orkney	£1,467,768	£306,379	£1,774,147
Shetland	£1,538,426	£321,128	£1,859,554

* Multiply is an adult numeracy programme, which will support people with no or low-level maths skills get back into work. The scheme will offer free personal tutoring, digital training and flexible courses to improve adults' confidence and numeracy skills. Full details on Multiply can be found [here](#).

- 3.3 For each year, there is a minimum amount of capital that must be spent. The split between capital and revenue is as outlined in the table below.

Year	Core UKSPF: revenue	Core UKSPF: capital	Local multiply: revenue
2022-23	89.6%	10.4%	100%
2023-24	87.5%	12.5%	100%

2024-25	82.1%	17.9%	100%
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- 3.4 Lead local authorities will be asked to return any underspends at the end of each financial year.
- 3.5 To gain access to the allocated funds Investment Plans have to be created, which take account of the wider funding landscape, existing programmes, other new funding opportunities and complementary interventions from other national or local schemes and strategies. Local authorities are responsible for the development and preparation of these investment plans, in conjunction with local partners/stakeholders and engagement with MPs and MSPs, for approval by the lead local authority and by the UK Government to unlock the funding allocations.
- 3.6 Whilst UKSPF investment plans must be prepared through local partnership working, but taking a regional approach is not a required prerequisite. The timescale for submission of these investment plans is extremely tight; the submission window is from 30 June to 1 August 2022, subject to being in receipt of additional guidance, yet to be published and the work required to complete investment plans prior to the Scottish / local government July recess period.
- 3.7 As the H&I REP is still in its infancy as a partnership group, it is anticipated that more time would be required than available to pull together a regional investment plan, complete with an agreed lead local authority responsible for its collation and the required political approval process. In May 2022 local authorities covering the H&I REP area agreed that the preferred position is to submit local investment plans for the first tranche of monies, through liaison with other H&I REP partners / stakeholders at a local level, with scope to amend investment plans if regional opportunities arise during this funding period.
- 3.8 Each lead local authority will receive its annual allocation in advance. In 2022-23, funding will be paid once the local Investment Plan has been signed off. For 2023-24 and 2024-25 payment will be at the start of the financial year. It should be noted that allocations per annum are:
- 15% for 2022-23;
 - 27% for 2023-24;
 - 58% for 2024-25.
- 3.9 Match funding is not a pre-requisite and will not form part of the investment plan assessment criteria. However, lead local authorities are strongly encouraged to consider match funding from the private, public and third sectors and leverage options when selecting communities and place and supporting local business interventions to fund in order to maximise the value for money and impact of the Fund.
- 3.10 A separate report on Strategic Priorities and Funding Opportunities is on the agenda at this meeting highlighting match funding opportunities set against agreed investment priorities from Council and partners.
- 3.11 The Fund can be used flexibly to support interventions via:
- Grant to public or private organisations

- Commissioning third party organisations
 - Procurement of service provision
 - In-house provision
- 3.12 **Moray details** - For Moray the total funding allocation over the 2½ financial year's is £2,429,104 revenue and £1,141,008 capital budgets with £745,217 for Multiply programme. The financial years details are set out in para 4 (c). From the total budget, 4% can be used for administration of the funds, which equates to £172,613. In addition a one off payment of £20,000 is being made available for creating an Investment Plan.
- 3.13 For the Investment Plan it is planned to work with Hub North Scotland, which is the strategic development partner of choice for the planning, procurement and delivery of community-based infrastructure projects across the north of Scotland. It comprises of 16 public sector organisations, the Scottish Futures Trust and private sector partners.
- 3.14 Whilst Council is responsible for the fund administration such as project assessment, contracting, monitoring and evaluation with ongoing stakeholder engagement, it is expected that a local partnership will be convened by the local authority. Where a place already has a group that could be used, then the group can be designated for this Fund's purposes. It is expected that local MP and MSP's are involved and Scottish Government representative attending in the development of the investment plans.
- 3.15 The Moray Economic Partnership would be ideally placed to be the overarching local partnership with the required additional representatives and 3 themed subgroups for the investment priorities areas as outlined in para 3.1. For people & skills it is planned to use the existing Employability Partnership set up. For business and community and places it is envisaged to invite relevant stakeholders to participate, similar to what has been carried out under the former EU Fisheries Fund and / or Conservation Area Regeneration Schemes. This approach has been highly successful in delivering large funding schemes in partnership with representatives across all sectors.
- 3.16 The remit of these subgroups is to be part of the ongoing relevant stakeholder engagement for the delivery of the investment plans. They will regularly report to the Moray Economic Partnership and Transforming the Economy Board, with reports to council as required. It will also inform the required regular reporting to the UKSPF on progress and any matters arising. The proposed set up has been discussed with the UK Government team, who are happy with these arrangements.
- 3.17 As the UKSPF is a replacement fund for the European Structural Investment Funds (ESIF) and considering the content of the separate report on Strategic Priorities and Funding Opportunities, the present ESIF Poverty & Social inclusion, Employability and Active Travel programmes will be likely to be part of the investment plan although the activities funded may differ.
- 3.18 **Poverty & Social inclusion** - The part ESIF funded scheme is delivered by Council staff and through a challenge fund delivered by third sector partners, Revolution 4 Good (Aberlour) and Children First. The main aim of these

projects are to help and advise people who are experiencing financial difficulties in Moray. This includes help with budgeting and applying for benefits.

- 3.19 **Employability** - The part ESIF funded scheme is delivered by Council staff and through a challenge fund delivered by five third sector partners - Social Enterprise Academy, Forres Area Community Trust, Parker Linden Theatre, Enable, Elgin Youth Development Group and Moray College UHI. These Employability projects are aimed at helping people who are out-of-work and facing barriers, to move closer to and into work.
- 3.20 For the above mentioned part EU funded schemes, which would come under the UKSPF Multiply, People and Skills Investment Priorities for people with additional identified needs, an in-house officer working group across departments has been set up to establish details, which will inform the Investment Plan. Details will be finalised end of June / beginning of July 2022. The supported activities may differ from the current programme under the EU in order to fit with the criteria for UKSPF and will include proposals specific to the multiply programme which will be detailed within the investment plan.
- 3.21 **Active Travel** – The current part ESIF grants are for two Speyside Way projects with the Active Travel strategy consultation process being completed later on this year, which will inform further capital investments from the UKSPF.
- 3.22 As outlined in para 3.5, the Investment Plan will be developed in conjunction with local partners / stakeholder, MP & MSP and details will be subject to consultation with Group Leaders before its being submitted. The information in this report is as much as it is available at present given the need to develop three separate funding plans/bids for the UFSPF, Levelling Up & Just Transition Fund a in short space of time.

4. **SUMMARY OF IMPLICATIONS**

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

The UKSPF will contribute to achieving the corporate plan priority to promote economic development and growth, also the LOIP priority of a growing and sustainable economy.

(b) **Policy and Legal**

The Council considers support for economic development issues on their merits, against the objective to facilitate sustainable economic growth and the desired outcomes of the Ten Year Plan and Corporate Plan. Any funding agreements will be undertaken in consultation with Legal.

(c) **Financial implications**

As outlined in para 3.2 and 3.12 the total UKSPF allocation is £4,315,329 split over 2 ½ financial year's. It includes 4% at £172,613 for administration of the fund.

Year	Core UKSPF: revenue	Core UKSPF: capital	Local multiply: revenue
2022-23	89.6% = £479,823	10.4% = £55,694	100% £111,783
2023-24	87.5% = £517,666	12.5% = £446,264	100% £201,208
2024-25	82.1% = £1,431,615	17.9% = £639,050	100% £432,226

The £20,000 allocation for creating the Investment plan is in addition to the above allocation.

(d) Risk Implications

The key risk is the timing of the preparation of the Investment Plan with a very short timeline with further guidance still to be published and the requirement to involve all relevant stakeholders, MP, MSP and Scottish Government over the summer month of July. Once signed off by the UK Government there is the financial risk of spending the funds in the allocated financial years and clarification is being thought from the UK Government, if it refers to legally committed or defrayed expenditure. Similar to the European Structural Funds, Council will be responsible for administration, management and performance monitoring of the funds. Whilst the UK Government has indicated that it is committed to less bureaucracy than was associated with EU funds, however until further guidance is published it is difficult to fully assess the risks at this point.

(e) Staffing Implications

The work around the UKSPF has been assigned to the Economic Growth & Regeneration section. The services remain under significant workload pressures associated with business support, COVID 19 grants, Town Centre Fund Capital Grant, Economic Recovery Plan and funding. The UK Government management and administration fee could contribute to allow for further staff resources and / or safeguard dedicated staff presently administering EU funding programmes until its closure in 2023.

(f) Property

There are no property implications arising from this report.

(g) Equalities/Socio Economic Impact

The fund will bring economic investment into Moray's areas of which some are characterised by low wages, low rates of full-time employment, wealth deprivation and child poverty.

(h) Climate Change and Biodiversity Impacts

None arising from this report.

(i) Consultations

The Depute Chief Executive: Economy, Environment and Finance, Depute Chief Executive Education, Communities and Organisational Development, the Head of Economic Growth and Development, the Head of Governance Strategy, the Head of Financial Services, the Equal Opportunities Officer and Tracey Sutherland (Committee Services Officer) have been consulted and their comments incorporated.

5. CONCLUSION

- 5.1 The UK Shared Prosperity Fund replaces the EU Structural Funds with the overarching aim to build pride in place and increase life chances in the UK with a wide range of investment opportunities under 3 funding priorities.**
- 5.2 It will enable continuation of work supported by the present EU funded programmes, whilst also providing an opportunity for other strategic priorities to potentially access these funds. Based on government assurances, it should reduce the levels of bureaucracy hitherto associated with EU funds, enable local decision making and better targeting of local priorities.**

Author of Report: Reni Milburn,
Economic Growth & Regeneration Manager

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

Ref:



REPORT TO: MORAY COUNCIL ON 29 JUNE 2022

SUBJECT: STRATEGIC PRIORITIES AND FUNDING OPPORTUNITIES

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

1. REASON FOR REPORT

- 1.1 To inform the Council of increasing funding opportunities in relation to Council agreed priorities.
- 1.2 This report is submitted to Council in terms of Section III A (2) of the Scheme of Administration relating to long-term financial plans.

2. RECOMMENDATION

- 2.1 **It is recommended that Council consider and note the availability of funding and priorities identified that could benefit Moray.**

3. BACKGROUND

- 3.1 Over recent months the funding landscape has seen an increase of UK Government, Scottish Government, Lottery Funds and other new funding streams. They include but are not limited to the funds featured in the Funding Matrix which seeks to map funding against priorities (at LOIP, Corporate Plan and Service Plan level) which would normally seek funding opportunities included with this report as **APPENDIX I**. As most funds require match funding the table also highlights potential match funding sources from the various other funding streams. For example for Town Centre Improvement Plans, investments could be accessed from the UK Shared Prosperity Fund potentially matched with Place Based Investment, Crown Estate Coastal Community and National Lottery Funds. The funds have been colour coded to show those which are directly allocated and require no bidding process or already achieved against those which require a direct competitive bidding process or submission of bids and investment plans to receive the funding.
- 3.2 The scale and breadth of funding available as well as delivery timescales is unprecedented. The combination of Growth Deal, Just Transition, UK Levelling Up and Shared Prosperity Fund on top of traditional funding streams such as education, housing etc. represents potential investment levels in Moray over the next 10 years totalling £328 million.

- 3.3 Based on current levels of funding and where needed a proportionate allocation we would estimate the potential over 10 years to be :- Growth Deal £100 million, Just Transition potential £100 million, UK Levelling up £35 million, UK Shared Prosperity Fund £17 million, Regeneration Capital Grant Fund £15 million, Crown Estate net revenue £1.5 million, Place based investment fund £5 million, Rural Tourism Infrastructure Fund £3 million, Heritage place based investment programme £10 million, various Climate Change/ Transport funding depending on projects, £30 million plus various smaller pots and specific funds that could be used as match funding in bigger projects estimated £20 million.
- 3.4 To access most of these funds requires detailed business cases and/or investment plans with evidence of demand and need, strategic fit with national, regional and local strategies alongside with outputs and outcomes for any proposed interventions.
- 3.5 It will be difficult to prioritise or turn down opportunities for funding, as these funds operate at different scales, the big prizes associated with the Growth Deal, Levelling up and Just Transition funds can overshadow some of the smaller regeneration and other funds that make a real difference to smaller towns and communities in Moray.
- 3.6 The Council priorities as articulated in the Corporate Plan should determine the level of resources available to deliver different work streams. The availability of funding should not be a driver for a particular project unless it delivers against the priorities established by the Council and forms part of a strategic approach or plan. In cases where Council priorities and funding opportunities align but we have insufficient capacity in existing resources to develop a bid and there is inadequate capacity or development funding provided within the funding to support this, this will need to be considered on a case by case basis against the Council's financial position and priorities at that time. If successful on funds such as Levelling up and Just Transition, the management capacity within teams will be largely utilised and therefore the capacity to develop future bids will diminish accordingly. As detail of even current funding continues to emerge only shortly before submission deadlines, this makes achieving any more than a short term overview of resource demands arising from external funding bids very challenging and may mean that, after consideration, the council is unable to resource funding rounds which arise during in a peak of activity or after resources have been exhausted.

4. SUMMARY OF IMPLICATIONS

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

These funds will contribute to achieving the corporate plan priority to promote economic development and growth, also the LOIP priority of a growing and sustainable economy.

(b) Policy and Legal

The Council considers support for economic development issues on their merits, against the objective to facilitate sustainable economic growth

and the desired outcomes of the Ten Year Plan and Corporate Plan. Any funding agreements will be undertaken in consultation with Legal.

(c) Financial implications

Whilst there are no direct financial implications arising from this report, however it presents an opportunity to maximise investment into Moray against a backdrop of local government financial constraints. It is likely that the development of business cases and projects will require capacity and development funding and this is not always available from the funding streams and will require individual requests for funding from reserves as and when these cases arise. It is important therefore that bids for external funding are associated with the delivery of Council priorities.

(d) Risk Implications

There will be reputational risk for Council not to engage with any of the funds, this will be mitigated by clear reports setting out resource needs for a particular work stream against the Council priorities and financial position. Where Council is either responsible for a fund or the lead applicant it will be responsible for administration, management and performance monitoring to mitigate any risks associated with any of these funds. Strategic projects will be reported through governance processes and the Transforming the Economy Board.

(e) Staffing Implications

The various new funding streams present challenges in terms of the staffing resource for the development of projects / funds and to manage and administer these including performance monitoring across the various Council services. However some of the new major funding streams such as UK Shared Prosperity Fund offer 4% of total budget allocation for administration.

(f) Property

None arising from this report, however for priorities such as Buckie Harbour, Housing and Employment Land ((Industrial Estate) and vacant properties potential funding sources have been identified.

(g) Equalities/Socio Economic Impact

The funds will bring economic investment into Moray's areas of which some are characterised by low wages, low rates of full-time employment, wealth deprivation and child poverty. It includes specific funding programmes to tackle some of these issues.

(h) Climate Change and Biodiversity Impacts

None arising from this report, nevertheless a range of funds have been identified which can contribute to Climate Change and Biodiversity impacts.

(i) Consultations

The Depute Chief Executive: Economy, Environment and Finance, the Head of Economic Growth and Development, the Head of Governance Strategy, the Head of Financial Services, the Equal Opportunities Officer

and Tracey Sutherland (Committee Services Officer) have been consulted and their comments incorporated.

5. CONCLUSION

- 5.1 The level and pace of funding opportunity is unprecedented and could provide transformational change to Moray over the next 10 years helping to address numerous priority outcomes including poverty, inequality and building resilient communities.**
- 5.2 These multiple strands of complementary funds are available for both development and delivery of identified priorities, which could result in a substantial programme of investment in Moray.**
- 5.3 To maximise these funding opportunities relevant resources have to be made available for the development, delivery and management of these funds, where these cannot be done within existing resources they will be reported to Committee as and when required to enable consideration of the project against other Council priorities and the Council's financial position. Proposals should deliver an existing plan or strategy of the Council that aligns with the Corporate priorities, however in the current financial climate there may be occasions where we cannot participate in funding rounds.**

Author of Report:	Reni Milburn
Background Papers:	Economic Growth & Regeneration Manager Documents on file in Economic Growth & Regeneration section.
Ref:	SPMAN-813460984-230

Funding Matrix

Strategic Priorities	Growth Deal £100 million	Levelling Up Fund £20 million	UK SPF £4.3 million over 2 ½ years	Just Transition £500 million	Place Based Investment	Crown Estate Coastal Fund	RCGF	Vacant & Derelict Land	Local H & E Fund	HES Heritage & Place Programme	NHLF	N Lottery Community Fund	Lottery Arts/ Sport	RTIF	Sustrans	SG Poverty	SG Employability	Economic Recovery TCCF
Elgin Masterplan	✓	✓						✓							✓			
Town Centre Improvement Plans (Forres, Buckie, Keith, Lossie Aberlour & Dufftown) LOIP			Community & Places Capital ✓	✓	✓	✓		✓		Forres ✓	Forres ✓	✓	✓					✓
Employability			People & Skills, Multiple ✓	Skills / Employability ✓													✓	
Poverty & Social Inclusion			People & Skills, Multiple ✓	Fuel Poverty ✓												✓		
Buckie Harbour				✓	✓	✓		✓										
Employment Land (Industrial Estate)			Supporting local business Capital ✓	✓	✓			✓										
Housing	✓	✓																
Local Development Plan Delivery	✓				✓	✓	✓	✓	✓									
Growth Deal projects	✓														✓			
Active Travel			Community & Places Capital ✓	✓										✓	✓			
Climate Change	✓			✓	✓	✓		✓	✓					✓	✓			
Vacant Properties	✓	✓			✓	✓	✓	✓										

Allocated/Achieved	Bid development required
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REPORT TO: MORAY COUNCIL 29 JUNE 2022

SUBJECT: SUMMER HOLIDAY FOOD AND CHILDCARE PROGRAMME

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

1. REASON FOR REPORT

- 1.1 The report updates the Council on plans for the 2022 Summer Holiday Food and Childcare Programme.
- 1.2 This report is submitted to the Council in terms of Section III (D) (1) of the Council's Scheme of Administration relating to all the functions of the Council as Education Authority.

2. RECOMMENDATION

- 2.1 **It is recommended that the Council approves the programme of accessible activities, childcare and food to be provided for children and young people in Moray during the 2022 summer school holiday period.**

3. BACKGROUND

- 3.1 The Scottish Government has allocated £10 million to local authorities for the targeted provision of accessible activities, childcare and food for primary school children from low income families during the 2022 school summer holidays. The allocation for Moray is £173,447. The funding letter was received on 12 April 2022.
- 3.2 The priority across this investment is to support children and families from low income families to access activities, childcare and food during the summer holiday period, recognising the opportunity that these services offer to improve the wellbeing of children, as well as providing opportunities to support families with their childcare needs. Coordinated provision of holiday childcare activities should be integrated with food and whole family support, where appropriate, to support households that are particularly adversely impacted by poverty.
- 3.3 Transforming the system of school age childcare and expanding provision of meals to include the provision of meals to include the school holidays are key ministerial priorities set out in the Programme for Government and Covid Recovery Strategy. It is expected that the learning from this summer's holiday

programme will contribute to designing a system of year-round school age childcare and food provision over the course of this parliament.

- 3.4 It is recognised that many local authorities and other local partners deliver holiday programmes currently. The aim of this additional investment is to enhance and expand any such existing work, building on and learning from existing good practice, while providing scope to innovate locally in response to what children and young people tell us would help.
- 3.5 This provision is aimed at school age children age 5-14 from low income households. Around 9 in 10 children living in poverty are from households with one or more of the priority family characteristics identified in the Tackling Child Poverty Delivery Plan, therefore 85% of this funding is intended to be targeted at children and young people from the priority family groups below:
- Children from lone parent families
 - Children from ethnic minority families
 - Children from families with a disabled adult or child
 - Children from families with a young mother (under 25)
 - Children from families with a child under 1 year old
 - Children from larger families (3+ children)
- 3.6 The remaining 15% of the funding can be used flexibly to reach other children, including under-fives and older children, who would benefit from access to free holiday childcare, food and activities and will be determined at local level. Local discretion could include, but is not limited to:
- Children from other low income families
 - Care experienced children and young people
 - Young carers
 - Children in need of protection
 - Children supported by a child's plan
 - Children with ASN
 - Children who have undergone significant transitions, for example, starting in ELC, primary or secondary school
- 3.7 The expectation from the Scottish Government is that existing and local partnerships should play a key role in the coordination and reach of provision; in particular the Children's Services Partnerships should take the leading role in planning to ensure a joined up approach to development and delivery. In line with last year's summer activities programme the GIRFEC Leadership Group (the Moray Children's Services Partnership Strategic Leadership Group) tasked development of the programme to the Wellbeing Partnership Group (strategic sub-group of GIRFEC Leadership Group). The development of the Moray programme was informed by the positive learning from last year's programme, but taking account of the change in investment focus, and policy intentions moving forward.
- 3.8 The programme is attached as **Appendix 1** and includes Moray wide and local options. It builds on existing programmes delivered by commissioned services and expands the reach of activities that were already under development by third sector partners. It also starts to develop the foundations for a holiday

childcare offer by working with existing early learning and childcare providers to develop their offer for older children over the summer. All sessions supported by the funding will incorporate access to healthy food.

- 3.9 This targeted investment complements wider investment in holiday support through free school meal replacement for those eligible for free school meals on the basis of low income (in Moray this is provided through direct payment to families). It also complements other summer activity programmes including:

- The Active Schools summer programmes
- The Youth Work Reconnect Programme

4. SUMMARY OF IMPLICATIONS

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

This report supports the LOIP outcomes:

Building a better future for children and young people in Moray

- A place where children and young people thrive;
- A place where they have a voice, have opportunities to learn and can get around;
- A place where they are able to reach their full potential.

And the Aims of the Corporate Plan to:

- Provide opportunities where young people can achieve the potential to be the best they can be.

(b) Policy and Legal

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

(c) Financial implications

There are no financial implications arising directly from this report. The targeted summer provision is fully funded by the Scottish Government.

(d) Risk Implications

There are no specific risk implications arising from this report, however it should be noted that this programme of support has been developed within a very short timescale and has been limited by the childcare and activities provision available within Moray at short notice. This will mean that some geographical areas will have more provision than others, and this will need to be accepted as a starting point for a longer term equitable provision of holiday childcare for low income families.

(e) Staffing Implications

There no staffing implications arising directly from this report.

(f) Property

There are no property implications arising from this report.

(g) Equalities/Socio Economic Impact

The activities, childcare and food on offer through this targeted provision are designed to be accessible to target families. When developing the programme consideration has been given to how to meet wider needs, including through the integration of food, transport, family support and referral on to wider services where needed. Principles of dignity, and human rights will be promoted by all involved through the promotion of non-stigmatising provision of services and supports.

(h) Climate and Biodiversity Impact

No climate change or biodiversity implications have been determined for the Summer Holiday and Food and Childcare Programme.

(i) Consultations

Wellbeing Partnership Group, The Head of Education (Chief Education Officer), Senior Solicitor (Litigation and Social Care), Tracey Sutherland (Committee Services Officer), Paul Connor, Principal Accountant and the Equal Opportunities Officer have been consulted and the comments received have been incorporated into the report.

5. CONCLUSION

- 5.1 The summer programme of organised activities, childcare and food will support the Scottish Government's mission to tackle child poverty. It has been designed to augment existing provision, and where required to enable the establishment of new services to support the future development of year round holiday childcare and food provision that meets the needs of low income families.**

Author of Report: Joanna Shirriffs, Head of Education Resources and Communities
Background Papers:
Ref: SPMAN-9425411-18

Summer Holiday Food and Childcare Programme

Organisation Service	Activities on Offer	Target Groups	Localities	Funding Provided
Aberlour Youth Point	Activity programmes for targeted support groups (including food and travel)	Priority Family Groups	Moray Wide	£7,800
Children 1 st	Food and Childcare Programme to support families linked to Children 1 st for 3 days per week over 4 weeks	Priority Family Groups	Moray Wide	£2,000
Communities – Adult & Family Learning	Food and Activity programme – one session per week for 6 weeks for 12 families	Priority Family Groups		£3,000
Dance North	To be confirmed			£3,500
Gleaner Arena	To be confirmed			£3,000
Grampian Autistic Society	Summer Food and Childcare programme – two days per week for seven weeks. Six children/young people per session	Children and young people aged 5-14 with Autism (and their families)	Moray Wide	£22,300
Hein Mijzen, m-powerme	Summer programme for young people with complex needs already known to the service	Children with complex additional support needs	Moray Wide	£650
Libraries	To be confirmed			£5,000
Lossie 2-3 Group	Three week summer holiday programme (Monday, Tuesday, and Wednesday 9.30 to 14.00). Includes breakfast, and a hot cooked lunch.	Priority Family Groups	Lossiemouth	£20,000
Moray Sport's Centre	To be confirmed		Elgin	£1,875
Moray Women's Aid	Summer programme for 15-20 families supported by Women's Aid	Priority Family Groups Children in need of Protection	Moray Wide	£2,500
No Worries in Moray	Delivery of summer activities programme (12 sessions, 16 people per session)	Priority Family Groups	Moray Wide	£17,000
Quarriers	Summer activity programme	Young Carers aged 5-14 years	Moray Wide	£4,500

Appendix 1

RAF Lossiemouth Childcare Centre	To be confirmed	Priority Family Groups		£1,500
The Loft	Summer activities programme, including meals and out of town experiences P7 transition group – 6 sessions	Priority Family Groups	Keith	£3,500
Torridon Education Group	Summer food and childcare programme (24-40 spaces per day)	Priority Family Groups	Elgin	£26,892
Scottish Disability Sport	Summer sports camps East and West of Moray	Children from families with a disabled adult or child		£4,000
Social Work	Summer activity sessions delivered by Outfit Moray Family Fit Life Memberships – providing access to sports facilities and active schools summer programme	Priority Family Groups	Moray wide	£19,000
Universal provision	Funding to remove barriers to allow all children to access universal summer holiday opportunities (e.g. active schools, sports club offers etc.) and to increase capacity, where required .	Priority Family Groups	Moray wide	£7,000
Moray Council	Contingency to be used to meet emerging need over the summer holiday or address unexpected barriers or capacity issues	Needs identified through locality networks and existing providers	Moray wide	£18,420
TOTAL				£173,437



REPORT TO: MORAY COUNCIL ON 29 JUNE 2022

SUBJECT: APPOINTMENTS TO OUTSIDE BODIES

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

1. REASON FOR REPORT

- 1.1 To advise the Council of a number of outside bodies on which the previous Council was represented and to which the Council is entitled to appoint nominees.
- 1.2 This report is submitted to Council in terms of Section II (12) of the Council's Scheme of Administration relating to the appointments to outside bodies.

2. RECOMMENDATION

2.1 It is recommended that the Council:-

- (i) **consider and make appointments to the outside bodies and other positions listed in APPENDIX I; and**
- (ii) **agree that should those organisations who have yet to respond request a nomination in the future, the decision is made by Group Leaders on who should be appointed on the Council's behalf and if a decision cannot be reached, a report will come back to a future meeting of the Council for agreement.**

3. BACKGROUND

- 3.1 At the start of each new term of office, the Council undertakes to appoint representatives to various outside bodies. Following concerns raised from previous elected members in regard to the large number of organisations seeking council representation and the impact these appointments had on what was already a considerable workload, a review of the list of outside bodies was undertaken both through direct contact with each organisation and by CMT.

4. APPOINTMENTS TO OUTSIDE BODIES

- 4.1 All outside bodies who currently have Council representatives were contacted to seek updated information on their remits and to confirm whether or not they

still required to have council representation. Those organisations who no longer require a council representative have been removed from the list and outlined at para 4.5 below .

4.2 Both elected members and officers represent the Council on outside bodies in the following roles:

- Governance/high level scrutiny role: elected members
- Technical or operational role: officers

Sometimes it is appropriate for both elected members and officers to sit on an outside body (e.g. IJB).

4.3 The requirement to have an elected member on an outside body will often arise from the outside body's constitution. Whilst it may put that body in a difficult position if the Council declined to fill the position on the outside body, the Council cannot be forced to provide a representative.

4.4 A significant number of outside bodies are public trusts where the Council are trustees.

4.5 The organisations listed below no longer need representation:

- Business Loans Scotland
- Forres Golf Club – Board of Trustees
- Knockando Woolmill
- Leadership Board – Highlands and Islands Science Academy
- Moray Chamber of Commerce

4.6 The organisations in **Appendix 1** which are coloured red have yet to respond to the letter asking if they still require a nominee. Should responses be received following this meeting, then the decision on who to appoint should be made by Group Leaders.

5. SUMMARY OF IMPLICATIONS

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

None.

(b) Policy and Legal

None.

(c) Financial implications

Allowances for nominated Members attendance at meetings of organisations appointed is covered in the Councillors and Members Allowance Scheme.

(d) Risk Implications

None.

(e) Staffing Implications

None.

(f) Property

None.

(g) Equalities/Socio Economic Impact

None.

(h) Climate Change and Biodiversity Impacts

None.

(i) Consultations

The Head of Governance, Strategy and Performance and the Democratic Services Manager were consulted and are in agreement with the terms of the report.

7. CONCLUSION

7.1 The Council are asked to consider appointing representatives to the bodies as set out in APPENDIX 1.

Author of Report:	Tracey Sutherland, Committee Services Officers
Background Papers:	Held by Committee Services
Ref:	

OUTSIDE BODY	Remit	Item 18 Frequency of Meetings	Location of Meetings	Councillor 1	Councillor 2	Councillor 3	Councillor 4
Armed Forces and Veterans Champion	Council Appointment						
Auchernack Trust	For the benefit of the elderly community of the Forres area who are in need of relief by reason of advanced age - Trustees are 4 Forres Members and Chair of the Forres Community Council	Bi-annually	Forres Town Hall/Community Centre				
Banffshire Educational Trust Joint Board of Governors	Under the Banffshire Educational Trust Scheme 1976 The Moray Council has the power to make grants to persons ordinarily resident in, and organisations belonging to, the former County of Banff.	Annually	via email				
Business Gateway	Part of the Moray Council Economic Development Department however a Service Level Agreement is in place between Highland and Moray Councils to deliver the Business Gateway Service.	Bi-annually	Forres Enterprise Business Park				
Cairngorms National Park	<ul style="list-style-type: none"> • To conserve and enhance the natural and cultural heritage of the area • To promote sustainable use of the natural resources of the area • To promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public • To promote sustainable economic and social development of the area's communities 	variable	Ballater, Blair Athol, Grantown, Boat of Garten				
Citizens Advice Bureau (CAB) Board of Directors (Advisers)	The CAB Board of Directors are responsible for employing staff and dealing with the strategic direction of the bureau. Advisers to the Board have no voting rights but can assist the Board in its deliberations.	every 2 months	Moray CAB Offices				
City of Elgin Business Improvement District (BID)	A Business Improvement District (BID) is a business led partnership working within a precisely defined geographical area, where the businesses vote to invest collectively in local activities to improve local economic growth	Board quarterly and Working group 8 weekly	Elgin				
Climate Change Champion	Council Appointment						
Convention of the Highlands & Islands	The aim of the Convention of the Highlands and Islands (CoHI) is to strengthen alignment between the Scottish Government and member organisations to contribute to the Governments' purpose of focusing Government and public services on creating opportunities for all of Scotland to flourish through increasing sustainable economic growth	Bi-annually	Locations in the Highlands and Islands				
County of Banff Bursary Fund: Board of Governors	The purpose of the Fund is to provide small cash bursaries to applicants born or resident in th former County of Banffshire and who are in further education or engaged in training or in an approved apprenticeship	As required					

Dick Bequest Trust Scheme	The main purpose of the Scheme is to make grants to any person employed as a teacher in the area of benefit to enable such teacher to undergo a course of study, to travel either in the UK or abroad for any purpose of an educational nature or to pursue any other activity which, in the opinion of the Governors, is likely to improve the applicant's efficiency as a teacher. The secondary purpose of the Scheme is to provide equipment grants to schools within the area of benefit. The area of benefit now covers all schools in Aberdeenshire (but does not include Aberdeen City), all schools in Morayshire and four schools in Highland Region. These four schools in Highland Region lie within what were the former parishes of Abernethy and Duthill.	Bi-annually	once in Edinburgh and once in Aberdeen				
Equalities Champion	Council Appointment						
Findhorn Bay Local Nature Reserve Management Committee			Findhorn				
Findhorn, Nairn, Speyside Local Plan District Strategic Steering Group	Partnership group comprising of Councillors from Moray and neighbouring authorities, SEPA and Scottish Water.	Bi-annually	Moray				
Foundation of the University of the Highlands & Islands	The Foundation shall provide a connection between the University and its communities. The Foundation shall advise the organisation in the pursuit of its mission, provide a two-way flow of information between the University and its community stakeholders and promote the University's mission within and outwith their communities. The Foundation shall be consulted on any proposal to amend the mission of the University or on the formation and revocation of Academic Partnership Agreements with Colleges and Research Institutes.	Bi-annually with a yearly annual conference	Executive Office, Ness Walk, Inverness				
Grampian Venture Capital Fund Limited	The GVCF is a Venture Capital Fund which invests money in small limited companies in the old Grampian area. It is 86% owned by the 3 councils in the area and the other 14% is owned by private businesses in the area.	2 or 3 times per year	Grampian Area				
Highland and Moray Area Support Team	The Local Authority Representatives remit as a member of the Highland & Moray Area Support Team (AST) is to be aware of local issues and act as an important link between the Children's Panel and the local authority elected members and relevant local authority senior officials and departments.	4 times a year	Inverness				

Highland Reserve Forces & Cadets Association – Northern Area Committee	<p>Parliament within the terms of the Reserve Forces Act 1996. It has its own Scheme of Association – in effect its licence to operate – drawn up by the Defence Council. Members’ Role. Through its four Area Committees, the membership enhances HRFCA’s networking capabilities by:</p> <ul style="list-style-type: none"> • Engaging with the civil community to foster interaction between them, the Armed Forces and the Service Cadet Organisations. • Maintaining an awareness of current Defence-related issues, the Armed Forces and the Service Cadet Organisations. • Acting as ambassadors in the community, providing a two-way conduit for undertaking specific tasks and to report relevant Reserve and Cadet-related issues back to HRFCA for subsequent transmission to the Chain of Command. • Helping to maintain and develop HRFCA’s network. • Supporting with relevant expertise the Association’s outputs, including in respect of: Estate and Facilities Management; Community, Civil and Employer Engagement; Employer Support; Recruiting Support; and Cadets and Youth. • Promoting, fostering and supporting the recruitment, retention and wellbeing of the Reserve Forces and Service Cadet Organisations, and sustaining close and continuous cooperation between the Regular Forces, Reserve Forces and Cadets. • Access into communities not previously well-connected with, or disposed towards, the Armed Forces or Service Cadet Organisations. 	Annually	Inverness				
Highlands and Islands European Partnership	<p>The Highlands and Islands European Partnership consist of 7 Local Authorities, HIE & UHI and work together on EU matters. The HIEP Board consists of Council Leaders (or other appointees) and senior representatives from HIE & UHI and meets quarterly. Twice a year the HIEP Board meeting coincides with the meeting of the Governments Highlands & Islands Territorial Committee, which reviews all EU Strategic Intervention funding for the region and reports to the Scottish Joint Committee. The partnership has also an officer group, which meets on a regular basis with the secretariat being provided by a Policy Officer. Priorities common to all Partners are pursued in an integrated way and this can involve liaison with the Scottish Government, the UK Government and the EU which is done mainly in conjunction with Scotland Europa.</p>	Quarterly	Inverness				
Highlands and Islands Territorial Committee	<p>Reviews all EU Strategic Intervention funding for the region and reports to the Scottish Joint Committee</p>	Quarterly	Inverness				

Local Space Leadership Group	The Local Space Leadership Group is part of the North Highland and Moray Space Cluster. This is a group of public organisations, private companies, academia and other parties who are committed to optimise the group of the Space sector in North Highland and Moray. The local space leadership group is there to provide leadership and to help resource the sector moving forward. It is there to discuss the current action plan and to ensure that the jobs and other impacts are delivered in the area. The Cluster also has a wider stakeholders group and an Industry engagement group.						
Joint Energy from Waste Project - Elected Members Engagement Group	Appointments only required until May 2024 or until the completion of the project, whichever is soonest		Aberdeen				(Substitute)
Moray Anchor Network	Councillor to be chair of the network - needs to have experience/interest in community wealth building and economic development.		Elgin				
Moray Community Justice Partnership			Elgin				
Moray Economic Partnership	Chair of ED&I		Elgin				
Moray Leisure Centre - Board of Directors	To provide and arrange for the management and administration of the Moray Leisure Centre, incorporating a swimming pool and ice rink, together with such ancillary facilities as the directors of the company from time to time shall deem appropriate, for the recreational, educational benefit and in the interests of the social welfare of the public (both resident and visitor) of the district of Moray.	4 times a year	Elgin	Cllr Macrae	Cllr Gordon	TBC (SNP Group)	
Moray Local Outdoor Access Forum (Loaf)	The Forum was set up following the introduction of new legislation to advise the Council when exercising powers and duties under the Land Reform (Scotland) Act 2003. It is representative of all stakeholders in outdoor access, i.e. land managers, communities, access users, agencies. The Forum seeks to reach agreement between a wide range of interests in an effort to reduce conflicts. It has been actively involved in a range of activities, including wind farm developments that affect access opportunities, Core Paths Planning and upholding public access rights.	Quarterly	Moray				
Moray Twinning Association							
Moray Women's Aid - Board of Directors			Elgin	(Member)	(Observer)		
North East Local Plan District Steering Group							

North East Scotland Agricultural Advisory Group	To act as an advisory body to the Councils in North East Scotland, encompassing all rural affairs, with particular interest in agriculture and rural employment, farm incomes, farming policy, conservation, diversification of farming including forestry, tourism and farm industries, the implications of change in farming practice and land use and the provision of infrastructure, services and facilities in rural areas	3 times a year	Woodhill House Aberdeen				
North East Scotland Fisheries Development Partnership	To act as an advisory body to the Councils and the industry and provide support to fishing dependent communities	3 times a year	Woodhill House Aberdeen				
North East Scotland Pension Fund – Pensions Board	The Pension Board as detailed in regulations is the body responsible for assisting the Scheme Manager in relation to compliance with scheme regulations and the requirements of the Pensions Regulator	Quarterly	Town House, Aberdeen				
North East Sensory Services	NESS reaches over 5500 people in Aberdeen, Moray, Dundee, and Angus who are living with a sight and/or hearing loss. Everything that NESS does aims to support people who are blind and/or deaf to achieve independence. NESS delivers personalised support to meet individual needs and circumstances. NESS gathers information about the impact that it has using a number of methods. Feedback received illustrates that people who use NESS services feel more informed, better equipped and more able to cope with daily living. They say they feel more able to cope with the challenges they face, feel more involved or in touch with their community, feel more confident and competent, and feel they have more power and control over their choices and decisions.	4 board meetings a year	3 held in Aberdeen and 1 in Elgin				
Northern Roads Collaboration		Quarterly	Aberdeen			(sub)	(sub)
Older Person's Champion	Council Appointment						
Scotland Excel Joint Committee	Scotland Excel is a national body and is the central procurement organisation for the local government sector in Scotland. It is a joint committee constituted in terms of the Local Government (Scotland) Act 1973 and all 32 local authorities in Scotland are members. The Joint Committee has been established for the purpose of regulating the joint discharge of the Functions by the Member Authorities.	Bi-annually	Glasgow City Council Chambers				
Scottish Joint Council for Local Government Employees							
Scottish National War Memorial							

Victim Support Moray	Victim Support is run by an Area Management Committee comprising of local people and representatives from Police, Moray Council and Social Work. Area Committee responsibilities include co-ordinator support, recruitment and training of volunteers, fundraising, publicity and public relations with other agencies	Quarterly	Elgin				
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No response received



REPORT TO: MORAY COUNCIL ON 29 JUNE 2022

SUBJECT: STANDARDS COMMISSION HEARING UPDATE

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

1. REASON FOR REPORT

- 1.1 To inform the Committee of the outcome of Standards Commission hearing LA/MO/3516 held on 16 February 2022.
- 1.2 This report is submitted to Committee in terms of Section 18 of the Ethical Standards in Public Life Scotland act 2000 ("the Act")

2. RECOMMENDATION

- 2.1 **It is recommended that the council consider and note the outcome of Standards Commission hearing LA/MO/3516 involving former councillor Paula Coy.**

3. BACKGROUND

- 3.1 A Standards Commission hearing was held on 16 February 2022 to consider a potential breach of the Councillors Code of Conduct former councillor Paula Coy. A copy of the written decision can be found on the Commission's [website](#) and is attached to this report as Appendix 1.
- 3.2 Section 18 of the Act requires the council to consider the findings of a hearing within three months. Given the timing of local government elections the commission agreed to give a further 2 months for the Council to consider the outcome of this case.
- 3.3 Two separate bodies are involved in alleged breaches of the Councillors Code of Conduct:
 - The Ethical Standards Commissioner receives complaints, investigates the facts and produces a report to the Standards Commission on whether behaviour complained about could amount to a breach of the Code,
 - The Standards Commissioner considers this report and whether or not hold a hearing. They can impose sanctions where a breach has been found.

- 3.4 In the current case the Standards Commission were asked to consider whether former Councillor Coy had breached the provisions of the Code in relation to respect and in particular about comments made about another politician and their family on an online social media platform.
- 3.5 The findings of the hearing panel were that, on the face of it, some of the comments made by the former councillor were disrespectful. However as enhanced protection of freedom of expression is given to politicians under article 10 of the European convention on human rights no breach of paragraph 3.2 of the Code of conduct could be found.
- 3.6 The following issues from the written decision are highlighted:
- A reminder to Councillors on paragraph 3.2 of the code, to show respect towards other Councillors, officers and the public.
 - To be mindful of what they post on social media and the wider audience this brings.
 - To be mindful of the challenges of separating their private life from their public life.

4. SUMMARY OF IMPLICATIONS

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

None.

(b) Policy and Legal

Section 18 of the Ethical Standards in Public Life Scotland act 2000 ("the Act") requires the hearing outcome to be reported to a full Council meeting.

(c) Financial implications

None.

(d) Risk Implications

Councillor training on the Code of Conduct is carried out regularly and advice on the Code is available from the Monitoring Officer/Depute Monitoring Officer.

(e) Staffing Implications

None.

(f) Property Implications

None.

(g) Equalities/Socio Economic Impact

No direct implications.

(h) Climate Change and Biodiversity Impacts

None.

- (i) **Consultations**
None.

5. CONCLUSION

5.1 Councillors are asked to note the findings of the hearing and the following issues:

- **A reminder to Councillors on paragraph 3.2 of the code, to show respect towards other Councillors, officers and the public.**
- **To be mindful of what they post on social media and the wider audience this brings.**
- **To be mindful of the challenges of separating their private life from their public life**

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

Background Papers:

Ref:



16 February 2022

MEDIA RELEASE

FORMER MORAY COUNCILLOR CLEARED OF BREACH OF CODE OF CONDUCT

Former Moray Councillor, Paula Coy, was cleared by the Standards Commission at a Hearing held today in respect of a complaint that she had breached the Councillors' Code of Conduct in relation to comments posted by her on Twitter in late March 2021 in relation to a fellow politician moving to another political party.

Paul Walker, Standards Commission Convener and Chair of the Hearing Panel, said:

"The Panel found that former Cllr Coy had made personal comments about another politician and his wife (the complainer) in publicly available tweets. The Panel noted that this included making a comparison between the complainer and an activist suspended by another political party for mocking, on Twitter, the First Minister's experience of suffering a miscarriage. The Panel considered that making a comparison between the complainer and someone who had supported such an offensive view was a wholly inappropriate and discourteous personal comment. The Panel was of the view that former Cllr Coy's conduct in doing so was unacceptable, because it lowered the standard of public debate and, further, had the potential to erode public confidence in the role of an elected member".

The Panel found that certain of the former councillor's comments met the threshold for a breach of the respect and courtesy provision in the Code. However, the Panel was satisfied that the Respondent's comments had been made in the context of tweets about political matters and, as such, concerned matters of public interest. In the circumstances, the Panel considered that the Respondent would attract the enhanced protection to freedom of expression afforded to politicians, including local politicians, under Article 10 of the European Convention on Human Rights.

Having undertaken a balancing exercise, which involved weighing the enhanced protection to freedom of expression enjoyed by the Respondent, when discussing issues of political interest or public concern, against any restriction imposed by the application of the Code and imposition of a sanction, the Panel considered that former Cllr Coy's comments were not sufficiently offensive and gratuitous as to justify such a restriction. This was because the Panel was ultimately satisfied that the Respondent was attempting to draw an analogy in terms of her opinion about the extremity of the complainer's views, albeit she had done so in a clumsy manner (particularly given the comments were made in the context of a discussion about the behaviour directed towards women in public life).

Mr Walker stated that:

"The Panel would wish to emphasise that the requirement for councillors to behave in a respectful and courteous manner towards members of the public is a fundamental

requirement of the Code, as it protects the public and also ensures public confidence in the role of an elected member and the council itself is not undermined.”

A full written decision of the Hearing will be issued and published on the Standards Commission’s website within 7 days.

ENDS

NOTES FOR EDITORS

1. Complaints about councillors are made to the Ethical Standards Commissioner (ESC). The Standards Commission and ESC are separate and independent, each with distinct functions. The ESC is responsible for investigating complaints. Following investigation, the ESC will refer its report to the Standards Commission for Scotland for adjudication. Email: info@ethicalstandards.org.uk, <https://www.ethicalstandards.org.uk/> Tel: 0300 011 0550
2. The [Standards Commission for Scotland](#) is an independent public body, responsible for encouraging high standards of behaviour by councillors and those appointed to boards of devolved public bodies including in education, environment, health, culture, transport, and justice. The role of the Standards Commission is to encourage high ethical standards in public life; promote and enforce the Codes of Conduct; issue guidance to councils and devolved public bodies and adjudicate on alleged breaches of the Codes of Conduct, applying sanctions where a breach is found.
3. The [Codes of Conduct](#) outline the standards of conduct expected of councillors and members of devolved public bodies. In local authorities, there is one Code of Conduct, approved by Scottish Parliament, which applies to all 1227 councillors elected to Scotland’s 32 Local Authorities.



REPORT TO: MORAY COUNCIL ON 29 JUNE 2022

**SUBJECT: APPLICATION FOR DISCRETIONARY NON-DOMESTIC RATES
RELIEF: ELGIN SPORTS COMMUNITY TRUST**

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

1. REASON FOR REPORT

- 1.1 To consider Elgin Sports Community Trust's application for a discretionary award of Non-Domestic Rates relief for its premises.
- 1.2 This report is submitted to the committee in terms of Section III (B) (11) of the local authority's Scheme of Administration relating to the administration of the levy, collection, payment and recovery of Non-Domestic Rates.

2. RECOMMENDATION

2.1 The Council is invited to consider:

- (i) the application, on its individual merits, from Elgin Sports Community Trust for an award of discretionary Non-Domestic Rates relief for its premises at The Gleaner Arena, Boroughbriggs Road, ELGIN, IV30 1AP; and
- (ii) if such an award is made, the amount of rates relief to be awarded, up to a maximum of twenty *per cent* of the net rates bill.

3. BACKGROUND

- 3.1 A Scottish charity which occupies a property in furtherance of its charitable objectives is entitled to a mandatory award of eighty *per cent* rates relief. Only charities which are registered with the Office of the Scottish Charity Regulator (OSCR) are entitled to an award of this relief.
- 3.2 In terms of Section 4(5) of the Local Government (Financial Provisions etc.) (Scotland) Act 1962 rating authorities have powers to grant additional discretionary rates relief in respect of premises:
 - (a) occupied by charities and used for charitable purposes;
 - (b) occupied for the purposes of organisations which are not established for

profit and whose principal aims are charitable and are otherwise philanthropic or religious or concerned with education, social welfare, science, literature or the fine arts; or

- (c) occupied for the purposes of a club, society or other organisation not established or conducted for profit and which are wholly used for the purpose of recreation.

- 3.3 Members have previously delegated resolution of some applications for discretionary relief to officers. At a meeting of the former Policy and Resources committee on 23 March 2005 a decision was taken to delegate authority to determine applications from organisations which promote the welfare of vulnerable persons and applications from groups which benefit the community.
- 3.4 At a meeting of the former Policy and Resources committee on 12 February 2019 Members decided that the local authority would no longer make an award of discretionary rates relief to charity shops. In light of the financial constraints facing the Council, there may be a need to review more widely any further exclusions from discretionary rates relief.
- 3.5 The application for discretionary rates relief from Elgin Sports Community Trust lies outwith the powers delegated to the Head of Governance, Strategy and Performance at 9 (31) of the local authority's Scheme of Delegation. Its disposal reverts, therefore, to this committee. An early decision by Council will enable the annual Non Domestic Rates bill for 2022/23 to be issued timeously to this organisation.

Applicant

- 3.6 The Elgin Sports Community Trust is a registered Scottish Charity (SC047984). Its objects are to the advancement of public participation in sport.
- 3.7 The Elgin Sports Community Trust currently occupies premises at The Gleaner Arena, Boroughbriggs Road, ELGIN, IV30 1AP, which is described on the Valuation Roll as a Sports Ground.
- 3.8 These premises are in charitable occupation, so there is an entitlement to eighty *per cent* mandatory rates relief.

Financial Cost of Relief

- 3.9 The rateable value of the premises at The Gleaner Arena, Boroughbriggs Road, ELGIN, IV30 1AP, for which an award of discretionary rates relief is sought, is £35,750.
- 3.10 The Elgin Sports Community Trust has occupied these premises since 26 July 2021 and has already received an award of eighty *per cent* mandatory rates relief.
- 3.11 The net 2021/22 Non-Domestic Rates payable for the period The Elgin Sports Community Trust has occupied the premises at The Gleaner Arena, Boroughbriggs Road, ELGIN, IV30 1AP, for which an award of some discretionary rates relief is sought is £2,390.06.

- 3.12 It should be noted that amount stated in 3.3.8, above, relates to only part of that year.
- 3.13 The net 2022/23 Non-Domestic Rates payable in the coming year by The Elgin Sports Community Trust for the premises at The Gleaner Arena, Boroughbriggs Road, ELGIN, IV30 1AP, for which an award of some discretionary rates relief is sought is £3,560.76.
- 3.14 The cost of making any grant of discretionary rates relief would jointly fall on the Scottish Non-Domestic Rates 'pool' and Council Tax-payers in Moray. The national pool would fund seventy-five per cent of such an award and the balance would accrue as a financial burden to the local authority.
- 3.15 The cost to the local authority's Council Tax-payers of funding the maximum award of discretionary rates relief would be £1,487.69 (£597.51 being attributable to the 2021/22 financial year; £890.18 being attributable to 2022/23).
- 3.16 The Council has awarded discretionary rates relief to other sports organisations in Moray. Elgin Sports Community Trust's income for 2021 was £204,000 per OSCR returns.

4. SUMMARY OF IMPLICATIONS

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

No council/community planning priority implications for the local authority arise from the content of this report.

(b) Policy and Legal

The Council's policy on discretionary Non Domestic Rates relief has evolved over time, as indicated in paragraphs 3.3 and 3.4 in this report. A further review of the policy is proposed and this will be brought forward as part of the financial planning process for the 2023/24 budget. Meantime a decision on this application is required in order to process the NDR liability for 2022/23.

(c) Financial implications

Corporate Management Team Additional Expenditure Warning

When the Council approved the budget for 2022/23 on 22 February 2022 (paragraph 3 of the Minute refers) it balanced only by using reserves and one-off financial flexibilities. The indicative 3 year budget showed a likely requirement to continue to make savings in the order of £20 million in the next two 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 committee 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.

If Members choose to exercise their discretionary powers to make an award of rates relief, this would create an ongoing financial liability which would accrue against the revenues raised in future years from Council Tax-payers. If the maximum amount of relief was awarded this would create a gross recurring cost of approximately £900 *per annum* in future years, which would increase in line with any increase in the rates poundage set by the Scottish Government.

(d) Risk Implications

No risk implications for the local authority arise from the content of this report.

(e) Staffing Implications

No staffing implications for the local authority arise from the content of this report.

(f) Property

No property implications for the local authority arise from the content of this report.

(g) Equalities/Socio Economic Impact

No equalities implications for the local authority arise from the content of this report.

(h) Climate Change and Biodiversity Impacts

No equalities implications for the local authority arise from the content of this report.

(i) Consultations

No consultation has been carried out in the preparation of this report.

5. CONCLUSION

- 5.1 This report has laid before Members of this committee the application by The Elgin Sports Community Trust for an award of discretionary Non-Domestic Rates relief for its premises and the cost to the local authority of funding such an award.**

Author of Report: James Taylor, Taxation Manager.
Background Papers:
Ref: SPMAN-1293228629-675



REPORT TO: MORAY COUNCIL ON 29 JUNE 2022

**SUBJECT: APPLICATION FOR DISCRETIONARY NON-DOMESTIC RATES
RELIEF: MORAY SPORTS FOUNDATION**

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

1. REASON FOR REPORT

- 1.1 To consider Moray Sports Foundation's application for a discretionary award of Non-Domestic Rates relief for its premises.
- 1.2 This report is submitted to the Council in terms of Section III (B) (11) of the local authority's Scheme of Administration relating to the administration of the levy, collection, payment and recovery of Non-Domestic Rates.

2. RECOMMENDATION

2.1 The Council is invited to consider:

- (i) **the application, on its individual merits, from Moray Sports Foundation for an award of discretionary Non-Domestic Rates relief for its premises at Moray Sports Centre, Linkwood Road, ELGIN, IV30 8AR; and**
- (ii) **if such an award is made, the amount of rates relief to be awarded, up to a maximum of twenty *per cent* of the net rates bill.**

3. BACKGROUND

- 3.1 A registered Scottish charity which occupies a property in furtherance of its charitable objectives is entitled to a mandatory award of eighty *per cent* rates relief. Only charities which are registered with the Office of the Scottish Charity Regulator (OSCR) are entitled to an award of this relief.
- 3.2 In terms of Section 4(5) of the Local Government (Financial Provisions *etc.*) (Scotland) Act 1962 rating authorities have powers to grant additional discretionary rates relief in respect of premises:
 - (a) occupied by charities and used for charitable purposes;
 - (b) occupied for the purposes of organisations which are not established for

profit and whose principal aims are charitable and are otherwise philanthropic or religious or concerned with education, social welfare, science, literature or the fine arts; or

- (c) occupied for the purposes of a club, society or other organisation not established or conducted for profit and which are wholly used for the purpose of recreation.

- 3.3 Members have previously delegated resolution of some applications for discretionary relief to officers. At a meeting of the former Policy and Resources committee on 23 March 2005 a decision was taken to delegate applications from organisations which promote the welfare of vulnerable persons and applications from groups which benefit the community.
- 3.4 At a meeting of the former Policy and Resources committee on 12 February 2019 Members decided that the local authority would no longer make an award of discretionary rates relief to charity shops. In light of the financial constraints facing the Council, there may be a need to review more widely any further exclusions from discretionary rates relief.
- 3.5 The application for discretionary rates relief from Moray Sports Foundation lies outwith the powers delegated to the Head of Governance, Strategy and Performance at 9 (31) of the local authority's Scheme of Delegation. Its disposal reverts, therefore, to this committee. . An early decision by Council will enable the annual Non Domestic Rates bill for 2022/23 to be issued timeously to this organisation.

Applicant

- 3.6 Moray Sports Foundation is a registered Scottish Charity (SC046059). Its objects are to develop, manage and provide facilities for recreation to the public in Moray to improve their lives; to promote and provide training in the skills relevant to employment in the fields of sports, recreation and leisure; and to promote, establish and operate schemes of a charitable nature for the benefit of the community within Moray.
- 3.7 Moray Sports Foundation currently occupies premises at Moray Sports Centre, Linkwood Road, ELGIN, IV30 8AR, which is described on the Valuation Roll as a Sports Centre.
- 3.8 These premises are in charitable occupation, so there is an entitlement to eighty *per cent* mandatory rates relief.

Financial Cost of Relief

- 3.9 The rateable value of the premises at Moray Sports Centre, Linkwood Road, ELGIN, IV30 8AR, for which an award of some discretionary rates relief is sought is £407,000.
- 3.10 Moray Sports Foundation has occupied these premises since 1 July, 2019, and will be entitled to receive an award of eighty *per cent* mandatory rates relief.
- 3.11 Moray Sports Foundation has not previously paid rates due to entitlement when it was first completed to an award of rates relief under the terms of the

Business Growth Accelerator, which exempts new properties from the payment of rates for a twelve-month period, and to entitlement in 2020-21 and 2021-22 to 100% relief under the Scottish Government's Retail, Hospitality, Leisure and Aviation relief scheme. The latter scheme terminates on 31 March 2022, resulting in Moray Sports Foundation becoming liable for the payment of rates.

- 3.12 The net 2022-23 Non-Domestic Rates payable in the coming year by Moray Sports Foundation for the premises at Moray Sports Centre, Linkwood Road, ELGIN, IV30 8AR, for which an award of discretionary rates relief is sought is £42,653.60.
- 3.13 The cost of making any grant of discretionary rates relief would jointly fall on the Scottish Non-Domestic Rates 'pool' and Council Tax-payers in Moray. The national pool would fund seventy-five per cent of such an award and the balance would accrue as a financial burden to the local authority to be funded directly by local Council Tax-payers.
- 3.14 The cost to the local authority's Council Tax payers of funding the maximum award of discretionary rates relief would be £10,663.40.
- 3.15 The Council has awarded discretionary rates relief to other sports centres in Moray. Moray Sports Centre's income for 2021 was £734,000 per OSCR returns.

4. SUMMARY OF IMPLICATIONS

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

No council/community planning priority implications for the local authority arise from the content of this report.

(b) Policy and Legal

The Council's policy on discretionary Non Domestic Rates relief has evolved over time, as indicated in paragraphs 3.3 and 3.4 in this report. A further review of the policy is proposed and this will be brought forward as part of the financial planning process for the 2023/24 budget. Meantime a decision on this application is required in order to process the NDR liability for 2022/23.

(c) Financial implications

Corporate Management Team Additional Expenditure Warning

When the Council approved the budget for 2022/23 on 22 February 2022 (paragraph 3 of the Minute refers) it balanced only by using reserves and one-off financial flexibilities. The indicative 3 year budget showed a likely requirement to continue to make savings in the order of £20 million in the next two 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 committee 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.

If Members choose to exercise their discretionary powers to make an award of rates relief, this would create an ongoing financial liability which would accrue against the revenues raised in future years from Council Tax-payers. If the maximum amount of relief was awarded this would create a gross recurring cost of approximately £11,000 *per annum* in future years, which would increase in line with any increase in the rates poundage set by the Scottish Government.

(d) Risk Implications

No risk implications for the local authority arise from the content of this report.

(e) Staffing Implications

No staffing implications for the local authority arise from the content of this report.

(f) Property

No property implications for the local authority arise from the content of this report.

(g) Equalities/Socio Economic Impact

No equalities implications for the local authority arise from the content of this report.

(h) Climate Change and Biodiversity Impacts

No equalities implications for the local authority arise from the content of this report.

(i) Consultations

No consultation has been carried out in the preparation of this report.

5. CONCLUSION

- 5.1 This report has laid before Members of this committee the application by Moray Sports Foundation for an award of discretionary Non-Domestic Rates relief for its premises and the cost to the local authority of funding such an award.**

Author of Report: James Taylor, Taxation Manager.
Background Papers:
Ref: SPMAN-1293278629-674



REPORT TO: MORAY COUNCIL ON 29 JUNE 2022

**SUBJECT: APPLICATION FOR DISCRETIONARY NON-DOMESTIC RATES
RELIEF: OSPREY HOUSING LIMITED**

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

1. REASON FOR REPORT

1.1 To consider Osprey Housing Limited's application for a discretionary award of Non-Domestic Rates relief for its premises.

1.2 This report is submitted to the Council in terms of Section III (B) (11) of the local authority's Scheme of Administration relating to the administration of the levy, collection, payment and recovery of Non-Domestic Rates.

2. RECOMMENDATION

2.1 The Council is invited to consider:

(i) the application, on its individual merits, from Osprey Housing Limited for an award of some discretionary Non-Domestic Rates relief for its premises at Office 2D, Park House Centre, South Street, ELGIN, IV30 1JB; and

(ii) if such an award is made, the amount of rates relief to be awarded, up to a maximum of twenty *per cent* of the net rates bill.

3. BACKGROUND

3.1 A Scottish charity which occupies a property in furtherance of its charitable objectives is entitled to a mandatory award of eighty *per cent* rates relief. Only charities which are registered with the Office of the Scottish Charity Regulator (OSCR) are entitled to an award of this relief.

3.2 In terms of Section 4(5) of the Local Government (Financial Provisions *etc.*) (Scotland) Act 1962 rating authorities have powers to grant additional discretionary rates relief in respect of premises:

(a) occupied by charities and used for charitable purposes;

(b) occupied for the purposes of organisations which are not established for

profit and whose principal aims are charitable and are otherwise philanthropic or religious or concerned with education, social welfare, science, literature or the fine arts; or

(c) occupied for the purposes of a club, society or other organisation not established or conducted for profit and which are wholly used for the purpose of recreation.

- 3.3 Members have previously delegated resolution of some applications for discretionary relief to officers. At a meeting of the former Policy and Resources committee on 23 March 2005 a decision was taken to delegate applications from organisations which promote the welfare of vulnerable persons and applications from groups which benefit the community.
- 3.4 At a meeting of the former Policy and Resources committee on 12 February 2019 Members decided that the local authority would no longer make an award of discretionary rates relief to charity shops. In light of the financial constraints facing the Council, there may be a need to review more widely any further exclusions from discretionary rates relief.
- 3.5 The application for discretionary rates relief from Osprey Housing Limited lies outwith the powers delegated to the Head of Governance, Strategy and Performance at 9 (31) of the local authority's Scheme of Delegation. Its disposal reverts, therefore, to Council. . An early decision by Council will enable the annual Non Domestic Rates bill for 2022/23 to be issued timeously to this organisation.

Applicant

- 3.6 Osprey Housing Limited is a registered Scottish Charity (SC029461). Its objects are providing, constructing, improving or managing the construction of affordable housing; providing, constructing, improving or managing the construction of housing for persons who are aged, infirm, disabled or handicapped; and maintaining, repair or improving the houses of person with limited resources.
- 3.7 Osprey Housing Limited currently occupies premises at Office 2D, Park House Centre, South Street, ELGIN, IV30 1JB, which is a described on the Valuation Roll as an Office.
- 3.8 These premises are in charitable occupation, so there is an entitlement to eighty *per cent* mandatory rates relief.

Financial Cost of Relief

- 3.9 The rateable value of the premises at Office 2D, Park House Centre, South Street, ELGIN, IV30 1JB, for which an award of some discretionary rates relief is sought is £4,500.
- 3.10 Osprey Housing Limited has occupied these premises since 1 September 2021 and has already received an award of eighty *per cent* mandatory rates relief.
- 3.11 The net 2021-22 Non-Domestic Rates payable for the period Osprey Housing Limited has occupied the premises at Office 2D, Park House Centre, South

Street, ELGIN, IV30 1JB, for which an award of some discretionary rates relief is sought is £256.14.

- 3.12 It should be noted that amount stated in 3.3.3, above, relates to only part of that financial year.
- 3.13 The net 2022-23 Non-Domestic Rates payable in the coming year by Osprey Housing Limited for the premises at Office 2D, Park House Centre, South Street, ELGIN, IV30 1JB, for which an award of some discretionary rates relief is sought is £448.20.
- 3.14 The cost of making any grant of discretionary rates relief would jointly fall on the Scottish Non-Domestic Rates 'pool' and Council Tax-payers in Moray. The national pool would fund seventy-five per cent of such an award and the balance would accrue as a financial burden to the local authority to be funded directly by local Council Tax-payers.
- 3.15 The cost to the local authority's Council Tax-payers of funding the maximum award of discretionary rates relief would be £176.09 (£64.04 being attributable to the 2021-22 financial year; £112.05 being attributable to 2022-23).
- 3.16 The Council has awarded discretionary rates relief to other Housing Associations for offices in Moray. However, expenditure on office premises is administrative in nature rather than directly on the charitable objectives. Osprey Housing Association's income for 2021 was £7,383,000 per OSCR returns.

4. SUMMARY OF IMPLICATIONS

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

No council/community planning priority implications for the local authority arise from the content of this report.

(b) Policy and Legal

The Council's policy on discretionary Non Domestic Rates relief has evolved over time, as indicated in paragraphs 3.3 and 3.4 in this report. A further review of the policy is proposed and this will be brought forward as part of the financial planning process for the 2023/24 budget. Meantime a decision on this application is required in order to process the NDR liability for 2022/23.

(c) Financial implications

Corporate Management Team Additional Expenditure Warning

When the Council approved the budget for 2022/23 on 22 February 2022 (paragraph 3 of the Minute refers) it balanced only by using reserves and one-off financial flexibilities. The indicative 3 year budget showed a likely requirement to continue to make savings in the order of £20 million in the next two 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

committee 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.

If Members choose to exercise their discretionary powers to make an award of rates relief, this would create an ongoing financial liability which would accrue against the revenues raised in future years from Council Tax-payers. If the maximum amount of relief was awarded this would create a gross recurring cost of approximately £115 *per annum* in future years, which would increase in line with any increase in the rates poundage set by the Scottish Government.

(d) Risk Implications

No risk implications for the local authority arise from the content of this report.

(e) Staffing Implications

No staffing implications for the local authority arise from the content of this report.

(f) Property

No property implications for the local authority arise from the content of this report.

(g) Equalities/Socio Economic Impact

An award of rates relief to Osprey Housing Limited will support it in objective of the provision of affordable housing.

(h) Climate Change and Biodiversity Impacts

No equalities implications for the local authority arise from the content of this report.

(i) Consultations

No consultation has been carried out in the preparation of this report.

5. CONCLUSION

- 5.1 This report has laid before Members of this committee the application by Osprey Housing Limited for an award of discretionary Non-Domestic Rates relief for its premises and the cost to the local authority of funding such an award.**

Author of Report: James Taylor, Taxation Manager.
Background Papers:
Ref: SPMAN-1293228629-673