

MORAY COUNCIL

Minute of Meeting of the Moray Council

Wednesday, 28 October 2020

remote locations via video conference,

PRESENT

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

APOLOGIES

Councillor Ryan Edwards

IN ATTENDANCE

The Chief Executive, Depute Chief Executive (Economy, Environment and Finance), Depute Chief Executive (Education, Communities and Organisational Development), Interim Chief Officer Health and Social Care, Head of Governance, Strategy and Performance, Head of Economic Growth and Development, Economic Growth and Regeneration Manager, the Senior Officer Economic Strategy and Growth and the Democratic Services Manager as clerk to the meeting.

1 Chair of Meeting

Councillor S Morrison , being Convener and Chair of Moray Council, chaired the meeting.

2 Declaration of Group Decisions and Members Interests *

In terms of Standing Order 20 and the Councillors' Code of Conduct, Councillors Morrison, Coull and Eagle, as members of the Board, all declared an interest in Agenda Item 8 'Membership of Moray Integration Joint Board'.

The meeting noted that 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 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 Item 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.

4 Order of Business

Under reference to Standing Order 28 the meeting agreed to vary the order of business on the agenda and take Items 12(a) 'Economic Recovery Plan - Kickstart and Employability', 12(b) 'Economic Recovery Plan - Procurement Post and Small Business Support' and 12(c) 'Town Centre Support' in conjunction with Item 10 'Economic Recovery Plan' and to take these items prior to discussion of Item 9 'Best Value Assurance Report Strategic Action Plan'.

5 Minute of Meeting of the Policy and Resources Committee dated 10 March 2020

The Minute of the Meeting of the Policy and Resources Committee dated 10 March 2020 was submitted and approved.

6 Minute of the Meeting of Moray Council Emergency Cabinet dated 12 August 2020

The Minute of the meeting of the Moray Council Emergency Cabinet dated 12 August 2020 was submitted and approved.

7 Minute of Special Meeting of Moray Council on 7 October 2020

The Minute of the Special Meeting of Moray Council dated 7 October 2020 was submitted and approved.

Under reference to paragraph 4 of the Minute in relation to Scottish Public Services Ombudsman (SPSO) Reports – Children’s Social Work, the Interim Chief Officer Health and Social Care advised the Council that one of the decisions at that meeting was that the revision of the transitions policy would be provided to the Education, Communities and Organisational Development Committee (ECOD) on 18 November 2020. However, a charity based in Moray called ‘Friendly Access’ which focuses on creating and improving accessibility with a holistic approach regardless of disability had, following the publication of the SPSO Report, conducted a survey into peoples’ experience of transition from childhood to adulthood when additional support was required. He further advised that Children’s Services had approached the Charity to work with them on the transitions policy as Friendly Access were considered as experts by experience in this area. This has resulted in the timeframe originally put in place needing to be revised and therefore in order to make best use of this expertise he sought the Council’s agreement that this be delayed and reported to the meeting of ECOD Committee on 3 February 2021. This was agreed.

8 Minute of the Meeting of Moray Council dated 2 September 2020

The Minute of the Meeting of Moray Council dated 2 September 2020 was submitted and approved.

9 Minute of Special Meeting of Moray Council on 9 October 2020

The Minute of the Meeting of the Special Moray Council dated 9 October 2020 was submitted and approved.

10 Written Questions **

The Council noted that no written questions had been submitted.

11 Notice of Motion - Councillor T Eagle and Councillor J Allan

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

We give notice as required under standing order 7 that at the next meeting of the Moray Council we will be seeking to change the Convener and Leader with the resulting change to the administration with a view to pursuing a new weighted cabinet governance structure for the Council.

We recognise that the next normal meeting of the Moray Council is not due until 20th January 2021. Given the importance of preparing the budget and to allow either the current administration or a new administration to work productively for the people of Moray, we are today seeking support to bring forward the debate on the future administration.

Therefore, this motion seeks to inform the council of plans to change the administration and to seek Councillor's support to agree to a meeting being called around 2 weeks from now to allow for this debate to progress prior to the next official meeting.

In presenting the Motion Councillor Eagle stated that in terms of Standing Order (SO) 7 the motion was simply a statement giving notice of the intention having a debate around the change in the administration of the Council and the securing of a cabinet governance structure and under the terms of SO 7 needed to give notice at one meeting to be able to discuss it at the next. However as the next scheduled meeting of Moray Council was not until January 2021 the motion was also seeking agreement to bring forward the discussion to a special meeting in a few weeks' time.

Councillor A McLean stated that, whilst he had no issue with the Notice Of Motion, he did have an issue in that the terms of the motion linked the change in leadership to changing the future governance structure, which in his opinion, were two large policy issues to try and bring together in one motion and would be better served being separate from each other.

In response Councillor Eagle stated that whilst he took on board the issue raised by Councillor A McLean, he was of the opinion that the two issues are better served together and that the motion was seeking to put in place a strong administration with a strong governance structure in which to take Moray forward and which in turn responds to the Best Value Audit Report. He further stated that as he had not been advised otherwise, assumed that this was acceptable.

The Head of Governance, Strategy and Performance advised that whilst you can change the administration at the next meeting, to change the operating governance structure model is a longer more complicated process and that officers would work with the movers of the motion to work through that process that satisfied the needs of the Council. He further advised that to change the operating model of the council is likely to take two to three months.

Councillor Leadbitter stated that the point made by Councillor A McLean in regard to whether the proposal to change the administration is dependent upon a different operating model is of critical importance and, he was of the opinion, that this needed to be debated at this meeting. He stated that the Council was currently in the midst of a public health crisis and potentially facing a no deal brexit. These are some of the most turbulent times the Council has had to face and due to the uncertainty surrounding the future administration is stuck in a holding pattern and he stated that if this could be resolved today rather than in two weeks' time then he would be happy to do that and asked whether the proposal to take over the administration was dependant on there being an executive cabinet model or are they happy to seek administration under the current committee structure?

In response Councillor Eagle stated that he believed that moving to an executive cabinet structure would best serve the Council.

Following further discussion Councillor Leadbitter moved as an amendment that the Council agree to restate its support for a politically balanced committee model of governance and by extension rejects an executive cabinet model of governance. Councillor Morrison seconded the amendment.

Following further lengthy discussion during which the issue of competency was raised, the Head of Governance, Strategy and Performance advised that in his opinion it was competent for the Council to discuss the question of whether it wishes to move to an executive cabinet model or retain the current committee structure and reminded the meeting of the discussion held at the meeting on 12 February 2020 where information had been provided in relation to various cabinet models and at which the decision had been to retain the current committee structure.

The Chief Executive advised the Council that moving to a cabinet model was a significant decision and with no previous experience of the model of working Members would need to be well informed before taking such a decision. From a governance point of view in order to be well informed Members of the Council would need advice and information that is directly relevant, clear and timely and whilst he fully respected the views of the elected members, it is the duty of officers to provide objective advice, and would also need professional advice on any legal, financial and technical matters. All of which Members should be able to refer to in the course of a discussion of this significance.

Following further discussion Councillor Alexander sought clarification from Councillor Eagle that the Conservative Group would not seek to take over the administration of the Council under the current committee governance structure. He further stated that if this was the case that all Members needed to be clear on what they were voting for.

In response Councillor Eagle stated that the Motion was about what was considered to be the best way to move forward and that there was no point in Members voting for the Motion if they did not wish to put in a cabinet structure.

Thereafter following further discussion the Chair asked that the vote be taken.

On a division there voted:

For the Motion (11)

Councillors Eagle, Allan, Brown, Feaver, Gatt, Macrae, M McLean, R McLean, Powell, Ross and Wilson.

For the Amendment (13)

Councillors Leadbitter, Morrison, Alexander, Bremner, Coull, Cowe, Cowie, Coy, Creswell, Divers, Nicol, A McLean and Warren

Abstentions (1)

Councillor Taylor

Accordingly the Amendment became the finding of the meeting and the Council agreed to restate its support for a politically balanced committee model of governance and by extension rejects an executive cabinet model of governance.

A report by the Depute Chief Executive (Education, Communities and Organisational Development) invited the Council to consider the political balance allocations for Committees.

Following discussion the Council agreed to defer consideration of this matter to a special meeting of the council at a date to be determined.

13 Membership of Moray Integration Joint Board - Proposed Increase

A report by the Interim Chief Officer, Moray Integration Joint Board asked the Council to consider and approve an increase in the voting membership of Moray Integration Joint Board (MIJB) by one Council member.

Following consideration the Council agreed to the proposal for an increase in voting membership of MIJB and that the additional member representative will be consider in conjunction with the report on Political Balance and the outcome advised to the MIJB in due course.

14 Economic Recovery Plan

Under reference to paragraph 8 of the Minute of the Economic Growth, Housing and Environmental Sustainability Committee dated 6 October 2020, a report by the Depute Chief Executive (Economy, Environment and Finance) provided the Council with proposals for an economic recovery plan for Moray outlining the actions and interventions of Community Planning Partners to accelerate economic growth.

Following consideration the Council agreed to approve in principle, the financial requirements outline in paragraph 4(c) of the report, to be considered for final agreement in separate detailed reports to follow for revenue expenditure, noting that business cases will be required for all capital expenditure proposed for review by the Asset Management Working Group.

15 Economic Recovery Plan - Kickstart and Employability

Under reference to paragraph 8 of the Minute of the Meeting of the Economic Growth, Housing and Environmental Sustainability Committee held on 6 October 2020, a report by the Depute Chief Executive (Economy, Environment and Finance) provided the Council with details of the Kickstart scheme which forms part of the economic recovery plan and other employment related funding streams being actioned by the Council.

Following consideration the Council agreed to:-

- i. the funding allocation as set out in the financial implications at para 4(c) of the report to support payment of the living wage to Kickstart placements in Moray Council; and

- ii. note the plans and progress on work associated with a range of employability support interventions.

16 Economic Recovery Plan - Procurement Post and Small Business Support

Under reference to paragraph 8 of the Minute of the Meeting of the Economic Growth, Housing and Environmental Sustainability Committee dated 6 October 2020, a report by the Depute Chief Executive (Economy, Environment and Finance) provided the Council with details of the temporary post relating to Community Wealth Building and growing the local economy with a focus on procurement, a permanent procurement post to provide additional capacity to the procurement team, and to enable the actions resulting from the temporary post activity, and business consultancy items which form part of the economic recovery plan.

Following consideration the Council agreed the funding allocation as set out in the financial implications outlined in paragraph 7(c) of the report for the creation of the posts identified in sections 4 and 5 of the report to support economic recovery and growth in Moray.

17 Town Centre Support

Under reference to paragraph 8 of the Minute of the Meeting of the Economic Growth, Housing and Environmental Sustainability Committee, a report by the Depute Chief Executive (Economy, Environment and Finance) informed the Council on proposed Town Centre Support Schemes which forms part of the economic recovery plan being actioned by the Council.

Following consideration the Council agreed:

- i. to note the proposals;
- ii. for town centres of Buckie, Keith, Forres, Lossiemouth, Elgin, Aberlour and Dufftown the setup of a pop-up shop scheme with associated cost over two financial years of £50,000; and
- iii. to offer 50% capital start-up grants up to a maximum of £10,000 following participation in the pop-up scheme with budget requirement of £100,000 for next financial year 2021/2022.

Adjournment of Meeting

In terms of Standing Order 25 the Meeting agreed to adjourn at 13.00 pm for lunch and reconvene at 14.00 pm.

Resumption of the Meeting

PRESENT:

Councillors Morrison, Leadbitter, Alexander, Allan, Bremner, Brown, Coull, Cowe, Cowie, Coy, Creswell, Divers, Eagle, Feaver, Gatt, Macrae, A McLean, M McLean, R McLean, Morrison, Nicol, Powell, Ross, Taylor, Warren and Wilson.

IN ATTENDANCE

The Chief Executive, Depute Chief Executive (Economy, Environment and Finance), Depute Chief Executive (Education, Communities and Organisational Development), Interim Chief Officer Health and Social Care, Head of Economic Growth and Development, Head of Governance, Strategy and Performance, Economic Growth and Regeneration Manager, Senior Officer Economic Strategy and Growth and the Democratic Services Manager as clerk to the meeting.

18 Best Value Assurance Report Strategic Action Plan

Under reference to paragraph 3 of the Minute of the Special Meeting of Moray Council held on 7 October 2020, a report by the Chief Executive asked the Council to approve a Plan of strategic actions in response to the Accounts Commissions findings on the Best Value Assurance Report on Moray Council by the Controller of Audit.

Following consideration the Council agreed to approve the Best Value Assurance Report Strategic Action Plan as detailed in Appendix 1 of the report for submission to the Accounts Commission.

19 BT Phoneboxes

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Council of BT's proposal to remove 13 payphones in autumn 2020 in Moray and sought approval for the Council's response to BT.

Following consideration the Council agreed to:

- i. BT's proposed removal of 1 payphone - noting that there do not appear to be reasonable grounds to object according to BT's criteria;
- ii. object to the removal of 6 payphones for which there are valid reasons to object, according to BT's criteria;
- iii. the "adoption" of 6 traditional red payphones by local community groups, and

- iv. delegate future consultation responses regarding BT payphones to the Head of Economic Growth and Development in consultation with Local Members.

20 Town Centre Fund Capital Grant 2020 to 2021

Under reference to paragraph 8 of the Minute of the Meeting of the Economic Growth, Housing and Environmental Sustainability Committee dated 6 October 2020, a report by the Depute Chief Executive (Economy, Environment and Finance) provided the Council with an update on additional funding allocation for the Town Centre Fund Capital Grant and asked the Council to authorise proposed works and grant schemes.

Councillor Eagle stated that whilst he had no issue with the funding coming from the Scottish Government, he was aware that last year the scope was much wider than this year and so focus was much more on development and the two principle components of that being turning empty properties in to living accommodation and reducing the size of business units to smaller units and that this misses out what communities want to bring forward in their town centres. He further stated that he could not see why communities could not put in a bid and that it would be for them to work up their bids and sought some clarification on this.

In response the Economic Growth and Regeneration Manager advised that there had been more time last year in which to enter into a dialogue with communities however due to the tight timescale there was no time and the capacity was very limited. Having said that she further advised that she would recommend that communities look at and prioritise what is needed in their towns rather than simple shopping lists but work up plans as the Scottish Government had announced that the intention is that over the next five years to allocate £272M which would see more funding coming in.

Councillor Eagle stated that some communities would have available to them the requests that had already been prepared with all of the quotes etc. in place that they didn't get approval for the last time. He further referred to the recommendation in relation to the Market Cross in Forres, which was a community project from last year that had not progressed due to a further funding issue, and was of the opinion that it was only fair to the other communities to allow them to put forward their applications from last year.

Following further discussion Councillor Eagle moved that the Council:

- i) agree recommendations 2.1(i) and 2.1(iii) as detailed in the report,
- ii) delete recommendation 2.1 (iv), and
- iii) amend recommendation 2.1(ii) to read 'agree that the town centre grant application will include the themes as proposed in the Town Centre Fund – Capital Grant 2019/20 and this will include the provisions within paragraphs 3.6 and 3.8 of the report in terms of grant rate.'

The Depute Chief Executive (Economy, Environment and Finance) cautioned on the impact on staffing resources and outlined the process regarding the handling of applications which may in turn require a re-prioritising of work within the department. The Economic Growth and Regeneration Manager confirmed when asked that she did not see how her team had scope to reprioritise any further in order to create capacity to consider the fuller scheme proposed.

Councillor Alexander moved as an amendment that the Council approve the recommendations as outlined in the report. Councillor Cowe seconded the amendment.

On a division there voted:

For the Motion (11)

Councillors Eagle, Allan, Brown, Feaver, Gatt, Macrae, M McLean, R McLean, Powell, Ross and Wilson

For the Amendment (14)

Councillors Alexander, Cowe, Bremner, Coull, Cowie, Coy, Creswell, Divers, Leadbitter, A McLean, Morrison, Nicol Taylor and Warren

Abstentions (0)

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

- i. to note the additional funding allocation;
- ii. for town centres with a population of over 1000 residents
 1. the grant scheme turning empty space into living space
 2. the grant scheme for altering large vacant retail premises into smaller retail units, each as set out in the report;
- iii. that the pre-existing mechanism for decision making and delegation of authority as set out in paragraph 3.10 of the report will continue for the additional funding; and
- iv. agree to allocate £30,000 to cover a shortfall for the previously agreed restoration of the Market Cross in Forres.

21 Question Time ***

Under reference to paragraph 8 of the Minute of the Meeting of the Policy and Resources Committee dated 10 March 2020, Councillor Alexander, in relation to the Falconer Museum, sought assurance on behalf of the Friends of the Museum, that the Council is keeping a watch on the condition of the museum collection and store.

In response the Economic Growth and Regeneration Manager advised that there is a maintenance plan and that staff are checking the condition of the building as well as contracting High Life Highland Conservation Service. Due to COVID-19 would need to check whether the curator, who was scheduled during October check the artefacts, has been able to do so. Prior to closure the artefacts were moved into the store in order to keep all the precious artefacts in one place and were secure and looked after. This will continue until a solution is found for the Museum Services. She further advised that she has answered queries from the Friends of the Museum and they should be aware of these measures.

Under reference to paragraph 9(ii) of the Minute of the Meeting of the Policy and Resources Committee dated 10 March 2020, Councillor Brown asked if a meeting with the Infrastructure Committee for Scotland seeking clarity on the implications for Moray had taken place and if so what was the outcome?

In response the Depute Chief Executive (Economy, Environment and Finance) advised that she had been advised by the Head of Economic Growth and Development that there had not been an opportunity to hold a meeting with the Infrastructure Commission before the pandemic struck, but had advised that the recommendations from the Infrastructure Commission are now reflected in the Scottish Government's draft Infrastructure Investment Plan which is currently out for consultation and views on a Moray perspective on that were fed back through the recent Convention of Highlands and Islands meeting on the needs for infrastructure investment in the Highlands and Islands.

Councillor Brown asked if this had been done through officers and not Members.

In response the Depute Chief Executive (Economy, Environment and Finance) advised that she could only assume that it was the Convention of the Highlands and Islands Senior Officer Group meeting but that there had also been a further meeting of the Convention on 26 October 2020 which was attended by the Chief Executive and Council Leader.

The Chief Executive advised that he would need to follow up the query and come back as his attendance at the virtual meeting was interrupted due to issues around COVID-19. He did however have the paperwork from the meeting and would prepare a briefing note for circulation to Members.

Under reference to paragraph 10 of the Minute of the Meeting of the Policy and Resources Committee dated 10 March 2020, Councillor Brown asked for confirmation that Highlands and Islands Enterprise and the University of Highlands and Islands had agreed to the proposal for proportionate funding in respect of media services for the Moray Economic Partnership.

In response the Senior Officer Economic Strategy and Growth confirmed that this funding had been confirmed by both parties.

Under reference to paragraph 8 of the Minute of the Meeting of Moray Council dated 2 September 2020, Councillor Ross sought an update on progress regarding the application to the Rural Tourism and Infrastructure Fund.

In response the Depute Chief Executive (Economy, Environment and Finance) advised that an information report had been submitted to the meeting of the Economic Growth, Housing and Environmental Sustainability Committee on 6 October 2020 to update Members that the bid was unsuccessful and in terms of budget monitoring processes that money has been retained as there may be a further round of funding opening up which would allow a fresh bid to be submitted.

The Economic Growth and Regeneration Manager advised that the bid was not submitted as originally planned as all of the details were not ready and for the stage 2 funding application, full planning and any other legal requirements had to be at least applied for or ideally approved. The information report highlighted in particular that all the relevant communities were consulted on the detail. She further advised that the Senior Engineer is currently drawing up the detailed plans for all the sites and detailed costs are being sought so that all the detailed plans are ready for consulting with the communities and it was hoped to have all information ready by December to submit a report to Committee in January 2021. She also advised that she has been in contact with the Rural Tourism Infrastructure Fund as she previously discussed a strategic approach to finding long term solutions for the increase in tourism from motor homes.

Councillor Ross stated his disappointment in the bid not being successful and in response the Economic Growth and Regeneration Manager advised that the fund is extremely competitive and in previous rounds less than 30% of applications were successful and usually when submitting for funding we try to ensure that collectively the best had been done to secure funding by having all the permissions in place.

Councillor Brown asked that his disappointment be recorded that we were not able to achieve that level of bid and notwithstanding of the likelihood of opportunity of success, that opportunity has been denied to the Council that was trying to bolster the tourist infrastructure across Moray.

Councillor Feaver stated that she had been advised that the Convener had apparently endorsed a detrimental statement, with racial connotations, on social media in reference to the Member of Parliament for Moray and asked whether the Convener could confirm, whether she did indeed do this and if so also confirm that she will, with immediate effect, issue a public apology, resign from her position as Convener and refer herself to the Standards Commission.

In response the Convener stated that she had no idea what Councillor Feaver was referring to and would need to look back at her social media before she could make any further comment.

Councillor Ross asked, in relation to the imminent legislation regarding fire alarms and carbon dioxide detectors, whether simplified fact sheets were going to be provided regarding the public's responsibilities on this matter and are they going to be prepared by Moray Council? If so is the Council liaising with the Fire Service on this? He further stated that a number of constituents in his community had raised

their concerns about what would be required and there was a certain amount of evidence of unscrupulous businesses abusing the situation and he was therefore concerned about vulnerable people being taken advantage of and getting much more complicated systems than is necessary, as well as those vulnerable people being at risk from cold callers.

In response the Depute Chief Executive (Economy, Environment and Finance) advised that her understanding was that an informal indication has been given that the deadline for this will be pushed back and again it was her understanding that the Council would not be tasked with enforcing compliance with this except in terms of building standards for new builds and alterations and that the matter of compliance on a day to day basis would be controlled through the stance taken by Insurers to avoid being at insurance risk if people are not complying. She further advised that she had heard widely expressed concerns about exploitative behaviour ongoing relative to the previous deadline and was of the opinion that once the formal decision on whether the deadline is to be pushed back is taken, there will be a media campaign at national levels so that members of the public understand the situation and the regulations that they have to work towards.

Councillor Alexander stated that twice during the meeting reference had been made by Members to social media and urged Members to refrain from commenting or sharing on social media anything in relation to politics as some of the things his attention has been drawn to are disappointing to say the least. He further appealed to all Members to look at what was said in the Best Value Audit Report, not just in regard to this year but also in previous years, about the Councillors who represent the people of Moray. He was of the opinion that Members have to 'up their game' as Councillors and consider how they behave towards each other.

22 Improvement and Modernisation Programme Staffing [Para 1]

Under reference to paragraph 8 of the Minute of the Meeting of the Education, Communities and Organisational Development Committee (ECOD) dated 23 September 2020, a report by the Depute Chief Executive (Education, Communities and Organisational Development) asked the Council to approve the recommendations from the ECOD Committee in relation to the staffing and budget requirements for the Council's Improvement and Modernisation Programme.

Following consideration the Council approved the use of funding from Capital Receipts to extend the Head of Transformation post for a period of 12 months.