

MORAY COUNCIL

Minute of Special Meeting of Moray Council

Monday, 13 December 2021

Various Locations via Video Conference

PRESENT

Councillor George Alexander, Councillor James Allan, Councillor David Bremner, Councillor Frank Brown, Councillor Theresa Coull, Councillor John Cowe, Councillor Gordon Cowie, Councillor Lorna Creswell, Councillor John Divers, Councillor Tim Eagle, Councillor Ryan Edwards, 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

IN ATTENDANCE

Chief Executive, Depute Chief Executive (Economy, Environment and Finance), Depute Chief Executive (Education, Communities and Organisational Development), Head of Governance, Strategy and Performance and the Democratic Services Manager as Clerk to the Meeting.

1 Chair

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

2 Declaration of Group Decisions and Members Interests

In terms of Standing Order 20 and the Councillors' Code of Conduct, Councillors Eagle, Leadbitter, Alexander and Ross on behalf of their respective groups declared that they had discussed the terms of the Notice of Motion.

There were no other declarations in regard to any prior decisions taken on how Members will vote on any item on the agenda or any declarations of Member's interests in respect of any item on the agenda.

5 NOTICE OF MOTION

A Notice of Motion was submitted by Councillors Eagle, Ross, Feaver, Brown, Macrae, Wilson, M McLean, R McLean, Gatt, Powell and Allan on the following terms:

Following the resignation of former Cllr Paula Coy the Conservative Group and the MAG group were concerned that the current minority administration now represents less than a third of the overall council.

Despite the remaining time for this council before the 2022 council elections the combined groups are conscious that the annual budget is a very significant event with lasting implications for the council beyond the election timetable.

The combined group are willing to offer 11 councillors to take on the administration and in so doing will focus their efforts to build a truly strong recovery budget, giving strength to our communities and ensuring a commitment to high quality front line services.

The group give an absolute assurance that the work needed to change will be kept to an absolute minimum with a continued commitment to the Moray Growth Deal, the modernisation and improvement programme and the recovery and renewal programme.

If successful we will do everything we can to continue to foster positive relations with other groups in the council so together we can produce a strong recovery budget in 2022.

We recognise that the undersigned 11 councillors can, by coming together, bring enhanced certainty to the council over the remaining months, an area which is identified as high risk in the council's corporate risk assessment and we would reach out to all other councillors to continue working together for the communities of Moray.

The combined group therefore recommend that council note the potential benefit in 11 councillors being part of administration and agree to change the leader and convener of the council and by association the administration by agreeing the following appointments;

2.1 Appointment of Convener – Cllr James Allan

2.2 Appointment of Council Leader – Cllr Tim Eagle

2.3 Appointment of Chairs and Depute Chairs to each of the undernoted Committees to be confirmed during meeting;

Appeals Committee -

Audit and Scrutiny – To be decided by remaining members of council

Corporate Committee –

Economic Development and Infrastructure Services –

Education, Children's and Leisure Services Committee –

Housing and Community Safety Committee -

Licensing Committee –

Moray Local Review Body –

Planning and Regulatory Services –

Police and Fire and Rescue Services Committee –

Joint Consultative Committee -

School Placings and Exclusions Appeals Committee -

2.4 CoSLA Appointments – To be confirmed at council meeting

Leaders' Meeting – Council Leader

Convention - 3 Members (must reflect political balance)

Environment and Economy Board –

Community and Wellbeing Board –
Children and Young People Board –
Health and Social Care Board –

2.5 Community Planning and Other Partnership Bodies – To be confirmed at council meeting.

Community Planning Board –
Grampian Valuation Joint Board –
Moray Integration Joint Board –

2.6 Outside bodies appointments –

NHS Grampian Board –

In introducing the Motion Councillor Eagle stated since the resignation of former Councillor Coy the Conservative Group and the Moray Alliance Group (MAG) have come together on this issue on the grounds of the democratic deficit with the SNP Administration now only consisting of seven members which is less than a third of the membership of the Council and which in their opinion was too low for them to continue given in terms of the risk management of the council there is a concern over political stability in relation to matters that officers are working on getting approval as well as the annual budget that is due to be set in February 2022 and given the situation in relation to Covid, the importance of delivering the strongest and boldest budget they possible can. He stated that he would give an absolute assurance that if the motion was successful that the works needed to change would be kept to an absolute minimum and they would retain a strong commitment to working with all other Councillors for the good of the communities and the people of Moray.

He further stated that he wished to address three questions that had arisen from members of the public during the week in regard to the Notice of Motion:

- Why raise the Motion with it being so close to the election? In response he stated that whilst people were concerned about the political election timetable he was more concerned about the financial year and whilst the election will be in May 2022, the budget that will be set in February/beginning of March 2022, worth over £300 million will last into April 2023. The plans put in place for that will dictate the work that will be undertaken throughout the year and given the pressures on staff and health care, it is considered that the budget needs to be the strongest if not arguably the most resilient budget that Moray has delivered in a very long time.
- Councillors should all work together anyway so why does it matter? In response he stated that to some extent he would agree with that, however, it has to be recognised that there are periods when we do disagree such as on education spend, health care spend and that means that we work in different ways to achieve similar goals.
- Is this not irresponsible with Covid? In response he stated that the reason he is doing this is because of Covid as he wants to ensure that a larger group of Councillors can put together the strongest possible budget as he is aware from staff that they are tired, they are exhausted and need more support and he was of the opinion that we are going to have to dig very very deep this year and believes that leading this Council he can do that.

In conclusion he stated that he had put forward the Motion to take over the Administration to take over as Leader, for Councillor Allan to take over as Convener

and he welcomed comments and expected criticism and would not wish to cause an argument and that everyone would have their own opinion on the Motion but would do his best to try and explain why it is here and moved approval of the Motion.

Councillor Ross in seconding the Motion stated that despite what has been said to the contrary, in his opinion there was nothing irresponsible in this Motion. It is ambitious, inclusive and seeks to meld this council into a collegiate unit with Councillors and Officers working together. He stated that the big task that the two Groups seek to undertake in the final few months is to produce a budget to reward the people of Moray for everything that they have done during the pandemic. He further stated that they would hope not to focus on narrow areas but endeavour to try to benefit everyone and as a true independent everyone knows that jobs and services have always been his priorities and has assurance that those priorities will be ones that this group will take forward to the budget with education and social care being at the top of the list of imperatives and the restoration of services such as school crossing patrollers. Furthermore he stated that this Administration would commit to investing in the economy to aid in the recovery from Covid. In his opinion it is clear that a democratic deficit has built up in this minority administration and it is time to bring democracy back to Moray Council and there is nothing irresponsible about that.

Councillor Leadbitter stated that he welcomed the opportunity to debate the Motion which he hoped would clear the air between now and the election in May 2022. He stated that the timing of the Motion concerned him the most as in his opinion bringing it forward at this time for such an upheaval for the council will it being only 16 weeks from the pre-election period, 2 of those being the Christmas break, leaving only 14 business weeks for any significant business for Councillors which is less than 2 committee cycles. The Conservative and MAG Groups have implied that the current arrangement is somehow undemocratic making play of the fact that less than a third of the Councillors make up the Administration Group, however, he was unsure of the point being made given that there has been less than a third of Councillors making up the Administration for the past 3 years. In respect of democratic authority he stated that we need to be clear in regard to executive power. Looking at both the UK and Scottish Governments the Prime Minister and the First Minister both have considerable executive powers at national government levels. This is simply not the case for local authorities where new policies or strategies can only be progressed within this council through majority support at either committee or council level and any major new proposals requiring significant officer time and wider consultation would not now be complete until after the new council is elected in May 2022. He stated that if anything, being in a minority administration over the last 3 years, has to him very clearly meant that we must work particularly hard to achieve majority support and cannot take anything for granted.

He further stated that in terms of the council pressures, services were responding to the new covid surge with the emergence of Omicron alongside responding to winter emergencies and this adds to our concern in regard to the timing and purpose of this Motion. Unprecedented pressures are being seen in Education and Social Care amongst others and that pressure is being sustained by front line staff, the Corporate Management Team and Senior Management Team over a very extended period of time with little sign of letting up. In conclusion he stated that the pragmatic decision should be to maintain the status quo until the election in May 2022 when it will be up to the people of Moray to decide on the makeup of the new council and therefore urged Councillors to vote for the Administration Group's amendment and formally moved as an amendment that the Council agrees to:

1. Maintain the status quo in terms of the positions of Convener, Leader and current Committee Chairs
2. Maintain the currently political balance on committees
3. Appoint Cllr Theresa Coull to the position of Chair of Police and Fire & Rescue Services Committee
4. Groups and individual councillors to notify Committee Services of any other committee membership changes

On seconding the Amendment Councillor Bremner stated that he was dismayed that while we are subject to all the pressures outlined by Councillor Leadbitter and at this point with only 2 committee meeting cycles left, that this Motion is being brought forward. He stated that there has already been disruption since it was known that this would be coming forward, all at a critical time when the budget setting looms large and he did not understand the need for this or what it is intended to achieve and that in his opinion the best time for such a Motion to be brought forward by the Conservative Group was when Councillor Taylor stood down from the Administration.

Following further discussion, there being no one otherwise minded, the Chair asked that the vote be taken.

On a division there voted:

For the Motion (12):	Councillors Eagle, Ross, Allan, Brown, Edwards, Feaver, Gatt, M McLean, R McLean, Macrae, Powell and Wilson
For the Amendment (12):	Councillors Leadbitter, Bremner, Alexander, Coull, Cowe, Cowie, Creswell, Divers, A McLean, Morrison, Nicol and Warren
Abstentions (1):	Councillor Taylor

There being an equality of votes, and under the terms of Standing Order 64 (c) it was agreed that the decision shall be by lot and this would be by way of the cutting of cards.

The meeting noted that Councillor Eagle and Councillor A McLean, were in attendance within the Council Headquarters where the Head of Governance, Strategy and Performance facilitated the cutting of cards.

For the Motion, Councillor Eagle drew the first card, that being the 7 of Hearts. For the Amendment Councillor A McLean drew the second card, that being the Jack of Spades.

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

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