

THE MORAY COUNCIL

MINUTE OF MEETING OF THE ECONOMIC DEVELOPMENT & INFRASTRUCTURE SERVICES COMMITTEE

TUESDAY 3 MAY 2011

COUNCIL OFFICE, ELGIN

PRESENT

Councillor J Russell (Chairman), G Coull, S Cree, J Divers, G Leadbitter, G McDonald, G McIntyre, I Ogilvie, P Paul, R Shepherd and A Wright.

APOLOGIES

Apologies for absence were intimated on behalf of Councillors L Bell & J Hamilton.

IN ATTENDANCE

The Head of Direct Services, the Head of Development Services, the Transportation Manager, the Roads Maintenance Manager, the Planning & Economic Development Manager, the Estates Manager, R Gerring, Senior Engineer (Transportation), L Paisey, Principal Accountant, A Scott, Principal Solicitor (Commercial & Conveyancing) and the Senior Committee Services Officer, Clerk to the Meeting.

LEADER PROGRAMME

Prior to the commencement of business and on the invitation of the Chairman the Chair of Moray LEADER, Pricilla Gordon-Duff and John Grieve, Consultant gave a presentation on the 2007-13 programme and thereafter along with David Watson, Moray LEADER Programme Manager responded to Members questions.

1. DECLARATION OF GROUP DECISIONS

In terms of Standing Order 20 and the Councillors' Code of Conduct the meeting noted there were no declarations from group leaders or spokespersons in regard to any prior decisions taken on how members will vote on any item on the Agenda.

2. EXEMPT INFORMATION

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 during consideration of the items of business appearing at the relevant paragraph of this minute as specified below, so as to avoid disclosure of exempt information of the class described in the appropriate paragraphs of Part 1 of Schedule 7A of the Act.

Para No of Minute**Para No of Schedule 7A**

14	1
15	8 & 9
16	6
17	8 & 9

3. WRITTEN QUESTIONS

There were no written questions.

4. POINT OF ORDER

In terms of Standing Order 56 Councillor Leadbitter intimated that, in his opinion, Standing Order 83 was being infringed given that at the meeting of this Committee on 8 March 2011 (Para 9 of the Minute refers) it was agreed that a further report on the Elgin western distributor road would be submitted to this meeting of the Committee and there was no item on the agenda. He referred to a press release which intimated that the report should be delayed until the economic strategy for Moray is unveiled in early June 2011 and enquired as to who had agreed to defer the report and under what authority was this decision taken.

Mrs Scott, Principal Solicitor (Commercial & Conveyancing) advised the meeting that it was her understanding that the Chief Executive took a view on the matter, in terms of the timing of the submission of the report taking into account the impending announcement relating to the future of RAF Lossiemouth and the unveiling of the Moray Economic Strategy in June, that it would be appropriate to defer the submission of the report until a fully informed report could be prepared, as intimated in the press release, to enable Members to make a fully informed decision on the matter.

Adjournment of Meeting.

The meeting agreed to a short adjournment to allow for the Chief Legal Officer to attend the meeting and advise the Committee on the decision taken by the Chief Executive.

On the resumption of the meeting the Chief Legal Officer advised the Committee that the purpose in withdrawing the report was not to alter or rescind the decision of the Committee but to ensure that any decision made was on a fully informed basis. The authority for the report always rests with the officer and at the time the draft report was prepared the Chief Executive was concerned that it was not fully informative in that no account had been taken of the Council's response to the Economic Response Plan and the emerging Moray Economic strategy. The Chief Legal Officer also advised the meeting that, in terms of statutory guidance for best value, all decisions of the Council must be fully informed and when these issues were taken together the Chief Executive took the view that it was in the best interest of the Council to defer consideration of the report at this time.

It was accepted that with hindsight it would have been appropriate for a short report on the decision to defer the report pending obtaining the additional economic information to have been submitted to the Committee albeit it was considered at the time that a press release would suffice.

The meeting noted the position.

5. CAPITAL PLAN 2011/12

Under reference to Paragraph 2 (iii) of the Minute of the Special Meeting of the Council dated 10 February 2011 there was submitted a report by the Head of Direct Services seeking Committee approval for a number of projects in the Capital Plan for 2011/2012, as detailed in Appendix 1 to the report.

During discussion Councillor Ogilvie sought clarification as to the locations in Forres which were to receive replacement items of play equipment and it was noted that this information would be provided to Councillor Ogilvie outwith the meeting by the Environmental Protection Manager. The meeting also noted that in regard to the provision of safety barriers officers would take into consideration the provision of a safety barriers on the Dufftown/Drummuir Road at the top of a steep bank leading down to the Keith/Dufftown railway line and advise Councillor Paul of the outcome.

Following consideration the Committee agreed to approve the expenditure for 2011/2012 on each of the Capital projects listed in Appendix 1 to the report.

6. REVENUE BUDGET 2011/2012 : CAR PARKS

Under reference to Paragraph 2 (ii) of the Minute of the Special Meeting of the Council dated 10 February 2011 there was submitted a report by the Head of Direct Services seeking Committee approval of the proposed Car Park Repair and Maintenance Revenue Budget programme for 2011/2012. Details of the proposed programme were set out in Appendix 1 to the report with details of a reserve list set out in Appendix 2 to the report.

During discussion Councillor Leadbitter enquired if it would be possible to obtain an estimate of how much it would cost to improve security in the Batchen Street & St Giles car parks through the acquisition of additional CCtv cameras to help reduce vandalism and, if appropriate, consider adding this proposal to the reserve list.

Following consideration the Committee agreed:-

- (i) to approve the Car Park Repair & Maintenance Revenue Budget for 2011/2012, as detailed in Appendix 1 of this report; and
- (ii) that the cost of additional CCtv cameras in the Batchen Street and St Giles car parks be investigated and a report thereon to be submitted to a future meeting of the Committee.

7. REVENUE BUDGET 2011/2012 : HARBOUR MAINTENANCE

Under reference to Paragraph 2 (ii) of the Minute of the Special Meeting of the Council dated 10 February 2011 there was submitted a report by the Head of Direct Services seeking Committee approval of the proposed Harbour Maintenance Revenue Budget Programme for 2011/2012. Details of the proposed programme were set out in Appendix 1 to the report with details of a reserve list set out in Appendix 2 to the report.

Following consideration the Committee agreed to approve the Harbour Maintenance Revenue Budget for 2011/2012, as detailed in Appendix 1 of the report.

8. HARBOURS: PROPOSED CAPITAL EXPENDITURE PROGRAMME 2011/2012

Under reference to Paragraph 2 (iii) of the Minute of the special meeting of the Council dated 10 February 2011 there was submitted a report by the report by Head of Direct Services seeking Committee approval of the proposed programme of works for replacement of life expired elements in harbours, as detailed in Appendix 1 to the report. Details of a reserve list of works were set out in Appendix 2 to the report.

Following consideration the Committee agreed to approve the list of priority works indicated in Appendix 1 to the report.

9. PORT MARINE SAFETY CODE

There was submitted a report by the Head of Direct Services inviting the Committee to note the Council's duties under the Port Marine Safety Code set out in Section 3 of the report and recommending that the Head of Direct Services be appointed the "designated person".

Following consideration the Committee agree to:-

- (i) note the Council's responsibility as the "Duty Holder" to the established Moray Council Port Marine Safety Code; and
- (ii) endorse the appointment of the Head of Direct Services as the "Designated Person", including the delegated authority to approve non-significant alterations to the established Moray Council Port Marine Safety Code.

10. AUDIT SCOTLAND REPORT : MAINTAINING SCOTLAND'S ROADS : A FOLLOW-UP REPORT

There was submitted a report by the Head of Direct Services providing the Committee with a summary of the Audit Scotland National report on 'Maintaining Scotland's Roads: A Follow-up Report' together with some background relating to Moray Council's position in respect of the national report. There were appended to the report as Appendices 1, 2 & 3 respectively the key messages contained in the national report, the report recommendations and the progress made against the 2004 recommendations.

The meeting noted that in 2004 the Accounts Commission and the Auditor General for Scotland published a report entitled 'Maintaining Scotland's Roads'. Audit Scotland have now produced a report on their follow-up audit which examined progress on implementing the recommendations contained in the original report, and which makes further recommendations in relation to Roads Maintenance in Scotland.

Following consideration the Committee agreed to note the Audit Scotland National Report 'Maintaining Scotland's Roads : A Follow-up Report' published in February 2011.

11. REVIEW OF TRANSPORTATION COMMUTED SUM LEVELS

There was submitted a report by the Head of Direct Services advising the Committee on the outcome of a review of current commuted payment values and seeking approval of revised sums, details of which were set out in Paragraph 3.12 of the report.

The meeting noted that for the majority of planning applications the developer provides all of the infrastructure required for the proposed development. This is secured through appropriate planning conditions. However, in some instances the requirement for passing places and parking spaces are dealt with through the mechanism of developer contributions. The costs associated with the provision of parking spaces and passing places have been reviewed, including legal and professional fees, associated with securing third party land, and construction costs.

During discussion clarification was sought as to how communities can best convey their input in regard to potential developer contributions within their areas and it was noted that they can either do so through Ward Members who would then raise them with the contact officer within the Council, Mark Cross, Principal Planning Officer (Planning & Development) or direct with the contact officer.

Following consideration the Committee agreed to:-

- (i) note the content of the report; and
- (ii) approve the levels of commuted sums for the parking spaces and passing places set out in paragraph 3.12 of the report.

12. PROPOSED DIVERSION OF RIGHT OF WAY AT KIRKTON, CABRACH

There was submitted a report by the Chief Legal Officer inviting the Committee to consider making a diversion of the registered Right of Way (catalogue number GM87) from Powneed to Kirkton, as shown on the plan appended to the report, under the terms of Section 35 of the Countryside (Scotland) Act 1967. The plan appended to the report details the existing right of way shown as a green line, with the diversion being shown in yellow.

Following consideration the Committee agreed to instruct the Director of Environmental Services and Chief Legal Officer to make the appropriate Diversion Order.

13. QUESTION TIME

Councillor Paul enquired as to the progress on the review of assessments for speed limits within Moray currently being undertaken and to the possibility of the speed limit through Tomnavoulin being included in the review.

The Transportation Manager advised the meeting that the review would be completed later this year and thereafter a report would be submitted to Committee with recommendations. He also advised that the speed limit through Tomnavoulin is included within the review.

Councillor Coull enquired if any Councillor(s) was consulted by the Chief Executive in regard to the decision taken to defer the report on the Elgin western distributor road.

Mrs A Scott, Principal Solicitor (Commercial & Conveyancing) advised the meeting that the Chief Legal Officer had earlier advised the meeting that the decision had been one of line management taken by the Chief Executive.

Councillor Divers expressed his concern in regard to the handling of the report on the Elgin western distributor road and given that there is a Western Distributor Group on which three of the Ward Members and the Chair of this Committee sit and enquired as to why this Group had not been consulted prior to the decision taken to defer the report.

Mrs A Scott, Principal Solicitor (Commercial & Conveyancing) advised the meeting that whilst she was not party to the discussion which led to the deferral of the report the Chief Legal Officer had earlier indicated that with hindsight the matter could have been handled better albeit the Chief Executive took, in his view, the right decision to ensure that the Committee had before it a full and informative report. Mrs Scott also undertook to convey Members concerns and criticism to the Chief Legal Officer and the Chief Executive.

Councillor McIntyre enquired as to what arrangements are planned for Community consultations on traffic calming in the communities of Mosstodloch & Fochabers and the timescales.

The Transportation Manager advised the meeting that from discussions between officers of the Council and Transport Scotland regarding this issue some provisional dates have been suggested and once confirmed will be circulated to Ward Members. The Transportation Manager also advised the meeting that in regard to consultations Transport Scotland have agreed to stage one consultation exercise/exhibition in one of the communities which will also be attended by appropriate Council officers who in turn will undertake a similar exercise in the other community so as to ensure everyone is fully informed.

Councillor Ogilvie enquired as to the possibility of the speed limit through Rafford being included in the review of assessments for speed limits within Moray currently being undertaken.

The Transportation Manager advised the meeting that if not already part of the review the speed limit through Rafford will be included in the review.

14. MANAGEMENT ARRANGEMENTS FOR ELGIN FLOOD ALLEVIATION SCHEME AND FLOOD RISK MANAGEMENT SERVICES (PARAS 8 & 9)

Under reference to Paragraph 7 of the Special Meeting of the Council dated 10 February 2011 there was submitted a report by the Head of Direct Services inviting the Committee to consider the implementation of the proposed management arrangements for the Elgin Flood Alleviation Scheme and Flood Risk Management as previously approved by the Council, in principle.

Following consideration the Committee agreed:-

- (i) to progress the proposals agreed, in principle, by The Moray Council on 10 February 2011, specifically:-
 - (a) to appoint the Senior Engineer (Flood Risk Management) as Project Manager of the Elgin Flood Alleviation Scheme contract as a temporary post for five years (subject to review) at a grade to be determined; and
 - (b) subject to the above, and the resulting resignation, recruit to the post of Senior Engineer (Flood Risk Management).
- (ii) that Members be advised of the grade for the post once determined.

15. CAR PARK STAFFING (PARA 1)

There was submitted a report by the Head of Direct Services inviting the Committee to consider authorising the employment of a fourth car park attendant to minimise ticket evasion and maximise Council income from pay and display car parks.

In response to a question regarding the possibility of undertaking a car parking study relating to provision within Elgin the meeting noted that once the new Council offices are completed and have been operational for a few months it is proposed to undertake a parking survey of on-street and off-street parking within Elgin town centre with a view to developing a car parking strategy. The meeting also noted that were the Committee minded to approve the recommendation and authorise the employment of a fourth car park attendant it would require to be in the form of a recommendation to the Policy & Resources Committee, in terms of Section (A) (33) of the Council's Administrative Scheme.

Following consideration the Committee agreed to note the increase in the number of pay and display spaces which the existing three attendants supervise and recommend to the Policy & Resources Committee the employment of a fourth attendant.

16. ROAD CONSTRUCTION CONSENT SITUATION REPORT (PARA 6)

There was submitted a report by the Head of Direct Services providing Committee with a situation report regarding Road Construction Consents. The meeting noted that the report provided information on the SCOTS short life working group, actions by the banks concerning road bonds and three specific Road Construction Consents where circumstances have arisen that required the Roads Authority to complete the road and call-in the associated Road Bonds. There was appended to the report as Appendix 1 a summary of key events and interim actions taken in respect of each of three specific Road Construction Consents which are the subject of the report.

During discussion and on the invitation of the Chairman, the meeting noted the concerns expressed by Councillor Murdoch, who is not a member of the Committee, in regard to one of the specific Road Construction Consents referred to in the report.

Following consideration the Committee agreed to:-

- (i) note the contents of the report;
- (ii) note the specific further actions identified in paragraphs 4.16 to 4.21 of the report; and
- (iii) a further report be submitted to Committee should the full funds not be received from the Banks and the Developers.

17. INDUSTRIAL PORTFOLIO : PROPOSED CAPITAL DEVELOPMENTS

There was submitted a report by the Head of Housing and Property seeking Committee approval of proposals for industrial development projects in 2011/12, as detailed in the report, to ensure the industrial portfolio continues to fulfil its objectives.

Following consideration the Committee agreed:-

- (i) to approve the proposed programme of capital industrial development projects detailed in the report;
- (ii) to homologate the decision of the Estates Manager, taken in consultation with Chair and Deputy Chair of this Committee to acquire upfill material as detailed in paragraph 4.18 of the report; and
- (iii) that an appropriate press release be issued on the proposed developments.