

THE MORAY COUNCIL

MINUTE OF MEETING OF THE MORAY COUNCIL

5TH DECEMBER, 1996

COUNCIL CHAMBER, COUNCIL HEADQUARTERS, ELGIN

PRESENT

Councillors:- G. McDonald (Convener), H.M. Cumiskie (Vice Convener), E. Aldridge, M. Anderson, D. Crawford, A. Farquharson, W. Jappy, A. Keith, R.J. Laing, P. Mann, H. McDonald, R.L. Patterson, C.D. Scaife, A.M. Scott, J.M. Shaw and J. Stewart.

IN ATTENDANCE

The Chief Executive, the Depute Chief Executive (Corporate Services), the Depute Chief Executive (Finance & IT), the Director of Community Services, the Director of Education, the Director of Economic Development and Planning, the HSA (Depute) Planning and Resources, Education Department, the Chief Social Work Officer, the Development and Resources Manager, Social Work, the Chief Roads Officer, the Legal and Administration Services Manager, the Chief Leisure Officer, the Chief Environmental Protection Officer, the Communications Officer, the Corporate Liaison Officer and R. Ritchie, Senior Administration Officer who acted as Clerk to the Meeting.

APOLOGIES

Apologies for absence were intimated on behalf of Councillors M.C. Howe and T.A. Howe.

1. ADDITIONAL BUSINESS

In terms of the relevant Standing Order, the meeting agreed to accept the following as additional items of business to be transacted at the meeting on the Chairman certifying that, in his opinion, they required to be considered at the meeting on the grounds of urgency:-

(i) Elgin Common Good Fund - Elgin Business Action

To allow early consideration to be given to a Report by the Depute Chief Executive (Finance & IT) in regard to an application from Elgin Business Action for financial assistance from the Elgin Common Good Fund towards the cost of organising musical entertainment on the Plainstones, Elgin on 14th and 21st December, 1996.

(ii) Invitation to Conference: Scottish Association of Local Sports Councils (SALSC) 20th National Seminar

To allow early consideration to be given to a Report by the Director of Technical and Leisure Services in regard to an invitation for the Council to be represented at the Scottish Association of Local Sports Councils (SALSC) 20th National Seminar given that the deadline for booking places falls before the next meeting of the Technical and Leisure Services Committee on 9th January, 1997.

(iii) Waste Disposal - Fish Industry

To allow early consideration to be given to a Report by the Director of Technical and Leisure Services in regard to the resumption of the acceptance of waste from the fish processing industry at the Dallachy Landfill Site in light of a response from the Scottish Environmental Protection Agency (SEPA).

2. PRIOR MINUTES

(i) Minute of Meeting dated 24th October, 1996

The Minute of the Meeting of the Council dated 24th October, 1996 was submitted and approved.

Under reference to Para. 25 “Scotch Whisky Association - Reduction in Duty on Scotch Whisky” the Meeting noted the terms of a statement by the Convener in that whilst welcoming the reduction in duty on Scotch Whisky the other measures announced by the Chancellor of the Exchequer in his recent Budget were not as welcome and the disadvantages stemming therefrom far outweighed the welcome reduction in whisky duty, views which had been incorporated in recent press releases from COSLA.

Under reference to Para. 26 “Proposal to Install the Council Heraldic Crest in St. Aidan’s Church, RAF Lossiemouth” the Meeting noted that Councillor Stewart had attended the Service of Dedication on Sunday, 10th November, 1996.

(ii) **Minute of Special Meeting dated 8th November, 1996**

The Minute of the Special Meeting of the Council dated 8th November, 1996 was submitted and approved.

3. MINUTES OF MEETINGS OF SOCIAL WORK COMMITTEE

(i) **Minute of Meeting dated 31st October, 1996**

The Minute of the Meeting of the Social Work Committee dated 31st October, 1996 was submitted and approved.

In approving the Minute the Meeting noted that the recommendations of the Social Work Committee in regard to Para. 7 “Review of Residential Care Provision for Elderly People in Moray” would be discussed in detail under Item 10 on the Agenda (Para. 11 of this Minute refers).

(ii) **Minute of Meeting of Service Level Agreements and Contracts Sub-Committee dated 30th October, 1996**

The Minute of the Meeting of the Service Level Agreements and Contracts Sub-Committee dated 30th October, 1996 was submitted and approved.

4. MINUTES OF MEETINGS OF HOUSING COMMITTEE

(i) **Minute of Meeting dated 31st October, 1996**

The Minute of the Meeting of the Housing Committee dated 31st October, 1996 was submitted and approved.

(ii) **Minute of Meeting of Sub-Committee dated 16th October, 1996**

The Minute of the Meeting of the Housing Sub-Committee dated 16th October, 1996 was submitted and approved.

5. MINUTES OF MEETINGS OF THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE

(i) **Minute of Meeting dated 5th November, 1996**

The Minute of the Meeting of the Economic Development and Planning Committee dated 5th November, 1996 was submitted and approved.

(ii) **Minute of Special Meeting dated 25th November, 1996**

The Minute of the Special Meeting of the Economic Development and Planning Committee dated 25th November, 1996 was submitted and approved.

(iii) **Minute of Meeting of Services Committee dated 26th November, 1996**

The Minute of the Meeting of the Economic Development and Planning Services Committee dated 26th November, 1996 was submitted and approved.

6. MEETINGS OF THE LICENSING COMMITTEE

(i) Minute of Meeting dated 7th November, 1996

The Minute of the Meeting dated 7th November, 1996 was submitted and approved subject to Para. 4 being amended to record that Inspector Small rather than Superintendent Patterson had attended on behalf of the Chief Constable.

(ii) Minute of Special Meeting dated 22nd November, 1996

The Minute of the Special Meeting of the Licensing Committee dated 22nd November, 1996 was submitted and approved.

7. MINUTE OF MEETING OF TECHNICAL AND LEISURE SERVICES COMMITTEE

The Minute of the Meeting of the Technical and Leisure Services Committee dated 14th November, 1996 was submitted and approved subject to Para. 9 "Waste Disposal Site - Towiemore, Keith" being amended to record that the question of extending the opening hours be given further consideration at a meeting of the Committee in early 1997.

8. MINUTES OF MEETINGS OF THE EDUCATION COMMITTEE

(i) Minute of Meeting dated 19th November, 1996

The Minute of the Meeting of the Education Committee dated 19th November, 1996 was submitted and approved subject to the following amendments:-

- (a) Correct spelling of "Patterson" under the heading "Present";
- (b) Reference to Councillors Farquharson and Keith's declaration of interest being included under Para. 12; and
- (c) Para. 12 being amended to record that the Hearing had been arranged for Tuesday, 14th January, 1997.

Under reference to Para. 3 "Review of Primary School Provision in the Kinloss Area" Councillor D. Crawford, seconded by Councillor R.L. Patterson, moved that the Council approve the recommendation of the Education Committee that all stages of Education at Abbeylands Primary School be discontinued, transferring pupils at Abbeylands Primary School to Kinloss Primary School operating on two sites.

As an amendment Councillor Scaife, seconded by Councillor Farquharson, moved that the status quo be retained.

Prior to moving to the vote and in response to a question from Councillor Jappy, the Director of Education gave an assurance that full consultations over and above the statutory requirements had taken place.

On a division, there voted:-

For the Motion (10)

Councillors: Crawford
Patterson
G. McDonald
Cumiskie
Anderson
Jappy
Laing
H. McDonald
Scott

Stewart

For the Amendment (6)

Councillors: Scaife
Farquharson
Aldridge
Keith
Mann
Shaw

Accordingly, the motion became the finding of the meeting and it was agreed that all stages of Education at Abbeylands Primary School be discontinued, transferring pupils at Abbeylands Primary School to Kinloss Primary School operating on two sites

Administrative Scheme

Arising from the foregoing discussion the meeting noted that in terms of the Council's Administrative Scheme the Education Committee did not have delegated powers to deal with the closure of schools and other Education establishments under the control of the Council as Education Authority and that as with other Committees the Full Council would make the final decision in regard to such issues.

Declaration of Interest

In response to a Member's question the meeting noted that in regard to Members' declarations of interest it was not necessary for a Member to state his/her reasons and that any Member was free to decline to participate in any item of business.

(ii) Minute of Meeting of General Purposes Sub-Committee dated 29th October, 1996

The Minute of the Meeting of the Education General Purposes Sub-Committee dated 29th October, 1996 was submitted and approved.

9. MINUTES OF MEETINGS OF POLICY AND RESOURCES COMMITTEE

(i) Minute of Meeting dated 21st November, 1996

The Minute of the Meeting of the Policy and Resources Committee dated 21st November, 1996 was submitted and approved.

Under reference to Para. 33 "Building Maintenance CCT: Selection of Tenderers" the Meeting unanimously agreed, on the motion of the Convener, to suspend Standing Orders to allow further consideration to be given to the decision in light of additional information from the Legal and Administration Services Manager.

Councillor Farquharson declared an interest in this item and left the meeting having taken no part in the discussion or decision arrived at by the Meeting.

Following consideration the Council agreed to the recommendations of the Policy and Resources Committee and further agreed that tenderers be advised that the successful contractor may be required to provide for their own depot accommodation.

On the conclusion of this item of business Councillor Farquharson re-joined the Meeting.

Moray Access Point

Under reference to Para. 30 "Moray Access Point" the meeting noted that the ongoing review of the Finance Department operations in regard to C.C.T. may have an effect on the decision of the Policy and Resources Committee on 21st November, 1996 in regard to the Moray Access Point and that a further Report thereon would, if necessary, be submitted to a future meeting of the Policy and Resources Committee or Sub-Committee, as appropriate.

(ii) **Minute of Meeting of Sub-Committee dated 8th November, 1996**

The Minute of the Meeting of the Policy and Resources Sub-Committee dated 8th November, 1996 was submitted and approved.

(iii) **Minute of Meeting of Sub-Committee dated 29th November, 1996**

The Minute of the Meeting of the Policy and Resources Sub-Committee dated 29th November, 1996 was submitted and approved subject to the deletion of the word “grand” appearing at line 8 of Para. 5 and substituted with the word “grant”.

1997/98 Local Government Financial Settlement: Proceeds from the Sale of Council Houses

Arising from consideration of the foregoing Minute and in noting that the percentage of Capital Receipts from the sale of Council Houses to be used for the repayment of debt in 1997/98 would be increased from 25% to 75% Members expressed their concern in regard to the serious impact this would have in regard to funding for Council House Improvement Programmes and the private and voluntary sector.

Following discussion the Council agreed:-

- (i) That the views of all political parties be obtained in regard to their position in respect of a requirement to utilise capital receipts from Council House Sales to pay outstanding debt;
- (ii) That the Council’s concern in regard to the implications for Council House Improvement Programmes and the private and voluntary sectors be conveyed both as an individual authority and jointly through COSLA to the Scottish Office; and
- (iii) That appropriate private and voluntary sector organisations be invited to lobby the Scottish Office in support of the Council’s concerns.

10. A96 FOCHABERS/MOSSTODLOCH BYPASS AND A96 KEITH BYPASS

There was submitted a Joint Report by the Directors of Technical and Leisure Services and Economic Development and Planning apprising the Council on the current position regarding the A96 Fochabers/Mosstodloch Bypass and the A96 Keith Bypass. The Report also advised that despite requests for information from the Scottish Office no overall commitment had been forthcoming and therefore recommended that officials from the Scottish Office be invited to come to Moray and advise Members directly on the Fochabers/Mosstodloch Bypass and the outcome of the enquiry into the Keith Bypass.

During the course of discussion the meeting noted that whilst the Scottish Office had intimated their acceptance of the northern route for the Fochabers/Mosstodloch Bypass which, it was understood, would be a single carriageway there was no information to clarify whether, in regard to the acquisition of land, sufficient ground was being acquired to upgrade the single carriageway, if required, to a dual carriageway at some future date.

Following consideration the Council agreed:-

- (i) That the National Roads Directorate of the Scottish Office be advised of the Council’s concern over the delays in providing information on the Bypass issues; and
- (ii) That an urgent meeting be sought between appropriate Roads Directorate officials and Members of this Council when hopefully both the decision regarding the Fochabers/Mosstodloch Bypass can be presented and the outcome of the Keith Bypass enquiry can be reported as well as general issues regarding the A96 trunk road.

11. RESIDENTIAL HOMES FOR THE ELDERLY - PROGRESS REPORT

Under reference to Paras. 7 & 8 of the Minute of the Social Work Committee on 31st October, 1996 there was submitted a Report by the Director of Community Services advising the Council on a number of matters with regard to the review of residential homes for the elderly within Moray which had been progressed since the meeting of the Social Work Committee on 31st October, 1996, in particular re-housing/care needs of residents within Halliman House; staffing issues and negotiations with alternative providers with regard to Halliman House and recommended approval of the recommendations of the Social Work Committee on 31st October, 1996.

Following discussion Councillor Stewart, seconded by Councillor Patterson, moved that the Council approve the recommendations of the Social Work Committee in regard to the review of residential care provision for elderly people in Moray.

As an amendment Councillor Farquharson, seconded by Councillor Keith, moved that there be no closure decision regarding Halliman House until meaningful consultations had taken place with the residents and until enhanced alternative provision was available locally.

On a division, there voted:-

For the Motion (13)

Councillors: Stewart
Patterson
G. McDonald
Cumiskie
Aldridge
Anderson
Crawford
Jappy
Laing
H. McDonald
Scaife
Scott
Shaw

For the Amendment (3)

Councillors: Farquharson
Keith
Mann

Accordingly, the motion became the finding of the Meeting and it was agreed to approve the recommendations of the Social Work Committee of 31st October, 1996 with regard to the review of residential care provision for elderly people in Moray.

**12. CONSULTATION PAPER ON PROPOSED DE-REGULATION ORDER:
METHYLATED SPIRITS**

There was submitted a Report by the Chief Executive inviting the Council to consider its response to a Scottish Office Consultation Paper proposing that the Methylated Spirits (Sale and Retail) (Scotland) Act 1993 should be either repealed in full or amended so as to reduce the cost to businesses of complying with its provision.

Following consideration the Council agreed that the Scottish Office be advised that whilst The Moray Council would not be opposed to amending the provisions of the Act provided that the restriction which prohibited the sale of methylated or surgical spirits to any person under the age of 14 were retained.

13. MEETING TIMETABLE: 18TH MARCH, 1997 - 19TH MARCH, 1998

There was submitted a Report by the Depute Chief Executive (Corporate Services) inviting the Council to consider approving the continuation of the current six week meeting cycle with minor adjustments to the Education General Purposes Sub-Committee and the Housing Sub-Committee for the period 18th March, 1997 to 19th March, 1998.

The Report also invited the Council to give consideration to improvements to the timetabling of Working Party meetings.

Following consideration the Council agreed:-

- (i) To approve the continuation of the current six week cycle of meetings subject to the de-regulation of the Education General Purposes Sub-Committee and the Housing Sub-Committee;
- (ii) That the schedule of meetings for the period 18th March, 1997 - 19th March, 1998 be as set out in Option 3 of the Report; and
- (iii) That, wherever practicable, Working Party meetings be held either in the afternoon of or immediately following the Parent Committee, or in the case of Social Work and Housing on a free Tuesday or Thursday afternoon.

14. APPLICATIONS FOR FINANCIAL ASSISTANCE: BISHOPMILL HALL, ELGIN AND GRANT HALL, ROTHES

There was submitted a Report by the Director of Technical and Leisure Services inviting the Council to consider applications for financial assistance in respect of the Bishopmill Hall, Elgin and Grant Hall, Rothes in terms of the Technical and Leisure Services Department's Category 'A' Grants Budget relating to support for Village Halls.

The Meeting in noting the criteria to be applied to village hall projects also noted that there was currently £3,363 in the Budget and in order to remain within Budget it would be necessary, were the Council so disposed to award grants, to offer the two applicants less than the amounts requested.

Following discussion Councillor G. McDonald, seconded by Councillor W. Jappy, moved that the Bishopmill Hall, Elgin be awarded a grant of £2,522 and the Grant Hall, Rothes, a grant of £841 as detailed in Para. 3.1 of the Report.

As an amendment Councillor Keith, seconded by Councillor Farquharson, moved that the shortfall of £1,577.50 be vired from another Budget within the Technical and Leisure Services Account in order that the applicants may be awarded a full grant entitlement in terms of the criteria for applications from the Department's Category 'A' Grants Budget.

On a division, there voted:-

For the Motion (12)

Councillors: G. McDonald
Jappy
Cumiskie
Aldridge
Anderson
Laing
H. McDonald
Patterson
Scaife
Scott
Shaw
Stewart

For the Amendment (3)

Councillors: Keith
Farquharson
Mann

Abstentions (1)

Councillor: Crawford

Accordingly, the motion became the finding of the meeting and it was agreed that the Bishopmill Hall, Elgin be awarded a grant of £2,522 and the Grant Hall, Rothes be awarded a grant of £841 to be met from the Technical and Leisure Services Department's Category 'A' Grants Budget.

15. EX-OFFICIO APPOINTMENTS TO ANDERSON'S RESIDENTIAL HOME, ELGIN

The Meeting noted that this item had been withdrawn from the Agenda and that a Report thereon would be submitted to the next meeting of the Council.

16. NORTH EAST SCOTLAND HERITAGE TRUST: APPOINTMENT OF ADDITIONAL TRUSTEES

There was submitted a Report by the Chief Executive advising the Council that in response to its representation to the North East Scotland Heritage Trust for equal representation on the Trust to that being afforded to Aberdeen City and Aberdeenshire Councils (Para. 15 of the Minute of Council dated 12th September, 1996 refers) the Trustees had agreed to the request and accordingly invited the Council to consider appointing two additional Trustees.

Following consideration the Council agreed that Councillors H. McDonald and J.M. Shaw be appointed as the Council's two additional Trustees to the North East Scotland Heritage Trust.

17. MORAY CRIME PREVENTION PANEL: APPOINTMENT OF REPRESENTATIVES

There was submitted a Report by the Chief Executive inviting the Council to consider appointing two Member Representatives to the Moray Crime Prevention Panel.

Following consideration the Council agreed that Councillors R.L. Laing and M. Anderson be appointed as The Moray Council's two Member Representatives on the Moray Crime Prevention Panel.

18. MORAY DISTRICT COUNCIL ACCOUNTS FOR THE YEAR TO 31ST MARCH, 1996

There was submitted a Report by the Depute Chief Executive (Finance & IT) formally submitting to the Council the draft Accounts of the Moray District Council for the year to 31st March, 1996.

Following discussion the Council agreed to note the Report and that the reserves of £1.243 million, consisting of general fund of £280,000 and D.L.O./D.S.O. reserves of £963,000 had been transferred to The Moray Council.

19. MORAY DISTRICT COUNCIL - D.L.O./D.S.O. ACCOUNTS FOR THE YEAR TO 31ST MARCH, 1996

There was submitted a Report by the Depute Chief Executive (Finance & IT) formally submitting to the Council the draft D.L.O./D.S.O. Accounts of the Moray District Council for the year to 31st March, 1996 from which it was noted that all D.L.O./D.S.O.s had achieved the statutory Rate of Return of 6% Turnover totalling £6.573 million, with surpluses of £288,000 being achieved and reserves of £963,000 being transferred to The Moray Council.

Following consideration the Council agreed to note the Report.

20. ELGIN COMMON GOOD FUND: ELGIN BUSINESS ACTION

There was submitted a Report by the Depute Chief Executive (Finance & IT) inviting the Council to consider an application from Elgin Business Action for financial assistance from the Elgin Common Good Fund towards the cost of organising musical entertainment on the Plainstones on 14th and 21st December, 1996.

The Meeting noted that an application from the general fund was considered and refused at the meeting of the Policy and Resources Committee on 21st November, 1996 [Para. 17 of the Minute refers].

Following discussion the Council agreed:-

- (i) That a contribution of £50 be awarded from the Elgin Common Good Fund towards the cost of musical entertainment on the Plainstones, Elgin in the run up to Christmas being organised by Elgin Business Action; and

- (ii) That a statement giving details of Elgin Common Good Fund capital be circulated to the four Elgin Members.

21. INVITATION TO CONFERENCE

There was submitted a Report by the Director of Technical and Leisure Services inviting the Council to consider an invitation from the Scottish Association of Local Sports Councils (SALSC) for the Council to be represented at the 20th National Seminar to be held in Dunblane between 24th and 26th January, 1997.

The Report also advised that an invitation had been extended to the Council's Leisure Officer (Sports) to lead a Seminar Workshop on the recruitment and training of volunteers.

Following discussion the Council agreed:-

- (i) To note the invitation extended by SALSC to the Leisure Officer (Sports) to lead part of the Conference discussion on support for volunteers; and
- (ii) That the Council be not represented at SALSC's 20th National Seminar to be held at Dunblane on 24th-26th January, 1997.

22. WASTE DISPOSAL: FISH INDUSTRY

Under reference to Para. 11(ii) of the Minute of the Meeting of the Technical and Leisure Services Committee dated 14th November, 1996, there was submitted a Report by the Director of Technical and Leisure Services inviting the Council to consider the resumption of the acceptance of fish waste at the Dallachy Landfill Site in light of a response from the Scottish Environmental Protection Agency (SEPA), a copy of which was tabled at the Meeting.

The Meeting noted that SEPA had no objection to the acceptance of fish waste at Dallachy provided that it was co-mixed with other refuse and not all deposited in a specific area within the site. The Meeting also noted that SEPA would require the mixed waste to be covered as soon as possible and an estimate of the quantities of fish waste arriving on site.

Following consideration the Council agreed that fish waste be accepted at the Dallachy Landfill Site on the conditions as detailed in Para. 11(I) of the Minute of the Technical and Leisure Services Committee on 14th November, 1996.