

THE MORAY COUNCIL

THURSDAY 25 MARCH, 1999

NOTICE IS HEREBY GIVEN that a Meeting of **THE MORAY COUNCIL** will be held within the Council Chambers, Council Headquarters, High Street, Elgin on Thursday, 25 March, 1999 at 10.00 a.m.

Karen B. Williams
Depute Chief Executive (Corporate Services)

19 March, 1999

BUSINESS

1. 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 19 to 22 of business on the grounds that they involve the likely disclosure of exempt information of the class described in the relevant Paragraphs of Part I of Schedule 7A of the Act", as shown against each Item.

2. The Moray Council

- (a) Minute of Meeting dated 18 and 22 February, 1999 [Page Nos 2111 - 2128]
- (b) Minute of Special Meeting dated 4 March, 1999 [Page Nos 2132 - 2134]
- (c) Minute of Special Meeting dated 8 March, 1999 [Page No 2135]

3. Social Work Committee - Minute of Meeting dated 25 February, 1999 [Page Nos 2136 - 2138]
4. Housing Committee
 - (a) Minute of Meeting dated 23 February, 1999 [Page Nos 2139 - 2143]
 - (b) Minute of Meeting of Sub-Committee dated 23 February, 1999 [Page Nos 2144 - 2145]
5. Economic Development and Planning Committee
 - (a) Minute of Meeting dated 9 February, 1999 [Page Nos 2146 - 2156]
 - (b) Minute of Meeting dated 2 March, 1999 [Page Nos 2157 - 2163]
6. Licensing Committee - Minute of Meeting dated 4 March, 1999 [Page Nos 2164 - 2167]
7. Technical and Leisure Services Committee - Minute of Meeting dated 11 March, 1999 [Page Nos 2168 - 2174] – **TO FOLLOW**
8. Education Committee
 - (a) Minute of Meeting dated 16 March, 1999 [Page Nos 2175 – 2178] – **TO FOLLOW**
 - (b) Minute of Meeting of General Services Sub-Committee dated 15 March, 1999 [Page Nos 2179 – 2180] - **TO FOLLOW**

The following minutes have not been page numbered due to the Policy and Resources minute being unavailable

9. Policy and Resources Committee
 - (a) Minute of Meeting dated 18 March, 1999 - **TO FOLLOW**
 - (b) Minute of Meeting of Sub-Committee dated 25 February, 1999
 - (c) Minute of Meeting of Warrant Sales Sub-Committee dated 25 February, 1999
10. Childrens Services Strategy Group – Minute of Meeting dated 2 March, 1999
11. Grampian Primary Care N.H.S. Trust – Presentation by the Chairman, Mr J. Royan and the Chief Executive, Mr J. Taylor
12. Road Traffic Order: Esmonde Gardens, Elgin – Report by the Legal and Administration Services Manager
13. Draft Community Safety Strategy - Report by the Depute Chief Executive (Corporate Services)

14. Moray Firth Partnership Action Programme – Report by the Director of Economic Development and Planning
15. Funding for Improved Childcare Provision - Report by the Director of Technical and Leisure Services
16. Childcare Information Systems Development Project - Report by the Director of Technical and Leisure Services
17. The Highland Council: Skye Bridge - Report by the Depute Chief Executive (Corporate Services)
18. Invitations to Conferences:
 - (a) “New Community Schools – Providing a Full Service for Communities”
 - (b) “Pipe Dreams? – The Future of Long Term Care in Scotland”

Reports by the Depute Chief Executive (Corporate Services)

Items which the Council may wish to discuss with the media and press excluded

19. Additional Post for Members Support - Report by the Depute Chief Executive (Corporate Services) [Para 1]
 20. Right of Way – Rathburn Street/Blantyre Terrace, Buckie – Report by the Legal and Administration Services Manager [Para 9]
 21. Proposed Regrant of Title – Land at East Road, Elgin, The Robertson Group (Scotland) Ltd. - Report by the Director of Economic Development and Planning [Para 9]
 22. Building Services DLO:
 - (a) Audit Report – Housing Response Maintenance - Report by the Depute Chief Executive (Finance & IT) [Paras 6, 8 & 9]
 - (b) Ad Hoc pricing Adjustments - Report by the Director of Community Services [Paras 6, 8 & 9]
- NB Paragraph 6 - Information relating to the financial or business affairs of any particular person(s).
- Paragraph 8 - Information on the amount of any expenditure proposed to be incurred by the Authority
- Paragraph 9 - Information on terms proposed or to be proposed by or to the Authority

CONTACT PERSON:	Ron Ritchie
Tel. No.	01343 563015
Room No.	207

THE MORAY COUNCIL

SEDERUNT

COUNCILLOR G. McDonald (Convener)
COUNCILLOR H.M. Cumiskie (Vice Convener)
COUNCILLOR E. Aldridge
COUNCILLOR M. Anderson
COUNCILLOR D. Crawford
COUNCILLOR A. Farquharson
COUNCILLOR M.C. Howe
COUNCILLOR T.A. Howe
COUNCILLOR W. Jappy
COUNCILLOR A. Keith
COUNCILLOR R.J. Laing
COUNCILLOR P. Mann
COUNCILLOR H. McDonald
COUNCILLOR R. Patterson
COUNCILLOR C.D. Scaife
COUNCILLOR A. Scott
COUNCILLOR J. Shaw
COUNCILLOR J. Stewart

CLERK TO THE MEETING - MR. R. RITCHIE
Tel. 01343 563015 Room No. 207

Thereafter he proceeded to list what he considered to be apparent anomalies in Councillor Cumiskie's expenses for the period referred to above.

Councillor Cumiskie then responded with a statement addressing the issues and sought an apology from Councillor Keith.

In the absence of an apology, the Meeting noted the statements.

18. NOTICE OF MOTION

There was submitted a Notice of Motion by Councillor Keith, seconded by Councillor Mann in the following terms:-

"This Council calls upon Councillor Morag Anderson, a Member of the SNP Administration, to explain the apparent anomalies in her expenses claim forms for the period 1/4/97 to 31/03/98 with particular reference to the appropriate members' Allowances and Expenses scheme and the unanimous decision of the Council as contained in Branch 13 of the Council Minute dated 30/10/97."

The Motion was formally moved by Councillor Keith and seconded by Councillor Mann. The Council approved the Motion.

Councillor Keith then proceeded to detail what he considered were apparent anomalies referred to in his Motion relating to claims for mileage within Moray and outwith Moray where car sharing may have been more appropriate.

Adjournment of Meeting

During Councillor Keith's presentation, the Meeting agreed to adjourn for 15 minutes in order to allow discussion with Group Leaders to ascertain whether there may be a way forward to deal with these Notices of Motions expeditiously in a manner acceptable to all parties concerned.

On the resumption of the Meeting, Councillor Keith continued with his list of apparent anomalies relating to Councillor Anderson's expenses in respect of the period referred to in his Motion.

Prior to making a response, Councillor Anderson sought clarification in regard to approved procedures where a Member may have concerns in regard to a Member's expenses claims.

The Meeting noted that in such cases Members concerns should be referred to the Council's Internal Auditor for investigation.

Thereafter Councillor Anderson requested, that given this was the first intimation given to her in regard to apparent anomalies in her expenses claim forms for the period 1 April, 1997 to 31 March, 1998, the Meeting agree to an adjournment in order to afford her the opportunity to consult her diary prior to responding.

ADJOURNMENT OF MEETING

The Meeting agreed to adjourn (time 12.45 p.m.) for lunch and reconvene at 2.15 p.m.

RESUMPTION OF MEETING

PRESENT

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

IN ATTENDANCE

The Depute Chief Executive (Corporate Services), the Depute Chief Executive (Finance & I.T.), the Legal and Administration Services Manager and R. Ritchie, Senior Administration Officer, Clerk to the Meeting.

APOLOGIES

Apologies for absence were intimated on behalf of Councillors E. Aldridge and W. Jappy.

On the resumption of the Meeting Councillor Anderson responded with a statement addressing the issues referred to in the Motion.

19. NOTICE OF MOTION

There was submitted a Notice of Motion proposed by Councillor Keith, seconded by Councillor Mann:-

“This Council calls upon Councillor Duncan Crawford, a Member of the SNP Administration, to explain the apparent anomalies in his expenses claim forms for the period 1/4/97 to 31/03/98 with particular reference to the appropriate members’ Allowances and Expenses scheme and the unanimous decision of the Council as contained in Branch 13 of the Council Minute dated 30/10/97.”

The Motion was formally moved by Councillor Keith and seconded by Councillor Mann.

The Meeting approved the terms of the Motion and Councillor Keith proceeded to detail what he considered were apparent anomalies in Councillor Crawford’s expenses relating to the period referred to above in respect of mileage claims where he considered that car sharing may have been more appropriate.

Thereafter Councillor Crawford sought clarification in regard to approved procedures for dealing with such matters and in noting the position, as referred to previously, requested that given this was the first intimation given to him of the information in Councillor Keith’s allegations the Meeting agree to a half hour adjournment in order to afford him the opportunity to consult his diary prior to responding.

Adjournment of Meeting

The Meeting adjourned at 2.58 p.m. for 30 minutes to allow Councillor Crawford to consult with his diary.

Resumption of Meeting

On the resumption of the Meeting Councillor Crawford gave an explanation in regard to the apparent anomalies referred to by Councillor Keith.

ADJOURNMENT OF MEETING

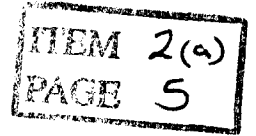
The Meeting agreed to adjourn at 3.45 p.m. and reconvene at 10.00 a.m. on Monday 22 February, 1999 within the Lounge, Town Hall, Elgin.

RESUMPTION OF MEETING

The Meeting resumed at 10.00 a.m. on Monday 22 February, 1999 at 10.00 a.m. within the Lounge, Town Hall, Elgin.

PRESENT

Councillors G. McDonald (Convener), H.M. Cumiskie (Vice-Convener), M. Anderson, D. Crawford, A. Farquharson, M. C. Howe, T. A. Howe, A. Keith, R. J. Laing, H. McDonald, P. Mann, R.L. Patterson, C. D. Scaife, A. M. Scott and J. Stewart.



ATTENDANCE

The Depute Chief Executive, (Corporate Services), the Depute Chief Executive (Finance & I.T.), the Director of Community Services, the Director of Economic Development and Planning, the Director of Education, the Director of Technical and Leisure Services, the Legal and Administration Services Manager, the Economic Development and Property Manager, the Chief Roads Officer, the Public Relations Officer and R. Ritchie, Senior Administration Officer, Clerk to the Meeting.

APOLOGIES

Apologies for absence were intimated on behalf of Councillors E. Aldridge, W. Jappy and J.M. Shaw.

Suspension of Standing Orders

The Meeting agreed to suspend Standing Orders and to vary the order of business set out in the Agenda and take Items 22 to 36 prior to resuming with Notices of Motion (Items 14 to 21).

20. THE MORAY COUNCIL – ACCOUNTS FOR PERIOD 1 APRIL, 1997 TO 31 MARCH, 1998

There was submitted a Report by the Depute Chief Executive (Finance & I.T.) formally submitting the Audited Final Accounts of the Moray Council 31 March, 1998 and the External Auditors Report to Members.

The Meeting agreed to note the Final Accounts for the period 1 April, 1997 to 31 March, 1998 and the Capital Member's Audit Report for The Moray Council.

21. THE MORAY COUNCIL – 1997/98 DLO/DSO AUDITED FINAL ACCOUNTS

There was submitted a Report by the Depute Chief Executive (Finance & I.T.) formally submitting to the Council the Audited Final DLO/DSO Accounts of The Moray Council for the year to 31 March, 1998.

The Meeting agreed to note the Final Audit Accounts for The Moray Council DLO/DSOs for the year to 31 March, 1999.

22. REPAYMENT TO NORTH OF SCOTLAND WATER AUTHORITY (NOSWA) OF DEBT ALLOCATION

There was submitted a Report by the Depute Chief Executive (Finance & I.T.) informing the Council that a legal obligation to repay the North of Scotland Water Authority for Debt Allocation has been discharged and that Moray Council's share had been provided for within the financial accounts, along with an appropriate level of accrued interest.

The Meeting agreed to note the action taken.

23. ENFORCEMENT CONCORDAT

There was submitted a Report by the Director of Technical and Leisure Services inviting the Council to consider Council-wide implementation of the Enforcement Concordat issued by the Government and the Local Authority Organisations.

The Meeting noted that the Enforcement Concordate, a copy of which was appended to the Report, was issued jointly by the Scottish Office, the Cabinet Office, COSLA and the LGA and is intended to replace the "minded to" or "notice of intent" procedures of the Deregulation and Contracting Out Act 1978.

Following consideration the Meeting agreed that The Moray Council adopt the concordate for all its enforcement functions.

24. BYELAWS AND THE EMPLOYMENT OF CHILDREN

Under reference to Para 17 of the minute of the meeting of the Council dated 17 December, 1998 there was submitted a Report by the Legal and Administration Services Manager inviting the Council to formally resolve to make, then authenticate, The Moray Council Byelaws with Respect to the Employment of Children 1999 and instruct the Legal and Administration Services Manager to submit the byelaws to the Secretary of State for Scotland for confirmation and to give public notice of the making of the byelaws and the resolution to apply to the Secretary of State for Scotland for their confirmation (approval).

The Meeting noted that the draft byelaws, a copy of which was appended to the Report, follow the format recommended by the Scottish Office with some changes to detail to reflect local circumstances. There was also appended to the Report explanatory notes detailing the model byelaws and the reasons.

Following consideration the Meeting agreed:-

- (i) to note the Report;
- (ii) to formally resolve to make The Moray Council Byelaws with Respect to the Employment of Children 1999; and
- (iii) to instruct the Legal and Administration Services Manager to submit the byelaws to the Secretary of State for confirmation.
- (iv) to give public notice of the making of the byelaws and the resolution to apply to the Secretary of State for Scotland for their Confirmation (approval)

25. TREE PRESERVATION ORDER – CRAIGELLACHIE

Under reference to Para 5 of the minute of the Economic Development and Planning Committee dated 9 February, 1999 there was submitted a Report by the Legal and Administration Services Manager inviting the Council to consider approving the enactment of a Tree Preservation Order (TPO) in respect of the woodland area adjacent to the Telford Bridge, Craigellachie.

Following consideration the Meeting agreed to approve the enactment of the TPO in respect of the woodland area adjacent to the Telford Bridge, Craigellachie as recommended by the Economic Development and Planning Committee.

26. ROAD TRAFFIC ORDERS

Under reference to Para 18 of the minute of the Economic Development and Planning Committee and para 17 of the Economic Development and Planning Committee dated 29 September, 1998 there was submitted a Report by the Legal and Administration Services Manager inviting the Council to consider approving the enactment of Road Traffic Orders stopping up the Ford at Burdshaugh/Fleurs Place, Forres and waiting restrictions on Queens Road and Mary Avenue, Aberlour.

Following consideration the Meeting agreed to approve the enactment of the following Road Traffic Orders, as recommended by the Economic Development and Planning Committee:-

- (i) Forres: Burdshaugh/Fleurs Place, Ford Stopping-Up; and
- (ii) Aberlour: Queens Road and Mary Avenue Waiting Restrictions.

27. SALTIRE SOCIETY: CORPORATE MEMBERSHIP

There was submitted a Report by the Legal and Administration Services Manager inviting the Council to consider renewal of subscription for corporate membership of the Saltire Society for the year 1998/99 at a cost of £120.

Following consideration the Meeting agreed to the renewal of subscriptions for corporate membership of the Saltire Society for 1998/99 at a cost of £120 (including VAT) to be met equally by the Departments of Economic Development and Planning, Education and Technical and Leisure Services.

28. COMMUNITY COUNCILS – FILLING OF VACANCIES

There was submitted a Report by the Legal and Administration Services Manager inviting the Council to consider representations from the Lossiemouth, Keith, Dyke Landward and Burghead, Cummingston and Roseisle Community Councils in regard to the filling of vacancies on these Community Councils.

Following consideration the Meeting agreed that the vacancies be filled in accordance with the rules contained in the Community Council Scheme and that elections be held where appropriate.

29. COSLA: APPOINTMENTS TO THE WATER AUTHORITY

There was submitted a Report by the Depute Chief Executive (Corporate Services) inviting the Council to consider an invitation from COSLA to put forward nominations for up to two Members as candidates for forthcoming vacancies in the three Scottish Water Authorities (North, West and East) which required to be submitted by Friday 19 February, 1999.

Following consideration the Meeting agreed:-

- (i) to take no action at this time in respect of the invitation to put forward nominees as candidates for forthcoming vacancies in the three Scottish Water Authorities; and
- (ii) to write to COSLA urging it to call a moratorium on appointments to the quangos until after the May elections.

30. CENTENNIAL OF THE SUBMARINE SERVICE: A COMMEMORATIVE POSTAGE STAMP

There was submitted a Report by the Depute Chief Executive (Corporate Services) in regard to a request from the Flag Officer, Submarines seeking the Council's support for a commemorative stamp issue in 2001 to celebrate the centenary of the Royal Navy Submarine Service.

Following consideration the Meeting agreed to inform the Flag Officer, Submarines of its support for a commemorative stamp issue in 2001 to celebrate the centennial anniversary of the Royal Navy Submarine Service.

31. COMMITTEE REPORT FORMAT

There was submitted a Report by the Local Agenda 21 Team seeking the Council's approval for the pilot exercise to include sustainability in the Committee report format.

Following consideration the Committee agreed:-

- (i) that a pilot exercise be carried out and that a new section of the Report format be included under the heading "Sustainable Development Implications" which will include a written statement under this section and/or append a completed sustainability checklist to the Report;
- (ii) the change be implemented as a pilot exercise for a period of two Council Meeting Cycles involving the following sections:-

- Development Services
 - Property Services
 - Licensing Committee
 - Environmental Protection Section of Technical and Leisure; and
- (iii) that a review of the checklist together with any recommended change of format be reviewed by the Committee Chair, Central Management Team (CMT) and the Local Agenda 21 Team with a further report to Council on the 4 May, 1999.

32. SPIRIT OF SPEYSIDE WHISKY FESTIVAL, 1999 DINNER/CEILIDH IN AID OF HOSPICE IN MORAY

There was submitted a Report by the Director of Economic Development and Planning inviting the Council to consider sponsoring a table for ten persons at the dinner/ceilidh event to be held at the Mansion House Hotel, Elgin on Friday 16 April, 1999 which is being organised in aid of the Hospice in Moray to which all profits will be donated.

The Report also requested that the Council give consideration to providing an appropriate raffle prize to further support the event.

Following consideration the Meeting agreed:-

- (i) to sponsor a table for ten to be hosted by the Convener and Vice-Convener of The Moray Council with the other eight places being offered to the Hospice Committee; and
- (ii) that it be delegated to the Libraries and Museums Manager to provide a suitable framed print for a raffle prize.

33. 1998 SCOTTISH AWARDS FOR QUALITY IN PLANNING

There was submitted a Report by the Director of Economic Development and Planning seeking the Council's approval of the attendance of the Convener at the 1998 Scottish Awards for Quality in Planning to be held in Edinburgh on 26 February, 1999 in the event of the Council being successful in respect of one or both) of its submissions relating to the preparation of the Moray Development Plan in the category of outstanding performance and quality in development plans and the DHE contract for RAF Lossiemouth in the category of performance and quality in development control.

Following consideration the Meeting agreed that Councillor G. McDonald, as Convener of the Council, and as Chairman of the Economic Development and Planning Committee attend the Award Ceremony in Edinburgh on 26 February, 1999 in the event of Moray Council being successful in one or both categories in which it has been nominated for an award.

34. GROUND ADJACENT TO 10 RAFFAN ROAD, BUCKIE – REQUEST TO PURCHASE (Para 9)

There was submitted a Report by the Director of Economic Development and Planning inviting the Council to consider approving the sale of an area of ground extending to approximately 59m² or thereby adjacent to 10 Raffan Road, Buckie to the proprietor of 10 Raffan Road, Buckie.

Following consideration the Council agreed not to approve the sale of the area of ground.

35. SURPLUS FURNITURE REQUEST BY MORAY VOLUNTARY SERVICES ORGANISATION (Para 9)

Under reference to Para 30 of the minute of the meeting of the Policy and Resources Committee dated 4 February, 1999 there was submitted a Report by the Legal and Administration Services Manager informing the Council how the MVSO intend to utilise items of surplus furniture were the Council to agree to donate the items to the MVSO.

Following consideration the Council agreed that MVSO can obtain the items of furniture detailed in the Report and currently surplus to the Council's requirements, for their own use.

36. PUBLIC/LOCAL HOLIDAYS FOR EMPLOYEES (Paras 1 & 11)

Under reference to Para 32 of the minute of the meeting of the Full Council dated 17 December, 1998 there was submitted a Report by the Acting Personnel Services Manager advising the Council of the progress made in relation to the harmonisation of all employees' public/local holiday entitlement and seeking the views of the Council on a potential resolution to this issue.

Following consideration the Meeting agreed to approve the following proposal to enable the dispute which has arisen over the harmonisation of public/local holiday entitlement to be resolved:-

- continues with the existing local and annual holiday arrangements until 30 June, 2000 and thereby effectively protect the earnings of those employees who would normally work on public holidays and be paid premium rates until that date;
- reduces the number of local holidays from twelve to seven with effect from 1 July, 2000 and transfer the five days to annual leave entitlement
- increase the annual leave entitlement by one day for those who qualify with effect from 1 July, 2000 and pro rate this increase for employees whose annual leave year does not start on 1 January each year
- increased annual leave entitlement for those who qualify by a third of one day with effect from 1 January, 2001 thereby increasing the annual leave entitlement by a total of two days overall.

37. VOLUNTARY EARLY RETIREMENT APPLICATION – COMMUNITY SERVICES DEPARTMENT (Para 1)

There was submitted a Report by the Acting Personnel Services Manager inviting the Council to consider a recently submitted application under the Discretionary Early Retirement Scheme as detailed in the appendix to the Report.

The Meeting, in noting that further information had come to hand in respect of the application, agreed that the request be referred for consideration to the Policy and Resources Sub-Committee on 25 February, 1999.

38. ADVICE SERVICES (Paras 6, 8 & 9)

Under reference to para 32 of the minute of the Policy and Resources Sub-Committee dated 3 December, 1998 there was submitted a Report by the Director of Community Services on the outcome of the tender process for generalist independent advice services within Moray.

The Meeting noted that no tenderer was able to meet the service specification within the indicative budget of £58,000 set by the Council although one of the tenders, Moray Citizens Advice Bureau, had indicated a level of service that they could provide within the indicative budget figure.

During consideration the Meeting noted the legal advice given that in the event of the Council considering accepting a revised service specification within the indicative budget it would be prudent to re-tender for a revised service specification at a cost no greater than the indicative budget of £50,000.

Following consideration Councillor Patterson seconded by Councillor Crawford moved acceptance of the tender in the sum of £50,000 from Moray Citizens Advice Bureau for a revised specification to meet the Council's indicative budget taking into account the options for revising the specification for the service as detailed in the Report.

As an amendment Councillor Farquharson seconded by Councillor Mann moved that the matter be referred to the Policy and Resources Sub-Committee and in the interim clarification be ascertained in regard to the notice of invitation to tender and the tender details and proposed service specification to provide a level of service within the Council's indicative budget.

On a division there voted:-

For the Motion (10) - Councillors Patterson, Crawford, G. McDonald, Cumiskie, Anderson, M.C. Howe, Laing, H. McDonald, Scott and Stewart

For the Amendment (5) - Councillors Farquharson, Mann, T.A. Howe, A. Keith and Scaife

Abstentions (0)

Accordingly the Motion became the finding of the Meeting and it was agreed to accept the tender in the sum of £50,000 from Moray Citizens Advice Bureau for a revised specification to meet the Council's indicative budget taking into account the options for revising the specification for the service as detailed in the Report

39. NOTICE OF MOTION

There was submitted a Notice of Motion proposed by Councillor Keith, seconded by Councillor Mann in the following terms:-

"This Council calls upon Councillor Margo Howe, a member of the SNP Administration, to explain the apparent anomalies in her expenses claim forms for the period 1/4/97 to 31/03/98 with particular reference to the appropriate members' Allowances and Expenses scheme and the unanimous decision of the Council as contained in Branch 13 of the Council Minute dated 30/10/97."

The Motion was formally moved by Councillor Keith and seconded by Councillor Mann and thereafter Councillor Keith detailed what he considered were apparent anomalies in regard to the period referred to in his Notice of Motion which related to mileage claims from home to Council Headquarters and unreceipted subsistence claims.

In regard to the timing of the introduction of a receipt based scheme further discussion ensued as to when this became effective.

Adjournment of Meeting

The Meeting agreed to a short adjournment in order to afford the Chairman to consider the matter and make a ruling on the competency of references to unreceipted claims for subsistence in terms of the Council's Standing Orders.

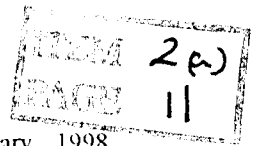
On the resumption of the Meeting the Chairman ruled that references to claims which were unsubstantiated by receipts prior to the 12 February, 1998, when the Council approved a revised scheme based on actual expenditure incurred be substantiated by receipts with the exception of sundry items under £3, was out of order and should not thereafter be referred to.

In light of the Chairman's ruling Councillor Farquharson sought a short adjournment to consider the Labour Group's position prior to continuing with the Notices of Motion.

Adjournment of Meeting

the Meeting agreed to a ten minute adjournment to afford Councillor Farquharson the opportunity to take advice on the Labour Group's position prior to continuing with the Notices of Motion.

On resuming the Meeting noted that having taken advice it would be a matter for the Chair to rule as issues rose as to their relevance or competency.



Thereafter following further discussion to the decisions of 30 October and 12 February, 1998 Councillor Keith resumed with his list of apparent anomalies referred to in his Notice of Motion which on this occasion related to mileage claims where sharing of transport may have been more appropriate.

Thereafter Councillor M.C. Howe sought clarification in regard to the approved procedure for dealing with such matters and on being advised of the approved procedure requested, given that this was the first intimation she had the instances of apparent anomalies referred to by Councillor Keith sought an adjournment of 15 minutes to afford her the opportunity to check her diary prior to responding.

Adjournment of Meeting

The Meeting agreed to a 15 minute adjournment to afford Councillor Howe the opportunity to consult her diary.

Resumption of Meeting

On the resumption of the Meeting Councillor Margo Howe responded with a statement addressing the issues referred to in the Motion.

40. NOTICE OF MOTION

There was submitted a Notice of Motion proposed by Councillor Keith, seconded by Councillor Mann in the following terms:-

“This Council calls upon Councillor Tom Howe, a member of the SNP Administration, to explain the apparent anomalies in his expenses claim forms for the period 1/4/97 to 31/03/98 with particular reference to the appropriate members’ Allowances and Expenses scheme and the unanimous decision of the Council as contained in Branch 13 of the Council Minute dated 30/10/97.”

The Motion was formally moved by Councillor Keith, seconded by Councillor Mann and thereafter Councillor Keith referred to what he considered were apparent anomalies referred to in his motion.

During his statement on apparent anomalies he made reference to unreceipted claims prior to the 12 February, 1998 and the Chair ruled reference to these as not being competent and that this ruling would apply to all subsequent Notices of Motion.

As an amendment Councillor T. Howe, seconded by Councillor Crawford moved that if Councillors Keith and Mann had any genuine concerns regarding any item of expenses claimed by him they should immediately report this concern to the Council’s Internal Auditor and/or the Police or Procurator Fiscal.

Suspension of Standing Orders

The Meeting agreed to suspend Standing Order 60 to allow for this item to be dealt with prior to adjourning for lunch.

On a division there voted:-

- | | | |
|------------------------|---|---|
| For the Motion (3) | - | Councillors Keith, Mann and Farquharson |
| For the Amendment (11) | - | Councillors T.A. Howe, D. Crawford, G. McDonald, H. Cumiskie, M. Anderson, M.C. Howe, R.J. Laing, R.L. Patterson, A.M. Scott and J. Stewart |
| Abstention (1) | - | Councillor C.D. Scaife |

Accordingly the Amendment became the finding of the Meeting and it was agreed that should Councillors Keith and Mann have any genuine concerns regarding any item of expenses claimed by Councillor T. Howe they should immediately report this concern to the Council’s Internal Auditor and/or the Police or Procurator Fiscal.

ADJOURNMENT OF MEETING

The Meeting agreed to adjourn for lunch (time 12.46 p.m.).

RESUMPTION OF MEETING

Thereafter the Meeting resumed (time 2.00 p.m.) when the following Members were present:-

PRESENT

Councillors G. McDonald (Convener), H.M. Cumiskie (Vice-Convener), M. Anderson, D. Crawford, A. Farquharson, M. C. Howe, T. A. Howe, A. Keith, R. J. Laing, H. McDonald, P. Mann, R.L. Patterson, C. D. Scaife, A. M. Scott and J. Stewart.

ATTENDANCE

The Depute Chief Executive, (Corporate Services), the Depute Chief Executive (Finance & I.T.), the Legal and Administration Services Manager and R. Ritchie, Senior Administration Officer, Clerk to the Meeting.

APOLOGIES

Apologies for absence were intimated on behalf of Councillors E. Aldridge, W. Jappy and J.M. Shaw.

41. NOTICE OF MOTION

There was submitted a Notice of Motion proposed by Councillor Keith, seconded by Councillor Mann in the following terms:-

“This Council calls upon Councillor Robert Laing, a member of the SNP Administration, to explain the apparent anomalies in his expenses claim forms for the period 1/4/97 to 31/03/98 with particular reference to the appropriate members’ Allowances and Expenses scheme and the unanimous decision of the Council as contained in Branch 13 of the Council Minute dated 30/10/97.”

The Motion was formally moved by Councillor Keith and seconded by Councillor Mann and thereafter Councillor Keith proceeded to detail what he considered were the apparent anomalies referred to in his Notice of Motion.

The Meeting thereafter approved the terms of the Motion and Councillor Laing requested, that as this was the first intimation he had of the apparent anomalies referred to by Councillor Keith a 30 minute adjournment in order to afford him the opportunity to consult his diary prior to responding.

Adjournment of Meeting

The Meeting agreed to adjourn for 30 minutes to allow Councillor Laing the opportunity to consult with his diary prior to responding to the motion.

Resumption of Meeting

On the resumption of the Meeting Councillor Laing responded with a statement addressing the issues referred to in the motion.

42. NOTICE OF MOTION

There was submitted a Notice of Motion proposed by Councillor Keith, seconded by Councillor Mann in the following terms:-

2(a)
13

"This Council calls upon Councillor Gordon McDonald, a member of the SNP Administration, to explain the apparent anomalies in his expenses claim forms for the period 1/4/97 to 31/03/98 with particular reference to the appropriate members' Allowances and Expenses scheme and the unanimous decision of the Council as contained in Branch 13 of the Council Minute dated 30/10/97."

The motion was formally moved by Councillor Keith seconded by Councillor Mann and thereafter Councillor Keith proceeded to detail what he considered were the apparent anomalies referred to in his motion. During his statement Councillor Keith sought clarification in regard to instances he may refer to where car sharing may have been more appropriate notwithstanding enquiries being undertaken elsewhere. The meeting noted that should he refer to any events/journeys which may relate to the former Chief Executive as this could be considered as sub judice.

In light of this clarification Councillor Keith intimated as he could not differentiate between the journeys/events and therefore he was not in a position to proceed further.

As an amendment Councillor Crawford, seconded by Councillor H. McDonald moved that in light of Councillor Keith's statement moved the direct negative in that there being no case to answer this Council does not call upon Councillor G. McDonald, a member of the SNP administration to explain the apparent anomalies in his expenses claims forms for 1 April, 1997 to 31 March, 1998 with particular reference to the appropriate Member's allowances and Expenses scheme and the unanimous decision of the Council as contained in Branch 13 of the Council Minute dated 30/10/97.

On a division there voted:-

- | | |
|------------------------|---|
| For the Motion (3) | - Councillors Keith, Mann, Farquharson |
| For the Amendment (11) | - Councillors Crawford, H. McDonald, G. McDonald, Cumiskie, Anderson, M.C. Howe, T.A. Howe, Laing, Patterson, Scott and Stewart |
| Abstentions (1) | - Councillor Scaife |

Accordingly the Amendment became the finding of the Meeting and it was agreed that as no apparent anomalies had been identified no explanation was required of Councillor G. McDonald.

The Meeting also noted a statement by Councillor G. McDonald in regard to the issues raised by Councillor Keith prior to seeking a legal ruling on issues he may refer to during his statement.

Suspension of Standing Orders

The Meeting agreed to suspend Standing Order 60 should it be necessary to continue the Meeting after 5 p.m. adjourning at 5 p.m. and continuing at 6 p.m. to 9 p.m..

43. NOTICE OF MOTION

There was submitted a Notice of Motion proposed by Councillor Keith, seconded by Councillor Mann in the following terms:-

"This Council calls upon Councillor H. McDonald, a member of the SNP Administration, to explain the apparent anomalies in his expenses claim forms for the period 1/4/97 to 31/03/98 with particular reference to the appropriate members' Allowances and Expenses scheme and the unanimous decision of the Council as contained in Branch 13 of the Council Minute dated 30/10/97."

The Motion was formally moved by Councillor Keith, seconded by Councillor Mann.

The Meeting approved the terms of the Motion and thereafter Councillor Keith proceeded to detail what he considered were the apparent anomalies referred to in his motion.

Thereafter Councillor H. McDonald requested that given this was the first intimation he had from Councillor Keith in regard to the apparent anomalies referred to in his motion, sought an adjournment in order to afford him the opportunity to consult his diary.

Adjournment of Meeting

The Meeting agreed to adjourn for 15 minutes in order to afford Councillor H. McDonald the opportunity to consult with his diary prior to responding to the motion.

Resumption of Meeting

On the resumption of the Meeting Councillor H. McDonald responded with a statement addressing the issues referred to in the motion.

44. NOTICE OF MOTION

There was submitted a Notice of Motion proposed by Councillor Keith, seconded by Councillor Mann in the following terms:-

“This Council calls upon Councillor Patterson, a member of the SNP Administration, to explain the apparent anomalies in her expenses claim forms for the period 1/4/97 to 31/03/98 with particular reference to the appropriate members’ Allowances and Expenses scheme and the unanimous decision of the Council as contained in Branch 13 of the Council Minute dated 30/10/97.”

The Motion was formally moved by Councillor Keith, seconded by Councillor Mann.

The Meeting thereafter approved the terms of the motion and Councillor Keith proceeded to detail what he considered were the apparent anomalies referred to in his motion.

Thereafter Councillor Patterson requested, that given this was the first intimation she had from Councillor Keith of the apparent anomalies referred to in the Motion, a 15 minute adjournment in order to afford her the opportunity to consult with her diary prior to responding.

Adjournment of Meeting

The Meeting adjourned for 15 minutes in order to afford Councillor Patterson the opportunity to consult with her diary prior to responding to the motion.

Resumption of Meeting

On the resumption to the Meeting Councillor Patterson responded with a statement addressing the issues referred to in the motion.

45. NOTICE OF MOTION

There was submitted a Notice of Motion proposed by Councillor Keith, seconded by Councillor Mann in the following terms:-

“This Council calls upon Councillor Scott, a member of the SNP Administration, to explain the apparent anomalies in her expenses claim forms for the period 1/4/97 to 31/03/98 with particular reference to the appropriate members’ Allowances and Expenses scheme and the unanimous decision of the Council as contained in Branch 13 of the Council Minute dated 30/10/97.”

The Motion was formally moved by Councillor Keith, seconded by Councillor Mann.

The Meeting thereafter approved the terms of the motion and Councillor Keith proceeded to detail what he considered were the apparent anomalies referred to in his motion.

2 (a)
15

Thereafter Councillor Scott requested, that given this was the first intimation she had of the apparent anomalies referred to by Councillor Keith, a 30 minute adjournment in order to afford her the opportunity to consult with her diary prior to responding.

Adjournment of Meeting

The Meeting adjourned for 30 minutes in order to afford Councillor Scott the opportunity to consult with her diary prior to responding to the motion.

Resumption of Meeting

On the resumption of the Meeting Councillor Scott responded with a statement addressing the issues referred to in the motion.

46. NOTICE OF MOTION

There was submitted a Notice of Motion proposed by Councillor Keith, seconded by Councillor Mann in the following terms:-

“This Council calls upon Councillor Stewart, a member of the SNP Administration, to explain the apparent anomalies in her expenses claim forms for the period 1/4/97 to 31/03/98 with particular reference to the appropriate members’ Allowances and Expenses scheme and the unanimous decision of the Council as contained in Branch 13 of the Council Minute dated 30/10/97.”

The Motion was formally moved by Councillor Keith, seconded by Councillor Mann.

The Meeting thereafter approved the terms of the motion and Councillor Keith proceeded to detail what he considered were the apparent anomalies referred to in his motion.

Thereafter Councillor Stewart requested, that given this was the first intimation she had of the apparent anomalies referred to by Councillor Keith, a 30 minute adjournment in order to afford her the opportunity to consult with her diary prior to responding.

Adjournment of Meeting

The Meeting agreed to adjourn (time 4.42 p.m.) and reconvene at 6.00 p.m.

Resumption of Meeting

Thereafter the Meeting resumed (time 6.00 p.m.) when the following Members were present:-

PRESENT

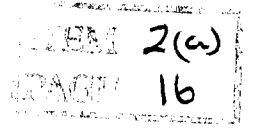
Councillors G. McDonald (Convener), H.M. Cumiskie (Vice-Convener), M. Anderson, D. Crawford, A. Farquharson, M. C. Howe, T. A. Howe, A. Keith, R. J. Laing, H. McDonald, P. Mann, R.L. Patterson, A. M. Scott and J. Stewart.

ATTENDANCE

The Depute Chief Executive, (Corporate Services), the Depute Chief Executive (Finance & I.T.), the Legal and Administration Services Manager and R. Ritchie, Senior Administration Officer, Clerk to the Meeting.

APOLOGIES

Apologies for absence were intimated on behalf of Councillors E. Aldridge, W. Jappy, C. D. Scaife and J.M. Shaw.

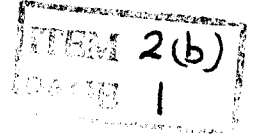


RESUMPTION OF MEETING

On the resumption of the Meeting Councillor J. Stewart responded with a statement addressing issues referred to in the motion.

CONCLUSION OF MEETING

On the conclusion of business this Meeting noted a statement by the Convener on the proceedings of the Meeting over the two days.



THE MORAY COUNCIL
MINUTE OF SPECIAL MEETING OF THE MORAY COUNCIL

4 MARCH, 1999

TOWN HALL, ELGIN

PRESENT

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

IN ATTENDANCE

The Depute Chief Executive, (Corporate Services), the Depute Chief Executive (Finance & I.T.), the Director of Economic Development and Planning, the Director of Education, the Director of Technical and Leisure Services, the Legal and Administration Services Manager, the Chief Social Work Officer, the Acting Personnel Services Manager, M. Palmer, Assistant Chief Finance Officer, the Public Relations Officer and R.Ritchie, Senior Administration Officer, Clerk to the Meeting.

APOLOGY

An apology for absence was intimated on behalf of Councillor J. M. Shaw.

1. CHAIR

The Chair was taken by the Convener, Councillor G. McDonald.

2. ADDITIONAL BUSINESS

In terms of the relevant Standing Order, the Meeting agreed to accept as an additional items of business to be transacted at the Meeting, an Emergency Notice of Motion by the Convener in regard to the so-called "Banana Wars" between the United States and Europe on certifying that, in his opinion, this required to be considered on the grounds of urgency having regard to the serious implications for employment in the Moray area.

3. EMERGENCY NOTICE OF MOTION

There was submitted an Emergency Notice of Motion proposed by Councillor G. McDonald in the following terms:-

"This Council calls on the Secretary of State for Scotland to forward to the European Trade Commissioner this Council's grave concern that no resolution appears to be imminent in the so-called "Banana Wars" between the United States and Europe, having regard to the serious implications for employment in our area."

The Motion was formally moved by Councillor G. McDonald and seconded by Councillor H. McDonald.

The Meeting unanimously approved the foregoing Motion.

4. REVENUE BUDGET 1999/2000

There was submitted the Budget Book and a Report by the Depute Chief Executive (Finance & I.T.) setting out factors to be taken into account in determining the level of Council Tax for 1999/2000.

There was also tabled at the Meeting a Report by the Acting Personnel Services Manager on the outcome of consultations with the Trade Union representatives on the Draft 1999/2000 Revenue Budget.

On the invitation of the Chairman, Councillor T.A. Howe, Chairman of the Policy and Resources Committee formally submitted the Administration Group's Revenue Budget Proposals for 1999/2000.

The Meeting noted that the proposed net base revenue budget for 1999/2000 for all services amounted to £103,499m which was in line with the Secretary of State guidelines and was achieved after taking account of total budget savings of some £1.4m and, after allowing for Revenues Support Grant and Non-Domestic Rate income totalling £81,862,000 and Community Charge income of £100,000 left the net amount required to be raised from Council Tax in 1999/2000 of £21, 978,000.

The Meeting also noted that it was proposed to utilise £372,000 from the interest earned on the Capital Fund and £1,135,000 from the DSO/DLO's Reserve Funds to reduce the Council Tax level in 1999/2000 leaving a net amount required to be raised from Council Tax in 1999/2000 of £20,471,000.

Councillor Howe thereafter moved approval of the Draft 1999/2000 Revenue Budget, additional expenditure of £441,000 for the undernoted proposals and that the Council Tax for 1999/2000 in respect of Band "D" properties be set at £724 representing an increase over the current Council Tax Level at the equivalent Band "D" level of 3.5%..

- A one-off Millennium Grant totalling £86,000 to be distributed between Community Councils (in the absence of Community Councils, Community Associations and in the case of neither, the Common Good Fund).
- Provision of £20,000 to allow for free travel for concessionary travel card holders during the two weeks prior to the millennium.
- Provision of £150,000 as a contingency to ensure that any new issues raised during the remainder of this year in regard to the millennium bug can be addressed.
- Provision of £50,000 towards a private/public sector partnership to build three factory units in Elgin at a total cost of £1m which would attract £350,000 of European Grant Aided Funding.
- Provision of £30,000 which will attract a further £180,000 of the European Funds to be made available to the fishing industry in Moray for schemes to enhance quality within the industry;
- Provision of £10,000 for the refurbishment of redundant bank premises in Portknockie to provide a drop-in facility for youngsters in the community;
- Provision of £14,000 to operate a pilot scheme of seven day opening of community facilities in Lossiemouth;
- Provision of £10,000 to assist Forres Soccer 7's to acquire changing facilities;
- Provision of £10,000 to assist Keith & District Sports Trust to tackle local drainage problems;
- A one-off grant of £5,000 to Elgin Museum to allow them to explore the potential for development of a shop and tea-room facility;
- Provision of £6,000 towards landscaping the area of ground at The Square, Fochabers following the demolition of the toilets;
- Provision of £50,000 to purchase two new heavy snowploughs.
- that a detailed paper on each of the above noted projects would be submitted to the appropriate Service Committee.

This was formally seconded by Councillor G. McDonald.

An alternative budget was thereafter submitted by Councillor Farquharson on behalf of the Labour Group on the Council proposing a Council Tax for 1999/2000 in respect of Band "D" properties of £709 representing an increase over the Council Tax Level in equivalent Band "D" of 2.86% .

Thereafter Councillor Farquharson proceeded to present the Labour Group's Budget proposals for 1999/2000 which, it was noted, identified savings of £1,038,000, additional spending of £1,182,000 directed to Services with additional spending of £144,000 being met from the Balances.

On a division between the Administration Group's Revenue Budget proposals (Motion) and the Labour Group's alternative Budget Proposals (Amendment) there voted:-

For the Motion (11) - Councillors T.A. Howe, G. McDonald, Cumiskie, Anderson, Crawford, M.C. Howe, Laing, H. McDonald, Patterson, Scott and Stewart

For the Amendment (6) - Councillors Farquharson, Keith, Aldridge, Jappy, Mann and Scaife

Abstentions (0)

The Convener declared the Motion carried on the following terms:-

- (i) that the Revenue Budget including the additional items of expenditure amounting to £441,000 for 1999/2000 be approved;
- (ii) that a Council Tax of £724 in Band "D" Level is set for 1999/2000
- (iii) agree to the Trade Unions' request to meet with the representative number of elected members to voice any views/concerns directly.

5. CHARGES FOR SOCIAL WORK SERVICES 1999/2000

There was submitted a Report by the Director of Community Services recommending the implementation of a rate of charges for the provision of Social Work services for the financial year 1999/2000.

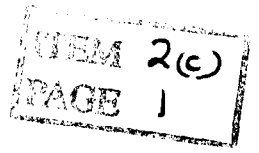
Following consideration the Meeting agreed:-

- (i) to approve the Social Work charges for 1999/2000 to be effective from 12 April, 1999;
- (ii) to encourage the Community Services Charging Policy Review Group to continue monitoring all elements of the Clients Service use in charges for services; and
- (iii) to approve the introduction of an CSRO cheque charge from April, 1999.

6. NATIONAL HEALTH SERVICE AND COMMUNITY CARE ACT 1990: FEE LEVELS FOR INDEPENDENT SECTOR RESIDENTIAL ESTABLISHMENTS 1999/2000

There was submitted a Report by the Director of Community Services recommending approval of proposed Fee Levels and Extra Care Allowances in respect of residents in nursing and residential care homes in voluntary and private sectors for the financial year 1999/2000.

Following consideration the Meeting approved the Fee Levels and Extra Care Allowances as detailed in the Report, with effect from 12 April, 1999, the date which the new DSS payments become effective.



MINUTE OF SPECIAL MEETING OF THE MORAY COUNCIL

8 MARCH, 1999

EIGHT ACRES HOTEL, ELGIN

PRESENT

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

IN ATTENDANCE

Mr. Alan C. Kennedy, Independent Adviser and Mr. Donald Mackie, Acting Personnel Services Manager.

1. EXEMPT INFORMATION

The meeting resolved in terms of Section 50A(4) and (5) of the Local Government (Scotland) Act 1973, as amended, to exclude the public and media representatives from the meeting during consideration of item 3 so as to avoid the disclosure of exempt information of the class described in Paragraph 1 of Schedule 7A of the Act.

No Members of the public or media were present.

2. MINUTE OF SPECIAL MEETING OF 18 FEBRUARY 1999

The Minute of the Special Meeting of 18 February, 1999 was submitted, approved and authorised to be signed as a correct record.

3. APPOINTMENT OF CHIEF EXECUTIVE

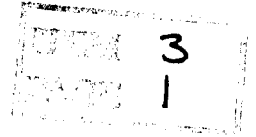
With reference to the Minute of the Special Meeting of the Council of 18 February 1999 the Council proceeded to interview the undernoted applicants on the short leet for the above post in the following order all in accordance with the detailed arrangements set forth in the Minute of the said Special Meeting.

1. Alastair Keddie
2. Rory Mair
3. Mike Martin
4. Brian Stewart
5. John Summers
6. Karen Williams

At the conclusion of the interviews the Council discussed in detail the merits of each applicant in the light of the information contained in (i) their respective applications; (ii) their individual presentations and formal interviews (iii) notes made by members on the Assessment Sheets issued to them and (iv) their experience of meeting the applicants informally on the evening of 7 March 1999.

Following discussion, the Council in terms of Standing Orders proceeded to vote for the applicant of their choice by ballot with the applicant receiving the lowest number of votes being dropped until a straight vote between two applicants. The votes were counted by the Independent Adviser assisted by the Acting Personnel Services Manager and the results of each ballot handed to the Convener who communicated the results to Members.

On the final ballot after receiving the result thereof from the Independent Adviser the Convener declared that Mr. Brian Stewart had received a majority of the votes of Members present and voting. Whereupon Mr. Stewart was recalled to the meeting and on being offered the Post intimated his acceptance thereof on the basis of the Terms and Conditions of Appointment and Service Job Description and Person Specification issued to applicants.



THE MORAY COUNCIL

MINUTE OF MEETING OF THE SOCIAL WORK COMMITTEE

25 FEBRUARY, 1999

ELGIN TOWN HALL

PRESENT

Councillors J. Stewart (Chairman), R.L. Patterson (Vice-Chairman), D. Crawford, H.M. Cumiskie, M.C. Howe, A. Keith, P. Mann, G. McDonald, H. McDonald and J.M. Shaw.

IN ATTENDANCE

Director of Community Services, Chief Social Work Officer, Principal Solicitor (Litigation & Licensing), Assistant Public Relations Officer and Rachel Wilson as Clerk to the Committee.

APOLOGIES

Apologies for absence were intimated by Councillor W. Jappy.

1. EXEMPT INFORMATION

The Council agreed in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973 as amended, to exclude the public from the meeting during consideration of the items specified below so as to avoid disclosure of exempt information of the classes described.

<u>Para. No.</u>	<u>Para. No. of Schedule 7A</u>
4	6 & 8
5	2
6	4
7	8 & 9
8	6, 8 & 9

2. PROPOSALS FOR THE DEVELOPMENT OF AN APPROPRIATE ADULT SCHEME IN MORAY

There was submitted a report by the Director of Community Services seeking the Committee's approval for the implementation of an Appropriate Adult Scheme in Moray. The meeting noted that the Scheme is aimed at encouraging arrangements to ensure that whenever an adult with a 'mental disorder' has been interviewed by the Police there is present in the interview situation, a person who, on account of their appropriate knowledge of the person or of the mental disorder would facilitate the interview process.

Following consideration the Committee agreed:-

- (i) To the implementation of an Appropriate Adult Scheme within Moray and to the 'Guidelines for Staff' as outlined in Appendix I of the report; and
- (ii) That Community Services staff produce a monitoring report to be considered annually by the Committee.

3. COMMUNITY CARE REVIEW CONSULTATION STRATEGY

Under reference to para. 16 of the Minute of the Policy & Resources Committee dated 4 February, 1999 there was submitted a report by the Director of Community Services seeking the Committee's approval of the consultation strategy to be employed during the Community Services Department's Best Value Review of the Community Care arrangements.

Following consideration the Committee agreed to the Consultation Strategy as described in the report subject to the terms of the General Survey being targeted towards community care users, providers and referral agencies and not to include the sending of questionnaire to the wider public.

4. ACCESS PROJECT – SERVICES TO PEOPLE WITH DISABILITIES: LEASE OF PREMISES (Paras. 6 & 8)

There was submitted a report by the Director of Community Services seeking approval for the lease of premises for the European funded ACCESS project for people with disabilities. The meeting noted that the ACCESS project is designed to assist Community Groups and the voluntary sector to support people currently excluded from the labour market such as people with disabilities.

Following consideration, Committee agreed to:-

- (i) Note the progress made in relation to the ACCESS project development;
- (ii) Approve the lease of suitable project premises as detailed in the report with no additional funding being required; and
- (iii) Instruct the Principal Solicitor (Commercial & Conveyancing) to formalise the lease.

5. HOUSING AND SUPPORT SERVICES FOR YOUNG PEOPLE AGED 16-24 YEARS (Para. 2)

Under reference to para. 19 of the Minute of the Housing Committee dated 18 December, 1997 there was submitted an annual report by the Director of Community Services on The Young Persons Project.

Following consideration the Committee, in noting the report also acknowledged a need to develop alternative types/sources of accommodation for young people.

6. GRAMPIAN SOCIETY FOR THE BLIND (Para. 4)

There was submitted a report by the Director of Community Services informing the Committee of the serious financial position being experienced by Grampian Society for the Blind and the potential effects this will have on the provision of services. The report also sought approval for proposals aimed at addressing the current difficulties of a provision for the blind and sustaining the service provided by the Society.

Following consideration the Committee agreed:-

- (i) To note the serious financial position faced by Grampian Society for the Blind and to request the Policy & Resources Committee to consider making an additional payment of up to £15,000 in the current financial year in a bid to address the problem;
- (ii) To write jointly with Aberdeen City and Aberdeenshire Councils to Grampian Health Board regarding a financial contribution to Grampian Society for the Blind;
- (iii) To the continuation of discussions in targeting potential reductions in costs with Grampian Society for the Blind including the possibility of a merger with Aberdeen and North East Society for the Deaf to provide an integrated Sensory Impairment Service; and
- (iv) To approve an increase in the funding to Grampian Society for the Blind of up to £15,000 in 1999/2000 to be met from within the overall level of resources for Community Care, subject to the detailed negotiation of the Service Level Agreement with the Society.
- (v) That the outcome of the negotiations, referred to at (iv) above, be referred to the Policy & Resources Committee and should aim to ensure the service required by The Moray Council accurately reflects The Moray Council's financial contribution to the Society; and

- (vi) That a programme of continuous monitoring be employed with regard to the services provided and that enquiries be made as to the possibility of "Rehousing" the Society in a Council building.

**7. REVIEW OF MANAGEMENT ARRANGEMENTS - CRIMINAL JUSTICE SERVICES
(Paras. 8 & 9)**

Under reference to para. 13 of the Minute of this Committee dated 6 August, 1998 there was submitted a report by the Director of Community Services providing the Committee with updated information on the budgetary position and proposed management arrangements for the Criminal Justice Services in Moray.

Following consideration the Committee agreed:-

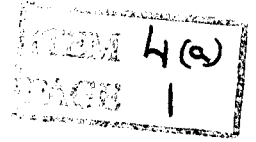
- (i) To grant early retirement to the member of staff currently employed in the post of Senior Social Worker (Criminal Justice Services) and to revised management arrangements as detailed in the report which would result from the savings arising from the deletion of either a main grade or Senior Social Worker post;
- (ii) To extend for a further 12 months the present post of Projects Officer (Community Services Orders); and
- (iii) To note the further reduction in the shortfall in the Criminal Justice budget as a result of proposed rationalisation of information technology services in collaboration with Aberdeenshire Council.

8. LEARNING DISABILITY HOUSING PROJECT AT LOSSIEMOUTH

There was submitted a report by the Director of Community Services to inform the Committee of proposed supported accommodation development, for four adults with learning disabilities, at Inchbroom, Lossiemouth and seeking the Committee's approval for the further development of the project. The report also sought approval to sell the site and to proceed to tender stage of the development allowing the project to start on site as early as possible in the next financial year.

Following consideration the Committee agreed:-

- (i) To note the development of this specialist service to date;
- (ii) To approve the estimated draft capital costs with the understanding that additional work is required to develop these proposals which will be reported to the relevant Committees at a future date;
- (iii) To recommend to Policy & Resources Committee that the site be sold to Grampian Community Care Charitable Trust and that the project be allowed to proceed to tender stage; and
- (iv) To authorise officers to proceed as soon as possible with a petition to the Sheriff under Section 75(2) of the Local Government (Scotland) Act 1973.



THE MORAY COUNCIL

MINUTE OF MEETING OF THE HOUSING COMMITTEE

23 FEBRUARY, 1999

THE SUPPER ROOM, ELGIN TOWN HALL

PRESENT

Councillors R.J. Laing (Chairman), M.C. Howe (Vice-Chairman), M. Anderson, D. Crawford, H.M. Cumiskie, A. Farquharson, T.A. Howe, P. Mann, J.M. Shaw, J. Stewart and G. McDonald (Ex Officio).

IN ATTENDANCE

The Depute Chief Executive (Finance & IT), the Director of Community Services, the Depute Chief Finance Officer, the Chief Housing Officer, the Senior Area Housing Manager, the Capital Programme Manager, the Planning & Development Manager, the Principal Solicitor (Commercial & Conveyancing), the Assistant Public Relations Officer and Mr. R. McKay, Administration Officer who acted as Clerk to the Committee.

APOLOGIES

An apology for absence was intimated on behalf of Councillor W. Jappy.

1. TRIBUTE TO THE LATE RON WINN

Prior to the meeting Members joined the Chairman in paying tribute to Ron Winn, Chairman of Moray Housing Co-operative, who died suddenly on 30 January, 1999.

2. ADDITIONAL BUSINESS

In terms of the relevant Standing Order the meeting agreed to vary the order of business set down in the Agenda and to take the two items from the supplementary Agenda 2(a) (County Houses, Knockando – Sewerage Treatment Upgrade) after item 2 and 3(a) (Learning Disability Housing Project at Lossiemouth) after item 14 at the end of the confidential section.

3. EXEMPT INFORMATION

The Council agreed in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973 as amended, to exclude the public and media from the meeting during consideration of the items specified below so as to avoid disclosure of exempt information of the classes described.

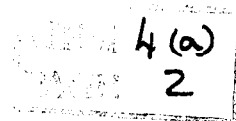
<u>Para. No.</u>	<u>Para. No. of Schedule 7A</u>
15	2
16	2
17	9
18	6, 8 & 9
19	8 & 9

4. HOUSING CAPITAL INCOME AND EXPENDITURE 1998/99

There was submitted a report by the Director of Community Services informing the Housing Committee of the position with income and expenditure for the housing capital programmes for Council housing and private sector housing in 1998/99.

Following consideration the Committee agreed to:-

- (i) Recommend to the Policy & Resources Committee that £100,000 for the Rough Sleepers Initiative be carried forward to the next financial year's programme;



- (ii) Congratulate the staff who have been involved with the Rough Sleepers Initiative: and
- (iii) Note the contents of the report.

5. COUNTY HOUSES KNOCKANDO – SEWERAGE TREATMENT UPGRADE

There was submitted a report by the Director of Community Services informing the Housing Committee of problems associated with sewerage treatment works at County Houses, Knockando and the necessity to commit up to £40,000 from the HRA Capital Programme to remedy the problem.

The Capital Programme Manager addressed the meeting providing further background information with regards to this report and highlighted the advantages to The Moray Council in joining with United Distillers in the upgrading of their own sewerage treatment arrangements at this time.

Following consideration the Committee approved the contribution of up to £40,000 from the HRA Capital Programme towards costs associated with the replacement of the sewerage system at Knockando, which can be met from the Housing Revenue Account Capital Programme for 1999/2000.

6. MONITORING REPORT: CAPITAL CONTRACTS

There was submitted a report by the Director of Community Services informing the Housing Committee of the current capital funded HRA contracts awarded for the upgrading and maintenance of the Council Housing stock and on the progress of existing and future contracts.

Following consideration the Committee noted the contents of this report.

7. MONITORING REPORT: REVENUE CONTRACTS

There was submitted a report by the Director of Community Services informing the Housing Committee of the current revenue funded HRA contracts awarded for the upgrading and maintenance of the Council Housing stock and on the progress of existing and future contracts.

Following consideration the Committee noted the contents of this report.

8. MONITORING REPORT: ADDITIONAL REVENUE EXPENDITURE 1998/99/2000

There was submitted a report by the Director of Community Services informing the Housing Committee of the status of the contracts under preparation and in progress for the Additional Spend Maintenance Programme.

Following consideration the Committee agreed:-

- (i) To note the status of the contracts under preparation;
- (ii) That officers be diligent in monitoring in respect of the window contracts included within the programme;
- (iii) That given that there may be further financial implications to the Council in respect of contracts 74001, 74002 and 74003 to defer further consideration of this matter to the confidential section of the meeting in terms of para. 9 of Part I of Schedule 7A of the Local Government (Scotland) Act 1973, as amended (Ref - para. 19 of this Minute).

9. ESTATE MANAGEMENT QUARTERLY PERFORMANCE STATEMENT – THIRD QUARTER 1998

There was submitted a report by the Director of Community Services outlining the quarterly position statement on Housing Management Performance for the period 1 October, 1998 – 31 December, 1998.

Following consideration the Committee noted the progress of the Area Teams to date.

10. QUARTERLY PERFORMANCE 1998/1999 – HOUSING NEEDS SECTION

There was submitted a report by the Director of Community Services outlining the quarterly performance statement of the Housing Needs Section for the third quarter of the financial year 1998-1999.

Following consideration the Committee noted the contents of this report.

11. FINANCIAL ASSISTANCE FOR MORAY WOMEN'S AID

There was submitted a report by the Director of Community Services seeking approval to continue financial assistance to Moray Women's Aid.

The meeting noted that Moray Women's Aid has received financial assistance since 1988 in the form of rent free accommodation, however this arrangement expires on 31 March, 1999.

Following consideration the Committee agreed to continuing the arrangement of providing rent free accommodation to Moray Women's Aid as a form of financial assistance, from the Housing Revenue Account.

12. FORMER POLICE HOUSES – ELGIN, FOCHABERS AND BUCKIE

There was submitted a report by the Director of Community Services advising the Committee of the background to the previous acquisition of five former Police houses and seeking approval to offer occupants a secure tenancy in terms set out in Part III, of the Housing (Scotland) Act 1987.

The properties were purchased to be used either for

- Community Care Projects
- Temporary Homeless Accommodation
- Short Assured Tenancies via a Housing Association

Following consideration the Committee agreed that the occupants of the houses detailed in the report are offered secure tenancies, subject to there being no concerns regarding the management of their current temporary tenancies.

13. MORAY FURNITURE STORE: REQUEST FOR FUNDING

There was submitted a report by the Director of Community Services inviting the Housing Committee to consider continued funding to support the work of the Moray Furniture Store.

The meeting noted that the Moray Furniture Store exists to provide assistance to low income households through the provision of re-cycled furniture and household goods. They had received financial assistance of £5,000 from the Housing Revenue Account in the current financial year.

Following consideration the Committee agreed that the Moray Furniture Store be made a grant of £5,000 from the Housing Revenue Account for 1999/2000 financial year.

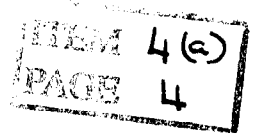
14. HOUSING REVENUE ACCOUNT 1999/2000

There was submitted a report by the Director of Community Services setting out the proposed Housing Revenue Account budget for 1999/2000 as detailed in Appendix I of the report.

The meeting noted that the Secretary of State for Scotland has determined that there should be no contribution from the General Fund to the Housing Revenue Account which requires to be agreed at this time in order to allow officers to make adjustments to rents and for the required notification accounts to be sent out.

Following consideration the meeting agreed:-

- (i) To approve the 1999/2000 Housing Revenue Budget as set out in Appendix I of this report;



- (ii) That the average rent increase for the HRA housing stock be set at 49p;
- (iii) That the house rent increase be restricted to a maximum of £2 per week;
- (iv) That garage rents and garage site rents be increased as detailed in the report;
- (v) That garage site rentals be increased on a biennial basis from this year;
- (vi) That rents in the Homeless Persons Hostels be increased as detailed in the report; and
- (vii) That the travelling family site pitch rents be increased as detailed in the report.

15. HOUSING AND SUPPORT SERVICES FOR YOUNG PEOPLE AGED 16 – 24 YEARS (Para. 2)

There was submitted a report by the Director of Community Services the purpose of which was to provide the Housing and Social Work Committees with an annual report on the Young Persons Project. The report was prepared following a decision made by the Housing Committee on 18 December, 1997 (Minute ref. para. 19 refers), to fund the above project over a three year period.

The meeting noted that the Young Persons Project is a joint initiative involving Housing and Social Work Services and NCH Action for Children (Scotland) in providing support and accommodation to vulnerable young people and offering advice and assistance to those who are facing difficulty making the transition to independence in the community.

Following consideration the Committee noted this report. The Committee also noted there was a need to develop alternative types/sources of accommodation for young people.

16. EVICTIONS ARRANGED UNDER DELEGATED POWERS (Para. 2)

There was submitted a report by the Director of Community Services informing the Committee of progress on the evictions which have been arranged under delegated powers.

Following consideration the Committee noted the outcome of the evictions which have been arranged.

17. PROPOSED SALE OF LAND REQUIRED FOR ACCESS TO SITE OF FORMER HOUSE "LOCHALSH", LHANBRYDE (Para. 9)

There was submitted a report by the Director of Economic Development and Planning seeking the approval of the Committee to the terms provisionally agreed for the sale of land to The Scottish Office in order to provide access to the site of the house "Lochalsh" at Robertson Road, Lhanbryde.

Following consideration the Committee approved the terms provisionally agreed with the Scottish Office Land and Property Division and instructed that the Council's Principal Solicitor (Commercial & Conveyancing) proceed with the necessary formal offer to the Secretary of State which will facilitate the marketing of the property "Lochalsh".

18. LEARNING DISABILITY HOUSING PROJECT AT LOSSIEMOUTH (Paras. 6, 8 & 9)

There was submitted a report by the Director of Community Services informing the Committee of the proposed supported accommodation development, for four adults with Learning Disabilities, at Inchbroom, Lossiemouth and to seek the approval of the Committee for the further development of this project on this basis.

Approval was also sought to sell the site and proceed to tender stage of the development allowing the project to start on site as early as possible in the next financial year.

Following consideration the Committee agreed:-

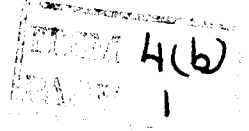
- (i) To note the development of this Specialist service to date;

- (ii) To approve the estimated draft capital costs with the understanding that further work is required to develop these further and which will be reported to the relevant Committees at a future date;
- (iii) To recommend to Policy & Resources Committee that the site be sold to Grampian Community Care Charitable Trust and that the project be allowed to proceed to tender stage;
- (iv) To authorise officers to proceed as soon as possible with the Petition to the Sheriff under Section 75(2) of the Local Government (Scotland) Act 1973; and
- (v) That full consultation with all parties involved must take place.

19. MONITORING REPORT: ADDITIONAL REVENUE EXPENDITURE 1998/99/2000 (Paras. 8 & 9)

Under reference to paragraph 8 of this Minute the meeting continued consideration of the window contracts contained in the current Additional Spend Maintenance Programme contracts awarded for the upgrading and maintenance of the Council housing stock.

Following consideration the Committee agreed to instruct officers to prepare a full report to the Housing Committee on additional spend contract numbers 74001, 74002 and 74003 with regards to performance, monitoring and projected outcome.



THE MORAY COUNCIL
MINUTE OF MEETING OF THE HOUSING SUB-COMMITTEE
23 FEBRUARY, 1999

REGISTRARS OFFICE, HIGH STREET, ELGIN

PRESENT

Councillors R.J. Laing (Chairman), M.C. Howe (Vice-Chairman), A. Farquharson, T.A. Howe and J.M. Shaw.

IN ATTENDANCE

The Chief Housing Officer, the Principal Solicitor (Commercial & Conveyancing) and Mr. R. McKay, Administration Officer who acted as Clerk to the meeting.

ALSO IN ATTENDANCE

Mrs. R. Munro, Senior Housing Officer, Keith (in respect of item 4), Mr. R. Anderson, Housing Leagues Group Officer (in respect of items 4 & 5), and the Appellant in respect of item 5.

1. EXEMPT INFORMATION

The Council agreed in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973 as amended, to exclude the public and media from the meeting during consideration of the items specified below so as to avoid disclosure of exempt information of the classes described.

<u>Para. No.</u>	<u>Para. No. of Schedule 7A</u>
2	2
3	2
4	2
5	2

2. APPEAL AGAINST MEDICAL POINTS AWARD – APPLICATION NO. 4661 (Para. 2)

There was submitted a report by the Director of Community Services, augmented by an oral report by the Chief Housing Officer, advising Committee of developments subsequent to the Housing Sub-Committee on 21 September, 1998 and that the Appellant was in agreement with the outcome of the second medical opinion that had been obtained.

Following consideration the Sub-Committee noted the outcome of the subsequent developments and the contents of the report.

3. SPECIAL CASE FOR HOUSING – APPLICATION NO. 3087 (Para. 2)

There was submitted a report by the Director of Community Services, augmented by the Housing Needs Group Officer, informing the Sub-Committee of the special circumstances in this instance and recommending that the Sub-Committee uphold the Appeal.

Following consideration the Sub-Committee agreed that the special circumstances of this case were relevant and awarded the application 600 points in terms of Section 12 of the Housing Application Policy (Special Cases).

4. APPEAL AGAINST SUSPENSION FROM THE HOUSING LIST – NO. 5128 (Para. 2)

There was submitted a report by the Director of Community Services, augmented by the Housing Needs Group Officer, informing the Sub-Committee of the background circumstances relating to this Appeal and

4(b)
2

advising the Sub-Committee that the applicant had not viewed the house before declining to accept the offer made.

The Sub-Committee noted that the Appellant had failed to attend or to be represented at the meeting.

Following consideration the Sub-Committee agreed that the offer of accommodation was reasonable therefore the grounds of the Appeal have not been substantiated and the Appeal has not been upheld.

**5. APPEAL AGAINST DECISION TO WITHDRAW PRIORITY FOR HOUSING –
APPLICATION NO. 5295**

There was submitted a report by the Director of Community Services, augmented by the Housing Needs Group Officer, informing the Sub-Committee of the background circumstances relating to this Appeal.

On the invitation of the Chairman the applicant was invited to address the meeting with regard to the grounds of this Appeal against suspension from the Housing List and of relevant information related thereto.

Following consideration the Sub-Committee agreed that the original decision was reasonable but, in view of the individual circumstances of this case and without setting a precedent, the priority in this case would be reinstated and officers would look at what options are available – particularly in the short term.