


THE MORAY COUNCIL

WEDNESDAY 3 NOVEMBER, 1999

NOTICE IS HEREBY GIVEN that a Meeting of **THE MORAY COUNCIL** is to be held within the Council Chambers, Council Headquarters, High Street, Elgin on Wednesday 3 November, 1999 at 9.30 a.m.


Karen B. Williams
Depute Chief Executive (Corporate Services)

27 October, 1999

Presentations

The undernoted Presentations have been arranged during today's Meeting

- 9.30 a.m. - Presentation by Mr Colin Rennie and Mr Alasdair Findley, Chairman and Chief Executive respectively of the North of Scotland Water Authority
- 10.45 a.m. - Presentation by Grampian University Hospitals Trust

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 Item 24 and 25 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 – Minute of Meeting dated 8 September, 1999 [Page Nos. 175 - 182]

3. Economic Development and Planning Committee – Minute of Meeting dated 22 September, 1999 [Page Nos. 183 - 197]
4. Policy and Resources Committee - Minute of Meeting dated 22 September, 1999 [Page Nos. 198 - 202]
5. Licensing Committee – Minute of Special Meeting dated 23 September, 1999 [Page No. 203] – **TO FOLLOW**
6. The Moray Council –
 - (a) Minute of Special Meeting dated 24 September, 1999 [Page Nos. 204 - 205]
 - (b) Minute of Special Meeting dated 28 September, 1999 [Page Nos. 206 - 208]
7. The Community Services Committee
 - (a) Minute of Meeting dated 29 September, 1999 [Page Nos. 209 - 214]
 - (b) Minute of Meeting of Housing Sub-Committee dated 29 September, 1999 [Page Nos. 215 - 216]
8. The Technical and Leisure Services Committee
 - (a) Minute of Meeting dated 29 September, 1999 [Page Nos. 217 - 227]
 - (b) Minute of Meeting of Landfill Tax Sub-Committee dated 29 September, 1999 [Page Nos. 228 - 229]
9. Education Committee – Minute of Meeting dated 6 October, 1999 [Page Nos. 230 - 235]
10. Licensing Committee – Minute of Meeting dated 6 October, 1999 [Page Nos. 236 - 240] – **TO FOLLOW**
11. Economic Development and Planning Committee – Minute of Meeting dated 20 October, 1999 [Page Nos. 241 - 247]
12. Policy and Resources Committee – Minute of Meeting dated 20 October, 1999 [Page Nos. 248 - 255]
13. Notice of Motion

Consider the undernoted Notice of Motion submitted by Councillor Keith:-

“The Council agrees that much is still to be done to aid access for disabled people in Moray and agrees to give active consideration towards establishing an annual budget aimed at improving accessibility in consultation with disability groups.

The Council further agrees that a report be brought to the appropriate committee(s) in early course.”
14. The Moray Council – Accounts for the Period 1st April, 1998 to 31st March, 1999 - Report by the Depute Chief Executive (Finance & IT)

15. Accounts Commission Audit Reports - Report by the Depute Chief Executive (Finance & IT)
16. The Moray Council – 1998/99 DLO/DSO Audited Final Accounts - Report by the Depute Chief Executive (Finance & IT)
17. Stopping-up Order: Hill Terrace, Elgin – Report by the Legal and Administration Services Manager
18. Interim Committee Cycle - Report by the Depute Chief Executive (Corporate Services)
19. Appointments to Outside Bodies:
 - (a) Grampian Japan Trust
 - (b) The Moray Access Panel

Reports by the Depute Chief Executive (Corporate Services)
20. Shopmobility Management Committee – Appointment - Report by the Depute Chief Executive (Corporate Services)
21. SLGIU – Membership - Report by the Depute Chief Executive (Corporate Services)
22. CoSLA: Presentation by Central Railway - Report by the Depute Chief Executive (Corporate Services)
23. CoSLA: Scottish Land Reform Convention Conference - Report by the Depute Chief Executive (Corporate Services)

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

24. Housing Response Maintenance Contracts - Report by the Depute Chief Executive (Finance & IT) [Paras 6, 8 & 9] - **Issued to Members under separate cover**
25. Staffing Matter – Report by the Depute Chief Executive (Corporate Services) [Paras 1 & 11] – **Issued to Members under separate cover**

- 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 in regard to the acquisition or disposal of property or supply of goods and services

CONTACT PERSON:	Alistair Fanning
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Room No.	117

THE MORAY COUNCIL

SEDERUNT

COUNCILLOR E. Aldridge
COUNCILLOR A. Bisset
COUNCILLOR A.R. Burgess
COUNCILLOR A.E. Coutts
COUNCILLOR J.A. Divers
COUNCILLOR M. L. Ettles
COUNCILLOR A. Farquharson
COUNCILLOR A.J. Fleming
COUNCILLOR W.J. Flynn
COUNCILLOR L.Gorn
COUNCILLOR R. Gregory
COUNCILLOR J.C. Hogg
COUNCILLOR T.A. Howe
COUNCILLOR W. Jappy
COUNCILLOR A. Keith
COUNCILLOR J.A. Leslie
COUNCILLOR S.D.I. Longmore
COUNCILLOR R.F. McIntosh
COUNCILLOR P.B. Paul
COUNCILLOR J.M. Shaw
COUNCILLOR R.H. Shepherd
COUNCILLOR G.G. Towns
COUNCILLOR A. Urquhart
COUNCILLOR W.P. Watt
COUNCILLOR A.R. Wilson
COUNCILLOR I. Young

CLERK TO THE MEETING - MR. A FANNING
Tel. 01343 563014 Room No. 203a

THE MORAY COUNCIL
MINUTE OF MEETING OF THE MORAY COUNCIL

8 SEPTEMBER, 1999

COUNCIL HEADQUARTERS, ELGIN

PRESENT

Councillors A. Aldridge (Convener), W. Jappy (Vice-Convener), A.R. Burgess, A.E. Coutts, J. Divers, M.L. Ettles, A. Farquharson, A.J. Fleming, R. Gregory, L. Gorn, J.C. Hogg, T. A. Howe, A. Keith, J.A. Leslie, S.D. Longmore, R.F. McIntosh, P.B. Paul, J.M. Shaw, R.H. Shepherd, A. Urquhart, W.P. Watt, A.R. Wilson and I. Young.

IN ATTENDANCE

The Chief Executive, 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 Legal and Administration Services Manager, the Chief Community Development Officer, The Chief Environmental Protection Officer, the Local Authority Liaison Officer, the Public Relations Officer and the Principal Administration Officer, Clerk to the Meeting.

APOLOGIES

Apologies for absence were intimated on behalf of Councillors A. Bisset, W.J. Flynn and G.G. Towns.

1. ARRANGEMENT OF BUSINESS

In terms of the relevant Standing Order, the Meeting agreed to vary the order of business set down on the Agenda to allow a presentation by Superintendent McMorrin, Divisional Commander, Grampian Police to be heard at 10.30 a.m. and that Item 24 (Review of Organisational Structures) be considered as the last item of business.

2. EXEMPT INFORMATION

The Meeting resolved that in terms of Section 50A(4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting during consideration of the Items of Business appearing at the relevant Paragraphs of this Minute as specified below, so as to avoid disclosure of exempt information of the class described in the appropriate Paragraphs of Part 1 of Schedule 7A of the Act.

<u>Para. No. of Minute</u>	<u>Para. No. of Schedule 7A</u>
26	1, 8, & 9
27	8
28	8 & 9
29	1

3. MINUTE OF MEETING OF THE APPEALS COMMITTEE

There was submitted and noted a Minute of the Meeting of the Appeals Committee dated 13 July, 1999.

4. MINUTE OF MEETING OF THE MORAY COUNCIL

The Minute of Meeting of The Moray Council dated 14 July, 1999 was submitted and approved subject to the following amendments:-

- (i) Final paragraph of Para 7 (a) being amended by inserting the words "what is now known as" between the words "in" and "Moray".
- (ii) Para 16 (v) being amended to record that Councillor Longmore be appointed to the Buckie Initiative in his capacity as a Local Member.

Under reference to Para 13 (Council Headquarters – Proposed Alterations to Education Offices) the Meeting noted the costs of the operations excluding I.T. costs and fees as £2,721. Arising therefrom it was noted that the transfer of Housing staff from Springfield House to Council Headquarters would be implemented by the end of September and that arrangements to identify suitable accommodation for the Scottish National Party Members on the Council were in hand.

5. MINUTE OF MEETING OF THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE

The Minute of Meeting of the Economic Development and Planning Committee dated 28 July, 1999 was submitted and approved.

6. MINUTE OF MEETING OF THE POLICY AND RESOURCES COMMITTEE

The Minute of Meeting of the Policy and Resources Committee dated 28 July, 1999 was submitted and approved.

7. MINUTE OF MEETING OF THE COMMUNITY SERVICES COMMITTEE

The Minute of Meeting of the Community Services Committee dated 4 August, 1999 was submitted and approved.

8. MINUTES OF MEETING OF THE TECHNICAL AND LEISURE SERVICES COMMITTEE

The Minute of Meeting of the Leisure Services Committee 4 August, 1999 was submitted and approved.

9. MINUTE OF MEETING OF THE EDUCATION COMMITTEE

The Minute of Meeting of the Education Committee dated 11 August, 1999 was submitted and approved.

10. MINUTE OF MEETING OF THE LICENSING COMMITTEE

The Minute of Meeting of the Licensing Committee dated 11 August, 1999 was submitted and approved other than in respect of Para 3 (Review of Civic Government Licensing – Taxi and Private Hire Vehicle Licensing – Meeting with Trade) where it was agreed that the level of fees for undertaking six-monthly vehicle tests be the subject of further consideration by the Licensing Committee.

11. MINUTE OF MEETING OF THE HOUSING SUB-COMMITTEE

The Minute of Meeting of the Housing Sub-Committee dated 18 August, 1999 was submitted and approved.

12. MINUTE OF SPECIAL MEETING OF THE COMMUNITY SERVICES COMMITTEE

The Minute of Special Meeting of the Community Services Committee dated 18 August, 1999 was submitted and approved.

13. MINUTE OF MEETING OF THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE

The Minute of Meeting of the Economic Development and Planning Committee dated 25 August, 1999 was submitted and approved.

14. MINUTE OF MEETING OF THE POLICY AND RESOURCES COMMITTEE

The Minute of Meeting of the Policy and Resources Committee dated 25 August, 1999 was submitted and approved.

Under reference to Para 18 (Residential Services for Older People) the Meeting noted that this matter would be the subject of further consideration later in the Agenda.

Under reference to Para 14 (Commemorative Plaque – Telford Bridge, Craigellachie) the Convener indicated that after further investigation the transcript on the commemorative plaque would make reference to Morayshire rather than Moray.

Under reference to Para 15 (The Prince's Scottish Youth Business Trust and the Royal Bank of Scotland Business Awards) the Meeting noted that the grant of £250 awarded in respect of the regional runner-up prize was not now required.

Under reference to Para 20 (a) (Review of Technical Assistant Career Grade Scheme) (TACGS) the Meeting noted that a review of the Scheme would be considered by the Policy and Resources Committee at its meeting on 22 September, 1999.

15. MINUTE OF SPECIAL MEETING OF THE MORAY COUNCIL

The Minute of Special Meeting of The Moray Council dated 26 August, 1999 was submitted and approved.

16. PRESENTATION BY SUPERINTENDANT MCMORRAN, GRAMPIAN POLICE

The Convener welcomed to the Meeting, Superintendent McMorran and Chief Inspector Stewart of Grampian Police.

Superintendent McMorran proceeded to give a presentation on the aims and objectives of policing with a Moray perspective and the initiatives which Grampian Police were pursuing in relation to the detection and prevention of crime.

Following a question and answer session, the Convener thanked Superintendent McMorran and Chief Inspector Stewart for their attendance.

The Convener referred to the impending retirement of Superintendent McMorran after thirty years police service and, on behalf of Members, he wished him well in his retirement.

17. CAPITAL PLAN 1999/2000 TO 2001/02

There was submitted a Report by the Depute Chief Executive (Finance & I.T.) inviting the Meeting to consider a draft Capital Programme for the current financial year and future years which, it was noted, had been recommended for approval by the Revenue Budget Group.

The Meeting noted that the Plan had been reviewed on the basis of a 3 year Programme to suit the requirements of the Authority and we would be compliant with the Council's Revenue Budget Strategy.

Following consideration the Meeting agreed:-

- (i) to approve the Draft Capital Programme in accordance with the Appendices to the Report; and

- (ii) to note that further reports on the funding of flood protection and coast protection schemes would be submitted to a future meeting of the Policy and Resources Committee.

Arising from consideration of the Capital Plan, the Meeting noted that reports regarding Play Area Upgrades would be submitted to the relevant Committees as appropriate.

18. REVENUE BUDGET REPORT

There was submitted a Report by the Depute Chief Executive (Finance & I.T.) advising the Meeting on progress by the Budget Revenue Group in developing a Revenue Budget Strategy.

Following consideration the Meeting agreed to note the contents of the Report and that Heads of Department would be submitting detailed reports on savings proposals to the next cycle of Committee meetings.

Arising from consideration of the Report the Meeting noted savings to date of £25,000 had been achieved in the level of allowances paid to Members.

19. NHP: CONFIRMATION TENDERING ARRANGEMENTS AND ASSOCIATED DEVELOPMENT MATTERS

There was submitted a Joint Report by the Director of Community Services and the Director of Economic Development and Planning inviting the Meeting to approve proposals to establish tendering arrangements for the Lesmurdie, Elgin Development Project and agree the composition of a New Housing Partnership Appraisal Panel.

Following consideration the Meeting agreed:-

- (i) to approve the composition of the Appraisal Panel comprising two Officers from Community Services, one Officer from Finance, one Officer from Control Services, one Officer from Legal Services and initially three Advisers from Scottish Homes; and
- (ii) to approve the method of selecting a tender list for the Development of Lesmurdie, Elgin on behalf of the Moray Housing Partnership as recommended in the Report.

20. SCHOOL MEALS CHARGES – INCREASE

There was submitted a Report by the Chief Environmental Protection Officer inviting the Meeting to approve an increase in the cost of meal charges for Primary schools from £1.35 to £1.40 and for Secondary schools from £1.45 to £1.50.

Following consideration the Meeting agreed to approve an increase in Primary school meal charges from £1.35 to £1.40 and from £1.45 to £1.50 for Secondary school meals to commence after the October school break of this year.

21. MORAY COMMUNITY SAFETY PARTNERSHIP (SUBSIDISED TRANSPORT AND LEISURE FACILITIES)

There was submitted a Report by the Depute Chief Executive (Corporate Services) advising the Meeting of a proposal to develop a partnership between the Moray Community Safety Partnership, Stagecoach, the Moray Leisure Centre and the Moray Playhouse to provide subsidised transport and entry to leisure facilities for young people aged between 12 and 18 years in full time education.

The Meeting noted that the proposal was to develop a Pilot project for a two month trial period commencing 6 September, 1999 and would operate between Keith and Elgin on journeys after 6.00 p.m. from Monday to Saturday and all day Sunday.

Following consideration the Meeting agreed to note proposals for implementing a pilot Subsidised Transport and Leisure Facilities Scheme in association with the Moray Community Safety Partnership, Stagecoach, Moray Leisure Centre and the Moray Playhouse.

The Meeting noted that consideration could be given to extending the Scheme to other areas should the Pilot Scheme prove to be a success.

22. ACCESS TO INFORMATION

There was submitted a Report by the Legal and Administration Services Manager outlining the provisions of the Local Government (Access to Information) Act 1985 in relation to the rights of the public, press and Elected Members to have access to information and to attend meetings of the Council, its Committees and Sub-Committees. The Report also set out the duties of Officers in ensuring that these rights were made available.

Following consideration the Meeting agreed to note the terms of the Report.

23. ROAD TRAFFIC ORDER

There was submitted a Report by the Legal and Administration Services Manager inviting the Meeting to approve the enactment of a Roads Traffic Order for the prohibition of waiting on part of the B9015 Road, North Street, Rothes.

The Meeting noted that the proposal had been the subject of consultation and had been approved by the Economic Development and Planning Committee at its meeting on 25 August, 1999.

Following consideration the Meeting agreed:-

- (i) to approve the Rothes: North Street: Prohibition of Waiting, Part of B9015 Order; and
- (ii) to instruct the Director of Economic Development and Planning and the Legal and Administration Services Manager to proceed to implement the statutory procedures in promoting the Order.

24. COMMUNITY SAFETY STRATEGY

There was submitted a Report by the Depute Chief Executive (Corporate Services) advising the Meeting of progress made by the Community Safety Steering Group in establishing a Community Safety Strategy for Moray.

The Meeting noted that a copy of the final proof of the Strategy Document had been placed in the Members' Library.

Following consideration the Meeting agreed:-

- (i) to approve the Strategy Document; and
- (ii) to note that the Document would be launched on 30 September, 1999 by the Scottish Executive Minister, Angus MacKay, MSP at Baxters of Speyside, Fochabers

25. FORRES AND DISTRICT TWINNING ASSOCIATION COMMITTEE: APPOINTMENT OF MORAY COUNCIL REPRESENTATIVE

There was submitted a Report by the Depute Chief Executive (Corporate Services) advising the Meeting that an invitation had been received from the Forres and District Twinning Association Committee to appoint a Forres Member to act as a Council representative on the Association.

Following consideration the Meeting agreed to appoint Councillor Gregory to the Forres and District Twinning Association Committee.

26. RESIDENTIAL HOMES FOR THE ELDERLY [Paras 1, 8 & 9]

Under reference to para 13 of the minute of meeting of the Policy and Resources Committee dated 25 August, 1999 there was submitted a Report by the Director of Community Services with regard to the disposal of the Council-owned Residential Homes at Speyside, Aberlour, Netherha, Buckie, and Glenisla, Keith.

The Meeting also noted the terms of an oral Report by the Director of Community Services in regard to the terms and conditions of sale of the Homes as going concerns, either individually or collectively.

Following consideration the Meeting agreed:-

- (i) to advertise for sale the Residential Homes at Speyside, Glenisla and Netherha on a Lease Hold basis and to invite expressions of interest and offers for their disposal;
- (ii) to require interested parties to submit Business Plans for maintaining the properties as residential homes, investment plans for their long-term development and staffing levels; and
- (iii) that staff and relatives of residents in the Homes be kept informed of the Council's position and that appropriate consultations be undertaken with the Local Members concerned.

27. ISLA BANK MILLS, KEITH – PROPOSAL TO USE SCOTTIE DOG TRADEMARK [Para 8]

There was submitted a Report by the Director of Economic Development and Planning inviting the Meeting to approve proposals to enter into an agreement with the owners of the registered trade mark of a Scottie Dog formally owned by G & G Kynock for use in association with the Isla Bank Mills, Keith.

Following consideration the Meeting agreed to take no action in relation to this matter.

28. PROPOSED MORAY HOSPICE [Paras 8 & 9]

There was submitted a Report by the Chief Executive inviting the Meeting to approve, in principle, the Council making part of a site within the Council's ownership at Morrision Road, Elgin available for the purposes of providing a Hospice for Moray.

Following consideration the Meeting agreed:-

- (i) that, in principle, part of a site within the Council's ownership at Morrision Road, Elgin be made available for the purposes of a Hospice project, subject to the Council's position as Trustee of the Elgin Common Good Fund, and as Planning Authority being satisfactorily protected; and
- (ii) that, subject to further detailed financial and legal advice, to make the site available on nominal terms, as the Council's sole financial contribution to this project.

29. REVIEW OF ORGANISATIONAL STRUCTURES [Para 1]

There was submitted a report by the Chief Executive presenting a proposal to review the Council's Management Structures with a view to reducing bureaucracy, strengthening functional linkages between services and securing efficiency savings. The report proposed a restructuring of the Council's Departments; suggested an implementation framework for the new Management Structures; submitted two voluntary early retirement requests and discussed related issues such as the need to align the Council's Committee Structures with Management Structures; the need for a DSO/DLO Management Board, to oversee the activities of the Council's in-house contracting units at Member level; discussions on the use of Compromise Agreements and general policy on enhanced terms for voluntary early retirement packages.

Following consideration Councillor E Aldridge, seconded by Councillor W Jappy moved approval of the recommendations in the Chief Executive's report, subject to recommendation 18.16 being amended to delete the words "if considered appropriate by the Chief Executive".

As an amendment, Councillor P Paul, seconded by Councillor T Howe, moved that the Council take no action on the Chief Executive's report, except in relation to the proposals to establish a DSO/DLO Management Board.

On a Division there voted:-

For the Motion (21) Councillors E Aldridge, W Jappy, A Burgess, A Coutts, J Divers, M Ettles, A Farquharson, A Fleming, L Gorn, R Gregory, J Hogg, A Keith, J Leslie, S Longmore, R McIntosh, J Shaw, R Shepherd, A Urquhart, W Watt, A Wilson and I Young.

For the Amendment (2) Councillors T Howe and P Paul.

The Council, therefore, agreed as follows:-

- (i) to note the main themes emerging from the Consultation Paper on the Council's Management Structures previously issued by the Chief Executive.
- (ii) to approve the restructuring proposals made in the report, as the basis for formal consultation with affected employees and the Council's recognised Trade Unions, on the basis of the Council moving to a Management Structure of a non-departmental Chief Executive and four new Departments i.e. Education and Cultural Services, Community Services, Environmental and Development Services and Central Support Services, each department to be headed by a Director.
- (iii) That the following principles would apply to the posts of Director within the Council:-
 - a) All Directors to be paid on the same salary scale, calculated at 80% of the Chief Executive's salary scale.
 - b) Only one Director, to be appointed by the Council on the recommendation of the Chief Executive, to be paid a pay supplement of 10% to reflect a deputising role in the absence of the Chief Executive.
 - c) The designation Depute Chief Executive would not be reflected in any official job title.
 - d) Directors must have professional experience/qualifications in at least one of the functions/services under their direction, but no specific qualifications/background would be prescribed.
 - e) Directors would be expected to work in a more corporate, integrated way with the Chief Executive, to address cross-boundary issues and the overall corporate management of the Council at Officer level. Implicit in this approach would be that Directors, largely because of their multi-purpose portfolios, would require to delegate more of the operational management within each Department to the second-tier Officers under their direction. Formal accountability for the performance of services would however remain with Directors.
- (iv) that the functions and services of the Council be distributed as per Appendix 1 to the report.
- (v) that the second-tier posts within the Council's Management Structure be on the basis of the new posts, and appointments processes detailed in Appendix 2 to the report, and that salary levels for all second-tier posts be set at 80% of the salary levels for Directors.

- (vi) that on conclusion of the consultation exercise the Chief Executive be authorised to implement the proposals detailed in the report, subject to the appropriate Member involvement in the appointments process, as detailed in Appendix 3 to the report.
- (vii) that the Chief Executive be authorised to appoint appropriate external/internal advisers to the appointments panels in respect of all posts where competition is required.
- (viii) that on conclusion of the appointments process a report be submitted to the Council detailing the position of any staff who have not been successful in being recruited to new posts, and suggesting appropriate action.
- (ix) that the Council's policy on voluntary early retirements be amended with immediate effect to reflect that the Council would operate a policy of normally exercising its discretion on requests for voluntary early retirement on the basis of a maximum of 5 years enhancement of service being offered.
- (x) that with immediate effect as a matter of policy all requests for voluntary early retirement be granted conditional on employees entering into Compromise Agreements with the Council, in a style and format considered appropriate by the Council's solicitors, and on the basis of the Council meeting any reasonable legal expenses incurred by an employee entering into a Compromise Agreement with the Council.
- (xi) that the requests for voluntary early retirement referred to in the Report be approved, with an effective date of 9 January 2000, in accordance with the Council's revised policy on enhanced terms and Compromise Agreements, and on the terms detailed in Appendices 4 & 5 to the Report, subject to any pay awards pending affecting final salary levels.
- (xii) that the projected financial implications of the above changes to the Council's Management Structures as detailed in the report be noted.
- (xiii) that the Council align its Committee Structures to accord with the new Management Structures on the basis detailed in the report, and that the new Committees determine new office bearers at the first meeting of the new Committees in January 2000.
- (xiv) that a new DSO/DLO Board be established by the Council, on the basis detailed in the report and with the terms of reference detailed in Appendix 6 to the report.
- (xv) that a new calendar of meetings be drawn up from January 2000 onwards to reflect the new Committee Structures.
- (xvi) that the Chief Executive be authorised to determine all policy, operational and incidental matters arising from this report, in consultation with the Convener and the Chair of the Policy and Resources Committee.

THE MORAY COUNCIL

MINUTE OF MEETING OF THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE

22 SEPTEMBER, 1999

COUNCIL HEADQUARTERS, ELGIN

PRESENT

Councillors E. Aldridge (Chairman), R.F. McIntosh (Vice-Chairman), A. Bisset, A.R. Burgess, A.E. Coutts, J.A. Divers, M.L. Ettles, A.J. Fleming, W.J. Flynn, L. Gorn, J.C. Hogg, T.A. Howe, W. Jappy, A. Keith, J.A. Leslie, P.B. Paul, J.M. Shaw, R.H. Shepherd, G.G. Towns, A. Urquhart, W.P. Watt and A.R. Wilson

IN ATTENDANCE

The Director of Economic Development and Planning, the Forward Planning Services Manager, the Chief Development Control Officer, the Chief Roads Officer, the Development Manager, the Chief Building Control Officer, the Principal Environmental Health Officer, the Assistant Property Manager (Estates), A. McEachan, Solicitor, the Public Relations Officer and R. Harris, Administration Officer who acted as Clerk to the Meeting.

APOLOGIES

Apologies for absence were intimated on behalf of Councillors A. Farquharson, R. Gregory, S.D.I. Longmore and I. Young.

ALSO PRESENT

Alan Clark (Chief Executive of Aberdeen and Grampian Tourist Board) for item 2.

1. EXEMPT INFORMATION

The Meeting agreed, in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, that the public and media representatives be excluded from the Meeting during consideration of the Items of Business appearing at the relative paragraphs of this Minute as specified below so as to avoid disclosure of exempt information of the class described in the appropriate paragraph of part I of schedule 7A of the Act.

<u>Para No. of Minute</u>	<u>Para No. of Schedule 7A</u>
28	1 & 9
29	9
30	4

2. PRESENTATION : ABERDEEN AND GRAMPIAN TOURIST BOARD

On the invitation of the Chairman, the Chief Executive of Aberdeen and Grampian Tourist Board gave a presentation on the current state of tourism in the Aberdeen and Grampian region with particular reference to marketing and public relations initiatives.

He also identified key policy areas for the promotion of tourism with particular reference to the following:-

- Multi media advertising, publicity coverage and public relations
- Overseas campaign with particular emphasis on Europe
- Tourist activities
- Visitor information
- Service delivery
- Return on investment

During the discussion that followed the Chief Executive of Aberdeen and Grampian Tourist Board addressed questions and issues raised by Members.

Following consideration the Committee agreed:-

- (i) that the Chief Executive of Aberdeen and Grampian Tourist Board be thanked for his informative and interesting presentation; and
- (ii) to express its continued commitment to the promotion of the tourist industry in Moray.

3. TOURISM STRATEGY FOR SCOTLAND: CONSULTATION

There was submitted a Report by the Director of Economic Development and Planning seeking Members' views on a Consultation Document issued by the Minister for Enterprise entitled "A New Strategy for Scottish Tourism", details of which are contained within the Report.

Following consideration the Committee agreed to note the issues raised in paragraph 3.3 of the report and to respond to the Scottish Tourist Board on that basis.

4. BUILDING (SCOTLAND) ACTS: APPLICATIONS FOR BUILDING WARRANTS

(i) Applications for Building Warrants and Letters of Comfort Approved Under Delegated Powers

There was submitted a report by the Control Services Manager advising that 134 applications for Building Warrants and 8 Letters of Comfort had been determined in powers delegated to him since his last report to Committee on 25 August, 1999.

The meeting noted the report.

(ii) Applications for Relaxations/Recommendations

There was submitted a report by the Control Services Manager making recommendations in regard to the following applications for relaxation in terms of the Building Regulations (Relaxation of Local Authorities) (Scotland) Regulations 1991.

99/00044/REL

Alterations and change of use of flat to offices at Rothes Police Station, Rothes for Grampian Police per Principal Architect, Department of Economic Development and Planning, The Moray Council, Council Office, Elgin.

- (1) Regulation 9(D2.2)
Requirements with regard to non-combustibility.

Recommendation

Following consultation with Grampian Fire Brigade it is recommended that relaxation be approved in order to retain the existing stair enclosure, stairway and landings.

- (2) Regulation 9(E3.6)
Requirements with regard to width of escape routes.

Recommendation

Following consultation with Grampian Fire Brigade it is recommended that relaxation be approved in order to retain the existing corridor width which falls marginally below the required standard.

- (3) Regulation 9(S2.6)
Requirements with regard to the design of stairs.

Recommendation

That relaxation be approved in order to retain the existing stair in its present form.

- (4) Regulation 9(S2.8)
Requirements with regard to number of risers per flight.

Recommendation

That relaxation be approved in order to retain the existing stair in its present form.

- (5) Regulation 9(T2.5)
Requirements with regard to access between storeys.

Recommendation

That relaxation be approved in order to retain the stair in its present form.

99/00045/REL

Proposed alterations at The Playhouse Cinema, West Church Street, Buckie for Carlton Clubs Ltd per Marshall Design Services, 3 Douglas Court, Greencroft, Stanley, Co Durham.

- (1) Regulation 9(S2.9)
Requirements with regard to number of risers per flight.

Recommendation

That relaxation be approved in order to allow one rise between a change in floor levels.

Following consideration the meeting agreed to approve the recommendations subject, where appropriate, to consultation with the Firemaster and the Health and Safety Executive.

5. CURRENT PLANNING APPLICATIONS

FORRES CENTRAL – WARD NO. 8

Councillors Paul and Fleming declared an interest in this item and left the meeting taking no part in the discussion or the decision.

- (a) 99/00912/FUL Change of use of part of hotel to nightclub at Eagle Hotel, North Street, Forres, Moray IV36 1AD for Mr J Benzie

There was submitted a report by the Director of Economic Development and Planning recommending that subject to conditions as detailed in the report planning permission be granted for a planning application for change of use of part of hotel to nightclub at Eagle Hotel, North Street, Forres.

The meeting noted that a site visit had been undertaken by Members of the Committee on 20 September, 1999.

Following consideration, Councillor McIntosh, seconded by Councillor Urquhart, moved that in his opinion the application would have a detrimental affect on the immediate neighbourhood and that in light of a previous application not being granted (para. 6a of Minute of meeting of the Economic Development and Planning Committee dated 2 March, 1999 refers) planning permission should be refused.

There being no-one otherwise minded, the motion became the finding of the meeting and it was agreed that planning permission be refused.

At the conclusion of the item Councillors Paul and Fleming returned to the meeting.

LOSSIEMOUTH EAST – WARD NO. 13

- (b) 99/01174/FUL Proposed dwelling at Site On Inchbroom Avenue Lossiemouth Moray IV31 6HJ for Grampian Community Care Charitable Trust

There was submitted a report by the Director of Economic Development and Planning recommending that subject to conditions as detailed in the report planning permission for proposed dwelling at site on Inchbroom Avenue, Lossiemouth, Moray be granted.

Following consideration the meeting agreed that planning permission be granted subject to the following conditions:-

1. The development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which this permission is granted.
2. Unless otherwise agreed with the Council, as Planning Authority, the development hereby approved shall be carried out strictly in accordance with the approved plans and conditions.
3. Unless otherwise agreed with the Council (as Planning Authority) the development shall not commence until samples of all the proposed external finishing materials and their colouration have been submitted to and approved by the Control Services Manager.
4. Sample panels of roughcast shall be prepared on the site for the inspection and approval of the Control Services Manager and the roughcast work shall not be carried out until agreement has been reached with the Control Services Manager regarding the type and colour of materials to be used.
5. That no development shall take place until a Landscape Scheme (drawn to scale) is submitted to and approved by this Council (as Planning Authority). This Landscape Scheme shall show:-
 - (a) the location of any existing trees, shrubs and hedgerows on the site and identify those to be retained and those to be removed;
 - (b) details of the measures to be taken to protect any existing trees, shrubs and hedgerows during the course of developing the site;
 - (c) details of the numbers, species, position, planting distances and sizes of all planting to be undertaken.
6. That all planting, seeding or turfing forming part of the approved landscape scheme shall be carried out in the first planting and seeding seasons following the occupation of the development or the completion of the building works, whichever is the sooner. Any trees or plants which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless this Council (as Planning Authority) gives written consent to any variation of this planning condition.
7. Five private parking spaces shall be provided within the site and made available for use prior to use of the development first commencing.
8. A turning area shall be provided within the curtilage of the site to enable vehicles to enter/exit in a forward gear.
9. The width of vehicular access shall be 5.5 m and have a maximum gradient of 1:20 measured for the first 5.0 m from the edge of the public carriageway. Section of access over the public footpath/verge shall be to Grampian Regional Council specification and surfaced in bitmac.
10. The access radii shall be 5.5 m.
11. The development hereby granted shall relate to the application as amended by the applicant's agents' letter dated 9 September, 1999 reducing the height of the proposed fencing to 1.5 metres (maximum) above ground level and the proposed fencing shall not exceed 1 metre in height above ground level along the boundary between the vegetable garden and the grass path (as marked A - A on drawing SD.5A).

Reasons:

1. The time limit condition is imposed in order to comply with the requirements of Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. In order to ensure that there are no unauthorised departures from the approved plans which could adversely affect the development or character and amenity of the surrounding properties and area.
3. In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.
4. In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.
5. In order that detailed consideration can be given to the landscaping of the site.
6. In order to ensure that the approved landscaping works are timeously carried out and properly maintained in a manner which will not adversely affect the development or amenity and character of the area.
7. In the interests of road safety.
8. In the interests of road safety.
9. In the interests of road safety.
10. In the interests of road safety.
11. In accordance with the submitted particulars and to ensure a satisfactory format development in the interests of safety and crime prevention.

LHANBRYDE AND BIRNIE – WARD NO. 15

- (c) 99/00093/FUL Change of use of existing outbuilding to workshop and office at 36 St. Andrews Road Lhanbryde Elgin Moray IV30 3NZ for Mr S J Laing

There was submitted a report by the Director of Economic Development and Planning recommending that for reasons detailed in the report, planning permission for change of use of existing out building to workshop and office at 36 St. Andrews Road, Lhanbryde be refused.

The meeting noted that a site visit had been undertaken by Members of the Committee on 20 September, 1999.

Following consideration Councillor McIntosh, seconded by Councillor Shaw, moved that in his opinion a limited period of operation would be acceptable and that planning permission be granted on the basis of a temporary consent.

As an amendment Councillor Aldridge, seconded by Councillor Burgess, moved that planning permission be refused for reasons detailed in the report.

On a division there voted:-

For the motion (6) Councillors R.F. McIntosh, A.E. Coutts, P.B. Paul, J.M. Shaw, G.G. Towns and A. Urquhart

For the amendment (15) Councillors E. Aldridge, A. Bisset, A.R. Burgess, J.A. Divers, M.L. Ettles, A.J. Fleming, W. J. Flynn, L. Gorn, J.G. Hogg, T.A. Howe, W. Jappy, A. Keith, J.A. Leslie, R.H. Shepherd and A.R. Wilson

Abstentions (1) Councillor W.P. Watt

Thereafter the Chairman declared the amendment carried and it was agreed that planning permission be refused for the following reasons:-

1. The proposal would be contrary to policy ENV3 in the Moray District Local Plan and would have a detrimental impact on surrounding amenity for the following reason:

- likely generation of noise and dust.

BUCKIE CENTRAL – NO. 19 WARD

- (d) 99/00667/FUL Erect three apartment house and garage on Site To Rear Of Regency Motors 119 High Street Buckie Banffshire for Mr Charles Milne

There was submitted a report by the Director of Economic Development and Planning recommending that for reasons detailed in the report, planning permission be refused.

The meeting noted that a site visit had been undertaken by Members of the Committee on 20 September, 1999.

Following consideration Councillor Leslie, seconded by Councillor Howe, moved that because the application was adjacent to an area designated for housing development and in light of a similar application being approved near a neighbouring commercial garage he was of the opinion that planning permission be granted subject to standard conditions.

There being no-one other wise minded the Chairman declared the motion carried and it was agreed that subject to standard conditions planning permission to erect three apartment house and garage on site to rear of Regency Motors, 119 High Street, Buckie be granted.

RATHFORD – WARD NO. 21

- (e) 99/00437/FUL Change of use from former gravel pit to community garden at Rear Of Findlater Drive Cullen Buckie Banffshire for Cullen Community Projects Committee

There was submitted a report by the Director of Economic Development and Planning recommending that subject to conditions as detailed in the report planning permission be granted for change of use from former gravel pit to community garden at rear of Findlater Drive, Cullen, Buckie.

Following consideration the Committee agreed that planning permission be granted subject to the following conditions:-

1. The development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which this permission is granted.
2. Unless otherwise agreed with the Council, as Planning Authority, the development hereby approved shall be carried out strictly in accordance with the approved plans and conditions.
3. That no development shall take place until a Landscape Scheme (drawn to scale) is submitted to and approved by this Council (as Planning Authority). This Landscape Scheme shall show:-
 - (a) the location of any existing trees, shrubs and hedgerows on the site and identify those to be retained and those to be removed;
 - (b) details of the measures to be taken to protect any existing trees, shrubs and hedgerows during the course of developing the site;
 - (c) details of the numbers, species, position, planting distances and sizes of all planting to be undertaken;
 - (d) the position of any children's play areas and public amenity open space. Details of the surface finishes, boundary enclosures and number, type (for example, inclusion of manufacturer's specification) and position of pieces of play equipment to be provided.
4. That all planting, seeding or turfing forming part of the approved landscape scheme shall be carried out in the first planting and seeding seasons following the occupation of the gardens or the completion of the building works, whichever is the sooner. Any trees or plants which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall

be replaced in the following planting season with others of similar size, number and species unless this Council (as Planning Authority) gives written consent to any variation of this planning condition.

5. That a Schedule of Maintenance for the landscape areas and recreational areas shall be submitted to and approved by this Council (as Planning Authority) prior to completion of the works. This Schedule of Maintenance shall include a written undertaking which includes the arrangements for the implementation of the Landscape Scheme and the future maintenance.
6. Unless otherwise agreed with the Council (as Planning Authority) no work shall commence until :
 - (a) approval has been obtained for details of the construction and finish of the vehicular access to the site from the nearest public road and
 - (b) all approved works referred to in part (a) of this condition have been completed to the satisfaction of the Council as Planning Authority.

Reasons:

1. The time limit condition is imposed in order to comply with the requirements of Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to ensure that there are no unauthorised departures from the approved plans which could adversely affect the development or character and amenity of the surrounding properties and area.
3. In order that detailed consideration can be given to the landscaping of the site and provision of any play equipment.
4. In order to ensure that the approved landscaping works are timeously carried out and properly maintained in a manner which will not adversely affect the development or amenity and character of the area.
5. In order to ensure that landscape/recreational areas are provided timeously with appropriate arrangements for maintenance in place.
6. In order to ensure that there is adequate and suitable access/egress for the proposed development.

BURGHSEA – WARD NO. 11

- (f) 99/00700/OUT Outline to erect house and garage at Covesea Golf Course Covesea Lossiemouth Moray for Mr And Mrs R Stewart

There was submitted a report by the Director of Economic Development and Planning recommending that for reasons detailed in the report planning permission to erect house and garage at Covesea Golf Course, Covesea, Lossiemouth be refused.

The meeting noted that a site visit had been undertaken by Members of the Committee on 20 September, 1999.

Councillor Towns declared an interest in this item and left the meeting taking no further part in the discussion or the decision.

Following consideration Councillor McIntosh seconded by Councillor Aldridge, moved that for reasons detailed in the report planning permission should be refused.

There being no-one otherwise minded the Chairman declared the motion carried and it was agreed that planning permission be refused for the following reasons:-

1. The proposal is contrary to the provisions and policies of the approved Grampian Structure Plan (Rural Grampian Policy 4 and 5) and the adopted Moray District Local Plan (policy ENV8, HC10, HC11, HC18 and ED31) regarding the provision of new build housing in the countryside.
2. The proposal is not an example of the types of development permissible within the Coastal Protection Zone and by reason of its isolated and intrusive siting, the proposal would detract from the existing

open appearance and natural attractiveness of the coastline, the unique character of which makes it worthy of protection for its own sake (ENV8).

3. The proposal would not achieve minimal intrusion, nor respect the settlement pattern in the locality whereby its resultant prominent and obtrusive location would detract from the existing scenic and visual appearance and qualities of the countryside, in particular the coastal area within which it is located (HC10 and HC11).
4. Given the unacceptable Local Plan characteristics the proposal would also:-
 - (a) conflict with policies HC18 and ED31 where housing development in association with leisure activities should conform to the criteria and policy for new build housing in the countryside; and
 - (b) conflict with Rural Grampian Policy 4 and 5 regarding the siting and design of countryside development.

At the conclusion of the item, Councillor Towns returned to the Meeting.

6. LIST OF LEASES SUBMITTED FOR APPROVAL

There was submitted a Report by the Director of Economic Development and Planning inviting the Committee to approve the terms of four leases.

Following consideration the Committee agreed to approve the terms of four leases as follows:-

<u>Tenant and Address</u>	<u>Length of Lease</u>	<u>Review Period</u>	<u>Rent</u>
<u>Leases for Approval</u>			
Coast to Coast Recycling Ltd. Unit 1 Chanonry Industrial Estate Elgin	3 yrs	at termination if renewable	£6,700 p.a.
Boweslo Ltd. (Animal Food Distributors) Unit 3 Isla Bank Mills Keith	12 yrs	3 yrs	£35,000 p.a.
J.A. Smith & Sons Site at Clovenside Forres	99 yrs	5 yrs	£4,200 p.a.
John Fleming & Co. Ltd. Units 20 and 21 Tyoch Ind. Estate Elgin	5 yrs	3 yrs	£23,620 p.a.

On the invitation of the Chair, Councillor P. Watt asked the Chief Roads Officer about the possible provision of a sign for "Isla Bank Industrial Estate" Keith on the appropriate section of the A96 trunk road. The Chief Roads Officer stated that Mouchel Scotland the agency responsible for the trunk road, had already been given this request and had referred the matter to the Scottish Executive for determination.

7. SUSTRANS – ABERDEEN TO INVERNESS CYCLE ROUTE

There was submitted a joint Report by the Legal and Administration Services Manager and the Principal Estates Surveyor inviting the Committee to agree to the preparation, adjustment and finalisation of Agreements between the Council and the various landowners concerned regarding the proposed section of the SUSTRANS (Sustainable Transport) Cycle Route to run through Moray between Aberdeen and Inverness, details of which are contained within the Report.

Following consideration the Committee agreed:-

- (i) to delegate responsibility for adjusting and finalising terms for Agreement with the various landowners concerned in relation to the construction of the section of the cycle route through Moray between Aberdeen and Inverness to the Principal Estates Surveyor and thereafter to the Principal Solicitor (Commercial and Conveyancing); and
- (ii) to refer this matter to the Policy and Resources Committee for approval of the necessary funding.

8. PROPOSED PUBLIC PATH DIVERSION ORDER AT LAGGANAULD, TOMINTOUL, BALLINDALLOCH

There was submitted a Report by the Legal and Administration Services Manager recommending that a Public Path Diversion Order under the Countryside (Scotland) Act 1967 Section 35 be made in order to divert a pedestrian public path around the house known as Lagganauld, Tomintoul, Ballindalloch, details of which are contained in the Appendix to the Report.

Following consideration the Committee agreed to defer the matter pending further information from the Local Member and the Director of Economic Development and Planning.

9. MORAY BUSINESS ENTERPRISE SCHEME: COMMERCIAL CONFIDENTIALITY

Under reference to para 5 of the Minute of Meeting of the Economic Development and Planning Committee of 25 August, there was submitted a Report by the Legal and Administration Services Manager advising the Committee of reasons why applications for financial assistance from Moray Business Enterprise Scheme should be considered in private. The Report made particular reference to the legal rights of the public and press to attend Council meetings and inspect the associated papers, but also referred to an allowance in law when it may be in the interests of the Council to protect the privacy of an individual and that such matters should be considered in private.

The Report also advised that public recognition of Council funding to private business applicants could be achieved by means of legal conditions in all applications where, by mutual consent, there could be regular press releases.

Following consideration the Committee agreed:-

- (i) to continue to consider in private, on the grounds of commercial confidentiality, applications for financial assistance from the Moray Business Enterprise Scheme;
- (ii) to the insertion of appropriate conditions for publicity;
- (iii) to announce any award as soon as practicable after a decision has been made with any financial assistance from the Scheme to be conditional on the following information being made available publically:-
 - Name of company
 - Name of project
 - Amount of, and reason for financial assistance
- (iv) that with effect from 1 October, 1999 all applications considered from this date will be advised accordingly; and
- (v) to the incorporation in the Annual Report on the operation of the Scheme of a list of the companies assisted, including the number of jobs created, along with specific reference for publicity purposes to businesses assisted under the Scheme.

10. STOPPING-UP ORDER: HILL TERRACE, ELGIN

Under reference to para 16 of the minute of the meeting of the Economic Development and Planning Committee dated 17 September, 1998 there was submitted a Report by the Legal and Administration Services Manager

inviting the Committee to consider recommending to the Full Council approval of the following Road Traffic Order:- Hill Terrace, Elgin – Stopping-up Order.

Following consideration the Committee agreed to recommend to Moray Council approval of the Stopping-Up Order for: Hill Terrace, Elgin and authorise the Legal and Administration Services Manager to make the Order.

11. STANDING CHARGES FOR ROAD OCCUPATIONS AND TEMPORARY TRAFFIC ORDERS

There was submitted a Report by the Director of Economic Development and Planning inviting the Committee to:-

- (a) note the current Standing Charges made for permits and orders issued by the Roads Service; and
- (b) approve the increases of the rates to reflect current costs as detailed in the appendix to the Report.

Following consideration the Committee agreed to approve the revised rates to be charged for the provision of permits and temporary orders with effect from 1 November, 1999.

12. RURAL TRANSPORT FUND – PROGRESS REPORT

Under reference to para 13 of the minute of the meeting of the Economic Development and Planning Committee of 29 September, 1998 and its meeting on 19 January, 1999 (para 15 of the minute refers) there was submitted a Report by the Chief Roads Officer to update Members on the provision of rural and public transport services and additional facilities funded for three years by the annual award of £97,000 from the Scottish Office Rural Transport Fund.

Following consideration the Committee agreed:-

- (i) to note the report;
- (ii) to authorise officers to notify Community Councils of the current level of passenger usage and to remind Community Councils that consideration may be given to the cancellation of underutilised facilities;
- (iii) to ask Community Councils and Community Associations to submit suggestions for changes to routes/timetables which might be considered to improve the service provision and use; and
- (iv) that the relevant transport information be made available to the press and at Council information points.

13. ROAD USER AND WORKPLACE PARKING CHARGES – CONSULTATION PAPER

There was submitted a Report by the Director of Economic Development and Planning advising the Committee of the publication of a consultation paper by the Scottish Executive entitled “Tackling Congestion”, an associated document to the Scottish Integrated Transport White Paper entitled “Travel Choices for Scotland”, which was issued in July, 1998.

Following consideration the Committee agreed:-

- (i) to note the report and to endorse in the strongest possible terms, the response to the Scottish Executive as detailed in Appendix I to the report; and
- (ii) that copies of the response to the Scottish Executive be sent to the local MSPs (Members of the Scottish Parliament).

14. ROADS MAINTENANCE REVENUE BUDGET 1999 – 2000

Under reference to para 1 of the minute of the meeting of the Full Council on 4 March, 1999 and para 30 of the minute of the meeting of the Full Council on 25 March, 1999 there was submitted a Report by the Director of Economic Development and Planning identifying potential overspends in areas of the Roads Maintenance

Budget based on interim monitoring statements, and to present a method of containing costs within budget levels and identifying areas of need where budget is not provided.

The Report also made reference to the list of planned revenue and capital funded maintenance schemes and indicative levels of funding requirement as detailed in appendices 1 and 2 of the Report and proposed deferral of the schemes prior to a complete reassessment of maintenance works for consideration in next year's 2000 - 20001 Revenue and Capital Road Maintenance Budgets.

Following consideration the Committee agreed:-

- (i) to approve the reprioritisation of road maintenance activities as presented in the Appendices to the Report;
- (ii) to note that requests for minor improvement work, additional facilities and the like would not be given priority until such time as additional monies can be made available;
- (iii) to approve the suspension of the five Capital funded resurfacing schemes in Appendix I to the Report to fund the transfer of the Revenue funded resurfacing schemes scheduled in 3.4 to allow the resultant Revenue funding to be used to cover the cost of the projected patching programme and that this be remitted to the Policy and Resources Committee for approval of the Budget variation;
- (iv) that all requests for road maintenance outwith the approved programme be prioritised so that unless there was an overriding road safety issue involved, that funding priority be directed towards those essential maintenance works such as resurfacing, surface dressing, repairs to potholes, drainage, street lights, verge maintenance and signing for safety rather than towards other desirable but not essential maintenance activities such as footways, traffic schemes, hedge and tree maintenance, roadside fences, signing for information, private (unadopted) roads, surveys and minor improvement works;
- (v) that part of the additional £100,000 approved for additional road improvements from Capital funds be directed towards the purchase of 3 footpath tractors to assist with winter maintenance (£48,000), the funding of outstanding road traffic orders requiring signing and road markings (£22,600); and
- (vi) That a presentation on Roads Maintenance and Winter Maintenance be given at the next Meeting and that the presentation include a review of the provision of tourist related signage.

15. COMMERCIAL HARBOUR CHARGES REVISIONS FOR 1999/2000

Under reference to para 11 of the minute of the meeting of the Economic Development and Planning Committee of 23 March, 1999 and para 24 of the minute of the meeting of the Technical and Leisure Services Committee on 15 May, 1997 there was submitted a Report by the Director of Economic Development and Planning seeking the Committee's approval of the revision of commercial harbour charges for the remainder of year 1999/2000. The Report also detailed rises in commercial harbour charges as indicated in the appendix to the Report with particular reference to the following categories:-

- (a) cargo vessel dues
- (b) wharfage dues (cargo)
- (c) fishing vessels.

Following consideration the Committee agreed:-

- (i) to approve the increases to the commercial harbour charges as set out in the appendix to the report: and
- (ii) to permit the harbourmaster in conjunction with the Chief Roads Officer to continue to negotiate rates for first time business and apply loyalty reduction in charge for business in excess of set limits.

16. KEITH - CHAPEL STREET WAITING RESTRICTIONS

There was submitted a Report by the Director of Economic Development and Planning inviting the Committee to approve the introduction of waiting restrictions on Chapel Street, Keith in order to remove the hazard of congestion caused by parked vehicles between the junctions of Land Street and Cuthil Road adjacent to St. Thomas Catholic Church.

Following consideration the Committee agreed to recommend the introduction of no waiting at any time on Chapel Street, Keith and to instruct the Director of Economic Development and Planning and the Legal and Administration Services Manager to proceed with the statutory process.

17. KEITH – OLDTOWN WAITING RESTRICTIONS

There was submitted a Report by the Director of Economic Development and Planning inviting the Committee to approve the introduction of waiting restrictions on part of Oldtown, Keith in order to remove the hazard of congestion caused by parked vehicles adjacent to Tesco Supermarket.

Following consideration the Committee agreed to recommend the introduction of no waiting at any time on part of Oldtown, Keith as scheduled in the appendix to the report and to instruct the Director of Economic Development and Planning and the Legal and Administration Services Manager to proceed with the statutory process.

18. ENVIRONMENTAL IMPROVEMENTS

Under reference to para 6 of the minute of meeting of the Economic Development and Planning Committee on 11 August, 1998 there was submitted a Report by the Director of Economic Development and Planning proposing an environmental improvement project at Portknockie Harbour to be implemented this financial year using the Development Services Environmental Improvement Budget.

The Report also gave details of the estimated costs which as detailed in Appendix 1 to the Report.

Following consideration the Committee agreed that the Development Services Section be remitted to undertake an environmental improvement project at Portknockie Harbour this financial year and to apply for match funding through PESCA.

19. LAND REFORM – PROPOSALS FOR LEGISLATION

There was submitted a Report by the Director of Economic Development and Planning advising the Committee of the Scottish Executive's publication entitled "Land Reform – Proposals for Legislation" and requesting the Council's comments. A summary of the Scottish Executive's proposals and the proposed response of the Council were circulated as Appendices to the Report.

Following consideration the Committee agreed:-

- (i) to note the Land Reform proposals for legislation;
- (ii) to approve the response set out in Appendix 2 to the report subject to the submission of further comments from Members and that the matter be referred to the next meeting of the Full Council; and
- (iii) to send a copy of the Council's final response to CoSLA.

20. MORAY STRUCTURE PLAN: PROPOSED MODIFICATIONS

There was submitted a Report by the Director of Economic Development and Planning advising the Committee of the modifications to the Moray Structure Plan being proposed by Scottish Ministers and seeking agreement to the Council's response to them.

The Report also detailed the progress of the Structure Plan and the advertising of the Scottish Executive's proposed modifications to the Plan which were detailed as Appendices A and B to the Report.

Following consideration the Committee agreed:-

- (i) to respond to the Scottish Executive consultation on the proposed modifications for the Moray Structure Plan as contained in paragraph 2.3 of the report; and
- (ii) to exhort the Scottish Office Ministers to deliver an approved Moray Structure Plan as soon as possible and by the end of November, 1999 at the latest.

21. DISPERSAL OF CIVIL SERVICE JOBS TO THE HIGHLANDS AND ISLANDS

There was submitted a Report by the Director of Economic Development and Planning advising the Committee on the contents of a Draft Paper prepared by Highlands and Islands Enterprise (HIE) for the Convention of the Highlands and Islands concerning the dispersal of Civil Service jobs to this region and seeking agreement on an appropriate response to the Draft Paper.

The Report stated that because HIE required a response to the Draft Paper prior to 1 September, 1999, a response was sent to the Convention on 30 August, 1999 as detailed in the Appendix to the Report.

Following consideration the Committee agreed:-

- (i) to welcome the initiative towards the relocation of civil service jobs to the more fragile and remote areas particularly within the Highlands and Islands;
- (ii) to suggest that the initiative should highlight those opportunities where there was a skilled available labour force, significant high quality premises and/or land available, and which would also assist in devolving jobs from Inverness; and
- (iii) to suggest that a short promotional brochure be prepared to support the case once it had been considered and agreed by the Convention.

22. MORAY COMMERCIAL INITIATIVE

There was submitted a Report by the Director of Economic Development and Planning advising the Committee of the preliminary submission of an application for funding from the North and West Grampian (NWG) Objective 5B Programme, to develop a Moray Commercial Initiative, and to seek approval, in principle, for a financial contribution from The Moray Council over a three year period.

Following consideration the Committee agreed:-

- (i) to homologate the action taken in submission of the application for funding for a Moray Commercial Initiative, from the North and West Grampian Objective 5b funding; and
- (ii) to the allocation of funding, in principle, as detailed in Tables 1 and 2 of the report which would constitute the Moray Council's contribution towards the Moray Council Initiative (£50,000 over 3 financial years).

23. GEOGRAPHIC INFORMATION SYSTEMS: A PROPOSAL FOR EUROPEAN FINANCIAL ASSISTANCE

There was submitted a Report by the Director of Economic Development and Planning advising Members of progress on the development of The Moray Council's Geographic Information System (GIS) and detailing the preliminary application for European Funding under the Objective 5B Programme, and seeking support for the application.

Following consideration the Committee agreed:-

- (i) to homologate the action taken in submission of the application for funding for a Moray Inward Investment Information Initiative, from the North West Grampian Objective 5b fund; and
- (ii) to the allocation of funding, in principle, as detailed in Tables 1 and 2 of the Report which would constitute The Moray Council's contribution towards the Moray Inward Investment Information Initiative (£53,750 over 3 financial years).

24. EUROPEAN STRUCTURAL FUNDS: RESPONSE TO THE HIGHLANDS AND ISLANDS DRAFT PLAN 2000 - 2006

Under reference to para. 15 of the minute of the meeting of the Economic Development and Planning Committee of 28 July, 1999 there was submitted a Report by the Director of Economic Development and

Planning seeking the Committee's homologation of The Moray Council's response to the consultative Draft Development Plan for the Highlands and Islands.

Following consideration the Committee agreed to homologate the response to the Consultative Draft Development Plan 2000-2006 for the Highlands and Islands.

25. DEPARTMENTAL REVENUE BUDGET SAVINGS

Under reference to para. 28 of the minute of the meeting of The Moray Council on 8 September, 1999 there was submitted a Report by the Director of Economic Development and Planning advising the Committee of possible future savings in the Department's Revenue Budget, which were not covered under separate report to this Committee. The proposals for savings were detailed in the Appendix to the Report.

Following consideration the Committee approved the savings as identified in Appendix 1 to the report and that further reports be submitted to the Committee as required.

26. URBAN WASTE WATER DIRECTIVE

There was submitted a Report by the Director of Economic Development and Planning advising Members of the EU Urban Waste Water Directive, which introduced a requirement for urban areas to carry out treatment to their sewage before it is discharged to a water course, and its implementation within Moray.

The Report also advised that the North of Scotland Water Authority (NOSWA) had to comply with this Directive by the end of 2000 and ensure that the appropriate facilities were in place which in Moray, would require new waste water treatment plants to be constructed in Buckie and Lossiemouth.

Following consideration the Committee agreed:-

- (i) to note the contents of the Report; and
- (ii) to submit representations to NOSWA encouraging the application of best value principles to their proposals for wastewater plants in Moray.

27. LIST OF REPORTS ISSUED FOR INFORMATION

There was submitted a Report by the Legal and Administration Services Manager detailing the list of Reports for information which had been issued to Members of the Committee prior to the Meeting in accordance with the Council's decision of 14 July, 1999 (para 6 (a) of the minute refers). The reports were as follows:-

- (i) PESCA Programme Windfall Monies – Report by Director of Economic Development and Planning
- (ii) Planning Appeals – Report by Legal and Administration Services Manager
- (iii) List of Leases, Rent Reviews and Assignations Submitted for Noting – Report by Director of Economic Development and Planning

Following consideration the Committee agreed to note the list of reports for information.

28. BURGHEAD HARBOUR [Paras 1 & 9]

Under reference to para. 16 of the minute of the meeting of The Moray Council on 8 September, 1999 there was submitted a Report by the Director of Economic Development and Planning inviting the Committee to consider issues regarding the redesignation of Burghead Harbour from a commercial port to a leisure harbour only, and identified the potential revenue savings associated.

The Report also detailed the recorded usage of Burghead in comparison with Buckie Harbour over the period 1996 - 99.

Following consideration the Committee agreed to:-

- (i) approve that Burghead harbour be re-designated as a leisure harbour;
- (ii) approve that the level of maintenance dredging reduces accordingly;

- (iii) note the commercial viability of the Shearwater be kept under review;
- (iv) approve that the level of staffing required for Burghhead and Hopeman Harbours be evaluated; and
- (v) remit the decision to the Policy and Resources Committee for approval, including further details of the staffing, property and transport elements of the budget information.

29. FUTURE MAINTENANCE ARRANGEMENTS FOR SCOTTISH TRUNK ROADS [Para 9]

There was submitted a Report by the Director of Economic Development and Planning advising the Committee of:-

- (i) The Scottish Executive's considerations into the future management and maintenance of trunk roads in Scotland and the possible consequences of these proposals;
- (ii) seeking approval for Officers to open negotiations with Authorities and others with a view to forming consortia to bid for future trunk road management and maintenance contracts; and
- (iii) requesting the Council to alert MSP's to the Scottish Executive's proposals for the management of trunk roads in Scotland and the consequences of these proposals to the Council in respect of Best Value.

Following consideration the Committee agreed:-

- (i) to inform the MSPs whose electoral areas include Moray of these developments and request that the Transport Minister be made aware of the serious consequences on rural Local Authorities;
- (ii) that the relevant Council Officers be remitted to prepare and submit bids for the future management and maintenance of the trunk road network in conjunction with Local Authorities and others; and
- (iii) to appose any proposals which would allow the Scottish Executive to take over existing plant, equipment and depots owned by the Council to provide common resource for bidders for future trunk road contracts.

30. SMALL BUSINESS START UP UNIT DEVELOPMENTS [Para 4]

There was submitted a Report by the Director of Economic Development and Planning advising the Committee of a proposed project to provide three small business start up unit developments at Elgin, Lossiemouth and Keith with European and Joint Venture Partnership funding.

Following consideration the Committee agreed:-

- (i) to approve the project to provide small business start up developments at Elgin, Lossiemouth and Keith;
- (ii) to instruct Officials to conclude the ground lease and any other necessary legal agreements required to ensure delivery of the projects with a view to the developments commencing by 31 December, 1999
- (iii) to recommend to the Policy and Resources Committee to approve the creation of an appropriate Joint Venture Company

THE MORAY COUNCIL

MINUTE OF MEETING OF THE POLICY AND RESOURCES COMMITTEE

22 SEPTEMBER, 1999

- COUNCIL HEADQUARTERS, ELGIN

PRESENT

Councillors E. Aldridge, (Vice-Chairman), A.J. Fleming, T.A. Howe, W. Jappy, A. Keith, R.F. McIntosh, J.M. Shaw, G.G. Towns, A. Urquhart and W.P. Watt.

IN ATTENDANCE

The Chief Executive, 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 Chief Community Development Officer, the Chief Roads Officer, Ms. C. Williamson, Assistant Chief Financial Officer, R.J. O'Brien, Solicitor, the Public Relations Officer and the Principal Administration Officer, Clerk to the Meeting.

APOLOGY

An apology for absence was intimated on behalf of Councillor A. Farquharson.

1. CHAIR

Councillor E. Aldridge (Vice-Chairman) took the Chair in the absence of Councillor A. Farquharson (Chairman).

2. ARRANGEMENT OF BUSINESS

The Committee noted that a Report by the Director of Community Services in relation to the Community Services Department – Organisational and Management Structure had been withdrawn and would be referred to the Community Services Committee for consideration in the first instance.

3. EXEMPT INFORMATION

The Meeting resolved that in terms of Section 50A(4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting during consideration of the Items of Business appearing at the relevant Paragraphs of this Minute as specified below, so as to avoid disclosure of exempt information of the class described in the appropriate Paragraphs of Part 1 of Schedule 7A of the Act.

<u>Para. No. of Minute</u>	<u>Para. No. of Schedule 7A</u>	<u>Para. No. of Minute</u>	<u>Para. No. of Schedule 7A</u>
13	8 & 9	18	1
14	6	19	1
15	6	20	1
16	8 & 9	21	1
17	1		

4. CAPITAL PLAN 1999/2000 – MONITORING

There was submitted a Report by the Depute Chief Executive (Finance & I.T.) detailing projected expenditure on Capital Programmes for the current financial year.

Following consideration the Committee agreed to note the contents of the Report.

5. TREASURY MANAGEMENT MONITORING REPORT

There was submitted by the Depute Chief Executive (Finance & I.T.) a Treasury Management Monitoring Report detailing movement in the Council's Debt portfolio since the last meeting of the Committee.

The terms of the Monitoring Report were noted.

6. ROADS MAINTENANCE REVENUE BUDGET 1999/2000

There was submitted a Report by the Director of Economic Development and Planning inviting the Committee to consider and if so disposed, approve a recommendation from the Economic Development and Planning Committee, which would allow the containment of roads maintenance costs within budget levels and to note areas of need where budget was not provided.

Following consideration the Committee agreed:-

- (i) to approve a recommendation from the Economic Development and Planning Committee on proposals to allow the containment of roads maintenance costs within budget levels; and
- (ii) to note areas of need where budget was not provided.

7. COMMON GOOD FUNDS – APPLICATIONS FOR FINANCIAL ASSISTANCE

There was submitted a Report by the Depute Chief Executive (Finance & I.T.) inviting the Committee to homologate the decision of the Depute Chief Executive (Finance & IT) in consultation with the appropriate Local Members to award grants, as undernoted, from the various Common Good Funds administered by the Council.

Following consideration The Committee agreed to note the following grants awarded from various Common Good Funds:

<u>Organisation</u>	<u>Award</u>
(a) Buckie Amateur Swimming Club	- a grant of £200 towards the costs of compulsory swimming teachers courses from the Buckie Common Good Fund.
(b) Buckie Old People's Dinner Committee	- a grant of £700 towards the cost of the Annual Dinner to be held in November, 1999 from the Buckie Common Good Fund.
(c) Cullen Millennium Association	- a grant of £200 towards the cost of establishing a garden to celebrate the new Millennium from the Cullen Common Good Fund.
(d) Cullen Community Centre	- Senior Citizens Lunch Club a grant of £200 towards the cost of replacing equipment and the summer outing for Club members from the Cullen Common Good Fund.
(e) Forres Christmas Lights Committee	- a grant of £1,250 towards the Christmas Lights Display for 1999 from the Forres Common Good Fund.

8. APPLICATION FOR FINANCIAL ASSISTANCE: SCOTTISH SPINA BIFIDA ASSOCIATION

There was submitted a Report by the Depute Chief Executive (Corporate Services) inviting the Committee to consider an application from the Scottish Spina Bifida Association for a grant towards the Association establishing a Local Initiative Project in the Moray Council area.

Following consideration The Committee agreed to refer this matter to the Full Council.

9. APPOINTMENT TO OUTSIDE BODIES: MORAY HOUSING PARTNERSHIP

There was submitted a Report by the Director of Community Services inviting the Committee to consider appoint four Council representatives to the Shadow Committee of Management of the Moray Housing Partnership.

Following consideration the Committee agreed to refer this matter to the next meeting of the Full Council.

10. SCOTTISH ACCIDENT PREVENTION COUNCIL – NOMINATIONS TO COMMITTEES 1999-2002

There was submitted a Report by the Depute Chief Executive (Corporate Services) inviting the Committee to homologate the decision of the Chief Executive in consultation with the Convener to nominate Officers of the Moray Council as representatives on the three principal Committees of the Scottish Accident Prevention Council.

Following consideration the Committee agreed to homologate the action of the Chief Executive in consultation with the Convener to nominate appropriate Officers as representatives on the three principal Committees of the Scottish Accident Prevention Council.

Arising therefrom, the Committee agreed that Officers should endeavour to report matters to the relevant Committees and minimise the need for homologation if at all possible.

11. SUSTRANS – ABERDEEN TO INVERNESS CYCLE ROUTE

There was submitted a Joint Report by the Legal and Administration Services Manager and the Principal Estates Surveyor inviting the Committee to consider and if so disposed, to approve the recommendations of the Economic Development and Planning Committee in regard to the delegation of responsibility and of the financial implications of entering into Agreements with the various landowners in relation to that part of the proposed Aberdeen to Inverness Cycle Route within Moray.

Following consideration, the Committee agreed to approve the recommendations of the Economic Development and Planning Committee in respect of :-

- (a) the delegation of responsibility for adjusting and finalising terms for Agreements with land owners in relation to the construction of the part of SUSTRANS Cycle Route through Moray between Aberdeen and Inverness to the Principal Estates Surveyor and thereafter to the Principal Solicitor (Commercial & Conveyancing); and
- (b) the financial implications of entering into the necessary Agreements with the various land owners in relation to the parts of the proposed Cycle Route within Moray.

12. LIST OF REPORTS ISSUED FOR INFORMATION

There was submitted a Report by the Legal and Administration Services Manager advising the Committee of a Report by the Depute Chief Executive (Corporate Services) entitled "Publication of Statutory Performance Indicators" which had been issued to Members for information.

The Committee noted the position.

13. TRADE WASTE WHEELED BINS [Paras 8 & 9]

There was submitted a Report by the Depute Chief Executive (Finance & I.T.) recommending approval of arrangements for the leasing of Trade Waste Wheeled Bins by the Council for leasing to businesses in Moray.

Following consideration The Committee agreed to approve the regular procurement through operating leases of Trade Waste Bins for lease to businesses in Moray.

14. MANDATORY/DISCRETIONARY REMISSION OF RATES – BURGHEAD AMENITIES ASSOCIATION [Para 6]

There was submitted a Report by the Depute Chief Executive (Finance & I.T.) inviting the Committee to consider an application on behalf of Burghead Amenities Association for relief of rates in respect of Shop Premises, 4 Brander Street, Burghead.

Following consideration The Committee agreed to grant 20% discretionary remission of rates to the Burghead Amenities Association in respect of Shop Premises, 4 Brander Street, Burghead

15. MANDATORY/DISCRETIONARY REMISSIONS OF RATES – NATIONAL CHILDREN'S HOMES – VARIOUS PROPERTIES [Para 6]

There was submitted a Report by the Depute Chief Executive (Finance & I.T.) inviting the Committee to consider an application on behalf of National Children's Homes Action for Children for relief of rates in respect of the following properties:-

Day Centre, Winchester House, 1 King Street, Elgin
Home, 6 Rowan Lea, New Elgin, Elgin

Following consideration The Committee agreed to grant 20% discretionary remission of rates to NCH Action for Children in respect of the Day Centre, Winchester House, 1 King Street Elgin and the Home, 6 Rowan Lea, New Elgin, Elgin to take effect from 19 April, 1999 and 16 June, 1999 respectively.

16. NHP: CONFIRMATION OF DEVELOPMENT MATTERS (APPOINTMENT OF CONSULTANTS) [Paras 8 & 9]

Under reference to para. 18 of the Minute of Meeting of the Moray Council dated 8 September, 1999 there was submitted a Report by the Director of Economic Development and Planning advising the Committee of the appointment of Consultant Architects to undertake design work in respect of the Lesmurdie Development, Elgin.

Following consideration The Committee agreed to homologate the action of the Director of Economic Development and Planning in consultation with the Chair and Vice-Chair in the appointment of Consultants.

17. DEVELOPMENT OF MANAGERS AND SUPERVISORS BELOW 3RD TIER [Para 1]

There was submitted a Report by the Personnel Services Manager recommending approval of arrangements to provide Management Development opportunities to Managers and Supervisors below third tier level.

Following consideration the Committee agreed to refer consideration of the Report to the Budget Review Group given the financial implications arising therefrom.

18. BURGHEAD HARBOUR [Para 1]

There was submitted a Report by the Director of Economic Development and Planning inviting the Committee to consider the staffing implications arising from the re-designation of Burghead Harbour from a commercial port to a leisure harbour in the light of the decision of the Economic Development and Planning Committee to proceed with the re-designation.

Following consideration the Committee agreed to approve the recommendations of the Economic Development and Planning Committee in regard to the staffing implications arising from the re-designation of Burghead Harbour from a commercial port to a leisure harbour.

19. VOLUNTARY EARLY RETIREMENT APPLICATION – EDUCATION DEPARTMENT [Para 1]

There was submitted a Report by the Personnel Services Manager inviting the Committee to consider an application from a member of staff within the Education Department for voluntary early retirement in terms of the Council's Discretionary Early Retirement Scheme.

Following consideration the Committee agreed:-

- (i) to approve the early retirement application with effect from 22 September, 1999, without enhancement to service for pension purposes; and
- (ii) that approval be given to replace the current postholder within the existing Grade of GS 1/2 - Tech 4, on a permanent basis.

20. APPLICATION FOR LEAVE OF ABSENCE [Para 1]

There was submitted a Report by the Chief Community Development Officer inviting the Committee to consider a request from a member of staff in the Technical and Leisure Services Department for unpaid leave of absence in order to undertake a full-time degree course in Business Management at Moray College.

Following consideration the Committee agreed to grant the application for unpaid leave of absence as requested.

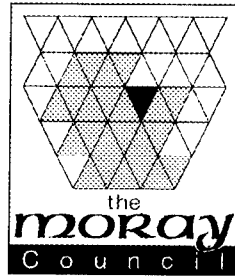
21. REGRADINGS: REVENUES SERVICES SECTION – DEPARTMENT OF FINANCE & IT [Para 1]

There was submitted a Report by the Personnel Services Manager recommending approval of applications for regradings of salaries in respect of three Team Leader posts within the Revenues Section of the Department of Finance and IT.

Following consideration the Committee approved the regrading of three posts of Team Leader based in the Revenues Section of the Department of Finance and IT from salary grade AP1 to AP2 with effect from 1 September, 1999.

ITEM NO: 5

PAGE NO:



Licensing Committee – Minute of Special Meeting
dated 23 September, 1999 [Page No. 203]

TO FOLLOW

THE MORAY COUNCIL

MINUTE OF SPECIAL MEETING OF THE MORAY COUNCIL

24 SEPTEMBER, 1999

COUNCIL HEADQUARTERS, ELGIN

PRESENT

Councillors A. Aldridge (Convener), W. Jappy (Vice-Convener), A. Bisset, A.R. Burgess, J. Divers, M.L. Ettles, A. Farquharson, W.J. Flynn, L. Gorn, J.C. Hogg, T. A. Howe, A. Keith, J.A. Leslie, S.D.I. Longmore, R.F. McIntosh, G.G. Towns, A. Urquhart, W.P. Watt and A.R. Wilson.

IN ATTENDANCE

The Chief Executive, 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, and the Principal Administration Officer, Clerk to the Meeting.

APOLOGIES

Apologies for absence were intimated on behalf of Councillors A.E. Coutts, A.J. Fleming, R. Gregory, P.B. Paul, J.M. Shaw, R.H. Shepherd and I. Young

1. EXEMPT INFORMATION

The Meeting resolved that in terms of Section 50A(4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting during consideration of Business so as to avoid disclosure of exempt information of the class described in Paragraphs 1 & 11 of Part 1 of Schedule 7A of the Act.

2. SUSPENSION OF STANDING ORDERS

Under reference to para 27 of the minute of meeting of The Moray Council dated 8 September, 1999 (Review of Organisational Structures) the Meeting unanimously approved the suspension of the relevant Standing Order to allow further consideration to be given to this matter in light of representations received in response to the proposed review of Organisational Structures.

3. ADJOURNMENT OF MEETING

Thereafter the Meeting adjourned for 45 minutes to allow the Convener to obtain further advice from the Council's Legal and Financial Advisers.

4. REVIEW OF ORGANISATIONAL STRUCTURES

Following the resumption of the Meeting, there was circulated to Members, copy correspondence from UNISON expressing a number of concerns relating to the consultation exercise. Thereafter the Convener moved the following Motion:-

- in light of representations from UNISON, staff and the community I recommend to the Council to withdraw the Restructuring Report in its entirety pending a full review of financial, legal and personnel implications;
- further instruct that Staff and Trade Unions be advised accordingly;
- note the serious concern at the manner in which the whole matter has been handled;
- instruct the Chief Financial Officer and Monitoring Officer to review the process and identify the financial, legal and personnel implications rising from the Report;

- to report further to the Council on Tuesday 29 September at 9.30 a.m.; and
- authorise the Convener, Vice-Convener and Chair of the Policy and Resources Committee to discuss the Council decision with the Chief Executive.

The Motion was seconded by Councillor Jappy and was thereafter unanimously approved and accordingly became the finding of the Meeting.

THE MORAY COUNCIL

MINUTE OF SPECIAL MEETING OF THE MORAY COUNCIL

28 SEPTEMBER, 1999

COUNCIL HEADQUARTERS, ELGIN

PRESENT

Councillors E. Aldridge (Convener), W. Jappy (Vice-Convener), A. Bisset, A.R. Burgess, J.A. Divers, M.L. Ettles, A. Farquharson, A.J. Fleming, W.J. Flynn, J.C. Hogg, T.A. Howe, A. Keith, J.A. Leslie, S.D.I. Longmore, R.F. McIntosh, P.B. Paul, J.M. Shaw, R.H. Shepherd, G.G. Towns, A. Urquhart, W.P. Watt and A.R. Wilson.

IN ATTENDANCE

The Chief Executive, 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 Chief Environmental Protection Officer, the Legal and Administration Services Manager, the Public Relations Officer and the Principal Administration Officer, Clerk to the Meeting.

APOLOGIES

Apologies for absence were intimated on behalf of Councillors A.E. Coutts, L.Gorn, R. Gregory and I. Young

1. EXEMPT INFORMATION

The Meeting resolved that in terms of Section 50A(4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting during consideration of item 6 of Business so as to avoid disclosure of exempt information of the class described in Paragraphs 1 & 11 of Part 1 of Schedule 7A of the Act.

2. REVIEW OF STANDING ORDERS AND RELATED DOCUMENTS

The Meeting agreed to refer consideration of a review of the Council's Standing Orders and Related Documents to a special meeting of the Policy and Resources Committee to make recommendations to the Full Council in due course.

3. SCHOOL BOARD ELECTIONS

There was submitted a Joint Report by the Depute Chief Executive (Corporate Services) and the Director of Education recommending approval of a Scheme of Electoral Arrangements for Moray School Board Elections and Ballots of Parents and to authorise its execution by the Depute Chief Executive (Corporate Services) as Returning Officer in terms of the Scheme.

Following consideration the Meeting approved the Scheme of Electoral Arrangements for Moray School Board Elections and Ballots of Parents and authorised its execution by the Depute Chief Executive (Corporate Services) as Returning Officer in terms of the Scheme.

4. ROBERT GORDON UNIVERSITY: CHAIR OF PUBLIC POLICY – FUNDING

There was submitted a Report by the Depute Chief Executive (Corporate Services) inviting the Meeting to consider nominating a representative of the Moray Council to serve on the Centre for Public Policy and Management Board of the Robert Gordon University, Aberdeen and to consider reinstating a contribution of £5,000 per annum to the Grampian Chair in Public Policy which had been withdrawn by the Council during the budget consideration in March, 1999.

Following consideration the Meeting agreed that given the current financial position of the Council, it would be inappropriate at this time to commit funding to the Grampian Chair in Public Policy or be represented on the Management Board, but that the position could be reconsidered in the future.

5. INTERIM COMMITTEE CYCLE

There was submitted a Report by the Depute Chief Executive (Corporate Services) inviting the Meeting to consider interim arrangements for the Council's Committee Cycle for the period from 3 November, 1999 to 10 January, 2000 in the light of current Departmental and Administrative reviews.

Following consideration the Meeting approved the interim cycle of Meetings of the Council and its Committees for the period from 3 November, 1999 to 10 January, 2000.

6. REVIEW OF ORGANISATIONAL STRUCTURES (Paras 1 & 11)

Prior to consideration of the following item of business, all Officers were instructed to leave the Meeting with the exception of the Chief Executive, the Depute Chief Executive (Corporate Services), the Depute Chief Executive (Finance & IT) and the Principal Administration Officer.

Under reference to paragraph 4 of the minute of Special Meeting of The Moray Council dated 24 September, 1999 there was tabled a Report by the Depute Chief Executive (Finance & IT) in regard to the financial, legal and personnel issues arising from the review of organisational structures.

The Meeting noted that the Report had been prepared by the Depute Chief Executive (Finance & IT) in his role as Responsible Financial Officer in full consultation with the Depute Chief Executive (Corporate Services) as the Council's Monitoring Officer.

There was also tabled a Report by the Chief Executive offering further advice to the Council about the way forward with regard to the Council's wish to review its organisational structures.

Adjournment of Meeting

Thereafter the Meeting adjourned (9.40 am) to afford Members the opportunity to consider the contents of the two Reports which had been tabled.

Resumption of Meeting

Thereafter the Meeting resumed (10.30 am).

Following full and fair consideration of all the issues raised, as detailed in the Schedule attached to and forming part of this Minute, the Council decided to investigate the matter in the appropriate manner, as specified in the Schedule referred to.

Adjournment of Meeting

Thereafter the Meeting adjourned to be reconvened at 4.00pm in order to further update Members of issues referred to in the Schedule to the Minute.

Resumption of Meeting

The meeting resumed at 4.00pm when the following Members were present:-

Councillors E. Aldridge (Convener), W. Jappy (Vice Convener), A. Bissett, J. A. Divers, A. Farquharson, A. J. Fleming, W. J. Flynn, J. G. Hogg, T.A. Howe, A. Keith, J.A. Lesley, S.D. I. Longmore, R. F. McIntosh, P. B. Paul, A. Urquhart and W. P. Watt.

IN ATTENDANCE

The Depute Chief Executive (Corporate Services), the Depute Chief Executive (Finance & I.T.) and the Principal Administration Officer.

APOLOGIES

Apologies for absence were intimated on behalf of Councillors A.R. Burgess, A.E. Coutts, M. L. Ettles, L. Gorn, R. Gregory, J. M. Shaw, R. H. Shepherd, J. J. Towns, A. R. Wilson and I. Young.

The meeting noted the terms of a statement by the Convener and further advice from the Depute Chief Executive (Corporate Services) and the Depute Chief Executive (Finance & I.T.).

Following consideration the Meeting agreed that the Group of three Members appointed to carry out a preliminary investigation into the manner in which the restructuring proposals were carried out should comprise of Councillors J.A. Divers, T. A. Howe and R. H. Shepherd.

The meeting further agreed that all responses to press and media interest in this matter be dealt with solely by the Convener.

THE MORAY COUNCIL

MINUTE OF MEETING OF THE COMMUNITY SERVICES COMMITTEE

29 SEPTEMBER, 1999

COUNCIL HEADQUARTERS, ELGIN

PRESENT

Councillors A. Farquharson (Chairman), W. Jappy (Vice Chairman – Housing), W.P. Watt (Vice-Chairman – Social Work), E. Aldridge, A.R. Burgess, J.A. Divers, M.L. Ettles, W.J. Flynn, J.A. Leslie, S.D.I. Longmore, P.B. Paul and A.R. Wilson

IN ATTENDANCE

The Director of Community Services, the Assistant Chief Financial Officer (Accounting), the Assistant Chief Financial Officer (Planning), the Service Development Manager, the Planning and Development Manager, the Development and Resources Manager, the Principal Solicitor (Commercial and Conveyancing), the Capital Projects Officer, the Assistant Public Relations Officer and R. McKay, Administration Officer who acted as Clerk to the Meeting.

APOLOGY

An apology for absence was intimated on behalf of Councillor L. Gorn.

1. ARRANGEMENT OF BUSINESS

The meeting noted that Item 18 (Community Services Department – Organisational and Management Structure) had been withdrawn and would be resubmitted to either a future Meeting or a Special Meeting of this Committee.

2. EXEMPT INFORMATION

The Meeting agreed, in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, that the public and media representatives be excluded from the Meeting during consideration of the Items of Business appearing at the relative paragraphs of this Minute as specified below so as to avoid disclosure of exempt information of the class described in the appropriate paragraph of part I of schedule 7A of the Act.

Para No. of Minute

Para No. of Schedule 7A

18

12

3. HOUSING CAPITAL INCOME AND EXPENDITURE 1999/2000

There was submitted a Report by the Director of Community Services informing the Committee of the position with income and expenditure for the Housing Capital programmes for Council housing and private sector housing 1999/2000.

Following consideration the Committee agreed:-

- (i) to note the increase in anticipated available funding due to increased levels of house sales and slippage in other programmes; and
- (ii) to approve the increases in funding for disabled adaptations, door/screen replacement and kitchen replacements as outlined in the Report.

4. MONITORING REPORT: CAPITAL CONTRACTS

There was submitted a Report by the Director of Community Services informing the Committee of the current capital funded Housing Revenue Account (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 agreed to note the contents of the Report.

5. MONITORING REPORT: REVENUE CONTRACTS

There was submitted a Report by the Director of Community Services informing the 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 agreed:-

- (i) to the amendment of ward numbers in the Appendix to the Report; and
- (ii) to note the contents of the Report.

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

There was submitted a Report by the Director of Community Services informing the Committee of the status of the contracts under preparation and on progress of the Additional Spend Maintenance programme. The Report also requested Committee to consider options for utilising unallocated resources.

Following consideration the Committee agreed:-

- (i) to note the progress of the existing contracts;
- (ii) to approve the additional Window Replacement of 188 properties in New Elgin;
- (iii) to approve that any remaining finance within the Additional Revenue Spend Budget be targeted at the ongoing Heating Replacement Programme;
- (iv) to note that the Heating Contracts would be awarded in the 2000/2001 financial year; and
- (v) to express concern regarding difficulties experienced by tenants in relation to recent window contracts and that the situation was being dealt with.

7. DISABLED ADAPTATIONS – REVIEW OF PROCEDURES UPDATE

Under reference to paragraph 8 of the Minute of Meeting of this Committee dated 4 August, 1999 there was submitted a Report by the Director of Community Services and concerning issues surrounding the adaptation of both Council owned and Owner Occupied housing for the disabled.

Following consideration the Committee agreed:-

- (i) to note the rise in the number of referrals to the Occupational Therapy Service and the intention to provide an additional 25 hours a week of OT hours for the rest of the financial year;
- (ii) to note that it was anticipated that the demand on the OT Aids and Adaptations budget mean that there would be a restriction on providing aids and adaptations from this budget to all but the most urgent cases later in the financial year;
- (iii) to note that the HRA Capital Disability Adaptations budget had been increased by £70,000 to match the projected expenditure;

- (iv) to approve the introduction of Term Contracts, the reduction in time that contractors had to carry out the works and the introduction of penalty clauses to ensure that Disabled Adaptation Contracts were completed on time; and
- (v) to note that performance against these new standards would be reported to Committee at the appropriate time.

8. A STRUCTURE FOR TENANT PARTICIPATION

There was submitted a Report by the Director of Community Services advising the Committee on the current progress in relation to the development of Tenant Participation within the Housing Service and seeking a decision on a formal structure for the involvement of tenants in the management of their homes.

Following consideration the Committee agreed:-

- (i) to approve the structure for Tenant Participation outlined in the Report;
- (ii) to approve the presentation of a quarterly report on the activities of the Tenants Area Forums and Core Forum to Community Services Committee; and
- (iii) to note that Councillors would be kept advised as to progress and be invited to meetings as appropriate.

9. RENT SETTING PROPOSALS 2000/2001

There was submitted a Report by the Director of Community Services seeking the Committee's approval to develop alternative methods for setting rents for properties owned by the Council and held on the Housing Revenue Account (HRA).

Following consideration the Committee:-

- (i) approved the development of an alternative means of setting individual Council house rents; and
- (ii) approved the timetable of activities set out in Appendix 1 to the Report.

10. PRIVATE SECTOR HOUSING IMPROVEMENTS STRATEGY

There was submitted a Report by the Director of Community Services informing Members of the results of the Local House Condition Survey for private housing in Moray. The Report also detailed local issues in relation to a separate study of known Below Tolerable Standard (BTS) properties and recommended a strategy for reducing the levels of BTS houses in Moray.

Following consideration the Committee agreed:-

- (i) to note the findings of the Private Sector House Condition Survey;
- (ii) that the Council target the worst properties first, being the BTS stock, houses occupied by vulnerable people, i.e. low income, pension aged, disabled and families whose housing conditions were contributable to their poor health;
- (iii) that where funds allowed properties in serious disrepair which were particularly at risk of deteriorating into sub tolerability be targeted;
- (iv) that the use of Improvement Orders and Repair Notices be restricted and used only in very exceptional circumstances by the Environmental Health Section;
- (v) that the costs of carrying out energy efficiency measures be considered for grant aid as long as other grant earning works were being carried out at the same time;
- (vi) that all disability grant applications be means tested, other than applications for the provision of one or more of the basic standard amenities, which were mandatory;

- (vii) that applications for conversion grants be considered for grant aid subject to available funds;
- (viii) that officers investigate the possibility of establishing a Moray Wide Care and Repair Scheme at no direct cost to the Council, funded from revenue costs from Scottish Homes and additional capital allocation from Scottish Executive; and
- (ix) that in order to allow current and pending applications to be approved:-
 - (a) All current grant applications be processed to completion
 - (b) All pending grant applications be submitted by 31 December, 1999
 - (c) All new enquiries and applications received after 1 October, 1999 be subject to the new criteria.

11. PLANNED MAINTENANCE 2000/2001

There was submitted a Report by the Director of Community Services seeking approval of an outline programme for Planned Maintenance works for 2000/2001.

Following consideration the Committee agreed:-

- (i) to approve the Provisional Revenue maintenance budget subject to confirmation of actual budget during rent setting process; and
- (ii) to approve that funds would be available for the kitchen/bathroom replacement programmes subject to the methods for identifying addresses for kitchen replacement be refined and brought back to a future meeting of the Committee for approval.

12. REVIEW OF SOCIAL WORK BUDGET

There was submitted a Joint Report by the Director of Community Services and Depute Chief Executive (Finance & IT) providing Members with an update on the financial position of Social Work and details of the action taken to date in respect of the overspend. The Report also provided details of other areas of potential savings for consideration.

Following consideration the Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to the ongoing investment against the Child Care Strategy being reviewed annually against appropriate monitoring performance statistics;
- (iii) to representations being made to the Scottish Executive regarding the allocation of Revenue Support Grant for Children's Services;
- (iv) to approve the policy for applying charges as set out in paragraph 4.4 of the Report; but noted that this did not pre-empt any future decision on a charging policy;
- (v) to approve the proposed savings listed in section 4.6 of the Report;
- (vi) to consider further proposals for savings in respect of Day Care for the Elderly;
- (vii) to consider further proposals for savings in respect of Residential Care and Day Care for Other Adults; and
- (viii) that Officials investigate the position on funding for the Tripartite Agreement in respect of marriage counselling.

13. EXPANSION OF SUPPORT FOR FAMILIES WITH VERY YOUNG CHILDREN

Councillor J.A. Divers declared an interest in this item and left the meeting having taken no part in the discussion or decision of the Committee.

There was submitted a Report by the Director of Community Services advising the Committee that the Government had indicated that additional resources had been made available to the Moray Council in the financial years 1999/2000 to 2001/2002 for expanding support to families with very young children. The Report also sought approval of proposals for allocating the additional monies.

The Committee noted that the Government had also advised Local Authorities of increased allocations in 2000/2001 and 2001/2002 subject to proposals being submitted to the Scottish Executive on how the objectives within the support programme would be met. The Report also outlined proposals in this regard.

Following consideration the Committee agreed:-

- (i) to approve grants of £80,000 per year over the current and the next two financial years to NCH Action for Children (Scotland) to establish a Young Families Team within its Family Resource Project;
- (ii) to approve the establishment of Family Support Worker posts in the Community Services Department's, Elgin and Coastal Teams over the current and next two financial years;
- (iii) to approve the establishment of Family Support Worker posts in the Community Services Department's Keith team in this financial year with a view to securing additional funding to cover the next two financial years;
- (iv) to note the intention of the Community Services Department to bid for additional funds under the Government's expansion of support to young families, the outcome of which would be reported to the Committee at a future date; and
- (v) to note that the Committee was hopeful that additional funds could be accessed failing which the matter would be looked at again.

Councillor Divers returned to the meeting following the conclusion of discussion relating to the foregoing item of business.

14. REPORT ON THE OPERATION OF THE REGISTRATION AND INSPECTION UNIT 01.04.98 – 31.03.99

There was submitted by the Director of Community Services the Registration and Inspection Unit's Annual Report for the period 1 April, 1998 to 31 March, 1999.

There was also submitted a Report by the Director of Community Services in regard to:-

- (i) the progress of the Moray Council, Registration and Inspection Unit Advisory Committee;
- (ii) the consultation process to introduce Standards for Day Services; and
- (iii) the proposed consultation process to produce Standards for Childminders.

Following consideration the Committee agreed:-

- (i) to note the content of the Annual Report;
- (ii) to note the Report of the 12th meeting of the Advisory Committee;
- (iii) to note the consultation process in relation to Standards for Day Services and that the outcome of the consultation exercise would be presented to the November meeting of the Committee; and
- (iv) to note the proposed consultation process with Childminders and other relevant professionals.

15. IMPLEMENTATION OF MODERNISING COMMUNITY CARE – AN ACTION PLAN

There was submitted a Report by the Director of Community Services informing the Committee of the latest requirement in respect of the Government's Modernising Community Care Action Plan agenda and to seek approval for the development of a Forres Integrated Community Care Project.

Following consideration the Committee agreed to approve the expenditure of up to £29,000 from the Modernising Community Care budget for the Forres Steering Group, to be managed through the Joint Commissioning Unit.

16. CONFERENCE: "NEW HEALTH AGENDA FOR THE NEW SCOTLAND"

There was submitted a Report by the Director of Community Services inviting the Committee to consider representation at a Conference entitled "New Health Agenda for the New Scotland" to be held at Stakis Grosvenor Hotel, Edinburgh on Monday 11 October, 1999.

Following consideration the Committee agreed to authorise the attendance of an Officer.

17. LIST OF REPORTS ISSUED FOR INFORMATION

There was submitted a Report by the Legal and Administration Services Manager listing the reports which had been issued to Members for information.

Following consideration the Committee agreed to note the list of reports issued to Members for information.

18. AUCHERNACK BEQUEST FUND [Para 12]

There was submitted a Report by the Legal and Administration Services Manager inviting the Committee to consider a recommendation that the Legal and Administration Services Manager, in consultation with the Director of Community Services, be authorised to incur expenditure on legal costs up to a maximum of £10,000 to be met from the Auchernack Bequest Fund in respect of the instruction and retention of an Advocate to prepare an appropriate Scheme for approval by the Court of Session setting out alternative purposes in relation to the Fund.

Following consideration the Committee agreed to recommend to the Policy and Resources Committee that the Legal and Administration Services Manager, in consultation with the Director of Community Services be authorised to instruct and retain the Council's external legal agents in Edinburgh and a specialist Advocate to prepare and present in the Court of Session a suitable Scheme changing the purposes of the Fund.

THE MORAY COUNCIL

**MINUTE OF MEETING OF THE COMMUNITY SERVICES
HOUSING SUB-COMMITTEE**

29 SEPTEMBER, 1999

COUNCIL HEADQUARTERS, ELGIN

PRESENT

Councillors A. Farquharson (Chairman), W. Jappy (Vice-Chairman - Housing), M.L. Ettles, J.A. Divers (substituting for Councillor P.B. Paul), A.R. Wilson and E. Aldridge (ex-officio)

ALSO PRESENT

Councillor A. R. Burgess

IN ATTENDANCE

The Director of Community Services, the Principal Solicitor (Commercial and Conveyancing) and R. McKay, Administration Officer who acted as Clerk to the meeting.

ALSO IN ATTENDANCE

M. McLafferty (Senior Area Housing Manager) in respect of items 2 and 3 of the agenda.

APOLOGY

An apology for absence was intimated on behalf of Councillor P.B. Paul.

1. ARRANGEMENT OF BUSINESS

In terms of the relevant Standing Orders the meeting agreed to vary the order of business as set down in the Agenda and to take item 3 before item 2.

2. EXEMPT INFORMATION

The Meeting agreed, in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, that the public and media representatives be excluded from the Meeting during consideration of the Items of Business appearing at the relative paragraphs of this Minute as specified below so as to avoid disclosure of exempt information of the class described in the appropriate paragraph of part I of schedule 7A of the Act.

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

3. REQUEST FOR A CHANGE OF TENURE FROM A "TIED" TENANCY TO A "SECURE" TENANCY (Para. 2)

There was submitted a report by the Director of Community Services advising the Sub-Committee that the appellant had requested a change in the type of tenancy from a "tied" to a "secure" tenancy.

Following consideration the Sub-Committee agreed that the grounds of the request had been substantiated and the request to grant a Secure Tenancy in terms of Part III of the Housing (Scotland) Act 1987 be granted as there was no longer a requirement for a "tied" tenancy arrangement.

4. REQUEST FOR SPECIAL CONSIDERATION IN RESPECT OF AN APPLICATION FOR TRANSFER – APPLICATION NO. 8053 (Para. 2)

There was submitted a report by the Director of Community Services informing the Sub-Committee of the background of the case and inviting the Sub-Committee to note the special circumstances meriting the granting of Management Transfer Status to the applicants.

Following discussion the Sub-Committee agreed to continue consideration of the application to a future meeting of the Sub-Committee.

THE MORAY COUNCIL

MINUTE OF MEETING OF THE TECHNICAL AND LEISURE SERVICES COMMITTEE

29 SEPTEMBER, 1999

COUNCIL HEADQUARTERS, ELGIN

PRESENT

Councillors J.M. Shaw, (Chairman), A.J. Fleming, (Vice-Chairman), A. Bisset, J.C. Hogg, W. Jappy, A. Keith, R.F. McIntosh, P.B. Paul, R.H. Shepherd and E. Aldridge (ex-officio).

IN ATTENDANCE

The Chief Environmental Protection Officer, the Chief Community Development Officer, the Client Services Manager, the Principal Solicitor (Commercial & Conveyancing), the Trading Standards Manager, the Principal Environmental Health Officer (West), the Leisure and Community Education Manager, the Libraries and Museums Manager, the Client Services Officer (Cleansing), Carolyn Williamson, Assistant Chief Finance Officer, the Assistant Public Relations Officer, R. O'Brien, Solicitor, the Trainee Solicitor and R. Wilson, Administration Officer, Clerk to the Meeting.

APOLOGIES

Apoloiges for absence were intimated on behalf of Councillors A.E. Coutts, L. Gorn and R. Gregory.

1. ARRANGEMENT OF BUSINESS

In terms of the relevant Standing Order the Committee agreed to vary the order of business set down on the agenda for the meeting and to take item 36 (Community Development Service - Proposals for Savings and Revenue Budget) after item 15a in order to facilitate officer attendance at the meeting.

The Meeting also noted that Item 3 "Heart of Moray Project" had been withdrawn in consultation with the Chair.

2. ADDITIONAL BUSINESS

In terms of the relevant Standing Order the Committee agreed to accept as additional business to be transacted at the Meeting a report by the Chief Community Development Officer entitled "Application for Financial Assistance - Tomintoul and Glenlivet Outdoor Bowling Club" on the Chairman certifying that, in her opinion, it required to be considered on the grounds of urgency given the timescales involved. The Committee agreed to take the report as item 15a of business.

3. EXEMPT INFORMATION

The Committee agreed that Agenda Item 33 (Budget Saving - Report by Chief Environmental Protection Officer) which had been set down on the Agenda to be considered in private should be taken in open session. It was thereafter resolved that in terms of Section 50A(4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting during consideration of the Items of Business appearing at the relevant Paragraphs of this Minute as specified below, so as to avoid disclosure of exempt information of the class described in the appropriate Paragraphs of Part 1 of Schedule 7A of the Act.

Para. No. of Minute

Para. No. of Schedule 7A

17	9
36	6 & 8
37	9

4. PRESENTATION TO GEORGE MCINTYRE

The Chair welcomed Mr George McIntyre, Principal Adult Education Officer, Community Education, with a certificate for 30 years service with the Council and commended him on his valuable contribution to the Council's work over the years.

The Committee concurred.

5. MUSEUM AND LOCAL HERITAGE SERVICE: SERVICE REVIEW

There was submitted by the Chief Community Development Officer, the Service Review relating to the Museums and Local Heritage Services for consideration.

Following consideration the Committee agreed:-

- (i) to approve, in principle, the recommendations made within the Review as the basis for consultation;
- (ii) to approve the proposals in respect of the process to be followed for consultation;
- (iii) to agree that the results of these consultations be reported back to Committee, to allow a final decision on any changes to the Museums and Local Heritage Services as a result of the Best Value Review; and
- (iv) to continue consultation with Crown Estates with regard to the Council's wish to avoid the introduction of entry charges in respect of Tugnet Icehouse.

6. FACILITY CHARGES – CONSULTATION WITH OTHER PROVIDERS

There was submitted a Report by the Chief Community Development Officer seeking Members' approval for consultation meetings with other providers of community and recreational facilities in Moray in relation to charges.

Following consideration the Committee agreed:-

- (i) that seminars/meetings should be organised in consultation with local Members and the representatives of the organisations identified in paragraph 3.1 of the Report; and
- (ii) that a further Report be brought back to Committee on the outcome of the consultation exercise for further consideration.

7. CELEBRATING SCOTLAND – A NATIONAL CULTURAL STRATEGY

There was submitted a Report by the Chief Community Development Officer outlining proposals developed by the Scottish Executive, to draw up a National Cultural Strategy and inviting the Committee to consider its response to the Consultation Document "Celebrating Scotland – a National Cultural Strategy" to be submitted on behalf of The Moray Council.

The Committee noted that the Scottish Executive had invited comments on the Consultation Document by 30 October, 1999.

Following consideration the Committee agreed:-

- (i) to alter the first sentence of paragraph 4 of Appendix 1 to the response to read as follows:-

"There are significant barriers facing many people in accessing cultural activity in nurturing talent and in protecting, developing and promoting our heritage and cultural traditions."; and
- (ii) to respond to the Scottish Executive with regard to the consultation document as proposed in Appendix 1 to the Report subject to the amendment outlined at (i) above.

8. REVIEW OF GRANTS TO VOLUNTARY AND COMMUNITY ORGANISATIONS

Under reference to paragraph 20 (i) of the minute of meeting of this Committee dated 2 June, 1999, there was submitted a Report by the Chief Community Development Officer advising the Committee of progress on the review of schemes enabling grants to be made to voluntary and community organisations and to seek agreement to undertake consultation with the voluntary sector on the revisions to the existing scheme.

Following consideration the Committee agreed:-

- (i) to approve the draft set of principles and criteria for consultation;
- (ii) that consultation should take place with the voluntary sector in order to seek their views on the options for the adoption of grant categories and the set of principles and criteria to be used for determining applications;
- (iii) that a further report be submitted to Committee following the consultation exercise;
- (iv) that the draft criteria for project grants included in Appendix 2 to the Report should be altered to contain a "catch all" clause to read

"It should be noted that not all criteria must be met in every case."; and

- (v) that Point 7 on Page 9 of the Appendix should read as follows:-

"Grants must normally be claimed within twelve months of the offer being made."

9. REVIEW OF THE ADMISSION POLICY TO SWIMMING POOLS FOR YOUNG CHILDREN

There was submitted a Report by the Chief Community Development Officer seeking approval for the introduction of a new admission policy for young children to Moray Council's Swimming Pools.

The Committee noted that there appeared to be a lack of provision made within the current policy for the ratio of adults to young children for supervision purposes during public swimming sessions.

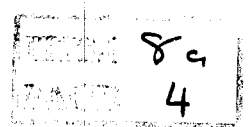
Following consideration the Committee agreed:-

- (i) That the Council's admission policy to swimming pools for young children should be as follows:-
 - (a) all children under age of 8 should be accompanied by a responsible person, who should be 16 years or over;
 - (b) the ratio of such responsible persons to children under 5 should be at least 1 to 2;
 - (c) that persons responsible for children should be reminded of their duty, especially to remain in full eye contact of their charge(s) at all times during their visit to the pool. If, for any reason, a child must be left for a short while they must make temporary alternative arrangements to the satisfaction of the pool supervisor; and
- (ii) that the changes be introduced in January 2000 following appropriate publicity.

10. GRAMPIAN AREA INSTITUTE OF SPORT

There was submitted a Report by the Chief Community Development Officer informing the Committee of a joint bid for lottery funding that had been submitted by the Moray Council in conjunction with the University of Aberdeen, Aberdeen City and Aberdeenshire Councils to establish a Grampian Area Institute of Sport.

The Committee noted that the establishment of a Grampian Area Institute of Sport stemmed from Government proposals launched in 1997 to establish a National Institute of Sport: that the U.K. Sports Institute is supported



by a Scottish Institute and which in turn would promote a network of regional institutes including the Grampian area.

Following consideration the Committee agreed:-

- (i) to note the joint submission of a bid for Lottery funding to establish a Grampian Area Institute of Sport as detailed in Section 2 of the Report; and
- (ii) that progress reports on the development of the Grampian Area Institute of Sport be submitted to future meetings of this Committee.

11. GRANTS TO VOLUNTARY ORGANISATIONS: NATIONAL REGIONAL

Under reference to paragraph 20(ii) minute of meeting of this Committee dated 2 June, 1999, there was submitted a Report by the Chief Community Development Officer inviting Committee to consider applications for financial assistance submitted by the Moray Battalion Boys Brigade and Childline Scotland – Bullying Line.

Following consideration the Committee agreed to make the following awards:-

- (i) Moray Battalion Boys Brigade - £270; and
- (ii) Childline Scotland – Bullying Line - £200.

12. APPLICATION FOR FINANCIAL ASSISTANCE: BUCKIE CRICKET CLUB

Under reference to paragraph 24 of the Minute of Meeting of the Policy and Resources Committee dated 13 June, 1996 there was submitted a Report by the Chief Community Development Officer inviting Committee to consider an application for financial assistance from Buckie Cricket Club.

Following consideration the Committee agreed to award a grant for the sum of £477 to the Buckie Cricket Club and to congratulate the Club on its success.

13. FALCONER MUSEUM: PROPOSED REVISION OF OPENING HOURS

Under reference to paragraph 25 of the Minute of Meeting of this Committee dated 28 November, 1998 there was submitted a Report by the Chief Community Development Officer inviting the Committee to consider amending the pattern of opening hours at the Falconer Museum, Forres.

The Committee noted that the proposed revised opening hours were aimed at making more cost efficient use of current resources whilst remaining committed to maintaining staff efficiency and ensuring appropriate access arrangements for the public, groups, school and young people throughout the year.

Following consideration the Committee agreed:-

- (i) that there be two seasonal opening patterns as follows:-
 - (a) April – October, Monday to Saturday inclusive 10 am to 5 pm; and
 - (b) November – March, Monday to Thursday inclusive 11 am to 12.30 pm and 1 pm to 3.30 pm, with appropriate enhanced hours during the February mid-term holidays and during March should a major Service, Engineering and Technology/Friends Exhibition take place;
- (ii) that the revised opening times and events receive appropriate publicity;
- (iii) that the impact of the revised opening hours be monitored; and
- (iv) that the Committee note the partnership arrangements with the Friends of the Falconer Museum and the Falconer Museum to stage "Wild, Wet and Wonderful", an interpretation of bogs and wetlands, loaned by Scottish Natural Heritage between 7 October and 4 November, 1999.

14. CHRISTMAS AND NEW YEAR OPENING ARRANGEMENTS

There was submitted a Report by the Chief Community Development Officer inviting the Committee to approve the opening hours for Community Development facilities during the Christmas and New Year holiday period.

The Committee also noted the arrangements for the use of Town Halls during the Christmas and New Year holiday period.

Following consideration the Committee approved the opening hours of facilities as outlined in the Report and the arrangements for the use of Town Halls over the Christmas and New Year period.

15. GRANT LODGE HERITAGE CENTRE: PHASE II

There was submitted a Report by the Chief Community Development Officer seeking approval to apply for European Regional Development Funding to progress phase II of the Grant Lodge Heritage Centre Project.

The Committee noted that as part of the service review of Museums and Local Heritage Services being undertaken by the Council, upgrading of the Grant Lodge was required to meet statutory requirements in respect of the management of the Council's records and to provide an educational, civic and economic resource to the Council, the wider community, visitors to Moray and enquiries from abroad.

Following consideration the Committee agreed:-

- (ii) to approve the recommendations in respect of the funding of Phase 2 of the development of the Grant Lodge Local Heritage Centre;
- (iii) to recommend to the Policy and Resources Committee that favourable consideration be given to allocating £80,000 from the Capital Budget, thereby enabling a matching application to be made for ERDF Objective 5B Funding; and
- (iv) that a report detailing all expenditure on Grant Lodge over the last twenty years be brought to a future meeting of the Committee.

16. APPLICATION FOR FINANCIAL ASSISTANCE: TOMINTOUL AND GLENLIVET OUTDOOR BOWLING CLUB

There was submitted a Report by the Chief Community Development Officer inviting the Committee to consider an application for financial assistance from Tomintoul and Glenlivet Outdoor Bowling Club towards the cost of installing an 'artificial grass' bowling green and building a Clubhouse.

Following consideration the Committee agreed to recommend to the Policy and Resources Committee that the club be offered a grant of £7,776 and a loan of £15,000 repayable in equal annual instalments over a period of ten years, subject to the Depute Chief Executive (Finance & IT) being satisfied in regard to the club's financial position.

In terms of Standing Order 52 the Committee noted Councillor Jappy's dissent from the decision taken by the Committee.

17. COMMUNITY DEVELOPMENT SERVICE – PROPOSALS FOR SAVINGS IN REVENUE BUDGET (Para. 9)

There was submitted a Report by the Chief Community Development Officer inviting the Committee to consider proposals for savings which would assist the Council in meeting anticipated budget requirements.

Following consideration the Committee approved the proposed savings in the Community Development service revenue budget as set out in Appendix 1 to the Report.

In terms of Standing Order 52 the Committee noted Councillor Paul's dissent from the decision taken by the Committee.

18. BUDGET SAVINGS

There was submitted a Report by the Chief Environmental Protection Officer advising the Committee of savings identified in the Environmental Protection Revenue budget.

Following consideration the Committee agreed to approve the savings identified and as detailed in Appendix 1 to the Report.

19. MORTLACH CEMETERY, DUFFTOWN

Under reference to paragraph. 4 of the Minute of Meeting of this Committee dated 4 August, 1999 there was submitted a Report by the Legal and Administration Services Manager in conjunction with the Chief Environmental Protection Officer inviting the Committee to give further consideration to a proposal by the Mortlach and Cabrach Church, Dufftown to construct a disabled access from the car park across the Cemetery to the front door of the Mortlach Church, Dufftown.

The Committee noted that a site visit had been undertaken by members of the Committee on Friday, 10 September, 1999.

Following consideration the Committee agreed to support the request from the Church and delegated authority to Officers to advertise proposals in order to provide lair holders with the opportunity to comment and subject to there being no adverse comment Officers be authorised to proceed with the proposal, subject to the Church obtaining Planning and Listed Building Consent, if required.

The Committee further agreed that if there were objections from lair holders, the matter be referred back to this Committee for further consideration.

20. ERECTION OF MARQUEE – JAMES SQUARE, LOSSIEMOUTH

There was submitted a Report by the Chief Environmental Protection Officer inviting the Committee to consider a request from the Lossiemouth Baptist Church to erect a marquee on James Square, Lossiemouth, for the purpose of holding two church services on the 25th and 26th May, 2001.

Following consideration the Committee agreed, in principle, to the request subject to detailed proposals being submitted by the Baptist Church to the Council's Environmental Health, Building Control, Health and Safety Officers, Grampian Police and Grampian Fire Brigade.

The Committee noted that a further detailed report would be submitted to the Committee in due course.

21. CONFERENCES AND SEMINARS

There was submitted a Report by the Chief Environmental Protection Officer inviting the Committee to consider attendance at the Conferences and Seminars listed below:-

- (i) the Scottish Home Safety Officers Group – Off the Job (Home) Safety Seminar – 28 October, 1999; and
- (ii) the Institute of Trading Standards Administration Scottish Branch Annual Conference – Stakis Glasgow Grosvenor Hotel – 28 – 29 October, 1999.

Following consideration the Committee agreed:-

- (i) that there should be no attendance at the Scottish Home Safety Officers Group – Off the Job (Home) Safety Seminar – 28 October, 1999; and
- (ii) that an Officer should attend the Institute of Trading Standards Administration Scottish Branch Annual Conference – Stakis Glasgow Grosvenor Hotel – 28 – 29 October, 1999.

22. PROSECUTION UNDER THE TRADE DESCRIPTIONS ACT

There was submitted a Report by the Chief Environmental Protection Officer advising the Committee of the outcome of a prosecution under the Trade Description Act.

Following consideration the Committee agreed to note the outcome of the prosecution.

23. UNFAIR TERMS IN CONSUMER CONTRACTS REGULATION 1999

There was submitted a Report by the Chief Environmental Protection Officer advising the Committee of the provisions of the Unfair Terms in Consumer Contract Regulations 1999 and recommending the Chief Environmental Protection Officer be granted delegated authority, in conjunction with the Legal and Administration Services Manager to exercise, on behalf of the Council, the powers contained in the Regulations.

The Committee noted that the regulations provide for the first time that a Local Authority may also apply for an interdict to prevent the continued use of an unfair contract term provided it has notified the Director General of its intention to do so.

Following consideration the Committee agreed:-

- (i) to note the additional discretionary powers available to the Council to seek interdict against unfair contract terms in consumer contracts; and
- (ii) delegate authority to the Chief Environmental Protection Officer, in conjunction with the Legal and Administration Services Manager, to exercise the powers contained in the Unfair Terms in Consumer Contracts Regulations 1999 to apply for an interdict (including an interim interdict) against any person appearing to the Chief Environmental Protection Officer to be using, or recommending the use of, an unfair term drawn up for general use in contracts concluded with consumers.

24. THE CONSUMER AFFAIRS WHITE PAPER, "MODERN MARKETS: CONFIDENT CONSUMERS"

There was submitted a Report by the Chief Environmental Protection Officer advising the Committee of the contents of a Government White Paper, "Modern Markets: Confident Consumers", which provided for a strategy for consumer affairs and inviting the Committee to approve a response on behalf of the Council as detailed in the Appendix to the Report.

Following consideration the Committee agreed to approve the proposed response to the White Paper, "Modern Markets: Confident Consumers" as detailed in the Appendix to the Report.

25. THE CIGARETTE LIGHTER REFILL (SAFETY) REGULATIONS 1999

There was submitted a Report by the Chief Environmental Protection Officer advising the Committee of the introduction of the Cigarette Lighter Refill (Safety) Regulation 1999 which imposed an additional enforcement function on the Council's Trading Standards Section and recommended the introduction of arrangements to implement the Regulations by the Trading Standards Unit.

Following consideration the Committee agreed:-

- (i) that the Trading Standards Unit liaise with the Police, Health Promotions and other bodies as outlined in paragraph 2.4 of the Report in order to publicise the provisions of the Regulations and that the publicity should include a mailshot of advice material to traders affected by the legislation;
- (ii) that traders should be advised of the problems associated with gas refills and the legislative requirements during the normal process of enforcement visits;
- (iii) that officers continue with the current practice of giving general advice to traders on solvent abuse during visits;

8a
8

- (iv) that breaches of legislation would be reported to the Procurator Fiscal under existing delegated powers: and
- (v) that there should be a press release regarding the imposition of the new Regulations.

26. METRICATION IN MORAY

Councillor Fleming declared an interest in the following item of business and left the Meeting having taken no part in the discussion or decision arrived at by the Committee.

There was submitted a Report by the Chief Environmental Protection Officer inviting the Committee to note the new requirement to sell loose goods, including foodstuffs, by metric quantities with effect from 1st January, 2000. The Report advised Committee of action taken by the Council to inform the public and business of the impending change.

Following consideration the Committee agreed:-

- (i) to note the requirements to use metric units to sell loose goods, including foodstuffs, from 1 January, 2000; and
- (ii) to endorse the action taken by the Council to notify the public and businesses of the impending change.

Councillor Fleming returned to the meeting following the conclusion of discussion relating to the foregoing item of business.

27. VEHICLE REPLACEMENT PROGRAMME 1999/2000

There was submitted a Report by the Chief Environmental Protection Officer seeking approval of tendering arrangements for the 1999/2000 Vehicle Replacement Programme and to seek authority to advertise Moray Council's vehicle tender requirements in the Official Journal of the European Communities.

The Committee noted that the proposals were in accordance with the Fleet Services Programme which operated within the Moray Council Contracts operation on the basis of an ongoing five year vehicle replacement programme.

Following consideration the Committee agreed:-

- (i) to approve the vehicle replacement programme for 1999/2000;
- (ii) to the placement of the tenders in the Official Journal of the European Communities;
- (iii) to approve setting up a web site to advertise tenders for vehicles;
- (iv) to approve the charge of £10 for each invitation to tender; and
- (v) to approve the three year vehicle replacement programme.

28. VEHICLES AND PLANT DISPOSAL

There was submitted a Report by the Chief Environmental Protection Officer inviting the Committee to homologate the actions of Officers, in consultation with the Chair, regarding vehicle and plant disposal and to note the income received therefrom.

The Committee noted that the programme of vehicle and plant disposal had been embarked upon as a consequence of fleet replacement and assessment of need which had identified several vehicles and items of plant as surplus to requirements or beyond economical repair.

Following consideration the Committee agreed to homologate the decision taken by the Officers, in consultation with the Chair, to dispose of vehicles and plant and to note the income realised.

29. DELEGATED POWERS

There was submitted a Report by the Chief Environmental Protection Officer informing the Committee of actions taken in terms of delegated powers.

Following consideration the Committee agreed to note the information contained within the Report.

30. WASTE STRATEGY

There was submitted a Report by the Chief Environmental Protection Officer advising Members of an invitation from the Waste Strategy Group of The Highland Council to attend a presentation on its waste strategy for the future.

Following consideration the Committee agreed not to attend the presentation, but to maintain contact with Highland on waste disposal strategies for the future.

31. RECYCLING IN MORAY

There was submitted a Report by the Chief Environmental Protection Officer updating Members of current recycling initiatives within Moray and recommending that recycling be included in the Council's Waste Strategy for Moray.

Following consideration the Committee agreed:-

- (i) to note the current position regarding recycling in Moray; and
- (ii) that recycling be included in the production of a Waste Strategy for Moray.

32. DALLACHY – LANDFILL SITE

There was submitted a report by the Chief Environmental Protection Officer advising the Committee on the progress being made with regard to the implementation of operational changes at the Dallachy Landfill Site.

The Report further advised that in consultation with the Moray Council's Consultants, Messrs. Cuthbertson, Maunsell Limited, the entrance, reception facilities and civic amenity site arrangements were being assessed with a view to maximising refuse disposal within the existing site.

Following consideration the Committee agreed:-

- (i) to note the proposals to alter the entrance, reception facilities and civic amenity site arrangements at Nether Dallachy Landfill Site; and
- (ii) to note the progress on the site development.

33. AMPLIFIED MUSIC AS A NOISE NUISANCE AND THE USE OF THE INAUDIBILITY CRITERIA

There was submitted a Report by the Chief Environmental Protection Officer advising Members of the policy being adopted in respect of complaints received by the Environmental Health Section when serving Abatement Notices in respect of noise nuisance due to amplified music.

The Committee noted that in terms of section 79(1) of the Environmental Protection Act 1990 an assessment of whether the noise level heard by the complainer is a nuisance, is quantified by a variety of different methods including Inaudibility Criteria.

Following consideration the Committee agreed:-

- (i) to note the decision to use inaudibility as the standard for assessing noise involving amplified music;

- (ii) that the statement "all amplified music be so controlled as to be inaudible within any noise sensitive property" be included in all comments to the Department of Economic Development and Planning when an application for planning permission relates to premises where music is likely to be played; and
- (iii) that the Licensing Board be informed that the most effective means of control of noise from licensed premises is to apply the Inaudibility Criteria to determine annoyance or nuisance and that comments sought from the Technical and Leisure Service Department would be based on these standards.

34. LICENSING OF BUTCHERS SHOPS

Councillor Jappy declared an interest in the following item of business and left the Meeting having taken no part in the discussion or decision arrived at by the Committee.

Under reference to paragraph. 4 of the Minute of the Meeting of this Committee dated 9 April, 1998 there was submitted a Report by the Chief Environmental Protection Officer inviting the Committee to note that the Scottish Executive had issued a Consultation Letter, Draft Regulations and a Draft Compliance Cost Assessment relating to a proposed Licensing Scheme for Butchers Shops and if so disposed to approve a response to the Consultation Letter.

The Committee noted that following the E-Coli 0157 outbreak in central Scotland in 1996, the Pennington Group Report made recommendations relating to selective licensing of butchers and producers who handled raw and cooked meats. Draft proposals by the Scottish Office Agriculture Environment and Fisheries Department regarding the licensing of butchers shops were previously issued on 22 March, 1998.

Following consideration the Committee agreed:-

- (i) to note the terms of the Scottish Executive Consultation Letter Draft Regulations and Draft Compliance Cost Assessment relating to the Licensing Scheme for Butcher's shops and to approve the draft response which had been submitted on behalf of the Council; and
- (ii) to note the implications of the proposed licensing scheme on the Council and the butchery sector in Moray.

Councillor Jappy returned to the meeting following the conclusion of discussion relating to the foregoing item of business.

35. PROPOSED DEVELOPMENT OF INDOOR STADIUM AT KEITH BOWLING CLUB

There was submitted a Report by the Director of Economic Development and Planning inviting Committee to consider, in principle, to dispose of ground forming part of St. Rufus Park, Keith to Keith Bowling Club for the construction of a new Club House and Indoor Bowling Stadium.

Following consideration the Committee agreed:-

- (i) in principle, to the disposal by sale or lease of a part of St Rufus Park, Keith for incorporation within the development of a new Club House and car parking;
- (ii) to authorise the Principal Estates Surveyor and the Principal Solicitor (Commercial & Conveyancing) to enter into detailed negotiations with the Club with a view to reaching provisional agreement for consideration at a future meeting of this Committee;
- (iii) that the Principal Estates Surveyor be authorised to pursue the possibility of an agreement involving the transfer of the ground to the Club as a consideration for the provision of parking for the Longmore Hall; and
- (iv) that the Local Members be consulted with regard to the possible relocation of existing play equipment.

36. RECYCLING – CENTRALISED COMPOSTING INITIATIVE [Paras 6 & 8]

There was submitted a Report by the Chief Environmental Protection Officer updating the Committee on progress being made with the Centralised Composting Initiative.

Following consideration the Committee agreed to note the progress being made on the Centralised Composting Initiative.

37. RECYCLING – GLASS [Para 9]

there was submitted a Report by the Chief Environmental Protection Officer advising the Committee of the current position regarding glass recycling in Moray and inviting the Committee to consider a recommendation that a charge of £1 per site per week be introduced for the collection of glass from commercial premises. The Report also invited the Committee to consider a request from the current operator of the Council's Recycling Initiative for a "one-off" payment of £5,612 in respect of the current financial year.

Following consideration the Committee agreed:-

- (i) that a charge of £1 per site per week, collected annually in association with Trade Waste charges, be introduced for the collection of glass from commercial premises;
- (ii) to approve the request from the Contractor for a "one-off" payment of £5,612 in respect of the current financial year; and
- (iii) that the Council continue to make representations to the Scottish Executive regarding the need for central funding to be made available for recycling initiatives; and
- (iv) that the matter be referred to the Policy and Resources Committee for consideration.

THE MORAY COUNCIL

MINUTE OF MEETING OF LANDFILL TAX SUB-COMMITTEE

29 SEPTEMBER, 1999

COUNCIL HEADQUARTERS, ELGIN

PRESENT

Councillors J.M. Shaw (Chairman), A.J. Fleming, R.F. McIntosh and P.B. Paul.

IN ATTENDANCE

The Chief Environmental Protection Officer, the Principal Solicitor (Commercial and Conveyancing), Carolyn Williamson, Assistant Chief Finance Officer and Rachel Wilson, Administration Officer as Clerk to the meeting.

APOLOGIES

Apologies for absence were intimated on behalf of Councillors R. Gregory, W. Japp (ex-officio) and E. Aldridge (ex-officio).

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>
4	6

2. REMIT

There was submitted a report by the Chief Environmental Protection Officer inviting the Committee to note the remit of the Landfill Tax Sub-Committee.

Following consideration the Committee agreed to note the remit and the procedure for dealing with Landfill Tax Credit Funding.

3. FORM OF AGREEMENT

There was submitted a report by the Chief Environmental Protection Officer inviting the Committee to consider the introduction of a formal agreement between environmental bodies in receipt of landfill tax credit monies and the Council.

Following consideration the Committee agreed:-

- (i) to accept the formal conditions of agreement for environmental bodies in receipt of landfill tax credit as detailed in Appendix 1 to the report; and
- (ii) to issue a formal agreement to environmental bodies in receipt of landfill tax credit monies.

4. APPLICATION FOR LANDFILL TAX CREDIT FUNDING (Para. 6)

There was submitted a report by the Chief Environmental Protection Officer inviting the Committee to consider applications for landfill tax credit funding.

The Chief Environmental Protection Officer advised that the revised estimated figure for landfill tax in period 1 October, 1998 to 30 September, 1999 would be £777,861 which would give a maximum of £155,572 available for landfill tax credit for this period.

Following consideration the Committee agreed to fund the following applications from the landfill tax credit funding available.

	<u>Organisation</u>	<u>Project</u>	<u>Award</u>
1	Aberdeen University Development Trust, Regent Walk, Aberdeen	Waste Analysis/Composting Project/Compost Analysis and Practical Application Project (in Elgin)	£70,602
2	Mary Duncan (Co-Ordinator), ECOLINC, 12 Wellington Terrace, Keith	A survey of Moray Council's organic waste minimisation project	£13,182
3	MVSO, 30-32 High Street, Elgin	Reboot - Moray Computer Recycling Project	£24,157
4	Moray Furniture Store, The Nicholson Building, St. Catherine's Road, Forres	Furniture Restoration/Training Project	£33,890
5	Alex Black, Fochabers in Bloom, Redcraig, Christie Park, Fochabers	Fochabers Policy Brae/Old Road Bridge Project	£3,741
6	Scottish Conservation Project Trust, Ballallan House, Allan Park, Stirling	Creation of a Walking/Cycling Route linking Rothes/Aberlour/Archiestown (24km/15 miles)	£5,000
7	Forres Footpath Trust, 14 Woodside Park, Forres	Promotion Construction and restoration of a network of footpaths in Forres	£5,000
	Total:		£155,572