

THE MORAY COUNCIL
MINUTE OF MEETING OF THE MORAY COUNCIL
29 JANUARY, 2003
COUNCIL HEADQUARTERS, ELGIN

PRESENT

Councillors E. Aldridge (Convener), W. Jappy (Vice-Convener), A. Bisset, T.M. Bothwell, A.R. Burgess, A.E. Coutts, J. Divers, M.L. Ettles, G.D. Gormley, L. Gorn, J. Hamilton, 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, R. Sim, G.G. Towns, A. Urquhart, W.P. Watt, A.R. Wilson and I. Young.

IN ATTENDANCE

The Chief Executive, the Director of Community Services, the Director of Environmental Services, the Director of Educational Services, the Chief Financial Officer, the Chief Legal Officer and the Principal Committee Services Officer, Clerk to the Meeting.

1. ADDITIONAL BUSINESS

In terms of the relevant standing order the Meeting agreed to accept as an additional item of business to be transacted at the meeting a report by the Director of Environmental Services entitled "Fishing Industry" on the Convener certifying that in his opinion, it required to be considered on the grounds of urgency taking into consideration the timescales involved. It was agreed to take this item of business at the end of the open section immediately following Item 17 "List of Polling Places - 2003 Elections".

2. CONGRATULATIONS TO COUNCILLOR R.F. McINTOSH M.B.E.

The Convener spoke on behalf of the Council in congratulating Councillor McIntosh on receiving an MBE (Member of the British Empire) in the Queen's New Year Honours List for 38 years service to his local community.

The Convener expressed his pleasure in Councillor McIntosh's long and dedicated service being recognised and the Meeting concurred with the sentiment.

3. CALL-UP - RESERVE FORCES

The Meeting noted an oral statement made by Councillor Young with regard to the call-up of a number of Moray Council staff in the Reserve Forces. expressing his best wishes to all concerned and wishing them a safe return to Moray.

4. CONGRATULATIONS ON SPORTING ACHIEVEMENTS

The Meeting noted oral statements by Councillor Bisset, Gormley and Jappy on the achievements of the following:-

- (i) Keith Meisner, an Elgin Academy pupil who has become the Scottish Under 18's Indoor Tennis Champion;
- (ii) Stuart Cruickshank, from Elgin who has won the Scottish Indoor Bowling Championship; and
- (iii) Katie and Claire Duncan, from Buckie, who have won the junior duo section at the World Line Dancing Championships in America.

On behalf of the Council the respective Local Members extended their congratulations to all concerned.

5. 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>
23	6 & 8
24	6 & 9
25	6 & 9
26	1

6. THE MORAY COUNCIL - MINUTE OF MEETING DATED 13 NOVEMBER, 2002

The Minute of Meeting of The Moray Council dated 13 November, 2002 was submitted and approved.

The Meeting noted an oral statement from Councillor Keith on the emergency notice of motion (para 4 of the minute refers) to the effect that Tesco have indicated that they are unwilling to relocate the Post Office from their existing Elgin store to their new store in Elgin.

The Meeting agreed that a meeting with the Post Office to discuss the possibility of identifying suitable premises within the town centre to relocate the service be arranged.

7. THE ENVIRONMENTAL SERVICES COMMITTEE - MINUTE OF SPECIAL MEETING DATED 26 NOVEMBER, 2002

The Minute of Special Meeting of the Environmental Services Committee dated 26 November, 2002 was submitted and approved.

8. THE ENVIRONMENTAL SERVICES COMMITTEE - MINUTE OF MEETING DATED 27 NOVEMBER, 2002

The Minute of Meeting of the Environmental Services Committee dated 27 November, 2002 was submitted and approved.

The Meeting noted a statement by Councillor Paul updating the Committee on developments with flooding issues in Rothes that a meeting was to be held in Rothes Church Hall on Monday 3 February at 7.00 p.m. to which all members of the Council were invited.

9. THE POLICY AND RESOURCES COMMITTEE - MINUTE OF MEETING DATED 27 NOVEMBER, 2002

The Minute of Meeting of the Policy and Resources Committee dated 27 November, 2002 was submitted and approved.

10. THE EDUCATIONAL SERVICES COMMITTEE - MINUTE OF MEETING DATED 4 DECEMBER, 2002

The Minute of Meeting of the Educational Services Committee dated 4 December, 2003 was submitted and approved.

11. THE EDUCATIONAL SERVICES GENERAL PURPOSES - SUB-COMMITTEE - MINUTE OF MEETING DATED 4 DECEMBER, 2002

The Minute of Meeting of the Educational Services General Purposes Sub-Committee dated 4 December, 2002 was submitted and approved.

12. THE COMMUNITY SERVICES COMMITTEE - MINUTE OF MEETING DATED 4 DECEMBER, 2002

The Minute of Meeting of the Community Services Committee dated 4 December, 2002 was submitted and approved.

13. THE LICENSING COMMITTEE - MINUTE OF MEETING DATED 12 DECEMBER, 2002

The Minute of Meeting of the Licensing Committee dated 12 December, 2002 was submitted and approved.

14. THE EDUCATIONAL SERVICES OPTION APPRAISAL SUB-COMMITTEE - MINUTE OF MEETING DATED 12 DECEMBER, 2002

The Minute of Meeting of the Educational Services Option Appraisal Sub-Committee dated 12 December, 2002 was submitted and approved.

15. THE AUDIT AND PERFORMANCE REVIEW COMMITTEE - MINUTE OF MEETING DATED 18 DECEMBER, 2002

The Minute of Meeting of the Audit and Performance Review Committee dated 18 December, 2002 was submitted and approved.

16. THE POLICY AND RESOURCES COMMITTEE - MINUTE OF SPECIAL MEETING DATED 18 DECEMBER, 2002

The Minute of Special Meeting of the Policy and Resources Committee dated 18 December, 2002 was submitted and approved.

The Meeting noted that Councillors Gorn and Watt had met with Bear Scotland on 28 January, 2003 to express their concerns regarding the continued closure of the A95.

17. THE ENVIRONMENTAL SERVICES COMMITTEE - MINUTE OF MEETING DATED 15 JANUARY, 2003

The Minute of Meeting of the Environmental Services Committee dated 15 January, 2003 was submitted and approved, subject to "the two trees" appearing at Paragraph 3 (c) (i) being replaced with "any trees".

18. THE POLICY AND RESOURCES COMMITTEE - MINUTE OF MEETING DATED 15 JANUARY, 2003

The Minute of Meeting of the Policy and Resources Committee dated 15 January, 2003 was submitted and approved.

19. SCOTTISH EXECUTIVE CONSULTATION - COUNCIL TAX ON SECOND AND LONG TERM EMPTY HOMES

There was submitted a report by the Chief Financial Officer requesting the Council to consider an appropriate response to a consultation paper published by the Scottish Executive, "Council Tax on Second and Long-Term Empty Homes".

The paper posed 10 questions to the Council on the issue of "Council Tax on Second and Long-Term Empty Homes".

Following consideration the Meeting agreed to instruct the Chief Financial Officer to write to the Scottish Executive with the Council's response to the consultation questions as noted below.

(i) Should the current 50% Council Tax discount be reduced or removed for all second homes?

Following consideration the Committee agreed unanimously that the current 50% Council Tax discount should be reduced or removed for all second homes.

(ii) Should local authorities be given discretion to reduce or remove the Council Tax discount for second homes within their local areas?

Councillor Keith, seconded by Councillor Wilson moved that local authorities should not be allowed discretion to reduce or remove the Council Tax discount for second homes within their local areas.

As an amendment Councillor Jappy, seconded by Councillor Young moved that local authorities should be allowed discretion to reduce or remove the Council Tax discount for second homes within their local areas.

On a division there voted:-

- | | |
|------------------------|---|
| For the motion (8) | - Councillors Keith, Wilson, Burgess, Divers, Ettles, Gormley, Leslie and Sim |
| For the amendment (16) | - Councillors Jappy, Young, Aldridge, Bisset, Bothwell, Coutts, Hamilton, Hogg, Howe, Longmore, McIntosh, Paul, Shaw, Shepherd, Towns and Urquhart. |
| Abstention (2) | - Councillors Gorn and Watt |

Accordingly the amendment became the finding of the Meeting and it was agreed that local authorities should be given discretion to reduce or remove the Council Tax discount for second homes within their local areas.

(iii) What should the level of discount be?

Following consideration Councillor Keith, seconded by Councillor Gormley moved that there should be no level of discount allowed for all second homes.

As an amendment Councillor Young, seconded by Councillor Hogg moved that a discretionary level of 50% discount be allowed.

On a division there voted:-

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|------------------------|--|
| For the motion (12) | - Councillors Keith, Gormley Aldridge, Burgess, Divers, Ettles, Howe, Leslie, McIntosh, Paul, Sim and Wilson. |
| For the amendment (13) | - Councillors Young, Hogg, Jappy, Bisset, Bothwell, Coutts, Gorn, Hamilton, Longmore, Shaw, Shepherd, Towns, Urquhart. |
| Abstention (1) | - Councillor Watt. |

Accordingly the amendment became the finding of the meeting and it was agreed that a discretionary level of discount should be levied at 50%.

(iv) Should the current 50% Council Tax discount be reduced or removed for all long-term empty homes?

Following consideration Councillor Hogg, seconded by Councillor Gorn moved that the 50% Council Tax discount currently in operation for all long-term empty homes should be continued.

As an amendment Councillor Keith, seconded by Councillor Burgess moved that the 50% Council Tax discount currently in operation for all long-term empty homes should be reduced or removed.

On a division there voted:-

- For the motion (18) - Councillors Hogg, Gorn, Aldridge, Jappy, Bisset, Bothwell, Coutts, Gormley, Hamilton, Howe, Longmore, McIntosh, Shaw, Shepherd, Towns, Urquhart, Wilson and Young
- For the amendment (7) - Councillors Keith, Burgess, Divers, Ettles, Leslie, Paul and Sim
- Abstention (1) - Councillor Watt

Accordingly the motion became the finding of the Meeting and it was agreed that the 50% Council Tax discount currently in operation be continued for all long-term empty homes.

(v) Should local authorities be given discretion to reduce or remove the Council Tax discount for long-term empty homes within their local areas?

Following consideration the Meeting agreed unanimously that local authorities should not be given discretion to reduce or remove the Council Tax discount for long-term empty homes within their local areas.

(vi) If yes to either question 4 or 5, what should the level of discount be (if anything)?

Following consideration the Meeting agreed that for particular types of property, it will continue to award a discount of 50%. For other properties, however, it will remove all discount entitlement. The amount of discount appropriate to individual classes of property will, require to be considered in detail by the Council.

(vii) Should there be any mandatory exceptions to the reduction or removal of discounts on second or long-term empty homes? If so, what?

Following consideration the Meeting agreed unanimously that there should not be any mandatory exceptions to the reduction or removal of discounts on second or long-term empty homes. The Meeting was instead of the opinion that any reduction or removal of tax can best be achieved by local authorities exercising discretionary powers. In this manner the local authority is able to utilise local knowledge and direct experience of local circumstances, to put in place policies within their local areas.

(viii) Council Tax benefit is not available for second homes. Should local authorities have powers to grant relief on a case by case basis?

Following consideration Councillor Shaw, seconded by Councillor Coutts moved that local authorities should have powers to grant relief on a case by case basis for second homes.

As an amendment Councillor Urquhart, seconded by Councillor Burgess moved that local authorities should not have powers to grant relief on a case by case basis for second homes.

On a division there voted:-

- For the motion (6) - Councillors Shaw, Coutts, Gormley, Gorn, Howe and Young.
- For the amendment (19) - Councillors Urquhart, Burgess, Aldridge, Jappy, Bisset, Bothwell, Divers, Ettles, Hamilton, Hogg, Keith, Leslie, Longmore, McIntosh, Paul, Shepherd, Sim, Towns and Wilson
- Abstention (1) - Councillor Watt

Accordingly the amendment became the finding of the Meeting and it was agreed that local authorities should not have powers to grant relief on a case by case basis for second homes.

(ix) Should income raised from reducing or removing Council Tax discounts be spread across all local authorities in Scotland?

Following consideration the Meeting agreed unanimously that income raised from reducing or removing Council Tax discounts should not be spread across all local authorities in Scotland.

(x) Should income raised from reducing or removing Council Tax discounts be retained locally? If the proceeds are to be retained locally the dwellings need to be excluded from the Council Tax base for grant distribution purposes. How can these dwellings be correctly identified?

Following consideration the Meeting agreed unanimously that income raised from reducing or removing Council Tax discounts should be retained locally. The Meeting is of the opinion that in order to identify dwellings excluded from the Council Tax base for grant distribution, that rather than focusing on individual dwellings, it would seem reasonable to continue to apply existing grant arrangements based on the average of say the last three years with no further adjustments being required. It may be appropriate to review the grant arrangements after a period of approximately five years.

The Meeting agreed to the Chief Financial Officer writing to the Scottish Executive, expressing the Council's considered opinion on the issues raised in the consultation paper as detailed above.

20. MEMBERSHIP OF THE MORAY COUNCIL EDUCATION GRIEVANCE AND DISCIPLINARY APPEALS SUB-COMMITTEE

There was submitted a report by the Director of Educational Services seeking Council approval to set aside a decision taken by the Education Committee on 9 June, 1999 with regard to the membership of the Education Grievance and Disciplinary Appeals Sub-Committee.

Following consideration the Meeting agreed to:-

- (i) the membership of the Education Grievance and Disciplinary Appeals Sub-Committee being five representatives each of management and employees for the remainder of this Council's period of office; and
- (ii) membership of the Education Grievance and Disciplinary Appeals Sub-Committee being reviewed by The Moray Council when it is formally constituted in May, 2003.

21. LIST OF POLLING PLACES - 2003 ELECTION

There was submitted a report by the Chief Executive asking the Council to note and approve the list of Polling Places for the purposes of the 2003 Scottish Parliamentary and Local Government Elections.

Following consideration the Meeting agreed to:-

- (i) approve the list of Polling Places attached as Appendix 1 to the report, subject to Knockando School being replaced with Margach Hall; and
- (ii) note the arrangements in respect of Keith, Fife-Keith and Strathisla and Rural Keith as detailed in Appendix 2 to the report and that reference to Boharm Village Hall refer instead to Mulben Hall.

22. FISHING INDUSTRY

There was submitted a report by the Director of Environmental Services inviting the Council to consider approving a financial contribution of up to £5,000 towards a study into the socio-economic impact of restrictions on fishing activity.

Following consideration the Meeting agreed to:-

- (i) contribute up to £5,000 to be taken from the Corporate Economic Development Activities Budget, towards a study into the socio-economic impact of cuts in days at sea and quotas of the white fish fleet; and
- (ii) communicate as a matter of urgency with local enterprise companies in a bid to establish inter-agency support for the fishing industry.

23. CAR PARKING PROVISION IN CENTRAL ELGIN [Paras 6 & 8]

There was submitted a joint report by the Head of Estates Services and the Head of Direct Services asking the Council to approve a scheme to create additional public car parking at Greyfriars Street, Elgin.

Following consideration the Meeting agreed to:-

- (i) note the proposals to provide a public car park at Greyfriars Street, Elgin;
- (ii) defer consideration on Option 1 as outlined within the report; and
- (iii) note that a further report on the proposed extensions to other town centre car parks would be submitted to the Policy and Resources Committee.

24. PROPOSED MINUTE OF WAIVER - LAND TO NORTH OF SHORE STREET, LOSSIEMOUTH [Paras 6 & 9]

There was submitted a report by the Head of Estates Services seeking Council approval to grant a Minute of Waiver to allow property owned by Lossie Pre-cast to be used for a different purpose following its sale to a third party.

Following consideration the Meeting agreed to:-

- (i) approve the provisionally agreed terms; and
- (ii) to instruct the Principal Solicitor (Commercial and Conveyancing) to conclude the Minute of Waiver.

25. PROPOSED MINUTE OF WAIVER - MORAY CHANONRY CENTRE, GRAMPIAN ROAD, ELGIN [Paras 6 & 9]

There was submitted a report by the Head of Estates Services regarding a proposed minute of waiver at Moray Chanonry Centre, Grampian Road, Elgin.

Following consideration the Meeting agreed to:-

- (i) homologate the action taken by the Head of Estates Services, in consultation with the Chair and Vice-Chair, to approve the provisionally agreed terms; and
- (ii) instruct the Principal Solicitor (Commercial and Conveyancing) to conclude the Minute of Waiver.

The Meeting noted the Declaration of Interest submitted by Councillor Divers and the Chief Legal Officer who took no part in the discussion or decision relating to this item.

26. SCHEME OF DELEGATION TO OFFICERS [Para 1]

There was submitted a report by the Chief Executive asking the Council to consider establishing a Working Party to consider a draft Scheme of Delegation to Officers.

Following consideration the Meeting agreed to:-

- (i) note the draft Delegation Scheme to Officers; and
- (ii) establish a Working Party to compose of Councillors Aldridge, Jappy and Howe in order to review the draft and make recommendations to the Council regarding approval of a formal written scheme.