

THE MORAY COUNCIL
MINUTE OF MEETING OF THE MORAY COUNCIL
WEDNESDAY 12 JANUARY 2005
COUNCIL OFFICE, ELGIN

PRESENT

Councillors A E Coutts (Convener), A Urquhart (Vice-Convener), A Bisset, T M Bothwell, A R Burgess, L Gorn, J Hamilton, J C Hogg, R Hossack, A Keith, J A Leslie, S D Longmore, E McGillivray, R F McIntosh, G McIntyre, J. MacKay, P B Paul, R H Shepherd, R Sim, J Stewart, A M C Taylor, W P Watt, A R Wilson and I R Young.

IN ATTENDANCE

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

APOLOGIES

Apologies for absence were intimated on behalf of Councillors R J Burns and J Divers.

1. FINANCIAL PLAN 2005-2008

Prior to the commencement of the meeting Councillor Keith requested that details of the proposed 2005/06 Budget be circulated to all Members one week in advance of the Budget meeting, as was the previous practice. The Convener advised the meeting the papers for the Budget meeting would be issued in accordance with policy for the issuing of meeting papers and that, as he had previously intimated to Councillor Keith, the Administration's budget proposals would be made available on the day.

2. ADDITIONAL BUSINESS

In terms of Standing Order 25 (iv) the Council agreed to accept as an additional item of business to be transacted at the meeting a report by the Chief Executive "Tsunami Appeal – Requests for Assistance", on the Convener certifying that, in his opinion, it required to be considered on the grounds of urgency given the subject matter of the report and the need to advise the Council timeously.

3. DECLARATION OF GROUP DECISIONS

In terms of Standing Order 20 the meeting noted that there were no declarations from Group Leaders or spokespersons in regard to any prior decisions taken on how members will vote on any item on the agenda.

4. 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.

Para. No. of Minute**Para. No. of Schedule 7A**27 & 28
296 & 8
13**5. THE MORAY COUNCIL - MINUTE OF MEETING DATED 10 NOVEMBER 2004
[PAGE NOS 619 - 627]**

The Minute of the Meeting of 10 November 2004 was submitted and approved.

(i) Speyside Ward By-election

Under reference to paragraph 5 of the Minute the Chief Executive advised the meeting that the cost to the Council in respect of the Speyside Ward By-election held on 12 August 2004 was approximately £4,000.

(ii) Conference on Prohibition of Smoking

Under Reference to paragraph 34 of the Minute the meeting noted that Councillor Hamilton would be providing a report on the Conference to the first appropriate meeting.

**6. ENVIRONMENTAL SERVICES COMMITTEE – MINUTE OF MEETING DATED 17
NOVEMBER 2004 [PAGE NOS 628 - 642]**

The Minute of the Meeting of 17 November 2004 was submitted and approved.

**7. LANDFILL TAX SUB COMMITTEE – MINUTE OF MEETING DATED 17
NOVEMBER 2004 [PAGE NOS 643 - 645]**

The Minute of the Meeting of 17 November 2004 was submitted and approved.

**8. POLICY AND RESOURCES COMMITTEE - MINUTE OF MEETING DATED 17
NOVEMBER 2004 [PAGE NOS 646 - 652]**

The Minute of the Meeting of 17 November 2004 was submitted and approved.

**9. EDUCATIONAL SERVICES COMMITTEE - MINUTE OF MEETING DATED 24
NOVEMBER 2004 [PAGE NOS 653 - 655]**

The Minute of the Meeting of 24 November 2004 was submitted and approved.

**10. EDUCATIONAL SERVICES GENERAL PURPOSES SUB COMMITTEE - MINUTE
OF MEETING DATED 24 NOVEMBER 2004 [PAGE NOS 656 - 657]**

The Minute of the Meeting of 24 November 2004 was submitted and approved.

**11. COMMUNITY SERVICES COMMITTEE - MINUTE OF MEETING DATED 24
NOVEMBER 2004 [PAGE NOS 658 - 668]**

The Minute of the Meeting of 24 November 2004 was submitted and approved.

**12. EDUCATIONAL SERVICES GENERAL PURPOSES SUB COMMITTEE – MINUTE
OF MEETING DATED 30 NOVEMBER 2004 [PAGE NOS 669 - 670]**

The Minute of the Meeting of 30 November 2004 was submitted and approved.

**13. LICENSING COMMITTEE - MINUTE OF MEETING DATED 1 DECEMBER 2004
[PAGE NOS 671 - 672]**

The Minute of the Meeting of 1 December 2004 was submitted and approved.

**14. FLOOD ALLEVIATION SUB COMMITTEE – MINUTE OF MEETING DATED 7
DECEMBER 2004 [PAGE NOS 673 - 675]**

The Minute of the Meeting of 7 December 2004 was submitted and approved subject to Councillor Coutts being recorded as Chairman of the meeting.

**15. AUDIT AND PERFORMANCE REVIEW COMMITTEE - MINUTE OF MEETING
DATED 8 DECEMBER 2004 [PAGE NOS 676 – 696j]**

The Minute of the Meeting of 8 December 2004 was submitted and approved.

**16. EDUCATIONAL SERVICES COMMITTEE – MINUTE OF SPECIAL MEETING
DATED 8 DECEMBER 2004 [PAGE NOS 697 - 698]**

The Minute of the Meeting of 8 December 2004 was submitted and approved.

**17. APPEALS COMMITTEE - MINUTE OF MEETING DATED 10 DECEMBER 2004
[PAGE NOS 698a-698b]**

The Minute of the Meeting of 10 December 2004 was submitted and approved subject to it being recorded that Councillor Wilson took the chair in the absence of Councillor Urquhart.

**18. ENVIRONMENTAL SERVICES COMMITTEE - MINUTE OF SPECIAL MEETING
DATED 14 DECEMBER 2004 [PAGE NOS 699 - 705]**

The Minute of the Meeting of 14 December 2004 was submitted and approved.

**19. ENVIRONMENTAL SERVICES COMMITTEE - MINUTE OF MEETING DATED 15
DECEMBER 2004 [PAGE NOS 706 - 729]**

The Minute of the Meeting of 15 December 2004 was submitted and approved subject to Councillor Keith's name being removed from those present.

National Trust for Scotland: Funding

Under reference to paragraph 15 of the Minute Councillor Gorn requested information regarding how the funding being given by the Authority has or will enhance tourism. The meeting noted that the Director of Environmental Services will provide a response to Councillor Gorn's request for this information.

**20. POLICY AND RESOURCES COMMITTEE - MINUTE OF MEETING DATED 15
DECEMBER 2004 [PAGE NOS 730 - 736]**

The Minute of the Meeting of 15 December 2004 was submitted and approved.

**21. THE MORAY COUNCIL – MINUTE OF SPECIAL MEETING DATED 16
DECEMBER 2004 [PAGE NOS 737 – 741]**

The Minute of the Meeting of 16 December 2004 was submitted and approved.

22. APPOINTMENTS TO COMMITTEES/WORKING PARTIES

Under reference to paragraph 8 of the Minute of the Meeting of the Policy and Resources Committee held on 1 September 2004, there was submitted a report by the Chief Executive inviting the Council to agree to the establishment of the Efficient Government Working Party. Under reference to paragraph

5(ii)(b) of the Minute of this Meeting held on 7 May 2003 the report also invited the Council to review the membership of the Environmental Services Committee, in particular the appointment of two Vice-Chairmen.

Following consideration the Committee agreed:-

- (i) to the establishment of the Efficient Government Working Party;
- (ii) to the membership of the Working Party being 3+1+1 namely Councillors Shepherd, Hossack and McGillivray with the other nominations to be advised to the Chief Executive.
- (iii) that the Working Party be delegated with powers to invite outside groups to participate in the work of the Working Party as required;
- (iv) that the Chief Executive, in consultation with the Members arrange a suitable date for the Working Party to meet before the Bid is submitted, and
- (v) to reduce the number of Vice-Chairmen of the Environmental Services Committee from two to one, and
- (vi) to accept Councillor Hogg's resignation as Vice-Chairman of the Environmental Services Committee.

Thereafter the Meeting joined Councillor Wilson in his capacity as Chairman of the Environmental Services Committee in thanking Councillor Hogg for his contribution as Vice-Chairman of the Environmental Services Committee.

23. GRANT LODGE: ELGIN

There was submitted a report by the Director of Educational Services seeking Council approval for a feasibility study to be carried out as to any future development of Grant Lodge, Elgin and requesting that, in future, matters relating to Grant Lodge be delegated to the Policy and Resources Committee for consideration.

Following consideration the Committee agreed:-

- (i) that the Highland Buildings Preservation Trust carry out a Feasibility Study as contained in Appendix I to this report at a cost of approximately £25,000;
- (ii) that a separate preliminary report into the educational /access opportunities afforded by the project be commissioned at a cost of £1,500 to £2,000;
- (iii) to note that the Feasibility Study should take approximately 12 months;
- (iv) to note that the likely cost to the Council of these studies is approximately £14,500, after likely helpful funding of £7,500 from the Architectural Heritage Fund and £5,000 from Moray Badenoch and Strathspey Enterprise is taken into account;
- (v) that in future, matters relating to Grant Lodge be delegated to the Policy and Resources Committee.

24. EX-OFFICIO APPOINTMENT TO ANDERSON'S RESIDENTIAL HOME, ELGIN

There was submitted a report by the Chief Legal Officer inviting the Council to consider the appointment of a Governor to the Board of Anderson's Residential Home in Elgin.

Following consideration the Committee agreed to appoint Mrs Darnley to replace Mrs Stronach on the Board of Governors for Andersons' Residential Home for a term of five years and thanked Mrs Stronach for her valued work on the Board.

**25. MORAY COMMUNITY HEALTH AND SOCIAL CARE PARTNERSHIP :
MEMBERSHIP**

There was submitted a report by the Chief Legal Officer inviting the Council to note that subsequent to his appointment to the Aberdeen City Health & Social Care Partnerships Councillor McIntyre has stood down as one of the Council's three representatives on the Moray Health & Social Care Partnership. The report also asked the Council to consider nominating a Member to replace Councillor McIntyre on the Moray Health & Social Care Partnership.

Following consideration the Meeting agreed:-

- (i) to note that subsequent to his appointment to the Aberdeen City Health & Social Care Partnership Councillor McIntyre has stood down as one of the Council's three representatives on the Moray Health & Social Care Partnership; and
- (ii) that, on the nomination of Councillor Watt, seconded by the Convener, Councillor Stewart is appointed to the Moray Health & Social Care Partnership.

**26. LEISURE AND HEALTHY LIVING PROGRAMME: KEITH CAMPUS &
BISHOPMILL PRIMARY PROJECTS**

There was submitted a report by the Director of Educational Services inviting the Council to approve the funding packages for the Keith Campus and Bishopmill Primary projects and requesting that delegated authority be given to the Convener and Chairman of Educational Services to approve submission of the Bishopmill Primary project to the Big Lottery Fund.

Following consideration the Committee agreed to:-

- (i) approve the funding packages for the Keith Campus and Bishopmill Primary School Sports Hall Projects as detailed in paragraphs 2.7 and 2.8 of the report; and
- (ii) the Chief Finance Officer, in consultation with the Convener and Chairman of Educational Services, being given delegated authority to approve the final application for Bishopmill Primary Sports Hall Project to the Big Lottery Fund.

27. TSUNAMI APPEAL – REQUESTS FOR ASSISTANCE

There was submitted a report by the Chief Executive inviting the Council to consider its response to requests to provide aid in respect of the emergency caused by the earthquake and tsunami that has hit many parts of Asia and east Africa and to the message by COSLA inviting the views of local authorities as to whether they would be agreeable to COSLA seeking donations from member Councils and whether there should be a focus on employee donations schemes through Council payrolls.

The Chief Financial Officer also advised the meeting that the Head of Finance at COSLA has indicated that in regard to their original message it was not meant to suggest that Councils may consider making a financial donation but was meant to be restricted to a co-ordination of donations from the public and local government employees and that since issuing the message most local authorities have declined the invitation to become involved in a national COSLA initiative. He further advised that, following consultation with Chief Legal Officer, subject to any additional advice from COSLA, there are no statutory powers that would allow the Council to make a financial contribution to the tsunami appeal.

The Chief Legal Officer, in confirming the legal status, advised the meeting that in terms of S83 of the Local Government Act, any financial contribution could only be made to an appeal relating to a UK disaster. This also precludes the giving of financial aid to a particular charity that would then use the money to help foreign aid.

Following discussion, during which Members, whilst accepting the advice given by the Chief Financial Officer and Chief Legal Officer, voiced their disappointment regarding the legal standing, the meeting agreed to:-

- (i) note that a facility has been made available for staff to donate to the Disaster Appeal;
- (ii) provide free use of Council owned buildings run fund raising events for the Tsunami appeal;
- (iii) support the use of Council owned car parks to run fund raising car boot sales for the Tsunami appeal;
- (iv) support staff volunteers to travel to Indonesia/Sri Lanka to assist as part of an organised group;
- (v) focus on employee donation schemes through Council payrolls;
- (vi) the Director of Environmental Services investigating the possibility of twinning with one of the affected areas of the disaster.

28. PROPOSED NEW CHILD CARE FACILITY AT GREENWARDS PRIMARY SCHOOL, ELGIN (PARAS. 6 & 8)

There was submitted a report by the Chief Executive advising the Council of the proposals for the development of a Child Care facility on ground adjacent to Greenwards Primary School and consider provisionally agreed lease terms, together with a request from the proposed tenant for financial assistance.

Following discussion, Councillor Hogg, seconded by Councillor Young moved approval of the main terms of Building Agreement and Lease only.

As an amendment, Councillor Paul, seconded by Councillor Urquhart, moved approval of the main terms of Building Agreement and Lease, and that the Council provides loan finance to the proposed tenant and that the extent of the loan be as detailed in Section 4 of the report.

On a division there voted:-

For the Motion (2)

Councillors Hogg and Young

For the Amendment (21)

Councillors Paul, Urquhart, Coutts, Bisset,
Bothwell, Burgess, Gorn, Hamilton Hossack,
Keith, Leslie, Longmore, McGillivray,
McIntosh, McIntyre, Mackay, Shepherd,
Stewart, Taylor, Watt and Wilson.

Abstentions (1)

Councillor Sim

Accordingly the Amendment became the finding of the meeting and it was agreed:-

- (i) to approve the main terms of Building Agreement and Lease and remit it to the Principal Solicitor (Commercial & Conveyancing) to conclude the transaction;
- (ii) to provide loan finance to Jack n Jill Pre-School Centre as detailed in Section 3 of the report, and
- (iii) that it be remitted to the Chief Financial Officer to finalise the extent of the loan and terms which should be offered to Jack n Jill Pre-School Centre as detailed in Section 4, paras 4.1 and 4.2 of the report.

29. VOLUNTEER CENTRE MORAY (PARAS. 6 & 8)

There was submitted a report by the Chief Executive asking the Council to consider a request for a contribution to the Volunteer Centre Moray.

Following consideration the Committee agreed to defer consideration of the report to the Policy and Resources Committee in order for further information to be provided.

30. PROPOSED PUBLIC PATH DIVERSION ORDER, KIRKHILL, ELGIN (PARA. 13)

There was submitted a report by the Chief Executive asking the Committee to consider:-

- (a) objections to a proposed Public Path Diversion Order under the Countryside (Scotland) Act 1967 which would divert a claimed public right of way;
- (b) alternative proposals from the objectors in relation to that claimed public right of way; and
- (c) whether or not to confirm the making of the Order.

Following consideration the Committee agreed to defer consideration of this matter to a future meeting of the Council in order for Members to undertake a site visit.