

## **THE MORAY COUNCIL**

### **MINUTE OF MEETING OF THE ECONOMIC DEVELOPMENT & INFRASTRUCTURE SERVICES COMMITTEE**

**TUESDAY 3 FEBRUARY 2009**

**COUNCIL OFFICE, ELGIN**

#### **PRESENT**

Councillor J Russell (Chairman), J Cree (Deputy Chair), L Bell, G Coull, J Hamilton, G Leadbitter, G McDonald, G McIntyre, I Ogilvie, P Paul and A Wright.

#### **APOLOGIES**

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

#### **IN ATTENDANCE**

The Director of Environmental Services, the Chief Financial Officer (for Item 19 only) the Head of Direct Services, the Head of Development Services, the Transportation Manager, the Planning & Development Manager, L Paisey, Principal Accountant, A Scott, Principal Solicitor (Commercial and Conveyancing) and the Principal Committee Services Officer, Clerk to the Meeting.

### **1. ADDITIONAL BUSINESS**

In terms of Standing Order 25 (iv) the Committee agreed to accept as an additional item of business to be transacted at the meeting a report by the Director of Environmental Services in regard to Business Gateway on the Chairman certifying that, in his opinion, it required to be considered on the grounds of urgency given the timescales involved.

The Committee further agreed to it being taken as item 15(a) on the Agenda (paragraph 16 of the Minute refers).

### **2. DECLARATION OF GROUP DECISIONS**

In terms of Standing Order 20 Councillor Leadbitter confirmed that the SNP Group had discussed in some detail the traffic papers at Items 5 6 and 17(a)(para 19 of the Minute refers) on the Agenda but that it should, however, be appreciated that the SNP Group Members are free to vote as they see fit. There was no whip on the decision of the SNP Members and no sanctions in place to encourage them to vote in any particular way.

The Convener also confirmed that the Administration Group had also discussed items 5, 6 and 17(a)(para 19 of the Minute refers) on the agenda it should, however, be appreciated that the Administration Group Members are free to vote as they see

fit. There was no whip on the decision of the Administration Group Members and no sanctions in place to encourage them to vote in any particular way.

The meeting noted that there were no other declarations from group leaders or spokespersons in regard to any prior decisions taken on how members will vote on any item on the Agenda.

### **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 Paragraphs 18 and 19 of this Minute, so as to avoid disclosure of exempt information of the class described in relevant Paragraphs of Part 1 of Schedule 7A of the Act.

### **4. WRITTEN QUESTIONS**

There were no written questions.

### **5. STRATEGIC TRANSPORT PROJECTS REVIEW**

There was submitted a report by the Director of Environmental Services asking the Committee to note the outcome of the Strategic Transport Projects Review (STPR).

Prior to discussion of this item the Chairman stated that much had been written recently expressing this Council's disappointment that within the STPR there was no mention of Moray as a whole, not only Elgin or Keith by-passes, but also a total lack of recognition of the importance of the A95 and the A941. He further stated that there was a need to continue to fight for better connectivity for Moray and that this report was looking at how to proceed.

The Head of Direct Services advised the meeting the report summarises some of the key elements for Moray and also advised that a meeting had already taken place with Richard Lochhead MSP and an invitation has been extended to Stewart Stevenson, the Transport Minister, to come and speak to the Council on the disappointment of the exclusion of any consideration of an Elgin by-pass in the final paper and also the connectivity via the A491 and the A95. He further advised that one of the officers from Transport Scotland who was fundamental in the preparation of the projects review is known to be available to come and speak with officers on various matters and that he will be attending the next HITRANS meeting to give a report on the outputs. He therefore advised that at the conclusion of this meeting, he would wish to prepare a letter for submission to Transport Scotland, seeking specific answers to specific questions and to formulate those along with the views and concerns expressed by Members and submit this in order to get some positive feedback on these questions. On receipt of a response he advised that he would then wish to meet with Transport Scotland to review these answers.

Councillor McIntyre stated that the disappointment had clearly been expressed within the Chamber in regard to the outcome of the STPR and that the authority is being

told that it requires to strengthen its case in regard to an Elgin by-pass and to do this must engage with Transport Scotland in order to ascertain what further information is required. He further stated that there was also the need to look at the wider picture in terms of the A95 in particular which is a vital route serving Moray's business community. He further highlighted, in his opinion, the importance of the route in terms of tourism. In regard to meeting with the Transport Minister, he advised that he had written to him and had been advised that due to the Minister's diary commitments, it would be at least four to six weeks before such a meeting could take place.

Councillor Leadbitter stated that, in his opinion, at this time no combined transport, economic and social case has been prepared for an Elgin by-pass. In referring to advice given to this Authority by a previous Transport Minister that internal transport problems should be investigated and solutions brought forward before a by-pass would be considered fully, he stated that, in his opinion, the Council did not have the resources in place, nor the strategic oversight to evidence the case for a by-pass at this time. He further stated that in his opinion much clearer strategic direction was required in order to strengthen the case for a by-pass and suggested the recommendations contained in the report be expanded to include an additional recommendation that the Committee approve the formation of a sub-committee to provide strategic oversight of infrastructure development in and around Elgin. That the remit of his sub-committee should incorporate the existing work of the Elgin South West Developments Sub-Committee, ongoing development of an Elgin by-pass business case, oversight of the 'Elgin - City for the Future' project and other strategic developments in the Elgin area and that this new sub-committee would report to this Committee.

In response, whilst supporting the principle of Councillor Leadbitter's suggestion, Councillor Russell stated that he was of the opinion that it was a little premature and that time should be allowed to engage with and get a response from Transport Scotland and the Transport Minister to the questions raised and to what is expected. He further stated that an Elgin by-pass is one small part of the main concern, which is about Moray's connectivity. He further suggested that consideration be given to Councillor Leadbitter's suggestion at a future meeting of this Committee.

The Principal Solicitor (Commercial & Conveyancing) advised that in regard to Councillor Leadbitter's proposed amendment, officers would have some concerns in regard to how wide the proposed remit of the sub-committee would be and that this was something that would need to be considered as some of the elements proposed to be included are not just transport elements but more strategic developments. She further advised that some of groups referred to may have been set up by other Committees rather than this Committee, there are community planning links in relation to the mention of 'Elgin – City for the Future' and that it would be very difficult for this Committee to agree the amendment at this meeting without giving officers more time to discuss with other relevant officers what issues can reasonably be taken forward at such a sub-committee. Whilst it was clear that there was support for a sub-committee as a mechanism for moving things forward and keeping a more strategic overview on the issue, she suggested that there were some difficulties with the wording of the amendment as proposed and the role of this Committee in terms of its remit to bring on board in terms of a sub-committee and asked that officers be

given the opportunity to discuss this further with the Chief Executive and other officers in regard to the remit and membership.

In response, Councillor Leadbitter, stated that rather than adding an unnecessary delay to his proposal, he would be happy to amend the wording of his amendment by amending the remit to read 'that the remit of this committee should incorporate strategic developments in the Elgin area.

The Principal Solicitor (Commercial & Conveyancing) advised that even with the suggested rewording the possibility remains that it is straying outwith the remit of this Committee which has a very strict remit in terms of transportation and other issues and may well be bringing in other issues which may more properly fall within the remit of other Committees. She further stated that what was being asked for was not to delay this unnecessarily but, that if the Committee were supportive of the idea of the formation of a sub-committee, that rather than agree it today, officers are given the time to go and consider the remit and that a report be brought back to the most appropriate Committee to ensure that whatever Committee it is brought back to it can follow through a wider remit. This would allow it to be properly formed and ensure that the powers given to it are appropriate.

Following further discussion Councillor Leadbitter agreed to withdraw his amendment on the understanding that it would be brought back to the next meeting to be considered in light of the outcome of discussions with the Transport Minister and Transport Scotland and following consideration by officers as to consider the remit and membership.

Thereafter the Committee agreed:-

- (i) To note the outcome of the Strategic Transport Projects Review (STPR) and confirmed that the case for an Elgin bypass should be taken forward both politically and by officers reviewing details with Transport Scotland;
- (ii) To note that following the publication of the STPR in December a meeting has already taken place with Richard Lochhead MSP and an invitation has gone to the Transport Minister, Stewart Stevenson to come and speak to the Council on the disappointment of the exclusion of any consideration of an Elgin by-pass in the final paper and also the connectivity via the A491 and the A95 and that due to the Minister's diary commitments it is likely to be 4 – 6 weeks before such a meeting can take place;
- (iii) That a further report on the reasons for the decision taken by Transport Scotland in regard to an Elgin Bypass and how this is taken forward be brought back to the next meeting of this Committee, and
- (iv) To note at this time Councillor Leadbitter's suggestion for the formation of a sub-committee to provide strategic oversight of infrastructure development in and around Elgin to allow consideration of the outcome of the meeting with the Transport Minister and feedback from Transport Scotland and also to afford officers reasonable time to discuss with other relevant officers what

issues can reasonably be taken forward by such a sub-committee and to consider the remit and membership of such a sub-committee.

## **6. ELGIN TRAFFIC MANAGEMENT - 1**

There was submitted a report by the Director of Environmental Services updating the Committee on matters affecting Elgin Traffic Management and to seek approval for the preparation and award of a new Framework Agreement to enable projects within the scope of Elgin Traffic Management to be taken forward.

Following consideration the Committee noted the contents of the report and agreed to delegate the Director of Environmental Services to prepare and award a new Framework Agreement for transportation and design services.

## **7. INVESTIGATION OF 20MPH SPEED RESTRICTIONS FINDOCHTY AND PORTKNOCKIE**

Under reference to paragraph 1 of the Minute of the meeting of this Committee dated 2 December 2008, there was submitted a report by the Director of Environmental Services asking the Committee to note the outcome of a feasibility study on the possibility of making the adjoining villages of Findochty and Portknockie wholly 20 mph speed zones and to confirm that no further action should be taken on this matter as it cannot be introduced without major infrastructure investment.

During discussion Councillor G McDonald expressed his disappointment with the report and in particular the financial implications. He further stated that he would like to ask the Committee to allow consideration of paragraph 4.16 of the report which sets out an alternative option and moved that it agree to officers entering into discussion with the local members to determine whether there is any merit in progressing this further.

Following consideration the Committee noted the contents of the report and agreed that officers enter into discussion with the local members to determine whether there is any merit in progressing this further.

## **8. PROPOSED 20 MPH SPEED LIMIT FINDHORN**

There was submitted a report by the Director of Environmental Services asking the Committee to approve the promotion of a 20 mph speed limit within the conservation area of Findhorn and the adjoining cul-de-sacs.

Following consideration the Committee approved the proposal to introduce a 20mph speed limit within the conservation area of Findhorn and the adjoining cul-de-sacs and instruct the Director of Environmental Services and the Chief Legal Officer to proceed with the statutory process.

## **9. PROPOSED CHANGE OF USE OF FOOTWAY - B9011 AT FINDHORN**

There was submitted a report by the Director of Environmental Services asking the Committee to approve the proposed redetermination of the means of exercise of

public right of passage on the existing footway on the B9011 at the outskirts of Findhorn.

Following consideration the Committee approved the proposal to re determine the means of exercise of public right of passage on part of the length of existing footway on the outskirts of Findhorn to a shared footway/cycleway and instruct the Director of Environmental Services and the Chief Legal Officer to proceed with the statutory process.

It was further agreed that the Head of Direct Services circulate a list of all cycle paths to all Members.

#### **10. PROPOSED ROAD TRAFFIC REGULATION ORDER, VARIOUS STREETS, ELGIN 2008**

Under reference to paragraph 13 of the Minute of the meeting of this Committee dated 17 June 2008, there was submitted a report by the Director of Environmental Services inviting the Committee to over-rule the outstanding objections received in regard to the proposed road traffic order and proceed to approve the road traffic order: "The Moray Council (Various Streets, Elgin - Prohibition of Waiting) Order 2008" and to note and approve the minor amendments to Schedule 1 in relation to Gordon Street.

Following consideration the Committee approved the amended undernoted Traffic Regulation Order and authorised the Chief Legal Officer to make the order:

"The Moray Council (Various Streets, Elgin - Prohibition of Waiting) Order 2008."

#### **11. PROPOSED WAITING RESTRICTIONS - STOTFIELD ROAD/BEACH ROAD, LOSSIEMOUTH**

There was submitted a report by the Director of Environmental Services asking the Committee to approve the promotion of a Traffic Regulation Order which will restrict parking on various streets in Lossiemouth.

Following consideration the Committee approved the proposal to introduce a Traffic Regulation Order restricting parking around various streets in Lossiemouth and agreed to instruct the Director of Environmental Services and the Chief Legal Officer to proceed with the statutory process.

Councillor Ogilvie left the meeting at this juncture.

#### **12. CAPITAL PLAN 2008/2009 - PASSING PLACES, SAFETY BARRIERS & DIRECT SERVICES DEPOTS**

There was submitted a report by the Director of Environmental Services asking the Committee to approve proposals for provisional allocations, within the 2008/2009 Capital Plan for the provision of passing places and safety barrier and carried

forward from previous years for passing places, safety barrier and direct services depots, as described below.

Following consideration the Committee approved for funding from the appropriate Capital allocation to proceed with:

- (i) the schemes identified in Appendix 1 of the report to provide passing places;
- (ii) the schemes identified in Appendix 2 of the report to erect safety barrier, and
- (iii) the works identified in Appendix 3 of the report on direct service depots.

### **13. SUPPORT FOR "HOMECOMING 2009" PROJECTS**

There was submitted a report by the Director of Environmental Services inviting the Committee to consider a request from the Spirit of Speyside Company to contribute £20,000 to the 2009 Whisky Festival, as part of "2009: Year of Homecoming" and to consider setting up a grant scheme to support Community Groups to put on events celebrating same. The Committee were also asked to consider providing a marquee for a reception during the RAF Kinloss Homecoming day in Forres.

Prior to discussion of this item, the Libraries and Museums Manager, provided the meeting with a brief presentation on the events planned to take place around Moray as part of the "2009 Year of Homecoming" celebrations, following which he responded to Members questions.

Following the presentation the Meeting noted that a copy of the presentation would be circulated to all Members and that Members would also be briefed prior to each event taking place.

Thereafter the Committee discussed the report and agreed:

- (i) to award the Spirit of Speyside Company a grant of £8,000 to support the 2009 Whisky Festival (subject to presentation of detailed accounts and an evaluation) on the understanding that the festival should be self-financing thereafter;
- (ii) to allocate £10,000 to a Homecoming Community Grant Scheme that will provide grant assistance to community groups putting on Homecoming themed events during 2009, and to note that an application for match funding will be submitted to the LEADER programme;
- (iii) to fund the cost of providing a marquee, to a maximum cost of £2,000, for a reception by RAF Kinloss in Forres during their Homecoming day event in June, and
- (iv) that where the Council has given grant funding, recognition of the Council's support must be given.

#### **14. ADOPTION OF ROADS ON TO LIST OF ROADS**

There was submitted a report by the Director of Environmental Services asking the Committee to approve the addition to Statutory List of Public Roads of the roads specified in the schedule in the attached appendix to the report.

Following consideration the Committee approved the adoption of the roads scheduled in the Appendix to the Statutory List of Public Roads.

#### **15. GRAMPIAN FOOD FORUM ANNUAL INNOVATION AWARDS**

There was submitted a report by the Director of Environmental Services asking the Committee to consider a request to contribute to the 2009 Grampian Food & Drink Innovation Awards.

Following consideration the Committee agreed to:

- (i) contribute £2,212.50 to the 2009 Food and Drink Innovation Awards to be met from the Economic Development budget;
- (ii) contribute up to £2,212.50 to the 2009, 2010 and 2011 awards; and
- (iv) delegate to the Convener, Chair of the Committee and the Director of Environmental Services arrangements for representation at the 2009, 2010 and 2011 awards.

#### **16. BUSINESS GATEWAY**

Under reference to paragraph 7 of the Minute of the meeting of this Committee dated 2December 2008, there was submitted a report by the Director of Environmental Services asking the Committee to note the progress on the discussions with Highland Council regarding a Service Level Agreement (SLA) for Business Gateway Services to be provided in Moray and the outcome of investigation of transfer of funds from Highlands and Islands Enterprise (HIE).

The Head of Development Services advised that in regard to the costs and the terms and conditions of the Service Level Agreement and the terms and conditions in relation to the transfer of funding, neither of these matters has been resolved. He stated that it would be useful if this Committee could provide guidance to officers and others to further discuss with HIE and the other Councils, whether to seek an equitable distribution of the funding coming from HIE or to seek to maximise the amount of funding coming to this Council. He further advised that a meeting with Highland Council was scheduled to take place on 17<sup>th</sup> February 2009 at which time it was hoped further information would be available in regard to budget and the costs which might be attributable to this Council if it wishes to pursue the SLA option.



During discussion, Councillor Wright referred to a paper that he had circulated to Members, which Highland Council had put before the other Highland Local Authorities at a meeting in Edinburgh on 29 January 2009 which included additional options. He advised that, the revised options within the paper would be discussed at the meeting on the 17<sup>th</sup> February 2009 and taking into account the expectation that the Business Gateway Service is expected to be provided by local authorities from 1<sup>st</sup> of April 2009, he suggested that it would be useful for guidance to be given by this Committee for those attending the meeting with Highland Council on the 17<sup>th</sup> of February as to what would best serve this Council and that the outcome of the meeting be the subject of a report which would include a firm recommendation to The Moray Council on 25 February 2009.

Following further discussion, the Chairman stated that it was obvious that the view from Members of this Committee was that the Council should look to maximise the amount coming to this Authority, however he was of the opinion that the amount of information being provided at very short notice did not allow this Committee to give a steer but that there were many useful discussion to be had with Highland Council and these would be reported back to the Moray Council meeting on the 25<sup>th</sup> February 2009.

Thereafter the Committee agreed to :-

- (i) note the progress on discussion on the transfer of Business Gateway, and in particular with Highland Council;
- (ii) to a further report being submitted to a future meeting on the outcome of negotiations with Highland Council regarding a Service Level Agreement for Business Gateway Services to be provided in Moray, and the outcome of investigation of transfer of funds from Highlands and Islands Enterprise; and
- (iii) The outcome of the meeting with Highland Council on the 17<sup>th</sup> February 2009 be reported to the next meeting of The Moray Council on the 25<sup>th</sup> February 2009.

## **17. QUESTION TIME**

### **WASTE COLLECTION OVER CHRISTMAS/NEW YEAR PERIOD**

In response to question raised by Councillor Paul in regard to the collection of brown waste bins during the Christmas/New Year Period, the Director of Environmental Services advised that he would be happy to investigate any complaints made and report back.

### **ROAD IMPROVEMENTS – A96/ASHGROVE JUNCTION**

Councillor Leadbitter sought an update on the A96/Ashgrove Junction Improvements. In response the Transportation Manager advised that a response had been provided to the Planning Department in response to the Planning Application. The Principal Solicitor (Commercial & Conveyancing) advised that the

Planning Officer has also had to follow this up with Transport Scotland and that she has also had discussions with him in this regard and that he is now in the process of agreeing a way forward and bringing the matter before Committee or determining the application which is before the Council.

### **BUCKIE HARBOUR**

In response to Councillor G McDonald's query regarding an update report on Buckie Harbour, the Head of Direct Services advised that the report had been drafted and had been circulated for consultation and that responses were still awaited. He further advised that the report would be submitted to the next meeting of this Committee.

### **LHANBRYDE - ELGIN CYCLEWAY/PATHWAY**

Councillor Wright asked for an update on the progress of a cycleway/pathway between Lhanbryde and Elgin. In response the Head of Direct Services advised that as this was a trunk road, representation would require to be made to BEAR Scotland as the Trunk Roads Authority.

### **WEARING OF HARD HATS**

In response to the issue raised by Councillor Hamilton relating to the wearing and supply of hard hats, the Head of Direct Services advised that these can be provided to Members.

## **18. PROPOSED LEASE TERMINATION - UNITS J & R, ISLA BANK MILLS INDUSTRIAL ESTATE, KEITH [PARAS 6 & 9]**

There was submitted a report by the Head of Estates Services inviting the Committee to approve a request to terminate the current tenant's lease of Units J & R, Isla Bank Mills Industrial Estate, Keith.

Following consideration the Committee agreed to terminate the current tenant's lease of Units J & R, Isla Bank Mills Industrial Estate, Keith with effect from 30 September 2008.

## **19. ELGIN TRAFFIC MANAGEMENT - REPORT 2 [PARAS 8 & 9]**

There was submitted a report by the Director of Environmental Services which expanded upon the related report "Elgin Traffic Management - Report 1" and in particular the issues surrounding Elgin Western Distributor Road.

The Head of Direct Services advised Committee of the investigations carried out to date by referring to the background section of the report. He further advised that the report had not been presented to seek the Committees approval of a preferred option, rather it was to identify that any proposal had to comply with current standards and as such wider investigations would be required to enable the Council to be in a position to consider all options fully at a future meeting.

Following consideration the Committee noted the information provided in the report and agreed that investigation of options along alignments A and B be continued.