

THE MORAY COUNCIL
MINUTE OF MEETING OF THE POLICY COMMITTEE
WEDNESDAY 5 MARCH 2008
COUNCIL OFFICE, ELGIN

PRESENT

Councillor A. G Wright (Joint Chair – Finance & Services Reform), E.M. McGillivray (Joint Chair - Communities), L.A. Bell, G. S. Coull, J. S. Cree, J. Hamilton, B. Jarvis, G. Leadbitter, G. McDonald, P. B. Paul, J. G. Russell, M. Shand, and R. H. Shepherd.

ALSO PRESENT

Councillor J Divers by invitation in respect of item 4

IN ATTENDANCE

The Chief Executive, Chief Financial Officer, Director of Educational Services, Director of Environmental Services, Chief Legal Officer, Director of Community Services, Corporate Policy Unit Manager, Community Planning and Development Manager, Public Relations Co-ordinator, Head of ICT Services, Health Improvement Officer and Mrs C Carswell Committee Services Officer as Clerk to the meeting.

APOLOGIES

Apologies were intimated on behalf Councillor I.R. Young

1. CHAIR

Councillor A.R. Wright, Joint Chair took the Chair in respect of the Finance & Services Reform section of business on the Agenda.

2. DECLARATION OF GROUP DECISIONS AND MEMBERS INTERESTS

In terms of Standing Order 20 and the Councillors' Code of Conduct the meeting noted that Councillor Coull declared a personal interest in Item 25 on the Agenda as he was a member of the TMSA Committee, there being no further declarations from group leaders or spokespersons in regard to any prior decisions taken on how members will vote on any item on the Agenda nor any declarations of Members Interest in respect of 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 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

31	6
32	6 & 9
33	1
34	1

36	1
37	6 & 9
38	8 & 9
39	9
40	8 & 9
41	8 & 9
42	8 & 9
66	8 & 9
67	8
68	8
69	1

4. ORDER OF BUSINESS

At the invitation of the Chair, Councillor Divers intimated that with regard to item 29(a) on the Agenda "Non-Domestic Rates Relief for Royal British Legions ", he was registering his dissent at the decision of the meeting of Full Council on 30 January when it was agreed to defer this subject to today's meeting. He felt that although procedurally correct it was morally wrong as he was removed from the process since he is not a member of this Committee. He felt it was morally wrong to have him removed, as a mover of the motion to grant rates relief. He quoted John Swinney MSP, Cabinet Secretary for Finance and Sustainable Growth that it was "a matter for each Local Authority to determine" and that the Council does have the power to grant discretionary rates relief.

The Chairman noted the decision to defer the matter to this committee was procedurally correct and also noted the quotation from Mr Swinney.

In terms of Standing Order 25 the meeting agreed to vary the order of business set down on the Agenda and take Agenda Item 9 "ICT Action Plan 2008-2011 following Item 5 "Outcome of the Best Value Review .of the ICT Service" on the Agenda.

5. WRITTEN QUESTIONS

The Committee noted that there were no written questions submitted in respect of Remit 1 (Finance & Service Reform).

6. OUTCOME OF THE BEST VALUE REVIEW OF THE ICT SERVICE

There was submitted a report by the Chief Financial Officer reporting the outcome of the best value review of the Council's ICT service.

Following a question from Councillor G. McDonald, the Chief Financial Officer advised that the report regarding the timescale for the improvement plan would be submitted to the Policy Committee in December 2008 and he was happy to change the recommendation to include this.

Further to questions from Councillor Leadbitter, the Chief Financial Officer advised that he did not want to see two separate ICT services for the Council and it's Schools and is looking at accommodation in Abbey Street to accommodate all staff. The Chief Financial Officer advised that the ICT section are enablers, they are not there to lead but to facilitate shared services.

Following consideration the Committee agreed to: -

- (i) note the successful completion of the best value review of the ICT service and its findings;
- (ii) note that implementation of the improvement plan has to be deferred at this time to allow the ICT Section to focus on the transfer of the ICT Service to schools from

Fujitsu to the in-house team, support for the service efficiency review project and other priorities within the ICT Action Plan and that a further report to the Policy Committee would follow in December 2008 detailing the time scales for the improvement plan.

7. ICT ACTION PLAN 2008-2011

There was submitted a report by the Chief Financial Officer seeking approval for the Corporate ICT Action Plan for 2008-11 and the additional Capital required to upgrade ICT hardware assets.

Following a question from Councillor Leadbitter regarding the timescale for the Housing Register, the Head of ICT Services advised that it is planned for next year and is high on the list of priorities.

Further to questions from Councillor Wright and Councillor Russell, the Head of ICT Services advised that the transfer of ICT service for schools from Fujitsu Services to the in-house team has to be in place before the end of July as they cannot miss the deadline. Personnel are currently in the process of writing to Fujitsu regarding staff transferring and the aim is to have this in place by the end of April therefore if more staff are required then there will be sufficient time to carry out a recruitment campaign.

Following consideration the Committee agreed to:-

- (i) approve the ICT Action Plan for 2008-11;
- (ii) note that the ICT Action Plan for 2008-09 would be heavily dominated by the work required to transfer the school's ICT support service to the Council's in-house team; and
- (iii) approve the Capital required to upgrade ICT hardware assets.

8. CHARGING FOR SERVICES

There was submitted a report by the Chief Financial Officer inviting the Committee to consider and approve the Council's Charges for Services, for the financial year 2008/09, in line with the Corporate Policy.

Following a question from Councillor Cree regarding the increase in the cost of Conveyancing and the surcharges for marriages in "rural" approved venues, the Chief Financial Officer advised that he would investigate the cost of Conveyancing and advised that the cost of rural marriages had not been increased this year as it had previously been increased above the rate of inflation. The Chief Legal Officer advised that "rural" was perhaps not the best term to use. Fixed venues such as halls and Hotels all had risk assessments carried out. If celebrants wanted to be married other than in a fixed venue ie a remote location then further risk assessments would need to be carried out in order to insure the venue is a fit and proper place to conduct a service and he would arrange to have the wording changed to reflect this.

Further to a question from Councillor Coull, the Chief Legal Officer advised that he would provide members with a list of approved venues and other venues used in the past for wedding services.

Councillor Leadbitter commented that the Committee could not agree on the Moray Music Centre charges as the report regarding the Moray Music Centre has not been agreed on therefore the Committee agreed to defer the Moray Music Centre charges.

Following consideration the Committee agreed to: -

- (i) approve the proposed revised charges for 2008/09; and

- (ii) re-affirm the current policy of permitting circus lets only if the circus concerned is a member of the Association of Circus Proprietors.

9. EFFICIENT GOVERNMENT UPDATE

There was submitted a report by the Chief Financial Officer updating the Committee regarding the progress on the Efficient Government Project.

The Chief Financial Officer advised the Committee that he would report back to all Policy Committees and then the Full Council at the end of September with the progress and to keep the Committee informed of the costs. There is to be a formal launch on the 12th March to which all Councillors are invited and any Councillors who cannot be present will be briefed at a later date.

Councillor Paul advised of her concerns that efficiency improvements might mean that rural areas would miss out and if there were to be any impact on rural services then she would want to know as the Government are pushing rural regeneration projects.

Further to a question from Councillor Leadbitter, the Chief Financial Officer advised that the accommodation for the Project Team would be at Hamilton Drive, Elgin.

Following consideration the Committee agreed to: -

- (i) note the progress and actions taken in respect of the Service Efficiency Review Project (formerly known as Shared Services Review).
- (ii) grant the Chief Executive delegated authority to commission additional specialist advice or other works that may be required from the funding provided by the Scottish Government subject to prior approval of the Chair of Policy Committee.

10. PROCUREMENT: SCOTLAND EXCEL

There was submitted a report by the Chief Financial Officer presenting proposals for the development of a procurement process (e-procurement) and seeking approval of the Council's membership of Scotland Excel.

The Chief Financial Officer advised the Committee that the Council has a duty to demonstrate best value and it is up to the Council to choose which contracts they wish to participate in and that he would bring any potentially controversial items to the Committee for consideration.

The meeting noted there is an expectation that Moray might save several million pounds on procurement but until systems such as this are in place a more thorough answer cannot be given

Following consideration the Committee agreed to: -

- (i) approve the development of the e-procurement system;
- (ii) approve Moray Council's membership of Scotland Excel.

11. FIRST PERIODICAL REVIEW OF SCOTTISH PARLIAMENT BOUNDARIES – PUBLICATION OF PROVISIONAL PROPOSALS FOR CONSTITUENCIES

There was submitted a report by the Chief Executive informing the Committee that the Boundary Commission for Scotland had published on 14 February 2008 its provisional proposals for revised constituencies for the Scottish Parliament. This was followed by a consultation period of one month during which representations concerning the proposals are invited.

The Meeting in discussing the proposals put forward by the Commission agreed that electoral numbers should not be the primary consideration. Natural communities should be taken into consideration and a common sense approach to this should prevail.

Following consideration the Meeting agreed unanimously that the boundaries for the Scottish Parliamentary Constituency of Moray be contiguous with those of The Moray Council and that the Boundary Commission should be so advised.

12. BEST VALUE AUDIT REPORT

There was submitted a report by the Chief Executive asking the Committee to scrutinise the progress made against the Best Value Audit Report recommendations.

Councillor Wright advised the Committee that he was holding a meeting with Group Leaders next week regarding Community Planning structures and a report would be going to the Full Council on the 26th March 2008.

Following a question from Councillor G. McDonald regarding Local Forums, Councillor Wright advised that the position would become clearer in the next week to ten days and would be discussed at the Full Council on the 26th.

Following consideration the Committee noted the progress made against the Best Value Audit Report recommendations.

13. SINGLE OUTCOME AGREEMENT

There was submitted a report by the Chief Executive providing the Committee with an introduction to the Single Outcome Agreement process a new framework of joint accountability between local and national Government.

The Chief Executive advised that he would want to see Members being involved in it's production as it represented a new way of working between Local Government and the Scottish Government and 2008/09 would be a transitional year.

Following consideration the Committee agreed to:-

- (i) note how the Single Outcome Agreement process is developing; and
- (ii) set up a short life Working Group (3-2-1) of members and to meet once a week to progress the document.

14. ARRANGEMENTS FOR MISSING PERSONS SEARCH REQUEST

There was submitted a report by the Chief Executive asking the Committee to approve new arrangements for responding to requests from other authorities to trace missing persons.

The Chief Executive advised that this was a noting report purely for the Members to approve the practicalities.

Following consideration the Committee agreed to approve the new arrangements for responding to requests from other authorities to trace missing persons.

15. TOURIST INFORMATION:REVIEW OF CENTRES

There was submitted a report by the Director of Educational Services and Director of Environmental Services asking the Committee to homologate the decision of the Joint Chairs of Policy Committee to approve the proposed merger of the Forres Tourist Information Centre and Falconer Museum, Forres and to note the progress made in respect of integration of Tourist Information Centres and Dufftown and Elgin.

Following a question from Councillor Shand, Councillor Wright advised that there are various options being looked at where to situate the Elgin Tourist Information Centre within Elgin Library and the Libraries & Museums Manager would be happy to discuss the various options with him.

Following consideration the Committee agreed to: -

- (i) homologate the decision of the Joint Chairs of Policy Committee that the Forres Tourist Information Centre transfers to the Falconer Museum under the management of the Libraries & Museums Services in a partnership agreement with Visit Scotland;
- (ii) homologate the decision of the Joint Chairs of Policy Committee to agree, in principle, to the transfer of £11,250 from the relevant Environmental Services budget to the Libraries and Museums budget to enable integrated service delivery at Forres to the agreed level with effect from 21 March 2008;
- (iii) homologate the decision, in principle of the Joint Chairs of Policy Committee to the transfer of the Elgin Tourist Information Centre at 17 High Street, Elgin to Elgin Library in late autumn 2008, with the proposed management arrangements being reported to a future meeting of this Committee;
- (iv) note that Visit Scotland no longer require the Tourist Information Centre at 116 High Street, Forres which is leased by the Council and agree to terminate the lease; and
- (v) note that because of the existing legislation with Dufftown Tourist Information Centre, as a standalone facility, cannot be managed by The Moray Council.

16. MORAY COUNCIL DRAFT FOOD POLICY AND ACTION PLAN 2007-10

There was submitted a report by the Director of Community Services seeking approval of the Moray Council Food Policy and Action Plan and seeking delegated authority to implement the policy across Council services.

The Health Improvement Officer advised that there was an event arranged for the 7th April 2008 and the national food policy would tie in and all Councillors would be invited and Richard Lochhead, MSP, would also be in attendance.

Councillor Leadbitter commented that there needs to be more details in the Policy and in the Plan on how to promote local producers to the local populace for example more farmers markets. The Health Improvement Officer advised that she would take these comments on board and incorporate them into the development of the Policy.

Following consideration the Committee agreed to approve the Draft Food Policy and Action Plan and their implementation across Council services and noted the launch on the 7th April at 10.30am.

17. REVENUE BUDGET MONITORING TO 31ST JANUARY 2008

There was submitted a report by the Chief Financial Officer advising the Committee of the Revenue Budget Monitoring position for 2007/08 as at 31st January 2008, to identify allocations to departmental budgets from provisions from provisions for general and specific purposes and to report on Estimated Actual expenditure for 2007/08.

Further to Councillors questions, the Chief Financial Officer advised that schools can carry forward a percentage of the budget, the underspend is not the highest it has been and plans for spending the monies must be reported to the Educational & Social Services Committee. The Director of Educational Services advised that there are a number of schools with a surplus/deficit and the Quality Improvement Officer's give them an early warning to make them aware but very few schools need to get the indicator.

Following questions from Councillor Paul and Leadbitter, as to whether teachers are held on to if school rolls fall, the Director of Educational Services advised that there are an increased number of staff on maternity leave and through the Scottish Government, Councils are encouraged that where falling rolls occur, then they must maintain staff and these would be used to address the Government's hopes for reducing class sizes. If more detail were required then he would ask the Staffing Officer to discuss the same with Members.

Following a question from Councillor Hamilton, the Director of Educational Services advised that 45% of teaching staff are aged over 45 but there are new teachers coming through and the age profile is changing gradually. He acknowledged however experienced staff are leaving and this needs to be monitored closely.

Following consideration the Committee agreed to note:-

- (i) the current Budget Monitoring position for 2007/08 as at 31st January 2008;
- (ii) the allocations from provisions; and
- (iii) the estimated actual position for 2007/08.

18. CAPITAL PLAN 2007/08 MONITORING TO 31ST JANUARY 2008

There was submitted a report by the Chief Financial Officer asking the Committee to note the expenditure of the Capital Plan for financial year 2007/08 to 31st January 2008.

Following a question from Councillor Wright, the Chief Financial Officer advised that they are currently working on a 5 year plan and Councillors would get details of the same by the end of next week and this would go before Full Council on the 14th May 2008.

Following consideration the Committee agreed to note the expenditure to 31st January 2008 of £12.5million and the remaining provisional projects in the Capital Plan for 2007/08.

19. EFFICIENCY SAVINGS MONITORING – FINANCE & ICT

There was submitted a report by the Chief Financial Officer providing the Committee with a Monitoring Report on the Efficiency Savings approved by the Council for Finance and ICT.

Following consideration the Committee agreed to note the: -

- (i) progress made towards achieving the target efficiency savings; and
- (ii) the identification of further potential efficiency savings.

20. EFFICIENCY SAVINGS MONITORING – CENTRAL SERVICES

There was submitted a report by the Chief Legal Officer providing the Committee with a monitoring report on the Efficiency Savings approved by the Council for Central Services.

Further to a question from Councillor Coull regarding the level of cover needed for sickness in the Registrars Service the Chief Legal Officer advised that there is a particular staffing issue which is not in any way related to the review of the Service.

Further to a question from Councillor G McDonald regarding absence management efficiency targets, the Chief Legal Officer advised that the cash figures should also be in the third column from the right of the savings monitoring schedule and this would be clarified for the next report.

Following consideration the Committee note that the Department was on track to deliver its efficiency savings.

21. PERFORMANCE AND SERVICE IMPROVEMENT PLAN MONITORING – FINANCE & ICT

There was submitted a report by the Chief Financial Officer inviting the Committee to consider the progress achieved, as at the end of Quarter 3 2007/08, in implementing the improvements identified in the Finance and ICT Service Improvement Plan 2006-2008, the progress made in achieving, as at end of Quarter 3 2007/08, the main Finance and ICT Performance Indicators and as at end of Quarter 3 2007/08, in achieving the Finance and ICT Complaint Targets. The report also sought Committee approval to adopt some new Performance Indicators and to amend some Performance Targets. These proposed changes were discussed and agreed at an informal meeting with Members of Audit and Performance Committee on 11 January 2008 and subject to Policy Committee approval would be implemented from 1 April 2008.

Following a question from Councillor Hamilton regarding the cost of coloured reports, Councillor Wright advised that a report would be brought to the next Committee.

Following a discussion the Chief Legal Officer agreed that reports would be dated to reflect when the reports had been written. Councillor G. McDonald observed that this would also show that Committee Clerks are not holding the agendas up but that there are other contributing factors.

Following consideration the Committee approved the adoption of new Performance Indicators and the amendment of some of the Performance Targets.

22. PERFORMANCE AND SERVICE IMPROVEMENT PLAN MONITORING – CENTRAL SERVICES

There was submitted a report by the Chief Legal Officer advising the Committee on the progress made against priority areas and targets detailed in the Central Services' Service Improvement Plan from October to December 2007 and to provide Members with a progress report on Performance Indicators and Complaints for the Service for the same period.

Following questions from Members regarding staff turnover the Chief Legal Officer advised that staff exit interviews do take place and that Personnel Services are now promoting the Councils' new "Healthy Working Lives" policy and the performance of the policy would be the subject of reports to this committee and the Audit & Performance Review Committee. In response to a question regarding the production of an annual report on the Council's industrial estate portfolio, the Chief Legal Officer advised that such a report had been produced for a number of years. The current delay could be explained partly by other workload priorities within the Estates Service such as the Flood Alleviation Schemes and partly be an issue of a provision of additional industrial estates and the capital expenditure required for this. It was his understanding that the Council's Capital Plan would be considered at the meeting of Full Council 14 May 2008 and following this the annual report would come before Members in June/July. The Chief Financial Officer confirmed that the draft Capital Plan proposals would be with Members by the end of next week.

Following consideration the Meeting approved the report and noted: -

- (i) the progress made against the Service Improvement Plan;
- (ii) the contents of the Performance Indicators as reported; and
- (iii) the contents of the Complaints as reported.

23. CENTRAL SERVICES – REVISION OF SERVICE PERFORMANCE AND SERVICE STANDARDS

There was submitted a report by the Chief Legal Officer inviting the Committee to approve revisions to the Service Performance and Service Standard key objectives and targets submitted to the Audit and Performance Review Committee.

Further to questions from Members and responses thereto, the Chief Legal Officer advised that some of Central Services targets are outwith the Council's control. Following this explanation the Meeting agreed the word "statutory" be deleted in respect of the timescale for the completion of council house sales. The Meeting noted there is a high expectation that council house sales would be completed within 26 weeks otherwise there could be financial consequences.

Following consideration the Committee approved the revisions to Service Performance and Service Standard key objectives and targets submitted, for the 2008-09 reporting period, to the Audit and Performance Review Committee.

24. CAPITAL INVESTMENT & TREASURY MANAGEMENT PERFORMANCE INDICATORS

There was submitted a report by the Chief Financial Officer asking the Committee to approve the indicators which will be used to measure the Council's performance in Capital Investment decision.

Following consideration the Committee agreed to: -

- (i) adopt the Prudential Indicators and Limits for 2008/09 contained in the report; and
- (ii) approve the Treasury Management Strategy for 2008/09 and the Treasury Prudential Indicators for 2008/09.

25. COMPLAINTS PROCEDURE – MONITORING REPORT

There was submitted a report by the Chief Executive asking the Committee to scrutinise the Complaints Procedure Monitoring Report for the third quarter of the 2007/08 financial year and note our performance against targets.

Following consideration the Committee approved the Complaints Procedure Monitoring Report for the period 1 October 2007 – 31 December 2007 and noted the performance against targets.

26. SHARING OF SURPLUS LANDFILL ALLOWANCES

There was submitted a report by the Director of Environmental Services seeking Committee approval on the principal of sharing surplus Landfill allowances with The Highland Council.

Following consideration the Committee agreed to: -

- (i) note the Council's current position with regard to Landfill Allowance Targets;
- (ii) approve the principal of sharing surplus landfill allowances with The Highland Council and that the Director of Environmental Services be given delegated authority to negotiate the details.

27. KEITH TRADITIONAL MUSIC & SONG ASSOCIATION (“TMSA”) FESTIVAL – REQUEST FOR FINANCIAL ASSISTANCE

There was submitted a report by the Chief Legal Officer inviting the Committee to consider an application on behalf of the Traditional Music & Song Association – Keith Branch for a financial contribution towards its Annual Music Festival 2008.

Councillor Coull declared a personal interest in this item, as a member of the “TMSA” committee and left the meeting taking no part in the discussion or the decision made.

Councillor Wright advised that he was happy to move approval of a grant of £2,000 grant but would like to have confirmation in due course on how the grant would be spent. He also urged the organisers to bear in mind that 2009 is the “Year Of Homecoming” in Scotland. He also observed that the Council has allocated a substantial budget for tourism and this would be a more appropriate source of funding in future years.

Following consideration the Meeting approved the application from the “TMSA” for a grant of £2,000 and noted that this would be met from the Small Grants Budget for 2007/08.

Councillor Coull returned to the meeting at the end of this item.

28. BLOOD DONOR AWARDS CEREMONY 2008

There was submitted a report by the Chief Legal Officer inviting the Committee to consider a request from the North East of Scotland Blood Transfusion Service for financial assistance to host an annual civic reception to recognise the achievement of blood donors in Moray.

The Committee agreed to: -

- (i) grant £1,000 to the North East of Scotland Blood Transfusion for financial assistance to host an annual civic reception in the Elgin Town Hall; and
- (ii) the use of the Elgin Town Hall for the ceremony.

29. SCOTTISH LOCAL GOVERNMENT FORUM AGAINST POVERTY

There was submitted a report by the Chief Legal Officer inviting the Committee to consider a request for financial assistance from the Scottish Local Government Forum Against Poverty.

Following consideration the Committee approved the application for a grant from the Scottish Local Government Forum Against Poverty and agreed the fee would be met from the Small Grants Budget for 2007/08

30. QUESTION TIME

In response to a question from Councillor G McDonald as to whether the Administration could confirm if the Registrars Service would be retained throughout Moray and would not be centralised, the Chief Legal Officer and Councillor Wright confirmed respectively that a report would be coming to Members for consideration and that the Administration would reach a conclusion when the report was put before them.

Further to a question from Councillor Paul regarding committee structures and the fact that Councillor Sharp cannot take up any committee position until the next scheduled Full Council meeting, Councillor Wright advised that a paper has been circulated to all Members and a meeting would be held next week to discuss the same. To date he had only received responses from Councillor McIntyre and Councillor McGillivray. He had every sympathy with Councillor Sharp being unable to participate and vote but this would be addressed at the meeting of Full Council on 26 March 2008. Councillor Coull advised that the SNP Group response to the paper would be forthcoming shortly. Councillor Wright confirmed that the

whole thrust of the Committee structure review is to reduce the amount of papers currently being issued to Members.

31. ELGIN FLOOD ALLEVIATION SCHEME: POLICY TO MITIGATE THE IMPACT ON AFFECTED LOCAL BUSINESSES (PARA 6)

There was submitted a report by the Head of Estates Services providing the Committee with an assessment of the implications for local businesses if the Council chose to take no action to mitigate the impact of the Flood Alleviation Scheme proposals.

The Head of Estates Services advised the Committee that the general shortage of industrial land and buildings in the town and the short timescale between the Flood Prevention Order being confirmed and the Council requiring entry to the Grampian Road premises make it extremely difficult for businesses to relocate. The Chief Legal Officer advised that when the report was last considered, the Order was unopposed but this is not the case anymore and a Public Inquiry seems likely.

Following discussion the Committee agreed that option 3 be pursued taking into consideration some of the issues in option 2, as this may be appropriate for some businesses. Councillor Wright asked for an officer group to be established to develop these proposals and asked that the Elgin Members be briefed regularly .

Following consideration the Committee agreed to: -

- (i) note the additional information provided by each business occupier on the implications for their businesses if the Council chooses to take no action to mitigate the impact of the Elgin Flood Alleviation Scheme; and
- (ii) the proposals within both options be taken forward by an officer group as both may be appropriate to different businesses.

32. NON DOMESTIC RATES RELIEF: ROYAL BRITISH LEGION CLUBS (PARA 6 & 9)

There was submitted a report by the Chief Legal Officer asking the Committee to consider written responses received on the subject from Richard Lochhead, MSP for Moray and John Swinney, MSP Cabinet Secretary for Finance and Sustainable Growth and additional information on the subject as requested by Members of the Full Council on 30 January 2008 (para 20 of the minute refers).

Councillor Shepherd questioned whether he should be declaring an interest, as he was a member of the Royal British Legion. The Chief Legal Officer advised that it was dependent on the motions put forward and ultimately it was for each Councillor to take personal responsibility for compliance with the Councillors' Code of Conduct.

Councillor Jarvis put forward a motion that Royal British Legion Clubs should receive an 80% discretionary rate relief. There being no seconder Councillor Jarvis' motion fell.

Councillor Coull, seconded by Councillor Jarvis, moved that Royal British Legion Clubs should receive a 100% discretionary rates relief as they are charities and any fundraising, including sale of alcohol, goes back into the Clubs as it does with Sports Clubs.

Following a question from Councillor Cree, the Chief Financial Officer advised that other Authorities are creating a link with licensed sports clubs but there is no a way of doing this legally.

Councillor Wright, seconded by Councillor Russell moved as an amendment that on the information supplied in this report and in previous reports, the criteria for eligibility had not been met and Royal British Legion Clubs should not be awarded discretionary rates relief.

On a division there voted: -

For the motion (8): - Councillors Coull, Cree, Jarvis, Leadbitter, G McDonald, Paul, Shand and Shepherd.

For the amendment (5) Councillors Wright, McGillivray, Bell, Hamilton and Russell.

Accordingly the motion became the finding and the Committee agreed that Royal British Legion Clubs would be awarded a 100% discretionary rates relief.

33. FAIRER SCOTLAND FUND (PARA 1)

There was submitted a report by the Chief Executive advising the Committee of the Fairer Scotland Funding for Moray and to propose an interim arrangement for the distribution of the allocation.

The meeting were advised that this was a national strategy looking at employability of young people and there is a need to find a local solution.

Following consideration the Committee agreed: -

- (i) to note the details of the new Fairer Scotland Fund; and
- (ii) the interim arrangements for three months funding of existing projects affected by the change to the Fairer Scotland Fund as outlined to ensure a managed transition to the new arrangements.
- (iii) To ask the Chief Executive to note the Meetings' view on funds for the Moray "More Choices More Chances" strategy. In so far as the strategy is interlinked with the Fund.

34. INFORMATION AND CONSULTATION FOR EMPLOYEES 2004 (ICE) (PARA 1)

There was submitted a report by the Head of Personnel Services updating the Committee on the decision of the CAC in relation to the Council's arrangements for consultation with employees under the Information and Consultation of Employees Regulations 2004 (ICE).

In response to a question from Councillor G McDonald, the Chief Legal Officer advised that they are consulting with the in-house election team and the Electoral Commission and would adopt best practice.

Following consideration the Committee agreed to note: -

- (i) the decision published from the Central Arbitration Committee (CAC) regarding the complaint that the information and consultation agreement in place does not meet all of the requirements of the Information and Consultation Regulations.
- (ii) that the Council are now ordered by the CAC to follow the standard provisions contained in the Regulations and proceed to ballot/election for Information and Consultation Representatives and arrangements are being put in place to implement this instruction.

35. SUSPENSION OF STANDING ORDERS

In terms of Standing Order 66 the Committee agreed to suspend Standing Orders to allow for the completion of business pertaining to Remit 1 on the Agenda.

36. CATERING SERVICES BEST VALUE REVIEW (PARA 1)

There was submitted a report by the Director of Environmental Services providing the Committee with information on the outcome of the Best Value Review of Catering Services and seeking approval of recommendations arising from the review.

Following consideration the Committee agreed the recommendations contained within the report.

37. CONTRACT FOR CONSTRUCTION OF RAILWAY BRIDGE, REIKET LANE, ELGIN

There was submitted a report by the Director of Environmental Services presenting the Committee with information on background contract pricing trends and to seek approval to award the contract for the construction of Reiket Lane Railway Bridge, Elgin

Councillor Leadbitter declared a personal interest in this item left the meeting taking no part in the discussion.

Following consideration the Committee agreed to:

- (i) note the contract price trends being experienced and the consequential effects of higher construction costs; and
- (ii) that the contract for construction of Reiket Lane Railway Bridge be awarded to Carillion Construction Ltd on the basis that the additional budget it found from bringing forward part of the indicative budget for Elgin Traffic Management identified in 2008/09 and 2009/10.

Councillor Leadbitter returned to the meeting at the end of this item.

38. SITE AT LAND STREET ROTHES (PARA 8 & 9)

There was submitted a report by the Head of Estates Services asking the Committee to approve terms for the acquisition of a lock-up garage from the Rothes Horticultural & Industrial Society which is required to assemble a site for the relocation of 2 house owners whose properties will be demolished as a consequence of the Rothes Flood Alleviation Scheme.

Following consideration the Committee agreed to: -

- (i) approve the provisionally agreed terms for the acquisition of the lock-up garage;
- (ii) declare surplus to requirements a site for a garage and approve its sale to the Rothes Horticultural & Industrial Society; and
- (iii) instruct the Principal Solicitor (Commercial & Conveyancing) to conclude both transactions.

39. CORNER SITE AT MARY AVENUE AND CONVAL DRIVE, ABERLOUR (PARA 9)

There was submitted and approved a report by the Chief Legal Officer asking the Committee to consider the provisionally agreed terms for the sale of the corner site at Mary Avenue/Conval Drive, Aberlour, declared surplus to requirements by the Environmental Services Committee to Genesis Properties (Scotland) Ltd.

40. CORPORATE OFFICE PROJECT – SPYDIE HOSPITAL, ELGIN (PARA 8 & 9)

There was submitted a report by the Head of Estates Services advising the Committee of an interest from NHS Grampian in re-occupying the Pitgaveny and Morrision Wards at Spynie Hospital for the relocation of the Pluscarden Unit from Dr Gray's Hospital and advise the Committee of the implications for the delivery of the Council's Corporate Office project.

Following consideration the Committee agreed to: -

- (i) note the interest from NHS Grampian in re-occupying the Pitgaveny and Morrision Wards at Spynie; and
- (ii) remit it to officers to consider the merits of a joint development of the site and report back to this Committee with recommendations for progressing the Council's Corporate Office project.

41. FORMER BOATYARD, BANK STREET, BUCKIE (PARA 8 & 9)

There was submitted a report by the Head of Estates Services asking the Committee to approve a proposal from HIE Moray to acquire the site of the former Thomson's Boatyard at Bank Street, Buckie for the provision of a high quality office development for the town and to instruct the Head of Estates Services to negotiate terms of sale for consideration by this Committee at a later meeting.

In response to a question from Councillor G. McDonald, the Head of Estates Services advised that an area of ground to the south of the site to be acquired was believed not to be the ownership of the Council and undertook to investigate it being noted that the area of ground to south referred to might be used for a purpose incompatible with a proposed HIE development. The Director of Environmental Services advised that the Head of Direct Services was currently preparing a report on the future development of the Council's harbours and requested that any report by the Head of Estates Services on the terms of sale negotiated be cross-referenced to the Head of Direct Services report. This was agreed.

Following consideration the Committee agreed to: -

- (i) approve the proposal from HIE Moray to acquire the former Boatyard at Bank Street, Buckie; and
- (ii) instruct the Head of Estates Services to negotiate appropriate terms of sale for consideration by this Committee at a later meeting. The report to be cross-referenced to a report by the Head of Direct Services on the future of the Council's harbours.

42. APPLICATIONS (2) TO PURCHASE GROUND IN FORRES (PARA 8 & 9)

There was submitted a report by the Head of Estates Services inviting the Committee to determine two applications from the proprietors of 14 Mannachie Brae and 5 Mannachie Gardens, Forres to purchase Council owned ground where Local members have recommended refusal and the applicants wish their application referred to Committee for determination.

Councillor Bell advised that he could not support the applications as they would encroach on public amenity ground and would compromise the privacy of those gardens facing onto the ground.

Following consideration the Meeting agreed not to support the applications

43. MESSAGE OF CONDOLENCE

Prior to the adjournment for lunch Councillor Wright advised that, in his capacity as Depute Convener in the absence of the Convener he had sent to Councillor Ogilvie a message of condolence in respect of the death of her father. The Meeting joined with the Chair in offering their condolences.

ADJOURNEMENT OF MEETING

The Meeting adjourned at 12.58pm and re-convened at 2.00 pm.

RESUMPTION OF MEETING

The meeting resumed at 2.00 pm.

PRESENT:

Councillors E McGillivray, Joint Chair (Remit – Communities), L.A. Bell, G.S. Coull, J S Cree, B. Jarvis, G Leadbitter, G McDonald, J.G. Russell and R H Shepherd.

IN ATTENDANCE

Councillor Sharp, the Chief Housing Officer, Chief Executive, Director of Community Services, Principal Solicitor (Commercial & Conveyancing), Capital Programmes Manager, Deborah Brands, Principal Accountant, Public Relations Co-ordinator, Principal Personnel Adviser, Community Planning and Development Manager, Director of Environmental Services, Head of Estates Services, Planning and Development Manager and Mrs C Carswell, Committee Services Officer as Clerk to meeting.

APOLOGIES

Apologies were received from Councillors A.G. Wright, J. Hamilton, P. Paul, M. Shand and I.R. Young

44. CHAIR

Councillor E. McGillivray, Joint Chair (Remit 2 – Communities) took the Chair in respect of the Communities section of business on the Agenda.

45. WRITTEN QUESTIONS

The Committee noted that there were no written questions submitted in respect of Remit 2 (Communities).

46. LOCAL HOUSING ALLOWANCE

There was submitted a report by the Chief Financial Officer informing the Committee of a significant change to the way Housing Benefit is worked out for tenants renting accommodation from a private landlord and to consider the draft vulnerability policy in relation to safeguarding the interests of tenants and landlords.

Following consideration the Committee agreed to:-

- (i) note the content of the report; and
- (ii) approve the draft vulnerability policy proposed to safeguard the interests of both tenants and landlords.

47. EMPLOYMENT POLICY AND PROCEDURE – TIME OFF FOR TRADE UNION DUTIES

There was submitted and noted a report by the Head of Personnel Services inviting the Committee to note that the employment policy and procedure covering Time Off for Trade Union Duties and Activities has been amended following a review in accordance with Personnel Service work plan in relation to policy development and review.

48. JOB EVALUATION APPEALS

There was submitted a report by the Head of Personnel Services advising the Committee of the conclusion of the Job Evaluation Appeals arising from the implementation of the new pay and grading arrangements for Single Status.

Further to questions from Members, the Principal Personnel Adviser informed the Meeting that there have been 300 people affected by the changes with the majority being single posts. The Council still has to implement Single Status for craft workers, roughly 100 employees, and this is to be completed by Christmas 2008.

Following consideration the Committee agreed to note that the Job Evaluation Appeals arising from the implementation of the new pay and grading arrangements for Single Status have now been concluded.

49. EXPANSION OF HOMELESSNESS PRIORITY NEED – APPROACH TO 2012 DEADLINE

There was submitted a report by the Director of Community Services informing the Committee of the considerations made in evaluating the options to meet the Scottish Government's target for the abolition of priority need in 2012 and the interim target of reducing non-priority need assessments by 50% by 2009.

In response to a question from Councillor Bell regarding whether migrant workers have an impact, the Chief Housing Officer advised that they do not have a major impact.

Following consideration the Committee agreed:-

- (i) to note the findings of the Homelessness Modelling Exercise undertaken by Arneil Johnston, Consultants and the assumptions used to develop the model;
- (ii) to note the implications of any potential changes to the homelessness criteria on the requirements for temporary and permanent accommodation;
- (iii) that any proposed expansion of priority need is considered following the current review of the Allocations Policy;
- (iv) to note that a further report will be presented to the Committee on actions proposed for the development of a Temporary Accommodation Strategy; and
- (v) to note that a further report will be submitted to the Policy Committee in October 2008 on proposals to achieve the 2009 target and 2012 objective.

50. HOME ENERGY CONSERVATION ACT 1995 SUBMISSION OF FIFTH PROGRESS REPORT APRIL 2005 TO MARCH 2007

There was submitted a report by the Director of Community Services seeking Committee approval of the "Home Energy Conservation Act 1995 (HECA) – Fifth Progress Report", which has been submitted in draft form to Communities Scotland.

Following consideration the Meeting agreed to note the contents of the report and approved it's submission to Communities Scotland.

51. PRESSURISED AREA STATUS APPLICATION

There was submitted a report by the Director of Community Services informing the Committee of the initial analysis of data regarding the development of a further application for Pressurised Area Status (PAS) for Forres and other areas agreed at the Policy Committee of 29 August 2007 (paragraph 32 of the minute refers).

Following a question from Councillor G McDonald as to whether the homelessness issue has been included in the report for pressurised area status, the Chief Housing Officer advised that there is guidance which prescribes the supporting evidence to be submitted.

Following consideration the Committee agreed:-

- (i) to develop a formal application for Pressurised Area Status in Forres;
- (ii) that wider stakeholder consultation takes place during the period April – June 2008 with the final submission to Scottish Ministers being made by September 2008; and
- (iii) that Officers continue to assess and develop the evidence for any further application for Pressurised Area Status to apply to other parts of Moray.

52. HOUSING REGULATION INSPECTION

There was submitted a report by the Director of Community Services presenting the Committee with details of inspection of the Council's Housing Services which is to be carried out during 2008.

Following discussion, the Chief Housing Officer advised that there was currently no requirement to recruit staff to assist in this process. Councillor McGillivray advised that a briefing session would be held once the assessment date has been confirmed.

Following consideration the Committee agreed:-

- (i) to note the report;
- (ii) to note that briefing sessions would be arranged prior to the onsite stage of inspection for Elected Members and other services involved in the provision of housing services; and
- (iii) that further reports be presented as the inspection progresses.

53. HOUSING REVENUE ACCOUNT AND OTHER HOUSING BUDGET MONITORING 2007/08

There was submitted and noted a report by the Director of Community Services presenting budget monitoring information for the period to 31 December 2007 in respect of the Housing Revenue Account (HRA) and Other Housing.

54. HOUSING INVESTMENT 2007/2008

There was submitted and noted a report by the Director of Community Services informing the Policy Committee of the position to 31 December 2007 for the Housing Investment Programme for 2007/2008.

Councillor McGillivray acknowledged, on the occasion of the retirement of Mr J Anderson, Private Sector Housing Officer the work Mr Anderson had done over the past 42 years for the Local Authority and its statutory predecessors .

55. SERVICE IMPROVEMENT PLAN – HOUSING 2007/08

There was submitted a report by the Director of Community Services presenting a progress report on the achievement of priorities identified within the Community Services Improvement Plan as it relates to the Council's Housing Service.

Following consideration the Committee agreed to note the report and the agreed revised timescales.

56. HOUSING QUARTERLY PERFORMANCE REPORT – 3RD QUARTER 2007/8

There was submitted and noted a report by the Director of Community Services outlining the performance of the Housing Service for the period 1 October to 31 December 2007 and the actions being taken to seek improvements where required.

57. MORAY YOUTH STRATEGY

There was submitted a report by the Director of Community Services advising the Committee on the progress of The Moray Youth Strategy.

Councillor G. McDonald advised that he was not happy as this appeared not to be progressing as previously agreed by the Committee and it was essential to know why an action plan had not been in place since the strategy was approved in 2006. The Community Planning & Development Manager advised that it was difficult for partners to engage in an action plan. Councillor McGillivray advised that he would take the comments of Councillor McDonald on board and further advised that some of the Theme Groups had not met for a while but that a further report would come back to this Committee.

Following consideration the Committee noted the progress made in the development of the Moray Youth Strategy and that a further report would be taken back to the Committee confirming the issues that have prevented preparation of the Action Plan to date.

58. EVALUATION OF THE “SAFER STREETS” INITIATIVE 2007

There was submitted a report by the Chief Executive inviting the Committee to review the evaluation of the Safer Streets initiative conducted by Moray Community Safety Partnership over the festive period 2007.

The Committee advised that the Initiative had been well received as it reduced police time and represented good value for money for those who had used the Initiative. There were concerns in that there was no feedback as to the money saved by Dr Grays Hospital, Elgin and there was a lack of accountability given it was public money which had been spent. There were also concerns that there had been no Member involvement and that there had been no time for consultation. Councillor McGillivray advised that the Community Planning Partnership had been awarded funding at short notice and both himself and Councillor Cree were part of the Community Safety Group which is part of the Community Planning Structure. Members agreed that, if the Initiative were to operate again in the future, they would like to see it widened to encompass all areas of Moray. The Committee agreed that the initiative could not be self-funded as many bus routes were not commercially viable and required to be subsidised.

Councillor McGillivray informed the Committee that a youth disco was to be held at “Joanna's” for 2nd and 3rd year pupils of all secondary schools in Moray.

On the invitation of Councillor McGillivray, Councillor Sharp advised that the cost of taxis are prohibitive for young people from Keith and this was a big concern.

Following consideration the Committee noted the evaluation of the “Safer Streets” Initiative conducted by the Moray Community Safety Partnership over the festive period 2007/2008.

59. LEADER PROGRAMME

There was submitted and noted a report by the Chief Executive advising the Committee on the closure of the Moray Action for Communities (MAC), a joint Community Planning projected funded by the LEADER + European funding programme and informing the Committee of the achievements it had made and the Community Planning Partnerships efforts to prepare a bid for the new LEADER 2008-2013 programme.

60. EFFICIENCY SAVINGS MONITORING – CHIEF EXECUTIVE

There was submitted and noted a report by the Chief Executive asking the Committee to note a monitoring report on the Efficiency Savings for the Chief Executive's Office covering the period April – December 2007.

The Chief Executive advised that he would check with the Public Relations Department how up to date the internet cutting service was and ensure that it was made available to Members.

61. PROGRESS REVIEW AGAINST CHIEF EXECUTIVE'S OFFICE SERVICE IMPROVEMENT PLAN AND PERFORMANCE INDICATORS

There was submitted a report by the Chief Executive advising the Committee on the progress made against the targets laid down in the Chief Executive's Service Improvement Plan and providing the Committee with an update of Service performance against performance indicators relating to the Chief Executive's Office.

Following consideration the Committee agreed to:-

- (i) note the progress of the Chief Executive's Service Improvement Plan 2007/08 and performance indicators; and
- (ii) approve the amendments to targets for Service Improvement Plan.

62. SHARED SERVICES ARRANGEMENT – OCCUPATIONAL HEALTH

There was submitted a report by the Head of Personnel Services asking the Committee to agree to the proposal to proceed with a joint tender for shared Occupational Health Service and note details of the work already undertaken in respect of the joint provision and the issues that have been identified and the next steps proposed to achieve the shared service.

Following discussion, the Principal Solicitor (Commercial & Conveyancing) advised that if the Council went ahead with the joint tender process then they would not be committing to accepting the same without it coming to the next appropriate Committee.

Following consideration the Committee agreed to proceed with a joint tender with Aberdeenshire and Aberdeen City Councils for shared Occupational Health Services and that the outcome would be reported to the next appropriate Committee.

63. HOUSING SUB-COMMITTEE – MINUTE OF MEETING DATED 15TH JANUARY 2008

The minute of the Housing Sub Committee dated 15th January 2008 was submitted and approved.

Councillor Coull asked for an update on whether sub-committees would be webcast and the Chief Executive advised that the renewal date was due shortly and sub-committees would be included in the future timetable of webcasts.

64. SUPPORTING PEOPLE BUDGET 2007/08

There was submitted a report by the Director of Community Services asking the Committee to consider the financial pressures on some Housing Support Service providers and consider some of the implications of the removal of the "ring fence" on Supporting People grant.

Councillor G McDonald advised that he was surprised at the wording of the recommendations as ring fencing has been removed and the report is asking for the commitment of future budgets. The Chief Housing Officer advised it is contingency funding and can be met for the current year by supporting the provision using own reserves. The Chief Housing Officer advised that the proposals are in response to concerns raised in recent Care Commission inspections of housing support services. Councillor Cree shared Councillor McDonald's concerns regarding future commitments as contingency funds are for unforeseen liabilities and if following the review, staff resources are released then these could fund the staff posts.

Following consideration the Committee agreed:-

- (i) additional funding of £65k for Hanover Housing Association during 2007/2008;
- (ii) an additional £5k funding for Castlehill Housing Association during 2007/2008;
- (iii) that the establishment of 2 Housing Support posts be deferred until the review has taken place; and
- (iv) that a review of the current staffing arrangements be carried out as a result of changes to the funding arrangements.

65. QUESTION TIME

Councillor Jarvis asked at what stage Officers are with regard to looking at sites for travelling people and Councillor McGillivray advised that there are 5 potential sites at the moment. Following a request from Councillor Coull, the Chief Housing Officer advised that she would prepare a briefing note for Members of work done to date.

Councillor Leadbitter asked what the position was regarding bye-laws for travelling families which had been discussed at Full Council six months ago. The Principal Solicitor (Commercial & Conveyancing) advised that she would take this back to the Chief Legal Officer who was responsible for this piece of work.

66. AFFORDABLE HOUSING (PARA 8 & 9)

There was as submitted a report by the Director of Community Services presenting proposals to enable the development of affordable housing opportunities in Moray and seeking the agreement of the Committee to the purchase of land for future development, as part of a wider procurement initiative in Moray.

The Chief Housing Officer drew the Committee's attention to the very recent identification of abnormal costs anticipated in the Forres site. These are estimated to be approximately £0.750m. These would require to be funded by the Council as the valuation referred to in the report assumes cleared site value. If the Committee were minded to approve the proposals in the report, she suggested that in view of the short timescales involved, it be delegated to her, in consultation with the appropriate officers and the Joint Chair, Remit 2 (Communities) to agree the most appropriate means of dealing with this.

The Principal Solicitor (Commercial & Conveyancing) advised that it is a good opportunity with funding through Communities Scotland with safeguards built in that land reverts back to landowners and monies can be given back if proposals do not go ahead. She confirmed that significant planning issues exist in relation to all three sites and parties should be clear that the planning merits of the proposals would need to be considered on their own merits at the relevant time. The fact that the proposal is for affordable housing and that the Council is

involved should not be seen as opportunities to “short cut” planning issues that would require to be addressed.

Councillor Shepherd and Cree left the meeting at this stage.

Following consideration the Committee:-

- (i) welcomed the opportunities for affordable housing development outlined in the report;
- (ii) agreed the disposal of the Council’s interest in site R5 in Forres to Grampian Housing Association, acting as lead agent on behalf of Registered Social Landlords in Moray;
- (iii) agreed to delegate authority to the Chief Housing Officer, in consultation with appropriate officers of the Council and the Joint Chair, Communities to incur expenditure of up to £0.75m to provide a cleared site R5 in Forres;
- (iv) agreed that the capital receipt received from the disposal is used to finance the Council's acquisition of part of the Barhill site in Buckie, for strategic landbanking purposes;
- (v) agreed that the HRA funds the residual cost of this acquisition; and
- (vi) acknowledged the issues in relation to planning identified in the report, and considered in further detail during discussion.

67. BUILDING SERVICES TRADING OPERATION BUDGET 2007/08 – BUDGET MONITORING (PARA 8)

There was submitted and noted a report by the Director of Community Services presenting budget monitoring information for the period to 31 December 2007 for the Building Services Trading Operation.

68. BUILDING SERVICES TRADING OPERATION BUDGET 2008/09 (PARA 8)

There was submitted a report by the Director of Community Services presenting the Building Services Trading Operation Budget for 2008/09 to the Committee for approval.

Following consideration the Committee agreed:-

- (i) the proposed Building Services Trading Operation Budget for 2008//09; and
- (ii) to note the three year budget projection to 31 March 2011.

69. MVSO PENSIONS (PARA 1)

There was submitted a report by the Chief Executive asking the Committee to consider a request received from the MVSO for assistance with a pensions liability which has arisen on their withdrawal from a pension scheme.

Following consideration the Committee agreed that, while they were supportive of MVSO and valued the role played by the organisation, they would not provide assistance at this time. The Committee asked that Officers keep the situation under review