

**THE MORAY COUNCIL**  
**MINUTE OF MEETING OF THE POLICY COMMITTEE**  
**WEDNESDAY 30 APRIL 2008**  
**COUNCIL OFFICE, ELGIN**

**PRESENT**

Councillor A. R 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, R. H. Shepherd and I.R. Young.

**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, Public Relations Co-ordinator Head of Children and Families and Mrs C Carswell Committee Services Officer as Clerk to the meeting.

**1. CHAIR**

Councillor A.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 Paul advised that the SNP had discussed Item 11, 41 and 42, Councillor G McDonald and Councillor J. Hamilton declared an interest in Item 29 as they were on the Board of Directors and Councillor I. Young declared a personal interest in Item 10, 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	8 & 9
32	8 & 9
33	9
34	9
51	1
52	1
53	1
54	6 & 9
55	8



The Chief Financial Officer advised that there was a “drop-in” session on Tuesday 6<sup>th</sup> May when the DBS Project Team would be in attendance to discuss the progress of the project, and answer any questions which Members and staff may have. The DBS team is based at offices in Hamilton Drive, Elgin and Members should feel free to drop in any time. He also advised that the Scottish Government is using a “traffic light scheme” to monitor progress and Moray is currently at “green”.

Following consideration the Committee agreed to note the progress, actions and allocation of resources in respect of the Project.

#### **8. MAINTENANCE OF PRIVATELY OWNED GROUND**

There was submitted a report by the Director of Environmental Services informing the Committee of the area of privately owned ground that has historically been maintained by the Council and to ask the Committee to agree a policy for future maintenance.

Following a question from Councillor A. Wright regarding whether new developments were getting their grass cut, the Environmental Protection Manager advised that there can be maintenance bonds which are a one off capital payment for 25 years maintenance cost and these are continually being looked at. The Chief Financial Officer advised that many developers find the costs which the Council require to charge to cover costs are too high.

Further to a question from Councillor P. Paul, the Environmental Protection Manager advised that it was the Council’s Policy not to lift grass cuttings. The Committee asked that a report should come back on how often the grass is cut. Following a question from Councillor Coull, the Environmental Protection Manager advised that if a piece of land is gifted from a Developer then whether the Council would accept the maintenance would be reported to the Council for consideration.

Following consideration the Committee agreed to:

- (i) note the areas of privately owned ground currently maintained by the Council; and
- (ii) continue to maintain all classifications of sites apart from site Classification (d) – Sports Areas and asked for a report to come back to Committee on whether these pieces of ground are exclusively for use of football clubs etc or for general use and the costings.

#### **9. PROPOSED REVISION TO PROCEDURES FOR IDENTIFICATION OF ASSETS NO LONGER REQUIRED FOR OPERATIONAL PURPOSES**

There was submitted a report by the Head of Estates Services asking the Committee to approve revised operational procedures for the identification of property assets no longer required for operational purposes.

Following consideration the Committee agreed that subject to conditions, to delegate powers to the Chief Financial Officer as Chairman of the Asset Management Working Group, in consultation with local Members, to identify as surplus and available for disposal Council owned property assets (excluding Common Good assets and assets held on the Housing Revenue Account) which are:-

- (i) no longer required by the Council to provide a service either directly, or indirectly through a third party; and
- (ii) no longer required for the future use of the Council.

## **10. HARBOUR CHARGES 2008/09: RECREATIONAL BOATS**

There was submitted a report by the Chief Legal Officer inviting the Committee to consider a recommendation from the Environmental Services Committee that the Policy Committee consider suspending Standing Orders and agree to limit the increase in charges for recreational boats in Moray Council harbours to the current rate of inflation for 2008/09.

Councillor A. Wright, seconded by Councillor J. Hamilton, moved that he was minded not to suspend standing order 73 as there was no relevant and material change of circumstances since the charges were set at their current rate.

Councillor G. McDonald, seconded by Councillor G. Coull moved as an amendment that Standing Order 73 should be suspended as a 10% increase in 2006/07 was information not made available to Members in the budget papers nor was the 55% increase for some pensioners mentioned either. There is an underspend in reserves of £1.7 million which was also not in the public domain at the budget meeting as against potential savings from the increase of £6,600. He therefore felt there was enough of relevance to merit a suspension of standing orders.

The Chief Legal Officer advised that it was for Members to determine by motion and amendment and on the information put forward in support thereof whether there had been a relevant or material change of circumstances and whether to suspend standing orders. The Chief Financial Officer thereafter advised the meeting that the reserves were committed on specific projects.

On a division there voted:-

For the Motion (7)	Councillors L. Bell, J. Cree, J. Hamilton, E. McGillivray, J. Russell, R. Shepherd, and A. Wright
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For the Amendment (6)	Councillors G. Coull, B. Jarvis, G. Leadbitter, G. McDonald, P. Paul and M. Shand.
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Abstention( 1)	Councillor I. Young
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Accordingly the Motion became the finding of the Meeting and it was agreed not to suspend Standing Order 73.

## **11. MEDIA STRATEGY**

There was submitted a report by the Chief Executive advising the Committee of revisions to the Media Strategy.

Following consideration the Meeting agreed that the Chief Executive would consult with Group Leaders and bring the Strategy back to Committee thereafter.

## **12. GOVERNMENT CONSULTATION ON PROPOSALS FOR A SCOTTISH CLIMATE CHANGE BILL AND PARTICIPATION IN REGIONAL PARTNERSHIP ON CLIMATE CHANGE**

There was submitted a report by the Director of Environmental Services providing an overview of and responses to the Scottish Government's Climate Change Bill which is currently out for consultation. The Report also advised the Committee of ongoing "climate change" work across the Council and of opportunities to work in partnership with neighbouring local authorities to achieve more substantial CO<sup>2</sup> reductions.

Councillor G. Leadbitter stated that targets and timescales at para 4.6 of the report require to be more challenging; that the incentive of not destroying the environment should be sufficient motivation; there should therefore be less need to depend on Government directive and that every Council in Scotland should be adjusting their budget to encompass climate change. The Director of Environmental Services advised that the Council has achieved what it has not only because of the efforts of staff but also the support of the people of Moray. He also advised that the Council has had substantial financial support from Central Government and hoped this support would continue.

Councillor A. Wright advised that the climate change declaration was to be signed by all 32 local authorities.

Following consideration the Committee agreed:-

- (i) to note the contents of this report and agreed to forward the comments contained in the report as the Council's response to the Climate Change Bill consultation;
- (ii) to note the ongoing work throughout the Council to combat climate change by reducing greenhouse gas emissions; and
- (iii) to a voluntary partnership with Aberdeenshire Council and Aberdeen City Council to work together on a regional basis to mitigate against, and adapt to, the impacts of climate change.

### **13. DEVELOPMENT OF NCH RESIDENTIAL PROVISION**

There was submitted a report by the Director of Community Services inviting the Committee to consider a recommendation from the Education and Social Services Committee dated 9 April 2008 (para 7 of the Minute refers), seeking approval to continue funding of the "satellite unit" linked operationally to Forres Children's Home through a Service Level Agreement between the Council and NCH (Scotland).

Following a question from Councillor A. Wright, the Chief Legal Officer advised that in terms of the Councils Financial Regulations an extension of an existing contract requires the approval of the Policy Committee.

Councillor G. Leadbitter asked for a breakdown of the costs stated in the report of £12,300 for each child. Councillor Wright advised that a separate report would be taken to the appropriate service Committee.

Following consideration the Committee agreed to approve funding of the "satellite unit" linked operationally to Forres Children's Home through a Service Level Agreement between the Council and NCH (Scotland) and noted the funding would be subject to review within 12 months.

### **14. REVENUE BUDGET MONITORING TO 31ST MARCH 2008**

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

Councillor A. Wright noted that there had been an overspend in Education and Direct Services and asked that there be a greater discipline as the year progresses when variances are being identified and services should be asked to take matters in hand and aim to have a balanced budget and not to have to rely on funding taken out of reserves.

Following consideration the Committee agreed to note the:-

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

#### **15. CAPITAL PLAN 2007/08 MONITORING TO 31ST MARCH 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 March 2008.

Following consideration the Committee agreed to note the expenditure to 31st March 2008 of £18.34 million and the remaining provisional projects in the Capital Plan for 2007/08.

#### **16. EFFICIENCY SAVINGS MONITORING - FINANCE AND ICT**

There was submitted a report by the Chief Financial Officer providing Members 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) identification of further potential efficiency savings.

#### **17. 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

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

#### **18. SERVICE IMPROVEMENT PLAN 2008/09 - FINANCE AND ICT SERVICES**

There was submitted a report by the Chief Financial Officer presenting the Committee, for approval, the 2008/09 Service Improvement Plan for Finance and ICT Services.

Further to a question from Councillor M. Shand, the Chief Financial Officer advised that they were looking to have three staff transfer to the Council and advertise the remaining seven positions. The aim was to have one comprehensive service and this would have a wide impact on the ICT section to provide services across the board.

Following consideration the Committee agreed to approve the Service Improvement Plan for Finance and ICT Services.

#### **19. PERFORMANCE MANAGEMENT REPORT - FINANCE AND ICT SERVICES**

There was submitted a report by the Chief Financial Officer inviting the Committee to consider the progress achieved as at the end of Quarter 4 2007/08, in implementing the improvements identified in the Finance and ICT Service Improvement Plan 2006-2008; the progress made in achieving; as at the end of Quarter 4 2007/08; the main Finance and ICT Performance Indicators and the progress made, as at the end of Quarter 4, 2007/08, in achieving the Finance and ICT

Complaint Targets.

Further to a question from Councillor G. McDonald with regard to ICT disaster recovery arrangements the Chief Financial Officer advised that there are currently shared arrangements with neighbouring authorities and risk assessment arrangements in place. The priority at the moment within the ICT section was work on the schools I.C.T Project.

Councillor J. Hamilton advised that a report had been promised for today's meeting regarding colour copying within reports. The Chief Legal Officer advised that he would arrange for a report on costs of colour copying to be brought to the next Policy Committee. This was noted.

Following consideration the Committee agreed to approve the report.

## **20. 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 January to March 2008 and to provide Members with a progress report on Performance Indicators and Complaints for the Service for the same period.

Following a question from Councillor G. McDonald regarding the timescale for the revised Scheme of Delegation and Scheme of Administration the Chief Legal Officer advised that the timescale would be dictated by the Committee's consideration of items later on in the agenda but that the revised Schemes would be in place in time.

Councillor P. Paul asked that in future the Committee see numbers as well as the percentages for staff turnover. This was agreed. It was also agreed Members would be provided via their website with copies of the standard report on staff turnover provided to the Chief Executive and the Council's directorate

Following a question from Councillor G. McDonald regarding a definition of "ethnicity", the Chief Legal Officer advised that there appeared to be an error in the definition being used and the source of the definition. He further advised that he would have the definition and its source amended.

Following consideration the Committee agreed to approve the report.

## **21. CHIEF EXECUTIVE'S SERVICE IMPROVEMENT PLAN – PROGRESS**

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

Councillor G. Coull asked if Members could be given information on the role and remit of the Service Development Group and whether it was a Committee of the Council. The Chief Executive advised that he would circulate the information/timetable and that it was a Committee of the Council but not a service Committee. This was noted.

Following consideration the Committee agreed to approve the report.

## **22. 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 fourth quarter of the 2007/08 financial year and

note performance against targets.

Councillor A. Wright advised that in the report he would like to see included narrative on what the complaints are about, who are making complaints and to whom. The Chief Executive confirmed he would summarise the substance and categories of complaints including those made to the Ombudsman and amend future reports accordingly. This was noted.

Following consideration the Committee agreed to note the performance against the targets and approve the annual revision of the Complaints Policy.

### **23. ICT ACTION PLAN - REVIEW OF PROGRESS 2007/08**

There was submitted a report by the Chief Financial Officer asking the Committee to review the progress against the ICT Action Plan for the financial year 2007/08.

Following a comment from Councillor J. Hamilton regarding the "Easy Access" Project, the Chief Financial Officer advised that this was currently on-hold, not withdrawn, to await the outcomes of the "Designing Better Services" Project.

Further to a query from Councillor S. Cree regarding mobile phones with e-mail capabilities the Chief Financial Officer advised that this was a large project which had been broken into three stages and he would look into the matter.

Councillor G. Leadbitter asked that in future reports, cost implications of software options should be included. The Chief Financial Officer confirmed that the "Designing Better Services" project team are currently looking at the range and costs of the Council's current software and the issue of cost implications will be addressed as part of this exercise.

Following consideration the Committee agreed to review the progress against the ICT Action Plan for 2007/08 and note that the next ICT Open Day will be held in the Council Chamber on the 18<sup>th</sup> September 2008.

### **24. STATISTICS ON FREEDOM OF INFORMATION AND DATA PROTECTION REQUESTS: 1 APRIL - 30 SEPTEMBER 2008; 1 OCTOBER 2007 - 31 MARCH 2008**

There was submitted a report by the Director of Educational Services providing the Committee with an update on the requests for information received by the Council between 1 April and 30 September 2007 and 1 October 2007 and 31 March 2008 and processed under the Freedom of Information (Scotland) Act 2002, Environmental Information (Scotland) Regulations 2004 and the Data Protection Act 1988.

The Director of Educational Services stated that procedures had been put in place and congratulations should be given to staff in various Departments as information requests are being met timeously.

Further to a question from Councillor S. Cree regarding the substantial increase in enquiries to Central Services, the PPR & Communications Officer advised that a Glasgow firm had made 39 collective enquiries all at one time, which they are entitled to do. He also advised that it was extremely difficult to police these applications as there was no evidence to show that this information was being sold on on a commercial basis. The Council cannot charge unless there is evidence that information is being used commercially. The Records Manager advised that in Scotland, unlike in England, the Council cannot charge for such collective applications as each inquiry is treated individually on it's merits.

Following consideration the Committee agreed to note the improvements in performance and asked that the report come back to a future meeting on how the Freedom of Information and Data Protection Requests operate and the cost implications to the Council.

## **25. SUMMARY OF ENERGY SAVING PROJECTS**

There was submitted and noted a report by the Head of Estates Services asking the Committee to note the progress achieved in developing and implementing a programme of energy saving projects to Council buildings in support of the Climate Change Agenda.

## **26. EQUALITIES LEGISLATION: PROGRESS UPDATE**

There was submitted a report by the Chief Executive asking the Committee to review performance against equalities legislation and, to enable members to gain an understanding of the scope of the legislative requirements in order to set priorities for a revised Equality Strategy, establish a Working Group led by Members.

Councillor A. Wright, seconded by Councillor J Hamilton, moved that the Chief Executive should draw up a revised Equality Strategy and bring it back to the Committee for consideration.

Councillor G. McDonald, seconded by Councillor G. Coull, moved as an amendment that a Working Group, led by Elected Members be established to develop the Equality Strategy.

On a division there voted:-

For the Motion (7)	Councillors L. Bell, J. Cree, J. Hamilton, J. Russell, R. Shepherd, A. Wright and I. Young
For the Amendment (6)	Councillors G. Coull, B. Jarvis, G. Leadbitter, G. McDonald, P. Paul and M. Shand.
Abstention (1)	Councillor E. McGillivray

Accordingly the Motion became the finding of the Meeting and it was agreed that the Chief Executive would draw up the revised Equality Strategy and bring it back to Committee for consideration.

## **27. INVITATION FROM THE COUNTY OF KRONACH**

There was submitted a report by the Director of Environmental Services advising the Policy Committee of an invitation received from the Convener of Kronach Landkreis.

Following discussion the Committee agreed that the Convener should attend on behalf of the Council.

## **28. INVERNESS AND ABERDEEN JUNCTION RAILWAY - 150 YEARS**

There was submitted a report by the Director of Environmental Services updating the Committee on the request received by the Council from Highland Railway Heritage to participate in celebrating the 150<sup>th</sup> anniversary of completion of the Inverness to Aberdeen railway line and its opening in August 1858.

Councillor J. Russell advised that the Elgin Arts Centre were planning to build a recyclable shoe box train which they hope would enter the Guinness Book of Records and that they are currently hoping to secure £1,400 sponsorship.

Following consideration the Committee agreed to confirm its willingness to participate in the event to celebrate the 150<sup>th</sup> anniversary of the opening of the Inverness and Aberdeen railway and agreed to host a buffet lunch for invited guests on Saturday 16<sup>th</sup> August 2008 at Elgin Old Station buildings.

### **29. CIFAL GLOBAL NETWORK STEERING COMMITTEE, ATLANTA, USA AND UNITAR TRAINING SEMINAR, FINDHORN**

There was submitted a report by the Director of Environmental Services advising the Committee that an invitation has been made to the Council regarding attendance at the CIFAL Steering Committee in Atlanta, USA on 8<sup>th</sup> and 9<sup>th</sup> May 2008 and also to attend the UNITAR Training Seminar in Findhorn on 16<sup>th</sup> – 18<sup>th</sup> June 2008.

Councillor J. Hamilton asked the Chief Legal Officer whether he should declare an interest and the Chief Legal Officer advised that he could fully participate in the discussion.

Councillor J. Hamilton advised that himself and Councillor G. McDonald had been advised of the invitation at last weeks Board meeting and that he felt that it would be an opportunity to provide input to the Steering Group and the training event.

Following consideration the Committee agreed that Councillors J. Hamilton and G. McDonald should attend both events and report back to the Committee.

### **30. QUESTION TIME**

There were no questions raised at the Committee.

### **31. LAND AT CLAREMONT, FORRES (PARA 8 & 9)**

There was submitted a report by the Head of Estates Services presenting proposals to the Committee relating to the acquisition and disposal of ground adjacent to 23 Claremont, Forres.

Following consideration the Committee agreed to:-

- (i) declare the Council's interest in Area A, being 255m<sup>2</sup> of ground adjacent to 23 Claremont, Forres surplus to requirements;
- (ii) instruct the Head of Estates Services to negotiate terms, in consultation with the Chief Legal Officer, to dispose of the ground jointly with the other owners; and
- (iii) instruct the Head of Estates Services to negotiate terms for the acquisition of the remaining 4/5ths interest in Area B, comprising a drying green, for incorporation into the curtilage of 23 Claremont and report terms back to Committee.

### **32. ELM NURSERIES, BOGTON ROAD, FORRES (PARA 8 & 9)**

There was submitted a report by the Head of Estates Services requesting that the Committee approve terms of lease of the ground shown outlined, hatched and crosshatched on the plan extending to 2.97 hectares at Bogton Road, Forres to Elm Nurseries Ltd.

Following consideration the Committee agreed to approve:-

- (i) the terms of lease of the area ground to Elm Nurseries Ltd on the terms detailed in the report; and

- (ii) the renunciation of Christie Elite Nurseries Ltd's lease and a grant of a new lease on the terms detailed in the report.

### **33. LAND AT CONVAL STREET, DUFFTOWN (PARA 9)**

There was submitted a report by the Chief Legal Officer seeking Committee approval of the provisionally agreed terms for the sale of the unsurfaced lane at Conval Street, Dufftown declared surplus to requirements by the Environmental Services Committee to Oakbank Homes Limited.

Following consideration the Committee approved the provisionally agreed terms of sale detailed in the report.

### **34. GO-KART SITE, CALCOTS ROAD, WOODSIDE, ELGIN (PARA 9)**

There was submitted a report by the Chief Legal Officer inviting the Committee to consider the provisionally agreed terms for the lease of a site at Calcots Road, Woodside, Elgin declared surplus to requirements by the Environmental Services Committee to Elgin Kart Raceway Ltd.

Following consideration the Committee approved the provisionally agreed terms

### **ADJOURNEMENT OF MEETING**

The Meeting adjourned at 12.26pm.

### **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, J. Hamilton, B. Jarvis, G Leadbitter, G McDonald, P. Paul, J.G. Russell M. Shand, R H Shepherd, A. Wright and I.R. Young.

### **IN ATTENDANCE**

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

### **35. CHAIR**

Councillor E. McGillivray, Joint Chair took the Chair in respect of the Communities section of business on the Agenda.

### **36. WRITTEN QUESTIONS**

The Committee noted that there were no written questions submitted to the Committee.

### **37. CORPORATE STRATEGY FORMAT GUIDANCE**

There was submitted and approved a report by the Chief Executive on guidance for all Council strategies in order to ensure that national, Council, Community Planning and statutory requirements are met and to promote a consistent approach across the organisation.

### **38. WORKFORCE PLANNING**

There was submitted a report by the Head of Personnel Services asking the Committee to agree a corporate Workforce Plan for 2008/9.

Councillor S. Cree, seconded by Councillor J. Russell moved that the wording in Appendix 1 Page 4 of the report was sufficient with regard to gender and the employment of more female senior managers.

Councillor G. McDonald, seconded by Councillor G. Leadbitter moved as an amendment that the form of wording be amended to make sure that the Council are taking positive action and not a risk of positive discrimination

On a division there voted:-

For the Motion (7)	Councillors L. Bell, J. Cree, J. Hamilton, E, McGillivray, J. Russell, R. Shepherd, and I. Young
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For the Amendment (7)	Councillors G. Coull, B. Jarvis, G. Leadbitter, G. McDonald, P. Paul, M. Shand and A. Wright.
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There being an equality of votes, the Chairman, in terms of Standing Order 55E, exercised his casting vote in favour of the motion. Accordingly the Motion became the finding of the Meeting and it was agreed that the wording in Appendix 1 Page 4 of the report remain as printed.

Further to concerns raised by the Committee regarding the timescales and priority ranking for recruitment of senior staff in terms of succession management etc, the Head of Personnel Services advised that the timescales were for completion of the actions required and were reasonable in the circumstances. The ranking was linked to the timescales and the time needed to complete a number of tasks. It was not necessarily an indication of an action or an outcome being of low priority.

Following consideration the Committee agreed to approve the corporate workforce plan for 2008/9 and note that the plan would be a working document which would evolve to meet the priorities from the single outcome agreement and to incorporate issues from each department.

### **39. HEALTH AND WORK**

There was submitted a report by the Head of Personnel Services providing an update on the Health and Work strategy (formerly known as Absence Management) which has been developed with the aim of generating efficiency savings through improvement of employee health and attendance at work.

The Head of Personnel Services advised that Moray was leading practice within Scotland and that the aim was to build on this. Councillor S. Cree congratulated the author of the report as it was an easy to read report and well written and that this standard should be applied throughout.

Following consideration the Committee agreed to:-

- (i) note the progress made during 2008/8 in relation to Health and Work;
- (ii) note that the Health and Work policy is currently being reviewed to take account of feedback and operational issues since its implementation; and
- (iii) approve the revised absence figure targets for 2008/9 and beyond.

#### **40. REDEPLOYABLE CCTV UNITS**

There was submitted a report by the Chief Executive asking the Committee to approve the Redeployable CCTV Procedure for mobile CCTV units held by the Community Safety Partnership.

Following consideration the Committee agreed to approve the Procedure to ensure reasonable, justifiable and effective deployment of mobile CCTV cameras for the purposes of prevention, detection and investigation of crime and antisocial behaviour throughout Moray.

#### **41. LOCAL AREA COMMITTEES**

With reference to para 27 of Minute of Full Council on 26 March 2008 there was submitted a report by the Chief Executive asking the Committee to further consider the establishment of local area committees, their role and remit, membership and resourcing implications.

Councillor A. Wright advised that the area committees completed the Community Planning Structures and would provide an opportunity at local level to deliver services, scrutinise service delivery and provide funding for local priorities. He confirmed that there are some areas of remits and roles of area committees which need fine tuning and that the area committees would be open to all members of the public.

Councillor P. Paul stated that she did not believe that they should have a budget and that it is being imposed and was ill thought out. She felt that existing Local Neighbourhood Forums work well in some areas but if money and support was taken away from them then they would be unlikely to continue to exist. The Council was not listening to what the community want.

The Chief Executive confirmed that Local Area Committees would operate on a multi member ward basis and apologised if this was not clear in his report. Further to the report to Full Council on 26 March 2008 and this report it was clear that support staff would however be deployed on an ASG area basis. In other words the Council would match ASG support staff to the Area Committee to provide appropriate support.

Councillor P. Paul, seconded by Councillor B. Jarvis moved a motion that the Committee agrees to put the proposals for Local Area Committees out to consultation with communities and the results of the consultation are brought back to Full Council in July for consideration by all elected members. Consultation should be with the local community including Local Area Forums, Community Councils, Community Associations, Parent Councils, Tenants Forums and all other organisations which currently scrutinise Council Services.

Councillor S. Cree stated that the establishment of Area Committees was agreed at the Full Council on the 26<sup>th</sup> March 2008 and if that was in question then the Committee would need to agree to a suspension of Standing Orders. The budget involved would be local spending on local matters and other Authorities have demonstrated that Area Committees work and the report outlines the way it could work.

Mrs A Scott, Principal Solicitor advised that both arguments are correct as the Full Council on 26<sup>th</sup> March 2008 agreed in principle to the establishment of Area Committees subject to details thereof being reported to this Committee and if the Committee were to rescind this decision regarding Local Area Committees then this would require a suspension of Standing Orders. It was also perfectly competent that consultations could take place before making a commitment on the report but the Committee cannot go back over the arguments.

Following further discussion by the Committee, The Principal Solicitor read out a composite motion, "That the Committee agrees to put the proposals for implementation of Committees out to a structured consultation with communities and the results of the consultation are brought back to Full Council in July for consideration by all elected members. Consultation should be with the local community including Local Area Forums, Community Council, Community Associations, Parent Councils, Tenants Forums and all other organisations which currently scrutinise Council services, with a view to seeking their active involvement in Local Area Committees".

The Committee agreed unanimously to the composite motion.

Councillor S. Cree left the meeting at this juncture.

#### **42. COUNCIL BUSINESS: TIMETABLE AND CALENDER OF MEETINGS**

There was submitted a report by the Chief Legal Officer inviting the Committee to consider recommending to the Full Council, a proposed eight week cycle of meetings, with the Service Development Group meeting every four weeks, the Service Committees and Scrutiny Committee meeting once in the eight week cycle and the Community Planning Board and Theme Groups meeting once in a twelve week cycle.

Councillor E. McGillivray advised that Committees would be held on Tuesday and Wednesdays with Community Planning Groups being held on a Thursday. Councillor A. Wright advised that the Full Council would be held on Wednesday 2<sup>nd</sup> July 2008.

Councillor J. Hamilton raised his concern with regard to the similarity of the names of the Children's Committees as it may confuse and he would consult the Director of Educational Services and Director of Community Services as the Committee would cover all Educational functions such as libraries, museums and the arts

Following consideration the Committee agreed to recommend to the Full Council a proposed eight week cycle of meetings as circulated with meetings being held on a Tuesday and Wednesday and the proposed calendar of meetings for the period 14 May to 31 December 2008.

#### **43. SERVICE IMPROVEMENT PLAN - HOUSING 2007/08**

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

#### **44. SERVICE IMPROVEMENT PRIORITIES - HOUSING - 2008/09**

There was submitted a report by the Director of Community Services presenting the proposed Service Improvement priorities for Housing in 2008/09 for the Committee's approval.

Councillor G. Leadbitter advised that he was pleased with the Scottish Governments announcement to invest in Council housing stock and would like to see this matter being discussed by Members at a future date. The Chief Housing Officer advised that there would be £25 million available in Scotland over 3 years but there were no real details currently available.

She advised that Councillor Leadbitter had raised the issue of the Council building houses previously and there are some significant financial issues regarding affordability and one of the factors requiring consideration is potential financial support from the Scottish Government and she would intend to come back with a further report with investment proposals for 2009 and beyond with feasibility issues.

Following consideration the Committee agreed to:-

- (i) approve the Service Improvement priorities for housing in 2008/09; and
- (ii) note that quarterly monitoring reports would be presented to future meetings.

#### **45. HOUSING INVESTMENT 2007/08**

There was submitted and noted a report by the Director of Community Services informing the Committee of the position to 29 February 2008 for the Housing Investment Programme for 2007/2008.

#### **46. 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 29 February 2008 in respect of the Housing Revenue Account (HRA) and Other Housing.

#### **47. EMPLOYEE OPINION SURVEY PHASE TWO: FOCUS GROUPS**

There was submitted and noted a report by the Head of Personnel Services asking the Committee to note the results from the Focus Groups which constitute Phase Two of the Employee Opinion Survey project.

#### **48. REVIEW OF SITES**

There was submitted a report by the Director of Community Services presenting progress made to identify appropriate sites for Gypsies/Travellers in Moray.

Further to a question from Councillor J. Hamilton regarding timescales and location of sites, the Senior Area Housing Manager advised there were factors outwith the the Council's control as there required to be consultation with landowners and planning permission would require to be obtained. Councillor E. McGillivray advised that it would not be pertinent to name sites at present as the Council may be unable to acquire or obtain permission for the sites being looked at. The Chief Housing Officer advised that she would be happy to discuss the matter informally with Members and that it would not preclude discussion when any planning application is placed before them.

Further to a question from Councillor J. Hamilton regarding forming an official site at Lossie Green, the Chief Housing Officer advised that there have been concerns expressed regarding the unauthorised encampments and that it would not be appropriate for an authorised settlement. The Director of Environmental Services advised that there was a need to implement a flood alleviation scheme in Elgin and this affects the Lossie Green site and it had been dismissed for other purposes until the flood alleviation order was put in place. He also advised when planning permission was applied for this would give Councillors and communities an opportunity to be consulted.

Following questions from Councillor G. Leadbitter and Councillor G. McDonald, the Director of Environmental Services advised that no sites had come forward at the time of the Local Plan being developed and that it would be perfectly reasonable for the Council, if it wished, to include

sites for the travelling people. He advised that the Council would consider each proposal under each individual merit and whether it would be considered under the Local Plan.

Following consideration the Committee agreed to note:-

- (i) the work undertaken to identify alternative sites for Gypsies/Travellers in Moray; and
- (ii) that a further report be presented to a future Committee in due course.

#### **49. EUROPEAN FUNDING APPLICATIONS**

There was submitted a report by the Director of Environmental Services seeking the Committee's approval to contribute to European Funding applications.

Further to a question from Councillor P. Paul regarding clarification as to where Lowland Upland Scotland was as noted in the report, the Director of Environmental Services advised that the Principal Development Officer would discuss the same with Councillors and the map would be put on the intranet.

Following consideration the Committee agreed to:-

- (i) a contribution of £116,500 from the Economic Development budget, split over 3 financial years towards 6 out of 16 Community Planning Partnership project proposals of a total value of £4,404, 765;
- (ii) the Council sponsoring an application for European funding for the voluntary sector; and
- (iii) nominate Councillor J. Russell as the elected member for the board of the Moray Bio Energy Centre.

#### **50. QUESTION TIME**

There were no questions raised at Committee.

#### **51. EQUAL PAY (PARA 1)**

There was submitted a report by the Head of Personnel Services informing the Committee of developments in the case law around equal pay and the implications for the Council's outstanding equal pay employment tribunal claims.

Following consideration the Committee agreed to:-

- (i) note the position with regard to the developments in the case law around equal pay and the implications for the Council's outstanding equal pay employment tribunal claims;
- (ii) note that settlement of cases as agreed in December has been put "on hold" until the full implications of the case law are determined and that the strategy will be deployed on a "just-in-time" basis to ensure the Council is in the best position; and
- (iii) note that the Council would continue to try to minimise its risk in relation to equal pay and the strategy for managing cases would be reviewed regularly in light of emerging case law and the approach to cases would be revised accordingly.

## **52. DISCRETIONARY FUNCTIONS - LOCAL GOVERNMENT PENSION SCHEME (PARA 1)**

There was submitted a report by the Head of Personnel Services advising the Committee of amendments to the Local Government (Discretionary Payments and Injury Benefits)(Scotland) Regulations 1998 (hereafter referred to as the Discretionary Payments Regulations). The purpose of the report is to review the Council's current policy decisions in respect of those Regulations and to ask the Committee to consider and approve the amendments required to these policy decisions.

Councillor J. Russell left the meeting during discussion of the item.

Following consideration the Committee agreed to defer the report for clarification of a number of issues and that it be brought back to a future Policy & Resources Committee meeting for consideration.

## **53. EARLY PAYMENT OF DEFERRED BENEFITS UNDER THE LOCAL GOVERNMENT PENSION SCHEME (SCOTLAND) REGULATIONS 1998 (PARA 1)**

There was submitted a report by the Head of Personnel Services asking the Committee to consider and approve the early payment of deferred benefits to an ex-employee of the Moray Council under the Local Government Pension Scheme (Scotland) Regulations 1998.

The Chief Legal Officer advised that the Committee should consider the case on its own merits.

Following consideration the Committee agreed to option A, that the Council allows early payment of the employee's pension benefits in terms of Regulation 30 of the Pension Regulations but that the payment of benefit would be on a reduced basis with no cost being chargeable to the Council.

## **54. CURRENT STATUS OF HOUSING SUPPORT CONTRACTS (PARA 6 & 9)**

There was submitted a report by the Director of Community Services informing the Committee of the current contracting status of the Housing Support contracts.

Following consideration the Committee agreed to approve the contracts and their funding levels that have been negotiated.

## **55. BUILDING SERVICES TRADING OPERATION BUDGET 2007/08 (PARA 8)**

There was submitted and noted a report by the Director of Community Services presenting budget monitoring information for the period to 29 February 2008 for the Building Services Trading Operation.