

**THE MORAY COUNCIL**  
**MINUTE OF MEETING OF THE MORAY COUNCIL**

**WEDNESDAY 14 MAY 2008**

**COUNCIL OFFICE, ELGIN**

**PRESENT**

Councillors L A Bell, G S Coull, J S Cree, J Hamilton, J C Hogg, B. Jarvis, G Leadbitter, J Mackay, A D McDonald, G McDonald, E M McGillivray, G McIntyre, A C McKay, F J Murdoch, I Ogilvie, P Paul, D G Ross, J G Russell, M Shand, J A Sharp, R H Shepherd, D C Stewart, A G Wright, I R Young

**IN ATTENDANCE**

The Chief Executive, the Director of Environmental Services, the Director of Educational Services, the Chief Financial Officer, the Chief Legal Officer, the Head of Children and Families and Criminal Justice and the Principal Committee Services Officer, Clerk to the Meeting.

**APOLOGIES**

Apologies for absence were intimated on behalf of Councillors J A Divers and M J McConachie.

**1. MRS ROMA L HOSSACK**

The Convener spoke with sadness of the death of former Councillor Roma Hossack after a long illness, which she bore with great courage. The Convener and Group Leaders paid tribute to Mrs Hossack who was admired and respected by all who knew her and who had touched the lives of many people through years of public service and was known throughout Moray for her dedication to public service.

The Meeting stood for a minute's silence as a mark of respect for her.

**2. ADDITIONAL BUSINESS**

In terms of Standing Order 25(iv) the Meeting agreed to accept as an additional item of business to be transacted at the meeting as item 17(a) a report by the Chief Legal Officer in regard to the appointment of members and chairs etc of committees, on the Chairman certifying that, in his opinion, it required to be considered on the grounds of urgency in order to allow the timeous introduction of the new Committee Structures.

### **3. ORDER OF BUSINESS**

In terms of Standing Order 25, the Meeting agreed to vary the order of business set down on the Agenda and combine Items 14 'Notice of Motion by Councillor G McDonald – Banffshire Signs' and 21 'Ancestral Tourism 2009 and The Year of Homecoming' as one item and to take Item 22 'Moray Music Centre: Sound Proofing' prior to discussion of Item 15 'Financial Plan 2008-2012'

### **4. DECLARATION OF GROUP DECISIONS**

In terms of Standing Order 20 and the Councillors' Code of Conduct the meeting noted that in respect of the SNP Group Councillor Paul confirmed that the SNP Group had discussed Items 15, 18 and 21 on the Agenda but that it should, however, be appreciated that the SNP Group Members are free to vote as they see fit. There was no whip on the decision of the SNP Members and no sanctions in place to encourage them to vote in any particular way.

### **5. WRITTEN QUESTIONS**

In response to Councillor Ross's written question asking what is the average time taken for senior officers to respond to letters of enquiry from elected members, the meeting noted that there is no average time set for senior officers' responses to letters of enquiry from elected members as there is no formal process. Responses are dependent on the nature and format of the enquiry. Enquiries can be of a confidential, complex, sensitive or political nature requiring research and investigation prior to a response.

### **6. HOUSING SUB-COMMITTEE – MINUTE OF MEETING HELD ON 19 MARCH 2008**

The Minute of the Housing Sub-Committee dated 19 March 2008 was submitted and approved.

### **7. THE MORAY COUNCIL – MINUTE OF MEETING HELD ON 26 MARCH 2008**

The Minute of the Moray Council dated 26 March 2008 was submitted and approved subject to:

- (i) the wording of the second sentence of paragraph 2 of the Declaration of Group Decisions being amended to read SNP Members and not Independent;
- (ii) In regard to Item 27 'Community Planning Structure '

- (a) the inclusion of Children's' Voluntary Sector be confirmed by the Chief Legal Officer in response to a question from Councillor Jarvis.
- (b) Councillor McConachie replacing Councillor Coull as a member of the Community Safety Theme Group
- (c) Councillor Shand replacing Councillor McConachie as a member of the Children's Partnership Theme Group
- (d) Under reference to the vote relating to the formation of Area Committees, Councillor Jarvis, seconded by Councillor Leadbitter moved that the wording of the Amendment proposed by Councillor Ross be amended to include comments made by Councillor Ross that he did not consider that a decision was being made on that day with regard to Area Committees.

As an amendment Councillor Ross, seconded by Councillor Wright, moved that the wording of his Amendment be approved as accurate as submitted for the purposes of the Minute.

On a division there voted:-

For the Motion (10) Councillors Jarvis, Leadbitter, Coull, A McDonald, G McDonald, Ogilvie, Paul, Shand, Sharp and Stewart

For the Amendment (13) Councillors Ross, Wright, Bell, Cree, Hamilton, Hogg, J MacKay, McGillivray, McIntyre, Murdoch, Russell, Shepherd and Young

Abstentions (1) Councillor A McKay

Accordingly the Amendment became the finding of the Meeting and it was agreed that the wording of the Amendment be approved as accurate as submitted for the purposes of the Minute.

## **8. ENVIRONMENTAL SERVICES COMMITTEE – MINUTE OF SPECIAL MEETING HELD ON 27 MARCH 2008**

The Minute of the Environmental Services Committee Special Meeting dated 27 March 2008 was submitted and approved.

## **9. LICENSING COMMITTEE – MINUTE OF MEETING HELD ON 2 APRIL 2008**

The Minute of the Licensing Committee dated 2 April 2008 was submitted and approved.

#### **10. FLOOD ALLEVIATION SUB-COMMITTEE – MINUTE OF MEETING HELD ON 2 APRIL 2008**

The Minute of the Flood Alleviation Sub-Committee dated 2 April 2008 was submitted and approved.

#### **11. EDUCATION AND SOCIAL SERVICES COMMITTEE – MINUTE OF MEETING HELD ON 9 APRIL 2008**

The Minute of the Education and Social Services Committee dated 9 April 2008 was submitted and approved.

#### **12. ENVIRONMENTAL SERVICES COMMITTEE – MINUTE OF MEETING HELD ON 16 APRIL 2008**

The Minute of the Environmental Services Committee dated 16 April 2008 was submitted and approved subject to Item 6 (e) being amended to delete the superfluous wording included in the minute in error

#### **13. AUDIT AND PERFORMANCE REVIEW COMMITTEE – MINUTE OF MEETING HELD ON 23 APRIL 2008**

The Minute of the Audit and Performance Review Committee dated 23 April 2008 was submitted and approved subject to the wording on the fourth line of paragraph 13 of Item 5 being amended to read 'HMIE' and not HIME and the word 'agreed' being substituted by the word 'recommended' between paragraphs (g) and (h) of Item 6 .

#### **14. POLICY COMMITTEE – MINUTE OF MEETING HELD ON 30 APRIL 2008**

The Minute of the Policy Committee dated 30 April 2008 was submitted and approved.

#### **15. NOTICE OF MOTION BY COUNCILLOR A MCKAY AND COUNCILLOR G LEADBITTER**

The Meeting unanimously agreed to support the Notice of Motion submitted by Councillor A McKay and seconded by Councillor G Leadbitter that the Moray Council supports the Moray Motorcycle Test Centre Action Group in its campaign against the closure of the Driving Standards Agency Motorcycle Test Centre in Elgin and write to the Driving Standards Agency expressing such support.

## 16. MORAY MUSIC CENTRE: SOUND PROOFING

There was submitted a report by the Director of Educational Services providing the Council with information regarding noise transmission from the Moray Music Centre, Francis Place, Elgin, in order to assist the Council in coming to a decision about the funding of works to soundproof the Centre.

Following discussion Councillor Russell, seconded by Councillor Wright, moved the Council do not to undertake works to upgrade sound proofing at the Centre, Francis Place, Elgin at an estimated cost of £43,000 and that Officers actively engage with the bands affected to find a permanent base with adequate storage.

As an amendment Councillor Leadbitter, seconded by Councillor Jarvis, moved that the Council agree to provide the £43,000 funding and undertake the necessary works to upgrade sound proofing at the Centre and that consideration also be given to increasing the music facilities available within the PPP Project for Elgin Academy.

On a division there voted:

For the Motion (14)                      Councillors Russell, Wright, Bell, Cree, Hamilton, Hogg, J Mackay, McGillivray, McIntyre, A McKay, Murdoch, Ross, Shepherd and Young.

For the Amendment (10)              Councillors Leadbitter, Jarvis, Coull, A McDonald, G McDonald, Ogilvie, Paul, Shand, Sharp and Stewart.

Abstentions (0)

Accordingly the Motion became the finding of the Meeting and it was agreed that the Council do not to undertake works to upgrade sound proofing at the Moray Music Centre, Francis Place, Elgin at an estimated cost of £43,000 and that Officers actively engage with the bands affected to find a permanent base with adequate storage.

## 17. FINANCIAL PLAN 2008 TO 2012

There was submitted a report by the Chief Financial Officer inviting the Council to approve the four year Financial Plan as detailed in the report.

Following a statement by the Deputy Convener on the salient points of the Plan the Chair seconded by the Deputy Convener moved approval of the Plan in accordance with the recommendations contained in the report.

During discussion the meeting unanimously agreed to an amendment (moved with the consent of the Chair and the Deputy Convener as mover and seconder respectively of the motion to approve the Plan) by Councillor Paul to the recommendations namely that the Plan be approved subject to a detailed report being provided to the appropriate Service Committees for approval and to the Audit and Performance Review Committee for scrutiny

Thereafter, Councillor Jarvis moved that an additional recommendation be added namely that the Council write urgently to the Scottish Parliament's Rural Affairs Committee enclosing a copy of the Chief Financial Officer's report and urge them to encourage a reversal of the current funding policy for flood alleviation schemes to ensure that there is a fair allocation of funding for schemes for Moray in the future.

On failing to find a seconder, the motion fell.

Thereafter the Council agreed to:

- (a) approve the four year financial plan detailed in the report subject to detailed reports on all savings being provided to the appropriate service committees and the Policy and Resources Committee for scrutiny and approval ;
- (b) target further efficiency savings of at least £3M to be implemented by March 2011 and assess the achievability of this target in light of the report from phase 1 of Designing Better Services, due to be reported in September 2008.
- (c) note that the revenue budget and capital plan will be reviewed annually;
- (d) note that all capital project allocations are subject to detailed reports being provided to the appropriate service committee.
- (e) further detailed information regarding the Council's current debt of £120M being provided on the Members Information Site.

## **18. RURAL DEVELOPMENT STRATEGY**

There was submitted a report by the Chief Executive seeking approval of the Council to support the submission by the Moray Community Planning Partnership for the Scotland Rural development programme 2008-2013 LEADER funding by the 30 May 2008.

Following consideration the Council approved the submission of a bid to the Scottish Rural Development Programme and agreed an allocation of £100,000 each year over the life of the LEADER Programme as a contribution from The Moray Council.

## **19. REVIEW OF CHILD PROTECTION POLICY**

There was submitted and noted report by the Chief Executive advising the Council that the review of the Moray Council Child Protection Policy has been undertaken as part of the process of the preparation of the Annual Report of the Moray Chief Officer Group for Child Protection.

## **20. APPOINTMENT OF MEMBERS AND CHAIRS ETC OF COMMITTEES**

Under reference to paragraph 28 of the Minute of the Meeting of The Moray Council dated 26 March 2008, there was submitted and approved a report by the Chief Legal Officer asking the Council to approve, to take effect from 14 May 2008, the list of Members, Chairs and Deputy Chairs of the Committees approved at the meeting of Council on 26 March 2008, as detailed in the Appendix to the report.

## **21. COUNCIL BUSINESS : TIMETABLE AND CALENDAR OF MEETINGS**

Under reference to paragraph 42 of the Minute of the Meeting of the Policy Committee dated 30 April 2008, there was submitted a report by the Chief Legal Officer inviting the Council to consider a recommendation from the Policy Committee to a proposed eight week cycle of meetings, with the Service Committees and the Scrutiny Committee meetings once in the eight week cycle and the Community Planning Board and Theme Groups meeting once in twelve week cycle and that consideration be given to re-naming the Service Committee titled 'Children and Young People' in order to avoid confusion with the similarly named Community Planning Theme Group.

Following consideration the Council agreed:-

- (i) the proposed eight-week cycle of meetings, set out in Section 13 below and a proposed calendar of meetings set out in Appendix 1 to the report for the period 14 May to 31 December 2008 subject to the cycle being amended to include 'Planning Hearings' in the afternoon of Tuesday of week 5 following the 'Economic Development & Infrastructure Committee' which was scheduled to take place on the mornings of Tuesday of week 5;
- (ii) that a pilot of the Sub-Committees be carried out over the next 4 cycles and a report be brought back on the need and timing of the sub-Committees and that in the interim the Chief Legal Officer will look into the issues raised by Members in regard to the timing of the Sub-Committees to see what can be done in this regard;
- (iii) to note that a Special Meeting of the Licensing Committee will be held on 21 May 2008, and
- (iv) in regard to the renaming the Service Committee titled 'Children and Young People', that the name be retained in the meantime but

that should confusion arise between the Service Committee and Community Planning Theme Group sharing the same name that suggestions for a new name be put forward and reported back for consideration. It was further agreed that Councillor Coull's suggested name of 'Education and Young People's Committee be noted meantime for consideration should it prove to be necessary.

## **22. CAPITAL INVESTMENT AND TREASURY MANAGEMENT PERFORMANCE INDICATORS**

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

Following consideration the Council agreed to adopt the Prudential Indicators and Limits for 2008/09 to 2010/11 contained in the report and approve the Treasury Management Strategy for 2008/09 and the Treasury Prudential Indicators for 2008/09 to 2010/11.

## **23. CONSULTATION ON DECOUPLING OF SCOTTISH PARLIAMENTARY AND LOCAL GOVERNMENT ELECTIONS**

There was submitted a report by the Chief Executive inviting the Council to consider and comment on the Scottish Government's consultation relating to the future decoupling of Scottish Parliament and Local Government Elections.

Following consideration the Council agreed to support the decoupling of Local Government and Scottish Parliament Elections and submit their comments to the Scottish Government favouring option 2 by extending the present council term and the next council term by 1 year, creating a 5 year term, thus holding local government elections in 2012 and 2017, after which returning to a 4 year term.

## **24. ANCESTRAL TOURISM 2009 AND THE YEAR OF HOMECOMING**

There was submitted a report by the Director of Environmental Services asking Members to consider a request from the Lord Lieutenant of Banffshire for signs to mark the historic boundary of Banffshire.

During discussion, Councillor G McDonald, seconded by Councillor Paul, moved that the Council support the request from the Lord Lieutenant of Banffshire for signs.

As an amendment Councillor Cree, seconded by Councillor A McKay, moved that the Council support the request but that any expenditure by the Council be restricted to £5,000 subject to support by Aberdeenshire Council and other bodies such as BEAR Scotland.

On a division there voted:-

For the Motion (9) Councillors G McDonald, Paul, Coull, Leadbitter, A McDonald, Ogilvie, Shand, Sharp and Stewart

For the Amendment (15) Councillors Cree, A McKay, Bell, Hamilton, Hogg, Jarvis, J Mackay, McGillivray, McIntyre, Murdoch, Ross, Russell, Shepherd, Wright and Young

Abstentions (0)

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

- (i) to support the request for Banffshire signs, and that any expenditure by the Council be restricted to £5,000 subject to support by Aberdeenshire Council and other bodies such as BEAR Scotland;
- (ii) it should be remitted to Officers to investigate the permissions required to erect these signs, and how best to provide signage that does not confuse, and
- (iii) that any cost should be met from the Economic Development budget.

## **22. QUESTION TIME**

### **PAYPHONES**

In response to Councillor Paul's question regarding the inclusion of an agenda item regarding the removal of pay phones from rural areas to a meeting of the Council to fit into the timescale for a response to the consultation which had been advised to Members by Mr McBeth, the Director of Environmental Services advised that there is a limited timescale for a response however should Members have questions Mr McBeth would be happy to respond and should the timescale permit would submit a report to committee.

### **AREA COMMITTEES**

In response to Councillor Leadbitter's question as to whether it was responsible and democratic for Senior Councillors of the Administration Group to imply at the last meeting of the Full Council that to agree in principle to the formation of Area Committees did not mean that Councillors could not vote against it at a later date when that blatantly turned out to be wrong, the Chief Legal Officer advised firstly that if there were issues in regard as to how

members had conducted themselves, then that would be a matter for the Standards Commission. This was a matter of fact and not one he wished to comment on. Secondly, in terms of Schedule 7 of the Local Government (Scotland) Act 1973 all business of the Council is conducted by resolution.

### **MUIRTON WARD, SEAFIELD HOSPITAL, BUCKIE**

In response to Councillor Coull's question regarding rumours surrounding the closure of Muirton Ward, at Seafield Hospital, Buckie, the Chairman stated that he was of the opinion that this would be more appropriate as a matter for consideration by the Community Planning Board.

### **AFFORDABLE HOUSING**

In response to Councillor A McKay's question regarding the definition of 'Affordable Housing' it was agreed that officers look into this and circulate a response to Members.

### **MORAY 2020**

In response to Councillor Ogilvie's query regarding progress with the Moray 20/20 document, Councillor Wright advised that the Wealthier and Fairer Theme Group will be the vehicle for taking this forward.

### **AREA COMMITTEES**

In response to Councillor Coull's question regarding the timescale for the consultation in respect of the Area Committees, the Chief Executive advised that it was hoped that a paper would be issued early next week with a return date of 31 August 2008.