

THE MORAY COUNCIL

MINUTE OF MEETING OF THE POLICY & RESOURCES COMMITTEE

TUESDAY 25 AUGUST 2009

COUNCIL OFFICE, ELGIN

PRESENT

Councillors A. Wright, (Chairman), J. S. Cree, B. Jarvis, G. Leadbitter, G. McDonald, E. McGillivray, P. Paul, J. Russell, M. Shand and R. Shepherd

APOLOGIES

IN ATTENDANCE

Chief Executive, Chief Financial Officer, Chief Legal Officer, Director of Community Services, Head of Personnel, Mr A Scott, Team Leader (Internal Audit), Mr D Morris, Senior Programme Manager (DBS) (in respect of Item 19), Mr S Beveridge, Estates Surveyor (in respect of Items 29, 30, 31 & 32), Mr M Grant, ICT Project Leader (in respect of Item 27) and Mrs C Carswell, Committee Services Officer as Clerk to the meeting.

1. DECLARATION OF GROUP DECISIONS AND MEMBERS INTERESTS

In terms of Standing Order 20 and the Councillors' Code of Conduct, the meeting noted that Councillor Jarvis declared an interest in Item 23 as the Council representative on the group and Councillor McIntyre declared an interest in Item 22 as being the invitee to the event, following which the meeting noted that there were 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 member interest in respect of any item on the agenda.

2. 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

26	9
27	8
28	9
29	9
30	9
31	9
32	9

3. WRITTEN QUESTIONS

The meeting noted that no written questions had been received.

**4. THE EQUALITY BILL: A NEW SINGLE DUTY FOR EQUALITY & DIVERSITY
IN PUBLIC SERVICES**

There was submitted a joint Report by the Chief Executive and Chief Legal Officer informing the committee of the publication by the UK Government of a new Equality bill, the two main purposes of which are to harmonise and simplify existing discrimination laws and the implications of the Bill on the current arrangements to meet the Council's duty in terms of equality and diversity.

The Chief Legal Officer advised the committee that with regard to “introducing a new duty on the public sector to consider reducing socio-economic inequalities in the planning and monitoring of services,” since the report had been prepared there had been a consultation paper issued by the Scottish Government around extending this duty to Scotland and that it would be the subject of a report in the future.

Councillor Leadbitter stated that he was of the opinion that in regard to paragraph 3.4 in the report regarding the “attitudinal barriers (the ways in which staff approach or respond to groups and individuals and the assumptions they make)” this should also include Councillors and therefore proposed an additional recommendation to include accepting collective responsibility of Councillors in promoting equality legislation. There being no-one otherwise minded it was agreed to include the additional recommendation.

Following consideration, the committee agreed to:-

- (i) note the publication of a new Equalities Bill to harmonise the existing three public sector duties of disability, race and gender, into one equality duty which will also be extended to cover all seven equality strands (age, disability, gender, gender identity, race, religion or belief and sexual orientation);

- (ii) note the implications of the Bill and the actions which the Council will require to take at corporate and service level respectively, in particular the requirement to produce a Single Equality Scheme;
- (iii) approve the Council's vision, as service provider and employer, for equality and diversity be published on the Council's website (Appendix 1) and widely promoted; and
- (iv) accept collective responsibility of Councillors in promoting equality legislation.

5. GOVERNANCE: JOB DESCRIPTION, ROLES AND RESPONSIBILITIES, TRAINING AND DEVELOPMENT FOR ELECTED MEMBERS

There was submitted a report by the Chief Executive asking the committee to consider support and development arrangements for Councillors in order that they can effectively respond to the continuing process of public sector reform and modernisation.

The meeting noted the following answers from the Chief Legal Officer in response to members questions:-

- a) that in terms of advocacy as stated in 4.1 of the report, it referred to advocating the case for Moray to the wider national community and that this would be amended in the report;
- b) that the leader of the opposition be included into the list of additional duties for senior Councillors.

Following consideration, the committee approved:

- (i) the previously agreed statement of roles and responsibilities of elected members as set out in Appendices 1 and 2;
- (ii) the Chief Legal Officer amending the report to qualify that it referred to advocating the case for Moray to the wider national community;
- (iii) inclusion of the leader of the opposition into the list of additional duties for senior Councillors; and
- (iv) what initial training should focus on as a set of core competencies eg
 - Political Leadership – providing vision
 - Community Leadership
 - Communication Skills
 - Working in Partnership

6. GOVERNANCE: ELECTED MEMBER DEVELOPMENT

There was submitted a report by the Employee Development Adviser providing the committee with a report on the establishment of a policy for the personal development of elected members.

The meeting noted the following answers from the Chief Legal Officer and Director of Environmental Services, in response to members questions:-

- a) the training and development record card would be made available to Councillors electronically, this would enable all training which Councillors undertake to be recorded and accredited. They should be done on a quarterly basis in order to ensure that no training be omitted from records;
- b) a separate training record will be done by the Director of Environmental Services with regard to the Local Review Bodies, as unless members have completed their training they are unable to sit on the Local Review Bodies; and
- c) that a list, by committee, of salient periodicals could be compiled to ensure that members were aware of what was recommend to be read and that departments would hand these documents to members

Following consideration, the committee approved

- (i) as a matter of policy, the arrangements for all Councillors to have a personal training and development record;
- (ii) a separate record would be developed by the Director of Environmental Services with regard to training for the Local Review Bodies; and
- (iii) that a list, by Committee, of what the salient periodicals were would be produced and that Departments distribute these to the members.

7. DEVELOPER CONTRIBUTIONS

Under reference to paragraph 4 of the Minute of the Meeting of the Planning & Regulatory Services Committee dated 21 May 2009 there was submitted a report by the Director of Environmental Services following a request at a previous meeting of the Planning and Regulatory Services Committee, asking the committee to agree the criteria and procedures, for securing developer contributions.

The Chief Financial Officer stated that he would like to include, within the recommendations, that the Chief Financial Officer should also be included in order to finalise the details of the developer contributions as the financial implications were slightly vague at this stage and this was agreed.

Councillor McIntyre stated that he would also like to see Councillor Wright, as Chair of Policy & Resources, included in the discussions and this was agreed.

The meeting noted the following answers from the Head of Development Services, in response to members questions:-

- a) the proposal, which has been discussed with Aberdeenshire Council, is that Councillors and Community Planning Partners could be involved along with community councils at a periodic stage and there would also be a list of factors which could be taken into account for developer contributions. This would set the scene for more detailed negotiations with developers.
- b) any variance in timescales for organisations to deliver then this would be taken up through the Service Level Agreements.

Following consideration, the committee agreed:

- (i) the basic procedures as set out in Sections 4.1 and 4.2 of the report be agreed for future Developer Contributions and to back Option 3 " A Service Level Agreement with Aberdeenshire Planning Gain Unit";
- (ii) that authority be delegated to the Director of Environmental Services, Chief Financial Officer and Chair of Policy & Resources Committee, to finalise arrangements for the Developer Contributions proposals and to determine and obtain the most appropriate method of implementing the Scheme with the Chair keeping members informed of detail; and
- (iii) legal agents and developers be invited to a presentation on how the 'developer contributions' system will be applied.

8. EMPLOYMENT OF YOUNG PEOPLE: THE APPRENTICESHIP SCHEME: NEXT STAGES

There was submitted a report by the Director of Environmental Services providing the Committee with an assessment of the Scheme's implementation to date, and proposals for the next stage.

Following consideration, the committee agreed:

- (i) to note progress with the Apprenticeship Scheme to date, and the successful recruitment of an additional 12 posts (Summer 2009);
- (ii) to examine the potential to widen the qualification range able to be undertaken by individual apprentices during their 2-year appointment;
- (iii) to examine further the opportunities to maximise the retention rate, with full time jobs, at, or towards the end of, the 2-year apprenticeship;
- (iv) to commence discussions with the Community Plan partners to extend the scheme; and
- (v) for elected members to meet with all apprentices on an informal basis.

9. EDUCATIONAL AND COMMUNITY SERVICES CAPITAL BUDGETS 2009/10

Under reference to paragraph 7 of the Minute of the Meeting of the Children and Young People's Services Committee dated 12 August 2009 there was submitted a report by the Director of Educational Services inviting the committee to consider a recommendation from the Children and Young People's Services Committee to approve the additional funding from within the capital programme in order to fund the upgrading of the community changing pavilion at Pinefield, Elgin. Subsequent to the meeting it had been anticipated that the costs will be a maximum of £26,000 and not £20,000 as detailed in the original report.

Following consideration the Committee agreed to approve additional funding of £26,000 from within the capital programme in order to fund the upgrading of the community changing pavilion at Pinefield, Elgin.

10. ECONOMIC DEVELOPMENT BUDGET

Under reference of paragraph 11 of the Minute of the Meeting of the Economic Development & Infrastructure Services Committee dated 18 August 2009 there was submitted a report by the Director of Environmental Services inviting the committee to consider recommendations from the Economic Development & Infrastructure Services Committee in regard to forward committing funding from the Economic Development Budget.

Following consideration, the committee approved:

- (i) a contribution of £17,000, split over 2 financial years, from the Corporate Economic Development budget towards the Moray Assisted Recruitment, subject to the Community Planning Board's approval of a match funding contribution from the Fairer Scotland Fund;
- (ii) an investment of £80,000 per annum from the next 3 financial years from Corporate Economic Development budget towards the proposed East of Scotland European Loan Fund; and
- (iii) that subject to a successful BID ballot, a contribution of £49,000 per annum for 5 years plus the cost of the levy and the costs of collecting the levy, from the Corporate Economic Development budget, towards the City of Elgin BID.

11. INTERNAL AUDIT INVESTIGATION - DEANSHAUGH, ELGIN

There was submitted a report by the Chief Executive on the findings of an internal audit investigation relating to land remediation works undertaken at Deanshaugh, Elgin.

The meeting noted the following answers from the Director of Environmental Services, in response to members questions:-

- a) that following the council carrying out further investigations regarding contaminated land, it had been realised that there would not be enough monies to complete the site. There were then three options open to the Council as follows:
- Option 1 – refuse the grant
 - Option 2 – find money from the capital budget but none were available
 - Option 3 – cut back on the amount of work on site;
- b) he agreed that in hindsight the letters to residents, distributed in November on behalf of the Council, on what was intended could have been handled better. He regretted the time work had taken and that not all works had been carried out. He also regretted that a formal presentation had been unable to be given to Committee due to timescales, for if this had been done it would have made the audit trail clearer;
- c) that following discussion with staff the intention was still to provide facilities but to do so with reduced drainage, the situation was improving but would be a long term process;
- d) the detailed project brief or changes made thereafter were not approved by Committee, the principal reason for carrying out the works was to reduce the contamination of the land and to ease the progress of the flood alleviation scheme. The Chair was kept advised on the likely impact. During the flood alleviation scheme there required to be sites found for the excess top soil and Deanshaugh could be one site where this would be useful in order to create a better playing surface;
- e) that what had been reported to committee was the success in achieving £2.15million and getting authority to proceed with the rehabilitation of the site. Where the development was being carried out within budget, the advice obtained at that time, was that it would fall within delegated powers; and
- f) that a written answer would be given to Councillor Ross following discussion with staff on what the reasons were behind staff not taking into consideration the solutions offered by consultants.

Thereafter following lengthy debate, the committee agreed that the Chief Executive and Chief Legal Officer look again at the conclusions of the report and consider if any further action is needed and that this be reported back in due course.

12. HEALTH AND SAFETY MANAGEMENT SYSTEM DEVELOPMENTS

There was submitted and approved a report by the Head of Personnel Services seeking Committee's approval of an updated health and safety policy statement.

13. REVENUE BUDGET MONITORING TO 30 JUNE 2009

There was submitted a report by the Chief Financial Officer advising the committee of the current Revenue Budget Monitoring position for 2009/10 and identifying allocations to departmental budgets from provisions for general and specific purposes.

The meeting noted the following answers from the Chief Financial Officer, in response to members questions:-

- a) the corporate management team to take further action and agree reductions in expenditure across Council and this would be reported to committee.
- b) there will be financial difficulties in the years ahead and there are to be reductions in the order of £8million over the next few year. Work was currently ongoing with the administration group and consultation would be vital regarding the implications for the Council.
- c) all items listed in the budget setting report were submitted to committee in February of this year and confirmed that in future indication would be given if this had been to service committee or if not done, then Officers would be requested to do so.
- d) the Chief Financial Officer will look at the emerging budget pressures on services due to the level of pressures being put on families in light of the current financial situation.

Following consideration, the committee agreed to:

- (i) note the current Budget Monitoring position for 2009/10 as at 30 June 2009; and
- (ii) note the allocations from provisions.

14. CAPITAL PLAN 2008/09 MONITORING TO 30 JUNE 2009

There was submitted a report by the Chief Financial Officer asking the committee to note the expenditure under the Capital Plan for financial year 2009/10 to 20 June 2009 and to approve project carry forwards for the inclusion in the 2009/10 Capital Plan.

Following consideration, the committee agreed to:

- (i) note the expenditure to 30 June 2009 of £4.9 million; and
- (ii) approve the carry forward requests of £1.2 million into 2009/10 where there has been slippage during the previous financial year.

15. DEMONSTRATING COMPETITIVENESS

There was submitted a report by the Chief Financial Officer providing the Committee with a report on the work undertaken across the Council relating to demonstrating competitiveness of Council commercial operations during 2008/09.

Following consideration, the committee agreed to:

- (i) note the reports of work undertaken during 2008/09 to demonstrate the competitiveness of the Council's commercial operations;
- (ii) approve the work plan for demonstrating competitiveness of commercial operations for 2009/10; and
- (iii) note that the ongoing requirement for reporting on demonstrating competitiveness will be considered by the Council's Corporate Management Team as part of the development of the Council's performance management arrangements.

16. CALCULATION OF INTEREST FOR COMMON GOOD FUNDS AND TRUSTS ADMINISTERED BY THE COUNCIL

There was submitted a report by the Chief Financial Officer asking the committee to consider a revised method for the calculation of interest paid to Common Good and Trust funds by the Council's Loans Fund.

The meeting noted the following answers from the Chief Financial Officer, in response to members questions:-

- a) a report could be produced advising on the best interest rates and the options of locking half of the funds into 5 years for the Full Council in September;
- b) the Head of Financial Services was currently working with the legal department and would investigate which Council had wrapped up a few of their trust funds without accruing legal fees.

Following consideration, the committee agreed:

- (i) that a report would be brought to Full Council in September regarding potential and advisability of putting half the Common Good Funds into a five year term;
- (ii) the disposable income in 2009/10 for the Trust Funds allocated in Appendix 2 of the report and that investigations would take place regarding combining trust funds.

17. TREASURY MANAGEMENT - MONITORING REPORT FOR THE PERIOD 1 APRIL 2009 TO 30 SEPTEMBER 2009

There was submitted and noted a report by the Chief Financial Officer advising the committee on matters relating to the Treasury Management function for the first quarter of the 2009/10 financial year.

18. CAPITAL INVESTMENT AND TREASURY MANAGEMENT PERFORMANCE FOR 2008/09

There was submitted and noted a report by the Chief Financial Officer presenting the committee with details of the Council's performance indicators for Capital Investment and Treasury Management (Prudential Indicators) for the financial year 2008/09.

19. DESIGNING BETTER SERVICES - PROGRESS REPORT

There was submitted a report by the Chief Financial Officer reporting on progress of the Designing Better Services (DBS) Programme.

The meeting noted the following answers from the Chief Financial Officer, in response to members questions:-

- a) the Council were targeting £4.4million of efficiency savings within this programme and was confident that services would be improved and that the Council would be recognised as an exemplary, customer-focused authority, delivering services more effectively and efficiently.
- b) baselining of services would form part of the detailed design reports to be issued to Members.

Following consideration, the committee agreed to note the revised reporting timetable and the major risks to the successful delivery of the DVS programme.

20. AUDIT OF HOUSING AND COUNCIL TAX BENEFIT

There was submitted a report by the Chief Financial Officer informing the Committee on the outcomes from an Audit of Housing and Council Tax Benefit undertaken by Audit Scotland and the Revenues Service response to the risks to continuous improvement identified.

In response to a question from Councillor Wright regarding the housing benefit debt, the Chief Financial Officer advised that the Revenues Manager would provide a briefing note to members regarding the total housing benefit debt including both rent allowance and rent rebate.

Following consideration, the committee noted:-

- (i) the risks to continuous improvement identified by Audit Scotland and the Revenues action plan to address these risks; and
- (ii) that the Revenues Manager would provide a briefing note to Councillors regarding the total housing benefit debt.

21. INVITATION FROM TWIN TOWN

Councillor McIntyre declared an interest in this item as an invitee to the event and left the meeting taking no part in the discussion or decision.

There was submitted a report by the Chief Executive asking the committee to consider an invitation to a twinning event and consider how such invitations should be dealt with in future.

Councillor G. McDonald, seconded by Councillor Cree, moved that the process remains status quo whereby all invitations were submitted to committee for their approval. There being no-one otherwise minded this was agreed.

Following further discussion, Councillor Cree, seconded by Councillor Jarvis, moved that Councillor Hamilton along with the Convener represent the Council but that the Twinning Officer should not attend. There being no-one otherwise minded this was agreed

Following consideration, the committee agreed:

- (i) that only the Convener and Councillor Hamilton would represent the Council at the festival in Vienenburg in October 2009; and
- (ii) that invitations continue to be referred to the Policy and Resources Committee for approval as per status quo.

22. SMALL GRANTS BUDGET (SECTION 20) - APPLICATION FOR FINANCIAL ASSISTANCE - SCOTTISH LOCAL GOVERNMENT FORUM AGAINST POVERTY

Councillor Jarvis declared an interest in this item, as the Council's representative and remained in the meeting.

There was submitted a report by the Chief Legal Officer inviting the committee to consider a request for a Section 20 grant assistance for 2009/10 affiliation fees from the Scottish Local Government Forum Against Poverty.

In response to a question from Councillor Wright as to whether it was appropriate that affiliation fees be paid from the Section 20 budget, the Chief Legal Officer advised that this had been a longstanding commitment which the Council had made to pay affiliation fees, per capita as it was recognised that there were poverty issues in Moray. He further advised that this item could be deferred to either Full Council or

Policy & Resources which would allow him to investigate whether it was appropriate for the fees to be paid from the Section 20 budget following the change in practice.

On the invitation of the Chair, Councillor B Jarvis addressed the committee stating that the purpose of the group was to draw together local experiences to a national body and feed into national priorities. He agreed that the item be deferred as the Scottish Local Government Forum Against Poverty were to have their AGM on 28 August and there were a number of fundamental changes being proposed on the way it operates and following this meeting it would give the Council an idea of where the Forum was heading in the future before any decision to re-affiliate would be taken.

Following consideration, the committee agreed:-

- (i) that the application be deferred to either Full Council or Policy & Resources to allow the Chief Legal Officer to investigate as to whether affiliation fees should be paid out of the Section 20 small grants budget; and
- (ii) to investigate as to whether to remain with the Scottish Local Government Forum Against Poverty following their AGM on Friday 28 August, once it had been discussed what their future would be.

23. SMALL GRANTS BUDGET (SECTION 20) - APPLICATION FOR FINANCIAL ASSISTANCE - FUNDING - PSYBT AND THE ROYAL BANK OF SCOTLAND BUSINESS AWARDS

There was submitted a report by the Chief Legal Officer inviting the committee to consider a request to sponsor the runner-up prize for the Prince's Scottish Youth Business Trust (PSYBT) and the Royal Bank of Scotland Business Awards for young people who started up in business with support from the PSYBT.

Following consideration the Committee agreed:

- (i) the application, in principle, to sponsor the £500 regional runner up prize of the Prince's Scottish Youth Business Trust (PSYBT) and the Royal Bank of Scotland Business Awards for young people who started up in business with support from the PSYBT; and
- (ii) that the Convener present the runner-up prize on Monday 31 August 2009, if applicable.

24. SMALL GRANTS BUDGET (SECTION 20) - APPLICATION FOR FINANCIAL ASSISTANCE - NEWMILL VILLAGE HALL

There was submitted a report by the Chief Legal Officer inviting the committee to consider a request from Newmill Hall Committee for financial assistance to insulate halls, draught proofing of doors and installation of solar panels.

Following consideration, the committee agreed that this item be deferred to allow the Chief Legal Officer and Chief Executive to bring back a report either to the Full Council or Policy & Resources Committee on generality of available funding for village halls.

25. QUESTION TIME

There were no questions raised at committee.

26. PROCUREMENT OF EXERCISE BOOKS (JOTTERS) (Para 9)

There was submitted a report by the Chief Financial Officer providing the committee with options regarding the adoption of the Scotland Excel Exercise Book (Jotters) framework contract and asking the committee to choose the preferred option for contract award.

Following consideration, the committee agreed to choose Option 1 for one year.

27. REPLACEMENT OF CUSTOMER RELATIONSHIP MANAGEMENT SYSTEM (Para 8)

There was submitted a report by the Chief Financial Officer seeking committee approval to replace the existing customer relationship management (CRM) system with Lagan CRM, under a national framework agreement negotiated by the Scottish Government's Improvement Service.

Following consideration, the committee approved the replacement of the existing customer relationship management system with Lagan and the purchase of an integration toolkit, under a national framework agreement negotiated by the Improvement Service.

28. REVIEW OF STAFF STRUCTURES IN DEVELOPMENT MANAGEMENT, PLANNING AND DEVELOPMENT (Para 9)

There was submitted a report by the Director of Environmental Services recommending to the committee a review of the current line management and staffing structures of the Development Management and Planning Development Teams within the Department of Environmental Services.

Following consideration the Committee approved for the purposes of consultation with staff and trade unions the proposed revised structure as contained within this report, and that a further report be submitted to the Policy and Resources Committee, following consultation.

29. PROPOSED DISPOSAL OF WORKSHOP, 60 BALLOCH ROAD, KEITH (Para 9)

There was submitted a report by the Head of Estates Services inviting the committee to approve the terms for the sale of 60 Balloch Road, Keith to the current tenant.

Following consideration, the committee agreed to:

- (i) approve provisionally agreed terms for the sale of 60 Balloch Road, Keith; and
- (ii) remit it to the Principal Solicitor (Commercial and Conveyancing) to conclude the transaction.

30. PROPOSED SITE FOR CHILD PROTECTION UNIT, HAMILTON DRIVE, ELGIN (Para 9)

There was submitted a report by the Head of Estates Services seeking committee's approval to the location of a new Child Protection Unit on a Council owned site at Hamilton Drive, Elgin and to negotiate appropriate terms with Grampian Police and NHS Grampian for the ownership and joint occupation of the proposed development.

Following consideration, the committee agreed to:

- (i) approve in principle the use of the site shown hatched on Appendix 1 to facilitate a Child Protection Unit; and
- (ii) instruct the Head of Estates Services to negotiate terms for the future ownership and joint occupation of the property by the Council, Grampian Police and NHS Grampian and report back to committee for consideration of provisionally agreed terms.

31. PROPOSED SALE OF LAND TO THE EAST AND WEST OF SOUTH CHURCH, SOUTH GUILDRIY STREET, ELGIN (Para 9)

There was submitted a report by the Head of Estates Services inviting the committee to approve terms for the sale of land to the east and west of South Church, South Guildry Street, Elgin to Inspirational Enterprises Limited.

Following consideration, the committee agreed to:-

- (i) approve the provisionally agreed terms for the sale of land adjacent to South Church, South Guildry Street, Elgin; and
- (ii) remit it to the Principal Solicitor (Commercial and Conveyancing) to conclude the transaction.

32. KEITH GOLF COURSE(Para 9)

There was submitted a report by the Head of Estates Services inviting the committee to approve provisionally agreed main terms of lease of Keith Golf Course to Keith Golf Club.

Following consideration, the committee agreed to:

- (i) approve the proposed main terms for a new lease of Keith Golf Course to Keith Golf Club, outlined in para 4.8 of the report;
- (ii) remit it to the Principal Solicitor (Commercial and Conveyancing) to conclude the transaction; and
- (iii) remit it to the Educational Resources Officer to conclude a rental grant award to Keith Golf Club on the main terms detailed in this report.