

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

**WEDNESDAY 9 SEPTEMBER 2009**

**COUNCIL OFFICE, ELGIN**

**PRESENT**

Councillors G McIntyre (Convener), A Wright (Depute Convener), L Bell, G Coull, S Cree, J Divers, J Hamilton, J Hogg, B Jarvis, G Leadbitter, J MacKay, M. McConachie, A McDonald, G McDonald, E McGillivray, A McKay, F Murdoch, I Ogilvie, P Paul, D Ross, J Russell, M Shand, J Sharp, R Shepherd, D Stewart, and I 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 Direct Services, the Head of Children & Families and the Principal Committee Services Officer, Clerk to the Meeting.

**2. MORAY FLOODING - STATEMENT BY CONVENER**

The Meeting noted the statement by the Convener regarding the recent flooding which had affected several areas of Moray. He stated that Moray had visited some of the affected areas and witnessed the devastation caused to the homes of families and businesses affected by the flooding which had occurred on Thursday 3<sup>rd</sup> and Friday 4<sup>th</sup> of September. He publicly acknowledged the work of the emergency services, council staff and volunteers for their efforts often under very challenging circumstances. He advised that a Moray Flood Relief Fund has been launched in aid of the Moray residents whose homes were damaged and that the fund will be chaired by the Lord Lieutenant of Moray, Lt Col Grenville Johnston.

Thereafter, on the invitation of the Convener, the Chief Executive read a precise of a statement made by Rosanna Cunningham, Minister for the Environment, on BBC Radio Scotland as follows:

“As the weather changes and patterns change, what we are seeing are flood events which would normally happen every 50 to 100 years happening more frequently which is why the government has put through new flooding legislation. The difficulties we are experiencing is that schemes that started before are going through under the old system which is more cumbersome. There is money going into flooding in Moray, one scheme has been completed, one scheme is coming on stream and two are in the pipeline. Elgin is one of those in the pipeline. People need to understand that this heavy rain and

flooding is going to happen more frequently and that we have to build up flood resilience. “

There was then reference to the Elgin Scheme as being promoted under the pre-existing system and that is what is holding things up. At that point the Interviewer referred to the objections which had lead to the forthcoming public inquiry and Rosanna Cunningham replied that:

“I very much hope that what has happened, these flooding events, will have concentrated minds. The reason that the Elgin Scheme has not progressed is because the Council has not been able to resolve the objections.”

The Interviewer then pointed out that Moray’s annual budget is £190 million and that the Elgin Flood Scheme alone will cost £83 million and asked if funding will be forthcoming from the Government. The reply was:

“There are different ways for this to be dealt with. All the money that was ring fenced has been rolled up into local authority budgets. It is available; Moray has £150 million of flood money available. The largest allocation in the whole of Scotland. If the Council had it at the moment it would be lying in the bank. The money is there and it will be rolled out when it is required.”

The Chief Executive advised that he would read this as an assurance that the Elgin Scheme will be funded by the Scottish Government and would like to thank Rosanna Cunningham for that assurance.

The meeting noted that a full copy of the transcript of the interview would be obtained from the BBC.

In response to a question raised regarding the funding of the replacement of the bridge in North Street, Fochabers, the Chief Executive advised that no record of any funding having been allocated for this in previous capital funding programmes had been found, but as advised by the Convener, this would now be addressed.

Thereafter Members welcomed the statement by Rosanna Cunningham and joined the Chairman in acknowledging the work of all those involved and thanking them for their efforts in helping those in distress during the flooding.

### **3. DECLARATION OF GROUP DECISIONS**

In terms of Standing Order 20 there were no declarations from group leaders or spokespersons in regard to any prior decisions taken on how members will vote on any item on the Agenda.

#### 4. EXEMPT INFORMATION

<u>Para No of Minute</u>	<u>Para No of Schedule 7A</u>
16	4

#### 5. MINUTES

Prior to consideration of the Minutes, it was agreed that the agenda item relating to 'Written Questions' appear at the beginning of the Agenda immediately following the Minutes on future Agendas for the Moray Council meetings.

##### **(a) THE MORAY COUNCIL - MINUTE OF MEETING DATED 17 JUNE 2009**

The Minute of the Meeting of the Moray Council dated 17 June 2009 was submitted and approved subject to the spelling of Councillor J MacKay's name being amended at paragraph 9 (i) of the Minute.

##### **(b) LICENSING COMMITTEE - MINUTE OF SPECIAL MEETING DATED 17 JUNE 2009**

The Minute of the Special Meeting of the Licensing Committee dated 17 June 2009 was submitted and approved.

##### **(c) PLANNING AND REGULATORY SERVICES COMMITTEE - MINUTE OF SPECIAL MEETING DATED 23 JUNE 2009**

The Minute of the Special Meeting of the Planning and Regulatory Services Committee dated 23 June 2009 was submitted and approved.

##### **(d) POLICY AND RESOURCES COMMITTEE - MINUTE OF MEETING DATED 30 JUNE 2009**

The Minute of the Meeting of the Policy and Resources Committee dated 30 June 2009 was submitted and approved.

##### **(e) HEALTH AND SOCIAL CARE SERVICES COMMITTEE - MINUTE OF MEETING DATED 1 JULY 2009**

The Minute of the Meeting of the Health and Social Care Services Committee dated 1 July 2009 was submitted and approved.

**(f) THE MORAY COUNCIL - MINUTE OF SPECIAL MEETING DATED 2 JULY 2009**

The Minute of the Special Meeting of the Moray Council dated 2 July 2009 was submitted and approved.

**(g) LICENSING COMMITTEE - MINUTE OF SPECIAL MEETING DATED 15 JULY 2009**

The Minute of Special Meeting of the Licensing Committee dated 15 July 2009 was submitted and approved.

**(h) PLANNING AND REGULATORY SERVICES COMMITTEE - MINUTE OF MEETING DATED 4 AUGUST 2009**

The Minute of the Meeting of the Planning and Regulatory Services Committee dated 4 August 2009 was submitted and approved subject to the word 'refused' being substituted by the word 'granted' on the second line of the first sentence of paragraph 3(a).

**(i) PLANNING AND REGULATORY SERVICES COMMITTEE - MINUTE OF SPECIAL MEETING DATED 4 AUGUST 2009**

The Minute of the Special Meeting of the Planning and Regulatory Services Committee dated 4 August 2009 was submitted and approved.

**(j) COMMUNITIES COMMITTEE - MINUTE OF MEETING DATED 11 AUGUST 2009**

The Minute of the Meeting of the Communities Committee dated 11 August 2009 was submitted and approved.

**(k) CHILDREN AND YOUNG PEOPLE'S SERVICES COMMITTEE - MINUTE OF MEETING DATED 12 AUGUST 2009**

The Minute of the Meeting of the Children and Young People's Services Committee dated 12 August 2009 was submitted and approved subject to the word 'Learing' being substituted by the word 'Learning' on the title of paragraph 25 of the Minute.

**(l) ECONOMIC DEVELOPMENT AND INFRASTRUCTURE COMMITTEE - MINUTE OF MEETING 18 AUGUST 2009**

The Minute of the Meeting of the Economic Development and Infrastructure Committee dated 18 August 2009 was submitted and approved.

**(m) LICENSING COMMITTEE - MINUTE OF MEETING DATED 19 AUGUST 2009**

The Minute of the Meeting of the Licensing Committee dated 19 August 2009 was submitted and approved.

**(n) FLOOD ALLEVIATION SUB COMMITTEE - MINUTE OF MEETING DATED 19 AUGUST 2009**

The Minute of the Meeting of the Flood Alleviation Sub Committee dated 19 August 2009 was submitted and approved subject to the inclusion of the reference made by Members in regard to Scottish Water.

**(o) POLICY AND RESOURCES COMMITTEE - MINUTE OF MEETING DATED 25 AUGUST 2009**

The Minute of the Meeting of the Policy and Resources Committee dated 25 August 2009 was submitted and approved.

**(p) AUDIT AND PERFORMANCE COMMITTEE - MINUTE OF MEETING DATED 26 / 27 AUGUST 2009**

The Minute of the Meeting of the Audit and Performance Committee dated 26 /27 August 2009 was submitted and approved.

Under reference to paragraph of the Minute in regard to the recording of those 'Also Present' it was agreed to look at how the Depute Convener is recorded at meetings of this Committee, i.e. as Chair of the P&R Committee or as Depute Convener.

**(q) HOUSING SUB COMMITTEE - MINUTE OF MEETING DATED 28 AUGUST 2009**

The Minute of the Meeting of the Housing Sub Committee dated 28 August 2009 was submitted and approved.

**(r) APPEALS COMMITTEE - MINUTE OF MEETING DATED 25 AUGUST 2009**

The Minute of the Meeting of the Appeals Committee dated 25 August 2009 was submitted and approved.

**5. NOTICES OF MOTION BY COUNCILLOR G MCDONALD AND COUNCILLOR D ROSS**

There was submitted a Notice of Motion by Councillor G McDonald, seconded by Councillor A McDonald, that Moray Council reverts to its policy for dealing

with advertising on the footway prior to the 18 June 2003 with regard to Community run events by constituted groups. These groups must notify the Council in advance with contact details to allow the Roads Department to monitor and arrange advice on safety issues if necessary.

There was also submitted a Notice of Motion by Councillor Ross, seconded by Councillor Young that Moray Council rescinds the decision made by the Environmental Services Committee on 18 June 2003 [Para 23 refers] to ban all advertising boards on road verges and investigates a more practical policy whereby community events can be advertised for a period before an event and removed promptly after - a similar approach taken by Bear Scotland who manage trunk roads in Moray, on behalf of Transport Scotland.

On agreement between the proposers and seconders of each of the two Notices of Motion the Notices were combined and thereafter Councillor G McDonald, seconded by Councillor D Ross moved that 'This Council reverts to its policy for dealing with advertising on the footway prior to the 18<sup>th</sup> June 2003 with regard to Community run events by constituted groups. These Groups must notify the Council in advance with contact details to allow the Roads Department to monitor and arrange advice on safety issues if necessary. Appropriate representations to be made to BEAR Scotland seeking their co-operation and support in supporting this policy on the trunk roads throughout Moray.'

The Head of Direct Services advised the meeting that what was before the Council today was an issue which Officers had not had the opportunity to substantially research and present the case to Members at this time. He advised that it is a substantive issue; it is a policy of the Council and is a matter that needs to be referred back to the Service Committee. He further advised that there are issues that relate to health and safety and to road safety involved in this; there are issues over roads law and its interpretation and compliance by Officers of the Council on behalf of the Council; and there are issues in relation to the procedures Members are requesting the professional staff to engage in on the Council's behalf to take this forward. There are also issues in how BEAR Scotland engages in this issue and Officers had some information on this which they needed to research further on Members' behalf. He advised that BEAR do follow the same law, but how they administer that may be slightly differently and he did not believe that they ignored it altogether but that they had a different procedure which Officers would want further information on to take back to Members. He further advised that he would also wish to harness the views of other partners who were engaged in road safety, particularly the police in this matter and take this information back to Members. He concluded that it really requires a fuller report on all these issues and bringing forward this information to Members so that the substantive issue can in fact be discussed regarding whether the procedures can be amended in some way to be more considerate whilst at the same time complying with all the issues put forward today.

Councillor Russell asked that consideration be given to the Notice of Motion being amended to delay a decision until a full report on options is brought

back to the Economic Development & Infrastructure Services Committee later this year.

In response Councillor G McDonald stated that he would not be willing to accept that, as in his opinion the system in place between 1984 and 2003 worked well under Grampian Region and subsequently The Moray Council. He further stated that there was nothing within the report submitted in 2003 to say that there was a serious issue and that this was something to which Members know the answer is straight forward and did not see why there was a need to go back to consultation.

In support of Councillor McDonald, Councillor Ross stated that the concerns with Officers due to roads law raised by the Head of Direct Services did not appear to have been aired in the years between 1984 and 2003 and he was of the opinion that the Council has a policy which was acceptable to Officers and Councillors up until 2003 and is perfectly acceptable to him today.

Following further discussion during which Members raised their various views on the issue the Chairman sought guidance on the issues raised in regard to legality of the Motion.

In response the Chief Legal Officer advised that it was clear that the Community has difficulty with the Council policy and that is the legitimate concern that Members have addressed in terms of the combined composite motion placed before the Meeting. He further advised that he would need to draw a distinction on what the Head of Direct Services had said on the procedural aspect and the substantive aspect of this. Procedurally there is the combined composite motion which was now an agenda item, the question was now in terms of the advice he could give in regard to Members taking this forward and stated that the advice he would give is guided by what the Head of Direct Services has said, this being that fundamentally this has legal implications, has health and safety implications and in terms of the motion itself, there is also an issue around what BEAR Scotland do and he has clearly indicated that these are three aspects that need to be researched, evaluated and reported on. Therefore substantively, the Council is potentially in a position of taking a decision on a matter on which it does not have the full legal advice, does not have the full health and safety implications and does not have BEAR Scotland's position on this or their practice on this and it may be a practice that the Council may or may not want to follow. He further stated that procedurally what is going ahead is quite sound but he does have reservations as an Officer, as clearly the Head of Direct Services has, in terms of the substantive issues that need to be addressed, and would have a worry that, if the Council does take a decision today on what he has no doubt is clearly a legitimate concern, and has no doubt about what is happening procedurally, but his question mark is, are Members in a position to address those issues substantively today in the absence of legal, health and safety advice and also the issues around have BEAR Scotland got a better practice than the Council.

There followed further discussion during which it was suggested that should the Motion be carried and it thereafter transpired that there were legal issues that required to be addressed these could be brought back to the Council in a report.

In response to this the Chief Legal Officer advised that, further to the advice he had already given, if the Motion is carried un-amended, then he would be asking that all Officers advice in regard to legality and health and safety was minuted as the Council would have made a decision without the proper advice and that clearly has ramifications beyond needing to bring a report back at a future date. He further advised that Officers are in some difficulty as they cannot pre-judge what the outcome of the Notice of Motion might be. It has been taken on face value and what Officers are saying is that at face value there are a number of issues that they are of the opinion need to be addressed and his advice would be that the proper course of action, given the comments that have been made, particularly by the Head of Direct Services, would be to refer or delegate this to the appropriate Service Committee for a full report, Members can then debate and discuss the substantive issues at that committee and that would allow policy to be dealt with in a proper fashion. He further stated that the other issue that needed to be addressed is that one Motion refers to road verges and the other Motion referred to footways and clearly one of the issues, in particular with footways, relates to those who have a disability in relation to sight and mobility which could have an impact. There are some very real concerns here on the part of officers and what they were asking would be to take this forward in as quickly and constructive a way as possible to try and address what everyone acknowledges is a legitimate concern on the part of a number of people. That was his advice and clearly if the motion is carried un-amended then he would be asking that that advice be minuted as would that of the Head of Direct Services.

Prior to formally moving an amendment to the Motion, Councillor Russell asked again whether the proposer and seconder of the composite motion would be willing to amend the motion in order that a full report can be brought back to the next meeting of the Economic Development and Infrastructure Services Committee.

In response Councillor G McDonald stated that could not see where he could do that because the Notice of Motion was there, it has been discussed with the Chief Legal Officer, it is a competent Motion which the Chief Legal Officer accepts. He further stated that the Roads (Scotland) Act 1984 of which he has a copy clearly, in his opinion, puts the responsibility on the Roads Authority and it is up to us (Members). He stated that he had checked and there had been no changes made since the Act went through in 1984 and therefore since 1984 and 2003 this Council and the previous Council's were working perfectly legitimately, legally. Health and safety may be an issue and this was something that could be addressed in other areas and in regard to the footways, what he has done is avoided trying to come up with new rules. What he is saying is that the Council go back to the rules that were in place and were legitimate arguments back then and nothing has changed since and

in his opinion nothing that the Officers have said has actually indicated that the rules have changed.

The Chief Legal Officer advised that one example of a change, and no doubt there will be others, is the issue of the impact on the disabled. So if there was a change of policy around the footways, then clearly that would have to be assessed as to whether or not it would have an adverse impact on those who have difficulty through the disabilities that they have. He further stated that he was comforted by the fact that he was aware of correspondence from a number of community bodies that they do want change and there is no doubt as has been said that the change is desired, but they have said quite categorically so long as it does not compromise any health and safety or legal issues and essentially that is the difficulty Officers have at the moment. Until such time as Officers can do the research and the evaluation identified by the Head of Direct Services, they are not in a position to categorically give Members the assurances that they are looking for. He continued that there have been changes since 1984 and beyond and he has just given one simple example, namely Officers need to do an assessment of what the impact might be on those who have difficulty using footpaths because of their disabilities or their personal circumstances and clearly this is an issue that Officers have to address very seriously as they are as an important section of the community as any other section of the community and their rights and needs have to be taken into account. He further stated that he had no doubt that there will be many others and that is really where Officers need to get the research and evaluation ongoing as quickly as possible to report back to Members.

Thereafter Councillor Russell proposed as an amendment that no decision be taken until the full report on the options of a new or revised policy on road signage is brought back to the December meeting of the Economic Development & Infrastructure Services Committee in order to give Officers every chance of documenting, detailing and bringing all the facts and evidence to Committee.

On seconding the amendment, Councillor McGillivray, asked with Councillor Russell's permission, that the report also be submitted to the Safer and Stronger Strategic Group in order to consider the Council's Community Planning Partners, prior to its submission to the Economic Development & Infrastructure Services Committee in December. This was agreed.

The Convener stated that he was of the opinion that this issue had been in the public domain for sometime and the general public will be looking to the Council for an answer soon and asked Councillor Russell to give consideration to amending his amendment in order that a report can be brought back to the next meeting of the Service Committee.

In response Councillor Russell stated that only on the basis that he was of the opinion that the Council was about to enter a legal and health and safety mine field, he would like to give the Officers every opportunity to research it. He further stated that he was aware of the community concerns but he was also aware of the obligations Members were as Councillors and Moray Council

face in going back to old policies or identifying a new policy. He was also of the opinion that the Council should be consulting a little more widely and certainly with the Council's Community Planning Partners. He suggested therefore it could be amended that Officers will use their best endeavours to come back to the next Economic Development & Infrastructure Services Committee but he would not like to personally promise that this could be done.

On a division there voted:

- For the Motion (14) Councillors G McDonald, Ross, Coull, Hogg, Leadbitter, McConachie, A McDonald, A McKay, Murdoch, Ogilvie, Paul, Shand, Stewart and Young.
- For the Amendment (12) Councillors Russell, McGillivray, Bell, Cree, Divers, Hamilton, Jarvis, J MacKay, McIntyre, Sharp, Shepherd and Wright.

Abstentions (0)

Accordingly the Motion became the finding of the meeting and it was agreed that this Council reverts to its policy for dealing with advertising on the footway prior to the 18<sup>th</sup> June 2003 with regard to Community run events by constituted groups. These Groups must notify the Council in advance with contact details to allow the Roads Department to monitor and arrange advice on safety issues if necessary. Appropriate representations to be made to BEAR Scotland seeking their co-operation and support in supporting this policy on the trunk roads throughout Moray.

It was further noted that the decision to support the Notice of Motion had been taken against the advice provided by Officers as detailed in the Minute.

Councillor Wright, Depute Convener, left the meeting at this juncture.

## **7. PROTOCOL ON QUESTIONS ON COUNCIL MINUTES AND OTHER RELEVANT QUESTIONS**

There was submitted a report by the Chief Legal Officer informing the Council of the outcome of a review of the "Protocol on Questions on Council Minutes and Other Relevant Questions" following its approval by Council on 17 September 2008.

During discussion Councillor Ross, seconded by Councillor Young moved that the recommendations be amended to include the re-introduction of the 10 minute open question time at meetings of The Moray Council; that should a Member submit a written question within the set time allowed and that question is subsequently withdrawn at the request of the Chair, the Department or the Legal Officer, then that Member be given the opportunity to

put forward another written question, and that consideration also be given to allowing Members to submit up to three written questions, taking account of the time allowed.

Following discussion Councillor Ross clarified that should Members agree to increase the number of written questions from one to up to three he would withdraw his request that Members be allowed to submit a further written question should one subsequently be withdrawn but that he would still wish to retain within his motion that the 10 minute open question time be re-introduced to meetings of the Full Council.

Following further discussion the Convener stated that he had some concern regarding the request for three written questions as he was of the opinion that this would be difficult to manage and suggested a maximum of two written questions. He further stated that Members should not forget that they have the opportunity to raise questions with Officers and accepted that there will be a need in some cases to follow that up in this arena.

In response Councillor Ross stated that he would be happy to amend his motion to two written questions and clarified that this would apply to all Service Committees as well as the Full Council.

Following further discussion during which Members expressed their various views on the issue, Councillor Paul stated that she was of the opinion that the protocol had bedded in well and thought that it works well and is not convinced of the need for change and believed that the status quo should prevail and thereafter moved this as an amendment.

The Convener seconded the amendment.

On a division there voted:

For the Motion (6) Councillors Ross, Young, Divers, Hogg, Jarivs and Murdoch.

For the Amendment (19) Councillors Paul, McIntyre, Bell, Coull, Cree, Hamilton, Leadbitter, J MacKay, McConnachie, A McDonald, G McDonald, McGillivray, A McKay, Ogilvie, Russell, Shand, Sharp, Shepherd and Stewart

Abstentions (0)

Accordingly the Amendment became the finding of the Meeting and it was agreed that the Council note the outcome of a review of the "Protocol on Questions on Council Minutes and Other Relevant Questions" and that no change be made to the Protocol.

## **8. SCHEME OF DELEGATION TO OFFICERS**

There was submitted a report by the Director of Environmental Services seeking approval of the Council for authority to be delegated to Officers to undertake statutory powers relating to legislation involving Building Standards, Trading Standards and Environmental Health duties, in line with the Authority's Scheme of Delegation.

Following consideration the Council agreed to amend the current Scheme of Delegation with regard to Building Standards, Trading Standards and Environmental Health to grant delegated powers to the Director of Environmental Services and Head of Development Services to execute statutory duties of The Moray Council in terms of the Housing (Scotland) Act 2006, the Consumer Credit Act 2006 and the Public Health (Scotland) Act 2008, Building Regulations and for any future Legislation, Enactments, Orders, Regulations, Statutory Instruments or other subordinate legislation made relating to Trading Standards, Environmental Health and Building Standards.

It was also noted that the Scheme of Delegation is currently under review and that the whole Scheme will be brought back to the Council and which will provide a definitive list of delegations. It was expected that the review will be completed by the end of the Calendar year.

## **9. AMENDMENTS TO THE SCHEME OF DELEGATION RELATIVE TO THE LICENSING OF KNIFE DEALING AND BOOKING OFFICES**

There was submitted a report by the Chief Legal Officer advising Council of changes required to the Scheme of Delegation as a result of the requirement to introduce schemes for the licensing of knife and sword dealers and booking offices in terms of the Civic Government (Scotland) Act 1982.

Following consideration the Council agreed to extend paragraph 7.30 of the Scheme of Delegation relative to the Chief Legal Officer by adding new subparagraphs (iv) and (v) and renumbering the remaining paragraphs (iv) to (x) as (vi) to (xii) accordingly:

- "(iv) To grant licences for knife and sword dealers and booking offices, on advice from the Chief Constable that there are no current convictions, and no objection whatsoever;
- (v) To renew licences for knife and sword dealers and booking offices if there are no new convictions or adverse information received since the Civic Licensing Committee's last consideration of the matter and the licence sought is the same as the licence previously granted;"

## **10. CALCULATION OF INTEREST FOR COMMON GOOD FUNDS**

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

Following consideration the Council:

- (i) approved Option 2 as detailed in the options provided at paragraph 3.6.1 of the report which detailed alternatives for investing Common Good Balance for a fixed period within the Council's Loans Fund. The rates applied will be those advised by the Council's Treasury Advisers on the day of this decision.
- (ii) agreed to invest the Common Good balances for a fixed two year period and to suspend standing orders to allow the revision of disposable income for 2009 / 10.
- (iii) agreed to issue a revised schedule to all members showing disposable income for 2009 / 10 and commitments to date for each fund.

## **11. BYELAWS: POLYTHENE CARRIER BAGS**

There was submitted a report by the Chief Legal Officer providing a further report on byelaws regarding the banning of the free issue of polythene carrier bags throughout Moray.

Following consideration the meeting noted the passing of the Climate Change (Scotland) Act and that this has been remitted to the Greener Theme Group for their consideration.

## **12. INVITATION TO "CONTEXT AND EVALUATION" CONFERENCE IN NOVEMBER 2009**

There was submitted a report by the Director of Community Services seeking approval for the Council to fund the Performance & Strategy Manager of the Community Services Department to present at the American Evaluation Association Annual Conference in Orlando, Florida.

Following consideration the Council approved:

- (i) the participation of the Performance & Strategy Manager as a presented at the "Context and Evaluation" conference in Orlando, Florida in November 2009;
- (ii) the expenditure as detailed in this report.

### **13. FIRE AND RESCUE FRAMEWORK FOR SCOTLAND 2009 - PUBLIC CONSULTATION**

There was submitted a report by the Chief Legal Officer informing the Council that the Scottish Government are now consulting on the draft of a second Fire and Rescue Framework for Scotland 2009, which has been developed in partnership with the Convention of Scottish Local Authorities (COSLA) and that comments on the draft Framework are invited by the deadline of 20 September 2009.

Following consideration the Meeting:

- (i) noted that the Consultation on the draft second Fire and Rescue Framework for Scotland has been referred to the Community Planning Safer and Stronger Strategic Group for consideration;
- (ii) agreed that any representations made by the Safer and Stronger Strategic Group concerning the Framework be referred to the Chief Executive;
- (iii) that any response include this Council's objection to any closures of Moray fire stations, and
- (iv) agreed that delegated authority be granted to the Chief Executive, in consultation with the Convener and Depute Convener, to formulate the Council's response.

### **14. QUESTIONS ON COUNCIL MINUTES**

#### Meeting of the Moray Council dated 17 June 2009

Under reference to Paragraph 10 of the Minute in relation to a question raised in regard to the Minute of the AP&R Committee held on 3 June, Councillor Paul asked for an update on the investigation whether a mystery shopper monitoring project could be done in-house and when this was likely to be brought back. In response the Chief Executive advised that staff were currently working on this and that he would look into this and advise Councillor Paul of the expected date when it will be brought back to Committee.

#### Meeting of the Special Meeting of the Planning & Regulatory Services Committee dated 23 June 2009

Under reference to paragraph 10 of the Minute Councillor Murdoch stated that some of the community groups within the Speyside area had not been able to attend the recent public training event relating to the new planning regulations due to the invitations being issued from an out of date contact list and asked what further promotion there was going to be on the new planning legislation so that more people on the ground can understand the changes.

In response the Director of Environmental Services advised that he had not been made aware of any problems relating to the contact lists used and that he would look into this matter and thereafter make a judgement as to whether further effort is required in regard to the promotion of the new legislation.

#### Meeting of the Policy & Resources Committee dated 30 June 2009

Under reference to paragraph 9 of the Minute Councillors Coull and Cree asked whether there was a plan in regard to how the £30,000 which had apparently been allocated to Newmill, Keith for flooding was going to be spent and why had it not been spent and which should have been by now and which could have avoided some of the flooding which occurred over the previous weekend.

In response the Director of Environmental Services advised that on investigation with the Flood Alleviation Team as to why no action had been taken they advised that currently all resources had been focused on the Elgin Flood Alleviation Scheme Public Enquiry. He further stated that he would wish to prepare a report on the timetable for the proposed works at Newmill and bring this back to the next meeting of the Flood Alleviation Sub-Committee. This was agreed.

#### Meeting of the Health & Social Care Services Committee dated 1 July 2009

Under reference to paragraph 4 of the Minute Councillor Coull asked for an update on the current situation in regard to the Sensory Service in particular, training for staff, leasing of premises and had a social worker for the deaf been employed?

In response Councillor Bell advised that it was his understanding that premises had been secured but he had no knowledge of the other issues raised.

Thereafter the Chief Executive advised that he would arrange for an update to be obtained from the Department and passed to all Members.

#### Meeting of the Communities Committee dated 11 August 2009

Under reference to paragraph 12 of the Minute in regard to Council House New Build, Councillor McConnachie asked if the bid has been finalised for council new build; have any contractors shown an interest in building in Speyside/Glenlivet and as Speyside/Glenlivet Ward been part of the bid or will it be part of the bid?

In response the Chief Executive advised that the Chief Housing Officer was currently involved in the flood response but he would take a note of the questions raised by Councillor McConnachie and get an answer back to him after the meeting.

Councillor McGillivray advised that the second bid was due to be made at the end of September and in regard to Speyside/Glenlivet developers had come forward but that it would depend on the viability of the plan and there is a lot to be taken into account but will certainly be in the running for the development.

#### **15. MR CHARLES FRENCH**

The Meeting joined Councillor McGillivray in sending its condolences to the family of Mr Charles French who had recently passed away. He paid tribute to Mr French was a member of the Housing Sub-Committee and the Moray Tenants Forum and he will be sadly missed by the Committee and members of staff.

#### **16. WRITTEN QUESTIONS**

There were no written questions

#### **17. SUPPORT TO RESIDENCY PLACEMENT (para 4)**

There was submitted a report by the Director of Community Services seeking additional financial support for the placement of the four S children with the C family that has been secured through a Residency Order.

Following consideration the Council agreed:

- (a) the additional financial support for the S case detailed in Section 5 (c) of this report; and
- (b) that authority is delegated to the Head of Children and Families and Criminal Justice Services to be an authorised signatory on behalf of the Council in this case.