

THE MORAY COUNCIL
MINUTE OF MEETING OF THE POLICY & RESOURCES COMMITTEE

TUESDAY 22 SEPTEMBER 2009

COUNCIL OFFICE, ELGIN

PRESENT

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

ALSO IN ATTENDANCE

Councillor J. Divers

APOLOGIES

An apology for absence was intimated on behalf of Councillor G McIntyre

IN ATTENDANCE

The Chief Executive, the Director of Community Services, the Director of Community Services, Director of Educational Services, Head of Direct Services, the Chief Financial Officer, the Chief Legal Officer, the Head of Personnel Services [for Items 17 & 18], the Chief Housing Officer [for Items 4 and 9], the Head of ICT Services [for Item 7], the Housing Programmes Manager [for Item 4], the Community Planning & Development Manager [for item 14], Stuart Beveridge Estates Surveyor [for item 19], the Senior Programmes Manager DBS [for Item 8], the Payments Manager [for Item 8] the Roads Maintenance Manager [for Item 9] and the Principal Committee Services Officer, Clerk to the Meeting.

1. DECLARATION OF GROUP DECISIONS AND MEMBERS INTERESTS

In terms of Standing Order 20 and the Councillors' Code of Conduct, Councillor G McDonald declared an interest in Item 13 as the Council's representative on Board of CIFAL Findhorn. The meeting noted that there were no other 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.

<u>Para. No. of Minute</u>	<u>Para. No. of Schedule 7A</u>
15	8
16	1
17	9

3. WRITTEN QUESTIONS

There were no written questions.

4. HOUSING BILL CONSULTATION PRIVATE HOUSING ISSUES

There was submitted a report by the Director of Community Services presenting the proposed Moray Council response to the Scottish Government Housing Bill Consultation on Private Housing Issues.

Following consideration the Committee agreed the proposed response to the Housing Bill consultation on Private Housing Issues as detailed in Appendix II.

5. EUROPEAN SERVICES DIRECTIVE

There was submitted a report by the Chief Legal Officer advising the Committee of the terms of and requirement for the implementation of a European Services Directive.

Following consideration the Committee noted the progress towards implementation of the European Services Directive and noted in particular the relevance of the Directive to the Designing Better Services programme.

6. THE PUBLIC INFORMATION NOTICES PORTAL

There was submitted a report by the Chief Legal Officer advising the Committee of the Public Information Notices Portal project which is being advanced by the Improvement Service.

During discussion the question of the likely future level of fees that could be imposed by the Scottish Government was raised and it was noted that the Chief Legal Officer would investigate this and include the outcome in a further report which will be presented to this Committee once the results of the pilot project are available.

Thereafter the Committee noted the details of the Public Information Notices Project.

7. STAFFING MATTERS ASSOCIATED WITH THE ICT BEST VALUE REVIEW IMPROVEMENT PLAN

There was submitted a report by the Chief Financial Officer informing the Committee of the outcome of the review of the ICT staffing structure and the creation of the additional ICT posts that were previously approved by Policy and Resources Committee at its meeting on 9 December 2008 (para 16 of the minute refers) and seeking approval to transfer the post of Information Officer from the Department of Educational Services to the ICT Section and to transfer all the posts in HQ Reception from the Department of Educational Services to the Revenues Section.

Following consideration the Committee agreed to:

- (i) note the outcome of the review of the ICT staffing structure and the creation of the additional ICT posts approved by the Policy and Resources Committee on 9 December 2008.
- (ii) the transfer of the post of Information Officer from the Department of Educational Services to the ICT Section.
- (iii) the transfer of the posts in HQ Reception from the Department of Educational Services to the Revenues Section.

8. DESIGNING BETTER SERVICES PHASE 2: PROCUREMENT BUSINESS CASE; TRANSPORT, VEHICLES AND PLAN - DESIGN MANDATE; OPERATIONAL SUPPORT - GENERAL UPDATE; OFFICE ACCOMMODATION

There was submitted a report by the Chief Financial Officer seeking the Committee's approval on four aspects of the Designing Better Services (DBS) Programme as detailed in the report and inviting the Committee to note the position regarding office accommodation.

Following consideration the committee agreed:

- (i) to approve the implementation of the procurement business case;
- (ii) that the Design Mandate for the Transport, Vehicles & Plant theme proceed into the detailed design phase;
- (iii) that the Operational Support theme should progress to detailed design, and
- (iv) to note the position regarding the office accommodation project.

9. FLOOD RESPONSE - FINANCIAL IMPLICATIONS

There was submitted a report by the Chief Financial Officer providing the Committee with an initial indication of the financial implications arising from the recent flooding incident across Moray.

Prior to consideration of the report, the Head of Direct Services presented a short DVD presentation to the Meeting on the flood damage that occurred in the Fochabers Burn upstream of the caravan site and up to the area of the bridge at West Street, Fochabers.

During discussion, in response to a query raised relating to alternative types of sandbags the meeting noted that the Head of Direct Services would investigate the availability of alternative types of sandbags and other temporary flood defences and include information in regard to the cost, storage and whether they are reusable in a report back to a future meeting of the ED&I Committee.

Thereafter the Committee noted the contents of the report.

10. REVENUE BUDGET MONITORING TO 31 JULY 2009

There was submitted and noted report by the Chief Financial Officer advising the Committee of the current Revenue Budget Monitoring position for 2009/10 as at 31 July 2009 and identifying allocations to departmental budgets from provisions for general and specific purposes.

11. BUDGET REVIEW 2009/10

There was submitted a report by the Chief Financial Officer advising the Committee of a number of reductions in expenditure required to be implemented with immediate effect and the actions required to reduce expenditure for the remainder of the financial year.

During discussion Councillor G McDonald, seconded by Councillor Leadbitter, moved that the Committee agree to endorse the actions taken to reduce expenditure as detailed at paragraph 4.1, 4.3 and 4.4 of the report but do not endorse the action taken as detailed at paragraph 4.2 of the report relating to the freezing of staff vacancies.

Following further discussion, the Chief Legal Officer advised in view of the potential significance of the outcome of a vote either way he wished to seek a 10 minute adjournment in order that he could satisfy himself on a number of issues which had been raised, firstly the Chief Financial Officer referred to 'endorsement' of the position which would indicate to him that a previous decision has been taken in

terms of how the potential budget overspend is addressed and of other aspects in terms of the powers delegated to officers in regard to what Council officers can do in regard to managing staff within budgets and what the implications are. This was agreed and the meeting was adjourned for coffee.

Following the adjournment, the Chief Legal Officer advised that further to his investigations his advice to the Chairman would be to rule the motion out of order on the grounds that, firstly the report in general is reporting back on a decision already taken by this Committee at its meeting on 25 August 2009 [para 13 of the Minute refers], when in terms of the Revenue Budget Monitoring Report to 30 June 2009 which was referred to by both the Chairman and the Chief Financial Officer, it was noted that the Corporate Management Team is actively managing all budgets in an attempt to minimize any overspend in the current year and this was duly recorded in the Minute of the Meeting. He further advised that in terms of financial affairs what is remitted to this Committee in terms of the Scheme of Administration, is to consider the financial and budgetary policy of the Council and whereupon looking at the Scheme of Delegation and the Financial Regulations, matters such as those identified at paragraph 4.2 of the report is a management issue and not a matter of policy and this is further confirmed in the Scheme of Delegation to the extent that budget holders should be managing within their budget. If the motion was to go forward therefore, not only for the reasons he had already stated, but also clearly there would be budget implications for managers in terms of managing within their budget, on these grounds he would advise that the motion be ruled out of order and he would be happy to confirm these points in writing to Members.

Accordingly the Chairman stated that the motion was ruled out of order.

Thereafter following discussion in regard to the terminology used in the report, in particular in relation to the word 'endorse' the Chairman stated that he was happy to amend the wording to read 'note' and thereafter the Committee agreed to note the actions outlined in the report to reduce expenditure for the remainder of the financial year.

12. EFFICIENCY STATEMENT FOR 2008/09

There was submitted and noted report by the Chief Financial Officer providing the Committee with a copy of the Council's Annual Efficiency Statement for 2008 / 09.

13. CIFAL UN TRAINING CENTRE

There was submitted a report by the Planning & Development Manager asking the Committee to consider a response to an urgent request from CIFAL Findhorn to increase the Council's funding contribution over the next 3 years and recommending that the Committee agree to contribute £15,000 per annum over the next 3 financial years and to a one off contribution of £2,500 this year towards the relocation of CIFAL Findhorn to the Forres Business Park.

Prior to consideration of this item the meeting noted the comments of the Chief Financial Officer which had been omitted from the report due to an administrative error as follows: "current indications are that the council will be faced with severe budget restrictions during the next few years and will be faced with difficult choices in future service provision. Confirming funding to CIFAL over the next 3 years will reduce the options that the council has in setting the budgets for the next 3 years.

Following discussion Councillor J Russell, seconded by Councillor G McDonald, moved that funding of £12,500 be granted to CIFAL Findhorn for a further one year only.

As an amendment, the Chairman, seconded by Councillor Cree moved that funding of £6,500 be continued for the next two years and that Officers enter into discussion with CIFAL regarding offering UNITAR payment in kind contributions.

On a division there voted:

For the Motion (8) Councillors Russell, G McDonald, Jarvis, Leadbitter, McGillivray, Paul, Shand and Stewart

For the Amendment (3) Councillors Wright, Cree and Shepherd

Abstentions(1) Councillor Bell

Accordingly the motion became the finding of the Meeting and it was agreed that funding of £12,500 be granted to CIFAL Findhorn for a further one year only.

14. COMMUNITY SUPPORT UNIT VACANCIES

There was submitted a report by the Chief Executive inviting the Committee to consider whether to proceed in filling the full time and two part time vacancies in the Community Support Unit for one full time and two part time Community Support Workers (Engagement) in the context of the current financial position of the Council.

Following discussion Councillor Russell, seconded by Councillor Cree, moved that the Committee agree to the filling either one full time vacancy or two part time vacancies for Community Support Workers (Engagement) and that it be remitted to the Chief Executive and the Community Planning Manager to manage the team within the resources available.

As an amendment Councillor G McDonald, seconded by Councillor Paul moved that the matter is left entirely to the discretion of the Chief Executive and that he report back to this Committee on what decision he takes and the reasons for that decision.

On a division there voted:

For the Motion (6) Councillors Russell, Cree, Bell, McGillivray, Shepherd and Wright

For the Amendment (6) Councillors G McDonald, Paul, Jarvis, Leadbitter, Shand and Stewart

Abstentions (0)

There being an equality of votes, the Chairman, in terms of Standing Order 55(e), cast his casting vote in favour of the motion which became the finding of the meeting and the Committee agreed to the filling either one full time vacancy or two part time vacancies for Community Support Workers (Engagement) and that it be remitted to the Chief Executive and the Community Planning Manager to manage the team within the resources available.

15. EQUALITY IMPACT ASSESSMENTS

There was submitted a report by the Corporate Policy Unit Manager and Chief Legal Officer asking the Committee to consider the position taken to manage the programme of equality impact assessments across the Council.

Following consideration the Committee approved the position taken to manage the programme of equality impact assessments across the Council.

16. QUESTION TIME

No questions were raised.

17. EMPLOYEE BENEFITS PROCUREMENT UPDATE (Para 8)

There was submitted and noted a report by the Head of Personnel Services advising the Committee of the outcome of the procurement exercise for continuation of the Employee Benefits Scheme.

18. VOLUNTARY EARLY RETIREMENT APPLICATION - EDUCATIONAL SERVICES (Para 1)

There was submitted a report by the Head of Personnel Services inviting the Committee to consider a recently submitted application for early retirement from a member of staff within Educational Services.

Following consideration the Committee approved the early retirement application from the member of staff concerned under the terms set out in the report.

19. PROPOSED ACQUISITION OF 78 WITTET DRIVE, ELGIN (para 9)

There was submitted a report by the Head of Estates Services and Director of Environmental Services inviting Committee to approve provisionally agreed main terms for the acquisition of 78 Wittet Drive, Elgin.

Following consideration the Committee approved the provisionally agreed terms for the purchase of 78 Wittet Drive and agreed to remit it to the Principal Solicitor (Commercial and Conveyancing) to conclude the transaction.