

THE MORAY COUNCIL
MINUTE OF MEETING OF THE MORAY COUNCIL

WEDNESDAY 17 MARCH 2010

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, 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 Educational Services, the Director of Community Services, the Chief Legal Officer, the Head of Direct Services, the Head of Personnel Services, Deborah Brands, Principal Accountant, Jeremy Akehurst, Performance & Strategy Manager and the Principal Committee Services Officer, Clerk to the Meeting.

APOLOGIES

Apologies for absence were submitted on behalf of Cllr M McConachie

1. NOTICE OF MOTION

In terms of Standing Order 32(b) there was submitted by Councillor Ross an urgent Notice of Motion asking that the Council agrees with Budget item Reference D15 "to charge full costs for older peoples' lunch clubs where the meal can be provided for up to £3.50", and therefore those luncheon clubs which would cease on 30 April 2010 may continue while they can provide meals for up to £3.50 plus vat.

Councillor Paul, in seconding the Notice of Motion, stated that she was disappointed that there appeared to be some misunderstanding on the issue and it was clear to all Members at the time of agreeing the budget that what was agreed was that the full cost be charged up to £3.50 plus vat, otherwise the service would cease but that any club would have the opportunity to look at providing meals for that cost and come back to the council with their proposals. It would in her opinion, appear that Officers have interpreted this decision differently from what was intended and this needs to be clarified to ensure a clear understanding for all concerned of what has been agreed in order to allow those lunch clubs to consider whether they can operate in terms of the agreed budget decision.

Following further discussion the Chief Executive advised the Meeting that it was his understanding that there were employment issues which required to be resolved and that in order to discuss these this would require the Meeting to consider the matter in confidence, otherwise he suggested that the matter be delegated to him and the Chief Legal Officer to investigate, come to a resolution and report back to Members on how that budget decision can be implemented.

The Convener decided that in terms of Section 50B(iv)(b) of the Local Government (Scotland) Act 1973 the matter is one of urgency given the apparent lack of clarity which was the cause of concern to those affected by the decision. The meeting thereafter resolved unanimously in terms of Section 50A(ii) of the Local Government (Scotland) Act 1973 to continue discussion of the matter in confidence at the end of the public business on the Agenda as it was likely, in view of the nature of the business, that if members of the public were present during consideration of the item, confidential staffing information would be disclosed.

2. DECLARATION OF GROUP DECISIONS

In terms of Standing Order 20 and the Councillors' Code of Conduct the meeting noted 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 nor any declarations of Members Interest in respect of any Item on the Agenda.

3. MINUTES

(a) THE MORAY COUNCIL - MINUTE OF MEETING DATED 20 JANUARY 2010

The Minute of the Meeting of the Moray Council dated 20 January was submitted and approved. Under reference to paragraph 8(v) of the Minute Councillor Divers thanked the Chief Executive for his prompt response in regard to the use of the PR department.

(b) THE POLICY AND RESOURCES COMMITTEE - MINUTE OF MEETING DATED 2 FEBRUARY 2010

The Minute of the Policy and Resources Committee dated 2 February 2010 was submitted and approved.

(c) HEALTH AND SOCIAL CARE SERVICES COMMITTEE - MINUTE OF MEETING DATED 3 FEBRUARY 2010

The Minute of the Health and Social Care Services Committee dated 3 February 2010 was submitted and approved.

(d) PLANNING AND REGULATORY SERVICES COMMITTEE - MINUTE OF MEETING DATED 9 FEBRUARY 2010

The Minute of the Meeting of the Planning and Regulatory Services Committee dated 9 February 2010 was submitted and approved.

(e) THE MORAY COUNCIL - MINUTE OF SPECIAL MEETING DATED 11 FEBRUARY 2010

The Minute of Special Meeting of the Moray Council dated 11 February 2010 was submitted and approved subject to the question raised by Cllr Divers in relation to common good funds and the subsequent response being recorded under paragraph 4 of the Minute and that the Minute also refer to the consultation undertaken as part of the budget process with the political groups.

(f) COMMUNITIES COMMITTEE - MINUTE OF MEETING DATED 16 FEBRUARY 2010

The Minute of the Meeting of the Communities Committee dated 16 February 2010 was submitted and approved.

(g) CHILDREN AND YOUNG PEOPLE'S SERVICES COMMITTEE - MINUTE OF MEETING DATED 17 FEBRUARY 2010

The Minute of the Meeting of the Children and Young People's Services Committee dated 17 February 2010 was submitted and approved.

(h) ECONOMIC DEVELOPMENT AND INFRASTRUCTURE - MINUTE OF MEETING DATED 23 FEBRUARY 2010

The Minute of the Meeting of the Economic Development and Infrastructure Committee dated 23 February 2010 was submitted and approved subject to:-

- (i) the word 'agree' being deleted at para 7(i);
- (ii) para 5 being amended in relation to the vote to record that Cllr Bell seconded the Amendment, and
- (iii) para 11 being amended to include the question raised by Cllr Divers in regard to title deeds and the subsequent response.

(i) FLOOD ALLEVIATION SUB COMMITTEE - MINUTE OF MEETING DATED 24 FEBRUARY 2010

The Minute of the Meeting of the Flood Alleviation Sub Committee dated 24 February 2010 was submitted and approved.

(j) LICENSING COMMITTEE - MINUTE OF MEETING DATED 24 FEBRUARY 2010

The Minute of the Meeting of the Licensing Committee dated 24 February 2010 was submitted and approved.

(k) LOCAL REVIEW BODY - MINUTES OF MEETING DATED 25 FEBRUARY 2010

The Minutes of the Meeting of the Local Review Body dated 25 February 2010 was submitted and approved.

(l) SPECIAL FULL COUNCIL - MINUTE OF MEETING DATED 24 FEBRUARY 2010

The Minute of the Meeting of the Special Full Council dated 24 February 2010 was submitted and approved.

(m) POLICY AND RESOURCES COMMITTEE - MINUTE OF MEETING DATED 2 MARCH 2010

The Minute of the Meeting of the Policy and Resources Committee dated 2 March 2010 was submitted and approved.

(n) AUDIT AND PERFORMANCE REVIEW COMMITTEE - MINUTE OF MEETING DATED 3 MARCH 2010

The Minute of the Meeting of the Audit and Performance Review Committee dated 3 March 2010 was submitted and approved subject to Cllr Young being recorded as present at the meeting and to the word 'wish' being replaced with the word 'request' at the third paragraph of Item 12 of the minute

(o) SPECIAL PLANNING AND REGULATORY SERVICES - MINUTE OF MEETING DATED 3 MARCH 2010

The Meeting noted that the Minute of the Special Planning and Regulatory Services Committee dated 3 March 2010 had been withdrawn.

(p) HOUSING SUB COMMITTEE - MINUTE OF MEETING DATED 5 MARCH 2010

The Minute of the Meeting of the Housing Sub Committee dated 5 March 2010 was submitted and approved.

(q) JOINT CONSULTATIVE COMMITTEE - MINUTE OF MEETING DATED 8 MARCH 2010

The Minute of the Meeting of the Joint Consultative Committee dated 8 March 2010 was submitted and approved.

4. WRITTEN QUESTIONS

The meeting noted the following written question submitted by Councillor Ross and the Council's response thereto:

To ask what is being done to prepare for the new Young Carers Strategy, the implementation of the Curriculum for Excellence and 16 Plus Learning Choices, ensuring that young carers in Moray are being effectively identified and supported to achieve their full potential?

Council Response

The Council's current Carers Strategy is due for revision before the end of 2010. The Moray Health and Social Care Partnership has the lead responsibility for this, through Pauline Knox, Carers Strategy Officer. The Lead Officer in the Council for the Young Carers Service, commissioned through Quarriers, is Jeremy Akehurst, Performance and Strategy Manager for the Children and Families Social Work Service. The intention is to create a Young Carers Strategy that links to the broader Carers Strategy and addresses transition issues associated with Young Carers becoming adults, moving on from school-based compulsory education to further education, employment, training and independence. This will necessitate the involvement of the Education Service and More Choices, More Chances partners, as well as the specific voluntary sector providers of carer's services in Moray – Quarriers and Moray Carers Project. In terms of 16 Plus Learning Choices, the recently appointed Coordinator has already been in contact with both Quarriers and Moray Carers Project to discuss strategies. He has also offered membership of the Community Steering Group to both.

It will also necessitate active engagement with young carers in Moray. Schools will have a significant part to play in identifying young carers and facilitating their involvement. Both of the voluntary sector providers are also committed to supporting involvement on the part of the young carers with whom they are in contact. Preparation for the Curriculum for Excellence is well under way and, given its commitment to provide a broad general education and to encourage wider achievement amongst pupils, it should ensure that the needs of all children with additional needs including young carers are given opportunities to develop.

A national Carers Strategy is also being created at the moment, which will form a significant driver to the revised Moray Strategy. Both of the named lead officers recently participated in a consultation event associated with the national strategy, along with representatives of both voluntary sector providers and others in the Moray More Choices, More Chances Partnership. Another significant party in this connection is the Princess Royal Trust for Carers, to which both of Moray's voluntary sector partners are affiliated, which, in

partnership with the Scottish Young Carers Services Alliance, is sponsoring an event in Elgin towards the end of April to disseminate the findings of a consultation with young carers in Highland and promote the use of an evaluation framework for young carers services.

As a supplementary question Councillor Ross stated that, after meeting with both Quarriers and The Moray Carers project and it was clear that after some early difficulties both are working extremely well together and that one of the concerns raised by the Moray Carers Project was that as their contract in schools, where they do a lot of their work identifying some of the younger carers is due to end in June 2010. He asked therefore how the Council will respond to their contract ending this year; will that be continued or are there other procedures in place to continue the work they are undertaking in schools with young carers?

In response, Jeremy Akehurst, Performance and Strategy Manager advised that the service provided by The Moray Carers project in schools is not delivered as part of a contract with the Council. The council has only one contract for services specifically to young carers and that is part of an overall contract with Quarriers. The service that Moray Carers Project provides, they provide on the basis of external funding from a number of different sources and it was his understanding that over the last few months they have been spending some time on applications to other sources to try and renew those funds but they are not yet secure for the future.

5. SCHOOL INVESTMENT PROGRAMME: SELECTION OF PRIORITY PRIMARY SCHOOL

There was submitted a report by the Director of Educational Services asking the Council to endorse this authority's priority primary school for funding from the Scottish Government's School Investment Programme.

In response to concerns raised by Members regarding the criteria applied resulting in Milnes Primary School being recommended as this authority's priority primary school, where previously Mosstodloch Primary School had been the recommended school, the Director of Educational Services advised that the original recommendation was based on a condition survey report from 2008, however in the intervening time, as a result of the ongoing maintenance works carried out at Mosstodloch Primary School it was likely that the condition of the school has improved resulting in the school now being placed as the 12th lowest scoring primary school based on an updated condition survey and the Scottish Government's latest guidance.

Following further discussion it was agreed that more information was required regarding the ongoing maintenance works carried out at Mosstodloch Primary School and the latest Scottish Government's guidance used in determining the criteria which resulted in the recommendation for Milnes Primary School.

Thereafter the Council agreed:-

- (i) that a further report be brought back to the Children & Young People's Service Committee providing information regarding what improvements have taken place at Mosstodloch Primary School causing it to appear as the 12th lowest scoring primary school on the list of those needing repair and that this report include details of the Scottish Government guidance used in determining the criteria for scoring schools for priority for the School Investment Programme funding, and
- (ii) to defer the decision to endorse Milne's Primary School until the next meeting of the Council.

6. ADOPTION OF INTERNATIONAL FINANCIAL REPORTING STANDARDS

There was submitted a report by the Chief Financial Officer on the Council's adoption of International Financial Reporting Standards (IFRS), advising of the implications for the Council of the introduction of IFRS and seeking the Council's support for a plan to respond to the challenges as outlined in the report in order to comply with the IFRS.

Following consideration the Council agreed to note the implications for the Council of the introduction of IFRS and to support the response plan in order to comply with and meet the timescales of IFRS.

7. ESTABLISHMENT OF ADULT PROTECTION COMMITTEE IN MORAY

There was submitted a report by the Chief Legal Officer advising the Council of the establishment of the Adult Protection Committee in Moray, in line with the obligations placed upon the Council in terms of the Adult Support and Protection (Scotland) Act 2007 and seeking approval for further arrangements.

Following consideration the Council:-

- (i) noted the formal establishment of the Adult Protection Committee in Moray as required by legislation to ensure the protection of adults who may be at risk of harm.
- (ii) noted the current membership, remit, reporting arrangements and administration arrangements as set out in Section 4 and the Appendix of this Report;
- (iii) noted the appointment of Maureen Ramsay as Independent Convenor of the Moray Adult Protection Committee;
- (iv) approved the further arrangements as set out in Section 4.8 of this Report; and

- (v) appointed Councillor Sharp and Councillor Bell respectively to the Committee.

8. APPOINTMENT TO MORAY CHILDREN'S PANEL ADVISORY COMMITTEE AND CHILDREN'S PANEL TRAINING ADVISORY COMMITTEE

There was submitted a report by the Chief Legal Officer inviting the Council to consider nominating a Member to sit on the Moray Children's Panel Advisory Committee and the Moray Children's Panel Training Advisory Committee, following Councillor Hamilton's appointment to Chair of the Moray Children's Panel Advisory Committee.

During discussion, concern was raised that not all political groups had been canvassed in regard to the vacancy and it was agreed that this be reflected in future reports of this nature.

Following consideration the Council agreed that Councillor Divers be appointed to the Moray Children's Panel Advisory Committee and the Moray Children's Panel Training Advisory Committee, as Local Authority representative.

9. APPOINTMENTS TO COMMITTEES AND OUTSIDE BODIES

There was submitted a report by the Chief Legal Officer inviting the Council to consider the appointment of Depute Chairman to the Licensing Committee and the appointment of a representative to the Grampian Joint Police Board following the resignation of Councillor Ross from the Administration Group.

Following discussion, Councillor Shepherd, seconded by Councillor Bell moved that Councillor Cree be appointed as Depute Chairman to the Licensing Committee. There being no one otherwise minded this was agreed.

Following further discussion, during which Councillor Ross expressed his thanks to the Council for allowing him to be one of its representative on the Grampian Joint Police Board for over 2 years during which time he, along with Councillor Shepherd fought for the retention of the forensics laboratory in Aberdeen and for the improved service in relation to the Grampian non emergency call centre number, Councillor Shepherd, seconded by Councillor McGillivray, moved that Councillor Ross cease to be a member of the Grampian Joint Police Board in terms of the Grampian Combined Police Area Amalgamation Scheme Order of 1995. There being no one otherwise minded this was agreed.

Thereafter Councillor Shepherd, seconded by Councillor McGillivray nominated that Councillor Bell be appointed to the Grampian Joint Police Board.

As an amendment Councillor Coull, seconded by Councillor Paul moved that Councillor Leadbitter be appointed to the Grampian Joint Police Board.

On a division there voted:

For the Motion (13)	Councillors Shepherd, McGillivray, Bell, Cree, Hamilton, Hogg, J Mackay, McIntyre, A McKay, Ross, Russell, Wright and Young
For the Amendment (9)	Councillors Coull, Paul, Leadbitter, A McDonald, G McDonald, Ogilvie, Shand, Sharp and Stewart
Abstentions (3)	Councillors Divers, Jarvis and Murdoch

Accordingly the Motion became the finding of the Meeting and it was agreed that Councillor Bell be appointed to the Grampian Joint Police Board.

10. QUESTIONS ON COUNCIL MINUTES

Meeting of The Moray Council dated 20 January 2010

Under reference to paragraph 9(iv)(a) of the Minute Councillor Ross asked if an update on the progress following the meeting between a local contractor and Officers regarding the Garmouth and Kingston flooding issues could be provided to this Meeting and a detailed response provided to local members thereafter.

In response the Head of Direct Services advised that was unable to provide any information to this Meeting but he anticipated a detailed report would be submitted to the next meeting of the Flood Alleviation Sub-Committee.

Under reference to paragraph 9(iv) (b) of the Minute Councillor A McDonald asked whether there was a timescale for Members to receive monitoring reports in regard to the shingle bank at Kingston.

In response the Chairman advised that Members had received the report and would ensure that a copy was provided to her.

Under reference to paragraph 9(iv) Councillor A McDonald stated that the 4 SNP Members of the Flood Alleviation Sub Committee remained very concerned regarding Garmouth and Kingston situation and requested an imminent site visit be undertaken.

In response the Chief Legal Officer referred the Meeting to paragraph 9(iv) (d) of the Minute in which the Director of Environmental Services suggested that

the matter of a site visit should be a decision for the Lower Spey Forum to determine.

The Head of Direct Services further referred to paragraph 9(iv)(d) and the final paragraph thereafter and advised that whilst flood alleviation schemes is the responsibility of the Council, flood alleviation management is a wider responsibility and involves the Lower Spey Forum and the minute stated that there was to be a meeting of the Forum to discuss the issue of flood alleviation management and thereafter take back the view whether or not that site visit, involving the Forum and not just the Council, would then be appropriate. He further advised that that matter requires to be resolved by advice from Mr Gowans, the Consultancy Manager, to the appropriate committee and he suggested that the Flood Alleviation Sub Committee scheduled for 21 April 2010 would be the earliest committee that this could come back to. This was agreed.

Under reference to paragraph 9(i) of the Minute, Councillor Paul sought an update as to when the proposals to amend Administration Scheme to grant delegation to allow local members to decide on issues of sale regarding small strips of land would be available for consideration.

In response the Chief Legal Officer advised that it was anticipated that a report would be submitted to either the next meeting of the Policy and Resources Committee on 30 March 2010 or failing that on 27 April 2010.

Meeting of the Health & Social Care Services Committee dated 3 February 2010

Under reference to paragraph 9 of the Minute Councillor Cree asked to see a breakdown of the criteria of members who are deemed eligible for the Moray Assisted Taxi Scheme. This was agreed.

Meeting of the Children and Young People's Services Committee dated 17 February 2010

Under reference to paragraph 3 Councillor Hogg asked if the Chair of AP&R might consider taking this item 'Strategies for Raising Attainment in Secondary School' for further consideration as an item at the next meeting of the AP&R Committee due to be held on 28 April 2010.

In response the Chair of AP&R advised that he would be happy to take this as the Committee will be looking at 'Curriculum for Excellence and it could be included within that.

Meeting of Economic Development & Infrastructure Services Committee dated 23 February 2010

Under reference to paragraph 18 Councillor Coull asked when Members could expect a written response in regard to a proposal to introduce 20 mph speed limits outside Findochty & Portknockie Primary Schools.

In response the Head of Direct Services apologised to Members if that had not been done and would ensure that it would be issued to Members this week.

Under reference to paragraph 11 of the Minute, Councillor Divers sought clarification in regard to the use of money raised within any area of common good public trust as he had some concern regarding the legality of what is being proposed by the Council regarding common good trust funds.

In response the Chief Legal Officer advised that it was important to recognise that the proposition to generate money from the Elgin common good fund is a reasonable one. The presumption is that the Council can unless there are very specific exceptions to the contrary, what it can do with any of its other land and property. Historically, common good was effectively the revenue account from which local authorities funded various activities before the introduction of rates and the Council Tax.

He further stated that, having agreed with the proposition through the budget process, on which there was formal public consultation, the Council is now going through a further formal public process of amending various car parking orders. This includes a public advertisement giving the public a further opportunity to raise any objections to the proposal to generate money from car parking on common good land.

He recognised that Councillor Divers has some issues of concern and is seeking further details and assurances from Officers. Officers from Legal and Estates Services have been working with Councillor Divers to give him these assurances; and have looked at and discussed detailed plans with Councillor Divers who is looking for more detail, which will be provided to him.

He concluded that the Council was going through formal public processes based on what was agreed as part of a budget process. He assured the meeting that approach being applied is a reasonable one in law.

Meeting of the Policy and Resources Committee dated 2 March 2010

Under reference to paragraph 5 of the Minute Councillor Ross asked what will be done to ensure the long term booking by the Cullen Art Group for the use of the Memorial Hall in light of the request from the Cullen, Deskford and Portknockie Heritage Group to block book the hall later this year.

In response the Chairman advised that the issue being referred to had not been discussed, but had been deferred until the next meeting of the Policy and Resources Committee on 30 March 2010.

11. REVENUE BUDGET FOR 2010-11 - LUNCH CLUBS [PARA 1]

The meeting noted that this item had been continued from discussion under the emergency Notice of Motion (paragraph 1 of the Minute of this Meeting refers).

Following lengthy discussion during the course of which Members expressed their individual views, the Meeting noted:

- (i) the clubs which meet at Elgin Community Centre and Forres Community Centre face closure at the end of April as a result of the Council's budget savings;
- (ii) during last month's budget setting exercise the Council agreed that unless a club could produce a meal for £3.50 plus vat, it should close; (Budget heading reference number D15 of Appendix 6 of the agreed budget savings schedule and para 4(ii) of the Minute of the Special Meeting of the Moray Council on 11 February 2010 refer)
- (iii) the Elgin and Forres clubs meet in council run community centres where meals are prepared and served by council staff at subsidised rates;
- (iv) the closure proposal has met with strong opposition from club users and other sections of the community.

Thereafter the Meeting delegated resolution of the matter to Group Leaders and agreed:-

- (v) officers be instructed to look again at possible options for keeping the clubs open, and
- (vi) the outcome of the review be reported by the Chief Executive back to Council Group Leaders as quickly as possible.