

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

TUESDAY 25 MAY 2010

COUNCIL OFFICE, ELGIN

PRESENT

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

APOLOGIES

Apologies for absence were intimated on behalf of Councillors G. McIntyre (Deputy Chair), E. McGillivray and D. Stewart

IN ATTENDANCE

The Chief Executive, Chief Legal Officer, Chief Financial Officer, Director of Environmental Services, Director of Educational Services, Director of Community Services, Senior Estates Surveyor, Head of Personnel Services, Integrated Learning LD Services Manager, Community Planning & Development Manager, Community Support Manager, Head of Estates Services, Mr M Scott, MACE Limited 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 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 member interest in respect of any item on the agenda.

2. EMERGENCY NOTICE OF MOTION

In terms of Standing Order 32(b) there was submitted an emergency Notice of Motion by Councillor Wright, seconded by Councillor Bell asking that, in light of the recent developments at Cabrach School, this committee instructs the senior officers of The Moray Council to take whatever actions are necessary to close the school at the earliest opportunity. This was agreed unanimously.

3. 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>
16	9
17	1
18	9
19	12
20	9
21	9
22	9
23	9

4. WRITTEN QUESTIONS

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

To ask whether a report can be prepared for the next meeting of this Committee, identifying how a disabled access ramp can be designed and constructed to allow access to the Library at Dufftown. Having visited the site with Councillors Murdoch and McConachie I understand that Educational Services, Roads and Building Control are in the course of reviewing this issue and I would hope that a successful outcome can be achieved.

Council Response

Officers from Educational Services, Roads and Property Services will make every effort to ensure a report will be made available to the next meeting of the Policy & Resources on 22 June 2010 identifying how disabled access can be achieved at the library at Dufftown and the financial implications thereof.

As a supplementary question, Councillor Paul asked that since the Dufftown Library is likely to open before the 22nd June what would be the arrangements as there are some members of public who feel that they cannot go in a browse at the library.

In response the Director of Educational Services advised that there were local arrangements where staff can help individuals but obviously this was not completely satisfactory and this would be looked at.

5. ALLOTMENTS POLICY AND DRAFT LEASE

There was submitted a report by the Chief Executive asking committee for approval of the Allotments Policy and draft lease following public consultation.

During discussion members raised concerns about excluding members of public who did not wish their allotments to be purely organic and it was agreed that the organic reference be removed from the policy and that the second sentence of bullet point four of paragraph 7.3 be deleted.

Following further discussion it was also agreed that consideration be given to areas of land connected to commercial/industrial developments adjacent to housing and not just to areas of land adjacent to new housing developments and that the wording in the policy be amended to reflect this by removing the word 'housing'.

The Senior Estates Surveyor asked that the wording in 3.1 of the policy be amended to read "Where Council-owned land considered appropriate by the Council for provision..." to make it clear that there was no compulsion on the Council to lease any land unless it is in agreement. This was agreed.

Thereafter, the committee agreed to:-

- (i) approve the Allotment Policy and draft lease subject to the following;
 - (a) delete the word "housing" at paragraph 4 of the policy;
 - (b) amend the wording at paragraph 3.1 of the policy by removing the word "identified" and replacing with "considered appropriate by the Council"; and
 - (c) delete the last three lines in bullet point 4 under 7.3 of the policy.

6. CAPITAL PLAN 2010/11 - CARRY FORWARD

There was submitted a report by the Chief Financial Officer asking committee to note the expenditure under the Capital Plan for financial year 2009/10 and to approve project carry forwards for inclusion in the 2010/11 Capital Plan.

In response to a question from Councillor Paul regarding works planned for Tomintoul Museum, the Chief Financial Officer advised that these works would not be accommodated due to the costs being higher than initially planned but that information would be passed to her following the meeting.

Following consideration, the committee agreed to:-

- (i) note the expenditure to 31st March 2010 of £30.3 million against an approved Capital Plan of £40 million; and
- (ii) approve the carry forward of £4,051 million on the core plan and £5.643 million on Flood Alleviation into 2010/11.

7. WORKFORCE PLANNING: PROGRESS ON 2009 PLAN AND PROPOSED 2010 STRATEGY AND PLAN

There was submitted a report by the Head of Personnel Services informing the committee of the progress made against the actions set out in the 2009 Workforce Plan and asking the Committee to consider the priorities and agree the Workforce Strategy and Plan for 2010.

In response to a question as to why the first bullet point on Page 11 was deleted, the Head of Personnel Services advised that the apprenticeship scheme was in place and in terms of success the first young people who had been employed in the apprenticeship scheme were starting to be appointed to permanent positions. She further advised that the funding for the scheme would require to be reviewed and considered as part of the budget and also consideration would be required to be given as to whether, when employing apprentices, there were prospects of offering them long term employment within the Council. Thereafter It was agreed to retain the bullet point subject to it being amended to read "Continue to review and develop our apprentice and training schemes".

Following further discussion during which a question was raised as to how the priorities had been agreed, the Head of Personnel Services advised that she had drawn up the list taking into consideration those actions unavoidable such as in terms of legislation; Council priorities such as success in planning or where elected members had indicated a high priority. The document had been circulated to the Central Management Team and trade unions.

Thereafter, the committee agreed:-

- (i) to note the progress made against the actions in the 2009 Workforce Plan (APPENDIX 1);
- (ii) to approve the revised Workforce Strategy (APPENDIX 2) with an amendment to Page 11 under Workforce and Succession Planning in the first bullet point to keep in the line "Continue to Review and Develop our apprentice and training schemes"
- (iii) to approve the proposed Workforce Plan (APPENDIX 3) for 2010;
- (iv) that the Workforce Plan would be kept under review by the "Moray Performs" Board in response to significant workforce issues that may emerge from the financial pressures;
- (v) to amend the first bullet point on Page 11 to "Continue to review and develop our apprentice and training schemes"; and
- (vi) to accept that there was a two week feedback from unions and any amendments be delegated to "Moray Performs" Board.

8. CENTRAL SERVICES PERFORMANCE REPORT - QUARTER 4 JANUARY - MARCH 2010

There was submitted a report by the Chief Legal Officer asking committee to scrutinise progress made against priority areas and targets detailed in Central Services' Service Improvement Plan to the end of quarter 4, March 2010 and progress against Performance Indicators and Complaints to the end of quarter 4, March 2010.

In response to concerns raised regarding the indicators laid down for Committee services and Estates Services which appear to require to be reviewed due to the consistently improving performance and in regard to the indicator for Legal Services in relation to council house sales which is not achieving the target, the Chief Legal Officer advised that he had never personally agreed that council house sales was an indicator for legal services and in terms of legal services indicators generally, there was ongoing discussions between Audit Scotland and legal services across Scotland regarding a more meaningful set of indicators in terms of value for money. He further advised that there was currently no timescale as yet but once more information was received then he would report back to this Committee.

In regard to Committee Services he further advised that the target was quite fragile given that the high level of performance was to be seen against senior members of committee services being with the election unit for a substantial part of the last quarter and this was an area where complaints were received from members regarding lateness of papers, etc and therefore he was reluctant to change the indicator as it could be difficult to sustain but he would review this and report back to Policy & Resources Committee. In regard to Estates Services he advised that the Service was currently undergoing part of a wider restructuring of property services and suggested that it be referred to Chief Housing Officer who is the officer overseeing that restructuring as to how the service would perform and be measured.

Following consideration, the committee agreed to:

- (i) note the performance against Central Services' Performance Indicators, at the end of Quarter 4 2009/10 March 2010;
- (ii) note the performance against priorities identified in Central Services' Service Improvement Plan 2009-2010, at the end of Quarter 4 2009/10, March 2010;
- (iii) note the performance in achieving the Central Services' Complaints Targets, at the end of Quarter 4 2009/10, March 2010;
- (iv) the Chief Legal Officer undertaking a review of the indicators for Committee Services and reporting the outcome to a future meeting of the Policy & Resources;
- (v) note that the Legal Services indicators will come forward in due course once Audit Scotland have finalised the pilot schemes that are running, and

- (vi) the Chief Legal Officer remitting to the Chief Housing Officer the issue of appropriate indicators for Estate Services.

9. SERVICE IMPROVEMENT PLAN FOR CENTRAL SERVICES - 2010/11

There was submitted a report by the Chief Legal Officer inviting committee to approve the proposed Service Improvement Plan for Central Services in 2010-2011 as detailed in Appendix 1 of the report.

The meeting noted that the technical and admin assistant referred to in Page 16 of the report had been incorporated within the structure which the Chief Housing Officer was currently looking at with regards to Property Services and would be dealt with by this Committee in due course.

During discussion, the meeting agreed, in regard to key priority area 7 of the plan, to remove the word "all" and in regard to Service Priority 4.2 'Expected Outcomes/Success Criteria that bullet point 4 be amended to read the Wealthier & Fairer Group not Healthier & Fairer Group.

Thereafter, the committee agreed to:-

- (i) approve the Service Improvement Plan for Central Services for 2010-2011 subject to the foregoing amendments; and
- (ii) monitoring reports being presented to future meetings.

10. FINANCE AND ICT SERVICES - PERFORMANCE MANAGEMENT REPORT - JANUARY-MARCH 2010

There was submitted a report by the Chief Financial Officer asking committee to scrutinise progress made against priority areas and targets detailed in Finance and ICT Services' Service Improvement Plan to the end of quarter 4, March 2010 and progress against Performance Indicators and Complaints to the end of quarter 4, March 2010.

Following consideration, the committee agreed to:-

- (i) note the progress achieved, as at the end of Quarter 4 2009/10, in implementing the improvements identified in the Finance and ICT Service Improvement Plan 2009-2010;
- (ii) note the progress made in achieving, as at the end of Quarter 4 2009/10, the Finance and ICT Service Outcomes and Service Standards; and
- (iii) note the progress made, as at the end of Quarter 4 2009/10 in achieving the Finance and ICT Complaint Targets.

11. SERVICE IMPROVEMENT PLAN 2010/11 - FINANCE AND ICT SERVICES

There was submitted and approved a report by the Chief Financial Officer presenting for committee approval the 2010/11 Service Improvement Plan for Finance and ICT Services.

12. ANNUAL TREASURY MANAGEMENT PERFORMANCE - 2009/10

There was submitted and noted a report by the Chief Financial Officer providing committee with the Treasury Management annual report for the year ended 31 March 2010.

13. PROPOSED RESPONSE TO THE ENFORCEMENT OF LOCAL TAX ARREARS (SCOTLAND) BILL

There was submitted a report by the Chief Financial Officer inviting the committee to determine the Moray Council's response to the Enforcement of Local Tax Arrears (Scotland) Bill.

Following lengthy discussion, during which Officers clarified issues raised, the committee agreed to:-

- (i) the adoption of the content of this report as the Moray Council's response to the consultation on this private member's bill; and
- (ii) authorise the Council's Chief Financial Officer to write to the Scottish Parliament communicating the Moray Council's official response to the consultation on this private member's bill.

14. ANNUAL GOVERNANCE STATEMENT

There was submitted a report by the Chief Legal Officer requesting that committee considers and approves the Annual Governance Statement for 2009/10 for publication with the Council's annual accounts.

The meeting joined Councillor Wright in thanking Mr A. Scott, Team Leader (Internal Audit) for the considerable amount of work done on the report and appendix.

Following consideration, the committee agreed to:-

- (i) approve the contents of the annual governance statement; and
- (ii) note in terms of national guidance, that the statement would be certified by the Convener as Leader of the Council and by the Chief Executive as the Head of Paid Service.

15. QUESTION TIME

In referring to the announcement by the UK Government that they intend to reduce the amount of consultancy costs, and as this may be something which the Council may need to address shortly, Councillor Cree asked for a report on the current and anticipated costs that the Council incurs for casual and long term consultancy.

In response Councillor Wright advised that a short report would be forthcoming to a future committee.

16. RENT WAIVER FOR LEASED COUNCIL PROPERTIES [Para 9]

There was submitted a report by the Director of Community Services requesting committee approve the waiving of back dated rental costs incurred due to the delayed implementation of the specified rent reviews detailed in this report.

Following consideration, the committee agreed to approve the waiver of backdated rental and implementation of the outstanding rent reviews (with effect from 1 April 2010) in respect of the properties detailed in Section 4 of this report.

17. FUTURE OF 2/3 CLUB IN ELGIN (Para 1)

There was submitted a report by the Chief Executive asking committee to consider the future of the 2/3 Club currently operating in Elgin Community Centre.

Following discussion, the Committee agreed to defer the report for further information regarding whether the club's running fees, the impact in regard to the change to the room size and the club's previous and current capacity.

18. CONVERSION OF FORMER SUPERMARKET PREMISES, 2/10 HIGH STREET, ELGIN [Para 9]

There was submitted a report by the Chief Financial Officer asking committee to note that the lowest tender received for the design and build contract for the conversion of the former supermarket premises at 2/10 High Street, Elgin falls within the project budget and that the contract is to be awarded to the lowest tenderer.

Following consideration, the Committee agreed to note that the:-

- (i) lowest tender for the conversion of the former supermarket premises at 2/10 High Street, Elgin falls within the budget cost;
- (ii) contract was to be awarded to the lowest tender; and
- (iii) works are programmed to start on site on 4 October 2010 with the completed building due to be handed over to the Council on 29 July 2011.

19. EQUAL PAY [Para 12]

There was submitted a report by the Head of Personnel Services updating the committee on the current situation regarding outstanding equal pay employment tribunal claims against the Council.

Following consideration, the committee agreed to note the progress made in dealing with equal pay tribunal claims and that the remaining cases would continue to be managed in accordance with the strategy agreed by CMT.

20. APPOINTMENT OF HEAD OF EDUCATIONAL SUPPORT SERVICES [Para 9]

There was submitted a report by the Director of Educational Services asking committee to consider the extension of the appointment of the current temporary postholder for a further period of up to two years.

Following consideration, the committee agreed to extend the temporary contract of the current postholder for a period of up to two years to August 2012 in order to allow for flexibility in the future management structure for Educational Services.

21. VOLUNTARY SEVERANCE AND VOLUNTARY EARLY RETIREMENT APPLICATIONS [Para 9]

There was submitted a report by the Head of Personnel Services asking the committee to consider applications for Voluntary Severance and Voluntary Early Retirement under the terms of the schemes agreed in November 2009.

Following consideration, the committee approved the application for Voluntary Early Retirement contained within Appendix A of the report

22. ELGIN FLOOD ALLEVIATION SCHEME - PROPOSED ACQUISITION OF PUBLIC HOUSE & DWELLINGHOUSES (3) [Para 9]

There was submitted a report by the Head of Estates Services asking the committee to approve terms provisionally agreed with the owner for the acquisition of the Kingsmill Bar and houses at 28, 30 and 32 Newmill Road, Elgin which are required in connection with the Elgin Flood Alleviation Scheme.

Following consideration, the committee agreed to approve the acquisition of the Kingsmill Bar and dwellinghouses at 28, 30 and 32 Newmill Road, Elgin on the terms set out in para 4.6 of the report.

23. TEAM – LEARNING DISABILITY DAY SERVICE (Para 9)

There was submitted a report by the Director of Community Services informing committee of the current position regarding the Learning Disability Day Service and seeking approval for the continuation of the service.

Following consideration, the committee agreed that TEAM, an external Learning Disability Day Service, be brought “In House”, including, if applicable, the TUPE transfer of one member of staff to the Council, to enable this service to continue until the review of the Day Services has concluded, which should be by the end of the calendar year at the latest, and a decision about its long term viability be reported to a future committee.