

THE MORAY COUNCIL

MINUTE OF MEETING OF THE MORAY COUNCIL

WEDNESDAY 9 and 16 MAY 2012

COUNCIL OFFICE, ELGIN

PRESENT

Councillors G G Alexander, J S Allan, G S Coull, J S Cree, L Creswell, J A Divers, P A Gowans, M Howe, B Jarvis, G Leadbitter, J Mackay, M J McConachie, G McDonald, E M McGillivray, A C McKay, A J McLean, S M Morton, F J Murdoch, P Paul, D G Ross, M Shand, R H Shepherd, A A Skene, C P Tuke and A G Wright.

APOLOGIES

An apology for absence was intimated on behalf of Councillor C Ralph

IN ATTENDANCE

The Acting Chief Executive, the Corporate Director (Corporate Services), the Corporate Director (Education and Social Care), the Corporate Director (Environmental Services), the Head of Legal and Democratic Services and the Democratic Services Manager as clerk to the Meeting.

1. CONSTITUTION OF COUNCIL

The Corporate Director (Corporate Services), as the Returning Officer at The Moray Council election held on 3 May, 2012 intimated that the following had been elected as members of The Moray Council for the ensuing five years until May, 2017.

WARD	MEMBER	ADDRESS
1 SPEYSIDE GLENLIVET	Councillor M J McConachie	11 Maclellan Place, Dufftown
	Councillor F J Murdoch	23 Balvenie Street, Dufftown
	Councillor P Paul	56 Land Street, Rothes
2 KEITH AND CULLEN	Councillor G S Coull	Mizpah, 75 Moss Street, Keith
	Councillor J S Cree	9a Station Road, Keith
	Councillor R H Shepherd	22 Reidhaven Street, Cullen

3 BUCKIE	Councillor J Mackay	18 Redburn Drive, Buckie
	Councillor G McDonald	1 Howe of Enzie, Buckie
	Councillor A C McKay	Ardelle, Main Road, Rathven, Buckie
4 FOCHABERS LHANBRYDE	Councillor M Howe	Heelster Gowdie, 30 Spey Road, Nether Dallachy, Spey Bay
	Councillor S M Morton	13a Institution Road, Fochabers
	Councillor D G Ross	2 Upper Spynie Steading, by Elgin
5 HELDON AND LAICH	Councillor E M McGillivray	Parkvale, 7 Cooper Street, Hopeman
	Councillor C Ralph	Westwinds, Stotfield Road, Lossiemouth
	Councillor C P Tuke	2 Pinewood Road, Burghead
	Councillor A G Wright	7 St. Peter's Road, Duffus
6 ELGIN CITY NORTH	Councillor P A Gowans	133 Morriston Road, Elgin
	Councillor B Jarvis	41a South Street, Elgin
	Councillor M Shand	West View, 18 Braemoriston Road, Bishopmill, Elgin
7 ELGIN CITY SOUTH	Councillor J S Allan	26 Springfield Gardens, Elgin
	Councillor J A Divers	3 Birkenhill Place, New Elgin, Elgin
	Councillor G Leadbitter	13 South Park court, Elgin
8 FORRES	Councillor G G Alexander	Waterford Farm, Forres
	Councillor L Creswell	27d High Street, Forres
	Councillor A J McLean	28 Kintail Grove, Forres
	Councillor A A Skene	Windyhills, Milton Brodie, Forres

2. APPOINTMENT OF CONVENER

The Corporate Director (Corporate Services) invited nominations for the office of Convener of the Council for the ensuing five years.

Councillor Wright, seconded by Councillor Shepherd, moved that Councillor Cree be appointed as Convener of The Moray Council.

There being no one otherwise minded, the Motion became the finding of the meeting and it was agreed that Councillor Cree be appointed as Convener of The Moray Council.

Thereafter, Councillor Cree, took the Chair.

In accepting the appointment, Councillor Cree stated that he was honoured to accept the appointment of Convener of the Moray Council, albeit a little taken aback at being in this position which is not one he had envisioned in any way either over the past five years or more recently. Whilst this was a position he had not sought he gave an unqualified commitment that he would work for and on behalf of the Moray Council and all the communities of Moray to the very best of his ability and in doing so he looked forward to the support of all Members in dealing with the many challenges ahead in this time of uncertainty. He further stated that the financial situation was unlikely to improve in the near future and that this will require all to work together to find creative solutions that address increasing demands on our services which face dwindling resources.

3. APPOINTMENT OF DEPUTE CONVENER

Prior to seeking nominations for the appointment of Depute Convener, Councillor Cree stated that at the last meeting of the Council, consideration had been given to replacing this post with that of Leader of the Council and that at that meeting there was general agreement that this change would be implemented subject to the agreement of the new Council. Therefore for the purposes of expediency, he asked the Meeting to agree that they move directly to the appointment of Council Leader. This was unanimously agreed.

Consequently, Councillor Cree nominated Councillor Allan Wright as Leader of the Council. This was seconded by Councillor McGillivray.

There being no-one otherwise minded, Councillor Wright was appointed as Leader of the Council.

4. CONSTITUTION OF COMMITTEES, SUB COMMITTEES AND APPOINTMENT OF CHAIRS & VICE CHAIRS

There was submitted a report by the Corporate Director (Corporate Services) inviting the Council to consider:-

- (i) Establishing such Committees and Sub Committees as it considers appropriate, to determine the membership of such Committees, Sub

Committees as are consulted and to appoint the Chairs / Vice Chairs of such Committees / Sub Committees.

- (ii) Appointing elected Members to Community Partner Bodies / Groups.
- (iii) Establishing a Service Development Group, determining the membership of such Group and to appoint the Chair of such Group.
- (iv) Arrangements for review of Members remuneration, allowances and expenses.

The Chairman stated that due to the short timescale allowed following the election for this meeting, he was of the opinion that it would not be reasonable to seek nominations to fill all the positions at this time and sought the agreement of the meeting to deferring all but the appointment of the Committee Chairs for one week until an adjourned meeting on 16 May 2012 in order to give all parties an opportunity to consider their nominations. This was unanimously agreed.

Thereafter the following appointments were agreed:

(i) Policy and Resources Committee

Councillor A McKay, seconded by Councillor McGillivray nominated Councillor Wright as Chairman of this Committee. There being no one otherwise minded this was agreed.

(ii) Children & Young People's Services Committee

Councillor F Murdoch, seconded by Councillor Alexander nominated Councillor Skene as Chairman of this Committee. There being no one otherwise minded this was agreed.

(iii) Communities Committee

Councillor Shepherd, seconded by Councillor Tuke nominated Councillor McGillivray as Chairman of this Committee. There being no one otherwise minded this was agreed.

(iv) Health and Social Care Services Committee

Councillor McGillivray, seconded by Councillor Skene nominated Councillor A McKay as Chairman of this Committee. There being no one otherwise minded this was agreed.

(v) Planning and Regulatory Services Committee

Councillor Tuke, seconded by Councillor J Mackay nominated Councillor Ross as Chairman of this Committee. There being no one otherwise minded this was agreed.

(vi) Economic Development and Infrastructure Services Committee

Councillor Creswell, seconded by Councillor Ross nominated Councillor Murdoch as Chairman of this Committee. There being no one otherwise minded this was agreed.

(vii) Audit and Performance Review Committee

Councillor Paul, seconded by Councillor Coull nominated Councillor McDonald as Chairman of this Committee.

As an amendment Councillor Divers, seconded by Councillor Morton, nominated Councillor Jarvis as Chairman of this Committee.

On a division there voted:

For the Motion (9)	Councillors Paul, Coull, Gowans, Howe, Leadbitter, McConachie, McDonald, McLean and Shand
For the Amendment (5)	Councillors Divers, Morton, Jarvis, J MacKay and Shepherd
Abstentions (11)	Councillors Alexander, Allan, Cree, Creswell, McGillivray, A McKay, Murdoch, Ross, Skene, Tuke and Wright

Accordingly the Motion became the finding of the Meeting and it was agreed that Councillor McDonald be appointed as Chairman of this Committee

(viii) Licensing Committee

Councillor McGillivray, seconded by Councillor Allan nominated Councillor Shepherd as Chairman of this Committee. There being no one otherwise minded this was agreed.

The Meeting further noted, that on the motion of Councillor Coull, seconded by Councillor Howe, the appointment of Councillor Paul as Leader of the largest opposition group.

Councillor Divers sought clarification regarding the issue of political balance in respect of the membership of committees and in response the Chairman advised that this would be addressed at the adjourned meeting.

Thereafter, the Meeting agreed the arrangements for review of Members remuneration, allowances and expenses as detailed in the report.

5. COUNCIL BUSINESS: TIMETABLE AND CALENDAR OF MEETINGS

There was submitted a report by the Corporate Director (Corporate Services) inviting the Council to consider a proposed eight week cycle of meetings, with Policy and Resources, the Local Review Body and Service Development Group meeting every four weeks, and the Executive Committees and Scrutiny Committee meeting once in the eight week cycle.

Following consideration the Meeting agreed to:-

- (i) approve the proposed eight-week cycle of meetings, as set out in Section 3 of the report and the calendar of meetings as detailed in Appendix 1 of the report, for the period 9 May to 31 December 2012;
- (ii) note that 5 June 2012 has been allocated as a public holiday for the Queen's Diamond Jubilee and agreed the alternative date of Thursday 7 June 2012 for the Communities Committee, and
- (iii) note that in light of the approval of the meeting cycle and interim calendar at (i) above, an appropriate meeting diary will be prepared for the period 1 January 2013 to April 2017.

6. MORAY LICENSING BOARD: APPOINTMENT OF MEMBERS

There was submitted a report by the Head of Legal and Democratic Services inviting the Council to appoint Members to the Licensing Board for the new Moray Council.

Following discussion the Meeting agreed, in light of the previous decision to defer consideration of appointing the Membership of Committees as agreed earlier, that consideration of this item also be deferred to the adjourned meeting on 16 May 2012.

7. APPOINTMENTS TO OUTSIDE BODIES

There was submitted a report by the Corporate Director (Corporate Services) advising the Council of a number of 'outside bodies' on which the previous Council was represented and to which the Council is entitled to appoint nominees.

Following discussion the Meeting agreed to defer consideration of this item until 16 May 2012.

8 FINANCIAL PLAN

There was submitted a report by the Acting Chief Executive outlining financial planning issues and estimates and asking the Council to note the contents of the report and that a full briefing on the report will be provided as part of the induction training session for all Councillors on 15 May 2012.

Following consideration the Meeting agreed to note the report and that a full briefing will be provided as part of the induction training session for all Councillors on 15 May 2012.

9. MORAY COUNCIL – MINUTE OF MEETING DATED 4 APRIL 2012

The Minute of the meeting of the Moray Council dated 15 February 2012 was submitted and in response to queries raised in regard to Item 3 of the Minute by Councillor Ross, it was agreed that consideration of the Minute be deferred to the adjourned meeting on 16 May 2012, in order for discussion of the queries to be undertaken between Councillor Ross and the Head of Legal and Democratic Services .

10. LOCAL REVIEW BODY – MINUTE OF MEETING DATED 18 APRIL 2012

The Minute of the meeting of the Local Review Body dated 18 April 2012 was submitted and approved.

11. APPEALS COMMITTEE – MINUTE OF MEETING DATED 19 APRIL 2012

The Minute of the meeting of the Appeals Committee dated 19 April 2012 was submitted and approved.

12. FORRES MECHANICS

On the invitation of the Chairman, Councillor Alexander, asked that the Council, join him in passing its heartiest congratulations to Forres Mechanics Football Club in their recent success in becoming Highland League Champions. This was unanimously agreed.

The Meeting further joined Councillor Divers in sending its support to Elgin City Football Club who were taking part in the play offs to reach the Second Division.

13. QUESTIONS

Following the suggestion by Councillor Ross, the Chairman sought the agreement of the Meeting to defer questions on Council Minutes to the adjourned meeting to be held on 16 May 2012. This was unanimously agreed.

ADJOURNMENT OF MEETING

The Meeting agreed to adjourn at 10.16 am on 9 May 2012 and reconvene at 09.30 am on Wednesday 16 May 2012.

RESUMPTION OF MEETING

WEDNESDAY 16 MAY 2012

COUNCIL OFFICE, ELGIN

PRESENT

Councillors G Alexander, J Allan, G S Coull, J S Cree, L Creswell, J A Divers, P Gowans, M Howe, B Jarvis, G Leadbitter, J Mackay, M J McConachie, G McDonald, E M McGillivray, A C McKay, J McLean, S Morton, F J Murdoch, P Paul, C Ralph, D G Ross, M Shand, R H Shepherd, A Skene, C Tuke and A G Wright.

IN ATTENDANCE

The Acting Chief Executive, the Corporate Director (Corporate Services), the Corporate Director (Education and Social Care), the Corporate Director (Environmental Services), the Head of Legal and Democratic Services and the Democratic Services Manager as clerk to the Meeting.

14. DECLARATION OF GROUP DECISIONS

In terms of Standing Order 20 and the Councillors Code of Conduct, The Chairman advised that the Administration Group had discussed Items 15 and 16. Councillors Paul also advised that the SNP Group had also discussed these items. Councillor Divers further advised that the Labour Group had discussed these items.

15. CONSTITUTION OF COMMITTEES AND SUB COMMITTEES

Under reference to paragraph 4 of the Minute of this Meeting dated 9 May 2012, the meeting was asked to determine the membership of the Committees and Sub Committees as previously established.

The Chairman stated that in regard to political balance there were no prescribed procedures regarding this and that in the past the Council had followed an arithmetical model which would suggest a committee membership of 13 as before, comprised of 7 from the Administration, 5 from the largest opposition group, this being the SNP Group and 1 from the Labour Group and that this was the proposal that he wished to make. This was seconded by Councillor McGillivray.

As an amendment, Councillor Divers, seconded by Councillor Morton, moved that in his opinion this proposal was not equitable as the SNP Group would have 5 times the number of representatives on the committees as the Labour Group despite having only 3 times the number of elected members and proposed that the membership of the committees be increased to 15 comprising 8 from the Administration, 5 from the SNP Group and 2 from the Labour Group.

On a division there voted:

For the Motion (10):	Councillors Cree, McGillivray, Alexander, Allan, A McKay, Murdoch, Ross, Skene, Tuke and Wright.
For the Amendment (5):	Councillors Divers, Morton, Creswell, Jarvis and Shepherd.
Abstentions (11):	Councillors Coull, Gowans, Howe, Leadbitter, J MacKay, McConachie, McDonald, McLean, Paul, Ralph and Shand.

Accordingly the Motion became the finding of the Meeting and it was agreed that the membership of the committees comprise of 7 from the Administration, 5 from the largest opposition group, this being the SNP Group and 1 from the Labour Group.

Prior to considering the appointments, clarification was sought in regard to the membership of the Audit and Performance Review Committee. The Chairman advised that due to the number of Administration Group members available for appointment to this Committee, it would be impossible for it to nominate the requisite number of members required as that for the other Service Committees and suggested that the membership of this Committee comprise of 6 from the SNP Group, 5 from the Administration and 1 from the Labour Group. This was unanimously agreed.

There followed further discussion regarding the appointment of teacher representatives to the Children and Young People's Services Committee which included their right to vote, and the meeting unanimously agreed that teacher representatives be appointed, with voting rights on all items indicated with an asterisk as education business in accordance with previous practice, subject to the safeguards in place under the 'declaration of interests' protocol.

The Meeting further noted that, in line with the statutory provision for three church representatives, one from the Roman Catholic Church, one from the Church of Scotland and a third representative, whilst nominations had been received from both named churches, there had been one written application and one verbal intimation of interest and in line with previous practice, it was agreed that should that verbal intimation be followed up in writing, the appointment of the third religious representative be undertaken at the meeting of the Children and Young Peoples' Services Committee by the Committee agreeing that the Chairman draw the name of the representative from a hat.

Following further discussion Councillor Jarvis asked that consideration be given to a further recommendation being agreed that a report be submitted to a future meeting of the Council regarding the formation of a local petitions committee loosely based on the model currently used by the Scottish Parliament which would allow better participation by the public in council business.

Councillor Wright also asked that a report be brought to a future meeting regarding the reporting mechanism in respect of Adult and Child Protection matters which are currently reported to the Communities Committee and which he is of the opinion should report to the Children and Young People's Services Committee.

In response the Acting Chief Executive referred to the new arrangements under discussion regarding the Police and Fire Services and the effect this may have in regard to child protection issues and advised that this will also have to be fitted into the constitutional arrangements and that there may be a need to look at these arrangements several times over the next year or so in terms of accommodating the police arrangements and those issues raised by Councillor Wright.

The Chairman stated that he would take on board all that had been said and that a report on the proposal for a local petitions committee would be brought to a future meeting along with a report on the issues raised in regard to where adult and child protection should sit constitutionally.

Thereafter the following appointments were agreed:

(i) Policy and Resources Committee

Councillor S Cree
Councillor G Coull
Councillor J Divers

Councillor P Gowans
 Councillor G Leadbitter
 Councillor E McGillivray
 Councillor A McKay
 Councillor F Murdoch
 Councillor P Paul
 Councillor M Shand
 Councillor R Shepherd
 Councillor A Skene

(ii) Audit and Performance Review Committee

Councillor M Shand
 Councillor G Alexander
 Councillor L Creswell
 Councillor P Gowans
 Councillor B Jarvis
 Councillor J Mackay
 Councillor P Paul
 Councillor C Ralph
 Councillor R Shepherd
 Councillor C Tuke

(iii) Children and Young People's Services Committee

Councillor A McKay
 Councillor G Alexander
 Councillor J Allan
 Councillor G Coull
 Councillor M Howe
 Councillor E McGillivray
 Councillor A McLean
 Councillor S Morton
 Councillor C Ralph
 Councillor M Shand
 Councillor C Tuke
 Councillor A Wright

(iv) Health and Social Care

Councillor A Skene
 Councillor G Alexander
 Councillor J Allan
 Councillor L Creswell
 Councillor P Gowans
 Councillor J Mackay
 Councillor M McConachie
 Councillor G McDonald
 Councillor A McLean
 Councillor S Morton

Councillor C Ralph
Councillor A Wright

(v) Planning and Regulatory Services

Councillor C Tuke
Councillor G Alexander
Councillor J Allan
Councillor S Cree
Councillor J Divers
Councillor M Howe
Councillor G Leadbitter
Councillor M McConachie
Councillor G McDonald
Councillor F Murdoch
Councillor P Paul
Councillor A Wright

(vi) Economic Development and Infrastructure Services

Councillor L Creswell
Councillor G Coull
Councillor S Cree
Councillor J Divers
Councillor G Leadbitter
Councillor G McDonald
Councillor A McLean
Councillor P Paul
Councillor D Ross
Councillor R Shepherd
Councillor C Tuke
Councillor A Wright

(vii) Licensing Committee

Councillor J Allan
Councillor M Howe
Councillor B Jarvis
Councillor G Leadbitter
Councillor J Mackay
Councillor M McConachie
Councillor E McGillivray
Councillor A McKay
Councillor A McLean
Councillor D Ross
Councillor M Shand
Councillor C Tuke

(viii) Appeals Committee

Councillor A Wright
Councillor G Alexander
Councillor A McKay
Councillor S Morton
Councillor C Ralph
Councillor M Shand

(ix) Emergency Planning Committee

Councillor G Alexander
Councillor P Gowans

(x) School Placings and Exclusions Appeals Committee

Councillor G Alexander
Councillor G Coull
Councillor A McKay
Councillor S Morton
Councillor M Shand

(xi) Social Work Complaints Review Committee

Councillor J Divers
Councillor A McKay
Councillor C Ralph
Councillor A Wright

(xii) Joint Consultative Committee

Councillor S Cree (Chair)
Councillor G Alexander
Councillor S Morton
Councillor P Paul
Councillor M Shand
Councillor C Tuke
Councillor A Wright

(xiii) Flood Alleviation Sub-Committee

Councillor G Alexander (Chair)
Councillor J Allan
Councillor L Creswell
Councillor J Divers
Councillor G Leadbitter
Councillor A McLean
Councillor P Paul
Councillor C Ralph

Councillor M Shand
Councillor R Shepherd
Councillor A Skene

(xiv) Local Review Body

Councillor G Coull
Councillor L Creswell
Councillor P Gowans
Councillor B Jarvis
Councillor J Mackay
Councillor E McGillivray
Councillor A McKay
Councillor A McLean
Councillor S Morton
Councillor C Ralph
Councillor M Shand
Councillor R Shepherd
Councillor A Skene

(xv) Moray Child Protection Sub-Committee

Councillor J Divers
Councillor M Shand
Councillor A Wright

(xvi) Moray Adult Protection Sub-Committee

Councillor P Gowans
Councillor E McGillivray

(xvii) Community Planning Board

Councillor S Cree
Councillor A Wright
Councillor J Divers
Councillor G McDonald
Councillor E McGillivray
Councillor F Murdoch
Councillor P Paul

(xviii) Community Engagement Group

Councillor E McGillivray

(xix) Moray Community Health and Social Care Partnership

Remit and Membership under review

(xx) Economic Partnership

Councillor A Wright

(xxi) Service Development Group

Councillor S Cree
Councillor A Wright
Councillor E McGillivray
Councillor A McKay
Councillor F Murdoch
Councillor D Ross
Councillor R Shepherd
Councillor A Skene

(xxii) Moray Licensing Board

Councillor R Shepherd (Chair)
Councillor S Cree
Councillor G Alexander
Councillor J Allan
Councillor M Howe
Councillor B Jarvis
Councillor M McConachie
Councillor A McLean
Councillor C Tuke

16. APPOINTMENTS TO OUTSIDE BODIES

Under reference to paragraph 5 of the Minute of this Meeting dated 9 May 2012, the meeting determined the membership of the undernoted outside bodies.

(i) **ABERDEEN CITY COUNCIL PENSION FUND - JOINT INVESTMENT ADVISORY COMMITTEE**

Councillors G Coull and G Leadbitter

(ii) **ARTS COUNCIL FOR MORAY**

Councillors M Howe and A Skene

(iii) AUCHERNACK TRUST

Councillors G Alexander, L. Creswell, A. McLean & A Skene (also appointed is the Chair of the local Community Council)

(iv) BANFF BURSARY FUND: BOARD OF GOVERNERS

Councillors M.J. McConachie, G. McDonald and R.H. Shepherd

(v) BOARD OF GOVERNORS OF ANDERSON'S

Councillor B Jarvis

(vi) BUSINESS GATEWAY

Councillor F Murdoch (Chair of ED&I)

**(vii) CASTLE TO CATHEDRAL TO CASHMERE PARTNERSHIP
MANAGEMENT GROUP & ADVISORY GROUP**

Refer to ED&I Committee

(viii) CIFAL BOARD OF DIRECTORS

Councillors G McDonald & A Skene
Civic Head:- J S Cree

**(ix) CITIZENS ADVICE BUREAU (CAB) BOARD OF DIRECTORS
(ADVISERS)**

Councillors J.A. Divers and M Shand

(x) CITY OF ELGIN BUSINESS IMPROVEMENT DISTRICT (BID)

Appointee:- Councillor J. Divers
Observer:- Councillor G. Leadbitter

(xi) CONVENTION OF THE HIGHLANDS & ISLANDS

Leader of the Council – Councillor A. Wright

- (xii) **CONVENTION OF SCOTTISH LOCAL AUTHORITIES**
- Community Wellbeing and Safety – Councillor E.M. McGillivray
- Convention - Councillors A.G. Wright, J S Cree and P Paul
- Education, Children and Young People - Councillor A Skene
- Health and Wellbeing – Councillor A McKay
- Leaders Meeting – Councillor A Wright
- Regeneration and Sustainable Development – Councillor F Murdoch
- Resources and Capacity Executive – Councillor A G Wright
- Strategic Human Resources Management – Councillor S Cree
- (xiii) **COUNTY OF BANFF BURSARY FUND: BOARD OF GOVERNORS**
- Councillor R Shepherd
- (xiv) **DICK BEQUEST TRUST SCHEME**
- Councillor M J McConachie – this was a continuing appointment
- (xv) **EAST OF SCOTLAND INVESTMENT FUND (ESIF) LTD: BOARD OF DIRECTORS**
- Councillor F Murdoch
- (xvi) **FINDHORN BAY LOCAL NATURE RESERVE MANAGEMENT COMMITTEE**
- Councillor L Creswell
- (xvii) **FORRES GOLF COURSE MANAGEMENT COMMITTEE**
- Councillors L Creswell and A McLean
- (xviii) **FOUNDATION OF THE UNIVERSITY OF THE HIGHLANDS & ISLANDS**
- Councillor A Skene and M Shand

(xix) GRAMPIAN HOUSING ASSOCIATION LTD

Councillor G Coull

(xx) GRAMPIAN JOINT FIRE AND RESCUE BOARD

Councillors J.A. Divers, M.J. McConachie and R.H Shepherd
 Substitutes: Councillors G. McDonald, E McGillivray & B Jarvis

(xxi) GRAMPIAN JOINT POLICE BOARD

Councillors Councillors D Ross, C Tuke & R.H. Shepherd
 Substitutes: Councillors G. Leadbitter, G. McDonald and E McGillivray

(xxii) GRAMPIAN NHS BOARD

Councillor A McKay

(xxiii) GRAMPIAN VALUATION JOINT BOARD

Councillor Cree, seconded by Councillor Shepherd, moved that Councillors, Tuke, J MacKay and Shepherd be appointed to the Grampian Valuation Joint Board.

As an amendment Councillor Paul, seconded by Councillor Leadbitter, moved that Councillor Coull be appointed plus 2 Members from the Administration.

On a division there voted:

For the Motion (12):	Councillors Cree, Shepherd, Tuke, Allan, Divers, Jarvis, J MacKay, McGillivray, A McKay, Morton, Murdoch and Ross
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For the Amendment (12):	Councillors Paul, Leadbitter, Coull, Creswell, Gowans, Howe, McConachie, McDonald, McLean, Ralph, Shand and Skene
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Abstentions (2):	Councillors Alexander and Wright
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There being an equality of votes, the Head of Legal and Democratic Services advised the Meeting that in terms of the terms of the Local Government (Scotland) Act 1973 there is restriction which prohibits the use of the casting vote for the appointment to any particular office or committee and the concern is that this constitutes the appointment to an office as it attracts an allowance.

The Chairman advised that the way to proceed in this instance therefore would be by the cutting of cards.

Councillor Ross stated that, in his opinion, had Members been aware beforehand of the process that was now to be undertaken to determine this important appointment, they may have voted differently and moved, in terms of Standing Order 84, that Standing Orders be suspended to allow the vote to be retaken with all Members clear that should the vote remain tied the result will not be reached by the Chairman's casting vote but will be the lottery of cards, as in his opinion the cutting of cards does not show democracy at its best. Councillor Shepherd seconded the Motion.

Councillor Paul, stated that she would be against this as in her opinion, the vote was clearly taken with a tied result and that the cutting of cards to resolve a similar situation had happened in the past and as this was the result of this vote should remain as such. She further stated that in her opinion two differing options had been tabled and that these should be voted upon.

In order to clarify the position, the Chairman stated that the motion put forward by Councillor Ross, requires that a two third majority of the Meeting agrees to the suspension of standing orders and that there was no requirement for an amendment against the motion in order for it to be put to the vote. He reiterated that he was not wishing to stifle debate but as the motion to suspend standing orders required a two thirds majority support, then that had to be dealt with in the first instance. Thereafter, should the meeting agree the suspension at that point, further debate on the matter would take place. If not then the Council would proceed with the established process of determining the matter by the cutting of cards.

On the motion of whether or not to suspend standing orders there voted:

For the Suspension (14):

Councillors Ross, Shepherd, Alexander, Allan, Creswell, Divers, Jarvis, J MacKay, McGillivray, A MacKay, Morton, Skene, Tuke and Wright.

Against Suspension (12): Councillors Coull, Cree, Gowans, Howe, Leadbitter, McConachie, McDonald, McLean, Murdoch, Paul, Ralph and Shand

Abstentions (0):

There being no two thirds majority in favour of the suspension of standing orders, the motion was denied.

Thereafter the Head of Legal and Democratic Services advised the Meeting of the process to be followed in respect of the cutting of the cards. Councillor Paul and Councillor Cree proceeded to cut cards with Councillor Paul drawing the Jack of Spades and Councillor Cree drawing the Nine of Clubs.

Accordingly the amendment became the finding of the meeting and it was agreed that the following appointments to the Grampian Valuation Joint Board be made:

Councillors R.H. Shepherd, C Tuke & G Coull
Substitutes: Councillors J Allan, G Alexander & M Howe

(xxiv) GRAMPIAN VENTURE CAPITAL FUND LIMITED

Councillors F Murdoch and G. McDonald

(xxv) HIGHLANDS & ISLANDS STRATEGIC TRANSPORT PARTNERSHIP(HITRANS)

Councillor F Murdoch
Substitute: Councillor G Leadbitter

(xxvi) HIGHLAND TOURISM PARTNERSHIP

Councillor F Murdoch

(xxvii) HIGHLAND RESERVE FORCES & CADETS ASSOCIATION – NORTHERN AREA COMMITTEE

Councillor C Tuke

(xxviii) LANGSTANE HOUSING ASSOCIATION MANAGEMENT COMMITTEE

Councillor G Coull

(xxix) LAW TIE TRUST

Councillors R. H. Shepherd, J S Cree & A McKay

(xxx) MILNE'S INSTITUTE TRUST SCHEME (GOVERNORS)

Councillors G. McDonald, A.C. McKay, J. Mackay, M Howe, S Morton and D.G. Ross

(xxxi) MORAY CHAMBER OF COMMERCE

Councillor F Murdoch

(xxxii) MORAY CHILDRENS PANEL ADVISORY COMMITTEE

Councillors C Ralph & S Morton

(xxxiii) MORAY FISHERIES LOCAL ACTION GROUP (LAG)

Councillor R H Shepherd
Substitute: Councillor E McGillivray

(xxxiv) MORAY HOUSING PARTNERSHIP LTD: COMMITTEE OF MANAGEMENT

Councillor B Jarvis

(xxxv) MORAY LEADER ACTION GROUP (LAG)

Councillor F Murdoch

(xxxvi) MORAY LEISURE CENTRE - BOARD OF DIRECTORS

On behalf of the Administration Group, Councillor Cree proposed that Councillors Wright and Ross be appointed to the Board leaving a further nomination to be proposed.

Councillor Coull, seconded by Councillor Paul moved that Councillor Shand be appointed to the Board as the third nominee.

Councillor Morton, seconded by Councillor Divers, moved as an amendment that Councillor Jarvis be appointed to the Board.

On a division there voted:

For the Motion (12):	Councillors Coull, Paul, Alexander, Gowans, Howe, Leadbitter McConachie, McDonald, McLean, Ralph, Shand and Wright
For the Amendment (11):	Councillors Morton, Divers, Allan, Cree, Creswell, Jarvis, J MacKay, Ross, Shepherd and Skene
Absentions (3):	Councillors McGillivray, A McKay and Murdoch

Accordingly the motion became the finding of the meeting and Councillors A Wright, D G Ross and M Shand were appointed to the Board.

(xxxvii) MORAY LOCAL OUTDOOR ACCESS FORUM (LOAF)

Councillor F J Murdoch

(xxxviii) MORAY & NAIRN EDUCATIONAL TRUST

Delegated to members of the Education General Purposes Sub Committee

(xxxix) MORAY SOCIETY - ELGIN MUSEUM

Councillor P Gowans

(xl) MORAY TOURISM TASK GROUP

Councillors P Paul & F Murdoch

(xli) MORAY TWINNING ASSOCIATION(to include all Twinning Associations)

Councillor J Allan

(xlii) MORAY WOMEN'S AID - BOARD OF DIRECTORS

Councillors G Leadbitter and S Morton

- (xliv) **NORTHERN CRIMINAL JUSTICE AUTHORITY**
Councillors J Divers and C Tuke (substitute member)
- (xlv) **NORTH EAST ARTS TOURING (NEAT) EXECUTIVE COMMITTEE**
Councillor A Skene
- (xlv) **NORTH EAST SCOTLAND AGRICULTURAL ADVISORY GROUP**
Councillors G S Coull and G Alexander
- (xlvi) **NORTH EAST SCOTLAND FISHERIES DEVELOPMENT PARTNERSHIP**

Councillors G McDonald and C Ralph
- (xlvii) **NORTH EAST SCOTLAND FISHERIES DEVELOPMENT PARTNERSHIP STRATEGY GROUP**
Councillors G McDonald and C Ralph
- (xlviii) **NORTH EAST SENSORY SERVICES (OBSERVER)**
Councillor A G Wright
- (xlix) **OUT OF DARKNESS THEATRE COMPANY**

Councillors A C McKay and P Gowans
- (l) **SCOTLAND EXCEL JOINT COMMITTEE**
Councillor A G Wright
- (li) **SCOTTISH JOINT COUNCIL FOR LOCAL GOVERNMENT EMPLOYEES**
Councillor S Morton

(lii) SCOTTISH LOCAL GOVERNMENT FORUM AGAINST POVERTY

Councillor S Morton

It was further agreed that Councillor Morton provide feedback on the value of this appointment after one year.

(liii) SPORT MORAY EXECUTIVE COMMITTEE

Councillors A McLean and D G Ross

(liv) VICTIM SUPPORT

Councillor C Ralph

(lv) MORAY WASTE BUSTERS BOARD (DIRECTOR)

Councillor L Creswell

(lvi) SCOTTISH COUNCILS COMMITTEE ON RADIOACTIVE SUBSTANCES (SCCORS)

Officer appointment only

(lvii) SPEY FISHERY BOARD

Councillor Cree, seconded by Councillor Shepherd, moved that Councillor Ross be appointed to the Spey Fishery Board

As an Amendment, Councillor Coull, seconded by Councillor Shand, moved that Councillor Howe be appointed to the Spey Fishery Board.

As a second Amendment, Councillor Divers, seconded by Councillor Jarvis, moved that Councillor Morton be appointed to the Spey Fishery Board.

On a division between the first amendment and the second amendment there voted:

For the first amendment (12)

Councillors Coull, Shand, Gowans, Howe, Leadbitter, McConachie, G McDonald, A McKay, McLean, Paul, Ralph and Skene.

For the second amendment (10)	Councillors Divers, Jarvis, Alexander, Allan, Creswell, J MacKay, Morton, Ross, Shepherd and Tuke.
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Abstentions (0)	Councillors Cree, McGillivray, Murdoch and Wright
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Accordingly the first Amendment became the Amendment.

On a division between the Motion and the Amendment there voted:

For the Motion (14)	Councillors Cree, Shepherd, Alexander, Allan, Creswell, Jarvis, J MacKay, McGillivray, A McKay, Murdoch, Ross, Skene, Tuke and Wright
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For the Amendment (10)	Councillors Coull, Shand, Gowans, Howe, Leadbitter, McConachie, McDonald, McLean, Paul and Ralph
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Abstentions (2)	Councillors Divers and Morton
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Accordingly the Motion became the finding of the Meeting and it was agreed that Councillor D Ross be appointed to the Spey Fishery Board

(lviii) CAIRNGORMS NATIONAL PARK

Scottish Government Appointment

Councillor A.G. Wright (until Oct 2012)

(lix) SCOTTISH NATIONAL WAR MEMORIAL

Councillor C Tuke put forward as a nominee for CoSLA representation on the organisation.

Prior to concluding this item, the Chairman advised the meeting that the membership of the Appointments Committee required to be determined and suggested that this consist of the Chairman and Vice Chairman of the Service Committee, the Convener and Leader of the Council, two members from the SNP Group and one member from the Labour Group with the exception of the Policy and Resources Appointments Committee which should consist of the Convener, Council Leader, two members from the Administration Group, two

members from the SNP Group and one member from the Labour Group. This was unanimously agreed.

Thereafter clarification was sought regarding the membership of the Local Review Body and it was agreed that those thirteen members not appointed to the Planning and Regulatory Services Committee be appointed as interim members of a Local Review Body, until a full review with a report to be submitted to the meeting of the Council on 4 July 2012 which will allow the back log of cases to be dealt with during May and June.

17. MINUTE OF THE MEETING OF THE MORAY COUNCIL DATED 4 APRIL 2012

Under reference to paragraph 9 of the Minute of this Meeting dated 9 May 2012, there was submitted an amended Minute of the Meeting of the Moray Council dated 4 April 2012.

The Meeting noted that following discussion between Councillor Ross and the Head of Legal and Democratic Services regarding Item 3 of the Minute, the Minute had been amended accordingly.

Thereafter the Meeting approved the Minute.

18. QUESTIONS ON COUNCIL MINUTE DATED 4 APRIL 2012

Under reference to paragraph 3 of the Minute regarding the instruction for officers to offer to meet with those employees with unsettled equal pay claims, Councillor Ross asked how many offers have been made to meet with those with unsettled claims and how many have been accepted?

In response the Head of Human Resources advised that the offer to meet with those with unsettled claims was put to them through their legal representative who was in negotiation with their Trade Union representative which is how these matters are handled. She further advised that they are taking further advice nationally whether they would wish to take up that offer or not. The indications were that this was an unusual approach to take, hence their reason for seeking further advice. She further advised that in terms of offers, discussions have been progressed through the conference call that was referred to at the meeting of the 4 April 2012, and a response was awaited from the employees' legal adviser in terms of taking that forward. Efforts have been made to chase this up but a response is still awaited.