

THE MORAY COUNCIL
MINUTE OF MEETING OF THE MORAY COUNCIL
WEDNESDAY 30 MARCH 2016
COUNCIL OFFICE, ELGIN

PRESENT

Councillors A Wright (Convener), S Cree (Council Leader), G Alexander, J Allan, G Coull, J Cowe, G Cowie, L Creswell, J Divers, P Gowans, M Howe, G Leadbitter, M McConachie, G McDonald, A McLean, S Morton, F Murdoch, P Paul, D Ross, M Shand, R Shepherd, D Slater, C Tuke and S Warren.

APOLOGIES

Apologies for absence were intimated on behalf of Councillors K Reid and A Skene.

IN ATTENDANCE

The Chief Executive; the Corporate Director (Corporate Services); the Corporate Director (Economic Development, Planning & Infrastructure); the Chief Officer, Moray Integration Joint Board; the Head of Development Services; the Head of Direct Services; the Head of Finance; the Head of Housing and Property; the Head of Legal and Democratic Services; the Consultancy Manager; the Transportation Manager; and Mrs C Howie, Committee Services Officer as Clerk to the Meeting.

1. DECLARATION OF GROUP DECISIONS

In terms of Standing Order 20 and the Councillor's Code of Conduct, 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 or any declarations of member interest in respect of any item on the agenda.

2. RESOLUTION

The meeting resolved that under Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting for Item 11 of business on the grounds that it involves the likely disclosure of exempt information of the class described in Paragraph 1 of Part 1 of Schedule 7A of the Act.

<u>Para No of Minute</u>	<u>Para Nos of Schedule 7A</u>
19	6, 8 & 9

3. MINUTES

- (a) The Minute of the special meeting of The Moray Council dated 17 February 2016 was submitted and approved.
- (b) The Minute of the meeting of The Health and Social Care Services Committee dated 17 February 2016 was submitted and approved. The Chair noted the tribute paid to the Chair of the Health and Social Care Committee for the work she had done during the life of the Committee.

4. WRITTEN QUESTIONS

The Meeting noted that no written questions had been submitted.

5. COMMUNITY ENGAGEMENT

A report by the Corporate Director (Corporate Services) provided the Council with details of arrangements for community engagement activity across the Moray Community Planning Partnership to be coordinated by the Community Engagement Group and asked the Council to approve the six point improvement plan for community engagement as detailed in Appendix 1 of the report.

Following consideration, the Council agreed to approve the adoption of the six point improvement plan for community engagement activity that has been established by the Community Engagement Group.

6. COMMUNITY ENGAGEMENT ON COUNCIL FINANCES

A report by the Corporate Director (Corporate Services) provided the Council with proposals to engage with the Moray community in relation to the ongoing financial challenges faced by the Council and asked the Council to approve the engagement proposals set out in the report.

Following consideration, the Council agreed:

- (i) to approve the engagement proposals set out in the report;
- (ii) to receive a further report to consider the information pack to be made available to the community; and
- (iii) the arrangements in relation to the Participatory Budgeting events as set out in Appendix 2 of the report and provided comments for consideration by the Steering Group for the events.

7. FINANCIAL PLANNING

Under reference to paragraph 6 of the minute of the Moray Council dated 12 May 2015 a report by the Corporate Director (Corporate Services) provided the Council with a revised capital strategy and an assessment of the capital expenditure requirements to meet the Council's directions and policy position; and asked the Council to agree the

capital expenditure plan for 2016/17 and to the replacement of Lossiemouth High School.

The Corporate Director (Corporate Services) introduced the report by providing a reminder to Council of the relationship between capital and revenue expenditure and that the combination of the two spending streams is referred to as the financial plan. He highlighted the different governance arrangements imposed on the Council in relation to the two spending streams and that the Prudential Code places a requirement on the Council to ensure that capital expenditure is affordable and sustainable. The Corporate Director highlighted that council service provision is not financially sustainable and, therefore, the Council is no longer in compliance with the Prudential Code. He explained the options open to the Council and the importance of formal recognition of the Council's financial situation.

The Chair stated he wished to re-enforce that the Council were being asked to approve, or otherwise, the list of recommendations at 2.1 of the report and also those within Appendix 6 of the report.

Councillor Morton entered the meeting at this juncture.

During discussion of the report Councillor Ross, in recognising that it was clear that not all projects previously supported by the Council could be pursued as they no longer remained affordable, proposed removal of the Western Link Road from the Capital Plan.

The Chair advised that as this had been subject to a decision within the previous six months, at the meeting of the Council dated 11 November 2015 (paragraph 8 of the minute refers), under the terms of Standing Orders it would require a suspension of Standing Order 81 to permit discussion of the Western Link Road.

Councillor Ross stated he was of the opinion this was too important not to be discussed and suggested he would withdraw his motion and move to defer discussion of the report until outwith the 6 month timeframe to allow discussion on all aspects within the Capital Plan.

In response to Councillor Ross's motion to defer, the meeting agreed to the Chair's request for a short adjournment in order to seek legal advice.

On resumption of the meeting the Chair stated that if the original motion by Councillor Ross was to stand it would require a suspension of Standing Orders. If the motion to defer the entire report were to be taken forward then legally that was acceptable, however he felt there were risks in doing so and asked the Corporate Director (Corporate Services) to outline these for the meeting.

The Corporate Director (Corporate Services) advised that suspending Standing Orders, or not, would have the same result in terms of timing for discussion of the Western Link Road project and the six month rule would apply from today. In respect of a deferral of the report he advised that in light of the six month rule, the earliest the report could be heard would be 11 May 2016, a period of 6 weeks, however the next meeting of The Moray Council is scheduled for 25 May. He further advised that a six week delay at this juncture would be critical to the Council's Capital Plan, in particular the Lossiemouth High School Replacement Project.

Councillor Ross stated he appreciated the time taken to seek clarification and moved deferral of the paper, with the exception of the Lossiemouth High School Replacement Project.

Councillor Coull, in seconding the motion, advised he had a number of proposals that he wished retained in the Capital Plan and which he felt could be financed in part by removal of the Western Link Road.

Councillor Murdoch stated she was of the opinion the whole of the expenditure of the Council should be discussed and moved as an amendment to suspend all Standing Orders to allow the meeting the freedom to discuss all the Council's finances.

Councillor Cree, in recognising the value of the six month rule, moved as an amendment not to defer the report and continue discussions. Councillor Cowe seconded the amendment.

The Chair queried whether Councillor Murdoch was moving a formal amendment.

Councillor Murdoch confirmed she had moved a formal amendment to suspend all Standing Orders to allow the meeting the freedom to discuss all the Council's finances.

Under reference to Standing Order 46, the Chair ruled Councillor Murdoch's motion as incompetent as it exceeded the contents of the report being discussed.

The Chief Executive asked for a further adjournment to discuss governance issues raised during the previous discussions and motions put.

Under reference to Standing Order 59 Councillor Ross asked "That the question be now put".

The Chair stated that as Councillor Ross had spoken at length on the subject it was not competent for him to put the question and moved to a short adjournment to allow for consideration of the governance issues raised.

On resumption of the meeting the Corporate Director (Corporate Services) advised it would raise significant concerns in terms of the Council's ability to progress with the capital plan for 2016/17 if consideration of the report were deferred for six weeks. He further advised full information was not available on the implications of a deferral, however it would have an impact on the 4 primary schools project and the capital expenditure on schools more widely.

As an amendment Councillor Tuke, seconded by Councillor Murdoch, moved to suspend the six month rule in respect of all items within the report that were covered by the six month rule.

Councillor McDonald sought clarification on the process as he was of the understanding a suspension of Standing Orders should be dealt with in the first instance and not as an amendment to a motion.

In response the Head of Legal and Democratic Services advised a vote should first be taken on the suspension of Standing Orders, to allow Councillors to reconsider any

decisions taken on items within the Capital Plan within the past six months. This required a two thirds majority and Councillor Tuke required to identify a material change in circumstances to justify a suspension.

Councillor Tuke stated the material change was the grave financial situation in which the Council currently finds itself.

In terms of Standing Order 81 a vote was taken on whether there had been a relevant and material change of circumstances.

On a division, there voted:

For the Motion (17): Councillors Tuke, Murdoch, Allan, Coull, Creswell, Gowans, Howe, Leadbitter, McConachie, McDonald, McLean, Morton, Paul, Ross, Shand, Warren and Wright

For the Amendment (7): Councillors Alexander, Cowe, Cowie, Cree, Divers, Shepherd and Slater

Abstentions (0):

Accordingly, in terms of Standing Order 81, the Council agreed to suspend Standing Order 81 as more than two-thirds of the Council present had agreed the matter merited a suspension.

Thereafter Councillor Ross, with the agreement of Councillor Coull, who seconded his motion, formally withdrew his motion to defer consideration of the report and restated his earlier motion to remove the Western Link Road from the Capital Plan.

As an amendment Councillor Cree moved to retain the Western Link Road in the Capital Plan as he was of the opinion the investment in the Western Link Road would bring revenue into Moray far beyond the amount of the investment.

Councillor Cowe seconded the amendment.

In terms of Standing Order 46 the Chair sought clarification from the Meeting on whether Members considered that they had sufficient information before them to come to a reasoned and balanced decision.

Councillor Alexander stated he was of the opinion there was insufficient information today to consider removing the Western Link Road from the Capital Plan.

The Chair ruled that as the Western Link Road had been the subject of many discussions he was of the opinion that all Members had enough information before them to consider the motion and amendment before them.

On a division, there voted:

For the Motion (13): Councillors Ross, Coull, Allan, Gowans, Howe, Leadbitter, McConachie, McDonald, McLean, Paul, Shand, Tuke and Warren

For the Amendment (11): Councillors Cree, Cowe, Alexander, Cowie, Creswell, Divers, Morton, Murdoch, Shepherd, Slater and Wright

Abstentions (0):

Accordingly, the motion became the finding of the Council and it was agreed to remove the budget for the Western Link Road from the Capital Plan.

Thereafter Councillor Coull stated he proposed reinstating the budgets for three areas:

- Children's Play Areas, £70k
- Public Toilets, £25k
- Road Safety Barriers, retain some of the budget at £43k

and retaining provision for flood schemes and the Buckie/Keith Road as follows:

- Hopeman, Portessie and Dallas Flood Schemes to be progressed at a cost of £100k, £20k & £300k respectively
- Buckie/Keith Road, Phase 1 to be progressed at a cost of £42k

he further proposed a reduction in the Timber Traffic budget by 50% for 1 year to £250k

Councillor Paul seconded the motion.

The Corporate Director (Corporate Services) sought clarification on the inclusion of provision of the flood schemes for Hopeman and Portessie and asked if the Council commit to funding the £100k for Hopeman and £20k for Portessie, were they also committing to funding the full amount for the schemes of £4.6m in total.

In response the Consultancy Manager advised that the funding in 2016/17 would take the Hopeman Scheme forward to the Flood Protection Order stage and enable further assessments for Portessie. The Corporate Director (Corporate Services) indicated that it was therefore clear that the Council could consider future investment in the schemes once the results of the assessments were known.

The Chair stated Councillor Coull had proposed a package of amendments, however there may be some items that Members would want to support and others they would not want to support.

The Chair undertook to look at the changes suggested from Councillor Coull in respect of Appendix 3 of the report. Referring to the reduction of the Timber Traffic budget to £250k he asked if anyone was otherwise minded.

Councillor Murdoch advised she was otherwise minded and moved an amendment to retain the Timber Traffic budget at £500k.

In referring to the Road Traffic Act (Scotland) 1984, section 96 "Extraordinary expenses in repairing roads damaged by heavy vehicles etc.", Councillor Tuke queried if the budget could be removed completely, as, if the operator is causing excess damage to

the roads would it not be the case that the Council should be able to claim the cost of repairs from them.

In response the Head of Direct Services advised he had concerns that in terms of the legislation as he was unsure if such a challenge would be successful. He could not give clarity as to whether this would relate to ongoing work that was taking place or if there had ever been a challenge to the timber industry in terms of the legislation.

During discussion, the Council agreed to suspend Standing Order 74 to continue beyond 12.45pm in order to break discussions at an appropriate juncture.

Councillor Cree sought clarification on the point raised by Councillor Tuke in respect of the Road Traffic Act (Scotland) 1984.

In response the Head of Direct Services advised there is potential to receive match funding for money spent. He could not give assurance to the Council that if the budget were to be reduced to zero and a challenge were made to the timber industry that it would be successful. A reduction to £250k would allow a bid to be made for match funding but not if the budget were to be reduced to zero.

Thereafter the Chair clarified there was a proposal from Councillor Coull, seconded by Councillor Paul, to reduce the budget for the roads to £250k and a counter proposal from Councillor Murdoch to retain the full budget of £500k and asked for a seconder for Councillor Murdoch. Councillor Morton seconded Councillor Murdoch. Thereafter the Chair moved to the vote.

On a division, there voted:

For the Motion (17): Councillors Coull, Paul, Allan, Cowe, Cree, Creswell, Gowans, Howe, Leadbitter, McConachie, McDonald, McLean, Shand, Slater, Tuke, Warren and Wright

For the Amendment (7): Councillors Murdoch, Morton, Alexander, Cowie, Divers, Ross and Shepherd

Abstentions (0):

Accordingly, the motion became the finding of the Council and it was agreed to reduce the Timber Traffic budget to £250k for 1 year only.

The Corporate Director (Corporate Services), in recognising that considering each of Councillor Coull's proposals separately could take considerable time, sought clarification on whether the remaining proposals would be considered en masse.

In response the Chair advised there were some items he would support and some he would not.

Following further discussion it was agreed to consider each proposal separately.

The Chair advised Councillor Coull, seconded by Councillor Paul, had proposed reinstating £70k for Play Areas.

As an amendment Councillor Cree moved to provide sufficient finance only to retain one Play Area in each community.

Thereafter Councillor Murdoch seconded Councillor Cree's amendment.

On a division, there voted:

For the Motion (13): Councillors Coull, Paul, Divers, Gowans, Howe, Leadbitter, McConachie, McDonald, McLean, Morton, Ross, Shand, Warren

For the Amendment (11): Councillors Cree, Murdoch, Alexander, Allan, Cowe, Cowie, Creswell, Shepherd, Slater, Tuke and Wright

Abstentions (0):

Accordingly, the motion became the finding of the Council and it was agreed to retain £70k in the Capital Plan for Play Areas.

During discussion of the Play Areas clarification was sought on which items Councillor Coull had proposed.

In response Councillor Coull suggested a break for lunch, during which time he would circulate his list of proposals to all Members in an attempt to move things forward following a break.

8. ADJOURNMENT OF MEETING

Thereafter the Council agreed to adjourn at 1:03pm for lunch and reconvene at 2:00pm.

9. RESUMPTION OF MEETING

PRESENT

Councillors A Wright (Convener), S Cree (Council Leader), G Alexander, J Allan, G Coull, J Cowe, G Cowie, L Creswell, J Divers, P Gowans, M Howe, G Leadbitter, M McConachie, G McDonald, A McLean, S Morton, F Murdoch, P Paul, M Shand, R Shepherd, D Slater, C Tuke and S Warren.

APOLOGIES

Apologies for absence were intimated on behalf of Councillors K Reid, D Ross and A Skene.

IN ATTENDANCE

The Chief Executive; the Corporate Director (Corporate Services); the Corporate Director (Economic Development, Planning & Infrastructure); the Chief Officer, Moray Integration Joint Board; the Head of Development Services; the Head of Direct Services; the Head of Finance; the Head of Housing and Property; the Head of Legal and Democratic Services; the Legal Services Manager (Property & Contracts); the Consultancy Manager; the Transportation Manager; and Mrs C Howie, Committee Services Officer as Clerk to the Meeting.

10. FINANCIAL PLANNING – CONTINUATION

The Chair advised the Meeting that during the break Councillor Coull had provided him with a list of the SNP group's proposed amendments to Appendices 3 and 5 of the report which he had previously suggested and a copy was circulated to those Councillors who had not previously received a copy.

The Chair reiterated what had previously been discussed from the list of amendments and proceeded to discuss the remainder of the amendments proposed by Councillor Coull and taking each in turn asked the Council if they were minded to agree as follows:

Public Toilets

There being no one otherwise minded the Council agreed to the retention of the budget of £25k for Public Toilets.

Progression of Flood Schemes

There being no one otherwise minded the Council agreed to retain provision in the Capital Plan for the Hopeman, Portessie and Dallas Flood Schemes to be progressed at a cost of £100k, £20k & £300k respectively.

Buckie/Keith Road

The Chair moved as an amendment in respect of phase one of the Buckie/Keith Road not to retain provision for this in the Capital Plan. Councillor Cree seconded the amendment.

On a division, there voted:

For the Motion (12):	Councillors Coull, Paul, Cowie, Gowans, Howe, Leadbitter, McConachie, McDonald, McLean, Morton, Shand and Warren
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For the Amendment (11):	Councillors Wright, Cree, Alexander, Allan, Cowe, Creswell, Divers, Murdoch, Shepherd, Slater and Tuke
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Abstentions (0):

Accordingly, the motion became the finding of the Council and it was agreed to retain provision in the Capital Plan for Phase 1 of the Buckie/Keith Road, at a cost of £42k.

Road Safety Barrier Provision

Councillor Alexander sought clarification on what was covered by the cost of £43k proposed for Road Safety Barrier provision.

In response the Transportation Manager advised the budget was for maintenance of barriers which were no longer fit for purpose.

The Head of Direct Services clarified this would be for replacing existing barriers and not for new schemes. If new sites were identified these would have to go through the normal process to ascertain if there was money available for new barriers.

Thereafter as there was no one otherwise minded the Council agreed to retain provision in the Capital Plan for Road Safety Barrier provision at a cost of £42k.

Thereafter the Council considered the remaining proposals as detailed in Appendix 3 of the report.

Councillor Murdoch proposed the retention of £52k for Disability Adaptations (dropped kerbs) which it was proposed be removed from the Capital Plan.

Councillor Morton stated he strongly supported Councillor Murdoch.

Councillor Cree sought clarification over the £9k to deliver a disabled parking space and queried if the £52k was then to provide a dropped kerb.

In response the Transportation Manager advised the installation of a blue badge space did not provide for a dropped kerb; the dropped kerbs in question were pedestrian dropped kerbs which are part of disability adaptations. She further advised that, as stated in the report, removal of the £52k would be subject to an Equalities Impact Assessment.

There being no one otherwise minded the Council agreed to the retention of £52k for Disability Adaptations within the Capital Plan.

Thereafter the Chair reviewed the recommendations within the report and clarified the recommendations at 2.1 i), ii) (with amendments) and iii) had been dealt with.

Councillors Morton and Murdoch raised concerns over how discussions had progressed as they had been expecting discussion on a strategic level whereas the minutia appeared to be getting dealt with.

Following further discussion Councillor Murdoch moved not to agree the allocation for the four primary schools, as noted in paragraph 4.9 of the report, as she was of the opinion no more money should be spent on building schools until a sustainable education programme for the future was agreed.

On failing to find a seconder the motion fell and the Council agreed to the allocation for the four primary schools, as noted in paragraph 4.9 of the report.

On behalf of the Corporate Director (Education and Social Care), the Chief Executive advised that in terms of the overall approach to education the four primary schools would have had to be looked at regardless of whether funding had been forthcoming or not.

Thereafter discussion took place in respect of Appendix 6 of the report in relation to the recommendations therein in respect of Lossiemouth High School where concern was raised on whether or not a swimming pool would be included.

In response the Corporate Director (Corporate Services) advised that it could be considered financially irresponsible to go beyond the recommendations as set out in Appendix 6 of the report.

During further discussions Councillor Cowe moved to agree Appendix 6 of the report but to investigate sustainable options for maintaining the existing pool and community facilities.

There being no one otherwise minded and following further discussion the Council agreed the recommendations in Appendix 6 of the report and that officers would report back in respect of the swimming pool.

Thereafter the Council agreed:

- (i) to note the Asset Management Working Group's implementation of the CIPFA guidance on capital strategies;
- (ii) to approve the revised Capital Strategy attached as Appendix 1 to the report;
- (iii) that the current range of council service provision is financially unsustainable and that the Council will work towards achieving a sustainable financial plan during the next two years;
- (iv) the detailed appraisal of current arrangements and the investment that arises directly from: service need, asset conditions and the policy on future condition/suitability;
- (v) to the increase in the allocation for the four primary schools project as noted in paragraph 4.9 of the report by £3.5M;
- (vi) to limit the capital expenditure in 2016/17 to the restricted proposals in Appendix 3 of the report due to the full plan being unaffordable, with the following amendments;
 - a) remove the Western Link Road from the Capital Plan;
 - b) reduce the spend on Timber Traffic by 50%, for 1 year;
 - c) retain full expenditure for:
 - Play areas;
 - Public toilets; and

- d) retain within the Capital Plan for 2016/17 the expenditure detailed in Appendix 5 of the report relative to:
 - the Hopeman, Portessie and Dallas Flood Schemes;
 - Phase 1 of the Buckie to Keith road;
 - Disability Adaptations.
- (vii) approve the recommendations set out in Appendix 6 of the report in relation to the replacement for Lossiemouth High School; with a further report being brought to the Council to allow consideration of sustainable options in respect of the swimming pool; and
- (viii) approve the process for a biannual review of the Capital Plan as described in paragraph 3.9 of the report and set out Appendix 7 of the report.

11. TREASURY MANAGEMENT STRATEGY STATEMENT AND PRUDENTIAL INDICATORS

A report by the Corporate Director (Corporate Services) asked the Council to approve the indicators which will be used to measure the Council's performance in Capital Investment decisions and to approve the Treasury Management Strategy and the Annual Investment Strategy for the year ahead.

The Head of Financial Services advised that due to the changes made today to the Capital Plan there would be significant material changes for 2017/18 and 2018/19 and requested to defer consideration of this paper until the next meeting of the Council to allow more accurate figures to be presented for capital expenditure.

The Council agreed to defer this item to allow updated figures to be presented at the next meeting of the Council.

12. REVIEW OF SPORT, LEISURE AND RECREATION PROVISION IN MORAY UPDATE

Under reference to paragraph 9 of the minute of the Special Meeting of The Moray Council dated 2 July 2014 a report by the Corporate Director (Education and Social Care) informed the Council of the progress made during 2015 on the recommendations implemented from the Review of Sport, Leisure and Recreation Provision in Moray and asked the Council to agree that a further review is undertaken of Moray's Leisure Estate, incorporating Moray Leisure Centre.

Councillor McLean moved that the proposed permanent 0.5 Full Time Equivalent (FTE) post to administer the Fit Life Scheme be changed to a temporary 0.5 FTE post for 1 year.

There being no one otherwise minded the Council agreed to the post to administer the Fit Life Scheme to be changed to a temporary 0.5 FTE post for 1 year.

Thereafter the Council agreed:

- (i) to note the progress made during 2015 on the recommendations implemented from the Review of Sport & Leisure Provisions in Moray;
- (ii) to approve a further review to be undertaken of Moray's Leisure Estate, incorporating Moray Leisure Centre;
- (iii) to approve the establishment of a 2 year fixed term 0.5 FTE post to facilitate the Leisure Review; and
- (iv) to approve a 0.5 FTE 1 year temporary post to administer the Fit Life Scheme.

13. MANAGEMENT RULES FOR SPORTS OR LEISURE CENTRES INCLUDING SWIMMING POOLS

A report by the Corporate Director (Corporate Services) asked the Council to approve the draft updated Management Rules for Sports or Leisure Centres including Swimming Pools.

During discussion Councillor Murdoch moved the following amendments: "Guide Dogs" be changed to "Assistance Dogs"; paragraph 5 (b) to have the first sentence removed as it was superfluous; the section on Protection of Privacy be updated to include information on the taking of photographs and the use of mobile phones.

There being no one otherwise minded the Council agreed to the amendments proposed by Councillor Murdoch.

Thereafter the Council agreed to:

- (i) approve the draft updated Management Rules for Sports or Leisure Centres including Swimming Pools, with the following amendments:
 - a) Rule 4, Exclusions of animals – Guide Dogs to be amended to Assistance Dogs;
 - b) Rule 5, Dress – (b) to have first sentence removed;
 - c) Rule 6, Protection of Privacy – include information on the taking of photographs and the use of mobile phones; and
- (ii) delegate authority to the Head of Legal and Democratic Services to advertise the Council's intention to make management rules and, in the event of there being no objections received to this, thereafter to execute the rules on behalf of the Council. In the event that objections are received, the matter will then be referred back to a future meeting of the Council.

14. FLOOD RISK MANAGEMENT – POLICY ON CLEARANCE AND REPAIR

Under reference to paragraph 4 of the minute of The Moray Council dated 3 February 2016 a report by the Corporate Director (Economic Development, Planning and

Infrastructure) asked the Council to consider future direction on clearance and repair of water bodies with a view to reducing the overall flood risk.

Following consideration, the Council agreed:

- (i) to continue the current practice where watercourses are dredged where this is the most sustainable option for reducing flood risk; and
- (ii) that once Scottish Government publishes guidance for local authorities on clearance and repair of water bodies, a report is submitted to the Economic Development and Infrastructure Services Committee in relation to Council policy.

15. MORAY INTEGRATION JOINT BOARD TRANSITION TO NEW ARRANGEMENTS

A report by the Chief Officer, Moray Integration Joint Board, advised the Council on the conclusion of business of the Health and Social Care Services Committee which delegated various responsibilities relating to adult social care to the Moray Integration Joint Board and other remaining responsibilities being delegated to other Council Committees. The report also asked the Council to note the governance arrangements in place to ensure the transition of the various responsibility to the Moray Integration Joint Board.

Following consideration, the Council agreed to note:

- (i) that all necessary governance arrangements are in place to ensure the transition of all agreed delegated adult social care business, in terms of the Public Bodies (Joint Working) (Scotland) Act 2014 and the Health and Social Care Integration Scheme for Moray to the Moray Integration Joint Board; and
- (ii) as previously agreed by The Moray Council that the existing Health and Social Care Services Committee cease from 31 March 2016.

16. TENNIS COURTS, COOPER PARK, ELGIN

A report by the Corporate Director (Corporate Services) asked the Council to give consideration to a request from Elgin Lawn Tennis Club for a longer term lease of the tennis courts in Cooper Park, Elgin.

In referring to paragraph 4 (c) of the report, the Chair sought clarification if it would be appropriate to include a recommendation of a rent free period of up to 5 years to be reviewed thereafter.

In response the Corporate Director (Corporate Services) advised this should have been in the recommendations.

Discussion took place in relation to the term of the lease and consideration was given to a period of 10 or 25 years.

The Legal Services Manager (Property & Contracts) advised there is a specific exclusion against a long lease in terms of the Trust and a lease of 25 years is considered a long lease and Legal therefore strongly advised against a 25 year lease.

Councillor Gowans, seconded by the Chair, moved to grant a lease for a period of 10 years.

As an amendment Councillor Murdoch, seconded by Councillor Tuke, moved to grant a lease for a period of 25 years.

On a division, there voted:

For the Motion (17): Councillors Gowans, Wright, Allan, Coull, Cowe, Cowie, Cree, Divers, Howe, Leadbitter, McConachie, McDonald, McLean, Paul, Shand, Shepherd and Warren

For the Amendment (6): Councillors Murdoch, Tuke, Alexander, Creswell, Morton and Slater

Abstentions (0):

Accordingly, the motion became the finding of the Council and it was agreed to grant a lease of the tennis courts for a period of 10 years.

Thereafter the Council agreed:

- (i) upon a request from Elgin Lawn Tennis Club for a longer term lease to the tennis courts in Cooper Park, Elgin, the term agreed being 10 years;
- (ii) a rent free period of 5 years and a review thereafter; and
- (iii) to delegate authority to the Head of Legal and Democratic Services to finalise the details of the lease.

17. APPOINTMENT TO COMMITTEES

Under reference to paragraph 22 of the minute of The Moray Council dated 11 November 2015 a report by the Corporate Director (Corporate Services) invited the Council to consider making appointments to the list of committees, as detailed in the report, as a result of Councillor Slater's decision to join the Administration Group and the resignation of Councillor Murdoch from the Administration Group.

Councillor Cree stated that in terms of the Administration Group they had lost one member and gained another and were disinclined to change any of their Committee Appointees. He further stated he had discussed membership with Councillor Divers who had advised that for consistency he was prepared to agree membership remain as currently noted.

Councillor Divers stated that was indeed the case.

Thereafter the Council agreed:

- (i) the proposals regarding allocations for Committees as set out in Section 4 of the report; and
- (ii) that Committee Membership should remain as that currently noted.

18. QUESTION TIME

There were no questions raised.

19. PROPOSED ACQUISITION OF PROPERTY, ELGIN [PARAS 6, 8 &9]

Under reference to paragraph 17 of the minute of the meeting of the Economic Development and Infrastructure Services Committee dated 1 November 2011 a report by the Corporate Director (Economic Development, Planning and Infrastructure) invited the Council to approve provisionally agreed main terms for the acquisition of a property in Elgin.

Following consideration the Council agreed to:

- (i) approve the provisionally agreed terms for the purchase of the property in question as detailed in para 5.1 of the report; and
- (ii) authorise the Legal Services Manager (Property and Contracts) to conclude the transaction.