

**THE MORAY COUNCIL**  
**MINUTE OF MEETING OF THE MORAY COUNCIL**  
**WEDNESDAY 12 OCTOBER 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, P Paul, K Reid, D Ross, M Shand, R Shepherd, A Skene, D Slater, C Tuke and S Warren.

**APOLOGIES**

Apologies for absence were intimated on behalf of Councillor F Murdoch.

**IN ATTENDANCE**

The Chief Executive; the Corporate Director (Corporate Services); the Corporate Director (Education and Social Care); the Corporate Director (Economic Development, Planning & Infrastructure); the Chief Officer Health and Social Care Integration, the Head of Legal and Democratic Services; the Head of Lifelong Learning, Culture and Sport, the Educational Resources Manager, the Benefits Manager, the Planning and Economic Development Manager, the Acting Consultancy Manager, the Environmental Protection Manager, the Roads Maintenance Manager, the Benefits Manager, Graham Dunlop Engineer – Flood Risk Management, the Senior Engineer (Design), Aimee Borzoni SDS Residential Care Project Officer and the Democratic Services Manager as Clerk to the Meeting.

**1. DECLARATION OF GROUP DECISIONS**

In terms of Standing Order 20 and the Councillor's Code of Conduct, the meeting noted that there were no other declarations from Group Leaders or spokespersons in regard to any prior decisions taken on how Members will vote on any item on the agenda or any declarations of Member's interest in respect of any item on the agenda.

**2. MESSAGE OF CONDOLENCE**

The Council extended its condolences to the family of the late former Councillor Sinclair Longmore who was a member of the Moray District Council when he was elected for what was then Ward 12, Buckie East from 1992 until 1996 and subsequently elected as a member of The Moray Council as the Member for Ward 20 Buckie East and Findochty from 1999 until standing down in 2007.

### 3. CONGRATULATIONS

The Meeting joined the Convener in congratulating Councillor Coull on his recent graduation from the Highlands and Islands University in History and Politics.

The Council also extended its congratulations to Mr Darren Boothroyd and his staff at the Fochabers Fish bar on having been named Scotland's No 1 Fish and Chip Take Away and who will now join 9 other finalists for the United Kingdom title on the 26 January 2016.

The Council further congratulated the Highland 2015 which was the World Orienteering Championships and the Scottish 6 days in recently being awarded The People's Choice Category at the Scottish Events Awards, where they were the only participants from this area. The award recognises the significant achievement made by the organisers and the local community.

### 4. MINUTES

#### (a) THE MORAY COUNCIL – MINUTE OF MEETING DATED 17 AUGUST 2016

The minute of the meeting of The Moray Council dated 17 August 2016 was submitted and approved.

#### (b) THE MORAY COUNCIL – MINUTE OF SPECIAL MEETING DATED 26 SEPTEMBER 2016

The minute of the special meeting of The Moray Council dated 26 September 2016 was submitted and approved.

### 5. WRITTEN QUESTIONS

The Meeting noted that no written questions had been submitted.

### 6. DEANSHAUGH PLAYING FIELDS – FUTURE OPERATIONAL ARRANGEMENTS

Under reference to paragraph 10 of the draft Minute of the Meeting of the Children and Young People's Services Committee dated 14 September 2016 the Corporate Director (Education and Social Care) submitted a report asking the Council to consider the future arrangements for the operation of the re-established football pitches at Deanshaugh Playing Fields and agree operational arrangements as detailed in paragraph 3.9 of the report.

During discussion Councillor Shand referred to the current financial position of the Council and the continual engagement with staff, community groups and the general public to try and save £12 million and stated that whilst the provision of a pavilion is

greatly desired particularly as the infrastructure already exists, it would be, in his opinion, nonsensical in the current financial situation to suggest that this be achieved through a change to the capital plan. However he further referred to paragraph 3.5 of the report which stated that the SFA have advised that they would consider any reasonable and viable application from The Moray Council for funding to improve football facilities in Elgin and queried whether any alternative sources of funding had been sought towards the provision of a pavilion. In reference to paragraph 3.9 of the report which stated that without a pavilion it was anticipated that there would be little demand for bookings, he referred to a number of other football pitches across Moray which operated without a pavilion and which are well used. In conclusion he moved that the recommendation at bullet point 3 of paragraph 3.9 of the report be amended to read that all 3 full size pitches plus the 1 juvenile pitch be marked and sets of goals erected for recreational and training use, and that alternative sources of funding for a pavilion in the future be sought and sought continuously. Councillor Gowans seconded the motion.

In response the Head of Lifelong Learning, Culture and Sport advised that the marking of the 3 full size pitches plus the 1 juvenile pitch and the erection of sets of goals for recreational and training use could be met from existing funding. He further advised that he would be happy to have officers investigate alternative sources of funding and advised that previous discussions had taken place with sportScotland however it was very rare for 100% funding to be made available for a capital funded project and rarer for revenue funding but officers would explore what may be available nationally and locally for such a provision.

Following further discussion Councillor Ross stated that whilst he agreed with the terms of the motion put forward by Councillor Shand, he could not support a recommendation that did not include the provision of a pavilion at Deanshaugh Playing Fields. In referring to paragraph 3.7 of the report which stated that consideration had been given to the use of temporary accommodation vacated by the flood alleviation works but which had been considered not fit for purpose, he stated examples of other football pitches across Moray where the changing facilities were very basic and did not have shower facilities and moved that a further additional recommendation be included that a temporary structure for a pavilion be erected at Deanshaugh Playing Fields until such time as funding can be obtained for a permanent structure. Councillor Morton seconded the amendment.

The Head of Lifelong Learning, Culture and Sport advised that the temporary accommodation previously used by the flood alleviation team at Deanshaugh was no longer available as the site had been cleared and the temporary accommodation disposed of. He further advised that if a temporary structure was to be erected on that site then it would require a capital plan application.

In response the Convener referred to the terms of the motion put forward by Councillor Shand in regard to officers continuing to seek alternative sources of funding which recognised that capital was not available for it. He further stated that if there is to be a change in the capital plan to allow for this it would require to be considered at the special meeting of the Council on 14 December as per the Council's decision to review the capital plan twice yearly and therefore he was of the opinion that the amendment was not competent and sought clarification from the Monitoring Officer.

The Head of Legal and Democratic Services advised that if there is a capital cost in providing any works then the correct way for this to be dealt with through the Council's previously agreed formal process through the Asset Management Working Group and the special full Council which is due to be held on 14 December.

Councillor Ross stated that if this was the route he had to take he would wish for a report on the cost of the provision of a temporary facility at Deanshaugh be submitted to the Asset Management Working Group and that this include dialogue and engagement with interested Members on the specification and sources of funding prior to any submission being made to the meeting of the Council on 14 December.

Following further discussion Councillor Shand re-iterated the terms of his motion that the recommendation at bullet point 3 of paragraph 3.9 of the report be amended to read that all 3 full size pitches plus the 1 juvenile pitch be marked and sets of goals erected for recreational and training use, and that alternative sources of funding for a pavilion in the future be sought and sought continuously. He further stated that he could not support the additional recommendation as put forward by Councillor Ross for a temporary structure to be sited at Deanshaugh meantime.

Thereafter the Convener put Councillor Shand's motion to the meeting and there being no-one otherwise minded this was agreed.

Following further discussion during which clarification was sought in regard to the amended motion put forward by Councillor Ross and whether there was any one otherwise minded, the Convener moved as an amendment that the Council agree the recommendations as stated at paragraph 3.9 of the report, including the previously agreed amendments put forward by Councillor Shand. Councillor Cree seconded the amendment.

On a division there voted:

For the Motion (3)

Councillors Ross, Morton and Divers.

For the Amendment (22)

Councillors Wright, Cree, Alexander, Allan, Coull, Cowe, Cowie, Creswell, Gowans, Howe, Leadbitter, McConachie, McDonald, McLean, Paul, Reid, Shand, Shepherd, Skene, Slater, Tuke and Warren.

Abstentions (0)

Accordingly the amendment became the finding of the meeting and the Council agreed the follow operational arrangements for Deanshaugh Playing Fields:

- (i) There would be no caretaker/site attendant;
- (ii) Vehicular access to the site would be restricted to minimise the risk of unauthorised encampments or damage to the playing surface caused by vehicles;
- (iii) 3 full sized pitches and 1 juvenile pitch would be marked and sets of goals erected for recreational and training use;
- (iv) The playing fields would be cut and maintained by the Council; and

- (v) The site will remain open and accessible to the public but not to vehicles.

The Council further agreed that officers continue to seek alternative sources of funding for the future provision of a pavilion at Deanshaugh Playing Fields.

## 7. POVERTY AND SOCIAL INCLUSION

Under reference to paragraph 7 of the minute of the Meeting of the Policy and Resources Committee dated 7 June 2016 the Corporate Director (Education and Social Care) submitted a report informing the Council of the current situation and planned work of the Council and Community Planning Partners in relation to poverty and social inclusion.

During discussion Councillor McDonald stated that the Council already has many ways in which it helps and tackles poverty through Early Years, attainment groups, health and social care, assistance with fuel poverty and homelessness etc. and was of the opinion that there was a need for the Council to include tackling poverty in the next version of the Corporate Plan and the Community Planning Partnership in its ten year plan and the steps they are taking in regard to tackling poverty and social inclusion to highlight work that both the Council and the Community Planning Partnership are doing and that these be included an additional recommendations.

In response the Corporate Director (Education and Social Care) advised that the Community Planning Partnership had already agreed the need to focus on poverty and social inclusion and that it currently features in the Prevention Working Group's work plan to take forward the development of a strategy next year which all partners, including the Council, will then need to incorporate within their own plans, which in the Council's case would be the Corporate Plan.

He further advised that future discussion will be required with Community Planning Partners as to which partnership group should oversee this.

Following further discussion the Council agreed to note:

- (i) the current national and local situation in relation to poverty and social inclusion; and
- (ii) that the next steps required by Community Planning Partners is to ensure joined-up strategic focus to the Agenda, and
- (iii) that the Community Planning Partnership has already agreed the need to focus on poverty and social inclusion and that it currently features in the Prevention Working Group's work plan to take forward the development of a strategy next year which all partners, including the Council will then need to incorporate within their own plans, which in the Council's case would be the Corporate Plan.
- (iv) that future discussion will be required with Community Planning Partners as to which partnership group should oversee this.

## **8. FINANCIAL RESILIENCE SUPPORT FOR HOUSEHOLDERS IN MORAY**

Under reference to paragraph 5 of the minute of the Meeting of the Policy and Resources Committee dated 9 June 2015 the Corporate Director (Corporate Services) submitted a report asking the Council to consider the submission of a final Stage 3 bid to the Scottish Government for European Structural Funding under the theme of promoting social inclusion and combating poverty.

During discussion clarification was sought in regard to the various advice agencies that provided similar help and support and whether there was any opportunity to bring the various agencies together.

In response the Corporate Director (Corporate Services) advised that from his experience chairing the Welfare Reform Working Group, there was already a great deal of inter-agency working happening, however he was happy to look further at this issue and look at the experience of customers seeking help/support in terms of how they access the correct help/support and also to see whether anything could be re-structured in any way which could improve how customer access to the correct help/support. This was agreed.

Following consideration the Council agreed to:

- (i) authorise the submission of the final stage bid to support social inclusion and combating poverty in Moray, noting that this consideration will need to be given against the agreed position that current levels of service provision are not financially sustainable and, as this project would constitute additional service provision, the Council must be satisfied that the targeted outcomes would contribute significantly to council priorities;
- (ii) approve a contribution of 50% of eligible costs for the Poverty & Social Inclusion Strategy with the use of a maximum of £121,544 from Council Reserves to support the Building Financial Resilience Project, and
- (iii) that a report be submitted to a future meeting focusing on the customer perspective in relation to accessing help/support and outlining whether the current support streams could be re-structured in any way that would improve how customers access the right help/support.

Councillor Leadbitter left the meeting at this juncture.

## **9. THE VISITOR ECONOMY**

Under reference to paragraph 8 of the draft minute of the Meeting of the Economic Development and Infrastructure Services Committee dated 20 September 2016 the Corporate Director (Economic Development, Planning and Infrastructure) submitted a report seeking approval for an extension of funding support for Moray Speyside Tourism from the Economic Development Budget.

Following consideration the Council approved support for Moray Speyside Tourism (MST) until March 2020, allocating £15,000 each financial year from 2017/18 to 2019/20.

## **10. SMALL FLOOD PROTECTION SCHEMES**

Under reference to paragraph 12 of the draft minute of the Meeting of the Economic Development and Infrastructure Services Committee dated 20 September 2016 the Corporate Director (Economic Development, Planning and Infrastructure) submitted a report asking the Council to note progress of the small flood protection schemes currently being developed in Moray.

During discussion clarification was sought in regard to the whether there would be implication in regard to the funding position relating to the Hopeman small flood protection scheme following the receipt by Members of a letter from Springfield Properties which indicated that the flooding issues experienced at Hopeman originated from a local pig farm.

In response the Corporate Director (Economic Development, Planning and Infrastructure Services) advised that whilst she had not seen a copy of the letter, the report before the Council was simply an update report on the progress made to date in regard to the small flood schemes currently being developed. She further advised that the Council had agreed that any review in relation to capital expenditure would only be considered twice a year, with the next review due in December that any decision made then would not be effective until the next financial year and that there was no suggestion that the funding approved in March in relation to the Hopeman scheme is in jeopardy in terms of the current financial arrangements for 2016/17.

The Convener advised that only Members had been issued with a copy of the letter and confirmed the comments made by the Corporate Director in regard to any review of the capital plan which did not feature as part of this report.

Thereafter the Council noted the progress on development of the small flood protection schemes.

## **11. NORTHERN ROADS COLLABORATION COMMITTEE**

Under reference to paragraph 14 of the minute of the Meeting of the Economic Development and Infrastructure Services Committee dated 25 August 2015 the Corporate Director (Economic Development, Planning and Infrastructure) submitted a report outlining work currently being taken within the Scottish public roads sector to explore and develop opportunities for greater collaboration between roads authorities.

During discussion the Council Leader stated that in respect of elected member representation on the Joint Committee he was of the opinion that rather than the Chair and Depute Chair of the Economic Development and Infrastructure Services Committee being appointed, consideration should be given to a member of the Administration Group and a member of the Opposition Group being nominated, with Councillor Cowie being nominated as the Administrative Group's representative.

In response the Convener stated that he was supportive of this and agreed that Councillor Cowie be nominated as the Administration Group's representative.

Councillor Coull welcomed the report which he was of the opinion was a good example of how the Council can move forward in terms of shared services and joint working with other local authorities and nominated Councillor Leadbitter as the SNP Group's representative.

It was further agreed that the names of the substitute members be advised to the Clerk in due course.

In response to a query raised as to why Shetland Council was not represented on the Joint Committee, the Corporate Director (Economic Development, Planning and Infrastructure) advised that she was unable to answer this but would ask the Roads Maintenance Manager to investigate and report back to Members thereafter.

Following consideration the Council agreed to:

- (i) establish a Joint Committee in terms of Section 56 and 57 of the Local Government (Scotland) Act 1973 with Aberdeen City Council, Aberdeenshire Council, Angus Council, Argyll and Bute Council, Comhairle nan Eilean Siar, The Highland Council and the Orkney Islands Council to be known as The Northern Roads Collaboration Joint Committee;
- (ii) empower the Joint Committee by delegating to it the functions outlined in Appendix 1 of the report;
- (iii) alter the Scheme of Administration, as outlined in Appendix 1 of the report, to give immediate effect to the establishment of the Joint Committee;
- (iv) authorise the Head of Legal and Democratic Services to enter into an inter-authority legal agreement with the other member Councils to agree the governance and administrative arrangements for the Joint Committee, based on the summary of likely arrangements for inclusion in Inter-Authority Agreement (Appendix 2), with authority to the Head of Legal and Democratic Services to agree any minor variations to the form of agreement;
- (v) note that decisions on whether a Council participates in roads collaboration projects will be reserved to the Councils and not delegated to the proposed Joint Committee;
- (vi) note that Aberdeenshire Council will take the role of Lead Authority for year 1 of the Joint Committee;
- (vii) appoint Councillor Cowie and Councillor Leadbitter as members of the Joint Committee and two substitute members, names to be provided to the Clerk in due course;

- (viii) the Economic Development and Infrastructure Services Committee receiving an annual report on performance, activities and achievements of the Joint Committee, and
- (ix) The Corporate Director (Economic Development, Planning and Infrastructure Services investigate the reason why Shetland Council are not included as partners in the Joint Committee and advise members thereafter.

## **12. WARD BOUNDARY AND POLLING DISTRICT AMENDMENTS**

Under reference to paragraph 10 of the minute of the Meeting of The Moray Council dated 29 April 2015 the Corporate Director (Corporate Services) submitted a report asking the Council to note the forthcoming changes to local ward boundaries following review and adoption by Scottish Government and agree polling district amendments in Ward 3 – Buckie.

Following consideration the Council agreed to:

- (i) note the changes to ward boundaries which come into force at the 2017 Local Government elections; and
- (ii) approve the creation of an additional polling district, and renumbering of existing polling districts, in Ward 3, Buckie.

## **13. REVIEW OF COMMUNITY COUNCIL SCHEME AND ELECTION ARRANGEMENTS**

The Corporate Director (Corporate Services) submitted a report inviting the Council to consider and approve the arrangements for the review of The Moray Council Scheme for the Establishment of Community Councils and the forthcoming Community Council election.

Following consideration the Council approved the:

- (i) framework for the review of The Moray Council Scheme for the Establishment of Community Councils; and
- (ii) arrangements for the Community Council elections, noting financial implications, as detailed in the report.

## **14. CARRY ON CARING 2016-2019: A STRATEGY FOR UNPAID CARERS**

The Chief Officer Health and Social Care (IJB) submitted a report to Council and asked that this be considered on the grounds of urgency in order to meeting timescales for a tender relating to the Carers Support Service.

Following consideration the Council:

- (i) approved Carry on Caring 2016-2019: A Strategy for Unpaid Carers, as set out in Appendix 1 of the report;
- (ii) noted that the strategy will be published via press release and communication through all Carer Service Providers, on The Moray Council website and that hard copies will be available on request via the Service Providers, and
- (iii) commend Aimee Borzoni the SDS Residential Care Project Officer for the quality of the report.

## 15. QUESTION TIME

Under reference to paragraph 3 of the Minute of The Moray Council dated 17 August 2016 Councillor Tuke sought an update on the MOD Base Footprint Review.

In response Councillor Cowe advised that he had received a letter dated 26 September 2016 from the Rt Hon David Mundell MP Secretary of State for Scotland in which he stated that the MOD Estate Optimisation Trust Strategy is expected to report later this year. This will set out how the MOD intends to meet its commitment to reduce its build estate by 30% in line with the recent SDSR 2015. However, no final decisions have been made on the future of Kinloss Barracks or any other sites other than those previously announced this year. MOD Ministers have assured Mr Mundell that they will engage with the Scottish Government, local authorities and constituency MPs and MSPs should any sites in Scotland be included in a list of sites for disposal when the strategy reports.

Councillor Ross sought clarification as to the timing of the next meeting of the Police and Fire and Rescue Services Committee meeting and whether any change of time required to be confirmed by this meeting.

Following further discussion during which the background to the request that had initially been received from the Fire Service to change the start time and the subsequent conflict that now arose in regard to a visit by HM Inspectorate, the Democratic Services advised that the Chairman of the Police and Fire and Rescue Services Committee was required to seek the Council's agreement to a change of start time. She further advised that she was aware of discussion that had taken place with the Chairman and Mrs Rowan, the Clerk to the Committee in regard to a time change but had not been directly involved.

Councillor Shepherd, Chairman of the Police, Fire and Rescue Services Committee stated that he had agreed to a start time of 2pm for the next meeting and sought the Council's agreement to this change. This was agreed.

Councillor Tuke stated that he wished to advise the Council that following on from the Council being awarded the MODs Employers Bronze Award earlier this year, the Council had now been awarded the Silver Award and that he would be attending the

Awards Ceremony to be held in Edinburgh on the 10 November 2016 to receive the award on behalf of the Council.