

THE MORAY COUNCIL**MINUTE OF MEETING OF THE POLICY & RESOURCES COMMITTEE****TUESDAY 3 DECEMBER 2013****COUNCIL OFFICE, ELGIN****Present**

Councillors A. Wright (Chairman), S. Cree (Deputy Chairman), G. Coull, J. Cowe, P. Gowans, G. Leadbitter, E. McGillivray, P. Paul, M. Shand, R. Shepherd and A. Skene.

Also Present

Councillors G. Alexander and A. McLean.

Apologies

Apologies for absence were intimated on behalf of Councillor J. Divers

In Attendance

The Chief Executive, the Corporate Director (Corporate Services), the Corporate Director (Education and Social Care), the Acting Corporate Director (Environmental Services), the Head of Financial Services, the Head of Legal and Democratic Services, the Head of Human Resources and ICT, the Head of Development Services, the Head of Direct Services, the Head of Community Care, the Taxation Manager, the Payments Manager, the Estates Manager, the Community Planning & Development Manager, the Community Support Manager, the Environmental Protection Manager, the Asset Management Coordinator, Miss E. Carle, Solicitor (Property and Contracts) and Mr D. Westmacott, Committee Services Officer, as Clerk to the meeting.

1. GLASGOW HELICOPTER TRAGEDY

The Chairman advised that, following the completion of the recovery operation after the tragic helicopter accident in Glasgow the previous Friday, the Convener had written to the Lord Provost of Glasgow and that he had written to the Council Leader of Glasgow City Council expressing the concerns and support of The Moray Council and the people of Moray.

2. DECLARATION OF GROUP DECISIONS AND MEMBERS INTERESTS

In terms of Standing Order 20 and the Councillors' 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 Members' interest in respect of any item on the agenda.

3. EXEMPT INFORMATION

The meeting resolved that in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting during consideration of the items of business appearing at the relevant paragraphs of this minute as specified below, so as to avoid disclosure of exempt information of the class described in the appropriate paragraphs of Part 1 of Schedule 7A of the Act.

<u>Paragraph No. of Minute</u>	<u>Paragraph No. of Schedule 7A</u>
18	6
19	9
20	1

4. WRITTEN QUESTIONS

There were no written questions.

5. NOTICE OF MOTION

Councillor Leadbitter, acknowledging that the subject of his motion would be considered at special meeting of The Moray Council on 29 January 2014, withdrew his motion. This was agreed by Councillor Paul as seconder to the motion.

6. GLASGOW COMMONWEALTH GAMES CLYDE SIDERS, OFFICIAL, REFEREES, JUDGES AND PARTICIPANTS 2014

There was submitted a report by the Corporate Director (Corporate Services) inviting the Committee to consider and approve a policy for granting employees time off to participate in the Glasgow Commonwealth Games 2014 as volunteers, officials, referees, judges and participants. A copy of the policy was provided as Appendix A to the report.

Following consideration, the Committee agreed to approve the policy, as set out in Appendix A, for granting employees up to an additional 5 days unpaid time off to participate in the Glasgow Commonwealth Games 2014 as volunteers, officials, referees, judges and participants.

7. REVIEW OF FINANCIAL REGULATIONS AND AUTHORISATION POLICY

Under reference to paragraph 5 of the minute of this Committee dated 5 November 2013, there was submitted a report by the Corporate Director (Corporate Services) seeking approval to update the Financial Regulations and the Council's Authorisation Policy. A copy of the Financial Regulations and Authorisation Policy were provided as Appendices I and II to the report respectively.

Following consideration, the Committee agreed to approve the revised Financial Regulations and the Authorisation Policy, as set out in Appendices I and II, to be implemented with immediate effect.

8. INTEGRATION OF HEALTH AND SOCIAL CARE – CHIEF OFFICER POST

There was submitted a report by the Corporate Director (Education and Social Care) seeking Committee approval to recommend to The Moray Council the establishment of the post of Chief Officer for the Integrated Health and Social Care, the position being a joint appointment with and jointly funded by NHS Grampian. A copy of the draft job description was provided as Appendix 1 to the report.

In response to a query from the Committee in regards to seeking external funding towards the Council's share of the post, the Chairman advised that the Scottish Government were already providing additional funding to the joint post through NHS Grampian's contribution.

Following consideration, the Committee agreed:-

- (i) to recommend to The Moray Council the establishment of the permanent full-time post of Chief Officer for the Integrated Health and Social Care Partnership, the position being a joint appointment with and jointly funded by NHS Grampian;
- (ii) that The Moray Council procedures for the recruitment of senior staff, adapted to suit the integrated arrangements, are used for the appointment, noting that the final appointment will be by an appropriate joint NHS/Council panel, as set out in paragraph 3.9 of the report, rather than the Council's Appointments Committee; and
- (iii) that if the post holder is employed by the Council, a new salary point is used between the level of Director and Head of Service at Chief Officer Joint Negotiating Committee Point 36, currently £80,604 per annum, subject to confirmation of the final outcome of the grading process.

9. PROCUREMENT UPDATE (2013/2014)

Under reference to paragraph 12 of the minute of this Committee dated 13 August 2013, there was submitted a report by the Corporate Director (Corporate Services) providing the Committee with a progress report on Procurement for 2013/2014.

The Chairman advised the meeting that the first Procurement Annual Event would be held on 21 March 2014. He noted that officers from departments, who were planning procurement in the year ahead, together with support partners like Highlands and Islands Enterprise and Business Gateway, would meet with and offer support to companies considering tendering for public sector contracts.

Following consideration, the Committee agreed to note the Council's procurement performance for 2013/14 and in particular the result of the Procurement Capability assessment (PCA), as detailed in Section 4 of the report.

10. CORPORATE SERVICES PERFORMANCE REPORT – APRIL TO SEPTEMBER 2013

There was submitted a report by the Corporate Director (Corporate Services) outlining the performance of Corporate Services for the period from April to September 2013.

Following consideration, the Committee agreed to:-

- (i) note the performance of the Corporate Services, as outlined in Sections 4 and 5 of the report;
- (ii) note the actions being taken to seek improvements where required, as set out in Section 5 of the report; and
- (iii) the change of collection parameters to indication FS101 'Percentage of invoices sampled paid within 30 days', as detailed in paragraph 4.7 of the report.

11. CHIEF EXECUTIVE'S OFFICE PERFORMANCE REPORT – APRIL TO SEPTEMBER 2013

There was submitted a report by the Chief Executive outlining the performance of the Chief Executive's Office for the period from 1 April 2013 to 30 September 2013.

The Committee joined the Chairman in commending staff for their good work on Freedom of Information (FOI) requests.

In response to a query from the Committee, the Chief Executive agreed to submit a report on timescales to address red performance indicators to a future meeting of this Committee.

Following consideration, the Committee agreed to note:-

- (i) the performance of the Chief Executive's Office, as outlined in Sections 4 and 5 of the report;
- (ii) the actions being taken to seek improvements where required. as set out in Section 5 of the report; and
- (iii) that a report on timescales to address red performance indicators would be submitted to a future meeting of this Committee.

12. COMMUNITY ASSET TRANSFER: ELGIN YOUTH DEVELOPMENT GROUP

Under reference to paragraph 9 of the minute of this Committee dated 12 February 2013, there was submitted a report by the Head of Community Care inviting the Committee to consider an application by Elgin Youth Development Group (EYDG) for a Community Asset Transfer (CAT) of the Mackintosh Building at no consideration.

Following consideration, the Committee agreed to:-

- (i) approve the transfer of the Mackintosh Building, Francis Place, Elgin to Elgin Youth Development Group at no consideration; and
- (ii) remit the matter to the Legal Services Manager (Property and Contracts) to effect the formal transfer of title.

13. COMMUNITY ASSET TRANSFER: TOLBOOTH, FORRES

Under reference to paragraph 10 of the minute of this Committee dated 27 November 2012, there was submitted a report by the Head of Community Care inviting the Committee to approve the extension of the Forres Heritage Trust's lease of, and rental grant for, the Tolbooth, Forres with a view to progressing a Community Asset Transfer of the Tolbooth. The report also sought Committee approval to transfer the Tolbooth to the Trust at no consideration, upon receipt of a satisfactory business case by the Community Asset Transfer Assessment Panel.

On the invitation of the Chairman, based on the Councillor's position as a Ward Member, Councillor Alexander spoke to the Committee of his support to the Forres Heritage Trust and their application, stating that he felt the business plan was sufficient and that even if the plan failed, the building would then revert to the Council.

Councillor Skene moved that the Committee approve the Community Asset Transfer of the Tolbooth to the Forres Heritage Trust at no consideration and remit the matter to the Legal Services Manager (Property and Contracts) to effect the formal transfer of title.

At this juncture, the Head of Legal and Democratic Services advised that, as Monitoring Officer, she deemed Councillor Skene's motion as not being competent. She stated that whilst the objectives of the Trust were laudable, the legal obligations of the Council were set out in the contents of the report by senior officers and advised that Members did not currently have before them sufficient information to satisfy themselves that the legislative and policy obligations set out in the report would be fulfilled at this stage.

In response to a number of queries from the Committee, Miss Carle, Solicitor (Property and Contracts) advised that if the asset were to be transferred, the common good status of the asset would be removed and the property transferred in perpetuity therefore it would not automatically revert back to the Council as had been suggested. She also advised that it would not usually be competent to enter into an agreement to transfer the asset back into the common good should the business case of the Trust fail.

The Chief Executive, addressing queries from the Committee, stated that, as advised within the report, a business case for a Community Asset Transfer must satisfy the requirements of the Council's Community Asset Transfer Policy and the Disposal of Land by Local Authorities (Scotland) Regulations 2010. In light of concerns raised by Ward Members that officers were not aware of and also the need to establish a case for satisfaction of the obligations in this legislation, he suggested that the report be deferred to allow officers to discuss and clarify the issues.

The Head of Financial Services, in her role as Section 95 Officer, advised that the recommendations of the report were proposed to allow the Community Asset Transfer Assessment Panel more time to work with the Forres Heritage Trust to address sustainability concerns and strengthen the Trust's business case. She stated that currently more information was needed before the legal obligations referred to could be satisfied.

The Chairman, accepting the advice of the Monitoring Officer regarding the competency of Councillor Skene's motion, moved that the Committee agree to defer consideration of the report to the meeting of this Committee on 18 February 2013 to allow officers the opportunity to discuss and clarify concerns with Ward Members and the Forres Heritage Trust.

There being no one otherwise minded, the Committee agreed to defer consideration of the report to the meeting of this Committee on 18 February 2013 to allow officers the opportunity to discuss and clarify concerns with Ward Members and the Forres Heritage Trust.

Councillor Coull left the meeting at this juncture.

14. ELGIN CATHEDRAL AMENITY TRUST

Under reference to paragraph 5 of the minute of the Economic Development and Infrastructure Services Committee dated 28 June 2011, there was submitted a report by the Corporate Director (Corporate Services) and the Corporate Director (Environmental Services) updating the Committee on the administration of the Elgin Cathedral Amenity Trust held by the Council and to seek approval on the proposals relating to the disbursement of all funds held within this Trust and to wind up the same.

Following consideration, the Committee agreed:-

- (i) to approve an application for consent to the Office of the Scottish Charity Regulator (OSCR) to wind up the Elgin Cathedral Amenity Trust; and
- (ii) that subject to OSCR consent being obtained, to:-
 - (a) disburse all trust funds to Historic Scotland Foundation;
 - (b) instruct the Legal Services Manager (Property & Contracts) to prepare a draft agreement which would be entered into by Historic Scotland Foundation (HSF) and the Council as trustees, to ensure that any trust funds transferred are restricted for use towards the Cathedral project; and
 - (c) wind up the Elgin Cathedral Amenity Trust.

15. FEASIBILITY STUDY – RESIDUAL WASTE TREATMENT

There was submitted a report by the Head of Direct Services seeking Committee approval for £20,000 to appoint consultants to provide a study on options for the treatment of residual waste.

Following consideration, the Committee agreed to approve additional revenue spend of £20,000 to provide a study on options for the Council to treat residual waste, including that of joint working with neighbouring authorities.

16. CONSULTATION COMMUNITY EMPOWERMENT (SCOTLAND) BILL

There was submitted a report by the Chief Executive informing the Committee that the Scottish Government have produced the final draft for consultation of the Community Empowerment (Scotland) Bill and advising that the closing date for responses is 24 January 2014.

During discussion, the Chairman moved that a draft report a draft response to the consultation be presented to the next meeting of The Moray Council, rather than this Committee, for approval prior to submission to the Government.

There being no one otherwise minded, the Committee agreed:-

- (i) to note the draft Community Empowerment (Scotland) Bill; and
- (ii) that a draft response to the consultation be presented to the next meeting of The Moray Council for approval prior to submission to the Government.

17. QUESTION TIME

There were no questions raised.

18. ESTABLISHMENT OF A '3G' FOOTBALL FACILITY, ELGIN (PARA 6)

Under reference to paragraph 14 of the minute of the Children and Young Peoples Services Committee dated 17 October 2012, there was submitted a report by the Chief Executive advising the Committee that a charitable foundation has expressed an interest in contributing towards funding for a '3G' football pitch to be built in Elgin and seeking authorisation to enter into formal discussions with relevant parties with the intention of presenting a further report to this Committee on an option appraisal of sites in Elgin.

During discussion, Councillor Leadbitter moved that discussions be on the potential provision of an artificial football facility in Elgin, to allow for a degree of flexibility during discussions due to technology advances, namely the introduction of '4G' football pitches. This was unanimously agreed by the Committee.

Thereafter, the Committee agreed to authorise officers to:-

- (i) enter into formal discussions with relevant parties for the purposes of obtaining further information to advance consideration of the potential provision of a artificial football facility in Elgin; and
- (ii) report back on an options appraisal of the relative merits of the sites under consideration for such a facility.

19. FORMER ABBEYLANDS SCHOOL, KINLOSS (PARA 9)

There was submitted a report by the Corporate Director (Corporate Services) and the Head of Housing and Property asking the Committee to agree to a short term lease of the former Abbeylands Primary School at North Road, Kinloss.

Following consideration, the Committee agreed to:-

- (i) approve the grant of a short term lease of the former Abbeylands Primary School, Kinloss by the Council, on the main terms outlined in paragraph 5.1 of the report;
- (ii) award a rental grant equivalent to the proposed rental income, as detailed in paragraph 5.1 (c) of the report;
- (iii) award a 100% Non-Domestic Rates Discretionary Relief for its premises at the former Abbeylands Primary School, Kinloss; and
- (iv) authorise the Legal Services Manager (Property and Contracts) to conclude the transaction.

20. VOLUNTARY EARLY RETIREMENT AND VOLUNTARY SEVERANCE APPLICATIONS (PARA 1)

Under reference to paragraph 2 of the minute of the special meeting of The Moray Council dated 13 February 2013, there was submitted a report by the Corporate Director (Corporate Services) asking the Committee to consider an application for Voluntary Severance under the terms of the scheme agreed in February 2013.

Following consideration, the Committee agreed to approve:-

- (i) an amendment to the terms of the Voluntary Severance Scheme to extend the scheme to all employees regardless of age in order to update the scheme for equality purposes, as detailed in paragraph 4.6 of the report; and
- (ii) the application for Voluntary Severance, as set out in Appendix 1 of the report.