

THE MORAY COUNCIL
MINUTE OF MEETING OF THE POLICY & RESOURCES COMMITTEE
TUESDAY 21 JANUARY 2014
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 (from item 9 of the agenda), R. Shepherd and A. Skene.

Also Present

Councillors G. Alexander and A. McLaren.

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 Senior Programme Manager (DBS), the PPR & Communications Officer, Mr D. Duncan, Principal Planning Officer (Development Plans) and Mr D. Westmacott, Committee Services Officer, as Clerk to the meeting.

1. DECLARATION OF GROUP DECISIONS AND MEMBERS INTERESTS

In terms of Standing Order 20 and the Councillors' Code of Conduct, 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.

2. 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>
--------------------------------	-------------------------------------

10

1

3. WRITTEN QUESTIONS

The Committee noted that no written questions had been submitted.

4. WORKFORCE PLANNING: TRANSFORM UPDATE

Under reference to paragraph 4 of the minute of this Committee dated 12 February 2013, there was submitted a report by the Corporate Director (Corporate Services) updating the Committee on the progress of the Workforce Transformation Strategy (Transform) in managing the projected reduction and change in the Council's workforce as a result of the financial situation.

In response to a query from the Committee, the Head of Human Resources and ICT agreed to submit a further 6 month progress report to a future meeting of this Committee.

Following consideration, the Committee agreed to note:-

- (i) the progress of the Workforce Transformation Strategy (Transform), as detailed in Section 4 of the report; and
- (ii) that a further 6 month progress report would be submitted to a future meeting of this Committee.

5. ADVERTISING REVENUE

Under reference to paragraph 4 of the minute of this Committee dated 2 July 2013, there was submitted and noted a report by the Chief Executive providing the Committee with information on the progress of generating advertising revenue from The Moray Council's assets.

6. DESIGNING BETTER SERVICES PROGRAMME PHASE 3 (IMPLEMENTATION): PROGRAMME PROGRESS UP-DATE

There was submitted a report by the Corporate Director (Corporate Services) providing the Committee with an overview of progress of the Designing Better Services (DBS) Programme Phase 3 (Implementation) and to highlight achievements to date.

Following consideration, the Committee agreed to note:-

- (i) the scope, timescale and benefits associated with the implementation of Tranche 6 (Corporate Services & Chief Executive's Office), as detailed in

Section 6 and Appendix 1 of the report, in particular the impact of the following additional projects:

- (a) Admin Review;
 - (b) Customer Services / Revenues Restructure;
 - (c) Print Services Review;
 - (d) Licence Administration;
 - (e) Lair Record Digitalisation
 - (f) Digital Dictation; and
 - (g) Outsourcing Council Tax & National Non-Domestic Rates (NNDR) annual billing;
- (ii) the financial benefits attributable to the programme, as detailed in Appendix 3 of the report; and
 - (iii) progress and the risks, as detailed in Appendix 4 of the report, being managed by the Programme Board of the report.

7. COMMUNITY ASSET TRANSFER: FORMER BOAT STORE, PORTLONG ROAD, CULLEN

There was submitted a report by the Head of Community Care requesting the Committee to consider an application by the Three Harbours Association for a Community Asset Transfer (CAT) of the former boat store at Portlong Road, Cullen at no consideration.

Following consideration, the Committee agreed to:-

- (i) approve the transfer of the former boat store at Portlong Road, Cullen to the Three Harbours Association at no consideration, subject to external funding sufficient to allow the sailing school to be set up being secured; and
- (ii) remit the matter to the Legal Service Manager (Property & Contracts) to effect the formal transfer of title when funding has been confirmed.

8. LAND AT BOGTON ROAD, FORRES

Under reference to paragraph 2 of the minute of the special meeting of the Planning and Regulatory Services Committee dated 11 June 2013, there was submitted a report by the Corporate Director (Corporate Services) requesting that the Committee consider proposals by a developer relating to land held on the Forres Common Good at Bogton Road, Forres.

The Corporate Director (Corporate Services) advised that, as outlined in the report, the Council considered a proposal by the developer interested in the land at Bogton Road, Forres from 2008 to 2011, during which time the developer did not provide the community with an indication of the potential financial gain to Forres Common Good that would arise from the development.

He stated that since then the developer had approached the Council with a proposal which would result in the development land reverting back to Forres Common Good in 35 years time. Noting that the report was compiled with only preliminary information on what arrangements might be, he advised that the proposal would also include the transfer of development land currently owned by the developer and the commercial units on the site to Forres Common Good at the end of the 35 year period. The Corporate Director (Corporate Services) advised that the developer had stated that "It is possible that these commercial units may, at the time of transfer, either be generating a substantial rental income or have the potential to generate such income."

The Corporate Director (Corporate Services) advised that the developer had also indicated that a capital contribution of around £6.5M would be available on completion of the development. He noted that the proposal would require the Council, not Forres Common Good, to enter into a lease with the funder of the development, and this lease would mean that the Council would be renting the development from the funder for the 35 year period. He advised that at the same time as entering into this lease agreement, the developer would arrange for somewhere between two thirds and all of the retail units to be let, with at least two thirds of units being let for the 35 year period. The developer has stated that "such occupational lettings would be committed before the Council entered into the headlease."

In addition to the capital contribution and the reversion of ownership to the Common Good, the Corporate Director (Corporate Services) noted that the developer had made provision for the Council to share in the rental income generated from the development, which they estimate could be around £225,000 per annum.

The Corporate Director (Corporate Services) advised that agreement of the Council to this proposal would require a thorough assessment of the risks involved and noted that the developer has indicated that they would "meet your [the Council] consultants reasonable fees in respect of advising Moray Council regarding our proposal."

Referring to the advice that the Council would require to seek, the Corporate Director (Corporate Services) stated that it was apparent that an important factor would be the proportion of the £6.5M between the Council for taking on the lease and the Forres Common Good for disposal of the land, which would not be possible to provide an indication of without appropriate expert advice. He advised that this was further complicated by the cost of relocating the football ground, although noted the developer had indicated that £1.5M is the amount that they would expect to be required in this regard.

The Corporate Director (Corporate Services) advised that an outstanding question remained on what uses the common good could make of the balance available. He further advised that the Council's policy is that cash balances are held in the Council's loans pool fund and two thirds of the interest earned each year is available for distribution. He noted that capital projects can also be considered by the Council, where an asset is created for the future enjoyment of residents of the common good area.

On the invitation of the Chairman, based on the Councillors' position as a Ward Member, Councillor Alexander spoke to the Committee of his support for a further

report on the risks and opportunities associated with the developer's proposals, stating that the full facts - physical and financial - should be presented to the people of Forres to allow them to make a fully informed decision.

Councillor McLean, also speaking to the Committee on the invitation of the Chairman as a Ward Member, stated his support for a further report on the risks and opportunities associated with the developer's proposals, advising the Committee that the people of Forres were split over the future of the common good land and should be presented with all the information and options to make a decision. He also stated that no sale of common good land should take place before the Forres community had been consulted.

During discussion, Councillor Skene moved that the Committee agree to receive a further report to fully assess the risks and opportunities associated with the proposal put forward by the developer in relation to a commercial development on the Bogton Road Site of Forres Common Good Fund. This was seconded by Councillor Coull.

Councillor Shand joined the meeting at this juncture of proceedings.

Councillor Paul moved that, in addition to the motion put forward by Councillor Skene, the final decision on the disposal of the common good land, following public consultation, be referred to The Moray Council.

The Chairman, following discussion, moved that the motion be amended to read "...fully assess the risks, opportunities and necessary consultations..."

The mover and seconder agreed to amend their motion accordingly in respect of the Chairman and Councillor Paul's amendments.

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

- (i) to receive a further report to fully assess the risks, opportunities and necessary consultations associated with the proposal put forward by the developer in relation to a commercial development on the Bogton Road Site of Forres Common Good Fund; and
- (ii) that the final decision on the disposal of the common good land, following public consultation, will be taken by The Moray Council.

9. QUESTION TIME

Councillor Coull requested that an update report be referred to the appropriate Committee on the benefits being received from the communication company commissioned by the Moray Economic Strategy.

In response, the Chairman confirmed that an update report would be provided to the appropriate Committee as requested.

10. VOLUNTARY EARLY RETIREMENT APPLICATIONS (PARA 1)

Under reference to paragraph 13 of the minute of The Moray Council dated 25 September 2013, there was submitted a report by the Corporate Director (Corporate Services) asking the Committee to consider applications for Voluntary Early Retirement under the terms of the schemes agreed in February 2013.

Following consideration, the Committee agreed to approve the applications for Voluntary Early Retirement as contained within Appendix A of the report.