

**MORAY COUNCIL**

**MINUTE OF MEETING OF THE POLICY AND RESOURCES COMMITTEE**

**21 MARCH 2017**

**COUNCIL CHAMBERS, ELGIN**

**PRESENT**

Councillors S Cree (Chair), G Alexander, J Cowe, L Creswell, P Gowans, G Leadbitter, G McDonald, P Paul, M Shand and A Skene.

**APOLOGIES**

Apologies for absence were intimated on behalf of Councillors A Wright, G Coull, S Morton and D Ross.

**IN ATTENDANCE**

The Corporate Director (Corporate Services), the Corporate Director (Economic Development, Planning and Infrastructure), the Head of Financial Services, the Head of Development Services, the Head of Human Resources and ICT, the Head of Legal and Democratic Services, the Estates Manager, the Community Planning and Development Manager, the Support Manager (Customer Services), the Housing Strategy and Development Manager, the Asset Management Co-ordinator, the Elections Officer and Mrs Lissa Rowan, Committee Services Officer as Clerk to the Meeting.

**1. DECLARATION OF GROUP DECISIONS AND MEMBER'S INTERESTS**

In terms of Standing Order 20 and the Councillors' Code of Conduct, Councillor Gowans declared an interest in Item 14 "Revenue Budget Monitoring to 31 December 2016" being on the board of Out of Darkness Theatre Company.

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 interests 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.

<b><u>Paragraph No. of Minute</u></b>	<b><u>Paragraph No. of Schedule 7A</u></b>
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20

6 &amp; 9

### 3. MINUTES

- (a) The minute of the meeting of the Policy and Resources Committee dated 7 February 2017 was submitted and approved.
- (b) The minute of the meeting of the Policy and Resources Appointments Committee dated 22 February 2017 was submitted and approved.

### 4. WRITTEN QUESTIONS

The Committee noted that no written questions had been submitted.

### 5. COMMUNITY ASSET TRANSFER POLICY

A report by the Corporate Director (Corporate Services) invited the Committee to consider changes to the Council's Community Asset Transfer arrangements following the coming into force of Part 5 of the Community Empowerment (Scotland) Act 2015.

Following consideration, the Committee agreed:-

- (i) to note that whilst the asset transfer provisions contained in Part 5 of the Community Empowerment (Scotland) Act 2015 came into force on 23 January 2017, there is no legislative requirement that all asset transfer requests from community bodies must go through the system prescribed by the Act;
- (ii) that the council's existing Community Asset Transfer Policy be revoked and replaced with the policy statement set out in Section 4 of the report; and
- (iii) to note that the increasing pressures on staff and financial resources will be kept under review and that a report will be brought back to Committee once the remaining Parts of the Act come into force.

### 6. CORPORATE ASSET MANAGEMENT PLAN

Under reference to paragraph 7 of the Minute of this Committee dated 10 May 2016, a report by the Corporate Director (Corporate Services) provided the Committee with a report of progress made against the Corporate Asset Management Plan for 2016/17 and asked that consideration be given to the targets for 2017/18.

Following consideration, the Committee agreed to:-

- (i) note the report of work done to date to meet the targets set in the Corporate Asset Management Plan for 2016/17 as set out in Section 4 of the report;
- (ii) note the status of Asset Management Plans for each type of asset as detailed in Appendix 2 of the report; and
- (iii) approve the targets set in the Corporate Asset Management Plan for 2017/18 as detailed in Appendix 3 of the report.

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

Under reference to paragraph 13 of the Minute of this Committee dated 12 October 2016, a report by the Corporate Director (Corporate Services) invited the Committee to consider and approve the proposed Moray Council Scheme for the Establishment of Community Councils 2017-2021, following a period of review.

During discussion surrounding the eligibility for membership of a Community Council in relation to residency within the specific Community Council area, concern was raised that if a member of the Community Council moves house just outside the Community Council boundary, then they would be required to resign and it was queried whether a clause could be introduced that would allow the member to remain in membership for the remaining term of their appointment.

In response, the Monitoring Officer suggested that Section 6 (ii) of the Moray Council Scheme for the Establishment of Community Councils 2017-2021 be amended as follows "Qualification to stand for election for membership is by residency within the specific Community Council area", and that this would allow for an individual to be elected on to the Community Council and stay on for the remainder of their term, even if they move just outside the boundary. This was agreed.

During further discussion surrounding the eligibility to stand for election for a Community Council, concern was again raised that the current boundaries preclude individuals standing who reside just outside the boundary and it was queried whether the boundaries could be extended to include neighbouring Community Council areas.

In response, the Elections Officer highlighted that this could potentially mean that membership of a Community Council may consist of a majority of people who reside outside the Community Council area.

The Chair, in recognising the benefits of making it easy for individuals to participate in Community Councils, sought the agreement of the Committee for a further report to be brought to a future meeting of this Committee considering the possibility of allowing membership of Community Councils out with the boundary. This was agreed.

Thereafter, the Committee joined the Chair in commending the Elections Officer on the thorough review of the Moray Council Scheme for the Establishment of Community Councils 2017-2021 and the Moray Council Scheme of Electoral Arrangements for Community Councils 2017-2021 and thereafter agreed:-

- (i) to approve the amendments to the Moray Council Scheme for the Establishment of Community Councils 2017-2021 as set out in Appendix 1 of the report, subject to an amendment to Section 6 (ii) as follows “Qualification to stand for election for membership is by residency within the specific Community Council area;
- (ii) to approve the amendments to the Moray Council Scheme of Electoral Arrangements for Community Councils 2017-2021 as set out in Appendix 2 of the report; and
- (iii) that a further report be brought to a future meeting of this Committee considering the possibility of allowing membership of Community Councils out with the boundary.

## **8. EMPLOYMENT POLICY FRAMEWORK REVIEW 2016-17**

A report by the Corporate Director (Corporate Services) invited the Committee to consider and note the update on the employment policy framework for 2016-17.

Following consideration, the Committee agreed to approve the update on the employment policy framework for 2016-17 as follows:-

- (i) Code of Conduct – inclusion of references to consultations hosted on Social Media; reference to disciplinary procedures and relevance of professional codes of conduct in this regard; reference to workforce culture and link to Anti-Bribery Act;
- (ii) Equalities and Diversity – updates to reference relevant legislation and terminology;
- (iii) PVG – removal of reference to retrospective programme for existing staff as work now complete; additional statement on how to manage unsatisfactory return;
- (iv) Relocation Expenses – reference to use of discretion in considering payment of relocation expenses out with Moray boundaries in exceptional cases; and
- (v) Flexible Working – streamlining of policy and application procedure; reference to personnel services removed and replaced with Human Resources.

## **9. GAELIC LANGUAGE PLAN**

Under reference to paragraph 5 of the Minute of this Committee dated 6 February 2016, a report by the Corporate Director (Education and Social Care) asked the Committee to consider approval of the Gaelic Language Plan.

During discussion, whilst there was much respect for the Gaelic culture and also recognising the statutory requirement under the Gaelic Language Scotland (Act) 2015 to prepare and publish a Gaelic Language Plan, concern was raised that, in the current financial climate, potentially spending £40,000 over the next 5 years was not considered to be a wise use of Council funds and it was queried if there would be any legal consequence in not proceeding with the Gaelic Language Plan.

In response, the Monitoring Officer advised that failure to comply with the statutory duty would bring the Council into direct conflict with the Scottish Government which could have implications in the Council's wider relationship with them.

Councillor Alexander was of the opinion that promotion of the Gaelic language was not a priority in light of the Council's current financial position and moved that the Council not proceed with the Gaelic Language Plan at this time and await legal challenge. This was seconded by Councillor Cowe.

Councillor Leadbitter stated that the publication of a Gaelic Language Plan for Moray Council is a legislative requirement and moved the recommendations as printed in the report. This was seconded by Councillor Shand.

Councillor McDonald, in recognising that not progressing with the Gaelic Language Plan would place the Council in direct conflict with the Scottish Government sought legal advice as to whether Councillor Alexander's motion was competent.

In response, the Monitoring Officer reiterated that it is a legislative requirement to publish a Gaelic Language Plan and that failure to publish the plan would bring the Council into conflict with a Scottish Government initiative and the issue would inevitably come back to a future meeting for the next Council to resolve.

The Chair, in recognising that not proceeding with the Gaelic Language Plan would bring the Council into direct conflict with an Act of Parliament, reluctantly ruled the motion incompetent.

Thereafter, the Committee agreed to approve the:-

- (i) amended Moray Gaelic Language Plan as set out in Appendix 1 of the report for submission to Bòrd na Gàidhlig; and
- (ii) expenditure to translate the plan into Gaelic for submission to the Bòrd na Gàidhlig as detailed in Section 4(c) of the report.

## **10. SALES OF LAND**

A report by the Corporate Director (Economic Development, Planning & Infrastructure) asked the Committee to consider proposals to investigate opportunities to dispose of areas of Council owned amenity land and to revise the procedure to comply with legislation relating to the sale of open space.

During discussion, whilst it was noted that Ward Members are consulted in the surplus property procedure and on planning applications, it was queried whether this could be formally added to the procedure. The Estates Manager agreed to explicitly add this to section (iii) of the procedure - that Ward Members are consulted once the Lands and Parks Service and the Housing Service have been consulted, with a view to making an informed response, as part of the surplus property procedure.

Thereafter, the Committee agreed:

- (i) to authorise Officers to continue to investigate opportunities to dispose of areas of Council owned amenity land in accordance with existing powers; and
- (ii) to approve the revised procedure to comply with Section 27 of the Town and Country Planning (Scotland) Act 1959 as detailed in Section 5 of this report;
- (iii) that the procedure for the sale of house plots specifically includes consultation with Ward Members as part of the surplus property procedure.

## **11. MEDIA SERVICES FOR THE MORAY ECONOMIC PARTNERSHIP**

Under reference to paragraph 8 of the Minute of the Economic Development and Infrastructure Committee dated 14 March 2017, a report by the Corporate Director (Economic Development, Planning & Infrastructure) sought Committee approval of funding for the provision of media services for the Moray Economic Partnership (MEP) from the Economic Development Budget.

Following consideration, the Committee agreed to allocate £25,000 from the Economic Development Budget each financial year from 2017/18 to 2019/20 for the provision of media services for the Moray Economic Partnership (MEP), subject to commitment of funds from Highlands and Islands Enterprise (HIE) and Moray College UHI.

## **12. CAPITAL PLAN 2016/17**

A report by the Corporate Director (Corporate Services) advised the Committee of the expenditure to 31 December 2016 under the Capital Plan for financial year 2016/17 and of the estimates of projected expenditure profiled into quarters.

Following consideration, the Committee agreed to:-

- (i) note expenditure to 31 December of £29,050,000, 98% of the planned spend to 31 December, as set out in Appendix 1 of the report;
- (ii) note the current projected expenditure of £41,242,000 for 2016/17 profiled into quarters;
- (iii) note the projected overall expenditure for projects spanning more than one financial year, as set out in Appendix 2 of the report; and

- (iv) approve the proposed budget deferments arising from slippage from 2016-17 to 2017-18 as detailed in paragraph 5.11 of the report.

### **13. REVENUE BUDGET MONITORING TO 31 DECEMBER 2016**

A report by the Corporate Director (Corporate Services) advised the Committee of the Revenue Budget Monitoring position to 31 December 2016 and of the estimated out-turn for 2016/17.

During her introduction, the Head of Financial Services asked the Committee to note a typo in recommendation 2.1 (ii) of the report which should read “note that additional savings of £35,000 have been identified since last monitoring report to Committee on 22 November 2016”. This was noted.

Thereafter, the Committee agreed to:-

- (i) note the Budget Monitoring position of £2,770,000 under budget for 2016/17 as at 31 December 2016;
- (ii) note that additional savings of £35,000 have been identified since the last monitoring report to Committee on 22 November 2016;
- (iii) note the current estimated out-turn for 2016/17 of an overspend of £516,000 with increased Council Tax income of £17,000, resulting in an increase of £499,000 in use of Council reserves; and
- (iv) note estimated recurring underspends for the Council of £762,000.
- (v) approve the release from provisions to meet budget pressures of £385,000 for Out of Area placements.

### **14. SUSPENSION OF STANDING ORDERS**

In terms of Standing Order 25, the Committee agreed to suspend Standing Orders and continue beyond 12.45 pm in order to conclude the meeting.

### **15. APPLICATION FOR DISCRETIONARY NON-DOMESTIC RATES REMISSION: HISTORIC ENVIRONMENT SCOTLAND**

A report by the Corporate Director (Corporate Services) asked the Committee to consider an application from Historic Environment Scotland for a discretionary award of Non-Domestic Rates relief for its premises in Moray.

The Chair in recognising that Historic Environment Scotland already receives significant non-domestic rates relief and in light of the Council's current financial

position, moved that the Committee refuse the application from Historic Environment Scotland for an award of some discretionary Non-Domestic Rates relief for its premises in Moray. This was seconded by Councillor Alexander.

There being no-one otherwise minded, the Committee agreed to refuse the application from Historic Environment Scotland for an award of some discretionary Non-Domestic Rates relief for its premises in Moray.

## **16. CONSULTATION ON THE LONG TERM MANAGEMENT OF THE CROWN ESTATE IN SCOTLAND**

A report by the Head of Legal and Democratic Services sought approval for the terms of a response on a Scottish Government consultation on the Long Term Management of the Crown Estate in Scotland.

Following consideration, the Committee joined the Chair in commending the Legal Service in providing the report despite being unable to take part in the meeting where discussion of the consultation took place and thereafter agreed to send the consultation response, as set out in Appendix 1 of the report, to the Scottish Government on behalf of the Council.

## **17. MORAY DIGITAL STREETS APP**

Under reference to paragraph 13 of the Minute of Moray Council dated 27 March 2013, a report by the Chief Executive asked the Committee to approve extending the partnership working between the Moray Council, University of the Highlands and Islands, Digital Health and Care Institute and the Glasgow School of Art to progress the development of the Moray Digital Streets App.

Following consideration, the Committee agreed to authorise the Equal Opportunities Officer to apply to the Digital Health and Care Institute's (DHI) Factory Stage to get assistance to build the Digital Streets App.

## **18. COMMUNITY ASSET TRANSFER: CABRACH SCHOOL, SCHOOLHOUSE AND HALL**

A report by the Corporate Director (Corporate Services) invited the Committee to consider an asset transfer request from the Cabrach Trust for the former Cabrach school, schoolhouse and hall.

Following consideration, the Committee agreed to:-

- (i) approve the transfer at nil consideration of the former Cabrach School, schoolhouse and hall to the Cabrach Trust; and
- (ii) remit the matter to the Estates Manager and the Legal Services Manager (Property and Contracts) to complete the transfer of title.



## **19. QUESTION TIME**

Councillor Alexander queried whether the Council would benefit from any additional money as a result of the recent UK Government budget.

The Head of Financial Services advised that she was aware of an increase in the money allocated for Scotland however it was not yet known how that additional money was to be distributed.

Councillor Alexander queried whether Bòrd na Gàidhlig had a target number of Gaelic users in Scotland before they decided it had been adequately promoted.

In the absence of the Community Planning and Development Manager, the Chair suggested that this query should be raised directly with him following the meeting.

## **20. MORAY AFFORDABLE HOUSING PROGRAMME [PARA 6 & 9]**

Under reference to paragraph 7 of the Communities Committee dated 8 November 2016, a report by the Corporate Director (Economic Development, Planning & Infrastructure) asked the Committee to approve the Council's purchase of a number of sites for future housing development as part of the Moray Affordable Housing Programme.

Following consideration, the Committee agreed to:-

- (i) the Council's purchase of the various sites detailed at Section 5.1 of the report; and
- (ii) remit the Legal Services Manager to conclude the purchase of the sites.