

# **THE MORAY COUNCIL**

## **MINUTE OF SPECIAL MEETING OF THE MORAY COUNCIL**

**TUESDAY 18 NOVEMBER 2014**

**COUNCIL OFFICE, ELGIN**

### **PRESENT**

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

### **APOLOGIES**

Apologies for absence were intimated on behalf of Councillor S. Morton.

### **IN ATTENDANCE**

The Chief Executive, the Corporate Director (Corporate Services), the Corporate Director (Education and Social Care), the Acting Head of Legal and Democratic Services, Mr A. Robertson, Engagement and Communications Officer and Mr D. Westmacott, Committee Services Officer as Clerk to the Meeting.

Also in attendance by invitation, the Chief Officer (Health and Social Care Integration (Moray)) (NHS Grampian) and Ms G. Fraser, Senior Solicitor (Health & Social Care Integration) (Aberdeenshire Council).

## **1. DECLARATION OF GROUP DECISIONS**

In terms of Standing Order 20 and the Councillor's Code of Conduct, the Convener stated that the Independents had discussed Item 4 'Appointment to Committees and Outside Bodies'. Councillor Paul also declared that the SNP Group had also discussed Item 4.

The Council noted that 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's Interest in respect of any item on the Agenda.

## **2. A DRAFT INTEGRATION SCHEME FOR MORAY HEALTH AND SOCIAL CARE SERVICES**

Under reference to paragraph 7 of the Minute of the Council dated 22 October 2014, there was submitted a report by the Corporate Director (Education and Social Care) informing Council of the contents of the draft Integration Scheme for Moray and to seek approval to commence the consultation phase.

During discussion, Councillor Ross raised a number of issues regarding the draft Integration Scheme namely the suggestion that wording be inserted that would stop a removed Councillor from being re-appointed in the vacancy they created; concerns regarding the length of term of Chair not being long enough; and concerns regarding the length of term that a Vice Chair assumes when the office of the Chair comes to an end before the expiry of one year.

In response, the Convener moved that a seminar be held for The Moray Council to formulate a response to the consultation, noting the initial comments from Councillor Ross. This was unanimously agreed by the Council.

The Corporate Director (Corporate Services), in response to an earlier query from the Council regarding consultation on other aspects of the integration of services, suggested that recommendation 2.1 (iii) in the report be amended to “note the Scottish Government deadline for submitting Integration Schemes is 1 April 2015, and consultation on other aspects of the integration of services will continue thereafter.” The Convener moved accordingly and this was unanimously agreed by the Council.

Following consideration, the Council agreed:-

- (i) to note the contents of the draft Integration Scheme for Moray, as set out in Appendix 1 of the report;
- (ii) that the draft Integration Scheme for Moray proceed to the consultation phase and that the findings of the consultation exercise will be presented to a meeting of The Moray Council, along with the final report for approval, in March 2015;
- (iii) that a seminar be held for The Moray Council to formulate a response to the consultation, noting the following initial comments:-
  - (a) consider wording that would stop a removed Councillor from being re-appointed in the vacancy they created;
  - (b) concerns regarding the length of term of Chair not being long enough; and
  - (c) concerns regarding the length of term that a Vice Chair assumes when the office of the Chair comes to an end before the expiry of one year; and
- (iv) to note the Scottish Government deadline for submitting Integration Schemes is 1 April 2015, and consultation on other aspects of the integration of services will continue thereafter.

### **3. APPOINTMENT TO COMMITTEES AND OUTSIDE BODIES**

There was submitted a report by the Corporate Director (Corporate Services) inviting Council to consider changes to the appointments of the Committees and Outside Bodies, as detailed in the report.

Councillor Ross moved that the Council defer consideration of recommendation 2.1 (i) regarding the Council Leadership until the meeting of The Moray Council on 17 December 2014 to allow for the outcome of the Elgin City North by-election to be confirmed and to allow members the time to consider the suitability of each candidate.

Councillor Paul agreed to second the motion subject to it being amended to include an investigation into the need for both roles and any potential savings that could be made. Councillor Ross agreed to amend his motion accordingly.

As an amendment, Councillor Shepherd moved that the Council agree recommendation 2.1 (i) as printed. This was seconded by Councillor McGillivray.

In response to the amendment, the Corporate Director (Corporate Services) queried whether Councillor Shepherd's motion was to agree to make the appointments of Council Leader and Convener or to reflect the discussion regarding proposed candidates for each as Paragraph 3.1 of the report made no suggestions for the posts.

Councillor Shepherd amended his motion to appoint Councillor Wright as Convener and Councillor Cree as Council Leader. As seconder, Councillor McGillivray agreed to the amendment made.

On a division, there voted:-

For the Motion (11):-	Councillors Ross, Paul, Allan, Coull, Gowans, Howe, Leadbitter, McConachie, McDonald, McLean and Shand.
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For the Amendment (12):-	Councillors Shepherd, McGillivray, Alexander, Cowe, Cowie, Cree, Creswell, Divers, Mackay, Murdoch, Skene, Tuke and Wright.
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Abstentions (0)

Accordingly, the amendment became the findings of the discussion and the Council agreed to appoint Councillor Wright as Convener and Councillor Cree as Council Leader.

Under reference to Standing Orders 6 and 7, Councillor Ross raised a point of order and stated that the Convener, once selected, should hold office until the next ordinary election or ceases to be a Councillor. He advised that for the Council to effect the early removal from the office of the Convener prior notice to that effect should be given at one meeting of the Council on the basis it would be considered at the next or, where no notice is given, no less than two-thirds of Councillors present and entitled to vote agree the early removal be considered at that meeting. Noting that the Convener was remaining as a Councillor, and that no notice had been given at the previous meeting, Councillor Ross advised that there would have had to be 16 votes for the office of the Convener to be changed and the amendment only received 13 votes in favour.

In response, the Acting Head of Legal and Democratic Services advised that he did not believe Standing Order 7 applied as it relates to the forceful removal of the Convener and, in this case, the Convener was relinquishing the post voluntarily. The Convener stated that he was satisfied with the Acting Head of Legal and Democratic Services' interpretation.

Councillor Ross, under reference to Standing Order 6, raised a point of order and advised that there was nothing within the Standing Order relating to the resignation of a Convener and it was clear that the Convener shall hold office until the next ordinary election or ceases to be a Councillor, of which neither was happening. He stated therefore that Standing Order 7 should be enforced and, as no prior notice had been given, there would require to be a two-thirds majority in agreement to consider the early removal of Convener at this meeting.

The Convener stated that Standing Order 7 relates to the Council effecting the early removal from office of the Convener, which it was not being asked to do as he was relinquishing the post voluntarily and as such was a different matter.

Thereafter, in terms of Standing Order 68, Councillors Coull, Gowans, Howe, Leadbitter, McConachie, McDonald, McLean, Paul, Ross and Shand recorded their dissent against the resolution adopted.

Referring to recommendation 2.1 (ii), the Convener moved that the Council agreed the changes to Committee memberships, as detailed in Section 4 of the report; excluding the Joint Consultative Committee, which will appoint a Chair at each meeting, as agreed with Trade Unions.

In response, Councillor Ross queried whether the new Chair of the Police and Fire and Rescue Services Committee would also assume the position on the Outside Body, Grampian Prison Visiting Committee, which was an appointment related to the Chair of the Police and Fire and Rescue Services Committee. Councillor Shepherd agreed to assume the position on the Grampian Prison Visiting Committee should he be appointed, as proposed, to the position of Chair of the Police and Fire and Rescue Services Committee. This was unanimously agreed by the Council.

Referring to recommendation 2.1 (ii), the Convener moved the changes to Outside Bodies, as detailed in Section 5 of the report, subject to Councillor Wright remaining on the Scotland Excel Joint Committee and Councillor Shepherd being appointed to the Grampian Prison Visiting Committee. There being no one otherwise minded, this was unanimously agreed.

Thereafter, the Council agreed:-

- (i) that Councillor Wright be appointed as Convener and Councillor Cree as Council Leader, with effect of 1 January 2015;
- (ii) the changes to Committee memberships, as detailed in Section 4 of the report; excluding the Joint Consultative Committee, which will appoint a Chair at each meeting as agreed with Trade Unions; and

- (iii) the changes to Outside Bodies, as detailed in Section 5 of the report, subject to:-
  - (a) Councillor Wright remaining on the Scotland Excel Joint Committee; and
  - (b) Councillor Shepherd being appointed to the Grampian Prison Visiting Committee.