

**MORAY COUNCIL****MINUTE OF MEETING OF MORAY COUNCIL****THURSDAY 28 JUNE 2018****COUNCIL CHAMBERS, ELGIN****PRESENT**

Councillors S Morrison (Convener), G Leadbitter (Council Leader), G Alexander, J Allan, D Bremner, T Coull, J Cowe, G Cowie, P Coy, L Creswell, J Divers, T Eagle, R Edwards, C Feaver, D Gatt, L Laing, M Macrae, A McLean, M McLean, A Patience, D Ross, R Shepherd, S Warren and W Wilson

**APOLOGIES**

Apologies for absence were intimated on behalf of Councillors F Brown and R McLean.

**IN ATTENDANCE**

The Chief Executive, the Acting Corporate Director (Corporate Services), the Corporate Director (Economic Development, Planning & Infrastructure), the Acting Corporate Director (Children & Young People's Services), the Head of Legal and Democratic Services, the Head of Financial Services, the Head of Direct Services, the Head of Development Services and the Democratic Services Manger as Clerk to the Council.

**ALSO IN ATTENDANCE**

Maggie Bruce and Kyle McAuley, Audit Scotland, External Audit

**1. DECLARATION OF GROUP DECISIONS**

In terms of Standing Order 20 and the Councillors' Code of Conduct, Councillor Patience declared an interest in Item 20 "Moray Leisure Centre Developments" as a Board Member of the Moray Leisure Centre Board of Management, Councillor Macrae, as a Board Member, also declared an interest in this item and also declared a personal interest in Item 13 "Community Asset Transfer Request: Former Abbeylands Primary School, Kinloss". Councillor Cowe and Councillor Allan respectively declared a personal interest in Item 6 "Notice of Motion by Councillors Edwards and Macrae".

Councillor Leadbitter, on behalf of the SNP Group declared that the SNP Group had discussed the agenda and that the Group had reached agreement in regard to some of the items. The Meeting noted that there were no further 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 Council 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 Number of Minute</u>	<u>Paragraph Number of Schedule 7A</u>
17	1
18	1
19	1 & 6
20	9
21	1 & 9
22	6

## 3. MINUTES

### (a) MORAY COUNCIL – MINUTE OF MEETING DATED 6 JUNE 2018

The Minute of the meeting of the Moray Council dated 6 June 2018 was submitted and approved.

### (b) MORAY COUNCIL – MINUTE OF SPECIAL MEETING DATED 6 JUNE 2018

The Minute of the special meeting of the Moray Council dated 6 June 2018 was submitted and approved.

### (c) MORAY COUNCIL – MINUTE OF SPECIAL MEETING DATED 6 JUNE 2018

The Minute of the special meeting of the Moray Council dated 6 June 2018 was submitted and approved.

### (d) MORAY COUNCIL – MINUTE OF SPECIAL MEETING DATED 13 JUNE 2018

The Minute of the special meeting of the Moray Council dated 13 June 2018 was submitted and approved.

## 4. WRITTEN QUESTIONS

The meeting noted that no written questions had been submitted.

## 5. ADDITIONAL EXPENDITURE ADVICE

The Chief Executive advised the Meeting that in light of Agenda Item 12 "Corporate

and Financial Planning 2018/19” that he wished to provide Members with the following warning in respect of Agenda Items 6, 17(a) and 17(b) (paragraphs 6 and 20 respectively of the minute refer) about the use of council expenditure for essential items or items of investment:

The Council has a predicted budget deficit for 2019/20 that is greater than the level of reserves available to supplement revenue spending. Although work to identify further savings has begun, so far these fall significantly short of the sums required. In the absence of an agreed plan to reduce spending to an affordable level it is vital that only essential additional expenditure is agreed. In making this determination the Council should consider:

- Is there a statutory requirement to incur the expenditure?
- Are there any alternative actions available to avoid or reduce the cost?
- Are there alternative ways in which the service could be provided?
- What are the risks and consequences of not allocating the funding?
- Does the expenditure contribute to long term financial stability?

**Essential investment that provides longer term returns should not be lost in the drive to ensure short term savings.** Some spend will continue to be necessary to enable future stability and sustainability of the council and its services.

The council is urged to consider whether in light of these factors the additional expenditure proposed is essential.

This warning will be given in abbreviated form\* for all additional expenditure proposed from this point along with a recommendation from Corporate Management Team.

This will be described as the “additional expenditure warning” and the factors for consideration along with Corporate Management Team’s recommendation will be given on each occasion.

Councillor Feaver sought clarification as to the reason for the bold text in relation to essential investment and whether this was used to direct how things should be taken.

In response the Chief Executive advised that it was simply advice. One of the paradox in the current financial situation public services are facing is having to make savings whilst also to encourage essential investment. He had highlighted this as it was often not understood and a very difficult message to get across to the public who see reductions in some areas of the service but growth in others.

## 6. NOTICE OF MOTION

Councillors Allan and Cowe, having declared a personal interest in this item left the meeting at this juncture taking no part in the discussion or decision.

There was submitted a Notice of Motion by Councillor Edwards, seconded by Councillor Macrae in the following terms:

“Councillors are asked to note that the core path route MCT11 along the beach on the East side of the town is only accessible via the Seatown bridge.

Councillors will note that the Lossiemouth Community Development Trust (LCDT) has had a long running campaign to secure continuous access to the East Beach and have recently taken the opportunity to remind all Council Members of the condition of the Bridge and the possibility of its closure. They have, via email correspondence sought Councillors support in this matter. Councillors have received detailed engineering and legal information from LCDT on the uncertain state of the Seatown Bridge in Lossiemouth.

Council agrees to:

Support the Lossiemouth Community Development Trust in its campaign to secure continuous pedestrian access to the East Beach in Lossiemouth via the Seatown Bridge.

1. Through Officer Expertise in Funding applications and pathways to funding streams.
2. With letters of support from both Members and officers of this council in order to help with the funding application.
3. Logistics – Storage facilities for materials in order to repair bridge.
4. Financial – Contribute up to £25,000 from reserves to assist with the cost of a feasibility study.”

In presenting the Notice of Motion Councillor Edwards stated that in his opinion there was a real need to address the future of the bridge providing pedestrian access to the East Beach in Lossiemouth. He stated that it was integral to Lossiemouth and its community as the only access route to Moray core path route MCT11. He further stated that last year the council sold an area of land in Seatown in Lossiemouth close to the bridge and that the proceeds from the sale went to the Elgin Common Good Fund as the land was owned by that Fund. He was of the opinion that if the proceeds from the sale had stayed in Lossiemouth it could have been used for the purpose of securing the future of the bridge. He further suggested that Elgin Common Good could consider granting this money to the LCDT should that be possible. In conclusion he asked that the Council consider supporting the LCDT in its campaign to ensure the links to the East Beach and beyond remain.

In seconding the Motion Councillor Macrae stated that Members would be aware of the background to this issue and the continued uncertainty over the ownership of the bridge since the dissolution of the private harbour companies some 80 years ago and with the Crown Estate having disclaimed ownership there is no clear owner of the bridge. He referred to the Council having a duty of care to the public and should the bridge be deemed unsafe would have to close it with the issue of a dangerous buildings notice. Closure would in effect cut off the East Beach and would, in his opinion, have a significant impact to the local economy along with reputational damage to Moray as a whole. He stated that the sum of money referred to in the

Motion was an 'up to amount' and that clearly the help and support of council officers could be considered as a contribution in itself when seeking match funding from other agencies to assist with the funding of the feasibility study. In supporting the motion he asked that Members consider the bigger picture beyond that of the bridge itself.

Councillor Leadbitter commended the efforts of Councillors Edwards and Macrae in bringing forward the Motion and stated that it clearly was a significant part of tourism infrastructure. In terms of what the Council agrees to he had no issue with the first three options listed, however in terms of the financial implications, he referred to the earlier warning given by the Chief Executive, and in that respect he did not consider at this stage it appropriate to commit to any funding up to £25,000, he was personally more than happy to meet with the Community Development Trust, other local members and potential funders to see if other funding arrangements can be found. He therefore moved approval of the first three options within the motion but to remove the fourth option.

In response to the question raised relating to the Elgin Common Good Fund and the proceeds from the sale of land at Seatown, Lossiemouth the Head of Legal and Democratic Services advised of the background to the original purchase of the land by the Elgin Common Good and that as the land had belonged to the Elgin Common Good it was for the Elgin Ward Members who are the Keepers of the Elgin Common Good Fund to determine how to spend the proceeds from the sale but that they would have to have due regard to the residents of the Burgh of Elgin. Whilst it was a decision that this Council could legally take, he advised that no detailed research had been undertaken in regard to this but in theory it may be possible.

Councillor Divers stated that whilst he understood the reason why Councillor Edwards was asking the question in regard to the proceeds of the sale, he was of the opinion that it was something that would require to be considered by the 6 Elgin Ward Members in conjunction with the Elgin Community Council. He further stated that whilst he personally would look upon the request favourably, he would need to see the fine detail and the legal advice on whether this was possible before taking a final decision.

Following further discussion Councillor Alexander stated that as the Council do not own the bridge nor does it have a responsibility for it, he was of the opinion that the LCDT should take over the ownership and then look to raise funds towards its repair and upkeep. He stated that he was aware that the LCDT had recently had an officer appointed which provides them with an excellent opportunity to take ownership and had already written to the LCDT advising them that he would be happy to make a personal contribution towards its repair as soon as they had taken over ownership but that they should not expect the Moray tax payers to contribute towards a bridge that the Council does not own. He therefore moved that the Council reject all four options in the Motion. Councillor Creswell seconded the amendment.

Councillor Macrae suggest that in terms of Option 4 that this could be amended to the Council providing support to the LCDT to investigate all avenues of funding, including the Elgin Common Good, and or others rather than seeking a contribution up to £25,000.

Councillor Edwards stated that he would be willing to amend the terms of the Motion accordingly.

Councillor Leadbitter stated that he would be willing to withdraw his amendment as he was content that the financial issue was now dealt with in the terms of the amended motion. He further stated that he would be happy to help in any way as he previously stated and also supported of the comments made by Councillor Divers in respect of looking further at the Common Good Fund aspect.

The Corporate Director (Economic Development, Planning and Infrastructure) sought clarification on the nature of the storage facility being sought and the financial parameters around that.

In response Councillor Edwards stated that the storage facility would be a car park close to the bridge with a lay down area if required for perhaps specialist equipment or materials.

In response to a query regarding timescale Councillor Edwards advised that this would not be required immediately, but would be for the future following the outcome of a feasibility study. No materials would be bought until this was completed, reported on and funding sought.

On a division there voted:

For the Motion (17)                      Councillors Edwards, Macrae, Bremner, Coull, Coy, Divers, Eagle, Edwards, Feaver, Laing, Leadbitter, A McLean, M McLean, Morrison, Patience, Ross, Warren and Wilson.

For the Amendment (3)              Councillors Alexander, Creswell and Shepherd.

Abstentions (2)                        Councillors Cowie and Gatt

Accordingly the Motion became the finding of the meeting and the Council agreed to support the Lossiemouth Community Development Trust in its campaign to secure continuous pedestrian access to the East Beach in Lossiemouth via the Seatown Bridge.

1. Through Officer Expertise in Funding applications and pathways to funding streams.
2. With letters of support from both Members and officers of this council in order to help with the funding application.
3. Logistics – Storage location in the form of ground for a lay down area in the car park close to the bridge for specialise equipment or materials in order to repair bridge.
4. Financial – the Council assist the LCDT in investigating all avenues of funding, including looking further at the use of the Common Good funding as discussed.

Councillors Allan and Cowe re-joined the meeting at this juncture.

## **7. UNAUDITED ANNUAL ACCOUNTS FOR 2017/18**

A report was submitted by the Acting Corporate Director (Corporate Services) asking the Council to consider the unaudited Annual Accounts for the year to 31 March 2018 for both Moray Council and the Connected Charity Trust Funds administered by the council.

Councillor A McLean asked why the Councillors' annual committee attendance record had not been included within the Annual Accounts.

In response the Democratic Services Manager advised that the annual committee attendance records for Members had been prepared for publication with the Members' Expenses which were published on the website but did not form part of the Annual Accounts. Unfortunately due to an oversight the attendance record was not uploaded at that time for which she apologised. However, she advised that the attendance record would be published on the website and circulated to Members following the meeting.

Councillor A McLean asked if the attendance record would be published in the same format next year.

In response the Democratic Services Manager advised that Committee Services were currently in the process of implementing a new committee management system and a function of that system is to keep records of attendance. On reviewing how other local authorities publish this information, it was possible to publish individual attendance records for each elected member. The system will allow the public when looking at information relating to a particular member to not only see which committees they sit on but also their attendance record. Therefore Members have a choice to either have attendance records published annually or to have them listed individually on a continuously updated basis.

Following consideration the Council approved:

- (i) the unaudited Annual Accounts for Moray Council for the year ended 31 March 2018; and
- (ii) the Moray Council Connected Charity Trust Funds Trustees' Report and Financial Statements for the year ended 31 March 2018.

## **8. 2017/18 REVENUE OUT-TURN**

A report was submitted by the Acting Corporate Director (Corporate Services) advising the council of the actual out-turn for 2017/18 and the major variances from the approved budget for that year; to seek approval of release of the provision made within the budget for 2018/19 to meet expenditure where budget pressures are forecast to continue into 2018/19, and to seek approval to fund projects from

reserves where there has been a slippage in 2017/18 but projects will be completed in 2018/19.

Following consideration the Council noted:

- (i) the actual out-turn for 2017/18 of a deficit of £4,615,000 on the general fund;
- (ii) the major variances from the approved budget for that year totalling £1,897,000 as detailed in Appendix 2; and
- (iii) general reserves at 31 March 2018 of £17,095,000 million of which £4,726,000 are already committed.

The Council also approved:

- (i) adjustments amounting to a net savings of £137,000 for variances which are anticipated to continue into 2018/19, as detailed in the table in paragraph 3.7; and
- (ii) one-off budget provision for 2018/19 of £521,000 as detailed in paragraph 4.1, to be funded from the General Fund reserve.

## **9. CAPITAL PLAN 2017/18**

A report was submitted by the Acting Corporate Director (Corporate Services) advising Council of the expenditure to 31 March 2018 under the capital plan for financial year 2017/18 and to recommend budget adjustments for inclusion in the 2018/19 Capital Plan and future years.

Following consideration the Council agreed to:

- (i) note expenditure to 31 March 2018 of £50,624,000;
- (ii) approve carry forwards to 2018/19 and future years totalling £1,131,000 as summarised in paragraph 5.1;
- (iii) approved 2018/19 budget deferral of £1,452,000 as detailed in paragraph 5.3.3;
- (iv) approve budget transfers in 2018/19 capital plan relating to bridges projects as detailed in paragraph 5.3.4; and
- (v) approve inclusion in 2018/19 capital plan of a new project at Arthurs Bridge budgeted at £114,000 as detailed in paragraph 5.2.5.

## **10. COMMON GOOD FUNDS – SUMMARY EXPENDITURE FOR 2017/18 AND ESTIMATED DISPOSABLE INCOME FOR 2018/19**

A report was submitted by the Acting Corporate Director (Corporate Services) informing the Council of the final position of Common Good Funds at 31 March 2018



and the estimated income available for disbursement in 2018/19.

During discussion Councillor Gatt stated that he would wish to see more detail being provided in regard to the individual funds, in particular in relation to those within his Ward he would wish to see a list of assets within each of the common good funds and asked if this could be provided in future reports. This was agreed.

Thereafter the Council agreed:

- (i) to note the disbursements approved for 2017/18 for each of the Common Good Funds shown in Appendix 1;
- (ii) to approve the carry forward of the undisbursed balances for 2017/18 for the Buckie, Dufftown, Elgin, Forres, Portknockie and Keith Funds to be made available in 2018/19; and
- (iii) the Estimated Income available for disbursement in 2018/19 shown in Appendix 2, and
- (iv) that future reports include more detail in regard to individual funds within each ward.

#### **11. TRUST FUNDS – SUMMARY EXPENDITURE FOR 2017/18 AND ESTIMATED DISPOSABLE INCOME FOR 2018/19**

A report was submitted by the Acting Corporate Director (Corporate Services) informing the Council of the disbursements made from Trusts in 2017/18 and the estimated disposable income for 2018/19.

Following consideration the Council agreed:

- (i) to note the disbursements approved from the Trust Funds in 2017/18, as detailed in Appendix 1;
- (ii) the estimated income available for disbursements in 2018/19, as detailed in Appendix 2; and
- (iii) to note the position of a number of Trust Funds with declining reserves as detailed in paragraph 5.3 of the report.

#### **12. CORPORATE AND FINANCIAL PLANNING 2018/19**

A report was submitted by the Acting Corporate Director (Corporate Services) updating the Council on the progress being made on short, medium and long term financial planning for 2019/20 onwards.

Following consideration the Council agreed:

- (i) to note the continuing budget situation and predictions for future years, the very broad parameters within which this may fluctuate and the continuing

environment within which the Council must now operate as the balance of reserves continues to diminish to a minimum level;

- (ii) to note that work continues to identify short, medium and longer term financial plans and that while officers have been developing options, the financial plans will require political review and approval from the Council;
- (iii) to note the statutory requirement for the Council to set a balanced budget each year and that at this point in time there remains an over-reliance on reserves to fund core services which is not sustainable;
- (iv) to note that based on current predictions, the Council's balance of reserves will be insufficient to fund the gap between expenditure and income in 2019/20 and so if nothing changes it will not be possible to set a balanced budget for 2019/20 and retain a sufficient balance of reserves to manage risk; to address this savings in the order of £12.4m that can be delivered during the course of 2019/20 require to be identified and approved;
- (v) to note work needs to proceed with some urgency to ensure that financial planning advances aligned to the corporate priorities, this may require review and refinement of priorities based on recent political change;
- (vi) to note, critically, whilst some potential savings for 2019/20 have been identified, at present these fall well short of the £12.4m required and so more comprehensive short term plan will require to be identified and approved for consultation by October 2018 to ensure that the Council is in a viable financial position for 2019/20;
- (vii) to note, should it not be possible to achieve this, the Chief Executive and Chief Financial Officer will have to consider taking appropriate action in terms of the statutory responsibilities under the Local Government Finance Act 1992 (section 93) in relation to setting a balanced budget and the Local Government (Scotland) Act 2003 (section 35) in terms of the duty on local authorities to manage their capital expenditure;
- (viii) to note the outcome of Community engagement (Appendix A); and
- (ix) that, in order to prepare for the financial situation from 2019/20 onwards, agreed to undertake ongoing communication and consultation with the community on a range of areas for consideration to be determined by the Administration group with the consultation on specific options to be considered following a further report to the Council.

### **13. COMMUNITY ASSET TRANSFER REQUEST: FORMER ABBEYLANDS PRIMARY SCHOOL, KINLOSS**

Councillor Macrae, having declared a personal interest in this item, left the meeting at this juncture taking no part in the discussion or decision.

A report was submitted by the Acting Corporate Director (Corporate Services)

inviting the Council to consider an asset transfer request from Morayvia for the former Abbeylands Primary School, North Road, Kinloss.

Following consideration the Council agreed to:

- (i) approve the transfer at nil consideration of the former Abbeylands Primary School, North Road, Kinloss to Morayvia; and
- (ii) remit the matter to the Estates Manager and the Legal Services Manager (Property and Contracts) to complete the transfer of title.

Councillor Macrae re-joined the meeting at this juncture.

#### **14. REGENERATION CAPITAL GRANT FUND**

A report was submitted by the Corporate Director (Economic Development, Planning & Infrastructure) asking the Council to authorise funding applications to the Regeneration Capital Grant Fund for a Heritage Visitor attraction, which is part of the Cultural Quarter Growth Deal proposal.

Following consideration the Council agreed to authorise the submission of stage I and if successful stage II applications to the Regeneration Capital Grant Fund on the condition that:

- (i) the applications are clearly submitted as subject to additional funding being attracted through the Growth Deal Bid; and
- (ii) that a further report to Council will be submitted to enable consideration of any final offer of grant, the estimated financial implications for the Council being confirmed at that time.

#### **15. EUROPEAN STRUCTURAL INVESTMENT FUNDS**

A report was submitted by the Corporate Director (Economic Development, Planning & Infrastructure) seeking permission to extend and/or submit new applications from the European Structural Investment Funds.

Following consideration the Council agreed:

- (i) to extend the current phase 1 for the Employability and Poverty & Social Inclusion projects by 3 months to 31 March 2019 whilst still staying within overall agreed budgets;
- (ii) to authorise the submissions for phase 2 for the proposed expanded Employability and Poverty & Social Inclusion projects at an increased intervention rate of up to 80%;

- (iii) to the employment of 4.5 new staff to deliver the projects from April 2019 to March 2023 and provide 20% match funding, which will be met from existing budgets;
- (iv) to authorise for Business Gateway to use its operational budget as match funding for the Highland Council led continuation of the Local Growth Accelerator Programme phase 2; and
- (v) that for the Small and Medium Enterprise loan fund phase 2, Business Gateway will work with the future operator to facilitate applications.

## **16. MORAY COUNCIL LOCAL SCRUTINY PLAN 2018/19**

A report was submitted by the Chief Executive asking the Council to consider the Local Scrutiny Plan and Appendix which sets out the planned scrutiny activity of the Council during 2018/19.

Following consideration the Council agreed to note:

- (i) the one risk where specific scrutiny is required during 2018/19;
- (ii) in addition the scrutiny comments in respect of financial sustainability of education and children's services; and
- (iii) that these findings are reflective of the Council's own self-evaluation of its leadership, strategic direction and financial standing. As a result the areas of improvement identified are integrated into the Council's current and planned improvement activities.

## **17. QUESTION TIME**

Councillor Alexander asked what discussions had taken place between the Council Leader and Derek MacKay, Cabinet Secretary for Finance and the Constitution at their meeting on 11 June 2018 and that the Council Leader was continuing to get the message across that more money is needed for Moray. He further asked for reassurance the Council Leader is putting forward the case for Moray to the Minister and making sure that he understands that we need more cash?

In response the Council Leader advised that he had met with the Cabinet Secretary on the 19 June 2018 and felt that the meeting was very productive and had a full and frank discussion about the issues facing Moray, about the population increase as a result of the MOD expansion and how that impacts on Moray which will result in an additional increase of around 2% above the general trend. He further stated that this is a point he has also made in letters to the local MP and two local MSPs all in similar terms in regard to the areas that we could work together and the issues that will affect Moray. He further stated that in terms of the finances and issues around council tax, these are issues that he discussed with the Cabinet Secretary and it was his aim to have further regular meeting when he can get them with any Minister that is prepared to listen.

Councillor Creswell asked whether any consideration could be given to the position of Chair of the Moray Integrated Joint Board in terms of representation on the NHS Grampian Board as when she was Chair of the IJB had found it frustrating that there was separate meetings being held within NHS Grampian in terms of joint services and found this a bit disjointed.

In response the Convener advised that the current NHS Board member was Councillor Brown but that the appointments to outside bodies would be discussed at an upcoming meeting of the Council where this matter could be raised.

## **18. ORDER OF BUSINESS**

Prior to discussion of Agenda Items 17(a) 'Emergency Notice of Motion by Councillor Eagle and Councillor Cowie' and 17(b) 'School Crossing Patrollers' the Convener advised the meeting that due to the subject matter being the same and with the agreement of Councillor Eagle and Councillor Cowie, discussion of these items would be combined.

## **19. EMERGENCY NOTICE OF MOTION/SCHOOL CROSSING PATROLLERS [PARA 1]**

Prior to discussion the Convener advised the Meeting that in terms of Standing Order 81 and 22 relating to the alteration or revocation within 6 months of a decision of the Council, in this case a decision taken by the Council at its meeting on , two thirds of the Members of the Council present and entitled to vote must agree that there has been a relevant and material change of circumstances and that the agreement of the Council to a suspension should be confirmed before the relevant suspension is debated.

In terms of the Emergency Notice of Motion the meeting Councillor Eagle stated the installation of a new set of traffic lights at the junction of West Cathcart Street and High Street, Buckie, in the vicinity of Cluny Primary school had caused additional vehicle movements around the area of the school and as the original budget decision was taken less than 6 months ago, in terms of Standing Order 82 considered this information to be a relevant and material change in circumstances.

In terms of the Report it was noted that with the recent change in administration differing views are likely on policy which were reflected in the alternative budgets put forward by each group and an area where there differing views had been specifically raised is the provision of School Crossing Patrollers and this was considered to be a relevant and material change in circumstances.

The Convener therefore asked if there was anyone otherwise minded to the relevant and material change of circumstances as specified in the terms of the motion and the report.

Councillor Cowie, as seconder to the Emergency Notice of Motion stated that in his opinion there was no financial implication within the terms of the Notice of Motion, it was simply asking for a review of the traffic movements following the installation of

traffic lights and that this was a relevant and material consideration. He further stated, however, that he did not consider that this applied to the reason given in terms of the report.

Councillor Alexander stated that in terms of the reasons given within the Notice of Motion in relation to the increased traffic movement and the fact that there had been no formal count taken in this regard, he was not convinced that there had been a relevant and material change.

The Convener reminded the meeting that it had been agreed to take both the Notice of Motion and the Report together and therefore the meeting should look to agreeing a suspension of standing orders jointly and not as two separate issues.

Councillor Leadbitter, in order to move the matter forward, moved the suspension of standing orders as there had been a relevant and material change, that being the change in Administration which is clearly a change in the policy direction of the Council as there would be in any change in Administration and in his option was a reasonable position to allow consideration of both these papers.

Following further lengthy discussion during which the Head of Legal and Democratic Services advised of the procedure relating to whether the meeting wished to consider the two papers separately and the suspension of standing order requirements this would entail, the Convener sought clarification from the Meeting that there was a consensus to allow discussion to proceed on the matter and to agree a suspension of standing orders in order to do this and asked if there was anyone otherwise minded.

Councillor Alexander sought clarification that the material or relevant change in circumstances being proposed in order to suspend Standing Orders was that there has been a change of Administration.

The Convener confirmed that this was the case.

Councillor Alexander stated that if a change in Administration was considered as a relevant and material change in circumstances that this would then mean that every decision taken within the last 6 months could be reconsidered and was of the opinion that this would cause a lot of unnecessary uncertainty.

The Convener stated that for this item, that would be the case.

In response Councillor Alexander stated that he was of the opinion that this be put to the vote.

Councillor Leadbitter stated that the Suspension of Standing Orders related only to this particular item and following the special meeting due to be held on Monday 2 July, there will be no further meetings for a further 6 weeks, after which time most of the decisions that the Council has taken will be out with the 6 months period and therefore suspension of standing orders will no longer be relevant.

Thereafter the Convener asked that the vote in relation to the suspension of Standing Orders be taken.

On a division there voted:

For the Motion (19) Councillors Bremner, Coull, Coy, Divers, Eagle, Edwards, Feaver, Gatt Laing Leadbitter, A McLean, McLean, Macrae, Morrison Patience, Ross, Shepherd, Warren and Wilson.

For the Amendment (5) Councillors Alexander, Allan, Cowe, Cowie and Creswell.

Abstentions (0)

Accordingly, in terms of Standing Order 82, as 2/3<sup>rd</sup> majority of those members present had been achieved, there was agreement to suspend Standing Orders and accordingly discussion of the combined issues as outlined in the Notice of Motion and the report could take place.

Thereafter Councillor Eagle addressed the terms of his Emergency Notice of Motion which sought the Council's agreement to a re-assessment being carried out at the intersection between South Pringle Street and West Cathcart Street, Buckie and subject to the outcome of that assessment consideration be given to reversing the budget decision for this site in relation to the removal of the school crossing patroller.

Councillor Leadbitter stated that the Administration Group had asked for a report on this issue as they had not agreed with the decision made at the time of the budget setting and that in light of the comments that have been received from schools and parents there was something that potentially could be done that still retains most of the savings that were achieved in the budget. He therefore moved that Option 2 - reinstate sites deemed non-viable as outlined in paragraph 5.6 and Appendix 1 of the report. Councillor Laing seconded the motion.

As an amendment, Councillor Alexander, seconded by Councillor Cowe, moved Option 1 – Status Quo.

On a division there voted:

For the Motion (18) Councillors Leadbitter, Laing, Bremner, Coull, Coy, Divers, Eagle, Edwards, Feaver, Gatt A McLean, McLean, Macrae, Morrison Patience, Ross, Warren and Wilson.

For the Amendment (6) Councillors Alexander, Allan, Cowe, Cowie Creswell and Shepherd.

Accordingly the Motion became the finding of the Meeting and the Council agreed:

- (i) to note the contents of the report; and
- (ii) Option 2 – Reinstate sites deemed non-viable as outlined in paragraph 5.6 and Appendix 1 of the report.

## **20. IMPLEMENTATION OF BUDGET SAVINGS [PARAS 1 & 6]**

A report was submitted by the Acting Corporate Director (Corporate Services) providing an update on progress being made in relation to Community Asset Transfers (CATs) for town halls and community centres.

Following consideration the Council:

- (i) noted the updates on the progress towards Community Asset transfers (CATs) for town halls and community centres; and
- (ii) approved the arrangements for Longmore Hall in paragraph 3.5.8 of the report in their capacity as trustees.

Councillor Shepherd left the meeting at this juncture.

## **21. SUSPENSION OF STANDING ORDERS**

Under the terms of Standing Order 82 the meeting agreed to suspend Standing Order 74 and continue the meeting beyond 5 pm in order to conclude the business on the Agenda.

## **22. MORAY GROWTH DEAL – PROGRESS UPDATE [PARA 9]**

A report was submitted by the Corporate Director (Economic Development, Planning & Infrastructure) providing a progress update on the development of a growth funding proposal for Moray and seeking endorsement by the Council of the work completed to date as well as agreement to the next steps proposed.

Following consideration the Council:

- (i) noted the progress made on the Moray Growth Deal and that the next stage in the process is agreeing Heads of Terms;
- (ii) agreed that the projects detailed in the Strategic Outline Programme in Appendix 1 will form the basis for ongoing discussion and negotiation with both governments;
- (iii) delegated authority to the Corporate Director (Economic Development, Planning and Infrastructure) in consultation with the Moray Growth Deal Board, the Council Leader and Group Leaders to make such changes to the Strategic Outline Programme and the projects within it as are necessary to enable negotiations on Heads of Terms to progress effectively;
- (iv) noted that a further update report will be submitted before Heads of Terms are finalised; and



- (v) approved expenditure of up to £20,000 during the remainder of 2018/19 to enable further development of the deal programme as detailed in paragraph 10 of the report, to be drawn down by the Corporate Director (Economic Development, Planning and Infrastructure) in consultation with the Council Leader, Group Leaders and the Head of Financial Services only if and to the extent required.

### **23. MORAY LEISURE CENTRE (MLC) DEVELOPMENTS [PARAS 1 & 9]**

Councillors Patience and Macrae, having declared an interest in this item left the meeting taking no part in the discussion or decision.

Councillor Alexander left the meeting during discussion of this item.

A joint report was submitted by the Corporate Directors (Children and Young People's Services) and (Corporate Services) providing an update regarding Moray Leisure Limited's development plan and informing the Council of the recommended procurement method for related works at the leisure centre and recommending amendment of the capital plan for 2018/19 to accommodate these works.

In response to queries raised in regard to the introduction of the FitLife Scheme and the progress relating to the recovery plan it was agreed that the Educational Resources Manager provide members with the implementation date the Fit Life Scheme as soon as this is known and that Members be provided with interim updates prior to the next formal update.

Following lengthy discussion Councillor Gatt moved that the Council reject the recommendations. On failing to find a seconder the motion fell. Councillor Gatt asked that his dissent be recorded.

Thereafter, there being no-one otherwise minded the Council approved:

- (i) addition to the capital plan of £500,000 for construction works at Moray Leisure Centre and the lease of replacement gym equipment to be used in Moray Leisure Centre;
- (ii) that this is funded by reduction of the revenue grant made to Moray Leisure Limited for the running of Moray Leisure Centre, and
- (iii) that the Educational Resources Manager provide members with the implementation date of the Fit Life Scheme as soon as this is known and that Members be provided with interim updates prior to the next formal update.

Councillors Patience and Macrae re-joined the meeting at this juncture.

### **24. MODERNISATION AND IMPROVEMENT PROGRAMME [PARA 6]**

A report was submitted by the Corporate Director (Corporate Services) asking the Council to allocate budget provision for initial diagnostic work on a possible efficiency

project that will contribute to the development of the Modernisation and Improvement Programme that is part of the Council's Corporate Plan.

Following discussion Councillor Cowe moved approval of the recommendations as detailed in the report. Councillor Edwards seconded the motion.

As an amendment Councillor Eagle moved that consideration of this report be deferred for a further report to be provided outlining the bigger picture in regard to the approach being taken in the development of the Modernisation and Improvement Programme.

On a division there voted:

For the Motion (16)           Councillors Cowe, Edwards, Allan, Bremner, Coull,  
Cowie, Coy, Divers, Laing, Leadbitter, A McLean,  
Morrison, Patience, Ross, Warren and Wilson

For the Amendment (6)    Councillors Eagle, Feaver, Creswell, Gatt, M McLean and  
Macrae

Abstentions (0)

Accordingly the motion became the finding of the meeting and the Council agreed to approve initial funding to engage external expertise to undertake and facilitate diagnostic work on efficiency improvements which will form part of the proposed Modernisation and Improvement Programme.