

## Minute

### Development and Infrastructure Committee

Tuesday, 12 November 2019, 10:30.

Council Chamber, Council Offices, School Place, Kirkwall.



### Present

Councillors Graham L Sinclair, Andrew Drever, Norman R Craigie, Robin W Crichton, David Dawson, J Harvey Johnston, Rachael A King, W Leslie Manson, Stephen Sankey, James W Stockan, Duncan A Tullock and Kevin F Woodbridge.

### Clerk

- Angela Kingston, Committees Officer.

### In Attendance

- Gavin Barr, Executive Director of Development and Infrastructure.
- Brian Archibald, Head of Marine Services, Engineering and Transportation.
- Roddy Mackay, Head of Planning, Development and Regulatory Services (for Items 1 to 13).
- Darren Richardson, Head of Infrastructure and Strategic Projects.
- Colin Kemp, Corporate Finance Senior Manager.
- Michael Scott, Solicitor.
- Stuart Allison, Economic Development Manager (for Items 9 to 13).
- Peter Bevan, Engineering Services Manager (for Items 6 to 10).
- Jamie Macvie, Planning Manager (Development Management) (for Items 10 and 11).
- Lorna Richardson, Strategic Policy and Projects Manager (for Items 1 to 6).
- Jonathan Walters, Environmental Services Facilities Manager (for Items 3 to 5).

### Observing

- Andrew Hamilton, Performance and Best Value Officer (for Items 1 to 3).
- Rebecca McAuliffe, Press Officer (for Items 1 and 2).

### Declarations of Interest

- Councillor Robin W Crichton – Item 13.
- Councillor David Dawson – Item 13.
- Councillor Rachael A King – Item 13.

### Chair

- Councillor Graham L Sinclair.

## **1. Disclosure of Exempt Information**

The Committee noted the proposal that the public be excluded from the meeting for consideration of Item 14, together with Annex B of Item 13, as the business to be discussed involved the potential disclosure of exempt information of the classes described in the relevant paragraphs of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 as amended.

## **2. Revenue Expenditure Monitoring**

After consideration of a joint report by the Executive Director of Development and Infrastructure and the Head of Finance, copies of which had been circulated, and after hearing a report from the Corporate Finance Senior Manager, the Committee:

Noted:

**2.1.** The revenue financial summary statement in respect of Development and Infrastructure for the period 1 April to 30 September 2019, attached as Annex 1 to the joint report by the Executive Director of Development and Infrastructure and the Head of Finance, which indicated an underspend of £213,100.

**2.2.** The revenue financial detail by Service Area statement in respect of Development and Infrastructure for the period 1 April to 30 September 2019, attached as Annex 2 to the joint report by the Executive Director of Development and Infrastructure and the Head of Finance.

**2.3.** The explanations given and actions proposed in respect of significant budget variances, as outlined in the Budget Action Plan, attached as Annex 3 to the joint report by the Executive Director of Development and Infrastructure and the Head of Finance.

## **3. Performance Monitoring**

After consideration of a report by the Executive Director of Development and Infrastructure, copies of which had been circulated, the Committee:

Scrutinised the performance of Development and Infrastructure for the reporting period 1 April to 30 September 2019, as set out in section 4 and Annex 1 to the report by the Executive Director of Development and Infrastructure, and obtained assurance.

## **4. Road Asset Replacement Programme**

After consideration of a report by the Head of Finance, copies of which had been circulated, and after hearing a report from the Corporate Finance Senior Manager, the Committee:

Noted:

**4.1.** The summary position of expenditure incurred, as at 30 September 2019, against the approved Road Asset Replacement Programme for financial year 2019 to 2020, as detailed in section 4.1 of the report by the Head of Finance.

**4.2.** The detailed analysis of expenditure figures and programme updates, attached as Appendix 1 to the report by the Executive Director of Development and Infrastructure.

## 5. Waste Permits

After consideration of a report by the Executive Director of Development and Infrastructure, copies of which had been circulated, and after hearing a report from the Head of Infrastructure and Strategic Projects, the Committee:

Noted:

**5.1.** That the five Household Waste Recycling Centres in Orkney were licensed by the Scottish Environment Protection Agency, with conditions stating that only household waste may be deposited at those sites.

**5.2.** That, since 2016, measures had been introduced to deter commercial abuse of the Household Waste Recycling Centres, which had been successful to a point.

**5.3.** That lack of a permit system retained the risk of the Scottish Environment Protection Agency taking enforcement action that could, in the most serious circumstance, see facilities being closed until processes were in place that stopped commercial abuse.

**5.4.** The proposal to introduce a permit system to remove the risk of further commercial abuse at the Household Waste Recycling Centres, with full details of operation of the scheme attached as Appendix 1 to the report by the Executive Director of Development and Infrastructure.

On the motion of Councillor Robin W Crichton, seconded by Councillor David Dawson, the Committee resolved to **recommend to the Council**:

**5.5.** That a permit system for householders at Household Waste Recycling Centres be introduced, with effect from 1 April 2020 or as soon as practicable thereafter.

Councillor J Harvey Johnston left the meeting during discussion of this item.

## 6. Burial Grounds

After consideration of a report by the Executive Director of Development and Infrastructure, copies of which had been circulated, and after hearing a report from the Head of Infrastructure and Strategic Projects, the Committee:

Noted:

**6.1.** That, following an internal audit report on memorial safety works within burial grounds which was presented to the Monitoring and Audit Committee on 26 September 2019, a number of management actions were proposed, as detailed in Appendix 1 to the report by the Executive Director of Development and Infrastructure.

**6.2.** That, in light of the proposed management actions, the current Burial Grounds – Code of Practice, approved by Council in 2015, had been redrafted and was attached as Appendix 2 to the report by the Executive Director of Development and Infrastructure.

**6.3.** That implementation of the revised Code of Practice would require an assessment of existing, and any future necessary, resources, with initial options attached as Appendix 3 to the report by the Executive Director of Development and Infrastructure.

**6.4.** That a final version of the Burial Grounds – Code of Practice would be presented to the Development and Infrastructure Committee in Spring 2020, following feedback from the Roads and Environmental Services Consultative Group, and taking account of any comments from Elected Members.

**6.5.** That, when the final Code of Practice was presented to Committee, the Executive Director of Development and Infrastructure should include any financial implications to the Council in respect of resources to deliver the Code of Practice.

## **7. Harbour Authority Sub-committee**

After consideration of the draft Minute of the Meeting of the Harbour Authority Sub-committee held on 29 October 2019, copies of which had been circulated, the Committee:

Resolved:

**7.1.** On the motion of Councillor Graham L Sinclair, seconded by Councillor Andrew Drever, to approve the Minute of the Meeting of the Harbour Authority Sub-committee held on 29 October 2019 as a true record.

The Committee resolved to **recommend to the Council:**

**7.2.** That the recommendation at paragraph 5.5 of the Minute of the Meeting of the Harbour Authority Sub-committee held on 29 October 2019, attached as Appendix 1 to this Minute, be approved.

## **8. Inter-Island Ferry Services**

### **Proposed Summer 2020 Timetables**

After consideration of a report by the Executive Director of Development and Infrastructure, copies of which had been circulated, and after hearing a report from the Head of Marine Services, Engineering and Transportation, the Committee:

Noted:

**8.1.** That the inter-island ferry services timetables for summer 2020 were scheduled to operate from 3 May to 28 September 2020.

**8.2.** That draft timetables in respect of ferry services to be operated by Orkney Ferries Limited during summer 2020 were presented to the Ferry Services Consultative Forum for consideration on 21 August 2019, with the main comments and representations from transport representatives outlined in section 4 of the report by the Executive Director of Development and Infrastructure.

**8.3.** That, on 19 September 2019, the proposed timetables, together with feedback from the Ferry Services Consultative Forum, were considered by the Board of Orkney Ferries Limited and recommended to the Council for implementation.

**8.4.** That the proposed timetables, attached as Appendix 1 to the report by the Executive Director of Development and Infrastructure, remained broadly consistent with those operated during summer 2019, including the Tuesday and Thursday return link from Eday to Sanday for education purposes, which was trialled during 2018 and 2019.

**8.5.** That, in advance of the Council's budget setting process for 2020 to 2021 being concluded, any decision on the proposed Orkney Ferries' summer timetables for 2020 would be subject to an adequate service revenue budget being established for financial year 2020 to 2021.

The Committee resolved, in terms of delegated powers:

**8.6.** That, subject to an adequate service revenue budget being established for financial year 2020 to 2021, the timetables in respect of ferry services to be operated by Orkney Ferries Limited during summer 2020, attached as Appendix 2 to this Minute, be approved.

## **9. KIMO**

After consideration of a report by the Executive Director of Development and Infrastructure, copies of which had been circulated, and after hearing a report from the Head of Marine Services, Engineering and Transportation, the Committee:

Noted:

**9.1.** That KIMO was a local authority international environmental organisation designed to give municipalities a political voice at regional, national and international level, with a clear mission statement and was committed to the development of coastal communities.

**9.2.** That the Council had been a member of KIMO for many years, with an Elected Member and an officer attending the four KIMO UK meetings per annum and occasionally attending the KIMO International conference.

**9.3.** Council policy on appointments to external bodies, as outlined in section 4.2 of the report by the Executive Director of Development and Infrastructure.

**9.4.** That, on 29 October 2019, the Harbour Authority Sub-committee referred consideration of elected member representation on KIMO to the Development and Infrastructure Committee, noting that it was supportive of the proposal to appoint an elected member.

**9.5.** That, as the term of this Council was five years, it was proposed that, should an appointment be made to KIMO, it should last for the remainder of the term of this Council, namely until May 2022.

On the motion of Councillor Robin W Crichton, seconded by Councillor David Dawson, the Committee resolved to **recommend to the Council**:

**9.6.** That an elected member should be appointed to represent the Council on KIMO.

**9.7.** That the Council's representative on KIMO should be a member of the Harbour Authority Sub-committee.

The Committee resolved to **recommend to the Council**:

**9.8.** That Councillor Kevin F Woodbridge be appointed to represent the Council on KIMO.

**9.9.** That the appointment, referred to at paragraph 9.8 above, should be for the remainder of the term of this Council, namely to May 2022.

## **10. Kirkwall Surface Water Management Plan**

After consideration of a report by the Executive Director of Development and Infrastructure, copies of which had been circulated, and after hearing a report from the Engineering Services Manager, the Committee:

Noted:

**10.1.** That, following publication of the Orkney Local Flood Risk Management Plan in 2016, an action was identified to prepare a Kirkwall Surface Water Management Plan, with its purpose being to provide sufficient information to support development of an agreed strategic approach to management of surface water flood risk within Kirkwall.

**10.2.** The Kirkwall Surface Water Management Plan, attached as Appendix 1 to the report by the Executive Director of Development and Infrastructure, which was currently in draft form and required further modelling input and consultation.

**10.3.** That Scottish Water was currently updating the Kirkwall drainage network model in order to produce new flood risk maps.

**10.4.** That, following receipt of the new flood risk maps from Scottish Water, it was proposed to engage consultants to review and model a range of options to reduce surface water flood risk in Kirkwall, at an estimated cost of up to £50,000.

**10.5.** That, to enable detailed design and scheme preparation of an approved option to reduce surface water flood risk in Kirkwall, a budget of up to £100,000 would be required.

**10.6.** That, following receipt of the consultants' report, referred to at paragraph 10.4 above, a final version of the Kirkwall Surface Water Management Plan would be presented to the next available meeting of the Development and Infrastructure Committee.

On the motion of Councillor Robin W Crichton, seconded by Councillor W Leslie Manson, the Committee resolved to **recommend to the Council**:

**10.7.** That the Executive Director of Development and Infrastructure should submit a report, to the Policy and Resources Committee, seeking a budget of up to £150,000 in respect of detailed modelling work and technical design of a scheme to reduce surface water flood risk in Kirkwall.

Councillor Andrew Drever left the meeting during discussion of this item and rejoined the meeting at this point.

## 11. Planning Enforcement Charter

After consideration of a report by the Executive Director of Development and Infrastructure, together with an Equality Impact Assessment, copies of which had been circulated, and after hearing a report from the Planning Manager (Development Management), the Committee:

Noted:

**11.1.** That, in terms of section 158A of the Town and Country Planning (Scotland) Act 1997, as amended, the Planning Authority was required to prepare and publish an Enforcement Charter which must be kept under review.

**11.2.** That the existing Enforcement Charter, approved by Council in November 2017, was still current with respect to legislation and no changes were required.

The Committee resolved to **recommend to the Council:**

**11.3.** That the Enforcement Charter, attached as Appendix 3 to this Minute, be approved.

## 12. Draft Orkney Tourism Strategy

After consideration of a report by the Executive Director of Development and Infrastructure, copies of which had been circulated, and after hearing a report from the Economic Development Manager, the Committee:

Noted:

**12.1.** That, during 2017, Destination Orkney (Limited) secured funding towards the cost of employing a Chief Executive Officer to lead and co-ordinate a revised Orkney Tourism Strategy and progress a Destination Management Plan for the tourism sector and its stakeholders.

**12.2.** That, in May 2018, the Destination Orkney Strategic Partnership was formed, comprising representatives from various organisations including the Council, as an unconstituted body to provide direction on tourism strategy and destination management in Orkney.

**12.3.** That the Orkney Tourism Strategy, attached as Appendix 1 to the report by the Executive Director of Development and Infrastructure, had been formulated with input from partner organisations to inform and provide structure to a Destination Management Plan and to inform Destination Marketing planning.

**12.4.** That the draft Orkney Tourism Strategy would be launched at the 2019 Tourism Summit for a period of consultation that would welcome comment on the strategic objectives from industry members and stakeholders, including the Orkney community.

The Committee resolved to **recommend to the Council:**

**12.5.** That the draft Orkney Tourism Strategy, referred to at paragraph 12.3 above, be endorsed for the purposes of consultation with the tourism industry, other stakeholders and the public.

**12.6.** That the Executive Director of Development and Infrastructure should submit a report, to the next meeting of the Committee, detailing the outcome of the consultation exercise, referred to at paragraph 12.5 above, and presenting a final version of the Orkney Tourism Strategy for adoption in so far as it related to the remit of the Council.

## **13. Economic Development Grants**

### **Budget Monitoring Statement and Delegated Approvals**

Councillors Robin W Crichton and Rachael A King declared non-financial interests in this item, in that family members were employed by organisations which had received Economic Development Grant funding, however, as the specific applications were not discussed, they did not leave the meeting.

Councillor David Dawson declared a non-financial interest in this item, in that he was a non-executive board member of an organisation which had received Economic Development Grant funding, however, as the specific application was not discussed, he did not leave the meeting.

After consideration of a report by the Executive Director of Development and Infrastructure, copies of which had been circulated, and after hearing a report from the Economic Development Manager, the Committee:

Noted:

**13.1.** That, for financial year 2019 to 2020, the approved budget in respect of Economic Development Grants amounted to £495,800.

**13.2.** Spending to 30 September 2019, in relation to Economic Development Grants, totalling £114,763, of which £100,262 related to grant commitments made in previous financial years and £14,501 to current year commitments.

**13.3.** That, as at 30 September 2019, the budget available for approval from the Economic Development Grants budget amounted to £329,406, as detailed in Annex A to the report by the Executive Director of Development and Infrastructure.

**13.4.** Grant approvals made in the period 1 April to 30 September 2019, totalling £160,505, including grants approved under delegated schemes for the same period totalling £54,880, as detailed in Annex B to the report by the Executive Director of Development and Infrastructure.

**13.5.** Non-grant approvals made in the period 1 April to 30 September 2019, totalling £5,889, as detailed in Annex B to the report by the Executive Director of Development and Infrastructure.

## **14. Pelamis**

On the motion of Councillor Graham L Sinclair, seconded by Councillor Andrew Drever, the Committee resolved that the public be excluded from the meeting for this item on the grounds that it involved the disclosure of exempt information as defined in paragraph 6 of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 as amended.



After consideration of a report by the Executive Director of Development and Infrastructure, copies of which had been circulated, the Committee:

Noted:

**14.1.** That, in June 2017, the Council purchased the Pelamis P2000 Wave Energy device from the European Marine Energy Centre for £1.

**14.2.** That, on 26 September 2017, the Policy and Resources Committee noted that further work was necessary to consider options for reuse of the Pelamis P2000 device which would include an appraisal of technical and financial viability of using the device as an interim breakwater for Moaness Pier, the outcome of which would be reported to the Development and Infrastructure Committee in due course.

**14.3.** That, since its acquisition, the Pelamis P2000 device had been berthed at Lyness, taking staff time, initial contract support, survey effort and procurement of replacement berthing and other equipment to ensure its safety and to avoid damage to the marine environment/ infrastructure around it.

**14.4.** That consideration had been given to possible use of the Pelamis P2000 device, with the conclusion being that it was a financial and operational liability, without any prospect of usefulness to the Harbour Authority, or the Council as a whole.

The Committee resolved to **recommend to the Council:**

**14.5.** That the Executive Director of Development and Infrastructure should arrange for the disposal or sale of the Pelamis P2000 device for scrap, or any other purpose, at the earliest opportunity.

**The above constitutes the summary of the Minute in terms of the Local Government (Scotland) Act 1973 section 50C(2) as amended by the Local Government (Access to Information) Act 1985.**

## **15. Conclusion of Meeting**

At 15:10 the Chair declared the meeting concluded.

Signed: Graham L Sinclair.