

## Minute

### Development and Infrastructure Committee

Tuesday, 9 November 2021, 10:30.

Microsoft Teams.



### Present

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

### Clerk

- Angela Kingston, Committees Officer.

### In Attendance

- Gareth Waterson, Interim Executive Director of Finance, Regulatory, Marine and Transportation Services.
- Hayley Green, Interim Executive Director of Environmental, Property and IT Services.
- James Buck, Head of Marine Services and Transportation.
- Roddy Mackay, Head of Planning, Development and Regulatory Services (for Items 1 to 10).
- Lorna Richardson, Interim Head of Roads, Fleet and Waste (for Items 1 to 5).
- Colin Kemp, Interim Head of Finance.
- Karen Bevilacqua, Solicitor.
- Kenneth Roy, Roads Support Manager (for Items 1 to 4).

### Observing

- Kenneth MacPherson, Interim Head of IT and Facilities (for Items 1 to 10).
- Shonagh Merriman, Interim Corporate Finance Senior Manager.
- Nick Blowfield, Environmental Technical Officer (for Items 1 to 6).
- Rebecca McAuliffe, Press Officer.

### Apology

- Councillor Rachael A King.

### Declarations of Interest

- Councillor David Dawson – Item 11.
- Councillor Andrew Drever – Item 11.

### 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 11, together with Annex B of Item 10, 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. Performance Monitoring

After consideration of a joint report by the Interim Executive Director of Environmental, Property and IT Services and the Interim Executive Director of Finance, Regulatory, Marine and Transportation Services, copies of which had been circulated, the Committee:

Scrutinised:

**2.1.** The performance of Development and Infrastructure for the reporting period 1 April to 30 September 2021, as set out in sections 3 to 5 and Appendices 1 and 2 of the joint report by the Interim Executive Director of Environmental, Property and IT Services and the Interim Executive Director of Finance, Regulatory, Marine and Transportation Services, and obtained assurance.

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

**2.2.** That the following actions, which had been progressed to completion, be removed from the Development and Infrastructure Service Plan:

- 02 – Customer Survey – Complete survey and provide customer feedback.
- 21c – Orkney Outdoor Access Strategy Action Plan and Active Travel Programme – Establish externally funded Sustainable Travel Officer post to develop and deliver Active Travel programme with high levels of leverage of external funding match to Council funding.

**2.3.** That the following actions be amended as indicated and thereafter incorporated within the Development and Infrastructure Service Plan:

- 04 – Regional Marine Planning and Crown Estates Pilot Governance – Continue to prioritise resources and engage with Marine Scotland and Crown Estate to establish Regional Partnership and pilot – target date extended to 31 December 2023.
- 11b – New Business and Growth in Current Marine Activities – Review staff and resource capacity and develop business case for increasing these where necessary to deliver strategic objective – target date extended to 31 December 2022.

## 3. Revenue Expenditure Monitoring

After consideration of a report by the Head of Finance, copies of which had been circulated, the Committee:

Noted:

**3.1.** The revenue financial summary statement, in respect of service areas for which the Development and Infrastructure Committee was responsible, for the period 1 April to 30 September 2021, attached as Annex 1 to the report by the Head of Finance, which indicated a budget overspend position of £224,800.

**3.2.** The revenue financial detail by service area statement, in respect of service areas for which the Development and Infrastructure Committee was responsible, for the period 1 April to 30 September 2021, attached as Annex 2 to the report by the Head of Finance.

The Committee scrutinised:

**3.3.** 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 report by the Head of Finance, and obtained assurance that action was being taken with regard to significant budget variances.

## **4. Road Asset Replacement Programme and Roads Revenue Maintenance Programme**

### **Expenditure Monitoring**

After consideration of a report by the Head of Finance, copies of which had been circulated, the Committee:

Noted:

**4.1.** The summary position of expenditure incurred, as at 30 September 2021, against the Road Asset Replacement Programme and the Roads Revenue Maintenance Programme for 2021/22, as detailed in section 4.1 of the report by the Head of Finance.

The Committee scrutinised:

**4.2.** The detailed analysis of expenditure figures and programme updates, attached as Appendices 1 and 2 to the report by the Head of Finance, and obtained assurance with regard to significant budget variances and progress being made with delivery of the approved Road Asset Replacement Programme and the Roads Revenue Maintenance Programme.

## **5. Charges for Replacement Bins**

After consideration of a report by the Interim Executive Director of Environmental, Property and IT Services, copies of which had been circulated, and after hearing a report from the Interim Head of Roads, Fleet and Waste, the Committee:

Noted:

**5.1.** That, on 30 March 2021, when considering charges for replacement bins, the Committee recommended:

- That charges for replacement refuse bins be suspended from 1 April 2021 to enable the Corporate Charging Consultative Group to undertake a review of the charging policy for replacement bins.
- That the Executive Director of Development and Infrastructure should submit a report, to the next available meeting of the Committee, detailing the findings of the review by the Corporate Charging Consultative Group, together with options in respect of the charges for replacement refuse bins.

**5.2.** That, on 30 August 2021, the Corporate Charging Consultative Group reviewed the policy in respect of charging for replacement bins and proposed that the current suspension of charges for replacement bins be made permanent.

**5.3.** That, in 2019, an efficiency saving of £10,000 was applied to the Operational Environmental Services budget in respect of the policy of charging for replacement bins.

**5.4.** That, should the policy of charging be revoked, any deficit experienced would be managed within the existing overall Operational Environmental Services budget.

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

**5.5.** That the policy of charging for replacement refuse bins be revoked.

**5.6.** That the shortfall in the Operational Environmental Services budget for 2021/22, amounting to £10,000, resulting from the withdrawal of the policy on charging for replacement refuse bins, be met from General Fund Contingency, with the shortfall in 2022/23 onwards being addressed through the budget setting process by the permanent reversal of the efficiency saving applied in 2019.

## **6. Private Water Supplies**

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

Noted:

**6.1.** That, on 10 September 2019, the Committee recommended charges to be implemented in respect of private water supplies as follows:

- Regulated Supplies – recover, whichever was the least of the following:
  - The actual costs in relation to collecting water samples, the analysis of water samples, carrying out a risk assessment and reviewing a risk assessment.
  - The Private Water Supply Nominal Island Cost.
- Type B supplies – recover, whichever was the least of the following, but to waive charges, which would otherwise apply, where the eligible person was in receipt of a means tested benefit:

- The actual costs up to the statutory maximums.
- The Private Water Supply Nominal Island Cost.

**6.2.** That, in practice, administration of the charging system referred to above was time consuming, resulting in the proposal to introduce a set fee, as detailed in Appendix 1 to the report by the Interim Executive Director of Finance, Regulatory, Marine and Transportation Services, which enabled a fair and transparent charging system, that was easy to administer and adhered to legislation.

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

**6.3.** That the charges for regulating private water supplies, attached as Appendix 1 to this Minute, be approved.

## **7. Inter-Island Air Services**

### **Proposed Summer 2022 Timetable**

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

Noted:

**7.1.** That the inter-island air services timetable for summer 2022 was scheduled to operate from 21 February to 29 October 2022 inclusive.

**7.2.** That the Air Services Consultative Forum met on 25 August 2021 to discuss the proposed summer 2022 timetable, with no proposals being made to alter the timetable.

**7.3.** That the proposed timetable, attached as Appendix 1 to the report by the Interim Executive Director of Finance, Regulatory, Marine and Transportation Services, was consistent with that operated during summer 2021.

**7.4.** That, in advance of the Council's budget setting process for 2022/23 being concluded, any decision on the proposed timetable in respect of inter-island air services for summer 2022 would be subject to an adequate service revenue budget being established.

The Committee resolved, in terms of delegated powers:

**7.5.** That, subject to an adequate service revenue budget being established for 2022/23, the timetable in respect of inter-island air services, to be operated by Loganair Limited during summer 2022, attached as Appendix 2 to this Minute, be approved.

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

### **Proposed Summer 2022 Timetables**

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

Noted:

**8.1.** That the inter-island ferry services timetables for summer 2022 were scheduled to operate from 8 May to 27 September 2022 inclusive.

**8.2.** That draft timetables in respect of ferry services to be operated by Orkney Ferries Limited during summer 2022 were presented to the Ferry Services Consultative Forum for consideration on 25 August 2021.

**8.3.** That, on 28 October 2021, 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 for summer 2022, attached as Appendix 1 to the report by the Interim Executive Director of Finance, Regulatory, Marine and Transportation Services, remained consistent with those operated in previous years.

**8.5.** That, in advance of the Council's budget setting process for 2022/23 being concluded, any decision on the proposed Orkney Ferries' timetables for summer 2022 would be subject to an adequate service revenue budget being established.

The Committee resolved, in terms of delegated powers:

**8.6.** That, subject to an adequate service revenue budget being established for 2022/23, the timetables in respect of ferry services to be operated by Orkney Ferries Limited during summer 2022, attached as Appendix 3 to this Minute, be approved.

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

After consideration of the draft Minute of the Meeting of the Harbour Authority Sub-committee held on 26 October 2021, copies of which had been circulated, the Committee:

Resolved:

**9.1.** 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 26 October 2021 as a true record.

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

**9.2.** That the recommendation at paragraph 5.4 of the Minute of the Meeting of the Harbour Authority Sub-committee held on 26 October 2021, attached as Appendix 4 to this Minute, be approved.

## **10. Economic Development Grants**

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

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

Noted:

**10.1.** That, for financial year 2021/22, the approved budget in respect of Economic Development Grants amounted to £306,300.

**10.2.** Spending to 30 September 2021, in relation to Economic Development Grants, totalling £91,979, of which £78,035 related to grant commitments made in previous financial years and £13,944 to current year commitments.

**10.3.** That, as at 30 September 2021, the budget available for approval from the Economic Development Grants budget amounted to £198,321, as detailed in Annex A to the report by the Interim Executive Director of Finance, Regulatory, Marine and Transportation Services.

**10.4.** Grant approvals made in the period 1 April to 30 September 2021, totalling £107,979, including grants approved under delegated schemes for the same period totalling £67,979, as detailed in Annex B to the report by the Interim Executive Director of Finance, Regulatory, Marine and Transportation Services.

## **11. Orkney Ferries Limited – Financial Performance 2020/21**

Councillors David Dawson and Andrew Drever declared non-financial interests in this item, being Council-appointed Directors on the Board of Orkney Ferries Limited, but concluded that their interest did not preclude their involvement in the discussion.

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 Interim Executive Director of Finance, Regulatory, Marine and Transportation Services, copies of which had been circulated, the Committee:

Scrutinised the revenue budget and management accounting information for 2020/21 in respect of Orkney Ferries Limited, attached as Annex 1 to the report by the Interim Executive Director of Finance, Regulatory, Marine and Transportation Services, and obtained assurance.

## **12. Conclusion of Meeting**

At 13:24 the Chair declared the meeting concluded.

Signed: Graham L Sinclair.