

Minute

Development and Infrastructure Committee

Tuesday, 8 September 2020, 10:30.

Microsoft Teams.



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 and Duncan A Tullock.

Councillors Alexander G Cowie, John A R Scott and Owen Tierney, who had been invited for Item 2.

Clerk

- Hazel Flett, Senior Committees Officer.

In Attendance

- John W Mundell, Interim Chief Executive (for Items 1 to 6).
- Gavin Barr, Executive Director of Development and Infrastructure.
- James Buck, Head of Marine Services, Transport and Harbour Master.
- Darren Richardson, Head of Infrastructure and Strategic Projects (for Items 1 to 6).
- Roddy Mackay, Head of Planning, Development and Regulatory Services.
- Colin Kemp, Corporate Finance Senior Manager.
- Karen Bevilacqua, Solicitor.
- Stuart Allison, Economic Development Manager (for Items 3 to 12).
- Lorna Richardson, Strategic Policy and Projects Manager (for Items 2 to 6).
- Susan Shearer, Planning Manager (Development and Marine Planning) (for Items 1 to 8).
- James Green, Senior Policy Planner (Development and Marine Planning) (for Items 1 to 8).
- Michael Harvey, Policy Planner (Development and Marine Planning) (for Items 1, 2, 6 and 7).
- Angela Kingston, Committees Officer.

Observing

- Jamie Macvie, Planning Manager (Development Management) (for Items 1 and 2).
- Kenneth Roy, Road Support Manager (for Items 1 to 6).
- Anna Whelan, Strategy Manager (for Items 2 to 10).
- John Wrigley, Roads and Environmental Services Manager (for Items 2 to 12).

- David Hartley, Communications Team Leader (for Items 1 to 6).
- Zana Bayley, Burial Grounds Officer (for Items 5 and 6).
- Lorraine Stout, Press Officer (for Items 7 to 12).

Apology

- Councillor Barbara Foulkes (who had been invited for Item 2).

Declarations of Interest

- Councillor Robin W Crichton – Item 11.
- Councillor David Dawson – Item 11.
- Councillor Rachael A King – Item 11.
- Councillor Graham L Sinclair – 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 Annex B of Item 11, 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. Independent Review of Planning Service

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

Noted:

2.1. That, in Spring 2020, following feedback received from stakeholders regarding aspects associated with planning services, the Interim Chief Executive commissioned an independent review of the Planning Service, which was undertaken by Jim Birrell.

2.2. That Mr Birrell was a highly experienced planning professional with significant senior experience as a Scottish Local Authority planner, who also advised and represented national professional agencies, including Heads of Planning Scotland.

2.3. That Mr Birrell established a method of interview and document review research, which included involvement of staff within the Planning Team, a sample of internal and external developer stakeholders and Elected Members.

2.4. Mr Birrell's final report, attached as Appendix 1 to the joint report by the Chief Executive and the Executive Director of Development and Infrastructure, which, after his broad assessment, concluded that the Planning Service was a high performing service, providing good outputs and examples of good practice, and identified a number of improvement areas which were recommended to further improve that position.

2.5. The Management Improvement Action Plan, attached as Appendix 2 to the joint report by the Chief Executive and the Executive Director of Development and Infrastructure, which had been developed to respond to the recommendations of Mr Birrell's report.

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

2.6. That the report commissioned in respect of the independent review of the Planning Service, attached as Appendix 1 to this Minute, be endorsed.

2.7. That the Executive Director of Development and Infrastructure should provide regular updates, through the Planning and Regulatory Services Consultative Group, on delivery of the Management Improvement Action Plan, referred to at paragraph 2.5 above.

3. Revenue Expenditure Outturn

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:

3.1. The revenue expenditure outturn statement in respect of Development and Infrastructure for financial year 2019/20, attached as Annex 1 to the joint report by the Executive Director of Development and Infrastructure and the Head of Finance, which indicated an overspend of £108,300.

The Committee scrutinised:

3.2. The explanations given and actions proposed in respect of significant budget variances, as outlined in the Budget Action Plan, attached as Annex 2 to the joint report by the Executive Director of Development and Infrastructure and the Head of Finance, and obtained assurance that action was being taken with regard to significant budget variances.

4. 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:

4.1. 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 June 2020, attached as Annex 1 to the joint report by the Executive Director of Development and Infrastructure and the Head of Finance, which indicated a budget overspend position of £385,900.

4.2. 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 June 2020, attached as Annex 2 to the joint report by the Executive Director of Development and Infrastructure and the Head of Finance.

The Committee scrutinised:

4.3. 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, and obtained assurance that action was being taken with regard to significant budget variances.

5. Road Asset Replacement Programme – Outturn

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:

5.1. The summary outturn position of expenditure incurred for financial year 2019/20 in respect of the Road Asset Replacement Programme, as detailed in section 4.1 of the report by the Head of Finance, which indicated an underspend of £109,912 as at 31 March 2020, against an approved budget of £1,398,000.

The Committee scrutinised:

5.2. The detailed analysis of expenditure figures and programme updates against the approved programme, attached as Appendix 1 to the report by the Head of Finance, and obtained assurance with regard to significant budget variances and progress made with delivery of the approved Road Asset Replacement Programme.

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, on 12 November 2019, the Development and Infrastructure Committee noted that, as a result of proposed management actions arising from an internal audit report on memorial safety works within burial grounds, the Burial Grounds Code of Practice should be reviewed, with a final version presented to Committee in Spring 2020, including any financial implications in respect of resources to deliver the Code of Practice.

6.2. The revised Code of Practice for Burial Grounds, comprising the Code of Practice, the Burial Grounds Management Plan and the Customer Charter, attached as Appendix 1 to the report by the Executive Director of Development and Infrastructure, which placed a number of additional obligations on the Council, most notably with regard to inspection and maintenance of memorials within burial grounds.

6.3. The options appraisal, including the necessary resources to deliver the proposed revised Code of Practice, attached as Appendix 2 to the report by the Executive Director of Development and Infrastructure, with the preferred option being Option 4, namely further increased resource.

Councillor Graham L Sinclair, seconded by Councillor David Dawson, moved that:

(1) In principle, the Development and Infrastructure Committee support Option 4, namely further increased resource to enable full compliance with the recommendations arising from the internal audit report on memorial safety works within burial grounds and thereafter implementation of the revised Code of Practice.

(2) The Executive Director of Development and Infrastructure should submit a report, to the Policy and Resources Committee, setting out the financial and other implications of Option 4.

(3) Subject to the necessary funding being identified and made available to the Development and Infrastructure Service, the revised Code of Practice be adopted.

Councillor W Leslie Manson, seconded by Councillor J Harvey Johnston, moved an amendment that:

(1) The Development and Infrastructure Committee support Option 2, namely maximising use of all available Service resources.

(2) The Executive Director of Development and Infrastructure should submit a report, to the Policy and Resources Committee, setting out the financial and other implications of Option 2.

(3) Subject to the necessary funding being identified and made available to the Development and Infrastructure Service, the revised Code of Practice be adopted.

(4) The Executive Director of Development and Infrastructure should review arrangements implemented as a result of adopting Option 2 no later than September 2022.

The result of a recorded vote was as follows:

For the Amendment:

Councillors J Harvey Johnston, W Leslie Manson and James W Stockan (3).

For the Motion:

Councillors Norman R Craigie, Robin W Crichton, David Dawson, Andrew Drever, Rachael A King, Stephen Sankey, Graham L Sinclair and Duncan A Tullock (8).

The motion was therefore carried and the Committee thereafter resolved to **recommend to the Council:**

6.4. That, in principle, the Development and Infrastructure Committee supported Option 4, namely further increased resource to enable full compliance with the recommendations arising from the internal audit report on memorial safety works within burial grounds and thereafter implementation of the revised Code of Practice.

6.5. That the Executive Director of Development and Infrastructure should submit a report, to the Policy and Resources Committee, setting out the financial and other implications of Option 4.

6.6. That, subject to the necessary funding being identified and made available to the Development and Infrastructure Service, the revised Code of Practice, attached as Appendix 2 to this Minute, be adopted.

7. Kirkwall Walliwall (K5) Development Brief

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 and Marine Planning), the Committee:

Noted:

7.1. That site K5, Kirkwall Walliwall, was designated as housing allocation in the Orkney Local Development Plan 2017, with further detail for the allocation noted in Supplementary Guidance: Settlement Statements.

7.2. That Supplementary Guidance: Settlement Statements stated a requirement to complete a Development Brief for the allocation referred to above.

7.3. The draft Kirkwall Walliwall (K5) Development Brief, attached as Appendix 1 to the report by the Executive Director of Development and Infrastructure, which had been developed to consider further development of the allocated land, and in conjunction with key stakeholders, to ensure the overall development concept was achievable.

7.4. That, once approved, the Kirkwall Walliwall (K5) Development Brief would have status as a material consideration in planning decision making.

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

7.5. That the Kirkwall Walliwall (K5) Development Brief, attached as Appendix 3 to this Minute, be approved as Development Management Guidance.

8. Orkney Harbours Masterplan Phase 1

Planning Policy Advice

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 Senior Policy Planner (Development and Marine Planning), the Committee:

Noted:

8.1. That, in April 2019, the Council agreed that public consultation be undertaken on the draft Orkney Harbours Masterplan Phase 1.

8.2. That public consultation, including with stakeholders and industry, had been undertaken in respect of the draft Orkney Harbours Masterplan Phase 1.

8.3. The Consultation Report, attached as Appendix 1 to the report by the Executive Director of Development and Infrastructure, which recorded the steps taken to ensure full and proper consultation was undertaken, the comments raised by members of the public and stakeholders and the response by the Executive Director of Development and Infrastructure to those comments.

8.4. That, on 16 April 2020, the Council approved the Orkney Harbours Masterplan Phase 1, attached as Appendix 2 to the report by the Executive Director of Development and Infrastructure.

8.5. That, once approved as Planning Policy Advice, the Masterplan, referred to at paragraph 8.4 above, would have status as a significant material consideration in planning and works licence decision making.

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

8.6. That the Orkney Harbours Masterplan Phase 1, referred to at paragraph 8.4 above, be approved as Planning Policy Advice.

Councillor Rachael A King left the meeting during discussion of this item.

9. Harbour Authority Sub-committee

After consideration of the draft Minute of the Meeting of the Harbour Authority Sub-committee held on 25 August 2020, 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 25 August 2020 as a true record.

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

9.2. That the recommendation at paragraph 7.5 of the Minute of the Meeting of the Harbour Authority Sub-committee held on 25 August 2020, attached as Appendix 4 to this Minute, be approved.

10. Orkney Islands Economic Review

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

Noted:

10.1. That, in October 2019, the Our Islands Our Future/Constitutional Reform Programme Board identified a need to commission some economic analysis and modelling to support a number of prospective development projects, foremost among which was the Islands Deal.

10.2. That the Fraser of Allander Institute was commissioned to conduct the review and delivered their draft report, entitled Orkney Islands Economic Review, on 30 March 2020.

10.3. That the draft report was subsequently amended at no further cost in order to take account of the likely impact on Orkney's economy of the COVID-19 pandemic.

10.4. The final report, Orkney Islands Economic Review, attached as Appendix 1 to the joint report by the Chief Executive and the Executive Director of Development and Infrastructure, which would provide an important background resource to ongoing project development work, including the Islands Deal and the COVID-19 Recovery response.

Councillor Andrew Drever left the meeting during discussion of this item.

11. Economic Development Grants

Budget Outturn 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.

Councillor Graham L Sinclair declared a non-financial interest in this item, in that a family member 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:

11.1. That, during financial year 2019/20, new spending commitments of £495,800 were approved which, relative to the revised Economic Development Grants budget of £495,800 including the capability to over-commit by 5%, resulted in a zero uncommitted amount for the year, as detailed in Annex A to the report by the Executive Director of Development and Infrastructure.

11.2. That the level of outstanding spending commitments held in the Economic Development Grants Fund, as at 31 March 2020, decreased by £36,750 to £1,083,251.

11.3. Grant and non-grant approvals made in the period 1 April 2019 to 31 March 2020, totalling £495,800, including grants approved under delegated schemes for the same period, totalling £384,286, as detailed in Annex B to the report by the Executive Director of Development and Infrastructure.

12. Conclusion of Meeting

At 15:15 the Chair declared the meeting concluded.

Signed: Graham L Sinclair.