

Minute

Policy and Resources Committee

Thursday, 30 November 2023, 09:30.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Councillors James W Stockan, Heather N Woodbridge, Graham A Bevan, Stephen G Clackson, Alexander G Cowie, David Dawson, P Lindsay Hall, Steven B Heddle, Rachael A King, Kristopher D Leask, W Leslie Manson, James R Moar, John A R Scott, Gwenda M Shearer, Gillian Skuse, Jean E Stevenson, Ivan A Taylor, Mellissa-Louise Thomson, Owen Tierney and Duncan A Tullock.

Clerk

- Hazel Flett, Service Manager (Governance).

In Attendance

- Oliver D Reid, Chief Executive.
- Karen Greaves, Corporate Director for Strategy, Performance and Business Solutions.
- Hayley Green, Corporate Director for Neighbourhood Services and Infrastructure.
- James Wylie, Corporate Director for Education, Leisure and Housing.
- Gavin Mitchell, Head of Legal and Governance.
- Peter Diamond, Head of Education.
- Andrew Groundwater, Head of Human Resources and Organisational Development.
- Sweyn Johnston, Head of Enterprise and Economic Growth (for Items 2 to 9).
- Erik Knight, Head of Finance.
- Kenny MacPherson, Head of Property, Asset Management and Facilities (for Items 1 to 5).
- Garry Burton, Service Manager (Leisure and Culture) (for Items 1 to 7).
- Inga Burton, Service Manager (Sustainable Regeneration and Arctic) (for Items 6 to 9).
- Rosemary Colsell, Service Manager (Procurement) (for Items 1 and 2).
- Shona Croy, Strategic Adviser and Project Director (Renewables and Connectivity) (for Items 2 to 5).
- Donna-Claire Hunter, Service Manager (Safety and Resilience) (for Items 1 to 4).
- Jane Partridge, Service Manager (Secondary and Tertiary) (for Items 6 to 13).
- Craig Walker, Service Manager (Human Resources Operations) (for Items 6 to 13).
- Christie Hartley, Team Manager (Sustainable Tourism) (for Items 4 to 6).

Observing

- Alex Rodwell, Head of Improvement and Performance (for Item 1).
- Michael Harvey, Senior Projects Officer, Sustrans Scotland (for Items 6 and 7).
- Ewan Kennedy, Graduate Trainee (Digital Engagement and Enterprise) (for Items 2 to 5).

Apology

- Councillor Raymond S Peace.

Declarations of Interest

- Councillor Graham A Bevan – Item 11.
- Councillor Steven B Heddle – Item 11.
- Councillor Rachael A King – Item 11.

Chair

- Councillor James W Stockan.

1. Strategy, Performance and Business Solutions

Directorate Delivery Plan and Risk Register

After consideration of a report by the Corporate Director for Strategy, Performance and Business Solutions, copies of which had been circulated, the Committee:

Noted:

1.1. That there would no longer be a requirement to produce a separate Improvement and Performance Annual Report, given that all relevant actions and milestones were set out in the Council Plan Delivery Plan and the Strategy, Performance and Business Solutions Directorate Delivery Plan, which would be reported to the Policy and Resources Committee for scrutiny.

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

1.2. That the Directorate Delivery Plan for Strategy, Performance and Business Solutions for 2023 to 2028 and associated Risk Register, attached as Appendices 1 and 2 respectively to this Minute, be approved.

The Committee scrutinised:

1.3. The Improvement and Performance Annual Report for 2022/23, attached as Annex 3 to the report by the Corporate Director for Strategy, Performance and Business Solutions, and obtained assurance.

2. Procurement Strategy

After consideration of a report by the Corporate Director for Strategy, Performance and Business Solutions, together with an Equality Impact Assessment, copies of which had been circulated, and after hearing a report from the Service Manager (Procurement), the Committee:

Noted:

2.1. That public consultation in respect of the revised Procurement Strategy had been completed, with the outcome detailed in Appendix 1 to the report by the Corporate Director for Strategy, Performance and Business Solutions.

2.2. That the revised Procurement Strategy, attached as Appendix 2 to the report by the Corporate Director for Strategy, Performance and Business Solutions, had been updated in response to the public consultation.

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

2.3. That the revised Procurement Strategy, incorporating revised targets, attached as Appendix 3 to this Minute, be approved.

3. Fire Safety Policy

After consideration of a report by the Corporate Director for Neighbourhood Services and Infrastructure, together with an Equality Impact Assessment, copies of which had been circulated, and after hearing a report from the Service Manager (Safety and Resilience), the Committee:

Noted:

3.1. That the Fire Safety Policy, last revised in November 2018, had been amended to ensure continued compliance with fire safety guidance and best practice and to reflect structural changes within the Council since the last revision.

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

3.2. That the Fire Safety Policy, attached as Appendix 4 to this Minute, be approved.

4. Proposed Establishment of Safety Advisory Group

After consideration of a report by the Corporate Director for Neighbourhood Services and Infrastructure, copies of which had been circulated, and after hearing a report from the Head of Property, Asset Management and Facilities, the Committee:

Noted:

4.1. That, following a review into the effectiveness of planning arrangements for public events across Scotland, Police Scotland recommended that a multi-agency group be formed to explore opportunities for future convergence of licensing and risk assessment activities for public events and that the group consider opportunities to promote use of a Safety Advisory Group across all local authority areas in Scotland.

4.2. That the Convention of Scottish Local Authorities promoted use of a Safety Advisory Group process across all local authority areas in Scotland, which would provide a multi-agency approach towards ensuring that the organisers of events planned and executed those in a manner that was consistent and safe both for participants and for members of the public, with the intention of upholding appropriate standards of public safety and to assist in the protection of the community's interests.

4.3. That the UK Government had published the draft Terrorism (Protection of Premises) Bill, which was intended to improve public safety, enhance national security and reduce the risk to the public from terrorism by the protection of public premises and events and, if confirmed into legislation, would place responsibility on the owners of public premises and organisers of certain public events to have measures in place in relation to Counter Terrorism security.

4.4. That Orkney hosted many high interest events each year and occasionally hosted large, specialised events, with the Council having an excellent track record in facilitating a co-ordinated approach to public safety, on a case-by-case basis.

4.5. That, whilst the approach outlined above aligned closely to the purpose and objectives of a Safety Advisory Group, at present in the strictest terms, Orkney did not have a Safety Advisory Group.

4.6. That a Safety Advisory Group, which was normally chaired by a senior officer within the local authority, was not a statutory requirement, had no legal powers or duties and was not empowered to approve or prohibit events from taking place.

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

4.7. That a Safety Advisory Group be established.

5. Project Gigabit Procurement

After consideration of a report by the Corporate Director for Enterprise and Sustainable Regeneration, copies of which had been circulated, and after hearing a report from the Strategic Advisor and Project Director (Renewables and Connectivity), the Committee:

Noted:

5.1. That Project Gigabit funded by the UK Government and run by Building Digital UK, on behalf of the Department for Science, Innovation and Technology, was launched in England in March 2021 and was aimed at delivering gigabit capable broadband to the final 20% of the population.

5.2. That the main part of Project Gigabit was funding towards the procurement of contracts to develop gigabit capable broadband infrastructure in a number of identified areas around the country.

5.3. That, to date, although Project Gigabit had only been running in England, the Department for Science, Innovation and Technology was about to launch the same project in Scotland, with the Scottish Government running the scheme.

5.4. That the UK Government had laid down very tight parameters to ensure that Project Gigabit was run exactly the same in Scotland as it had been run in England.

5.5. That, in early March 2023, the Scottish Government carried out market engagement to gauge the level of potential interest in Project Gigabit in Scotland and better understand suppliers' planned commercial build, and thereafter publish information on the number and location of eligible properties, with a view to commence live procurement in late 2023.

5.6. That the Scottish Government would offer three different contracts, as follows:

- Type A Contracts: smaller contracts within a defined area through a mini competition under a dynamic purchasing system.
- Type B contracts for larger geographic areas that were each subject to a procurement exercise.
- In addition to Type A and Type B contracts, there would also be a Cross Regional Framework which was to be known as Type C.

5.7. That, following a period of market engagement, the Scottish Government believed there was sufficient market interest to progress a Type A contract covering eligible properties in Orkney and Shetland, and was seeking support from both Shetland Islands Council and Orkney Islands Council.

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

5.8. That the Council support the Scottish Government's proposal to issue a Type A contract covering the Northern Isles as part of Project Gigabit.

Councillor Stephen G Clackson left the meeting during discussion of this item and Councillor Steven B Heddle left the meeting at this point.

6. Orkney Responsible Tourism Management

After consideration of a report by the Corporate Director for Enterprise and Sustainable Regeneration, copies of which had been circulated, and after hearing a report from the Head of Enterprise and Economic Growth, the Committee:

Noted:

6.1. That sustainable tourism was a key growth sector for Scotland and one of the most important drivers of the Orkney economy, with an estimated 320,300 visitors to the islands in 2022, generating more than £87M in expenditure.

6.2. That, following a pause due to the COVID-19 pandemic, tourism's growth trajectory had resumed, with cruise visitor numbers, in particular, increasing beyond pre-pandemic levels.

6.3. That, although a vision for Orkney as a world-class sustainable destination was set out in the Orkney Tourism Strategy, launched in 2020 by the Destination Orkney Strategic Partnership, the pandemic and other emerging influences had prompted the Partnership to review the Strategy in 2022, placing greater emphasis on responsible and sustainable tourism.

6.4. The Glasgow Declaration, attached as Appendix 3 to the report by the Corporate Director for Enterprise and Sustainable Regeneration, which was created to secure strong actions and commitment from the tourism sector prior to COP26, held in Glasgow in November 2021, and beyond, to cut tourism emissions over the next decade and reach Net Zero emissions as soon as possible before 2050.

6.5. That a range of challenges had been identified in relation to the responsible management and sustainable development of tourism in Orkney, including significant staff and financial resource issues, as detailed in section 4 of the report by the Corporate Director for Enterprise and Sustainable Regeneration.

6.6. That the Council managed and maintained significant infrastructure and services that were essential to the success of the tourism sector, as set out in section 5 of the report by the Corporate Director for Enterprise and Sustainable Regeneration.

6.7. That the growth of tourism in recent years, combined with serious fiscal challenges, had exacerbated the adverse impacts of the issues referenced at paragraph 6.5 above, exerting increasing pressure on Council infrastructure and services.

6.8. A number of significant stakeholder concerns which would require immediate action to address, most notably toilet provision in the Brodgar area.

6.9. Opportunities for the Council to generate revenue through tourism to address challenges and stakeholder concerns and relieve pressure on the Council infrastructure and services that supported tourism.

Councillor Steven B Heddle rejoined the meeting at this point.

Councillor Rachael A King, seconded by Councillor P Lindsay Hall, moved that:

- The principle of seeking to derive direct revenue to the Council from tourism to support the responsible management and sustainable development of tourism, particularly through investment in appropriate staff resource, infrastructure and services, be supported.
- When developing tourism strategies and visitor management plans, the Council should pursue the goal of decarbonised sustainable tourism, as outlined in the Glasgow Declaration.
- Where practical, the Council should seek to align with the principles of the Glasgow Declaration in all of its work on tourism and in particular pursuit of decarbonisation, regeneration and collaboration.
- In particular, the Council commit to the long term goal of “uniting all stakeholders in transforming tourism to deliver effective climate action” as stated in the Glasgow Declaration.
- The Corporate Director for Enterprise and Sustainable Regeneration should commission an Orkney Islands Council Visitor Management Plan to:
 - Identify interventions which would relieve tourism pressures on supporting Council infrastructure and services and, in turn, improve the visitor experience and community wellbeing.

- Consider opportunities for the Council to generate revenue from tourism to support its responsible management and sustainable development.
- Align with the vision and objectives of the Orkney Tourism Strategy 2020-2030 and complement the Council's Strategic Tourism Infrastructure Development Plan (currently in draft).
- Provision of up to £185,000 be made from the Council's Crown Estate Fund in respect of the following:
 - Recruitment of appropriate additional staff resource.
 - Development of the Orkney Islands Council Visitor Management Plan referred to above.
- The Council should seek to install and operate temporary toilets at the Ring of Brodgar car park for a three-year period, to be funded from a further provision of up to £95,000 from the Council's Crown Estate Fund.

Councillor W Leslie Manson, seconded by Councillor Kristopher D Leask, moved an amendment that:

- The principle of seeking to derive direct revenue to the Council from tourism to support the responsible management and sustainable development of tourism, particularly through investment in appropriate staff resource, infrastructure and services, be supported.
- When developing tourism strategies and visitor management plans, the Council should pursue the goal of decarbonised sustainable tourism, as outlined in the Glasgow Declaration.
- Where practical, the Council should seek to align with the principles of the Glasgow Declaration in all of its work on tourism and in particular pursuit of decarbonisation, regeneration and collaboration.
- In particular, the Council commit to the long term goal of "uniting all stakeholders in transforming tourism to deliver effective climate action" as stated in the Glasgow Declaration.
- The Corporate Director for Enterprise and Sustainable Regeneration should commission an Orkney Islands Council Visitor Management Plan to:
 - Identify interventions which would relieve tourism pressures on supporting Council infrastructure and services and, in turn, improve the visitor experience and community wellbeing.
 - Consider opportunities for the Council to generate revenue from tourism to support its responsible management and sustainable development.
 - Align with the vision and objectives of the Orkney Tourism Strategy 2020-2030 and complement the Council's Strategic Tourism Infrastructure Development Plan (currently in draft).
- Provision of up to £185,000 be made from the Council's Crown Estate Fund in respect of the following:
 - Recruitment of appropriate additional staff resource.
 - Development of the Orkney Islands Council Visitor Management Plan referred to above.

- The provision of toilet facilities within the Heart of Neolithic Orkney World Heritage Site be further considered by the Development and Infrastructure Committee no later than March 2024.

The result of a recorded vote was as follows:

For the Amendment:

Councillors Alexander G Cowie, Steven B Heddle, Kristopher D Leask, W Leslie Manson, John A R Scott, Gillian Skuse, James W Stockan, Ivan A Taylor, Duncan A Tullock and Heather N Woodbridge (10).

For the Motion:

Councillors Graham A Bevan, David Dawson, P Lindsay Hall, Rachael A King, James R Moar, Gwenda M Shearer, Jean E Stevenson, Mellissa-Louise Thomson and Owen Tierney (9).

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

6.10. That the principle of seeking to derive direct revenue to the Council from tourism to support the responsible management and sustainable development of tourism, particularly through investment in appropriate staff resource, infrastructure and services, be supported.

6.11. That, when developing tourism strategies and visitor management plans, the Council should pursue the goal of decarbonised sustainable tourism, as outlined in the Glasgow Declaration.

6.12. That, where practical, the Council should seek to align with the principles of the Glasgow Declaration in all of its work on tourism and in particular pursuit of decarbonisation, regeneration and collaboration.

6.13. That, in particular, the Council commit to the long term goal of “uniting all stakeholders in transforming tourism to deliver effective climate action” as stated in the Glasgow Declaration.

6.14. That the Corporate Director for Enterprise and Sustainable Regeneration should commission an Orkney Islands Council Visitor Management Plan to:

- Identify interventions which would relieve tourism pressures on supporting Council infrastructure and services and, in turn, improve the visitor experience and community wellbeing.
- Consider opportunities for the Council to generate revenue from tourism to support its responsible management and sustainable development.
- Align with the vision and objectives of the Orkney Tourism Strategy 2020-2030 and complement the Council’s Strategic Tourism Infrastructure Development Plan (currently in draft).

6.15. That a provision of up to £185,000 be made from the Council's Crown Estate Fund in respect of the following:

- Recruitment of appropriate additional staff resource.
- Development of the Orkney Islands Council Visitor Management Plan, referred to at paragraph 6.14 above.

6.16. That the provision of toilet facilities within the Heart of Neolithic Orkney World Heritage Site be further considered by the Development and Infrastructure Committee no later than March 2024.

The Committee noted:

6.17. That, should the recommendation at paragraph 6.15 above be approved, the Corporate Director for Enterprise and Sustainable Regeneration, in consultation with the Head of Finance, would determine the specific source of the allocation of Crown Estate monies, based on the advice set out in section 14 of the report by the Corporate Director for Enterprise and Sustainable Regeneration.

7. Weyland Bay Coastal Path – Stage 2 Capital Project Appraisal

After consideration of a report by the Corporate Director for Education, Leisure and Housing, copies of which had been circulated, and after hearing a report from the Service Manager (Leisure and Culture), the Committee:

Noted:

7.1. That, on 15 November 2023, when considering a Stage 1 Capital Project Appraisal in respect of the provision of a new walking and cycling path at Weyland Bay, the Education, Leisure and Housing Committee recommended:

- That, as an exception to the Capital Project Appraisal process, in order to maximise time limited external funding, the Corporate Director for Education, Leisure and Housing, should submit, to the Policy and Resources Committee, a Stage 2 Capital Project Appraisal in respect of the proposed development of a walking and cycling path through the Weyland Bay green space.

7.2. That an application would be submitted to Transport Scotland's Active Travel Transformation Fund in respect of the proposed walking and cycling path through the Weyland Bay green space.

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

7.3. That, subject to the successful outcome of the grant funding application to Transport Scotland's Active Travel Transformation Fund, the Stage 2 Capital Project Appraisal in respect of the proposed walking and cycling path at Weyland Bay, attached as Appendix 5 to this Minute, be approved.

7.4. That, as an exception to the Capital Project Appraisal process, in order to maximise time limited external funding, the proposed walking and cycling path at Weyland Bay be added to the capital programme for 2023/24 onwards, at an estimated gross capital cost of £285,000, funded as follows:

- Transport Scotland's Active Travel Transformation Fund – £200,000.
- Footpaths, Core Paths and Cycleway Improvements Fund – £85,000.

8. Exclusion of Public

On the motion of Councillor James W Stockan, seconded by Councillor Heather N Woodbridge, the Committee resolved that the public be excluded for the remainder of the meeting, as the business to be considered involved the 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.

9. Islands Growth Deal

Under section 50A(4) of the Local Government (Scotland) Act 1973, the public had been excluded from the meeting for this item on the grounds that it involved the disclosure of exempt information as defined in paragraphs 4 and 6 of Part 1 of Schedule 7A of the Act.

After consideration of a report by the Corporate Director for Enterprise and Sustainable Regeneration, copies of which had been circulated, and after hearing a report from the Service Manager (Sustainable Regeneration and Arctic), the Committee:

Resolved to **recommend to the Council:**

9.1. That the Council continue to fund its equal share of the Islands Growth Deal Programme Management Office costs for the 10-year period of the Islands Growth Deal on the following basis:

- Both Shetland Islands Council and Comhairle nan Eilean Siar continuing to fund their share.
- The Islands Growth Deal Programme Management Office continuing to be agreed through the Islands Growth Deal Joint Programme Board and Joint Committee.

9.2. That, for financial year 2024/25 and the following eight financial years, the Council's share of the Islands Growth Deal Programme Management Office costs, totalling £900,000, comprising an annual allocation of up to £100,000, be made available from the Strategic Reserve Fund.

9.3. That the Islands Growth Deal budget should be set annually, including any agreed funding provided from the Strategic Reserve Fund, and reported through the normal budget monitoring processes, to the Policy and Resources Committee.

9.4. That any subsequent requests for additional funding, including the longer-term financial implications, where relevant, should be reported through regular updates to the Policy and Resources Committee in respect of the Islands Growth Deal.

9.5. That powers be delegated to the Corporate Director for Enterprise and Sustainable Regeneration, in consultation with the Leader and the Chair of the Development and Infrastructure Committee, as the Council's representatives on the Islands Growth Deal Joint Committee, to determine the Council's position and propose and pursue changes to Islands Growth Deal projects to improve deliverability of projects and reduce risks.

9.6. That powers be delegated to the Corporate Director for Enterprise and Sustainable Regeneration, in consultation with the Leader and the Chair of Development and Infrastructure Committee, to develop and deliver a comprehensive PR strategy in order to inform the Orkney public of the progress and benefits of the Islands Growth Deal.

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.

Councillor Stephen G Clackson rejoined the meeting during discussion of this item and Councillor Kristopher D Leask left the meeting at this point.

10. Support for Learning – Additional Funding

Under section 50A(4) of the Local Government (Scotland) Act 1973, the public had been excluded from the meeting for this item on the grounds that it involved the disclosure of exempt information as defined in paragraphs 1 and 11 of Part 1 of Schedule 7A of the Act.

After consideration of a report by the Corporate Director for Education, Leisure and Housing, copies of which had been circulated, and after hearing a report from the Head of Education, the Committee:

Noted:

10.1. That, on 15 November 2023, when considering the current funding position in respect of Support for Learning, the Education, Leisure and Housing Committee recommended:

- That the Corporate Director for Education, Leisure and Housing should submit a report, to the Policy and Resources Committee, requesting additional funding in respect of the provision of Support for Learning until the end of the current financial year.
- That a base line service provision increase in respect of support for learning be considered as part of the budget setting process for financial year 2024/25.

10.2. That, given the cost pressures faced by the Council, consideration of in year budgetary increases was challenging and no immediate source of funding was available to underwrite the costs for the current financial year outlined above.

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

10.3. That the shortfall in funding in respect of Support for Learning for the current financial year 2023/24, be met from General Fund Reserves.

10.4. That an increase in the base line budget, in respect of support for learning, be considered as part of the budget setting process for financial year 2024/25.

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.

11. National Bargaining for College Academic Staff

Councillor Graham A Bevan declared an interest in this item, his connection being that a close family member was employed at UHI Orkney, and was not present during discussion thereof.

Councillor Steven B Heddle declared an interest in this item, his connection being that his wife was the Director of the Institute for Northern Studies and that he was a visiting professor for UHI, and was not present during discussion thereof.

Councillor Rachael A King declared an interest in this item, her connection being that a close family member was employed at UHI Orkney, and was not present during discussion thereof.

Under section 50A(4) of the Local Government (Scotland) Act 1973, the public had been excluded from the meeting for this item on the grounds that it involved the disclosure of exempt information as defined in paragraphs 1 and 11 of Part 1 of Schedule 7A of the Act.

After consideration of a joint report by the Corporate Director for Education, Leisure and Housing and the Corporate Director for Strategy, Performance and Business Solutions, copies of which had been circulated, and after hearing a report from the Service Manager (Secondary and Tertiary), the Committee:

Resolved to **recommend to the Council** what action should be taken with regard to National Bargaining for College academic staff, including Appendices 6 to 8 (pages 1521 to 1545) of this Minute.

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.

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12. Conclusion of Meeting

At 15:32 the Chair declared the meeting concluded.

Signed: