

## Minute

### Special General Meeting of the Council

Thursday, 16 April 2020, 10:30.

Microsoft Teams.



### Present

Councillors J Harvey Johnston, Stephen G Clackson, Alexander G Cowie, Norman R Craigie, Robin W Crichton, David Dawson, Andrew Drever, Barbara Foulkes, Steven B Heddle, Rachael A King, W Leslie Manson, John T Richards, Stephen Sankey, John A R Scott, Gwenda M Shearer, Graham L Sinclair, James W Stockan, Owen Tierney and Duncan A Tullock.

### Clerk

- John W Mundell, Interim Chief Executive.

### In Attendance

- Gavin Barr, Executive Director of Development and Infrastructure.
- Gillian Morrison, Executive Director of Corporate Services.
- Sally Shaw, Chief Officer/Executive Director, Orkney Health and Care.
- James Wylie, Executive Director of Education, Leisure and Housing.
- Gareth Waterson, Head of Finance.
- Andrew Groundwater, Head of HR and Performance.
- Gavin Mitchell, Head of Legal Services.
- Hazel Flett, Senior Committees Officer.

### Observing

- Shona Croy, Strategic Adviser (Renewables and Connectivity).
- Maureen Spence, Democratic Services Manager.
- Jackie Thomson, Development and Regeneration Manager.
- Stuart Allison, Economic Development Manager.
- Claire Kemp, Business Gateway Manager.
- David Hartley, Communications Team Leader.
- Kirsty Groundwater, Project Officer (Communications and Engagement).

### Apologies

- Councillor Magnus O Thomson.
- Councillor Kevin F Woodbridge.

## **Declarations of Interest**

- Councillor Stephen G Clackson – Item 3.
- Councillor Robin W Crichton – Item 4.
- Councillor Stephen Sankey – Item 4.

## **Chair**

- Councillor J Harvey Johnston, Convener.

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

The Council noted the proposal that the public be excluded from the meeting for consideration of Appendix 1 of Item 4, 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. Community Resilience Fund**

After consideration of a report by the Chief Executive, together with an Equality Impact Assessment, copies of which had been circulated, the Council:

Noted:

**2.1.** That the Council had been notified of an award of £350,000 from the Barnett consequential from the UK Government's Hardship Fund.

**2.2.** That the Hardship Fund allocation may be used by the Council as it chose.

**2.3.** The community groups that the Hardship Fund was intended to support, as noted in section 3.2 of the report by the Chief Executive.

**2.4.** The proposal to establish an Orkney Islands Council Community Resilience Fund and invite applications from local voluntary, charitable and not for profit organisations that were carrying out support work in the community to assist vulnerable people, to be administered by Democratic Services in liaison with HIE Orkney.

The Council resolved:

**2.5.** That an Orkney Islands Council Community Resilience Fund be established.

**2.6.** That an initial allocation of £150,000 be made to the Orkney Islands Council Community Resilience Fund from the Council's allocation of funding from the Barnett consequential of the UK Government's Hardship Fund.

**2.7.** That the Community Resilience Fund Application Form and Guidance Notes and Criteria, attached as Appendices 1 and 2 to this Minute, be approved.

**2.8.** That the Orkney Islands Council Community Resilience Fund be opened to applications from 16 April 2020.

### **3. Food Fund Allocation**

Councillor Stephen G Clackson declared a financial interest in this item, in that he and his family could potentially benefit from the proposal to receive financial assistance through the Food Fund allocation, and took no part in the discussion.

After consideration of a report by the Chief Executive, together with an Equality Impact Assessment, copies of which had been circulated, and after hearing a report from the Head of Finance, the Council:

Noted:

**3.1.** That the Council would be receiving an allocation of £99,000 from the Government's £30 million Food Fund allocation to support families whose children were eligible for free school meals and individuals and households who were vulnerable for other reasons.

**3.2.** That the affordability of food in the Isles had been raised as an issue with Elected Members and Council officers.

**3.3.** That feedback from island communities was that a satisfactory supply of food to the Isles' shops was currently being maintained.

**3.4.** That Government advice was to stay at home and do not travel unless for food, health purposes or essential work.

**3.5.** That travel to the Orkney Mainland by Isles' residents for food shopping was being discouraged as non-essential travel.

**3.6.** That there were approximately 2,900 residents on the islands who were travel restricted as a result of the Coronavirus pandemic.

**3.7.** That the Council was lobbying Government, through the Convention of Scottish Local Authorities, for additional funding to alleviate food insecurity in the Isles.

The Council resolved:

**3.8.** To allocate £5 per head per week for travel restricted Isles' residents for an initial period of four weeks, from 20 April 2020, to be met from the £99,000 allocation the Council would receive from the Government Food Fund.

**3.9.** That Community Councils be engaged to determine the allocations per household on the Isles and the consequent distribution of aggregate payments by the Council to the Isles' shops.

### **4. Local Business Hardship Assistance**

Councillor Robin W Crichton declared a non-financial interest in this item, in that he was providing managerial support to Orkney Auction Mart Ltd, a company which could potentially benefit from the proposals to assist local businesses, but concluded that his interest did not preclude his involvement in the discussion.

Councillor Stephen Sankey declared a financial interest in this item, in that his company could potentially benefit from proposals to assist local businesses, and took no part in the discussion.

After consideration of a joint report by the Chief Executive, the Head of Finance and the Executive Director of Development and Infrastructure, together with an Equality Impact Assessment, copies of which had been circulated, the Council:

Noted:

**4.1.** That, although a wide range of support mechanisms were available to businesses, as a result of Coronavirus restrictions, some businesses had not been able to access any support, leading to relatively immediate pressure and risk of business failure across Orkney.

**4.2.** That the Council was administering the Coronavirus Business Support grant scheme on behalf of the Scottish Government.

**4.3.** That the Scottish Government had estimated that there were 990 businesses in Orkney that were eligible for a Coronavirus Business Support grant, with total expected awards of £10,590,000.

**4.4.** That the Council had processed or paid a total of 264 Scottish Government Coronavirus Business Support applications, amounting to a total of £3,060,000.

**4.5.** That there had been calls made for the Council to provide cash flow loans to local businesses and that the option of a commercial loan facility was currently being explored, which would be reported to a future meeting of the Council with a proposed loan fund of £3,000,000 on top of the grant scheme, subject to appropriate checks.

**4.6.** The very recently announced changes to the Scottish Government Coronavirus Business Support grant scheme, as set out in sections 5.6 and 5.7 of the joint report by the Chief Executive, the Head of Finance and the Executive Director of Development and Infrastructure, whereby the Scottish Government had intimated it would be increasing overall grant funding.

**4.7.** The proposed package of business support measures:

- Coronavirus Business Hardship Support Fund – £2,000,000.
- Business Loan Fund – £3,000,000.

The Council **suspended Standing Orders** in order that consideration could be given to proposals that additional allocations of various amounts be made available from the Strategic Reserve Fund, to create an Orkney Islands Council Business Loan Fund, which were contradictory to a previous decision of the Council taken on 3 March 2020 in respect of the level of allocation to be made from the Strategic Reserve Fund in financial year 2020 to 2021.

Councillor Robin W Crichton, seconded by Councillor J Harvey Johnston, moved that:

- The Council establish a Coronavirus Business Hardship Support Fund, with an opening balance of £2,000,000, comprising the following allocations:
  - Crown Estate revenue funding – £576,000.
  - Renewables, Redevelopment and Regeneration Fund – £1,424,000.
- Applications to the Coronavirus Business Hardship Support Fund be administered by the Economic Development Service through Business Gateway.
- Applications be accepted from businesses that were ineligible for a Coronavirus Business Support grant.
- Grants from the Coronavirus Business Hardship Support Fund be initially restricted to:
  - £5,000 per applicant for businesses employing 1 to 5 full time equivalent employees.
  - £10,000 per applicant for businesses employing 6 to 10 full time equivalent employees.
  - £15,000 per applicant for businesses employing 11 or more full time equivalent employees.
- The grant scheme be entirely discretionary with no absolute entitlement to any grant award.
- Powers be delegated to the Chief Executive, in consultation with the Leader, Depute Leader and Chair of the Development and Infrastructure Committee, to finalise an application form and scheme guidelines for the Coronavirus Business Hardship Support Fund.
- An allocation of £3,000,000 be made available from the Strategic Reserve Fund to create an Orkney Islands Council Business Loan Fund.
- The Chief Executive should arrange for the detail and operation of the Orkney Islands Council Business Loan Fund to be further developed and thereafter submit a report to the Council in due course.
- The Business and Economy Response and Recovery Group should continue to monitor the ongoing impact of Coronavirus on the Orkney business community and work with the business community to establish a long-term economic recovery plan.

Councillor W Leslie Manson, seconded by Councillor John T Richards, moved an amendment that:

- The Council establish a Coronavirus Response Fund, to be used for Business Hardship Support Grants and Business Loans, with an opening balance of £5,000,000, comprising the following allocations:
  - Crown Estate revenue funding – £576,000.
  - Renewables, Redevelopment and Regeneration Fund – £1,424,000.
  - Strategic Reserve Fund – £3,000,000.
- Applications for Business Hardship Support Grants be administered by the Economic Development Service through Business Gateway.

- Applications be accepted from businesses that were ineligible for a Coronavirus Business Support grant.
- Grants from the Coronavirus Response Fund be initially restricted to:
  - £5,000 per applicant for businesses employing 1 to 5 full time equivalent employees.
  - £10,000 per applicant for businesses employing 6 to 10 full time equivalent employees.
  - £15,000 per applicant for businesses employing 11 or more full time equivalent employees.
- The grant scheme be entirely discretionary with no absolute entitlement to any grant award.
- Powers be delegated to the Chief Executive, in consultation with the Leader, Depute Leader and Chair of the Development and Infrastructure Committee, to finalise an application form and scheme guidelines for the grant scheme element of the Coronavirus Response Fund.
- The Chief Executive should arrange for the detail and operation of the Business Loan element of the Coronavirus Response Fund to be further developed and thereafter submit a report to the Council in due course.
- The scale, scope and effectiveness of the Coronavirus Response Fund be continuously reviewed, with the Chief Executive arranging for a report to be submitted to Council in due course.
- The Business and Economy Response and Recovery Group should continue to monitor the ongoing impact of Coronavirus on the Orkney business community and work with the business community to establish a long-term economic recovery plan.
- The Chief Executive, in conjunction with the Head of Finance, should arrange for a further report to be submitted to Council on the details of revisions to the investment strategy for the Strategic Reserve Fund to take account of these proposals.

The result of a recorded vote was as follows:

For the Amendment:

Councillors Stephen G Clackson, Alexander G Cowie, Norman R Craigie, David Dawson, Andrew Drever, Barbara Foulkes, Steven B Heddle, Rachael A King, W Leslie Manson, John T Richards, John A R Scott, Gwenda M Shearer, Graham L Sinclair, James W Stockan, Owen Tierney and Duncan A Tullock (16).

For the Motion:

Councillors Robin W Crichton and J Harvey Johnston (2).

The amendment was therefore carried and became the motion.

Councillor David Dawson, seconded by Councillor Stephen G Clackson, moved a further amendment, notice of which had been given, that:

- The Council establish a Coronavirus Response Fund, to be used for Business Hardship Support Grants and Business Loans, with an opening balance of £7,000,000, comprising the following allocations:
  - Crown Estate revenue funding – £576,000.
  - Renewables, Redevelopment and Regeneration Fund – £1,424,000.
  - Strategic Reserve Fund – £5,000,000.
- Applications for Business Hardship Support Grants be administered by the Economic Development Service through Business Gateway.
- Applications be accepted from businesses that were ineligible for a Coronavirus Business Support grant.
- Grants from the Coronavirus Response Fund be initially restricted to:
  - £5,000 per applicant for businesses employing 1 to 5 full time equivalent employees.
  - £10,000 per applicant for businesses employing 6 to 10 full time equivalent employees.
  - £15,000 per applicant for businesses employing 11 or more full time equivalent employees.
- The grant scheme be entirely discretionary with no absolute entitlement to any grant award.
- Powers be delegated to the Chief Executive, in consultation with the Leader, Depute Leader and Chair of the Development and Infrastructure Committee, to finalise an application form and scheme guidelines for the grant scheme element of the Coronavirus Response Fund.
- The Chief Executive should arrange for the detail and operation of the Business Loan element of the Coronavirus Response Fund to be further developed and thereafter submit a report to the Council in due course.
- The scale, scope and effectiveness of the Coronavirus Response Fund be continuously reviewed, with the Chief Executive arranging for a report to be submitted to Council in due course.
- The Business and Economy Response and Recovery Group should continue to monitor the ongoing impact of Coronavirus on the Orkney business community and work with the business community to establish a long-term economic recovery plan.
- The Chief Executive, in conjunction with the Head of Finance, should arrange for a further report to be submitted to Council on the details of revisions to the investment strategy for the Strategic Reserve Fund to take account of these proposals.

The result of a recorded vote was as follows:

For the Amendment:

Councillors Stephen G Clackson, David Dawson and Owen Tierney (3).

For the Motion:

Councillors Alexander G Cowie, Norman R Craigie, Robin W Crichton, Andrew Drever, Barbara Foulkes, Steven B Heddle, J Harvey Johnston, Rachael A King, W Leslie Manson, John T Richards, John A R Scott, Gwenda M Shearer, Graham L Sinclair, James W Stockan and Duncan A Tullock (15).

The motion was therefore carried.

The Council resolved:

**4.8.** To establish a Coronavirus Response Fund, to be used for Business Hardship Support Grants and Business Loans, with an opening balance of £5,000,000, comprising the following allocations:

- Crown Estate revenue funding – £576,000.
- Renewables, Redevelopment and Regeneration Fund – £1,424,000.
- Strategic Reserve Fund – £3,000,000.

**4.9.** That applications for Business Hardship Support Grants be administered by the Economic Development Service through Business Gateway.

**4.10.** That applications be accepted from businesses that were ineligible for a Coronavirus Business Support grant.

**4.11.** That grants from the Coronavirus Response Fund be initially restricted to:

- £5,000 per applicant for businesses employing 1 to 5 full time equivalent employees.
- £10,000 per applicant for businesses employing 6 to 10 full time equivalent employees.
- £15,000 per applicant for businesses employing 11 or more full time equivalent employees.

**4.12.** That the grant scheme be entirely discretionary with no absolute entitlement to any grant award.

**4.13.** That powers be delegated to the Chief Executive, in consultation with the Leader, Depute Leader and Chair of the Development and Infrastructure Committee, to finalise an application form and scheme guidelines for the grant scheme element of the Coronavirus Response Fund.

**4.14.** That the Chief Executive should arrange for the detail and operation of the Business Loan element of the Coronavirus Response Fund to be further developed and thereafter submit a report to the Council in due course.

**4.15.** That the scale, scope and effectiveness of the Coronavirus Response Fund be continuously reviewed, with the Chief Executive arranging for a report to be submitted to Council in due course.

**4.16.** That the Business and Economy Response and Recovery Group should continue to monitor the ongoing impact of Coronavirus on the Orkney business community and work with the business community to establish a long-term economic recovery plan.



**4.17.** That the Chief Executive, in conjunction with the Head of Finance, should arrange for a further report to be submitted to Council on the details of revisions to the investment strategy for the Strategic Reserve Fund to take account of the proposals outlined above.

## **5. Special Leave for Caring for Dependents**

After consideration of a joint report by the Chief Executive and the Executive Director of Corporate Services, together with an Equality Impact Assessment, copies of which had been circulated, and after hearing a report from the Head of HR and Performance, the Council:

Noted:

**5.1.** Current policy whereby leave for childcare or caring responsibilities would normally be taken as annual leave or unpaid leave.

**5.2.** That the sudden closure of schools with minimal notice, coupled with the public health advice as part of the Coronavirus response, had left some parents with no viable childcare options.

**5.3.** That the Chief Executive had exercised emergency powers to grant paid special leave to those employees unable to attend work due to caring responsibilities while they had to carry out such responsibilities, with such leave granted on the basis that all other reasonable options had been exhausted, including:

- Working from home if possible.
- Exploring if caring responsibilities could be shared with someone in their household.
- Making alternative working arrangements with their manager to fit in childcare or caring for a dependent with work, for example change of hours, role or location.
- Accessing key worker childcare if they were eligible.

The Council resolved:

**5.4.** That the temporary policy position in respect of special paid leave for staff with caring responsibilities for dependents, referred to at paragraph 5.3 above, be homologated.

**5.5.** That powers be delegated to the Chief Executive to withdraw the temporary policy position, referred to at paragraph 5.4 above, when the circumstances of the present Coronavirus emergency allowed, namely when there were changes to the current social distancing restrictions that would allow normal caring arrangements to resume.

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

After consideration of the draft Minute of the Meeting of the Harbour Authority Sub-committee held on 17 March 2020, copies of which had been circulated, the Council:

Resolved:

**6.1.** 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 17 March 2020 as a true record.

Councillor Stephen Sankey referred to the recommendation of the Sub-committee relating to approval of the Orkney Harbours Masterplan Phase 1 as a strategic plan for the Statutory Harbour Authority and, seconded by Councillor John A R Scott, moved an amendment that approval of the Masterplan be referred back to the Harbour Authority Sub-committee for further consideration, with all elected members being invited to attend the meeting.

The result of a recorded vote was as follows:

For the Amendment:

Councillors Stephen G Clackson, Steven B Heddle, Stephen Sankey, John A R Scott and Owen Tierney (5).

For the recommendations contained in the Minute:

Councillors Alexander G Cowie, Norman R Craigie, Robin W Crichton, David Dawson, Andrew Drever, Barbara Foulkes, J Harvey Johnston, Rachael A King, W Leslie Manson, John T Richards, Gwenda M Shearer, Graham L Sinclair, James W Stockan and Duncan A Tullock (14).

The Council thereafter resolved:

**6.2.** That the recommendations at paragraphs 1.8 and 1.9 of the Minute of the Meeting of the Harbour Authority Sub-committee held on 17 March 2020, attached as Appendix 3 to this Minute, be approved, namely:

**6.2.1.** That the Orkney Harbours Masterplan Phase 1 be approved as a strategic plan for the Statutory Harbour Authority.

**6.2.3.** That, subject to the draft revenue budget for Miscellaneous Piers and Harbours for financial year 2020 to 2021 being approved, the Executive Director of Development and Infrastructure should arrange for initial feasibility studies to be carried out during summer/early autumn 2020, or as soon as possible thereafter, at a cost not exceeding £150,000.

## **7. Conclusion of Meeting**

At 13:50 the Convener declared the meeting concluded.

Signed: Harvey Johnston.