

Minute

Development and Infrastructure Committee

Tuesday, 7 February 2023, 09:30.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Councillors David Dawson, Gillian Skuse, Graham A Bevan, P Lindsay Hall, Kristopher D Leask, W Leslie Manson, Raymond S Peace, James W Stockan, Mellissa-Louise Thomson, Owen Tierney, Duncan A Tullock and Heather N Woodbridge.

Clerk

- Angela Kingston, Committees Officer.

In Attendance

- Oliver Reid, Chief Executive.
- Gareth Waterson, Corporate Director for Enterprise and Sustainable Regeneration.
- Hayley Green, Corporate Director for Neighbourhood Services and Infrastructure.
- Roddy Mackay, Head of Planning and Community Protection (for Items 1 to 9).
- Lorna Richardson, Head of Neighbourhood Services.
- Stuart Allison, Service Manager (Enterprise) (for Items 8 to 12).
- Laura Cromarty, Service Manager (Transportation) (for Items 1 to 8).
- Nick Long, Service Manager (Environmental Health) (for Items 1 to 9).
- Shonagh Merriman, Service Manager (Corporate Finance).
- Susan Shearer, Service Manager (Development and Marine Planning) (for Items 1 to 6).
- Karen Bevilacqua, Solicitor.

Observing

- Sweyn Johnston, Head of Enterprise and Economic Growth (for Items 9 to 14).
- Stuart Bevan, Solicitor.

Declaration of Interest

- Councillor David Dawson – Item 6.

Chair

- Councillor David Dawson.

1. Disclosure of Exempt Information

The Committee noted the proposal that the public be excluded from the meeting for consideration of Item 13, 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. Revenue Expenditure Monitoring

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

Noted:

2.1. 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 31 December 2022, attached as Annex 1 to the report by the Head of Finance, which indicated a budget overspend position of £948,100.

2.2. 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 31 December 2022, attached as Annex 2 to the report by the Head of Finance.

The Committee scrutinised:

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

3. 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, and after hearing a report from the Service Manager (Corporate Finance), the Committee:

Noted:

3.1. The summary position of expenditure incurred, as at 31 December 2022, against the approved Road Asset Replacement Programme and the Roads Revenue Maintenance Programme for 2022/23, as detailed in section 4.1 of the report by the Head of Finance.

The Committee scrutinised:

3.2. 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.

4. Civil Aviation Authority – Inspection of Council Airfields

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 (Transportation), the Committee:

Noted:

4.1. That, following its biennial inspection of Council airfields, which took place between 13 and 15 September 2022, the Civil Aviation Authority (CAA) issued the Aerodrome Audit Report, attached as Appendix 1 to the report by the Corporate Director for Enterprise and Sustainable Regeneration.

4.2. That the Aerodrome Audit Report found no Level 1 non-compliance items across the six airfields but reported five Level 2 non-compliance items and eight observations.

4.3. That, on 9 December 2022, officers met with the CAA inspectors to provide an update on progress with addressing the observations referred to above, which were summarised in Appendix 2 to the report by the Corporate Director for Enterprise and Sustainable Regeneration.

The Committee scrutinised:

4.4. The outcome of the CAA Inspection of Council airfields, together with the status of the actions and observations, attached as Appendices 1 and 2 respectively to the report by the Corporate Director for Enterprise and Sustainable Regeneration, and obtained assurance that action had been agreed or taken where necessary.

5. Local Transport Strategy

After consideration of a report by the Corporate Director for Enterprise and Sustainable Regeneration, together with an Equality Impact Assessment and an Island Communities Impact Assessment, copies of which had been circulated, and after hearing a report from the Service Manager (Transportation), the Committee:

Noted:

5.1. That the existing Local Transport Strategy, which was published in 2007, was now out of date, with some significant developments since it was produced, particularly the COVID-19 pandemic, Brexit and the declaration of a global and local climate emergency.

5.2. That, during 2022/23, consultants were appointed to update the existing Local Transport Strategy, utilising funding from the Scottish Government's Smarter Choices, Smarter Places initiative.

5.3. That the revised Local Transport Strategy had been aligned with the National and Regional Transport Strategies, which were recently updated by Scottish Government and HiTRANS, the regional transport partnership.

5.4. That, as part of the review process, the consultants carried out stakeholder engagement and collaborative working, including community dialogue from the Orkney Matters meetings and the Community Planning Partnership delivery groups on connectivity and community wellbeing.

5.5. That, should the Local Transport Strategy, attached as Appendix 1 to the report by the Corporate Director for Enterprise and Sustainable Regeneration, be approved, further consideration would be required regarding investment in resources, both human and financial, in order to meet the short, medium and long-term goals outlined in the Delivery Plan.

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

5.6. That approval of the Orkney Local Transport Strategy 2022-2042 be deferred, to enable officers to undertake further consultation with Elected Members, the public and industry, following which, subject to national political considerations, the Strategy be reconsidered by the Development and Infrastructure Committee, at the November 2023 cycle of meetings.

Councillor Gillian Skuse joined the meeting during discussion of this item.

6. Footpath, Core Path and Cycleway Improvements

Councillor David Dawson declared an interest in this item, his connection being that he was a member of HiTRANS, and was not present during discussion thereof.

Councillor Gillian Skuse, Vice Chair, took the Chair for this item.

Signed: David Dawson.

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 Planning and Community Protection, the Committee:

Noted:

6.1. That, on 21 December 2021, when considering the allocation of one-off funding towards a series of projects considered to provide excellent recovery prospects from the COVID-19 pandemic, the Policy and Resources Committee recommended the allocation of funding to a series of recovery projects, which included a one-off allocation of £500,000 towards footpath, core path and cycleway improvements.

6.2. That, with an embedded Sustrans Officer in the Council, it was anticipated that the one-off allocation could be utilised to lever in significant additional sums of funding to further invest in the core path and cycle path networks in Orkney.

6.3. That, in July 2018, when considering the Sustainable Transport Project Development Plan, the Council approved a project list as the basis of a three-year programme for potential applications to the Community Links Programme, operated by Sustrans.

6.4. That, in May 2019, the Council approved an updated project list as part of the Sustainable Transport Project Development Plan, which would continue to be used as the basis for the remainder of the three-year programme for potential applications to the Community Links Programme.

6.5. That officers had considered options for utilising the one-off allocation, referred to at paragraph 6.1 above, and had developed a draft project list, attached as Appendix 1 to the report by the Corporate Director for Neighbourhood Services and Infrastructure, which included infrastructure projects detailed in the Sustainable Transport Project Development Plan but not yet completed.

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

6.6. That, subject to availability of resources, the following allocations be made from the COVID-19 recovery allocation referred to at paragraph 6.1 above:

- £5,000 to enable completion of School Travel Plans.
- £100,000 to provide a match funding source for constituted community groups to enable development of active travel and access related projects.
- £50,000 to provide for future maintenance obligations, and to assist with repair and renewal of active travel and access routes.

6.7. That powers be delegated to the Corporate Director for Neighbourhood Services and Infrastructure to authorise spend from the allocations detailed at paragraph 6.6 above.

6.8. That, subject to availability of resources, the Corporate Director for Neighbourhood Services and Infrastructure should arrange for feasibility studies to be undertaken in respect of the following projects, to determine the associated costs and whether they were eligible for funding and achievable for delivery, to be funded from the COVID-19 recovery allocation referred to at paragraph 6.1 above:

- Core Paths – Grading and Review.
- Core Path K14 – Wideford Farm, Kirkwall (Inganess to Scapa).
- Faravel Active Travel Route and Open Spaces, Stromness.
- Ferry Road, Stromness – Active Travel and Public Realm Improvements.
- Crantit Trail Active Travel Route, Kirkwall.
- Kirkwall West Green Wedge – active travel links between the Peedie Sea, Glaitness School, the Pickaquoy Centre and housing developments.
- Weyland Footpath project, Kirkwall.

6.9. That, subject to the outcome of the feasibility studies referred to at paragraph 6.8 above, the Corporate Director for Neighbourhood Services and Infrastructure should submit reports, to the Development and Infrastructure Committee, regarding the details and costs of the proposed projects, together with any external funding sources which were available to contribute towards project costs.

Councillor James W Stockan left the meeting during discussion of this item.

Signed: Gillian Skuse.

7. Inter-Island Air Services

Proposed Winter 2023/24 Timetable

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 (Transportation), the Committee:

Noted:

7.1. That the inter-island air services timetable for winter 2023/24 was scheduled to operate from 29 October 2023 to 18 February 2024 inclusive.

7.2. That the draft timetable in respect of air services to be operated by Loganair Limited during winter 2023/24 was presented to the Air Services Consultative Forum for consideration on 17 January 2023, with the main comments and representations from transport representatives outlined in section 4 of the report by the Corporate Director for Enterprise and Sustainable Regeneration.

7.3. The proposed timetable, attached as Appendix 1 to the report by the Corporate Director for Enterprise and Sustainable Regeneration, which was mainly consistent with that operated in previous years, and included the following amendments:

- Sanday/Stromsøy flights on a Friday afternoon and Monday morning swapped to accommodate a teacher returning to their home isle.
- Eday Friday morning flight during the winter timetable to provide an early morning link to the mainland.

7.4. That, in advance of the Council's budget setting process for 2023/24 being concluded, any decision on the proposed timetable in respect of inter-island air services 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 for 2023/24 being established, the timetable in respect of inter-island air services, to be operated by Loganair Limited during winter 2023/24, attached as Appendix 1 to this Minute, be approved.

8. Inter-Island Ferry Services

Proposed Winter 2023/24 Timetables

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 (Transportation), the Committee:

Noted:

8.1. That the inter-island ferry services timetables for winter 2023/24 were scheduled to operate from 25 September 2023 to 4 May 2024 inclusive.

8.2. That draft timetables in respect of ferry services to be operated by Orkney Ferries Limited during winter 2023/24 were presented to the Ferry Services Consultative Forum for consideration on 17 January 2023, with the main comments and representations outlined in section 4 of the report by the Corporate Director for Enterprise and Sustainable Regeneration.

8.3. That, on 2 February 2023, 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, with the exception of the refit timetable for the Outer North Isles.

8.4. That the proposed timetables for winter 2023/24, attached as Appendix 1 to the report by the Corporate Director for Enterprise and Sustainable Regeneration, were consistent with that operated during winter 2022/23.

8.5. That, in advance of the Council's budget setting process for 2023/24 being concluded, any decision on the proposed Orkney Ferries' timetables for winter 2023/24 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 2023/24, the timetables, to be operated by Orkney Ferries Limited during winter 2023/24, attached as Appendix 2 to this Minute, be approved.

8.7. That powers be delegated to the Corporate Director for Enterprise and Sustainable Regeneration, in consultation with the Ferry Services Manager and the Board of Orkney Ferries Limited, to determine the winter 2023/24 refit timetable for the Outer North Isles.

9. Food Standards Scotland

Audit of Food Law Enforcement Service

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 Planning and Community Protection, the Committee:

Noted:

9.1. That the Council was a food law authority and had duties and powers, as a regulator, in relation to the enforcement of food law.

9.2. That Food Standards Scotland was responsible for the audit of local authorities to monitor performance and promote best practice amongst local authorities in connection with food law enforcement.

9.3. That, in September 2022, the Council was notified that it had been selected for an audit to verify and validate its implementation of the Food Law Code of Practice (Scotland) 2019.

9.4. Food Standards Scotland's audit report in respect of the Council's food law enforcement service, attached as Appendix 1 to the report by the Corporate Director for Neighbourhood Services and Infrastructure, which assigned limited assurance.

9.5. That officers in the Environmental Health Service had developed an Action Plan in response to the recommendations arising from the audit of the Council's food law enforcement service, which had been submitted to, and agreed by, Food Standards Scotland.

The Committee scrutinised:

9.6. Food Standards Scotland's audit report in respect of the Council's food law enforcement service, attached as Appendix 1 to the report by the Corporate Director for Neighbourhood Services and Infrastructure, and obtained assurance that action was being taken in respect of the recommendations arising from the audit.

Councillor James W Stockan rejoined the meeting during discussion of this item.

10. Economic Development Grants

Budget Monitoring Statement and Delegated Approvals

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 (Enterprise), the Committee:

Noted:

10.1. That, for financial year 2022/23, the approved budget in respect of Economic Development Grants amounted to £306,300.

10.2. Spending to 31 December 2022, in relation to Economic Development Grants, totalling £182,198, of which £105,264 related to grant commitments made in previous financial years and £76,934 to current year commitments.

10.3. That, as at 31 December 2022, the budget available for approval from the Economic Development Grants budget amounted to £59,311, as detailed in Annex A to the report by the Corporate Director for Enterprise and Sustainable Regeneration.

10.4. Grant approvals made in the period 1 April to 31 December 2022, totalling £246,989, which included grants approved under delegated schemes for the same period, totalling £123,319, as detailed in Annex B to the report by the Corporate Director for Enterprise and Sustainable Regeneration.

11. Exclusion of the Public

On the motion of Councillor David Dawson, seconded by Councillor Duncan A Tullock, 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 Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 as amended.

12. Economic Development Grants

Budget Monitoring Statement and Delegated Approvals

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 paragraph 4 of Part 1 of Schedule 7A of the Act.

After hearing representations from Councillor Gillian Skuse in relation to Annex B to the report by the Corporate Director for Enterprise and Sustainable Regeneration, referred to at paragraph 10 above, the Committee:

Noted that, as an allocation of grant monies had been made in respect of a graduate placement to a business which was no longer in operation, with payments being made on receipt of evidence of salary, no further payments would be made.

13. Harbour Authority Sub-committee

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 paragraph 9 of Part 1 of Schedule 7A of the Act.

After consideration of the draft Minute of the Meeting of the Harbour Authority Sub-committee held on 24 January 2023, copies of which had been circulated, the Committee:

Resolved:

13.1. On the motion of Councillor David Dawson, seconded by Councillor Gillian Skuse, to approve the Minute of the Meeting of the Harbour Authority Sub-committee held on 24 January 2023, attached as Appendix 3 to this Minute, as a true record.

Proposed Harbour Charges

After consideration of the recommendations of the Harbour Authority Sub-committee relating to proposed harbours charges for 2023/24, the Committee:

Resolved to **recommend to the Council:**

13.2. That the Orkney Islands Council Harbour Authority Schedule of Charges, attached as Appendix 4 to this Minute, be approved, to take effect from 1 April 2023.

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.

14. Conclusion of Meeting

At 11:55 the Chair declared the meeting concluded.

Signed: David Dawson.