

Minute

General Meeting of the Council

Wednesday, 3 May 2023, 10:30.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Councillors 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, Raymond S Peace, John A R Scott, Gwenda M Shearer, Gillian Skuse, Jean E Stevenson, James W Stockan, Ivan A Taylor, Mellissa-Louise Thomson, Owen Tierney, Duncan A Tullock and Heather N Woodbridge.

Clerk

- Gavin Mitchell, Head of Legal and Governance.

In Attendance

- Oliver D Reid, Chief Executive.
- Stephen Brown, Chief Officer, Orkney Health and Social Care Partnership.
- Hayley Green, Corporate Director for Neighbourhood Services and Infrastructure.
- Gareth Waterson, Corporate Director for Enterprise and Sustainable Regeneration.
- James Wylie, Corporate Director for Education, Leisure and Housing.
- Andrew Groundwater, Head of Human Resources and Organisational Development (for Items 1 to 12).
- Sweyn Johnston, Head of Enterprise and Economic Growth.
- Inga Burton, Programme Manager Islands Deal.
- Hazel Flett, Service Manager (Governance).

Observing

- Kirsty Groundwater, Communications Team Leader.

Declarations of Interest

- No declarations of interest were intimated.

Chair

- Councillor Graham A Bevan, Convener.

1. Disclosure of Exempt Information

The Council noted the proposal that the public be excluded from the meeting for consideration of Item 13, 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. General Meeting of the Council

Minute of Meeting held on 7 March 2023

On the motion of Councillor Graham A Bevan, seconded by Councillor James W Stockan, the Council resolved to approve the Minute of the General Meeting of the Council held on 7 March 2023 as a true record.

3. Planning Committee

Minute of Meeting held on 8 March 2023

On the motion of Councillor Owen Tierney, seconded by Councillor Kristopher D Leask, the Council resolved to approve the Minute of the Meeting of the Planning Committee held on 8 March 2023 as a true record.

4. Licensing Committee

Minute of Meeting held on 9 March 2023

On the motion of Councillor Duncan A Tullock, seconded by Councillor Kristopher D Leask, the Council resolved to approve the Minute of the Meeting of the Licensing Committee held on 9 March 2023 as a true record.

5. Development and Infrastructure Committee

Minute of Meeting held on 28 March 2023

On the motion of Councillor David Dawson, seconded by Councillor Gillian Skuse, the Council resolved to approve the Minute of the Meeting of the Development and Infrastructure Committee held on 28 March 2023 as a true record.

The Council thereafter resolved to approve the recommendations contained in the Minute of the Meeting of the Development and Infrastructure Committee held on 28 March 2023.

6. Education, Leisure and Housing Committee

Minute of Meeting held on 29 March 2023

On the motion of Councillor Gwenda M Shearer, seconded by Councillor Jean E Stevenson, the Council resolved to approve the Minute of the Meeting of the Education, Leisure and Housing Committee held on 29 March 2023 as a true record.

The Council thereafter resolved to approve the recommendations contained in the Minute of the Meeting of the Education, Leisure and Housing Committee held on 29 March 2023.

7. Monitoring and Audit Committee

Minute of Meeting held on 30 March 2023

On the motion of Councillor Alexander G Cowie, seconded by Councillor P Lindsay Hall, the Council resolved to approve the Minute of the Meeting of the Monitoring and Audit Committee held on 30 March 2023 as a true record.

The Council thereafter resolved to approve the recommendations contained in the Minute of the Meeting of the Monitoring and Audit Committee held on 30 March 2023.

8. Local Review Body

Minute of Meeting held on 31 March 2023

On the motion of Councillor Kristopher D Leask, seconded by Councillor Duncan A Tullock, the Council resolved to approve the Minute of the Meeting of the Local Review Body held on 31 March 2023 as a true record.

9. Policy and Resources Committee

Minute of Meeting held on 18 April 2023

On the motion of Councillor James W Stockan, seconded by Councillor Heather N Woodbridge, the Council resolved to approve the Minute of the Meeting of the Policy and Resources Committee held on 18 April 2023 as a true record.

The Council thereafter resolved to approve the recommendations contained in the Minute of the Meeting of the Policy and Resources Committee held on 18 April 2023.

10. Development and Infrastructure Committee

Minute of Special Meeting held on 19 April 2023

On the motion of Councillor David Dawson, seconded by Councillor Gillian Skuse, the Council resolved to approve the Minute of the Special Meeting of the Development and Infrastructure Committee held on 19 April 2023 as a true record.

The Council thereafter resolved to approve the recommendations contained in the Minute of the Special Meeting of the Development and Infrastructure Committee held on 19 April 2023.

11. Human Resources Sub-committee

After consideration of the draft Minute of the Meeting of the Human Resources Sub-committee held on 21 March 2023, copies of which had been circulated, the Council:

Resolved:

11.1. On the motion of Councillor Heather N Woodbridge, seconded by Councillor James W Stockan, to approve the Minute of the Meeting of the Human Resources Sub-committee held on 21 March 2023 as a true record.

11.2. That the recommendation at paragraph 1.3 of the Minute of the Meeting of the Human Resources Sub-committee held on 21 March 2023, attached as Appendix 1 to this Minute, be approved.

12. Notice of Motion

The Council had for consideration the following Notice of Motion:

“Currently the Council is required under the terms of the Local Government (Scotland) Act 1973 to have three religious representatives on any committee established by the Council to discharge their responsibilities as an education authority.

In the case of Orkney Islands Council this is the Education, Leisure and Housing Committee. Section 124 of the Local Government (Scotland) Act 1973 sets out that, in the case of Orkney Islands Council, the three religious representatives shall comprise: one representative of the Church of Scotland, nominated in such manner as may be determined by the Church; and two persons, in the selection of whom, the Council is required to have regard (taking account of the representation of the Church of Scotland) to the comparative strength of all the churches and denominational bodies having duly constituted charges or other regularly appointed places of worship within Orkney.

A Scottish Government spokesperson has since clarified the Scottish Government’s interpretation of the Local Government (Scotland) Act 1973 in recent press articles where they state, “where an education authority appoints a committee to discharge their functions, the Local Government (Scotland) Act 1973 requires councils to appoint members to that committee, including religious representatives.” They go on to state “voting rights on committees are a matter for each local authority”.

Proposed Changes

In line with the above clarification statement by the Scottish Government, the following is proposed:

That the Council agrees to amend the Scheme of Administration to agree that only elected members of the Council with a mandate from the electorate should be allowed to vote on the Education, Leisure and Housing Committee.

Proposed by Councillor John Ross Scott.

Seconded by Councillor Kristopher Leask.”.

After receiving procedural advice from the Head of Legal and Governance, the Council:

Noted:

12.1. That the Notice of Motion was procedurally competent, in that:

- It was received in the requisite timeframe.
- It was signed by an Elected Member and countersigned by at least one other Elected Member.

- It was accompanied by a report from the Corporate Director for Strategy, Performance and Business Solutions on the implications of the suggested course of action contained in the Notice of Motion.

After consideration of a report by the Corporate Director for Strategy, Performance and Business Solutions, copies of which had been circulated, and after hearing a report from the Head of Legal and Governance, the Council:

Noted:

12.2. That the Chief Executive had received a Notice of Motion in relation to the voting rights of religious representatives on the Education, Leisure and Housing Committee.

12.3. That the Notice of Motion requested that the Council amend the Scheme of Administration to agree that only elected members of the Council with a mandate from the electorate should be allowed to vote on the Education, Leisure and Housing Committee.

12.4. That the main implication of the suggested course of action was that voting rights were removed from the religious representatives on the Education, Leisure and Housing Committee.

Councillor John A R Scott, seconded by Councillor Kristopher D Leask, moved the Notice of Motion.

Councillor W Leslie Manson, seconded by Councillor James W Stockan, moved an amendment that consideration of the Notice of Motion be deferred, to enable the Chief Executive to arrange for consultation to be undertaken with the current religious representatives on the Education, Leisure and Housing Committee, together with other denominational bodies entitled to nominate a representative, and thereafter submit a report, on the outcome of the consultation, to the General Meeting of the Council scheduled to be held on 4 July 2023.

The result of a recorded vote was as follows:

For the Amendment:

Councillors Graham A Bevan, Stephen G Clackson, Alexander G Cowie, David Dawson, W Leslie Manson, James R Moar, Gillian Skuse, James W Stockan and Ivan A Taylor (9).

For the Notice of Motion:

Councillors P Lindsay Hall, Steven B Heddle, Rachael A King, Kristopher D Leask, Raymond S Peace, John A R Scott, Gwenda M Shearer, Jean E Stevenson, Mellissa-Louise Thomson, Owen Tierney, Duncan A Tullock and Heather N Woodbridge (12).

The Notice of Motion was therefore carried.

The Council thereafter resolved:

12.5. That the Notice of Motion be supported and, accordingly, voting rights be removed from the religious representatives on the Education, Leisure and Housing Committee.

Councillor Rachael A King left the meeting at this point.

13. Nordic Atlantic Cooperation

On the motion of Councillor Graham A Bevan, seconded by Councillor James W Stockan, the Council 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 Corporate Director for Enterprise and Sustainable Regeneration, copies of which had been circulated, and after hearing a report from the Programme Manager Islands Deal, the Council:

Noted:

13.1. That, on 21 June 2022, when considering international engagement by the Council over the next three years, the Policy and Resources Committee recommended that the Council should continue to develop and enhance relationships with Arctic and Nordic countries to maximise the ongoing promotion of potential economic and cultural opportunities for Orkney.

13.2. That, on 23 November 2022, the Policy and Resources Committee recommended that the Council should establish a project development fund, to support Orkney based organisations to collaborate with partners/projects funded by the Nordic Atlantic Cooperation (NORA).

13.3. That the NORA Committee, comprising representatives from across the NORA region, expressed an interest in recognising the mechanisms of how the Council funding would be allocated and the relationship that existed, through development of a Memorandum of Understanding.

13.4. That the draft Memorandum of Understanding, attached as Appendix 1 to the report by the Corporate Director for Enterprise and Sustainable Regeneration, which did not create legally binding obligations on either party, had been shared with UK Government due to the international links.

13.5. That, in terms of the Memorandum of Understanding, funding for any collaborative projects would be provided on the basis that NORA would fund project partners based in the NORA region and the Council would fund Orkney based project partners.

The Council resolved:

13.6. That the Memorandum of Understanding, attached as Appendix 2 to this Minute, be approved.

13.7. That the Leader be authorised to sign the Memorandum of Understanding on behalf of the Council.

14. Conclusion of Meeting

At 11:27 the Convener declared the meeting concluded.

Signed: Graham A Bevan.