

# Minute

## General Meeting of the Council

Thursday, 10 March 2022, 14:00.

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, Duncan A Tullock and Heather N Woodbridge.

## Clerk

- Gavin Mitchell, Head of Legal Services.

## In Attendance

- John W Mundell, Interim Chief Executive.
- Stephen Brown, Chief Officer, Orkney Health and Social Care Partnership.
- Karen Greaves, Corporate Director for Strategy, Performance and Business Solutions.
- 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.
- Colin Kemp, Interim Head of Finance.
- Garry Burton, Leisure and Culture Service Manager.
- Lesley Mulraine, Service Manager (Housing, Homelessness and Schoolcare Accommodation).
- Hazel Flett, Senior Committees Officer.

## Observing

- Andrew Groundwater, Head of HR and Performance.
- Frances Troup, Head of Community Learning, Leisure and Housing
- Kirsty Groundwater, Communications Team Leader.
- Sandra Craigie, Committees Officer.
- Nathan Shepperson, Digital Communications Assistant.

## Not Present

- Councillor Magnus O Thomson.

## Declarations of Interest

- No declarations of interest were intimated.

## **Chair**

- Councillor J Harvey Johnston, Convener.

## **1. Urgent Items**

In terms of Standing Order 13.3, the Council:

Noted that the Convener had permitted discussion of the following urgent items:

- Lighting Up of St Magnus Cathedral.
- Support to Ukrainian Refugees.

## **2. Planning Committee**

### **Minute of Meeting held on 1 December 2021**

On the motion of Councillor Robin W Crichton, seconded by Councillor John A R Scott, the Council resolved to approve the Minute of the Meeting of the Planning Committee held on 1 December 2021 as a true record.

## **3. Local Review Body**

### **Minute of Meeting held on 1 December 2021**

On the motion of Councillor Robin W Crichton, seconded by Councillor John A R Scott, the Council resolved to approve the Minute of the Meeting of the Local Review Body held on 1 December 2021 as a true record.

## **4. Licensing Committee**

### **Minute of Meeting held on 2 December 2021**

On the motion of Councillor Duncan A Tullock, seconded by Councillor Barbara Foulkes, the Council resolved to approve the Minute of the Meeting of the Licensing Committee held on 2 December 2021 as a true record.

## **5. General Meeting of the Council**

### **Minute of General Meeting held on 7 December 2021**

On the motion of Councillor J Harvey Johnston, seconded by Councillor James W Stockan, the Council resolved to approve the Minute of the General Meeting of the Council held on 7 December 2021 as a true record.

## **6. Policy and Resources Committee**

### **Minute of Special Meeting held on 21 December 2021**

The Council noted that the Minute of the Special Meeting of the Policy and Resources Committee held on 21 December 2021 had already been approved and adopted at the Special General Meeting of the Council held on 23 December 2021.

## **7. Special General Meeting of the Council**

### **Minute of Special General Meeting held on 23 December 2021**

On the motion of Councillor J Harvey Johnston, seconded by Councillor James W Stockan, the Council resolved to approve the Minute of the Special General Meeting of the Council held on 23 December 2021 as a true record.

## **8. Licensing Committee**

### **Minute of Meeting held on 6 January 2022**

On the motion of Councillor Duncan A Tullock, seconded by Councillor Barbara Foulkes, the Council resolved to approve the Minute of the Meeting of the Licensing Committee held on 6 January 2022 as a true record.

## **9. Planning Committee**

### **Minute of Meeting held on 19 January 2022**

On the motion of Councillor Robin W Crichton, seconded by Councillor John A R Scott, the Council resolved to approve the Minute of the Meeting of the Planning Committee held on 19 January 2022 as a true record.

## **10. Licensing Committee**

### **Minute of Meeting held on 20 January 2022**

On the motion of Councillor Duncan A Tullock, seconded by Councillor Barbara Foulkes, the Council resolved to approve the Minute of the Meeting of the Licensing Committee held on 20 January 2022 as a true record.

## **11. Local Review Body**

### **Minute of Meeting held on 2 February 2022**

On the motion of Councillor Robin W Crichton, seconded by Councillor Duncan A Tullock, the Council resolved to approve the Minute of the Meeting of the Local Review Body held on 2 February 2022 as a true record.

## **12. Local Review Body**

### **Minute of Meeting held on 8 February 2022**

On the motion of Councillor Robin W Crichton, seconded by Councillor John A R Scott, the Council resolved to approve the Minute of the Meeting of the Local Review Body held on 8 February 2022 as a true record.

### **13. Development and Infrastructure Committee**

#### **Minute of Meeting held on 15 February 2022**

On the motion of Councillor Graham L Sinclair, seconded by Councillor Andrew Drever, the Council resolved to approve the Minute of the Meeting of the Development and Infrastructure Committee held on 15 February 2022 as a true record, with the exception of Item 7, which was moved by Councillor Andrew Drever and seconded by Councillor Duncan A Tullock.

The Council thereafter resolved to approve the recommendations contained in the Minute of the Meeting of the Development and Infrastructure Committee held on 15 February 2022.

### **14. Education, Leisure and Housing Committee**

#### **Minute of Meeting held on 16 February 2022**

On the motion of Councillor Gwenda M Shearer, seconded by Councillor Alexander G Cowie, the Council resolved to approve the Minute of the Meeting of the Education, Leisure and Housing Committee held on 16 February 2022 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 16 February 2022.

### **15. Monitoring and Audit Committee**

#### **Minute of Meeting held on 17 February 2022**

On the motion of Councillor John T Richards, seconded by Councillor David Dawson, the Council resolved to approve the Minute of the Meeting of the Monitoring and Audit Committee held on 17 February 2022 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 17 February 2022.

### **16. Policy and Resources Committee**

#### **Minute of Special Meeting held on 22 February 2022**

On the motion of Councillor James W Stockan, seconded by Councillor W Leslie Manson, the Council resolved to approve the Minute of the Special Meeting of the Policy and Resources Committee held on 22 February 2022 as a true record.

The Council thereafter resolved to approve the recommendations contained in the Minute of the Special Meeting of the Policy and Resources Committee held on 22 February 2022, including those relating to the budget and Council Tax levels for 2022/23, as follows:

**16.1.** That, as the Scottish Government's finance settlement for local government contained details for a single year budget only, the Council should also set a one year budget and, accordingly, the General Fund revenue budget for financial year 2022/23 be set at £91,260,200.

**16.2.** That powers be delegated to the Head of Finance, in consultation with the Chief Executive, to revise the General Fund revenue budget for financial year 2022/23 in respect of any change to the estimated funding level referred to at paragraph 1.1 of the Minute of the Special Meeting of the Policy and Resources Committee held on 22 February 2022.

**16.3.** That the Band D Council Tax level for financial year 2022/23 be set at £1,244.73, being an increase of 3% on the level set for financial year 2021/22.

**16.4.** That the Council's budget uprating assumptions, including a 10% uplift for the Third Sector, at an overall estimated cost across the General Fund of £142,200, as set out in Appendix 1 to the Minute of the Special Meeting of the Policy and Resources Committee held on 22 February 2022, be approved.

**16.5.** That, whilst recognising the need to balance the budget and bring spending into line with available funding, the following baseline service pressures amounting to £3,103,100, comprising £2,783,100 of recurring pressures and £320,000 of non-recurring pressures, be approved for inclusion in the revenue budget:

- Recurring pressures:
  - School and Public Bus Services – £94,500.
  - Re-opening of Flotta School – £150,000.
  - Charges for Replacement Bins – £10,000.
  - Management Restructure – Phase 1 – £1,028,600.
  - Organisational Capacity Review – £1,500,000.
- Non-recurring pressures:
  - Nursery provision – £255,000.
  - Local Government Election – £50,000.
  - Community Council Elections – £15,000.

**16.6.** That an additional financial contribution of up to £200,000 be allocated from the General Fund contingency, established when setting the revenue budget for financial year 2021/22, to the Pickaquooy Centre Trust in recognition of the impact COVID-19 had on the Trust's operations during 2021/22.

**16.7.** That powers be delegated to the Head of Finance, in consultation with the Chief Executive, to allocate any General Fund underspend from 2021/22 to the following provisions:

- To establish an Integration Joint Board Resources Fund of up to £500,000.
- Outwith Orkney Placements – to top up the fund as provision for unplanned placements outwith Orkney for individuals at risk.
- To the repayment of capital debt.

**16.8.** That application of the funding set aside in the Integration Joint Board Resources Fund, referred to at paragraph 16.7 above, be delegated to the Chief Executive, in consultation with the Head of Finance.

**16.9.** That any additional Orkney Transport grant funding received from the Scottish Government be passported through to the Transportation Service, with the contribution from the unearmarked General Fund balance adjusted accordingly.

**16.10.** That any additional funding secured that was not specific to government initiatives that must be funded, be retained in the unearmarked General Fund balance.

**16.11.** That Corporate Directors should review and increase existing charges by a minimum of 5%, from 1 April 2022, if possible, to do so, or as early as possible thereafter, with the following exceptions, where alternative arrangements were required or proposed:

- Building warrant and planning fees.
- Harbour charges.
- Ferry fares.
- Car park charges.
- Residential care and home care.
- Very sheltered housing.
- Supported accommodation.
- Licensing fees.
- Ship sanitation certification.
- Marriage / civil partnership.
- Roads inspection fees.
- Trade waste charges.
- Homelessness rents
- Selected Quarry product sales.

**16.12.** That the draw from the Strategic Reserve Fund for 2022/23 be set at £8,262,900.

**16.13.** That the draw from the unearmarked General Fund balance for 2022/23 be set at up to £2,775,100.

**16.14.** That the policies of presumption against new commitments should continue to remain in force across General Fund services, with the following conditions:

- Exceptions might be considered for new commitments which are 100% funded by external bodies – proposals involving the Council in partnership funding shall require compensatory savings to be identified.
- The Council should consider undertaking new statutory duties or any case where it was considered that statutory duties were not being fulfilled, however, such duties having financial implications should first be reported to the relevant Committees for approval.
- The Council should consider new commitments where compensatory savings could be identified – any Committee considering such recommendations should, in the first instance, seek to identify savings from within its revenue budget.

**16.15.** That powers be delegated to the Head of Finance, in consultation with the Chief Executive, to prepare and distribute a detailed budget incorporating all of the budget adjustments agreed by the Council.

## **17. Local Review Body**

### **Minute of Meeting held on 28 February 2022**

On the motion of Councillor Robin W Crichton, seconded by Councillor Duncan A Tullock, the Council resolved to approve the Minute of the Meeting of the Local Review Body held on 28 February 2022 as a true record.

## **18. Policy and Resources Committee**

### **Minute of Meeting held on 1 March 2022**

On the motion of Councillor James W Stockan, seconded by Councillor W Leslie Manson, the Council resolved to approve the Minute of the Meeting of the Policy and Resources Committee held on 1 March 2022 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 1 March 2022.

## **19. Community Development Fund Sub-committee**

### **Minute of Meeting held on 22 February 2022**

On the motion of Councillor J Harvey Johnston, seconded by Councillor James W Stockan, the Council resolved to approve the Minute of the Meeting of the Community Development Fund Sub-committee held on 22 February 2022, attached as Appendix 1 to this Minute, as a true record.

## **20. Notice of Motion**

The Council had for consideration the following Notice of Motion:

“That clause 5.3.2.2. of the Standing Orders for the Regulation of Proceeding and Business of Orkney Islands Council (as revised 6<sup>th</sup> October 2020) be changed (as shewn by the underlining)

from

“The Leader, who shall hold office until the next Local Government Election, shall ex officio be Chair of the Policy and Resources Committee, and shall, ex officio, be a Member of every Service Committee of the Council.

to

“The Leader, who shall hold office for two years and be eligible for re-election, shall ex officio be Chair of the Policy and Resources Committee, and shall, ex officio, be a Member of every Service Committee of the Council.”

Signed: Stephen G Clackson.

Countersigned by Stephen Sankey and John Ross Scott.

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

Noted:

**20.1.** 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 Chief Executive on the implications of the suggested course of action contained in the Notice of Motion.

After consideration of a report by the Chief Executive, copies of which had been circulated, and after hearing a report from the Head of Legal Services, the Council:

Noted:

**20.2.** That the Chief Executive had received a Notice of Motion in relation to the period of office of Leader as detailed in the Council's Standing Orders.

**20.3.** That the Notice of Motion requested that the Council resolve to amend the terms of Standing Order 5.3.2.2. from:

"The Leader, who shall hold office until the next Local Government Election, shall ex officio be Chair of the Policy and Resources Committee, and shall, ex officio, be a Member of every Service Committee of the Council."

to:

"The Leader, who shall hold office for two years and be eligible for re-election, shall ex officio be Chair of the Policy and Resources Committee, and shall, ex officio, be a Member of every Service Committee of the Council."

**20.4.** That the main implication of the suggested course of action was that Standing Order 5.3.2.2 would require to be amended, with the effect being that the Leader would be subject to re-election after two years, consistent with the terms of office of the Depute Leader and the Convener.

Councillor Stephen G Clackson, seconded by Councillor Stephen Sankey, moved the Notice of Motion.

Councillor Robin W Crichton, seconded by Councillor Barbara Foulkes, moved an amendment that the Notice of Motion should not be supported and, accordingly, Standing Order 5.3.2.2 should remain as follows:

"The Leader, who shall hold office until the next Local Government Election, shall ex officio be Chair of the Policy and Resources Committee, and shall, ex officio, be a Member of every Service Committee of the Council."



The result of a recorded vote was as follows:

For the Amendment:

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, Duncan A Tullock and Heather N Woodbridge (14).

For the Notice of Motion:

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

Abstention:

Councillor James W Stockan (1).

The Amendment was therefore carried.

The Council thereafter resolved:

**20.5.** That the Notice of Motion should not be supported and, accordingly, Standing Order 5.3.2.2 should remain as follows:

“The Leader, who shall hold office until the next Local Government Election, shall ex officio be Chair of the Policy and Resources Committee, and shall, ex officio, be a Member of every Service Committee of the Council.”.

## **21. Lighting Up of St Magnus Cathedral**

In terms of section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Convener permitted urgent discussion of this item in order that the Council could consider a proposal to light up St Magnus Cathedral in yellow and blue to demonstrate Orkney’s solidarity for the people of Ukraine, which was in breach of existing Council policy.

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 Leisure and Culture Service Manager, the Council:

Noted:

**21.1.** That, in July 2019, the Council approved a policy for lighting up St Magnus Cathedral for special events and charitable campaigns, as detailed in section 3.2 of the report by the Corporate Director for Education, Leisure and Housing.

**21.2.** That national and international buildings had recently been lit up to show humanitarian support for the people of Ukraine.

**21.3.** The proposal, following enquiries from the general public and the local media, to light up St Magnus Cathedral to demonstrate Orkney’s solidarity with the people of Ukraine.

**21.4.** That the proposal, detailed at paragraph 21.3 above, was in breach of a number of the conditions of the policy for lighting up St Magnus Cathedral for special events and charitable campaigns.

The Council resolved:

**21.5.** That the existing policy for lighting up St Magnus Cathedral be suspended to allow St Magnus Cathedral to be lit up in yellow and blue over a period of three nights to demonstrate Orkney's solidarity with the people of Ukraine.

**21.6.** That the Corporate Director for Education, Leisure and Housing should undertake a review of the policy for lighting up St Magnus Cathedral, to include consideration of additions relating to humanitarian grounds, and thereafter submit a report to the Council no later than September 2022.

## **22. Support to Ukrainian Refugees**

In terms of section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Convener permitted urgent discussion of this item in order that the Council could consider what action to take with regard to accepting Ukrainian refugees, if required.

After consideration of a report by the Corporate Director for Education, Leisure and Housing, together with an Equality Impact Assessment, copies of which had been circulated, and after hearing a report from the Service Manager (Housing, Homelessness and Schoolcare Accommodation), the Council:

Noted:

**22.1.** That, on 6 March 2022, the UK Government announced the Ukraine Family Scheme and the Local Sponsorship Scheme for Ukraine.

**22.2.** That no detail had been given on the numbers of refugees from Ukraine who were likely to seek assistance in the UK at this time.

**22.3.** That the Council participated in the Syrian Resettlement Scheme between 2017 and 2021, which was extremely resource intensive.

**22.4.** That, in October 2021, the Council agreed to participate in the Afghan Resettlement Scheme, by seeking two properties from the private sector to house Afghan households.

**22.5.** That there was currently extremely high pressure on housing in Orkney and challenges for the Council in meeting its statutory duties in relation to homelessness.

**22.6.** Options for participating in the Ukraine Family Scheme and/or Local Sponsorship Scheme for Ukraine, as detailed in section 7 of the report by the Corporate Director for Education, Leisure and Housing, with the preferred option being Option 3, namely that the Council should seek to identify two private sector properties which could be leased directly to Ukrainian households, under a private residential tenancy, as this would not impact on those who were homeless or otherwise on the waiting list.

On the motion of Councillor Robin W Crichton, seconded by Councillor John T Richards, the Council resolved:

**22.7.** To participate in the UK Government's Ukraine Family Scheme and/or Local Sponsorship Scheme for Ukraine but should emphasise the challenges and therefore engage in the resettlement process as follows:

- A minimum of two properties be sought from the private rented sector to house Ukrainian households.
- In the event that no suitable properties were obtained from the private rented sector, the Council, working where possible in partnership with Orkney Housing Association Ltd, should seek to re-house two Ukrainian households.
- That the remit of the multi-agency operational group already established to undertake the relevant preparatory work to support the Afghan Resettlement Scheme should be extended to encompass the Ukraine Family Scheme and/or Local Sponsorship Scheme for Ukraine.
- Subject to funding being made available by the UK Government or, if necessary in the short term, financial support being provided through existing Council budgetary provisions.

### **23. Conclusion of Meeting**

At 15:47 the Convener declared the meeting concluded.

Signed: Harvey Johnston.