

Minute

Development and Infrastructure Committee

Tuesday, 14 November 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 and Duncan A Tullock.

Councillor Jean E Stevenson, who had been invited for Item 2.

Present via remote link (Microsoft Teams)

Councillor Heather N Woodbridge.

Clerk

- Hazel Flett, Service Manager (Governance).

In Attendance

- Gareth Waterson, Corporate Director for Enterprise and Sustainable Regeneration.
- Roddy Mackay, Head of Planning and Community Protection (for Items 1 to 10).
- Kenny MacPherson, Head of Property, Asset Management and Facilities (for Items 1 to 11).
- Lorna Richardson, Head of Neighbourhood Services.
- Stuart Allison, Service Manager (Enterprise) (for Items 12 to 16).
- Laura Cromarty, Service Manager (Transportation) (for Items 4 to 13).
- Shonagh Merriman, Service Manager (Corporate Finance).
- Susan Shearer, Service Manager (Development and Marine Planning) (for Items 7 to 9).
- Karen Bevilacqua, Solicitor.
- Derek Manson, Team Manager (Development Planning) (for Items 7 to 9).
- Kenneth Roy, Roads Support Manager (for Items 1 to 8).
- Katy Russell-Duff, Committees Officer.

In Attendance via remote link (Microsoft Teams)

- Hayley Green, Corporate Director for Neighbourhood Services and Infrastructure.

Not Present

- Councillor Rachael A King (who had been invited for Item 2).

Declarations of Interest

- No declarations of interest were intimated.

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 Annexes B and C of Item 14, 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. Finstown Traffic Management Study

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 Neighbourhood Services, the Committee:

Noted:

2.1. That, following receipt of a petition in 2021 from the Finstown local community raising road safety concerns, a traffic management study was carried out.

2.2. That, on 8 November 2022, the Development and Infrastructure Committee subsequently recommended the introduction of new and extended speed limits on various roads in and around Finstown.

2.3. That, on 6 December 2022, when considering the recommendations of the Development and Infrastructure Committee referred to above, the Council resolved that the sections of road to which the speed limits were to apply be reduced in length, together with the installation of speed indication devices at five separate locations.

2.4. The outcome of statutory and public consultation on the revised proposals, as detailed in sections 4 and 5, together with Appendix 2, of the report by the Corporate Director for Neighbourhood Services and Infrastructure.

Councillor David Dawson moved that the Council make The Orkney Islands Council (Variable 20mph Speed Limit and 30 mph Speed Limit Extension) (Finstown) Order 2023, as proposed by officers. On receiving no seconder his motion fell.

On the motion of Councillor Graham A Bevan, seconded by Councillor P Lindsay Hall, the Committee resolved, in terms of delegated powers:

2.5. That the Council make The Orkney Islands Council (Variable 20mph Speed Limit and 30 mph Speed Limit Extension) (Finstown) Order 2023, as follows:

- Extend the 20 mph speed limit on the following sections of public road:
 - A966 from its junction with the A965 for 518 metres.
 - A965 from its junction with the A966 in an easterly direction for 215 metres.
 - A965 from its junction with the A966 in a westerly direction for 290 metres.
- Extend the 30 mph speed limit on the following sections of public road:
 - A966 from the existing 30 mph speed limit to the property known as Heddon House for 600 metres.
 - A965 from the existing 30 mph speed limit to the east exit from the properties known as Atlantis Lodges, opposite the location of the second count down sign for the current 30mph limit, for approximately 200 metres.
 - C1 Old Finstown Road from the existing 30 mph speed limit to the property known as Lindean, for 200 metres.

Councillor W Leslie Manson joined the meeting during discussion of this item.

3. 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:

3.1. 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 30 September 2023, attached as Annex 1 to the report by the Head of Finance, indicating a budget underspend position of £3,034,100.

3.2. 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 30 September 2023, attached as Annex 2 to the report by the Head of Finance.

The Committee scrutinised:

3.3. 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 appropriate action was being taken with regard to significant budget variances.

4. Road Asset Replacement 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:

4.1. The summary position of expenditure incurred, as at 30 September 2023, against the approved Road Asset Replacement Programme, as detailed in section 4.1 of the report by the Head of Finance.

The Committee scrutinised:

4.2. The detailed analysis of expenditure figures and programme updates, attached as Appendix 1 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.

Councillor P Lindsay Hall left the meeting during discussion of this item and rejoined the meeting at this point.

5. Performance Monitoring

5.1. Neighbourhood Services and Infrastructure

After consideration of a report by the Corporate Director for Neighbourhood Services and Infrastructure, copies of which had been circulated, the Committee:

Scrutinised the performance of the Neighbourhood Services and Infrastructure service for the period 1 April to 30 September 2023, as set out in sections 3 and 4, together with Annex 1, of the report by the Corporate Director for Neighbourhood Services and Infrastructure.

Councillor Graham A Bevan left the meeting during discussion of this item.

5.2. Enterprise and Sustainable Regeneration

After consideration of a report by the Corporate Director for Enterprise and Sustainable Regeneration, copies of which had been circulated, the Committee:

Scrutinised the performance of the Enterprise and Sustainable Regeneration service for the period 1 April to 30 September 2023, as set out in sections 3 and 4, together with Annex 1, of the report by the Corporate Director for Enterprise and Sustainable Regeneration.

6. Neighbourhood Services and Infrastructure

Directorate Delivery Plan and Risk Register

After consideration of a report by the Corporate Director for Neighbourhood Services and Infrastructure, copies of which had been circulated, the Committee:

Resolved to **recommend to the Council** that the Directorate Delivery Plan for Neighbourhood Services and Infrastructure for 2023 to 2028 and associated Risk Register, attached as Appendix 1 to this Minute, be approved.

7. Review of Pay and Display Car Park Tariffs

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 Neighbourhood Services, the Committee:

Noted:

7.1. That tariffs were introduced in Kirkwall and Stromness to encourage turnover within the Council's pay and display car parks and were based on 1, 2 and 3 hours for short stay and 4 or 8 hours for long stay.

7.2. That car parks should be self-funding, which included staffing costs and ongoing maintenance of the car parks and associated infrastructure.

7.3. That funding from the Scottish Government Place Based Investment Programme Capital Fund allowed for the installation of new ticket machines in March 2022.

7.4. That, as part of the annual budget setting process, the majority of existing charges were reviewed and increased, from 1 April, in accordance with the strategy approved by Council.

7.5. That car park charges, which were exempt from the annual review of fees, had, since 2011, been reviewed approximately every two years by the Service, the last time being in 2021.

7.6. That Kirkwall BID and Stromness Business Forum were asked for their comments on the proposals, with the response from Kirkwall BID summarised in section 5.3 in the report by the Corporate Director for Neighbourhood Services and Infrastructure.

On the motion of Councillor W Leslie Manson, seconded by Councillor James W Stockan, the Committee resolved to **recommend to the Council:**

7.7. That car parking charges should remain at existing rates, with the exception of the winter tariff, which should be reduced from seven months to three, namely from January to March.

8. Roads Management and Maintenance Plan

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 Neighbourhood Services, the Committee:

Noted:

8.1. That the draft Roads Management and Maintenance Plan 2023-2028, attached as Appendix 1 to the report by the Corporate Director for Neighbourhood Services and Infrastructure, was developed in accordance with the Well-Managed Highway Infrastructure: A Code of Practice 2016, which recommended that roads authorities should adopt a "Risk Based Approach" to managing assets.

8.2. That the Roads Management and Maintenance Plan 2023-2028 would continue to be developed to ensure the infrastructure assets, detailed in the appendices to the Plan, remained up to date.

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

8.3. That the Roads Management and Maintenance Plan 2023-2028, attached as Appendix 2 to this Minute, be approved.

Councillor Graham A Bevan rejoined the meeting at this point.

9. Orkney Local Development Plan

Development Plan Scheme

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 Service Manager (Development and Marine Planning), the Committee:

Noted:

9.1. That the Council was required by statute to review and publish a Development Plan Scheme including a Participation Statement, which explained the work programme and detailed consultation with and participation of stakeholders in the review of the Local Development Plan.

9.2. The draft Development Plan Scheme 2024 including the Participation Statement, attached as Appendix 1 to the report by the Corporate Director for Neighbourhood Services and Infrastructure, which required to undergo a period of public consultation.

9.3. The financial implications associated with preparing the Local Development Plan, as set out in section 7 of the report by the Corporate Director for Neighbourhood Services and Infrastructure, estimated at £130,000, which would be considered as part of the budget setting process for 2024/25.

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

9.4. That the Development Plan Scheme 2024 including the Participation Statement, referred to at paragraph 9.2 above, be approved for public consultation.

9.5. That powers be delegated to the Corporate Director for Neighbourhood Services and Infrastructure to finalise the Participation Statement, as a result of matters raised during the public consultation, and thereafter publish the Development Plan Scheme 2024 including the Participation Statement.

10. General Enforcement Policy

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:

10.1. The requirement placed on the Council by both Food Standards Scotland and the Health and Safety Executive to have an up-to-date enforcement policy.

10.2. That the last review of the Environmental Health and Trading Standards Enforcement Policy was undertaken in 2017.

10.3. That the updated draft General Enforcement Policy set out, in general terms, the Council's approach to enforcement in relation to activities undertaken by the Environmental Health and Trading Standards services, with the scope of the policy extended to cover the enforcement of civic licensing duties.

10.4. That public consultation was undertaken in respect of the draft General Enforcement Policy between 27 June and 31 August 2023, with the consultation report, which detailed all the points raised by the respondents, attached as Appendix 1 to the report by the Corporate Director for Neighbourhood Services and Infrastructure.

10.5. That the draft General Enforcement Policy had been updated to reflect the consultation responses where appropriate.

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

10.6. That the General Enforcement Policy, attached as Appendix 3 to this Minute, be approved.

11. Harbour Authority Sub-committee

After consideration of the draft Minute of the Meeting of the Harbour Authority Sub-committee held on 31 October 2023, copies of which had been circulated, the Committee:

Resolved:

11.1. 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 31 October 2023 as a true record.

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

11.2. That the recommendations at paragraphs 4.4 and 4.5 of the Minute of the Meeting of the Harbour Authority Sub-committee held on 31 October 2023, attached as Appendix 4 to this Minute, be approved.

12. Inter-Island Air Services

Proposed Summer 2024 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:

12.1. That the inter-island air services timetable for summer 2024 was scheduled to operate from 19 February to 26 October 2024 inclusive.

12.2. That the draft timetable in respect of air services to be operated by Loganair Limited during summer 2024 was presented to the Air Services Consultative Forum for consideration on 13 September 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.

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

- Eday Friday morning flight, which was trialled during the winter timetable, to be extended to operate during the summer, with the exception of June, July and August which will remain a dedicated flight for North Ronaldsay.

12.4. That, in advance of the Council's budget setting process for 2024/25 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:

12.5. That, subject to an adequate service revenue budget for 2024/25 being established, the timetable in respect of inter-island air services, to be operated by Loganair Limited during summer 2024, attached as Appendix 5 to this Minute, be approved.

13. Inter-Island Ferry Services

Proposed Summer 2024 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:

13.1. That the inter-island ferry services timetables for summer 2024 were scheduled to operate from 9 May to 23 September inclusive.

13.2. That draft timetables in respect of ferry services to be operated by Orkney Ferries Limited during summer 2024 were presented to the Ferry Services Consultative Forum for consideration on 13 September 2023, with the main comments and representations outlined in section 4 of the report by the Corporate Director for Enterprise and Sustainable Regeneration.

13.3. That, on 12 October 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.

13.4. That the proposed timetables for summer 2024, attached as Appendix 1 to the report by the Corporate Director for Enterprise and Sustainable Regeneration, were consistent with that operated during summer 2023.

13.5. That, in advance of the Council's budget setting process for 2024/25 being concluded, any decision on the proposed timetables in respect of inter-island ferry services would be subject to an adequate service revenue budget being established.

The Committee resolved, in terms of delegated powers:

13.6. That, subject to an adequate service revenue budget for 2024/25 being established, the timetables in respect of inter-island ferry services, to be operated by Orkney Ferries Limited during summer 2024, attached as Appendix 6 to this Minute, be approved.

14. Economic Development Grants and Cost of Living Crisis Business Support Schemes

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:

14.1. That, for financial year 2023/24, the approved budget in respect of Economic Development Grants amounted to £306,300.

14.2. Spending to 30 September 2023, in relation to Economic Development Grants, totalling £98,857 of which £91,980 related to grant commitments made in previous financial years and £6,877 to current year commitments.

14.3. That, as at 30 September 2023, the budget available for approval from the Economic Development Grants budget, amounted to £140,276, as detailed in Annex A to the report by the Corporate Director for Enterprise and Sustainable Regeneration.

14.4. Grant approvals made in the period 1 April to 30 September 2023 totalling £166,024, including grants approved under delegated schemes for the same period totalling £69,224, as detailed in Annex B to the report by the Corporate Director for Enterprise and Sustainable Regeneration.

On the motion of Councillor David Dawson, seconded by Councillor Gillian Skuse, the Committee resolved:

14.5. That the public be excluded from the meeting in respect of discussion of the matters contained in Annex C to the report by the Corporate Director for Enterprise and Sustainable Regeneration, 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 Local Government (Scotland) Act 1973 as amended.

Upon conclusion of discussion of the matters contained in Annex C to the report by the Corporate Director for Enterprise and Sustainable Regeneration and, thereby, the exclusion of the public, the Committee thereafter:

Noted:

14.6. That, on 21 February 2023, the Policy and Resources Committee recommended that Cost of Living Crisis Business Support Schemes should operate for a period of two years to 28 February 2025, funded from the unassigned remaining balance of the Coronavirus Response Fund, estimated at £1.3 million, and reported to the Development and Infrastructure Committee in addition to standard reporting of Economic Development Grants budget monitoring.

14.7. Approvals made in the period to 30 September 2023, totalling £20,000, in respect of Cost of Living Crisis Business Support Schemes, as summarised in Annex C to the report by the Corporate Director for Enterprise and Sustainable Regeneration.

15. Conclusion of Meeting

At 13:00 the Chair declared the meeting concluded.

Signed: David Dawson