

## Minute

### Special General Meeting of the Council

Wednesday, 6 May 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, Magnus O Thomson, 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.
- Gavin Mitchell, Head of Legal Services.
- Brian Archibald, Head of Marine Services, Engineering and Transportation (for Items 15 to 18).
- Hayley Green, Head of IT and Facilities.
- Roddy Mackay, Head of Planning, Development and Regulatory Services (for Items 1 to 14).
- Rosemary Colsell, Procurement Manager (for Items 15 to 18).
- Laura Cromarty, Transportation Manager (for Items 15 to 18).
- Kenny MacPherson, ICT Strategy Manager (for Items 10 to 14).
- Lorna Richardson, Strategic Policy and Projects Manager (for Item 11).
- Ian Rushbrook, Capital Programme Manager (for Items 15 and 16).
- Jordan Low, Economic Development Officer (for Items 8 to 12).
- Hazel Flett, Senior Committees Officer.

## **Observing**

- Jackie Thomson, Development and Regeneration Manager (for Items 10 to 12).
- Stuart Allison, Economic Development Manager (for Items 10 to 14).
- Claire Kemp, Business Gateway Manager (for Items 1 to 14).
- Paul Kemp, Strategic Finance Manager.
- Jayne Venables, Islands Growth Deal Project Manager (for Item 11).
- Kirsty Groundwater, Project Officer (Communications and Engagement).

## **Declarations of Interest**

- Councillor Stephen Sankey – Item 10.
- Councillor Magnus O Thomson – Item 17.

## **Chair**

- Councillor J Harvey Johnston, Convener.

## **1. Death of Mr Kevin F Woodbridge**

### **Member for North Isles**

After the Council had observed a minute's silence, the Convener paid tribute to the late Mr Kevin F Woodbridge, member for North Isles, for his contribution to public life in Orkney, and extended the Council's sympathies to his family.

## **2. Disclosure of Exempt Information**

The Council noted the proposal that the public be excluded from the meeting for consideration of Items 15 to 17, 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.

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

### **Minute of Meeting held on 3 March 2020**

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 3 March 2020 as a true record.

## **4. Planning Committee**

### **Minute of Meeting held on 4 March 2020**

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 4 March 2020 as a true record.

## **5. Licensing Committee**

### **Minute of Meeting held on 5 March 2020**

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 5 March 2020 as a true record.

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

### **Minute of Special Meeting held on 23 March 2020**

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 March 2020 as a true record.

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

### **Minute of Special Meeting held on 16 April 2020**

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 16 April 2020 as a true record.

## **8. Local Review Body – Proposed Suspension of Site Inspections**

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

Noted:

- 8.1.** That, on 8 July 2014, the Council adopted a policy of undertaking site inspections for all planning applications subject to a local review, prior to meeting to consider the review.
- 8.2.** That there were currently three outstanding reviews which could not be progressed due to restrictions imposed on social distancing and group activities as a result of the Covid-19 emergency.

The Council resolved:

- 8.3.** That, as a result of restrictions imposed by the Covid-19 emergency, the policy of undertaking site inspections for all planning applications subject to a local review, prior to meeting to consider the review, be temporarily suspended, to be reviewed at the General Meeting of the Council to be held on 6 October 2020.
- 8.4.** That powers be delegated to the Chief Executive to withdraw the temporary policy suspension, referred to at paragraph 8.3 above, when the circumstances of the present Covid-19 emergency allowed, namely when there were changes to the current social distancing and group activity restrictions that would allow normal arrangements to resume.

## **9. Review of Standing Orders**

After consideration of a report by the Chief Executive, copies of which had been circulated, the Council:

Noted:

**9.1.** That, since the Standing Orders were last reviewed in 2014, a further review had been undertaken, including benchmarking with other local authorities' Standing Orders, incorporating best practice, amended to suit the local context.

**9.2.** The proposed amendments to the Standing Orders, as detailed in section 4 of the report by the Chief Executive.

The Council resolved:

**9.3.** That the revised Standing Orders, attached as Appendix 1 to this Minute, be approved, to take effect from 7 May 2020.

## **10. Local Business Hardship Assistance – Business Loan Element**

Councillor Stephen Sankey declared a financial interest in this item, in that his company could potentially benefit from proposals to assist local businesses, and was not present during discussion thereof.

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:

**10.1.** That, although there were national lending schemes available to businesses, the Council had received several requests to make loans available to businesses to ease the immediate pressure from poor cash flow and the consequent risk of business failure across Orkney.

**10.2.** That, on 16 April 2020, the Council approved establishment of a Coronavirus Response Fund, to be used for Business Hardship Support Grants and Business Loans, with an opening balance of £5,000,000.

**10.3.** That the Council also agreed 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.

**10.4.** The two national loan schemes that businesses will be expected to have applied to before seeking a cash flow loan from the Council, as follows:

- Coronavirus Business Interruption Loan.
- Coronavirus Bounce Back Loan.

**10.5.** That the Council would require to be regulated by the Financial Conduct Authority to operate in the area of offering loans of less than £25,000.

**10.6.** That an application form for the Council's proposed Coronavirus Pandemic Emergency Loan Scheme was currently under development, with the latest draft attached as Appendix 2 to the joint report by the Chief Executive, the Head of Finance and the Executive Director of Development and Infrastructure.

The Council resolved:

**10.7.** That the Council establish a Coronavirus Pandemic Emergency Loan Scheme offering secured loans of between £50,000 and £100,000.

**10.8.** That the loan terms and policy guidance in respect of the Coronavirus Pandemic Emergency Loan Scheme, attached as Appendix 2 to this Minute, be approved.

**10.9.** That applications to the Council's Coronavirus Pandemic Emergency Loan Scheme be administered by the Economic Development Service.

**10.10.** That applications to the Council's Coronavirus Pandemic Emergency Loan Scheme be accepted from businesses that could demonstrate they had completed the process of applying for loans through the nationally available Coronavirus Business Interruption Loan or the Coronavirus Bounce Back Loan schemes.

**10.11.** That loans from the Council's Coronavirus Pandemic Emergency Loan Scheme be initially restricted to loans of £50,000 or over, up to a maximum sum of £100,000, to be funded from the Coronavirus Business Hardship Support Fund.

**10.12.** That the Council's Coronavirus Pandemic Emergency Loan Scheme be entirely discretionary with no absolute entitlement to a loan.

**10.13.** That each application to the Council's Coronavirus Pandemic Emergency Loan Scheme be considered on an individual basis and determined by the Head of Finance, in consultation with the Head of Legal Services, to ensure compliance with State Aid and that the terms of the loan were not ultra vires.

Councillor Rachael A King joined the meeting during consideration of this item.

## **11. Islands Growth Deal**

After consideration of a joint report by the Chief Executive and the Executive Director of Development and Infrastructure, copies of which had been circulated, the Council:

Noted:

**11.1.** That the Chief Executive, in consultation with the Leader and Depute Leader, continued to negotiate and progress, for Orkney Islands Council's interest and the wider Orkney community, a Deal for the Islands for discussion with the Scottish and UK Governments.

**11.2.** Progress with the Islands Growth Deal towards an announcement for the Islands, as set out in section 4 of the joint report by the Chief Executive and the Executive Director of Development and Infrastructure.

**11.3.** The proposed strategy and approach towards finalising the content of the Islands Growth Deal, in particular with regard to the Orkney components, as set out in section 5 of the joint report by the Chief Executive and the Executive Director of Development and Infrastructure.

The Council resolved:

**11.4.** That the Chief Executive should submit a report to the Council, in due course, on the final content of the Islands Growth Deal, following ongoing negotiations with the Scottish and UK Governments.

**11.5.** That powers be delegated to the Chief Executive, in consultation with the undernoted members and officers, to achieve final sign off of the Heads of Terms document anticipated this calendar year, noting the experience of other Growth Deals in that the process required a rapid response:

- Leader.
- Depute Leader.
- Chair, Development and Infrastructure Committee.
- Chair, Education, Leisure and Housing Committee.
- Chair, Orkney Health and Care Committee.
- Executive Director of Development and Infrastructure.
- Head of Finance.
- Solicitor to the Council.

## **12. Community Development Fund**

### **Application Number 0/5/8/64 – John Rae Society**

After consideration of a report by the Executive Director of Development and Infrastructure, copies of which had been circulated, and after hearing a report from the Economic Development Officer, the Council:

Noted:

**12.1.** That John Rae Society had applied for assistance from the Community Development Fund towards feasibility work in respect of future restoration plans for the Hall of Clestrain.

**12.2.** That the feasibility work would focus on developing a business plan, an options appraisal and a conservation report, at a total estimated eligible cost of £29,460.

**12.3.** That John Rae Society was contributing £10,830 of its own resources towards the project.

**12.4.** That John Rae Society had secured £3,900 of grant funding support from the Architectural Heritage Fund towards the feasibility works.

**12.5.** That messages of support had been received from the undernoted groups and individuals:

- Firth and Stenness Community Council.
- Kirkwall and St Ola Community Council.
- Orphir Community Council.
- Stromness Community Council.
- European Marine Energy Centre.
- Hope Community School.
- Jamie Halcro-Johnston MSP.
- Liam McArthur MSP.
- Orkney Heritage Society.
- Orkney Museum.
- Scott Polar Research Institute.
- Visit Scotland.

On the motion of Councillor J Harvey Johnston, seconded by Councillor Graham L Sinclair, the Council resolved:

**12.6.** That a grant amounting to 50% of total eligible costs, up to a maximum sum of £14,730, to be met from the Community Development Fund, be offered to John Rae Society towards feasibility work in respect of future restoration plans for the Hall of Clestrain, subject to the full funding package being secured.

**12.7.** That powers be delegated to the Executive Director of Development and Infrastructure, in consultation with the Solicitor of the Council, to conclude an Agreement, on the Council's standard terms and conditions, with John Rae Society in respect of the funding, detailed at paragraph 12.6 above.

### **13. Information Technology Capital Replacement Programme**

After consideration of a report by the Executive Director of Corporate Services, copies of which had been circulated, and after hearing a report from the Head of IT and Facilities, the Council:

Noted:

**13.1.** That the approved capital programme included an annual provision of £420,000 in respect of the Information Technology Capital Replacement Programme.

**13.2.** That, for financial year 2020 to 2021, the annual allocation of £420,000 had been reduced by £80,000, to £340,000, to part fund a capital project to replace the Council's telephone system across financial years 2019 to 2021.

The Council resolved:

**13.3.** That the Information Technology Capital Replacement Programme for 2020 to 2021, to be funded from the allocation of £340,000 per annum within the approved capital programme, attached as Appendix 3 to this Minute, be approved.

## **14. Exclusion of Public**

On the motion of Councillor J Harvey Johnston, seconded by Councillor James W Stockan, the Council 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 the relevant paragraphs of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 as amended.

Councillor Stephen G Clackson left the meeting at this point.

## **15. Impact of Covid-19 on Procurement and Existing Contractual Arrangements**

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 paragraphs 4 and 6 of Part 1 of Schedule 7A of the Act.

After consideration of a report by the Executive Director of Corporate Services, copies of which had been circulated, and after hearing a report from the Head of IT and Facilities, the Council:

Noted:

**15.1.** Scottish Procurement Policy Notes, released by the Scottish Government and the Convention of Scottish Local Authorities (COSLA), which set out guidance for public bodies to consider in respect of supplier support to ensure service continuity during the current Coronavirus outbreak and/or post virus, as detailed in section 3 of the report by the Executive Director of Corporate Services.

**15.2.** The proposal to implement a programme of supplier relief to existing contractors to the Council, up to 30 June 2020, in accordance with the principles described in the guidance, referred to at paragraph 15.1 above.

**15.3.** Appendices 3, 4 and 5 to the report by the Executive Director of Corporate Services which, subject to further refinement, could be used to support a simple application process for supplier relief.

The Council resolved:

**15.4.** That a programme of supplier relief be implemented to existing contractors to the Council, up to 30 June 2020, in accordance with the principles described in the Scottish Government and COSLA guidance, supported by a simple application process utilising the documentation referred to at paragraph 15.3 above.

**15.5.** That, if deemed necessary, relevant Executive Directors be authorised to make arrangements with existing contractors in accordance with the programme of supplier relief referred to at paragraph 15.4 above.

**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.**



## **16. Revenue Repairs and Maintenance and Capital Improvement Programmes**

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 a report by the Executive Director of Development and Infrastructure, copies of which had been circulated, and after hearing a report from the Capital Programme Manager, the Council:

Noted:

**16.1.** The five year projection for the Revenue Repairs and Maintenance and Capital Improvement Programmes for the period 2020 to 2025, attached as Appendix 1 to the report by the Executive Director of Development and Infrastructure.

**16.2.** That a multi-year approach to the Revenue Repairs and Maintenance and Capital Improvement Programmes allowed for additional flexibility to vary the timing of individual projects as a result of unforeseen events.

**16.3.** The requirement for all planned capital improvement works, costed at £150,000 and above, to be formally reviewed through the Capital Project Appraisal process.

The Council resolved:

**16.4.** That the undernoted programmes for 2020 to 2021, together with provisional programmes for 2021 to 2022 and 2022 to 2023, attached as Appendix 4 to this Minute, be approved:

- Revenue Repairs and Maintenance Programme, to be funded from the allocation of £1,675,900 per annum set annually as part of the budget setting process.
- Capital Improvement Programme, to be funded from the allocation of £1,351,400 per annum within the approved capital programme, with the following additions for 2020 to 2021 only:
  - Rebuild of the Fourth Barrier public convenience in the sum of £75,000, to be funded from an insurance payment.
  - Early Learning and Childcare projects in the sum of £637,000, to be funded from the allocation received from Scottish Government.
- Strategic Reserve Fund Revenue Repairs and Maintenance Programme, to be funded from the allocation of £80,300 per annum set annually as part of the budget setting process.
- Strategic Reserve Fund Capital Improvement Programme, to be funded from the allocation of £118,600 per annum within the approved capital programme.

**16.5.** That additions to the Capital Improvement Programme for 2020 to 2021 and beyond, costed at £150,000 and above, will remain provisional items only pending conclusion of the Capital Project Appraisal process.

**16.6.** That the cost of developing the individual Capital Project Appraisals, referred to at paragraph 16.5 above, be funded from within the annual Capital Improvement Programme.

**16.7.** That powers be delegated to the Executive Director of Development and Infrastructure, in consultation with the Head of Finance, to adjust the three year programmes, referred to at paragraph 16.4 above, as variations arose in order to maximise use of the annual budget allocations.

## **17. School and Public Bus Service Contract**

Councillor Magnus O Thomson declared a financial interest in this item, being a potential contractor for school bus services, and left the meeting at this point.

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 paragraphs 6 and 9 of Part 1 of Schedule 7A of the Act.

After consideration of a joint report by the Executive Director of Development and Infrastructure and the Executive Director of Education, Leisure and Housing, together with an Equality Impact Assessment, copies of which had been circulated, and after hearing a report from the Head of Marine Services, Engineering and Transportation, the Council:

Resolved what action should be taken with regard to the school and public bus service contract.

**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.**

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## **18. Conclusion of Meeting**

At 16:10 the Convener declared the meeting concluded.

Signed: Harvey Johnston.