

Minute

Special General Meeting of the Council

Thursday, 19 December 2019, 11:30.

Council Chamber, Council Offices, School Place, Kirkwall.



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, Stephen Sankey, John A R Scott, Gwenda M Shearer, Graham L Sinclair, James W Stockan, Magnus O Thomson, Owen Tierney, Duncan A Tullock and Kevin F Woodbridge.

Clerk

- John W Mundell, Interim Chief Executive (for Items 1 to 4).
- Gavin Mitchell, Head of Legal Services (for Items 5 and 6).

In Attendance

- Gavin Barr, Executive Director of Development and Infrastructure (for Items 1 to 4).
- Gillian Morrison, Executive Director of Corporate Services.
- Sally Shaw, Chief Officer/Executive Director, Orkney Health and Care (for Items 1 to 4).
- James Wylie, Executive Director of Education, Leisure and Housing (for Items 1 to 4).
- Gareth Waterson, Head of Finance.
- Karen Greaves, Head of Executive Support (for Items 1 to 4).
- Gavin Mitchell, Head of Legal Services.
- Andrew Groundwater, Head of HR and Performance.
- James Green, Senior Policy Planner (Development and Marine Planning) (for Items 1 and 2).
- Hazel Flett, Senior Committees Officer (for Items 1 to 4).

Apology

- Councillor John T Richards.

Declaration of Interest

- Councillor Robin W Crichton – Item 2.

Chair

- Councillor J Harvey Johnston, Convener.

1. Disclosure of Exempt Information

The Council noted the proposal that the public be excluded from the meeting for consideration of Item 5, as the business to be discussed involved the potential disclosure of exempt information of the class described in the relevant paragraph of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 as amended.

2. Crown Estate Scotland

Proposals for Allocation of Marine Estate Revenue Funding

Councillor Robin W Crichton declared a financial interest in this item, in that he was providing managerial support to Orkney Auction Mart Limited, and was not present during discussion thereof.

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:

2.1. That Scottish Ministers had confirmed that the net revenue generated from Crown Estate marine assets out to 12 nautical miles would be allocated to coastal local authorities.

2.2. The expectation of Scottish Ministers that local authorities would use the revenues generated from Crown Estate marine assets for additional expenditure that specifically benefitted coastal communities.

2.3. That, in September 2019, the Council received an allocation of £774,000 from Crown Estate Scotland, being its share of the total net revenues for 2017 to 2018 being distributed in 2019 to 2020.

2.4. That, although the Government expectation was that the Council would use the funding for additional expenditure in 2019 to 2020, any of the allocation that had not been spent, in full, by 31 March 2020 would be carried forward in a Crown Estate Fund.

2.5. That each coastal local authority's allocation was based on an interim formula agreed with the Convention of Scottish Local Authorities, whereby the allocations were calculated on the basis of the total marine area adjacent to each of the coastal local authorities' coastline.

2.6. That it was anticipated that the annual allocation of net revenues to Orkney in future years could be significantly less than the allocation received in September 2019 due to a planned review of the interim formula for payment calculation.

2.7. That the allocation of 2018 to 2019 net revenue, to be distributed in 2020 to 2021, would be on the same basis and therefore a similar allocation could be expected in September 2020.

2.8. The proposed guiding principles, detailed in section 6.3 of the joint report by the Chief Executive and the Executive Director of Development and Infrastructure, to guide deployment of the Crown Estate revenue funding for 2019 to 2020 and the long-term funding allocation strategy for coastal community benefit in Orkney.

2.9. The proposed projects to be funded from the Orkney Crown Estate net revenue allocation for 2019 to 2020, at a total cost of £130,000, detailed at section 6.5 of the joint report by the Chief Executive and the Executive Director of Development and Infrastructure.

The Council resolved:

2.10. That the undernoted guiding principles be approved for the purpose of guiding deployment of the Crown Estate revenue funding for 2019 to 2020 and the long-term funding allocation strategy for coastal community benefit in Orkney:

- Support the sustainable development and management of coastal and marine resources.
- Support and maintain a healthy, clean and safe coastal and marine environment.
- Support growth and job creation in the coastal and marine economy.
- Support strategic coastal and marine planning, partnership working and good governance to enable sustainable development and resource management.
- Support investment in the infrastructure required for coastal communities across all of Orkney to thrive.
- Support and empower coastal communities across all of Orkney to deliver projects to realise sustainable social, economic and environmental benefits.
- Support improvements in the long-term productivity of the coastal and marine economy by promoting investment in innovation, education and skills.
- Support the transition to a low carbon economy.
- Support measures that mitigate the effects of climate change, adapt to climate change and build greater resilience to the effects of climate change.
- Support research, knowledge and data to unlock sustainable development and resource management benefits.
- Support and enable best practice to manage and make use of coastal and marine resources.
- Support the cultural and social wellbeing of local communities including the maintenance and enhancement of quality of life.

2.11. That the undernoted projects be funded from the Orkney Crown Estate net revenue allocation for 2019 to 2020, at a total cost of £130,000:

- Bag the Bruck and Pick up 3 Pieces – £35,000.
- Marine Planning Partnership – £50,000.
- Coastal Core Paths – £35,000.
- Public Conveniences – £10,000.

2.12. That the Chief Executive should submit a report, to the meeting of the Policy and Resources Committee to be held on 21 April 2020, identifying projects to be funded from the remaining balance of £644,000 of the Crown Estate net revenue allocation for 2019 to 2020.

2.13. That the Executive Director of Development and Infrastructure should engage with the Convention of Scottish Local Authorities to seek to secure maximum income for Orkney from future allocations of Crown Estate net revenue funding, noting the baseline position established for 2019 to 2020.

2.14. That the Executive Director of Development and Infrastructure should submit a report, to the Policy and Resources Committee in due course, on the outcome of negotiations with the Convention of Scottish Local Authorities, together with a scheme for the long term allocation of Crown Estate funding to Orkney projects.

2.15. That the Executive Director of Development and Infrastructure should engage with Crown Estate Scotland to seek decentralisation of Crown Estate's operational functions, including staff, to Orkney, where possible.

3. Community Conversations

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

Noted:

3.1. That, during June 2018, as part of the Council's ongoing public communications regarding the budget challenge and in response to the Local Governance Review, five Community Conversation public events were held across the mainland of Orkney.

3.2. That the event was also re-run in an amended workshop format as part of the Community Council conference in November 2018 in order to gather views from isles' communities.

3.3. The aims of the Community Conversations engagement exercise as follows:

- Ensure understanding of the continuing need for savings and the difficult decisions involved in budget setting.
- Seek to avoid a public and media focus on individual cuts by highlighting the range of savings measures that will have an effect on people, groups and communities during the year ahead.
- Set these in context and help ensure the public and staff are prepared for further, and potentially, more severe cuts to services in future.
- Stress that this is not all about reductions in spending. In line with feedback to the Budget Simulator exercise, the Council is also increasing fees and charges to help offset the need for cuts to frontline services.
- Highlight the enterprising approach the Council is taking in seeking new sources of income generation and encourage those attending to put forward their own ideas for income generation.
- Engender, as far as possible, an acceptance that 'we are all in this together' and encourage communities to consider the potential, where appropriate, for locally-based service provision.
- Help achieve a better awareness of the importance to the Council and the wider community of the Council's reserves, and the need to ensure their ongoing sustainability.

3.4. The feedback report detailing the key themes, suggestions and concepts that emerged from the discussions, attached as Appendix 1 to the report by the Chief Executive.

3.5. The update on progress with the top issues for each service area, attached as Appendix 2 to the report by the Chief Executive.

3.6. That the Leader was keen to continue the Community Conversations engagement process to assist the Council in subsequent setting of priorities, identifying areas for service change, savings or income generation and maximising community participation or involvement in opportunities for engagement on local governance developments and service delivery where appropriate.

The Council resolved:

3.7. That the Chief Executive, in consultation with the Leader and Depute Leader, should develop a proposal for ongoing community consultation and engagement to commence in late Spring 2020, with the programme taking into account available resources to deliver an effective consultation and engagement process which was inclusive for all areas of the community and which would provide meaningful feedback for subsequent budget and priority setting.

4. Chief Officer and Service Manager Recruitment Process

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

Noted:

4.1. That the Council's Recruitment and Selection Policy was last reviewed in 2016.

4.2. That feedback from a recent recruitment exercise, together with vacancies at Chief Officer level, provided an opportunity to review the appointments process for Chief Officers, including membership of appointment panels and selection procedures.

The Council resolved:

4.3. That the composition of appointment panels for the recruitment of the Chief Executive, Executive Director, Head of Service and Service Manager posts, as set out in Appendix 1 to this Minute, be approved.

4.4. That decisions on appointments for the Chief Executive and Executive Directors should follow a secret ballot process, conducted in successive rounds until a two-thirds majority of those present and entitled to vote, was secured.

4.5. That a general policy of obtaining feedback appointment panels from a preliminary professional officer interview panel, chaired by the Chief Executive, and a stakeholder/peer appraisal panel, through candidate presentation and panel question and answer sessions, for Executive Director and Heads of Service posts be adopted.

4.6. That the Council's Recruitment and Selection Policy be amended to reflect the resolutions at paragraphs 4.3 to 4.5 above.

4.7. That powers be delegated to the Chief Executive to amend and publish the Council's Standing Orders and the Scheme of Administration to reflect the decisions taken to amend the recruitment processes referred to at paragraphs 4.3 to 4.5 above.

5. Governance Arrangements

On the motion of Councillor J Harvey Johnston, 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 1 of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 as amended.

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

Resolved what action should be taken with regard to governance arrangements.

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.

6. Conclusion of Meeting

At 13:10 the Convener declared the meeting concluded.

Signed: Harvey Johnston.

Appendix 1.

Composition of Appointment Panels

Level of Post	Panel Chair	Plus Members	Officers
Chief Executive.	Convener.	All other elected Members (Full Council).	<ul style="list-style-type: none"> • Independent External Advisor. • Head of HR and Performance.
Executive Directors.	Council Leader.	5 Members of Council, including Chair and Vice Chair of the relevant Service Committee.	<ul style="list-style-type: none"> • Chief Executive. Independent External Advisor. • Head of HR and Performance.
Heads of Service.	Chief Executive.	3 Members of Council, including Chair and Vice Chair of the relevant Service Committee.	<ul style="list-style-type: none"> • Chief Executive. Executive Director (Line Manager). • One other Executive Director selected by Senior Management Team. • Head of HR and Performance.
Service Managers (3 rd Tier).	Executive Director.	None.	<ul style="list-style-type: none"> • Executive Director. • Head of Service (Line Manager). • Senior HR Advisor.