

Minute

General Meeting of the Council

Tuesday, 7 December 2021, 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, 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/Executive Director, Orkney Health and Care.
- Hayley Green, Interim Executive Director of Environmental, Property and IT Services.
- Gareth Waterson, Interim Executive Director of Finance, Regulatory, Marine and Transportation Services.
- James Wylie, Executive Director of Education, Leisure and Housing.
- Karen Greaves, Head of Executive Support (for Items 1 to 13).
- Andrew Groundwater, Head of HR and Performance.
- Lorna Richardson, Interim Head of Roads, Fleet and Waste (for Items 1 to 14).
- Kenny Roy, Roads Support Manager (for Items 1 to 14).
- Hazel Flett, Senior Committees Officer.

Observing

- John Wrigley, Roads and Environmental Services Manager (for Items 11 to 14).
- Sandra Craigie, Committees Officer.
- Angela Kingston, Committees Officer.
- Rebecca McAuliffe, Press Officer.

Apology

- Councillor Owen Tierney.

Declarations of Interest

- Councillor Steven B Heddle – Items 10 and 15.
- Councillor Rachael A King – Item 15.

Chair

- Councillor J Harvey Johnston, Convener.

1. General Meeting of the Council

Minute of General Meeting held on 5 October 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 5 October 2021 as a true record.

2. Local Review Body

Minute of Meeting held on 6 October 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 6 October 2021 as a true record.

3. Planning Committee

Minute of Meeting held on 6 October 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 6 October 2021 as a true record.

4. Licensing Committee

Minute of Meeting held on 7 October 2021

On the motion of Councillor Duncan A Tullock, seconded by Councillor Robin W Crichton, the Council resolved to approve the Minute of the Meeting of the Licensing Committee held on 7 October 2021 as a true record.

5. Special General Meeting of the Council

Minute of Special General Meeting held on 1 November 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 1 November 2021 as a true record.

6. Development and Infrastructure Committee

Minute of Meeting held on 9 November 2021

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 9 November 2021 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 9 November 2021.

7. Education, Leisure and Housing Committee

Minute of Meeting held on 10 November 2021

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 10 November 2021 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 10 November 2021.

8. Monitoring and Audit Committee

Minute of Meeting held on 11 November 2021

On the motion of Councillor David Dawson, seconded by Councillor John A R Scott, the Council resolved to approve the Minute of the Meeting of the Monitoring and Audit Committee held on 11 November 2021 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 11 November 2021.

9. Policy and Resources Committee

Minute of Meeting held on 23 November 2021

On the motion of Councillor W Leslie Manson, seconded by Councillor James W Stockan, the Council resolved to approve the Minute of the Meeting of the Policy and Resources Committee held on 23 November 2021 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 23 November 2021.

10. Education, Leisure and Housing Committee

Minute of Special Meeting held on 25 November 2021

On the motion of Councillor Gwenda M Shearer, seconded by Councillor Alexander G Cowie, the Council resolved to approve the Minute of the Special Meeting of the Education, Leisure and Housing Committee held on 25 November 2021 as a true record.

Councillor Robin W Crichton thereafter moved to approve the recommendations contained in the Minute of the Special Meeting of the Education, Leisure and Housing Committee held on 25 November 2021, with the following exception:

UHI Branding and Positioning Project

Councillor Robin W Crichton referred to the recommendations of the Education, Leisure and Housing Committee regarding the UHI Branding and Positioning Project and, seconded by Councillor Norman R Craigie, moved that the item be referred back to the Committee to enable the Executive Director of Education, Leisure and Housing to further explore the ramifications of the Project, with particular regard to comments made in the consultant's documentation, as presented, and to consider the viability of 'sub-branding'.

Councillor Steven B Heddle declared a non-financial interest in this item, in that his spouse was seconded, on a temporary basis, to the employment of UHI, but concluded that his interest did not preclude his involvement in the discussion.

After receiving procedural advice from the Head of Legal Services, the Council resolved to defer consideration of the amendment, referred to above, to the end of the meeting, as further discussion of the matter might involve the disclosure of exempt information as defined in paragraph 6 of Part 1 of Schedule 7A of the Act.

11. Policy and Resources Committee

Minute of Special Meeting held on 29 November 2021

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 29 November 2021 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 29 November 2021.

12. Community Development Fund Sub-committee

Minute of Meeting held on 21 October 2021

On the motion of Councillor James W Stockan, seconded by Councillor Robin W Crichton, the Council resolved to approve the Minute of the Meeting of the Community Development Fund Sub-committee held on 21 October 2021, attached as Appendix 1 to this Minute, as a true record.

13. Notice of Motion

The Council had for consideration the following Notice of Motion:

"We, the undersigned, hereby give notice of the following motion to be lodged at the Council's General Meeting of the 7th December 2021:

That the Council install before the end of 2022 a 20mph zone or speed limit on the roads in the vicinity of each of those schools in Orkney that still do not have one.

Signed Stephen G Clackson

Countersigned by J T Richards, S Sankey, John A R Scott, A Cowie, Steven Heddle, Norman R Craigie and David Dawson".

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

Noted:

13.1. 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 Interim Executive Director of Environmental, Property and IT Services on the implications of the suggested course of action contained in the Notice of Motion.

Councillor John T Richards joined the meeting at this point.

After consideration of a report by the Interim Executive Director of Environmental, Property and IT Services, copies of which had been circulated, and after hearing a report from the Interim Head of Roads, Fleet and Waste, the Council:

Noted:

13.2. That, in 2003, the Scottish Government made funding available for the creation of safer routes to schools which subsequently led to the introduction of part-time 20 mph speed limits around some schools in Orkney, as detailed in section 4 of the report by the Interim Executive Director of Environmental, Property and IT Services.

13.3. That there was no identified budget to introduce 20 mph part-time speed limits at the island schools, estimated to be £478,000.

13.4. That, on 16 February 2017, when reviewing speed limits at island schools, the Development and Infrastructure Committee resolved, in terms of delegated powers, that, subject to availability of funding, mandatory, variable part-time 20 mph speed limits be introduced at the following island schools:

- North Walls Junior High School.
- Sanday Junior High School.
- Stronsay Junior High School.
- Westray Junior High School.
- Shapinsay Primary School.
- Rousay Primary School.
- Eday Primary School.
- Papa Westray Primary School.

13.5. That the Development and Infrastructure Committee also recommended that the Executive Director of Development and Infrastructure should progress a Stage 1 Capital Project Appraisal in respect of a phased programme for the introduction of mandatory, variable part-time 20 mph speed limits in the vicinity of island schools.

13.6. That, in order to accommodate the timescale for introducing 20 mph part-time speed limits at the island schools as required by the Notice of Motion, existing planned programmes of work for 2022/23 would be significantly impacted.

13.7. The options for progressing the project to introduce variable part-time 20 mph speed limits around island schools, should the Notice of Motion be supported, as detailed in section 6 of the report by the Interim Executive Director of Environmental, Property and IT Services.

The Council considered the Notice of Motion and thereafter resolved:

13.8. On the motion of Councillor Stephen G Clackson, seconded by Councillor John T Richards, to install, as soon as practicable but no later than the end of 2023, a 20mph zone or speed limit on the roads in the vicinity of each of those schools in Orkney that still did not have one.

13.9. On the motion of Councillor James W Stockan, seconded by Councillor Robin W Crichton, that, in order to progress the project to install a 20 mph zone or speed limit around island schools, Option 1, namely the submission of a Stage 1 Capital Project Appraisal to the Development and Infrastructure Committee, be adopted.

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.

15. Education, Leisure and Housing Committee

Minute of Special Meeting held on 25 November 2021

UHI Branding and Positioning Project

Councillor Steven B Heddle reiterated his declaration of a non-financial interest in this item, in that his spouse was seconded, on a temporary basis, to the employment of UHI, but concluded that his interest did not preclude his involvement in the discussion.

Councillor Rachael A King declared a non-financial interest in this item, in that her spouse was employed in the Council's Education, Leisure and Housing service, based at Orkney College, 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 paragraph 6 of Part 1 of Schedule 7A of the Act.

With reference to paragraph 10 above, Councillor Robin W Crichton, seconded by Councillor Norman R Craigie, moved that the recommendations contained in the Minute of the Special Meeting of the Education, Leisure and Housing Committee held on 25 November 2021, be approved, with the exception of the recommendations relating to the UHI Branding and Positioning Project, which should be referred back to the Committee.

Councillor Steven B Heddle, seconded by Councillor Stephen G Clackson, moved an amendment that the recommendations contained in the Minute of the Special Meeting of the Education, Leisure and Housing Committee held on 25 November 2021, be approved.

The result of a recorded vote was as follows:

For the Amendment:

Councillors Stephen G Clackson, Barbara Foulkes, Steven B Heddle, John T Richards, Stephen Sankey, John A R Scott and Magnus O Thomson (7).

For the Motion:

Councillors Alexander G Cowie, Norman R Craigie, Robin W Crichton, David Dawson, Andrew Drever, J Harvey Johnston, W Leslie Manson, Gwenda M Shearer, Graham L Sinclair, James W Stockan, Duncan A Tullock and Heather N Woodbridge (12).

The Motion was therefore carried and the Council thereafter resolved:

15.1. That the recommendations contained in the Minute of the Special Meeting of the Education, Leisure and Housing Committee held on 25 November 2021, be approved, with the following exception:

- The recommendations relating to the UHI Branding and Positioning Project should be referred back to the Committee.

The Council noted:

15.2. That Councillor John A R Scott wished his dissent, from the resolution at paragraph 15.1 above, to be recorded.

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. Conclusion of Meeting

At 12:57 the Convener declared the meeting concluded.

Signed: Harvey Johnston.

Minute

Community Development Fund Sub-committee

Thursday, 21 October 2021, 10:30.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Councillors J Harvey Johnston, Alexander G Cowie, Robin W Crichton, Andrew Drever, Graham L Sinclair and James W Stockan.

Clerk

- Sandra Craigie, Committees Officer.

In Attendance

- Colin Kemp, Interim Head of Finance.
- Jackie Thomson, Development and Regeneration Manager.
- Sheila Tulloch, Solicitor.

Observing

- Lorraine Stout, Press Officer.

Apologies

- Councillor Rachael A King.
- Councillor Gwenda M Shearer.

Declaration of Interest

- Councillor J Harvey Johnston – Item 1.

Chair

- Councillor J Harvey Johnston (for Items 2 and 3).
- Councillor James W Stockan (for Item 1).

1. Regeneration Capital Grant Fund – Birsay Heritage Trust

Councillor J Harvey Johnston declared a non-financial interest in this item, in that he had written a letter of support to the Scottish Government's Regeneration Team in respect of the project proposed by Birsay Heritage Trust, and left the meeting at this point.

Signed: J Harvey Johnston.

As the Chair had left the meeting, the Clerk called for nominations for Chair.

The Sub-committee resolved:

1.1. That Councillor James W Stockan be appointed Chair for this item.

Councillor James W Stockan took the Chair for this item.

After consideration of a report by the Interim Executive Director of Finance, Regulatory, Marine and Transportation Services, copies of which had been circulated, and after hearing a report from the Development and Regeneration Manager, the Sub-committee:

Noted:

1.2. That, in June 2021, the Council submitted a Stage One application to the Scottish Government's Regeneration Capital Grant Fund, on behalf of Birsay Heritage Trust, in respect of repairing the deteriorating historic structures at HMS Tern and providing heritage interpretation, at a total estimated project cost of £1,170,122.

1.3. That, on 15 September 2021, the Scottish Government's Regeneration Team advised that the application from Birsay Heritage Trust had passed the Stage One assessment and that submission of a Second Stage application was invited by 22 October 2021.

The Sub-committee resolved, in terms of delegated powers:

1.4. That the Council should submit a Second Stage application to the Scottish Government's Regeneration Capital Grant Fund on behalf of Birsay Heritage Trust.

1.5. That, in the event of the application attracting an offer of grant from the Regeneration Capital Grant Fund, powers be delegated to the Interim Executive Director of Finance, Regulatory, Marine and Transportation Services, in consultation with the Head of Finance and the Solicitor to the Council, to accept/decline the offer of grant and, if accepted, enter into an appropriate legal agreement with Birsay Heritage Trust.

Signed: James W Stockan.

Councillor J Harvey Johnston rejoined the meeting at this point and resumed the Chair.

2. Regeneration Capital Grant Fund – North Ronaldsay Trust

After consideration of a report by the Interim Executive Director of Finance, Regulatory, Marine and Transportation Services, copies of which had been circulated, and after hearing a report from the Development and Regeneration Manager, the Sub-committee:

Noted:

2.1. That, in June 2021, the Council submitted a Stage One application, to the Scottish Government's Regeneration Capital Grant Fund, on behalf of North Ronaldsay Trust, in respect of a project to restore redundant property and land at Treb, North Ronaldsay, at a total estimated project cost of £1,513,356.

2.2. That, on 15 September 2021, the Scottish Government's Regeneration Team advised that the application from North Ronaldsay Trust had passed the Stage One assessment and submission of a Second Stage application was invited by 22 October 2021.

The Sub-committee resolved, in terms of delegated powers:

2.3. That the Council should submit a Second Stage application to the Scottish Government's Regeneration Capital Grant Fund on behalf of North Ronaldsay Trust.

2.4. That, in the event of the application attracting an offer of grant from the Regeneration Capital Grant Fund, powers be delegated to the Interim Executive Director of Finance, Regulatory, Marine and Transportation Services, in consultation with the Head of Finance and the Solicitor to the Council, to accept/decline the offer of grant and, if accepted, enter into an appropriate legal agreement with North Ronaldsay Trust.

3. Conclusion of Meeting

At 11:08 the Chair declared the meeting concluded.

Signed: J Harvey Johnston.