

Minute

General Meeting of the Council

Wednesday, 5 May 2021, 11:00.

Microsoft Teams.



Present

Councillors J Harvey Johnston, Stephen G Clackson, Alexander G Cowie, Norman R Craigie, Robin W Crichton, 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, Duncan A Tullock and Heather N Woodbridge.

Clerk

- Gavin Mitchell, Head of Legal Services.

In Attendance

- John W Mundell, Interim Chief Executive.
- Gavin Barr, Executive Director of Development and Infrastructure.
- Gillian Morrison, Interim Chief Officer/Executive Director, Orkney Health and Care.
- James Wylie, Executive Director of Education, Leisure and Housing.
- Gareth Waterson, Head of Finance.
- Karen Greaves, Head of Executive Support.
- Andrew Groundwater, Head of HR and Performance.
- Hazel Flett, Senior Committees Officer.

Observing

- Rebecca McAuliffe, Press Officer.

Apology

- Councillor David Dawson.

Declarations of Interest

- No declarations of interest were intimated.

Chair

- Councillor J Harvey Johnston, Convener.

1. General Meeting of the Council

Minute of General Meeting held on 2 March 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 2 March 2021 as a true record.

2. Planning Committee

Minute of Meeting held on 3 March 2021

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 Planning Committee held on 3 March 2021 as a true record.

Councillor Magnus O Thomson joined the meeting during discussion of this item.

3. Licensing Committee

Minute of Meeting held on 4 March 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 4 March 2021 as a true record.

4. Local Review Body

Minute of Meeting held on 11 March 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 11 March 2021 as a true record.

5. Monitoring and Audit Committee

Minute of Special Meeting held on 11 March 2021

On the motion of Councillor John T Richards, seconded by Councillor Stephen G Clackson, the Council resolved to approve the Minute of the Special Meeting of the Monitoring and Audit Committee held on 11 March 2021 as a true record.

The Council thereafter resolved to approve the recommendations contained in the Minute of the Special Meeting of the Monitoring and Audit Committee held on 11 March 2021.

6. Special General Meeting of the Council

Minute of Special General Meeting held on 23 March 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 March 2021 as a true record.

7. Special General Meeting of the Council

Minute of Special General Meeting held on 29 March 2021

On the motion of Councillor James W Stockan, seconded by Councillor Graham L Sinclair, the Council resolved to approve the Minute of the Special General Meeting of the Council held on 29 March 2021 as a true record.

8. Development and Infrastructure Committee

Minute of Meeting held on 30 March 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 30 March 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 30 March 2021.

9. Education, Leisure and Housing Committee

Minute of Meeting held on 31 March 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 31 March 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 31 March 2021.

10. Monitoring and Audit Committee

Minute of Meeting held on 1 April 2021

On the motion of Councillor John T Richards, seconded by Councillor Stephen G Clackson, the Council resolved to approve the Minute of the Meeting of the Monitoring and Audit Committee held on 1 April 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 1 April 2021.

11. Orkney Health and Care Committee

Minute of Meeting held on 1 April 2021

On the motion of Councillor Rachael A King, seconded by Councillor Stephen Sankey, the Council resolved to approve the Minute of the Meeting of the Orkney Health and Care Committee held on 1 April 2021 as a true record.

12. Policy and Resources Committee

Minute of Meeting held on 20 April 2021

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 20 April 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 20 April 2021, subject to the following item of amendment:

Early Learning and Childcare

Councillor Graham L Sinclair referred to the recommendations of the Policy and Resources Committee regarding charging and budget shortfalls for operating the temporary Council provision of childcare for 0-3 year old children, and the Council:

Resolved that charging and budget shortfalls for operating the temporary Council provision of childcare for 0-3 year old children be referred back to the Policy and Resources Committee for further consideration.

13. Local Review Body

Minute of Meeting held on 28 April 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 28 April 2021 as a true record.

14. Byelaws Regulating Consumption of Alcohol in Public Places

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:

14.1. That, on 14 January 2021, the Council resolved that the Chief Executive should commence a consultation process in order to seek the views of the undernoted organisations to determine whether the existing byelaws prohibiting the consumption of alcohol in designated public places in Kirkwall should be amended, revoked or continued in their present form:

- Police Scotland.
- The Crown Office and Procurator Fiscal Service.
- Kirkwall and St Ola Community Council.
- Other relevant groups such as the Orkney Local Licensing Forum.

14.2. That the first stage of consultation had been carried out in relation to the statutory 10-year review of the Prohibition of Consumption of Alcohol in Designated Public Places (Kirkwall) Byelaws 2011, with responses indicating that the terms of the existing Byelaws continued to be relevant and appropriate.

14.3. That Police Scotland had indicated that it might be useful to have similar Byelaws covering other localities in Orkney.

14.4. That there may be merit in expanding the area to which the Byelaws applied, to correspond with the expansion of housing provision on the outskirts of Kirkwall in accordance with the Local Development Plan.

14.5. That the Scottish Government had been consulted on the Byelaws, including potential amendments to the map describing the designated area to which the Byelaws would apply, and that a response was awaited.

The Council resolved:

14.6. That the existing terms of the Orkney Islands Council Prohibition of Consumption of Alcohol in Designated Public Places Byelaws (Kirkwall) 2011 should remain unchanged, apart from the potential addition of a written description to accompany the map.

14.7. That the map, attached as Appendix 1 to this Minute, be adopted as the new map to accompany the byelaws.

14.8. That, subject to obtaining a satisfactory response from the Scottish Government, the Byelaws Regulating the Consumption of Alcohol in Public Places (Kirkwall) be submitted to full public consultation in accordance with section 202 of the Local Government (Scotland) Act 1973.

14.9. That the Chief Executive should submit a report, to the General Meeting of the Council to be held on 5 October 2021 or as soon as possible thereafter, detailing the outcome of the full public consultation.

15. Nomination for Honour of Freedom of Orkney

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:

15.1. That, in December 2011, the Council adopted a nomination process for conferring the honour of the Freedom of Orkney.

15.2. That a nomination, supported by six elected members, had been received from Councillor J Harvey Johnston, requesting that the Council confer the Freedom of Orkney upon the Royal Navy Northern Diving Group, in recognition of the longstanding historic connection in commemorating those lost in the sinking of HMS Royal Oak and in keeping the community safe through the safe disposal of modern and historic ordnance, including torpedoes and mines.

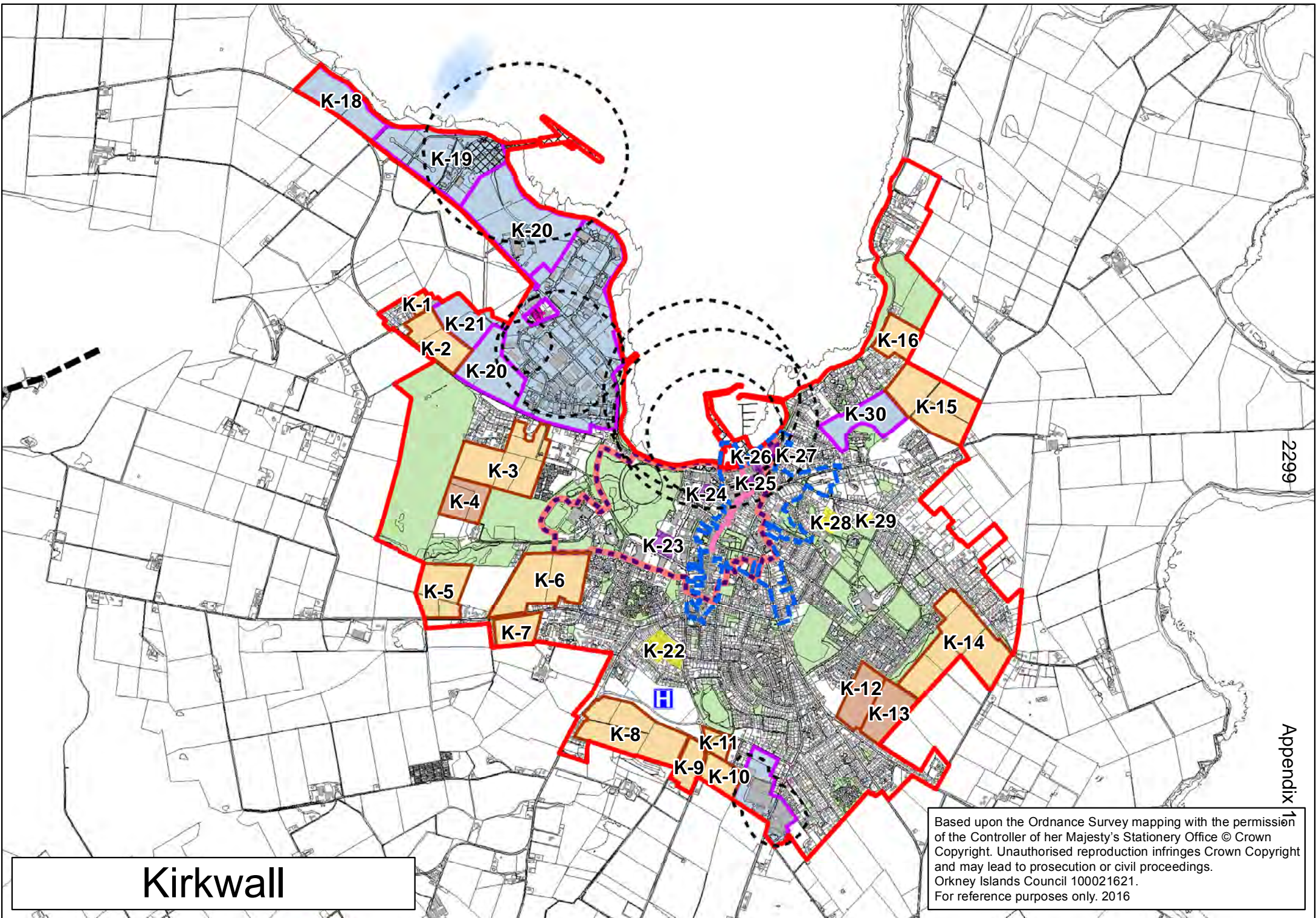
The Council resolved:

15.3. In terms of section 206(1) of the Local Government (Scotland) Act 1973, to confer the Freedom of Orkney upon the Royal Navy Northern Diving Group in recognition of the connections referred to in paragraph 15.2 above.

16. Conclusion of Meeting

At 11:50 the Convener declared the meeting concluded.

Signed: Harvey Johnston.



Kirkwall

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Appendix 1