

Minute

Special General Meeting of the Council

Wednesday, 15 September 2021, 10:30.

Microsoft Teams.



Present

Councillors J Harvey Johnston, Stephen G Clackson, Alexander G Cowie, Norman R Craigie, Robin W Crichton, David Dawson, Barbara Foulkes, Steven B Heddle, Rachael A King, W Leslie Manson, John T Richards, 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.
- 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.
- Andrew Groundwater, Head of HR and Performance.
- Kenny MacPherson, Interim Head of IT and Facilities.
- Garry Burton, Leisure and Culture Service Manager (for Items 1 to 4).
- Hazel Flett, Senior Committees Officer.

Observing

- Sandra Craigie, Committees Officer (for Items 1 to 4).
- Angela Kingston, Committees Officer.
- Rebecca McAuliffe, Press Officer.

Apologies

- Councillor Andrew Drever.
- Councillor Stephen Sankey.

Declarations of Interest

- No declarations of interest were intimated.

Chair

- Councillor J Harvey Johnston, Convener.

1. The Late George Stevenson

The Convener referred to the death of George Stevenson, former Vice Convener of Orkney Islands Council, and paid tribute to the service he had given to the Council and the local community over many years, following which the Council observed a minute's silence.

2. Governance Arrangements

After consideration of a report by the Chief Executive, together with an Equality Impact Assessment, copies of which had been circulated, and after hearing a report from the Head of Executive Support, the Council:

Noted:

- 2.1.** That, at the General Meeting held on 2 March 2021, the Council agreed to continue the temporary amendments to the Standing Orders, attached as Appendix 1 to the report by the Chief Executive, in order to facilitate efficient and timely decision making in response to the Coronavirus pandemic.
- 2.2.** That all formal meetings of the Council and its committees and sub-committees continued to meet through remote/virtual attendance in Microsoft Teams.
- 2.3.** That, although lockdown restrictions had gradually eased since May 2021, the message from the Scottish Government remained that, where possible, it was recommended that Council staff and elected members should continue to work from home.
- 2.4.** That, from 1 October 2021, the Council would no longer be able to exclude the public from meetings of the Council, its committees and sub-committees for Coronavirus-related reasons.
- 2.5.** That, in order to facilitate public access, consideration required to be given either to reintroducing in-person public meetings, where practicable, or audiocasting meetings live.
- 2.6.** That, in order to facilitate blended meetings, the technology in the Council Chamber could be improved with the installation of additional cameras, which were linked to the microphone system and Microsoft Teams, at a cost of £15,000.
- 2.7.** Options in respect of the resumption of formal 'in-person' Council meetings, as detailed in section 7 of the report by the Chief Executive, with the preferred option being Option 2, namely a return to the Council Chamber for 'in-person' meetings where the number of attendees, both Elected Members and officers, could be contained within the limit of 23 persons.

The Council resolved:

2.8. That, subject to Scottish Government guidance in place at that time, Option 2, namely the return to 'in-person' Council meetings in the Chamber, be implemented with effect from 1 October 2021, but limited to meetings where the number of attendees was contained within the limit of 23 persons physically present in the Chamber and five in the public gallery.

2.9. That the technological equipment in the Council Chamber be upgraded to facilitate blended meetings, at a cost of £15,000 plus installation, to be met from the Capital Fund.

2.10. That, where attendance was anticipated to exceed the maximum numbers permitted in the Council Chamber, powers be delegated to the Chief Executive, in consultation with the relevant Chair and Vice Chair, to determine, on a case-by-case basis, whether the meeting should be held virtually on Microsoft Teams or in person.

2.11. That the temporary amendments to the Standing Orders, referred to at paragraph 2.1 above, be withdrawn, with the exception of Standing Order 12.3, Standing While Speaking, which should remain in force for as long as meetings of the full Council were held virtually on Microsoft Teams.

2.12. That, in the event that guidance from the Scottish Government became more restrictive again, powers be delegated to the Chief Executive, in consultation with the Convener and the Leader, to determine that meetings of the Council and its committees and sub-committees revert to remote attendance and be held virtually.

Councillors Barbara Foulkes and Magnus O Thomson joined the meeting during discussion of this item.

3. Bignold Park – Proposal to Create Improved Accessibility

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

Noted:

3.1. That much of the land that made up the Bignold Park was gifted to the Provost, Magistrates and Councillors of the City and Royal Burgh of Kirkwall in 1906 and 1911 by Sir Arthur Bignold as a public park for the use and enjoyment of the community of the Burgh of Kirkwall, with the remainder being acquired by the Council over subsequent years.

3.2. That the original parts of the Bignold Park gifted to the Provost, Magistrates and Councillors of the City and Royal Burgh of Kirkwall comprised Common Good land.

3.3. That Bignold Park was viewed as an important amenity space by people across Orkney.

3.4. That Council officers had worked with a number of local organisations investigating options to improve Bignold Park.

3.5. That the Your Kirkwall Plan highlighted improvements to the Bignold Park as suggested through public engagement.

3.6. That the Interim Chief Executive and the Leisure and Culture Service Manager had engaged in positive and proactive discussion with Orkney Agricultural Society regarding construction of a roadway through the Bignold Park to significantly enhance accessibility for users.

3.7. That Orkney Agricultural Society had offered to carry out the works, on behalf of the Council, to create an access roadway through the Bignold Park, as well as making a financial contribution based on commercial quotes the Society had received, which were within a price range between £50,000 and £76,000.

Councillor Graham L Sinclair, seconded by Councillor Steven B Heddle, moved that:

- A contribution of 75% of construction costs, up to a maximum sum of £57,000, to be met from the Common Good Fund, be made to Orkney Agricultural Society, towards construction of the access roadway through the Bignold Park.
- The Council should embark on a public consultation exercise on how best to develop the Bignold Park for future community use.

Councillor W Leslie Manson, seconded by Councillor James W Stockan, moved an amendment that:

- A contribution of 100% of the construction costs, up to a maximum sum of £76,000, to be met from the undernoted sources, be made to Orkney Agricultural Society as full payment for the construction of the access roadway through the Bignold Park:
 - Common Good Fund – £57,000.
 - Capital Fund – £19,000, if required.
- The Council should embark on a public consultation exercise on how best to develop the Bignold Park for future community use.

The result of a recorded vote was as follows:

For the Amendment:

Councillors Alexander G Cowie, Norman R Craigie, Barbara Foulkes, Rachael A King, W Leslie Manson, John A R Scott, Gwenda M Shearer, James W Stockan, Magnus O Thomson and Heather N Woodbridge (10).

For the Motion:

Councillors Stephen G Clackson, Robin W Crichton, David Dawson, Steven B Heddle, J Harvey Johnston, Graham L Sinclair and Owen Tierney (7).

The Amendment was therefore carried and the Council thereafter resolved:

3.8. That a contribution of 100% of the construction costs, up to a maximum sum of £76,000, to be met from the undernoted sources, be made to Orkney Agricultural Society as full payment for the construction of the access roadway through the Bignold Park:

- Common Good Fund – £57,000.
- Capital Fund – £19,000, if required.

3.9. That the Council should embark on a public consultation exercise on how best to develop the Bignold Park for future community use.

Councillors John T Richards and Duncan A Tullock left the meeting during discussion of this item.

4. Notice of Motion

The Council had for consideration the following Notice of Motion:

“Orkney Islands Council notes:

- The Scottish Government plans to begin legislating for a National Care Service by Autumn 2021.
- The significant investment that the Council and our partners have made in provision of care services in our community over decades, and the dedicated and committed staff delivering these crucial frontline services.
- That to improve outcomes, reform is often necessary. However, a move towards a National Care Service should not be merely accepted as the only means of reform without proper consideration of its scope, resourcing and implications for local decision making.
- That the Orkney Islands model of care and strong partnership working has been developed and modified as local needs have changed and is significantly different to many areas of Scotland.
- That the Council’s extant position is that it supports the establishment of a Single Authority Model for public services delivery in Orkney in the context of the current Local Governance Review in Scotland and remains committed to community empowerment and local democracy and is concerned that some versions of the National Care Service proposal could diminish, rather than enhance, the community, fiscal and functional empowerment we seek.
- This extant position was informed by the work undertaken across statutory services to support the manifesto commitments offered by the Scottish Government in the last parliament to all islands communities.

Orkney Islands Council therefore resolves:

- That as a matter of priority, the Council will write to the Cabinet Secretary for Health and Social Care seeking confirmation that a full island communities impact assessment will be undertaken, as required by the Islands (Scotland) Act 2018, before any legislation is drafted.

Signed James Stockan and Rachael King”.

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

Noted:

4.1. 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 one other Elected Member.
- It was accompanied by a joint report from the Chief Executive and the Chief Officer/ Executive Director, Orkney Health and Care on the implications of the suggested course of action contained in the Notice of Motion.

After consideration of a joint report by the Chief Executive and the Chief Officer/Executive Director, Orkney Health and Care, copies of which had been circulated, and after hearing a report from the Head of Legal Services, the Council:

Noted:

4.2. That the Chief Executive had received a Notice of Motion in relation to the Scottish Government's plans to begin legislating for a new National Care Service by Autumn 2021.

4.3. That the Notice of Motion requested that the Council resolve, as a matter of priority, to write to the Cabinet Secretary for Health and Social Care seeking confirmation that a full Island Communities Impact Assessment would be undertaken, as required by the Islands (Scotland) Act 2018, before any legislation was drafted.

4.4. That the Scottish Government had meantime launched a consultation on its proposals for a National Care Service.

4.5. That the immediate implications of the suggested course of action contained in the Notice of Motion were principally in Councillor and officer time for the petitioning of the Scottish Government.

The Council considered the Notice of Motion and thereafter resolved:

4.6. To write to the Cabinet Secretary for Health and Social Care seeking confirmation that a full Island Communities Impact Assessment would be undertaken, as required by the Islands (Scotland) Act 2018, before any legislation in respect of the proposed National Care Service was drafted.

5. Conclusion of Meeting

At 12:58 the Convener declared the meeting concluded.

Signed: Harvey Johnston.