

Minute

General Meeting of the Council

Tuesday, 5 March 2019, 10:30.

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, 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 Kevin F Woodbridge.

Clerk

- Karen Greaves, Head of Executive Support.

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.
- Wilfred Weir, Executive Director of Education, Leisure and Housing.
- Gareth Waterson, Head of Finance.
- Gavin Mitchell, Head of Legal Services.
- Sweyn Johnston, Strategic Projects Director (for Items 1 to 13).
- Angela Kingston, Committees Officer.

Observing

- Andrew Groundwater, Head of HR and Performance.
- Frances Troup, Head of Housing, Homelessness and Schoolcare Accommodation Services (for Items 1 to 12).
- Paul Kemp, Strategic Finance Manager.
- David Hartley, Communications Team Leader.
- Kirsty Groundwater, Press Officer (for Items 1 to 13).
- Eibhlin Lee, Strategic Projects Officer (for Items 12 and 13).

Declarations of Interest

- Councillor J Harvey Johnston – Item 12.
- Councillor Duncan A Tullock – Item 12.

Chair

- Councillor J Harvey Johnston, Convener (for Items 1 to 11 and 13 to 15).
- Councillor James W Stockan, Leader (for Item 12).

1. Licensing Committee

Minute of Meeting held on 6 December 2018

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 6 December 2018 as a true record.

2. General Meeting of the Council

Minute of Meeting held on 11 December 2018

On the motion of Councillor James W Stockan, seconded by Councillor Graham L Sinclair, the Council resolved to approve the Minute of the General Meeting of the Council held on 11 December 2018 as a true record.

3. Planning Committee

Minute of Meeting held on 12 December 2018

On the motion of Councillor Owen Tierney, seconded by Councillor Stephen Sankey, the Council resolved to approve the Minute of the Meeting of the Planning Committee held on 12 December 2018 as a true record.

4. Planning Committee

Minute of Meeting held on 23 January 2019

On the motion of Councillor Owen Tierney, seconded by Councillor Robin W Crichton, the Council resolved to approve the Minute of the Meeting of the Planning Committee held on 23 January 2019 as a true record.

5. Licensing Committee

Minute of Meeting held on 24 January 2019

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 24 January 2019 as a true record.

6. Local Review Body

Minute of Meeting held on 25 January 2019

On the motion of Councillor Owen Tierney, seconded by Councillor Robin W Crichton, the Council resolved to approve the Minute of the Meeting of the Local Review Body held on 25 January 2019 as a true record.

7. Development and Infrastructure Committee

Minute of Meeting held on 5 February 2019

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 5 February 2019 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 5 February 2019.

8. Education, Leisure and Housing Committee

Minute of Meeting held on 6 February 2019

On the motion of Councillor John A R Scott, seconded by Councillor John T Richards, the Council resolved to approve the Minute of the Meeting of the Education, Leisure and Housing Committee held on 6 February 2019 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 6 February 2019, subject to the following item of amendment.

8.1. Sheltered Housing Service

Councillor James W Stockan referred to the recommendations of the Committee regarding the sheltered housing service, specifically the sleep-in provision at Rae's Close, Stromness, and, seconded by Councillor Rachael A King, the Council:

Resolved:

8.1.1. That the sleep-in provision be removed from Rae's Close, Stromness, but not until after the full care assessments referred to at paragraph 8.1.2 below had been completed.

8.1.2. That the Chief Officer/Executive Director, Orkney Health and Care, should arrange for every resident at Rae's Close, Stromness, to have a full care assessment as soon as practicable.

8.1.3. That, in the event of any further changes in community care services in the locality, the Chief Officer/Executive Director, Orkney Health and Care, should develop appropriate solutions to take cognisance of such changes.

9. Monitoring and Audit Committee

Minute of Meeting held on 7 February 2019

On the motion of Councillor John T Richards, seconded by Councillor David Dawson, the Council resolved to approve the Minute of the Meeting of the Monitoring and Audit Committee held on 7 February 2019 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 7 February 2019.

10. Policy and Resources Committee

Minute of Meeting held on 19 February 2019

On the motion of Councillor W Leslie Manson, seconded by Councillor Graham L Sinclair, the Council resolved to approve the Minute of the Meeting of the Policy and Resources Committee held on 19 February 2019 as a true record, with the exception of paragraph 22, which was moved by Councillor Graham L Sinclair and seconded by Councillor Rachael A King.

The Council thereafter resolved to approve the recommendations contained in the Minute of the Meeting of the Policy and Resources Committee held on 19 February 2019.

11. Community Development Fund Sub-committee

Minute of Meeting held on 4 February 2019

On the motion of Councillor James W Stockan, seconded by Councillor Rachael A King, the Council resolved to approve the Minute of the Meeting of the Community Development Fund Sub-committee held on 4 February 2019, attached as Appendix 1 to this Minute, as a true record.

12. Scale Wind Project

Councillor J Harvey Johnston declared a non-financial interest in this item, in that a family member was part of the Strategic Projects team, and was not present during discussion thereof.

Signed: Harvey Johnston.

Councillor Duncan A Tullock declared a non-financial interest in this item, in that a close family member was involved in a potential project, and was not present during discussion thereof.

As the Convener, being Chair of the General Meeting, had declared his interest and left the meeting, the Clerk called for nominations for Chair.

The Council resolved:

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

Councillor James W Stockan then took the Chair for this item.

On the motion of Councillor James W Stockan, seconded by Councillor W Leslie Manson, 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 paragraphs 6, 8 and 9 of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 as amended.

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:

Resolved what action should be taken with regard to the Scale Wind project.

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.

Signed: James W Stockan.

13. Adjournment of Meeting

At 11:40 the Convener resumed the Chair and advised that confirmation regarding ferry funding for 2019 to 2020 had not yet been received from the Scottish Government.

On the motion of Councillor W Leslie Manson, seconded by Councillor Alexander G Cowie, the Council resolved to adjourn the meeting and reconvene at 16:00.

14. Policy and Resources Committee

Minute of Special Meeting held on 12 February 2019

On the motion of Councillor J Harvey Johnston, 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 12 February 2019 as a true record, with the exception of paragraph 2, which was moved by Councillor J Harvey Johnston and seconded by Councillor Barbara Foulkes.

The Council thereafter resolved to approve the recommendations contained in the Minute of the Special Meeting of the Policy and Resources Committee held on 12 February 2019, subject to the following item of amendment.

Budget and Council Tax Level for 2019 to 2020

Councillor James W Stockan referred to the recommendations of the Committee regarding the budget and Council Tax level for 2019 to 2020, specifically the exceptions to reviewing and increasing existing charges, and, seconded by Councillor Graham L Sinclair, the Council:

Resolved:

14.1. That the General Fund revenue budget for financial year 2019 to 2020 be set at £83,884,900.

14.2. That powers be delegated to the Head of Finance to revise the General Fund revenue budget for financial year 2019 to 2020 in respect of any increase to the provisional funding level referred to at paragraph 6.2 of the Minute of the Special Meeting of the Policy and Resources Committee held on 12 February 2019.

14.3. That the specific grant allocation for ferry services, referred to at paragraph 6.2 of the Minute of the Special Meeting of the Policy and Resources Committee held on 12 February 2019, had subsequently been confirmed as £5,300,000.

14.4. That, as a consequence of the reduced specific grant allocation for ferry services, ferry fares be increased by 3%, from 1 April 2019, if possible to do so, or as early as possible thereafter.

14.5. That the Band D Council Tax level for financial year 2019 to 2020 be set at £1,153, being a real terms increase of 3% on the Band D Council Tax level for financial year 2018 to 2019 of £1,100.

14.6. That the Council's budget uprating assumptions, as set out in Appendix 3 to the Minute of the Special Meeting of the Policy and Resources Committee held on 12 February 2019, at an estimated cost across the General Fund of £2,719,600, be approved.

14.7. That the baseline service pressures, totalling £3,725,400, as detailed in Appendix 4 to the Minute of the Special Meeting of the Policy and Resources Committee held on 12 February 2019, be approved and included in the revenue budget for financial year 2019 to 2020.

14.8. That efficiency savings totalling £350,000, covering risk levels assessed as low and medium, as detailed in Appendix 5 to the Minute of the Special Meeting of the Policy and Resources Committee held on 12 February 2019, be approved and applied for financial year 2019 to 2020, summarised by service as follows:

- Chief Executive's Service – £160,000.
- Corporate Services – £112,300.
- Development and Infrastructure – £63,500.
- Education, Leisure and Housing – £14,200.
- Orkney Health and Care – £0.

14.9. That powers be delegated to the Head of Finance to allocate any General Fund underspend from financial year 2018 to 2019 to the following provisions:

- Outwith Orkney Placements Fund for no less than the service pressure item set against self-financing as detailed in Appendix 4 to the Minute of the Special Meeting of the Policy and Resources Committee held on 12 February 2019.
- Any remaining underspends to the repayment of capital debt.

14.10. That a General Fund contingency be established within the revenue budget for financial year 2019 to 2020, into which the additional funding and locally raised income, estimated to be worth £869,000, secured for local government in political negotiations over support for the Scottish Government's budget, be contributed.

14.11. That any further efficiency savings realised through new charges or otherwise, or additional funding secured that was not specific to government initiatives that must be funded, be retained in a General Fund contingency.

14.12. That Executive Directors should review and increase existing charges by a minimum of 3%, from 1 April 2019, if possible to do so, or as early as possible thereafter, with the following exceptions, where alternative arrangements were required or proposed:

- Building warrant and planning fees.
- Harbour charges.
- Car park charges.
- Residential care and home care.
- Very sheltered housing.
- Supported accommodation.
- Licensing fees.
- Ship sanitation certification.
- Marriage/civil partnership.
- Roads inspection fees.
- Trade waste charge.
- Homelessness rents.

14.13. That the following savings approved as part of the budget setting process for 2018 to 2019 be reinstated from 1 April 2019:

- SCOHC08 Introduce charging for Telecare services – £97,800.
- SCOHC10 Introduce charging for Day Care services – £54,400.

14.14. That the funding to reinstate the budget shortfall of £152,200, arising from charges not being levied for Telecare and Day Care services, be sourced from the General Fund contingency, referred to at paragraph 14.10 above, leaving an uncommitted General Fund contingency balance of £706,500.

14.15. That, for financial year 2019 to 2020, subject to any increase in the provisional funding level from Scottish Government, referred to at paragraph 6.2 of the Minute of the Special Meeting of the Policy and Resources Committee held on 12 February 2019, the contribution from the Strategic Reserve Fund used as a funding source be set at a level of up to £6,050,000.

14.16. That, for financial year 2019 to 2020, the non-earmarked General Fund Balance should be retained at a minimum target level of 5% of the Council's net budgeted expenditure.

14.17. That the policies of presumption against new commitments and the moratorium on staff establishment increases should continue to remain in force, with the following conditions:

- Exceptions might be considered for new commitments which were 100% funded by external bodies – proposals involving the Council in partnership funding shall require compensatory savings to be identified.
- The Council should consider undertaking new statutory duties or any case where it was considered that statutory duties were not being fulfilled, however, such duties having financial implications should first be reported to the relevant Committees for approval.
- The Council should consider new commitments where compensatory savings could be identified – any Committee considering such recommendations should, in the first instance, seek to identify savings from within its revenue budget.

14.18. That powers be delegated to the Head of Finance, as Section 95 Officer, in consultation with the Chief Executive, to prepare and distribute a detailed budget incorporating all of the budget adjustments agreed by the Council.

15. Conclusion of Meeting

At 16:25 the Convener declared the meeting concluded.

Signed: Harvey Johnston.

Minute

Community Development Fund Sub-committee

Monday, 4 February 2019, 14:30.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Councillors J Harvey Johnston, Norman R Craigie, Robin W Crichton, Andrew Drever, Rachael A King, John A R Scott, Graham L Sinclair and James W Stockan.

Clerk

- Sandra Craigie, Committees Officer.

In Attendance

- Gavin Mitchell, Head of Legal Services.
- Colin Kemp, Corporate Finance Senior Manager.
- Alister Brown, Economic Development Officer.
- Jordan Low, Economic Development Officer.

Observing

- Chloe Rosie, Modern Apprentice, Business and Administration.

Declarations of Interest

- No declarations of interest were intimated.

Chair

- Councillor J Harvey Johnston.

1. Application Number 0/5/8/37

Firth Community Association SCIO

Upgrading of Firth Community Centre and Surrounding Area

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 Alister Brown, Economic Development Officer, the Sub-committee:

Noted:

1.1. That Firth Community Association SCIO had applied for assistance from the Community Development Fund towards upgrading Firth Community Centre and surrounding area, at a total estimated eligible cost of £24,876.

1.2. That, in March 2013, Firth Community Association secured grant assistance from the Community Development Fund, namely a grant of up to £39,900, amounting to 47.5% of eligible project costs, towards upgrading the kitchen, creating additional storage space and community seating at Firth Community Centre.

1.3. That Firth Community Association SCIO was contributing £1,244 of its own resources towards upgrading Firth Community Centre and surrounding area.

1.4. That Firth Community Association SCIO had applied for match funding, amounting to £11,816, from the Orkney LEADER Programme 2014 to 2020, towards upgrading Firth Community Centre and surrounding area.

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

- Alistair Carmichael, MP.
- Community Energy Scotland, Orkney Project Manager.
- E J Williams, local resident.
- Firth Parents and Toddlers.
- Firth Scottish Women's Institute.
- Firth Youth Club.
- Orkney Weddings.
- Liam McArthur, MSP.

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

1.6. That a grant amounting to 47.5% of total eligible costs, up to a maximum sum of £11,816, to be met from the Community Development Fund, be offered to Firth Community Association SCIO towards upgrading Firth Community Centre and surrounding area, subject to the full funding package being secured to enable the project to be completed.

1.7. 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 Firth Community Association SCIO in respect of the funding, detailed at paragraph 1.6 above.

2. Application Number 0/5/8/65

Stromness Community Development Trust

Redevelopment of South End Play Park, Stromness

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 Jordan Low, Economic Development Officer, the Sub-committee:

Noted:

2.1. That Stromness Community Development Trust had applied for assistance from the Community Development Fund towards redevelopment of South End Play Park, Stromness, at a total estimated eligible cost of £72,000.

2.2. That Stromness Community Development Trust was contributing £13,000 of its own resources towards the project.

2.3. That Stromness Community Development Trust had already secured match funding, amounting to £5,000, from Scottish Water towards the project.

2.4. That Stromness Community Development Trust had also applied for match funding, amounting to £36,000, from the Orkney LEADER Programme 2014 to 2020 towards the project.

2.5. That a message of support had been received from Stromness Community Council.

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

2.6. That a grant amounting to 25% of total eligible costs, up to a maximum sum of £18,000, to be met from the Community Development Fund, be offered to Stromness Community Development Trust towards redevelopment of South End Play Park, Stromness, subject to the full funding package being secured to enable the project to be completed.

2.7. That powers be delegated to the Executive Director of Development and Infrastructure, in consultation with the Head of Finance, to authorise advance payment of the grant, referred to at paragraph 2.6 above, on receipt of invoices, if required in order to assist cash flow requirements of Stromness Community Development Trust.

2.8. 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 Stromness Community Development Trust in respect of the funding, detailed at paragraphs 2.6 and 2.7 above.

3. Application Number 0/5/8/66

Papay Community Association – Redevelopment of Papay Community Playpark

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 Jordan Low, Economic Development Officer, the Sub-committee:

Noted:

3.1. That Papay Community Association had applied for assistance from the Community Development Fund towards redevelopment of Papay community playpark, at a total estimated eligible cost of £30,000.

3.2. That Papay Community Association was contributing £5,000 of its own resources towards the project, £2,500 of which was in-kind contribution.

3.3. That Papay Community Association had already secured match funding, amounting to £10,000, towards the project from the undernoted organisations:

- Papa Westray Community Council.
- Awards For All (National Lottery).
- Cooke Aquaculture.

3.4. That messages of support had been received from the undernoted groups:

- Papa Westray School Parent Council.
- Papa Westray Community Council.

The Sub-committee resolved in terms of delegated powers:

3.5. That a grant amounting to 50% of total eligible costs, up to a maximum sum of £15,000, to be met from the Community Development Fund, be offered to Papay Community Association towards redevelopment of Papay community playpark, subject to the full funding package being secured to enable the project to be completed.

3.6. 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 Papay Community Association in respect of the funding, detailed at paragraph 3.5 above.

4. Application Number 0/5/8/67

Kirkwall Kayak Club – Purchase of Kayaks and Associated Equipment

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 Alister Brown, Economic Development Officer, the Sub-committee:

Noted:

4.1. That Kirkwall Kayak Club had applied for assistance from the Community Development Fund towards the purchase of kayaks and associated equipment, at a total estimated eligible cost of £16,546.

4.2. That Kirkwall Kayak Club was contributing £828 of its own resources towards the project.

4.3. That Kirkwall Kayak Club had applied for match funding, amounting to £7,859, from the Orkney LEADER Programme 2014 to 2020 towards the project.

4.4. That messages of support had been received from the undernoted groups:

- Scottish Autism (Orkney Services).
- RSPB Scotland (Orkney Office).
- Scottish Canoe Association.
- Voluntary Action Orkney.

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

4.5. That a grant amounting to 47.5% of total eligible costs, up to a maximum sum of £7,859, to be met from the Community Development Fund, be offered to Kirkwall Kayak Club towards the purchase of kayaks and associated equipment, subject to the full funding package being secured to enable the project to be completed.

4.6. That powers be delegated to the Executive Director of Development and Infrastructure, in consultation with the Head of Finance, to authorise advance payment of the grant, referred to at paragraph 4.5 above, on receipt of invoices, if required in order to assist cash flow requirements of Kirkwall Kayak Club.

4.7. 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 Kirkwall Kayak Club towards in respect of the funding, detailed at paragraphs 4.5 and 4.6 above.

5. Conclusion of Meeting

At 14:52 the Chair declared the meeting concluded.

Signed: J Harvey Johnston.