

Minute

General Meeting of the Council

Tuesday, 4 July 2023, 10:30.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Councillors Graham A Bevan, Alexander G Cowie, David Dawson, P Lindsay Hall, Rachael A King, Kristopher D Leask, W Leslie Manson, James R Moar, Raymond S Peace, John A R Scott, Gwenda M Shearer, Gillian Skuse, Jean E Stevenson, James W Stockan, Ivan A Taylor, Mellissa-Louise Thomson, Owen Tierney, Duncan A Tullock and Heather N Woodbridge.

Present via remote link (Microsoft Teams)

Councillors Stephen G Clackson and Steven B Heddle.

Clerk

- Gavin Mitchell, Head of Legal and Governance.

In Attendance

- Oliver D Reid, Chief Executive.
- Hayley Green, Corporate Director for Neighbourhood Services and Infrastructure.
- Gareth Waterson, Corporate Director for Enterprise and Sustainable Regeneration.
- James Wylie, Corporate Director for Education, Leisure and Housing.
- Andrew Groundwater, Head of Human Resources and Organisational Development.
- Erik Knight, Head of Finance.
- Lorna Richardson, Head of Neighbourhood Services (for Items 2 to 14).
- Alex Rodwell, Head of Improvement and Performance.
- Hazel Flett, Service Manager (Governance).

In Attendance via remote link (Microsoft Teams)

- Stephen Brown, Chief Officer, Orkney Health and Social Care Partnership.

Observing

- Kirsty Groundwater, Communications Team Leader (for Item 1).

Declarations of Interest

- No declarations of interest were intimated.

Chair

- Councillor Graham A Bevan, Convener.

1. Notice of Motion

The Council had for consideration the following Notice of Motion:

“Due to historical and contemporary challenges in relation to equitable capital and revenue funding, and policy support across our island communities, Orkney Islands Council should now explore options for alternative models of governance that provide greater fiscal security and economic opportunity for the islands of Orkney. Those investigations to include Nordic connections, crown dependencies and other options for greater subsidiarity and autonomy to be presented to the community for consideration.

Proposed by James W Stockan.

Seconded by Heather Woodbridge.”.

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

Noted:

1.1. 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 joint report from the Chief Executive and the Corporate Director for Strategy, Performance and Business Solutions 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 Corporate Director for Strategy, Performance and Business Solutions, copies of which had been circulated, and after hearing a report from the Head of Legal and Governance, the Council:

Noted:

1.2. That the Chief Executive had received a Notice of Motion seeking the exploration of options for alternative models of governance that would provide greater fiscal security and economic opportunity for the islands of Orkney.

1.3. That the Notice of Motion requested that the investigations should include Nordic connections, Crown Dependencies and other options for greater subsidiarity and autonomy which should be presented to the community for consideration.

1.4. That the main implications of the suggested course of action were the officer time that would be associated with the investigation, reporting and subsequent public consultation on alternative models of governance for the islands of Orkney.

Councillor James W Stockan, seconded by Councillor Heather N Woodbridge, moved the Notice of Motion.

Councillor David Dawson, seconded by Councillor P Lindsay Hall, moved an amendment that, having considered the implications of seeking the exploration of options for alternative models of governance, the Council should not pursue further action in this respect.

The result of a recorded vote was as follows:

For the Amendment:

Councillors Stephen G Clackson, David Dawson, P Lindsay Hall, Steven B Heddle, James R Moar, and John A R Scott (6).

For the Motion:

Councillors Graham A Bevan, Alexander G Cowie, Rachael A King, Kristopher D Leask, W Leslie Manson, Raymond S Peace, Gwenda M Shearer, Gillian Skuse, Jean E Stevenson, James W Stockan, Ivan A Taylor, Mellissa-Louise Thomson, Owen Tierney, Duncan A Tullock and Heather N Woodbridge (15).

The Notice of Motion was therefore carried.

Councillor Steven B Heddle proposed a further amendment, notice of which had been given, that, in addition, the Council reinvigorate the Constitutional Reform Consultative Group, with officer support, to pursue, amongst other things, opportunities from the National Islands Plan, the Islands (Scotland) Act 2018 (such as the ability to request additional powers), and to develop the Single Islands Authority work, continuing to test the national governments to deliver on commitments they made to empower the islands and level up, as well as exploration of options for alternative models of governance as referred to in the Motion.

In terms of Standing Order 16.14, Councillors Stockan and Woodbridge, as proposer and seconder of the Notice of Motion, gave their consent to include Councillor Heddle's further amendment as part of the Motion.

The Council thereafter resolved:

1.5. That the Notice of Motion be supported, in that options for alternative models of governance, that would provide greater fiscal security and economic opportunity for the islands of Orkney, be explored.

1.6. That the Chief Executive should submit a report, to the Policy and Resources Committee, detailing the scope of work, together with the resources required, to address the matters raised in the Notice of Motion.

1.7. That, in addition, the Constitutional Reform Consultative Group be reinvigorated, with officer support, to pursue, amongst other things, opportunities from the National Islands Plan, the Islands (Scotland) Act 2018 (such as the ability to request additional powers), and to develop the Single Islands Authority work, continuing to test the national governments to deliver on commitments they made to empower the islands and level up, as well as exploration of options for alternative models of governance as referred to in the Motion.

Councillor James W Stockan left the meeting at this point.

2. Planning Committee

Minute of Meeting held on 26 April 2023

On the motion of Councillor Owen Tierney, seconded by Councillor Duncan A Tullock, the Council resolved to approve the Minute of the Meeting of the Planning Committee held on 26 April 2023 as a true record.

3. Licensing Committee

Minute of Meeting held on 27 April 2023

On the motion of Councillor Duncan A Tullock, seconded by Councillor David Dawson, the Council resolved to approve the Minute of the Meeting of the Licensing Committee held on 27 April 2023 as a true record.

4. General Meeting of the Council

Minute of Meeting held on 3 May 2023

On the motion of Councillor Graham A Bevan, seconded by Councillor Heather N Woodbridge, the Council resolved to approve the Minute of the General Meeting of the Council held on 3 May 2023 as a true record.

5. Local Review Body

Minute of Meeting held on 19 May 2023

On the motion of Councillor Kristopher D Leask, seconded by Councillor Duncan A Tullock, the Council resolved to approve the Minute of the Meeting of the Local Review Body held on 19 May 2023 as a true record.

6. Planning Committee

Minute of Meeting held on 31 May 2023

On the motion of Councillor Owen Tierney, seconded by Councillor Kristopher D Leask, the Council resolved to approve the Minute of the Meeting of the Planning Committee held on 31 May 2023 as a true record.

7. Development and Infrastructure Committee

Minute of Meeting held on 6 June 2023

On the motion of Councillor David Dawson, seconded by Councillor Gillian Skuse, the Council resolved to approve the Minute of the Meeting of the Development and Infrastructure Committee held on 6 June 2023 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 6 June 2023.

8. Education, Leisure and Housing Committee

Minute of Meeting held on 7 June 2023

On the motion of Councillor Gwenda M Shearer, seconded by Councillor Jean E Stevenson, the Council resolved to approve the Minute of the Meeting of the Education, Leisure and Housing Committee held on 7 June 2023 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 7 June 2023.

9. Monitoring and Audit Committee

Minute of Meeting held on 8 June 2023

On the motion of Councillor Alexander G Cowie, seconded by Councillor P Lindsay Hall, the Council resolved to approve the Minute of the Meeting of the Monitoring and Audit Committee held on 8 June 2023 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 8 June 2023.

10. Policy and Resources Committee

Minute of Meeting held on 20 June 2023

On the motion of Councillor Graham A Bevan, seconded by Councillor Kristopher D Leask, the Council resolved to approve the Minute of the Meeting of the Policy and Resources Committee held on 20 June 2023 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 June 2023.

11. Development and Infrastructure Committee

Minute of Special Meeting held on 21 June 2023

On the motion of Councillor David Dawson, seconded by Councillor Gillian Skuse, the Council resolved to approve the Minute of the Special Meeting of the Development and Infrastructure Committee held on 21 June 2023 as a true record.

The Council thereafter resolved to approve the recommendations contained in the Minute of the Special Meeting of the Development and Infrastructure Committee held on 21 June 2023, subject to the following item of amendment:

20mph Speed Limits at Isles Schools

Councillor Stephen G Clackson referred to the recommendation of the Committee regarding options for the budget currently allocated towards the provision of variable 20mph speed limits at island schools, and the Council:

Resolved:

11.1. That the matter be referred back to the Development and Infrastructure Committee for further consideration.

The Council noted:

11.2. The assurance provided by the Corporate Director for Neighbourhood Services and Infrastructure that a further report would be submitted, to the next meeting of the Development and Infrastructure Committee, scheduled for 5 September 2023, regarding introducing traffic regulation order(s) in respect of 20mph speed limits at isles schools.

12. Community Development Fund Sub-committee

Minute of Meeting held on 15 June 2023

On the motion of Councillor Gwenda M Shearer, seconded by Councillor David Dawson, the Council resolved to approve the Minute of the Meeting of the Community Development Fund Sub-committee held on 15 June 2023, 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:

“That the Council calls upon the Scottish Government to implement a ban on the sale of single use vapes, on the basis of both environmental and health related concerns, particularly for children, including their highly addictive nature.

That the council recognise that the rapid rise in single use vapes has resulted in significant littering with a combination of single use plastics and small lithium batteries, which are difficult to recycle, and call for disposal points to be provided, similar to that available at Tesco in Kirkwall, in any retail outlet selling these products.

The council recognise the amount of use by children under the age of 18, which is illegal under current law, and deplores the clear marketing of these products at younger consumers under titles like bubblegum, ice cream and skittles. There is also evidence that this use is also happening within school grounds.

That with immediate effect the council instructs its Trading Standards staff to ensure enforcement of existing regulations on the control of the sale and retailing of these products for all businesses in Orkney.

That the council instructs officers to consider implementing a programme of educational resources to be rolled out in schools (including upper primary) and through youth and community groups highlighting the consequences of vaping, complementing the teaching currently covered in the PSE curriculum.

We urge all members to support the Royal College of Paediatrics and Children’s Health, the Marine Conservation Society, Ash Scotland and Keep Britain Beautiful to ban the manufacture and sale of disposable vapes in Scotland and ask the Leader to join with other Councils in Scotland in writing to the First Minister welcoming the review into disposable vapes and support the ban.

Proposed by Councillor John Ross Scott.

Seconded by Dr Stephen Clackson.”.

After receiving procedural advice from the Head of Legal and Governance, 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 Corporate Director for Strategy, Performance and Business Solutions on the implications of the suggested course of action contained in the Notice of Motion.

After consideration of a report by the Corporate Director for Strategy, Performance and Business Solutions, copies of which had been circulated, and after hearing a report from the Head of Legal and Governance, the Council:

Noted:

13.2. That the Chief Executive had received a Notice of Motion seeking support to implement a ban on the sale of single use vapes.

13.3. That the Notice of Motion requested that the Council:

- Called upon the Scottish Government to implement a ban on the sale of single use vapes, on the basis of both environmental and health related concerns, particularly for children, including their highly addictive nature.
- Called for disposal points to be provided, similar to that available at Tesco in Kirkwall, in any retail outlet selling these products.
- Instructed Trading Standards staff to ensure enforcement of existing regulations on the control of the sale and retailing of these products for all businesses in Orkney.
- Instructed officers to consider implementing a programme of educational resources to be rolled out in schools (including upper primary) and through youth and community groups highlighting the consequences of vaping, complementing the teaching currently covered in the PSE curriculum.
- Asked the Leader to join with other Councils in Scotland in writing to the First Minister welcoming the review into disposable vapes and support the ban.

13.4. That the main implications of the suggested course of action were officer time associated with enforcement and education activities, as well as writing to the First Minister.

Councillor John A R Scott, seconded by Councillor Stephen G Clackson, moved the Notice of Motion.

Councillor Rachael A King moved an amendment that the Notice of Motion be accepted, with the deletion of the third bullet point in paragraph 13.3 above, namely instructing Trading Standards staff to ensure enforcement of existing regulations on the control of the sale and retailing of these products for all businesses in Orkney.

In terms of Standing Order 16.14, Councillors Scott and Clackson, as proposer and seconder of the Notice of Motion, gave their consent to the amendment proposed by Councillor King.

The amended Notice of Motion was therefore carried.

The Council thereafter resolved:

13.5. That the amended Notice of Motion be supported, namely to support a ban on the sale of single use vapes.

13.6. That the following actions be duly undertaken:

- The Scottish Government be called upon to implement a ban on the sale of single use vapes, on the basis of both environmental and health related concerns, particularly for children, including their highly addictive nature.
- Calls be made for disposal points to be provided, similar to that available at Tesco in Kirkwall, in any retail outlet selling these products.
- Officers to consider implementing a programme of educational resources to be rolled out in schools (including upper primary) and through youth and community groups highlighting the consequences of vaping, complementing the teaching currently covered in the PSE curriculum.
- The Leader to join with other Councils in Scotland in writing to the First Minister welcoming the review into disposable vapes and support the ban.

Councillor P Lindsay Hall left the meeting during discussion of this item.

14. Conclusion of Meeting

At 12:40 the Convener declared the meeting concluded.

Signed: Graham A Bevan.

Minute

Community Development Fund Sub-committee

Thursday, 15 June 2023, 14:00.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Councillors Graham A Bevan, David Dawson, Kristopher D Leask, W Leslie Manson, Gwenda M Shearer, Gillian Skuse, Jean E Stevenson and James W Stockan.

Clerk

- Hazel Flett, Service Manager (Governance).

In Attendance

- Gareth Waterson, Corporate Director for Enterprise and Sustainable Regeneration.
- Sweyn Johnston, Head of Enterprise and Economic Growth.
- Erik Knight, Head of Finance.
- Stuart Bevan, Solicitor.
- Morag Robertson, Development Officer.

Observing

- Annabel Bews, Development Officer.

Declarations of Interest

- Councillor Graham A Bevan – Item 1.
- Councillor Kristopher D Leask – Item 1.

Chair

- Councillor Graham A Bevan.

1. Stage 1 Funding Applications – Regeneration Capital Grant Fund

Councillor Graham A Bevan declared an interest in this item, his connection being that a close family member was the Chair of the Board of Trustees of the Pier Arts Centre, and was not present during discussion thereof.

Councillor Kristopher D Leask declared an interest in this item, his connection being that he was a Director on the Board of the Pier Arts Centre, and was not present during discussion thereof.

Signed: Graham A Bevan.

As the Chair, Councillor Graham A Bevan, had left the meeting, the Clerk called for nominations for Chair for this item.

The Sub-committee resolved:

1.1. That Councillor David Dawson be appointed Chair for this item.

Councillor David Dawson took the Chair.

After consideration of a report by the Corporate Director for Enterprise and Sustainable Regeneration, copies of which had been circulated, and after hearing a report from the Head of Enterprise and Economic Growth, the Committee:

Noted:

1.2. That the Council had received requests from the undernoted organisations to submit Stage 1 applications to the Regeneration Capital Grant Fund for the 2024/25 funding round:

- Birsay Heritage Trust – regeneration of HMS Tern - £760,000.
- Pier Arts Centre – provision of a creative arts hub - £1,608,000.

1.3. That, in accordance with the Regeneration Capital Grant Fund guidelines, the Council, as lead applicant, is required to rank applications.

1.4. That, whilst both third party applications were considered to be highly worthwhile of being supported in their own rights, on balance, the Corporate Leadership Team considered that the Pier Arts Centre project be ranked first.

On the motion of Councillor David Dawson, seconded by Councillor Gillian Skuse, the Sub-committee resolved, in terms of delegated powers:

1.5. That the Council should submit Stage 1 funding applications to the Scottish Government Regeneration Capital Grant Fund, on behalf of both the Pier Arts Centre and Birsay Heritage Trust.

1.6. That, in accordance with the Regeneration Capital Grant Fund guidelines, the applications be ranked in the following priority order:

- Priority 1: Pier Arts Centre, at the requested amount of £1,608,000.
- Priority 2: Birsay Heritage Trust, at the requested amount of £760,000.

Signed: David Dawson.

Councillor Graham A Bevan rejoined the meeting at this point and resumed the Chair.

2. Application Number 0/5/8/70 – Westray Sailing Club

Construction of New Workshop and Building of Traditional Westray Skiff

After consideration of a report by the Corporate Director for Enterprise and Sustainable Regeneration, copies of which had been circulated, and after hearing a report from the Head of Enterprise and Economic Growth, the Committee:

Noted:

2.1. That, on 26 November 2019, when considering the eligibility of projects funded by the North Isles Landscape Partnership Scheme in applying for grants from the Community Development Fund, and other Council funding, the Policy and Resources Committee recommended:

- That community-led projects which had previously secured part-funding from the North Isles Landscape Partnership Scheme be considered eligible to seek co-funding from other Council funding streams, including the Community Development Fund.

2.2. That Westray Sailing Club had applied for assistance from the Community Development Fund towards the construction of a new workshop and the building of a traditional Westray skiff, for use by the members of Westray Sailing Club, the local community and visitors to the island of Westray, at a total estimated eligible cost of £287,666.

2.3. That the North Isles Landscape Partnership Scheme had identified the construction of a new workshop and the building of a traditional Westray Skiff as a project to potentially support and had indicated a potential grant allocation of £93,456 towards the project, subject to approval by the North Isles Landscape Partnership Working Group.

2.4. That, although guidance notes stated that, where total project costs exceeded £10,000, the Community Development Fund Sub-committee would determine whether appropriate security should be taken over any appropriate heritable property improved as a result of the project, Westray Sailing Club would not be in a position to grant security over the heritable property, to be leased from Westray Development Trust, and the Council is unlikely to wish to have any security over the lease.

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

- Westray Development Trust.
- Westray Junior High School.

On the motion of Councillor W Leslie Manson, seconded by Councillor Gillian Skuse, the Sub-committee resolved, in terms of delegated powers:

2.6. That a grant amounting to 34.8% of total eligible costs, up to a maximum sum of £100,000, to be met from the Community Development Fund, be offered to Westray Sailing Club towards construction of a new workshop and the building of a traditional Westray skiff.

2.7. That powers be delegated to the Corporate Director for Enterprise and Sustainable Regeneration, 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 Westray Sailing Club.

2.8. That powers be delegated to the Corporate Director for Enterprise and Sustainable Regeneration, in consultation with the Head of Legal and Governance, to conclude an Agreement, on the Council's standard terms and conditions, with Westray Sailing Club in respect of the funding, detailed at paragraphs 2.6 and 2.7 above.

3. Conclusion of Meeting

At 14:28 the Chair declared the meeting concluded.

Signed: Graham A Bevan.