

# Minute

## General Meeting of the Council

Tuesday, 11 December 2018, 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, Rachael A King, W Leslie Manson, John T Richards, Stephen Sankey, John A R Scott, Gwenda M Shearer, Graham L Sinclair, James W Stockan, Owen Tierney, Duncan A Tullock and Kevin F Woodbridge.

## Clerk

- Alistair Buchan, Chief Executive.

## In Attendance

- Gavin Barr, Executive Director of Development and Infrastructure.
- Gillian Morrison, Executive Director of Corporate Services.
- Wilfred Weir, Executive Director of Education, Leisure and Housing.
- Gareth Waterson, Head of Finance.
- Karen Greaves, Head of Executive Support.
- Scott Hunter, Head of Children and Families and Criminal Justice and Chief Social Work Officer.
- Gavin Mitchell, Head of Legal Services.
- Sweyn Johnston, Strategic Projects Director.
- Hazel Flett, Senior Committees Officer.

## Observing

- Andrew Groundwater, Head of HR and Performance.
- Michael Morrison, Business Development Manager (for Items 1 to 9).
- Luke Fraser, Team Leader (Policy and Planning).
- David Hartley, Communications Team Leader.

## Apologies

- Councillor Steven B Heddle.
- Councillor Magnus O Thomson.

## **Declarations of Interest**

- Councillor Andrew Drever – Item 7.1.
- Councillor J Harvey Johnston – Item 11.
- Councillor Rachael A King – Item 7.1.
- Councillor W Leslie Manson – Item 7.1.
- Councillor Stephen Sankey – Item 7.1.
- Councillor Graham L Sinclair – Item 7.1.
- Councillor James W Stockan – Item 7.1.
- Councillor Kevin F Woodbridge – Item 7.1.

## **Chair**

- Councillor J Harvey Johnston, Convener (for Items 1 to 10).
- Councillor James W Stockan, Leader (for Item 11).

## **1. General Meeting of the Council**

### **Minute of Meeting held on 9 October 2018**

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 9 October 2018 as a true record.

## **2. Planning Committee**

### **Minute of Meeting held on 31 October 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 31 October 2018 as a true record.

## **3. Development and Infrastructure Committee**

### **Minute of Meeting held on 13 November 2018**

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 13 November 2018 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 13 November 2018.

## **4. Education, Leisure and Housing Committee**

### **Minute of Meeting held on 14 November 2018**

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 Education, Leisure and Housing Committee held on 14 November 2018 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 14 November 2018.

## **5. Monitoring and Audit Committee**

### **Minute of Meeting held on 15 November 2018**

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 15 November 2018 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 15 November 2018.

## **6. Orkney Health and Care Committee**

### **Minute of Meeting held on 15 November 2018**

On the motion of Councillor Rachael A King, seconded by Councillor Kevin F Woodbridge, the Council resolved to approve the Minute of the Meeting of the Orkney Health and Care Committee held on 15 November 2018 as a true record.

The Council thereafter resolved to approve the recommendations contained in the Minute of the Meeting of the Orkney Health and Care Committee held on 15 November 2018.

## **7. Policy and Resources Committee**

### **Minute of Meeting held on 27 November 2018**

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 27 November 2018 as a true record, with the exception of paragraph 9, which was moved by Councillor J Harvey Johnston and seconded by Councillor Robin W Crichton.

The Council thereafter resolved to approve the recommendations contained in the Minute of the Meeting of the Policy and Resources Committee held on 27 November 2018, subject to the following items of amendment.

### **7.1. Council Tax – Charging on Empty Properties and Second Homes**

Councillor Stephen Sankey declared a financial interest in this item, in that he owned holiday accommodation that could potentially fall within the scope of the report, but as the matter was not discussed in detail, he did not leave the meeting.

Councillors Andrew Drever, Rachael A King, W Leslie Manson, Graham L Sinclair, James W Stockan and Kevin F Woodbridge declared financial interests in this item, in that they owned empty properties and/or second homes, but as the matter was not discussed in detail, they did not leave the meeting.

Councillor Stephen G Clackson referred to the recommendations of the Committee regarding Council Tax discounts relating to second homes, and the Council:

Resolved:

**7.1.1.** That, from 1 April 2019, the standard default discount of 50% should remain reduced to 10% on empty properties and second homes.

**7.1.2.** That, from 1 October 2019, an additional surcharge of 100% be applied to empty properties that had been unoccupied for a period exceeding 12 months.

**7.1.3.** That additional revenue raised through reducing discounts and additional surcharges on empty properties that was not ring-fenced, estimated at £228,000 per annum, be allocated as follows:

- From July 2019, £23,700 per annum to implement and develop the Council's Empty Homes Strategy.
- From financial year 2019 to 2020, £15,000 per annum to provide additional resource within Finance Services to help administer and implement changes to empty properties and second homes.
- From financial year 2019 to 2020, £13,500 per annum to provide support to Island Development Trusts looking to apply for Scottish Government housing development funding, together with other energy efficiency and fuel poverty projects being undertaken within Housing Services.
- The remainder of funds raised, estimated at £67,700 in 2019 to 2020 and £175,800 per annum from 2020 to 2021 onwards, to General Fund services.

**7.1.4.** That a 0.6 full-time equivalent permanent post of Administrative Assistant, Revenues and Benefits, G4, be established within the Finance Service.

**7.1.5.** That the Council's discretionary powers to vary the Council Tax charged, including mitigating measures to improve outcomes for isles communities, attached as Appendix 1 to the Minute of the Meeting of the Policy and Resources Committee held on 27 November 2018, be adopted.

**7.1.6.** That Council Tax discounts relating to second homes be referred back to the Policy and Resources Committee for further consideration, at its special meeting to be held on 12 February 2019.

## **7.2. Kirkwall Travel Centre**

After hearing representations from Councillor Stephen Sankey regarding long-term finance, the strategic planning process and reputational risk relating to proposals to expand the bus stance area at Kirkwall Travel Centre, the Council:

Noted the assurance given by the Executive Director of Development and Infrastructure that the District Valuer would be prominently involved in both principle and practice and would underpin any lease discussions that might occur and, in particular, any further negotiations beyond the preliminary 5-year period.

### **7.3. Former Papdale Halls of Residence**

After hearing representations from Councillor James W Stockan regarding the funding source relating to the former Papdale Halls of Residence, the Council:

Resolved:

**7.3.1.** That the funding source relating to the former Papdale Halls of Residence be referred back to the Policy and Resources Committee for further consideration.

The Council noted:

**7.3.2.** That, as the principle had been previously approved, the decision to refer consideration of the funding source back to the Policy and Resources Committee would not preclude the Executive Director of Corporate Services from incurring expenditure, prior to the source of funding being confirmed.

## **8. Community Development Fund Sub-committee**

### **Minute of Meeting held on 3 December 2018**

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 3 December 2018, attached as Appendix 1 to this Minute, as a true record.

## **9. College Management Council Sub-committee**

### **Appointment of Business Representative**

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:

**9.1.** That the governance arrangements in respect of the College Management Council Sub-committee currently allowed for the following membership, all with voting rights:

- 5 elected members of the Education, Leisure and Housing Committee, including the Chair and Vice Chair.
- 4 representatives of the business community.
- 4 representatives of the community, including representatives from the Third Sector.

**9.2.** That, following a recruitment and selection process earlier in 2018, five new appointments for business and community representatives on the College Management Council Sub-committee, were confirmed, with one vacancy for a business representative remaining.

**9.3.** That, since May 2018, one of the community representatives had resigned, creating another vacancy.

**9.4.** That, following advertisement, one application was received in respect of the vacancies for business and community representatives to serve on the College Management Council Sub-committee.

**9.5.** That, following a recruitment and selection process, the applicant was recommended for appointment to the College Management Council Sub-committee as a business representative.

**9.6.** That, if confirmed by Council, the appointment would last until the next ordinary Local Government Election, currently scheduled for May 2022.

The Council resolved:

**9.7.** That Rebecca May be appointed, as a business representative, to serve on the College Management Council Sub-committee for the period to May 2022:

## **10. 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 paragraph of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 as amended.

## **11. Proposed Participation in Low Carbon Innovation 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 left the meeting at this point.

Signed: Harvey Johnston.

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.

As the Convener, being Chair of the Council, had declared his interest and left the meeting, the Chief Executive called for nominations for Chair.

The Council resolved:

**11.1.** That Councillor James W Stockan be appointed Chair for the remainder of the meeting.

Councillor James W Stockan then took the Chair.

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 the Strategic Projects Director, the Council:

Resolved, what action should be taken with regard to the proposed participation in the Low Carbon Innovation 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.**

## **12. Conclusion of Meeting**

At 11:25 the Chair declared the meeting concluded.

Signed: James W Stockan.



## Minute

### Community Development Fund Sub-committee

Monday, 3 December 2018, 14:00.

Council Chamber, Council Offices, School Place, Kirkwall.



### Present

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

### Clerk

- Sandra Craigie, Committees Officer.

### In Attendance

- Alister Brown, Economic Development Officer.
- Jordan Low, Economic Development Officer.
- Michael Scott, Solicitor.

### Apology

- Councillor John A R Scott.

### Declaration of Interest

- Councillor J Harvey Johnston – Item 1.

### Chair

- Councillor J Harvey Johnston.

## 1. Application Number 0/5/8/59

### Graemsay Community Association – Upgrading of Graemsay Community Centre

Councillor J Harvey Johnston declared a non-financial interest in this item, in that he had written a letter of support to Orkney LEADER Programme in respect of Graemsay Community Association's funding application, and left the meeting at this point.

Signed: Harvey Johnston.

As the Chair had declared his interest and 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 then took the Chair for this item.

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:

**1.2.** That Graemsay Community Association had applied for financial assistance from the Community Development Fund towards upgrading Graemsay Community Centre, at a total estimated eligible cost of £42,188.

**1.3.** That the project to upgrade Graemsay Community Centre comprised the following:

- Upgrading the hall.
- Installing upgraded roofing, insulation, windows, doors and a heating system.
- Installing a fully composting toilet.

**1.4.** That Graemsay Community Association was contributing £2,110 of its own resources towards the project.

**1.5.** That, as Graemsay Community Association already owned, managed and maintained the hall facilities and surrounding grounds, the Council would not be required to carry out any repairs or maintenance to the proposed refurbished hall.

**1.6.** That match funding of £20,039 towards the project had been approved from the Orkney LEADER Programme 2014 to 2020, subject to the full funding package being secured.

**1.7.** That, in recognising Graemsay's status as a fragile community, and to enable Graemsay Community Association to meet the deadline for applications to the Orkney LEADER programme of 21 February 2018, the Chief Executive, under emergency powers, approved a request for an interest-free loan facility of up to £10,000 as a mechanism to bridge a projected cashflow deficit on delivery of the project.

**1.8.** That messages of support had been received from the following:

- West Side Cinema.
- Graemsay Fat Cats Crafts.
- Graemsay Youth Club.
- Graemsay, Hoy and Walls Community Council.
- Councillor Magnus Thomson.
- Stromness and Graemsay Church of Scotland.

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

**1.9.** That a grant amounting to 47.5% of the total eligible costs, up to a maximum of sum of £20,039, to be met from the Community Development Fund, should be offered to Graemsay Community Association towards upgrading Graemsay Community Centre, subject to the full funding package being secured to enable the project to be completed.

**1.10.** 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 1.9 above, on receipt of invoices, if required, in order to assist cash flow requirements of Graemsay Community Association.

**1.11.** That powers be delegated to the Executive Director of Development and Infrastructure, in consultation with the Solicitor to the Council, to conclude an Agreement, on the Council's standard terms and conditions with Graemsay Community Association in respect of the funding, detailed at paragraphs 1.9 and 1.10 above.

Signed: James W Stockan.

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

## **2. Application Number 0/5/8/62**

### **Evie and Rendall Community Park Group – Creation of New Community Park, Evie**

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:

**2.1.** That Evie and Rendall Community Park Group had applied for assistance from the Community Development Fund towards creation of a new community park in Evie, for use by the local community and visitors to the area, at a total estimated eligible cost of £146,400.

**2.2.** That Evie and Rendall Community Park Group was contributing £7,320 of its own resources towards the project.

**2.3.** That Evie and Rendall Community Park Group had already secured match funding, amounting to £97,000, towards the project from Evie and Rendall Community Council, Hammars Hill Energy Fund, Awards for All (National Lottery) and Tesco Community Bags of Help.

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

- Costa Scottish Women's Institute.
- Evie Community Association.
- Evie Community School.
- Evie Mums and Toddlers Group.

- West Adventure Group.

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

**2.5.** That a grant amounting to 28.4% of total eligible costs, up to a maximum sum of £41,580, to be met from the Community Development Fund, should be offered to Evie and Rendall Community Park Group towards creation of a new community park in Evie, subject to the full funding package being secured to enable the project to be completed.

**2.6.** That powers be delegated to the Executive Director of Development and Infrastructure, in consultation with the Solicitor to the Council, to conclude an Agreement, on the Council's standard terms and conditions, with Evie and Rendall Community Park Group in respect of the funding, detailed at paragraph 2.5 above.

### **3. Application Number 0/5/8/63**

#### **Rousay, Egilsay and Wyre Heritage SCIO**

##### **Upgrading of Wyre Community and Heritage Centre**

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:

**3.1.** That Rousay, Egilsay and Wyre Heritage SCIO had applied for assistance from the Community Development Fund towards upgrading Wyre Community and Heritage Centre, for use by the local community and visitors to the island of Wyre, at a total estimated eligible cost of £61,057.

**3.2.** That Rousay, Egilsay and Wyre Heritage SCIO was contributing £3,053 of its own resources towards the project.

**3.3.** That Rousay, Egilsay and Wyre Heritage SCIO had applied for match funding amounting to £29,002 from the Orkney LEADER Programme 2014 to 2020 towards the project.

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

- Alistair Carmichael, MP.
- Liam McArthur, MSP.
- Rousay, Egilsay and Wyre Development Trust.
- Rousay, Egilsay Wyre and Gairsay Community Council.
- Five residents of Wyre.
- 15 former residents of Wyre.
- Two individuals with family connections to Wyre.

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

**3.5.** That a grant amounting to 47.5% of total eligible costs, up to a maximum sum of £29,002, to be met from the Community Development Fund, be offered to Rousay, Egilsay and Wyre Heritage SCIO towards upgrading Wyre Community and Heritage Centre, 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 to the Council, to conclude an Agreement, on the Council's standard terms and conditions, with Rousay, Egilsay and Wyre Heritage SCIO in respect of the funding, detailed at paragraph 3.5 above.

#### **4. Conclusion of Meeting**

At 14:30 the Chair declared the meeting concluded.

Signed: Harvey Johnston.