

## Minute

### General Meeting of the Council

Tuesday, 2 March 2021, 10:30.

Microsoft Teams.



### 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, 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.
- Hazel Flett, Senior Committees Officer.

### Observing

- Andrew Groundwater, Head of HR and Performance (for Items 1 to 16).
- Rebecca McAuliffe, Press Officer.

### Not Present

- Councillor John A R Scott – suspended from attendance.

### Declarations of Interest

- No declarations of interest were intimated.

### Chair

- Councillor J Harvey Johnston, Convener.

## **1. Urgent Item**

In terms of Standing Order 13.3, the Council:

Noted that the Convener had permitted discussion of the following urgent item:

- Conference of the Parties, Glasgow, November 2021 – Expressions of Interest.

## **2. Disclosure of Exempt Information**

The Council noted the proposal that the public be excluded from the meeting for consideration of Item 17, as the business to be discussed involved the potential disclosure of exempt information of the classes described in the relevant paragraphs of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 as amended.

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

### **Minute of Meeting held on 8 December 2020**

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 8 December 2020 as a true record.

## **4. Local Review Body**

### **Minute of Meeting held on 17 December 2020**

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 Local Review Body held on 17 December 2020 as a true record.

## **5. Special General Meeting of the Council**

### **Minute of Special General Meeting held on 17 December 2020**

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 17 December 2020 as a true record.

## **6. Special General Meeting of the Council**

### **Minute of Special General Meeting held on 14 January 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 14 January 2021 as a true record.

## **7. Planning Committee**

### **Minute of Meeting held on 20 January 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 20 January 2021 as a true record.

## **8. Local Review Body**

### **Minute of Meeting held on 29 January 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 Local Review Body held on 29 January 2021 as a true record.

## **9. Development and Infrastructure Committee**

### **Minute of Meeting held on 2 February 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 2 February 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 2 February 2021.

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

### **Minute of Meeting held on 3 February 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 3 February 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 3 February 2021.

## **11. Monitoring and Audit Committee**

### **Minute of Meeting held on 4 February 2021**

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 4 February 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 4 February 2021.

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

### **Minute of Meeting held on 4 February 2021**

On the motion of Councillor Stephen Sankey, seconded by Councillor John T Richards, the Council resolved to approve the Minute of the Meeting of the Orkney Health and Care Committee held on 4 February 2021 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 4 February 2021.

## **13. Policy and Resources Committee**

### **Minute of Meeting held on 16 February 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 16 February 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 16 February 2021, subject to the following item of amendment:

#### **13.1. Orkney Digital Strategy**

Councillor Steven B Heddle referred to the recommendations of the Committee regarding procuring the services of a specialist consultant to develop a Digital Strategy for the islands and, seconded by Councillor Duncan A Tullock, moved an amendment that the matter be referred back to the Policy and Resources Committee for further consideration.

The result of a recorded vote was as follows:

For the Amendment:

Councillors Stephen G Clackson, Alexander G Cowie, David Dawson, Andrew Drever, Steven B Heddle, John T Richards, Stephen Sankey, Graham L Sinclair, Owen Tierney, Duncan A Tullock and Heather N Woodbridge (11).

For the recommendations contained in the Minute:

Councillors Norman R Craigie, Robin W Crichton, Barbara Foulkes, J Harvey Johnston, Rachael A King, W Leslie Manson, Gwenda M Shearer, James W Stockan and Magnus O Thomson (9).

The amendment was therefore carried.

The Council thereafter resolved that development of a Digital Strategy for the islands be referred back to the Policy and Resources Committee for further consideration.

## **14. Policy and Resources Committee**

### **Minute of Special Meeting held on 23 February 2021**

On the motion of Councillor James W Stockan, 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 23 February 2021 as a true record.

The Council thereafter resolved to approve the recommendations contained in the Minute of the Special Meeting of the Policy and Resources Committee held on 23 February 2021, including those relating to the budget and Council Tax levels for 2021/22, as follows:

**14.1.** That the General Fund revenue budget for financial year 2021/22 be set at £89,392,500.

**14.2.** That powers be delegated to the Head of Finance, in consultation with the Chief Executive, to revise the General Fund revenue budget for financial year 2021/22 in respect of any change to the estimated funding level referred to at paragraph 5.1 of the Minute of the Special Meeting of the Policy and Resources Committee held on 23 February 2021.

**14.3.** That the Band D Council Tax level for financial year 2021/22 be set at £1,208.48, being the same as the Band D Council Tax level for financial year 2020/21.

**14.4.** That the Council's budget uprating assumptions, as set out in Appendix 4 to the Minute of the Special Meeting of the Policy and Resources Committee held on 23 February 2021, including a 1% uplift for the Third Sector, at an overall estimated cost across the General Fund of £1,689,200, be approved.

**14.5.** That, whilst recognising the need to balance the budget and bring spending into line with available funding, the following baseline service pressures be approved for inclusion in the revenue budget:

- Financial year 2021/22:
  - Waste Disposal – £200,000.
  - North Ronaldsay School – £150,000.
  - School and Public Bus Services – £1,944,200.
- Financial year 2022/23:
  - School and Public Bus Services – £94,500.

**14.6.** That efficiency savings totalling £476,600, covering risk levels assessed as low to high, as detailed in Appendix 5 to the Minute of the Special Meeting of the Policy and Resources Committee held on 23 February 2021, be approved and applied for financial year 2021/22, summarised by service as follows:

- Chief Executive's Service – £161,200.
- Development and Infrastructure – £100,000.
- Education, Leisure and Housing – £101,000.
- Orkney Health and Care – £114,400.

**14.7.** That powers be delegated to the Head of Finance, in consultation with the Chief Executive, to allocate any General Fund underspend from financial year 2020/21 to the following provisions:

- Repairs and Renewals Fund – to enable reinstatement of the Corporate Asset Improvement Programme utilised to underwrite the increase in the budget for the proposed extension to St Andrew's Primary School, agreed by Council on 14 January 2021.
- Outwith Orkney Placements – to top up the fund as provision for unplanned placements outwith Orkney for individuals at risk.
- To supplement the General Fund Contingency for any known COVID-19 pressures in 2021/22.
- To the repayment of capital debt.

**14.8.** That the General Fund contingency established when setting the revenue budget for financial year 2020/21 be applied as a funding source in setting the General Fund revenue budget for 2021/22.

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

**14.10.** That Executive Directors should review and increase existing charges by a minimum of 3%, from 1 April 2021, 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.
- Ferry fares.
- 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 charges.
- Homelessness rents.

**14.11.** That, as the additional funding for ferry services included allowance for Road Equivalent Tariff fares, those revised fares should be introduced as soon as reasonably practicable to do so after 1 April 2021.

**14.12.** That the draw from the Strategic Reserve Fund for 2021/22 be set at £7,469,900.

**14.13.** That the policy of presumption against new commitments should continue to remain in force across General Fund services, 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 Committee(s) 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.

**14.14.** 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. Standards Commission for Scotland – Decision of Hearing Panel**

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:

**15.1.** That, following a complaint submitted to the Commissioner for Ethical Standards in Public Life in Scotland (the Commissioner) regarding the conduct of Councillor John A R Scott, an investigation was undertaken by one of the Commissioner's investigating officers.

**15.2.** That, following the investigation, the Commissioner referred a report to the Standards Commission for Scotland (the Standards Commission).

**15.3.** That a panel of the Standards Commission was convened, and a Hearing was held on 18 January 2021.

**15.4.** That the Hearing Panel concluded that Councillor Scott had breached Paragraphs 3.1, 3.2, 3.16 and 3.17 of the Councillors' Code of Conduct.

**15.5.** That, by way of sanction, the Hearing Panel suspended Councillor Scott's entitlement to attend full Meetings of the Council for a period of three months, with effect from 26 January 2021.

The Council considered and thereafter noted:

**15.6.** The Decision of the Standards Commission for Scotland, attached as Appendix 1 to the report by the Chief Executive.

## **16. 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:

**16.1.** That, at the General Meeting held on 6 October 2020, 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.

**16.2.** That formal service Committee and Sub-committee meetings continued to meet through remote/virtual attendance in Microsoft Teams.

**16.3.** That, due to the continued transmission of the COVID-19 virus, lockdown restrictions had not eased and it was proposed that formal Council meetings should continue to be held virtually using Microsoft Teams.

**16.4.** The proposed improvements to the committee process detailed in section 6 of the report by the Chief Executive.

The Council resolved:

**16.5.** That the temporary amendments to the Standing Orders, referred to at paragraph 16.1 above, should continue to remain in place, to be reviewed no later than the General Meeting of the Council to be held on 5 October 2021.

**16.6.** That the temporary suspension of the policy of undertaking site inspections for all planning applications subject to a local review, prior to meeting to consider the review, should be withdrawn.

**16.7.** That the Chief Executive should arrange to implement the proposed improvements to the committee process, referred to at paragraph 16.4 above.

## **17. Urgent Item**

### **Conference of the Parties, Glasgow, November 2021 – Expressions of Interest**

In terms of section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Convener permitted urgent discussion of this item in order that consideration could be given to endorsing a proposal from a third party for submission to the UK Government's call for expressions of interest for participation in the Conference of the Parties (COP26), the deadline for which was 5 March 2021.

On the motion of Councillor Rachael A King, seconded by Councillor James W Stockan, 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 paragraph 6 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:

Noted:

**17.1.** That, on 22 September 2020, the Policy and Resources Committee considered a report regarding Climate Change which included information on the forthcoming Conference of the Parties (COP26) event in Glasgow and the proposal to appoint a Climate Change Project Officer, initially for a period of 23 months, to co-ordinate all climate change related policy and project work across the full range of Council services.

**17.2.** That, since September 2020, the recruitment process to appoint a Climate Change Project Officer had been completed, with the new postholder expected to commence employment with the Council on 22 March 2021.

**17.3.** That the Executive Director of Development and Infrastructure had maintained a limited watching brief on emerging arrangements for COP26 but had limited capacity to progress detailed consideration of the opportunity pending the commencement of employment of the Climate Change Project Officer.

**17.4.** That, in January 2021, the UK Government launched its first formal phase of seeking proposals from parties interested in direct participation in COP26, with a closing date for Expressions of Interest to be submitted of 5 March 2021.



**17.5.** That a third party was working on a proposal to submit to the Expression of Interest exercise.

**17.6.** That the Council had been requested to endorse the proposal outlined at paragraph 17.5 above.

The Council resolved:

**17.7.** To confirm endorsement of the proposal to the COP26 Expressions of Interest phase.

**17.8.** That the Executive Director of Development and Infrastructure should submit a report, to the Policy and Resources Committee no later than June 2021, updating on the COP26 event planning, together with any specific proposals for Council involvement or financial commitment to the event.

**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.**

## **18. Conclusion of Meeting**

At 12:13 the Convener declared the meeting concluded.

Signed: Harvey Johnston.