

Minute

General Meeting of the Council

Tuesday, 6 July 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, 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 (for Items 1 to 15).
- Gavin Barr, Executive Director of Development and Infrastructure (for Items 1 to 15).
- Stephen Brown, Chief Officer/Executive Director, Orkney Health and Care (for Items 1 to 15).
- Gareth Waterson, Head of Finance.
- Karen Greaves, Head of Executive Support (for Items 1 to 15).
- Peter Diamond, Head of Education (for Items 1 to 15).
- Andrew Groundwater, Head of HR and Performance.
- Anna Whelan, Strategy Manager (for Items 1 to 15).
- Kenneth Roy, Roads Support Manager (for Items 1 to 15).
- Hazel Flett, Senior Committees Officer.

Observing

- Hayley Green, Head of IT and Facilities (for Items 1 to 15).
- David Thomson, Interim Head of Infrastructure and Strategic Projects (for Items 1 to 15).
- Rebecca McAuliffe, Press Officer (for Items 1 to 15).

Declarations of Interest

- No declarations of interest were intimated.

Chair

- Councillor J Harvey Johnston, Convener.

1. Disclosure of Exempt Information

The Council noted the proposal that the public be excluded from the meeting for consideration of Item 16 as the business to be discussed involved the potential disclosure of exempt information of the class described in the relevant paragraph of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 as amended.

2. General Meeting of the Council

Minute of General Meeting held on 5 May 2021

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 5 May 2021 as a true record.

3. Special General Meeting of the Council

Minute of Special General Meeting held on 31 May 2021

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 31 May 2021 as a true record.

4. Planning Committee

Minute of Meeting held on 2 June 2021

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 Planning Committee held on 2 June 2021 as a true record.

5. Local Review Body

Minute of Meeting held on 2 June 2021

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 Local Review Body held on 2 June 2021 as a true record.

6. Development and Infrastructure Committee

Minute of Meeting held on 8 June 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 8 June 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 8 June 2021.

7. Education, Leisure and Housing Committee

Minute of Meeting held on 9 June 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 9 June 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 9 June 2021.

8. Monitoring and Audit Committee

Minute of Meeting held on 10 June 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 10 June 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 10 June 2021.

9. Orkney Health and Care Committee

Minute of Meeting held on 10 June 2021

On the motion of Councillor Rachael A King, 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 10 June 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 10 June 2021.

10. Policy and Resources Committee

Minute of Meeting held on 22 June 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 22 June 2021 as a true record, with the exception of Items 20.2 and 21, which were moved by Councillor James W Stockan 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 22 June 2021.

11. Special General Meeting of the Council

Minute of Special General Meeting held on 22 June 2021

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 22 June 2021 as a true record.

12. Community Development Fund Sub-committee

Minute of Meeting held on 17 June 2021

On the motion of Councillor J Harvey Johnston, seconded by Councillor James W Stockan, the Council resolved to approve the Minute of the Meeting of the Community Development Fund Sub-committee held on 17 June 2021, attached as Appendix 1 to this Minute, as a true record.

13. Third Sector Emergency Funding for COVID-19 Response and Recovery

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:

13.1. The significant upturn in demand across Orkney's Third Sector as a direct result of the COVID-19 pandemic, successive lockdowns and consequent socio-economic hardship.

13.2. The significant downturn in the availability of resources to some of Orkney's key Third Sector agencies as a result of a nationwide increase in applications to their usual sources of funding due to similarly high levels of demand elsewhere.

13.3. The urgency of the situation for the future viability of some of Orkney's key Third Sector agencies and for the vulnerable individuals and families for which they provided services.

13.4. The specific and immediate asks from Third Sector agencies collated by Voluntary Action Orkney, attached as Appendix 1 to the report by the Chief Executive.

13.5. That, on 28 June 2021, the Orkney Partnership Board acknowledged the urgent requirement to ensure continuity of Third Sector services and committed to seek resources to meet immediate need and make provision for further need arising during the remainder of the current year.

13.6. The options proposed in respect of responding to the request for emergency funding, as detailed in section 5 of the report by the Chief Executive, with the preferred option being Option 2, namely establishment of an emergency fund to be administered by Voluntary Action Orkney by agreement with the Council.

On the motion of Councillor Barbara Foulkes, seconded by Councillor John A R Scott, the Council resolved:

13.7. That, in principle, the Council's Coronavirus Response Fund be utilised as a source of funding for the purpose of emergency support to Orkney's Third Sector to support COVID-19 response and recovery.

13.8. That an allocation of up to £300,000, to be met from the Council's Coronavirus Response Fund, be made in respect of support to Orkney's Third Sector.

13.9. That powers be delegated to the Chief Executive, to establish an Agreement with Voluntary Action Orkney to administer the fund, referred to at paragraph 13.8 above, and to develop criteria, to include a cap of £30,000 on the amount allocated in response to any single application, with an option for organisations to re-apply later in the current financial year depending on their circumstances at the time and the remaining funds available.

14. Notice of Motion

The Council had for consideration the following Notice of Motion:

“We, the eight Kirkwall Councillors on Orkney Islands Council request that the Development and Infrastructure Committee reappraise its decision to remove the two Permit Holder parking spaces outside the Daily Scoop premises on Broad Street, Kirkwall. One has been used by 85 year-old Mr Hugh Macgillivray for over 30 years and the other has been a loading bay for various premises, including Spences Newsagents, for almost as long. The improvements at the head of Victoria Street have been a huge success but little emphasis seems to have been given to the removal of these permits when the Traffic Order was adjusted after consultation in January 2020. It seems wrong that neither of the permit holders were consulted at that time and only learned that they were being stripped of their permits two weeks ago. There is growing support from the community to have them retained and we believe this would be the best option. It should be noted also that we all support the need for the Disabled Parking Bay in this location.

Signed: John Ross Scott

Countersigned by Leslie Manson, Steven Heddle, John Richards, Sandy Cowie, Gwenda Shearer, Barbara Foulkes, David Dawson and Owen Tierney”.

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

Noted:

14.1. That Standing Order 17.5 provided that the Chief Executive will not accept a Notice of Motion which was contradictory to a previous decision or resolution of the Council, within 12 months from the date of adoption of that resolution.

14.2. That Standing Order 17.6 provided that the Chief Executive, may, however, accept a Notice of Motion, in terms of Standing Order 17.5, if the Notice of Motion was countersigned by at least six other Members.

14.3. That the Notice of Motion referred to above was countersigned by eight other Members.

14.4. That, in all other respects, the Notice of Motion was procedurally competent, in that:

- It was received by the Chief Executive at least 14 Clear Days prior to this Meeting in order for it to be included within the business of this Meeting.
- It was signed by an Elected Member and countersigned by at least the requisite number of Elected Members.
- It was accompanied by a report from the Executive Director of Development and Infrastructure on the implications of the suggested course of action contained in the Notice of Motion.

14.4. That, in order for the Motion to be considered at this Meeting, Standing Order 23.1, which stated that a motion or amendment shall not be competent if it was contradictory of a previous decision or resolution of the Council made within 12 months of the date of adoption of that resolution or decision, required to be suspended.

The Council thereafter **suspended Standing Order 23.1** in order to consider the Notice of Motion, proposed by Councillor John Ross Scott and countersigned by Councillors Leslie Manson, Steven Heddle, John Richards, Sandy Cowie, Gwenda Shearer, Barbara Foulkes, David Dawson and Owen Tierney.

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 Roads Support Manager, the Council:

Noted:

14.5. That the Chief Executive had received a Notice of Motion regarding the removal of the two parking permits at Spence's Corner, Broad Street, Kirkwall, as set out in The Orkney Islands Council (Various Streets in Kirkwall) (Prohibition of Waiting) Order 2021.

14.6. That the Notice of Motion requested that the decision to remove the two permit holder bays at Spence's Corner, Broad Street, Kirkwall, be reappraised by the Development and Infrastructure Committee.

14.7. That, on 10 November 2020, when considering proposed amendments to on-street parking on various streets in Kirkwall town centre, the Development and Infrastructure Committee recommended:

- That the existing prohibition of waiting orders covering on-street parking on the undernoted streets be consolidated into a single on-street parking order:
 - Bridge Street.
 - Albert Street.
 - St Olaf's Wynd.
 - Laing Street.
 - Castle Street.
 - Broad Street.
 - Palace Road.
 - Tankerness Lane.
 - Watergate.
 - Victoria Street.
 - Victoria Road.
 - Main Street.
- That powers be delegated to the Executive Director of Development and Infrastructure to make the new order, referred to above, should no adverse comments be received during the consultation process in respect of the proposals.

14.8. That the proposed amendments, referred to at paragraph 14.7 above, also included removal of the permit bays on Broad Street, Kirkwall, at Spence's Corner.

14.9. That, following the statutory consultation process during which no adverse comments were received, The Orkney Islands Council (Various Streets in Kirkwall) (Prohibition of Waiting) Order 2021 came into effect on 1 July 2021, which removed the exclusive right of permit holders to park within two of the bays at Spence's Corner, Broad Street, Kirkwall.

14.10. That permit bays for other businesses in the surrounding area were removed in 1999.

14.11. That the Council did not provide on-street parking permits anywhere else in Orkney and had been gradually phasing those out over the last few years in order to maximise the availability of public parking spaces within the town centre areas.

The Council considered the Notice of Motion, which was moved by Councillor John A R Scott and seconded by Councillor John T Richards, and thereafter:

Resolved:

14.12. To support the Notice of Motion, in that the decision to remove the two Permit Holder parking spaces outside the Daily Scoop premises on Broad Street, Kirkwall, be referred back to the Development and Infrastructure Committee for further consideration.

14.13. That the Executive Director of Development and Infrastructure should submit a report, to the Development and Infrastructure Committee, regarding a policy on the provision, or otherwise, of on-street parking permits.

15. 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 class described in the relevant paragraph of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 as amended.

Councillor Steven B Heddle left the meeting at this point.

16. Governance Arrangements

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 1 of Part 1 of Schedule 7A of the Act.

After consideration of a report by the Executive Director of Education, Leisure and Housing, copies of which had been circulated, and after hearing a report from the Head of HR and Performance, the Council:

Resolved what action should be taken with regard to governance arrangements.

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.

Councillor Steven B Heddle rejoined the meeting during discussion of this item.

17. Conclusion of Meeting

At 12:41 the Convener declared the meeting concluded.

Signed: Harvey Johnston.