

Minute

General Meeting of the Council

Tuesday, 7 March 2023, 10:30.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Councillors Graham A Bevan, Stephen G Clackson, Alexander G Cowie, David Dawson, P Lindsay Hall, Steven B Heddle, 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, Owen Tierney and Duncan A Tullock.

Present via remote link (Microsoft Teams)

Councillors Mellissa-Louise Thomson and Heather N Woodbridge.

Clerk

- Gavin Mitchell, Head of Legal and Governance.

In Attendance

- Oliver D Reid, Chief Executive.
- Stephen Brown, Chief Officer, Orkney Health and Social Care Partnership.
- Karen Greaves, Corporate Director for Strategy, Performance and Business Solutions.
- Gareth Waterson, Corporate Director for Enterprise and Sustainable Regeneration.
- Peter Diamond, Head of Education.
- Erik Knight, Head of Finance (for Items 1 to 14).
- Hazel Flett, Service Manager (Governance).

In Attendance via remote link (Microsoft Teams)

- Hayley Green, Corporate Director for Neighbourhood Services and Infrastructure.

Observing

- Ruth Craigie, Administrative Officer (for Items 1 to 14).

Declarations of Interest

- No declarations of interest were intimated.

Chair

- Councillor Graham A Bevan, 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 classes described in the relevant paragraphs of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 as amended.

2. Licensing Committee

Minute of Meeting held on 1 December 2022

On the motion of Councillor Kristopher D Leask, seconded by Councillor David Dawson, the Council resolved to approve the Minute of the Meeting of the Licensing Committee held on 1 December 2022 as a true record.

3. General Meeting of the Council

Minute of Meeting held on 6 December 2022

On the motion of Councillor Graham A Bevan, seconded by Councillor James W Stockan, the Council resolved to approve the Minute of the General Meeting of the Council held on 6 December 2022 as a true record.

4. Policy and Resources Committee

Minute of Special Meeting held on 19 December 2022

The Council noted that the recommendations contained in the Minute of the Special Meeting of the Policy and Resources Committee held on 19 December 2022 had already been approved and adopted at the Special General Meeting of the Council held on 21 December 2022.

5. Special General Meeting of the Council

Minute of Special General Meeting held on 21 December 2022

On the motion of Councillor Graham A Bevan, seconded by Councillor James W Stockan, the Council resolved to approve the Minute of the Special General Meeting of the Council held on 21 December 2022 as a true record.

6. Planning Committee

Minute of Meeting held on 18 January 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 18 January 2023 as a true record.

7. Licensing Committee

Minute of Meeting held on 19 January 2023

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

8. Development and Infrastructure Committee

Minute of Meeting held on 7 February 2023

On the motion of Councillor Heather N Woodbridge, seconded by Councillor Duncan A Tullock, the Council resolved to approve the Minute of the Meeting of the Development and Infrastructure Committee held on 7 February 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 7 February 2023.

9. Education, Leisure and Housing Committee

Minute of Meeting held on 8 February 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 8 February 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 8 February 2023.

10. Monitoring and Audit Committee

Minute of Meeting held on 9 February 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 9 February 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 9 February 2023.

11. Local Review Body

Minute of Meeting held on 9 February 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 Local Review Body held on 9 February 2023 as a true record.

12. Policy and Resources Committee

Minute of Meeting held on 21 February 2023

On the motion of Councillor Heather N Woodbridge, seconded by Councillor Graham A Bevan, the Council resolved to approve the Minute of the Meeting of the Policy and Resources Committee held on 21 February 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 21 February 2023.

13. Policy and Resources Committee

Minute of Special Meeting held on 23 February 2023

On the motion of Councillor James W Stockan, seconded by Councillor Heather N Woodbridge, the Council resolved to approve the Minute of the Special Meeting of the Policy and Resources Committee held on 23 February 2023 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 2023, including those relating to the budget and Council Tax levels for 2023/24, as follows:

13.1. That the General Fund revenue budget for financial year 2023/24 be set at £101,694,650.

13.2. That powers be delegated to the Head of Finance, in consultation with the Chief Executive and the Section 95 Officer, to revise the General Fund revenue budget for financial year 2023/24 in respect of any change to the estimated funding level referred to at paragraph 3.1 of the Minute of the Special Meeting of the Policy and Resources Committee held on 23 February 2023.

13.3. That the Band D Council Tax level for financial year 2023/24 be set at £1,369.21.

13.4. That the Council's budget uprating assumptions, as set out in Appendix 2 to the Minute of the Special Meeting of the Policy and Resources Committee held on 23 February 2023, be approved.

13.5. That, whilst recognising the need to balance the budget and bring spending into line with available funding, the following baseline non-recurring service pressures amounting to £705,000, be approved for inclusion in the revenue budget:

- Nursery provision – £255,000.
- Braeburn provision – £450,000.

13.6. That powers be delegated to the Head of Finance, in consultation with the Chief Executive, to allocate any General Fund underspend from 2022/23 to the following provisions:

- Outwith Orkney Placements – to top up the fund as provision for unplanned placements outwith Orkney for individuals at risk.
- To the setting of the General Fund revenue budget for 2023/24, with excess amounts, if any, being retained for budget setting pressures in 2024/25.

13.7. That any additional funding secured that was not specific to government initiatives that must be funded, be retained in the non-earmarked General Fund balance.

13.8. That Corporate Directors should increase existing charges by a minimum of 10%, from 1 April 2023, 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 and electric vehicle charges.
- Residential care and home care.
- Very sheltered housing.
- Supported accommodation.
- Meals At Home Service
- Licensing fees.
- Ship sanitation certification.
- Marriage / civil partnership.
- Roads inspection fees.
- Trade waste charges.
- Homelessness rents.
- Selected quarry product sales.

13.9. That the draw from the Strategic Reserve Fund for 2023/24 be set at £6,350,000.

13.10. That the draw from the unearmarked General Fund balance for 2023/24 be set at up to £10,631,250.

13.11. 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 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.

13.12. That powers be delegated to the Head of Finance, in consultation with the Chief Executive and the Section 95 Officer, to prepare and distribute a detailed budget incorporating all the budget adjustments agreed by the Council, and any settlement updates and/or clarifications unknown as at 23 February 2023.

13.13. That the Chief Executive should submit a report, to the Policy and Resources Committee prior to setting the budget for 2024/25, outlining a strategy to bring Council Tax up to the national average within the term of this Council.

14. College Management Council Sub-committee

Appointment of Business and Community Representatives

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:

14.1. That, on 16 February 2022, when considering a business planning review of Orkney College, the Education, Leisure and Housing Committee recommended:

- That a short life working group, to conclude by the end of 2022, with a remit to inform a draft detailed business review and business plan for Orkney College, be established.
- That the Executive Director of Education, Leisure and Housing should submit a report, to the Education, Leisure and Housing Committee in early 2023, advising of the outcome of the detailed business review for Orkney College and presenting a business plan.

14.2. That, on 5 July 2022, the Council re-appointed two business representatives and one community representative to the College Management Council Sub-committee, for the period to May 2023, to enable the Corporate Director for Strategy, Performance and Business Solutions to undertake a review of the composition and operation of the Sub-committee, to be reported no later than May 2023.

14.3. That, on 25 October 2022, the Council resolved that the constitutional arrangements for the College Management Council Sub-committee be temporarily amended for the period up to May 2023, by increasing the numbers of both the business and community representatives from three to four, by which time the outcome of all the outstanding reviews relating to Orkney College should be known.

14.4. That the outstanding reviews relating to Orkney College were due to be reported through the Committee process during June 2023.

14.5. The proposal that the term of appointment of the four business representatives and the four community representatives on the College Management Council Sub-committee be extended until such time as the outcome of the reviews relating to Orkney College, including a review of the composition and operation of the Sub-committee, were reported to the relevant Committees, and thereafter to Council, currently expected to be July 2023.

14.6. That, although a decision in respect of the period of appointment of the business and community representatives on the College Management Council Sub-committee was taken within the last 12 months, in accordance with Standing Order 23.2, the Chief Executive was satisfied that a material change of circumstance had occurred and, accordingly, Standing Order 23.1 did not require to be suspended to enable the Council to make the resolution at paragraph 14.7 below.

The Council resolved:

14.7. That the term of appointment of the four business representatives and the four community representatives on the College Management Council Sub-committee be extended until such time as the outcome of the reviews relating to Orkney College, including a review of the composition and operation of the Sub-committee, were reported to the relevant Committees, and thereafter to Council, currently expected to be July 2023.

15. Exclusion of Public

On the motion of Councillor Graham A Bevan, 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 paragraphs of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 as amended.

16. Appointment of Returning Officer

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 Corporate Director for Strategy, Performance and Business Solutions, copies of which had been circulated, the Council:

Resolved that, in terms of Section 41 of the Representation of the People Act 1983, Oliver Reid be appointed as the Council's Returning Officer, with immediate effect.

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.

17. Conclusion of Meeting

At 10:48 the Convener declared the meeting concluded.

Signed: Graham A Bevan.