

# Minute

## General Meeting of the Council

Tuesday, 5 March 2019, 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, 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 Kevin F Woodbridge.

## Clerk

- Karen Greaves, Head of Executive Support.

## In Attendance

- Gavin Barr, Executive Director of Development and Infrastructure.
- Gillian Morrison, Executive Director of Corporate Services.
- Sally Shaw, Chief Officer/Executive Director, Orkney Health and Care.
- Wilfred Weir, Executive Director of Education, Leisure and Housing.
- Gareth Waterson, Head of Finance.
- Gavin Mitchell, Head of Legal Services.
- Sweyn Johnston, Strategic Projects Director (for Items 1 to 13).
- Angela Kingston, Committees Officer.

## Observing

- Andrew Groundwater, Head of HR and Performance.
- Frances Troup, Head of Housing, Homelessness and Schoolcare Accommodation Services (for Items 1 to 12).
- Paul Kemp, Strategic Finance Manager.
- David Hartley, Communications Team Leader.
- Kirsty Groundwater, Press Officer (for Items 1 to 13).
- Eibhlin Lee, Strategic Projects Officer (for Items 12 and 13).

## Declarations of Interest

- Councillor J Harvey Johnston – Item 12.
- Councillor Duncan A Tullock – Item 12.

## **Chair**

- Councillor J Harvey Johnston, Convener (for Items 1 to 11 and 13 to 15).
- Councillor James W Stockan, Leader (for Item 12).

## **1. Licensing Committee**

### **Minute of Meeting held on 6 December 2018**

On the motion of Councillor Duncan A Tullock, seconded by Councillor Robin W Crichton, the Council resolved to approve the Minute of the Meeting of the Licensing Committee held on 6 December 2018 as a true record.

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

### **Minute of Meeting held on 11 December 2018**

On the motion of Councillor James W Stockan, seconded by Councillor Graham L Sinclair, the Council resolved to approve the Minute of the General Meeting of the Council held on 11 December 2018 as a true record.

## **3. Planning Committee**

### **Minute of Meeting held on 12 December 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 12 December 2018 as a true record.

## **4. Planning Committee**

### **Minute of Meeting held on 23 January 2019**

On the motion of Councillor Owen Tierney, seconded by Councillor Robin W Crichton, the Council resolved to approve the Minute of the Meeting of the Planning Committee held on 23 January 2019 as a true record.

## **5. Licensing Committee**

### **Minute of Meeting held on 24 January 2019**

On the motion of Councillor Duncan A Tullock, seconded by Councillor Barbara Foulkes, the Council resolved to approve the Minute of the Meeting of the Licensing Committee held on 24 January 2019 as a true record.

## **6. Local Review Body**

### **Minute of Meeting held on 25 January 2019**

On the motion of Councillor Owen Tierney, seconded by Councillor Robin W Crichton, the Council resolved to approve the Minute of the Meeting of the Local Review Body held on 25 January 2019 as a true record.

## **7. Development and Infrastructure Committee**

### **Minute of Meeting held on 5 February 2019**

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 5 February 2019 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 5 February 2019.

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

### **Minute of Meeting held on 6 February 2019**

On the motion of Councillor John A R Scott, seconded by Councillor John T Richards, the Council resolved to approve the Minute of the Meeting of the Education, Leisure and Housing Committee held on 6 February 2019 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 6 February 2019, subject to the following item of amendment.

#### **8.1. Sheltered Housing Service**

Councillor James W Stockan referred to the recommendations of the Committee regarding the sheltered housing service, specifically the sleep-in provision at Rae's Close, Stromness, and, seconded by Councillor Rachael A King, the Council:

Resolved:

**8.1.1.** That the sleep-in provision be removed from Rae's Close, Stromness, but not until after the full care assessments referred to at paragraph 8.1.2 below had been completed.

**8.1.2.** That the Chief Officer/Executive Director, Orkney Health and Care, should arrange for every resident at Rae's Close, Stromness, to have a full care assessment as soon as practicable.

**8.1.3.** That, in the event of any further changes in community care services in the locality, the Chief Officer/Executive Director, Orkney Health and Care, should develop appropriate solutions to take cognisance of such changes.

## **9. Monitoring and Audit Committee**

### **Minute of Meeting held on 7 February 2019**

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 7 February 2019 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 7 February 2019.

## **10. Policy and Resources Committee**

### **Minute of Meeting held on 19 February 2019**

On the motion of Councillor W Leslie Manson, seconded by Councillor Graham L Sinclair, the Council resolved to approve the Minute of the Meeting of the Policy and Resources Committee held on 19 February 2019 as a true record, with the exception of paragraph 22, which was moved by Councillor Graham L Sinclair 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 19 February 2019.

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

### **Minute of Meeting held on 4 February 2019**

On the motion of Councillor James W Stockan, seconded by Councillor Rachael A King, the Council resolved to approve the Minute of the Meeting of the Community Development Fund Sub-committee held on 4 February 2019, attached as Appendix 1 to this Minute, as a true record.

## **12. Scale Wind 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 was not present during discussion thereof.

Signed: Harvey Johnston.

Councillor Duncan A Tullock declared a non-financial interest in this item, in that a close family member was involved in a potential project, and was not present during discussion thereof.

As the Convener, being Chair of the General Meeting, had declared his interest and left the meeting, the Clerk called for nominations for Chair.

The Council resolved:

**12.1.** That Councillor James W Stockan be appointed Chair for this item.

Councillor James W Stockan then took the Chair for this item.

On the motion of Councillor James W Stockan, seconded by Councillor W Leslie Manson, 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 paragraphs 6, 8 and 9 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:

Resolved what action should be taken with regard to the Scale Wind 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.**

Signed: James W Stockan.

### **13. Adjournment of Meeting**

At 11:40 the Convener resumed the Chair and advised that confirmation regarding ferry funding for 2019 to 2020 had not yet been received from the Scottish Government.

On the motion of Councillor W Leslie Manson, seconded by Councillor Alexander G Cowie, the Council resolved to adjourn the meeting and reconvene at 16:00.

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

#### **Minute of Special Meeting held on 12 February 2019**

On the motion of Councillor J Harvey Johnston, 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 12 February 2019 as a true record, with the exception of paragraph 2, which was moved by Councillor J Harvey Johnston and seconded by Councillor Barbara Foulkes.

The Council thereafter resolved to approve the recommendations contained in the Minute of the Special Meeting of the Policy and Resources Committee held on 12 February 2019, subject to the following item of amendment.

#### **Budget and Council Tax Level for 2019 to 2020**

Councillor James W Stockan referred to the recommendations of the Committee regarding the budget and Council Tax level for 2019 to 2020, specifically the exceptions to reviewing and increasing existing charges, and, seconded by Councillor Graham L Sinclair, the Council:

Resolved:

**14.1.** That the General Fund revenue budget for financial year 2019 to 2020 be set at £83,884,900.

**14.2.** That powers be delegated to the Head of Finance to revise the General Fund revenue budget for financial year 2019 to 2020 in respect of any increase to the provisional funding level referred to at paragraph 6.2 of the Minute of the Special Meeting of the Policy and Resources Committee held on 12 February 2019.

**14.3.** That the specific grant allocation for ferry services, referred to at paragraph 6.2 of the Minute of the Special Meeting of the Policy and Resources Committee held on 12 February 2019, had subsequently been confirmed as £5,300,000.

**14.4.** That, as a consequence of the reduced specific grant allocation for ferry services, ferry fares be increased by 3%, from 1 April 2019, if possible to do so, or as early as possible thereafter.

**14.5.** That the Band D Council Tax level for financial year 2019 to 2020 be set at £1,153, being a real terms increase of 3% on the Band D Council Tax level for financial year 2018 to 2019 of £1,100.

**14.6.** That the Council's budget uprating assumptions, as set out in Appendix 3 to the Minute of the Special Meeting of the Policy and Resources Committee held on 12 February 2019, at an estimated cost across the General Fund of £2,719,600, be approved.

**14.7.** That the baseline service pressures, totalling £3,725,400, as detailed in Appendix 4 to the Minute of the Special Meeting of the Policy and Resources Committee held on 12 February 2019, be approved and included in the revenue budget for financial year 2019 to 2020.

**14.8.** That efficiency savings totalling £350,000, covering risk levels assessed as low and medium, as detailed in Appendix 5 to the Minute of the Special Meeting of the Policy and Resources Committee held on 12 February 2019, be approved and applied for financial year 2019 to 2020, summarised by service as follows:

- Chief Executive's Service – £160,000.
- Corporate Services – £112,300.
- Development and Infrastructure – £63,500.
- Education, Leisure and Housing – £14,200.
- Orkney Health and Care – £0.

**14.9.** That powers be delegated to the Head of Finance to allocate any General Fund underspend from financial year 2018 to 2019 to the following provisions:

- Outwith Orkney Placements Fund for no less than the service pressure item set against self-financing as detailed in Appendix 4 to the Minute of the Special Meeting of the Policy and Resources Committee held on 12 February 2019.
- Any remaining underspends to the repayment of capital debt.

**14.10.** That a General Fund contingency be established within the revenue budget for financial year 2019 to 2020, into which the additional funding and locally raised income, estimated to be worth £869,000, secured for local government in political negotiations over support for the Scottish Government's budget, be contributed.

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

**14.12.** That Executive Directors should review and increase existing charges by a minimum of 3%, from 1 April 2019, 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.
- 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 charge.
- Homelessness rents.

**14.13.** That the following savings approved as part of the budget setting process for 2018 to 2019 be reinstated from 1 April 2019:

- SCOHC08 Introduce charging for Telecare services – £97,800.
- SCOHC10 Introduce charging for Day Care services – £54,400.

**14.14.** That the funding to reinstate the budget shortfall of £152,200, arising from charges not being levied for Telecare and Day Care services, be sourced from the General Fund contingency, referred to at paragraph 14.10 above, leaving an uncommitted General Fund contingency balance of £706,500.

**14.15.** That, for financial year 2019 to 2020, subject to any increase in the provisional funding level from Scottish Government, referred to at paragraph 6.2 of the Minute of the Special Meeting of the Policy and Resources Committee held on 12 February 2019, the contribution from the Strategic Reserve Fund used as a funding source be set at a level of up to £6,050,000.

**14.16.** That, for financial year 2019 to 2020, the non-earmarked General Fund Balance should be retained at a minimum target level of 5% of the Council's net budgeted expenditure.



**14.17.** That the policies of presumption against new commitments and the moratorium on staff establishment increases should continue to remain in force, 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.

**14.18.** 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. Conclusion of Meeting**

At 16:25 the Convener declared the meeting concluded.

Signed: Harvey Johnston.