

## Minute

### Development and Infrastructure Committee

Tuesday, 10 November 2020, 10:30.

Microsoft Teams.



### Present

Councillors Graham L Sinclair, Andrew Drever, Norman R Craigie, Robin W Crichton, David Dawson, J Harvey Johnston, Rachael A King, W Leslie Manson, Stephen Sankey, James W Stockan, Duncan A Tullock and Heather N Woodbridge.

### Clerk

- Angela Kingston, Committees Officer.

### In Attendance

- Gavin Barr, Executive Director of Development and Infrastructure.
- James Buck, Head of Marine Services, Transport and Harbour Master.
- Hayley Green, Head of IT and Facilities (for Items 11 and 12).
- Darren Richardson, Head of Infrastructure and Strategic Projects (for Items 1 to 8).
- Roddy Mackay, Head of Planning, Development and Regulatory Services.
- Colin Kemp, Corporate Finance Senior Manager.
- Karen Bevilacqua, Solicitor.
- Jackie Thomson, Development and Regeneration Manager (for Items 10 to 12).
- Stuart Allison, Economic Development Manager (for Items 11 to 14).
- Graeme Christie, Estates Manager (for Items 11 to 13).
- Kenneth Roy, Roads Support Manager (for Items 1 to 6).

### Observing

- Jack Leslie, Principal Building Standards Officer (for Items 10 and 11).
- Hazel Flett, Senior Committees Officer.
- Michael Lucas, Senior HR Adviser (for Item 11).
- Louise Cutler, Directorate Business Support Manager (for Items 1 to 4).
- Lorraine Stout, Press Officer.

### Declarations of Interest

- Councillor Robin W Crichton – Item 6.
- Councillor David Dawson – Items 2, 4 and 8.
- Councillor Andrew Drever – Items 2, 4 and 8.
- Councillor Rachael A King – Item 13.

## **Chair**

- Councillor Graham L Sinclair.

### **1. Disclosure of Exempt Information**

The Committee noted the proposal that the public be excluded from the meeting for consideration of Annex B of Item 13, 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. Revenue Expenditure Monitoring**

Councillors David Dawson and Andrew Drever declared non-financial interests in this item, being Council-appointed Directors on the Board of Orkney Ferries Limited, but concluded that their interest did not preclude their involvement in the discussion.

After consideration of a joint report by the Executive Director of Development and Infrastructure and the Head of Finance, copies of which had been circulated, and after hearing a report from the Corporate Finance Senior Manager, the Committee:

Noted:

**2.1.** The revenue financial summary statement, in respect of service areas for which the Development and Infrastructure Committee was responsible, for the period 1 April to 30 September 2020, attached as Annex 1 to the joint report by the Executive Director of Development and Infrastructure and the Head of Finance, which indicated a budget underspend position of £641,700.

**2.2.** The revenue financial detail by service area statement, in respect of service areas for which the Development and Infrastructure Committee was responsible, for the period 1 April to 30 September 2020, attached as Annex 2 to the joint report by the Executive Director of Development and Infrastructure and the Head of Finance.

The Committee scrutinised:

**2.3.** The explanations given and actions proposed, in respect of significant budget variances, as outlined in the Budget Action Plan, attached as Annex 3 to the joint report by the Executive Director of Development and Infrastructure and the Head of Finance, and obtained assurance that action was being taken with regard to significant budget variances.

### **3. Road Asset Replacement Programme**

After consideration of a report by the Head of Finance, copies of which had been circulated, and after hearing a report from the Corporate Finance Senior Manager, the Committee:

Noted:

**3.1.** The summary position of expenditure incurred, as at 30 September 2020, against the approved Road Asset Replacement Programme for 2020/21, as detailed in section 4.1 of the report by the Head of Finance.

The Committee scrutinised:

**3.2.** The detailed analysis of expenditure figures and programme updates, attached as Appendix 1 to the report by the Head of Finance, and obtained assurance with regard to significant budget variances and progress made with delivery of the approved Road Asset Replacement Programme.

#### **4. Performance Monitoring**

Councillors David Dawson and Andrew Drever declared non-financial interests in this item, being Council-appointed Directors on the Board of Orkney Ferries Limited, but concluded that their interest did not preclude their involvement in the discussion.

After consideration of a report by the Executive Director of Development and Infrastructure, copies of which had been circulated, the Committee:

Scrutinised the performance of Development and Infrastructure for the reporting period 1 April to 30 September 2020, as set out in sections 4 to 6 and Appendices 1 and 2 of the report by the Executive Director of Development and Infrastructure, and obtained assurance.

#### **5. Review of On-Street Parking in Kirkwall Town Centre**

After consideration of a report by the Executive Director of Development and Infrastructure, together with an Equality Impact Assessment, copies of which had been circulated, and after hearing a report from the Head of Infrastructure and Strategic Projects, the Committee:

Noted:

**5.1.** That changes had been made to the on-street parking layout on Broad Street, Kirkwall, following completion of the Kirkwall Places and Spaces project.

**5.2.** That, following changes to the on-street parking provision on various streets in Kirkwall Town Centre, as detailed in section 4.5 of the report by the Executive Director of Development and Infrastructure, the current traffic regulation orders required to be reviewed.

**5.3.** That the Council's Parking Strategy, adopted in May 2014, recommended a long-term review of existing traffic regulation orders pertaining to on-street parking.

**5.4.** That a review of current signage and lining associated with on-street parking in Kirkwall was carried out in 2016 to establish where those were not representative of the current orders.

**5.5.** The proposal to review and amend existing on-street parking orders for the following streets in Kirkwall, and to consolidate those into a single 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.

**5.6.** That, in January 2020, a three-day public engagement event was undertaken, attended by the public as well as representatives from Kirkwall and St Ola Community Council and Kirkwall BID, the feedback from which was attached as Appendix 1 to the report by the Executive Director of Development and Infrastructure.

**5.7.** That the Council had received a petition requesting that the taxi rank be reinstated on Broad Street, Kirkwall.

The Committee resolved to **recommend to the Council:**

**5.8.** That the existing prohibition of waiting orders covering on-street parking on the streets referred to at paragraph 5.5 above be consolidated into one single order.

**5.9.** That powers be delegated to the Executive Director of Development and Infrastructure to make the new order, referred to at paragraph 5.8 above, should no adverse comments be received during the consultation process in respect of the proposals.

## **6. Disabled Persons' Parking Places**

Councillor Robin W Crichton declared a non-financial interest in this item, in that close family members owned a property in Alfred Street, Stromness, and held a blue badge, but concluded that his interest did not preclude his involvement in the discussion.

After consideration of a report by the Executive Director of Development and Infrastructure, together with an Equality Impact Assessment, copies of which had been circulated, and after hearing a report from the Head of Infrastructure and Strategic Projects, the Committee:

Noted:

**6.1.** That the Disabled Persons' Parking Places (Scotland) Act 2009, which came into force on 1 October 2009, permitted the Council to assess requests for new on-street disabled parking spaces.

**6.2.** That the Council had received eight requests for the provision of on-street disabled parking places at the following locations:

- 57 Meadowbank, Kirkwall.
- 16 Craigie Crescent, Kirkwall.
- 30/32 Alfred Street, Stromness.
- Dundas Street, adjacent to 2 Gray's Noust, Stromness.
- Pickaquoy Loan, adjacent to 1 Pickaquoy Place, Kirkwall.
- 52 Dundas Street, Stromness
- Orkney Club, Harbour Street, Kirkwall.
- 1 Earl Thorfinn Street, Kirkwall.

**6.3.** That the requests, referred to at paragraph 6.2 above, were all deemed to be valid and that advisory disabled on-street parking places had been installed, as detailed in Appendix 1 to the report by the Executive Director of Development and Infrastructure.

**6.4.** The proposal to introduce a traffic regulation order in respect of the disabled on-street parking bays referred to at paragraph 6.3 above.

The Committee resolved to **recommend to the Council:**

**6.5.** That a traffic regulation order be introduced to provide for disabled on-street parking bays at the locations referred to at paragraph 6.2 above.

**6.6.** That powers be delegated to the Executive Director of Development and Infrastructure to make the relevant traffic regulation order, should no adverse comments be received during the consultation process in respect of the proposal referred to at paragraph 6.5 above.

## **7. Inter-Island Air Services**

### **Proposed Summer 2021 Timetable**

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 Head of Marine Services, Transport and Harbour Master, the Committee:

Noted:

**7.1.** That, although the inter-island air services timetable for summer 2021 was scheduled to operate from 22 February to 30 October 2021 inclusive, the Public Service Obligation Contract was due for renewal on 1 April 2021.

**7.2.** That the Air Services Consultative Forum met on 31 August 2020 to discuss the summer 2021 timetable, with the main comment being a request from Papa Westray to have a dedicated flight on a Saturday afternoon, as detailed in section 4 of the report by the Executive Director of Development and Infrastructure.

**7.3.** That the proposed timetable, attached as Appendix 1 to the report by the Executive Director of Development and Infrastructure, was consistent with the service operated during summer 2020.

**7.4.** That, in advance of a service budget being established as part of the budget setting process for 2021/22, the level of service provision was subject to an adequate budget being made available.

The Committee resolved, in terms of delegated powers:

**7.5.** That, subject to an adequate service revenue budget being established for financial year 2021/22, the summer 2021 timetable in respect of the inter-island air service, attached as Appendix 1 to this Minute, be approved.

## **8. Inter-Islands Ferry Services**

### **Proposed Summer 2021 Timetables**

Councillors David Dawson and Andrew Drever declared non-financial interests in this item, being Council-appointed Directors on the Board of Orkney Ferries Limited, but concluded that their interest did not preclude their involvement in the discussion.

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 Head of Marine Services, Transport and Harbour Master, the Committee:

Noted:

**8.1.** That the inter-island ferry services timetables for summer 2021 were scheduled to operate from 2 May to 22 September 2021.

**8.2.** That the Ferry Services Consultative Forum met on 18 August 2020 to discuss the summer 2021 timetables, as detailed in section 4 of the report by the Executive Director of Development and Infrastructure.

**8.3.** That, on 5 October 2020, the proposed timetables, together with feedback from the Ferry Services Consultative Forum, were considered by the Board of Orkney Ferries Limited and recommended to the Council for implementation.

**8.4.** That the proposed timetables, attached as Appendix 1 to the report by the Executive Director of Development and Infrastructure, remained consistent with those operated in previous years.

**8.5.** That, in advance of a service budget being established as part of the budget setting process for 2021/22, any decision on the proposed Orkney Ferries' summer timetable for 2021 would be subject to an adequate budget being made available.

The Committee resolved, in terms of delegated powers:

**8.6.** That, subject to an adequate service revenue budget being established for financial year 2021/22, the timetables in respect of ferry services to be operated by Orkney Ferries Limited during summer 2021, attached as Appendix 2 to this Minute, be approved.

## **9. Harbour Authority Sub-committee**

After consideration of the draft Minute of the Meeting of the Harbour Authority Sub-committee held on 27 October 2020, copies of which had been circulated, the Committee:

Resolved:

**9.1.** On the motion of Councillor Graham L Sinclair, seconded by Councillor Andrew Drever, to approve the Minute of the Meeting of the Harbour Authority Sub-committee held on 27 October 2020 as a true record.

The Committee resolved to **recommend to the Council**:

**9.2.** That the recommendations at paragraphs 5.5 to 5.7, 6.5, 6.6, 7.4 and 7.5 of the Minute of the Meeting of the Harbour Authority Sub-committee held on 27 October 2020, attached as Appendix 3 to this Minute, be approved.

## **10. Proposed Stopping-Up of Section of Scapa Crescent, Kirkwall**

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 Head of Planning, Development and Regulatory Services, the Committee:

Noted:

**10.1.** That, on 19 August 2020, planning permission was granted for the change of use, extension, alteration of car parking and the stopping up of a public road to form additional car parking at Garden House, New Scapa Road, Kirkwall.

**10.2.** That, in order to provide adequate parking, the approved development included the stopping up of a section of Scapa Crescent, Kirkwall, and its reconfiguration as a car park.

**10.3.** That, by virtue of Section 207 of the Town and Country Planning (Scotland) Act 1997, a Planning Authority may, by order, authorise the stopping up of a road if it was satisfied that it was necessary to do so to enable development to be carried out in accordance with the planning permission granted.

**10.4.** The proposal to stop up part of Scapa Crescent, Kirkwall, as shown on the site plan attached as Appendix 1 to the report by the Executive Director of Development and Infrastructure, in order to facilitate redevelopment of Garden House.

The Committee resolved to **recommend to the Council**:

**10.5.** That powers be delegated to the Executive Director of Development and Infrastructure to publish, serve and display the Stopping-Up Order, referred to at paragraph 10.4 above.

**10.6.** That, should no unresolved representations or objections be received, powers be delegated to the Executive Director of Development and Infrastructure to confirm the Stopping-Up Order in respect of a section of road at Scapa Crescent, Kirkwall.

**10.7.** That, should unresolved representations or objections be received during the publication period, the Executive Director of Development and Infrastructure should submit a report, to a meeting of the Committee in early 2021, detailing the comments received for further consideration, prior to the proposed Stopping-Up Order in respect of a section of road at Scapa Crescent, Kirkwall, being submitted to the Scottish Government.

## **11. Building Standards**

### **Staffing Resource**

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 Head of Planning, Development and Regulatory Services, the Committee:

Noted:

**11.1.** That the Council had been appointed by the Scottish Government to undertake verification duties in terms of the Building (Scotland) Act 2003, with the primary function being to protect the public interest by providing an independent check of applications for building warrant to construct or demolish buildings.

**11.2.** That the cost of providing the verification service was covered by building warrant related fees.

**11.3.** The increased pressures placed on the verification service as a result of the increased technical complexity of Building Standards, the additional workload required by the Verification Performance Framework and by ongoing investment required to support delivery of e-Building Standards.

**11.4.** That, in order to deal with the increased workload referred to above, a temporary post of Assistant Technician (Building Standards) was established in January 2019.

**11.5.** The proposal to establish the temporary post of Assistant Technician (Building Standards) on a permanent basis, to continue to provide technical support to enable the effective and efficient operation of the Building Standards function, including monitoring submissions received via the e-Building Standards portal, administration of non-current records and updating the electronic document and records management systems.

**11.6.** That costs associated with making the temporary post of Assistant Technician (Building Standards) permanent could be met within existing resources.

On the motion of Councillor Andrew Drever, seconded by Councillor David Dawson, the Committee resolved to **recommend to the Council:**

**11.7.** That the temporary full-time post of Assistant Technician (Building Standards), G5, be established on a permanent basis.



## **12. Policy on Industrial Estates**

After consideration of a report by the Executive Director of Development and Infrastructure, together with an Equality Impact Assessment, copies of which had been circulated, and after hearing a report from the Development and Regeneration Manager, the Committee:

Noted:

**12.1.** That the Council had historically developed industrial estates and business parks for the purpose of economic development.

**12.2.** That industrial estate properties were held as investment properties within the Strategic Reserve Fund.

**12.3.** That a key criterion for holding investment properties was to generate a financial return for the Council.

**12.4.** That all land and property on the Council's industrial estates and business parks was currently designated for lease only, with rental valuations assessed independently by the District Valuer.

**12.5.** That a presumption existed in favour of leasing land and property on the industrial estates to new or existing businesses in key eligible sectors and to businesses which might assist the Council in achieving its economic objectives.

**12.6.** That the current policy in respect of the provision and disposal of industrial land and property was established in 2011.

**12.7.** That a review of policy had been undertaken, with an updated policy statement in respect of industrial estates attached as Appendix 3 to the report by the Executive Director of Development and Infrastructure.

Councillor Graham L Sinclair, seconded by Councillor Stephen Sankey, moved that:

(1) The policy statement in respect of Industrial Estates be approved.

(2) The boundaries of the currently designated Food Parks at Hatston and Garson be disestablished.

Councillor W Leslie Manson, seconded by Councillor James W Stockan, moved an amendment that:

(1) Consideration of the updated policy statement in respect of Industrial Estates be deferred, to the next meeting of the Committee, to enable the Executive Director of Development and Infrastructure to establish criteria for the sale of sites by exception.

(2) The boundaries of the currently designated Food Parks at Hatston and Garson be disestablished.

The result of a recorded vote was as follows:

For the Amendment:

Councillors Robin W Crichton, David Dawson, Andrew Drever, J Harvey Johnston, Rachael A King, W Leslie Manson, James W Stockan, Duncan A Tullock and Heather N Woodbridge (9).

For the Motion:

Councillors Norman R Craigie, Stephen Sankey and Graham L Sinclair (3).

The amendment was therefore carried.

The Committee thereafter resolved to **recommend to the Council:**

**12.8.** That consideration of the updated policy statement in respect of Industrial Estates be deferred, to the next meeting of the Committee, to enable the Executive Director of Development and Infrastructure to establish criteria for the sale of sites by exception.

**12.9.** That the boundaries of the currently designated Food Parks at Hatston and Garson be disestablished.

Councillor James W Stockan left the meeting at this point.

## **13. Economic Development Grants**

### **Budget Monitoring Statement and Delegated Approvals**

Councillor Rachael A King declared a non-financial interest in this item, in that a family member was employed by an organisation which had received Economic Development Grant funding, however, as the specific application was not discussed, she did not leave the meeting.

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 Economic Development Manager, the Committee:

Noted:

**13.1.** That, for financial year 2020/21, the approved budget in respect of Economic Development Grants amounted to £303,200.

**13.2.** Spending to 30 September 2020, in relation to Economic Development Grants, totalling £94,624, of which £86,041 related to grant commitments made in previous financial years and £8,583 to current year commitments.

**13.3.** That, as at 30 September 2020, the Budget Available for Approval from the Economic Development Grants budget amounted to £165,076, as detailed in Annex A to the report by the Executive Director of Development and Infrastructure.

**13.4.** Grant approvals made in the period 1 April to 30 September 2020, totalling £138,124 which included grants approved under delegated schemes for the same period, totalling £98,124, as detailed in Annex B to the report by the Executive Director of Development and Infrastructure.

#### **14. Conclusion of Meeting**

At 13:30 the Chair declared the meeting concluded.

Signed: Graham L Sinclair.