



Shetland Islands Council

MINUTE

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**Shetland Islands Council
Council Chamber, Town Hall, Lerwick
Wednesday 12 September 2007 at 10.30 a.m.**

Present:

A J Cluness	L Baisley
J Budge	A Cooper
A Doull	C B Eunson
B Fullerton	F B Grains
R Henderson	J Henry
A Hughson	W H Manson
R Nickerson	G Robinson
J Simpson	C Smith

Apologies:

L Angus	A Duncan
I J Hawkins	C Miller
F Robertson	A Wishart

In attendance (Officers):

M Goodlad, Chief Executive
W Shannon, Assistant Chief Executive
G Spall, Executive Director – Infrastructure Services
S Cooper, Head of Environment and Building Services
C Ferguson, Head of Community Care
C Medley, Head of Capital Projects and Housing
J Riise, Head of Legal and Administration
J R Smith, Head of Organisational Development
H Tait, Management Accountant
S Crooks, Library and Information Services Manager
M Finnie, Capital Programme Service Manager
M Dunne, Environmental Health Manager
A Priest, Project Manager – Viking Energy
H Budge, Head of Education
A Rolfe, Acting Asset and Properties Manager
J Grant, Waste Services Manager
A Cogle, Service Manager – Administration

Chairperson

Mr A J Cluness, Convener of the Council, presided.

Circular

The circular calling the meeting was held as read.

104/07 **Shetland Islands Council – 4 July 2007**

Except as undernoted, the Council approved the minute of the aforementioned meeting, on the motion of Mr A J Cluness.

Min. Ref. 77/07 – Planning Board - Hazardous Substances Consent – North Ness, Lerwick

In response to a question from Mr C B Eunson, Mr A J Cluness advised that a meeting with the new owners had been arranged for 9 October.

Min. Ref. 74-2/07 - Home Care Update

Mrs B Fullerton said that Mrs Hawkins had asked that the end of the fifth paragraph be amended to read “and noted that relief staff would be contacted with regard to their allocation of hours, but asked what happened if this did not produce the hours required.”

105/07 **Members Attendance at External Meetings**

The following Members provided details of attendance at external meetings relating to Council business, further details of which can be obtained from the Members concerned:

C Smith	-	National Licensing Conference, Aviemore
B Fullerton	-	CoSLA Children and Young People Executive Group, Edinburgh
G Robinson	-	Planning Summer School, Swansea
F B Grains	-	Orkney and Shetland Valuation Joint Board, Orkney
A Cooper	-	Offshore Europe, Aberdeen
	-	Meeting with DTI, Aberdeen

106/07 **Infrastructure Committee – 28 August 2007**

Except as undernoted, the Council confirmed the minute of the aforementioned meeting, on the motion of Mr A J Cluness.

Min. Ref. 38/07 Capital Progress Report – Environmental Services – Public Toilets

In response to a question from Mrs F B Grains, the Executive Director Infrastructure Services advised that a report would be brought to a future meeting regarding the provision of public toilets in rural areas, which would also address the revenue costs.

107/07 **Services Committee – 6 August and 30 August 2007**

Except as undernoted, the Council confirmed the minutes of the aforementioned meeting.

Min. Ref. 40/07 - New Temporary Care Home for Lerwick

Mrs B Fullerton advised that she should have declared an interest in this item, although it was not a non-pecuniary interest as she had declared.

Mrs Fullerton also stated that her full initials were E L Fullerton, not E J Fullerton.

Min. Ref. 35/07 – Review of Council Support for Community Water Based Facilities

Mr A Cooper referred to the recommendations approved by the Committee, and noted that a further report on the remit of the Group and appointments was expected at the next meeting of the Committee. Mr Cooper suggested that appointments be made today. The Council agreed that Members would decide on their nominations after the meeting, and delegated authority to the Service Manager – Administration to make the necessary appointments.

108/07 **Executive Committee - 4 September 2007**

Except as undernoted, the Council confirmed the minute of the aforementioned meeting, on the motion of Mr A J Cluness.

Min. Ref. 29/07 – Heritage Tourism Investment Programme

Mrs F B Grains asked what would be the criteria used by the Capital Project Review Team to prioritise projects, particularly when the project would be set against those that had a statutory requirement. The Chief Executive said that this was exactly the very issue that was at the core of this particular proposal, and that prioritising against specific criteria instead of trying to prioritise projects should resolve the issues. He said that it was also vitally important that the new community development organisation got underway as quickly as possible in order that it can deal with these kind of issues.

109/07 **Audit and Scrutiny Committee – 31 August 2007**

The Council confirmed the minute of the aforementioned meeting, on the motion of Mrs F B Grains.

110/07 **Planning Board – 18 July and 8 August 2007**

Except as undernoted, the Council confirmed the minute of the aforementioned meetings, on the motion of Mr G Robinson.

Min. Ref. 30/07 – Lerwick Town Centre Waterfront Strategy

Mr G Robinson referred to the statement in the minute from Mrs Miller that the waterfront areas should be extended round to the Sands of Sound. He said that this should have stated that the waterfront area that had been identified should remain, but that an additional area to the Sands of Sound should be left as recreational and open spaces.

Sederunt

Mr R Nickerson was in attendance.

111/07 **Inter Island Ferries Board – 10 August 2007**

The Council confirmed the minute of the aforementioned meeting, on the motion of Mr R Henderson.

112/07 **Harbour Board – 9 August 2007**

The Council confirmed the minute of the aforementioned meeting, on the motion of Mr A Cooper.

113/07 **Licensing Sub-Committee – 30 July 2007**

The Council confirmed the minute of the aforementioned meeting, on the motion of Mr C Smith.

114/07 **Scheme of Members' Approved Duties, Expenses and Allowances**

The Council considered a report by the Head of Legal and Administration (Appendix 1).

Members discussed the inclusion of attendance at Parent Council meetings. Members noted that there was no longer a statutory right for Members to attend Parent Council meetings, as had previously been the case with School Boards. It was noted, however, that some Members may be appointed as a co-opted Member of a Parent Council.

On the motion of Mr A J Cluness, seconded by Mr J G Simpson, the Council agreed to approve paragraph 4.4(b) of the report, namely to agree that attendance at any Parent Council meeting is an approved duty when invited to attend by the Parent Council, except where the Councillor is an elected or co-opted Member of the Parent Council.

Mr A Cooper referred to paragraph 4.5 of the report, and said he was very conscious of the need for the Council to be seen to be economising where it could, and moved that the Council agree not to pay for the venue hire costs and advertising for Members' Surgeries. He further moved that the Council approve the remaining recommendations in the report. Mr W H Manson seconded, and the Council agreed.

117/07 **Schedule of Meetings 2008**

The Council considered a report by the Head of Legal and Administration (Appendix 4) and approved the recommendation contained therein, on the motion of Mr A Cooper, seconded by Mr A J Cluness.

118/07 **Changes to Harbour Board**

The Council considered a report by the Assistant Chief Executive (Appendix 5).

Mr A Cooper said that the Harbour Board currently had no external appointments, and it was considered by the Board that it would be useful to have external expertise to be brought in. He said that previously external members were invited for appointment, but it was now considered more appropriate for the Council to seek nominations. Mr Cooper went on to say that, whilst not stated in the report, there was concern that the Harbour Board would be required to report through the Infrastructure Committee. Mr Cooper said that the Board reported directly to the Council, and that this should continue.

The Council approved the recommendations in the report on the motion of Mr W H Manson, seconded by Mr G Robinson.

[Mr A J Cluness and Mrs B Fullerton declared interests in the following item.]

119/07 **NAFC Marine Centre – Strategic Review**

The Council considered a report by the Assistant Chief Executive (Appendix 6) and approved the recommendations contained therein, on the motion of Mr J Henry, seconded by Mr A J Cluness.

In response to questions from Members, the Assistant Chief Executive confirmed that the review would include all aspects of the NAFC, including the accommodation block. Regarding its links with Shetland College, the Assistant Chief Executive advised that the Shetland College was part of the Council and not a separate body and should not be drawn in as part of the review. However, it was noted that the Chairperson of the Shetland College Board would be a member of the review team, and any significant matters affecting Shetland College would be drawn to the attention of the Shetland College Board.

[Mr W H Manson declared an interest in the following item as Chairman of the Shetland Charitable Trust and as a Director of Viking Energy, and left the Chamber.]

[Mr A Cooper declared a non-pecuniary interest as a Director of Viking Energy.]

120/07 **Viking Energy Ltd – Community Ownership and Company Structure**

The Council considered a report by the Head of Finance (Appendix 7).

Some Members expressed concern regarding their roles as both Councillors and Trustees, when it came to matters such as the Viking Energy project. The Chief Executive confirmed that legal advice was

being sought with a view to Members being given a briefing before the end of this year.

The Council approved the recommendations in the report, on the motion of Mr G Robinson, seconded by Mrs B Fullerton.

[Mr W H Manson returned to the meeting.]

[Mr A Cooper, Mr A Hughson, Mr A Doull, Mr J Budge and Mrs L Baisley declared pecuniary interests as beneficiaries of the Animal Health Scheme, and left the Chamber.]

[Mr W H Manson declared a non-pecuniary interest as a director of the Shetland Livestock Marketing Group.]

121/07 **Shetland Animal Health Scheme**

The Council considered a report by the Agricultural Development Officer (Appendix 8) and approved the recommendations contained therein, on the motion of Mr C Smith, seconded by Mr J G Simpson.

[Mr A Doull and Mrs L Baisley returned to the meeting.]

[The Management Accountant left the meeting.]

122/07 **Management Accountancy Service – Restructuring Report**

The Council considered a report by the Head of Finance (Appendix 9) and approved the recommendations contained in the report, on the motion of Mr A J Cluness, seconded by Mrs B Fullerton.

[The Management Accountant returned to the meeting.]

123/07 **Fund Manager Review 2006/07**

The Council considered a report by the Head of Finance Services (Appendix 10) and approved the recommendations contained therein, on the motion of Mr W H Manson, seconded by Mr A J Cluness.

[Mr A Cooper and Mr A Hughson returned to the meeting.]

[Mrs B Fullerton, Mrs F B Grains and Mr A Hughson declared non-pecuniary interests in the following item.]

124/07 **Single Status Update**

The Council considered a report by the Head of Organisational Development (Appendix 11).

[Mr J Budge returned to the meeting.]

Members observed that the question of the need for declarations of interest arising whenever this item was discussed in the Chamber required guidance. The Head of Legal and Administration said that there had been some consideration of this matter of Members declaring interests in this particular item since the last meeting, and advice had been sought from the Standards Commission. He said that Members had to be careful regarding their own financial interests which would be less relevant here but, for example, he said that matters concerning people living in their household could be a financial interest, and in such cases Members should declare and leave the Chamber. However, he said that the Standards Commission had never defined what degree of proximity was meant by the terms 'relative' or 'close relationship', and Members would clearly have to consider that in terms of their own circumstances and apply the objective tests set out in the Code of Conduct.

With regard to this particular report, the Head of Legal and Administration said that the report was not requiring a decision on what the final outcome of Single Status would be, and therefore considering the materiality it would be acceptable for some Members not to declare an interest at this early stage, but only much later once it was clear what the outcome was going to be. However, he said that for those Members who would declare a financial interest, they should consider leaving.

124/07-2 **Foot and Mouth Update**

Mr J Budge advised that it had just been announced that a further outbreak of Foot and Mouth disease had been confirmed in England, 30 miles from the first outbreak. He said that a meeting of the Agricultural Panel would be held as soon as possible. The Service Manager – Environmental Health confirmed that she would keep Members updated as events unfolded.

[Mr J Budge left the meeting.]

[Mrs L Baisley, Mr A Hughson and Mr A Cooper returned to the meeting.]

125/07 **Leave Policy – Part 1**

The Council considered a report by the Human Resources Manager (Appendix 12).

Mr A Cooper said that whilst the report stated there were no financial implications with regard to implementation of these policies, he believed there would be. He said that staff going on maternity, adoption or parental leave would, in some cases, have to be temporarily replaced, and that some indication of the financial impact of this should be looked

at. Mrs B Fullerton agreed and suggested that the report should be withdrawn until the costs were known.

Mr G Robinson said that implementation of the policies could not be withdrawn as the Council was statutorily obliged to implement them through the new Work and Families Act 2007. He agreed that whilst there may be cost implications, he moved that the recommendations in the report to implement the policies be approved, and that a report on the costs be reported to the next cycle. Mr A Cooper seconded, and the Council agreed.

126/07 **Policy on the Management of Hand Arm Vibration Syndrome**

The Council considered a report by the Head of Legal and Administration (Appendix 13A). The Head of Legal and Administration tabled a number amendments to the report which had been agreed during consultation at the Central Safety Consultative Committee (Appendix 13B).

The Council approved the recommendation in the report, and the proposed amendments, on the motion of Mr A J Cluness, seconded by Mr C Smith.

In response to a question from Mrs B Fullerton, the Chief Executive advised that absence management figures were monitored by the Executive Management Team and by the Audit and Scrutiny Committee through the statutory performance indicators.

127/07 **Corporate Killing**

The Council noted a report by the Head of Legal and Administration (Appendix 14).

128/07 **Tamil Nadu Shetland Exchange**

The Council considered a report by the Head of Organisational Development (Appendix 15).

Mr A Hughson said he felt that he had to comment on this report, as he was concerned with the figures. Mr Hughson said that it had been reported that the annual spend should not exceed £25,000, although paragraph 5.1 of the report was stating that it would cost £29,000 this financial year. He said that adding this to the Schools' element would bring the costs to around £80,000. Mr Hughson also expressed concern as to whether or not the funding could have been used in better, or in a different way. The Head of Organisational Development

confirmed that the costings for the project could be clarified further after the meeting.

Mr A J Cluness said that people had been sending him reports on how important the assistance was, and how delighted they were to get their funding, and were anxious that it continues, and reports back from the exchange project were extremely good.

The Head of Education said that an educational link had been established, and this had led to exchange visits and further fundraising, and the positive effects of these links had now been established.

After further discussion, and on the motion of Mr C B Eunson, seconded by Mr J G Simpson, the Council approved the recommendation in the report, and appointed Mr C Smith as Chairperson of the steering group.

129/07

Corporate Improvement Plan Development

The Council considered a report by the Head of Organisational Development (Appendix 16).

Mr R Nickerson said he had no problem with the recommendations, noting that this was in principle only, being subject to the costs associated with the plans being provided. Mr G Robinson seconded.

Mr A Cooper referred to page 6 of the appendix, and to the pledges being stated for Sullom Voe Terminal. He said that these were slightly ambitious, but this was a living document that would be subject to changes.

Mrs B Fullerton said that it was important that the plans were costed, as not all of these aspirations could be met as they could not all be afforded. Mrs Fullerton suggested that a seminar be held to discuss the capital and revenue costings. Mr R Nickerson said there was nothing in the report to suggest that outside funding might be sought, such as European funding, and said that this type of funding should be included.

The Chief Executive said that the points made regarding funding could be incorporated, and agreed with the points made that it was a living document. He referred to paragraph 5.2 of the report which stated that the capital and revenue costs would be reported to the next Council meeting. He added that the current budget setting exercises could not really take cognisance of this, and it was important that the Council realised that it would be stretched on its use of reserves, separate from the Capital Programme, and that Single Status could also be a substantial strain on the Council.

Members agreed that it would be useful to have a seminar to consider the budget strategy before the Council meeting on 31 October.

130/07 **Capital Programme – Capital Programme Review Team (CPRT) - August 2007**

The Council considered a report by the Head of Housing and Capital Programme Service (Appendix 17).

On the motion of Mr WH Manson, seconded by Mr C Smith, the Council approved the recommendations contained therein, and the following Members were duly nominated and appointed to the Member/Officer Working Group to revise the principles and weighting for the future prioritisation of the Capital programme:

A Hughson	F A Robertson	C Miller
A Cooper	R Nickerson	J Henry
J G Simpson		

131/07 **External and Internal Works to Town Hall and Stonework Repairs to Lystina House**

The Council considered a report by the Acting Asset and Properties Manager (Appendix 18).

Mr C B Eunson moved that the Council approve the recommendations in the report. Mr J Henry seconded.

Mr A Cooper moved as an amendment that the Council should only do what was required to make the building wind and watertight, and to continue with the other works at a later date when there was a clearer picture of the Council's finances, and it can be afforded. Mr A Hughson seconded.

Voting took place by a show of hands, and the result was as follows:

Amendment (A Cooper)	7
Motion (C B Eunson)	8

In order to prevent the disclosure of exempt information, Mr A J Cluness moved, Mr J G Simpson seconded, and the Council resolved, in terms of the relevant legislation, to exclude the public during consideration of the following items of business.

132/07 **Anderson High School – Selection of Works Contractor**

The Council considered a report by the Head of Housing and Capital Programme Service (Appendix 19).

Mr C B Eunson moved that the recommendations in the report be approved. Mr W H Manson seconded.

Mrs B Fullerton moved as an amendment that the recommendations be approved, but that an additional recommendation 7.4 be approved, namely that Members be provided with a report that gives historical information on this project, along with the decisions made and the implications. Mrs Fullerton said she was aware that there were 13 new Councillors now, and that Members should be provided with this further report that will enable the decisions that have been made, to be clearer. Mr G Robinson seconded.

During discussion, Mr R Nickerson said that this was a new Council, and it had to represent its constituents, and therefore they needed the full picture, in particular to see what alternative sites have been looked at. Mrs Fullerton said she was not proposing any changes to sites or anything else at this stage, but said that as all the information was available, she was asking for it all to be brought together into an information report to Members.

Mrs Fullerton confirmed that what she was moving was a report to be prepared by the Executive Director Education and Social Work and the Head of Housing and Capital Projects to be provided to Members only for information and if Members were unhappy with anything they could bring the matter to the Chamber through a Notice of Motion. Mr Cluness confirmed that if Members were in opposition to the Council's decision to proceed with the Anderson High site, then Members would have to submit a Notice of Motion to allow that debate in the Chamber. After a brief summing up, voting took place by a show of hands, and the result was as follows:

Amendment (B Fullerton)	8
Motion (C B Eunson)	7

133/07 **Employees Joint Consultative Committee held on 7 August 2007**
The Council noted the minute of the aforementioned meeting (Appendix 20).

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A J Cluness
Convener

115/07 **Representation to Convention of Scottish Local Authorities (CoSLA) Executive Groups**

The Council considered a report by the Head of Legal and Administration (Appendix 2) and the following appointments were duly made to CoSLA Executive Groups:

Health and Well-being

Substantive - Chairperson, Services Committee – L Angus

Substitute – Vice-Chairperson, Services Committee – B Fullerton

Education, Children and Young People

Substantive – Children and Young People’s Spokesperson – W H Manson

Substitute – Chairperson, Education and Young People’s Board – F B Grains

Community Well-being and Safety

Substantive – Vice-Chairperson, Services Committee – B Fullerton

Substitute – Vice-Chairperson, Infrastructure Committee – I J Hawkins

Regeneration and Sustainable Development

Substantive – Vice Convener/Chairperson of Shetland Development Trust – J G Simpson

Substitute – Chairperson, Planning Board – F A Robertson

Resources and Capacity

Substantive – Convener – A J Cluness

Substitute – Vice-Convener – J H Simpson

Strategic Human Resources Management

Substantive – Single Status Project Steering Group Member – G Robinson

Substitute – Single Status Project Steering Group Member – C Miller

116/07 **Appointments to External Organisations**

The Council considered a report by the Head of Legal and Administration (Appendix 3).

Mr W H Manson referred to the Atlantic Frontier Environment Forum, and said he had attended it previously, although it had not met for some time. He said that its importance to Shetland, despite its name, was intelligence about oil industry developments West of Shetland, and suggested that the Council’s representative on the Sullom Voe Association should perhaps be appointed. Mr A Cooper said that Mr Manson should remain as the Council’s representative, given his previous attendance and knowledge of the Forum. Accordingly, on the motion of Mr B Fullerton, seconded by Mr G Robinson, Mr W H Manson was appointed to the Atlantic Frontier Environmental Forum as

the substantive member, with Mr A Cooper as substitute member. In addition, Mr W H Manson, Mr R Nickerson, Mr G Robinson and Mrs C Miller were duly appointed as representatives on Youth Voice Shetland – Youth Cabinet.