

## **Services Committee**

**Council Chamber, Town Hall, Lerwick**

**Thursday 7 May 2009 at 10.00am**

### **Present:**

L Angus	L F Baisley
J Budge	A J Cluness
A T J Cooper	A T Doull
A G L Duncan	E L Fullerton
F B Grains	I J Hawkins
R S Henderson	J H Henry
A J Hughson	W H Manson
C H J Miller	F A Robertson
G Robinson	J G Simpson
C L Smith	J W G Wills
A S Wishart	

### **Apologies:**

R C Nickerson (for lateness)

### **In Attendance:**

H Sutherland, Executive Director – Education and Social Care  
C Ferguson, Head of Community Care  
A Williamson, Service Manager, Community Care Fieldwork  
H Budge, Head of Schools  
A Edwards, Quality Improvement Manager  
J Edwards, Quality Improvement Manager  
N Watt, Sport and Leisure Services Manager  
M Duncan, Grants Co-ordinator  
A Jamieson, Service Manager, Housing Business Support  
R Sinclair, Senior Contract Manager  
A Lyall, Project Manager  
G Johnston, Head of Finance  
M Thomson, Senior Assistant Accountant  
D Bell, Human Resources Manager  
L Adamson, Committee Officer

### **Chairperson**

Mr L Angus, Chairperson of the Committee, presided.

### **Circular**

The circular calling the meeting was held as read.

**At this point the Convener ruled that, due the timescales involved, the following items had been added to the agenda as matters of urgency, in terms of subsection 4 of Section 50B of the Local Government (Scotland) Act 1973: (5b) Services Provided by Disability Shetland – A Way Forward; and (12b) Addendum to Capital Projects Update – Advance Works for New Anderson High School Project.**

The Chairperson reported on the death of Mr Fred Hibbert, the Head Teacher of Bressay Primary, and acknowledged Fred's service to the Schools Service. The Chairperson proposed that a letter of condolence is sent from the Council. The Committee concurred.

### **Declarations of Interest**

Mrs E L Fullerton declared an interest in agenda item 3, as the Chairperson of NHS Shetland Board.

Dr J W G Wills declared an interest in items relating to the Education Service, as a family member is an education official.

Mr W H Manson declared an interest in item 22, and advised that he would leave the chamber during the discussion. He also declared an interest in item 9, however as Spokesperson for Education and Young People, he would take part in the debate.

Mr J H Henry declared an interest in Agenda item 9.

Mr G Robinson declared an interest in item 21, due to a family connection

### **Minutes**

The minute of the meeting held 12 March 2009, having been circulated, was confirmed on the motion of Mr C L Smith, seconded by Mr L Angus.

### **Members' Attendance at External Meetings**

None.

#### **38/09      Capital Grants to Voluntary Organisations – Refurbishment of Ollaberry Public Hall**

The Committee considered a report by the Sport and Leisure Service Manager (Appendix 1) and on the motion of Mr A T Doull, seconded by Mr A T J Cooper, approved the recommendations contained therein.

#### **39/09      Shetland's Single Outcome Agreement - 2009**

The Committee considered a report by the Head of Organisational Development (Appendix 2) and on the motion of Mr F A Robertson, seconded by Mr L Angus, approved the recommendations contained therein.

#### **40/09      Future Interim Placement Service for Older People Awaiting Discharge from Hospital**

The Committee considered a report by the Head of Community Care (Appendix 3).

Mrs C H J Miller said she had some difficulty understanding how NHS Shetland, the Council and voluntary sector partners work together to provide services to the elderly, and suggested that a Seminar should be arranged to provide further understanding.

Mrs E L Fullerton referred to the proposed governance arrangement for the Future of the Montfield Interim Placement Unit at Appendix 1, and suggested that a

representative from the 3<sup>rd</sup> sector provision should be included on the Project Working Group. The Committee agreed.

On the motion of Mr L Angus, seconded by Mrs E L Fullerton, the Committee approved the recommendations contained in the report and nominated the following two Members to sit on the Project Board: Mr C L Smith and Mrs E L Fullerton.

41/09

**Community Health and Care Partnership Agreement 2009-2012**

The Committee considered a report by the Head of Community Care (Appendix 4).

Mrs I J Hawkins referred to Section 4.2.7 of the report, and commented that there was a need for the remit of Local Service Delivery Groups (LSDGs) to be analysed. During the discussion it was reported that some LSDGs work better than others, and that a number of the groups were doing good work. The Chairperson advised that a review of the LSDGs could be carried out for next year. Mrs E L Fullerton advised that LSDGs would be discussed at a Community Care Forum on 3 June.

On the motion of Mr C L Smith, seconded by Mr R S Henderson, the Committee approved the recommendation in the report.

42/09

**School Holiday Dates – Change to School Year 2009/2010**

The Committee considered a report by the Head of Schools (Appendix 5) and approved the recommendation contained therein on the motion of Mr C L Smith, seconded by Mrs E L Fullerton.

43/09

**Services Provided by Disability Shetland – A Way Forward**

The Committee considered a report by the Executive Director - Education and Social Care (Appendix 5b).

After hearing the Chairperson provide some background information on the services provided by Disability Shetland and details on their financial circumstances, Mrs I J Hawkins moved that the Committee approve the recommendation in the report. Mr W H Manson seconded.

44/09

**Clothing Grants – Revised Policy**

The Committee considered a report by the Head of Schools (Appendix 6), and on the motion of Mrs E L Fullerton, seconded by Mrs C H J Miller, the Committee approved the recommendations in the report.

45/09

**Mid Yell Junior High School New Build Project Update**

The Committee considered a report by the Head of Schools (Appendix 7).

Mr R S Henderson provided some information on the background to the project. He advised that one year following the original school being built wooden huts had to be erected to accommodate the number of pupils, and he hoped that this situation would not be repeated when the new school was built. He reported that Option A would decrease the floor space by approximately 40% from the original proposed plans of 3,800 sq. metres.

Mr Henderson said that a meeting had recently been held with the Parent Council following sight of the report, when it had been noted that the Service were recommending approval of Option A. He said that should this Option be accepted, additional accommodation would be required within a period of one year. He explained that Option B would enhance the provision of music, provide necessary storage space, and much needed additional space for ASN. Mr Henderson stated that the function of any school was to provide the best possible education for pupils, and this requires space, and most importantly space for ASN.

Mr Henderson moved that the Committee approve Option B, and that cost savings could be made through not demolishing the old school, and to utilising this facility for the DLO. Ms L F Baisley seconded.

Mr W H Manson advised that he had attended meetings to discuss the new school, and he was aware of the dissatisfaction regarding the lack of storage space and the need for additional space for ASN. He said that the Schools Service and the Capital Projects Service had carried out the request to conclude the project within the set budget, and also to provide details to include two additional modules, which would allow a decision to be made on which Option to support. Mr Manson said that he supported Mr Henderson's motion, as approving Option B would allow the school to be versatile for the future. He added that should there be any need in the future for additional space at the school, this would be the cheapest time to provide it.

The Head of Schools reported on the proposed space for the provision of music, storage and ASN within Option A, and in response to a question from the Chairperson she advised that educationally Option A would be fit for purpose.

In response to questions from Mrs I J Hawkins, the Head of Schools advised that Option A included the library and staff room, and the Leisure Centre's community area next door could also be used. The outside play toys would be stored in a shed outside.

Dr J W G Wills commented that Mr Henderson's proposal to utilise the old school for the DLO was a good basis to provide the additional funding for Option B.

Ms Baisley reported that staff, pupils and parents had been thoroughly consulted on the original plans for the new school, however the project has been continually cut. She advised that the Head Teacher had reported that there would be an increased requirement for ASN within the community in the future. She added that Option A included no space for secondary pupil support, to allow private meetings to take place.

Mr A S Wishart advised that his concerns related to sourcing the additional funds to support Option B, as there was no guarantee that the proposal for the DLO to utilise the old school would be practical, and to grant Option B could have a knock-on effect on other Council wide projects. He added that officers had been tasked to provide the school within budget and they had done what they had been asked. Mr Wishart moved as an amendment that the Committee approve Option A. Mr J Budge seconded.

During the discussion, Mr J G Simpson said that Option A was the only means for the project to keep within budget, however it would make no sense to build a school

that would need to expand after the first year. Mr Simpson advised that he would support Mr Henderson's motion.

Mr A J Cluness said that Mr Henderson had put forward a very good case, however the budget for the project had to be adhered to. He said however that there was the question of whether the funding could be met through utilisation of existing buildings, and asked that Mr Wishart consider an addition to his amendment, that Option A would be supported unless additional funding could be found. Mr Wishart agreed that he would add this to his amendment.

*[Mr R C Nickerson attended the meeting].*

*[Mrs E L Fullerton gave notice of a further amendment].*

Mrs F B Grains reported that she supported Mr Henderson's motion, as there would only be one chance to build the new school and the project has to be right from the beginning. She added that when dealing with ASN additional space is required.

Mr A T J Cooper said he had sympathy with both sides of the argument, but on the basis that Option B could be financed from savings in the existing programme, he would support Mr Henderson.

Mrs E L Fullerton said that additional community space in the school would be important for the community of Yell, however should this additional space be approved, the Anderson High School project should be treated in the same way. She referred to Section 5.2.4 of the report, where it stated that selection of Option B would add an estimated six weeks to the overall project timetable, and suggested that this time could be used to consider options for the old school premises, and to look for an alternative greenfield site for the care centre.

Members noted that there were similarities between the motion and the amendment. Mr Wishart confirmed that his amendment was to approve Option A, and that funds should be identified and reported to the next meeting of the Committee, before considering Option B.

After summing up, voting took place by a show of hands, and the result was as follows:

Amendment (Mr A S Wishart)	10
Motion (Mr R S Henderson)	10

The Chairperson used his casting vote in favour of the amendment.

Mrs E L Fullerton moved as an amendment that the report be deferred for one cycle to examine the options to utilise the old school, and to seek an alternative site for the care centre, all in current budgets. Dr J W G Wills seconded.

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

Amendment (Mrs E L Fullerton)	8
Motion (Mr A S Wishart)	10

The Committee considered a report by the Head of Children's Services (Appendix 8), and on the motion of Mr A G L Duncan, seconded by Mrs E L Fullerton, approved the recommendations contained therein.

47/09

#### **Anderson High School – Funding Proposals**

The Committee considered a report by the Head of Finance (Appendix 9). Copies of Appendices A and B were circulated at the meeting (attached as Appendices 9A and 9B).

Mr A J Cluness referred to the recommendations in the report and said that he supported the sale/leaseback proposal between the Council and SLAP, and the proposal that the options would be kept under review. He referred on the recent report from Audit Scotland that 25% of public buildings in Scotland were not suitable for purpose, and said that the Council were going forward to build two new schools for this community. Mr A J Cluness moved that the Committee approve the recommendations in the report. Mr F A Robertson seconded.

Mr W H Manson said that he was a Councillor and the Spokesperson for Education and Young People. He also reported on his involvement with SLAP and said that should the sale/leaseback deal go ahead SLAP would make money on behalf of the Shetland Charitable Trust. Mr Manson said that the sale/leaseback proposal would result in the Council paying considerably more than the capital sum and he stated that the Council has the resources to finance the building itself, from the Council's own reserves and this would save a considerable sum from the revenue budget. Mr W H Manson moved as an amendment that the Council finance the Anderson High School from its own reserves. Mr A G L Duncan seconded.

In response to questions from Members, the Head of Finance advised that during the construction phase the Council's reserves would dip below the £250 million. He said that should the Council recommend to fund the project from reserves would require a substantial review of the Council's financial framework, and the choice would be whether to spread the cost over the proposed 30 years, or whether to lower the reserves below £250 million. He added that a Policy review would be presented to Council in July.

[Dr J W G Wills gave notice of a further amendment].

In response to further questions, the Head of Finance clarified that after the proposed 30 year period of the lease, the school would revert to the ownership of the Council. He said that there was a presumption that the proposed cost of the lease of £3.19 million per year would be from the Council's Capital Programme budget, however if savings can be made elsewhere this would boost capital spending.

During the discussion, the Head of Finance said that the outcome of the Scottish Futures Trust was still unknown, and he highlighted that Recommendation 10.1.2 proposed to keep all options under review until a deal has to be implemented.

After summing up, voting took place by a show of hands, and the result was as follows:

Amendment (Mr W H Manson)

7

Dr J W G Wills moved as an amendment that the Committee defer consideration of this issue until the July meeting, when the full financial analysis had been prepared, and an indication of Shetland Charitable Trust's views on the proposal. However, this received no seconder.

48/09

**Workforce Development Strategy**

The Committee considered a report by the Executive Director – Education and Social Care (Appendix 10).

[Mr R C Nickerson declared an interest in this item].

The Committee approved the recommendations in the report on the motion of Mrs E L Fullerton, seconded by Mr W H Manson.

49/09

**Shetland's Cultural Strategy**

The Committee considered a report by the Executive Director – Education and Social Care (Appendix 11).

Ms L F Baisley said she welcomed the inclusion of peat casting and agricultural activities in the Strategy, and moved that the Committee approve the recommendation in the report. Mrs C H J Miller seconded.

Mr A S Wishart referred to Section 5 of the report, which stated that "There are no financial implications arising from this report ...", and to Page 17 of the Strategy to the proposed Physical Resources, and asked Ms Baisley to consider including in her motion that the Council would approve the Cultural Strategy, in principle. In receiving the consent of her seconder, Ms Baisley agreed to this addition.

Mr W H Manson said that the projects listed were seen as catalysts, and there had been no policy commitment from the Council. Mr R C Nickerson clarified that this was the Shetland Cultural Strategy, the initiatives were not Council projects, and they should receive external funding.

50/09

**Capital Projects Update**

The Committee considered a report by the Executive Director – Education and Social Care (Appendix 12).

The Executive Director, Education and Social Care summarised the main terms of the report.

Mrs E L Fullerton said she welcomed the report, however her concerns related to the costs for preparing the designs, and the delay in progressing the new facility for Looked After Children. The Chairperson said that Members had previously raised their concerns on costs and delays with projects.

Mr A J Cluness moved that the Committee approve the recommendations in the report. Mr A T J Cooper seconded.

Mrs C H J Miller reported that yesterday's meeting of Audit and Scrutiny Committee had recommended that the Finance Working Group look into the proposal for the Council to reduce the use of consultants, and for more work to be undertaken in house by the Council's own staff.

Mr C L Smith outlined his concerns on the delay with the OT Resource Centre, and said that there was a need for more consultation between Members and the officers involved in the project.

The Executive Director, Education and Social Care explained that there had been some delay awaiting the decision on which projects would be supported in the capital programme, however she would now set up project teams to take these forward.

Mr A G L Duncan outlined the urgent requirement for additional bed spaces for the elderly population, and proposed that a small group of Members should consider locations, and a time framework, and to report back to Committee. The Chairperson suggested that the group could include Mr C L Smith, Spokesperson for Community Care, Mr A G L Duncan, Spokesperson for Housing, Mrs E L Fullerton, Vice-Chairperson of Services Committee, and himself as Chairperson of Services Committee.

In response to questions from Mrs I J Hawkins, the Executive Director confirmed that £400,000 was the up to date figure for the Looked After Children new build. The Quality Improvement Manager advised that a project team had been set up to progress the Little Tykes project, and that £38,000 had been allocated for this financial year.

*[Mr C L Smith left the Chamber].*

51/09

**Addendum to Capital Projects Update – Advance Works for New Anderson High School Project**

The Committee considered a report by the Executive Director – Education and Social Care (Appendix 12b).

The Executive Director, Education and Social Care apologised for the late circulation of this report, however she explained that a number of strands of this project were moving ahead, and there was a need for advance works to be carried out and to maximise the use of the summer holiday period.

Dr J W G Wills moved that the Committee should not support the recommendation, and that the report be deferred for one cycle pending the decision of the Planning Board. He commented that the report gives two different versions on the amount of funding that would be required, and that insufficient time had been given to consider the report. He said that the decision to approve funding for advance works would be premature as the project has not received planning permission, and should permission not be granted it would be an advancement to current provision. He also referred to Section 3.4 of the report, and noted the reference that “Members who may be involved in taking a decision on the planning application, should avoid making statements which indicate any prejudgement of that application”. Dr Wills commented that as far as he was aware, no date had been set for the Planning Application to be considered.

This motion did not receive a seconder.

*[Mr C L Smith returned to the Chamber].*



It was reported that the application would be considered at a Special Planning Board on 15 June. The Executive Director undertook to liaise with the Executive Director, Infrastructure Services on the consultation period for the planning application.

On the motion of Mr A J Cluness, seconded by Mr W H Manson, the Committee approved the recommendation in the report.

Mr G Robinson asked that it be recorded that he had abstained from the debate.

52/09

**Promoting Attendance Strategy**

The Committee noted a report by the Human Resources Manager (Appendix 13).

Mr R C Nickerson stated that he was disappointed that the recommendation was only to note the report. He said that there was a need to improve on current sickness absence, and suggested that officers should report back on what improvements have been made. Mr A T J Cooper stated that this was a serious issue that needed to be addressed; and a more responsible process should be put in place. Mr Cooper suggested that the Council's Absence Management Policy, Return to Work Policy and the current process of self-certification should all be reviewed.

Mr A G L Duncan advised that the Council's Sickness Absence data had previously been reported to Audit and Scrutiny Committee, where comparisons had been made between absenteeism levels in the Council an NHS Shetland, and said that lessons could be learned from NHS Shetland. He added that the Occupational Health Service should be playing a larger part in the process, and that further improvements were required.

Mrs E L Fullerton stated that there was a need for a change of culture. She moved that the Committee request that a report be presented within the next two cycles of meetings, to include an action plan to outline the problems associated with staff absenteeism, the outcomes and progress made. Mr A T J Copper seconded.

53/09

**Blueprint for Education in Shetland - Update**

The Committee noted a report by the Head of Schools (Appendix 14).

54/09

**Provision of Affordable Housing – Funding Update**

The Committee noted a report by the Head of Housing (Appendix 15).

Mrs C H J Miller outlined her concern that the Council continues to have a Policy where Council housing can be sold, and asked for a report on the proposal to stop the sale of Council houses. Mr A J Cluness said that it would be possible to apply restrictions within pressurised areas.

55/09

**Residential Childcare Provision: Update**

The Committee noted a report by the Service Manager – Children's Resources (Appendix 16).

In referring to a comment at Section 4.8 of the report Mr W H Manson said that the remoteness of the Windybrae property could in fact be a advantage, allowing the

young people to be removed from their existing environment, and for a full assessment to be made.

Mr A G L Duncan reported that Windybrae had been standing void for a substantial period of time, and that refurbishment works had been carried out in periodic phases, and he stated that the building should be in use.

56/09      **Shetland College/Train Shetland Board of Management – Minute of Meeting held on 22 April 2009**

[Mr R C Nickerson declared an interest].

The Committee noted the above minute (Appendix 17).

**In order to avoid the disclosure of exempt information, Mr L Angus moved, and Mr C L Smith seconded, to exclude the public in terms of the relevant legislation during consideration of the appendix of agenda item 18 and agenda items 19-22.**

57/09      **Provision of Affordable Housing – Update Report**

The Committee noted a report by the Head of Housing.

The Chairperson proposed that a further meeting should be held for the group to be updated on the proposals for new housing at Staney Hill.

It was reported that Mr A T J Cooper's apologies had not been included in the minute of the Housing Allocation Policy Monitoring Group, which was attached as an appendix to the report.

Mr F A Robertson advised on the advantages to standardising the design of houses. Some discussion took place on the examples of designs for social housing attached as Appendix C, and Members commented that larger windows would be preferred, and that the houses should have adequate sound insulation.

58/09      **Corporate Parenting Monitoring Report**

The Committee noted a report by the Head of Children's Services.

59/09      **Review of Financial Assistance to Hialtland Housing Association**

The Committee considered a report by the Head of Housing, and on the motion of Mr W H Manson, seconded by Mrs E L Fullerton, approved the recommendations contained therein.

*[Mr G Robinson left the Chamber].*

60/09      **Proposal to Extend Kitchen Contract**

The Committee considered a report by the Head of Housing.

On the motion of Ms L F Baisley, seconded by Mr C L Smith, the Committee approved the recommendation in the report.

*[Mr G Robinson returned to the Chamber].*

*[Mr W H Manson and Mr A T J Cooper left the Chamber].*

61/09

**Office Accommodation, North Ness – Decision to Proceed**

The Committee considered a report by the Executive Director – Education and Social Care.

Mr A J Cluness reported on the poor quality of the buildings currently occupied by Social Work staff. He said that the site at North Ness had been purchased specifically for the purpose of developing office accommodation, and would allow staff to move to more suitable accommodation. Mr Cluness moved that the Committee approve the recommendations in the report. Mr F A Robertson seconded.

Mr C L Smith reported that the Social Work inspectors had criticised the number of buildings occupied by Social Work staff, and it had also been stated that the buildings were not suitable for staff and visitors.

Mr R C Nickerson referred to Recommendation 7.1(b) in the report, and said that the statement was a contradiction in terms.

In response to a question from Mr R C Nickerson, the Chairperson advised that, as far as he was aware, the minute from meetings of the Accommodation Working Group was presented to Council for approval.

In response to comments from Members, the Executive Director, Education and Social Care reported that office accommodation was the responsibility of the Council, and she agreed that funding for the project would be a challenge for the Council. She advised that the proposed funding option would impact on the revenue account, otherwise the project could be funded directly by the Council through the Council's Capital Programme.

The Executive Director highlighted that the energy strategy/carbon footprint requirements combine to a significant capital cost of £1.3 million, and she said that the ongoing running costs on energy would never recoup that in financial terms.

*[Mr L F Baisley left the Chamber].*

Dr J W G Wills stated that there was already a shortage of car parking spaces available at the North Ness, and he enquired whether Planning staff and officers were content with the proposals for car parking. The Chairperson said that the earlier suggestion for a multi-level car park to be built had been scrapped, however he proposed that the multi-level option should be looked at again. Mr A S Wishart advised on a possibility of reclaiming an area of seabed at the North Ness for car parking.

During the discussion, Mrs E L Fullerton commented that it was important that the green initiatives do not overtake the Council's financial constraints. Mr G Robinson said that all the options, including the green initiatives, should be fully explored to find ways to mitigate the cost of this project. The Executive Director reported that on staffing costs, an earlier decision had been to change from offices having

dedicated receptionists, and that only one office to relocate to the new accommodation has a receptionist.

*[Mr Cooper returned to the meeting].*

Dr J W G Wills moved that no further action should taken, and that a further report be presented to Committee outlining proposed savings for the project and addressing the car parking issue. Mr G Robinson seconded.

After summing up, voting took place by a show of hands, and the result was as follows:

Amendment (Dr J W G Wills)	2
Motion (Mr A J Cluness)	14
Abstention (Mr R C Nickerson)	

The meeting concluded at 12.15pm.

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L Angus  
Chairperson