

MINUTE

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Shetland Island Council
Main Hall, Town Hall, Lerwick
Wednesday 16 February 2011 at 10 a.m.

Present:

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

Apologies:

C H J Miller

In Attendance:

A Buchan, Chief Executive
G Greenhill, Executive Director - Infrastructure
H Sutherland, Executive Director - Education and Social Care
G Johnston, Head of Finance
H Budge, Head of Schools Service
M Dunne, Environmental Health Manager
C Ferguson, Head of Community Care
M Holmes, Service Manager – Marine Planning
D Irvine, Head of Business Development
A Jamieson, Interim Head of Housing
J Riise, Head of Legal and Administration
R Sinclair, Head of Capital Programming
J Smith, Head of Organisational Development
J Taylor, Emergency Planning and Resilience Manager
D Williamson, Building Services Manager
D Bell, Human Resources Manager
A Hall, Revenue Services Manager
B Hill, Acting Divisional Manager - Legal
K Foster, Accountancy Officer
P Peterson, Project Manager - Communications
L Gair, Committee Officer
L Adamson, Committee Officer

Chairperson

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

Circular

The circular calling the meeting was held as read.

The Convener ruled that due to the timescales concerned the following item of business would be considered at this meeting as a matter of urgency in terms of subsection 4 of section 50B of the Local Government (Scotland) Act, 1973.

14 - Post of Director of Shetland College/Train Shetland

Declarations of Interest

Mr A Cooper declared an interest in agenda Item 11 "Consideration of Time Off for the Royal Wedding/Tall Ships 2011", as his wife is a Council employee, who may be affected by the decision. Dr J Wills, Mr L Angus, Mr A Duncan and Mr J Budge declared similar interests in Item 11, as their wives were employees of the Council.

06/11 Minutes – Shetland Islands Council – 8 December 2010, 14 December 2010 and 2 February 2011

The Council confirmed the minute of the meeting held on 8 December 2010 on the motion of Mr A Cluness, however Mr A Cooper indicated that he wished to raise an issue regarding the accuracy of the minute at Min. Ref. 197/10, as an exempt item, later in the meeting.

The Council confirmed the minute of the meeting held on 14 December 2010, on the motion of Mr J Simpson.

Subject to the following, the Council confirmed the minute of the meeting held on 2 February 2011, on the motion of Mr F Robertson

01/11 - 2009/224/PCO – Formation of Development and Erection of Electricity Converter Station, (Planning Permission in Principle) Upper Kergord, Weisdale by Scottish Hydro Electric Transmission Limited (SHETL).

Mr R Nickerson advised that on Page 8, final paragraph, and on Page 9, first paragraph, the word 'sanctioned' should read 'stationed'.

07/11 Members Attendance at External Meetings

Mr A J Cluness	Shipping Minister and Chief Executive MCA, London - 8 February.
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During the brief discussion, Members commended the efforts being made to keep the Coastguard stations open, and Dr J Wills suggested that the Council's concerns should also be raised through the British Ports Association and the Sullom Voe Association.

After providing an account from his attendance at the meeting, Mr Angus advised that a transport meeting of the CPMR was being held in Spain in April, and suggested that the Chairperson or Vice-Chairperson of ZetTrans should attend. The Council concurred.

08/11 **Audit and Scrutiny Committee – 17 January 2011**

The Council confirmed the minute of the meeting held on 17 January 2011, on the motion of Mrs F Grains.

09/11 **Development Committee – 27 January 2011**

The Council confirmed the minute of the meeting held on 27 January 2011, on the motion of Mr J Simpson.

10/11 **Infrastructure Committee – 1 February 2011**

The Council confirmed the minute of the meeting held on 1 February 2011, on the motion of Mrs I Hawkins.

11/11 **Services Committee – 3 February 2011**

Except as undernoted, the Council confirmed the minute of the meeting held on 3 February 2011, on the motion of Mr L Angus.

03/11 - Additional Social Space at Anderson High School

In response to a question from Dr J Wills as to whether the Gateway process is to reconsider the decision taken by the Council in 2009 to relocate the Anderson High School, the Head of Capital Programming advised that the Gateway process will look at all options and costs and Members will then decide which option to take forward. The Convener advised that the 2009 decision would remain Council policy until otherwise changed.

01/11 - Review of Instrumental Music Instruction in Schools

Mrs F Grains moved that the Council suspend Administrative Regulations in order that this item could be reconsidered by the Council. Following advice from the Head of Legal and Administration, and a majority vote, the Council agreed to suspend Administrative Regulations.

Mrs Grains stated that there was a need to expand on the Service Review as it currently contains a number of inefficiencies and inequalities and only provides an audit of the current situation. Mrs Grains moved that the Executive Director Education and Social Care be instructed to undertake a full Service Review to be prepared by November 2011, and for the scope and remit of the full Service Review to be presented to the next meeting of the Committee for a decision, and also to defer the decision to appoint to the part-time Instrumental Instruction Administrator post until the outcome of the Service Review. Mr R Nickerson seconded.

Mr W Manson acknowledged that the Service Review report had highlighted some inefficiencies and inequalities, which he said would be addressed and could be reported back to Committee. However he advised of his concern with the heavy workload on the Department with the Blueprint for Education that it could prove

difficult to carry out a full study at this time. Mr Manson advised that he would uphold the minute and the decision taken by Committee.

During the discussion, Mrs B Fullerton and Mr R Nickerson advised of their support for Mrs Grains' amendment. In response to a question from Dr J Wills regarding the nature of the review, the Head of Schools Service advised that an independent assessment would be carried out on the audit to ensure a fair and equitable provision in the service area.

Mrs I Hawkins said it was important for the Council to provide music tuition that young people wanted, and that should tuition be decided upon as a result of which tutor retires there would be no choice for students. She stated that the Council should instead make decisions on the musical instruction required and on which musical instrument young people want to learn. Mr G Robinson said he would expect each instrumental category to be considered on its own merits, and replaced if necessary, which he understood to be included in the review.

Following summing up, voting took place by a show of hands and the results were as follows:

Amendment (F Grains)12

Motion (L Angus) 9

12/11 **Planning Board – 19 February 2011**

The Council confirmed the minute of the meeting on 19 February 2011, on the motion of Mr F Robertson.

13/11 **Harbour Board – 20 January 2011 and 9 February 2011**

Except as undernoted, the Council approved the minutes of the meetings held on 20 January 2011 and 9 February 2011, on the motion of Mr A Cooper.

Harbour Board - 20 January 2011

03/11 – Exercise Coast Watch Evaluation Report

In referring to the final paragraph, Dr J Wills clarified that the Braer incident was 18 years ago, and not 14 years, as had been recorded in the minute.

Dr Wills advised that having attended Exercise Coast Watch as an observer, he proposed that a further exercise should be arranged with a more realistic scenario.

04/11 – Environmental Monitoring

Mr R Nickerson highlighted a typographical error in the final paragraph, where 'clarify' should read 'ratify'.

02/11 – Port Operations Report

Mr R Nickerson advised that he was still awaiting a response from the Head of Ports and Harbours regarding the questions raised concerning the Bravo Platform.

50/10 – Status Update Report

Mr R Nickerson enquired whether Schiehallion officials had been invited to attend a meeting of the Harbour Board. Mr A Cooper advised that he would follow this up with the Head of Ports and Harbours, and circulate the information to Harbour Board Members.

Harbour Board – 8 February 2011

Dr J Wills said that the Council should be given the opportunity to agree with the Harbour Board charges.

14/11

Licensing Sub-Committee – 9 December 2010 and 28 January 2011

The Council approved the minutes of the meetings held on 9 December 2010 and 28 January 2011, on the motion of Mr C Smith.

15/11

Appointment of Office Bearer – Services Committee Chairperson

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

Mr A Duncan commented that he had been disappointed that Mr L Angus had resigned as Chairperson of Services Committee, however he intimated that Mrs B Fullerton as Vice-Chairperson was very able and capable to continue to take on the role of Chairperson. Accordingly, Mr Duncan moved that the Committee approve the proposal in Section 3.5 of the report, that the current Chairperson be asked to accept appointment to the position on an interim basis, substituting where required on all of the other positions associated to the role and draw the full remuneration, until such time as the Council decides on the new structure within the next two cycles. Mr C Smith seconded.

Mr G Robinson advised that his concern was that there was a need for the Chairperson to stand by the decisions of their Committee, and that had not been happening. Mr Robinson moved, as an amendment, that the Council approve the proposal in Section 3.4 of the report, to proceed to a fresh appointment of a Chairperson. Mr F Robertson seconded.

(Mr W Manson gave notice of a further amendment).

(Mr L Angus left the meeting).

Mrs B Fullerton commented that she had been disappointed at Mr Angus' decision to stand down as Chairperson of the Committee, as they had worked well together. Mrs Fullerton added that she would be happy to continue as Vice-Chairperson should any Member wish to be appointed as Chairperson.

Voting took place by a show of hands, and the results were as follows:

Amendment (Mr G Robinson)	2
Motion (Mr A Duncan)	12

(Mr Manson withdrew his notice of a further amendment).

16/11

Improvement Plan – Progress Report

The Council considered a report by the Chief Executive (Appendix 2).

(Mr L Angus returned to the meeting).

In introducing the report, the Chief Executive advised that following the recent seminar for Members to consider proposals for governance arrangements, a special meeting of the Council will be arranged for early March with a view to implement the new governance arrangements in April. Other areas of activity to progress the Improvement Plan will include a review of the senior management structure, job dispersal, asset management and the utilisation of Council buildings. He added that a huge amount of work was ongoing on the Improvement Plan, through support and commitment from officers and Members, and good progress is being made through close contact with Audit Scotland.

Ms L Baisley commented that the initiative by the Council's Communications Team on the Shetlink Forum was excellent, adding that popular forums can be very effective.

Dr J Wills commented that he welcomed the report and the impressive list of improvements being made. Regarding the budget setting process, he said that this was working better with the introduction of informal seminars, however he considered these should be held in public. He added that it was unlikely the Council could satisfy the recommendations from the Accounts Commission unless the Council separates the Civic Head and the Political Leader of the Council, and can divide up responsibilities into different Committees to follow a subject to make the workload more manageable and accountable. Dr Wills moved that the Council approve the recommendations in the report.

Mr J Simpson seconded.

17/11

SIC Revenue Management Accounts
General Fund (inc Support/Recharged), Harbour Account, Housing Revenue
Account and Reserve Fund
For the Period 1 April 2010 to 31 December 2010

The Council noted a report by the Head of Finance (Appendix 3).

The Head of Finance summarised the main terms of the report.

In referring to Page 3 of Appendix 2(b), Mr G Robinson advised of the concern in the Foula community that in making efficiency savings there could be cuts to the ferry service. The Executive Director Infrastructure Services advised that the tender specification would be presented to Infrastructure Committee prior to submission, and at this time the efficiencies do not relate to the service.

In response to a question from Mr R Nickerson, regarding the overspend on the Harbour Account against the Year to Date budget of £0.983m, the Head of Finance advised that this was in relation to the anticipated £2.9m revenue income.

During the discussion, Mr L Angus said that in order to achieve further savings the Council has to review its assets, and he proposed that with the level of investment in Scatsta airport that services at Tingwall could move to Scatsta to make real savings and to benefit the community.

In response to a question, the Head of Finance reported that in total £5.9m savings has been identified in the General Fund, with £4.4m being regarded as real savings to go forward. He added that although there are big challenges ahead the Budget Responsible Officers are better in tune with the needs of the Council, and will make their contributions to meet the challenge.

Mr R Henderson reported from a recent meeting of the Yell Community Council, where concern had been raised at the proposal to increase ferry fares.

18/11

Progress Report – Capital Programme

The Council considered a report by the Head of Capital Programming (Appendix 4)

The Head of Capital Programming summarised the main terms of the report.

In response to a question from Mr L Angus, the Head of Capital Programming advised that the majority of instances where it has been necessary for projects to be reprofiled relates to spending on fees.

Dr J Wills outlined his concern relating to Recommendation 12.4 “to approve the updated 5 year capital programme in Appendix G”, advising that the Capital Programme is to be discussed further at a meeting in March. The Head of Capital Programming explained that the issues in the report have already occurred, being areas of slippage, and require approval at this stage in order to set a baseline for discussion. The Chief Executive indicated that Recommendation 12.4 could be addressed through a further report.

In referring to Page 11 of the Appendix, Mrs I Hawkins stated that the A970 Scord to Scalloway School project has to be progressed to address the significant safety concerns. In response to a question regarding progress with the Old Library building, the Head of Capital Programming reported that a study on the potential demolition and reuse of the site should be complete within the next few weeks.

In response to a question from Mrs B Fullerton, the Head of Capital Programming advised that a key action for the coming year is to promote procurement efficiencies across the Council.

In highlighting the £137,000 saving on the Little Tikes project, Mr A Hughson said that on behalf of his fellow Central Ward Members, he wished to express his thanks for the project being taken forward.

In response to a question from Mrs F Grains, the Head of Capital Programming explained that the maintenance to the Foula Schoolhouse had not taken place this year as it had not been possible for the property to be vacated in order to gain access for the works.

In noting the progress with the Computers for Schools project, Mr J Henry commented on the age of the computers at the Sound School. The Head of Organisation Development agreed to raise this issue with the ICT Manager.

Mr J Simpson moved that the Council approve the recommendations in the report, and Mr A Cluness seconded.

19/11

Fuel Poverty in Shetland: Options and Opportunities for Effective Action

The Council considered a report by the Head of Organisational Development (Appendix 5).

The Head of Organisational Development briefly introduced the report.

(In noting the reference to the Lerwick District Heating Scheme, Mr R Nickerson, Mr A Duncan, Mr G Robinson and Mr R Henderson declared an interest as Directors of SHEAP).

In commenting that he welcomed the detailed report, Mr L Angus advised that he had been taken aback at the extent of fuel poverty in Shetland. In moving that the Council approve the recommendations in the report, Mr Angus referred to the conclusions and recommendations outlined therein, and asked that the Council give higher provision to the importance of thermal insulation in Council Housing stock. Mr Angus also proposed that an additional bullet point be added to Recommendation 10.2, for the Council to approach the Shetland Charitable Trust (SCT) to request that consideration be given to providing the winter fuel grant to pensioner households not eligible for the Christmas Grant. Mr A Cluness seconded.

In referring to Section 7.1, Mr J Henry commented that the temperature calculations for Cold Weather Payments were based on Scottish figures, and it was important that the wind chill factor in Shetland is emphasised further.

The Chief Executive advised that following the recent decision on the Council's budget any potential additional spending would require the suspension of Administrative Regulations, however he noted the reference to the Shetland Charitable Trust (SCT) as a means of funding the winter fuel grant.

Mr G Robinson said that the proposals in the report were dealing more with the symptoms of fuel poverty, rather than the causes, and he moved, as an amendment, that the Council should note the report, and enter into discussions with National Government and SCT. In receiving the consent of his seconder, Mr Angus agreed to accept Mr Robinson's suggestion in regard to discussions with National Government and SCT.

Mr A Wishart stated that as fuel poverty was such an important issue for Shetland, there was a need to ensure that the recommendations in the report are taken forward. He added that the SCT should be made aware of the recommended eligibility criteria, set out in 2nd paragraph of Section 7.3 of the report.

In response to questions from Members, the Environmental Health Manager advised on how information on fuel poverty in Shetland is gathered, on the links and good information sharing between the national and local insulation schemes, and on some of the reasons why individuals do not proceed to take advantage of the schemes and assistance to alleviate fuel poverty.

(Mr W Manson declared an interest as the Chairperson of SCT, and Mr J Henry declared an interest as Vice-Chairperson of SCT).

Mr A Duncan commented that the level of fuel poverty in Shetland was worse than he had anticipated. He stated that the Council must continue to encourage people to come forward to take up benefits and advertise and encourage individuals to install home insulation. In reporting from the Fuel Poverty Sub-Group, Mr Duncan advised on the stigma associated with the word 'poverty' particularly in the local context, and suggested that an alternative slogan should be considered.

Mr R Nickerson remarked on the confusion that can arise due to the numerous national and local schemes to address fuel poverty, and suggested that it would be useful for Members to be provided with a short briefing paper outlining the different schemes and criteria. The Convener commented that this could be taken forward by the Council's Communications team.

In response to a question from Mrs I Hawkins, the Environmental Health Manager advised that she would provide further information on the Council's contribution to the Sheltered Housing Scheme and on the end date for the review.

Mrs B Fullerton highlighted that Appendices B and C to the report had been omitted from a number of the agendas, and she stated there was a need for the Council to make separate decisions on a number of the bullet points within Recommendation 10.2.

During the discussion, Mr Wishart moved, as an amendment, that the report is deferred and presented to the next meeting of the Council, to allow for further enquiries to be made and a possible response from the SCT. Ms L Baisley seconded.

In referring to Mr Wishart's amendment, Mr Angus acknowledged that a further report would allow for Appendices B and C to be circulated to all Members, and for the SCT to consider the proposal in his motion.

In response to a question, the Environmental Health Manager clarified that the Council has a duty to implement the Council Tax Rebate Scheme. The Head of Organisational Development advised of a timing issue with the Council Tax Rebate Scheme, as the proposal was to advertise the scheme with the Council Tax invoices. He added that the Scheme was cost neutral to the Council.

The Council recognised that approving the motion would enable officers to proceed with changes to the Fuel Poverty Grant Scheme, and allow for the Grant Scheme to be altered and the Council Tax Rebate Scheme to proceed. The Council also agreed with the proposal to advertise the Council Tax scheme.

20/11

Business Continuity Management

The Council noted a report by the Emergency Planning and Resilience Officer (Appendix 6).

After hearing the Head of Legal and Administration introduce the report, the Council approved the recommendation contained therein, on the motion of Mr A Cluness, seconded by Mr A Cooper.

21/11 **Protecting Vulnerable Groups Scheme**

The Council considered a report by the Chief Social Work Officer and Human Resources Manager (Appendix 7) and approved the recommendation contained therein, on the motion of Mr L Angus, seconded by Mr G Robinson.

22/11 **Scottish Veterans Charter**

The Council considered a report by the Assistant Chief Executive (Appendix 8) and approved the recommendation contained therein, on the motion of Mr J Henry, seconded by Mr A Cluness.

23/11 **Schedule of Meetings: April – May 2011**

The Council considered a report by the Service Manager – Administration (Appendix 9) and approved the recommendation contained therein, on the motion of Mr A Cluness, seconded by Mr J Simpson.

In response to a question from Mr R Nickerson, the Head of Legal and Administration advised that the indication was that the new Committee structure would be in place for the fourth cycle of meetings to commence in June.

24/11 **Consideration of Time Off for the Royal Wedding/Tall Ships 2011**

The Council considered a report by the Human Resources Manager (Appendix 10).

Mr J Simpson moved that the Council approve Recommendation 12.1.5, to not award any additional leave but to encourage managers to support requests wherever possible for annual leave or flexi time on 29 April and during the Tall Ships event. Mr A Duncan seconded.

In referring to Section 9.1 of the report, Mr G Robinson highlighted the estimate whereby each annual leave day costs the Council approximately £375k.

In order to avoid the disclosure of exempt information, Mr A Cluness moved, and Mr J Simpson seconded, and the Council resolved to exclude the public,

in terms of the relevant legislation, during consideration of the following items of business.

(Mr L Angus, Mrs B Fullerton, Mr A Cooper and Mr R Nickerson declared an interest in the following item as beneficiaries of the Pension Scheme).

25/11 **Minute of Pension Fund Management Consultative Committee – 6 December 2010**

The Council noted the minute of the Pension Fund Management Consultative Committee held on 6 December 2010.

26/11 **Shetland Islands Council – 8 December 2010: Min. Ref. 197/10 - Report on Ports for the Future Project**

Mr A Cooper reported on an omission from the minute, whereby the first sentence of the 3rd paragraph should read, “Mr A Cooper moved that the Council adopt the recommendations in the report, and that the Executive Director report back to the next two Council meetings setting out clearly the position of both parties”. The Council concurred.

(Mrs B Fullerton declared an interest in the following item of business as regards any discussion relating to the tugs, however she would take part in the other debate).

27/11 **Ports for the Future Project**

The Council considered a report by the Executive Director, Infrastructure Services.

Following a discussion where the Executive Director and the Head of Legal and Administration provided responses to questions raised by Members, Mr J Simpson moved that the Council approve the recommendations in the report, and Mrs I Hawkins seconded.

27/11 **Minute of Shetland College/Train Shetland Board of Management –20 January 2011**

The Council approved the above minute (Appendix 13) on the motion of Mr A Hughson, seconded by Mrs L Baisley.

In response to a question from Dr J Wills, the Executive Director, Education and Social Care advised that in certain circumstances it is appropriate to undertake recruitment by alternative means other than by open advertisement, and this includes joint management proposals and is in line with previous decisions taken by Council on this matter.

The Council adjourned at 12.05pm

The Council reconvened at 12.15pm

Shetland Island Council
Council Chamber, Town Hall, Lerwick

Present:

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

Apologies:

L F Baisley	C H J Miller
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In Attendance:

A Buchan, Chief Executive
H Sutherland, Executive Director Education and Social Care
W Shannon, Assistant Chief Executive
J Smith, Head of Organisational Development
D Bell, Human Resources Manager
H Budge, Head of Schools Service
C Ferguson, Head of Community Care
L Adamson, Committee Officer

Also:

K Yates
R Martin, Centre for Scottish Public Policy
J Lewis, Centre for Scottish Public Policy

28/11

Integrated Services – Single Public Authorities
Commission on the Future Delivery of Public Services

The Council considered a report by the Assistant Chief Executive (Appendix 14).

The Convener welcomed Mr R Martin, Director of the Centre of Scottish Public Services, who had been commissioned by the three Island Authorities to develop proposals for a single public authority in the island areas.

Mr R Martin provided the Council with a summary of the proposals in his draft report entitled “A report into Future Public Services Provision” (attached as Appendix 14A). During the presentation (copy of slides attached as Appendix 14B) Mr Martin outlined the features relating to the proposed Models for delivery, and Members noted that the recommendations included different options for Shetland, Orkney and the Western Isles to retain the distinctive identities and the local characteristics in the areas.

Following a question and answer session, the Council agreed to make a formal response to the Christie Commission within the timescale, with the submission being made by the Chief Executive and reported to the next meeting of the Council. The Council will in support of its submission seek to give oral evidence at one of the scheduled events to be held by the Commission.

The Convener thanked Mr Martin for the informative presentation.

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A J Cluness
Convener