

MINUTE

A&B

Reconvened Special Shetland Island Council
Council Chamber, Town Hall, Lerwick
Thursday 12 May 2011 at 2 p.m.

Present:

L Angus	J Budge
A G L Duncan	F B Grains
I J Hawkins	R S Henderson
J H Henry	A J Hughson
W H Manson	C H J Miller
R C Nickerson	J G Simpson
C L Smith	J W G Wills
A S Wishart	

Apologies:

L Baisley	A J Cluness
A Cooper	A Doull
B Fullerton	F Robertson
G Robinson	

In Attendance (Officers):

A Buchan, Chief Executive
G Greenhill, Executive Director Infrastructure
J Riise, Head of Legal & Administration
F Bell, Solicitor
A Cogle, Service Manager – Administration

Also:

N Stewart, Consultant

Chairperson

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

Circular

The circular calling the meeting was held as read.

Declarations of Interest

None

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Governance and Constitutional Arrangements

The Council considered a report by the Head of Legal and Administration which had been subject to consideration at an earlier meeting held on 9 May 2011. Further to that, a note of those issues for further consideration and agreement was presented to Members (Appendix 1).

Members noted the points of clarification provided and proceeded to debate and agree those issues identified as requiring a decision, as follows:

Part A – Governance

Page 7, sub-paragraph (4)

Decision:

The Council unanimously RESOLVED that sub-paragraph (4) on page 7 be deleted.

Page 10, sub-paragraph (2), first bullet point

Decision:

The Council unanimously RESOLVED that the first bullet point in sub-paragraph (2) on page 10, be deleted.

Page 11, paragraph 7(1)

Decision:

The Council unanimously RESOLVED that the words “if appointed” be added before the words “the Vice Convener” in paragraph 7(1) on page 11.

Page 11, paragraph 8 (and elsewhere) – Children Families and Learning Committee:

Dr J Wills moved that the Children Families and Learning Committee be renamed to the Education and Families Committee. Mr R Nickerson seconded.

Mrs C Miller moved as an amendment that the Council retain the name of the Children Families and Learning Committee. Mr A Wishart seconded.

Mrs F B Grains gave notice of a further amendment.

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

Amendment (C Miller)	5
Motion (J Wills)	9

Mrs F B Grains moved that the Children Families and Learning Committee be renamed to the Education Committee. Mr L Angus seconded.

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

Further Amendment (F Grains)	5
Motion (J Wills)	9

Decision:

The Council RESOLVED that the Children Families and Learning Committee be renamed the Education and Families Committee.

Page 11, paragraph 8 (and elsewhere) – Communities Health and Well-being Committee:

Dr J Wills moved that the Communities Health and Well-being Committee be renamed the Social Services Committee. Mr R Nickerson seconded.

Mr C Smith moved as an amendment that the Council retain the name of the Communities Health and Well-being Committee. Mrs C Miller seconded.

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

Amendment (C Miller)	6
Motion (J Wills)	8

Decision:

The Council RESOLVED that the Communities Health and Well-being Committee be renamed the Social Services Committee.

Page 11, paragraph 8 (and elsewhere) – Economy and Development Committee

Mr R Nickerson moved that the Council retain the name of the Economy and Development Committee. Mrs C Miller seconded.

Mrs F B Grains moved as an amendment that the Economy and Development Committee be renamed the Development Committee. Dr J Wills seconded.

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

Amendment (F B Grains)	9
Motion (R Nickerson)	6

Decision:

The Council RESOLVED that the Economy and Development Committee be renamed the Development Committee.

Page 11, paragraph 8 (and elsewhere) – Environment Committee

Mr R Nickerson moved that the Council rename the Environment Committee to the Environment and Transport Committee. Dr J Wills seconded.

Mrs I J Hawkins moved as an amendment that the Council rename the Environment Committee the Infrastructure Committee. Mr A Wishart seconded.

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

Amendment (I J Hawkins)	7
Motion (R Nickerson)	7

Mr J G Simpson used his casting vote in favour of the Motion.

Decision:

The Council RESOLVED that the Environment Committee be renamed the Environment and Transport Committee.

Page 11, paragraph 8 (and elsewhere) – Development Management Committee

Mr R Nickerson moved that the Development Management Committee be renamed the Planning Committee. Dr J Wills seconded.

Decision:

The Council RESOLVED that the Development Management Committee be renamed the Planning Committee.

Page 11, paragraph 8 (and elsewhere) – Audit and Standards Committee

Mr A Duncan moved that the Audit and Standards Committee be renamed the Audit and Scrutiny Committee. Dr J Wills seconded.

Mrs C Miller moved as an amendment that the Council retain the name of the Audit and Standards Committee. Mr R Nickerson seconded.

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

Amendment (C Miller) 8

Motion (A Duncan) 7

Decision:

The Council RESOLVED that the Council retain the name of the Audit and Standards Committee.

Page 15, paragraph 2

Decision:

The Council RESOLVED that the word “scrutiniser” be changed to “scrutineer” in paragraph 2 on page 15.

Page 18, paragraph 6(5)

Decision:

The Council RESOLVED that the word “spokesperson” be changed to “Chairs” in paragraph 6(5) on page 18.

Decision:

Subject to the above decisions, the Council unanimously RESOLVED to adopt the Constitution document, Part A – Governance.

Part B – Standing Orders for Meetings

Page 9, paragraph 9.3 – How motions are handled

Dr J Wills moved that the Council do not adopt the proposed procedure, but that the Council retain the procedure that is in the current regulations. Mrs I J Hawkins seconded.

Mrs C Miller moved as an amendment that the Council adopt the procedure as proposed at the meeting on 9 May. This, however, received no seconder.

Decision:

The Council RESOLVED to retain the current procedures for the handling of motions and amendments at meetings.

Page 16, Paragraph 16.1 - Minutes

Mr R Nickerson moved that the Council retain the current procedure of presenting the minutes of Committees to the Council for approval. Mr L Angus seconded.

Mr A Wishart moved that the Council adopt the proposals in the report. Mrs C Miller seconded.

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

Amendment (A Wishart)	13
Motion (R Nickerson)	2

Decision:

The Council RESOLVED to adopt the procedure whereby minutes would only be presented to the next meeting of the body for confirmation.

Page 21, paragraph 19.1

Decision:

The Council unanimously RESOLVED to change the wording from “two thirds of the Councillors present” to “two-thirds of the total membership of the body.”

[Mr L Angus left the meeting.]

Decision:

Subject to the above decisions, the Council unanimously RESOLVED to adopt the remainder of the Constitution Document, Part B - Standing Orders for Meetings.

Part C – Scheme of Administration and Delegations

Page 3, paragraph 1.2.1(2) (b) – Religious representation on Education and Families Committee

Dr J Wills moved that the Council does not provide for the posts of religious representation on the Education and Families Committee, but that if Members are minded to provide for them that they are not appointed. However, having heard advice from the Head of Legal and Administration, Dr J Wills withdrew his motion

and moved instead that the Council defer consideration of this matter, and that the Head of Legal and Administration present a report to the Council at a later date as to the practical implementation of this statutory requirement. Mr A Wishart seconded and the Council concurred.

Decision:

The Council RESOLVED that the Head of Legal and Administration present a report to a future meeting of the Council with regard to the appointment of religious representation to the Education and Families Committee.

Page 4, sub paragraphs 3, 6 and 7 – Membership

Decision:

The Council unanimously RESOLVED that the membership of the Harbour Board, Planning Committee, Licensing Committee, College Board and Audit and Standards Committee would make reference to the prior decision to retain the current membership of these bodies until May 2012.

Page 6, paragraph 1.3.2(3) – Mid Term Review

Decision:

The Council unanimously RESOLVED that the end of paragraphs 1.3.2(3) and 1.3.3(3) should be added the words “always provided that the Council has confirmed those appointments for the remaining period following a review conducted mid way through the life of the Council.”

Page 11, sub paragraph 9

Decision

The Council unanimously RESOLVED that the words “cross functional transformation initiatives” be replaced with “cross departmental change”.

Page 12, paragraphs 2.3.1 – Committee Functions

Mr R Nickerson moved that the service function for Culture should be within the remit of the Development Committee. Mrs C Miller seconded.

Mr C Smith moved as an amendment that the service function for Culture should remain with the Social Services Committee. Mr A Duncan seconded.

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

Amendment (C Smith) 6

Motion (R Nickerson) 8

Decision:

The Council RESOLVED that the service function for Culture should be within the remit of the Development Committee. It was also unanimously RESOLVED that the service function for Community Safety would be added to the Social Services Committee, Community Learning and Development would be added to the Education and Families Committee, and Offender Services, in so far as the Council had any interest in that function would also be added to the Social Services Committee.

Page 13, paragraph 2.6.1, Item 7

Decision:

The Council RESOLVED that the word “develop” in relation to the anti-fraud culture would be changed to read “promote”.

Decision:

Subject to the above decisions, the Council unanimously RESOLVED to adopt the remainder of the Constitution Document, Part C - Scheme of Administration and Delegations, noting also that the Planning Committee Scheme of Delegations would also require approval by Scottish Ministers.

[Mr R Henderson left the meeting.]

Part F – Protocol for Councillor/Officer Relations

Page 8, paragraphs 6.2 and 6.4

Decision:

The Council RESOLVED that the words “(or his nominees)” be added after the words “cleared with the Chief Executive” in paragraphs 6.2 and 6.4. It was further RESOLVED that the words “or other officers designed by the Chief Executive” be inserted after the words “will be channelled to the Communications Team” in the first sentence of paragraph 6.4, and that the second sentence be amended to read “The preparation and issue of responses to media enquiries will be prepared by the relevant designated officer in conjunction as necessary with the Communications Unit.”

Decision:

Subject to the above decisions, the Council unanimously RESOLVED to adopt the Constitution document, Part F – Protocol for Councillor/Officer Relations.

Part G – Scheme of Councillors’ Approved Duties**Decision:**

The Council unanimously RESOLVED to adopt the Constitution document, Part G – Scheme of Councillors’ Approved Duties.

Part I – Protocol for Chief Officer Appointments

Decision:

The Council unanimously RESOLVED to adopt the Constitution document, Part I – Protocol for Chief Officer Appointments.

The meeting concluded at 3.45 p.m.

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A J Cluness
Convener