

# MINUTE

**B – Public**

**Shetland Islands Council  
Council Chamber, Town Hall, Lerwick  
Wednesday 12 February 2014 at 10.00 am.**

**Present:**

M Bell	M Burgess
P Campbell	G Cleaver
A Cooper	S Coutts
A Duncan	B Fox
R Henderson	D Ratter
F Robertson	G Robinson
D Sandison	C Smith
G Smith	T Smith
M Stout	A Westlake
J Wills	A Wishart
V Wishart	

**Apologies**

A Manson

**In Attendance (Officers):**

M Boden, Chief Executive  
H Budge, Director – Children’s Services  
C Ferguson, Director – Corporate Services  
K Duerden, Executive Manager – Ferry Operations  
A Edwards, Executive Manager – Quality Improvement  
J Gray, Executive Manager – Finance  
C Horrix, Executive Manager – Early Years and Additional Support Needs  
A Jamieson, Executive Manager - Housing  
V Simpson, Executive Manager – Community Planning and Development  
R Sinclair, Executive Manager - Capital Programme  
S Thompson, Executive Manager – Schools  
A Cogle, Team Leader – Administration  
C Anderson, Senior Communications Officer  
T Coutts, Project Manager  
M Duncan, Grants Co-ordinator  
K Johnston, Solicitor  
E Park, Transport Strategy Officer  
J Porter, Community Work Officer  
L Adamson, Committee Officer

**Also in Attendance:**

K McAuley, Audit Scotland

**Chair:**

M Bell, Convener of the Council, presided.

**Circular:**

The circular calling the meeting was held as read.

The Convener ruled that due to the special circumstances, namely that due to the timescales involved, the following item of business would be considered at this meeting as a matter of urgency in terms of paragraph 3.2.2 of the Council's Standing Orders for Meetings:

Item 8: Housing Revenue Account – Update

### **Declarations of Interest**

Mr Burgess declared an interest in item 5, "Community Council Financial Position", as Vice Chair of Scalloway Community Council.

Mr Cooper declared an interest in Item 5, "Community Council Financial Position" as Chair of Delting Community Council. Mr Cooper advised that he would leave the Chamber during this item.

Dr Wills declared an interest in Item 1, "Proposed Closure of Bressay Primary School and Nursery Class" as a resident in Bressay. He advised that he would take no part in a vote.

Mr Duncan declared an interest in Item 5, "Community Council Financial Position" as a member of Dunrossness Community Council.

Mr T Smith declared an interest in Item 5, "Community Council Financial Position" as Vice Chair of Tingwall, Whiteness and Weisdale Community Council.

Mr Robertson declared an interest in Item 5, "Community Council Financial Position" as an ex-officio member of Walls and Sandness Community Council and Tingwall, Whiteness and Weisdale Community Council.

### **Obituary – Dr Alastair Goodlad**

All those present in the Chamber stood while the Convener paid the following tribute:

"Former Council Member, Dr Alastair Goodlad, sadly passed away on 16 December 2013 following a long illness.

Born on 19 September 1943, Dr Goodlad served two terms with the Council. He was elected unopposed as the member for Burra and Trondra in 1994. He served on a number of Council bodies and was Vice-Chair of the then Marine Operations Committee, and the Blacksness Pier Joint Committee. He also represented the Council on a number of outside bodies, including the Lerwick Harbour Trust and Shetland Fishermen's Trust. He continued those interests when he was re-elected in 1999, and held other appointments on behalf of the Council including the CPMR, the Marine Special Areas of Conservation Advisory Panel, the Shetland Fisherman's Association and the Shetland Shellfish Management Organisation. He did not stand for re-election in 2003.

Alastair had a global reputation as a fisheries and fish farming expert. A graduate of University of Aberdeen, he later embarked on a PhD researching the Shetland fishing industry. This was subsequently published as the 'Shetland Fishing Saga' and remains one of the most authoritative books ever published on the fishing history of Shetland.

Alastair was a great linguist, fluent in as many as six languages and he also travelled and worked all over the world. However, he was a Shetlander first and foremost, proud of his roots and our heritage.

Alastair is survived by his daughters Alexandra and Natalie and his wife Yvonne. Those that knew Alastair well speak of his great energy and enthusiasm for life. One of his favourite

sayings was: "Just get on with it". He was not a man to stand on ceremony so I suggest, in his honour we do just that and "get on with it"! I move that an extract of the minute from this meeting be sent to Mrs Goodlad."

### **Convener's Opening Remarks**

The Convener made the following statement:

"I also want to pay tribute this morning to another true Shetlander. Davie Henderson died suddenly on 12 January. The huge outpouring of respect not only from within Shetland but also from those involved in the folk music scene worldwide, demonstrates what he achieved and the esteem in which he was held. Davie was synonymous with the now world-renowned Shetland Folk Festival having spent well over 20 years on the committee. Davie was a true ambassador of Shetland, described by those who knew him best as a "one-off". We extend our sympathy to his family to whom I have written.

"I wish to extend congratulations to Special Constable Peter Smith who was awarded the Queen's Police Medal in Her Majesty's New Years Honours list. This is a very significant award; QPM's are not handed out lightly but I can honestly not think of anyone who is a more deserving recipient. Peter has been a Special Constable, a volunteer, for almost 37 years. I think he was the one individual who was a constant in my own police career. He was there when I started in 1980 as a raw cadet (a fact he never misses an opportunity to remind me of!) and he was still there when I left the force almost 30 years later. During that time he has witnessed first hand some of the most significant events in Shetland's recent history, some happy, some tragic but through it all Peter has carried out his duties uncomplaining, never refusing a call for assistance. That he has done all of this on top of his day job as a senior ambulance paramedic is nothing short of remarkable. Well-done Peter."

#### 01/14 **Minutes – 13 November and 11 December 2013**

Except as undernoted, the Council approved the minutes of the Council meeting held on 13 November 2013 on the motion of Mr Robertson, seconded by Mr C Smith.

Replace "Chair – In the absence of the Chair, G Robinson, Leader of the Council, presided", with "Chair – Mr M Bell, Convener of the Council, presided".

Except as undernoted, the Council approved the minutes of the Council meeting held on 11 December 2013 on the motion of Mr Sandison, seconded by Mr C Smith.

#### **103/13 – Blueprint for Education in Shetland: Decision on Skerries School Secondary Department**

It was noted that Mr G Smith had left and returned to the Chamber during the discussion on the final paragraph of page 5.

#### 02/14 **Proposed Closure of Bressay Primary School and Nursery Class - Decision**

The Council considered a report by the Director of Children's Services (CS-02-14-F) which presents the Consultation Report on the proposed closure of Bressay Primary School and Nursery Class.

In introducing the report, Ms Wishart advised that the Education and Families Committee had unanimously agreed to the recommendation in the report, that education provision at the Bressay Primary school be discontinued and for pupils to continue their education at Bells Brae primary school after the summer break.

A Member sought assurance that the Bressay primary school building would be retained by the Council and that an alternative tenant would be sought, with reference made to the possibility of a tunnel to Bressay in the future and that the building would have capacity for up to 60 pupils. The Solicitor said that the issue for consideration today is whether or not to discontinue education provision at the Bressay Primary School, and she confirmed that the future of the building will be the subject of further reporting and decision by Members.

Ms Wishart moved that the Council adopt the recommendations in the report. Mr G Smith seconded.

**Decision:**

The Council **RESOLVED** to that:

- (a) Education provision at Bressay Primary School be discontinued with effect from 04 July 2014, or as soon as possible thereafter;
- (b) The pupils of Bressay Primary School continue their education at Bell's Brae Primary School from 18 August 2014, or as soon as possible thereafter; and
- (c) The catchment area for Bell's Brae Primary School be altered to include the current catchment area for Bressay Primary School;
- (d) Pre-school education provision at Bressay Primary School Nursery Class be discontinued with effect from 04 July 2014, or as soon as possible thereafter;
- (e) Pre-school education provision for eligible children in Bressay continue in accordance with the Shetland Islands Council Admissions Policy.

The Council noted that:

- (a) the Scottish Ministers have a six week period from the date of that final decision to decide if they will call-in the Proposal so no action can be taken regarding implementation;
- (b) the Director of Children's Services will work with pupils, parents and staff at Bressay Primary School and Bell's Brae Primary School to develop a transition plan that would ensure an effective transition for pupils to Bell's Brae Primary School;
- (c) the Director of Children's Services will ensure all staff will be properly consulted about their future, as will relevant trade unions. The individual wishes of each member of staff will be taken into consideration within the context of appropriate human resource policies and agreements.

03/14

**Chairs' Report: Development Committee – 22 January 2014**

**Statement of Intention for Protecting Shetland's Marine Environment**

The Council considered a report by the Chair of the Development Committee (SIC–0212-DV002) which sought approval for a draft Policy Statement on Protecting Shetland's Marine Environment.

In introducing the report, Mr Cooper advised on the minor amendments to the draft Policy Statement as agreed at Committee. During the brief discussion, comments were made on the significance of the Policy Statement which will further support

Shetland to be at the forefront in protecting the marine environment and to argue Shetland's case for local management. Members congratulated the staff and office bearers involved in the preparation of the document, with particular mention to the staff at the NAFC Marine Centre.

Mr Cooper moved that the Council adopt the recommendation in the report. Mr T Smith seconded.

**Decision:**

The Council **RESOLVED** to approve the Statement of Intention for Protecting Shetland's Marine Environment, as amended.

04/14

**Chair's Report – Education and Families Committee – 15 January 2014**  
**Additional Support Needs – Action Plan**

The Council considered a report by the Chair of the Education and Families Committee (CS-01-14-F) which set out the detail and timeframe regarding how the recommendations in the Additional Support Needs review will be taken forward by Children's Services.

Ms Wishart introduced the report, and moved that the Council approve the recommendations contained therein.

A Member advised on the additional information he had received in regard to the provision of ASN support in each location and that he was meeting with the Director of Children's Services to discuss this further. In response to a question, the Director of Children's Services advised that should it be considered beneficial to provide all Members with additional explanation in this respect, a briefing note would be circulated to Members.

Mr G Smith seconded.

**Decision:**

The Council **RESOLVED** to adopt the recommendations from the Education and Families Committee, namely to:

- Adopt the action plan in order to take forward the recommendations of the Additional Support Needs Review; and
- Note that implementation will be monitored by the Education and Families Committee through the Planning and Performance Management Framework mechanism.

05/14

**Chair's Report – Executive Committee – 3 February 2014**  
**Progress Report – Asset Investment Plan**

The Council considered a report by the Chair of the Executive Committee (SIC-0212-CPS02) which provided an update on progress in delivering the Asset Investment Plan [AIP] and summarised the full life financial position for each project.

In his introduction, Mr Robinson advised that the Executive Manager – Capital Programme had undertaken to provide a written submission in response to questions raised by Members at Committee. The Executive Manager – Capital

Programme advised that he still had to issue the e-mail. During the discussion and in response to questions from Members, the Executive Manager – Capital Programme confirmed that his submission would include further detail in regard to the following:

- Burra Bridge Bearings Project - Projected start and completion dates and details on the extent of the proposed works.
- Bigga, Geira and Fivla Life Extensions – Further explanation on the substantial refurbishment work and costs for each of the projects and projections on the extended life of the vessels.

In response to a question regarding Happyhansel PS Extension project, the Executive Manager – Capital Programme explained that from a contractor point of view the project was still in budget however the complication is with the involvement of the Council's DLO in carrying out the works. The Executive Manager – Capital Programme advised that he would include a written explanation in his e-mail to Members. During the discussion, a request was made for all Members to be provided with further guidance on Council contracts, and in particular when the Council's DLO are involved in projects.

In referring to fixed links, a Member suggested that expert external advice should now be sought to find out what is achievable for Shetland. It was confirmed that a joint report was being progressed by the Directors of Infrastructure and Development Services and would be presented to Members in early course.

In response to a comment from a Member in regard to the number of questions raised on the individual projects, the Executive Manager – Capital Programme agreed to expand on the level of information provided in the Appendix for the next cycle of meetings.

Mr Robinson moved that the Council adopt the recommendation in the report. Mr C Smith seconded.

**Decision:**

The Council **RESOLVED** to note progress on the projects within the AIP.

*(Mr Burgess and Mr Cooper left the Chamber).*

06/14

**Chair's Report – Executive Committee – 3 February 2014**  
**Community Councils Financial Position**

The Council considered a report by the Chair of the Executive Committee (SIC-0212-DV005) which informed on the position of the 2012/13 Community Council Annual Accounts, in accordance with the grant scheme approved in March 1999, and sought approval of the grant payments for 2014/15.

Mr Robinson introduced the report. The Executive Manager – Community Planning and Development referred Members to the additional information at Appendix A as requested by the Committee, which informed on the Community Councils with outstanding commitments and to the request by three Community Councils to carry forward an excess over the 10% grant surplus allowed as set out in Section 3.3 of the report.

In response to a question, the Executive Manager – Community Planning and Development confirmed that all Community Councils are aware of the 10% allowable grant surplus that can be carried forward. She went on to advise that the level of excess over the grant surplus allowed for two of the Community Councils was very small, and for Bressay Community Council the excess was mainly due to a delay in the transfer of the Mail toilets.

Mr Robinson moved that the Council approve the grant payment for 2014/15, and that the three Community Councils that hold a surplus over the agreed 10% are allowed to retain the funds. Mr Wishart seconded.

**Decision:**

The Council **RESOLVED** to:

- Approve payment of the Community Council grants for 2014/15 totalling £158,048, as set out in Table 1 of the original report; and
- agreed not to remove the excess surplus funds, in line with the scheme, from the three Community Councils holding a surplus.

*(Mr Burgess and Mr Cooper returned to the Chamber).*

07/14

**Chair's Report – Executive Committee – 3 February 2014  
Corporate, Directorate and Service Plan Update Process**

The Council considered a report by the Chair of the Executive Committee (SIC-0212 CRP02), which proposed the process and timetable for the update of Shetland Islands Council's Corporate, Directorate and Service Plans.

Mr Robinson introduced the report and moved that the Council adopt the recommendation contained therein. Mr Duncan seconded.

**Decision:**

The Council **RESOLVED** to:

- approve the process described in the report and in Appendix 1 for the update of the Council's Corporate, Directorate and Service Plans; and
- delegates authority to the Chief Executive in consultation with the Leader and Convener to confirm final arrangements for the most appropriate publication and dissemination of these plans once they have been updated and approved.

08/14

**Business Programme 2014/15 – Update**

The Council considered a report by the Executive Manager – Governance and Law (GL-01-14-F), which informed on reports still to be scheduled into the Business Programme and sought approval to adopt a process for scheduling these additional meetings, and to align this with the process of updating the Council's Corporate, Directorate and Service Plans.

The Director of Corporate Services summarised the main terms of the report. In response to questions from Members, the Director of Corporate Services advised that following consultation with Chairs and Vice-Chairs of the Committees in regard

to scheduling meetings and setting agendas, the final Programme would be presented to Council on 26 March 2014. It was advised that an all Members Seminar would be arranged prior to the Council meeting to allow Members to have input into the Programme. The Director of Corporate Services explained that rather than the current seven-week cycle of meetings, the Business Programme will include a number of meetings appropriate to the business required at that time, in addition to quarterly reporting on performance and financial monitoring. She confirmed that the fixed programme will provide a greater level of detail and clarity on the Council's planned business for the full year, and that there would be flexibility in the process to allow for additional meetings to be scheduled into the business programme. In response to a further question, the Director of Corporate Services confirmed that the Code of Corporate Governance will also be reported to Council on 26 March.

In response to a question, the Convener advised that a process to take forward the Mid-Term Review would be decided over the next few weeks, which he confirmed would include individual and group discussions with Members.

In response to a question regarding restrictions on the Council during the pre-election period in May and in the lead-up to the Referendum in September, the Team Leader – Administration explained that the Council can continue to convene during those times, however there are certain restrictions on the business that can be conducted. She advised that pre-election guidance is being produced and would be provided to all Members when finalised.

During the discussion, some Members advised of their concerns in regard to the rigidity of the business programme, with particular mention that some Committees are to be restricted to 1.5 hours, and in moving away from the seven-week cycle. Assurance was given that there would be no 1.5 hour restriction at Committee meetings or to the business that can be discussed, but that the Business Programme would provide clarity on the Council's business for the year ahead.

Mr G Smith advised that he had concerns when the Business Programme was reported to Council in December, and has been aware of further concerns raised since that time. Mr G Smith moved that the Council:

- approve the formalising of the Business Programme which will enable consistent and timely scrutiny of the budget and performance of each functional Committee and the Council; propose that a six-weekly cycle of meetings be retained as well to allow for policy making and public debate around regular Council business to be transacted in an equally consistent and timely fashion, and where there is no business requiring consideration, the meeting should be cancelled.
- That the process for updating the Business Programme and the remaining schedule of meetings for 2014/15 is aligned to the process for the Council's Corporate, Directorate and Service Plans, and
- The final schedule of meetings for 2014/15 be reported to the Council on 26 March 2014.

Mr T Smith seconded.

After hearing comments from Mr Cooper in regard to achieving efficiencies and to allow Members time to travel to meetings on the mainland, Mr G Smith agreed to include into his motion that Council meetings should be scheduled on Mondays to Wednesdays and for meetings to be held in both the morning and afternoon. This received the consent of his seconder.

Dr Wills moved as an amendment, that the Council approve the recommendations in the report, namely:

- that the process for updating the Business Programme and the remaining schedule of meetings for 2014/15 is aligned to the process for the Council's Corporate, Directorate and Service Plans; and
- the final Business Programme for 2014/15 will be reported to the Council on 26 March 2014, and thereafter each Committee and the Council will consider the remaining Business Programme on a quarterly basis.

Mr Ratter seconded.

During the discussion that followed, Mr G Smith advised that he supported much of the current proposals as it would provide systematic, consistent and timely scrutiny of budgets and performance with alignment to the Corporate Plan, Directorate and Service Plans. However in his motion, he sought to ensure that there is adequate provision for policy making and formal public debate around regular Council business. Mr Smith advised on the need for sensible planning to ensure that the Council business can be conducted in a democratic and open fashion wherever possible. He added that a diary of meetings set in an ad-hoc manner cannot be the most effective way to conduct business and will erode the democratic process. Mr G Smith asked Members to support his motion, being the logical step to realise a new way to do business for the Council.

Dr Wills commented that Members had only recently approved the Business Programme in December, which he advised would have been a complicated piece of work and he commended officers on the achievement. He added that there would be flexibility with the current proposals in that additional meetings could be added to the schedule.

The Council agreed unanimously that voting would take place by roll call vote.

During the debate that followed, some Members spoke in support of the motion, and the amendment, and it was also suggested that there could be merit in developing a combination of both the systems being discussed.

*(Mr Robinson gave notice of a further amendment).*

Following summing up, voting took place by roll call vote, and the result was as follows:

	<b>Motion</b>	<b>Amendment</b>	<b>Abstention</b>
	Mr Bell Mr Burgess Mr Campbell Mr Cleaver	Mr Ratter Mr C Smith Dr J Wills Mr Wishart	Mr Robinson

	Mr Cooper Mr Coutts Mr Duncan Mr Fox Mr Henderson Mr Robertson Mr Sandison Mr G Smith Mr T Smith Mr Stout Ms Westlake Ms Wishart		
<b>Total</b>	<b>16</b>	<b>4</b>	<b>1</b>

Mr Robinson commented that there appeared to be some misapprehension regarding the time limited meetings and ad-hoc meetings. He said that there would be merit to see what is presented to Council in March which will set out scheduled meeting for the year ahead. Mr Robinson moved as an amendment, that both the Business Programme as proposed with scheduled meetings timetabled to the business to be transacted and with flexibility for additional meetings if required, along with a fully worked up schedule following the existing six/seven week cycle of meetings be presented to Council on 26 March to allow for an informed decision to be made.

Mr Ratter seconded.

Following summing up, voting took place by roll call vote, and the result was as follows:

	<b>Motion</b>	<b>Amendment</b>	<b>Abstention</b>
	Mr Bell Mr Burgess Mr Campbell Mr Cleaver Mr Cooper Mr Coutts Mr Duncan Mr Fox Mr Henderson Mr Robertson Mr Sandison Mr C Smith Mr G Smith Mr T Smith Mr Stout Ms Westlake	Mr Robinson Dr J Wills Mr Wishart Ms Wishart	Mr Ratter
<b>Total</b>	<b>16</b>	<b>4</b>	<b>1</b>

**Decision:**

The Council **RESOLVED** to:

- approve the formalising of the Business Programme which will enable consistent and timely scrutiny of the budget and performance of each functional Committee and the Council; propose that a six-weekly cycle of meetings be retained as well to allow for policy making and public debate around regular Council business to be transacted in an equally consistent and timely fashion, and where there is no business requiring consideration, the meeting should be cancelled.
- That the process for updating the Business Programme and the remaining schedule of meetings for 2014/15 is aligned to the process for the Council's Corporate, Directorate and Service Plans,
- Meetings to be scheduled on Mondays to Wednesdays and for meetings to be held in both morning and afternoon, and
- The final schedule of meetings for 2014/15 be reported to the Council on 26 March 2014.

**In order to avoid the disclosure of exempt information, Mr Bell moved, Mr C Smith seconded, and the Council agreed to exclude the public in terms of the relevant legislation during consideration of the following item of business.**

09/14 **Housing Revenue Account – Update**

The Council considered a report by the Chief Executive, which sought confirmation of the funding package to resolve the Council's housing debt position.

In introducing the report, the Chief Executive advised on the welcomed offer from the UK Government which would contribute to reduce the housing debt to £16m which puts the Council in a much better position to go forward. He expressed his thanks to the officers and Members who were involved in the negotiations, and remarked on the great political achievement by the four Council Members who led the process.

In response to questions, the Executive Manager – Housing advised that the Housing Investment Programme has been agreed up to 2016 and on the need to have in place a very robust investment programme for future years to ensure Shetland is in a position to bid for and attract greater grant funding. She advised that currently with the level of grant funding from the Scottish Government it is more beneficial for housing associations to be the developer, rather than the Council, and that there is a great deal to consider when developing the future programme and how that would be funded. The Executive Manager – Finance explained that any decisions on investing for the Housing Revenue Account would follow the Prudential Framework to set a borrowing strategy that was affordable, sustainable and prudent. He said that with the level of housing debt going forward there will be decisions to make in regard to rent /maintenance levels and borrowing, but the Council is now in a better position to consider new builds into the future.

In regard to planning for future house building, the Executive Manager – Housing explained that the Strategic Housing Programme submitted to the Scottish Government included annual approvals of funding within a three year resource plan, which allowed for site acquisition and design work to be progressed.

In response to questions from some Members, the Leader advised on the arrangements made to report to the media on the Council's decision in regard to the contributions to the housing debt, which he assured Members would take cognisance of the political factors.

During the discussion, a Member paid tribute to the persistence of Cllr Duncan in driving forward the campaign. Mr Duncan responded by paying tribute to the hard work of the officers and Members who formed part of the delegation to Glasgow and London and to the input from Mr Carmichael, MP. Mr Duncan added that he had great pride that the matter had progressed to be discussed at Council today and he reiterated a huge thank you to all who had been involved.

During the discussion, specific tribute was made to Mr Duncan, Mr C Smith and the Council's Leader; the Executive Managers – Housing, Finance and Executive Services and all other officers who had been involved; to the Shetland Tenants Forum who had been onboard and part of the project team, and to the support of the Shetland Times in running the petition which helped take the campaign forward.

In thanking all who had put their valuable time into the negotiations to reach the outcome, Mr C Smith moved that the Council adopt the recommendation in the report. Mr Duncan seconded, and the Council concurred.

The Council **RESOLVED** to confirm to the Scottish Government that it is content with the funding package to resolve the Council's historic debt position, confirming that it is in accordance with the original request, and as such should satisfy the UK Government.

The meeting closed at 12.20pm.

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Convener