

# MINUTE

## ‘A’

**Services Committee**  
**Council Chamber, Town Hall, Lerwick**  
**Wednesday 20 November 2002 at 10.30am**

**Present:**

P Malcolmson          R J Anderson  
L Angus          R I Black  
C B Eunson   F B Grains  
I J Hawkins   J C Irvine  
W H Manson Captain G G Mitchell  
J P Nicolson   W A Ratter  
J M Ritch      F A Robertson  
T W Stove      W N Stove  
W Tait

**Apologies:**

Dr C M Begg                      A J Cluness  
M U Colligan J G Simpson

**Apologies for Lateness:**

Mr R J Anderson

**In Attendance (Officers):**

J Watt, Executive Director – Community Services  
C Ferguson, Community Care Manager  
A Jamieson, Head of Education Service  
C Geldard, Assistant Education Advisor  
G Smith, Head of Community Development Service  
A Hunter, Library and Information Services Manager  
N Watt, Sport and Leisure Services Manager  
C Medley, Head of Housing Service  
A Jamieson, Service Manager, Housing Business Support  
R Keay, Supporting People Officer  
G Johnston, Head of Finance Service  
A Drummond-Hunt, Asset Services Manager  
L Geddes, Committee Officer

**Also:**

C Hughson, Shetland Council of Social Services

**Chairman:**

Mr P Malcolmson, Chairman of the Committee, presided.

**Circular:**

The circular calling the meeting was held as read.

**Minutes:**

The minute of the meeting held on 18 September 2002, having been circulated, was confirmed.

**Attendance at External Meetings:**

The Chairman gave a brief synopsis of a Scottish Executive "Design for Learning" seminar he had attended with the Head of Education Service, which had been very useful.

Captain G G Mitchell also gave a summary of a TPAS Board meeting he had attended, at which a motion had been passed that TPAS should write to Margaret Curran, Deputy Housing Minister, to state their unhappiness at the way stock transfers were being dealt with in Scotland. He advised that he had also attended a TPAS Conference where he had been able to lobby a number of people regarding this issue. Mr J C Irvine advised that this subject was also coming up at the CoSLA Urban Affairs Executive Group.

117/02     **Development of the Former Leasks/Hydro Premises in a Centre for Voluntary Organisations – Progress Report and Proposal for Demolition Works**

The Committee considered a report by the Head of Legal and Administrative Services (Appendix 1).

The Chairman advised that there were a number of areas requiring further work, and that it was felt that it would be better for the report to be considered by the Committee once the "loose ends" had been tied up. He therefore moved that the report be deferred and considered at a special meeting of the Services Committee, to be called before the end of the calendar year. In the meantime, a small working group should be set up to take this forward. This Working Group should, in addition to the Chairman, include Mr L Angus and Mr J C Irvine.

Mr L Angus seconded.

In response to a query, it was confirmed that the budget approved to cover design works would not be affected by this decision.

(Mr R J Anderson attended the meeting)

118/02     **Pro-Forma for Service Level Agreements**

The Committee considered a report by the Executive Director – Community Services (Appendix 2).

The Chairman summarised the main terms of the report and referred to the SIC Voluntary Sector Policy Statement, which gave a clear indication of how the Council and the voluntary sector had agreed they would operate.

Mr L Angus advised that several voluntary organisations had legitimate concerns regarding Service Level Agreements (SLA), and pointed out that there were a number in place throughout the UK which did not work. He therefore went on to move that moved that the Service Level Agreements be piloted with one or two organisations who can then report back to a partnership which will include voluntary organisations.

Mr J C Irvine seconded.

In response to a query, the Community Care Manager and Head of Community Development Service highlighted a number of organisations with existing SLAs with the Council. Members also noted that the pro forma did not apply to agreements between the SICCT and external organisations. However there were proposals to look at these procedures when the SICCT restructuring took place.

A Member commented that, whilst there was considerable emphasis on respecting the constitutional independence of voluntary organisations, the introduction of SLAs was sometimes regarded as an intrusion on this independence. Organisations involved also worried about the inclusion of conditions telling them how to manage their affairs. Another Member added that, in the past, some organisations had had to provide services they did not want to provide due to the grant conditions attached. Costs involved could often be absorbed by having to adhere to these grant conditions.

The Executive Director highlighted consultation that had been carried out with the voluntary sector over the last two years, and said that most organisations were entirely on board. Organisations had nothing to fear from SLAs, and it was in the Council's interest to have these in place.

Mrs C Hughson, speaking on behalf of the voluntary sector, said that the only concerns raised with her had been regarding being caught up in the paperwork involved, and the fact that this may impinge on services provided. In addition, organisations did not wish to be held to two sets of conditions. However most had said that they did not have a problem with SLAs, although one group had highlighted problems they had previously experienced. The SCSS had tried to assure organisations that the SLA would be a flexible agreement and a two-way partnership. It was felt that the detail should be worked out in consultation with the organisation providing the service, and that mechanisms should be put in place so that an organisation could come back to the Council for discussions if they were experiencing problems.

In response to a query, the Executive Director explained that SLAs were applicable to “not for profit” organisations, in addition to charitable organisations.

A Member pointed out that, as the SLA would be a legal agreement, this would have to be clarified in paragraph 1.1 of the SLA. It was also felt that levels of service required, which would exceed that stated in the Schedules, should be agreed with the Council at the earliest opportunity. It was therefore suggested that the second bullet point of 3.1 on the agreement should clarify that further services should be authorised in advance, and that it the wording could be amended to read “...further *authorised* financial payments”.

The Chairman agreed that these amendments should be taken on board. The Chairman also suggested that the SIC Voluntary Sector Policy Statement had to be reviewed on an annual basis, therefore it would be useful to review all the SLAs at the same time.

Mr J P Nicolson said that he felt that it would difficult to nominate two or three organisations, which were typical of the organisations involved, in order to run a pilot scheme. He therefore moved, as an amendment, that the Council run this with organisations for one year in tandem with the SIC Voluntary Sector Policy Statement, and that it be reviewed after this time in relation to the Policy Statement.

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

|                             |   |
|-----------------------------|---|
| Amendment (Mr J P Nicolson) | 9 |
| Motion (Mr L Angus)         | 7 |

119/02     **Capital Grants to Voluntary Organisations – Lerwick Boating Club – Essential Repairs and Refurbishment**

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

Mr P Malcolmson, Mr L Angus and Mr J C Irvine declared non-pecuniary interests as members of Lerwick Boating Club.

Mr P Malcolmson left the meeting and Mr J M Ritch assumed the Chair.

On the motion of Mr J P Nicolson, seconded by Mr R J Anderson, the Committee approved the recommendations contained therein.

Members commented on the important service provided by LBC to visiting yachtsmen, and the fact that the premises were difficult to maintain due to an underwater wall.

A Member commented on the “in kind” support referred to in the report. He said that he had commented on this previously, as he felt that its inclusion could be very confusing. He questioned how “in kind” support came to be part of the contract.

Another Member commented that “in kind” support, through the donation of services or materials, had always been included and it was proper that a value for this support should be set against the equation. Another Member added that the exact detail of “in kind” support in reports would be appreciated.

Mr P Malcolmson returned to the meeting and assumed the Chair.

120/02     **Capital Grants to Voluntary Organisations – Aithsvoe Marina Users Association**

The Committee considered a report by the Head of Community Development Service (Appendix 4), and on the motion of Mrs F B Grains, seconded by Mr W Tait, approved the recommendations contained therein.

Mr T W Stove declared a non-pecuniary interest as Secretary to the Aithsvoe Marina Users Association. He also advised that a number of unsuccessful attempts had been made to secure external funding and he thanked officers from Community Development Services for their help. In response to a query, he confirmed that boat owners had contributed £750 each to date and would be expected to contribute in the region of another £1,000 each in the future, although this would vary depending on the size of boat.

121/02     **Temporary Site – Skateboard Park (Half-Pipe and BMX Track)**

The Committee considered a report by the Community Learning and Development Officer – Lerwick and Bressay (Appendix 5).

On the motion of Mr L Angus, seconded by Mr R I Black, the Committee approved the recommendations contained therein.

Members commented that they were pleased to see this report on the agenda, and thanked everyone involved for their efforts, particularly Leslie Irvine and Fred Gibson.

The Member for the area commented that land had been identified for a skateboard park in Scalloway, but that there were problems with insurance. She enquired if this had been rectified.

The Head of Community Development Service said that an agreement had been reached between the SIC Safety and Risk Services and Insurance Sections for this project, and he hoped that this would pave the way for future projects. The recommendations in the report allowed for Community Development to enter into discussions with other similar projects, such as the Scalloway project.

In response to a query regarding the authority delegated to officers, the Head of Community Development Service said that they had taken the opportunity, whilst presenting this report, to clarify the authority as it was a relatively new phenomenon. The recommendations contained in the report would allow Community Services to investigate and take forward similar requests in future.

Members noted that a planning official was included in the working group to take care of any planning matters.

(Mr W A Ratter left the meeting)

122/02     **Shetland Community Drugs Team – Accommodation**

The Committee considered a report by the Community Care Manager (Appendix 6).

On the motion of Mr J P Nicolson, seconded by Mr W Tait, the Committee approved the recommendations contained therein.

(Mr T W Stove left the meeting)

In response to a query, the Chairman confirmed that this matter had been agreed by the Accommodation Working Group.

A Member commented that the minutes of the Accommodation Working Group should be on the Council agenda so that Members would have the opportunity to comment on them.

The Chairman advised that this was not a matter for decision by the Services Committee, but that it could be raised with the Chief Executive.

In response to a query from a Member, the Community Care Manager explained the background to this application and the budget that had been previously approved for refurbishment of premises. She confirmed that the accommodation at 20 Commercial Road would be permanent accommodation.

(Mr T W Stove returned to the meeting)

123/02     **Supporting People – Funding the Sheltered Housing Service**

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

The Chairman said that there was a need to ensure that no individual would lose out because of the changes in funding imposed by the Scottish Executive. He accordingly moved that recommendation 7.1(i) be approved, and that 7.1(ii) be deleted and replaced by "Establish a Member Officer Working Group to assess the impact on those tenants not eligible for housing benefit, and to propose a solution".

Mr L Angus seconded.

A Member expressed concern that some individuals would not want to claim benefits, and the Chairman advised that it would be necessary for a working group to take this into account. The working group would assess the impact of the legislation and come back to Committee before making a final decision.

It was agreed that the following Members should be on the Working Group: -

Mrs I J Hawkins  
Captain G G Mitchell  
Mr C B Eunson

At this point, the Chairman referred to agenda item 8 (Bursary Applications – Outwith Policy). He advised that the material contained in the report was sensitive, and that it may be possible for individuals to be identified. The Committee therefore agreed that it would be appropriate to consider this item in private.

124/02     **Nursery Transport Pilot – Shetland Childcare Partnership – September 2002-September 2002**

The Committee considered a report by the Head of Education Service (Appendix 8) and approved the recommendations contained therein on the motion of Mr L Angus, seconded by Mr J M Ritch.

In response to a query, the Assistant Education Advisor advised that the pilot scheme had run throughout Shetland. Guidelines had been circulated to all nursery classes and health visitors, as it was felt they would be best placed to pick up on those not accessing nursery. Applications were assessed by a transport sub-group, and it was intended to continue running the project on the same basis.

125/02     **School Holiday Dates Consultation**

The Committee considered a report by the Head of Education Service (Appendix 9) and, on the motion of Mr J C Irvine, seconded by Mrs F B Grains, the Committee approved the recommendation contained therein.

The Chairman paid tribute to the work carried out by the Forum and, in particular, Mr B Baker.

In response to a comment regarding Appendix B, the Head of Education Service said that he would take on board the suggestion that the summer holiday dates should be clearly stated.

126/02     **Change of Name: Symbister House Junior High School**

The Committee considered a report by the Head of Education Service (Appendix 10) and approved the recommendations contained therein on the motion of Mr J C Irvine, seconded by Mr J M Ritch.

127/02     **Shetland Welfare Trust – Surplus Funds 2001/02**

The Committee considered a report by the Community Care Manager (Appendix 11).

It was noted that the recommendations were incorrectly numbered and that they should read 8.1, 8.2, 8.2.1 and 8.2.2.

Mr W Tait and Mr R I Black declared non-pecuniary interests as Trustees of SWT.

Mrs I J Hawkins pointed out that the report did not refer to the implications for the Walter and Joan Gray Home if the surplus referred to was not allocated towards the projected shortfall of running costs. She felt that the implications of this could be quite frightening. She added that recommendation 8.1 proposed allocating the surplus to meet running costs, unlike recommendation 8.2 where the money would be used to provide an additional service. She therefore moved that recommendation 8.1 be approved. Mr W H Manson seconded.

In response to a query, the Community Care Manager said that if the money was not allocated to the Walter and Joan Gray Home, it was unlikely that £50,000 savings to go towards the running costs would now be found this financial year.

A Member commented on the levels of dependency in Shetland due to the fact that there were no nursing homes, resulting in the Charitable Trust having a responsibility to provide nursing care. He added that this was an issue the Chairman may wish to raise at NHS Shetland meetings.



The Community Care Manager explained that there were no nursing homes in Shetland, but that Shetland was seen as a flagship for providing care in centres using community nursing staff. She also confirmed that a bid for £50,000 for the Walter and Joan Gray Home had earlier been submitted to the Charitable Trust, but that the Trust had been closed for bids at that time. This report had come to the Committee as SWT had identified a surplus, and it was felt important that Members should see proposals to retain the surplus.

Some Members referred to paragraph 3.2, and expressed concern that there appeared to be gaps in care. The Executive Director said that she shared this concern, and that there was a need to have a high-level discussion about community care. She was hopeful that this would come forward in the New Year.

Some Members commented that it would be more appropriate and straightforward for organisations with surplus funds to return it to the Charitable Trust, and then put forward applications for separate bids.

Mr J P Nicolson commented that the Committee were being asked to become involved in assessing the balance between social and medical issues, and that the issue was becoming resource-led rather than needs-led. He accordingly moved that the surplus should be paid back to the Charitable Trust, and that subsequently a report be brought forward to reflect in a recommendation to SICCT the most sensible way forward. Mr L Angus seconded.

Mr T W Stove gave notice of further amendment.

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

|                             |    |
|-----------------------------|----|
| Amendment (Mr J P Nicolson) | 12 |
| Motion (Mrs I J Hawkins)    | 3  |

Mr T W Stove referred to the need for cover in the northern isles and the implications of this, and moved that recommendation 8.2 in the report be approved. Mr W Tait seconded.

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

|                          |    |
|--------------------------|----|
| Amendment (Mr T W Stove) | 4  |
| Motion (Mr J P Nicolson) | 12 |

The Committee noted a report by the Executive Director – Community Services (Appendix 12).

In response to a comment from a Member, the Chairman suggested that it would be useful for the Strategy Group to ensure that dates of meetings did not clash with any Council meetings.

(Mr W H Manson and Captain G G Mitchell left the meeting)

129/02     **Community Services – Half-Year Financial Update**

The Committee noted a report by the Executive Director – Community Services (Appendix 13) which was tabled at the meeting.

The Executive Director summarised the main terms of the report, advising that she would present a year-end financial update to the Committee next year. In response to a query, she confirmed that the figures referred to for the Education Service did not include capital costs, only operating costs.

(Captain G G Mitchell returned to the meeting)

130/02     **HMI Action Plan: Update on Progress**

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

The Head of Education Service advised that HM Inspectors would be returning to Shetland for their follow-up visit in the week beginning 20 January, although they had provided no further details. In response to a query, he confirmed that a lot of work had been done since the Inspection, and he was therefore happy that the Service was on track. He added that he was certain that the debate on the Best Value Service Review of Education would be of interest to HM Inspectors.

(Mr W H Manson returned to the meeting)

The Head of Education Service also confirmed that the appraisal scheme referred to in the appendix had just been set up, and a visit to a school would take place before Christmas. He confirmed, in response to a query, that this was not one of the schools proposed for closure. Some of the schools proposed for closure had recently been inspected, and these reports were available in the public domain. The Executive Director pointed out that the appraisals referred to were staff appraisals, and they were part of the overall new quality assurance process.

In response to a query, the Head of Education Service confirmed that the posts of staff members seconded to the management team

at Hayfield were being filled by secondments, and he was satisfied that the schools in question were in good hands.

Members commented that the situation regarding the Best Value Service Review of Education was quite misleading, in that the Council had not yet decided to close any schools. It was noted that the the Scottish Executive would have the final say in any such decision. Members said that it was important to establish this with the general public.

131/02     **Note of Community Care Forum held on 30 October 2002**

The Committee noted the above (Appendix 15).

Mr L Angus referred to 25/02, and said that he had raised concerns over incidents arising over the last few years regarding the contract with Shetland Welfare Trust for delivering community care services which did not appear to be working very well. He said that members of social care staff had confirmed this privately to him, and had felt that the situation would not improve until there was an "in-house" manager. Whilst this was no reflection on the people involved, it was an indication that the situation was not workable.

The Executive Director said that a review was being carried out through the Older People's Strategy Group. Work was currently ongoing with officers, and Members would be engaged in the debate in the New Year. The Chairman added that he hoped to there would be a report by the time of the next Committee meeting.

132/02     **Note of Education Forum held on 1 November 2002**

The Committee noted the above (Appendix 16).

It was pointed out that Mrs A Mitchell, School Board Representative, had been omitted from the sederunt and that Mrs J Garden was an ASCC Representative, not a School Board representative as stated on page three.

(Mr P Malcolmson left the meeting and Mr J M Ritch assumed the Chair)

133/02     **Note of Informal Culture and Recreation Services Forum held on 12 November 2002**

The Committee noted the above (Appendix 17).

It was pointed out that Mr R Inglis and Mr R Hutchinson, who gave presentations to the Forum, had been omitted from the sederunt. Mrs F B Grains also advised that she had intimated her apologies.

**In order to avoid the disclosure of exempt information, Mr J M Ritch moved, Captain G G Mitchell seconded and the Committee agreed to exclude the public in terms of the**

**relevant legislation during consideration of agenda items 8 and 19-21.**

(Mr P Malcolmson returned to the meeting)

(Mr J C Irvine and representatives of the media left the meeting)

134/02 **Bursary Applications – Outwith Policy**

The Committee considered a report by the Head of Education Service.

Mr R J Anderson moved that the Committee agree to the support referred to in recommendation 6.1, and that recommendation 6.2 be approved. Captain G G Mitchell seconded.

Mr T W Stove moved, as an amendment, that no action should be taken on regarding recommendation 6.1. Mrs F B Grains seconded.

(Mr J C Irvine returned to the meeting)

After some further discussion, Mr L Angus gave notice of further amendment, but withdrew it after hearing that both the movers and seconders of both the motion and amendment were willing to incorporate into their motion and amendment that the policy be reviewed as suggested.

Mr T W Stove further clarified, with regard to his amendment, that recommendation 6.2 of the report should be taken up in the review of the policy.

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

|                          |   |
|--------------------------|---|
| Amendment (Mr T W Stove) | 9 |
| Motion (Mr R J Anderson) | 7 |

(Mr J P Nicolson and Mr T W Stove left the meeting)

135/02 **Shetland Women's Aid – Refuge Provision Proposals**

The Committee considered a report by the Head of Housing Services (Appendix 19).

Mrs I J Hawkins and Captain G G Mitchell declared non-pecuniary interests as members of Hjaltland Housing Association.

After some discussion regarding the stair lift in the property, and the figure referred to in paragraph 7.2(i), Mr L Angus moved and Mr W Tait seconded, that the recommendations in the report be approved.

Mrs F B Grains moved that, in order to be consistent with the decision taken earlier regarding the SWT surplus, the Committee did not grant the permission referred to in paragraph 7.2(i). Mr W Tait seconded.

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

|                            |   |
|----------------------------|---|
| Amendment (Mrs F B Grains) | 4 |
| Motion (Mr L Angus)        | 8 |

136/02     **Community Development Service – Proposed New Structure – Shetland Library**

The Committee considered a report by the Head of Community Development (Appendix 20).

The Head of Community Development Service summarised the main terms of the report, emphasising that the proposed structure was an attempt to meet the needs of the community, to reflect the changes in work and meet the new operational needs resulting from the move to the new building. He advised that the posts would not be filled until savings had been found.

After further discussion regarding revenue costs, the New Community Schools Model, and problems relating to the dispersed site at the Hillhead, Mr R J Anderson moved that the Committee approve the recommendations contained therein. Mr R I Black seconded.

137/02     **Vacancies on Adoption and Fostering Panel**

The Committee considered a report by the Head of Legal and Administrative Services (Appendix 21), and on the motion of Mr W Tait, seconded by Mr J C Irvine, approved the recommendations contained therein.

The Chairman referred to paragraph 7.2, and said that this should read "...subject to consultation with the Executive Director – Community Services..."