



MINUTES

B - PUBLIC

Policy and Resources Committee
Council Chamber, Town Hall, Lerwick
Monday 15 February 2016 at 10am

Present:

G Robinson	G Cleaver
A Cooper	B Fox
C Smith	G Smith
T Smith	V Wishart

Apologies:

S Coutts	M Stout (for lateness)
----------	------------------------

In Attendance:

M Boden, Chief Executive
C Ferguson, Director of Corporate Services
N Grant, Director of Development Services
J Belford, Executive Manager – Finance
D Coupe, Executive Manager – Roads
D Bell, Executive Manager – Human Resources
R Sinclair, Executive Manager – Capital Programme
J Riise, Executive Manager – Governance and Law
J Smith, Executive Manager – Change Programme
S Thompson, Executive Manager – Schools
C Gair, Traffic and Road Safety Engineer
K Adam, Solicitor
J Orr, Human Resources Senior Adviser
E Park, Traffic Strategy Officer
C Anderson, Senior Communications Officer
L Adamson, Committee Officer

Also in Attendance

M Burgess
A Duncan
R Henderson
D Sandison

Chairperson

Mr Robinson, Leader, as Chair of the Committee presided.

Circular

The circular calling the meeting was held as read.

Declarations of Interest

Mr C Smith declared an interest in Item 14, "Update on Request for Support". He advised on the special dispensation to remain in the meeting during that discussion.

Minutes

The Committee confirmed the minutes of the meeting held on 26 October 2015 on the motion of Mr C Smith, seconded by Mr Fox.

The Committee confirmed the minutes of the meeting held on 18 November 2015 on the motion of Ms Wishart, seconded by Mr C Smith.

The Committee confirmed the minutes of the meeting held on 25 November 2015 on the motion of Mr Fox, seconded by Ms Wishart.

The Committee confirmed the minutes of the meeting held on 7 December 2015 on the motion of Mr C Smith, seconded by Mr Fox.

01/16 Annual Investment and Treasury Strategy for 2016/17

The Committee considered a report by the Executive Manager – Finance (F-004-F), which proposed an Annual Investment and Treasury Strategy for the Council for the financial year 2016/17.

In introducing the report, the Executive Manager – Finance advised on a typo in Section 4.7, where £10m should read £12m.

Mr Robinson moved that the Committee approve the recommendations contained in the report. Mr C Smith seconded.

Decision:

The Committee **RECOMMENDED** that the Council resolves to:

- Approve the Annual Investment Strategy to be followed for the financial year 2016/17, as set out in Appendix 1 section 2.
- Approve the Treasury Management Strategy to be followed for the financial year 2016/17, as set out in Appendix 1 section 3.
- Approve the Treasury Management Prudential Indicators for 2015/16 to 2018/19, as set out in Appendix 1 section 4.
- Review the four clauses within the CIPFA Code of Practice as set out in Appendix 1 section 5.
- Review the Treasury Management Policy Statement as set out in Appendix 1 section 6; and
- Review the Statement of Treasury Management Practices as set out in Appendix 1 section 7.

02/16 Review: School Transport Policy

The Committee considered a report by the Executive Manager – Schools (CS-02-16-F), which presented a reviewed and updated School Transport Policy.

In introducing the report, the Executive Manager – Schools highlighted the main changes being proposed to the School Transport Policy.

Ms Wishart moved that the Committee approve the recommendation contained in the report. Mr G Smith seconded.

Decision:

The Committee **RECOMMENDED** that the Council resolve to approve the proposed updated School Transport Policy.

03/16

Policy for the Construction of Roads Suitable for Adding to the List of Public Road Adoption of the National Roads Development Guide and Local Variations

The Committee considered a report by the Traffic and Road Safety Engineer (RD-02-16-F), which sought a change to the Council's current design guidance document from the 'Strathclyde Design Guide' to the 'National Roads Development Guide' with 'Local Variations for the Shetland Islands Area'.

The Executive Manager – Roads introduced the report.

In response to a question regarding car parking requirements, it was advised that there are local variations relating to commercial developments, including some relaxations for delivery vehicles, however there has been no general reduction on national standards for domestic developments.

In response to a question, the Traffic and Roads Safety Engineer advised that the requirement for roads servicing 6 or more dwellings to be served by an adoptable road had been removed as a requirement in the past, and continues to be a location variation. He added that there has been a relaxation on the national requirement in terms of gradient of the adoptable road, but no reduction in terms of visibility splays.

In response to a comment from a Member on the circumstances both locally and nationally whereby developers build and maintain a road as part of their development, the Traffic and Roads Safety Engineer acknowledged that this was not an unusual means to get around the standards.

During a discussion in regard to the Council's involvement in the adoption of roads, the Chief Executive advised on the challenges in that the planning system that does not allow officers to plan far enough into the future on roads standards, and in terms of the costs associated with reaching an adoption agreement, where he suggested that this matter should be looked at further from a planning perspective.

Mr Robinson moved that the Committee approve the recommendations contained in the report. Mr Cooper seconded.

Decision:

The Committee **RECOMMENDED** that the Council:

- RESOLVES to adopt the National Roads Development Guide as policy; and

- RESOLVE to approve the National Roads Development Guide: Local Variations for the Shetland Islands Area document as policy amendments to the National Roads Development Guide; and
- NOTE that the National Roads Development Guide is an evolving document that will be updated; and
- INSTRUCT the Roads Service to update the National Roads Development Guide: Local Variations for the Shetland Islands Area document as amendments to the National Roads Development Guide as appropriate; and
- NOTE that the Roads Service will consult, where appropriate, with the Executive Manager – Planning Service and representatives of the local construction industry over any future amendments to the local variations to the National Roads Development Guide.

04/16

Asset Investment Plan – Gateway Process – Service Need Case Reports

The Committee considered a report by the Executive Manager – Capital Programme (CPS-01-16-F), which presented two reports that have been considered by the Council's Corporate Management Team (CMT) based on the submission on Service Need Case (SNC) reports.

The Chair advised of his intention to hold separate debates on each of the SNCs.

The Executive Manager – Capital Programme introduced the report. He advised on the various options considered for the Toft Pier and A970 Levenwick Capital Improvements and on the conclusions reached for the projects.

(Mr Stout attended the meeting).

During the discussion on the Toft Pier project, a Member sought clarity in regard to the Option to do nothing, and it was explained that £50k would be required to restrict pedestrian access and to keep the pier secure. Members noted that deterioration of the pier would continue despite spending the money. Clarification was also provided on the proposed timeframe before the structure would have to be demolished and the associated costs. It was advised that further feasibility work and clarity on costs was still required on the proposal for a pontoon.

In response to a comment as to whether the Toft Pier could be eligible for funding following the transfer of the Crown Estate, the Executive Manager – Governance and Law advised that the application of revenue would depend on the eligibility criteria when control has transferred.

Mr Cooper advised on the benefit to the Shetland fishing industry over the years from using the Toft Pier. He advised that a new pier, with fuelling facilities, would increase the usage of the pier, but that the pier income referred to in the report is on existing usage, and with improved pier facilities the harbour charges would increase accordingly. He stated that a new pier would be a real asset and provide a solution for the fishing industry for the next 50 – 60 years. Mr Cooper moved that the Committee considers the proposals described in section 3.5 of this report, and in the SNC reports attached as Appendix A and B, and recommend to Council that a new build Toft Pier be approved and scheduled in any future Asset Investment Plan (AIP) subject to the availability of funding. Mr G Smith seconded.

In response to a question, Mr Cooper confirmed that the funding would come from the harbour users.

Mr Robinson, moved as an amendment, that the Committee considers the proposals described in section 3.5 of this report, and recommend the do nothing option to the Council, until a business case can be presented to Members to include options on external funding adding that the business case address the availability of European funding, and that a review be undertaken in 12-18 months to include clarity on Crown Estate revenue. Mr Stout seconded.

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

Amendment (Mr Robinson)	3
Motion (Mr Cooper)	5
Abstained (Mr C Smith)	

In regard to the A970 Levenwick Capital Improvements project, Mr G Smith referred to the decision at Environment and Transport Committee, and expressed his disappointment that the outcome of the SNC and the findings of the STAG had not been reported to Environment and Transport Committee in the first instance. In response to a question, the Executive Manager – Capital Programme undertook to inform Mr G Smith where in the Gateway Process it states that approval of a project will not be considered for design fees unless the scheme has been approved. Mr Duncan sought clarity on the accident figures as provided at section 5 of the report, where he explained that the costs would be much higher, particularly for serious or fatal accidents. The Executive Manager – Roads explained however that the figures were from a published national report.

A Member commented on the disparity between the Levenwick Road being ranked as No. 4 on the priority list, and the dangerous stretch of road between Haggersta to Cova ranked at No. 12. The Executive Manager – Roads explained that the works to the blind summit at Levenwick would be significantly cheaper than the Haggersta to Cova project, and as a result the Levenwick Road had ranked higher on the priority list. In that regard, Mr G Smith stated that the works required to the Levenwick Road was not just at the blind summit, but stretched from the North junction to the South junction, and included improvements in terms of visibility and safety barriers.

Mr G Smith moved that the Committee considers the proposal described in Section 3.4 of this report and in the SNC reports attached as Appendices A and B, and recommended to Council that the A970 Levenwick Capital Improvements project be approved and scheduled in any future Asset Investment Plan (AIP) subject to the availability of funding. Mr Fox seconded.

In referring Members to Section 2 of Appendix B, Mr G Smith advised that the STAG report clearly states, that “the road in question is part of the A970 Sumburgh to Lerwick Principal Road, running between the North and South Levenwick junctions. It is a strategic link acting as a crucial part of the route which links Sumburgh Airport with the rest of Shetland”. Mr G Smith then referred to the Road Traffic Act 1988, which he advised places a statutory duty on local authorities to reduce and prevent accidents. Mr Smith made reference to the earlier comments in regard to the Haggersta to Cova road, where he said that each project should be

looked at on their own merits, and not compared against another. Mr G Smith advised that the purpose of the Roads Prioritisation Scheme, approved in January 2015, was to agree the schemes to be targeted when funding becomes available. He said however that as there is no funding in place for the Levenwick Project, ranked at No. 4, he questioned what chance there was for any of the other projects getting through the process to improve Shetland's roads infrastructure. Mr Smith advised on his concerns at the accident reporting in the STAG, where he said that it is known that beyond the 13 year period there were fatalities on the Levenwick road, and said there was a need to look at this in reality and provide real costs. He went on to provide comparisons between accidents on the Levenwick Road and the Esplanade, where he said that not one of the accidents on the Esplanade had the level of severity of the accident on the Levenwick Road. Mr Smith concluded by referring Members to Section 39 of the Roads Traffic Act, where he stated that an option to do nothing would not be tenable.

Mr Duncan spoke in support of the motion, where he advised on the two fatalities on this part of the road, and said that until such time as improvements are made this part of road is a death trap. Mr Duncan referred to the part of the road 150 yards south of the blind summit, where although he was aware of the financial constraints, also needs to be considered for improvements.

During the discussion, it was suggested that timescales would allow for the A970 Levenwick Capital Improvements project to be debated more fully at Environment and Transport Committee. A Member made comment that the Committee should that notice of the outcome of the SNC report and to heed the recommendation of officers who have advised that there is no evidence on safety, economic and socio economic grounds to spend on this piece of work. He added that the comments made that an accident could happen on this particular stretch of road could apply to many places in Shetland. A Member advised on the need for fairness and parity on priority projects, and suggested the need for a review of the prioritisation list for road schemes to Council in the near future.

During the discussion, Mr Robinson moved as an amendment, that the Committee approve Recommendation a), delete recommendation b), and at c) recommend to Council that the project remains on the prioritised list subject to available finance. Mr Cleaver seconded. However, after hearing Mr Stout make comment on the tension between the prioritisation list and the gateway process, and his suggestion that the project be referred back to the Environment and Transport Committee, Mr Robinson withdrew his amendment as stated, and this received the consent of his seconder.

Mr Robinson outlined his revised amendment, that the Committee note the report and that the project is referred back to the Environment and Transport Committee for further discussion, and for consideration of the STAG and Gateway process. Mr T Smith seconded.

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

Amendment (G Robinson)	4
Motion (G Smith)	5

Decision:

The Committee considered the proposals described in section 3.4 of this report and in the SNC reports attached as Appendices A and B:

The Committee **RECOMMENDED** to the Council that:

- A new build Toft Pier be approved and scheduled in any future Asset Investment Plan (AIP) subject to the availability of funding.
- The A970 Levenwick Capital Improvements project be approved and scheduled in any future Asset Investment Plan (AIP) subject to the availability of funding.

05/16

Town Hall Conservation Works – Project Update

The Committee considered a report by the Executive Manager – Capital Programme (CPS-02-16-F), which provided an update as to the work carried out by officers in progressing the Town Hall Conservation Project.

The Executive Manager – Capital Programme summarised the main terms of the report. He advised on the proposal that Members on the Town Hall and Lystina House Consultative Committee could oversee the conservation project, and in that regard a report on a review of membership of the Committee is being prepared to Council on 24 February.

In response to questions regarding the change in listed building category of the Town Hall from 'B' to 'A', the Executive Manager – Capital Programme reported that there will be minimal change in terms of duty of ownership, however the conservation works will have to be carried out to a high standard of design. It was also reported that while the funding is in place to carry out the works, every effort will be made to approach funding bodies to secure any funding available. In response to questions, the Executive Manager – Capital Programme said that it is hoped that the change to Category 'A' listing will lead to a favourable outcome on the funding application submitted, however each application will be considered on its own merits. He advised on the analysis of risks from changing the listed building category of the Town Hall, that there would be no disbenefits to the Council.

Decision:

The Committee noted:

- The exception applied in accordance with the Contract Standing Orders for the appointment of a Project Manager and a Lead Consultant for the project;
- That the change to the listing category of the building from 'B' to 'A' has been achieved; and
- That a funding application has been submitted to Historic Environment Scotland.

06/16

Health and Safety Strategy

The Committee considered a report by the Executive Manager – Human Resources (HR-16-15-F), which presented a Health and Safety Strategy for Shetland Islands Council.

The Executive Manager – Human Resources summarised the main terms of the report.

Mr C Smith moved that the Committee approve the recommendation contained in the report. Mr Cooper seconded.

Decision:

The Committee **RESOLVED** to approve the Health and Safety Strategy and to require regular updates on the progress of the Action Plan contained within it.

07/16

Trade Union Facilities and Time Off Agreement

The Committee considered a report by the Executive Manager - Human Resources (HR-09-15-F), which presented a proposal to adopt a Council-wide Trade Union Recognition and Facilities Agreement, including provision for time off for Trade Union duties and activities.

The Executive Manager – Human Resources summarised the main terms of the report. She advised that the Employees JCC, LNCT and College Lecturers JCC had all generally welcomed the proposals. However she reported on a change proposed at the Employees JCC, where Section 11.3 of the Policy will be changed to read, “When representatives, other than those with full-time or part-time secondments, attend meetings.....”. There was also some debate at Employees JCC in regard to travelling time to attend meetings, however the conclusion reached was that this was an issue for debate at a national level, and she confirmed that the Unions were happy to accept that position.

During the discussion and in response to a comment from a Member, the Executive Manager – Human Resources confirmed that further guidance would be provided to managers to clarify what Trade Union activities would constitute time off.

Mr Robinson moved that the Committee approve the recommendation contained in the report. Mr C Smith seconded.

Decision:

The Committee **RESOLVED** to approve Council-wide adoption of the Trade Union Facilities and Time Off Agreement and recording procedure, as amended.

08/16

Reporting Concerns at Work Policy

The Committee considered a report by the Executive Manager - Human Resources (HR-11-15-F), which sought agreement to a revised Policy for Reporting Concerns at Work.

The Executive Manager – Human Resources introduced the report, and advised on the aims of the Policy, and on the intention to include further contact details in the Policy to assist an employee to make a disclosure. She also advised on a proposed change to Section 3.4 of the Policy.

In response to a suggestion from a Member, the Executive Manager – Human Resources agreed that a brief statement would be added to the Policy to clarify the process to be followed should a concern involve the Chief Executive.

Mr C Smith moved that the Committee approve the recommendation contained in the report. Mr Fox seconded.

Decision:

The Committee **RESOLVED** to approve the Reporting Concerns at Work Policy, as amended.

09/16

Revised Health, Safety and Welfare Policy

The Committee considered a report by the Executive Manager - Human Resources (HR-15-15-F), which presented a revised Health, Safety and Welfare Policy for Shetland Islands Council that sets out how the Council will ensure a positive health and safety climate across the organisation.

The Executive Manager – Human Resources introduced the report. She advised from the discussions at Central Safety Consultative Committee on the need for further clarity in Section 2 in regard to roles and responsibilities, and in Section 3.8, to insert the wording “including shared premises and joint posts”.

In response to a question, it was agreed that the Executive Manager – Human Resources would provide clarity to a Member in regard to which organisation’s Health and Safety Policy would have supremacy should the Council and another organisation have staff working at the same location.

Mr Stout moved that the Committee approve the recommendation contained in the report. Mr Fox seconded.

Decision:

The Committee **RESOLVED** to approve the revised Health, Safety and Welfare Policy, as amended.

10/16

Recruitment and Selection Policy Review

The Committee considered a report by the Executive Manager - Human Resources (HR-17-15-F), which sought agreement to a revised Recruitment and Selection Policy.

The Executive Manager – Human Resources summarised the main terms of the report, highlighting the key revisions to the Policy at Section 3.8. She advised Members that with the reporting timescale to LNCT in March, consultation has taken place on an informal basis, and there is support for the proposals as presented.

The Executive Manager – Human Resources reported on a minor amendment to the Policy as proposed at Employees JCC, where for clarity, the wording of Section 4.4 “Conflicts of Interest” will be changed to read, “Shetland Islands Council has agreed that where an applicant is a close relative or friend of an employee or a Councillor, that employee or Councillor may not take part..”.

Mr C Smith moved that the Committee approve the recommendation contained in the report. Mr Cooper seconded.

Decision:

The Committee **RESOLVED** to adopt the revised Recruitment and Selection Policy, by approving the following:

- Replacement of the existing Recruitment and Selection Policy (9 December 2009) with a new streamlined Recruitment and Selection Policy, which comprises a statement of guiding principles.

11/16

Harassment and Bullying at Work Policy and Procedure

The Committee considered a report by the Executive Manager - Human Resources (HR-10-15-F), which sought agreement to a revised Harassment and Bullying at Work Policy and Procedure.

The Executive Manager – Human Resources summarised the main terms of the report.

The Executive Manager – Human Resources advised that the main debate at Employees JCC was in regard to the appeals mechanism and cross reference to the grievance procedure, where it is now proposed that the appeals mechanism will be incorporated into the Harassment and Bullying at Work Policy. She advised that there had been considerable discussion, and a request from the Trade Unions, that appeals should be heard by elected Members, however the elected Members on the Employees JCC considered that appeals should be at the most senior officer level, and therefore that proposal is not being put forward. In response to a question, the Executive Manager – Human Resources explained the appeals mechanism as set out in the Policy, which she confirmed is the same as that followed by other Local Authorities.

A Member referred to Section 2.5 of the Policy, and sought clarity on the acceptance of the joint working arrangements between the NHS and Council. The Executive Manager – Human Resources advised that the procedures to be followed have been considered at length and agreed by both organisations.

In response to a question, the Executive Manager – Human Resources clarified that should a client or service user of the Council seek to make a complaint, the Council's complaints procedure would be followed.

In response to a comment from a Member, it was agreed that the Executive Manager – Human Resources include a brief statement in the Policy to clarify the process should a situation involve the Chief Executive.

Mr Robinson moved that the Committee approve the recommendation contained in the report. Mr Wishart seconded.

Decision:

The Committee **RESOLVED** to approve the revised Harassment and Bullying Policy and Procedure.

Mr Robinson moved that in order to avoid the disclosure of exempt information, the Committee resolve to exclude the public in terms of the relevant legislation during consideration of Appendices 2 and 5 to the following item of business, and for agenda items 13 to 15. Mr Robinson advised however that he intended to hold the next item in

public, and the meeting would only go into private should any discussion be required in relation to the two appendices. Mr Cooper seconded.

12/16 **Review of Tertiary Education in Shetland – Integration Proposals Report**

The Committee considered a joint report by the Director of Development Services and the Executive Manager – Change Programme (DV-11-16-F), which presented the Integration Proposal Report and its appendices, providing information about the options for further integration and recommendations on the next steps towards an integrated governance and delivery model.

In introducing the report, the Director of Development Services made reference to wide circulation of the Briefing Paper from the Partnership Board which outlined concerns that had been raised. He advised on the proposed next steps, as set out in Section 3.4 of the report, and the benefits to students, staff and to Shetland as a whole from moving to a single governance and delivery model for Tertiary Education. The Director of Development Services said that subject to the decision of Committee, the proposal was to progress immediately on the Integrated Management Structure and Joined up Governance Arrangements, the recruitment of a Joint Principal and affect the Joint Management Team, all by August 2016. The Director of Development concluded by outlining on the decisions and points raised when the report had been presented to Education and Families Committee and the Shetland College Board.

In response to questions from a Member, the Director of Development Services advised that following agreement or amendment of the proposals by the Shetland Fisheries Training Centre Trust, the focus would be to develop the governance arrangements to ensure a balanced and joined up recruitment panel, and that these arrangements are in place before the Joint Principal takes up the post.

During debate, Mr Robinson advised on the importance from this point forward of developing proposals in the spirit of partnership, with one entity delivering further and higher education and training in Shetland, but acknowledged that this would not be an easy process. Mr Robinson outlined to Members, from Section 5.4 of the report, the findings from Anderson Solutions from the review in early 2013, whereby “even if Council funding reductions were not a concern, change would still be recommended. The combination of weaknesses identified in the analysis of both the current and changing context is expected to continue to weaken the services over time”, which he stated was still true today. Mr Robinson moved that the Committee approve the recommendations in the report, and support the points raised at Education and Families Committee.

In response to a suggestion from Mr Cleaver for the tasks, as outlined in the bullet points at Section 3.4 of the report, to be taken forward in a different order, it was advised that the steps will be carried out concurrently and are interdependent on each other to move forward. Mr G Smith advised on his understanding from Education and Families Committee, of the process that the Joint Principal should be involved in the recruitment of the Joint Management Team and also consider the duties and responsibilities of the Management Team. Mr Robinson said that he was content to take on board the comments made. In seconding Mr Robinson’s motion, Ms Wishart stressed the urgency for a decision to be made, and proceed to appoint a Joint Principal.

Decision:

The Committee noted the information in the report concerning the proposed next steps towards an integrated governance and delivery model, as set out in Section 3.4 of the report, and supported the comments made by the Education and Families Committee.

(Representatives of the media left the meeting).

13/16

Chair's Report – Development Committee – 20 January 2016

Equity Investment

The Committee considered a report by the Chair of Development Committee.

Mr Cooper introduced the report, and moved that the Committee approve the recommendation as set out in the Chair's report. Mr Cooper advised from the discussion at Development Committee, for the item to be presented to Council on 24 February to allow a full debate by all Members.

During debate, Mr Robinson moved that the Committee resolve to approve the recommendation set out in the original report presented to Development Committee on 20 January 2016. Ms Wishart seconded.

Mr Cooper's motion did not receive a seconder.

Decision:

The Committee **RESOLVED** to recommend to Council the decision as set out in the original report to Development Committee on 20 January 2016.

(Mr Stout declared an interest in the following item. Mr Stout advised that he would stay in the meeting and take part in the debate).

14/16

Update on Request for Support

The Committee considered a report by the Director of Corporate Services.

The Director of Corporate Services outlined to Members the main terms of the report, and responded to questions.

Mr Robinson moved that the Committee approve the recommendations in the report, with an additional recommendation as agreed during the discussion. Mr C Smith seconded.

Decision:

The Committee **RECOMMENDED** that the Council resolve to approve the recommendations in the report, and an additional recommendation as agreed during the discussion.

The meeting concluded at 2.20pm.

.....
Chair

