

# MINUTES

## B - Public

### Special Shetland Islands Council

Auditorium, Shetland Museum and Archives, Hays Dock, Lerwick

Wednesday 22 March 2017 at 10.00am

#### Present:

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

#### Apologies:

A Duncan	D Sandison
A Westlake	

#### In Attendance (Officers):

M Boden, Chief Executive  
N Grant, Director – Development Services  
J Belford, Executive Manager – Finance  
P Peterson, Executive Manager – Executive Services  
J Riise, Executive Manager – Governance and Law  
R Sinclair, Executive Manager – Capital Programme  
C Black, Procurement Manager  
S Brunton, Team Leader - Legal  
A Cogle, Team Leader - Administration  
B Kerr, Communications Officer  
L Adamson, Committee Officer

#### Chair:

Mr Bell, Convener of the Council, presided.

#### Circular:

The circular calling the meeting was held as read.

#### Declarations of Interest

None

27/17

#### Governance Improvement Programme - Update

The Council considered a report by the Executive Manager – Governance and Law (GL-07-17-F) which presented the updates to the Council's Constitutional documents.

The Executive Manager – Governance and Law summarised the main terms of the report.

In referring to the Status Update on Appointments to External Organisations at Appendix 5, comment was made on the omission of the Shetland Heritage Association. It was confirmed however, that Shetland Heritage Association was not on the current list of Council appointments.

Concern was expressed that Sullom Voe Association (SVA) had been included in the list of external organisations where further assessment would be required prior to any recommendation being made, and Dr Wills advised on the importance for the Council to continue to have representation on the SVA. In that regard, a request was made for SVA to be moved to the list of organisations being recommended for appointment at the statutory meeting. The Executive Manager – Governance and Law agreed to that suggestion however he advised that all recommendations would be subject to assessment. During the discussion, reference was made to the term of appointment to the SVA, where the four Members remain as Directors until such time as they are removed as Directors by the organisation, which normally happened when new Council appointments are made.

In response to a question, the Executive Manager – Governance and Law advised against Councillors taking on individual appointments on external organisations where these are not recommended, in terms of potential liabilities. However, should a Councillor take up such an appointment the Councillor Code of Conduct would apply.

In response to a question, clarity was provided in terms of appointment to the Board of NHS Shetland where a nomination is made by the Council for consideration by Scottish Ministers, and on Council appointments to the Integration Joint Board (IJB). The Executive Manager – Governance and Law advised that various Government departments are keeping under review how IJBs are bedding in and on the availability of non-executive Members of Health Boards to IJBs.

Reference was made to the recommendation that appointments should be made to the CPMR, however in that regard a call was made for structure going forward, in terms of the appointments to be made, and consideration to be given to the level of officer support and participation at such meetings, bearing in mind the support being provided to other Councils and organisations that attend such meetings. It was pointed out that officers do provide briefing notes to support appointed Members in their attendance at meetings. In terms of officer participation at meetings, reference was made to the importance of maintaining continuity of contacts among officers and organisations, and on the need for appropriate budget provision going forward in order to allow attendance to be authorised.

Reference was made to the inclusion of SOTEAG in the list of external organisations for further assessment prior to Councillor appointment. Mr Fox advised from his membership on KIMO International, and said that with the next meeting of KIMO being in early June he supported the proposal for an early appointment to KIMO at the statutory meeting.

During the discussion, a suggestion was made for Members appointed to external organisations to circulate feedback from their attendance at meetings to all Members.

During debate, Mr Robinson moved that the Council approve the recommendations in the report, with the addition that: (i) Sullom Voe Association Ltd and SOTEAG are

recommended appointments, noting that this would not remove the need for further assessment to be made; (ii) further consideration to be given on a means for Members who represent the Council on external organisations to report back from their attendance at meetings; and, (iii) that the appointment to KIMO is made at the statutory meeting.

In referring to the Council's Code of Corporate Governance, at Appendix 7, Dr Wills highlighted the following: at Section 2.1 the reference to 'openness'; Section 4.1.4, references to "transparent decisions" and "robust means of scrutiny", and to Section 4.1.6 in terms of "engagement with local people" and 'accountability'. Dr Wills said that, in his opinion, an increasing number of meetings were being held in private that are discussing public business. He said that the discussions at many of these workshops and Seminars could be held in public as this would provide a better understanding on the issues being faced by the Council. He added that, as these meetings are held in Council premises, staffed by Council employees, and Members are entitled to claim expenses, there should be precedent whereby Seminars should always be held in public, with a good reason given to take any matter in private. In that regard, Dr Wills asked Mr Robinson to consider adding this to his motion, namely that consideration be given to the status of Seminars and workshops to be open to the public.

Mr Robinson said that Seminars provided a useful platform for discussion and a safe environment for Members to ask questions and officers to be able to provide answers not in the full glare of the media. Mr Robinson added that the Council was an open organisation, and that items are only considered in private when there is a good reason to do so. Mr Robinson confirmed he maintained his motion. Mr C Smith seconded the motion.

Dr Wills moved, as an amendment, to add to the terms of the motion that the next Council consider the role, remit and openness of Council seminars to ensure they are in line with the objectives as set out in Sections 2.1, 4.1.4 and 4.1.6 of the Council's Code of Corporate Governance. Ms Manson seconded.

In speaking in support of the motion, some Members advised on the benefits they have found, particularly as new Members on the Council, in being able share information between officers and Members at Seminars. Seminars being held in private allowed for Members to consider issues and receive background information for discussion between officers and Members. Comments were also made that Seminars have been helpful and worthwhile, and that there is a need for this type of forum in private, particularly with an independent Council, where personal and political ideas can be exchanged and formulated.

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

Amendment (Dr Wills)	2
Motion (Mr Robinson)	17

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### **Decision:**

The Council:

- NOTED the updates made to the Council's Constitutional documents and APPROVE these versions for publication;

- NOTED the list of recommended appointments to be made at the statutory meeting on 18 May, and that the remaining appointments and associated guidance will be presented to the Council meeting on 28 June; and
- RESOLVED to APPROVE delegated authority to the Council's Chief Legal Officer/Monitoring Officer, to agree updates to any of the constitutional documents where these are required to give effect to legislative requirements, Council decisions or changes in operational procedures, and to note that any such changes will be notified in the document version control and, where considered necessary, by a briefing note to Councillors and/or officers.
- AGREED that: Sullom Voe Association Ltd and SOTEAG are recommended appointments, and noted that this would not remove the need for further assessment to be made; (ii) further consideration to be given on a means for Members who represent the Council on external organisation to report back from their attendance at meetings; and (iii) that the appointment to KIMO is made at the statutory meeting.

28/17

**Accounts Commission Report: "How Councils Work: roles and working relationships in Councils – are you still getting it right?"**

The Council considered a report by the Executive Manager – Governance and Law (GL-09-17-F) which presented the Accounts Commission report "How Councils Work: roles and working relationships in Councils – are you still getting it right?".

The Executive Manager – Governance and Law summarised the main terms of the report.

*(Mr Ratter left the meeting).*

In response to comments, the Executive Manager – Governance and Law advised on the requirement, following the date of the election, for the statutory meeting to be held within 21 days. For the Council the statutory meeting will be held within two weeks of the election, on 18 May 2017.

During debate, the Leader recalled from when the report had first been published in 2010, and advised on the progress made since that time which gives assurance in terms of best practice.

Reference was made to the improvements to the induction process, which is now of a high quality and professional standard, and of particular benefit to new Members to the Council.

On the motion of Mr Robinson, seconded by Mr C Smith, the Council approved the recommendations in the report.

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**Decision:**

The Council

- NOTED the recent Accounts Commission report titled "How Councils Work: roles and working relationships in Councils – are you still getting it right?";

- NOTED that the core principles set out in paragraph 4.1, further amplified in paragraph 4.6, already underpins the necessary context for good governance for Shetland Islands Council;
- INSTRUCTED that the evaluation of our recently revised governance arrangements reflects on this report when the next review commences in August/September 2017;
- ACCEPTED recommendation of Audit Committee on 8 March 2017 which is that the elements of good governance described in this report should feature significantly in the induction programme being prepared for the early days of the newly elected Council after 5 May 2017.

29/17

### **Councillors Code of Conduct Consultation**

The Council considered a report by the Executive Manager – Governance and Law (GL-10-17-F) which presented a proposed response to the Scottish Government's consultation on the Councillors Code of Conduct.

The Executive Manager – Governance and Law summarised the main terms of the report.

During debate, comments were made that the draft which had been prepared was an appropriate response to the consultation. It was also submitted that while there was the need to protect Members and the decision making process from accusations or perceptions of partiality, through having a robust Code of Conduct we need to accept that the public can see a reasonable level of Council ability to wear different hats. However, that did not lead to any proposed changes to the draft response.

On the motion of Mr Stout, seconded by Mr Robinson, the Council approved the recommendation in the report.

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### **Decision:**

The Council RESOLVED to APPROVE a response for submission in respect of the Scottish Government consultation based on Appendix 2.

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

Declarations of interest were sought at this point, in terms of the report at Item 5, "Property Matter – Outline Business Case".

Mr Bell advised that he would leave the meeting before Item 5. The Depute Convener would take the Chair for the remainder of the meeting.

Ms Manson said that she would leave the meeting before Item 5.

Mr Burgess declared a non-pecuniary interest, but he would remain in the meeting during that discussion.

In terms of the following item on the agenda, Mr Burgess declared a pecuniary interest as a supplier of services to Shetland College, and although he would not be directly affected as a result of the pay claim, he would leave the meeting during the discussion.

*(Mr Burgess left the meeting).*

30/17      **EIS/FELA NRPA Shadowing and Pay Claim**

The Council considered a report by the Director of Development Services, which presented the recommendation from the Shetland College Board in terms of a pay award for lecturers.

The Director of Development Services summarised the main terms of the report.

In response to a question, it was confirmed that the issues some years ago relating to further education and higher education terms and conditions had been resolved.

During debate, Mr Campbell advised from the discussion and decision at the recent meeting of the Shetland College Board, to recommend the 1% SJC pay award be applied to lecturers for 2016/17. He said that this would be in line with the Council pay awards, and takes into account information from Colleges Scotland and advice from Human Resources. In seconding, Mr G Smith advised on the commitment to pursue national bargaining for lecturing staff. In that regard, Mr Campbell confirmed that it was Council Policy to proceed to national bargaining agreements to College lecturing staff.

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**Decision:**

The Council APPROVED the 2016/17 pay increase for lecturers, being 1%.

*(Mr Burgess returned to the meeting).*

Mr Bell said that before leaving the meeting, he wished to thank all Members for their courtesy to him, in his position as Chair of the Council. The Council thanked Mr Bell.

*(Mr Bell left the meeting).*

*(Mr Henderson and Ms Manson left the meeting).*

*The Council adjourned at 11.20am, and reconvened at 11.35am.*

**Present:**

M Burgess	P Campbell
G Cleaver	A Cooper
S Coutts	B Fox
F Robertson	G Robinson
C Smith	G Smith
T Smith	M Stout
J Wills	A Wishart
V Wishart	

**In Attendance (Officers):**

M Boden Chief Executive  
J Belford, Executive Manager – Finance  
J Riise, Executive Manager – Governance and Law  
R Sinclair, Executive Manager – Capital Programme  
S Brunton, Team Leader - Legal  
L Adamson, Committee Officer

**Chairperson**

Mr C Smith, Depute Convener, presided.

**RESTRICTED**

31/17      **Property Matter – Outline Business Case**

The Council considered a report by the Executive Managers - Finance and Capital Programme.

The Executive Manager – Finance summarised the main terms of the report. During the discussion, the Executive Managers – Finance and Capital Programme responded to questions from Members.

On the motion of Mr Robinson, seconded by Mr C Smith, the Council approved the recommendations in the report.

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**Decision:**

The Council RESOLVED to approve the recommendations in the report.

The meeting concluded at 1.05pm.

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Convener