



Shetland Islands Council

MINUTE

A

**Shetland Islands Council
Council Chamber, Town Hall, Lerwick
Wednesday 29 March 2006 at 10.30 a.m.**

Present:

A J Cluness	F B Grains
L Angus	B J Cheyne
C B Eunson	R G Feather
B P Gregson	L G Groat
I J Hawkins	J H Henry
J A Inkster	J C Irvine
E J Knight	W H Manson
G G Mitchell	J P Nicolson
W A Ratter	F A Robertson
J G Simpson	T W Stove
W N Stove	W Tait

In attendance (Officers):

M Goodlad, Chief Executive
G Spall, Executive Director - Infrastructure Services
A Cooper, Head of Development Resources
S Cooper, Head of Environment and Transport
B Doughty, Interim Head of Social Work
N Galbraith, Head of Education
G Johnston, Head of Finance
G Smith, Head of Community Development
W Shannon, Head of Economic Development
C Medley, Head of Housing/Capital Programme Service
J Riise, Head of Legal and Administration
C Ferguson, Community Care Manager
M Holmes, Coastal Zone Manager
I Millar, Projects Manager
C Manson, Committee Officer
A Cogle, Service Manager - Administration

Chairperson

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

Circular

The circular calling the meeting was held as read.

30/06

Tribute – Mr Malcolm Bray

All those present in the Chamber stood, whilst the Convener made the following tribute:

"We stand today to address the memory of Malcolm Bray, who sadly died recently. He was of course a member of the council from 1982 to 1987, and those of us who served with him during that period were proud to have him as a colleague. He was very intelligent, witty and above all else committed to the welfare of his constituents and to the well being of the community generally.

It is however as a popular and skilled pilot that most Shetlanders will remember Malcolm. We were fortunate to have him as our pilot in some of our earlier examinations of how other small islands were governed, and I can recall having some real degree of anxiety a visit to Faroe in an Islander plane, when the weather was not of the best and we had to make a landing at Vagar airport which Malcolm said consisted of flying low over a lake and then turning sharply sideways at the crucial moment. Needless to say we landed safely, as did all Shetlanders Malcolm conveyed to Foula, Fair Isle, Skerries and elsewhere over quite a few years. I would guess that he also helped save a few lives on air ambulance service as well.

Malcolm latterly flew regional jets for Sabena and then Easyjet before his illness and untimely death. He will be sadly missed throughout these islands and I move that we send an appropriate extract of this minute together with our condolences to his family."

The Council unanimously concurred

31/06 **Shetland Islands Council – 9 February 2006**

Except as undernoted, the minute of meeting held on 9 February 2006 was approved on the motion of Mr A J Cluness.

Mr T W Stove suggested the following amendments, which were accepted by Mr Cluness, and the Council concurred.

Page 5 - "During the discussion which followed, some Members referred to the lack of social housing in Lerwick, and noted that Hjaltdland Association were attempting to *meet* the need, assisted where possible by the Council."

Page 6 – "The Convener said that *this was* a detailed report, but it was *generally seeking approval* to proceed on the basis proposed."

Members Attendance at External Meetings

The Council noted that Mr Feather and Mr Irvine were to attend a SOTEAG meeting in Aberdeen recently. However they had been unable to attend due to adverse weather conditions preventing travel.

Mr B P Gregson referred to the support given to the recent charity event 'Relay for Life'. Mr Gregson thanked everyone for taking part and paid tribute to the organisers of the event, which had raised in excess of £44,000 for Cancer Research UK. Mr Gregson said it

was possible it would become an annual event, and hoped that the Council would continue its support. The Convener agreed it had been an extremely well organised and successful event, which the Council was willing to support, and asked that this message be conveyed to the organisers.

32/06 **Petitions**

The Convener advised that a petition had been received by the Council, containing 402 signatures, in the following terms:

"As concerned citizens of Lerwick (and all over Shetland) we feel you should be aware that we feel very unsafe walking through central Lerwick at night. We feel that central Lerwick should have CCTV cameras, as should individual cashpoints. There should be no arguments about "cost" when people's safety is at risk. The cameras will pay for themselves in no time, and hopefully return Lerwick to the safe place it was a few years ago."

He added that "a full report into CCTV is being prepared, with some final discussions taking place regarding the financial implications of such a system. There is the possibility of alternative sources of funding being available from a number of Scottish Executive funds, primarily Antisocial Behaviour and Community Safety funding. Providing these alternative sources of funding can be secured, the only real financial burden on the Council would be revenue costs. The conclusion of these discussions will be included in the final report, which is due to be presented to Services Committee in May and Full Council thereafter." The Council noted the position.

33/06 **Infrastructure Committee – 14 March 2006 and 17 March 2006**

Except as undernoted, the Council approved the minutes of the aforementioned meetings, on the motion of Mr J C Irvine.

Min. Ref. 5/06 - Oil Depot, North Ness, Lerwick

Mr A J Cluness said that this matter had been raised recently at the Highlands and Islands Conveners' meeting. He said it had been agreed that the SIC would prepare a paper on this matter, which would be signed by all Conveners, and would be sent to the Scottish Executive Ministers and others, on the basis that all Councils have this particular problem of oil tanks being sited in populated areas. The Convener said that whilst this may have been appropriate siting years ago, it was no longer the case. Members noted that pursuance of this matter some years ago had not progressed as the Council was asked to pay the costs of removing and relocating oil tanks from these depots, a matter which Members were generally of the view they were not minded to agree to.

34/06 **Services Committee – 16 March 2006**

Except as undernoted, the Council approved the minute of the aforementioned meeting, on the motion of Mrs F B Grains.

Min. Ref. 19/06 - Shared Management of Schools in Shetland: Pilot Project – Cullivoe Primary School and Mid Yell Junior High School

Mrs J P Nicolson said that reference had been made in this report to a parents meeting which had been held. However, Mr Nicolson said that the meeting had not taken place due to adverse weather conditions, and the meeting was in fact being held tomorrow. Accordingly, Mr Nicolson ask that consideration of this item be deferred until after full consultation. Mr W H Manson said that the Interim Head of Education had intended for this item to be withdrawn at this stage and reported back to the next meeting.

35/06 **Executive Committee – 21 March 2006**

The Council approved the minute of the aforementioned meeting on the motion of Mr A J Cluness.

36/06 **Executive Committee – Economic Development – 21 March 2006**

The Council approved the minute of the aforementioned meeting on the motion of Mr A J Cluness.

37/06 **Planning Sub-Committee – 22 February 2006 and 14 March 2006**

The Council approved the minutes of the aforementioned meetings, on the motion of Mr F A Robertson.

38/06 **Harbour Board – 2 February 2006 and 22 February 2006**

Except as undernoted, the Council approved the minutes of the aforementioned meetings, on the motion of Mr J Simpson.

Min. Ref. 8/06 - Scalloway Harbour – New Business

Mr J C Irvine suggested the following amendment, which was accepted by Mr Simpson: “Mr J C Irvine moved that the Board agree that before any further information is divulged to LPA, specialist advice should be sought from a QC on this issue. Mrs I J Hawkins seconded on the condition that the concerns of Members is also raised with Tavish Scott, MSP and Alastair Carmichael, MP. Mr J C Irvine *accepted* and the Board agreed.”

Mr L G Groat declared a non-pecuniary interest in this item, and took no part in the discussion.

During discussion, Members were generally of the view that Lerwick Port Authority should be included within the list of public authorities to be included within the Freedom of Information (Scotland) Act 2002. Members noted that this matter was the subject of a separate report on today's agenda, and suggested that Mr W A Ratter, Mrs I J Hawkins, and Mr J C Irvine be consulted on the response to the Scottish Executive consultation. The Council noted that the Head of Legal and Administration would prepare a report on the appointment of a QC on these matters, to the next meeting of the Council.

39/06 **Marine Development Sub-Committee – 23 February 2006**

The Council approved the minute of the aforementioned meeting, on the motion of Mr W H Manson.

40/06

Notice of Motion - "That Shetland Islands Council resolves to give first consideration to developing the site, soon to be vacated by the Shetland Archive, for a new Shetland County Library."

The Council considered a Notice of Motion (Appendix 1) signed and submitted by 6 Members.

Mr L Angus said that when the Library had moved in 2002, it was in 4 locations. Mr Angus said that whilst St Ringans was a beautiful building, it had proved to be inadequate, as 51% of the stock cannot be displayed. He said the Children's section was non-existent, no space for young persons, and no reference section. Mr Angus said that, principally, the lending section was entirely inadequate, and those with restricted mobility had difficulty negotiating the racks of shelves. He said that architects had provided opinion, but there was nothing that could be done to improve the facility. Mr Angus added that the Library staff intended to move some of their collections to the new archives, which would mean the Library would be at 5 locations. He said that these were not only his views, but those of library users, and the staff found the building a daily frustration with 49% of the stock having to be retrieved from the basement. Mr Angus said the reason he had raised this Motion was that he had become aware that Council officers were planning to use the existing Archives site opposite Islesburgh Community Centre. Mr Angus said that this would be an appropriate site for the Library, as the space available would accommodate the services required, it was opposite a principal community resource, it was directly on a bus route, and could offer good off-site parking. Mr Angus commended his motion to the Council.

Mr L G Groat said he supported the motion, and added that Members had not wanted the Library to be relocated at St Ringans, but had been advised at the time that due to the old library and museum building being structurally unsound, the library had to be moved.

Mr W H Manson said he was not sure about the new site, but agreed it was important for the issue to be debated. He also agreed that the Children's section in the Library was inadequate compared to what had been available before, and other services were not able to accommodate the number of interested users. Mr Manson said that he would prefer to see a report in the next cycle about the future of the library service, and where it should ideally be located, including consideration of the old library building.

Mr A J Cluness said the general feeling was approval for the concerns expressed, but said it was important that the site being vacated by the Archives be debated as to its use, and to consider all the options available as, for example, he would prefer the site to be used for housing.

Mr J C Irvine seconded the motion, adding that he saw no need to change the motion, but if there were other options available, they could be considered.

Mr F A Robertson said that structural surveys had been carried out on the existing museum and former library building, and it had been declared structurally safe, although the external panels and roof required replacing. He said it would be an excellent building if it was reclad and reroofed. Mr Robertson said he agreed with Mr Angus about the inadequacy of the existing library space.

Mr W H Manson moved as an amendment that the Council request a report, within two cycles, on the future of the library service in particular with regard to its location, and that no decision be made on the current Archives site until that report is presented. Mr A J Cluness seconded.

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

Amendment (W H Manson)	12
Motion (L Angus)	9

41/06 **The Capital Programme – CPMT Report**

The Council considered a report by the Head of Finance (Appendix 2) and approved the recommendation contained therein, on the motion of Mr J P Nicolson, seconded by Mr A J Cluness.

42/06 **Housing Revenue Account: Financial Implications of Investment in New Housing Developments**

The Council considered a report by the Head of Finance (Appendix 3) and approved the recommendations contained therein, on the motion of Capt G G Mitchell, seconded by Mr J P Nicolson.

Capt G G Mitchell said that this report had already been agreed by Services Committee, and it provided the Council with an opportunity to do something positive for housing in Shetland.

The Council also noted that the proposed investment in new housing developments would not impact on funding the maintenance of the existing stock.

(Mr J Henry attended the meeting.)

43/06 **General Fund Revenue Management Accounts 2005/06 for the period 1 April 2005 to 31 December 2005**

The Council noted a report by the Head of Finance (Appendix 4).

44/06 **Treasury Management Strategy Statement**

The Council considered a report by the Head of Finance (Appendix 5) and adopted the recommendation contained therein, on the motion of Mrs B Cheyne, seconded by Mr A J Cluness.

45/06 **Future Management of the Miscellaneous Fund Currently Managed by Henderson Global Investors**

The Council considered a report by the Head of Finance (Appendix 6) and approved the recommendations contained therein, on the motion of Mrs B Cheyne, seconded by Mr B P Gregson

46/06 **Review of Expenditure on Toft and Ulsta Ferry Terminals**

The Council noted a report by the Head of Finance (Appendix 7).

Mrs B Cheyne and Mr W H Manson declared an interest in the following item, as Directors of SLAP, and took no part in the discussion or decision.

47/06 **Operating and Finance Leasing: Issues affecting Dagqri/Dagalien and other Leases**

The Council considered a report by the Head of Finance (Appendix 8) and adopted the recommendation contained therein, on the motion of Mr B P Gregson, seconded by Mr A Inkster.

48/06 **Principles and Weighting for the Selection of Capital Projects and Future Programming**

The Council considered a report by the Head of the Capital Programme Service (Appendix 9) and approved the recommendations contained therein, on the motion of Mr J P Nicolson, seconded by Mr W H Manson.

Members were in general agreement that the process being recommended was a step towards achieving a planned and consistent process. Members commended the work done by the Head of Capital Projects into the preparation of this scheme.

49/06 **Irrecoverable Debt 2005/06**

The Council considered a report by the Head of Finance (Appendix 10) and adopted the recommendations contained therein, on the motion of Mr L Angus, seconded by Mrs F B Grains.

50/06 **Shetland Public Sector Co-operation Project - Bid for Efficient Government Stage 2 Funding**

The Council considered a joint report by the Chief Executive and Chief Executive NHS Shetland (Appendix 11) and approved the recommendations contained therein, on the motion of Mr W A Ratter, seconded by Mr L Angus.

Members commended the work done on this project, and the work currently being done by the Community Planning Board. Members noted that the targets for achieving further joint management arrangements would become clearer as the second stage progressed.

51/06 **NHS Shetland and SIC – Joint Working on Financial Matters 2005/06**

The Council considered a report by the Head of Finance (Appendix 12) and adopted the recommendations contained therein, on the motion of Mr B P Gregson, seconded by Mr L G Groat.

52/06 **Integrated Management of Care Homes: Follow Up Review**

The Council noted a joint report by the Community Care Manager and General Manager Shetland Charitable Trust (Appendix 13).

53/06 **Photocopier Replacement Project**

The Council considered a report by the ICT Unit Manager (Appendix 14) and adopted the recommendations contained therein, on the motion of Mr L Angus, seconded by Mr B Cheyne.

54/06 **Risk Management System**

The Council considered a report by the ICT Unit Manager (Appendix 15) and adopted the recommendations contained therein, on the motion of Mr W A Ratter, seconded by Mr B P Gregson.

55/06 **SSDN Infrastructure Project**

The Council considered a report by the ICT Unit Manager (Appendix 16) and adopted the recommendations contained therein, on the motion of Mr W H Manson, seconded by Mr B P Gregson.

56/06 **Employee Review and Development Policy**

The Council considered a report by the Head of Organisational Development (Appendix 17) and adopted the recommendation contained therein, on the motion of Mr B P Gregson, seconded by Mrs B Cheyne.

57/06 **Management Development and Succession Planning**

The Council considered a report by the Head of Organisational Development (Appendix 18) and adopted the recommendation contained therein, on the motion of Mr W A Ratter, seconded by Mr B P Gregson.

58/06 **Shetland Decommissioning Study**

The Council considered a report by the Head of Development Resources (Appendix 19) and approved the recommendations contained in the report on the motion of Mr W A Ratter, seconded by Mr J G Simpson.

Mrs I J Hawkins said it was important that Member input was given to this process. Mr Ratter agreed to incorporate this.

Members were in general agreement regarding the potential of this project, and agreed that the opportunity, particularly for employment, was to be welcomed. Mr C B Eunson expressed concern, however that decommissioning work was liable to go to Norway. However, Mr L G Groat said that an agreement was in place that stated that any rigs in the British sector would be decommissioned in Britain. The Council noted that the consultants report would be presented to the first meeting of the Council after the Summer recess.

59/06 **Appointment of Members to the Shadow Northern Criminal Justice Authority**

The Council considered a report by the Interim Head of Social Work (Appendix 20) and adopted the recommendations contained therein, on the motion of Mr J C Irvine, seconded by Mr A J Cluness. Mrs F B Grains was appointed as substantive member, and Mr B P Gregson was appointed as substitute.

60/06 **Community Councils –Outcome of Review of Boundaries**

The Council considered a report by the Head of Legal and Administration (Appendix 21) and adopted the recommendation contained therein, on the motion of Mr B P Gregson, seconded by Mr J C Irvine.

61/06 **Freedom of Information (Scotland) Act 2002 – One Year On – Update and Consultation Response**

The Council considered a report by the Head of Legal and Administration (Appendix 22).

On the motion of Mr W A Ratter, seconded by Mrs I J Hawkins, the Council agreed that the response to the consultation should indicate the Council's views that port authorities in Scotland be included within the terms of the legislation. Members also agreed that consideration should also be given to including public Trusts within the legislation, such as the Shetland Charitable Trust and the Shetland Development Trust. The Council further agreed that Mr W A Ratter, Mrs I J Hawkins, and Mr J C Irvine be consulted on the terms of the response to the Scottish Executive.

62/06 **Standards Commission for Scotland - Note of Decision**

The Council noted a report by the Head of Legal and Administration (Appendix 23).

On the motion of Mr F A Robertson seconded by Mr W Tait, the Council agreed that no specific representations were required to be made to the Standards Commission at this time, and noted the areas highlighted for improvement in the future.

63/06 **For Information – Minute of Pension Fund Management Consultative Committee – 8 February 2006**

The Council noted the minutes of the aforementioned meetings (Appendices 24A and 24B).

In order to avoid the possible disclosure of exempt information, the Council resolved, on the motion of Mr A J Cluness, seconded by Mr B P Gregson, in terms of the relevant legislation, to exclude the public during consideration of the following items of business.

64/06 **For Information – Minute of Employees Joint Consultative Committee – (a) 21 February 2006; and (b) 13 March 2006**

The Council noted the minutes of the aforementioned meetings.

65/06 **Bressay Bridge – Update**

The Council noted a report by the Projects Unit Manager – Capital Programme Service.

Mr L G Groat said that the Council had appointed him to be a member of Lerwick Port Authority, and the LPA had appointed him as Chairman. He said that, in this regard, he tried to do the best job he could, and to stay within the remit of his elected member status.

Accordingly, Mr Groat declared an interest in this item, and left the meeting.

Mr J Henry declared an interest, but added that he would remain in the Chamber as he was of the view that his interest was not significant.

In response to questions from Members, the Executive Director Infrastructure Services advised that the proposed channel was 120m wide with a 9 metre depth. Regarding the costs, he advised that the Council was still working on basis of a £19m budget, and whilst the total cost exceeds that at the moment, officers were working to keep costs down. In relation to European funding, the Council noted that existing funding opportunity had been lost, but new bidding would be available for 2007.

66/06 **Ports and Harbours Towage Operations**

The Council considered a report by the Operations Manager Marine and approved the recommendations contained therein, on the motion of Mr E Knight, seconded by Mr L Angus.

[Mr B P Gregson left during discussion of the following item.]

67/06 **Single Status Negotiations – Equal Pay Claims**

The Council considered a report by the Executive Director Infrastructure Services. After some discussion, during which the Executive Director clarified a number of points raised by Members, the Council adopted the recommendations in the report, and approved the proposals

contained therein, on the motion of Capt G G Mitchell, seconded by Mr A Inkster.

CONVENER