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**MINUTE**

**A**

**Shetland Islands Council  
Council Chamber, Town Hall, Lerwick  
Wednesday 28 June 2006 at 10.30 a.m.**

**Present:**

A J Cluness	L Angus
B Cheyne	C B Eunson
R G Feather	F B Grains
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
F A Robertson	J G Simpson
W N Stove	T W Stove
W Tait	

**Apologies:**

W A Ratter  
J G Simpson (for lateness)

**In attendance (Officers):**

M Goodlad, Chief Executive  
G Spall, Executive Director Infrastructure Services  
S Cooper, Head of Environment and Building Services  
B Doughty, Interim Head of Social Work  
N Galbraith, Interim Head of Education  
A Hamilton, Head of Planning  
D Irvine, Head of Business Development  
G Johnston, Head of Finance  
C Medley, Head of Housing & Capital Projects  
J R Riise, Head of Legal and Administration  
G Smith, Interim Director of Shetland College and Train Shetland  
J R Smith, Head of Organisational Development  
K Adam, Senior Solicitor  
L Bissett, Capital Projects Manager  
S Crooks, Library and Information Services Manager  
C Ferguson, Community Care Manager  
M Holmes, Coastal Zone Manager  
I Millar, Project Manager  
S Moncrieff, ICT Unit Manager  
N Watt, Sport and Leisure Services Manager  
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.

**The Convener ruled that, due to the timescales involved, the following item of business would be considered at this meeting as a matter of urgency in terms of subsection 4 of section 50B of the Local Government (Scotland) Act, 1973 – Single Status Negotiations. The Council noted that the report contained exempt information, and would be considered as the last agenda item.**

105/06     **Minutes of Shetland Islands Council – 17 May and 7 June 2006**  
Except as undernoted, the Council approved the minute of the meeting held on 17 May, on the motion of Mr A J Cluness.

76/06 - Services Committee – 4 May 2006 - Min. Ref. 25/06 - Consultation on Shared Management in North Mainland Schools  
The Convener agreed that the fifth sentence should read: “He assured Mr Angus that there would be the required number teachers when the session begins.”

The Council approved the minute of the meeting held on 7 June 2006, on the motion of Mrs F B Grains.

106/06     **Members Attendance at External Meetings**  
The following Members provided details of attendance at external meetings relating to Council business, further details of which can be obtained from the Members concerned:

Cllr J Irvine	APSE Annual General Meeting – Aberfoyle
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	COSLA Roads and Transportation Executive Group Meeting – Edinburgh
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F B Grains	Criminal Justice Authority, Inverness
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A J Cluness	Shetland Round Britain Race, Plymouth
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Mr Cluness took this opportunity to congratulate everybody responsible for the recent Flavour of Shetland and Johnsmas Foy events, and thanked staff and volunteers who made such a good job of promoting Shetland at these events, and in Plymouth.

107/06     **Infrastructure Committee - 13 June 2006**  
The minute of the aforementioned meeting was confirmed, on the motion of Mr J C Irvine.

- 108/06     **Services Committee – 15 June 2006**  
The minute of the aforementioned meeting was confirmed, on the motion of Mrs F B Grains.
- 109/06     **Executive Committee – 20 June 2006**  
Except as undernoted, the Council approved the minute of the aforementioned meeting, on the motion of Mr A J Cluness.
- 110/06     **Executive Committee – Economic Development – 20 June 2006**  
The Council approved the minute of the aforementioned meeting, on the motion of Mr A J Cluness.
- 111/06     **Planning Sub-Committee – 31 May and 7 June 2006**  
The Council confirmed the minutes of the aforementioned meetings, on the motion of Mr F A Robertson
- 112/06     **Harbour Board – 1 June 2006**  
The Council confirmed the minute of the aforementioned meeting, on the motion of Mr W Tait.
- 113/06     **Civic Government Licensing Sub-Committee – 31 May and 2 June 2006**  
Except as undernoted, the Council confirmed the minutes of the aforementioned meetings, on the motion of Mr J P Nicolson.
- 114/06     **Inter Island Ferries Board – 2 June 2006**  
The Council confirmed the minute of the aforementioned meeting, on the motion of Mr B P Gregson.
- 115/06     **Marine Development Sub-Committee – 16 June 2006**  
Except as undernoted, the Council confirmed the minute of the aforementioned meeting, on the motion of Mr F A Robertson.
- 116/06     **2005/06 Outturn**  
The Council considered a report by the Head of Finance (Appendix 1).

*[Mr W H Manson attended the meeting.]*

The Head of Finance summarised the terms of the report. Mr J P Nicolson referred to paragraph 4.1.3 of the report, and questioned the references to staff vacancies, and whether the 'income not budgeted for' would be repeated in future years. Regarding paragraph 4.2.1.6, Mr Nicolson said that whilst there remained work still to be done, he congratulated the Council and management for achieving improvements. However, he also said that in some instances, the absence of good management had

caused the problems in the first place, and it should be borne in mind that good management was something that the Council had some right to expect.

The Head of Finance said that management had broadly achieved the need to for improvement and were making strides forward in that regard, but agreed that more could be done to bring down costs. In response to Mr Nicolson, he said that the level of staffing vacancies were a reflect of the pressure to forego vacant posts wherever possible, and this was a matter that was being examined continuously, and recruitment was being restricted wherever possible. Regarding the income not budgeted for, the Head of Finance said that these were largely “one off”, and whilst these elements may not repeat, it was possible that similar issues would arise again.

Mr L Angus moved that the Council adopt the recommendations in the report. Mr J C Irvine seconded.

Mrs B Cheyne said that whilst the improvements were of a small scale, the Council would wish it to continue, and it was important to advertise the “feel good” factor regarding the message being brought out in this report.

Mr L G Groat referred to the possible impact of retaining staff vacancies, particularly in Social Work. The Community Care Manager said that Social Work was a particularly difficult area for recruitment, and various issues were being addressed in order to improve recruitment in that area.

117/06 **The Capital Programme Outturn 2005/06**

The Council considered a report by the Head of Finance (Appendix 2).

Mr L G Groat referred to paragraph 4.1.8 of the report, and expressed concern regarding the underspend caused by contracts not being completed by the year end. He said that this particularly affected those who were unable to move out from the care field until the required modifications had been completed. The Community Care Manager accepted this concern, but said that this was affected by a number of issues, including the size of the contracts and the costs involved and the availability of staff. However, she said that the Department was doing everything it could to ensure that those with particularly high levels of need were not left waiting for assessments, although there remained a high number on the list.

Mr A Inkster noted the reference to the fact that tenders appear to be coming in high to budgets, and whilst this remained a concern,

an assessment of the capacity of the local building industry was underway, and it was hoped that there would be a quick resolution to the matter.

Mr C B Eunson expressed concern with regard to the withdrawal of a service from an individual, which had originally been provided by the Shetland Welfare Trust. The Community Care Manager agreed to discuss this matter with Mr Eunson in detail after the meeting.

Mr W N Stove moved that the Council adopt the recommendations in the report. Capt G G Mitchell seconded, and the Council concurred.

118/06 **The Capital Programme – CPMT Report – June 2006**

The Council considered a report by the Head of Finance (Appendix 3) and approved the recommendation therein, on the motion of Mr L Angus, seconded by Mr A J Cluness.

119/06 **Community Council Grants 2006/07**

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

Mr J C Irvine said it had been agreed that the Council would deal with all of the issues regarding budget cuts in September, and he expressed some concern that this report had been produced despite that decision. Accordingly, Mr Irvine said that the Council should adhere to its previous decision, and moved that the Council adopt recommendation 6.1.2 and 6.2 of the report, and that the Head of Finance look again at the overall budgets of the Finance Service.

The Head of Finance said that he understood the point being made by Mr Irvine, but said he was required to reflect the strength of feeling at a recent meeting of the ASCC/SIC Liaison Group, where the matter was discussed. With regard to cuts in the Finance Service, the Head of Finance said that he had already made a number of steps forward with regard to this issue, including the taking of opportunities when they arose not to recruit or to delete posts.

Mr J P Nicolson referred to the ASCC/SIC Liaison Group meeting, and said that the Community Council representatives that day were clearly of a mind that they needed to have economies imposed on them. However, he said the difficulty was the 16% reduction being imposed, rather than the 5% being sought across most other services. Mr Nicolson said that given the commitment that

Councillors at the meeting had given, Mr Nicolson moved that the Council adopt recommendation 6.1.1 and 6.2.

Mr W Tait seconded the motion by Mr Nicolson, adding that he believed that Community Councils should not have been singled out in this way. He said that whilst Community Councils would accept a 5% cut, it was unfair to expect them to accept 16%. Mr Tait said that the matter should be dealt with today, rather than waiting until September. He added that the Council should remember that the services that the Community Councils provided saved the Council administration costs with regard to small grants, and that the funding provided to community projects and schemes also attracted more funding into the local community and economy.

Mr W H Manson said he had also been at the Liaison Group meeting, and whilst there had been a request to completely reject any cuts at all, the Group had accepted a 5% cut, and had completely rejected a cut of 16%. Mr Manson referred to the Community Councils that he attended, and said that they spent huge resources on adopted roads grants, and this had already been advertised and works were likely to commence during this time of year. He said that to wait until September would result in a cut in that area of activity. Mr Manson said that, given that Community Councils had already planned their resources for this year, the Council should have considered this issue earlier and before the start of the financial year. However, Mr Manson said that he supported the view taken by Mr Irvine that this matter should be considered in September along with all other proposed cuts and, in this regard, Mr Manson seconded the amendment proposed by Mr Irvine.

*[Mr J G Simpson attended the meeting.]*

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

Amendment (J C Irvine)	7
Motion (J P Nicolson)	13

120/06

**Library Provision in Lerwick**

The Council noted a report by the Library and Information Services Manager (Appendix 5).

Mr L Angus referred to the recommendations in the report from CPMT, and to the proposal that this study should be looked at with regard to potential links between the Library provision and the Cinema and Music Venue project. Mr Angus expressed his concern at this proposal, and moved that the Council should ensure that the Library project be regarded as a stand alone

project, and should take its place in the Capital Programme on its own merits, alongside other projects. Mr E Knight seconded.

During discussion, Members were in general agreement that the existing Library was inadequate for its current use. Mrs I J Hawkins referred to the proposal for a new Library in Scalloway, and suggested that this be taken into consideration during the feasibility study for the Lerwick Library with regard to the number of users. Members agreed that the quality of the brief for the feasibility study would have to be carefully laid out, and it was suggested that consideration be given to Finance Service representation being ensured during this study, in order to monitor the costs.

121/06 **Re-Open Papa Stour Primary School**

The Council considered a report by the Interim Head of Schools (Appendix 6) and approved the recommendation contained therein, on the motion of Mr F A Robertson, seconded by Mr E Knight.

122/06 **Establishment of Education and Children's Services Board and Social Care Board**

The Council considered a report by the Head of Legal and Administration (Appendix 7), and adopted the recommendations contained there on the motion of Mr T W Stove, seconded by Mr A J Cluness.

Accordingly, the following Members were subsequently and validly appointed to the Boards.

**Education and Children's Services Board**

B Cheyne  
F B Grains  
B P Gregson  
I J Hawkins  
J Henry  
J P Nicolson  
W H Manson (Chairperson)  
W N Stove  
J G Simpson  
T W Stove  
W Tait

**Social Care Board**

L Angus  
A J Cluness  
C B Eunson (Chairperson)  
R G Feather  
F B Grains

I J Hawkins  
J Henry  
E Knight  
G G Mitchell  
W A Ratter

123/06     **Highlands and Islands Pathfinder North Project Update**

The Council considered a report by ICT Unit Manager (Appendix 8) and approved the recommendations contained therein, on the motion of Mr L Angus, seconded by Mr B P Gregson.

In response to a question, the ICT Unit Manager confirmed that the important point was that this would not incur any additional costs for the Council.

124/06     **Performance Management Update**

The Council considered a report by the Head of Organisational Development (Appendix 9) and approved the recommendations contained therein, on the motion of Mr L Angus, seconded by Mr J P Nicolson.

Reference was made to section 1.7 of the Corporate Improvement Plan regarding the need to increase the supply of housing, and Members noted the responsibility that the Council had to liaise with the Hjaltsland Housing Association on such matters.

Mrs I J Hawkins queried the timescale of 3 to 5 years for decentralisation of Council services. Mr J Smith said that this was an indicative timescale, but that any decentralisation proposal could be implemented as soon as practicable. Members noted that this matter would be reported on further in October, and Members would have the opportunity to incorporate its further views in to the Plan at that time, including the suggestion that all vacant posts would have to be considered for decentralised working before being recruited to.

**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 appendix to the following item, and during consideration of the remaining items of business.**

125/06     **Employees' Joint Consultative Committee**

The Council noted the minutes of meetings of the Employees' JCC held on 15 May, 30 May, and 15 June.



15 June 2006 – Islesburgh Management

The Council noted the concerns raised by the Employee's Side, and the decision on this matter had been taken by Services Committee. Members were minded not to change that position.

The Council adjourned at 12 Noon

The Council reconvened at 12.10 p.m.

**Present:**

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

**Apologies:**

J C Irvine	E J Knight
W A Ratter	

**In attendance (Officers):**

M Goodlad, Chief Executive  
G Spall, Executive Director Infrastructure Services  
S Cooper, Head of Environment and Building Services  
B Doughty, Interim Head of Social Work  
G Johnston, Head of Finance  
J R Riise, Head of Legal and Administration  
J R Smith, Head of Organisational Development  
K Adam, Senior Solicitor  
A Cogle, Service Manager – Administration

126/06 **Single Status Negotiations**

The Council considered a report by the Executive Director Infrastructure.

The Executive Director Infrastructure Services firstly apologised for the late production of the report, but added that negotiations had only recently concluded, and it was important to deal with this issue before the meetings recess. He went on and summarised the terms of the report and answered various questions from Members on the options and implications.

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After considerable discussion, Capt G G Mitchell moved that the Council adopt the recommendations in the report. Mr B P Gregson seconded. The Council concurred, and agreed to record this as a unanimous decision of those Members present.

Members also agreed to record their thanks to the Executive Director and his negotiating team for the work involved in reaching this stage.

A J Cluness  
CONVENER