



## **MINUTES**

## **A & B - PUBLIC**

**Special Shetland Islands Council**  
**Council Chamber, Lower Hillhead, Lerwick**  
**Tuesday 3 October 2023 at 10.00am**

### **Present:**

A Armitage	A Duncan
J Fraser	C Hughson
D Leask	S Leask
M Lyall	E Macdonald
A Manson	R McGregor
N Pearson	B Peterson
L Peterson	M Robinson
D Sandison	I Scott
C Smith	A Wenger

### **Present via Remote Link:**

A Duncan	R W Thomson
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### **Apologies:**

T Morton	G Robinson
R Thomson	

### **In Attendance (Officers):**

M Sandison, Chief Executive  
N Grant, Director of Development Services  
V Simpson, Executive Manager – Community Planning and Development  
J Riise, Executive Manager – Governance and Law  
A Cogle, Team Leader – Administration  
M Duncan, External Funding Officer  
B Kerr, Communications Officer  
L Adamson, Committee Officer

### **Chairperson**

Ms Manson, Convener of the Council, presided.

The Convener ruled that in accordance with Section 43(2) of the Local Government in Scotland Act 2003, remote attendance and participation by Members of the Council during the meeting was permitted.

### **Circular**

The circular calling the meeting was held as read.

### **Declarations of Interest**

Mr Wenger declared an interest in the following item, as an Elected Community Councillor.

Mr Peterson declared an interest in the following item, being the Chair of the Sandwich Community Council.

*(Mr Wenger and Mr Peterson left the meeting).*

70/23 **Shetland Community Council Scheme Review – Boundary Proposal Options and Community Council Term**

The Council considered a report by the Director of Development Services (DV-37-23-F) that informed on the review of the Community Council Scheme of Establishment, presented boundary proposal options for consultation and sought approval for the current Community Council Term of Office to be extended by one year to November 2025.

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

In responding to questions, it was advised that the role of Clerks has been excluded from the review, with the focus to be on the development of the new Community Council scheme. The role of Clerks, including a review of terms and conditions, would be taken forward as a separate piece of work. In terms of an outcome from the review resulting in any redundancy situations for the Clerks, it was advised that the Clerks are, in the main, self-employed and therefore they were unlikely to be entitled to any redundancy payment. However, should Clerks be employed they would be looked at on a case by case basis.

Reference was made to the detailed timeline for the consultation prepared by officers, as set out in Appendix A, and assurance was given that the timeline would be met.

It was explained that the extension period of one year for the current Community Council term is to allow for the Council meetings that are required to be held at the various stages of the consultation. However there is one unknown in terms of the timescale for the review, being when the UK Parliamentary election will be held, which would introduce a pre-election period of approximately 7-8 weeks. It was however anticipated that the timescale for the consultation as proposed would still be met.

Reference was made to the potential outcomes from the review, in terms of the size of the Community Councils, and to encourage membership from within the community. The Director of Development Services advised on the discussion at the Project Board, and the views whereby a smaller focused area Community Council may attract more members, compared to a wider area, and also should there only be a limited number of people who put themselves forward to be on Community Councils it may be better to have fewer Community Council areas. He added that this will be monitored to ensure a solution is in place where the membership works.

In response to a question, it was advised that the minimum age of a Community Councillor is 16 years of age. It was advised that engagement will take place with the schools on the eligibility of young people on Community Councils and it was suggested that the Members of the Scottish Youth Parliament will also help with encouraging engagement.

Responding to questions regarding promoting participation on Community Councils to the younger generation, the Chief Executive advised on the project to promote democracy and a recent event targeted at young people studying modern studies, which covered the role of Councillors and Community Councillors.

Reference was made to the Options proposed that would include creating a new “Islands With Small Populations” Community Council, and concern was expressed that the meetings would need to be held remotely, rather than any face to face meetings being held. The Director of Development Services advised that the Islands With Small Population group has worked well with remote meetings and would meet face to face once a year. He added that the experience of the group has been quite favourable and therefore the establishment of an Islands With Small Population Community Council has been included in the options in the boundary proposals.

Comment was made that public consultation in Shetland generally suffers from a high level of apathy, and low response rates. In referring to the important decisions that have to be made regarding the structure of Community Councils going forward, it was questioned whether the final decision rests with the Council or whether there is a plan for meaningful consultation to give the Shetland wide response to what the public wants. Concern was expressed that the consultation from the community could be meaningless were it left to the Council to make the final decision. In responding, the Director of Development Services commented on the importance for the public to be aware of the consultation and to understand it and to provide a good level of feedback. In that regard, he advised on the proposal for officers and representation from the Association of Community Councils to be present at the forthcoming Food Festival and Craft Fair events.

The Executive Manager – Governance and Law stated that it is Members’ statutory obligation to make the decision on the matter. He referred to the discussion at Project Board level on how to make the consultation as expansive as possible, within the community, to encourage feedback. Members will then have to decide from competing ideas to determine the position to establish the scheme going forward. He added that the current scheme is not attracting a broad range of diverse candidates and that has to change. In that regard, he advised on the importance for the review to be publicised as much as possible at each stage of the consultation process and with a presence at forthcoming community events to engage with those attending.

Regarding the co-option of individuals who were relations of Council Members onto Community Councils, it was questioned at what point Members should decide if they have a close relationship with a Community Council member which needed registering or declaring. In responding, the Executive Manager – Governance and Law said the situation was not straightforward and therefore he would encourage any Councillor to have an advisory meeting with himself for further advise on the Code of Conduct.

During the discussion, it was questioned whether the scope of the review would consider giving additional powers to Community Councils in terms of decision making at a local level. In responding, the Chief Executive provided an overview from two pieces of work being undertaken at a national level, on public sector reform and the local governance review. She advised that she would circulate further detail on the projects to Members. She advised on the opportunities for the Council to be involved in the consultations and in a number of Working Groups and said that as the consultation comes out views will be gathered and will be fed back into the national conversation.

In referring to Section 4.1 of the report, the Executive Manager – Governance and Law advised that the scope of the review already approved includes to “consider and review legal format of Community Councils and explore alternatives that would enhance their legal capacity”. In that regard, he explained that currently there are limitations on Community Councils to be involved in certain activity that other formed

groups would be able to do and he confirmed that the legal format is to be looked at as part of the review.

Comment was made on the need to be clear on what is being consulted on during Phase One of the review, where it was suggested that responses could include comments relating to the powers and activities of Community Councils, rather than on the boundary proposals. In acknowledging the point made, the External Funding Officer said that the review was a long and complex process, with Phase One to concentrate on the boundaries and composition of Community Councils, where the feedback will be analysed and brought back to Council. Phase Two will be a much wider process looking at the model scheme, finances, powers, legal format and election roles. He advised on the importance for communities to fully understand the process before it begins. He added that having a presence at the two forthcoming community events will strengthen the message regarding what is being consulted on and what type of information is being sought in the feedback.

In response to a question, it was confirmed that the Boundaries Commission does not have any involvement in the Community Council boundary areas.

During debate, comment was made on the very complex consultation as proposed. In that regard, it was questioned whether the Phases of the consultation should be rearranged, with the functions and roles of Community Councils being consulted on during Phase One, rather than the boundaries and composition of Community Councils being first. It was suggested that during the Phase One consultation as proposed feedback will include comments on the functions and roles of Community Councils and not only on the Community Council boundaries. It was however noted that the intention of officers was that the community will be well informed on the consultation processes, however it was expected there will be a mix of feedback during the different phases of the consultation.

It was suggested whether in determining the boundaries and the size of Community Councils in advance of looking at the functions and purpose of Community Councils it may pre-determine the powers of the Community Councils.

It was commented that it was hoped that the findings of the review would not see the current pro-active Community Councils diminished or diluted in any way.

Positive comment was made regarding the inclusion of the sixth option, whereby respondents can submit their own suggestions for boundary proposals.

It was suggested that in making Community Councils more effective, it could come with more responsibility, which may discourage some individuals from standing. In that regard, the suggestion was made to focus more on the relationship between community companies and Community Councils, which could possibly resolve some issues.

Reference was made to the interesting points raised during the discussion. Comment was made on the importance for Elected Members not to put across their views at this stage, as that opportunity will be given at a later stage during the consultation. Comment was also made on the importance to encourage all Community Councils and all who are engaged in the process to submit their feedback.

On the motion of Mrs Macdonald, seconded by Mr Duncan, the Council approved the recommendations in the report.

**Decision:**

The Council:

- RESOLVED TO APPROVE that the current Community Council Term of Office be extended by one year to November 2025;
- Subject to approval of paragraph 1.1 above, RESOLVED to delegate authority to the Executive Manager – Governance and Law to execute those incidental arrangements, as more fully described at paragraph 4.4, as well as any other arrangements as may be necessary to facilitate the said extension under paragraph 1.1;
- INSTRUCTED the Executive Manager – Governance and Law, or his nominee, to arrange for the giving of public notice of the Council's intention to revoke the existing Community Council Scheme of Establishment and the making of a new scheme for the establishment of community councils; and
- RESOLVED TO APPROVE that the boundary proposal options, and rules on current composition, as referenced at paragraphs 4.7-4.8, are consulted on in accordance with Phase One of Community Council Scheme of Establishment review.

The meeting concluded 10.43am.

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Chair