



# Shetland Islands Council

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# MINUTE

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**Shetland Islands Council**  
**Council Chamber, Town Hall, Lerwick**  
**Wednesday 28 March 2007 at 10.30 a.m.**

**Present:**

A J Cluness	L Angus
B Cheyne	F B Grains
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 Knight	W H Manson
J P Nicolson	W A Ratter
F A Robertson	J G Simpson
W N Stove	T W Stove

**Apologies**

G G Mitchell	W Tait
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**In attendance (Officers):**

M Goodlad, Chief Executive  
B Doughty, Executive Director – Education and Social Care  
H Budge, Head of Schools  
S Cooper, Head of Environment and Building Services  
C Ferguson, Head of Community Care  
M Holmes, Coastal Zone Manager  
D Irvine, Head of Business Development  
G Johnston, Head of Finance  
I McDiarmid, Head of Planning  
S Morgan, Head of Children's Services  
J Riise, Head of Legal and Administration  
W Shannon, Assistant Chief Executive  
K Adam, Senior Solicitor  
N Clubb, Contract Manager  
S Crooks, Library and Information Services Manager  
M Finnie, Capital Programme Service Manager  
B Hill, Acting Divisional Manager, Legal Services  
J MacLeod, Single Status Project Manager  
B Robb, Acting Senior Assistant Accountant  
H Tait, Management Accountant  
N Watt, Sport and Leisure Services Manager  
A Cogle, Service Manager – Administration

**Also:**

N McDougall, Interim General Manager – SDT  
I Napier, NAFC Marine Centre

### **Chairperson**

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

### **Circular**

The circular calling the meeting was held as read.

#### **25.1/07 Obituary – Mr Ronnie Cumming**

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

“We pay tribute today to Ronnie Cumming who was a Lerwick Town Councillor for eight years, and who died recently in Aberdeen. It is of course not as a councillor that we knew Ronnie, but as a brilliant surgeon at the Gilbert Bain for nearly thirty years. I had good fortune not to have to use his professional services at any time, but hundreds, if not thousands of Shetlanders did, and some are doubtless alive today because of his special skills. I knew Ronnie in a social capacity as he was an enthusiastic golfer, and something of a fanatic when it came to Up-Helly-A and his office was always a port of call for the Jarl’s squad. Ronnie was a great friend to these islands and I doubt whether we will see his like again – I move we send an extract of this minute to his wife and family.”

The Council concurred.

#### **26/07 Shetland Islands Council – 6 February, 8 February, 14 February and 22 March 2007**

The minutes of the aforementioned meetings were confirmed, on the motion of Mr A J Cluness.

#### **25.2/07 Petition**

The Council received a Petition from 19 signatories in Yell, stating: “We feel that due to the economic climate we are facing, that to build a music and cinema venue in the present format suggested would be against the interest of the people of Shetland. We call on our elected members to abandon this project, and to look at alternatives if necessary. For instance, we feel the Garrison Theatre is quite adequate as a cinema venue and there are plenty of unused council buildings that could be used for educational and recording purposes. We do not feel the need for a concert hall as we have plenty of venues available throughout Shetland.” The Convener ruled, and the Council agreed, that the Petition be noted, and referred to the Capital Projects Unit for further consideration.

#### **27/07 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:

- B P Gregson - NFLA Steering Group, Manchester
- J C Irvine - CoSLA Modern Governance Executive Group  
Edinburgh
- L Angus - NAFC – Seafish Industry Authority
- W N Stove - SJC, Edinburgh

28/07 **Infrastructure Committee – 13 March 2007 and 22 March 2007**

The minute of the aforementioned meetings were confirmed, on the motion of Mr J C Irvine.

29/07 **Services Committee – 14 March 2007**

The minute of the aforementioned meeting was confirmed, on the motion of Mrs F B Grains.

30/07 **Executive Committee - 20 March 2007**

The Council confirmed the minutes of the aforementioned meeting, on the motion of Mr A J Cluness.

31/07 **Executive Committee – Economic Development - 20 March 2007**

The minute of the aforementioned meeting was confirmed, on the motion of Mr W A Ratter.

32/07 **Scrutiny Committee – 17 February 2007**

The minute of the aforementioned meeting was confirmed, on the motion of Mr T W Stove.

33/07 **Planning Sub-Committee - 21 February and 20 March 2007**

In addition to the following, the Council confirmed and approved the minute of the aforementioned meetings, on the motion of Mr F A Robertson.

2007/042/PCO - To erect 25 houses in outline, Gusselton, Dunrossness by JHB Ltd.

Mr Robertson drew Members' attention to this application. The Council noted that approval of this application was a significant departure from the development plan and that it would be notified to Scottish Ministers.

34/07 **Harbour Board – 20 February 2007**

The minute of the aforementioned meeting was confirmed on the motion of Mr J G Simpson.

35/07 **Marine Development Sub-Committee – 16 March 2007**

The minute of the aforementioned meeting was confirmed, on the motion of Mr W H Manson.

36/07 **Civic Government Licensing Sub-Committee – 8 February 2007 and 21 March 2007**

The minutes of the aforementioned meetings were confirmed, on the motion of Mrs B Cheyne and Mr E Knight.

37/07 **Inter Islands Ferries Board – 20 March 2007**

The minute of the aforementioned meeting was confirmed, on the motion of Mr B P Gregson.

38/07 **(1) Notice of Motion – “That Shetland Islands Council resolves to suspend the current Single Status staff salary negotiations pending an independent review of the system and process of job evaluation, in consultation with staff and unions affected.”; and (2) Single Status Update**

Mr A J Cluness advised that item 1 on the agenda was a Notice of Motion (Appendix 1A), which related also to item 20 on the agenda (Appendix 1B). Mr Cluness said that it was his intention to hold both items together, and in public. The Council agreed.

Mr Cluness went on to say that the negotiations had produced an outcome that was not perhaps the result that the Council had hoped for, but complimented the Unions for the way in which they had deal with this matter throughout. He said that the report was essentially indicating that the Council take more time to look at this matter in more depth, and with detailed consultation.

Mr L Angus said that the Council had been told that the scheme being used was robust, it was a national scheme that had quality control built in, and there would be 25% losers and 75% winners, whilst any aggrieved person would be protected for 5 years. Mr Angus said that despite what Members were told, the results were a stark contrast to that, with the Unions saying that there were about 50% losers, although they could not be sure because they had been refused the detailed information. Mr Angus said that other Councils had issued this information freely to Unions, and he hoped that the Chief Executive would advise on the release of that information without further delay. Mr Angus went on to say that it appeared that the processes adopted in Shetland had been deeply flawed, and many related issues such as inaccurate information and failures to understand the roles being evaluated. He questioned whether the important and specialist nature of the task should have been given to inexperienced staff, and accordingly was of the view that some independent scrutiny of the whole process was essential before the scheme progressed any further.

Mr L Angus moved the terms of the Notice of Motion.

Mr W A Ratter said that members of staff he had spoken to had raised points that many of them had not been given the opportunity to sign off their job overviews. He said many of them had not been signed, or had

been returned with queries and concerns, and some that were unresolved had been deemed to be agreed. Mr Ratter said that there was lack of clarity regarding the whole process, and supported calls for a transparent review.

The Chief Executive said that the intention was for the review process to be carried out objectively, and consideration may be given to external involvement. Referring to paragraph 4.6 of the report, he said that this recommendation was not in conflict with the Notice of Motion.

Mr LG Groat said that he had never been approached by so many members of staff on any other matter than this one. Mr Groat said it was inevitable that the Council was going to have to pay up, but he questioned the level of delegation, and the lack of, or clarity of, information being provided to Members. Mr Groat said that further negotiations should ensure that there is Member involvement in the process, with particular reference to the 90 day consultation period proposed in section 4.2 of the report.

The Convener said that the delegation referred to in section 4.2 of the report was seeking authority to initiate the procedure.

The Chief Executive said that during the period between now and the next Council meeting on 4 July, there was no procedure in place to deal with equal value claims. As a result, authority was being sought to initiate the 90 day consultation period in order to reduce exposure on the Council.

Mr W N Stove said that many other authorities were facing the same problems, and he had attended many CoSLA SJC meetings regarding Single Status. However, he said that other authorities did not have the same reserves that this Council had, and were selling assets or outsourcing services or laying off staff in order to meet the costs. Mr Stove referred to the officers negotiating on behalf of the Council, and said that he was impressed by what they had done. He agreed that whilst the Council had delegated to officials, he still felt responsible as a Councillor, and would not abdicate that responsibility just because its implementation had been delegated. Mr Stove went on to say that the Unions had conducted 2 audits of the Job Evaluation process which had showed it to be fair and impartial. He also said that the 34/37 hour week was, however, a major problem, particularly for staff in ferries and ports and harbours who carried out jobs that were not compatible with mainstream Council services.

At this stage, Mr L Angus clarified that his motion to approve the Notice of Motion included approval of the recommendations in the report. Mr J C Irvine seconded.

In response to questions, the Chief Executive explained that, if agreed, a review would be carried out into the processes, which would also be subject to external scrutiny, or independent quality checking.

Mr W H Manson said that he did not agree that the current scheme should be suspended and nor did the Notice of Motion cover all the ground required. Mr Manson accordingly moved as an amendment that the Council approve the recommendations in the report, but not the Notice of Motion. Mr W N Stove seconded.

Voting took place by a show of hands, and the result was as follows:

Amendment (W H Manson)	3
Motion (L Angus)	16

39/07     **General Fund Revenue Management Accounts – 2006/07 for the Period 1 April 2006 to 31 December 2006**

The Council considered a report by the Head of Finance (Appendix 2) and approved the recommendations contained therein, on the motion of Mr J C Irvine, seconded by Capt G G Mitchell.

40/07     **Housing Revenue Account/Harbour Account/Reserve Fund Revenue Management Accounts 2006/07 for the Period 1 April 2006 to 31 December 2006**

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 F A Robertson.

41/07     **Capital Programme – Capital Programme Review Team (CPRT) – February 2007**

The Council considered a report by the Head of Capital Programme and Housing Service (Appendix 4) and approved the recommendations contained therein, on the motion of Mr W A Ratter, seconded by Mrs F B Grains.

Mr B P Gregson said it was important to point out that the repairs and maintenance of the Council's ferry terminals was not an issue that was going to go away, and said the Council should urge ZetTrans to address this as a matter of urgency.

42/07     **Tax Liability on Council Owned Vehicles**

The Council considered a report by the Expenditure Manager (Appendix 5) and approved the recommendations contained therein, on the motion of Mr J C Irvine, seconded by Mrs B Cheyne.

43/07     **Irrecoverable Debt**

The Council considered a report by the Head of Finance (Appendix 6) and approved the recommendations contained therein, on the motion of Mr W N Stove, seconded by Capt G G Mitchell.

*Mr T W Stove declared an interest in the following item, and left the meeting.*

44/07 **Grant Assistance – Aithsvoe Marina Association**

The Council considered a report by the Sport and Leisure Services Manager (Appendix 7) and approved the recommendations contained therein, on the motion of Mr W Tait, seconded by Mr F A Robertson.

45/07 **Performance Management Update**

The Council noted a report by the Head of Organisational Development (Appendix 8).

46/07 **The Audit of Best Value and Community Planning – Progress Report**

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

47/07 **Pension Provision for Councillors**

The Council considered a report by the Head of Finance (Appendix 10) and approved the recommendations contained therein, on the motion of Mr W N Stove, seconded by Mr J C Irvine.

48/07 **Library Provision in Lerwick**

The Council considered a report by the Library and Information Services Manager (Appendix 11).

Mr L Angus said that the Lerwick Library was the second most visited library in Scotland, and was therefore far from being considered a minority interest only. He said that the aim was to have, in the fullness of time, a purpose built building.

Mr C B Eunson moved that the Council approve paragraph 8.2 of the report, to re-model the former Old Library Centre and former Museum building and St Ringans. Mr T W Stove seconded.

Mr L A Angus moved as an amendment that the Council approve paragraph 8.3 of the report, to pursue a new build at the former Shetland Archives site.

Mr L G Groat said that the Council had been told previously that the former Library building was falling down, and that was the only reason the Council had moved the service elsewhere. However, he said it was now clear that the building could be made safe again, and supported Mr Eunson's motion for a re-modelling of the former Library building. Mrs B Cheyne agreed that Shetland needed an accessible Library, but was of the view that this Council seemed to favour an "all or nothing" approach, rather than taking the middle ground. Mrs Cheyne also supported Mr Eunson's motion. Mr W H Manson said that young people, despite technology, still used the Library, and it was the children's section in particular that critically needed more room. He



added that at a quarter of the capital costs of a new build, the remodelling of the former building was more attractive. Mr W Tait agreed, but added that it was not just because it was a cheaper option, but it was the best option.

In response to questions regarding the proposed site for a new Library, and the possibility of that site also being earmarked for a Cinema and Music venue, the Library and Information Services Manager said that there had never been an intention for that site to be an either/or decision, but to look at ways of accommodating both. She went on to say that consultation and involvement of Library users was a keystone of the study, and the proposal for a new build had achieved widespread support.

Mr J C Irvine seconded the amendment by Mr L Angus.

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

Amendment (L Angus)	5
Motion (C B Eunson)	13

49/07

**Draft Culture (Scotland) Bill**

The Council considered a report by the Executive Director – Education and Social Care (Appendix 12) and approved the recommendations contained therein, on the motion of Mr E Knight, seconded by Mr W N Stove.

*Mr J C Irvine left the meeting.*

*Mr J C Irvine left the meeting.*

50/07

**Shetland Development Trust – Activity Report for 6 Month Period: 1 July 2006 to 31 December 2006**

The Council noted a report by the Head of Business Development (Appendix 13), on the motion of Mr C B Eunson, seconded by Mr W N Stove.

Mr W Tait said that he had been approached by one of his constituents, who had indicated that when booking on the Norrona, were told that they could not book a cabin because they were all being reserved for passengers from Iceland and Faroe. Mr Tait said this was grossly unfair. Mr J G Simpson agreed to follow the matter up with the Shetland Development Trust.

51/07

**Sullom Voe Strategic Plan**

The Council considered a report by the Head of Development Resources (Appendix 14), and approved the recommendations

contained therein, on the motion of Mr W A Ratter, seconded by Mrs B Cheyne, with the proviso that the local population be minded in all of this for consultation. Mr Ratter agreed adding that, with regard to a comment from Mr W Tait regarding the effects of decommissioning, the study would take a broad look at the whole situation.

52/07 **Marine Planning and the White Paper on the Marine Bill**

The Council considered a report by the Senior Adviser, Economic Development (Appendix 15) and approved the recommendations contained therein, on the motion of Mr L Angus, seconded by Mr B P Gregson.

53/07 **Consultation on a Proposed EU Maritime Policy – SIC Response**

The Council considered a joint report by the European Officer, Economic Development Unit and Dr Ian Napier, NAFC Marine Centre (Appendix 16) and approved the recommendations contained therein, on the motion of Mr L Angus, seconded by Mr B P Gregson.

54/07 **Appointments and Nominations**

The Council considered a report by the Assistant Chief Executive (Appendix 17).

Mr L Angus moved that the Council adopt the recommendations in the report, seconded by Mr W A Ratter.

Mr B P Gregson referred to the Terms of Reference for the Board, approved by the Council in November 2006, which had been tabled at today's meeting, and said that it was significant that these had had to be amended to allow the Ferry Service to retain its document of compliance, as a major concern had been the clarity of reporting. Regarding the membership, Mr Gregson said that the Council had already agreed that the membership of the Board should remain as it is currently, thereby reflecting the proper interests of the Council. Mr Gregson suggested that the newly elected Council in May should perhaps consider that the Chairperson and Vice-Chairperson of the Board should each be a Member from the North Isles ward, as they represented people who have most use of the Ferries Service.

Regarding Appendix 2, the Council noted that "Dounreay Liaison Committee" had been changed to the "Dounreay Stakeholders Group", and that the Shetland Welfare Trust was no longer in existence.

Mr W H Manson suggested that whilst he agreed that the Council should appoint the Chairpersons of the Boards, he said that the Vice-Chairpersons should be appointed by the Boards. Mr L Angus and Mr W A Ratter agreed to accept this as part of the motion.

In order to prevent the disclosure of exempt information, Mr A J Cluness, Mrs F B Grains seconded, and the Council resolved, in terms of the relevant legislation, to exclude the public during consideration of the following items of business.

55/07     **Employees Joint Consultative Committee     - 20 February 2007**

The Council noted the minute of the aforementioned meeting.

56/07     **Shetland Towage – Finalisation of Transfer to Shetland Islands Council**

The Council considered a report by the Head of Finance and on the motion of Mr L G Groat, seconded by Mr W N Stove, noted the information and legal advice provided, and agreed that the Council would make no payment.

A J Cluness  
Convener