

MINUTE

A

**Shetland Islands Council
Council Chamber, Town Hall, Lerwick
Wednesday 4 July 2007 at 10.30 a.m.**

Present:

L Angus	L Baisley
J Budge	A J Cluness
A Cooper	A Doull
A Duncan	C B Eunson
B Fullerton	F B Grains
I J Hawkins	R Henderson
J Henry	A Hughson
W H Manson	C Miller
R Nickerson	F Robertson
G Robinson	J Simpson
C Smith	A Wishart

In attendance (Officers):

M Goodlad, Chief Executive
B Doughty, Interim Executive Director – Education and Social Care
H Sutherland, Executive Director – Education and Social Care
G Spall, Executive Director – Infrastructure Services
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
C Medley, Head of Capital Projects and Housing
J Riise, Head of Legal and Administration
W Shannon, Assistant Chief Executive
G Smith, Director – Shetland College
J R Smith, Head of Organisational Development
K Adam, Senior Solicitor
C Black, Contract Compliance Manager
S Crooks, Library and Information Services Manager
M Smith, Payroll Manager
L Adamson, Committee Officer
L Gair, 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.

Subject to the following, the minutes of the aforementioned meetings were confirmed, on the motion of Mr A J Cluness.

28 March 2007 - Sederunt

Mrs Hawkins advised that she was not in attendance at the meeting, and had submitted apologies.

23 May 2007 – Min. Ref. 70/07 - Members' Approved Duties and Travel and Subsistence Allowances and Death in Service Payments

The Head of Finance tabled a guidance note for Members regarding the above (Appendix A). Regarding overseas travel, the Council agreed, on the motion of Mr J Henry, seconded by Mr A Cooper, that allowances would be paid on the basis of actual costs incurred. Some Members were of the view that consideration should be given as to whether some sort of a limit should be placed on overseas costs, in order to achieve a degree of reasonableness. Members agreed that this matter should be looked into for a future meeting.

23 May 2007 – Min. Ref. 66/07 – Appointments and Nominations to External Organisations

Lerwick Port Authority nominations – “H Henry” should read “J Henry”.

72/07

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:

A Wishart - Scottish Executive Briefings, Edinburgh
B Fullerton

W H Manson - Fund Managers meetings

G Robinson - Single Status meetings, Aberdeen, Moray and
C Miller Orkney

A J Cluness - North Sea Commission

73/07

Infrastructure Committee – 19 June 2007

The minute of the aforementioned meetings were confirmed, on the motion of Mr A Wishart

74-1/07

Services Committee – 21 June 2007

Except as undernoted, the minute of the aforementioned meeting was confirmed, on the motion of Mr L Angus.

Min. Ref. 25/07 – Enabling Report – Proposed Transfer of Catering and Cleaning Service

Mr L Angus asked that the Council also note that that the Teaching Unions were being consulted as part of the proposed transfer of catering services to schools.

77/07

Planning Board – 6 June and 13 June 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.

6 June 2007 – Min. Ref. 02/07 – Planning Board Terms of Reference

Mrs I J Hawkins said that the minutes of KIMO quarterly meetings should be presented to the Infrastructure Committee.

6 June 2007 – Min. Ref. 03/07 – Interim Policy Marine Developments

Mr W H Manson said that there had been some difficulties that were holding up the processing of Works Licences applications. Mr F A Robertson said that the difficulties had been discussed and it was a management matter that was being looked into. Mr Manson said that was accepted, but he felt that it was now urgent. The Chief Executive confirmed that there were no hold ups of applications, and the problem was a management technicality which would be clear by next meeting cycle.

6 June 2007 – Min. Ref. 06/07 – Hazardous Substances Consent – North Ness, Lerwick

Mr C B Eunson asked if some pressure could now be brought to bear on the new owners to move location. Mr A J Cluness said that, together with Lerwick Port Authority, investigations and discussions were ongoing into the removal of the tanks with the new owners with a view to progress being made.

78/07 **Inter Island Ferries Board – 19 June 2007**

The minute of the aforementioned meeting was confirmed on the motion of Mr R Henderson.

79/07 **Harbour Board – 7 June 2007**

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

80/07 **Licensing Sub-Committee – 7 June and 13 June 2007**

The minutes of the aforementioned meetings were confirmed, on the motion of Mr C Smith.

74-2/07 **Home Care Update**

The Council considered a report by the Executive Director – Education and Social Care (Appendix 1).

Mr A Cooper declared an insignificant interest as he had a relative who worked in Home Care Services.

The Executive Director – Education and Social Care briefly summarised the report, highlighting in particular section 5 of the report and the actions being planned for the weeks ahead. She said that the service would be maintained in as many areas as possible for as many clients as possible, although it was likely there would be gaps during the Summer months.

Mr C B Eunson asked who had given permission for the letter which had been sent out to clients regarding the future of the service. Mr A J Cluness said that the purpose of this report was to look forward and find a way of meeting the problems, not to find a scapegoat.

Mrs I J Hawkins said that the e-mail issued by the Services Committee Chairperson had eased her mind regarding the letters that had been issued, and noted that relief staff would be contacted with regard to their allocation of hours, but asked what happened to those who refused.

The Executive Director – Education and Social Care advised that if there was an assessed need, then there were formal processes to deal with those circumstances. She added that there were particular gaps in some areas between the number of clients, client needs and availability of staff, and these were the matters that were being addressed now.

Mr A Duncan advised the Council of the efforts that he had made to personally visit senior citizens and special needs clients in his constituency, and he had also visited all care workers in his constituency. Mr Duncan said that from this it was clear that there were hours available to use, and he had provided the information to Social Care management on two occasions and had delivered information to constituents. Mr Duncan said he was grateful for the guidance and help he had received from colleagues and said that the main problem had been a breakdown in communication. He said that whilst that would have to be looked into and investigated to ensure it never happened again, it was important that things moved on and were done following correct policy and procedure.

Mr A J Cluness said that it had been a tremendous effort on the part of Mr Duncan which was appreciated.

Mr L Angus said that there had been a deluge of complaints and representations following the letter that had been sent to service users, and the Council had apologised for that, recognising the distress caused, and the destruction of public relations. However, he said that he, the Executive Director and Mrs Fullerton had been working hard to make things better. Mr Angus said there was a recognised gap between the needs of users and the resources required to meet those needs. He said there was a shortage of staff, and staff who wanted to work extra hours were being looked at, but this would not cover the gap. Mr Angus said that a recruitment exercise would be needed, and the report today set out how that was going to be done. He added that this Council spent twice as much as the next highest authority in Scotland, and therefore it was not a withdrawal of money from the service, but lack of staffing that was a problem. Mr Angus said it was noted that there were also management issues but these were being addressed. He said that all clients had been visited, all staff had been contacted by letter, and he had every confidence in the Executive Director in sorting this out. Mr Angus said that the service would continue and staff would be recruited as fast as possible. He concluded by saying there was little else to add except that he was sorry for the distress that had been caused, and thanked Mr Duncan for the valuable exercise he had conducted.

In response to a question from Mr R Nickerson, the Executive Director confirmed that a report on progress would be presented to the Services Committee in August.

Regarding the financial aspects of the service, Mr L Angus confirmed that there had been some confusion regarding the budget allocation, but it was important to note that there had been no financial restriction on the service. The Chief Executive confirmed this, adding that there had been a misunderstanding because the experience had been that there was a tendency in recent years to underspend on

staffing resources, and this had been factored in to the budgets with a view to making savings. However, he said that there was an expectation that the outturn had to achieve those savings, but this had not been specifically allocated to any particular service heading.

Mrs B Fullerton moved that the Council note the report, and that the Council should give its support and thanks to the Home Care Service and its Carers. Mr A J Cluness seconded and the Council concurred.

75/07 **Executive Committee - 26 June 2007**

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

76/07 **Audit and Scrutiny Committee – 22 June 2007**

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

81/07 **Appointment of Vice-Convener**

The Council considered a report by the Head of Legal and Administration (Appendix 2).

Mr A Cooper referred to paragraph 3.4 of the report, and moved that the Council do not increase the remuneration for senior councillors. Mr L Angus seconded, and the Council concurred.

The following persons were duly nominated for the post of Vice-Convener:

L Angus
J G Simpson
I J Hawkins
B Fullerton

Mr W H Manson was nominated, but declined acceptance.

Following a short address by each nominee to the Council, voting took place by secret ballot, and the result was as follows:

L Angus	4
I Hawkins	4
B Fullerton	4
J G Simpson	9

A draw by lot resulted in the nomination of Mr Angus being rejected, and a further ballot took place between Mrs Hawkins, Mrs Fullerton and Mr Simpson. The result was as follows:

I Hawkins	4
B Fullerton	5
J G Simpson	11

In accordance with the Scheme of Delegation, a further ballot took place between Mrs Fullerton and Mr Simpson. The result was as follows:

B Fullerton	8
J G Simpson	12
Abstention	1
Spoilt	1

Accordingly, Mr J G Simpson was appointed Vice-Convener of the Council.

82/07

Composition of the Inter Island Ferries Board

The Council considered a report by the Assistant Chief Executive (Appendix 3).

Mr F A Robertson, seconded by Mr F B Grains, moved that the Council adopt the recommendation in the report.

Mr R Nickerson proposed as an amendment that substitute members also be appointed for each of the Ward areas. Mr F A Robertson, with the consent of his seconder, agreed, and the Council concurred.

Accordingly, the following Members were appointed to the Inter Island Ferries Board:

Shetland North	-	A Cooper, substitute A Doull
Shetland Central	-	A Hughson, substitute I J Hawkins
Lerwick North	-	C Miller, substitute A J Cluness
Shetland West	-	F A Robertson, substitute G Robinson
Lerwick South	-	J Henry, substitute C Smith
Shetland South	-	R Nickerson, substitute J Budge

83/07

Changes to the Planning Board

The Council considered a report by the Assistant Chief Executive (Appendix 4).

Mr A Duncan moved that the Council approve the recommendations in the report. Mr A J Cluness seconded.

Mr W H Manson moved as an amendment that the membership should not be increased, but remain as at present. Mr G Robinson seconded.

Mrs F B Grains and Mrs I J Hawkins gave notice of further amendments.

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

Amendment (W H Manson)	5
Motion (A Duncan)	16

Mrs F B Grains moved as a further amendment that all Councillors be appointed to the Planning Board until such time as the Act comes into place requiring a reduction. Mrs B Fullerton seconded.

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

Further Amendment (F B Grains)	6
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Mrs I J Hawkins moved as a further amendment that the membership of the Planning Board be increased to 11. Mr A Hughson seconded.

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

Further amendment (I J Hawkins)	4
Motion (A Duncan)	16

On the motion of Mr A Hughson, seconded by Mrs B Fullerton, Mrs I J Hawkins was appointed to the Planning Board.

With regard to recommendation 6.1(b) requiring an extra Member to be appointed to the Planning Board, Mr F A Robertson suggested that, due to the pressure likely to come onto the Lerwick and Gulberwick area, that the additional Member be appointed from the Lerwick South Ward. Mr C Smith said that whilst he accepted what Mr Robertson was suggesting, he said that some concern had also been expressed regarding lack of representation for Yell or Unst.

Accordingly, and on the motion of Mr R Henderson, seconded by Mr L Angus, Mrs L Baisley was appointed to the Planning Board.

84/07

Forums and Spokespersons

The Council considered a report by the Assistant Chief Executive (Appendix 5).

Mr W H Manson referred to the Education, Children and Young People's Board, and said that whilst he had some questions regarding the role of the Board, he felt that taking on the spokesperson role for this area was a lot of work, and suggested that two Members should share the role. In this regard, Mr Manson put himself forward for this, adding that Mrs Grains had indicated that she would be happy with this arrangement.

Environment Spokesperson

Mr J Henry and Mr R Nickerson were duly nominated. Voting took place by secret ballot, and the result was as follows:

J Henry	14
R Nickerson	8

European Spokesperson

Mr L Angus was appointed, on the motion of Mr J G Simpson, seconded by Mr A Cooper.

Culture and Recreation

Mr R Nickerson was appointed, on the motion of Mrs F B Grains, seconded by Mr A J Cluness.

On a related matter, the Council noted that the Convener would be sending a telegram to the Shetland Islands Games team, congratulating them on their efforts at the recent Games in Rhodes.

Mr A Cooper moved that the Council approve the remaining recommendations in the report, including the joint appointment of Mr Manson and Mrs Grains to the Spokespersons role for Education Children and Young People, and in relation to paragraph 7.1(e) that economic development Spokesperson matters would be dealt with by the Chairperson of the Shetland Development Trust, Mr J Simpson. Mr L Angus seconded.

Mr R Nickerson moved as an amendment that the Council approve the remaining recommendations, except that in relation to paragraph 7.1 (c) that the Environment Spokesperson be the Chairperson of the Environment Forum. Mr F A Robertson seconded.

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

Amendment (R Nickerson)	3
Motion (A Cooper)	15

85/07 **Membership of Shetland College Board of Management**

The Council considered a report by the Director, Shetland College (Appendix 6) and approved the recommendations contained therein, on the motion of Mr L Angus, seconded by Mr G Robinson.

86/07 **2006/2007 Financial Outturn**

The Council considered a report by the Head of Finance (Appendix 7) and approved the recommendations contained therein, on the motion of Mr A Cooper, seconded by Mr J G Simpson, subject also to the budget strategy to be presented in September showing options and costs for balancing the General Fund in 2010/11, 2011/12 and 2012/13.

Mr A Hughson referred to paragraph 4.2.14, and asked what support the Tsunami Appeal project was receiving, and what progress was being made. The Chief Executive confirmed that actual spending on this fund was not very high, but the commitment was there. He said the question was appropriate, and he would ensure that a report on this project would be presented to the Council.

87/07 **Capital Programme – Capital Programme Review Team (CPRT) – April 2007**

The Council considered a report by the Head of Capital Programme and Housing Service (Appendix 8).

Mrs I J Hawkins referred to the bringing forward of the Scord Quarry Crusher project, and suggested that it could be replaced instead with the Scalloway JHS science block project. The Head of Housing and Capital Projects explained that Appendix A was the priority listing which was approved by the Council on the basis of set criteria. He said that the £100k contingency was just the amount left if current slippage was taken into account.

Mr F A Robertson referred to paragraph 3.1.2 regarding Feasibility Studies and Advance Design of Roads, and confirmed that he had requested that money be put in to allow advance design for road projects. He said that the Council should be looking at land design and acquisitions being in place when such projects were being brought forward, and he was disappointed to see that this had been left out.

In this regard, Mr Robertson moved that £60k be restored to this budget to allow engineers to proceed with advance design. Mr G Robinson seconded. However, the Head of Housing and Capital Projects said that this matter had been discussed, and that as far as this year was concerned it was not a problem, but would require provision for future years, and this was recognised. He went on to add that the Scord Quarry crusher project had been brought forward because of available grant funding.

Mr R Henderson referred to paragraph 3.1.1 regarding Mid Yell Junior High School, and said he was dismayed to see this was now scheduled for later. He said that the community had been campaigning for a school for Yell that was fit for purpose for years, although the architects had been asked to hold off because there were problems with the budget estimates. The Head of Capital Projects said that budget problems had not stemmed from the original budget estimates, but that the entire budget had gone out of control. He said that this needed to be looked at in more detail and a report would be brought back to the Council.

Mrs B Fullerton said she was appalled that the Scalloway Pier was not mentioned in the list of projects to be brought forward and suggested that it be placed in the list in place of Uyeasound Pier and therefore place Scalloway back where it was originally planned. However, the Chief Executive said that the Council had already made a decision regarding this, and what Mrs Fullerton was suggesting would require a Notice of Motion.

Mr L Angus referred to paragraph 3.1.7 of the report, and said that the decision had been made to retain St Ringans as a children's library, as well as refurbishing the old Library. Mr Angus said that running two buildings caused him some concern, as relocating back to the old Library was simply inadequate. Mr Angus suggested that a fresh look at this decision was required in a new report. Mr A J Cluness said that all the problems and concerns being raised by Members could not be solved today, but that the matter regarding a report on the Library could be referred to the Services Committee.

Mr R Nickerson said that, as a new Member, he said that the content of the report could be enhanced. He said there was no indication of how the points system worked, what the criteria was, or how projects were able to leapfrog over other projects. The Head of Housing and Capital Projects confirmed that more detailed information would be presented in a future report on the Capital Programme.

After further discussion, Mr W H Manson moved that the Council approve the recommendations contained in the report, in addition to the request for an additional report regarding the Library being referred to the Services Committee. Mr L Angus seconded.

Mrs I J Hawkins moved as an amendment that the Council approve the recommendations, subject to the Scord Quarry Crusher project being replaced with the Scalloway JHS Science Block project. Mr A Hughson seconded.

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

Amendment (I J Hawkins)	5
Motion (W H Manson)	16

88/07

Offer of Additional Capital Grant for 2007/08 – Use of Emergency Powers

The Council considered a report by the Head of Capital Programme and Housing Service (Appendix 9) and approved the recommendation contained therein, on the motion of Mr L Angus, seconded by Mr J Henry.

Mrs F B Grains and Mr J Henry each declared a non-pecuniary interest in the following item, as Trustees of the Shetland Amenity Trust.

The meeting adjourned at 12.30 p.m.

The meeting re-convened at 1.30 p.m.

Present:

L Angus	L Baisley
J Budge	A J Cluness
A Cooper	A Doull
A Duncan	C B Eunson
B Fullerton	F B Grains
I J Hawkins	R Henderson
J Henry	A Hughson
W H Manson	C Miller
R Nickerson	F Robertson
G Robinson	J Simpson
C Smith	A Wishart

In attendance (Officers):

M Goodlad, Chief Executive
G Spall, Executive Director – Infrastructure Services
C Black, Contract Compliance Manager
I McDiarmid, Head of Planning
D Irvine, Head of Business Development
G Johnston, Head of Finance
J MacLeod, Single Status Project Manager
C Medley, Head of Capital Projects and Housing
J R Smith, Head of Organisational Development
K Adam, Senior Solicitor
A Cogle, Service Manager - Administration

Chairperson

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

89/07

Old Scatness Broch

The Council considered a report by the Head of Planning (Appendix 10).

Mr W H Manson said he was inclined to support the recommendations in the report, but asked that a reasonably early report is presented to the Council on what expenditure is required, although he said it was accepted that it was too late this year to defer any funding. Mr R Nickerson seconded.

Mr Manson queried whether Planning was the correct service to take this forward, and asked that given the importance of the site to Shetland's tourism and heritage, if the Development service would be a better route for this project.

Mr L Angus said he had a number of reservations about this report, and referred in particular to paragraph 1.2. He said that the Trust were appearing to hold the Council to ransom on the question of funding. Mr Angus noted confirmation that the Trust held title to the property and land, but said if this was considered to form part of a larger heritage or Viking trail in Shetland, then the request for funding should not have come forward at this late stage.

Mr Cluness said that the purpose of the report was to authorise funding to keep the site going over the Summer, and a more detailed report would be brought to the Council on future funding requirements.

Mr G Robinson said he also had some concern that the Shetland Amenity Trust appeared to be losing so much focus on the project. He said that whilst not proposing an amendment, he remained concerned, and agreed that a further report should be presented to the Council as soon as possible.

Mr F A Robertson said that half of the funding for the project was being received from outside organisations, and reiterated the local and national importance of the site and the potential for it to achieve world heritage status. Mr Robertson said that the Council should be putting funding into this project as a means of supporting archaeological developments and for related marketing for Shetland. He moved that the Council adopt the recommendations in the report, on the basis of Option A, namely to commit £238,200 to the project for 2007/08. Mr A Duncan seconded.

Mr A Wishart said he also had some concerns regarding the timing of this request, and felt that it was something of a "gun to the head" situation. Mr Wishart asked how long it would take for the project to be entered on to the capital programme, and in this regard whether only funding for the summer months could be validated. He went on to say that the Head of Planning was having to deal with this matter, and said that this should not continue unless there was a planning issue. He said that that was not the case, but was more to do with funding. Mr Wishart said it was difficult to support such sums when there was a lack of funding for home helps and repairs grants. Mr Wishart said that in order to put some perspective back into the question of funding, he said that the recommendations and option B should be adopted, namely to commit the minimum sum required to keep it running over the Summer. Mr A Cooper seconded, asking whether the issues raised today would be looked into by the Chief Executive.

The Chief Executive apologised for the way in which this report had been presented in such a short timescale. He went on to say that he would be addressing the funding issues, particularly as to whether the funding should be classed as capital or revenue. The Chief Executive went on to say that the project had initially been progressed through the Planning Service due to its responsibility for archaeological developments and conservation matters, although the Council had agreed that the Development department should pick up on it thereafter. He said that the matter had, nevertheless, still been routed through Planning. He added that the recommendations in the report today dealt with the interim situation, and agreed that he would look into all those matters raised by Members and bring back to the Council for consideration.

Mr A Cooper said that the General Manager of the Shetland Amenity Trust received a significant budget every year, and said that he should be given authority to vary between budgets in order to prioritise budgets and meet the required shortfall.

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

Amendment (A Wishart – option B) 11

Motion (F A Robertson – option A) 8

90/07 **Procurement Strategy Update**

The Council considered a report by the Head of Capital Programme and Housing Services (Appendix 11) and approved the recommendations contained therein, on the motion of Mr L Angus, seconded by Mr W H Manson.

91/07 **Sustainable Development within Shetland**

The Council considered a report by the Head of Organisational Development (Appendix 12).

Mr A Cooper moved that the Council approve the recommendations, but that a report be presented to the next meeting of the Council, setting out clearly what progress is being made and to indicate where responsibility lies, either with officers or Members. Mrs B Fullerton seconded, adding that it would be useful if more information could be provided on targets and progress against these.

The Head of Organisational Development advised that a more overarching report was intended for the next cycle, which would detail the baselines, targets and turnout. He said this would be updated with the actions detailed in today's report, and along with the Corporate Plan, would set out the clear allocation of responsibilities.

92/07 **Corporate Plan Development – Progress Report**

The Council considered a report by the Head of Organisational Development (Appendix 13), and approved the recommendations contained therein on the motion of Mr L Angus, seconded by Mr A Cooper.

93/07 **Shetland Corporate Governance and Management Structures: Council and Community Funds**

The Council considered a report by the Chief Executive (Appendix 14) and approved the recommendations contained therein, on the motion of Mr A J Cluness, seconded by Mr A Cooper.

94/07 **Shetland Community Development Trust**

The Council considered a report by the Head of Business Development (Appendix 15).

Mrs C Miller said that she had some concerns regarding the audit and scrutiny element of the new Trust. She said that it could be classified as a public body, but not a public authority and therefore would not be subject to the Freedom of Information legislation, and clients' information would be subject to Data Protection.

In this regard, Mrs Miller said that the Trust would have to find a method to ensure that the Trust was fully audited and scrutinised, both internally and externally.

The Chief Executive said that he appreciated the concern, but in terms of the principles of Following the Public Pound, the Trust would be required to operate with openness and accountability, and it would be up to Trustees to decide how that would be done.

Mr A Cooper said that matters were currently within a hiatus, and at the moment there was a question of where economic development reports went to. In addition, Mr Cooper said that staff needed reassurance regarding their positions. In this regard, Mr A Cooper moved that the Council approve the recommendations in the report, in addition to any reports requiring expenditure being submitted to the Executive Committee, and that a report be presented to the Council within two cycles, advising on the staffing position. Mr A J Cluness seconded, and the Council concurred.

95/07 **SVQ Assessors – Health and Care**

The Council considered a report by the Director, Shetland College (Appendix 16) and approved the recommendations contained therein, on the motion of Mr A Hughson, seconded by Mr G Robinson.

96/07 **Review of Employment of Staff over Retirement Age Policy**

The Council considered a report by the Human Resources Manager (Appendix 17) and approved the recommendations contained therein, on the motion of Mr W H Manson, seconded by Mrs B Fullerton.

97/07 **Appointments to External Organisations**

The Council considered a report by the Head of Legal and Administration (Appendix 18) and approved the recommendations contained therein, on the motion of Mr A Cooper, seconded by Mrs F B Grains.

The Service Manager – Administration referred to paragraph 4.3, and advised the NHS Board had not recommended that the Council nominate a senior Member, but this recommendation had come from Scottish Executive guidance. Mrs B Fullerton declared an interest in the nomination process to the NHS Board.

Accordingly, the Council duly made the following appointments to external organisations:

Scottish Local Government Forum Against Poverty

The Council agreed not to appoint on this occasion.

Highland Reserve Forces and Cadets Association

Mr C Smith

NHS Shetland

Mr A J Cluness

Shetland Islands Citizens Advice Bureau (CAB)

Mr A Duncan

Dounreay Stakeholders Group

Mr R Nickerson

Shetland Fishermen's Trust

J Henry

J G Simpson

Mayors for Peace

The Council agreed not to appoint on this occasion.

Shetland Crofting, Farming and Wildlife Advisory Group (SCFWAG)

Mr A Duncan, Mr J Budge, Mr L Baisley and Mr A Doull were nominated. Voting took place by secret ballot and the result was as follows:

A Duncan	17
J Budge	18
L Baisley	12
A Doull	19

Accordingly, Mr A Duncan, Mr J Budge and Mr A Doull were duly appointed.

Shetland Amenity Trust

Mrs F B Grains moved that the Council proceed to make the necessary appointments. Mr J Henry seconded.

Mr F A Robertson, Mr R Nickerson and Mr C B Eunson were duly nominated for appointment.

Mr A Cooper moved as an amendment that this appointment is not made by the Council, but that the Council asks the Shetland Charitable Trust to make the appointments. Mr G Robinson seconded.

Members noted that the terms of the amendment would require the Shetland Amenity Trust to amend the terms of its Trust deed to accept nominations from the Charitable Trust.

Mrs C Miller gave notice of a further amendment.

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

Amendment (A Cooper)	7
Motion (F Grains)	14

Mrs C Miller moved as a further amendment that Mr R Nickerson, as Spokesperson for Culture, should be nominated and thereafter seek confirmation on the terms of the Trust Deed before appointing to the remaining vacancy. Mr L Angus seconded.

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

Further Amendment (C Miller)	4
Motion (F B Grains)	16

Voting on the nominations took place by secret ballot, and the results were as follows:

F A Robertson 20
R Nickerson 15
C B Eunson 9

Accordingly, Mr F A Robertson and Mr R Nickerson were appointed.

Foula Electricity Trust

F B Grains
F A Robertson

Shetland Shellfish Management Organisation

F A Robertson
J Henry

[Mr A Cooper, Mr J Budge, Mr L Angus, Mr A Duncan, Mrs F B Grains, Mrs B Fullerton, Mrs L Baisley and Mr A Hughson declared interests in the following item, and left the Chamber.]

98/07

Single Status Update

The Council considered a report by the Head of Organisational Development (Appendix 19).

After hearing the Head of Organisational Development summarise the report, Members agreed that at least three Members were required to join the negotiating team, in order to provide a detailed and direct link to the Council. Accordingly, the Council appointed Mr A J Cluness, Mr G Robinson and Mrs C Miller.

After some discussion, the Council agreed, on the motion of Mr G Robinson, seconded by Mr J G Simpson, that the Council approve the recommendations contained in the report, and that delegated authority be given to the Chief Executive to delegate staff to this project as he sees fit.

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

Mrs C Miller referred to agenda item 24, and suggested that the fullest publicity should be given to this report. Mr A J Cluness advised that it was his intention to recommend that the report and minute be released after the meeting.

99/07

Employees Joint Consultative Committee held on 5 June 2007

The Council noted the minute of the aforementioned meeting.

101/07

Management Capacity at Shetland College

The Council considered a report by the Director, Shetland College and approved the recommendations contained therein, on the motion of Mr A Hughson, seconded by Mr A J Cluness.

102/07 **Equal Pay Claims**

The Council considered a report by the Executive Director Infrastructure Services and approved the recommendations contained therein, on the motion of Mr G Robinson, seconded by Mr A Cooper.

Mrs F B Grains declared a non-pecuniary interest in the following item, advising that she was a relative of the complainant.

[The Chief Executive left the meeting.]

103/07 **Monitoring Officer Report – SPSO Case No. 200401727**

The Council considered a report by the Monitoring Officer (Appendix 24).

The Head of Legal and Administration outlined the terms of the report, and answered questions from Members.

After some discussion, the Council agreed, on the motion of Mr A Wishart, seconded by Mr G Robinson, to approve the recommendations in the report, but on the basis of bringing this matter to closure, that the Head of Legal and Administration be given delegated authority to respond to any further communications from the complainant.

Members requested that the minute record a statement of its unanimous trust and confidence in the Chief Executive, which was accepted by the Convener.

The Council agreed that the report, and the minute, should be made public after the meeting.

The meeting concluded at 3.05 p.m.

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A J Cluness
Convener