

MINUTE

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Shetland Islands Council
Council Chamber, Town Hall, Lerwick
Wednesday 31 October 2007 at 10.00 a.m.

Present:

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

Apologies:

L Angus

In attendance (Officers):

G Spall, Depute Chief Executive
W Shannon, Assistant Chief Executive
H A Sutherland, Executive Director - Education & Social Care
G Johnston, Head of Finance
H Budge, Head of Education
C Medley, Head of Capital Projects and Housing
J Riise, Head of Legal and Administration
J R Smith, Head of Organisational Development
N Grant, Head of Community Economic Development
I Halcrow, Head of Roads
A Cogle, Service Manager – Administration
L Saunders, Policy and Development Assistant
L Gair, Committee Officer

Chairperson

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

Circular

The circular calling the meeting was held as read.

134/07 Shetland Islands Council – 12 September 2007

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

135/07 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:

Mr A S Wishart	Public Meeting, Bressay Mr Wishart advised that ZetTrans were undertaking a STAG process on the Link to Bressay, and part of the process was engaging with the Community. He said that the community were happy with the process, but he had received feedback that could potentially destroy the credibility of the process. Mr Wishart said that the public were being advised that this was a fresh process, but it was still referred to as the Bressay Bridge Project. He asked that a report be brought to the next Infrastructure Committee to address this.
Mr C H J Miller & Mr A G L Duncan	Ethical Standards in Public Life Training
Mrs E L Fullerton & Mr A J Hughson	Video Conference with Scottish Government on Elected Members Role in the Health of the Community. Mrs Fullerton commented on the excellent video conference equipment used at the NAFC. Mr C B Eunson commented that Video Conference should be used more often to keep down the cost of Travel and Expenses.
Mrs E L Fullerton	Convention of the Highlands and Islands, Fort William.
F B Grains	Scottish National War Memorial Meeting, Edinburgh. Mrs Grains advised that the Scottish National War Museum had a copy of the Shetland Roll of Honour for the First World War, and asked that a copy of the Shetland Roll of Honour for the Second World War be provided to the Scottish National War Museum, Edinburgh.
Mr G Robinson	CoSLA, Strategic Human Resource Management Executive Group, Edinburgh

- 136/07 **Infrastructure Committee – 16 October 2007**
 Except as undernoted, the Council confirmed the minute of the aforementioned meeting, on the motion of Mr A S Wishart.
- Mr R C Nickerson said that it should be noted that he left the Chamber before minute item 47/07 and did not return.
- 137/07 **Services Committee – 18 October 2007**
 The Council confirmed the minutes of the aforementioned meeting, on the Motion of Mrs E J Fullerton.
- 138/07 **Executive Committee - 23 October 2007**
 The Council confirmed the minute of the aforementioned meeting, on the motion of Mr J G Simpson.

139/07 **Planning Board – 26 September 2007**

The Council confirmed the minute of the aforementioned meetings, on the motion of F A Robertson.

140/07 **Inter Island Ferries Board – 28 September 2007**

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

141/07 **Harbour Board – 27 September and 15 October 2007**

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

142/07 **Adult Services Board – 4 October 2007**

The Council confirmed the minute of the aforementioned meeting, on the motion of Mr C B Eunson.

In response to a query from Mrs I J Hawkins, regarding the Education and Young People Board, Mrs F B Grains advised that she was waiting on a report that addressed the remit of the Board, and that a meeting would follow after a remit had been agreed.

143/07 **Licensing Sub-Committee – 10 September and 18 September 2007**

Except as undernoted, the Council confirmed the minute of the aforementioned meeting, on the motion of Mr C L Smith.

Min Ref: 08/07 Taxi Licensing Policy

Mr C L Smith advised that at its meeting on 10 September, the Sub-Committee made a recommendation to the Council that the policy be changed. He advised that since that meeting, a letter had been received from the Shetland Taxi Operators Association, requesting that the change in policy be extended to single vehicle operators. Mr Smith said that a further report was being presented to the Licensing Sub-Committee on 12 November 2007, and a recommendation would be brought to the next Council meeting.

144/07 **Council Reserves and Budget Strategy: 2008/09 and Beyond**

The Council considered a report by the Head of Finance (Appendix 1).

The Head of Finance summarised the main terms of the report and drew attention to the position of the Council's discretionary reserves. He said that the reserves were in decline despite a recovering market, and this situation was new to the Council. The Head of Finance drew attention to paragraph 2.4 and said that there was evidence of the spending growth which would have an impact unless action was taken. He said that Social Care and Education were contributing to this, but there was also pressure from the single status exercise, and the prospect was that the estimates would increase by £9.5million. The Head of Finance advised that paragraph 2.6 demonstrated the increase to £41.5 million in 2007/08 which would go against the policy target of £32 million. He said that he set out some ideas in paragraph 4 and asked that the Council provide guidance to Officers on this matter and stated that paragraph 11.4 and 12.1.3 sought this guidance on a greater scale than in the past.

Mrs E L Fullerton said that Members had to give direction and accept that Members and Officers needed to work together. She said that it was in the interest of everyone including the staff to sustain the reserves and that the Council could not leave a legacy of overspending. Mrs Fullerton added that cuts were required, but that these needed to be clever and worked on with the staff.

Mrs E L Fullerton moved that the Council approve recommendations 12.1.1, 12.1.2, 12.1.4, 12.1.5 and that the Council achieve at least 1% savings, excluding inflation. She added that Members and Officers should meet and report back to the Council. Mr A T J Cooper seconded.

Mr F A Robertson said that previously it had been delegated to Officers to find the savings, which they did. He said that it was more likely that 10% savings were required across the programme over the next 4 years, but added that this was a lot of money and that it may affect services and the capital programme. Mr Robertson said that, as indicated by Mrs Fullerton, Members and Officer needed to work together. He suggested that the group include the Convener, Vice Convener and the Chair and Vice Chair of the main committees together with Senior Officers and that every service be looked at and in due course recommendations be considered by the Council.

Mrs I J Hawkins said that it was important to look at the fine detail so that Members could see and understand what they were looking at. She added that the Council needed to maximise what money comes from external resources.

Mr R C Nickerson suggested that an addition to the recommendations be added, instructing the Chief Executive to enter into dialogue with the Sullom Voe Association and other relevant parties to review the Busta House Agreement. However, the Convener said that the SVA were reviewing their policies all the time.

Mr G Robinson suggested that ideas from all levels of staff should be encouraged, and that Members should engage with junior members of staff as well as management. Mrs L F Baisley agreed, adding that she would like to see a revival of the idea that staff be encouraged to put forward their own ideas or for efficiencies. Mrs Baisley also asked that the use of Investors in People in all departments be looked at, and that a report be presented to Council on it's feasibility. The Deputy Chief Executive confirmed that this matter had already been discussed by Executive Management Team, and would be progressed.

Further discussion took place with regard to the level of savings required during which Mrs F B Grains said that when looking at the 1% savings to be made, this should be done across the board, she added that Members needed to look at each service individually, as some services may be able to achieve more than 1% where others may not. Mr Cooper agreed and said that a greater understanding of each service was required, and said that services should not report solely to their relevant committee.

Following further discussion, Mrs E L Fullerton clarified her motion that the Council approve recommendations 12.1.1, 12.1.2, 12.1.4, 12.1.5 and that a new 12.1.3 be inserted to say that the Council should achieve at least 1% savings, excluding inflation; and that a Finance Review Panel be formed, including Members and Officers, and by utilising ICT and other aids to involve all levels of staff, to consider the savings required and to provide ideas for service redesign for the future, and

that the Panel report initially to the Council in December. Mr A T J Cooper seconded.

Members agreed that membership of the Finance Review Panel should comprise 10 Members including the Convener and Vice-Convener, Chair and Vice-Chair of Infrastructure and Services Committees. Members were asked to put forward names for the remaining 4 Members and accordingly the panel of 10 are as follows:

Mr A J Cluness	Mrs E L Fullerton
Mr J G Simpson	Mr A T J Cooper
Mr A S Wishart	Mr R C Nickerson
Mrs I J Hawkins	Mr J H Henry
Mr L Angus	Mr F A Robertson

Mr R C Nickerson moved as an amendment that the Council approve an amendment to paragraph 12.4 to add that the Council instruct the Chief Executive to enter into dialogue to review the Busta House agreement in light of the increase in oil prices since 1998. This however received no seconder.

145/07

Review of Appointments to Outside Bodies – Update

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

The following appointments were duly made to the two outside bodies:

Shetland Aquaculture Trust:

Mr J H Henry
Mr R S Henderson

Association of Shetland Community Council/SIC Liaison Group

Mr J G Simpson, North Isles
Mr W H Manson, Shetland North
Mr G Robinson, Shetland West
Mr A J Hughson, Shetland Central
Mr A G L Duncan, Shetland South
Mr A J Cluness, Lerwick North
Mr C L Smith, Lerwick South

The Head of Legal & Administration requested that Members consider nominations for a third group, not addressed in the report, namely the Voxter Centre Trust. He advised that 3 members were required on an interim basis whilst the Trust Deed was reviewed and pending the finalisation of their constitution, he suggested that the ex-officio appointment of the Vice-Convener be confirmed, together with submission of nominations of the Spokespersons for Education and Young People and Culture and Recreation for subsequent appointment by the Trust.

Mr G Robinson moved that the Council approve the nominations for the Voxter Trust, on an interim basis, as suggested by the Head of Legal and Administration, seconded by Mr A J Cluness.

The following appointment and nominations were duly endorsed:

Voxter Trust

Mr J G Simpson, ex officio Vice-Convener

Mr W H Manson, Spokesperson - Education and Young People
Mr R C Nickerson, Spokesperson – Culture and Recreation

146/07

Councillor's Declarations of Interest at Meetings – Prior Notice

The Council considered a report by the Head of Legal & Administration (Appendix 3).

Mr G Robinson moved that the Council approve the recommendations in the report, seconded by Mrs C H J Miller.

The Head of Legal and Administration said that it was ultimately the individual's responsibility to declare their interest, but that it was also the responsibility of the Chairperson to provide leadership and conduct their meetings in a way that facilitated the process. The Head of Legal and Administration also stressed to all Members that it was not enough for a Member to simply declare that they had an interest, it was important that the nature of the interest be declared. This would not only give transparency and comply with the Code of Conduct, but would enable the Committee Officer to record the information in the minute.

Mr F A Robertson said that with regard to the Planning Board, what had prompted him to volunteer to run the pilot was advice he had received from the Standards Commission during a visit to Shetland that it was incumbent on all Chairpersons to seek declarations of interest, and it was highlighted that this would now appear as an item on the agenda.

(Mr A J Cluness declared an interest, and left the Chamber)

(Mr J G Simpson, Vice Chairperson, took the Chair)

147/07

Standards Commission for Scotland: Decision Notice

The Council considered a report by the Head of Legal & Administration (Appendix 4).

Mrs F B Grains moved that the Council approve the recommendations in the report, Mrs I J Hawkins seconded.

Mrs E L Fullerton drew attention to paragraph 3.4 of the report and asked what progress had been made with regard to the dispensations being pursued. The Head of Legal & Administration advised Members that a range of responses had been received from around 1/3 of the organisation. He said that he would feedback these responses to the Member/Officer Working Group. He also advised that he had had preliminary discussion with the Secretary to the Commissioner and that he would pursue the matter further with the Standards Commission, when a majority of the external organisation had responded.

The Head of Legal & Administration also suggested that delegated authority be given to him so that after consultation with the Member/Officer Working Group where clear cases for application for dispensation emerged that he would be empowered to proceed with reference to the Commission rather than requiring Council decision on each application to be made.

Mrs E L Fullerton moved that the Council approve delegated authority as requested by the Head of Legal and Administration, Mr A S Wishart seconded.

148/07 **Appointments – Employees’ Joint Consultative Committee and Staffing Appeals Committee**

The Council considered a report by the Head of Legal & Administration (Appendix 5) and approved the recommendation contained therein, on the motion of Mrs I J Hawkins, seconded by Mr F A Robertson.

149/07 **Appointment of Independent Persons to the Harbour Board**

The Council considered a report by the Head of Legal & Administration (Appendix 6) and approved the recommendation contained therein, on the motion of Mr A T J Cooper, seconded by Mrs I J Hawkins.

150/07 **Review of Polling Districts and Places – Consultation**

The Council considered a report by the Head of Legal & Administration (Appendix 7).

The Head of Legal and Administration briefly introduced the report, and on the motion of Mr G Robinson, seconded by Mrs L F Baisley, the Council agreed to approve the recommendations of the report.

151/07 **Population Study: Progress Report and Nominations**

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

The Head of Organisational Development briefly introduced the report, and as recommended in paragraph 8.1, Members of the Council duly appointed Mrs L F Baisley to participate in the Population Research Steering Group, on the motion of Mrs F B Grains, seconded by Mrs F A Robertson.

152/07 **Sustaining Shetland: Second Annual Monitoring of Social, Economic, Environmental and Cultural Trends: Autumn 2007**

The Council considered a report by the Head of Organisational Development (Appendix 9).

Mr F A Robertson said that this was an important document and was exactly the information needed for the review of the local plan. Mr F A Robertson moved that the Council approve the recommendations in the report, Mr G Robinson seconded.

Mr G Robinson drew attention to paragraph 4.1 and said that he had felt that the Household income of 15% had been over ambitious, but agreed that 10% was more appropriate and asked that it be changed.

Mrs E L Fullerton asked that in paragraph 4.1 the words “improve quality of life” be changed to “increase quality of life”. Mrs Fullerton also drew attention to page 33 of the Sustaining Shetland document, and asked that the paragraph be amended to “ensure opportunity and access exists for all”. She added that this would continue to improve the quality of life. Mr Fullerton said that this was an important document and congratulated the staff involved in its production.

153/07 **Progress Report – Capital Programme**

The Council noted a report by the Head of Capital Programme & Housing Services (Appendix 10).

The Head of Capital Programme & Housing Services briefly introduced the report and said that a procedure was now in place and the information provided could be

presented in any way and as frequently as required. He sought guidance from Members on the level of detail to be presented.

Mr A S Wishart drew attention to Appendix E and again highlighted the problem with regard to name of the Bressay Bridge Project, and stated that it was being interpreted as destroying genuine attempts to hear ideas on the fixed link. Mr A S Wishart asked that this name be changed. Members agreed and the Convener advised that this would be considered through the proper process.

Mr F A Robertson said that it was a credit to the Head of Capital Programme and Housing Service and his staff that they had now established this process for identifying priority. He said that there were now projects at different stages, some had gone through the group to the design stage. He cautioned that there could be more work than could be handled which may lead to over pricing by contractors. He said that Members also needed to be aware of private building and said there needed to be continuity. Mr Robertson said that the Council is measured by what could be achieved, but it also needed to be careful that it was properly managed.

Mrs I J Hawkins said that she had been on the previous Member/Officer Working Group and said it should be carried on. She said economic weight should be given to project advertisements and projects with no ongoing revenue needed to be looked into.

Mr A T J Cooper said that guidance should be given and budget responsible officers should not overspend approved budgets. Mr Cooper also said there would be benefit in linking projects together and provided the Vidlin Road and the Whalsay Ferry Terminal as an example, and asked how that could be done. Mr A S Wishart advised that the Vidlin Road/Whalsay Ferry Terminal was being considered by ZetTrans.

Mr W H Manson said that the Anderson High School on the capital programme would have an effect on finances and on the other capital projects. He said that despite national charges from the Scottish Government, more help was needed. He said the Council had held against Private Finance Initiatives, but the worst that could happen was that this would be refused. He said that efforts should be made to get national support for the Project. Mrs E L Fullerton agreed and said that a meeting with Scottish Ministers should be requested to explore this further.

In response to a query from Mrs Fullerton the Head of Capital Programme and Housing Services advised that he was meeting with the Executive Director of Education and Social Care today to discuss the Care Homes Fire Alarm upgrade, and he would advise Mrs Fullerton of the position after that meeting. In response to a further query the Head of Capital Programme and Housing Services advised Members that the deal with Social Care and Hjaltsland regarding funding was back to square one and therefore the proposal had collapsed. Mr Manson said that Leog replacement needed to be back on track and said that the rapid rise in construction costs may mean that it would be more expensive, but said that it needed to be fit for purpose, for the work of the staff.

(Mr R C Nickerson left the Chamber)

Mr A G L Duncan said that with regard to the AHS EU Funding should be sought if available. The Convener advised that the Council constantly looked for external funding, and Mr Cooper advised that EU Funding was provided for “the projection of

improving economic development” and that it would not be granted for the AHS. Mr Duncan said that if external funding was not available then it was time for the Council to use its own funds.

(Mr R C Nickerson returned to the Chamber)

154/07 **Officials Travel and Subsistence Allowances**

The Council considered a report by the Head of Finance (Appendix 11).

Mr A J Cluness moved that the Council approve the recommendations in the report, seconded by Mrs I J Hawkins and the Council concurred.

155/07 **Proposals for the New Local Government Pension Scheme in Scotland**

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

Mr A G L Duncan moved that the Council approve the recommendations in the report, seconded by Mr A T J Cooper and the Council concurred.

156/07 **For Information – Pension Fund Management Consultative Committee – 11 October 2007**

The Council noted the Minute of the aforementioned meeting (Appendix 13), on the motion of Mr G Robinson, Mr A J Cluness seconded.

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.

(Representatives of the Media left the Chamber)

157/07 **Proposed Changes to Employment Practice – Ferry Service**

The Council considered a report by the Ferry Services Manager.

Mrs C H J Miller moved that the Council approve the recommendations in the report, Mr G Robinson seconded and the Council concurred.

(Mr A J Cluness declared an interest, as a Member of the Shetland NHS Board, left the Chair, remained in the Chamber but took no part in the discussion)

(Mrs E L Fullerton declared an interest, as the Chairperson of Shetland NHS Board, remained in the Chamber but took no part in the discussion)

(Mr J G Simpson took the Chair)

158/07 **Framework Agreements with NHS Shetland for Joint Capital Projects**

The Council considered a report by the Executive Director of Education and Social Care.

On the motion of Mr J G Simpson, seconded by Mr A G L Duncan, the Council approved the recommendations in the report.

The Executive Director of Education and Social Care, responded to Member's questions.

(Mr A J Cluness and Mrs Fullerton returned to the meeting. Mr A J Cluness resumed the Chair.)

159/07

Employees Joint Consultative Committee held on 25 September 2007

The Council noted the minute of the aforementioned meeting on the motion of Mr G Robinson, Mr C L Smith seconded.

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A J Cluness
Convener