



## MINUTE

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**Shetland Islands Council**  
**Council Chamber, Town Hall, Lerwick**  
**Wednesday 19 March 2008 at 10.00am**

**Present:**

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

**Apologies:**

A J Hughson	F A Robertson
C L Smith	

**In attendance (Officers):**

M Goodlad, Chief Executive  
W Shannon, Assistant Chief Executive  
G Spall, Executive Director - Infrastructure  
G Johnston, Head of Finance  
C Medley, Head of Capital Projects and Housing  
H Sutherland, Executive Director, Education and Social Care  
J R Smith, Head of Organisational Development  
M Dunne, Service Manager – Environmental Health  
S Moncrieff, ICT Unit Manager  
C Chapman, Network Analyst  
N Grant, Head of Community Economic Development  
M Holmes, Coastal Zone Manager  
J R Riise, Head of Legal & Administration  
B C Hill, Acting Divisional Manager/Legal  
L Geddes, Committee Officer  
L Gair, Committee Officer

**Chairperson**

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

**Circular**

The circular calling the meeting was held as read.

## **Declarations of Interest**

The following Members advised of an interest in Agenda Item 6:

Mrs L Baisley,  
Mr J Budge

Mr L Angus  
Mr A T J Cooper

Mrs C J Miller and Mr Robinson declared an interest in Agenda Item 6, as Members of single status steering group.

Mr R C Nickerson declared an interest in Agenda Item 9 as a family member worked for a company who may be involved in the tender process. Dr J W G Wills declared an interest in Agenda Item 12 as he had a business loan with the Shetland Development Trust. Mrs C H J Miller also advised on an interest in Agenda Item 12.

### **29/08      Shetland Islands Council – 7 & 18 February 2008**

Except as undernoted, the Council approved the minutes of the aforementioned meetings, on the motion of Mr Angus, seconded by Mr A J Cluness.

#### **18 February 2008: 27/08 - Mid Yell Junior High School – Contractual Proposals**

Mr I J Hawkins advised that the first sentence in the last paragraph on page 2 ended abruptly and it was suggested that the word “in” be removed before “advanced”. The Council agreed.

### **28/08      Obituary – Mr John Graham**

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

“I would like to say a few words about the late John Graham, who was a Member of this Council from 1982 to 1994.

Many tributes have been paid to John since his recent death – a warrior in world war two, an inspirational teacher and headmaster, a gifted poet and novelist who also gave us a priceless local dictionary, a man with a complete grasp of these islands history, while at the same time passionately committed to this community’s future.

On his election John naturally chaired the Teachers Joint Consultative Committee, and the Library and Museum Committee – and for a while the Leisure and Recreational Committee. He was also Vice-Chairman of the old Education Committee and the Co-ordinating Group on Future Employment.

As a member of the Shetland Movement John was committed to ensuring Shetland should have the funds to cope with all the pressures of the Oil Era and at the same time maintain the highest standards of education and social services into the future.

John was without doubt one of the greatest Shetlanders of his or any other generation – we are unlikely to see his like again.

I move that we send an extract of this Minute to his family”.

The Council unanimously concurred.

30/08 **Members Attendance at External Meetings**

Mr J G Simpson                      Economic and Social Research Council Scotland –  
10/11 March, Aberdeen.

31/08 **Infrastructure Committee – 4 March 2008**

The Council confirmed the minute of the aforementioned meeting, on the motion of Mrs I J Hawkins, with the exception of the following:

Min Ref. 11/08 - Decentralisation Discussion Document

Mr A T J Cooper advised that at paragraph 2 on page 3, reference to “Mr A T J Duncan” should read “Mr A G L Duncan”.

32/08 **Services Committee – 6 March 2008**

The Council confirmed the minute of the aforementioned meeting, on the motion of Mr L Angus, with the exception of the following:

Min Ref. 20/08 Little Tikes – Future Options

Mr J Budge drew attention to page 4 of 6 paragraph (a) and advised that it was discussed and decided that the building should be purpose built by the company named Portacabin.

Min Ref. 16/08 Review of Support to Youth Centres Grant Aid Scheme

Mrs I J Hawkins advised that she had declared an interest, at the meeting, in this agenda item.

33/08 **Executive Committee – 11 March 2008**

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

34/08 **Audit and Scrutiny Committee – 5 March 2008**

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

35/08 **Planning Board – 20 February 2008**

The Council confirmed the minute of the aforementioned meeting on the motion of Mrs L F Baisley.

36/08 **Harbour Board – 21 February 2008**

The Council confirmed the minutes of the aforementioned meetings on the motion of Mr J H Henry.

37/08 **Inter Island Ferries Board – 22 February 2008**

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

38/08 **Licensing Sub-Committee – 6 March 2008**

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

- 39/08      **Lerwick South By-Election**  
The Council noted a report by the Head of Legal & Administration Services/Returning Officer (Appendix 1).
- 40/08      **Appointments to Member Vacancies**  
The Council considered a report by the Head of Legal & Administration (Appendix 2).
- Mrs C J H Miller nominated Dr J W G Wills for appointment to all three internal vacancies. Dr Wills advised that he would not be in a position to accept positions 2 and 3 as his wife was a budget holder within Education. He said he would however be happy to accept appointment on the Audit and Scrutiny Committee. Mr A J Cluness seconded this appointment.
- Mr L Angus nominated Mr J H Henry for the two remaining appointments, 2 and 3, seconded by Mr A J Cluness.
- Mr G Robinson moved that the Council approve the remaining recommendation 5.1(c), seconded by Mrs E L Fullerton.
- (Mrs F B Grains and Mr A G L Duncan attended the meeting)*
- 41/08      **Irrecoverable Debt 2007/08**  
The Council considered a report by the Head of Finance, and approved the recommendations contained in the report on the motion of Mrs I J Hawkins, seconded by Mrs C H J Miller (Appendix 3).
- 42/08      **Offer of Additional Capital Grant for 2007/08**  
The Council considered a report by the Head of Capital Programme and Housing Services, and approved the recommendations contained in the report, on the motion of Mrs E L Fullerton, seconded by Mrs C H J Miller (Appendix 4).
- Mr A T J Cooper drew attention to Appendix B row 3 and queried the meaning of the sentence "...rationalisation of system necessary due to poor system logic". The Chief Executive advised that a response would be sent to Mr Cooper by email.
- Mr W H Manson said that the Health and Safety issues surrounding the use of wind turbines around schools should be resolved quickly in order to get them back into use.
- 43/08      **Shetland's Oil Monies and their Governance**  
The Council noted a report by the Assistant Chief Executive (Appendix 5).
- In response to comments from Members, the Chief Executive said that he would provide an update report, to the next Council meeting, on the status of discussions and issues with industry in relation to Sullom Voe. The Council agreed that it should be a detailed report and be held in private.
- 44/08      **Single Status Update**

The Council considered a report by the Head of Organisational Development (Appendix 6).

Mr R C Nickerson requested that Members be involved in the roadshows and briefings mentioned within the report. Mr J R Smith advised that Members would be invited, and advised that he had provided information on a Roadshow on Thursday and Tuesday, and confirmed he would forward the details by email again.

Mrs C J H Miller moved that the Council approve the recommendations contained in the report. In seconding, Mr G Robinson asked that a further paragraph 10.4 be added that any new posts go through the Single Status Team. Mr Robinson said that new posts impacted on the ability for existing posts to be redesigned, and explained that job redesign meant increasing the workload to match the salary scale. The Chief Executive expressed concern that this would complicate the process and asked that Mr Robinson's suggestion be considered following the report in June 2008. Mr Robinson withdrew his suggestion for a paragraph 10.4 and seconded Mrs Miller's motion.

In response to a query from Dr J W G Wills, the Chief Executive advised that there was a campaign for the Government to pay towards the costs of Single Status, but added that Local Authorities had been left to solve Single Status within existing resources.

The Head of Organisational Development advised Mr A S Wishart that the "strong central steer" mentioned in paragraph 6.4 would come from Council and would depend on final figures presented in the June report.

45/08

#### **Corporate Plan 2008-11**

The Council considered a report by the Head of Organisational Development (Appendix 7).

The Head of Organisational Development, in response to a query advised that the 25,000 population figure was based on having a workforce of 14,000 by 2025/2030 and advised that it would require the population level to be 25,000 to maintain the workforce. He added that this was also in line with the Highlands and Islands population aspirations.

It was queried whether the priority areas were consistent with the rest of the plan, and that the paragraph in page 5 should include products and services. It was also suggested that the refurbishment of the crude tanks should be the responsibility of the Oil Terminal, however in response, it was pointed out that the refurbished tanks could attract new business to the port.

Members expressed concerns that the Corporate Plan was aspirational and it was suggested that the Corporate Plan should not be published before the capital plan had been agreed. It was noted that the reserves had been retained at £250 million and suggested that delivery of the plan would not be possible within that limit.

Mr A G L Duncan said he was pessimistic about what was written in the corporate plan in relation to Agriculture, and outlined examples of why he was of the opinion that 10-15% growth was not achievable. In response, some Members said there was still a future for Agriculture in Shetland however agriculture business may need to refocus their activities.

It was suggested that the corporate plan be rewritten incorporating Members comments, and that it be reduced to plain English to help the public and Members to understand its content.

Mr A S Wishart stated that the corporate plan had been discussed several times by Members and said that it was now time to move forward. He said that the Council should look at more innovative ways of providing infrastructure and services. Mr A S Wishart moved that the Council approve the recommendations contained in the report. Mr G Robinson seconded.

Mr L Angus moved as an amendment that the Council defer a decision on the report for once cycle, stating that the Council could not deliver on the plan, and that the text should be amended. Dr J W G Wills seconded.

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

Amendment (Mr L Angus)	7
Motion (Mr A S Wishart)	12

#### 46/08 **Shetland Single Outcome Agreement**

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

Mrs E L Fullerton said that the only way to deliver the Scottish Government's Concordat on a Single Outcome Agreement was through the Community Planning Partnership. Mrs Fullerton said that the targets were measurable and worthwhile. Mrs E L Fullerton moved that the Council approve the recommendations contained in the report. Mr A J Cluness seconded.

In response to comments regarding the format and language used in the document, the Head of Organisational Development agreed that there would be a lot of work to be done to make the document more understandable.

*(Dr J W G Wills, Mr R C Nickerson and Mr J G Simpson left the Chamber)*

#### 47/08 **Education Management Information System**

The Council considered a report by the ICT Unit Manager (Appendix 9).

The ICT Unit Manager briefly introduced the report and confirmed that recommendation 9.3 would be a 1-year appointment. He advised that the software would be paid for on an annual basis and there was no one off cost. The ICT Unit Manager also confirmed that the costs at paragraph 6.3 and 6.4 included all revenue costs.

Mr A G L Duncan suggested that a Project Officer be sought from within the Council.

Mr W H Manson moved that the Council approve the recommendations contained in the report with the addition that paragraph 6.3 be amended to read "... implementation, on a internal short term appointment." Mr A J Cluness seconded.

48/08      **Review of ICT Security Policy**

The Council considered a report by the ICT Unit Manager (Appendix 10).

Mr L Angus moved that the Council approve the recommendations contained in the report, seconded by Mr G Robinson.

*(Mr A T Doull, Mr R S Henderson, Mr J H Henry and Mr W H Manson declared an interest in the following item)*

*(Mr A T Doull, Mr R S Henderson, Mr J H Henry and Mr W H Manson declared an interest in the following item)*

49/08      **Licensing Standards Officers**

The Council considered a report by the Service Manager – Environmental Health (Appendix 11).

Mr A S Wishart said that he still had concerns and moved that the appointment of a Licensing Standards Officer be referred back to Infrastructure Committee for discussion. Mr J H Henry seconded.

Mrs I J Hawkins advised that she had chaired the previous Infrastructure meeting where the matter had already been debated. She explained that a fuller report had been requested, and in order not to delay a decision further, it was decided that the report be presented for consideration at the Council meeting.

The Service Manager – Environmental Health advised Members that the post of a Licensing Standards Officer was a Legislative requirement, and that the transition period and related work activities had already begun. She said that to defer approval of the post, would result in the workload falling to her service, and advised that there was no scope within her service to carry out the work. The Service Manager Environmental Health advised that following the transition period, a review would be carried out to assess the ongoing workload. She confirmed that the recommendation was that an internal secondment be sought, but if no suitable applicants were received an external appointment would be made.

Mrs I J Hawkins moved as an amendment, that the Council approve the recommendations contained within the report. Mrs E L Fullerton seconded.

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

Amendment (Mrs I J Hawkins)	8
Motion (Mr A S Wishart)	10

50/08      **Economic Development Structures and Decision-making**

The Council considered a report by the Interim Head of Economic Development and Assistant Chief Executive (Appendix 12).

Members discussed the value of input from and recorded their appreciation of independent Trustees on the Development Trust. Mr G Robinson moved the recommendations contained in the report with the addition that officers investigate

how independent input be incorporated into the new structure. Mr R C Nickerson seconded.

The Interim Head of Economic Development clarified that the last sentence in paragraph 3.2 referred to taxation of the Trust and that the Trust were taxed heavily on Assets that the HMRC deemed as “non-trading” activities. He advised that non-trading invested funds in quota models worked out at £200,000/pa tax leakage. (Neil please confirm)

Following further discussions, Mr L Angus, seconded by Mr A T J Cooper moved as an amendment that in addition to the recommendations, that the current Chairperson and Vice-Chairperson of the Shetland Development Trust be appointed as the Chairperson and Vice-Chairperson of the Development Committee. With the support of his seconder, Mr Robinson agreed to include this within his motion

The Chief Executive called for further nominations and as none were received, Mr J G Simpson was duly appointed as Chairperson and Mr A T J Cooper was duly appointed as Vice-Chairperson of the Development Committee. The Council concurred unanimously.

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

51/08     **Employees JCC – 19 February 2008**

The Council noted the minute of the aforementioned meeting, on the motion of Mr L Angus, seconded by Mrs C H J Miller (Appendix 13).

The meeting concluded at 11.35 am.

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A J Cluness  
Convener