

# MINUTE

# A & B

**Special Shetland Islands Council  
Council Chamber, Town Hall, Lerwick  
Wednesday 14 October 2009 at 10 a.m.**

**Present:**

L F Baisley	A T J Cooper
A T Doull	A G L Duncan
E L Fullerton	I J Hawkins
J H Henry	R S Henderson
A J Hughson	J G Simpson
C Smith	

**Apologies:**

L Angus      J Budge  
A J Cluness   F B Grains  
W H Manson   C H J Miller  
R Nickerson   F A Robertson  
G Robinson   J W G Wills  
A Wishart

**In Attendance:**

D Clark, Chief Executive  
H Sutherland, Executive Director – Education and Social Care  
J Riise, Head of Legal and Administration  
A Cogle, Service Manager – Administration

**Also:**

M McCall, Solicitor - Anderson Strathern

**Chairperson**

Mr J G Simpson, Vice-Convener of the Council, presided.

**Circular**

The circular calling the meeting was held as read.

**Declarations of Interest**

Dr J Wills – although absent from the meeting, Dr Wills asked, by letter, for the minute to record his reason for not being present, namely that given the circumstances, it seemed inappropriate for him to take part in discussion of the Investigating Committee's recommendations.

Mrs C Miller – although absent from the meeting, Mrs Miller asked, by e-mail, for the minute to record her reason for not being present, namely her continuing declaration of an interest in the agenda item today.

**In order to prevent the disclosure of exempt information, Mr J G Simpson moved, Mrs L Baisley seconded, in terms of the relevant legislation, to exclude the public during consideration of the following item of business.**

129/09     **Report of the Investigating Committee**

Mr Simpson advised that Mrs B Fullerton and Mr A Duncan were present, but as members of the Investigating Committee, they would leave the meeting once the Council was ready to proceed to make a decision. He advised that Mrs Fullerton, as Chairperson of the Committee, would speak to the report which was to be tabled.

The Chief Executive advised that he would take this opportunity to leave the meeting, whilst the Council made its deliberations.

*[The Chief Executive left the meeting.]*

Mr C Smith said that, not having seen the report of the Investigating Committee, he moved that once Councillors are given the report, the meeting be adjourned for at least an hour to allow time to read and digest its contents. Mr A Hughson seconded.

Mrs I J Hawkins moved as an amendment that no time limit should be put on this but that enough time should be given to allow Members to digest the contents of the report. Mrs L Baisley seconded.

Mr Smith accepted the terms of the amendment, and Members agreed to remain in the Chamber whilst reading the report, and in silence.

Numbered copies of the report were distributed to Members at the meeting [RECORD Appendix 1]. Members read the report and resumed discussion after a period of 25 minutes.

Mr Simpson said that Mrs Fullerton was the Chairperson of the Investigating Committee that had been set up by the Council. He said that Mrs Fullerton would take Members through the report. He also advised that Mr McCall would answer any technical questions on legal matters.

Mrs Fullerton explained the process followed by the Investigating Committee and questions from Members.

*[Mrs Fullerton and Mr Duncan left the meeting.]*

After considerable discussion, during which Mr McCall answered questions for clarification, the Council agreed, on the motion of Mr A Doull, seconded by Mr R Henderson, to adopt the recommendation of the Investigating Committee.

Mr Simpson agreed to relay the outcome to the Chief Executive and to Dr Wills, and to advise them of the comments made by Members towards the end of the meeting today.

All numbered copies of the report were returned by Members at the end of the meeting.

The meeting concluded at 11.15 a.m.

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J G Simpson  
Vice-Convener