

# MINUTES

# B

**Special Shetland Islands Council  
Council Chamber, Town Hall, Lerwick  
Wednesday 27 July 2011 at 10.00am**

## **Present:**

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

## **Apologies:**

A J Cluness	J H Henry
A J Hughson	G Robinson
C L Smith	

## **In attendance (Officers):**

A Buchan, Chief Executive  
G Greenhill, Executive Director – Infrastructure Services  
M Craigie, Head of Transport  
R Moore, Head of Ports and Harbours Operations  
J Riise, Head of Legal & Administration  
A Christie-Henry, Project Manager – Ports for the Future  
A Rolfe, Asset and Properties Manager  
F Bell, Solicitor  
P Peterson, Communications Project Manager  
J Thomason, Management Accountant  
L Geddes, Committee Officer

## **Chair**

Mr J G Simpson, Vice-Convener, presided.

The Chair referred to the tragedy that had recently taken place in Norway. He advised that the Convener had written to the Norwegian Prime Minister, Jens Stoltenberg, expressing the community's condolences, and that the Lord Lieutenant had also written accordingly to the Norwegian Consulate. The Convener agreed to a suggestion that the Council should open a book of condolences for people wishing to convey their sympathies to the people of Norway.

Members observed one minute's silence in memory of the victims.

## **Circular**

The circular calling the meeting was held as read.

**The Convener ruled that due to special circumstances, namely that this is the first opportunity to take legal advice on the possibility of a Judicial Review and that a**

**decision on this matter cannot wait for a later meeting, the following item of business is to be considered at this meeting as a matter of urgency in terms of Subsection 4 of Section 50B of the Local Government (Scotland) Act 1973:**

### **Agenda Item 5 – Potential Scope for Judicial Review**

The Chair agreed to the suggestion that a Press Release should be issued following the meeting in relation to this item.

#### **Declarations of Interest**

##### **Agenda Item 4 – Report on Ports for the Future Project:**

Mrs Fullerton declared an interest and advised that she would take no part in the discussion as she had a close relative employed on the tugs.

Dr Wills advised that he had a close friend and neighbour who worked on the tugs, however this would not affect his ability to take part in the discussion.

Mr Manson declared an interest as Chair of Shetland Towage and said that this should not stop him taking part in the discussion. However if he felt that it did, he would not take part.

Mr Simpson declared an interest as a Director of Shetland Towage.

**Mr Simpson moved that in order to avoid the disclosure of exempt information, the Council resolve to exclude the public in terms of the relevant legislation during consideration of the following item of business. Mrs Miller seconded.**

#### **78/11      Opportunity to Acquire Property**

A report by the Asset & Properties Manager identified an opportunity to purchase residential property in Lerwick.

After a lengthy discussion, Dr Wills moved that the Council do not purchase the property, and Mr Cooper seconded.

Mr Wishart moved that the recommendations in the report be approved, and Mr Duncan seconded.

Mr Wishart clarified that his motion did not intend that the building should be purchased for use as office accommodation, but that he was content to receive further advice in due course as to whether it should be added to housing stock.

Mrs Fullerton gave notice of further amendment.

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

Amendment (Mr Wishart)	12
Motion (Dr Wills)	4

Mrs Fullerton moved that the Council instruct the Asset & Properties Manager to open negotiations for the purchase of the property, subject to the following:

- That the Head of Housing is convinced that the property can be used to alleviate problems caused by the current length of the waiting list

- That a valuation is obtained from a professional valuer which matches the Council's professional valuation

Dr Wills seconded.

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

Amendment (Mrs Fullerton)	3
Motion (Mr Wishart)	11

**Decision:**

The Council **RESOLVED** to instruct the Asset & Properties Manager to open negotiations for the purchase of the property and, if successful, the Legal Services Manager to complete the acquisition of the property.

79/11

**Fetlar Breakwater – Construction Options**

A report by the Head of Capital Programming and Head of Transport provided Members with a progress report on the construction of the Fetlar pier and breakwater, set out a predicted financial outturn, and presented options for additional investment set against the background of current community aspirations.

The Head of Transport responded to a number of queries from Members.

Mr Henderson moved that the Council agree to instruct the contractor to extend the breakwater along the present line, and to consult the ferry crew as the work progresses.

Mrs Baisley seconded.

**Decision:**

The Council **RESOLVED** to instruct the contractor to extend the breakwater along the present line, and to consult the ferry crew as work progresses.

*(Mr Robertson left the meeting during the following discussion)*

80/11

**Scalloway Dredging – Contractual Options**

A report by the Head of Capital Programming and Head of Ports and Harbours Operations explained some emerging issues relating to the volume of material to be removed as a result of the ongoing dredging works in Scalloway Harbour, and set out options available to the Council, the associated implications, and provided a progress report to Members.

The Head of Ports and Harbours Operations responded to a number of queries from Members.

Mrs Hawkins moved that the recommendation in the report be approved, and Mrs Fullerton seconded.

**Decision:**

The Council **RESOLVED** to instruct the Head of Capital Programming to negotiate an amendment to the contract.

*(Mrs Fullerton left the meeting)*

*(Mr Henderson left the meeting during the following discussion)*

81/11 **Report on Ports for the Future Project**

A report by the Executive Director – Infrastructure Services (ISD-05-11-F) requested that the Council make a decision in relation to the reorganisation of the Ports and Harbours Towage Service, following on from earlier reports presented to the Harbour Board and the Council in relation to the reorganisation undertaken by the Ports for the Future Project, and following lengthy consultation and negotiations with regional and local trade union representatives and staff.

The Executive Director – Infrastructure Services and the Head of Ports and Harbours Operations responded to queries from Members.

Mr Wishart moved that the Council defer a decision until further information, as discussed, is available. Mr Angus seconded.

*(Dr Wills left the meeting)*

Mrs Miller moved, as an amendment, that the recommendations in the report be approved and Mr Cooper seconded.

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

Amendment (Mrs Miller)	8
Motion (Mr Wishart)	5

**Decision:**

The Council **RESOLVED**:

- That the Ports for the Future Project proceed with the reorganisation as set out in paragraph 10.4.2 of the report, the Formal Proposal (Appendix 2), and as outlined in paragraph 4.6 of the report.

82/11 **Potential Scope for Judicial Review**

A report by the Head of Legal and Administration (LA-44-F) considered the potential scope for a judicial review of the Government's decision to remove Emergency Towing Vessels.

Mr Wishart moved that the Council approve the recommendations in the report, and Mrs Hawkins seconded.

**Decision:**

The Council **RESOLVED** to:

- Note the content of the report

- Delegate powers to the Chief Executive to explore the legal options that may be available to the Council and to report his findings to the ETV Working Group for consideration. This will be done with advice from the Head of Legal and Administration and in consultation with the Convener and the Leader.

The meeting concluded at 1.25pm.

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Chair