

Shetland Islands Council
Council Chamber, Town Hall, Lerwick
Wednesday 21 September 2011 at 10.00am

Present:

L Angus	L F Baisley
J Budge	A J Cluness
A T J Cooper	A T Doull
A G L Duncan	E L Fullerton
F B Grains	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:

I J Hawkins	J W G Wills
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In attendance (Officers):

A Buchan, Chief Executive
P Crossland, Director of Infrastructure Services
N Grant, Director of Development Services
J Riise, Head of Legal & Administration
H Tait, Service Manager - Management Accountancy
J Robinson, Service Manager – Occupational Therapy
A Cogle, Service Manager - Administration

Also:

T Johnson, Chief Fire Officer

Chair

Mr A J Cluness, Convener, presided.

Circular

The circular calling the meeting was held as read.

Welcome

The Convener welcomed Mr Trevor Jones, Chief Fire Officer, to the Council meeting, noting that he would be providing a presentation to the Council as the first agenda item.

The Convener also welcomed Mr Phil Crossland to his first meeting of the Council as the newly appointed Director of Infrastructure Services.

Declarations of Interest

Mr Nickerson declared an interest in agenda item 6 [Review of Councillors' External Appointments] in terms of any external appointments for KIMO.

83/11 Minutes – 6 July 2011 and 27 July 2011

The Council approved the minutes as a true and accurate record on the motion of Mr Simpson seconded by Mr Angus.

Min. Ref. 81/11 – Report on Ports for the Future Project

In response to queries from Members, the Chief Executive confirmed that this remained an internal relations matter for the Council, but all matters were being addressed with a view to resolving matters satisfactorily.

84/11 Highlands and Islands Fire Board Performance

Presentation by Mr Trevor Johnson, Deputy Chief Fire Officer

A report by the Chief Executive (CE-039-F) provided an overview of the presentation given by Mr Trevor Johnson, Chief Fire Officer, Highlands and Islands Fire and Rescue Service.

The Chief Fire Officer provided the Council with a presentation which gave some information relating to the comprehensive review of the Highlands and Islands fire cover model, and the impact this would have on the provision of stations, equipment and personnel. (A copy of the presentation slides is appended to the report.)

Following the presentation Members raised questions, and various points were noted and considered, summarised as follows:

- Free home fire safety checks were available to individual households and should be encouraged, particularly for elderly people and those living on their own.
- Concern was expressed regarding the withdrawal of funding by the MCA for fire-fighting equipment at sea. Members agreed that the withdrawal of any funding for vital work offshore was regrettable, and would support the Fire Board in retaining the funding.
- Members noted the single force model being promoted at national level although details of its implementation were still unclear.
- The Council noted that the problems the Board faced due to the struggle between financial considerations, the regulatory regime and the duty to protect communities, and that the model being developed would hopefully address the issues and meet community needs.
- The Council noted the possibility of industrial action towards the end of November, and whilst the impact of that was unpredictable, it was also noted that the Council's Emergency Plan could be invoked if necessary.

The Convener thanked the Chief Fire Officer for his attendance and his presentation.

Decision: The Council **NOTED** the presentation by the Chief Fire Officer.

Religious Representatives: Process for Appointments – Education and Families Committee Chair’s Report

A report by the Chair of Education and Families Committee (LA-49-11-F) addressed the statutory requirement to appoint religious representatives to the Education and Families Committee, and sought a decision from the Council on the appointment of the Church of Scotland nominated representative and the process by which the remaining two appointments will be made.

In response to a question regarding the impact of Human Rights legislation, the Head of Legal and Administration reiterated the advice given at the Education and Families Committee, namely that the appointment of religious representatives was still required in circumstances where a committee was established to discharge the functions of the education authority, as was the case under the remit of this Committee. Primary legislation required the Council to make these appointments, and there was no question of this amounting to a breach of Human Rights legislation.

After considerable discussion, the Council accepted that it had no choice in this matter due to legislative requirements, but was of the view that those requirements were out of balance with the size of this Council and the modern approach being taken in general by Councils in relation to their Committee structures, particularly in rural and islands authorities. Mrs Fullerton move that the Council resolve to approve the recommendations in the report and in the terms expressed above. Mrs Miller seconded.

Decision: The Council **RESOLVED** to:

- appoint the nominated Church of Scotland representative to the Education and Families Committee with immediate effect;
- delegate authority to the Head of Legal and Administration to continue consultation with the Shetland Churches Council Trust and the Shetland Interfaith Group, and report back to the next meeting of the Council; and
- that COSLA be approached with a view to seeking a review of the current legislation, or a more proportionate requirement for the Islands authorities.

Review of Community Health Partnerships (CHPs) by Audit Scotland – Social Services Committee Chair’s Report

A report by the Chair of Social Services Committee (CC-03-F) introduced the findings of the review of CHPs by Audit Scotland and sought a decision from the Council for the proposals to move toward further integration of health and social care services in Shetland, where appropriate. Mr Smith moved that the Council adopt the recommendation in the report, seconded by Mr Duncan.

Decision: The Council **RESOLVED** to approve delegated authority to the CHP Committee to undertake a project to identify how the Council and NHS Shetland can further the integration of Health and Social Care services and develop the governance and management arrangements.

87/11

Poverty, Disadvantage and Social Exclusion – Social Services Committee Chair's Report

A report by the Chair of Social Services Committee (CE-036-F) provided an update on poverty and social exclusion activity, and set out further proposals to increase the level of lobbying of issues at a national level. Further to this the report highlighted the prospect of investigating bulk purchase of energy to secure lower prices for individuals. Mr Smith moved that the Council adopt the recommendation in the report, seconded by Mr Duncan.

Decision: The Council **RESOLVED** to:

- further investigate the bulk purchase of energy to secure low prices for individuals and the Council;
- the Chair, Vice-Chair and MSP meet with the Cabinet Secretary with responsibility for looking at poverty, disadvantage and social exclusion, and seek a meeting with the First Minister to put Shetland's case, including the effect the SMID figures have regarding dispersed poverty;
- write to the OFT noting the disparity in fuel prices and the effect it has on all areas of life in Shetland, particularly highlighting fuel poverty; and
- the Chair and Vice-Chair are remitted to work with frontline staff of the CAB, NHS, SIC and the voluntary sector to seek methods of identifying those who will suffer from fuel poverty this winter, and link this in with the review of sheltered housing heating use and report back to the Social Services Committee next cycle.

88/11

Employees JCC Constitution

A report by the Head of Legal and Administration (LA-47-11-F) highlighted a requirement to update the constitution of the Employees Joint Consultative Committee (EJCC) and review the Councillor membership thereof. Mr Angus moved that the Council adopt the recommendation in the report, seconded by Mr Wishart.

Decision: The Council **RESOLVED** to:

- adopt the revised Constitution for the Employees Joint Consultative Committee including: (a) Union membership; and (b) an update to Section 5(i) as stated in paragraph 4.1 of this report;
- end the appointment of the current Councillor Membership of the EJCC and appoint the Convener, Leader and 4 Committee Chairs to the EJCC, with the remaining Executive Committee members as substitutes; and
- delegate authority to the Service Manager – Administration to schedule meetings of the EJCC as part of the Council's meetings diary.

89/11

Review of Councillor's External Appointments

A report by the Head of Legal and Administration (LA-50-11-F) proposed that the Council undertake to review the current external appointments held by Councillor and make re-appointments or confirm the existing appointments, as considered

appropriate. Mr Robinson moved that the Council adopt the recommendation in the report, seconded by Mr Angus.

Decision: The Council **RESOLVED** to:

- approve the suggested COSLA reappointments that align with appointments made under the new Committee structure, and confirmed existing appointments for the remaining organisations; and
- **NOTED** that the Chief Executive had delegated authority to authorise attendance by any Member at external meetings, including as a substitute for an appointed Member to CoSLA