

# MINUTES

**B**

**Special Shetland Islands Council  
Council Chamber, Town Hall, Lerwick  
Monday 20 February 2012 at 12 noon.**

**Present:**

L Angus	A J Cluness
A T J Cooper	E L Fullerton
F B Grains	R S Henderson
A J Hughson	C H J Miller
R C Nickerson	F A Robertson
G Robinson	D Sandison
J G Simpson	C L Smith
J W G Wills	A S Wishart

**Apologies:**

L F Baisley	J Budge
A T Doull	A G L Duncan
J H Henry	

**In attendance (Officers):**

A Buchan, Chief Executive  
D Coupe, Executive Manager – Roads  
B Lawrie, Director of Corporate Services  
J Riise, Executive Manager – Governance and Law  
H Sutherland, Head of Finance  
P Wishart, Solicitor  
L Gair, Committee Officer

**Also present:**

G Greenhill  
R Howie, QC  
D Stewart, Shepherd and Wedderburn

**Chair**

Mr Cluness, Convener of the Council, presided.

**Circular**

The circular calling the meeting was held as read.

The Convener ruled that due to special circumstances, namely that due to the timescales involved, the following item of business would be considered at this meeting as a matter of urgency in terms of paragraph 3.2.2 of the Council's Standing Orders for Meetings.

Agenda item 1 : Extension to Bixter to Aith Phase 2 Capital Road Project.

He advised that this item also contained exempt information.

**Declarations of Interest**

Mrs Grains declared a non-pecuniary interest in item 2.

Mrs Miller declared an interest in item 2 as she is a Member of the Lerwick Port Authority and she advised that she would leave the Chamber during consideration of this item.

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

15/12 **Extension to Bixter to Aith Phase 2 Capital Road Project**

The Council considered a report, circulated by email and tabled at the meeting, by the Executive Manager – Roads.

The Executive Manager - Roads introduced the main terms of the report and in response to queries confirmed that there would be no street lighting installed on this project. He also advised that the footpath had not been prioritised within the footpaths rolling programme, as there was an opportunity within this project to provide them.

Members commented on the improvements to the alignment of the road and visibility that this extension would provide and of the road

Mr Henderson moved that the Council proceed with the extension to the Bixter to Aith Phase 2 owing to the savings as if it is not done it would cost more to do at a later date. He said that the extension made financial sense. Mr L Angus seconded.

**Decision:**

The Council **RESOLVED** that the Extension to the Aith to Bixter Phase 2 Capital Road Project be constructed immediately and that authority be given to the Executive Manager – Roads or his nominee to vary the contract accordingly.

*(Mr Wishart and Mrs Miller left the Chamber)*

16/12 **Lerwick Port Authority: Court Action – Update**

The Council considered a report which was tabled at the meeting by the Executive Manager – Governance and Law.

Mr Cooper moved that the Council accept the recommendations contained in the report, seconded by Mr Smith.

Dr Wills moved that the Council ask the Audit and Scrutiny Committee, when it reviews the report from Internal Audit to consider the matter and report back to the Council. Mr Robinson seconded.

Mr Manson moved as an amendment that the Council adhere to the procedures outlined by the Chief Executive as further steps to be taken. Mrs Fullerton seconded.

Following summing up, voting took place with a show of hands and the results were as follows:

Amendment (Mr Manson) 9  
Motion (Dr Wills) 4

Mr Cooper indicated that he abstained, as his first cousin was heavily involved in it and it was inappropriate for him to vote.

**Decision:**

The Council **RESOLVED** to:-

- a) note the content of the report and appendices, together with the update and advice presented at the meeting;
- b) confirm that Officers should proceed in terms of the delegated authority granted by Infrastructure Committee on 2nd February 2010 and by Council on 28th February but, in order to reflect changes in Council structure and personnel, to delegate authority to the Chief Executive or his nominee, in consultation with the Head of Finance and Executive Manager Governance and Law, to bring the claim to a satisfactory conclusion in the sum specified thereby settling the action or alternatively to defend the matter in court.
- c) agree to the proposal set out in the appendices to the report.

The meeting concluded at 1.45 p.m.

.....  
Chair