



Shetland Islands Council

24 April 2013

## Shetland Local Development Plan – Proposed Plan

Report No. SIC-2404-PL-03

Chair's Report – Development Committee – 27 March 2013

### 1.0 Summary

- 1.1 The purpose of this report is to consider the recommendation from the Chair of the Development Committee in relation to a report requiring a Council decision.
- 1.2 The Committee considered a report which provided an update on the Shetland Local Development Plan (LDP) and representations received during the period for representations.

### 2.0 Decision Required

- 2.1 The Council **RESOLVES** to adopt the recommendation from Development Committee, namely, to
  - Note the representations received;
  - Confirm the work being undertaken, based on the information presented relating to the representations received; and
  - Approve the revised Development Plan Scheme.

### 3.0 Report

- 3.1 The report highlighted the work to produce an up to date and fit for purpose Local Development Plan that meets statutory requirements, national policy and local priorities and aspirations.
- 3.2 The decision on approval of the revised Development Plan Scheme requires a decision of the Council.
- 3.3 Copies of the report have been previously circulated, or can be accessed via the Council's website at the links shown, or by contacting Committee Services.

- 3.4 The Chair will present information to the Council as to any debate or issues that the Committee considered.

#### **4.0 Implications**

- 4.1 Detailed information concerning the proposals are contained within the report already circulated to Members, including the strategic and resources implications for the Council.
- 4.2 There are no additional implications to be considered by the Council, other than those set out in the report.

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For further information please contact:

Alastair Cooper, Chair of Development Committee  
3 April 2013

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#### List of Appendices

None

#### Background documents:

Shetland Local Development Plan – Proposed Plan  
PL-03-13-F

<http://www.shetland.gov.uk/coins/submissiondocuments.asp?submissionid=14293>

END



**Shetland Islands Council**

**24 April 2013**

**Chair's Report – Review of Shetland Islands Council Childcare Provision in Lerwick**

Report No. SIC-2404-E&F-CS-16

**Chair's Report – Education and Families Committee – 20 March 2013**

## **1.0 Summary**

- 1.1 The purpose of this report is to consider a recommendation from the Chair of the Education and Families Committee in relation to a report requiring a Council decision.
- 1.2 The Committee considered a report that presented a review of Shetland Islands Council Childcare Provision in Lerwick. This review was carried out by Jennifer Russell, Consultant, Anderson Solutions. The review took the form of an Options Appraisal. Five options were considered, and the strongest option that emerged was Option 2 - Rationalise Provision. This option would retain the services under Shetland Islands Council ownership and operation but seeks to eliminate inefficiencies in the service delivery. The Committee agreed to recommend this option to the Council.

## **2.0 Decision Required**

- 2.1 That the Council RESOLVES to adopt the recommendation from the Education and Families Committee namely to approve Option 2 – Rationalise Provision, with the addition that there is a presumption against expanding local authority provision in this sector, and that there is a continuing dialogue with partner providers with a view to growing their capacity to cope with growth in this sector.

## **3.0 Report**

- 3.1 The report concluded that the preferred Option emerging from the appraisal is Option 2. This Option proposes the rationalisation of the services which are under review and retaining these as Shetland Island Council owned and operated services.

- 3.2 Copies of the report have been previously circulated, or can be accessed via the Council's website at the links shown, or by contacting Committee Services.
- 3.3 The Chair will present any information to the Committee as to the debate or the issues that the Committee considered.

#### **4.0 Implications**

- 4.1 Detailed information concerning the proposals was contained within the report already circulated to Members, including the strategic and resources implications for the Council.
- 4.2 There are no additional implications to be considered by the Council, other than those set out in the report.

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For further information please contact:

Ms V Wishart, Chair of Education and Families Committee  
15 April 2013

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List of Appendices  
None

Background documents:  
Education and Families Committee – 20 March 2013  
<http://www.shetland.gov.uk/coins/submissiondocuments.asp?submissionid=14235>

END



**Shetland Islands Council**

**24 April 2013**

## **Chair's Report - School Transport Policy**

Report No. SIC-2404-EX-CS-12

## **Chair's Report – Executive Committee – 17 April 2013**

### **1.0 Summary**

- 1.1 The purpose of this report is to consider the recommendations from the Chair of the Executive Committee in relation to a report requiring a Council decision.
- 1.2 The Committee considered a report from the Chair of the Education and Families Committee. The original report presented a reviewed and updated School Transport Policy, which had been reviewed and amended to reflect changes in Scottish Government guidance and to support sustainable school transport. The report recommended that the Committee recommend approval of the updated Policy.
- 1.3 The Executive Committee approved the recommendation from the Education and Families Committee to not approve the Policy update, until after the tenders had been received and evaluated.

### **2.0 Decision Required**

- 2.1 That the Council RESOLVES to adopt the recommendation from the Education and Families Committee and the Executive Committee, not to approve the proposed updated School Transport Policy today and that instead, when tenders are being sought for school transport, they should be based on both the existing School Transport Policy and the proposed updated School Transport Policy. Following receipt of these tenders, further consideration should be given as to whether or not the existing School Transport Policy needs to be updated.

### **3.0 Report**

- 3.1 The original report concluded that approval of the updated School Transport Policy would meet the Scottish Government's guidance regarding the promotion of active travel and safety improvements that were issued after the last update of the School Transport Policy, along

with supporting the Council's own strategic goal to meet reductions in budget spending levels.

- 3.2 However Members of the Education and Families Committee were concerned at the timing of the report, particularly as the tenders were being advertised on Friday 22 March, in advance of any decision by the Executive Committee and the Council. Concern was also expressed that any anticipated savings as a result of approval of the updated Policy could not be quantified until the tender documents had been returned.
- 3.4 The Chair will present any further information to the Committee as to the debate or the issues that the Committee considered.

#### **4.0 Implications**

- 4.1 Detailed information concerning the proposals was contained within the report already circulated to Members, including the strategic and resources implications for the Council.
- 4.2 There are no additional implications to be considered by the Council, other than those set out in the report.

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For further information please contact:

Mr G Robinson, Chair of Executive Committee  
17 April 2013

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#### List of Appendices

None

#### Background documents:

Executive Committee – 17 April 2013

<http://www.shetland.gov.uk/coins/submissiondocuments.asp?submissionid=14326>

END



Shetland Islands Council

24 April 2013

## **Chair's Report - Getting It Right For Every Child Policy**

Report No. SIC-2404-EX-CS-11

### **Chair's Report – Executive Committee – 17 April 2013**

#### **1.0 Summary**

- 1.1 The purpose of this report is to consider the recommendation from the Chair of the Executive Committee in relation to a report requiring a Council decision.
- 1.2 The Executive Committee considered a Chair's report from the Education and Families Committee. The original report presented a policy document that had been prepared by the Implementation Group which had been set up to refresh local practice and take an action plan forward, following the review of Shetland's progress in implementing GIRFEC which was carried out in 2012.

#### **2.0 Decision Required**

- 2.1 That the Council **RESOLVES** to adopt the recommendation from the Executive Committee, namely approval of the draft Getting it Right for Every Child Policy.

#### **3.0 Report**

- 3.1 The report concluded that the Getting it Right for Every Child Policy will enable Shetland Partnership agencies with responsibility for delivery of services to children to respond consistently and timely to children's needs. It will secure better partnership working to secure improved outcomes for any child in need of support.
- 3.2 If approved, work will commence in producing supporting guidance documents for service providers delivering services to children and training will be planned and delivered during summer and autumn 2013.

- 3.3 The Chair will present any information to the Committee as to the debate or the issues that the Committee considered.

#### **4.0 Implications**

- 4.1 Detailed information concerning the proposals was contained within the report already circulated to Members, including the strategic and resources implications for the Council.
- 4.2 There are no additional implications to be considered by the Council, other than those set out in the report.

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For further information please contact:

Mr G Robinson, Chair of Executive Committee  
17 April 2013

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#### List of Appendices

None

#### Background documents:

Executive Committee – 17 April 2013

<http://www.shetland.gov.uk/coins/submissiondocuments.asp?submissionid=14328>

END





Shetland Islands Council

24 April 2013

## Chair's Report – Policy on Contributing to Your Support

Report No. SIC-2404-EX-CC-09

## Chair's Report –Executive Committee – 17 April 2013

### 1.0 Summary

- 1.1 The purpose of this report is to consider the recommendations from the Chair of the Executive Committee in relation to a report requiring a Council decision, via a recommendation from the Executive Committee.
- 1.2 The Committee considered a report from the Chair of the Social Services Committee. The original report presented proposals to introduce a policy that would require customers of Community Care to contribute to the cost of their care, where they can afford to do so. It also set out the timescales in which to implement the policy. The Executive Committee supported the recommendation from the Social Services Committee.

### 2.0 Decision Required

- 2.1 That the Council **RESOLVES** to approve the recommendations from the Executive Committee, namely to:
  - introduce a policy that requires people to contribute to the cost of their care, where they are financially able to do so;
  - support the taper level(s) proposed and the rates identified for charges for services and Direct Payment Rates for 2013/14 to be used within our community engagement events, as an indicator only; and
  - That, following community engagements, a further report on these matters will be presented to the next Committee cycle, with a view to implementation from 1 July 2013.

### **3.0 Report**

- 3.1 The original report concluded that designing and implementing this policy is a significant underpinning of Community Care being able to successfully operate within its set budget. Every service within Community Care has significant efficiency measures and redesign plans.
- 3.2 Not successfully operating within agreed budgets puts pressure on further draw on reserves, other Directorates and current service provision.
- 3.3 Copies of the report have been previously circulated, or can be accessed via the Council's website at the links shown, or by contacting Committee Services.
- 3.4 The Chair will present any information to the Committee as to the debate or the issues that the Committee considered.

### **4.0 Implications**

- 4.1 Detailed information concerning the proposals was contained within the report already circulated to Members, including the strategic and resources implications for the Council.
- 4.2 There are no additional implications to be considered by the Council, other than those set out in the report.

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For further information please contact:

Mr G Robinson, Chair of Executive Committee  
17 April 2013

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#### List of Appendices

None

#### Background documents:

Executive Committee – 17 April 2013

<http://www.shetland.gov.uk/coins/submissiondocuments.asp?submissionid=14334>

END



Shetland Islands Council

24 April 2013

## Review of the Registration Service in Shetland

Report No. SIC-2404-GL15

**Chairs' Report – Executive Committee – 17 April 2013**

### 1.0 Summary

- 1.1 The purpose of this report is to consider recommendations from the Chair of the Executive Committee in relation to a report requiring a Council decision.
- 1.2 The Committee considered a report which sought determination as to the future provision of the Registration of Births, Deaths and Marriages Service in Shetland. The report recommended that the Council adopt option 2 in the report, namely to cease all rural Registrar posts, and require all registrations in Shetland to be carried out in Lerwick.
- 1.3 Following a vote, the Executive Committee agreed not to recommend option 2, but to recommend option 3a with the exception of Bressay.

### 2.0 Decision Required

- 2.1 The Council **RESOLVES** to adopt the recommendations from the Executive, namely to adopt the proposals outlined in Option 3a, with the exception of Bressay, and a further report will be presented as to how the Council's decision will be implemented, a review of terms and conditions, and how the Service will be funded.

### 3.0 Report

- 3.1 The report proposed that in view of the legislative context and considerations outlined earlier in the report, the Council agree to cease all rural Registrar posts, and require all registrations in Shetland to be

carried out in Lerwick. In support of this, the report concluded that there is a need for the Council to consider the impacts on the Registration Service with regard to:

- Duplication of work due to the requirement for all manual entries to be input electronically at the Lerwick office;
- Requirements to improve performance;
- Promotion of other services which the Registration Service can offer;
- Subsequent increase in ICT provision and training; and
- Requirements to find budgetary savings.

As stated earlier, and following a vote, the Executive Committee agreed not to recommend option 2, but to recommend option 3a with the exception of Bressay. The Committee noted that if this was agreed, a further report would come back as to how the decision would be implemented, including consideration as to the use of other Council premises as alternatives to Registrars' homes.

- 3.3 Copies of the report have been previously circulated, or can be accessed via the Council's website at the links shown, or by contacting Committee Services.
- 3.4 The Chair will present information to the Council as to any debate or issues that the Committee considered.

#### **4.0 Implications**

- 4.1 Detailed information concerning the proposals are contained within the report already circulated to Members, including the strategic and resources implications for the Council.
- 4.2 There are no additional implications to be considered by the Council, other than those set out in the report.

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For further information please contact:

Gary Robinson, Chair of Executive Committee  
17 April 2013

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#### List of Appendices

None

#### Background documents:

Report No. GL-15-13-F

<http://www.shetland.gov.uk/coins/submissiondocuments.asp?submissionid=14336>

END



Shetland Islands Council

24 April 2013

## **2013-14 Budget Proposal – Pension Fund**

Report No. SIC-2404-F023

### **Chairs' Report – Executive Committee – 17 April 2013**

#### **1.0 Summary**

- 1.1 The purpose of this report is to consider recommendations from the Chair of the Executive Committee in relation to a report requiring a Council decision.
- 1.2 The Committee considered a report which presented the budget proposals for the Pension Fund.

#### **2.0 Decision Required**

- 2.1 The Council **RESOLVES** to adopt the recommendation from the Executive Committee, namely to approve the budget proposals for 2013-14.

#### **3.0 Report**

- 3.1 The report advised that as part of the reporting framework, it was agreed with Audit Scotland in the 2011/12 audit, that a budget would be produced for the Pension Fund for 2013/14. Prior to 2011/12, the Pension Fund formed part of the Shetland Islands Council Annual Report and Accounts. The Pension Fund now has a separate Annual Report and Accounts produced.
- 3.2 The report concluded that the budget proposal contained within the report is to cover the administration of the Shetland Islands Council Pension Fund. There is an anticipated net income to the Pension Fund of £7.437m.

- 3.3 Copies of the report have been previously circulated, or can be accessed via the Council's website at the links shown, or by contacting Committee Services.
- 3.4 The Chair will present information to the Council as to any debate or issues that the Committee considered.

#### **4.0 Implications**

- 4.1 Detailed information concerning the proposals are contained within the report already circulated to Members, including the strategic and resources implications for the Council.
- 4.2 There are no additional implications to be considered by the Council, other than those set out in the report.

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For further information please contact:

Gary Robinson, Chair of Executive Committee  
17 April 2013

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#### List of Appendices

None

#### Background documents:

Report No. F-023

<http://www.shetland.gov.uk/coins/submissiondocuments.asp?submissionid=14337>

END



Shetland Islands Council

24 April 2013

## **Community Councils – Financial Position**

Report No. SIC-2404-F025

### **Chairs' Report – Executive Committee – 17 April 2013**

#### **1.0 Summary**

- 1.1 The purpose of this report is to consider recommendations from the Chair of the Executive Committee in relation to a report requiring a Council decision.
- 1.2 The Committee considered a report which informed Members of the position of the 2011/12 Community Council Annual Accounts, in accordance with the grant scheme approved in March 1999, and approve the grant payments for 2013/14.

#### **2.0 Decision Required**

- 2.1 The Council **RESOLVES** to adopt the recommendations from the Executive Committee, namely to:
  - approve payment of the Community Council grants for 2013/14, totalling £158,048; and
  - not to remove the 10% surplus, from the four Community Councils holding a surplus.

#### **3.0 Report**

- 3.1 The report concluded that the grant is being paid out in accordance with the Community Council Scheme in line with the budget set by Council on 20<sup>th</sup> February 2013.

- 3.2 Although there are significant closing balances on the Community Council accounts, there is also a high level of commitments and ring fenced funding, leaving only £13,816 of unallocated resources.
- 3.3 Four Community Councils have an excess of 10% grant surplus, Bressay (£962), Nesting & Lunnasting (£179), Sandness & Walls (£1,779) and Skerries (£317). These Community Councils declared outstanding commitments as set out in the report.
- 3.4 Copies of the report have been previously circulated, or can be accessed via the Council's website at the link shown, or by contacting Committee Services.
- 3.5 The Chair will present information to the Council as to any debate or issues that the Committee considered.

#### **4.0 Implications**

- 4.1 Detailed information concerning the proposals are contained within the report already circulated to Members, including the strategic and resources implications for the Council.
- 4.2 There are no additional implications to be considered by the Council, other than those set out in the report.

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For further information please contact:

Gary Robinson, Chair of Executive Committee  
17 April 2013

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#### List of Appendices

None

#### Background documents:

Report No. F-025

<http://www.shetland.gov.uk/coins/submissiondocuments.asp?submissionid=14338>

END





Shetland Islands Council

24 April 2013

## ICT Strategy 2013-18

Report No. SIC-2404-ICT02

### Chairs' Report – Executive Committee – 17 April 2013

#### 1.0 Summary

- 1.1 The purpose of this report is to consider a recommendation from the Chair of the Executive Committee in relation to a report requiring a Council decision.
- 1.2 The Committee considered a report which presented the Council's ICT Strategy for the 5 years from 2013 – 2018, outlining plans and costs for four main strands of work:
  - PC/LAN
  - Schools ICT
  - SPSNet (Shetland Public Service Network)
  - Photocopiers
- 1.3 The funding for the ICT Strategy has already been approved as part of the Capital Programme.

#### 2.0 Decision Required

- 2.1 The Council **RESOLVES** to adopt the recommendation from the Executive Committee, namely to approve the ICT Strategy 2013 -18.

#### 3.0 Report

- 3.1 The report concluded that the ICT Strategy can be summarised as making the most of the ICT assets we have, and exploring how we can use technology in the future for further efficiencies and savings.

- 3.2 Copies of the report have been previously circulated, or can be accessed via the Council's website at the link shown, or by contacting Committee Services.
- 3.3 The Chair will present information to the Council as to any debate or issues that the Committee considered.

#### **4.0 Implications**

- 4.1 Detailed information concerning the proposals are contained within the report already circulated to Members, including the strategic and resources implications for the Council.
- 4.2 There are no additional implications to be considered by the Council, other than those set out in the report.

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For further information please contact:

Gary Robinson, Chair of Executive Committee  
17 April 2013

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List of Appendices  
None

Background documents:  
Report No. ICT-02

<http://www.shetland.gov.uk/coins/submissiondocuments.asp?submissionid=14339>

END



Shetland Islands Council

24 April 2013

## **Chair's Report - Discretionary Top-ups for Adaptations to Private Houses - Community Care Service**

Report No. SIC-2404-SSC-CC02

**Chair's Report – Social Services Committee – 29 March 2013**

### **1.0 Summary**

- 1.1 The purpose of this report is to consider a recommendation from the Chair of the Social Services Committee in relation to a report requiring a Council decision.
- 1.2 The Committee considered a report that described the background to discretionary Top-ups for adaptations to private houses for people with disabilities. It outlines the guidelines from the Scottish Government in terms of implementing the Housing (Scotland) Act 2006, and the implications of removing the top-ups.

### **2.0 Decision Required**

- 2.1 That the Council RESOLVES to adopt the recommendation from the Social Services Committee namely to:
  - remove the automatic 20% top-up towards disabled adaptations in order to contribute towards the council's mid-term financial plan;
  - continue to award discretionary top-ups where the adaptation is for a disabled child;
  - grant delegated authority to the Director of Community Care to award discretionary top-ups in situations of severe hardship.
  - instruct the Executive Manager of Occupational Therapy to issue a statement in terms of Section 72 of the Act to advise the public of the new arrangements for the availability and amount of assistance in the event that the Council approves any alteration to the Scheme of Assistance.

### **3.0 Report**

- 3.1 The report concluded that the local authority has been awarding 100% grants for adaptations automatically without considering whether clients are able to contribute themselves. Social Services Committee are requested to approve the removal of the automatic entitlement to a discretionary top-up. On previous year's figures this should release approximately £40K recurring annual in savings for a full year. However, due to delayed implementation, and outstanding referrals, the figure is estimated to be £36,000 for 2013/14.
- 3.2 The local authority has duties under community care legislation to assess need and provide or purchase a range of services to meet assessed need. This report considers alternative ways of assisting people who are not in receipt of income related benefits and are unable to afford the remaining costs of the adaptations required to meet their assessed needs.
- 3.3 Copies of the report have been previously circulated, or can be accessed via the Council's website at the links shown, or by contacting Committee Services.
- 3.4 The Chair will present any information to the Committee as to the debate or the issues that the Committee considered.

### **4.0 Implications**

- 4.1 Detailed information concerning the proposals was contained within the report already circulated to Members, including the strategic and resources implications for the Council.
- 4.2 There are no additional implications to be considered by the Council, other than those set out in the report.

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For further information please contact:

Mr C Smith, Chair of Social Services Committee  
15 April 2013

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List of Appendices  
None

Background documents:  
Social Services Committee – 29 March 2013  
<http://www.shetland.gov.uk/coins/submissiondocuments.asp?submissionid=14257>

END



**Shetland Islands Council**

**24 April 2013**

**Chair's Report – Shetland College Board – Membership Update**

Report No. SIC-2404-SCB-DSD-05

**Chair's Report – Shetland College Board – 21 March 2013**

## **1.0 Summary**

- 1.1 The purpose of this report is to consider a recommendation from the Chair of the Shetland College Board in relation to a report requiring a Council decision.
- 1.2 The Committee considered a report that requested the Board to approve an advertisement for recruitment of two independent Board members.

## **2.0 Decision Required**

- 2.1 That the Council **RESOLVES** to adopt the recommendation from the Shetland College Board, namely to:
  - agree a local advertisement, as amended, for recruitment of two independent Board members;
  - to amend the Board's constitution to allow such two members to be appointed; and
  - that an appointment panel should be convened to consider the applications, and to make the appointments. The panel to consist of the Chair and Vice Chair of the Board, and the Convener and Leader of the Council.

## **3.0 Report**

- 3.1 Copies of the report have been previously circulated, or can be accessed via the Council's website at the links shown, or by contacting Committee Services.

- 3.2 The Chair will present any information to the Committee as to the debate or the issues that the Committee considered.

#### **4.0 Implications**

- 4.1 Detailed information concerning the proposals was contained within the report already circulated to Members, including the strategic and resources implications for the Council.
- 4.2 There are no additional implications to be considered by the Council, other than those set out in the report.

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For further information please contact:

Mr D Ratter, Chair of Shetland College Board  
15 April 2013

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#### List of Appendices

None

#### Background documents:

Shetland College Board – 21 March 2013

<http://www.shetland.gov.uk/coins/submissiondocuments.asp?submissionid=14262>

END

**Shetland Islands Council****24 April 2013****Nominations to Lerwick Port Authority**

GL-16-13-F

**Report Presented by  
Executive Manager – Governance and Law****Corporate Services Department****1.0 Summary**

- 1.1 The purpose of this report is to enable the Council to nominate 3 persons to the Board of Lerwick Port Authority [LPA].

**2.0 Decision Required**

- 2.1 That the Council RESOLVES to appoint 3 persons to the Board of Lerwick Port Authority.

**3.0 Detail**

- 3.1 Lerwick Port Authority is an independent trust port governed by its own legislation and directed by 11 Board Members. As a Trust Port, the harbour is operated commercially by the Port Authority which, although not publicly funded, is accountable to the wider Shetland community, as well as harbour users.
- 3.2 Membership of the Lerwick Port Authority consists of 3 persons nominated by shipowners, 3 persons nominated by business ratepayers and 3 persons nominated by the Council. The Chief Executive and Deputy Chief Executive of LPA are ex-officio members.
- 3.3 All nominees are required to complete an application form. Council nominees are also required to complete a Declaration of Interests form for submission with their application. A copy of those forms, and a copy of the Guidance notes for applicants, are attached as Appendix 1.
- 3.4 Council nominees can be any person provided that their main place of residence is in Shetland. The existing Members are eligible to be nominated again [Jim Budge, Jim Henry and Caroline Miller].

However, the convention in the past has been to nominate serving elected Members with experience in representing wider community interests. The closing date for nominations is 31 May 2013.

- 3.5 The nominations will be considered by an appointing body by 7 June 2013. The appointing body shall decide which applicants shall be appointed as Members. The appointing body consists of the following 3 persons:
- Chairman of LPA;
  - The Convener of Shetland Islands Council (or his nominee); and
  - An independent person who is not a Member of LPA who shall be nominated by the Members of LPA.
- 3.6 The term of office of persons nominated by the Council and appointed by LPA in 2010 will cease on 2 July 2013. The newly appointed Members will take up their positions at this date, for a period of 3 calendar years. The first scheduled meeting of the LPA is the Annual General Meeting to be held on 16 July 2013.
- 3.7 LPA have asked the Council to note that Transport Scotland published new Trust Port Guidelines for Scotland in November 2012 – “Modern Trust Ports for Scotland – Guidance for good governance”. LPA state that “the narrative under 2.9.2 is of relevance to the nominations to be made by Shetland Islands Council for Members of Lerwick Port Authority which the Council may wish to consider.”
- 3.8 A copy of the Guidance can be accessed through the link shown at the end of this report. An extract of Section 2.9 from the Guidance is attached as Appendix 2. Although the “Guidance” does not have the status of statutory prescription, adherence to paragraph 2.9.2 in particular would suggest that current serving members on the Council’s Harbour Board should not be nominated for consideration by the appointing body.

## **4.0 Implications**

### Strategic

- 4.1 Delivery On Corporate Priorities – The subject of this report is not directly linked to any of the Council’s corporate or community priorities.
- 4.2 Community /Stakeholder Issues – No community or stakeholder consultations are required.
- 4.2 Policy And/Or Delegated Authority – The nomination referred to in this report, has not been delegated to any Committee, and therefore a decision of the Council is required.
- 4.3 Risk Management – No strategic or operational risks to the Council have been identified.
- 4.4 Equalities, Health And Human Rights – No issues have been identified.
- 4.5 Environmental – None.



## Resources

- 4.6 Financial – There are no financial implications for the Council. Any expenses incurred by the Council's nominees will be paid directly by LPA.
- 4.7 Legal – None.
- 4.8 Human Resources – None.
- 4.9 Assets And Property – None.

## **5.0 Conclusions**

- 5.1 The Council is asked to consider nominating 3 persons to the Board of Lerwick Port Authority.

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For further information please contact:

*Anne Cogle, Team Leader - Administration*

01595 744554 [anne.cogle@shetland.gov.uk](mailto:anne.cogle@shetland.gov.uk)

17 April 2013

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### List of Appendices

Appendix 1 – LPA Application Form, Register of Interest Form and Guidance Notes

Appendix 2 – Section 2.9 of Extract from “Modern Trust Ports for Scotland – Guidance for good governance”

### Background documents:

Trust Port Guidelines

<http://www.transportscotland.gov.uk/files/documents/reports/j249946/j249946.pdf>

END



**LERWICK PORT AUTHORITY**  
**Application as Board Member**  
**Shetland Islands Council Nominees Sector**

APPLICATION FORM

1. Application as nominee of Shetland Islands Council
2. Full Name .....
3. Address .....  
.....  
.....
4. Biographical Information of Applicant – complete page attached\* or append separate CV.
5. Signature of Applicant .....
6. Date .....
7. Please enclose:
  - i) this page
  - ii) biographical information or CV

# **STRICTLY PRIVATE AND CONFIDENTIAL**

## **LERWICK PORT AUTHORITY**

### **DETAILS OF MEMBERS AND THEIR INTERESTS**

SURNAME:

CHRISTIAN NAMES:

SPOUSE'S CHRISTIAN NAMES:

HOME ADDRESS:

HOME TELEPHONE NUMBER:

BUSINESS ADDRESS:

BUSINESS TELEPHONE NUMBER:

POSITION HELD IN BUSINESS:

OTHER DIRECTORSHIPS HELD:

OTHER BUSINESS INTERESTS HELD:

INTEREST IN LAND OR PROPERTY BELONGING TO LERWICK PORT AUTHORITY:

OTHER INTERESTS (eg public hall committee membership etc):

FAMILY MEMBERS – WHERE APPLICABLE HAVING AN INTEREST (OR INTERESTS) IN COMPANIES OR ORGANISATIONS HAVING A BUSINESS RELATIONSHIP WITH LERWICK PORT AUTHORITY:

# LERWICK PORT AUTHORITY

## GUIDANCE NOTES FOR APPLICANTS NOMINATION AND APPOINTMENT OF BOARD MEMBERS 2013 SHETLAND ISLANDS COUNCIL SECTOR

1. All persons applying to become Board Members of Lerwick Port Authority must submit an application form to the Authority by 31 May 2013.
2. For the sector of persons nominated by Shetland Islands Council, applicants must be nominees of the Council. The Council may decide on its nominees at the full Council meeting on 20 May 2013, or an earlier meeting if appropriate.
3. Valid Applications received by the Authority by the closing date of 31 May 2013 will be considered by an appointing body.
4. The appointing body may interview such of the applicants as it sees fit.
5. Please note the appointing body will have particular regard to the following considerations:-
  - i) the special knowledge, experience or ability of applicants to contribute to the efficient and economic discharge by Members of their functions noting the Authority's Policy and procedures for handling conflicts of interest
  - ii) the special knowledge, experience or ability of applicants in one or more of the following matters:

Management of harbours; shipping or other forms of transport; the fishing industry; sailing and other water-related leisure activities; navigation; industrial, commercial or financial matters; administration; the oil industry; safety; personnel management; environmental matters affecting harbours; local community interests.
6. The appointing body shall decide which persons, who have applied under the nominees of Shetland Islands Council sector, shall be appointed as Members of Lerwick Port Authority. Prior to taking up the appointment, applicants are required to sign Declarations.
7. Any Application by a candidate may be withdrawn in writing by the applicant.
8. Applications, together with the necessary enclosures, should be addressed to the undersigned. The closing date for receipt of Applications is 31 May 2013.

Sandra Laurenson  
Chief Executive  
Lerwick Port Authority  
Albert Building  
Lerwick  
Shetland  
ZE1 0LL

Email: [info@lerwick-harbour.co.uk](mailto:info@lerwick-harbour.co.uk)



## “2.9 Probity and Interests

2.9.1. Prudent management requires that every trust port should be subject to the direction and management of a board that is fit for purpose. Individual board members should also be 'fit and proper' persons. Suitability can be determined with regard to an individual's competence, probity, soundness of judgement, personal reputation and character, and diligence. It can also be determined by whether membership of an individual would or does pose a threat to the interest of the whole including all the stakeholders. Suitability is for the board to consider before an appointment is made, and for the chairperson and executive to consider on a continuing basis and certainly before reappointment is recommended.

2.9.2. As a general rule, any board member who has previously been dismissed from any trust port board should not be considered for appointment. Neither should any applicant who is bankrupt or has a criminal conviction remaining unspent. An appointee should not be a current or recent member of another trust, company or local authority port board, where the other port might be viewed as a direct or indirect competitor of the appointing body

2.9.3. All candidates short listed for board appointment should be asked to complete a screening questionnaire disclosing their interests and answering other questions about their fitness to serve.

2.9.4. One of the commonest complaints levelled at members of trust port boards and their executives by members of the public is that they are not acting in an independent and impartial manner. Candidates who declare a potential conflict of interest should not be automatically debarred. However, should they be short listed, they should be able to demonstrate an ability to act in an independent manner in the interest of the trust port to the satisfaction of the selection panel. Appropriate questions would need to be asked to determine whether there is a genuine conflict of interest and whether it would hamper an individual's compliance with the requirements of board membership and the national standards.

2.9.5. In accord with Government best practice, all trust ports should maintain a register of interests for its board. The information provided by appointees in their screening questionnaire should form the basis of their entry. This should be freely open to inspection by the public on request. It is the responsibility of the chairperson, chief executive and individual members to ensure that it is kept up to date. In addition all trust ports should, through the chairperson and chief executive provide members with guidance and help them to identify and register what may constitute a conflict of interest and what action would be appropriate to resolve it.

2.9.6. Registers of interest should include: pecuniary and non-pecuniary interests of members, their close family and associates which relate closely to the port's activities ; and hospitality or gifts that could not be considered insignificant accepted by the board member or close family associated with the port and its operations.

2.9.7. Key elements of the register should be published in the annual report. Failure to disclose an interest otherwise discovered should be a matter for formal censure by the board, supported by a written warning from the chairperson or chief executive in the first instance. Further lapses (depending on seriousness) should be considered as grounds for termination.

2.9.8. In the course of board business it is possible that a member's declared interest may present a conflict with the matter under discussion. In these circumstances, board members must declare such conflicts of interest either before or at the board meeting in advance of any discussion of the item concerned, and must offer to withdraw. The chairperson, in consultation with the board, should decide whether or not a conflict does arise, and if it does, should ask the member to withdraw from the meeting for the duration of the item, or invite them to stay if they can contribute on a factual basis only. The fact that a member has declared an interest and the way in which this is handled should be recorded in the minutes.

2.9.9. The principles relating to conflict of interest should not apply to exclude the members of any consultative or advisory committee created or routinely consulted by the board.

2.9.10. As with declaration in the register, if it is subsequently discovered that a participating member failed to declare a relevant interest in the course of conducting board business, the chairperson should consult the chief executive to decide what action is merited in the interests of accountability and probity. Such action should, at the very least, result in a formal censure by the board. Further lapses (depending on seriousness) should be considered as grounds for termination.”

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END OF EXTRACT





**Shetland Islands Council****24 April 2013**

<b>Constitutional Reform</b>	
Report No: CE-01-F	
<b>Report by: Chief Executive</b>	<b>Chief Executive's Department</b>

## **1.0 Summary**

- 1.1 The Scottish Government is holding an Independence referendum on 18 September 2014. The Government has labelled this process as "Scotland's most important decision for 300 years".
- 1.2 This piece of potentially major constitutional reform offers significant opportunities for Shetland, but, equally recognised, also presents possible threats.
- 1.3 The purpose of this report is to keep Members informed of progress on work being done through the Council's Constitutional Reform project, and crucially, focus that project on to the next phase of delivery.

## **2.0 Decisions Required**

- 2.1 The Council is requested to:
  - 2.1.1 review and discuss the issues being highlighted in the report; and
  - 2.1.2 note and comment on the approach being put forward at section 4.

## **3.0 Detail**

- 3.1 A project was set up in February 2013 with an aim of assisting the Council to order its thinking on potential constitutional reform, and ensure regular liaison was taking place with Western Isles and Orkney Islands Councils. The project has the following objectives.
  - 3.1.1 To consider the relevance, potential impact and opportunities posed by possible constitutional reform.

In particular:

- what relevance does potential constitutional change have to Shetland and the Shetland Islands Council?
- what does the Council need to think about and plan for?
- the opportunities for Shetland arising from the independence debate
- what Shetland could wish for from possible constitutional debate
- are there any threats to the ZCC Act from independence?
- the position taken by the Council at previous referendums
- constitutional status of other islands groups
- joint accord with the other islands groups
- opportunities to work together with OIC and Western Isles to strengthen common causes

3.1.2 These objectives aligned very closely with those of the Member-Officer Working Group in Orkney.

3.1.3 Ultimately, our main objective from this project is to ensure that we secure the best outcome for Shetland, regardless of the independence referendum result.

3.2 A Project Board was established consisting of the Chief Executive, Director of Corporate Services, Convener and Political Leader. In order to drive forward the delivery of the project, a Project Team was also established and has met twice.

3.3 A SWOT (Strengths, Weaknesses, Opportunities and Threats) analysis was carried out with elected Members on 11 March 2013. MSP for Shetland, Tavish Scott was in attendance and participated in that exercise. The outputs from the SWOT were analysed by the Project Team, and have been used as the main basis for section 4 of this report.

3.4 Having completed this first phase of the project, we are now entering a crucial second phase through to July 2013, which must involve reaching out to the wider Shetland public and focusing of our lobbying activity onto a few areas of highest importance. That said, we must always retain the flexibility to make the most out of any changes that may arise.

## **4.0 Proposals**

### **Lobbying strands**

4.1 During the lifetime of this project, views have been gathered from senior management and Members on the areas that they feel are most important for Shetland and present us with the highest likelihood of successful negotiation. These can be summarised into a number of distinct strands:

- A greater local role in all aspects of inshore marine resource management and utilisation.
  - Ongoing and extended participation in the very significant Oil and Gas exploitation which continues to be carried out around Shetland.
  - The effective development of Shetland's world class renewable energy resources with genuine community participation and benefits.
  - Potential changes to fiscal arrangements to allow Shetland to benefit more directly from the exploitation of local resources.
  - Recognition at EU level of Shetland's status.
  - More local influence on external and internal Transport arrangements to obtain better solutions in light of our geography.
  - Better local decision making and greater efficiency opportunities arising from public sector reform.
- 4.2 Three recurring features, mentioned during discussions, link these strands together:
- 4.2.1. Shetland must seek to retain its position as a distinct islands authority post-referendum. If there is to be a Scottish Constitution, this must make specific provision for island authorities.
- 4.2.2. All of the powers currently devolved to Shetland must be protected.
- 4.2.3. Shetland's interests would be better served if it had a greater ability to influence and control its own affairs.
- 4.3 The underpinning argument for devolution of powers is that decisions being taken by local bodies that are closer to the people of the area and know the particular challenges being faced, represents an altogether more democratic system of government.
- 4.4 This ability to create and deliver solutions appropriate to local need unpins social justice and creativity. Constitutional change cannot just be about transfers of power between Westminster and Edinburgh, but must extend across Scotland's communities.
- 4.5 These general points will be taken as the underpinning drivers for the Council's position going forward.

### **Developing lobbying strategies**

- 4.6 In order to be able to deliver an effective lobbying strategy during the window that is presented over the next few months, it is proposed that more detailed work is carried out on the seven areas outlined in section 4.1 (and any other areas that Members identify).
- 4.7 The purpose of this would be to:
- 4.7.1. clarify the detail around the current position on each theme
- 4.7.2. understand what would be the most beneficial outcome for Shetland to lobby/negotiate on.

- 4.7.3. formulate an effective lobbying strategy for each strand, to ensure we give ourselves the best possible chance of achieving a positive outcome during the coming months.
- 4.8 With a tight window of opportunity to make Shetland's voice heard, it will be important that we now move things forward from the discussion stage, to deliver a tangible and deliverable set of lobbying points.
- 4.9 Shetland is in a favourable position in that it has the Zetland County Council Act 1974. The project needs to understand more fully the powers that provides Shetland and the opportunities for providing a vehicle through which some of these desires could be achieved. We also have potential strength through our community planning arrangements, the 'Shetland Partnership'. The future confidence to present as "one Shetland" in negotiations with the UK or Scottish Government, with strong and effective partnership working, will be an important factor in achieving meaningful results.

### **Wider engagement**

- 4.10 At the same time as this piece of work is being carried out, it is proposed that attempts are made to engage with the wider community on what they see as the significant issues for Shetland and the things we must lobby for. Public debate on this within Shetland has so far been reasonably muted. However, Members have made the point that it will be important to understand more fully the views of the community and that this information can help provide another layer of strength to any negotiations / lobbying with government.
- 4.11 Details for community engagement will be clarified over the next few weeks. However, at this stage, it is proposed that a toolkit be circulated to all Community Councils as a practical way of getting them involved in analysing the subject and feeding in their views.
- 4.12 In order to bring the issues into focus, it is also proposed that a public debate be organised, with a panel of keynote speakers. It is hoped that this would stimulate further discussion and debate. A number of avenues for public comments will also be created, including a simple web-based survey.
- 4.13 For clarification purposes, the engagement exercise would focus solely on the areas Shetland should seek to lobby/negotiate on, and will not seek to influence a "yes" or "no" vote in the referendum.
- 4.14 During discussions with Western Isles and Orkney Islands Councils, a proposal has been developed to hold a conference on the subject of constitutional reform. Although still at the planning stage, it is likely this will take place in August this year.

## 5.0 Implications

### Strategic

- 5.1 Delivery On Corporate Priorities – Securing the best for Shetland, now and in the future, is at the heart of Shetland Islands Council's and the Shetland Partnership's objectives. Maximising the opportunities and managing the risks in significant constitutional reform is key to that.
- 5.2 Community /Stakeholder Issues – The next phase of this project will include engagement opportunities for the public, partner organisations, stakeholders in the widest sense. A key to delivering a successful lobbying strategy will be the strength that comes from community buy-in.
- 5.3 Policy And/Or Delegated Authority – The implications of this potential scale of constitutional reform could affect any of the arrangements with the Council's Policy framework and indeed the Council's constitution itself. Approving, adapting or amending any plan within the policy framework is reserved to full Council (Part A - 3(1)).
- 5.4 Risk Management – This potentially major constitutional reform offers potentially significant opportunities for Shetland, but equally recognised, also present possible threats. Fundamentally this whole exercise is about strategic risk management and specific risk assessments will need to be part of individual option appraisals.
- 5.5 Equalities, Health And Human Rights – No specific implications at this stage.
- 5.6 Environmental – No specific implications at this stage.

### Resources

- 5.7 Financial – It is likely that some expenses and research expenditure will be necessary to progress this project effectively. Estimates of those costs are not possible at this stage but would be considered and reported against the 2013/14 contingency budget held by Finance under the approved arrangements.
- 5.8 Legal – No specific Legal issues at this stage however specialist legal opinion may well be required as various options need to be evaluated.
- 5.9 Human Resources - No specific Human Resources issues identified at this point.
- 5.10 Assets And Property – None.

## 6.0 Conclusions

- 6.1 This report has sought to update Members on progress being made through the Constitutional Reform project. Specifically, it focuses

lobbying activity going forward on to seven areas and sets out a programme for wider engagement with the community.

For further information please contact:

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*Tel: 01595 744538 Email: [peter.peterson@shetland.gov.uk](mailto:peter.peterson@shetland.gov.uk)*

*15 April 2013*

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List of Appendices

None

**Shetland Islands Council****24 April 2013**

<b>Change Programme</b>	
Report No: CRP-02-F	
<b>Report by: Director of Corporate Services</b>	<b>Corporate Services</b>

## **1.0 Summary**

- 1.1 The Change Programme is about delivery of the key changes this Council has to make to meet its service priorities within the constraints of its medium term financial strategy.

## **2.0 Decisions Required**

- 2.1 The Council RESOLVES to review and endorse the arrangements to support the delivery of the Change Programme as set out in this report.

## **3.0 Detail**

- 3.1 The Council's financial savings and overall improvement programme is entering a new phase. Much work has been done in recent months to identify where changes must be made to get the Council onto a sustainable financial footing. We have also identified where work remains to be done to ensure we have the right arrangements in place to deliver Best Value.
- 3.2 This year will concentrate on managing a very large and complex programme of change to realise those objectives. It is the "Action" phase and it has to create a culture shift that acknowledges that delivery is the only option.
- 3.3 The Change Programme will help Directorates to deliver;
- Their significant savings projects in line with the Councils Medium Term Financial Plan
  - The significant service changes identified in Corporate/Directorate and Service Plans
  - The overall culture shift needed to make this happen.

- 3.4 The Change Programme will provide;
- Programme management arrangements that set out monitoring, reporting, escalation and remediation arrangements
  - A standard project management approach and recording and reporting arrangements for the management of individual projects
  - Support for services as they undertake change projects
  - Organisational and management development activities to build capacity for effective change management
  - Support and development for Council management to increase the Council's capacity to lead and deliver change now and in the future.
- 3.5 A copy of the project initiation document which gives further details of how the Change Programme is organised is available as a background document.
- 3.6 A draft list of the projects being managed within the scope of the Change Programme is available as a background document.

## **Implications**

### Strategic

- 4.1 Delivery On Corporate Priorities – The Change Programme is about the delivery of the key changes this Council has to make to meet its service priorities within the constraints of its medium term financial strategy.
- 4.2 Community /Stakeholder Issues – To promote the success of the Change Programme it is important to demonstrate a culture of striving together to achieve success as this is key to ownership and progress. This will involve briefing all relevant staff, as well as elected Members on it so that everyone understands the objectives of the programme and their place in the Change Programme. Progress updates should be provided through “Team Brief” and ‘In the Loop’. This will include noting particular successes so that services get credit for progress.
- 4.3 Union Engagement and Involvement – The Change Programme will integrate its operation with existing staff engagement arrangements including Employees Joint Consultative Committee, Human Resources Partnership Group and Local Negotiating Committee for Teaching Staff. In addition the inclusion of a dedicated Union representative on the Programme Team is also being considered after a request from Unions.
- 4.4 Policy And/Or Delegated Authority – The Councils constitution – Part A Governance - specifies the Executive Committee as the managing body for the Corporate Plan, which the Change Programme will become the delivery vehicle for, but decision making responsibility is reserved to the Council.
- 4.5 Risk Management – . Failure to deliver and embed the projects in the Change Programme increases the risk of the Council failing to meet its service delivery and financial objectives.



4.6 Equalities, Health And Human Rights – None.

4.7 Environmental – None.

### Resources

4.8 Financial – Budget provision to support the delivery of the Change Programme is included in the 2013/14 contingency budget held by Finance.

4.9 Project Support - Each project will be supported if implementation problems arise or timescales slip and a systematic monitoring process will be put in place. The Performance and Improvement service will undertake these roles and the Project Board will ensure it is supported with sufficient capacity.

A trouble shooting resource to help deal with bottlenecks and blockages has been identified and engaged under the provisions of Council Standing Orders (H2, e). on a part time basis to support the Change Programme.

Specific skills such as LEAN / Prince / Kaisen will need to be utilised in some of the changes and further training for key staff will be required.

Dedicated Union membership of the Programme Team may require backfilling arrangements which may have financial consequences.

4.10 Legal – It is possible that external resources may be required in these and potentially other areas for specific items of specialist advice. The additional resource requirement will become apparent over time but it is anticipated this will be delivered within existing resources.

4.11 Human Resources - Dedicated Finance and HR resource will be seconded to the Programme so that there is consistency of approach and also so that Finance and HR staff are not overwhelmed by trying to support delivery of the Change Programme as well as undertake day to day work.

4.12 Assets And Property – None.

## **5.0 Conclusions**

5.1 The Council is committing itself to a very significant change programme through decisions made in its Medium Term Financial Plan, 2013/14 Budget, Directorate Plans, Improvement Plan and the Shetland Single Outcome Agreement. Delivery of this scale and the required pace of change will be very challenging and must be managed effectively.

5.2 The programme management arrangements will ensure a consistent and effective approach to the work required to deliver the Change Programme for the Council and the community.

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For further information please contact:

*John Smith – Executive Manager – Improvement and Performance*

01595 744513

[jrsmith@shetland.gov.uk](mailto:jrsmith@shetland.gov.uk)

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Appendices

None.

Links to Background documents:

The Change Programme - Project Initiation Document

The Change Programme – List of Projects

**Shetland Islands Council****24 April 2013****Community Development Fund 2013/14**

Report Number: DV012-F

**Report Presented by Executive Manager –  
Community Planning & Development****Development Services Department  
Community Planning &  
Development Service****1.0 Summary**

- 1.1 The purpose of this report is to advise Shetland Islands Council of progress on the work to develop a new grant scheme for the 'ring fenced' Community Council budget and seek approval on draft scheme guidelines.

**2.0 Decision Required**

- 2.1 That Shetland Islands Council RESOLVES:
- 2.1.1 To approve the draft Community Development Fund grant application guidelines;
  - 2.1.2 To note the next steps and timetable in the new scheme development;
  - 2.1.3 To award delegated authority to the Chief Executive, or his nominee, to approve the assessment criteria and to approve the final Community Development Fund Guidelines, subject to minor amendments following feedback; and
  - 2.1.4 To award delegated authority to the Executive Manager – Community Planning & Development, or her nominee, to approve grant payments within the scheme guidelines, subject to available budget.

### 3.0 Detail

- 3.1 On 20 February 2013, Shetland Islands Council agreed to ring fence a 30% reduction in funding to Community Councils and establish a scheme whereby Community Councils and Community Development Groups can apply for grant funding towards projects [Min Ref 09/13].
- 3.2 Guidelines for a Community Development Fund grant aid scheme have subsequently been drawn up as detailed in Appendix 1.
- 3.3 If Shetland Islands Council approve the guidelines, additional work will be needed to finalise the assessment criteria to be applied to the Community Development Fund.
- 3.4 As part of the scheme development it would be normal practice to seek feedback from those groups eligible to apply to the grant scheme on the scheme criteria and application procedures. The Community Grant section will therefore contact Community Councils and Community Development Companies during late April and early May.
- 3.5 The policy and associated documentation can then be finalised by mid May. If delegated authority for approval of the final guidelines is awarded to the Chief Executive, the scheme will be open for applications immediately after approval. Alternatively the policy can be presented to Council on 5 June 2013 for consideration and approval, and will be open to applications thereafter.

### 4.0 Implications

#### Strategic

- 4.1 Delivery On Corporate Priorities – The new grant scheme will support communities to develop and deliver projects that meet community needs and make a lasting difference in the community. The scheme criteria will be aligned with the priorities in the Single Outcome Agreement and Council's Corporate Plan.
- 4.2 Community /Stakeholder Issues – Feedback will be sought from Community Councils and Community Development Companies on the scheme criteria i.e. what will and will not be funded, and the application process.
- 4.3 Policy And/Or Delegated Authority – The establishment of new policy is a matter reserved to Shetland Islands Council.

Delegated authority to the Chief Executive is sought to approve the guidelines, subject to minor changes following feedback.

Delegated authority to the Executive Manager – Community Planning & Development is sought to approve grant payments under the scheme, in line with available budget.

- 4.4 Risk Management – Failure to develop robust transparent guidelines and assessment criteria could expose the Council to the risk of challenge.
- 4.5 Equalities, Health And Human Rights – None.
- 4.6 Environmental – None.

#### Resources

- 4.7 Financial – The total budget available for the Community Development Fund for 2013/14 is £68,000. This formed part of the Cost Pressures and Contingencies budget approved in The Council Budget Book 2013-14 on 20 February 2013.
- 4.8 Legal – None.
- 4.9 Human Resources – Once finalised and approved, the scheme can be administered by the Council's Grants Co-ordinator and the Grants Assistant, by reprioritising workloads, at no additional cost to Shetland Islands Council.
- 4.10 Assets And Property – None.

### **5.0 Conclusions**

- 5.1 Draft scheme guidelines have been developed for the new Community Development Fund, which will be funded by the 30% reduction in funding to Community Councils.
- 5.2 Consultation with the groups eligible to apply to the scheme will be required, before finalising the policy for approval.
- 5.3 The earliest the scheme will be open for applications is mid May or following the next Council meeting on 5 June 2013.

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For further information please contact:

Vaila Simpson, Executive Manager – Community Planning & Development  
Phone: 01595 744375  
E-mail: [vaila.simpson@shetland.gov.uk](mailto:vaila.simpson@shetland.gov.uk)

Date: 12 April 2013

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#### List of Appendices

Appendix 1 – Community Development Fund 2013/14 Grant Application Guidelines.

#### Background documents:

None.

END



## **Community Development Fund 2013/14 – DRAFT Grant Application Guidelines**

This is a grant aid scheme designed to support Community Councils and Community Development Companies to further the aims and objectives of their organisation in the geographical area of Shetland for which they are constituted and which are in line with the Single Outcome Agreement and Council's Corporate Plan.

This grant scheme supports Community Councils and Community Development Companies to deliver services, activities and initiatives in relation to the priority areas of children and young people; families at risk; older people; transport; safer & stronger communities; reducing offending; health inequalities & physical activity; employment and economic recovery & growth.

We hope this scheme makes a real difference to the quality of life for people living in Shetland and would encourage organisations to be both imaginative and innovative in designing bids which will impact positively on as many members of their respective communities as possible.

### **What our grants are for –**

This grant scheme aims to support projects and activities that: -

- Encourage participation in community life, in particular those focusing on children, young people, older people and those most disadvantaged
- Assist in the process of sustaining and regenerating fragile rural areas
- Ensure organisations are open to those who want to take part and that they actively encourage more people into their organisation
- Promote individual and community achievement

We expect all funded applications to demonstrate that: -

- It meets a community need
- It represents value for money
- It is well planned
- There are long term benefits
- It makes a difference to the community
- The project expenditure can be accounted for

### **Who can apply?**

You can apply for a Community Development Fund Grant if: -

- You are a Community Council, constituted prior to 1 April 2013; **OR**
- You are a Community Development Company constituted with an open constitution prior to 1 April 2013
- You are based in Shetland
- You are a non-profit making organisation

- You have a constitution or set of rules which clearly defines your organisation's aims, objectives and procedures
- You have a bank or building society account in the name of your organisation which requires at least 2 signatures on each cheque or withdrawal
- You can enclose your most recent annual accounts which have been certified as true by a person independent of your organisation
- You can draw down the grant by 30<sup>th</sup> March 2014 and spend the grant within a year

## **Constitutions**

A constitution should include

- An organisation's name, aims and objectives
- Details of how it achieves those objectives
- Details of how its committee is elected or appointed
- Details of how people can join the organisation
- Details of what will happen to the assets of the organisation if it closes
- The date when the constitution was adopted and signed on behalf of the organisation

## **How do we apply / making an application**

It is a requirement of this scheme that all applications for grant assistance are submitted at least two full months prior to your project commencing.

All applications received will be acknowledged within 5 working days identifying any further information required to complete the application. All applications requiring further information must be completed within a maximum period of two months from the date of receipt of the original application.

Applications are available on the Council's website at [http://www.shetland.gov.uk/grants/about\\_grant\\_aid.asp](http://www.shetland.gov.uk/grants/about_grant_aid.asp) and can be submitted electronically.

Alternatively an application pack can be requested or collected from your local Community Work Office or the Grants Unit – see contact details on page 6.

You should also contact staff at the earliest opportunity to discuss your organisation's project eligibility and to get assistance with completing the application form.

## **What can we apply for?**

We will consider providing 'seed corn' funding to, or 'pump priming' projects in the area covered by your organisation, which are related to the following priority areas: -



children and young people; families at risk; older people; transport; safer & stronger communities; reducing offending; health inequalities & physical activity; employment and economic recovery & growth

We will not fund: -

- General running costs that sustain current activity
- Items that only benefit an individual
- Loan or endowment payments
- Projects with no long-term sustainability
- Second hand vehicles and second hand equipment (unless valued or certified by an independent / qualified assessor)
- Projects / activities that have already taken place
- Business or commercial ventures
- Fundraising expenses
- Meals and subsistence costs
- General entertainment costs
- Schools projects or costs for competing in Schools competitions

### **How much can we apply for?**

There is no minimum grant specified for this scheme. However eligible organisations can only apply for up to 50% of eligible costs up to a maximum grant of £5,000. Unless in exceptional circumstances, you will be expected to match fund projects from your own funds.

There is no restriction on the number of applications you can make within the year, but you will be restricted to one grant per project, and each project will only be eligible for a single grant.

Please note that we will not award more than the amount you request in your application. If you are unsure about how much funding you can apply for, please contact the Grants Unit in advance of submitting your grant application for guidance and assistance.

### **Application Process**

Once you have completed your grant application in full, attached all the necessary documents and worked through the checklist, please send the completed application form and enclosures to either the Grants Unit or your local Community Work Office for processing and consideration.

- On receipt of your application we will check if it is complete and ensure all the necessary information has been enclosed.
- We will acknowledge receipt of your application within 5 working days or return your application if not complete, and will let you know what else you need to do.

- Your completed application will be assessed and you will be informed of the decision in writing in no more than 6 weeks of receiving the completed application.
- Successful applications will be issued with a grant offer letter and acceptance docquet.
- Once your organisation has accepted the terms and conditions of the grant and returned the acceptance letter the grant will be paid in full directly into your organisation's bank account.
- All approved grant assistance must be claimed by no later than 31 March in the Council financial year it is awarded.
- You must comply with grant conditions and use the grant only for the purpose set out in your application form.
- You must complete a Project Evaluation form and a certification of expenditure form together with details of all relevant expenditure within 12 months of the date of the grant offer letter.

### **If your grant application is unsuccessful**

We will tell you the main reasons why in a letter within 6 weeks of receiving the completed application. You may also find it useful to contact the Grants Unit as appropriate for advice and further assistance.

Following receipt of the explanation your organisation may wish you to revise your Community Development Fund grant application form and resubmit it or appeal the original decision.

If you want to appeal the decision to refuse your application, then a letter of appeal should be submitted to the Grants Unit within three months of the date that you were notified of this decision.

### **Data Protection Act 1998 / Freedom of Information (Scotland) Act 2002**

The Shetland Islands Council is registered as a Data controller in terms of the Data Protection Act 1998. The information provided by you will be stored by the council on a central electronic database and will be used in a number of ways by different departments of the Council when processing any funding applications made by your organisation. The information will not be transferred outwith the council without your explicit consent. Please contact us if you have any queries about how your information will be used.

The Freedom of Information (Scotland) Act 2002 gives members of the public the right to request any information that we hold. The council regularly releases information about grant awards and information regarding your application may be made available to the public. Any personal information provided will be processed in accordance with the Data Protection Act 1998.

## Protection of Vulnerable Groups requirements

From 1<sup>st</sup> April 2011, if your organisation is applying for grant assistance from this scheme, your organisation will need to decide whether you have anyone (staff or volunteers) involved in 'Regulated Work' with children (and/or protected adults)\*. If your organisation has individuals involved in 'Regulated Work' then those individuals will need to apply to become a member of the PVG Scheme, and your group must also have policies and procedures in place that adequately cover child protection and welfare issues.

You will need to decide whether or not your group has individuals involved in 'Regulated Work' with children and young people under the age of 18, and/or 'Regulated Work' with protected adults (from the age of 16, generally, in receipt of specified services)\*.

If either of these conditions applies to your group, then you will need to ensure that you have in place all of the following: a Child Protection Policy and Child Protection Procedures; Code of Conduct for staff and volunteers; an Equal Opportunities Policy. Templates for these documents are available from the Council's Community Planning and Development service or at [www.shetland.gov.uk/childsafeshetland/Grantaiddtemplate](http://www.shetland.gov.uk/childsafeshetland/Grantaiddtemplate) and must be approved and signed by committee members of your group. Your organisation must undertake a PVG Scheme Membership check when appointing staff, volunteers or helpers who are doing 'Regulated Work' to make sure they are not barred from working with children/protected adults and as part of checking their suitability for the particular post.

\*There are various stages to go through to decide whether someone is doing 'Regulated Work'. The Child Safe Shetland website [www.shetland.gov.uk/childsafeshetland](http://www.shetland.gov.uk/childsafeshetland) includes links to sources of help in particular a self-assessment tool produced by Disclosure Scotland which will help you work through the various stages.

[http://www.disclosurescotland.co.uk/pvg\\_training/self-assessment/](http://www.disclosurescotland.co.uk/pvg_training/self-assessment/)

In case of doubt, you may wish to seek further advice from either the Central Registered Body for Scotland (CRBS), on 01786 849777, or Disclosure Scotland on 0870 609 6006. Contact details for local support on this subject and more information are available on the Child Safe Shetland website.

Help is also available from your local Community Work Office or from Voluntary Action Shetland, who undertake free checks for volunteers.

## Other considerations

- The total value of the Community Development Fund is £68,000
- No applications can be considered for expenditure already incurred, except with the prior agreement of the Director of Development Services.
- All grant offers are subject to the Shetland Islands Council's approved grant conditions and availability of finance.
- The fund is cash limited. Once the fund is fully subscribed there shall be no further funding made available in the current year.

- Applications shall be assessed strictly on merit.
- Applicants should seek other sources of funding prior to applying for a Community Development Grant. Advice and assistance is available on other sources of funding from the Grants Unit or your local Community Work Office.
- In the event that your actual project expenditure is underspent your organisation may be required to repay part of the grant assistance back to Shetland Islands Council. If this happens you will be contacted in writing and asked to repay the identified underspend.
- Any grant assistance not spent within one year will be repaid to Shetland Islands Council unless the Director of Development Services has agreed otherwise.
- Groups with savings, reserves, cash or investments greater than £10,000 may not be considered for grant assistance if they are unable to confirm that these funds are restricted or designated funds for a specific purpose.
- All Council grant awards must be acknowledged on all publicity and marketing material.
- Your organisations contact details must be included in the Council's online Community Directory and you will be responsible for making any changes to your organisation's details as necessary. If you have not joined the Community Directory please contact the Grants Unit for information, or look up the website at <http://www.communitydirectory.shetland.gov.uk/>

### **Service pledges**

In order to improve service delivery of the department's various grant aid schemes we have the following service pledges:

- The Grants Unit will provide accurate information about their grant aid schemes and application procedures.
- All grant application forms requested will be sent out within 2 working days.
- All grant application forms received will be acknowledged within 5 working days.
- All organisations receive a decision on completed grant application forms within 6 weeks\*
- All organisations that have had a grant application rejected will receive a written explanation of why it was unsuccessful.
- All organisations that have had a rejected grant application advised in writing have the right to appeal against the decision.

\*Please note this timescale only applies to grant Schemes that are delegated to officers within the Council's Community Planning and Development Service

### **Contact details**

Staff at the following offices are available to give advice and guidance on your project and with the completion of grant applications. You should contact staff at the earliest opportunity and prior to completing a grant application.

*Insert details*

**Shetland Islands Council****24 April 2013****Inter Island Ferry Review – Issues Associated with Option to Base the Vessel “Filla” in the Skerries**

Report Number : ISD-08-13-F

**Director of Infrastructure Services****Infrastructure Services Department****1.0 Summary**

- 1.1 On 04 February 2012 the Council considered the Inter Island Ferry Service Review report (Min. Ref. 01/13) and resolved to implement the package of measures detailed in the report. One of these measures was the proposal to base the Skerries ferry “Filla” in Skerries instead of Symbister, Whalsay.
- 1.2 The purpose of this report is to bring to Members attention the material changes that have occurred since the Council took this decision which means that this option is not deliverable. The report considers alternative options and recommends an alternate service change that will achieve a similar level of savings, to ensure that the overall savings identified in the Inter Island Ferries Review are delivered.

**2.0 Decision Required**

- 2.1 It is recommended that Council approve that the Skerries ferry continues to be berthed overnight in Symbister, Whalsay with a reduced timetable and crew compliment as detailed in paragraph 4.7.

**3.0 Detail**

- 3.1 The Inter Island Ferry Service Review Report considered by Council on 04 February 2012 highlighted the potential risks associated with the proposal to berth the vessel “Filla” in the Skerries. At both the Employees Joint Consultative Committee and Council concerns were expressed about this. At the meeting the Director of Infrastructure Services acknowledged that this option was the higher risk option and may be difficult to deliver, however, at that time on balance it was felt that it gave a better level of service to the community.
- 3.2 As a result of the concerns expressed at both the Council and Employees Joint Consultative Committee meetings and the concerns

which continue to be expressed during the formal staff consultation period, an independent risk assessment was commissioned from Spencer Marine Consulting Ltd through Caledonian Maritime Assets Ltd. This is a company wholly owned by the Scottish Government which owns the ferries, ports and harbours and infrastructure necessary for ferry services serving the islands off the West coast of Scotland and in the Clyde Estuary. They were tasked with assessing the risk associated with berthing the vessel overnight in the Skerries (Appendix 1).

3.3 This risk assessment concludes that:

“The major risk occurs when there is a combination of Southerly winds over a Southerly swell. The likelihood of excessive movement of an unmanned vessel with unattended moorings is inevitable. Due to the extra size of the ‘Filla’ this increases the potential for severe damage to occur to either or both the vessel and pier. The outcome is potentially to render the vessel unseaworthy or the ramp unusable. At worst there is the potential for oil pollution or the vessel breaking free and grounding. Without significant improvements to the current infrastructure and efforts to reduce the swell culture, I would have grave reservations in leaving any vessel at this pier. Also without alleviating the swell culture it would be difficult to design a mooring system that would sit comfortably within a Safe Management System (SICSMS) and satisfy an external audit.

I would go further to say even if the vessel was manned continuously, when such conditions occur no Master would sit alongside and would put to sea to seek shelter elsewhere.

I would also suggest that it would be difficult to gain insurance cover both for the Hull and Machinery or any Third Party Liability. Or the cost in improvements would be prohibitive if the vessel was required to sit here unmanned.”

3.4 Enquiries have been made with the Council’s insurer and they have confirmed that they are in agreement with conclusions contained within the survey report in that such mooring should not be contemplated. Furthermore they have confirmed that, given the content of the report, their insurance cover would indeed be prejudiced for any unmanned stay at this berth in any conditions.

3.5 In addition to the risks associated with the proposal to base the vessel in the Skerries it has become clear during the formal consultation period with Trades Unions and affected staff that it would not be possible for the Council to crew the vessel from within existing resources. The option of redeploying staff to be based 2 weeks out of every 3 in the Skerries and having to reside there would not constitute reasonable alternative employment and as such were the Council to implement this change this may be considered grounds for constructive dismissal and the Council may become liable for compensation in that regard.

3.6 The only option available to implement this change would be a voluntary redeployment and the existing staff have confirmed that this

is not an option they consider acceptable. As a result the Council would be in the position of having to recruit and train a suitably qualified and competent crew from outwith the Council and may face the need to also pay additional severance cost for an additional 6 staff which would be an unbudgeted additional cost of between £266,000 and £395,000.

- 3.7 Whilst these risks were identified in the Inter Island Ferry Service Review Concluding Report further work has been undertaken to quantify these risks and it is now clear that these risks are very significant and cannot be insured against. This additional information represents a material change which requires the Council to reconsider its decision as the agreed option is now considered to be undeliverable.

#### **4.0 Alternative Options**

- 4.1 In order for Ferry Services to deliver the savings needed to meet the requirements of the Medium Term Financial Plan it is necessary to consider alternative options to deliver a similar level of saving to that which would have been achieved were the option of basing the vessel in the Skerries deliverable.
- 4.2 The following alternative options to achieve the savings required have been considered:
- Recruiting a new crew.
  - Removing the Ro-Ro service from Papa Stour and redeploy “Snolda” onto the Skerries Route.
  - Community enterprise.
  - Externalising the route – operator to provide vessel – indemnify Shetland Islands Council from damage to pier / linkspan.
  - Continue to base the ferry in Symbister but with a reduced timetable and crew compliment.

#### **4.3 Recruiting a New Crew**

- 4.3.1 In this option it would be necessary to recruit one Master, one Mate / Relief Master, one Mate, 2 Engineers and 2 Deckhands. These staff would require the necessary certification, be willing to live in Skerries for 2 weeks out of 3 and be capable of working without immediate supervision. It may be possible to recruit some of these crew within Skerries but this may have an adverse effect on other employers within the Isle. The newly recruited staff would not be immediately available as the “Filla” is a complex vessel and the route to Skerries requires local knowledge. There would be an ongoing challenge to sustain a locally based crew.
- 4.3.2 This option would require an additional 6 existing staff being released adding additional unbudgeted severance costs to the Council of between £266k and £395k.
- 4.3.3 Whilst this option would overcome the crewing difficulties it does not address the main issue which is the lack of a safe overnight berth for a vessel and as such the Council would still be facing an unacceptably high uninsurable risk associated with basing

the vessel in the Skerries and as such this option is **not recommended**.

#### **4.4 Removing the Ro-Ro Service from Papa Stour and Redeploy the “Snolda” onto the Skerries Route**

- 4.4.1 The Inter Island Ferry Services Review report presented to Council on 04 February 2013 contained a number of possible savings “packages”. The agreed package was Package “A” which included berthing the Skerries ferry overnight in Skerries. A second package, Package “B” was similar but included removing the Ro-Ro service from Papa Stour and redeploying the vessel “Snolda” to Skerries. This option was financially proven to make savings greater than in Package “A”.
- 4.4.2 Reverting to this option now would be going back on the commitment of the service to Papa Stour and also as part of the community engagement process this option was opposed by the majority of the Skerries community as they were clear that they do not consider the “Snolda” as a suitable vessel for the needs of the community.
- 4.4.3 This option would partially mitigate the risks associated with berthing a vessel the size of the “Filla” overnight within the Skerries, it would not totally remove the risks as there will be conditions when this vessel could not safely lie in the Skerries. Furthermore, this option would also not address the crewing issue identified above and would still require the release of existing crew and the recruitment of a new crew.
- 4.4.4 This option is **not recommended** as it would not give the required service to either Skerries or Papa Stour and would not address the issues highlighted in section 3 of this report.

#### **4.5 Community Enterprise**

- 4.5.1 Another way to allow the Skerries ferry to be based in Skerries could be for the Council to outsource the operation and associated risks to the local community to run the service. Although, it is anticipated that the level of certification required for the community to run the “Filla” would be unrealistic and also it would still be putting the Council’s vessel and terminal infrastructure at risk, unless some form of indemnity could be provided by the community enterprise company, however, this is considered very unlikely to be achievable.
- 4.5.2 It may be possible that the level of certification may be achievable for a vessel such as the “Snolda” if it were to be modified so that it fell within the work boat code. However, as with the previous option this would be going back on the commitment of the service to Papa Stour and as previously discussed the option of the “Snolda” was opposed by the majority of the Skerries community.



- 4.5.3 Again as with 4.4.3 this option would only partially mitigate the risks associated with berthing a vessel within the Skerries and as such this option is **not recommended**.

#### **4.6 Externalising the Route – Operator to Provide Vessel – Indemnify Shetland Islands Council from Damage to Pier / Linkspan**

- 4.6.1 One way for the Council to mitigate the risks of basing a vessel in the Skerries would be to outsource the service through a tender process with a contract that required the operator to indemnify the Council against damage to its infrastructure and for the operator to provide a suitable vessel, and for the crew to be recruited by the contractor and to be based in Skerries.
- 4.6.2 It is not considered likely that a private operator would find the risks associated with berthing a vessel the size of the “Filla” in the Skerries as acceptable, and as such would be likely to wish to use a much smaller vessel to mitigate these risks. This is unlikely to be acceptable in terms of level of service to the Skerries community as they have been clear that they wish to retain the capabilities of a vessel such as the “Filla”.
- 4.6.3 It is also considered that the costs associated with providing a vessel and indemnifying the Council against damage to its infrastructure would mean that the costs associated with this option would be unlikely to deliver the necessary savings. Furthermore, should significant damage occur to the pier or linkspan this would lead to a very significant period of disruption where it would not be possible to operate a Ro-Ro service for the community. This option is **not recommended**.

#### **4.7 Continue to Base the Ferry in Symbister but with a Reduced Timetable and Crew Compliment**

- 4.7.1 The proposal to base the vessel in the Skerries assumed a total crew compliment of 6 crew. If this level of crewing was maintained but the vessel continued to be berthed in Symbister and the timetable reduced by one day per week, then a similar level of savings can be achieved and the need for additional severance costs would be avoided.
- 4.7.2 The currently agreed proposal is to remove the Lerwick sailing on a Tuesday and replace it with two sailings to Vidlin. If the timetable were to be amended to remove the Tuesday sailing to Lerwick and not replace this sailing with additional runs then this would achieve the necessary savings. This would reduce the service from 6 days per week to 5 days per week, however it would protect the critical sailings identified in the community consultations and continue to deliver the most necessary sailings for Skerries as detailed in 5.1 below. An indicative Timetable is given in Appendix 2, however, as with the other routes the final timetable will be developed in consultation with the Community Council subject to the constraints of the resources available.

- 4.7.3 This option is considered to be the best option available to mitigate the risks and deliver the savings required to achieve the budget reductions required by the Council's agreed Medium Term Financial Plan and as such this option is **recommended**.

## 5.0 Public Consultation

- 5.1 During the community and public consultation for the Ferry Review, the representation highlighted that the most important sailings for Skerries are:
- Monday morning from Skerries for those working on the mainland.
  - Monday morning to Skerries for teachers, workers, etc.
  - Tuesday or Thursday to Lerwick for fish exports.
  - Friday afternoon to Skerries for weekend traffic, workers and pupils.
  - One day per week when tradesmen, Council departments and suppliers can get to Skerries to work for a couple of hours and return to mainland in the same day.
  - Sunday afternoon from Skerries for pupils and those working on the mainland.
- 5.2 The timetable option suggested in Appendix 2 provides all of these connections. The final detailed timings will be discussed with the Community Council as with other routes.
- 5.3 All of the components of the option detailed in 4.7 (utilising positioning runs, removing Lerwick sailings, reducing total sailings, operating with reduced crew) formed part of the consultation undertaken as part of the Ferry Service Review. This is documented in detail in the Inter Island Ferry Service Review report presented to Council on 04 February 2013.

## 6.0 Implications

### Strategic

- 6.1 Delivery On Corporate Priorities – The recommendations in this report will contribute to the following outcomes from the Council Action Plan.

Outcome 3 “We have financial sustainability and balance across all sectors”; and

Outcome 13 “Our internal and external transport systems are efficient, sustainable, flexible and affordable, meet our individual and business needs and enable us to access amenities and services.”

- 6.2 Community/Stakeholder Issues - Consultation and engagement with individuals, stakeholders, staff and communities has taken place as part of the Inter Island Ferry Service Review. In addition Skerries Community Council has been informed of the need to reconsider the option agreed on 04 February 2013 in light of the risks identified in this report and it is anticipated that detailed discussion with community representatives will be held prior to the Council meeting where verbal update will be given.

6.3 Policy And/Or Delegated Authority - Shetland Islands Council  
Constitution Part B Standing Orders for Meetings states at:

“15.1 Subject to 15.2, no motion which seeks to alter or revoke a decision of the Council or has that effect will be considered within a period of 6 months of the original decision.

15.2 It will be competent to review a decision before the end of the 6 month period, provided:

15.2.2 It is inherent in the terms of a report submitted to the Council by an officer and the Head of Legal and Administration advises that a material change of circumstances has occurred.

15.3 A material change of circumstances is firstly where there has been a new development which has a bearing on the original decision or that some important piece of information has become available since the original decision was made. Secondly, this change is material if the change had taken place before the Council took its decision, or had the Council known all the facts relevant to the decision, the change of circumstances would have influenced its judgement and the Council might reasonably have taken a different decision.”

The contents of this report represent a material change of circumstances in that the independent risk assessment and outcome from formal staff consultation as detailed in section 3 of this report is information that has become available since the decision was made.

6.4 Risk Management – This report highlights the risks associated with the proposal to base the Skerries ferry “Filla” in the Skerries as agreed by Council on 04 February 2013. Appendix 1 contains an independent risk assessment of this proposal and identifies very significant uninsurable risks associated with this proposal. This report seeks to amend the decision and to maintain the vessel based in Symbister and reduce the timetable to ensure that the risks are mitigated.

The proposal to base the “Filla” in the Skerries was part of an overall package of measures to reduce the operating cost of the overall ferry services budget, there is a risk that as this element has been determined as undeliverable that the Ferry Services Review will not deliver the agreed savings unless the alternative proposal put forward in this report is agreed.

Implementing the proposal to require existing staff to reside in Skerries for a period of time whilst on shift introduces a risk to the Council of claims of constructive dismissal from the employees affected which risks damaging the Council’s reputation as a good employer as well as incurring a financial cost to the Council in the claim is successful.

6.5 Equalities, Health And Human Rights – There are no deferential additional Equalities, Health and Human Rights Issues arising from the proposals within this report.

6.6 Environmental – None.

Resources

- 6.7 Financial – The savings originally identified for basing the “Filla” in the Skerries included in the Inter Island Ferry Service Review report considered by Council on 04 February 2013 were £271,795.

The alternate proposals recommended in this report will deliver £274,819 as detailed in the table below and as such will ensure that the overall savings from the Inter Island Ferry Service Review are maintained.

Whalsay based vessel 42 Crew hrs & 12 services per week/year		
Whalsay Based 8 man operation		447,501
Whalsay Based 6 man operation		283,010
		164,491
Fuel Saving	92,809	
Reduced Running	1,996	
Hays & LPA	5,149	
Other Expenses	10,374	
Divert expenses	Nil	
		£274,819

- 6.8 Legal – The Transport Act 1985 is the principal legislation which sets out the statutory responsibilities concerning provision of public passenger transport services, particularly section 63(2) –

63 Functions of local Councils with respect to passenger transport in areas other than passenger transport areas.

(2) It shall be the duty of a Council in Scotland, in relation to any part of their area which is not a passenger transport area:

- (a) to secure the provision of such public passenger transport services as the Council consider it appropriate to secure to meet any public transport requirements within their area which would not in their view be met apart from any action taken by them for that purpose; and
  - (b) to formulate from time to time general policies as to the descriptions of services they propose to secure under paragraph (a) above.
- 6.9 Human Resources – The options and proposals within this report have been discussed during the formal consultation process for the implementation of the Inter Island Ferry Service Review with Trades Unions and affected Ferry Staff. The proposals within this report will avert the need for an additional 6 voluntary redundancies.

- 6.10 Assets And Property – The proposals within this report will control the potential risks to Council piers and vessels which would be incurred should the vessel be based in the Skerries.

## **7.0 Conclusion**

- 7.1 This report summarises the issues encountered in trying to implement the Council decision of 04 February 2013 to base the ferry in Skerries and concludes that this option is undeliverable. It considers alternative options to achieve the required level of savings and recommends that to achieve a similar level of savings it is necessary to continue to base the ferry and crew in Symbister with a reduced timetable and crew establishment.

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For further information please contact:

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18 April 2013

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### List of Appendices

Appendix 1 – CMAL report on berthing “Filla” overnight in Out Skerries

Appendix 2 – Provisional Timetable for Skerries service based in Symbister

### Background Documents:

Inter Island Ferry Services Review Council Report and Appendices 04 February 2013

<http://www.shetland.gov.uk/coins/submissiondocuments.asp?submissionid=14060>

END



# Shetland Islands Council Ferry 'FILLA'

## berthing and mooring unmanned at

## Out Skerries HIRA, Study and Report.

<b>Client:</b>	Ken Duerden Executive Manager- Ferry Operations Shetland Islands Council
<b>Report Ref:</b>	SMCL-2013-001
<b>Client Ref:</b>	

<b>Prepared For:</b>	Caledonian Maritime Assets Ltd Municipal Buildings Fore Street Port Glasgow PA14 5EQ
<b>Prepared By:</b>	Spencer Marine Consulting Ltd 87 Glenside Rd Port Glasgow PA14 5TW
<b>Report No:</b>	SMCL – 2013 - 001
<b>Revision:</b>	Draft Issue 2
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APPROVAL AND REVISION RECORD

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Appendix A: Risk Table

Appendix B: Further Observations

## Executive Summary:-

This report encompasses a Hazard Identification and Risk Assessment (HIRA) for the possibility of Berthing/Mooring arrangements and Methodology for an overnight stay of the Shetland Islands Council Ferry 'Filla' at the existing pier and infrastructure.

The high risks involved in leaving the 'FILLA' un-manned for any period upon this pier without major improvements to both reduce the swell culture or extending and raising the pier to suit the vessel are in my opinion of too great a consequence for it to be considered.

There exists the potential for severe damage to both the vessel and local infrastructure. It would be difficult to also design and maintain a safe form of access/egress to the vessel in any swell that could be safely used by the crew at any time.

The Northern entrance is in itself challenging with limited clearance. Should the vessel be required to navigate this channel because of the need to leave the berth it would not be advisable without at first giving sufficient time to fully warm through the vessel's engines. The risk would be heightened highly should this also be necessary at night to an unacceptable level. Such that I would suggest the MCA would disapprove as in other island services where they have not allowed night passages.

With every likelihood of losing in excess of 100 days when the vessel could not lie safely to this pier and would have to seek a port of refuge, I would suggest the associated costs would be prohibitive.

## Glossary

SMCL	Spencer Marine Consulting Ltd
CMAL	Caledonian Maritime Assets Ltd
HIRA	Hazard Identification and Risk Assessment
SICSMS	Shetland Islands Council Safety Management System
PMSC	Port Marine Safety Code
MCA	Marine Coastguard Agency
SWL	Safe Working Load
N	North
S	South
E	East
W	West
LW	Low Water
HW	High Water
LW.Sp	Low Water Spring Tide
HW.Sp	High Water Spring Tide

## 1. Introduction:-

An on-site visit to the Out Skerries was made on Wednesday 6<sup>th</sup> March 2013. On the day the weather was clear with an E'ly wind of force 6/7. Entry was made via the North Entrance which was interesting because of the limited channel width and proximity to navigational dangers. The vessel berthed at 10:50 staying across the LW at 11:35 until departing at 11:45. LW predicted height was 0.8 metres. The vessel was berthed using the shore ramp as per normal operations. A visit ashore was made to make a visual inspection of the upper part of the pier and the associated mooring equipment. Observations of the position of the pier within the bay were made in relation to the local topography and in particular to the South Mouth Entrance.

## 2. Purpose and Scope:-

To identify the risks involved and possible arrangements for mooring the 'Filla' at the existing pier unmanned overnight through all weather conditions.

## 3. Project Background:-

The possibility to base and operate the ferry out of the Out Skerries, berthing there overnight. The project is to identify whether this could be done safely.

## 4. Observations:-

Initially with the vessel in its normal working position it extended beyond the pier some 9.5 metres and the forward superstructure would be approximately 7.5 metres above the pier. This presents in excess of 100 square metres of area exposed to any wind. A potential wind load producing 35 Tonnes across the vessel. Previous alterations to the pier were observed to prevent damage being caused to the bow area and a retrofit section supporting a large tyre had been installed.





Also several of the rubberised vertical fenders had been extended above the pier to a height of approximately 50cms for the larger vessel to rest upon at HW.

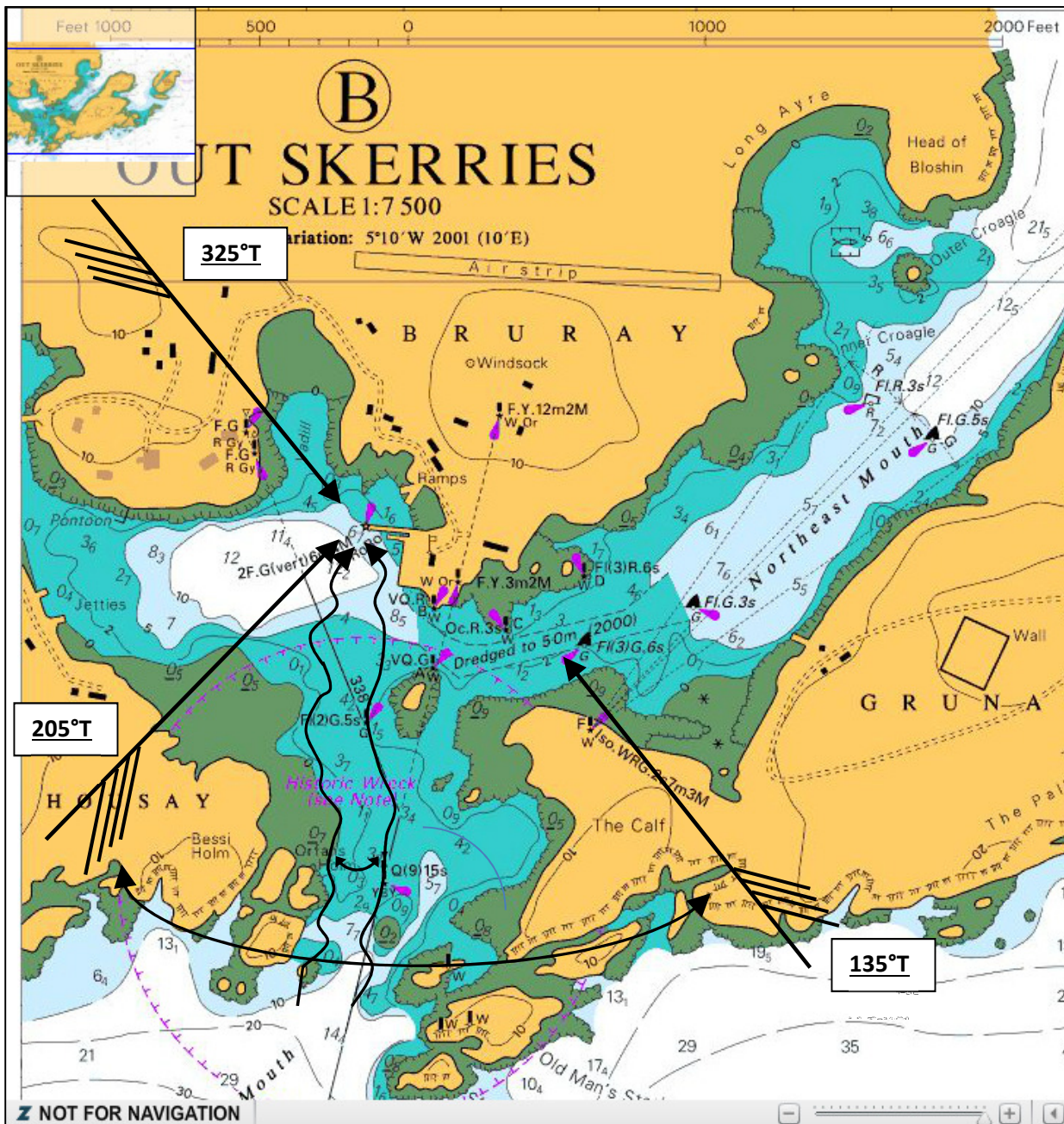


There remained 3 bollards on the south side of the pier with corresponding bollards on the northern side with a further 2 at the extreme north end. The concrete surface of the pier appeared to be in a generally good condition. The bollards however raised concern as there were no clear markings as to their SWL and several of the retaining bolts had the caulking missing and showed signs of corrosion. The structure of the pier was of an open nature allowing the flow of water underneath. A visible inspection below was not possible; but it is understood previous repairs had been required. A report by Shetland Council's civil engineer based upon drawings, state when the pier was new it would have been capable of withstanding the loading, although not designed for and thus unsuitable for mooring the 'FILLA'. Also the bollards when new had a SWL of 15 Tonnes. Without a full civil inspection this cannot be verified. Thus the current state, plus loading capability of both the pier and bollards in adverse conditions remain uncertain.

A general observation of the bay and surrounding area was made to make an assessment of what protection was offered from the wind and swell. The highest point on all three main islands at 52 metres on 'BRURAY' to the NE and the island of 'GRUNAY' at 25 metres at its highest lying to the E offer shelter from winds out of the N round to the SE. There is a low lying area to the NW between the islands of 'HOUDAY' and 'BRURAY' which would direct winds from this general direction directly at the vessel. From the SE through to the SW the islands are at their



highest, 10 metres and offer little protection. This is in combination with a direct route though the Southern Mouth which would funnel any swell coming from a S'ly direction to act upon the vessel directly. (See Chart excerpt)



During Spring tides, at LW.Sp the vessel would be some 80 cms lower than observed and at HW.Sp some 130 cms higher. This would bring the ships protective belting at least level or above the pier height, hence the extended fendering.

Taking these observations into account a berthing methodology was considered using the existing infrastructure. Firstly the vessel would need to be held at least 3 metres further ahead to protect both the shore ramp and the vessels stern. Thus exposing the forward superstructure even further and now having in excess of 1/3 rd. length of the vessel unsupported. Use of the vessels anchors could be utilised but the laying of ground moorings could also be employed. 2 of the bollards on the south side of the pier at the stern would not be of use due to the extended fenders and the ramp's supports which would interfere with the direct line of any moorings. Some of the bollards to the north side may similarly be affected, others on the fish quay would have to be utilised. The load of the vessel and any extra forces created by the wind could be spread amongst the bollards. However there is limited accessibility reducing the number of bollards available; but also with loose lines there is no guarantee that the load would be spread evenly and thus one bollard could be subject to forces in excess of its SWL. These possible solutions however would only be effective to a limited degree in winds only. It would only take a swell of 50 cms to act upon the vessel lying to slack unattended moorings to lift it sufficiently to override any existing structure and have the potential to drop the vessel down upon either the fendering or pier. This could result in the rupture of the vessels starboard hull. It was noted that there are 2 holding tanks on this side containing Lube Oil and Hydraulic Oil which if ruptured would result in pollution.

Consideration was given to berthing the vessel bow to the ramp. This would offer better support to the heavier bow. But this would introduce other factors, the use of ground moorings would not be advisable as they would be exposed to the vessels propellers and thus some form of piling would be required. Also the larger fuel oil tank on the port side would now be vulnerable to rupture.

Consideration to using either the North side of the pier or the Fish quay as an alternative was given. Because it is an open pier, lying to the north would not prevent the vessel being subject to the swell. It is understood there is insufficient water there also. Again the fish quay is open to the swell and anecdotal evidence suggests the local boats are put to swinging moorings at these times. Thus a Single Point Mooring buoy was considered. This however would require a 100 metre swinging area which could just be achieved but would bring the vessels stern perilously close to underwater obstructions and would preclude the use of any other moorings for the local boats.

Whatever choice, it would be difficult to place at the pier any form of gangway that would also not be subject to damage or even loss. It would also be difficult if lying to a mooring, to provide a form of access for the crew to re-board safely. Either carries the potential of creating injury to personnel or at worse loss of life.

Wind data for the year of 1997 was supplied as historical evidence upon which to base the number of days any vessel would be subject to a significant swell entering the South Mouth. Taking only into account winds of above 22 knots and only from the directions SE through to SW, this occurred for 12% of the year, equivalent to a minimum of 42 days. Undoubtedly when the wind blows from these general directions at a lesser strength for a period of time swell will build up and affect the bay. Also the wind will blow at a greater strength and it is quite possible for up to 100 days of significant swell entering the bay.

## 5. HIRA Methodology:-

Using the historical weather data provided, the frequency in days was calculated when the wind would occur to create the conditions for the two risk assessments. As the swell only needs to be minimal to create a danger it was assumed this would occur soon after the wind came from the required direction. Anecdotally at times the vessel is able to arrive within the bay but due to swell is unable to use the ramp for fear of causing damage.

**Table 5.2 HIRA Risk matrix**

Hazard Identification Risk Assessment (HIRA)								
HIRA Risk Matrix								
Consequence				Frequency				
Severity Rating	People	Assets	Environment	Extremely Remote	Remote	Possible	Probable	Frequent
				Theoretically possible	Has occurred in industry	Has occurred in company	Has occurred a number of times in company	Has occurred in this location on a number of occasions
Very Minor	Minor injury (no 1st Aid only)	<£5k	Negligible	Broadly Acceptable 1	Broadly Acceptable 2	Tolerable with Monitoring 3	Tolerable with Additional Controls 4	Unacceptable 6
Minor	Minor injury (1st Aid only)	£5k - 20k	Effects are cleared locally	Broadly Acceptable 2	Tolerable with Monitoring 3	Tolerable with Additional Controls 4	Tolerable with Modifications 5	Unacceptable 6
Significant	Major injury (Lost time or minor permanent health effect)	£20k - £500k	Short term effect off-site	Tolerable with Monitoring 3	Tolerable with Additional Controls 4	Tolerable with Modifications 5	Unacceptable 6	Unacceptable 7
Major	Fatality or major long term health effect	£500k - £5m	Widespread short term or minor long term effect	Tolerable with Additional Controls 4	Tolerable with Modifications 5	Unacceptable 6	Unacceptable 7	Unacceptable 7
Catastrophic	Multiple fatalities	>£5m	Major long term effects	Tolerable with Modifications 5	Unacceptable 6	Unacceptable 7	Unacceptable 7	Unacceptable 7

**Table 5.3 Risk Classification/Definition**

Risk Class	Risk Criticality	Condition	Explanation
1	Broadly Acceptable	None	Technical review is required to confirm the risk assessment is reasonable. No further action is required
2	Broadly Acceptable	None	Technical review is required to confirm the risk assessment is reasonable. No further action is required
3	Tolerable with Monitoring	With a commitment to risk monitoring and reduction during operation	Risk must be mitigated with engineering and/or administrative controls. Must verify that procedures and controls cited are in place and periodically checked
4	Tolerable with Additional Controls	With a commitment to further risk reduction before operation	Risk should be mitigated with design modification, engineering and/or administrative control to a Risk Class of below 4 before construction/operation
5	Tolerable with Modifications	With a commitment to further risk reduction	Risk must be mitigated with design modification and/or engineering control to a Risk Class of 4 or lower before consent
6	Unacceptable	None	Risk must be mitigated with design modification and/or engineering control to a Risk Class of 5 or lower before consent is given
7	Unacceptable	None	Risk must be mitigated with design modification and/or engineering control to a Risk Class of 5 or lower before consent is given



## 6. Conclusion and Recommendations:-

The major risk occurs when there is a combination of S'ly winds over a S'ly swell. The likelihood of excessive movement of an unmanned vessel with unattended moorings is inevitable. Due to the extra size of the 'Filla' this increases the potential for severe damage to occur to either or both the vessel and pier. The outcome is potentially to render the vessel unseaworthy or the ramp unusable. At worse there is the potential for oil pollution or the vessel breaking free and grounding. Without significant improvements to the current infrastructure and efforts to reduce the swell culture. I would have grave reservations in leaving any vessel at this pier. Also without alleviating the swell culture it would be difficult to design a mooring system that would sit comfortably within a Safe Management System (SICSMS) and satisfy an external audit.

I would go further to say even if the vessel was manned continuously, when such conditions occur no Master would sit alongside and would put to sea to seek shelter elsewhere.

I would also suggest that it would be difficult to gain insurance cover both for the Hull and Machinery or any Third Party Liability. Or the cost in improvements would be prohibitive if the vessel was required to sit here unmanned.

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## Appendix A: Risk Table

HIRA														
Line No.	Activity	Guideword	Causal chain/event sequence	Hazardous Event	Typical Consequence	Worst Credible Consequence	Risk			Risk Controls	Risk after Risk Controls			Recommendations/ additional controls
							Frequency	Typical Consequence	Risk		Frequency	Typical Consequence	Risk	
1	Operational	NW winds.	NW winds of 22 kts or above blowing into the bay and impacting upon the fore part of the vessel whilst moored unmanned.	Vessel ranges up and down the berth.	Damage to either the ramp or the vessels stern including propellers and rudder.	The ramp damaged to become in-operable. Stern or equipment renders vessel un-seaworthy.	10-15 days per year.	Loss of use of ramp, Vessel out of service.		Use of vessels anchors, laying of ground moorings.	10-15 days per year.	Damage to vessel or ramp.		Additional moorings could be employed but with vessel lying unmanned these would not guarantee its safety.
2		SW winds combined with S'y swell.	SW winds of 22 kts or above blowing into the bay in conjunction with an S'y swell impacting upon the vessel throughout.	Vessel ranges up and down the berth, is continually blown against the pier in conjunction to being lifted higher than the existing pier and fendering.	Substantial damage to both vessel and pier infrastructure.	Vessel is holed, possibly by way of the Lube Oil or Hydraulic Oil tanks. Vessel rendered un-seaworthy, at worse pollution.	50-100 days per year.	Vessel out of service.		To not permit vessel to lay unmanned overnight or for any period during these weather conditions.				Only substantial improvements to the local infrastructure in providing a suitable pier or mooring arrangement combined with measures to eliminate any swell such as a breakwater.

## Appendix B: Further Observations-

Out with the scope of the consultation I have some general thoughts. Irrespective of the capability of the current pier and infrastructure the main problem within this bay is the swell entering from the South. Ideally a breakwater still allowing access to local craft would solve the problem. There was I believe a proposal to deepen the South Mouth sufficiently to allow the 'Filla' the option of using this route. This would however in my opinion possibly increase the swell, thus reducing the amount of time the pier is currently available during the predominant weather experienced. I would suggest before any works were considered that a wave modelling consultation was undertaken.

It was also noted that the vessel often arrives out at the islands to assess the possibility of entry via the North Mouth. If it is considered too dangerous she then returns to Symbister. As discussed the possible introduction at the entrance of a wave monitoring buoy as you have at the north end of Yell Sound. Parameters could be set and the 3 hours of steaming out and back could be eliminated thus resulting in a substantial fuel saving plus reducing engine hours and the associated maintenance costs.

Finally I would like to thank Ken and Kevin for your hospitality. Thank the crew of the 'FILLA' in welcoming us aboard and for all their observations. Also the crew aboard the 'Hendra', I was impressed by both operations and the enthusiasm.



## APPENDIX 2: POSSIBLE SYMBISTER BASED TIMETABLE.

Timetable if based at Symbister and crew hours remain at present 42 hours per week

Skerries																		Whalsay Based Vessel	
Port	Depart Symbister	Arrive Skerries	Depart Skerries	Arrive Vid/Lk	Depart Vidlin	Arrive Sk/Sy	Depart Skerries	Arrive Vid/Sy	Depart Vidlin	Arrive Sk/Sy	Depart Sk/Lk	Arrive Vidlin	Depart Vidlin	Arrive Skerries	Depart Skerries	Arrive Symbister	Return Sailing		
Monday	08:00*	09:15	09:25	10:50	11:00											11:45	1		
Tuesday																			
Wed																			
Thursday	06:30	07:45	08:30	11:00	Discharge, maintenance and load in Lerwick						14:00			16:30	17:15	18:30**	1		
Friday	08:00*	09:15	09:25	10:50	11:00	12:25	12:35	14:05	14:55	16:20	16:30	17:55	18:05	19:30	19:40	20:55**	4		
Saturday	08:00*	09:15	09:25	10:50	11:00	12:25	12:35	14:05	14:55	16:20	16:30	17:55	18:00			18:40	3		
Sunday	08:00*	09:15	09:25	10:50	11:00	12:25	12:35	14:05	14:55	16:20	16:30	17:55	18:00			18:40	3		
All sailings operate on a bookings only basis (except Thursday Lerwick runs)																	12		

08:00\* - Connects from 07:10 Whalsay sailing from Laxo to Symbister.

18:30\*\* & 20:55\*\* - Connects with 21:15 Symbister to Laxo sailing arriving 21:45.