

MINUTE

“B - PUBLIC”

**Shetland Islands Council
Council Chamber, Town Hall, Lerwick
Wednesday 24 April 2013 at 10.00 a.m.**

Present:

M Bell	M Burgess
P Campbell	G Cleaver
A Cooper	S Coutts
A Duncan	B Fox
R Henderson	A Manson
D Ratter	F Robertson
G Smith	T Smith
A Westlake	A Wishart
V Wishart	

Apologies

G Robinson	D Sandison
C Smith	M Stout
J Wills	

In Attendance (Officers):

P Crossland, Director - Infrastructure Services
C Ferguson, Director – Corporate Services
J Riise, Executive Manager - Governance and Law
J Gray, Executive Manager - Finance
S Moncrieff, Executive Manager - ICT
M Nicolson, Executive Manager – Children’s Resources
P Peterson, Executive Manager – Executive Services
V Simpson, Executive Manager – Community Development
S Thompson, Executive Manager – Schools
C Anderson, Senior Communications Officer
M Williamson, Chief Registrar
A Cogle, Team Leader – Administrative Services
L Gair, Committee Officer

Chair:

M Bell, Convener of the Council, presided.

Circular:

The circular calling the meeting was held as read.

The Convener ruled, in accordance with Section 43(2) of the Local Government in Scotland Act 2003, that the attendance of Mr Coutts during the Council proceedings was permitted by remote telephone link.

The Convener ruled that the following item of business would be considered at this meeting as a matter of urgency in terms of subsection 4 of section 50B of the Local Government (Scotland) Act, 1973.

- Agenda Item 16C – Appointments to Social Work Complaints Review Sub-Committee

The Convener paid tribute to some of the success that had been achieved by members of the Shetland Community and the Council extended their congratulations to:

- The Lerwick Guizer Jarl squad who took part in a parade in New York which showcased Shetland on an international stage.
- Charlotte Black for completing a 100K “Ultramarathon” in 8 hours 55 minutes earning her the title of Scottish Women’s Champion and a British Championship Bronze Medal.
- Ursula Freeman, Dunrossness for reaching her centenary, last year.
- Agnes Leask who was awarded the British Empire Medal by HM Queen in the recent honours list for her commitment to the local crofting community and for promoting Shetland Livestock and animal health.
- Shetland’s Youth Legacy Ambassadors for their success at the Young Scot Awards in Glasgow after working for a year on this project laying the foundations for a long term benefit for the isles from the 2014 Commonwealth Games.

Declarations of Interest

Mr Burgess declared an interest in item 11 “Chair’s Report – Shetland College Board – Membership Update” as he is a supplier of services to the Shetland College.

Mr Cooper as Chair of the Delting Community Council, Mr Duncan as a Member of the Dunrossness Community Council, Mr T Smith as Vice-Chair and Mr Burgess as a Member of the Tingwall Whiteness and Weisdale Community Council, and Mr Wishart as a Member of the Lerwick Community Council, declared an interest in item 15 “Community Development Fund 2013/14”.

Mr T Smith declared an interest in item 8 “Community Councils – Financial Position”.

12/13 Minutes

The Council approved the minutes of the Council meeting held on 18 February 2013 on the motion of Ms Westlake, the Council concurred.

The Council approved the minutes of the Council meeting held on 20 February 2013 on the motion of Mrs Wishart, the Council concurred.

13/13 Chair’s Report – Development Committee – Shetland Local Development Plan – Proposed Plan

The Council considered two reports by the Chair of Development Committee (SIC-2404-PL-03), which provided an update on the Shetland Local Development Plan (LDP) and representations received during the period for submission.

The Chair of the Development Committee introduced the report and moved that the Council approve the recommendations contained in the report. Mr Robertson seconded.

Decision:

The Council **RESOLVED** 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.

14/13 **Chair's Report – Education and Families Committee – Review of SIC Childcare Provision in Lerwick**

The Council considered a report by the Chair of the Education and Families Committee (SIC-2404-E&F-CS-16), which presented a review of Shetland Islands Council Childcare Provision in Lerwick.

The Chair of the Education and Families Committee introduced the report. Mr Cleaver moved that the Council approve the recommendations contained in paragraph 2.1, seconded by Mr Fox.

Decision:

The Council **RESOLVED** 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.

15/13 **Chair's Report – Executive Committee – School Transport Policy**

The Council considered a report by the Chair of the Executive Committee (SIC-2404-EX-CS-12), which presented a reviewed and updated School Transport Policy, reviewed and was amended to reflect changes in Scottish Government guidance and to support sustainable school transport.

The Chair of the Education and Families Committee moved that the Council approve recommendation 2.1 of the report. Mr G Smith seconded.

Decision:

The Council **RESOLVED** 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.

16/13 **Chair's Report – Executive Committee – Getting It Right For Every Child Policy**

The Council considered a report by the Chair of Executive Committee (SIC-2404-EX-CS-11), which presented a policy document that had been prepared by the Implementation Group set up to refresh local practice and take an action plan forward, following the review of Shetland's progress in implementing GIRFEC in 2012.

The Chair of Education and Families Committee moved that the Council approve recommendation 2.1 of the report, seconded by Mr Campbell.

Decision:

The Council **RESOLVED** to adopt the recommendation from the Executive Committee, namely approval of the draft Getting It Right For Every Child Policy.

17/13 **Chair's Report – Executive Committee – Policy on Contributing to Your Support**

The Council considered a report by the Chair of Executive Committee (Shetland Islands Council-2404-EX-CC-09), which 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.

The Convener introduced the report. Ms Westlake moved that the Council approve recommendation 2.1, seconded by Mr Cleaver.

Decision:

The Council **RESOLVED** to approve the recommendations from the Executive Committee:

- to introduce a policy that requires people to contribute to the cost of their care, where they are financially able to do so;
- to 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.

18/13 **Chair's Report – Executive Committee – Review of Registration Service**

The Council considered a report by the Chair of Executive Committee (SIC-2404-GL-15), which sought determination as to the future provision of the Registration of Births, Deaths and Marriages Service in Shetland.

The Convener introduced the report. Mr T Smith moved that the Council approve recommendation 2.1, seconded by Mr Henderson.

Decision:

The Council **RESOLVED** to adopt the recommendations from the Executive Committee, 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.

19/13 **Chair's Report – Executive Committee – 2013/14 Budget Proposal Pension Fund**

The Council considered a report by the Chair of Executive Committee (Shetland Islands Council-2404-F023), which presented the budget proposals for the Pension Fund.

Mr Duncan declared an interest in this item as his wife is a beneficiary of the Pension Fund.

The Executive Manager - Finance introduced the report and Ms Westlake moved that the Council approve the recommendations contained in the report, seconded by Mr Cleaver.

Decision:

The Council **RESOLVED** to adopt the recommendation from the Executive Committee, namely to approve the budget proposals for 2013/14.

20/13 **Chair's Report – Executive Committee – Community Councils – Financial Position**

The Council considered a report by the Chair of Executive Committee (Shetland Islands Council-2404-F025), which informed 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.

The Executive Manager – Finance introduced the report. In response to a comment, the Executive Manager – Finance confirmed that accruals would be reported differently in the future, to provide more clarity. Mr Cleaver moved that the Council approve the recommendations contained in the report, seconded by Mr G Smith.

Decision:

The Council **RESOLVED** 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.

21/13 **Chair's Report – Executive Committee – ICT Strategy 2013-18**

The Council considered a report by the Chair of Executive Committee (SIC-2404-ICT-02), which presented the Council's ICT Strategy for the 5 years from 2013 to 2018, outlining plans and costs for four main strands of work.

The Executive Manager – ICT introduced the report. Mr Robertson moved that the Council approve the recommendations contained in the report, seconded by Mr Fox.

Decision:

The Council **RESOLVED** to adopt the recommendations from the Executive Committee, namely to approve the ICT Strategy 2013-18.

22/13 **Chair's Report – Social Services Committee – Discretionary Top Ups**

The Council considered a report by the Chair of Social Services Committee (SIC-2404-SSC-CC02), which described the background to discretionary top-ups for adaptations to private houses for people with disabilities.

The Vice-Chair of the Social Services Committee introduced the report and moved that the Council approve the recommendations contained therein. Ms Westlake seconded.

Decision:

The Council **RESOLVED** 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.

(Mr Burgess left the Chamber)

23/13 **Chair's Report – Shetland College Board – Membership Update**

The Council considered a report by the Chair of Shetland College Board (SIC-2404-SCB-DSD-05), which sought approval of an advertisement for recruitment of two independent Board members.

The Chair of the Shetland College Board introduced the report and commented on the limitations on the Shetland College Board in terms of its decision making powers and highlighted the importance of introducing independent members on the Board. A Member concurred and said more clarity was required on the remit of the Board.

Mr Ratter moved that the Council approve the recommendations contained in the report, seconded by Mr Campbell.

Decision:

The Council **RESOLVED** 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 align with the recommendation to the Council
- 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.

(Mr Burgess returned to the Chamber)

24/13 **Nominations to Lerwick Port Authority**

The Council considered a report by the Executive Manager – Governance and Law (GL-16-13-F), which sought three nominations to the Board of Lerwick Port Authority (LPA).

The Executive Manager – Governance and Law introduced the report and referred to Transport Scotland's recent guidance "Trust Ports for Scotland – Guidance for good

governance” which suggests that current serving members on the Council’s Harbour Board should not be nominated for consideration by the appointing body.

The following three nominations were made and approved by the Council:

Mr Campbell Mr Cleaver Mr Robinson

The Convener paid tribute to the outgoing Members Mr Budge, Mr Henry and Mrs Miller for their representation on the Lerwick Port Authority Board.

Decision:

The Council **RESOLVED** to appoint three persons to the Board of Lerwick Port Authority, namely:

Mr Campbell Mr Cleaver Mr Robinson

25/13 **Constitutional Reform**

The Council considered a report by the Chief Executive (CE-01-F), which 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.

The Director – Corporate Services introduced the report and provided a brief summary of the work undertaken so far and on the seminar held with Members. She reverted to the Executive Manager – Executive Services who provided more detail on the current positions regarding engagement with Orkney Islands Council. He advised that another Seminar would be held on 8 May but it was important to move forward by developing concepts into actions and to have clear lobbying strands as set out in 4.1 for debating and engaging with the public over the next two months.

During discussions, the following matters were considered in detail:

- The Zetland County Council Act 1974 and the importance of protecting what Shetland currently has. Members discussed the need to ask the Scottish Government explicitly for this Act to remain and it was suggested that a piece of work could be commissioned to safeguard the Act. A Member referred to the 1978 constitutional reform debates and advised that parliamentary agents were engaged to work on the Council’s behalf.
- The Executive Manager – Finance explained that it was not possible to estimate what the cost would be involved in responding to the Scottish Government’s Consultation on Constitutional Reform until Members had agreed a way forward but more understanding of this would come from the Seminar on 8 May.
- In terms of engagement with the Western Isles Council, the Executive Manager – Executive Services explained that he was now in touch with an Officer there and he was also in regular contact with the Legal Service in Orkney Islands Council. He explained that Officers would share information with each other and work together where possible.
- The Executive Manager – Executive Services confirmed that the Orkney Islands Council are arranging a conference and although there had been no request for this Council’s involvement they may seek a small contribution towards costs which would be met from existing resources.
- The Executive Manager – Executive Services provided an overview of the work undertaken with the Executive Manager – Community Planning and Development

on preparing for community engagement. He said that the community would be given every opportunity to engage in this matter and gave examples of how this would be done.

- A Member suggested that the Executive Manager – Executive Services provide the project board with archive material from 1978 when this matter was debated, and advised that there was substantial recognition received from Westminster at that time. The Executive Manager – Executive Services confirmed that he had already sourced this material and said that he would make it available on the Council's webpage for Members, the project board and the wider community.
- A Member suggested that consideration should be given to adding another lobbying strand on how the Crown Estate Commission collects its charges.
- Members noted that there may be an opportunity for the Shetland Partnership to be engaged to encourage wider community buy-in. It was also acknowledged that there would be value in this being included in the Single Outcome Agreement.

(Mr Cleaver left the Chamber)

- Members asked Officers to ensure public engagement reaches all levels of the Shetland public and to consider using the previous forum "Your Voice" to encourage debate.
- It was suggested that in addition to ensuring good engagement with other Island Groups it was also important to develop a Shetland specific approach.

Mr Robertson moved that the Council approve the recommendations contained in the report, seconded by Mr Burgess.

(Mr Cleaver returned to the Chamber)

Decision:

The Council **RESOLVED** to:

- Review and discuss the issues being highlighted in the report; and
- Noted and commented on the approach being put forward at Section 4 of the report.

26/13 **The Change Programme**

The Council considered a report by the Director of Corporate Services (CRP-02-F), which presented the Change Programme to deliver the key changes the Council has to make to meet its service priorities within the constraints of its medium term financial strategy.

(Mr T Smith left the Chamber)

The Director of Corporate Services introduced the report and advised that the detail of the programme was being finalised by Directors and when ready it would be made available to Members. The Director of Corporate Services responded to questions from Members:

(Mr T Smith returned to the Chamber)

- The Director of Corporate Services assured Members that Officers focus on efficiencies to make more savings than already identified. She said that this is a continuing process and at all times savings were considered with a view to safeguarding frontline services. At the request of a Member, The Director of Corporate Services agreed to provide Members with a note of what targets have been realised this year.
- Comments were made regarding the public's perception that the Council is overstaffed and the Director of Corporate Services was asked if there was any data that could demonstrate Officer's efforts made so far in shrinking the organisation. The Director of Corporate Services said that this had not been looked at in isolation but forms part of the zero budget activity sheet which has clear targets for reducing the workforce. She advised that this work was ongoing and was monitored closely with input from the Unions and Human Resources. The Chair advised that a graph in the Council's newsletter indicated that staff numbers were now back to 2008 levels.
- Members questioned how the SOFIE (sussing out further internal efficiencies) process was being monitored and who was responsible for ensuring that the targets are met. The Director of Corporate Services explained that the outcomes are sent to Managers within departments and this is monitored by the project board and Corporate Management Team.
- At the request of Members, future update reports are to include figures to show what the outcomes and timescales are to illustrate how far the Council has come to reaching its targets in terms of the Medium Term Financial Plan. The Director of Corporate Services said that Members would also be provided with updates through briefings as well as during the formal meetings cycle.

Mr G Smith moved that the Council approve the recommendation contained in the report, seconded by Mr Campbell.

Decision:

The Council **RESOLVED** to review and endorse the arrangements to support the delivery of the Change Programme as set out in the report.

27/13 Community Development Fund 2013/14

The Council considered a report by the Executive Manager – Community Planning and Development (DV012-F), which advised of progress on the work to develop a new grant scheme for the “ring-fenced” Community Council budget and sought approval on draft scheme guidelines.

The Executive Manager – Community Planning and Development introduced the report and Members raised the following points.

- Who was eligible to apply to the scheme, in particular it was noted that non-profit making organisations was listed. The Executive Manager – Community Planning and Development agreed that the reference to non-profit making organisations should be removed.
- How do Community Council's apply, who they can apply on behalf of and where would the accountability lies.
- There has to be definable outcomes, Members were advised that there would be an evaluation at the end of the year and if the scheme is not working the Council would have the opportunity to reconsider the scheme.

- In the event that all funds are not used during 2013/14 Members were advised that a carry forward of funds into the following year would be possible, but that would be a decision for Council when the budgets are being set.
- A Member asked if the scheme could be used in relation to providing skips and community runs on the ferry. The Director - Infrastructure Services said that both these ideas would require further consideration.

(A Westlake left the Chamber)

- Members were advised that the additional administration work related to this scheme would be absorbed within existing resources.
- Consultation with Community Councils was requested and Members were advised that representation from Community Councils had already been sought but there was an opportunity to raise this at the Association of Community Councils/ Councils / SIC Joint Liaison Group meeting later in the week.

The Director of Corporate Services explained to Members that guidance was being sought from the Committee on how they want the Scheme to be run. She said that Officers were looking for the Council's objectives for the Scheme in order to define the criteria and what the Council would wish to see the funds spent on. She confirmed that this would also be discussed at the next meeting of the Joint Liaison Group.

During discussions, Members discussed whether there were any state aid implications and Officers advised that they would consult with the Economic Development Unit on this matter.

Some Members questioned the decision of the Council on 20 February 2013 to remove the funds from the Community Councils and concern was expressed that the cost of the scheme would be as much to the funds available to it. Members recognised the requirement to proceed, and the need to provide guidance to the Executive Manager – Community Planning and Development.

Following further discussions, Mr G Smith moved that Officers consult urgently and actively with Community Councils on the draft Community Development Fund grant applications guidelines and report to the Council on 12 June 2013 on the outcome of the consultations and on the next steps and timetable in the new scheme development. Mr Duncan seconded.

In response to a suggestion that Mr G Smith include within his motion that the Community Council be given a choice to take only a 15% cut. Members were advised however that this would constitute a significant change to the original decision taken on 20 February and that could not be done within 6 months of the original decision.

Mr Ratter moved as an amendment that the Council approve the recommendations contained in the report. Mr Wishart seconded.

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

Amendment (Mr Ratter)	3
Motion (Mr G Smith)	8

Decision:

The Council **RESOLVED** to:

- consult urgently and actively with Community Councils on the draft Community Development Fund grant applications guidelines;
- report to the Council on 12 June 2013 on the outcome of the consultations and on the next steps and timetable in the new scheme development.

(Mr Robertson, Ms Westlake left the meeting)

The meeting adjourned for a short break at 12.20pm

The meeting reconvened at 12.40pm

28/13 **Inter Island Ferry Review – Issues Associated with Option to Base the Vessel “Filla” in Skerries**

The Council considered a report by the Director of Infrastructure Services (ISD-08-13-F), which advised of the material changes that have occurred since the Council decision on 4 February 2013 to implement a package of measures in relation to the Inter Island Ferry Review and in particular the proposal to base the Skerries ferry “Filla” in Skerries instead of Symbister, Whalsay.

(Mr Coutts joined the meeting by telephone link)

The Director - Infrastructure Services introduced the report and highlighted the options considered by Officers. He explained that CMAL (Caledonian Maritime Assets Ltd) had carried out an independent study of the proposals and the Council’s insurance company had confirmed its position in regard to the berthing and unmanned mooring of the MV Filla.

In response to a query, the Director - Infrastructure Services confirmed that the community received the CMAL report 48 hours after the final draft was available. He also confirmed that CMAL representatives had access to crew and relevant technical shore based staff as well as capital programme service and the ferry services designated person ashore within ports and harbours operation. He advised that the CMAL representative did not speak to residents as part of the fact finding process as this was a technical risk assessment.

Members questioned the change of timetable and the loss of direct sailings to Lerwick on Tuesdays and the impact this would have on specific shellfish landings. The Director - Infrastructure Services explained that discussions had taken place with the community and preference was indicated for the Thursday direct sailings to remain. He explained that further discussions could be held with the community to revise the timetable to suit the community, but this would be on the understanding that changes could only be done within the resources available for example if the Tuesday run is reinstated a run would have to be removed from elsewhere on the timetable.

Mr Henderson said that at the Skerries Community Council meeting the public had questions to put to CMAL on their report and asked that a decision on this matter be deferred for one cycle, so that they can do so.

Members also noted that there are staffing implications involved were the MV Filla to be berthed in Skerries and Officers could be faced with recruiting new staff, which in turn would mean that a new crew would be inexperienced on this route. The Director

- Infrastructure Services highlighted the potential risk involved in mobilising the vessel in worsening weather conditions.

A Member questioned why this option had been presented and approved by Council when there was a potential risk in delivering the proposals. The Director - Infrastructure Services advised that the report had indicated the strong views of the Community in favour of this option, but when asked directly at the meeting on 20 February he had not been able to guarantee that this option was deliverable. The Director - Infrastructure Services added that he felt it prudent to seek an independent view on this matter and to see whether this risk could be mitigated against, however that was subsequently proven not to be possible.

A Member asked whether a deferral to allow the community the opportunity to consider the report would influence the outcome. The Director - Infrastructure Services said that it was unlikely that the information before Members would be different, having sought the advice of CMAL and the Council's insurers.

Mr Henderson expressed his disappointment that the Skerries Community had not been approached by CMAL during the fact finding process and moved that the Skerries community be given time satisfy their own minds in relation to the CMAL report and that the Council defer a decision on this matter for one cycle. Mr Cleaver seconded.

Mr Wishart moved as an amendment that the Council approve the recommendations contained in the report, noting that 4.7.2 states that "the final timetable will be developed in consultation with the Community Council subject to the constraints of the resources available.". Mr Cooper seconded.

During debate, Mr Cleaver referred to the public meeting held in Skerries and highlighted the community concerns expressed in relation to the report and said that the community knowledge and understanding of the conditions around Skerries had not been fed into the risk assessment. He said that there was also an issue that the Skerries community had not been given time to consider the findings of the report. The Community Nurse had also highlighted issues with transporting time sensitive medical samples to the mainland and Mr Cleaver said it was important to get the right outcome for the community and a deferral was not much to ask for. Mr Coutts concurred with these comments.

In response to the comments relating to time sensitive medical samples, a Member pointed out that other remote Islands were able to address similar issues around periods of no sailings.

Following summing up, Mr Coutts verbally indicated his voting preference and the remaining Members voted with a show of hands. The results were as follows:

Amendment (Mr Wishart)	7
Motion (Mr Henderson)	8

(Mr Coutts left the meeting and the telephone link was disconnected)

Decision:

The Council **RESOLVED** to defer the report to allow time for the Skerries Community to question the report and report back to the next meeting of the Council on 12 June 2012 for a decision.

29/13 **Use of the Contingency Budget**

The Council considered a report by the Executive Manager – Finance (F-027-13-F) that provided more information on the intended purpose and administration of this new budget line and provided a worked example of the use of the contingency budget using the first call on the budget, which is for the additional COPE funding.

The Executive Manager – Finance introduced the report and highlighted the addition of £80,000 specifically to ensure a smooth transition and support those persons in supported employment. He explained that the report clarified what the contingency fund is used for.

In response to a question, the Executive Manager – Finance explained that the full amount of money may not be utilised by COPE as some clients may move to another service and therefore part of the fund may be transferred to Community Care. He confirmed that what is spent by COPE and Community Care would be reported each quarter. The Director of Corporate Services provided more background to the £80,000 contingency fund and explained that there may be an immediate impact as a result of the cuts to COPE's funding and the contingency fund gives the opportunity to safeguard the customers. She said that rather than the money being for COPE it is to ensure that the customer's needs are met and in the meantime the objective of the funding is to allow there to be a managed process.

Members were advised that the figure included in the decision required was more than the table in paragraph 4.07 as a result of the table not being updated following the Council's decision, in February, to agree a ring fenced sum for the Community Councils.

A Member questioned if the Council faced any major claims that could use up the contingency fund. The Executive Manager – Finance explained that the report had been produced on the best knowledge available to Officers and there was nothing that posed enough of a risk to be included in the budget.

Mr Cooper moved that the Council approve the recommendations contained in the report, seconded by Mr Henderson.

Decision:

The Council **RESOLVED** to approve the

- purpose and administration of the Contingencies and Budget Pressures line within the General Fund Budget totalling £5.762m as set out at paragraphs 3.2 to 3.11; and
- the use of the COPE contingency budget as set out at paragraphs 3.12 to 3.14

(Mr Wishart left the meeting)

30/13 **Appointments to Social Work Complaints Review Sub-Committee**

The Council considered a report by the Executive Manager – Governance and Law (GL-18-13-F) that sought the appointment of Members to a panel for the Social Work Complaints Review Sub-Committee.

The Executive Manager – Governance and Law introduced the report.

A Member expressed concern in terms of the increase in Membership. He said that this was a specialised field and the knowledge and experience built up by a smaller number of available Members could not be achieved if the number is increased to 14. He said that Members were not well equipped and he was concerned that this would mean that the best decision was not always made.

The Executive Manager - Governance and Law agreed that the role not only required training but experience. He said however that training would be provided before the event and all Members would be invited to be trained in Social Work Complaints so that they are equipped to deal with the cases currently being processed. The Director of Corporate Services added that all Members had a corporate responsibility and corporate duty for Social Work matters including child protection. She said that further training would be provided and hoped that Members would feel confident in undertaking the duties.

Mr Cleaver moved that the Council approve the recommendations contained in the report, seconded by Mr G Smith.

Decision:

The Council **RESOLVED** to amend the Constitution for the Social Work Complaints Review Sub-Committee by increasing the panel of members as proposed in paragraph 3.3 and Appendix 1 to the report.

In order to avoid the disclosure of exempt information, Mr Bell moved, Mr Henderson seconded, and the Council agreed to exclude the public in terms of the relevant legislation during consideration of the Appendix 2 to the following items of business.

31/13 Chair's Report – Executive Committee – ICT Network Links

The Council considered a report by the Chair of Executive Committee, which provided an update on the position regarding ICT links to offices, schools, care homes, ferry terminals and other Council properties, currently provided by the Pathfinder North contract with Cable & Wireless Worldwide (CWW), due to end in March 2014.

The Executive Manager – ICT introduced the report.

In response to a query, the Director of Corporate Services advised that periodic briefings would be given to Members as the project progresses and as part of the Corporate Plan quarterly performance monitoring reports.

Mr Cooper moved that the Council approve the recommendations contained in the report, seconded by Mr Henderson.

Decision:

The Council **RESOLVED** to:

- Not award the framework to any of the companies who submitted a tender; and
- Delegate authority to the Executive Manager, ICT to negotiate with and seek to award contracts to 4 companies, to implement replacements for ICT Network links

by the 20th March 2014, all within the budgets detailed in the Finance section of the report.

The meeting closed at 1.55pm.

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Chair