

# MINUTES

## B - Public

**Shetland Islands Council  
Council Chamber, Town Hall, Lerwick  
Wednesday 14 May 2014 at 10.00am**

### **Present:**

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

### **Apologies**

M Burgess	C Smith
A Wishart	

### **In Attendance (Officers):**

M Boden, Chief Executive  
C Ferguson, Director of Corporate Services  
H Budge, Director of Children's Services  
D Coupe, Executive Manager - Roads  
J Gray, Executive Manager - Finance  
J Riise, Executive Manager – Governance and Law  
R Sinclair, Executive Manager – Capital Programme  
C Anderson, Senior Communications Officer  
A Cogle, Team Leader - Administration  
L Geddes, Committee Officer

### **Chair:**

M Bell, Convener of the Council, presided.

### **Circular:**

The circular calling the meeting was held as read.

### **Declarations of Interest**

Mr T Smith advised that he would be declaring an interest in Agenda Item 6 – Advance Road Works – during consideration of the item.

### **Convener's Opening Remarks**

#### **Andrea Strachan**

The Convener congratulated Andrea Strachan, who had recently been selected to represent Scotland in the Commonwealth Games Team. He said that he hoped her example would lead to many other Shetlanders competing for their country, and wished her every success in the Games.

#### **Shetland Squash Team**

The Convener congratulated the Shetland Squash Team on their recent victory over Orkney, their first such win in 11 years.

#### Sophie Moar

The Convener congratulated Sophie Moar on winning the Shetland Young Fiddler of the Year title, and praised her hard work and dedication in achieving this accolade.

#### **Minutes**

The Council approved the minutes of the Council meetings held on 26 March 2014 on the motion of Mr Campbell, seconded by Mr Robertson, and the special meeting held on 23 April 2014 on the motion of Mr Fox, seconded by Mr Coutts.

#### 25/14      **Chair's Report – Licensing Committee – Review of Late Hours Catering Terminal Hours**

The Council considered a report by the Chair of Licensing Committee (SIC-0514-ES02) which recommended that the Council's Late Hours Catering Policy on terminal hours, currently allowing premises to remain open until 3am on weekend nights, should not be changed.

Mr G Smith advised that the Committee had heard extensive concerns from Police Scotland regarding the potential impact on their resources and ability to respond to incidents elsewhere in Shetland should the policy be changed to allow catering premises to remain open one hour later than licensed premises. Police Scotland had also indicated that later opening hours for licensed premises tended to lead to people 'drifting' away from them at night, but that this was less likely to happen if catering premises remained open. The Board had also been advised that the recommendation was in line with national policy, and had therefore recommended that the current policy should not be changed.

During the discussion that followed, Members noted that the owners of some catering establishments had made the case that there was a clear demand for catering services following the closure of licensed premises for the evening, and concerns had been expressed that it was likely to create problems for staff if they had to turn away customers. It was also pointed out that the Committee had previously made a decision to extend the opening hours of catering premises beyond those of licensed premises following concerns raised by Fire Scotland regarding the number of call-outs it received as a result of people cooking after they had been drinking. However it was felt that it was vital that police resources to deal with incidents across Shetland were not diminished, and that it was also important to take the concerns of residents in the area into account.

On the motion of Mr G Smith, seconded by Mr A Duncan, the Council approved the recommendation in the report.

#### **Decision:**

The Council **RESOLVED** to approve the recommendation from the Licensing Committee, namely that the current terminal hour policy should not be changed.

#### 26/14      **Chair's Report – Executive Committee – Mental Health Strategy**

The Council considered a report by the Chair of Executive Committee (SIC-0514-CC12) which presented the draft Shetland Mental Health Strategy, and on the motion of Mr Robinson, seconded by Mr Duncan, approved the recommendation in the report.

It was noted that the document had generated a lot of discussion in public. Dr Wills requested that his disgust be recorded in relation to recent comments made by Lerwick Community Council regarding the withdrawal of funding from Shetland Youth Information Services by Shetland Charitable Trust. He pointed out that this withdrawal of funding had occurred for a very good reason, and it had been ascertained that that provision for counselling and advice for young people was more than adequate.

**Decision:**

The Council **RESOLVED** to:

- Adopt the Shetland Mental Health Strategy
- Agree to its inclusion within the Council's Strategic Policy Framework.

27/14

**Chair's Report – Executive Committee – Provision of Refuse Sacks to Households**

The Council considered a report by the Chair of Executive Committee (SIC-0514-1SD08) which sought a decision regarding the provision of refuse sacks to households in Shetland, and on the motion of Mr Robinson, seconded by Mr Stout, approved the recommendation in the report.

In response to a query, the Leader confirmed that the Committee had been advised that it was the responsibility of the householder to put out their rubbish in a state that was fit for collection, but that it did not have a duty to provide wheelie bins or black bags. Wheelie bins were provided at cost price, and the Council did not make a profit on their sale.

**Decision:**

The Council **RESOLVED** to adopt the recommendation from the Environment and Transport Committee and the Executive Committee, namely that the charge for a box of refuse sacks be reduced from £11 to £3.50.

28/14

**Review of Governance Arrangements**

The Council considered a report by the Executive Manager – Governance and Law (GL-04-14-F) which provided the Council with the means to achieving a revised Committee structure.

The Executive Manager – Governance and Law summarised the main terms of the report, outlining the background that had led to the approval of the current governance arrangements which had recently received endorsement from Audit Scotland. In May 2012 appointments had been made to the Council's Committees, recognising that there would be a need to review these early in the term of the Council. This review had been carried out in consultation with Members. All ideas had been considered, and the report included those that Members had indicated were most in need of refinement. It had not been suggested that the way meetings were conducted required to be addressed, so there were no specific recommendations in this regard.

In response to a query as to why the suggestion that the business of the four main Committees should instead be discharged by the Council had not been included for discussion, the Executive Manager – Governance and Law advised that the report included the main themes that had arisen from discussions with Members, and the

majority of Members had not suggested that this was an issue that should be put forward for discussion.

The Council then proceeded to consider each of the proposals in the report in turn, as follows:

Proposal 1 – that the Council give consideration to the establishment of new, unremunerated positions of Depute Convener and Depute Leader.

The Executive Manager – Governance and Law advised that this had been one of the proposals that had arisen from discussions with Members, and it was a matter for consideration later as to whether these positions should be included in the Policy and Resources Committee membership.

Concern was expressed that creation of these positions may create a perception that the Deputies would not be as well-versed as their counterparts, and that there would be additional work for both the Convener and Leader in making sure that their Deputies were kept up to date. However the Leader pointed out that his workload had been extremely high, and he felt it would be beneficial to have a Deputy who could deputise for him at meetings when he was unavailable and share some of his workload. Whilst he understood the concerns expressed, it would be a matter for the individual appointed as to how well-versed they became. He added that he currently held the position of Vice-Convener, and he intended to demit this position in the event that a Depute Convener was appointed.

The Convener added that he was in support of this point of view.

On the motion of Mr T Smith, seconded by Mr Robinson, the Council RESOLVED to adopt this proposal.

Proposal 2 – that the Council give consideration to the change in name and remit of the Executive Committee to Policy and Resources Committee, and if so, to agree that a further report should be presented to the Council setting out its revised remit, and 'call in' procedure.

The Executive Manager – Governance and Law advised that all Members had expressed a view in relation to the work of the Executive Committee, particularly how it could become involved in policy development and the role it could perform in the delivery of this to the Council. There had been a strong feeling that the role of this Committee should be strengthened, and a sense that this could be achieved by a change of name and a mechanism whereby Members could assist with the development of the agenda for the Council.

The Convener added that it was his view that the Convener, as impartial Civic Head, should not sit on the Executive Committee. It was an explicitly political committee and he felt that the Convener should not be there unless by virtue of another appointment. He requested that Members take this into account when considering the membership later.

It was suggested that it was appropriate that the Chair and Vice Chair of the Audit Committee should not have voting rights on the Policy and Resources Committee. However it was pointed out that these positions were not included in the Committee membership, so these Members would only be there by virtue of another appointment. As was the situation at the moment, it would be for the Members involved to declare any conflict of interest.

Members commented that they welcomed this proposal. It was felt that it was important to find a mechanism to involve more Members in policy-making and to link policy with resources, and it was hoped that the development of a policy forum would also help bridge this gap.

Dr Wills advised, and the Council noted, that he had resigned from his position as an additional Member on the Executive Committee with immediate effect.

On the motion of Mr Fox, seconded by Mr Cleaver, the Council RESOLVED to adopt this proposal.

Proposal 3 – that the Council agrees that a further report should be presented to the Executive Committee in the first instance, setting out the possible role, remit and membership of an Assets and Treasury Sub-Committee.

The Executive Manager – Governance and Law advised that it had been felt that there was a need for more focus on financial matters, and for more specialist training to assist Members.

It was agreed that it would be useful to have a specific group focusing on these matters. It was pointed out that the Council was unique in that it did not have a Pension Fund Convener - who currently met up through COSLA - so this could be one of the roles for the Sub-Committee.

On the motion of Mr Robinson, seconded by Mr G Smith, the Council RESOLVED to adopt this proposal.

Proposal 4A – that the Council give consideration to the re-establishment of the Shetland College Board, as a sub-committee of the Education and Families Committee, with its current remit and membership.

Proposal 4B – if proposal 4A is agreed, it is recommended that the Council resolve to agree that a further report should be presented to the Education and Families Committee to consider the delegation of any of the functions within its remit for lifelong learning to the College Sub-Committee

The Executive Manager – Governance and Law advised that the College Board's role currently related to an overview of the business of the College, and did not align with any particular Council Committee. Members had suggested that it should come under the remit of a Committee, and there was a strong view that this should be the Education and Families Committee in terms of its links with education and lifelong learning. This would also provide an opportunity to report on performance and budgets, and the Committee would be empowered to delegate some of its functions to the Sub-Committee. Should the proposal be approved, a further report would be produced which would take into account the remit and functions of the Sub-Committee and also remuneration.

It was commented that the current position of the College Board in the Council's Committee structure was ill-defined and that it had very few powers. It was also important, given the development of the Shetland Learning Campus and the current review of tertiary education, that there was integration with the Education and Families Committee. It was also requested that some consideration be given to the title of "Shetland College", given that it was part of the UHI.

On the motion of Mr Campbell, seconded by Mr Ratter, the Council RESOLVED to adopt the above two proposals.

Proposal 5 – that the Council agrees that the Audit and Standards Committee be renamed the Audit Committee, and that a further report be presented to the Council setting out a revised remit for the Audit Committee

The Executive Manager – Governance and Law advised that it was proposed that the Committee's reporting and scrutiny roles should be supported and reinforced, and a further report would be produced which would set out a revised remit.

On the motion of Dr Wills, seconded by Mr Duncan, the Council RESOLVED to adopt this proposal.

Proposal 6 – that the Council RESOLVES to refer consideration of the remit of the Social Services Committee to the work being done on the proposals for a governance model for a Health and Social Care Partnership in accordance with the requirements of the Public Bodies (Joint Working) (Scotland) Act 2014

On the motion of Mr Duncan, seconded by Mr Cleaver, the Council RESOLVED to adopt this proposal.

Proposal 7A – that the Council gives consideration to transport planning being transferred to the Environment and Transport Committee

The Executive Manager – Governance and Law advised that Members had felt strongly that transport planning should be transferred to the Environment and Transport Committee and, if approved, the Scheme of Delegations would be amended accordingly.

On the motion of Mr Cleaver, seconded by Mr Stout, the Council RESOLVED to adopt this proposal.

Proposal 7B – that the Council RESOLVES to call for a report from the Executive Manager – Governance and Law, on the future governance arrangements of the Council and ZetTrans in relation to their transport functions

Members commented that they would welcome more clarity on this matter.

On the motion of Mr Stout, seconded by Mr Henderson, the Council RESOLVED to adopt this proposal.

Proposal 8 – it is recommended that the Council RESOLVES to adopt the revised Planning Scheme of Delegations

It was commented that this would bring the Council in line with Scottish Government objectives, and would speed up and improve the planning process.

On the motion of Mr Robertson, seconded by Mr Campbell, the Council RESOLVED to adopt this proposal.

Proposal 9A – if Proposal 1 is agreed, that the Council RESOLVES whether the appointment of Deputy Convener and/or Deputy Leader should form part of the membership of the Executive Committee, if the person so appointed is not already a member of the Executive Committee by virtue of another role or appointment.

Proposal 9B – it is recommended that the Council RESOLVES to adopt a revised membership of the Executive Committee membership, in its present or future form, to permit the appointment of additional Council Members as are required, in order to achieve representation for all seven wards.

The Executive Manager – Governance and Law said that there had been a strong theme regarding the absence of a representative from the North Isles on the Committee, and it was felt that it should be possible to make additional appointments to cover any gaps in ward representation.

It was suggested that the membership of the Committee, and all Council Committees, should be restricted to 11. The Convener reaffirmed his strong view that an impartial, apolitical civic head should not sit on an overtly political committee. Members therefore accepted therefore that the Convener would not form part of the membership. This place could instead be taken by the Depute Leader, but the Depute Convener should not form part of the membership unless by virtue of another position held. It was also agreed that it should be possible to revise the membership of the Committee to allow for representation of all wards if this was required, but that this should be restricted to the minimum number required to achieve this.

After some further discussion, it was agreed on the motion of Mr Robinson, seconded by Mr Cleaver, that the membership of the new Policy and Resources Committee should comprise of the Leader, the Depute Leader, the four Committee Chairs and the four Committee Vice-Chairs. There would also be an option to permit the appointment of additional Council members, limited to the number required in order to achieve representation of all Council wards, if this was not already the case.

Dr Wills intimated his resignation from the Executive Committee.

The Leader thanked Dr Wills and the Convener for their contributions to the Executive Committee.

Proposal 10 – in all cases above, where a further report is proposed, it is recommended that the Council RESOLVE to agree that seminars for all Members be convened as required to discuss the requirements in more detail prior to formal presentation of the reports to the Council on 2 July 2014 for final resolution.

The Executive Manager – Governance and Law advised that one of the proposed seminars would devote time to consideration of the remit of the Policy and Resources Committee and the establishment of a Policy Forum. Dates for the seminars would be advised to Members.

On the motion of Mr T Smith, seconded by Mr G Smith, the Council RESOLVED to adopt this proposal.

**Decision:**

The Council **RESOLVED** to adopt the proposals set out in Sections 5, 6 and 7 of the report, namely:

- To establish the new unremunerated positions of Depute Convener and Depute Leader
- To change the name and remit of the Executive Committee to Policy and Resources Committee, and that a further report will be presented to the Council setting out its revised remit and 'call in' procedure

- That a further report will be presented to the Policy and Resources Committee in the first instance setting out the possible role, remit and membership of an Assets and Treasury Sub-Committee
- That the Shetland College Board will be re-established as a sub-committee of the Education and Families Committee, with its current remit and membership
- That a further report will be presented to the Education and Families Committee to consider the delegation of any of the functions within its remit for lifelong learning to the College Board
- That the Audit and Standards Committee will be renamed the Audit Committee, and a further report will be presented to the Council setting out a revised remit for the Audit Committee
- To refer consideration of the remit of the Social Services Committee to the work being done on the proposals for a governance model for a Health and Social Care Partnership in accordance with the requirements of the Public Bodies (Joint Working) (Scotland) Act 2014
- That transport planning be referred to the Environment and Transport Committee
- That the Executive Manager – Governance and Law prepare a report on the future governance arrangements of the Council and ZetTrans in relation to their transport functions
- To adopt the revised Planning Scheme of Delegations
- That the Policy and Resources Committee membership should be revised to include the Council's Leader, Depute Leader, four Committee Chairs, four Committee Vice-Chairs, and that there will be an option to permit the appointment of additional Council Members, limited to the number required in order to achieve representation of all Council wards, if this is not already the case
- That in all cases where a further report is proposed, seminars for all Members will be convened as required to discuss the requirements in more detail prior to formal presentation of the reports to Council on 2 July 2014 for final resolution

29/14

#### **Confirmation of Office Bearers Appointments**

The Council considered a report by the Executive Manager – Governance and Law (GL-05-14-F), which sought confirmation of a number of Office Bearer appointments.

The Convener outlined the process to be followed for the confirmation of the office bearer appointments, with the exception of that for the Convener which would require to be confirmed, or otherwise, first in order that the position of Chair of the meeting could be clarified. He proposed that voting should be carried out by secret ballot, and advised that this would require the suspension of the Council's Standing Orders.

He accordingly went on to move that in the event of any amendment to the confirmation of appointments, the Council suspend Standing Order 10.2 and that



instead of voting by show of hands, that any such voting should be conducted by secret ballot. The Council unanimously agreed.

The Convener also moved that in the event of any term of office not being confirmed, any voting required as part of the appointment process should be conducted by secret ballot.

The Council unanimously agreed.

He further ruled that following the confirmation process of terms of office, and before proceeding to any appointment process, he would adjourn the meeting for at least 30 minutes.

The Convener added that he would firstly seek a motion to confirm any of the appointments, before confirming if there were any amendments. Any amendment to a motion to confirm an appointment would require to be a direct negative to the motion.

The Executive Manager – Governance and Law advised that the Council's Scheme of Delegations allowed for the term of Senior Office Bearers to extend until the next ordinary election of Councillors, providing that the Council had confirmed those appointments for the remaining period following a review conducted midway through the life of the Council. He had taken the opportunity, as part of the review of governance arrangements, to bring forward a report slightly earlier than the midway point of this Council's term of office.

The Council proceeded to confirm the following appointment on the motion of Mr Robertson, seconded by Mr Duncan:

Convener: Malcolm Bell

Dr Wills moved that the Council confirm the duration of all positions held and as listed in Appendix A of the report until the date of the next ordinary election of Councillors in May 2017.

Mr Duncan seconded.

Mr Coutts moved, as an amendment, that the Council proceed to confirm each position individually.

Mr Cooper seconded.

Speaking in support of his motion, Dr Wills said that he felt the process of reconfirmation of appointments was a useful exercise. It had been intended as a way of introducing checks and balances on the powers of the Executive Committee, particularly as Members had been elected for a five-year period rather than four. He went on to say that every Council faced a crisis of some sort and as this Council debated how to use its resources more effectively, there would always be factions that emerged even when there was no allegiance to a political party. Traditionally the way to resolve this would be to have a showdown and propose a vote of no confidence, but the way forward proposed in today's report was a better way to resolve any issues and to take stock of performance to date. There had been two issues locally that had been of most concern to Audit Scotland – overstaffing and overspending. This Council had managed, as a result of policies proposed by the

current leadership, to reduce staffing by 21%. It had also managed to achieve a remarkable turnaround on spending levels and these had been reduced dramatically, albeit that they remained twice what the Council could realistically afford. This turnaround was as a result of policies put forward by the Council's leadership that had been endorsed by Members. If the Council adhered to its medium-term financial strategy, it would reach its target of sustainable spending by 2017. This was quite an achievement for the Council, but it had caused some pain and anguish for Members. Cuts had been made, cherished projects had been given up, and Members had had to make cuts that they had initially said they would not, until they had been advised how bad the Council's financial situation was. Whilst it was possible to come up with criticisms regarding the leadership of the Council, he felt that they did not justify changing the 'winning team', and that it was important that the team stayed together until the job in hand had been completed. Any differences between Members mattered less than what was best for the Shetland community, so it was important not to 'rock the boat' at this stage and instead concentrate on the important matters in hand.

Speaking in support of his amendment, Mr Coutts pointed out that it was now two years into the Council term, and that two-thirds of the Council comprised of new Members. In keeping with the aspirations of the first meeting of the new Council, this review had been held up as an opportunity for new Councillors to 'find their feet' and put themselves forward for positions. This could not be done if all positions were confirmed *en bloc* and he was therefore moving that they were confirmed individually.

After summing up, voting took place by secret ballot and the result was as follows:

Amendment (Mr Coutts)	13
Motion (Dr Wills)	6

The Council then proceeded to consider confirmation of the following positions:

Leader: Gary Robinson

Confirmed on the motion of Mr G Smith, seconded by Mr Sandison

Education and Families Committee Chair: Vaila Wishart

Confirmed on the motion of Mr Cleaver, seconded by Mr Robertson

Education and Families Committee Vice Chair: George Smith

Confirmed on the motion of Mr Sandison, seconded by Mr Robertson

Social Services Committee Chair: Cecil Smith

Confirmed on the motion of Mr Campbell, seconded by Mr T Smith

Social Services Committee Vice Chair

Mr Ratter moved that Mr Allison Duncan's position be confirmed, and Mr Cooper seconded.

Mr Coutts moved, as an amendment, that the position should not be confirmed. Mr Henderson seconded.

Dr Wills spoke in support of his motion, commenting positively on the current Vice Chair's period of term.

Mr Coutts spoke in support of his amendment, outlining his reasons for moving that the position should not be confirmed.

After summing up, voting took place by secret ballot and the result was as follows:

Motion (Dr Wills)	8
Amendment (Mr Coutts)	11

Development Committee Chair: Alastair Cooper

Confirmed on the motion of Mr Robinson, seconded by Ms Manson.

Development Committee Vice Chair: Theo Smith

Confirmed on the motion of Mr Robertson, seconded by Mr Robinson.

Environment and Transport Committee Chair

Dr Wills moved that Mr Allan Wishart's position be confirmed, and Mr Duncan seconded.

Mr T Smith moved, as an amendment, that the position should not be confirmed. Mr G Smith seconded.

Dr Wills spoke in support of his motion, commenting positively on the current Chair's period of term.

Mr T Smith spoke in support of his amendment, outlining his reasons for moving that the position should not be confirmed.

After summing up, voting took place by secret ballot and the result was as follows:

Motion (Dr Wills)	7
Amendment (Mr T Smith)	12

Environment and Transport Committee Vice Chair

Mr T Smith moved that Mr Michael Stout's position be confirmed, and Ms Westlake seconded.

Dr Wills moved, as an amendment, that the position should not be confirmed, and Mr Duncan seconded.

Mr T Smith spoke in support of his motion, commenting positively on the current Vice Chair's period of term.

Dr Wills spoke in support of his amendment, outlining his reasons for moving that the position should not be confirmed.

After summing up, voting took place by secret ballot and the result was as follows:

Motion (Mr T Smith)	15
Amendment (Dr Wills)	3
Rejected ballot paper	1

Planning Committee Chair

Mr Sandison moved that Mr Frank Robertson's position be confirmed, and Ms Westlake seconded.

Dr Wills moved, as an amendment, that the position should not be confirmed. Mr Duncan seconded.

Mr Sandison spoke in support of his motion, commenting positively on the current Chair's period of term.

Dr Wills spoke in support of his amendment, outlining his reasons for moving that the position should not be confirmed.

After summing up, voting took place by secret ballot and the result was as follows:

Motion (Mr Sandison)	16
Amendment (Dr Wills)	3

Planning Committee Vice Chair: Andrea Manson

Confirmed on the motion of Mr Campbell, seconded by Mr Ratter.

Licensing Committee Chair: George Smith

Confirmed on the motion of Mr Campbell, seconded by Mr Robinson.

Licensing Committee Vice Chair: Cecil Smith

Confirmed on the motion of Mr Campbell, seconded by Ms Westlake.

Audit and Standards Committee Chair: Allison Duncan

Confirmed on the motion of Mr Robinson, seconded by Mr G Smith.

Audit and Standards Committee Vice Chair

Mr Duncan moved that Dr Jonathan Will's position be confirmed, and Mr Robinson seconded.

Mr Cleaver moved, as an amendment, that the position should not be confirmed. Mr Coutts seconded.

Mr Duncan spoke in support of his motion, commenting positively on the current Vice Chair's period of term.

Mr Cleaver spoke in support of his amendment, outlining his reasons for moving that the position should not be confirmed.

After summing up, voting took place by secret ballot and the result was as follows:

Motion (Mr Duncan)	8
Amendment (Mr Cleaver)	11

Harbour Board Chair: Andrea Manson

Confirmed on the motion of Mr Ratter, seconded by Ms Westlake.

Harbour Board Vice Chair: Robert Henderson

Confirmed on the motion of Mr Cleaver, seconded by Mr Robertson.

Shetland College Board Chair

Mr Robinson moved that Mr Drew Ratter's position be confirmed, and Mr Duncan seconded.

Mr Coutts moved, as an amendment, that the position should not be confirmed. Mr T Smith seconded.

Mr Robinson spoke in support of his motion, commenting positively on the current Chair's period of term.

Mr Coutts spoke in support of his amendment, outlining his reasons for moving that the position should not be confirmed.

After summing up, voting took place by secret ballot and the result was as follows:

Motion (Mr Robinson)	8
Amendment (Mr Coutts)	11

Shetland College Board Vice Chair: Peter Campbell

Confirmed on the motion of Mr Cleaver, seconded by Mr T Smith.

The Convener ruled that he would now be changing the order of the agenda in order that the exempt item – Advance Road Works – could be considered prior to the meeting adjourning. The remaining positions and appointments would be considered following the adjournment.

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

*(Dr Wills left the meeting)*

*(The media left the meeting)*

*[Mr T Smith declared an interest as a member of the Hjaltsland Housing Association board, and left the meeting during the following discussion.]*

30/14

**Advance Road Works**

The Council considered a report by the Executive Manager – Capital Programme.

The Executive Manager – Capital Programme summarised the main terms of the report.

The Executive Manager – Capital Programme and the Director of Children's Services then responded to questions from Members.

On the motion of Mr Robinson, seconded by Ms Wishart, the Council approved the recommendation in the report.

**Decision:**

The Council **RESOLVED** to approve the recommendation in the report.

*The meeting adjourned at 1.10pm and reconvened at 2.00pm.*

**Present:**

M Bell

P Campbell

G Cleaver	A Cooper
S Coutts	A Duncan
B Fox	R Henderson
A Manson	D Ratter
F Robertson	G Robinson
D Sandison	G Smith
T Smith	M Stout
A Westlake	J Wills
V Wishart	

### **Apologies**

M Burgess	C Smith
J Wills	A Wishart

### **In Attendance (Officers):**

M Boden, Chief Executive  
 C Ferguson, Director of Corporate Services  
 J Gray, Executive Manager - Finance  
 J Riise, Executive Manager – Governance and Law  
 C Anderson, Senior Communications Officer  
 A Cogle, Team Leader - Administration  
 L Geddes, Committee Officer

### **29/14      Confirmation of Office Bearers Appointments**

The Council resumed consideration of this agenda item and proceeded to consider the following positions:

#### **Social Services Committee Vice Chair**

Mr Sandison moved that Mr Allison Duncan be appointed, and Ms Wishart seconded.

Mr Coutts moved, as an amendment, that Mr Gary Cleaver be appointed. Mr Henderson seconded.

After hearing both candidates speak in support of their nominations, voting took place by secret ballot and the result was as follows:

Mr Duncan	7
Mr Cleaver	11

#### **Environment and Transport Committee Chair**

Mr G Smith moved that Mr Michael Stout be appointed, and Mr T Smith seconded.

Mr Robinson moved, as an amendment, that Mr Allan Wishart be appointed. Mr Sandison seconded.

Mr Stout spoke in support of his nomination. The Convener agreed that in the absence of Mr Wishart, Mr Robinson could speak in support of his amendment.

Voting then took place by secret ballot and the result was as follows:

Mr Stout	11
Mr Wishart	7

#### Audit Committee Vice Chair

Mr Cleaver moved that Ms Amanda Westlake be appointed, and Ms Manson seconded.

Mr Duncan moved that Dr Jonathan Wills be appointed, and Mr Sandison seconded.

The Convener confirmed that Dr Wills had advised that he did not wish to be nominated, so Mr Duncan withdrew his amendment with the consent of his seconder.

#### Shetland College Board Chair

Mr T Smith moved that Mr Peter Campbell be appointed, and Mr G Smith seconded.

Ms Wishart moved that Mr Drew Ratter be appointed, and Mr Duncan seconded.

After hearing both candidates speak in support of their nominations, voting took place by secret ballot and the result was as follows:

Mr Campbell	12
Mr Ratter	6

The Executive Manager – Governance and Law advised that during discussion with Members, there had been an acceptance as a matter of protocol that the Convener should be the first person to state his nomination for Depute Convener, and likewise the Leader should be the first person to state his nomination for Deputy Leader. Members could accept this protocol or decide otherwise, and Members agreed to accept this protocol for both office bearer positions.

#### Depute Convener

The Convener moved that the Council defer this particular appointment to a later date. Because of the decision taken earlier at this meeting, this would not affect the membership of the Policy and Resources Committee, and he would prefer to have some discussions on this matter before bringing it back to the Council at the earliest opportunity.

Mr Robertson seconded.

#### Depute Leader

The Leader advised that it had been agreed that the Depute Leader should form part of the membership of the Policy and Resources Committee, and it was important to fill this position as early as possible to strengthen the Council in order to continue to deliver the Corporate Plan and Medium-Term Financial Plan.

He went on to move that Mr Fox be appointed to this position, and Mr Henderson seconded.

#### Extra ward members on the Policy and Resources Committee

The Executive Manager – Governance and Law advised that extra members were no longer required because there was now geographic representation of all wards.

He went on to say that as a result of decisions taken at today's meeting, there were now a number of other vacant positions that required to be filled. The Council could

either go ahead and make these appointments at today's meeting, or defer them to a later date.

The Council agreed to go ahead and make the appointments at today's meeting, and therefore considered the following positions:

Social Services Committee – North Isles Member

The North Isles Members advised that they wished to defer a decision to a future meeting and Mr Coutts moved accordingly. Mr Cleaver seconded.

Environment and Transport Committee Vice Chair

Mr G Smith moved that Mr Stephen Coutts be appointed, and Mr Henderson seconded.

Audit Committee member

Mr Robinson moved that Dr Jonathan Wills be appointed *in absentia* and Mr Duncan seconded.

It was noted that this position would be carried forward to a future meeting should Dr Wills decline this nomination.

Shetland College Board Vice Chair

Mr G Smith moved that Mr Gary Cleaver be appointed, and Mr Coutts seconded.

Shetland College Board member

Mr G Smith moved that Ms Vaila Wishart be appointed, and Mr Henderson seconded.

The Executive Manager – Governance and Law advised that it was intended to carry out a wider review of the Council's external appointments, and this would be an appropriate time to flag up a number of issues arising as a result of decisions made at today's meeting.

The Convener congratulated office bearers on their new appointments.

**Decision:**

The Council **RESOLVED** to confirm the following appointments:

Convener – Malcolm Bell

Leader – Gary Robinson

Education and Families Committee	Chair	Vaila Wishart
	Vice Chair	George Smith
Social Services Committee	Chair	Cecil Smith
	Vice Chair	Gary Cleaver
Development Committee	Chair	Alastair Cooper
	Vice Chair	Theo Smith
Environment and Transport Committee	Chair	Michael Stout
	Vice Chair	Steven Coutts
Planning Committee	Chair	Frank Robertson
	Vice Chair	Andrea Manson



Licensing Committee	Chair	George Smith
	Vice Chair	Cecil Smith
Audit Committee	Chair	Allison Duncan
	Vice Chair	Amanda Westlake
Harbour Board	Chair	Andrea Manson
	Vice Chair	Robert Henderson
Shetland College Board	Chair	Peter Campbell
	Vice Chair	Gary Cleaver

- And, subject to decisions taken in relation to amendments of the Council's Constitution at this same meeting, considered those additional positions listed in Appendix B, and those that had become vacant as a result of decisions made at today's meeting, and RESOLVED as follows:
  - Depute Convener – it was agreed to defer appointment of this particular position to a later meeting
  - Depute Leader – Billy Fox
  - Extra Ward Members on Policy and Resources Committee – these positions were no longer required as all Council wards were now represented
  - Social Services Committee: North Isles member – decision deferred to future meeting
  - Audit Committee member – Jonathan Wills (*in absentia*)
  - Shetland College Board member – Vaila Wishart

The meeting closed at 2.40pm.

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Convener