

Shetland Islands Council

Council Chamber, Town Hall, Lerwick

Wednesday 19 May 2004

Present:

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| A J Cluness | L Angus |
| C B Eunson | R G Feather |
| F B Grains | B P Gregson |
| L G Groat | I J Hawkins |
| J A Inkster | J C Irvine |
| W H Manson | G G Mitchell |
| J P Nicolson | W A Ratter |
| F A Robertson | J G Simpson |
| W Tait | |

Apologies:

| | |
|------------|------------|
| B J Cheyne | E J Knight |
| T W Stove | W N Stove |

In attendance (Officers):

M Goodlad, Chief Executive
D Bell, Personnel Manager
G Johnston, Head of Finance
D Lamb, Senior Special Projects Manager
J R Riise, Head of Legal and Administration
A Drummond-Hunt, Asset and Properties Manager
A Rolfe, Property Manager
G Spall, Executive Director Infrastructure Services
A Hamilton, Head of Service – Planning
J Watt, Executive Director Community Services
C Ferguson, Community Care Manager
A Jamieson, Head of Education
C Medley, Head of Housing
G Smith, Head of Community Development
J Goddard, Financial Controller, SCT
L Adamson, Committee Officer
L Geddes, Committee Officer

Chairperson

Mr A J Cluness, Convener of the Council, presided.

Circular

The circular calling the meeting was held as read.

53/04

Shetland Islands Council – 17 March 2004

The Minute of the Shetland Islands Council held on 12 February 2004 was confirmed, on the motion of Mr A J Cluness.

54/04

Shetland Islands Council – 31 March 2004

The Minute of Shetland Islands Council held on 31 March 2004 was confirmed, on the motion of Mr A J Cluness.

55/04

Members Attendance at External Meetings

The Convener advised he had been invited to attend the 100th anniversary celebrations of Scheveningen Harbour. As he would be unable to attend, Mr J H Henry would attend in his absence.

56/04

Petitions

The Convener advised that a petition had been received from pupils of Baltasound and Mid Yell Junior High Schools, expressing concern at the possibility of funding being withdrawn from Summer Playschemes.

He informed Members that the Head of Community Development had advised that no cuts had been implemented in the budgets for playschemes for this year, and therefore staff were being recruited to run playschemes throughout Shetland and grants would be available to assist playscheme committees with programme costs.

Letters to this effect would be issued to the petitioners.

57/04

Infrastructure Committee – 4 May 2004

The Council confirmed the minute of the Infrastructure Committee held on 4 May 2004, on the motion of Mr J C Irvine.

58/04

Services Committee – 6 May 2004

The Council confirmed the minute of the Services Committee held on 6 May 2004, on the motion of Mrs F B Grains.

59/04

Executive Committee – 11 May 2004

The Council confirmed the minute of the Executive Committee held on 11 May 2004, on the motion of Mr A J Cluness.

60/04

Civic Government Licensing Sub-Committee – 31 March 2004

The Council confirmed the minute of the Civic Government Licensing Sub-Committee held on 18 March 2004, on the motion of Mr J P Nicolson.

61/04

Civic Government Licensing Sub-Committee – 14 April 2004

The Council confirmed the minute of the Civic Government Licensing Sub-Committee held on 14 April 2004, on the motion of Mr J P Nicolson.

62/04

Marine Development Sub-Committee – 8 April 2004

The Council confirmed the minute of the Marine Development Sub-Committee held on 8 April 2004, on the motion of Mr W H Manson.

63/04

Marine Development Sub-Committee – 6 May 2004

The Council confirmed the minute of the Marine Development Sub-Committee held on 6 May 2004, on the motion of Mr W H Manson.

64/04 Harbour Board – 15 April 2004

The Council confirmed the minute of the Harbour Board held on 15 April 2004, on the motion of Mr J G Simpson.

65/04 Inter Islands Ferries Board – 16 April 2004

The Council confirmed the minute of the Inter Islands Ferries Board held on 16 April 2004, on the motion of Mr B P Gregson.

66/04 Planning Sub-Committee – 22 April 2004

The Council confirmed the minute of the Planning Sub-Committee held on 22 April 2004, on the motion of Mr F A Robertson.

67/04 Planning Sub-Committee – 7 May 2004

The Council confirmed the minute of the Planning Sub-Committee held on 7 May 2004, on the motion of Mr F A Robertson.

68/04 **Anderson High School Feasibility Report**

The Council considered a report by the Head of Education (Appendix 1) and on the motion of Mr W H Manson, seconded by Mrs F B Grains, the Council approved the recommendations contained therein.

Members spoke in support of this project, reiterating the need for a new school building as soon as possible.

However concern was also expressed by some Members that the costs of the project would mean that there was no flexibility in the capital programme, and that other capital projects would be unable to progress. A Member commented that it was local government policy to ensure an even distribution of funding across the region, and he felt that this was not the case at the moment. Approval of this project would mean that there was little scope for this in the immediate future, and this would exacerbate uneven distribution of resources across Shetland. He requested that a report be brought forward to explain what the project would mean in these financial terms.

The Chief Executive confirmed that a report would be presented regarding a new financial strategy in respect of the funds available.

A Member commented that it had been difficult to get appropriate cost comparisons, but that he felt it would be useful to see comparative costs.

Another Member commented that Members should ensure that they were satisfied that AHS pupils would not be disadvantaged by not having access to leisure facilities that were available at the other junior high schools in Shetland. He also questioned whether the phasing of this project would have any effect on the Mid Yell JHS project.

Mr W H Manson, Education Spokesperson, said that he felt there would not be any compromises on quality. Proper games facilities would be available at the AHS and access to swimming facilities would continue as at present. With regard to cost comparisons, he assured Members that the figures would be transparent and that there would be value for money. He also confirmed that the new AHS project would not affect the Mid Yell JHS project.

In response to a query, he also confirmed that a meeting with residents would be organised, so that they could view the proposals.

A Member commented that the costs were higher than anticipated, and said that she hoped that there would be no duplication with the Junior High Schools. She referred to the requirement for the building to be designed to accommodate 20% more pupils, and asked if external funding would be available to meet these additional costs.

Mr W H Manson said that external funding would be sought in general, but that it would not be available specifically for this purpose.

A Member enquired if any consideration had been given to alternative methods of funding.

The Head of Finance said that all options had been considered in outline, but that Members were committed to the Council policy which aimed to minimise future burdens. It would be necessary to consider different ways of structuring reserves to get the right balance of capital and revenue.

The Chief Executive added that a report would be presented soon, and that other funding options had been considered. However the Council could fund the project out of its own capital resources.

Proposed Closure of Quarff Primary School

The Council considered a report by the Head of Education (Appendix 2).

Mr R G Feather said that whilst he had reservations regarding the closure of the school, parents had decided that it would be best for their children to continue attending Cunningsburgh School.

He accordingly moved that the Council approve the recommendation in the report, and Mr W H Manson seconded.

70/04

**Services for People with Disabilities in Shetland;
Developing a Multi-Agency Strategy**

The Council noted a report by the Executive Director – Community Services (Appendix 3).

During the discussion that followed, Members commented that they felt the Council had failed this group of people in the past, and that it was now time to ensure that action was taken to address this.

Mr L G Groat said that whilst the needs of this group of people had been recognised, he felt that nothing constructive had been done to address their needs. In order to ensure involvement of Elected Members, he moved that a working group of parents, members and officers should be set up, to meet on a regular basis, to address these issues.

Mr J C Irvine seconded.

The Executive Director – Community Services explained that the Disability Strategy Group had been meeting to look at pulling together all the different strands of disability work across agencies in Shetland. A draft Disability Strategy had been produced, and this would be the subject of consultation over the summer. It was hoped that this would result in clear recommendations.

She went on to speak about the allocation of resources, and said that if Members wished to shift resources to deal with these issues, this would have to be considered within the overall Community Services budget or wider Council budget.

A Member referred to paragraph 2.6 of the report, and enquired how the people affected by more than one of these disabilities would be dealt with.

The Executive Director – Community Services said that this would be explained further in the draft Disability Strategy, but that definitions in the report had been based on the Disability Discrimination Act definitions. People affected by more than one would be considered to have “complex needs”.

Mr W A Ratter referred to the membership of the Disability Strategy Group, and suggested that Elected Members could sit on this Group.

After some further discussion, Mr L G Groat, with the consent of his seconder, agreed to amend his motion to state that "membership of the Disability Strategy Group, referred to in paragraph 2.5 of the report, should be extended to include Elected Members".

Members agreed that the following should be appointed to the Group:

Mr L G Groat
Mr C B Eunson
Mr W Tait
Mr W H Manson

71/04

Quoys Housing Development and Adults with Learning Disabilities

The Council considered a report by the Community Care Manager (Appendix 4) and on the motion of Mr W A Ratter, seconded by Mr A J Cluness, the Council approved the recommendations contained therein.

A Member referred to the housing development at Hjaltland Place which had been approved, despite objections, as there would be special needs housing incorporated. However the housing had ended up being used for general needs provision, and he said that he hoped the Council would insist that this housing development was used for what it was intended for.

72/04

School Leavers with Additional Support Needs

The Council considered a report by the Community Care Manager (Appendix 5).

Mr W H Manson said that he hoped provision included in the new AHS would help alleviate some of the problems, although provision would have to be made for 19+ age group as the needs were greater than could be catered for. Whilst the Eric Gray Resource Centre (EGRC) did an excellent job, they were now catering for people with more profound needs and the building was now unsuitable and in need of much work.

He went on to move the recommendations in the report, and Mr B P Gregson seconded.

Some discussion took place regarding the EGRC, and it was noted that it would probably require to be completely rebuilt. It was currently urgently in need of attention, and would be a difficult building to adapt.

A Member referred to paragraph 3.8 of the report, and said that the cost of specialist placements on the mainland alone should be an argument in favour of extending the amount of money spent on school leavers with ASN.

Another Member commented that the Council should attempt to get NHS Shetland to pay some of the costs, as they had not been contributing in the past.

In response to a query, the Convener said that it was apparent that Members all shared the concerns of parents. He hoped that the Disability Strategy Group, discussed earlier, would be able to come up with a strategy for the Council to consider. He felt that things were now starting to change and were moving forward in the right direction.

Mrs F B Grains suggested that a progress report should be presented to each Services Committee, and Members agreed.

73/04

Housing Service – Strategic Options

The Council considered a report by the Head of Housing (Appendix 6).

Captain G G Mitchell, Housing Spokesperson, said that it would have been more appropriate for this report to be considered at Services Committee. He felt that to review the situation in five years time would not be appropriate, as this would mean that the Repairs and Renewals Fund would continue to be drained. In order to closely consider all the options available, and as there was no immediate urgency for a decision to be made, he moved that the report should be deferred and considered at the next Services Committee meeting.

Mr J C Irvine seconded.

Mr W A Ratter said that government policy had not changed recently, and was unlikely to in the near future. There was scope for the situation to be reviewed as necessary, and he felt that it was important that tenants were not left feeling insecure. He therefore moved that recommendation 10.1.3 be approved, and Mrs I J Hawkins seconded.

After summing up, voting took place by show of hands, and the result was as follows:

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| Amendment (Mr W A Ratter) | 3 |
| Motion (Captain G G Mitchell) | 13 |

74/04

Grass Cutting – Non SIC Housing Tenants

The Council considered a report by the Community Care Manager (Appendix 7). The Community Care Manager tabled further information regarding community service placements (Appendix 7a).

Mr L Angus said that whilst it had been the decision of Shetland Charitable Trust (SCT) to reduce this expenditure, the way in which it had been done was a mistake. He had received a number of representations, and it was apparent that there were a number of vulnerable people in the community who had no-one to cut their grass. He went on to say that he felt it was also a logical step for the scheme to be extended to deal with properties under the ownership of Communities Scotland and that private homeowners, who have been assessed as being in need, should also have the service restored to them. However, he did not feel that the service should come under the auspices of Social Work, and accordingly moved that the grass cutting service should be moved to Infrastructure Services, and that money should be vired accordingly to pay for the service.

Mr W Tait seconded.

A Member referred to paragraph 1.1 of the report, and said that it was actually SCT that had decided that it was not part of the Shetland Amenity Trust's core business.

Mr J C Irvine pointed out that Shetland Amenity Trust had the facilities to carry out this service, and had done it very well in the past. However he did not feel that the Service should be moved to Infrastructure Services.

He moved, as an amendment, that Shetland Amenity Trust be asked to continue the service for this year. However his motion did not receive a seconder.

The Executive Director – Infrastructure Services, said that any proposal to shift the service to Infrastructure would mean that £50,000 would have to be found to provide the service. Grass cutting was not under the remit of Infrastructure Services, but the Head of Environment was going to carry out a review and it could be considered in future. However, he felt that to carry the service out under a Council contract would cost more than £50,000.

The Executive Director – Community Services, confirmed that it had never been intended that Social Work should pick up the service. A review of grass cutting contracts was ongoing, and Members could request non-SIC tenants to be included. However, as there was no budget, this would be considered as a growth item. It had been agreed to respond to requests received by Social Work this year, as the numbers did not amount to those who had previously received the service.

The Chief Executive said that any request from Members to make money available would be on top of existing budgets, so it would have to be taken out of reserves.

After discussion, and with the consent of his seconder, Mr L Angus amended his motion to read “that the grass cutting service should be moved to Shetland Islands Council, and that money should be vired accordingly to pay for the service”.

75/04 **Natwest Island Games – Shetland 2005 – Development of Facilities**

The Council considered a report by the Head of Community Development (Appendix 8) and on the motion of Mr J P Nicolson, seconded by Mrs F B Grains, approved the recommendations contained therein.

76/04 **Interim Job Evaluation Scheme**

The Council considered a report by the Personnel Manager (Appendix 9), and approved the recommendations contained therein on the motion of Mr L Angus, seconded by Mr J A Inkster.

77/04 **Revised Electronic Communications Policy**

The Council considered a report by the Personnel Manager (Appendix 10), and approved the recommendation contained therein on the motion of Mr W A Ratter, seconded by Mr L Angus.

78/04 **Grievance Procedure**

The Council considered a report by the Personnel Manager (Appendix 11) and approved the recommendation contained therein on the motion of Mrs I J Hawkins, seconded by Mr J C Irvine.

79/04 **Transfer of Employment of Staff: Shetland Fisheries Training Centre Trust**

The Council considered a report by the Economic Development Co-ordinator (Appendix 12) and approved the recommendation contained therein on the motion of Mr L Angus, seconded by Mr J P Nicolson.

80/04 **Refurbishment of Brentham Place/Brentham House**

The Council considered a report by the Head of Legal and Administration (Appendix 13) and approved the recommendation contained therein on the motion of Mr W A Ratter, seconded by Mr J C Irvine.

81/04

Modernising Government Fund – Round 3

The Council noted a report by the Senior Special Projects Officer (Appendix 14).

82/04

Local Governance (Scotland) Bill

The Council considered a report by the Head of Legal and Administration (Appendix 15).

On the motion of Mr L Angus, seconded by Mr J G Simpson, the Council approved the recommendations contained therein and appointed the following Members to the Working Groups:

Mr W A Ratter
Mr J C Irvine
Mr W N Stove

83/04

Committee Structure Review - Update

The Council noted a report by the Head of Legal and Administration (Appendix 16).

Mr L Angus, seconded by Mr J C Irvine, moved that the Council note the report.

A Member commented that he hoped the review would be ongoing as there were still some problems with the implementation of the existing structure. He questioned where decisions were being made, as many reports were being presented for information rather than decision.

The Chief Executive pointed out that Members had previously endorsed the structure and that a review should be carried out within a year. A decision to accept the report would mean that the Forum structure was accepted, that a Planning protocol was accepted, and that the role and remit of the Executive Committee would remain under review.

Mrs I J Hawkins referred to paragraph 3.7 of the report, and said that she felt that the Council should be listening to the Community Council stakeholders with regard to the number of Forums. She accordingly moved, as an amendment, that the suggestion of the ASCC should be taken onboard, and that there should be six Forums rather than three.

Mr W Tait seconded.

A Member commented that as there were now three Forum meetings, this meant that an official, alongside members, of the ASCC was able to attend Forum meetings and report back to community councils. This had not happened in the past.

Another Member pointed out that a liaison group had been set up between the ASCC and the Council, and he questioned whether this was an issue that should be remitted to this group.

Mrs I J Hawkins, with the consent of her seconder, said that she also wished to include this in her amendment.

The Head of Legal and Administration said that the Working Group would continue, but that they had done the job they had been requested to do. The Group were continuing to look at the way in which the Committee structure was operating, and a number of issues required strengthening including training in ethical standards, developing delegation and effective scrutiny in the form of monitoring. These were all aspects within the role and remit of the Executive Committee. The role of Spokespersons would also be considered, and there were a number of evolving items of business, such as the Committee's function as an Audit Committee, which still required to be further developed.

After summing up, voting took place by show of hands, and the result was as follows:

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| Amendment (Mrs I J Hawkins) | 7 |
| Motion (Mr J C Irvine) | 8 |

84/04 **Asbestos Management Policy**

The Council considered a report by the Building Services Unit Manager (Appendix 17) and on the motion of Mr B P Gregson, seconded by Mr W H Manson, approved the recommendations contained therein.

85/04 **Citizenship Ceremonies**

The Council considered a report by the Head of Legal and Administration (Appendix 18), and on the motion of Mr W H Manson, seconded by Mr A J Cluness, the Council approved the recommendations contained therein.

Members confirmed that they were happy for the arrangements for the ceremony to be discussed with the Spokesperson for Culture and Recreation.

86/04 **Nominations to Lerwick Port Authority**

The Council considered a report by the Head of Legal and Administration (Appendix 19).

On the motion of Mr A J Cluness, seconded by Mr J C Irvine, the Council approved the recommendations contained therein and nominated the following Members for consideration by LPA:

Mr E J Knight
Mr J H Henry
Mr L G Groat

In order to avoid the disclosure of exempt information, the Council resolved, on the motion of Mr A J Cluness, seconded by Mr W A Ratter, in terms of the relevant legislation, to exclude the public during consideration of the following items of business.

(Representatives of the public and media left the meeting.)

87/04 **Minute of Employees Joint Consultative Committee – 13 April 2004**

The Council noted the minute of the Employees Joint Consultative Committee held on 19 April 2004 (Appendix 20).

88/04 **Updating Fare Collection Systems**

The Council considered a report by the Ferry Services Manager (Appendix 21) and on the motion of Mr W A Ratter, seconded by Mrs F B Grains, the Council approved the recommendations contained therein.

89/04 **Shetland Business Innovation Centre**

The Council considered a report by the Economic Development Manager (Appendix 22) and approved the recommendations contained therein on the motion of Mr W A Ratter, seconded by Mr L Angus.

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A J Cluness
Convener