

MINUTE

B

Shetland Islands Council
Council Chamber, Town Hall, Lerwick
Wednesday 2 November 2005 at 10.30 a.m.

Present:

A J Cluness	F B Grains
B J Cheyne	C B Eunson
R G Feather	B P Gregson
L G Groat	I J Hawkins
J H Henry	J A Inkster
E J Knight	W H Manson
G G Mitchell	J P Nicolson
W A Ratter	F A Robertson
J G Simpson	W N Stove
W Tait	

Apologies

L Angus	J C Irvine
T W Stove	

In attendance (Officers):

M Goodlad, Chief Executive
G Spall, Executive Director - Infrastructure Services
I Bruce, Service Manager - Transport
A Cooper, Head of Development Resources
B Doughty, Interim Head of Social Work
A Hamilton, Head of Planning
M Henderson, Active Schools Co-ordinator
B Hill, Acting Divisional Manager - Legal
M Holmes, Coastal Zone Manager
A Jamieson, Head of Education
G Johnston, Head of Finance
I McDiarmid, Planning Control Manager
C Medley, Head of Housing/Capital Programme Service
I Millar, Projects Manager
J Porter, Community Learning & Development Officer
J Riise, Head of Legal and Administration
W Shannon, Head of Economic Development
J Smith, Head of Organisational Development
S Moncrieff, ICT Unit Manager
A Cogle, Service Manager - Administration
L Adamson, Committee Officer

Chairperson

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

159/05 **Shetland Islands Council - 14 September and 20 October 2005**

The Minutes of the aforementioned meetings of the Council were approved, on the motion of Mr A J Cluness.

Min Ref: 159/05 – Investment in Smyril Line

Further to a request from Mr L G Groat for clarification on the issue of declaration of interests when Council Members were also representatives on a particular Trust, the Convener reported that Mr Groat would be provided with the necessary information.

(Mr A J Cluness declared an interest, as a Director of Smyril Line. Mrs F B Grains assumed the Chair).

Mr C B Eunson stated that he had not been satisfied with the information provided and enquired when all Members would be allowed sight of the KPMG Report. The Chief Executive explained that Members should approach the SDT directly if they wish to view any specific information or reports. In response to a query from a Member, Mrs F B Grains explained that should Members not be satisfied with the information provided by the SDT, a Notice of Motion could be raised at the next Council meeting.

(Mr A J Cluness resumed the Chair).

160/05 **Members Attendance at External Meetings**

The following Members provided details of attendance at external meetings relating to Council business, further details of which can be obtained from the Members concerned:

R G Feather Urban	Convention of Scottish Local Authorities Affairs Group, Edinburgh
B P Gregson Meeting/Conference, Team Manchester	European Geopark Network Greece Community Regeneration/Meeting with Officials from Ministry of Defence re. Unst NFLA Meeting and NULEAF AGM,
I J Hawkins	SOTEAG Meeting, Aberdeen
I J Hawkins A J Cluness	Events to Commemorate the Shetland Bus, Telavag, Norway
W N Stove	Scottish Joint Council, Dundee

G G Mitchell	Meeting with Transport Minister & MSP's re. PSO's, Edinburgh
A J Cluness	Meetings to discuss progress with the Bressay Bridge, Edinburgh

The Convener explained the latest situation with progress on the bridge project, following meetings with the design consultants, legal advisors, the Minister and Scottish Executive officials. A note on his findings was tabled at the meeting (Record Appendix A). The Convener reported that the project will not proceed as a straightforward public enquiry but will go through a special parliamentary procedure as a Bill to the Scottish Parliament. The Convener proposed that as this process will take some time, the SIC offer to enter into joint investigations with the LPA to examine alternatives to the bridge and also to request that its consultants prepare alternative bridge designs. During the discussion that followed, Members were in agreement that this was a welcome proposal and the right way to proceed.

161/05 **Petition**

The Council noted that a petition had been received, signed by residents of South Lochside, expressing concern for the safety of children on South Lochside from speeding drivers. The petition is asking for an urgent traffic calming solution and lower speed limit. The Convener explained that the Head of Roads has confirmed that a report considering the issues raised will be presented to the Infrastructure Committee on 29 November.

162/05 **Infrastructure Committee - 18 October 2005**

The Council approved the minute of the aforementioned meeting, on the motion of Mr J A Inkster.

163/05 **Services Committee - 20 October 2005**

Except as undernoted, the Council approved the minute of the aforementioned meeting, on the motion of Mrs F B Grains.

**Min Ref. 63/05 – Capital Grant to Voluntary Organisations –
Shetland Skatepark Association – Construction of a Skatepark**

(Mr W N Stove declared an interest as a Trustee of Shetland Recreational Trust).

Mr A J Cluness said, that in the absence of the Member for the Area, he wished to pay tribute to the Skatepark Association for their determination over the years to find an area to build a skatepark. He referred to the decision to locate the skatepark at the Gilbertson Park, and said that he was aware of a number of

objections from neighbouring residents. He explained that the Shetland Recreational Trust (SRT) had approved the build of the Skatepark at the Clickimin site and although the purchase of the land may take time, he did not anticipate any problems. Mr Cluness agreed to the general proposals in the report but moved, as an amendment, that the facility be built at the Clickimin site. Mr J P Nicolson in seconding Mr Cluness, added a note of caution, that the expectation could be that the skatepark would be supervised at Clickimin, however SRT have only agreed to the allocation of the land and skatepark users are free to utilise the facilities at the Clickimin Centre.

Mr W H Manson stated that he was of the opinion that Gilbertson Park should be the preferred site, as a skatepark does not occupy a great deal of ground, would not detract from the amenity of the park, there would be less landscaping required and the costs would be considerably less than building at Clickimin. Mr W H Manson said that he wished to maintain the motion agreed at Services Committee, for the recommendations in the report to be approved, but for the site for the facility to be at Gilbertson Park, not Clickimin.

Mr W N Stove stated that a decision should be made at the meeting today, as delays in reaching a decision on the construction of a skatepark could result in the external funding being withdrawn.

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

Amendment (Mr A J Cluness)	10
Motion (Mr W H Manson)	5

164/05 **Executive Committee - 25 October 2005**

The Council approved the minute of the aforementioned meeting on the motion of Mr A J Cluness.

165/05 **Executive Committee – Economic Development - 25 October 2005**

The Council approved the minute of the aforementioned meeting on the motion of Mr W A Ratter.

166/05 **Executive Committee – Scrutiny - 25 October 2005**

The Council approved the minute of the aforementioned meeting on the motion of Mr A J Cluness.

167/05 **Civic Government Licensing Sub-Committee - 28 September 2005**

The Council approved the minute of the aforementioned meeting, on the motion of Mr J P Nicolson.

168/05 **Planning Sub-Committee - 28 September 2005**

The Council approved the minute of the aforementioned meeting, on the motion of Mr J P Nicolson.

Min. Ref. - 10/05 (4) Enforcement Report – Subjects at Gremista
Mr L G Groat advised that he had declared a non-pecuniary interest in the above item, which had not been noted in the minute.

169/05 **Harbour Board - 29 September 2005**

The Council approved the minute of the aforementioned meeting on the motion of Mr J G Simpson.

Min. Ref. 21/05 – Port Operations Report

Mr J G Simpson referred to the discussions that the Met Office is currently reviewing how and where weather forecasts are produced, and asked for the Council's support for weather radar coverage to be extended to Shetland.

170/05 **Marine Development Sub-Committee - 22 September 2005**

The Council approved the minute of the aforementioned meeting on the motion of Mr W H Manson

171/05 **Notice of Motion**

The Council considered a Notice of Motion submitted by Councillor J C Irvine, and signed by six Councillors (Appendix 1).

(Captain G G Mitchell declared a non-pecuniary interest, as Chairman of the Citizens Advice Bureau).

In the absence of Mr J C Irvine, Mr A J Cluness moved that as from April 2007 voluntary groups should be placed on three-year funding grants, which should include service level agreements, with reports produced for the June cycle of meetings. Captain G G Mitchell seconded.

Mr J P Nicolson suggested that this proposal should include "subject to the availability of finance".

Some discussion took place on the need for clarification as to which organisations were considered "voluntary groups" and whether this included the Trusts. Mr W A Ratter stated that the first sentence of the motion was wholly incompetent, there was no room for interpretation and it required further explanation. Mr Ratter accordingly moved, as an amendment, that the motion required to be rephrased and a full report be presented to the Council. Mr J P Nicolson seconded.

Mr A J Cluness agreed that a full report would be beneficial and would perhaps give an opportunity for Mr Irvine to be in attendance

at the meeting. With the consent of his seconder, Mr A J Cluness withdrew his motion.

172/05 **Long Term Financial Planning - Council Reserves: 10 Year Projections (2006-2016)**

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

The Head of Finance summarised the main terms of the report. Mr J P Nicolson said that there appears to be a reluctance to accept the Council policy of maintaining Reserves at a floor level of £250m. In response to a query from a Member, the Head of Finance explained that the Reserves floor level would be monitored and reviewed annually.

The Chief Executive said that the Council cannot continue with the overall Revenue projections as well as new capital items above the current programme. He was of the opinion that the Council was making progress, although there are challenges that need to be faced and not dismissed.

Mr W H Manson stated that the Bad Case projections were by no means the worst case. He noted that the Bad Case projections did not include future provision for ferries, terminals and fixed links, and although external funding will be sought, there will be cost implications to the Council.

The Council approved the recommendations contained in the report on the motion of Mr A J Cluness, seconded by Mrs F B Grains.

173/05 **The Capital Programme – CPMT Report – November 2005**

The Council considered a report by the Head of Finance (Appendix 3) and adopted the recommendations contained therein, on the motion of Mr A J Cluness, seconded by Mrs F B Grains.

Mr W H Manson referred to paragraph 2.1 in Appendix A, and stated that a replacement for Bells Brae School should be built into the programme long term.

Referring to the proposal to defer reconstruction at Blacksness Pier for one year initially, Mrs I J Hawkins said that she was content with the deferral for one year, however she believed that there should be no further deferrals and the reconstruction should proceed in future years.

In response to a query from a Member regarding the need for new accommodation for Social Work staff, the Chief Executive reported that Social Work offices would be discussed as a priority item at the next Accommodation Working Group.

174/05 **Public Performance Reporting – 2004-05**

The Council considered a report by the Head of Organisational Development (Appendix 4) and adopted the recommendations contained therein, on the motion of Mr J P Nicolson, seconded by Captain G G Mitchell.

175/05 **Corporate Improvement Plan Implementation – April to September 2005**

The Council considered a report by the Head of Organisational Development (Appendix 5) and adopted the recommendations contained therein, on the motion of Mr A J Cluness, seconded by Mrs F B Grains.

Mr J P Nicolson said that Members should be kept informed on progress of Strategy documents and suggested that compact documents be produced to keep members up to date on individual projects.

Mrs I J Hawkins stated that if some target levels were not being reached due to staff shortages within the Planning Department, this issue must be addressed.

Mr R G Feather referred to Priority 16, Skills Development, and enquired whether graduates on the Graduate Placement Scheme and Modern Apprenticeship Scheme are local students. The Chief Executive reported that all applicants must be domiciled in Shetland. He added that this was a positive development and the schemes were currently oversubscribed.

176/05 **Councillors' Computing**

The Council considered a report by the ICT Unit Manager (Appendix 6).

Mr B P Gregson reported that he had been present at the ICT Sounding Board where the proposals for the provision of computer equipment for Council Members had been discussed at great length, and the recommendations in the report properly reflect the requirements to meet Members' needs at all levels. Mr B P Gregson accordingly moved that the Council adopt the recommendations in the report. Mrs B J Cheyne seconded. Mr W A Ratter referred to Recommendation 8.3 in the report, that a decision was required as to whether Members should be offered "Blackberry" devices. Mr Gregson confirmed that his motion included agreement that "Blackberry" devices are offered to Councillors.

Members were in agreement that the 'Blackberry' devices were extremely useful and most beneficial when working away from home.

Mr W N Stove reported that as an experiment, he had ADSL Broadband connected at his home. The advantages were the fast connection speeds and with only one line, both the computer and phone can be used at the same time.

Mr J P Nicolson referred to interruptions at meetings from calls to 'Blackberry' devices/mobile phones and enquired whether it was appropriate to make a motion to ban the use of such mobile equipment at Council meetings. Mr A J Cluness advised that this was not the matter to be discussed in relation to this report, and he could not support a motion to have such equipment switched off but courtesy would demand that they should be on silent mode.

177/05 **Enterprise Backup Solution**

The Council considered a report by the ICT Unit Manager (Appendix 7) and adopted the recommendations contained therein, on the motion of Mr W A Ratter, seconded by Mrs F B Grains.

178/05 **Creation of a separate Scrutiny Committee**

The Council considered a report by the Head of Organisational Development (Appendix 8) and adopted the recommendations contained therein, on the motion of Mr W A Ratter, seconded by Mr A J Cluness.

In response to a concern from a Member regarding the proposal for a balance of Members on the separate Scrutiny Committee to be Members of the Executive Committee, the Head of Organisational Development explained that the Scrutiny Committee will scrutinise the remit of the whole organisation and the Executive Committee is a component of the Council.

The following eight Members were appointed to the Scrutiny Committee:

Mrs B J Cheyne, Mr R G Feather, Mrs F B Grains, Mr L G Groat, Mrs I J Hawkins, Mr J P Nicolson, Mr F A Robertson and Mr T W Stove.

179/05 **Teachers Joint Consultative Committee**

The Council considered a report by the Head of Organisational Development (Appendix 9).

Mr W H Manson said that he could see no reason for teachers not to be included in the overall Employees Joint Consultative Committee. Mr W A Ratter concurred and moved that the Council defer a decision to allow for further consultation. Mr F A Robertson seconded.

Mr W N Stove advised that half of local authorities in Scotland have Member representation at meetings of their Local Negotiating Committee for Teachers, however Shetland does not. He was of the opinion that teachers would choose not to be incorporated in the Employees JCC as teachers do not participate with many of the corporate policies, preferring to develop their own policies.

180/05 **Schedule of Meetings 2006**

The Council considered a report by the Head of Legal and Administration (Appendix 10).

Some discussion took place as to whether there should be a change to the 10.30am start time for Council meeting. Mr C B Eunson moved that the Council adopt a status quo, for Council meetings to continue to start at 10.30am. Captain G G Mitchell seconded.

Mrs B J Cheyne moved as an amendment that the Council meetings should start at 10am. Mr B P Gregson seconded.

Voting took place by a show of hands, and the result was as follows:

Amendment (Mrs B J Cheyne)	6
Motion (Mr C B Eunson)	10

Mr J G Simpson said that it would be advantageous for the Marine Development Sub-Committee and Civic Government Licensing Sub-Committee meetings to be scheduled in the diary. However, it was noted that these meetings were scheduled in response to applications received. Mrs F B Grains said it was important that when meetings were entered in the SIC diary, that other meetings are not scheduled at the same time.

Following the Council's decision today to create a separate Scrutiny Committee, the Head of Legal and Administration requested that the Council grant him delegated authority to schedule meetings of the Scrutiny Committee. The Council agreed.

181/05 **Motion to Ban Airguns**

The Council considered a report by the Head of Legal and Administration (Appendix 11).

Mr L G Groat moved that the Council express its support to West Dunbartonshire Council. Mr W Tait seconded.

182/05 **Local Government Boundary Review (Community Council Scheme)**

The Council considered a report by the Head of Legal and Administration (Appendix 12).

The Head of Legal and Administration summarised the terms of the report, and advised that a meeting of the Boundary Commission will take place next week to consider the continued representation of Girdsta. He advised that the Boundary Commission proposals for the new wards would affect Gulberwick and Tingwall, and asked the Council for concurrence to present the three options outlined in the report to the affected Community Councils, to find their preferences and report back to Council. Mr B P Gregson moved that the Council adopt the recommendations in the report. Mrs I J Hawkins seconded.

183/05 **Planning Position at Gremista Industrial Estate – Subjects: Judane (Shetland) Limited – Knitwear Factory**

The Council considered a report from the Shetland Islands Council's Monitoring Officer (Appendix 13).

Mr L G Groat reported that on several occasions the Lerwick Port Authority (LPA) had asked SIC Officers for advice as to whether planning permission would be required to change the use of the premises. On each occasion the LPA had been informed that planning permission would not be required.

Mr J P Nicolson in moving that the Council adopt the recommendations in the report, referred to Section 9.4, and stated that in future there should be more proactive acceptance and intimation of a mistake at the earliest possible opportunity. Mr B P Gregson seconded.

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

184/05 **Inter Island Air Service Contract**

The Council considered a report by the Service Manager - Transport (Appendix 14) and adopted the recommendations contained therein, on the motion of Mr W A Ratter, seconded by Mr J A Inkster.

(Mr W H Manson declared an interest as Chairman of SLAP. Mrs F B Grains and Mr W Tait declared an interest as Members of SLAP).

CONVENER

Shetland Islands Council
02 November 2005 Public Minutes