

# MINUTES

## B - PUBLIC

**Shetland Islands Council**

**Main Hall, Town Hall, Lerwick, and remotely via Teams**

**Wednesday 9 September 2020 at 10.00am**

### **Present (Main Hall):**

D Anderson	M Bell
S Coutts	S Flaws
J Fraser	S Leask
M Lyall	E Macdonald
R McGregor	D Sandison
I Scott	C Smith
G Smith	R Thomson

### **Present (by remote link):**

P Campbell	A Cooper
A Duncan	A Hawick
C Hughson	A Manson
A Priest	T Smith

### **Apologies:**

None

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

M Sandison, Chief Executive

### **In Attendance (Officers) (by remote link):**

H Budge, Director of Children's Services  
C Ferguson, Director of Corporate Services  
J Smith, Director of Infrastructure Services  
N Grant, Director of Development Services  
B Chittick, Interim Director of Community Health and Social Care  
J Robinson, Deputy Interim Director – Community Health and Social Care  
T Coutts, Acting Executive Manager – Economic Development  
J Manson, Executive Manager – Finance Services  
I McDiarmid, Executive Manager – Planning  
S Msalila, Executive Manager - ICT  
S Pallant, Executive Manager – Coastal Zone Management  
P Peterson, Executive Manager – Executive Services  
J Riise, Executive Manager – Governance and Law  
R Sinclair, Executive Manager – Assets, Commissioning and Procurement  
A Cogle, Team Leader – Administration  
K Johnston, Team Leader – Legal  
D Robertson, Team Leader – Environmental Health  
E Perring, Policy Manager  
M Smith, Commercial Development Officer, Shetland Telecom  
P Wishart, Solicitor  
C Anderson, Senior Communications Officer  
B Kerr, Communications Officer  
L Adamson, Committee Officer

### **Chairperson**

Mr Bell, Convener of the Council, presided.

## **Circular**

The circular calling the meeting was held as read.

The Convener advised that whilst the public are excluded from attendance at this meeting under the terms of the Coronavirus (Scotland) Act 2020, members of the local media are in attendance via remote link. The meeting was being recorded and would be published online for public access after the meeting.

## **Petition and Deputation - Governance**

The Convener introduced the petition with 25 signatories received by the Council concerning a range of matters related to the governance of the Council, in particular delegated authority and information. The petition had been accompanied by a request for a deputation to be heard.

The Council unanimously agreed to hear the deputation. The Convener advised that following the deputation, the Council should determine whether to note the petition and deputation, or instruct a report from the Chief Executive to the next meeting.

The Convener invited Ms Jolly to present the deputation to the Council. It was however advised that Ms Jolly had unfortunately not joined the meeting.

The Council proceeded to consider the petition as had been submitted on 5 August 2020 (Petition attached as Record A).

The Leader said it was unfortunate the deputation would not be heard, and he moved that the Council note the content of the petition as presented. Mrs Macdonald seconded.

Mr C Smith said that he welcomed the petition, as it should give Members sight that the community has concerns what is happening within the Council. He said it would be an injustice just to note the petition, and an injustice to the officers and Members if there are possible allegations that things are not going correctly. Mr C Smith moved as an amendment, to call for a full report from the Chief Executive on this matter. The Convener however sought clarity from Mr C Smith on the terms of the further report. Mr C Smith advised that as it would appear there are concerns in the community that Members of the Council are not in control, it would only be fair to officers and Members that there should be further report to allow debate, to consider what is in the petition, rather than just to note the petition. Mrs Lyall seconded.

In introducing his motion, Mr Coutts said that he had been elected into the role of Councillor to serve the community, and he was perfectly comfortable in that role, and perfectly comfortable in the roles and responsibility of Councillors and officers. He said that Councillors take the strategic and policy decisions, and officers take an active part in putting that into place. Mr Coutts added that he did not feel in any way disenfranchised and was in control as a Councillor, and therefore he was content for the petition to be noted.

In introducing the amendment, Mr C Smith said that while Councillors may feel in control of themselves, there was however a petition here from the community of Shetland and from some constituents Members represent. He added that there are allegations within the Petition that the community feels the Council is not in control, and unless we can have that further debate how else can we convince them otherwise.

Mr Scott advised that, in his experience of being a Councillor, there have been times when the reports and information he has received from officers has been far from satisfactory. Mr Scott

proceeded to explain the extent of his dissatisfaction but, on the instruction of the Convener, he refrained from expanding further.

In speaking in support of the motion, a Member advised on how well he has been kept fully informed on all actions taken by officers during the COVID-19 situation, and all Members had the opportunity to contribute to those actions through participation at Seminars and Briefings. Far from being disenfranchised, the reports presented are determined by the Members, produced by officers in terms of the Council's policies, and Members are given ample opportunity to discuss, debate and come to a conclusion and then to instruct officers further should that be required. Other Members advised that they had no concerns on how the Council is run, they are kept well informed on Council business and have never been denied access to any information. In that regard, it was suggested that any Member who feels disenfranchised should be encouraged to get more actively involved going forward.

Comment was made on the difficulty to actually determine what the petition was about, however specific allegations had been made within the petition about how the Council does its business, which it was suggested would need to be raised in more targeted way than in a petition. A Member advised on the importance to listen to the community, and for the community to have access to information, however there was nothing in the petition as presented that could encourage any other decision, but to note the petition.

During the discussion, some Members advised on their support for the amendment. Comment was made that if constituents are raising questions, that the Council owes it to them to be transparent on processes and decisions made, and to have a formal debate in the Chamber. Reference was made to the paragraph of the petition that referred to the disenfranchisement of the people that the Council serves, and in that regard it was important to give the people of Shetland all the information that they need.

Comment was made on the opaque wording of the petition, being very rambling and non-targeted in what it aims to achieve. However it was advised that the content had been sufficiently clear for Members to be provided with some recent clarity on leases. A Member went on to advise that it had been made very clear, that the Viking Energy project was a done deal, however that had not been the case. It was therefore that aspect of the petition that would require further reporting, rather than simply noting the petition.

During the discussion, comment was made that there was sympathy for both sides of the debate, in that while there was acceptance that officers have acted in a manner that would be expected, there was also a need to acknowledge there may be perception by some in the community that was not the case. In that regard, it was suggested there was a need to communicate accordingly to change that perception. In referring to the earlier call from the Convener for clarity on the remit of the proposed report, Mr Fraser suggested the following wording that could make the amendment more specific, namely, "that the Council seeks clarification of the specific legal remit granted by delegated authority, clarification of its interpretation and practical implications and assurance that no one has acted ultra vires". The Convener said that he was certain that such clarity would be provided within any report from the Chief Executive. He went on to thank Mr Fraser for the proposed wording, but said that he had given Mr C Smith the opportunity to clarify his amendment and to specify any particular areas he would wish covered in the report. The Convener went on to say, that as the petition would appear to be unclear on a number of statements, he was disappointed that the representative of the petition had not presented to Council, having as recently as yesterday agreed to attend.

In responding to questions, the Convener advised that 20 signatures are required for a petition to be submitted to the Council, and this petition had included 25 appropriate signatories from

residents of Shetland. He confirmed that the original petition had included that names, addresses and signatories appropriate to allow the petition to come forward. He went on to advise that while that information provided could be viewed by Members, it would not be relevant to the decision required on the petition today.

During further discussion, a suggestion was made as a way forward on this matter, for the Council to note the petition, but also to provide some other communication to the general public.

There were no further contributions.

Following summing up, voting took place by roll call vote, and the result was as follows:

<u>Motion</u>	<u>Amendment</u>	<u>Abstention</u>
Mr Anderson	Mr Flaws	Mr Fraser
Mr Bell	Ms Hawick	
Mr Campbell	Mrs Hughson	
Mr Cooper	Mr Leask	
Mr Coutts	Mrs Lyall	
Mr Duncan	Mr Scott	
Mrs Macdonald	Mr C Smith	
Ms Manson		
Mr McGregor		
Mr Priest		
Mr Sandison		
Mr G Smith		
Mr T Smith		
Mr Thomson		

The result was Motion 14, Amendment 7 and Abstention 1. The motion to note the petition was adopted.

**Petition - Peatlands**

The Council considered a petition submitted from 24 signatories, seeking the Council to consider the motion that the Council “cease immediately and in future to support any entity in the destruction of peatlands with regards to its value as a carbon sink” (Petition attached as Record B). The Convener advised on the options to the Council, to either note the petition or to instruct the relevant officer to provide a report to a subsequent meeting of the Council.

The Leader moved that the Council note the petition. He went on to advise that the planning permission process for such projects involves consultation with statutory consultees, and for larger scale projects habitat and peat management plans would be in place. Mrs Macdonald seconded

Mrs Lyall suggested the need for a further report to look at the impact of existing and forthcoming projects on our peatland, and she moved as an amendment, for a report to look at the impact on currently approved and forthcoming projects. However after being reminded on the options to the Council to determine a petition, Mrs Lyall confirmed her amendment, to seek a report on the subject of the petition. Mr Scott seconded

Following summing up, voting took place by roll call, and the result was as follows:

<u>Motion</u>	<u>Amendment</u>	<u>Abstention</u>
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Mr Anderson	Mrs Lyall	Mr Leask
Mr Bell	Mr Scott	Ms Manson
Mr Campbell		
Mr Cooper		
Mr Coutts		
Mr Duncan		
Mr Flaws		
Ms Hawick		
Mrs Hughson		
Mrs Macdonald		
Mr McGregor		
Mr Priest		
Mr Sandison		
Mr C Smith		
Mr G Smith		
Mr T Smith		
Mr Thomson		

The result was Motion 18, Amendment 2 and Abstention 2. The motion to note the Petition was adopted.

### **Petition – Lerwick Power Station**

The Council considered a petition submitted on 12 August 2020, by 23 signatories, seeking the Council to support the option of providing energy security and continuity of supply to the islands at reasonable cost by replacing the Lerwick Power Station with a LNG Gas Plant (Petition attached as Record C). The Convener advised that the Council can determine to note the petition, or ask the relevant officer to provide a report to a subsequent meeting.

The Leader said that Members will be aware of the roles and responsibility as a Local Authority, the provision of power to Shetland is not one of them. There is a regulatory role for OFGEM, which is not in the Council locus, however in terms of community representation the Council will make sure electricity security is in place for Shetland. Mr Coutts moved that the Council note the petition.

Mr Thomson seconded, and there was no one otherwise minded.

### **Declarations of Interest**

Mr Priest declared an interest in Item 8, “Corporate Risk Register Report” should there be any discussion on Sullom Voe business challenges. Mr Priest added that unless the discussion gets in-depth, he should not need to be excluded from the debate.

### **Minutes**

The Council confirmed the minute of meeting held on 1 July 2020, on the motion of Mr Thomson, seconded by Mr G Smith.

The Council confirmed the minute of meeting held on 2 July 2020, on the motion of Mr Thomson, seconded by Mrs Macdonald.

The Council confirmed the minute of meeting held on 15 July 2020, on the motion of Mr Duncan, seconded by Mr Coutts.

The Council confirmed the minute of meeting held on 22 July 2020, on the motion of Mr Thomson, seconded by Mrs Macdonald.

- Min. Ref. 46/20 – Temporary Speed Limits – A970 South Road to Gulberwick  
In response to a question, it was confirmed that the updated report would be presented to Environment and Transport Committee during the November cycle of meetings.

It was noted that the minute of the meeting held on 10 August 2020 would be held over to the next cycle of meetings.

61/20 **COVID-19 update**

The Council considered a report by the Executive Manager – Governance and Law (GL-22-20-F) regarding decision-making arrangements undertaken by the Chief Executive and Directors, with appropriate consultation, to deliver, provide, support and protect the Council and other public services, staff, the Shetland community and its citizens during the current Coronavirus pandemic.

The Executive Manager – Governance and Law summarised the main terms of the report.

In referring to the template of decisions taken during the emergency phase of COVID-19 to date, at Appendix 1, the Executive Manager – Governance and Law advised on two further updates to be made, namely the decisions taken on the Temporary Mortuary Plan and on Scottish Government funding to source laptops and IT equipment for pupils. He also advised that while reference had been made in the report to Appendix 2, which set out the full context for decision making and responding with the use of emergency powers as approved by the Council, that Appendix had been omitted from the agenda pack. The Executive Manager – Governance and Law confirmed that the two updates to Appendix 1 and Appendix 2 had been circulated separately to Members prior to the meeting, and would be added to the report forming part of the formal record of this meeting.

During discussion, reference was made to the “Risk Management” section of the report, where clarity was sought on the timescale for the report to Audit Committee on internal controls in place during the emergency response phase to COVID-19. The Executive Manager – Governance and Law advised that a report from the Chief Internal Auditor would be presented before the end of the year. He went on to give assurance that the Chief Internal Auditor has indicated that the internal controls have been sufficiently robust during this period.

In referring to the final page of the Appendix, which reported on Marine Infrastructure and Airports projects where contracts had been suspended during the lockdown, it was questioned what additional costs would be incurred on these and other Council projects. The Chief Executive advised that an updated Asset Investment Plan (AIP) and Medium Term Financial Plan would be presented during the November cycle of meetings. The updated AIP would inform on any delays and changes to Council projects.

In response to a question regarding recoverable costs from the Scottish Government due to the COVID-19 response, the Chief Executive advised that the Council has been engaging with CoSLA during the last 6 months. However at this time there has been no indication that increased costs and loss of income will be addressed by

the Scottish Government. The Chief Executive confirmed that discussions will continue in that regard.

During debate, the Leader commented that he was somewhat confused at the lack of questions on the numerous activities and decisions taken by officers during this unprecedented time. He said that in his opinion, there could be no doubt that Members had been kept well informed throughout with engagement with Members at least on a weekly basis, which he said was a credit to officers during this period. In that regard, he questioned the comments put forward during the earlier discussion in terms of Members feeling disenfranchised. The Leader said that during this time the recording of meetings has been introduced, being a very positive step, and the Council reinvigorated its Committee cycle, which he added has not happened in all Councils in Scotland. Mr Coutts moved that the Council approve the recommendation in the report. In seconding, Mr G Smith said that the decisions taken are an exemplary illustration of the proper working of the Council and its ability to respond to such circumstances in an open and transparent manner, which was a credit to officers. He advised that he had been made fully aware of decisions taken on behalf of the Council, and Members were also informed through Seminars, Briefings and press releases and by direct communication with staff.

During the debate, Members advised that they welcomed the report, being extremely helpful to understand the sheer scale and detail of the decisions that had to be taken, and formulated in a way that was very helpful at this time and also in the future. Officers and Members were congratulated on the scale of the work undertaken during the COVID-19 pandemic, as was set out in the Appendix. Officers were also commended on their ability to timeously revolve matters raised by Members on behalf of their constituents during this time. Comment was however made that the pandemic was far from over, and in that regard the Council must work closely to mitigate impacts on the Council into the future.

Thanks was also paid to the community and other agencies for their contributions, who have worked together with the Council for all that has been achieved for the community. A Member relayed that the business community have been very heartened at the way Council officers have provided information to them, and it was suggested that such flair, capacity and ability displayed by officers to find solutions should be captured to retain the 'can do' attitude going forward.

Comment was made that whilst the majority of focus over the last few months had been on the COVID-19 pandemic, it was also important to acknowledge the other activities that have also continued during that time, which again demonstrates the 'can do' attitude of the staff.

Reference was made to the report, where it states that it was the Senior Councillors that had pressed for the Council meetings to return, however it was advised that all Members had contributed to the need to resume normal business. In that regard, the Senior Councillors were thanked in getting the Council back in business as soon as was possible.

Comment was made on the Council being at the forefront of being open in its decision making, in now more open in terms of the recording and broadcasting of meetings, was very much welcomed. In that regard, comment was made that positives had come out of the pandemic and it was hoped further positives would be achieved going forward. While it was noted that the Scottish Government's stance continued to be to work from home where that was possible, the Council had

organised limited in-person meetings, which again was exemplary for this Council. Credit was also relayed to all who had been involved in the Decisions taken on free school meals and clothing grants, which would have of benefit to many families in Shetland.

In referring to Section 4.6 of the report, comment was made on the importance for Members to be kept informed on the outcomes with Brexit.

A Member commented that while Members may not feel disenfranchised, at times the dissemination of information to the public could leave the public feeling disenfranchised. In referring to the comment made, the Leader paid credit to staff and to the Communications Team who decipher the Scottish Government guidance and bulletins on the COVID-19 pandemic and put it in a form the wider community can better understand. It was further clarified by the Member, that the dissemination of information from officers had never been in question.

In referring to the recommendation at 1.3, namely “..that the Council accepts the completed table as a reflection of all of the decisions requiring reporting to the Council..”, it was suggested that given there had been two late updates to the table advised during the introduction of the report, whether there may be other decisions to be added to the table going forward. In that regard, it was questioned whether the recommendation should be changed to read “...that the Council accepts the completed table as a reflection of the decisions requiring reporting to the Council”.

In concluding debate, staff were again commended on the work undertaken to relay information and communicating to the public during the very difficult and challenging times.

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#### **Decision:**

The Council **RESOLVED** to:

- **NOTE** the up to date position regarding the emergency response to COVID-19 and in particular the scaling down of activity on a national and local level, commensurate with the need to fully embrace the recovery phase on behalf of Shetland Community;
- **NOTE** the resumption of Council and Committee meetings in a staged approach over the last 4 months leading ultimately to a complete cycle of meetings ending today with this Council meeting;
- **RECEIVE** the completed template attached as Appendix 1 to this report in implementation of the Councils instruction on 22nd April 2020. The template represents a formal statement of decisions taken during the emergency response to date and, following consideration of the items that the Council
- **ACCEPT** the completed table as a reflection of all of the decisions requiring reporting to the Council in line with the Councils constitution; and
- **ACKNOWLEDGE** that the response phase of the Council's application of the emergency plan is now stood down and replaced by the Council's recovery phase with greater focus on community resilience, the economy and caring for people strands of the civil contingencies legislation.



*(There was a brief adjournment from 11.30am to 11.40am).*

62/20 **SIC Overall Management Accounts 2020/21: Projected Outturn at Quarter 1**

The Council considered a report by the Executive Manager - Finance (F-037-20-F) that set out the overall Council projected financial position as at quarter 1, to 30 June 2020.

In introducing the report, the Executive Manager - Finance referred to the various performance reports to the functional Committees this cycle, advising that the activity across the Council has been very different to what had been envisaged when the budgets had been set earlier in the year. The Executive Manager - Finance summarised the main terms of the report, advising on the forecasts on budgets at the end of the first quarter of 2020/21, and the spend on service delivery and capital expenditure. In introducing the content of the various appendices, the Executive Manager – Finance drew attention to the additional Appendix 5, which provided detail of the additional costs and lost income from managing and responding to the COVID-19 pandemic. In that regard, he reported that the Council has incurred approximately £720k of additional costs and lost income up to the end of June 2020. The estimate at this time, is for additional pressure of £2.1m in additional costs/lost income less any potential savings in that period. He advised that these assumptions were based on the Scottish Government's Framework for Decision Making – the Routemap. He confirmed that a watching brief will be kept on these forecasts and Members would be kept informed going forward.

In referring to the recommendation at 1.1.2, the Executive Manager – Finance advised on the proposal to re-profile a series of budgets into next year due to the low likelihood to make up for lost time on projects which would normally have been competed during the last quarter, had it not been for the pandemic. He added that the detail on the carry forwards by Service Area was set out in Appendices 4 and 5.

In response to a question regarding the scope for further spend associated with the COVID-19 pandemic, the Executive Manager – Finance explained that the estimate was based on assumptions, and the Council was very much following the Routemap, which would be subject to revision over the rest of the year. He said that this quarter covers the period of very restricted activity of the Council, and as restrictions ease the Council should be able to undertake a wider range of activity as services seek to resume some sort of resemblance of normality. He went on to advise that while some funding has been forthcoming, there has however been no further assurance from the Scottish Government that there will be any further funding. He advised also that there was a variety of mechanisms that may be brought in to help address issues that Councils across Scotland have been facing, but the outcomes on these were still awaited.

In responding to questions, the Executive Manager – Finance advised that should no external funding be forthcoming to cover the additional costs in responding to the COVID-19 pandemic, in the first instance any areas of underspend would be considered. Should that not be an option, there would be a need to look to use other resources, and the reserves would be at the Council's disposal. In terms of the overspend on the Toft Pier project, he advised that there would be available budget in the Harbour Account to meet that unfortunate overspend.

In response to a question, the Executive Manager – Finance advised that he would circulate a Briefing Note to Members, to inform on the total figure of invoices that have been approved that did not have a purchase order.

During the discussion, the Executive Manager – Finance undertook to provide Cllr Scott with the figure showing the reduction in reserves specific to the investments, and to provide Cllr Hawick with further detail, including a flow chart, to illustrate how the Harbour Account is funded.

During debate, the Leader referred the recommendation at 1.1.2, and said that the re-profiling of budgets would seem sensible based on the circumstances. In referring to Appendix 5, which provided an estimate of the additional cost of the COVID-19 response, he advised on the need to continue to make the case to Government to get that resource for the Council. Mr Coutts moved that the Council approve the recommendation in the report. Mr C Smith seconded.

In referring to the Council's increased spend in responding to the COVID-19 pandemic and the likelihood of additional costs going forward, Members stressed the need for the Scottish Government to meet the additional costs, and to support the Leader in his pursuit of the funding from the Scottish Government. In responding to a question, the Leader advised that there has been no commitment to date from the Scottish Government in terms of full funding, however he confirmed that engagement would continue through CoSLA for settlement from the Scottish Government.

Reference was made on the unsustainable financial situation within the Council, and it was questioned whether this could be the time for the Council to look again at how to manage funding better to reduce spending. It was however acknowledged that the budget had been set democratically by Members earlier in the year, and there had been no descent when the budget had been approved. The opportunity for Members to come forward with their proposals to make savings would be during the next budget setting exercise.

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**Decision:**

The Council **RESOLVED** to:

- **NOTE** the Management Accounts showing the overall projected outturn position at Quarter 1; and
- **APPROVE** the re-profiling of budgets on revenue and capital projects for inclusion in the 2021/22 budget exercise as set out in Appendix 1.

63/20 **Shetland College Board - Student Member Appointment**

The Council considered a report by the Executive Manager – Governance and Law (GL-17-20-F) that presented a Shetland College Board appointment for approval.

The Executive Manager – Governance and Law introduced the report.

Mr Campbell moved that the Council approve the recommendations in the report. Mr G Smith seconded.

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**Decision:**

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The Council:

- **RESOLVED** to appoint Ms Cally Mair, HISA Depute President, as the nominated student representative on the Shetland College Board, with full voting rights; and
- **CONSIDERED** the proposal contained in section 4.4, and **RESOLVED** to amend the Student Representative voting member appointment of the Shetland College Board to be ex-officio filled by the HISA Shetland President/Depute so long as they remain a student at Shetland College.

64/20

**Delegated Authority - Antisocial Behaviour etc. (Scotland) Act 2004 and the Housing (Scotland) Act 2006**

The Council considered a report by the Team Leader – Environmental Health (ES-03-20-F) that sought to ensure that the Council has the procedural framework to take action at the appropriate level in respect of private landlords who do not meet their legal obligations or who are not fit and proper persons for the purposes of the Antisocial Behaviour etc. (Scotland) Act 2004 (the “2004 Act”) and in respect of Houses in Multiple Occupation in terms of the Housing (Scotland) Act 2006 (the “2006 Act”).

The Team Leader – Environmental Health summarised the main terms of the report.

In responding to questions, the Team Leader – Environmental Health advised on the expectation that landlords are fully transparent with their tenants. The Team Leader – Environmental Services said that the provision of an information pack is part the registration process, which also includes details of the relevant websites. He also advised that he would check that the contact details for the Citizens Advice Bureau were included in the information issued to tenants.

In response to questions, the Chief Executive stated that the privately rented accommodation is an important part of the housing sector in Shetland. She said that the report highlights that there are some 600 Landlords in Shetland who are currently registered, however it is believed that could be a number of Landlords that have not registered as they may not be aware of the need to register. The proposal would be for an ongoing process to encourage landlord registration, that the Environmental Health Service will take the lead on, without the need for enforcement.

During debate, Mr Scott moved that the Council approve the recommendations in the report. Mr G Smith seconded.

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**Decision:**

The Council:

- **AUTHORISED** the Licensing Committee to discharge the powers and duties of the Council under the Antisocial Behaviour etc. (Scotland) Act 2004 and the Housing (Scotland) Act 2006; and
- **APPROVED** the proposed amendments to Part 1 of the Council’s Licensing Scheme of Delegations [Appendix 2 to Part C (Scheme of Administration and

Delegations) of the Council's Constitution], as explained at Paragraphs 4.6-4.7, below, and as shown in marked-up form in Appendix 2 to this report

65/20

### **Shetland's Islands with Small Populations Locality Plan**

The Council considered a report by the Chief Executive (DV-23-20-F) that sought approval for Shetland's Islands with Small Populations Locality Plan and agreement to contribute the necessary resources, along with other partners, in order to achieve the outcomes.

In introducing the report, the Chief Executive advised that Shetland's Islands with Small Populations Locality Plan (the Plan) was a significant milestone for strategic planning for Shetland. The Plan has been produced following consultation with the islands communities and partners. The process has identified innovative local solutions to each island's particular challenge to be taken forward through a partnership approach with the communities.

During the discussion, comment was made on the importance of a new ferry to the community and economy of Fair Isle, and it was questioned what more could be done at this stage to progress a new ferry for the islanders. The Leader advised on the work undertaken and passed to Transport Scotland, for Transport Scotland to take forward, however he advised that full responsibility would sit with Government to make a decision to support one of Scotland's most remote communities.

Reference was made to sections 1.1.2 and 6.5 of the report, where clarity was sought on the financial implications for the resources required to deliver on the priorities in the Plan. The Chief Executive explained that the next phase would be for the Shetland partnership working with the communities to develop detailed delivery plans for each project. She clarified that it would not be for the Council to provide all the resources, but every partner has a role to provide resources to deliver for the community. She went on to advise that resource implications will be worked up through the delivery plans and brought to each partner to deliver on their element of the Plan, which would include the Government, the Council and all other partners. In response to a further question, the Chief Executive advised that the examples given in the Plan are very much about the existing resources that are available, but to use these resources differently and more flexibly in response to the community's needs.

In terms of connectivity, it was noted that 4G was proposed as the solution for some of the islands. While the significant improvement from the current provision was acknowledged, it was advised that in the longer-term 4G is a system that will be constrained going forward. Assurance was sought for the system for the islands to be scalable and to have the capacity to deal with high speed broadband. The Chief Executive advised that the period of COVID-19 has highlighted the importance of connectivity to all communities of Shetland, and she confirmed the commitment to support the most remote communities and all of Shetland to access improved mobile connectivity.

In referring to one of the priorities for Fetlar, an update was sought on the proposal to explore a commuter ticket on the ferry. The Chief Executive advised that setting future fairs would sit with ZetTrans and other partners, to take forward the work that supports the priorities for the community.

During debate, the Leader commended the staff for the engagement with communities in the islands, and the island representatives themselves who have adopted a very pragmatic and constructive approach and a can do attitude in the islands. He said that despite the restrictions during the COVID-19 pandemic, engagement with communities has been very well handled and feedback from the communities has been very positive. In commenting on the good Plan, he acknowledged that aspirations come at a cost, however there are a range of partners to deliver on the Plan to make sure all partners contribute to sustainable island communities. Mr Coutts moved that the Council approve the recommendations in the report. Mr Thomson seconded.

In referring to the partnership approach to take forward the priorities in the Plan, comment was made on the importance for each partner to contribute the necessary resources as has been agreed. Reference was made to the main challenges for the small island areas being connectivity, which nowadays is not a luxury but can be regarded as a basic right; transport, where Shetland has been badly let down, and also health care with the aging populations, which all require to be addressed for the sustainability and resilience of the islands.

Comment was made that the Plan was an excellent example of community planning working at its best, and sends out the right messages to our islands with small populations that their future sustainability is important. However, in order for the Plan to be successful requires all partners to play their part, and while there was confidence for partners locally in that regard, all partners have to contribute to fully deliver on the Plan.

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#### **Decision:**

The Council:

- **APPROVED** Shetland's Islands with Small Populations Locality Plan;
- **AGREED** to contribute the necessary resources, along with other partners, in order to achieve the outcomes; and
- **NOTED** that work is ongoing to develop a mechanism that ensures delivery on the outcomes and priorities, and continues to involve the island communities

*(The meeting adjourned at 12.55pm)*

*(The Council reconvened at 1.45pm).*

#### **Present (Main Hall):**

D Anderson	M Bell
S Coutts	S Flaws
J Fraser	S Leask
M Lyall	E Macdonald
R McGregor	D Sandison

I Scott  
G Smith

C Smith  
R Thomson

**Present (by remote link):**

P Campbell	A Cooper
A Duncan	A Hawick
A Manson	A Priest
T Smith	

**Apologies:**

C Hughson

**In Attendance (Officers) (Main Hall):**

M Sandison, Chief Executive

**In Attendance (Officers) (by remote link):**

C Ferguson, Director of Corporate Services  
J Smith, Director of Infrastructure Services  
N Grant, Director of Development Services  
T Coutts, Acting Executive Manager – Economic Development  
J Manson, Executive Manager – Finance Services  
I McDiarmid, Executive Manager – Planning  
S Msalila, Executive Manager - ICT  
S Pallant, Executive Manager – Coastal Zone Management  
P Peterson, Executive Manager – Executive Services  
J Riise, Executive Manager – Governance and Law  
R Sinclair, Executive Manager – Assets, Commissioning and Procurement  
A Cogle, Team Leader – Administration  
K Johnston, Team Leader – Legal  
M Smith, Commercial Development Officer, Shetland Telecom  
C Anderson, Senior Communications Officer  
B Kerr, Communications Officer  
L Adamson, Committee Officer

66/20     **Scalloway Place Plan - Adoption**

The Council considered a report by the Team Leader – Coastal Zone Management (DV-17-20-F), which sought the adoption of the Scalloway Local Place Plan (Appendix 1) as non-statutory planning guidance to the Shetland Local Development Plan (LDP).

In introducing the report, the Team Leader – Coastal Zone Management provided background to Local Place Plans, and advised on the stages to develop the Scalloway Local Place Plan (LPP). The Team Leader – Coastal Zone Management advised that the Scalloway LPP was one of the first to be adopted in Scotland, where it is considered that the level of detail and focus was beyond any others produced to date, which he advised has been possible through the funding from the Scottish Government, and contributions by Council staff, the Community Council and volunteers from within the Scalloway community. He went on to advise that it may not be possible to support future LPPs with a similar resources, however it was hoped that lessons learned and practises employed would be used to inform and shape future projects.

In response to a question, the Team Leader – Coastal Zone Management said that while seven responses to the LPP consultation was considered quite low, he advised

that the community had opportunities to contribute during previous consultation on the Recreate Scalloway Project.

During debate, Mr Cooper advised that the Scalloway LPP had been well received at Development Committee. The LPP was a credit to the community of Scalloway, where the community had a vision and were then able to articulate that vision. He advised on the engagement and consultation with the younger generation during the development of the LPP, which he said was commendable. Mr Cooper moved that the Council approve the recommendation in the report. Mr Leask seconded.

During further debate, the Team Leader – Coastal Zone Management was congratulated on the excellent piece of work. Comment was made that the LPP was extremely good and an exemplary community project for Scalloway.

Reference was made to a request some years ago, for a review of developments in the central mainland, however due to the lack of resources at that time could not be progressed. The Scalloway LPP has been possible as a result of funding from the Scottish Government, and is an excellent piece of work which has in many ways been locally led. It was hoped this initiative could be replicated for the rest of the central and north mainland.

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#### **Decision:**

The Council

- **RESOLVED** to adopt the Scalloway Local Place Plan (Appendix 1) as non-statutory planning guidance to the Shetland Local Development Plan (LDP).

#### 67/20 **Connectivity in Shetland**

The Council considered a report by the Acting Executive Manager – Economic Development (DV-25-20-F) that provided an opportunity to discuss issues regarding connectivity in Shetland, including the Scottish Government's R100 Programme and the Scottish Broadband Voucher Scheme.

The Acting Executive Manager – Economic Development introduced the report, advising on the issues with the roll out of the R100 programme in Shetland and on the introduction of the Scottish Broadband Voucher Scheme. In that regard, he confirmed there was still uncertainty on local plans and timescales going forward. The Acting Executive Manager – Economic Development also advised on proposals for a scoping exercise to be undertaken by external consultants to confirm local connectivity needs.

During the discussion, clarity was sought on the proposals to procure an external provider for the scoping exercise when there could be an opportunity for short-term employment for a local graduate. The Acting Executive Manager – Economic Development explained that while there could be experience in-house for design and knowledge of core networks, more detailed work was required. It was also considered necessary to look for an external commission who would have the relevant contacts in industry and Government to help inform planning of the roll-out of connectivity.

In response to questions, the Acting Executive Manager – Economic Development advised that the brief for the external commission had been finalised, but had still not

been issued. He advised on the ideal timescale for the commission to be undertaken within 3-6 months, however that would be dependent on the availability and capacity of a suitable external commission to carry out the work.

In response to a request, the Acting Executive Manager – Economic Development undertook to circulate a Briefing Note to Members setting out the timescales for the tendering of the external commission, and for the work to be carried out.

During the discussion, comment was made on the sheer confusion in the community, and the need for a more co-ordinated long-term strategic commercially led approach for connectivity across Shetland. It was also noted that the Voucher Scheme was being seen as a quick fix option for many areas of Shetland, but there may be better long-term solutions if a co-ordinated approach can be taken.

During debate, Members commented on the need to ensure high speed connectivity to the whole of Shetland. There was support for the co-ordinated approach as the community needs clarity, and for progress to be made as soon as possible.

Comments were made on the experience locally, where it was considered to be unnecessary to engage an external consultant but instead to use the resources and internal expertise within the Council. In agreeing that there was the capacity and expertise within Shetland, Mr Cooper advised on the need to make sure the local capacity was utilised and local knowledge imparted to the external consultant to ensure no duplication of work.

There was no further debate, and the Council noted the content of the report.

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#### **Decision:**

The Council:

- **NOTED** the issues raised in the report regarding connectivity in Shetland, in relation to the Scottish Government's R100 Programme and the Scottish Broadband Voucher Scheme.
- **NOTED** that the Director of Development Services is progressing the commission of an external provider to work with the council on network planning and engagement with government, industry, and the national programmes, to create a clear strategic plan to be presented to the Council at a future meeting.

68/20

#### **Corporate Risk Register**

The Council considered a report by the Director of Corporate Services (CRP-22-20-F) that presented the current Corporate Risk Register, and highlighted recent changes and current relevant information.

In introducing the report, the Director of Corporate Services provided updates on the two key risks, namely the COVID-19 pandemic and EU Exit, as set out in Section 4. She also advised that proposed changes to the Risk Management Strategy and Policy would be presented to Policy and Resources Committee for approval.

There were no questions.



During debate, the Leader advised from the discussion at Policy and Resources Committee on the two key risks, and he moved that the Council approve the recommendation in the report. There was no one otherwise minded.

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**Decision:**

The Council:

- **CONSIDERED** the content of this report and of the Corporate Risk Register attached as Appendix 1;
- **ADVISED** the Chief Executive and Corporate Management Team of their views; and
- **ENDORSED** the actions being taken by management to mitigate the risks described in Appendix 1.

69/20 **Notice of Motion: Discarded Fishing Gear**

The Council considered a Notice of Motion, in the following terms, “In recent years I have become aware of many reports from local fishermen and even the Shetland Fishermen’s Association regarding the increasing level of marine pollution from discarded fishing gear, primarily from the type utilised by mainly French and Spanish owned long liners and gill netters which operate in the waters around Shetland. There have also been stories of aggressive behaviour and closing off vast areas of seabed. One of these alleged incidents was videoed and well publicised recently.

The problem does not seem to be going away, even one of our own ferries, the MV Filla, has wound up in this gear in recent months. In a short time period, I was able to obtain many photos taken by local vessels of gear they have either trawled up or have been fouled with. Some of these are included with this agenda.

With the condition of the marine environment being of paramount importance to Shetland, I would like to move that Shetland Islands Council makes official representation to Marine Scotland, the MCA and the Scottish Government to address this growing problem”. After introducing his Notice of Motion, Mr Anderson moved that the Council approve the terms of the motion. In seconding, Mr Priest advised on the need for disregarded fishing equipment to be dealt with at a national level to address the serious impact on the marine environment.

In response to a suggestion, Mr Anderson agreed to include in his motion, that representation would also be made to KIMO at both a national and local level.

During the discussion, Members advised on their full support for the motion, A suggestion was made that evidence may be forthcoming from Shetland Seafood Management Organisation on the marine litter found within the 6 mile limit which could be further evidence to back up the case. Comment was made on the need for fishing gear to be tagged, to identify the vessels in terms of recovery costs.

During further discussion, there was some question as to the wording of the notice of motion. The Convener however clarified that the Council has either to accept the motion as it stands, or reject it.

The Council adopted the motion, and there was no one otherwise minded.

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**Decision:**

The Council RESOLVED to adopt the following motion:

- that Shetland Islands Council makes official representation to Marine Scotland, the MCA and the Scottish Government to address this growing problem.
- It was agreed that representation would also be made to KIMO at both a national and local level.

70/20 **Notice of Motion: Self-Determination**

The Council considered a notice of motion, in the following terms: “We believe that Shetland has the wherewithal to have a positive future. However, in recent times we have seen more and more decision making being centralised and public funding being consistently reduced.

We are concerned that this ongoing situation is seriously threatening the prosperity, and even basic sustainability, of Shetland as a community.

In order to look at alternatives to ensure Shetland can reach and maintain its full potential, we, the undersigned, move that:

The Shetland Islands Council formally begins to explore options for achieving financial and political self-determination”.

In introducing the notice of motion, Mr Coutts advised that it was him growing up in Yell, and the Yell Conference in 1997 that sparked his interest in politics. The issues and aspirations identified at that Conference were relevant to Yell but also relevant across Shetland at the time, including depopulation, connectivity, maximising economic opportunities, retaining the population of Shetland, and the cost of living. He said that these are same issues are still being discussed today, due to the remote decision making process and Government structure that does not work.

He advised on the issue of fair funding for ferries that impacts on almost everyone in Shetland, and suggested that devolution has made little difference since 1999. He referred to the Islands Act which was a credit to the MSP at the time, and to Islands Plan that was aspirational, but in terms of delivery illustrates the drift in decision making that impacts on people in Shetland each day.

Mr Coutts reflected on the individual household level in Shetland, in terms of cost of living, non-existent broadband and the impact of fuel poverty in Shetland. In that regard, he questioned that with the abundant energy resource in Shetland, why Shetland has amongst the highest fuel poverty in the country.

Mr Coutts advised that COVID-19 has also had a significant impact in Shetland, with a massive increase in Universal Credit claims, which he said the system was not fit for purpose and takes no account of the cost of living in Shetland.

Mr Coutts stated that he was positive on the opportunities that do exist in Shetland, referring to how the marine, fishing and aquaculture industries have developed over the years. He said that there was massive potential still to grow these industries and other industries in Shetland. He stated that there were a host of opportunities that have to be grasped and explored to ensure the everyone in the community can thrive.

In concluding, Mr Coutts referred to a quote from the “Lerwick Declaration” by the then First Minister in 2013, namely, “I believe the people who live and work in Scotland are best placed to make decisions about our future. The essence of self-determination, therefore we support subsidiarity and local decision making”. Mr Coutts suggested that the word ‘Scotland’ be replaced with ‘Shetland’. Mr Coutts moved the notice of motion, that the Council formally begins to explore options for achieving financial and political self-determination. In seconding, Mr Anderson advised on his hope for a better and more secure future for Shetland. He said that Members had not been elected simply to sit and manage decline and watch our community suffer, and to carry on with the status quo was not an option.

The Convener called for any amendment to the motion.

In advising that he had an amendment to the motion, Mr Leask stated that this was not the time or the place to discuss the terms of the motion. In his address, he referred to the previous attempt for local autonomy by the Shetland Movement, which accumulated as many as 800 Members and support of almost half of the Councillors of the Council. He advised that the Our Islands Our Future initiative, taken forward by the three island groups a number of years ago to have significant expression of self-determination, in his opinion the present Council has let that slip and left us in a weaker position. Mr Leask said that this was not the time to go down this route, especially with the limited finances and the constraints on resources of our staff. Mr Leask stated that he was proposing an amendment against the motion, as the people of Shetland should be consulted on autonomy, self-determination or whatever guise it comes in, and it should be done by ballot and not by the Members determining the fanciful ideas of a defuncted “Wir Shetland” group. Mr Leask added that he believes in democracy but not dictatorship. The Convener advised that any amendment to the motion had to be a direct negative, and in that regard Mr Leask advised that his amendment was a direct negative to the motion. Mr Scott seconded.

During the discussion, Members advised on their support for the motion, which would allow for all options to be fully explored, including the status quo. The findings would be a catalyst for discussion and debate, and the proposals put to the public of Shetland to exercise their democratic right, by ballot, to make decisions on their constitutional future. Comment was made in support of more local control over decision making in Shetland, and that alternatives should be looked at for Shetland, where in not doing so would be a dereliction of our duty. Comment was made on the need to think about the future generations, and to give them a Shetland they want to live in and to ensure Shetland is as sustainable as it can be.

*(Mr C Smith left the meeting).*

A Member advised on a conclusion reached, that Shetland needs a new deal and resetting of relationships with both the UK and Scottish Government, and in passing the motion the process could begin to explore the options to achieve that through

greater financial and political self-determination. If that can be done Shetland can achieve division and deliver on the ambitions in the Shetland Partnership Plan.

During the discussion, reference was made to the situation locally and the need for proper fixed links, connectivity, and infrastructure projects, and that the Government is not even funding the inter-island ferries at the current level or delivering on ferry replacements. Comment was made on the many decisions which are made in the Council's name, where actually the Council has had no control.

In speaking in support of the amendment, comment was made on the vague wording of the motion, there has been no appetite for the resurrection of the Shetland movement over the years and that officer time should not be spent on political objectivism.

Some concern was raised in terms of the timing of the motion, with the fragility of resources within the Council, and that the exploration of options as proposed would add to the workload of officers when there are other pressing issues at this time. However comment was also made that there may never be a perfect time to move ahead on this matter, and therefore headway should now be made to explore all options, as proposed.

Following summing up, voting took place by roll call vote, and the result was as follows:

<u>Motion</u>	<u>Amendment</u>
Mr Duncan	Mr Leask
Mr Bell	Mr Scott
Mr Campbell	
Mr Cooper	
Mr Coutts	
Mr Duncan	
Mr Flaws	
Mr Fraser	
Ms Hawick	
Mr Leask	
Mrs Lyall	
Mrs Macdonald	
Ms Manson	
Mr McGregor	
Mr Priest	
Mr Sandison	
Mr G Smith	
Mr T Smith	
Mr Thomson	

The result was Motion 18 and Amendment 2. The motion, that Shetland Islands Council formally begins to explore options for achieving financial and political self-determination, was adopted.

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#### **Decision:**

The Council **RESOLVED** to adopt the motion that, Shetland Islands Council formally begins to explore options for achieving financial and political self-determination.

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

*(The Press left the meeting).*

*(Mrs Macdonald declared an interest in the following item, and left the meeting).*

*(Mr D Sandison declared an interest in the following item, due to his involvement in the College Merger process. Mr Sandison left the meeting).*

*(Ms Manson, Mr Leask and Mr Scott left the meeting).*

71/20     **Confidential Corporate Risk Register**

The Council considered a report by the Director of Corporate Services, that presented the current Confidential Corporate Risk Register.

The Director of Corporate Services introduced the report, and responded to questions from Members.

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**Decision:**

The Council:

- **CONSIDERED** the content of this report and of the Confidential Corporate Risk Register; and
- **ADVISED** the Chief Executive and Corporate Management Team of their views on each of the risks included in the Confidential Corporate Risk Register.

The meeting concluded at 3.55pm.

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Chair