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**Shetland Islands Council
Council Chamber, Town Hall, Lerwick
Wednesday 17 May 2006 at 10.30 a.m.**

Present:

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|-------------|--------------|
| A J Cluness | L Angus |
| B Cheyne | C B Eunson |
| R G Feather | F B Grains |
| L G Groat | I J Hawkins |
| J A Inkster | J C Irvine |
| W H Manson | J P Nicolson |
| W A Ratter | J G Simpson |
| W N Stove | T W Stove |
| W Tait | |

Apologies:

| | |
|---------------|--------------|
| B P Gregson | J H Henry |
| E J Knight | G G Mitchell |
| F A Robertson | |

In attendance (Officers):

M Goodlad, Chief Executive
G Spall, Executive Director Infrastructure Services
S Cooper, Acting Head of Transport
J Dickson, General Manager, Ports and Harbours
B Doughty, Interim Head of Social Work
N Galbraith, Interim Head of Education
A Hamilton, Head of Planning
C Bain, Treasury Accountant
B Hill, Acting DM Legal Services
S Pearson, Service Manager – Safety and Risk
C Medley, Head of Housing & Capital Projects
I Millar, Project Manager
C Ferguson, Community Care Manager
M Holmes, Coastal Zone Manager
G Johnston, Head of Finance
A Priest, Principal Officer – Business Technical
J R Riise, Head of Legal and Administration
G Smith, Head of Community Development
J R Smith, Head of Organisational Development
J Wylie, Community Safety Officer
A Cogle, Service Manager – Administration

Also:

Chairperson

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

Circular

The circular calling the meeting was held as read.

73/06 **Minutes of Shetland Islands Council – 27 March; 29 March;
and 13 April 2006**

Except as undernoted, the Council approved the minutes of the
aforementioned meetings, on the motion of Mr A J Cluness.

13 April – Min. Ref. 69/06 - Proposed Reduction of General Fund
Revenue budgets – 2006/07

Mr L Angus clarified that, in relation to the output from the social
Work Task Force, there were clearly savings to be made,
particularly with regard to the operation of residential care services.

29 March – Min. Ref. 38/06 Harbour Board – 2 February 2006
and 22 February 2006

Mrs I J Hawkins and Mr J C Irvine called for the appointment of a
QC to consider matters relating to Freedom of Information and
Lerwick Port Authority. The Chief Executive confirmed that this
has been delayed due to pressure of other work, but the Head of
Legal and Administration would now take this work forward.

29 March – Min. Ref. 34/06 - Services Committee – 16 March 2006
The first line of this sentence should refer to “Mr J P Nicolson”.

29 March – Min. Ref. 40/06 Notice of Motion - “That Shetland
Islands Council resolves to give first consideration to developing
the site, soon to be vacated by the Shetland Archive, for a new
Shetland County Library.”

Mr L Angus advised that since that meeting, the Convener and
himself had undertaken a tour of possible alternative sites of the
Library. He said that a number sites had been identified, and
asked that the Council consider forming a small group to drive this
proposal forward with some commitments. The Council noted
that a report on the future of the library service would be coming
forward in the next cycle.

13 April 2006 – Min. Ref. 69/06 Proposed Reduction of
General Fund Revenue budgets – 2006/07

Mr J C Irvine referred to the decision made on this matter, in
particular to the fact that reports on savings would be coming
forward within the next 2 to 3 cycles. Mr Irvine said that, in order to

ensure that the Council was faced with all information and consequences at one time and to allow a full debate on any issues, that a special meeting of the Council be convened in September, and if necessary to take place over a whole day, to consider all of the reports on proposed savings. Mr W Tait seconded, and the Council agreed.

27 March 2006 – Min. Ref.

Mr W H Manson said that .. was not a replacement for the Bruce Family Centre, but for some of work carried out at the Centre.

74/06

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:

| | |
|--------------------------|---|
| W A Ratter | Rural Affairs Committee, re. Crofting Bill - Edinburgh |
| I J Hawkins | KIMO - Faroe |
| L Angus and J G Simpson | CPMR Islands Commission, General Assembly - Crete |
| T W Stove and W H Manson | E-Counting acceptance testing - Glasgow |

75/06

Infrastructure Committee – 2 May 2006

The minute of the aforementioned meeting was confirmed, on the motion of Mr J C Irvine.

76/06

Services Committee – 4 May 2006

The minute of the aforementioned meeting was confirmed, on the motion of Mrs F B Grains.

Min. Ref. 25/06 Consultation on Shared Management in North Mainland Schools

Mr L Angus referred to his comment regarding the requirement for a probationer teacher at Bell's Brae School. He said he hoped that the School would be permitted to move to recruitment soon, as it would struggle to cope with the new intake with such a small, insufficient teaching staff. Mr Angus suggested that this matter should be taken forward by the Working Group. However, Mr W H Manson said that that the Working Group was not concerned with the employment of teachers as it was not part of its remit. He assured Mr Manson that there would be the required number teachers when the session begins. The Interim Head of Education said that Lerwick schools were not immune from the staffing consequences of reduced class numbers, and Bells Brae

had extra to their staffing requirements. He added that whilst the School would be given an extra year's grace, the teachers' staffing compliment would reduce by one, which was appropriate in terms of the school's roll.

Mr L Angus said it was clear that there was not equality across the authority, with Lerwick schools having the highest teacher:pupil ratio in Shetland. Mr Manson said that the rule was being applied equally across the authority in the same fashion, although it was agreed that the larger schools would inevitably have larger classes.

Min. Ref. 32/06 - Note of Social Forum – 20 April 2006

With reference to the discussion with regard to CCTV, and in response to questions from Members, the Head of Legal and Administration advised that the Lerwick Alcohol Byelaw was currently with Scottish Ministers.

77/06 **Executive Committee – 9 May 2006**

Except as undernoted, the Council approved the minute of the aforementioned meeting, on the motion of Mr A J Cluness.

Min. Ref. 22/06 - Contract for Transition Management Services on Externally Invested Funds

The Head of Finance advised that a briefing paper had been provided, which set out further information as requested by Members. Members accepted the information provided, and adopted the recommendations in the report on the motion of Mr J C Irvine, seconded by Mr A Inkster.

78/06 **Executive Committee – Economic Development – 9 May 2006**

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

79/06 **Scrutiny Committee – 30 March and 8 May 2006**

Except as undernoted, the Council approved the minutes of the aforementioned meeting, on the motion of Mr J P Nicolson.

Members discussed the issue of exit interviews, and the way in which the Committee's agreement to proceed with this had been reported by the local media. Mr J P Nicolson said that the Committee had discussed and agreed that exit interviews were a well known and useful management tool, and this had arisen out of a genuine concern for gender balance. Mr Nicolson said that any publicity regarding this matter and its relation to individuals, was based purely on assumptions.

80/06 **Planning Sub-Committee – 12 April 2006**

The Council confirmed the minute of the aforementioned meeting, on the motion of Mr J C Irvine.

81/06 **Harbour Board – 27 April 2006**

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

82/06 **Inter Island Ferries Board – 28 April 2006**

The Council confirmed the minute of the aforementioned meeting, on the motion of Mr J C Simpson.

83/06 **Civic Government Licensing Sub-Committee – 29 March 2006**

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

84/06 **Marine Development Sub-Committee – 11 May 2006**

Except as undernoted, the Council confirmed the minute of the aforementioned meeting, on the motion of Mr W H Manson.

Min. Ref. 04/06 – ZCC Act 1974 – Works Licence Application 2006/023/NS - Develop New Oyster Farm, Heglibister, Weisdale Voe

Mr W H Manson said that if the Council was to proceed to approve the application, then a report on the policy regarding aquaculture development restrictions in the upper part of Weisdale Voe would be required. He said that approving this application would be setting a precedent, and suggested that the application be refused, and that a report be brought forward on the policy. Mr J C Irvine accordingly moved as an amendment, and Mr W H Manson seconded.

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

| | |
|------------------------------|---|
| Amendment(J C Irvine) | 7 |
| Motion (W H Manson - minute) | 7 |

The Convener used his casting vote in favour of the motion, and accordingly the application was approved. The Convener stated that the consensus appeared to be a that a report on a review of the policy should be sought in any event, and the Council agreed.

Some discussion took place regarding the Council's duty to monitor licensed sites, and that consideration should be given to reinstating the position of Monitoring Officer, and that the post should be self-financing. The Convener said that whilst the ZCC Act prevented the Council from making charges, any report on the review of the policy could pick upon that point. He went on to say that the Department had identified over 90 sites, the licences for which should be revoked. However, this would require the Council to submit these to the Procurator Fiscal. Instead, the proposal was

that the Council would write to each of the licence holders, asking them to voluntarily relinquish their licence, and if not, further steps would be taken. The Convener added that a further issue existed with regard to whether works licence holders held rights under Planning legislation.

Members agreed that there was an absolute duty and requirement to monitor which could not be removed, and agreed that this should form part of the proposed policy review report.

85/06 **Lerwick Town Hall/Lystina House Consultative Committee – 29 March 2006**

The Council approved the minute of the aforementioned meeting, on the motion of Mr L Angus. Mr Angus remarked at the length of time it was taking to progress issues raised by the Committee.

86/06 **Committee Structure Review Member/Officer Working Group – Update**

The Council considered a report by the Head of Legal and Administration (Appendix 1) and approved the recommendations contained therein, on the motion of Mr T W Stove, seconded by Mr J C Irvine. The Council noted that Mrs Hawkins had been present at the Working Group meeting.

87/06 **Local Government Boundary Commission – Final Proposals**

The Council considered a report by the Head of Legal and Administration (Appendix 2) and, after discussion, approved the recommendations contained therein on the motion of Mr J C Irvine, seconded by Mr W H Manson. The Council agreed that a copy of the response should be sent to Tavish Scott MSP with a view to securing his support for the Council's stance.

88/06 **General Fund Expenditure Growth 2002/03 to 2006/07**

The Council considered a report by the Head of Finance (Appendix 3).

Mr L G Groat referred to paragraph 4.5.3, and to the effects of the McCrone agreement. In response to questions as to whether there would be any savings as a result of McCrone, the Interim Head of Education advised that £2.5bn had been pledged by the Executive to implement McCrone. He added that the restructuring that had taken place within the service had proved to be extremely difficult, and it had to be recognised that the actual workload for teaching staff had already grown quite markedly. He said that the increase in paperwork and bureaucracy was extreme, and this was not limited to Shetland, but was the case throughout Scotland. The Interim Head advised that CoSLA were producing a document on this matter, referring particularly to the Government's fondness for introducing a range of initiatives and changes. Whilst these were

in the main to be welcomed, they impacted on the workload of teaching staff and Head Teachers. He went on to say that the Council had committed its budget to Education, and it was acknowledged that its best resource was staffing, which was generous in a number of ways, but the end result of McCrone is period of disruption that still the Service is still working through, particularly with regard to job sizing. With regard to the question of savings, the Interim Head of Education said that the money was committed, but changes and improvements would need some time to determine whether its worth it.

Mr L Angus referred to the Social Work budget, and asked whether it was possible to get a succinct and understandable summary of the budget, which would allow Members to understand the whole picture. The Head of Finance agreed to produce a report on this matter.

Mr J P Nicolson expressed some concern regarding reporting structure for financial matters, and suggested that a separate group was required to undertake monitoring of the General Fund, rather than just the Executive Committee. However, the Convener said that the question of the Council's finances was before Members at every meeting, and Members could only do their best, and setting up a separate meeting would not, in his opinion, be an alternative to that overview. The Council noted the report.

89/06 **The Capital Programme – CPMT Report – May 2006**

The Council considered a report by the Head of Finance (Appendix 4).

Mrs I J Hawkins raised concerns regarding the verges in the Tingwall Valley. Mr J C Irvine, as Chairperson of Infrastructure Committee, agreed that the Committee should reconsider the existing policy and its affect on this particular stretch of road.

90/06 **Performance Management Update**

The Council noted a report by the Head of Organisational Development (Appendix 5). Members agreed that this reporting would become more and more important as the work of the Scrutiny Committee developed, and noted that a refresh of the Corporate Improvement Plan was planned for next month.

91/06 **Following the Public Pound**

The Council considered a report by the Head of Finance (Appendix 6) and approved the recommendations contained therein, on the motion of Mr A J Cluness, seconded by Mrs F B Grains.

91/06 **Shetland Islands Council Pension Fund – Funding Strategy Statement**

The Council considered a report by the Head of Finance (Appendix 7) and approved the recommendation contained therein, on the motion of Mr L G Groat, seconded by Mr W N Stove.

92/06 **Contract between Hymans Robertson LLP and SIC Pension Fund**

The Council considered a report by the Head of Finance (Appendix 8) and approved the recommendations contained therein, on the motion of Mr W A Ratter, seconded by Mr T W Stove.

93/06 **Taking Forward the work of the Social Work Task Force**

The Council considered a report by the Interim Head of Social Work (Appendix 9) and approved the recommendations contained therein, on the motion of Mr J C Irvine, seconded by Mrs I J Hawkins.

Accordingly, the following Members were appointed to the Social Work Reference Group:

L Angus
L G Groat
W H Manson
C B Eunson (as Spokesperson for Social Work)

94/06 **Policy on the Disclosure of Criminal Record Information**

The Council considered a report by the Head of Organisational Development (Appendix 10) and approved the recommendations contained therein, on the motion of Mr W A Ratter, seconded by Mr A J Cluness.

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

95/06 **Tug Replacement Programme, Sullom Voe Harbour**

The Council considered a report by the General Manager Ports and Harbours and approved the recommendations contained therein, on the motion of Mr J G Simpson, seconded by Mr W Tait.

96/06 **Minute of Employees Joint Consultative Committee – 11 April 2006**

The Council noted the minute of the aforementioned meeting.

97/06 **Staffing Matters**

(1) Scrutiny Committee - The Chief Executive referred to recent local media reports regarding discussions at Scrutiny Committee, in particular the article regarding the Planning Section, and the most recent regarding exit interviews for female chief officers who had left the Council. He said that on both occasions he was of the view that the comments made at Committee were being misinterpreted and had created awkward situations and a necessary discussion with Members. With regard to the conduct of exit interviews, the Chief Executive said that these had been in place informally for some time, and views had been recently provided by ex-senior officers on their departure. He said that these had been provided to relevant Members and officers for information and utilisation. The Chief Executive confirmed that with regard to the gender balance issue, the Head of Organisational Development would bring a report back to the Scrutiny Committee on this issue. The Chief Executive added that he intended to attend future Scrutiny Committee meetings in order to ensure that he was fully aware of the discussions so that he could respond to questions there and then, or afterwards on media reports.

During the discussion which followed, Members agreed that there had been misinterpretation in the media, and in particular, it was noted that the Scrutiny Committee had not mentioned individuals, but was concerned with introducing exit interview procedures and to learn from these. Members recognised that there would continue to be some problems with media reports whilst meetings were in public, but Members were committed to the meetings remaining so, where possible.

(2) Assistant Chief Executive - The Chief Executive advised that the Economic Development Manager, following information provided, was now facing a potentially technically redundant position, and the proposal was that the Council consolidate his functions into a position as an Assistant Chief Executive.

Mr L Angus moved that the Council approve the proposal, and Mr W Tait seconded.

[Mr L G Groat left the meeting.]

In response to questions, the Chief Executive confirmed that the appointment was proposed in accordance with the Council's obligations for displaced employees and the requirement to seek redeployment opportunities.

There being no amendment, the Convener confirmed that the Council approved the proposal, and that an appropriate job description and press release would be produced.

Mr A J Cluness declared an interest in the following item and left the meeting.

Mrs F B Grains assumed the Chair.

98/06

Smyril Line – Update

The Council considered a report by the Chief Executive.

The Chief Executive advised that the report had been produced late due to last minute meetings on this issue.

Mr J G Simpson outlined the proposals as detailed in the report, and moved that the Council approve the recommendations contained therein. Mr W A Ratter seconded.

Mrs B Cheyne moved as an amendment that the Council should not proceed as recommended. Mrs I J Hawkins seconded

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

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|--------------------------|---|
| Amendment (Mrs B Cheyne) | 4 |
| Motion (J G Simpson) | 8 |

A J Cluness
CONVENER

Mrs F B Grains
VICE-CONVENER