

MINUTES

A&B - PUBLIC

Shetland Islands Council
Council Chamber, Town Hall, Lerwick
Wednesday 9 May 2018 at 10am

Present:

M Bell	M Burgess
P Campbell	A Cooper
S Coutts	J Fraser
C Hughson	S Leask
E Macdonald	A Manson
A Priest	D Sandison
I Scott	D Simpson
C Smith	G Smith
T Smith	R Thomson
A Westlake	B Wishart

Apologies:

R McGregor

In Attendance (Officers):

M Sandison, Chief Executive
C Ferguson, Director of Corporate Services
J Riise, Executive Manager – Governance and Law
R Sinclair, Executive Manager – Capital Programme
A Cogle, Team Leader – Administration
H Tait, Team Leader – Accountancy
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 ruled, in accordance with Section 43(2) of the Local Government in Scotland Act 2003, the attendance of Councillor Mark Burgess during the proceedings be permitted by telephone link.

Declarations of Interest

None

Minutes

The minutes of the meeting held on 21 February 2018 were approved on the motion of Mr Leask, seconded by Mr Fraser.

The minutes of the meeting held on 28 February 2018 were approved on the motion of Mr Campbell, seconded by Mr G Smith.

The minutes of the meeting held on 7 March 2018 were approved on the motion of Mr Leask, seconded by Mr Thomson.

23/18 Appointment of Leader

The Council considered a report by the Executive Manager – Governance & Law (GL-09-18-F) concerning the appointment of a Leader and Depute Leader as provided for within the Council's Constitution.

The Executive Manager – Governance & Law introduced the report.

The Convener sought nominations for the role of Leader. Mr G Smith nominated Mr S Coutts, and Mr Thomson seconded.

There were no further nominations, and Mr Coutts was duly appointed as Leader of the Council.

The Convener congratulated Mr Coutts on his appointment. He also thanked Mr C Smith, former Leader, for his leadership during the first year of the Council, for his service to this Council and during the previous two Councils. The Council concurred.

In confirming his acceptance of the position as Leader, Mr Coutts referred to the contribution made by Mr C Smith, during his leadership of the Council. In that regard, he inherits the Council in a good position going forward, while he acknowledged there will be challenges but also opportunities ahead. Mr Coutts also thanked Members for their support during his time as Depute Leader.

The Executive Manager – Governance and Law reported on the consequence of the Leader appointment, in that there is now a vacancy for the Depute Leader position. He advised however, that the Council is first to decide whether or not to appoint to the position, and if so, to then proceed to nominations.

Mr Coutts advised on the pleasure in serving as Depute Leader to Mr C Smith during the first year of this Council, and advised on the importance of the role for the Council going forward. Mr Coutts moved that the Council appoint to the position of Depute Leader. Mr Fraser seconded. There was no one otherwise minded.

Mr Coutts moved that Ms E Macdonald be appointed, and Ms Wishart seconded.

There were no further nominations.

Ms Macdonald advised that she accepted the position as the Depute Leader.

Decision:

The Council RESOLVED to approve the appointment of Councillor Steven Coutts as Leader.

The Council RESOLVED to elect a Depute Leader, and approved the appointment of Councillor Emma Macdonald as Depute Leader.

24/18 Notice of Motion re. Introduction of Car Parking Charges at Sumburgh Airport

The Council considered a Notice of Motion, in the following terms, “The Shetland Islands Council expresses its extreme disappointment that no consultation was undertaken by HIAL prior to its announcement to introduce car parking charges at Sumburgh Airport.

The Council believes the proposal will have a disproportionately negative impact on Shetland residents and calls for an Islands Impact Assessment.

The Council requests that HIAL stop the implementation until it can demonstrate a proper assessment of the proposed change. This must demonstrate the alternatives HIAL considered to provide a balanced budget.

The Council calls on the Transport and Islands Minister for his support to ensure that this happens”.

Mr Coutts introduced his motion, advising on the importance to pause the implementation of car parking charges to allow for further discussion, and for collaboration between the Council and all stakeholders to provide a sustainable airport that meets the needs of the island community. Mr Coutts moved that the Council adopt the motion. In seconding, Mr Thomson advised on the need for clarity in a number of areas, for HIAL and the Scottish Government to reconsider the funding of Sumburgh airport, and to allow a full Islands Impact Assessment to be carried out on Shetland’s lifeline service.

During the discussion, some Members spoke in support of the motion, advising on the need for the Council to support HIAL, for HIAL to consider their commitment and responsibilities to provide airports across the Highlands and Islands, and to impress on the Government their responsibilities to support HIAL in that regard. Comment was also made for engagement with HIAL, the Scottish Government and all stakeholders to take place to realise the implications and impact of imposing car parking charges and to work together to achieve solutions.

During further discussion, reference was made to the Scottish Government’s recent commitment to Island Proofing. With HIAL being an agency of the Scottish Government, cognisance of this issue, being of relevance to the islands, would have been expected, rather than an imposition on Shetland as a detrimental action. There was also agreement among Members on the need for support from the Minister for Transport and the Islands.

Decision:

The Council RESOLVED to adopt the following motion:

The Shetland Islands Council expresses its extreme disappointment that no consultation was undertaken by HIAL prior to its announcement to introduce car parking charges at Sumburgh Airport.

The Council believes the proposal will have a disproportionately negative impact on Shetland residents and calls for an Islands Impact Assessment.

The Council requests that HIAL stop the implementation until it can demonstrate a proper assessment of the proposed change. This must demonstrate the alternatives HIAL considered to provide a balanced budget.

The Council calls on the Transport and Islands Minister for his support to ensure that this happens.

25/18 Appointment of Data Protection Officer

The Council considered a report by the Chief Executive (CE-01-18-F) that sought approval for the appointments of a Data Protection Officer (DPO) and Data Controller, being a requirement of the new General Data Protection Regulation (GDPR), and to amend the Scheme of Delegations for Officers accordingly.

The Chief Executive summarised the main terms of the report.

In responding to questions, the Chief Executive advised on work currently being undertaken within the Council in response to the new legislation, including Action Plans and the collection of data held within the organisation, to be compliant by 25 May 2018. Regarding the proposal that the Scheme of Delegations for Officers would be updated by October 2018, she advised that a full review was being undertaken, and not only to be relevant to the GDPR. She confirmed however that the existing Scheme of Delegations with the decisions being made today is sufficiently robust to support the new Data Protection legislation until that time.

During debate, Members referred to the significant amount of work involved to meet the new legislative requirements, and on the critical importance of the GDPR to the community in terms of data safety.

On the motion of Mr C Smith, seconded by Mr Cooper, the Council approved the recommendations in the report.

Decision:

The Council RESOLVED to:

- Appoint the Executive Manager – Governance & Law as the Council's Data Protection Officer;
- Appoint the Director of Corporate Services, as the Senior Information Risk Owner, to act on behalf of the Council as Data Controller; and
- Amend the Scheme of Delegations for Officers accordingly, noting that a refreshed Scheme of Delegations will be submitted to the Council in October 2018.
- NOTE that these decisions will also extend to the relevant functions carried out by the Shetland Islands Area Licensing Board and ZetTrans.

26/18 Asset Investment Plan – Business Cases

The Council considered a report by the Executive Manager – Capital Programme (CPS-03-18-F) seeking approval for two asset investment proposals. One being a Business Justification Case for a replacement hangar door at Tingwall Airport, and the other a Full Business Case for an LED Upgrade of Shetland's Streetlighting Network.

In introducing the report, the Executive Manager – Capital Programme provided an overview of the two projects, and Members noted that the works had been undertaken to replace the hanger door at Tingwall Airport.

In responding to questions relating to the upgrade of streetlighting, the Chief Executive explained that streetlighting columns that have been removed as they were in poor repair and unsafe would be replaced as part of this project, but columns that have been removed following community consultation would not be replaced as standard. She added however that should circumstance change within communities streetlighting could be revisited in terms of safety risks.

During the discussion reference was made to the proposal to dim streetlighting between midnight and 6am, and some concern was expressed should this lead to increased instances of criminal activity. The Chief Executive advised that the Police had been involved during the earlier consultation to remove certain streetlighting columns, and that should there be any issues within communities, a review would be undertaken by the Anti-Social Behaviour Working Group, where the Police are one of the agencies involved.

In responding to a question, the Chief Executive said that as part of the procurement process for projects, consideration is given to any cost benefits from the sale of scrap metal.

In response to a question regarding the funding for the streetlighting project, the Chief Executive explained that while external loan funding had been considered for the project, borrowing through the Council's spend to save scheme provided the best financial option.

In response to a question, relating the works already undertaken to the hanger at Tingwall airport, the Chief Executive confirmed the provision within the Council's Standing orders for officers to approve emergency works, and that all instances of emergency work costs over £50k are reported to the relevant Committees.

In referring to the recommendation from Policy and Resources Committee, Mr Coutts moved that the Council approve the proposal described in Section 4.3.2 of the report in respect of the LED Upgrade of Shetland's Streetlighting Network for implementation with immediate effect, and to homologate the actions already taken in respect of the proposal relating to the Replacement Hangar Door – Tingwall Airport, as described in Section 4.3.1 of the report. Mr G Smith seconded.

During a brief discussion, comments were made on the need for ongoing consultation on street lighting provision, as certain areas could require more or less streetlighting as circumstances change in the future.

Decision:

The Council **RESOLVED** to:

- Approve the proposal described in Section 4.3.2 of the report for implementation with immediate effect.
- Homologate the actions already taken in respect of the proposal described in Section 4.3.1 of the report.

The meeting concluded at 10.55am.

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Convener