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# The Shetland Times

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**SILHOUETTED** against the sky, the Northmavine Vikings enjoyed a beautiful day for their celebrations on Friday. Full coverage, p.18-19. **Photo:** Garry Sandison

## Oil firm cleared in court

BP could not have reasonably foreseen a chain of events which caused oily water to pollute the sea at Sullom Voe, a sheriff ruled yesterday afternoon.

The oil company was acquitted after a trial at Lerwick Sheriff Court in relation to the event on 7th October 2008 when heavy rain and a faulty valve system and alarm on a large water tank combined to cause the oily water to overflow from the terminal's elaborate water-cleaning system.

Craig Connal QC for BP successfully argued that the company could not have predicted the combination of events and Sheriff Derek Livingston accepted that the pollution was an accident rather than an event which might have been avoided by better maintenance or other procedures.

However, he agreed with the Crown that, despite BP's claims, the rainfall had not been particularly exceptional on the day in question.

Sullom Voe terminal manager Lindsay Boswell sat in the public gallery throughout the case.

Meanwhile, local contractor MK Leslie was fined £3,500 at the court yesterday for causing oil pollution of the sea and land near Scalloway in October 2008.

The company admitted lifting a rusty oil tank by forklift at its new depot below the Scord quarry, causing it to rupture and leak 2,000 litres of lubricating oil into the environment. One kittiwake is known to have died from oil contamination.

The tank had been left at the former depot by a previous owner. Other debris and oil was removed three years previously when MK Leslie acquired the site and hired in a specialist contractor.

Defence agent Tommy Allan said it had been assumed that the tank no longer contained oil and it was only when it was lifted that it was discovered to be heavy.

He said the tank did not appear to be leaking when it was set down again but the pollution was discovered during the night.

MK Leslie spent £25,000 on its clean-up efforts but it also faces a £75,000 bill from the council for the work it paid for. The court heard that MK Leslie was in dispute with its insurance company which will not cover the cost.

It was the third oil pollution fine for the company in the past eight years.

## Public outraged at £250,000 payoff for council boss Clark

By PAUL RIDDELL  
& RYAN TAYLOR

Shetland Islands Council chief executive David Clark has walked away from his job after less than nine months with a tax-free payoff of £250,000 granted to him by councillors.

In a statement issued this week, convener Sandy Cluness said he hoped that a line could now be drawn under what is widely regarded as the most disastrous appointment in the council's history, but instead the decision has provoked an angry public backlash which shows no sign of abating.

Protesters are due to gather tomorrow for a second march to voice their disgust at the payout and demand that councillors stand down and subject themselves to Shetland-wide by-elections.

On Monday around 120 people, some holding placards, many also protesting against the council's decision to charge £160-a-year for musical instrument tuition, marched

from the Market Cross to the Town Hall where they were met by Mr Cluness and vice-convenor Josie Simpson. Facing cries of "Go! Go! Go!" the convener said they could not discuss the issue because it involved a council employee.

The furore began on Friday night when *The Shetland Times* revealed on its website that councillors had agreed, without taking a vote, at a private meeting earlier in the day to

accept the advice of Cosla chief executive Rory Mair, whom they had brought in to help broker a deal, and offer Mr Clark £250,000 rather than force him out and face a potential court battle. It later emerged that the overall cost to the council is likely to be nearer £500,000 by the time tax and legal fees are taken into account.

The offer was put to Mr Clark over the weekend and although it

had been hoped to announce an agreement on Monday or Tuesday, amid the outcry this was delayed.

In a statement issued on Wednesday afternoon, convener Sandy Cluness said the council was confident the agreement it had reached with Mr Clark was a "fair one for both parties".

He rejected public demands for the council to call Mr Clark's bluff and face him in court because that

would be "extremely expensive, time-consuming and very high profile" and may have resulted in a much higher payout.

The statement said: "As part of the negotiation process, the council has considered expert evidence concerning the impact of all of this on Mr Clark's career prospects. Taking that into account, the council is confident that the settlement it has agreed with Mr Clark is a fair one for both parties.

"Whilst there may be calls from constituents for the council and Mr Clark to litigate to resolve this, constituents should understand that that process would be extremely expensive, time-consuming and very high profile. The potential award that could be made to Mr Clark could be considerably higher than the settlement which has been reached."

The statement was immediately challenged by councillor Jonathan Wills, who again called for Mr Cluness to resign. He accused the convener of ignoring more than 20

(Continued on page six)

## Ian Clark springs to son's defence

David Clark's father Ian, who is renowned for securing Shetland's multi-million pound oil funds while council chief executive, has made a robust defence of his son, blaming an orchestrated campaign by a "coterie" of people who were determined to uncover faults and failures from his son's past for his premature departure from the same post.

In a letter to *The Shetland Times*, his first since he left the isles in 1976 and what he describes as his "last", Mr Clark Snr says David Clark is a "good son" who has more ability than he ever had.

However, he has been subjected to a torrent of abuse which he has "met with almost superhuman self-control".

He says his son would have been dismissed had he dished out the kind of written and verbal abuse he had received from a number of councillors.

"The outcome of this is that David is leaving the post with a 'settlement'. I suggest that the reported size of this, together with the joint statement issued by the chief executive of Cosla and the lawyer

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# Clark Snr suffered criticism

(Continued from front page)  
who is representing the council, indicate where responsibility for the unhappy episode lies.”

Mr Clark Snr says that during his time in Shetland he, too, experienced “considerable and aggressive criticism with rumours being spread in order to raise questions on my integrity”.

He suggests that Shetland could potentially benefit to a greater extent from renewable energy and the development of the West Shetland Basin than it has from North Sea oil.

“However, the community will never be able to calculate the financial loss which they will have suffered as a result of the vindictiveness which has led to the recent chief executive leaving his post.”

He goes on: “The majority of Shetlanders will be unaware of the intensity of the orchestrated efforts of a coterie who have been determined to uncover faults and failures from David’s past. (Which of us would welcome such detailed scrutiny of every aspect of our lives?) However, having found nothing of substance one false document was produced – to no lasting effect.”

Later in the letter he takes up the theme again: “Shetland’s future lies in your hands. Should the self-indulgence and indiscretions of the past months show signs of being repeated, the silent majority should ensure that it does not spiral out of control, once again. This may be of immediate importance. We have entered a period of austerity the full extent of which will not become obvious until after the general election. Savage cuts on public expenditure are more than likely and the politicians at Holyrood will be less than human if they do not cast envious eyes on your funds and seek to divert them, whether directly or indirectly. You will make their task easier if they can point to maladministration within Shetland.

“Despite what I have written above, let me make clear that my years in Shetland were the most creative and satisfying of my life, to date, and that Jean and I have happy memories of the many kindnesses which we benefited from and the strong, fruitful friendships which we enjoyed.”

(Continued from front page)  
complaints made against Mr Clark in December last year by six councillors.

The dropping of those complaints was part of the deal with Mr Clark, but Dr Wills said he would not be withdrawing his complaints. It is understood that at least two of the other five councillors, Gary Robinson and Allison Duncan, will not be withdrawing theirs either.

No account appears to have been taken, either, of the fact that the police have re-opened their investigation into Dr Wills’ allegation that Mr Clark phoned him on 9th September

last year and threatened to “kick his f\*\*\*ing teeth in” if he did not stop looking into his private life. A senior council official has come forward to say he heard Mr Clark rehearsing a similar line earlier in the day in question. The inquiry is ongoing, with CID officers questioning a number of witnesses.

Dr Wills, who was not at the meeting on Friday because he is away from Shetland on holiday, said: “Why is this happening? It is happening because the convener and the vice-convener by their indolence and incompetence have left the council exposed to a massive finan-

cial liability. They should resign immediately, not only from their posts but from the council.”

He added: “I do not see why the Shetland public should have to pay this money – the convener and the vice-convener should be personally surcharged for the cost.”

Attention will now turn to prospective arrival in Shetland of the Accounts Commission, part of the public spending watchdog Audit Scotland, whose controller of audit Caroline Gardner is due to carry out an investigation into the council.

In an interview with BBC Radio Shetland on Wednesday night, Mr

Cluness said the council would ask for advice again from Cosla over appointing a new chief executive but claimed there would be no difficulty in getting someone to fill the post. “There were 35 applicants last time and we’ve always found there are candidates for positions in Shetland, especially this one.”

He complained about the public protesters, saying: “I understand their anger but there are ways of dealing with this and I think marches on the Town Hall are not the way to go about these things. You have local members. As I say, they all sat together at a full meeting

and made this decision, and that’s democracy.”

Asked if he would consider standing down, he said: “I’ve said it often enough, as soon as a majority decide I should go I will be delighted to do so.”

Reacting to the payout, isles MP Alistair Carmichael said: “I cannot pretend to agree that this payment is an acceptable outcome for a situation in which the council should never have put itself. I have never doubted the good faith of our councillors but there is no doubt in my mind that they have got this one wrong.

“I also expect that going forward there will be a full public hearing at the hand of the Accounts Commission. There we will learn the extent of the failure of the council, including senior officials. The fact is that the council is too dominant a force in Shetland life to be allowed to fail.

“So while councillors must be accountable for what they have done to the community, the first priority now must be to find a competent chief executive who can give some stability and strategic direction to the council. Councillors must be prepared to listen to the community and to give some leadership.”

And MSP Tavish Scott said: “The Shetland public deserve a full and frank explanation of exactly how the SIC has reached this decision and the cost involved. The financial hit that local taxpayers will now take is a matter of the deepest public concern and local people deserve to be told the full facts.”

Monday’s march was organised by community councillor Kathy Greaves and retired Lerwick businessman Ian Inkster. In a statement, the pair said: “How often and for how long must we be shocked, outraged and aggrieved at our council’s actions, by the increasingly poor decisions being made in our name? The scandalous catalogue of errors made over the years, the waste and misuse of public money must stop now.

“Our rally today shows petitions signed by many hundreds of people in Shetland against both the payment of a huge amount of money to the outgoing chief executive, whilst at the same time the council are calling for cuts in public spending, such as tuition fees for school childrens’ music lessons.

“We feel that neither a golden handshake nor any compensation is due to the chief executive as he has not fulfilled the duties expected of him, at the same time behaving in such a way as to tarnish the reputation of Shetland.

“By the council’s leadership’s apparent lack of positive action over the past few months, we have been left exposed to ridicule whilst our reputation has suffered worldwide.

“So we ask those responsible, those accountable, the convener and vice-convener, to stand down, resign, as we Shetlanders call for a new local election.”

In Wednesday’s statement Mr Cluness said the council had approached Cosla because it had become “virtually impossible” for Mr Clark to continue in his role

## The statement and what it really means

**FOLLOWING an approach by the Chief Executive’s legal team, Shetland Islands Council commissioned the Chief Executive of COSLA to explore a mutually agreeable arrangement for Mr Clark to leave its employment.**

**The reason for this approach was that it had become virtually impossible for Mr Clark to continue in his role because of speculation about him in the national Press last month.**

**The Press article not only made inaccurate insinuations concerning the Chief Executive’s involvement in Council decisions regarding a private company but also included commentary on matters which had already been the subject of a complaint to the Standards Commission for Scotland by the Chief Executive and others in relation to inappropriate public criticism of the Chief Executive. The outcome of the Standards Commission process is awaited and will be determined in due course.**

**Certain allegations were also repeated against Mr Clark which had already been the subject of an earlier disciplinary investigation. Mr Clark was cleared of any misconduct as a result of that investigation but, despite the referral to the Standards Commission, these allegations have continued to be repeated.**

**As part of the negotiation process, the Council has considered expert evidence concerning the impact of all of this on Mr Clark’s career prospects.**

**Taking that into account, the Council is confident that the settlement it has agreed with Mr Clark is a fair one for both parties. Whilst there may be calls from constituents for the Council and Mr Clark to litigate to resolve this, constituents should understand that that process would be extremely expensive, time-consuming and very high profile. The potential award that could be made to Mr Clark could be considerably higher than the settlement which has been reached.**

**For these reasons, the Council, without any Counter-motion, decided, at its meeting on 19th February, that it would be in the best interests of Shetland that a line is drawn under this matter so that the Council can focus on more important issues affecting the Islands.**

**In all the circumstances, the Council have reached an agreed settlement with Mr Clark, whose employment will terminate by mutual agreement on 24th February, 2010. The details of the settlement are confidential and no further comment will be made by either party.**

Mr Clark told the council through his Edinburgh-based lawyers Morton Fraser that he wanted out and how much cash he would accept to go quietly. The council then invited Rory Mair, chief executive of the local government sweep-things-under-the-carpet association, sorry umbrella organisation, to make sure this came to pass.

Boy was this Sun article influential. You’d think there might be some substance behind the decision to pay Mr Clark a tax-free bung of £250,000, but perhaps it is easier to lay into a scurrilous tabloid. In fairness, Mr Clark was wrongly accused by the rag of being responsible for securing loans for Judane, of which his partner Judith Miller is a director, worth £1 million and ensuring the council wrote off £400,000 of debt owed to it by the company. He wasn’t even in Shetland when the loans were made. He should have gone to the PCC.

All this, rather than anything Mr Clark has done himself, will cause him untold reputational damage. That’s what the experts say, and they are experts, so they must be right.

Having splashed the cash, all we need to do now is hope the fairy godmother will make us look presentable for the Audit Scotland ball whenever it is.

We’re not going to tell you how much we are having to shell out, even though you all know thanks to *The Shetland Times* that this is costing you, the taxpayers, around £500,000 in payoff, tax and legal fees. Another fine piece of SIC business.

### TIMELINE: How David Clark’s nine months as chief executive of Shetland Islands Council unfolded

**20th May 2009:** Convener Sandy Cluness announces the appointment of David Clark, son of legendary oil era chief executive Ian Clark, as the council’s new boss after a majority of councillors vote for him following interviews and presentations from five candidates. (Mr Cluness isn’t one of them; nor is councillor Jonathan Wills.) Mr Clark immediately vows to cultivate a “go-getter, entrepreneurial spirit” and insists that he will be coming on his own terms: “they will be getting Dave Clark, not Ian Clark”.

**1st June:** Mr Clark, who formerly operated his own consultancy firm, Dalzell

Projects, and boasted of having worked on several multi-million pound capital projects and for borough councils in London, takes up his post.

**24th June:** After less than a month at the Town Hall, a storm blows up as Mr Clark appoints a former business partner, Andrew Laidler, a surveyor, to carry out an “independent” review into the siting of the proposed new Anderson High School. This, according to Mr Clark, is agreed to by services committee chairman councillor Gussie Angus, although Mr Angus tells fellow councillors he wished to meet Mr Laidler and check his references before appointing him.

**31st August:** Details of perhaps the most damaging of Mr Clark’s decisions emerges – the “deletion” of assistant chief executive Willie Shannon’s post to make way for a “head of asset strategy”. Mr Shannon says he returned from his holiday to discover, without forewarning, that the job no longer existed. Unison branch chairman Brian Smith says there was no consultation over the proposed changes, describing Mr Clark’s claim to the contrary as “complete rubbish”.

**9th September:** Shetland’s two parliamentarians, MP Alistair Carmichael and MSP Tavish Scott, write to convener Cluness calling for an external review to be

carried out into the treatment of Mr Shannon, voicing extreme concern at the potential damage to the reputation of both the council and Shetland.

**10th September:** Councillor Jonathan Wills reveals he received a phone call the previous evening which he says was from Mr Clark. He alleges that the chief executive told him he would “kick his f\*\*\*ing teeth in” if he, Dr Wills, did not stop prying into his private life. Mr Clark, who admits making a phone call to try to get a phone number for *The Shetland Times*, denies the accusation: “I did not say that to him, absolutely not.” Police begin an



investigation following a complaint from Dr Wills. Convener Cluness appoints a group of three councillors to look into the matter. Mr Clark takes a holiday but he is not suspended from his post.

**15th September:** Police say they are no longer pursuing Dr Wills’ allegation as it emerges there is no recording of the conversation. The council’s head of legal Jan Riise reveals that in line with the rules the three councillors appointed a new committee of five different councillors to conduct the investigation. They would appoint an independent investigator from local government body Cosla, who would report back to the committee, which would in turn make a recommendation to the Full Council.

**17th September:** Convener Cluness says a complaint made by Dr Wills about Mr Clark drinking in his Town Hall office with Mr Laidler following the completion of the review into the Anderson High School had been dealt with by the panel of three councillors who convened to hear about the phone call. Afterwards Dr Wills says this is impossible because he did not complain until the Monday after the panel convened. It later emerges the convener granted Mr Clark a half-day’s holiday retrospectively.

**14th October:** Mr Clark eases himself

back behind his chair in his Town Hall office minutes after a closed 80-minute meeting of nine councillors rules in his favour, stating that there is insufficient evidence to prove the allegation was true. Mr Clark says he is delighted, but Dr Wills refuses to back down. He dismisses the process and the hearings that were conducted as “flawed”. He repeats the allegation about what Mr Clark said in the phone call and accuses Mr Clark of having made defamatory statements in an attempt to “blacken” his character. “Whatever the investigating committee was told, I am not a liar,” he says.



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# are not the way to go about these things'

following speculation in *The Sun* newspaper last month.

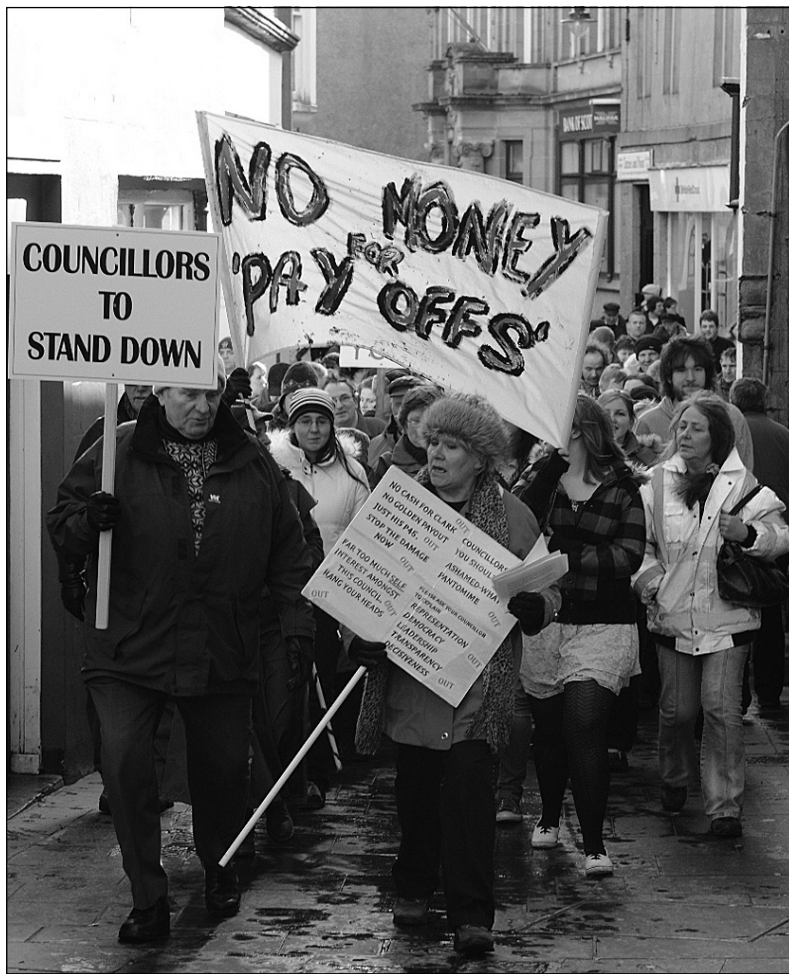
"The press article not only made inaccurate insinuations concerning the chief executive's involvement in council decisions regarding a private company but also included commentary on matters which had already been the subject of a complaint to the Standards Commission for Scotland by the chief executive and others in relation to inappropriate public criticism of the chief executive."

That was a reference to the fact that Mr Cluness, Mr Simpson, Mr Clark, deputy chief executive Hazel Sutherland, who is now acting chief executive, and head of legal Jan Riise had referred Dr Wills to the commission for repeating his allegation that Mr Clark had phoned him and threatened him with violence. Dr Wills has been told he will now be interviewed by the commission on 9th March – almost five months after the complaint was lodged.

The statement went on: "Certain allegations were also repeated against Mr Clark which had already been the subject of an earlier disciplinary investigation. Mr Clark was cleared of any misconduct as a result of that investigation but, despite the referral to the Standards Commission, these allegations have continued to be repeated."

But in a letter to the convener, Dr Wills said: "Your statement is incorrect. Mr Clark was not 'cleared' of the gross misconduct charge. The hearing found there was insufficient evidence. That was because the council's legal adviser told the hearing not to allow cross-examination of witnesses. Important evidence was thus not heard."

"You also ignore the fact that 20 complaints against Mr Clark by six councillors have still not been dealt with, 10 weeks after they were formally lodged. These complaints



Protesters march from the Market Cross.

Photo: Dave Donaldson



A message left on the Town Hall door for councillors.

Photo: Dave Donaldson

have not been withdrawn. You have no authority to quash them.

"You will not silence me with your impertinent demands that we draw a line under this matter. What this disgraceful affair has drawn a line under is the credibility of your convenership. You should ... allow this council to make a fresh

start and prepare itself for the auditors' inquiry which, hopefully, will reveal the full extent of your disastrous mismanagement of public affairs."

Mr Cluness said details of the settlement were "confidential" and no further public comment would be made by either party.

Meanwhile, Mr Mair and the council's external legal adviser Murray McCall issued a joint statement criticising the open discussion of the deal on offer.

"There has been and continues to be a huge amount of speculation regarding Shetlands Islands Council and employment matters relating to

its chief executive. We will not comment on the detail of that but one thing is absolutely certain: the detail of employment of the chief executive is not something that should be discussed in public at all.

"We were both brought in as advisers to a confidential process by Shetland Islands Council. As part of

our role as advisers we both attended last Friday's confidential council meeting. However it has happened, we are both appalled that so much information on what is a confidential matter concerning an individual's employment has been discussed so publicly."

• Editorial, page 9

## In defence of my son – a letter from Ian Clark

Since leaving the islands in 1976, I have declined all requests from the media for comments on decisions and events that have been made or taken place within Shetland. I break that silence of over 33 years because one of the most important of my personal interests has been affected by what appears to be a sizeable proportion of Shetlanders, namely the well-being of my son, David.

Before moving on to my concerns, let me satisfy the curiosity which a number of Shetlanders have expressed in the local media as to my thoughts on my son. The fact is that he is a good son and our relationship contributes to my happiness.

For most of his time with you David has been subjected to a torrent of abuse which he has met with almost superhuman self-control in maintaining a silence which met the high demands of the Code of Conduct to which officials and members of local authorities are meant to adhere. This is in stark contrast to the written and verbal abuse which he received from a number of councillors, which reached such a pitch in meetings that were open to

the public that, had he spoken to an employee of the council in such a way, even once, he would have been dismissed for bullying. The outcome of this is that David is leaving the post with a "settlement". I suggest that the reported size of this, together with the joint statement issued by the chief executive of Cosla and the lawyer who is representing the council, indicate where responsibility for the unhappy episode lies.

As Mrs Christine Donald stated in her letter to *The Shetland News*, dated 6th February, the current problem is not a new one. Since Shetland enjoys the fruits produced by the efforts in the 1970s it is easy to imagine that period as an era of idyllic cooperation. The fact is that, as chief executive, I, also, experienced considerable and aggressive criticism with rumours being spread in order to raise questions on my integrity. (Ironically one of the criticisms centred on my rather monastic way of life!) I mention two of the many lessons that can be learned from the 1970s:

First, I make bold to suggest that had I packed my bags and moved to

a more peaceable environment the community would not be enjoying the benefits which flow from the Disturbance Agreement. This is not to suggest that no-one else could have done what I did; rather, it is recognition that, at that time, no-one one thought that I had the slightest chance of succeeding. Shetland, faced as it is with the new challenges and new opportunities which arise out of the interest in renewable energy projects and the development of the West Shetland Basin, can determine to do at least as well, if not better, than the success of the 70s. However, the community will never be able to calculate the financial loss which they will have suffered as a result of the vindictiveness which has led to the recent chief executive leaving his post. I can assure you that he has more ability than I had or have.

Then, when making judgements on the integrity of those who question the integrity of another, it would do no harm to bear in mind that one of those most fully involved in the campaign against me came to grief when it emerged that, while in

Shetland, he had been involved in most unseemly activities.

The majority of Shetlanders will be unaware of the intensity of the orchestrated efforts of a coterie who have been determined to uncover faults and failures from David's past. (Which of us would welcome such detailed scrutiny of every aspect of our lives?) However, having found nothing of substance one false document was produced – to no lasting effect. Let me deal with one accusation, arising out of local events, and go on to point out its significance for another.

In a letter to *The Shetland Times*, of Christmas Eve, Dr Wills took one of his favourite ploys a step further than usual. Not content with repeating, again and again, his assertion of what he claims that David said at the independent inquiry hearing in the hope that his misquotation would become accepted as a fact, he then put his alleged words in quotation marks. I was witness to what was said because I requested of David that he take me to the hearing as the person he was entitled to have accompany him. I neither wished to

speak, nor did I, my interest being that my presence would indicate that I had every confidence that his account of the phone calls was accurate. David did not make the alleged allegation. What he did was pose a question and that question contained only the one word "gain" from those which Dr Wills puts within quotation marks, the word "monetary" being conspicuous by its absence. The reason I can be certain of this is that, because the particular issue centred on me, David had asked if I would take exception to his posing the question and my agreement was that if the question was posed it should be exactly as he proposed. It was. The significance of this goes beyond the misreporting of the particular incident when it is remembered that the hearing arose out of allegations made by Dr Wills on what he claimed to have been said in a phone call, reinforcing his claim with the observation that his journalistic experience resulted in him having the ability to record accurately what others have said.

David went on to ask Dr Wills to read a passage from his book during which he became more than agitated. He finished by stating that I was the hero of the book and remained his hero. I was genuinely touched by this and shall be happy if it remains the case after publication of this letter, for I formed a liking for him during my time in Shetland. At that time, his provocativeness seemed to arise from a Peter Pan syndrome which had a certain attractiveness. Some years ago I wrote to him seeking to encourage him to channel his efforts into positive action and commented that if his intellect and my powers of application had been combined there is no saying what might have been achieved for Shetland! Unfortunately, my advice went unheeded. Constructive criticism has positive effects; negative criticism is destructive. Constructive criticism requires broadness of mind and largeness of heart; negative criticism warps the mind and sours the spirit of the critic.

Shetland's future lies in your hands. Should the self-indulgence and indiscretions of the past months show signs of being repeated, the silent majority should ensure that it

does not spiral out of control, once again. This may be of immediate importance. We have entered a period of austerity the full extent of which will not become obvious until after the general election. Savage cuts on public expenditure are more than likely and the politicians at Holyrood will be less than human if they do not cast envious eyes on your funds and seek to divert them, whether directly or indirectly. You will make their task easier if they can point to maladministration within Shetland.

Despite what I have written above, let me make clear that my years in Shetland were the most creative and satisfying of my life, to date, and that Jean and I have happy memories of the many kindnesses which we benefited from and the strong, fruitful friendships which we enjoyed. I had the privilege of serving under strong and supportive conveners such as RA Johnston, Edward Thomason, GW Blance and AI Tulloch; and of working with committed colleagues such as Jack Moar, Brian Davison and Mike Fenwick. It is unlikely that David will look back on his time as chief executive of SIC with the same pleasure and sense of fulfilment as I do mine but it is my hope that, with the passage of time, the many words of support which he has received from among the silent majority of Shetlanders will go far in outweighing the inhumanity of their vocal and vitriolic fellows.

Let me close by adding to my thoughts on my son. I am proud of him for his deportment throughout a prolonged period of vicious and sustained attacks. From time to time, such thoughts have raised a question in my mind. The person who gave me most frequent encouragement throughout the period during which I suffered attack, was none other than Dr Wills' father, who invariably offered it couched in his inimitable humour; and I sometimes wonder what he would think of the behaviour of his son were he alive today.

I have indulged in writing a long letter knowing that it is the first I have written to *The Shetland Times* and that I intend it to be the last!

Ian R Clark

Bellfield House, High Askomil, Campbeltown, Argyll.

**20th October:** Convener Cluness, vice-convenor Josie Simpson, Mr Clark, deputy chief executive Hazel Sutherland and Mr Riise refer Dr Wills to the Standards Commission for alleged breaches of the councillors' Code of Conduct in his statement issued after Mr Clark returned to work. Dr Wills will appear before commissioners on 10th March, almost five months after he was referred.

**8th December:** *The Shetland Times* reveals six councillors – Jonathan Wills, Cecil Smith, Gary Robertson, Gussie Angus, Andrew Hughson and Allison Duncan – have handed in a complaint to

convener Cluness asking for an investigation into a series of allegations of misconduct by Mr Clark. Mr Cluness refers the matter to the council's solicitors, but nothing is heard of it again. In addition to the now familiar complaints, they allege that proper procedures were not followed in the awarding of more than £20,000 for the Laidler review.

**9th December:** Councillors invite Willie Shannon to return to work with immediate effect to undertake a "range of strategic projects". It follows the earlier breakdown of talks brokered by the conciliation service ACAS between Mr Clark and Mr

Shannon. Mr Shannon is to report directly to convener Cluness.

**10th December:** The Accounts Commission announces that controller of audit Caroline Gardner is to visit Shetland to carry out a thorough investigation into the council amid what it describes as problems in relationships between senior officials and councillors. The organisation had been holding off until after David Clark's employment situation had been resolved, but she is now likely to travel north soon.

**1st February 2010:** Lawyers at Mr Clark's Edinburgh-based legal firm Morton Fraser approach the council asking for talks on his future following "recent events", thought to relate partly to an article in a tabloid newspaper about Mr Clark's private life.

**4th February:** Councillors meet behind closed doors in the presence of Cosla chief executive Rory Mair to hear the options open to them. Follow up talks between the two sides are held eight days later.

**19th February:** *The Shetland Times* reveals on its website that councillors decided earlier in the day to award Mr Clark a tax-free sum of £250,000 to leave his post rather than take the risk of his taking the council to court. No vote is taken. The decision is met with a public outcry.

**22nd February:** More than 100 people gather at the Market Cross to march to the Town Hall in protest at the councillors' decision.

**24th February:** Convener Cluness announces in a long statement, which appears partly to blame *The Sun* newspaper for what has happened, that Mr Clark has accepted the deal. Mr Clark is said to have bought champagne in Tesco to celebrate.



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# opinion

## LETTER FROM EDINBURGH

**Tavish Scott MSP**

I occasionally stare at a blank computer screen and am lost for something to write. This week in Shetland, it's not being lost for something to write. It's how to convey the sadness, frustration and, yes, anger at seeing the islands' reputation trashed by what's happened. The emails, phone calls and face to face discussions with people across Shetland reflect the same concerns. Tomorrow, another demonstration will further amplify matters.

SIC elected members were told they had no choice but to pay a large amount of Shetland taxpayers' money to the chief executive so that he leaves after just eight months. But there are always other legal options. One was to terminate the contract and allow for the possibility of legal action.

A huge number of Shetlanders would have rather seen this in court, accepting the possible cost, than for Shetland to voluntarily cough up hundreds of thousands of pounds. We haven't been told what the cost is – but it will be publicised at some point. The legal contention that we shouldn't be told is rather ridiculous given that RBS boss Stephen Hester has his full pay and conditions plastered across the papers. As are the bonuses paid to bosses working for quangos in Scotland. Full disclosure is necessary and desirable.

I've been helping a young Shetlander with a housing problem. Happily it's now sorted and thank you to the council officials who were helpful. But that individual, who has two part-time jobs and is working long hours, asked me the other day why her council house rent should be used to pay someone off. "I wouldn't get that kind of pay off from my place of work after eight months", she said. Local joiners have lost jobs with Shetland building firms in recent weeks. The islands' economic outlook is tough.

The SIC wants to charge for music tuition, it wants to close schools – which will certainly mean job losses. People are already losing public sector work – look at the cuts to Highlands and Islands Enterprise. Yet the biggest economic upside in Shetland is Total's Laggan gas field and what it can secure for the Delting area and wider afield. But that is not a done deal yet and the SIC has a crucial role in those negotiations – led by whom?

This is just too serious a time for Shetland. There are issues about Shetland's future getting no attention. Council officials tell me everyone just keeps their head down. The council has been, and always will be, a big player in Shetland life – in the economy, with jobs and in securing the islands' prosperity and future. This last period has been the bleakest time imaginable.

One part has come to an end but at what price to Shetland?

**READERS' VIEWS****Pages 10-12**

**Hands up?** Appearing on the Town Hall steps, council convener Sandy Cluness and vice-convener Josie Simpson try to calm the angry protesters at Monday's march. *Photo: Kenneth Shearer*

# Repugnant and unforgiveable

**P**olitics in Shetland reached a nadir this week. As now ex-chief executive David Clark celebrated his lottery-sized bung from the council with champagne, members of the public were left feeling betrayed by those whom they had elected as custodians of the resources they work hard to hand over to the local authority every month for the benefit of the wider community. Having last Wednesday taken prudent steps to marshal those resources for the future, our councillors made an utterly repugnant and unforgiveable decision two days later to reward a man whose nine months in office has brought shame and embarrassment on these islands – in return for his slinking off without accepting any culpability.

But let us not forget, the council's leadership and some senior officials were complicit in allowing the deletion of Willie Shannon's post, Mr Clark's drinking in his office with schools reviewer Andrew Laidler, the farrago of the alleged phone call threatening violence to councillor Jonathan Wills and other unsavoury incidents to reflect badly on them through sheer incompetence. They let Mr Clark steamroller ahead without regard to procedures that are laid down for local government for very good reasons and when complaints were made they were treated with contempt. We are still waiting to hear the fate of the complaint made by six councillors in December about 20 episodes involving Mr Clark – a complaint that has apparently been bargained away as part of the deal.

## The Shetland Times THE OLD ROCK 26.02.10

“

We shall have to hope  
the Accounts Commission  
is more open-minded

”

Police are now looking again at Dr Wills' allegations after a senior council official came forward to volunteer that he had heard Mr Clark rehearsing what he intended to say to the councillor earlier in the day of the phone call. The key question here is whether that individual informed fellow officials of this at the time. Yet this development has been ignored by convener Sandy Cluness in his headlong rush to get Mr Clark out of the Town Hall without his own reputation being besmirched. It's far too late for that. Mr Cluness has entirely misread

the public mood. People are disgusted with the persistent squandering of public money in Shetland; Mr Clark's payoff is just the latest symptom. The convener is just not up to the job. He should do the honourable thing and resign.

Similarly, the local government organisation Cosla does not emerge well out of this debacle. The deal hatched by its chief executive Rory Mair is straight out of the central Scotland school of local government problem-solving: sweep it under the carpet, buy silence and move on to the next guy (hopefully he'll be better). Mr Mair said in a statement this week that he did not believe the public should be discussing Mr Clark's payoff. What rubbish – it's not just that the public is interested in the cost of the deal, there is a legitimate public interest in the purpose for which taxpayers' money is used. We shall have to hope that the Accounts Commission, when it comes to Shetland to hold its public inquiry into what has gone on, is much more open-minded.

If public trust is to be restored, all councillors must now volunteer to stand down, forcing Shetland-wide by-elections. If they are confident that the decisions they have made are the right ones, they should be happy to test that out in public. It would be an unprecedented step, but when a democratic body is facing a legitimacy crisis of this magnitude it must act boldly to regain the respect of those it purports to represent. Come on ladies and gentlemen, resign your seats and let the voters give their verdict.

Mary Blance **Cathy Feeny** Donald S Murray Drew Ratter Malachy Tallack

# SPA EKALATION

**When I lived** in rural Burgundy, you never went for a walk in the woods on a Sunday afternoon in autumn, because there was a very real danger of getting shot.

Having downed a hefty lunch, there was nothing a Burgundian liked to do more than to go out hunting, and his aim was not improved by the bottle or two of wine that had accompanied the meal. Hospitals knew to prepare for casualties.

There was more to this, however, than a desire to put something in the pot. Shortly after the fall of the Bastille, in July 1789, the National Assembly of France abolished the feudal system and took away the aristocracy's exclusive hunting rights. When a Frenchman or woman sets out with a gun, they are celebrating and underlining the fact that all French citizens are considered equal.

This egalitarian outlook is extended to foreigners, and although there were many ways in which I differed from the folk who had been born and raised in the Burgundy village where I lived, I was viewed in every respect as neither inferior nor superior to any of them.

The only other time I had experienced this was when I lived in the United States, another country which had a revolution, and which enshrines in its constitution the idea that all are created equal, however little this is reflected in its foreign policy.

When I returned to Britain from France, to come and live in Shetland, it was with dread in my heart that I was also coming back to the British class system. I was surprised and delighted to discover that I wasn't.

Others have remarked on the egalitarian nature of Shetland society. In volume one of *A Handbook of Varieties of English*, Gunnel Melchers of Stockholm University observes that, in terms of social stratification, Shetland gives the impression of being "more egalitarian than most other regions in Britain". And she mentions the fact that the sociologist Erving Goffman, who did some of the work for his PhD in Unst, was "impressed by the general classlessness of the society".

Since arriving in Shetland nearly two years ago I have given a lot of thought as to why this might be, and have come up with some theories.

As in the case of France and the USA, one explanation is undoubtedly historical. James W Irvine notes, in *The Dunrossness Story*, that when the Crofters' Commission came north in 1889, three years after The Crofters' Act had been passed, "the crofters for the first time in history [were] able to present their case face to face with the laird, and on an equal footing with the laird".

This is less than 150 years ago, and prior to this period the crofters were essentially serfs. Such a recent memory of terrible servitude is bound to create a population that is disinclined to kowtow.

Education, too, is surely a factor. As a middle class child growing up in a village

in Surrey in the 1960s, I was privately educated until I was 11, after which I went to a grammar school. The working-class children in the village went to a dismal secondary modern, designed to equip them with all they would need to keep them indefinitely at the bottom of the pile.

As a supposed representative of this inegalitarian set-up, I was understandably, if unjustly, resented by my working class counterparts. I learnt to dread the reactions my accent would evoke, and I developed the habit I have to this day of speaking behind my hand. Where possible I socialised only with those who had a background similar to my own.

And thus working class and middle class children grew up in an atmosphere of mutual suspicion, incomprehension and antipathy.

If, as most of them claim, any political party does genuinely wish to put an end to the inequality of opportunity in British society, the best single thing it could do is abolish private education. When children from all walks of life are educated together, as they are in Shetland, it fosters friendship and understanding, and also helps to ensure that they will never consider themselves to be anybody's inferior or superior.

Given such beginnings, the social apartheid which I experienced inevitably

carries on into later life. The privileged obtain the prestigious positions, and the kudos which accompanies them, for no other reason than that they are just plain lucky. Whatever claims a load of bankers may make about their superior merits, and resultant worthiness to occupy high office, they are unlikely to have more mathematical prowess than your average bookie.

In Shetland, however, the situation is rather different. The climate and location mean that one of the things which folk are rated for here is their ability to do jobs that have to respond to these factors. Many people are employed in more than one capacity, so they aren't easy to categorise. Long, dark nights mean that talents such as music and storytelling are highly prized, therefore an individual is likely to be valued and known for something other than the work they do.

Judging people on their own merits has a positive knock-on effect. As an outsider I had wondered how far I would be allowed to penetrate into Shetland society. I discovered that where I came from or how I spoke was irrelevant.

This respect for each inhabitant's individual identity is, I believe, what allows Shetland to maintain its own strong sense of identity, at the same time as extending a welcome to all.

Shetland should be proud of, and forever protect, its tradition of equality. It is an example to the rest of Britain, and I greatly hope it is the face of Britain's future.