



REPORT

To: **Infrastructure Committee**

4 March 2008

From: **Service Manager- Environmental Health
Environment and Building Services
Infrastructure Services Department**

DECENTRALISATION DISCUSSION DOCUMENT

1 Introduction

- 1.1 This report provides the Infrastructure Committee with a discussion document, at Appendix A, setting out a number of approaches to remote working. The report identifies drivers, benefits and barriers to the approaches and is intended to give Members the opportunity to identify how they would like the Council to proceed in relation to decentralisation.

2 Links to Corporate Priorities

- 2.1 Decentralisation Strengthens Rural Communities, delivers Social Justice and Looks after where we Live.

3 Background

- 3.1 At the last Infrastructure Committee Members requested an opportunity to discuss decentralisation and remote working. The attached document has been developed to facilitate these discussions and to assist Members to determine what options they would wish to see developed further.
- 3.2 Much of the comment in the discussion document is based on an extensive staff survey which received 372 responses. Statistical analysis of the responses is included in the document.
- 3.3 The focus of the discussion document centred around 4 themes:
- The continuation of home working approach that is informally being implemented across the Council.
 - Hub Offices for Council Staff.
 - Particular functions such as call handling to a remote location.

- Devolve particular functions to a community level.

4 Financial Implications

- 4.1 Decentralisation can increase costs and reduce efficiencies of scale. Where these rises are likely to occur is set out in the attached document. These costs need to be weighed against the Social and Economic benefits that the options might bring to communities and individuals.

5 Policy and Delegated Authority

- 5.1 The Infrastructure Committee has full delegated authority to act on all matters within its remit “Section 12.0 of the Council’s Scheme of Delegations” and for which the overall objectives have been approved by the Council, in addition to appropriate budget provision. However as this is a policy issue, discussion on decentralisation of services falls within the remit of Executive Services and onwards to Council for decision. Therefore future reports on this subject will be presented to the Executive Committee and Council, as required.

6 Conclusions

- 6.1 Members are invited to consider the attached document and determine whether any of the options should be pursued further.

7 Recommendations

- 7.1 I recommend that the Infrastructure Committee consider :
- 7.1.1 the details in the attached report and determine whether the decentralisation agenda is a Council Priority,
 - 7.1.2 if it is a priority, how this needs to feed into other key policies- Land Use Planning, Transport, Economic Development forcing/encouraging private enterprise developments only in remote locations; and
 - 7.1.3 if any of the options identified in 3.3 merit further action, instruct Organisational Development to come forward with further details including costs, and the potential benefits to staff and the wider community.

Decentralisation Discussion Document**1. Scope of Project**

1.1 This decentralisation project was instigated as part of the Council's Management Development Stretch Programme. The scope of the project was constrained to consider the following issues and only looked at Council Services whilst recognising that this could be rolled out to other Community Planning Partners:

- Home Working
- Hub Offices
- Moving distinct Council functions to an alternative remote location.
- Relocating specific functions to a community management model.

1.2 This project has been completed by undertaking a literature review, gathering opinions from Service Managers and Service Heads and a staff survey to identify the drivers for change, identifying what benefits there are for the Council to explore further and what are the barriers to pursuing Remote Working.

1.3 The questions Managers were asked to consider were:

1. What is your opinion of the Remote Working Policy, Working from Home or using Hub Offices?
2. What do you believe to be the benefits to your service, if any, of staff Remote Working?
3. What Barriers are there to your staff working remotely?
4. What problems, if any, do you see with promoting decentralisation through more staff working from home or developing hub offices?

2. Home Working

2.1 The drivers for the Council to proceed with decentralisation by implementing home working are broadly:

- Reduced investment in property and associated costs;
- Retain existing staff in whom the Council has invested considerable sums of money;
- Retain knowledge within the Council;
- Attract new staff;

- Offer service outside normal working hours;
- Reduce transport costs (including time travelling between visits and office);
- Reduced environmental impact by reducing the amount of staff travelling to central locations; and
- Social and economic benefits to the wider community especially potential to support retaining populations on remote islands and communities and support local businesses.

2.2 The benefits of Home Working to the Council are:

- Increased efficiency from employees who do not have to touch base at the office before starting work;
- Being able to base employees closer to clients and be more responsive to community needs;
- Being seen as more employee friendly by promoting flexible working, better worklife balance, reduced stress and family friendly work styles;
- Greater employee engagement –loyalty; flexibility; accountability and reduced turnover; and
- Greater productivity and work capacity.

2.3 Perceived barriers to home working for managers include:

- Concerns about maintaining communications and feedback processes and avoiding miscommunication;
- Impact on other staff as work gets redirected to other team members;
- Maintaining employee motivation;
- Ability to Monitor employee performance through outputs rather than time at work;
- No benefit to the service, just to the individual, and the service suffers at times for the convenience of the individual;
- Loss of shared knowledge and impacts on multidisciplinary working;
- Reduced accessibility for customers and colleagues although better use of ICT could overcome this barrier;

- Reliability of existing performance management systems to maintain and monitor high performance;
- Concern about data protection and access to confidential information, maintaining records and files due to a continued reliance on paper systems and processes;
- Moving away from “command and control” management techniques to empowerment of employees to “just get on with it”;
- Lack of training in how to manage flexible working;
- Public or colleagues perception that working from home is not really working;
- Staff no longer available or accessible when working;
- Increased cost for purchase of Laptops, docking stations, software licences etc as well as the need to monitor staff and manage absences;
- Rising costs and inefficiencies in decentralisation than centralise services in a single Council Campus; and
- Health and Safety and increased insurance risks.

2.4 Barriers for staff :

- Work cannot be undertaken at an alternative location.
- IT equipment needs to change.
- Isolation from work colleagues.
- Reduced access to central services.
- Lack of suitable space to work at home.
- Manager’s opinion of remote working and lack of trust.
- Need to support or manage staff.
- Documents and resources required for work are in the office and shared with others.
- Incur heating and power and telephone costs.
- Policy isn’t clear and staff feel they may not be eligible.
- Need better organisation of workload to enable contact with colleagues and service users.

- Impingement of work on home life.
- Recognition that they need structure of office and the need to feel apart of the team.
- Too many distractions at home.
- Tendency to work longer hours at home due to accessibility of work through Blackberry, emails, writing reports whereas used to stop when left the office.
- Too many meetings to attend.

3 Hub Offices

- Enables staff without suitable accommodation or IT capacity to work from remote locations and brings many of the benefits of Home Working.
- Reduces the sense of isolation staff may feel working from home.
- Could address management fears about lack of control by having generic Hub Manager to oversee management of a range of specialist staff.
- Increased costs due to additional facilities and utilities costs however this would be reduced by freeing up space in existing Council Buildings rather than looking at new premises. Staff may also consider paying a hotdesk fee if it was less than their travel costs and the facilities were reliable and attractive.
- Could provide, Wi-Fi, Video Conferencing, Meeting Rooms, fax, printers as well as hot desk facility.
- Could meet community needs by offering hot desks to anyone rather than just Council staff.
- Staff preference towards home working rather than Hub Offices (see staff survey).
- Poor Public Transport links for clients and staff – its easier to get to Lerwick than other places.

4. Movement of a Council Function

- 4.1 The Council has proposals for a Corporate Campus based in Lerwick to maximise efficiencies and reduce barriers to multi disciplinary working, to move a Council Function away from Lerwick would oppose the Centralisation Agenda. The shift of one function from one location to

another is an artificial option to implement decentralisation. Unless it is undertaken with extensive consultation, it results in aggrieved staff who won't necessarily move to the area that their work is relocated to. It does not reduce Environmental impacts and costs due to increased office space requirements, travel and can reduce ease of access to services. If this is an option to be considered for the future it is best to continue with the Council's current approach and consider the location of posts when they are to be re-advertised. There may be a requirement to enhance the challenge made to managers in determining the location of posts when new appointments are made.

- 4.2 However, as part of this project an option was identified to relocate the Main Switchboard (Ext 3535) which has been being handled within the Town Hall. This switchboard function could easily be relocated to a remote island location as it relies on ICT and has no face-to-face contact with the public. The Town Hall Reception currently covers this function but struggle to deliver it on top of existing workloads. If Members wish to consider the relocation of this function it could be relatively easily delivered with additional costs being the provision of ICT equipment, induction and training, as the empty post of Switchboard Operator exists there would be no growth in staff numbers. There may also be an option to explore similar options for other call handling facilities across the Council if this pilot was successful.

5. Relocating Specific Functions to a Community Management Model

- 5.1 Remote Working will not necessarily improve the customer/service interface, as staff will be working from home or remote offices, in some services it will actually detract from the responsiveness of the service to the public. This option proposes combining specific Council functions- Grass cutting, street cleansing, building maintenance, cleaning, school crossing patrols etc into one post, where a multi skilled "handyman" undertakes work within a community and can be directed by community priorities. The postholder could also undertake small works and home safety checks for vulnerable individuals in the community. The postholder could also hold surgeries to refer community members' enquiries or service requests to appropriate services, give advice and act as a conduit between Services and the community. Whilst the postholder would be appointed by the Council, the day to day direction of their work would be by the Community Council who would prioritise the various tasks devolved to the local level and determine how to address local needs.
- 5.2 The proposal is unlikely to save costs as decentralisation of such tasks will be less efficient than the current approach, however the benefits of a locally responsive service, which provides a better interface in the community, might be worth further exploration.

6. Conclusions

- 6.1 Currently remote working is undertaken in an informal and flexible manner for staff to enable them to undertake specific tasks, reduce their travelling time or be more flexible for family friendly working. The staff survey

indicates that some services are more inclined to agree to such arrangements than others, due in the main to managers' confidence and trust in staff and on the range and type of work that can be carried out at home. This raises concerns about equalities, as some staff will be unable to work from home because of their role, others because their manager does not support it, and some because they are living close to their office so feel unable to request it. There is little consistency in application and a number of myths remaining as to applicability of the policy.

- 6.2 It is clear from the staff survey that there is a general desire to increase the amount of time that they are able to work from home or remotely in future, although there are relatively few people who wish to permanently work from an alternative location due to fear of isolation and the need to communicate with colleagues and service users.
- 6.3 It is apparent that staff feels that IT is a barrier to effective remote working. ICT have however clarified that many office IT systems are accessible from home, including shared drives and specialist databases and diverting telephone calls to mobile phones. This barrier appears to be largely indicative of poor communication between services and ICT to determine what can or cannot be accessed remotely, and is easily overcome. Lack of Broadband access or the speed of Broadband access is causing a barrier and the Council must take steps to support communities to seek better coverage across Shetland in order to overcome this problem.
- 6.4 The Council also needs to reconsider many of its main processes and functions to move towards a paperless office in order that more remote working can be facilitated.
- 6.5 It is apparent that whilst the Remote Working Policy assumes a positive approach that all posts can be discharged remotely unless a decision has been taken that it cannot, this has not translated into action. Some managers continue to view Remote Working with caution and there remains a level of cynicism as to the effectiveness of it as a mode of working. Interestingly despite the awareness of the policy being high amongst staff (around 80% of respondents being aware of the policy) over 82% of the people currently remote working have an informal arrangement rather than following the onerous bureaucratic approach set out in the policy. As Remote Working is about flexibility, the need to follow a stringent remote working policy may be flawed and in itself create a barrier to remote working.
- 6.6 There is a need to develop better management systems, which focus on outputs and management by objectives rather than the current styles used in the Council. Remote Working relies on trust and empowers employees to manage their own workloads to complete their objectives effectively rather than relying on supervision, time management and direct instruction. Some managers are more comfortable with this style of management than others and as personal management styles are difficult to alter, this may be hard to change through training. This again suggests that Remote Working will be implemented to varying degrees across the Council rather than being available to all.

- 6.7 It should be recognised that the four types of Remote Working detailed in this report are unlikely to deliver efficiencies and are likely to incur costs to the Council, however the social and economic benefits at an individual and community level are apparent.

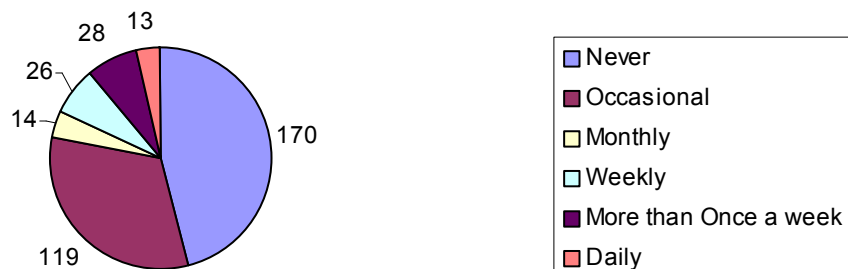
Appendix results

1-

Staff

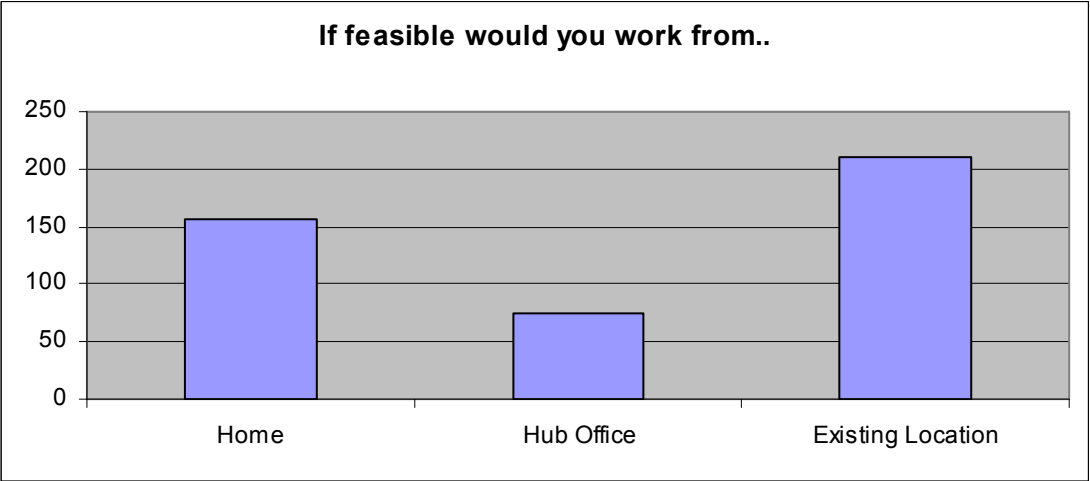
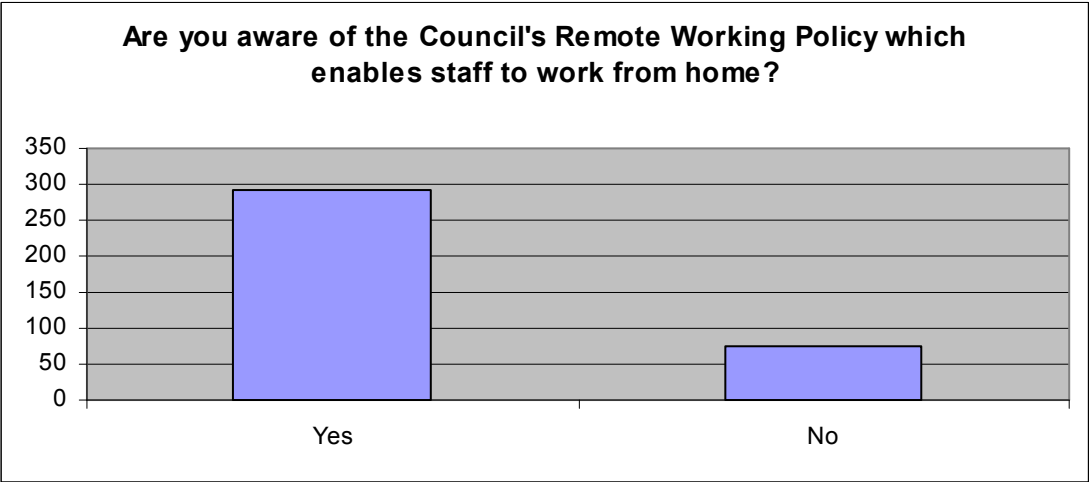
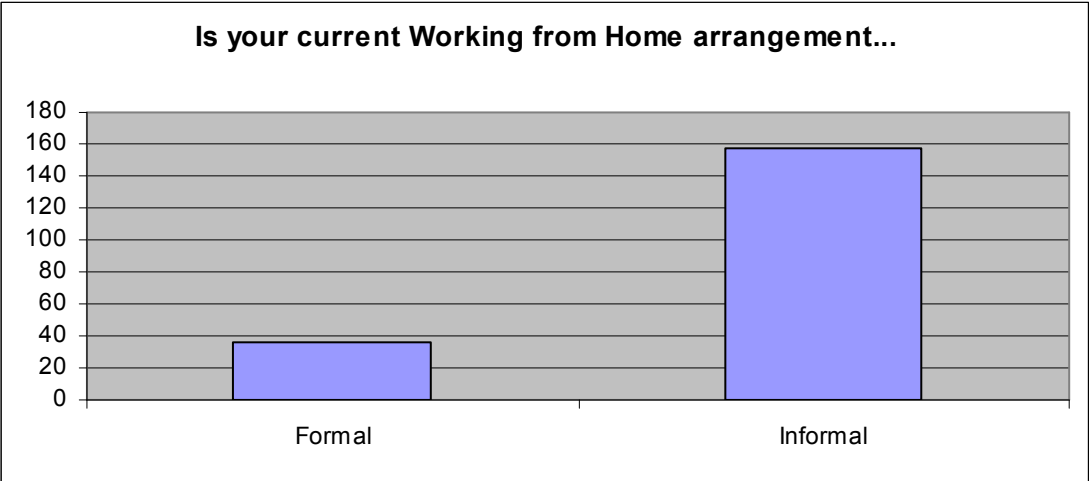
Survey

How regularly do you work from home or other location?

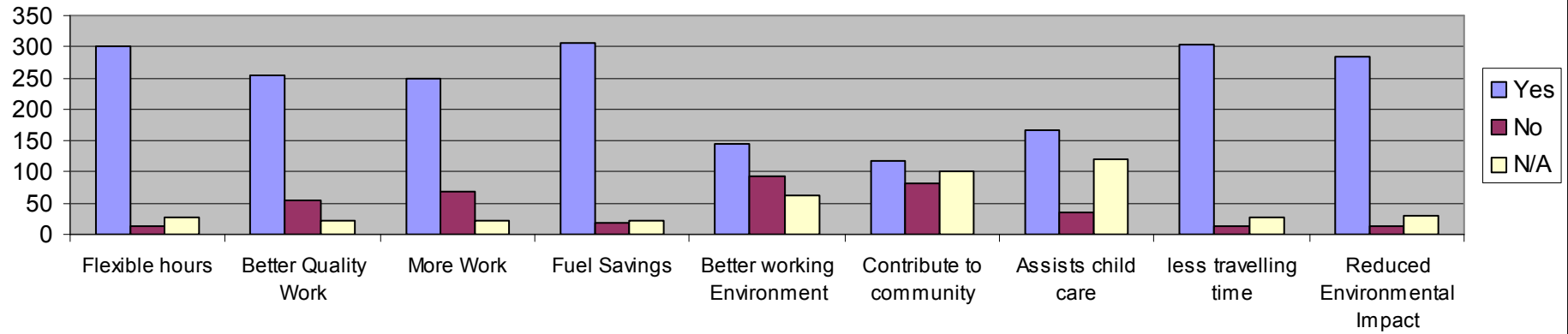


How regularly would you like to work from home or other location in future?

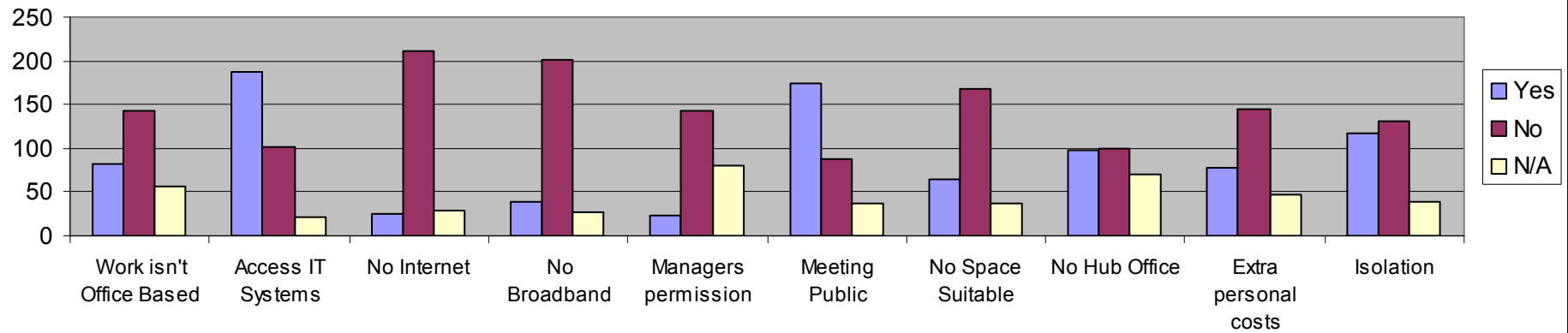




Benefits of Remote Working



Barriers to Remote Working





REPORT

To: **Infrastructure Committee**

4 March 2008

From: **Service Manager- Environmental Health
Environment and Building Services
Infrastructure Services Department**

LICENSING STANDARDS OFFICERS

1 Introduction

- 1.1 This report explains the duty to appoint one or more Licensing Standards Officers under the Licensing (Scotland) Act 2005 and seeks authority to create and recruit to a new post to deliver this function within the Environmental Health Service.

2 Links to Corporate Priorities

- 2.1 The effective delivery of the Licensing function ensures delivery of key Corporate Plan objectives: Health Improvement and Community Safety.

3 Background

- 3.1 The Council has a duty under the Licensing (Scotland) 2005 Act to appoint one or more officers to be known as Licensing Standards Officers (LSO). The qualifications and experience required for these officers may be prescribed in Regulations.

- 3.2 The functions of an LSO include:

- 3.2.1 The provision of advice and guidance in relation to the Licensing (Scotland) Act 2005;

- 3.2.2 Supervising compliance by holders of premises and occasional licences with the conditions of their licences and other requirements of the Act. The LSO will have powers of entry to and inspection of licensed premises. Included within this supervision function are the following :

- Providing mediation to solve or prevent disputes and disagreements;
- Issuing of notice where licence conditions are breached; and

- Making a premises licence review application to the Licensing Board where notices are not complied with or there are competent grounds for review.
- 3.3 LSOs must comply with prescribed training requirements, and the Scottish Government will accredit appropriate courses for the training of LSOs.
- 3.4 While the LSO reports to the Licensing Board it must operate at arms length from the Licensing Board. It would therefore not be appropriate to place the post under the line management of the Clerk to the Licensing Board. By placing the LSO within the Environmental Health service the Officer will be able to draw on Environmental Health staff expertise in enforcement and inspection to support them in a stand-alone role. It will also be possible to ensure the Health and Safety of the LSO in undertaking inspections out of office hours by pairing the LSO with Environmental Health staff and extending existing relationships with the Northern Constabulary rather than having to appoint additional officers.
- 3.5 Discussions about where the new LSO posts are to be located has been recently shared across the 32 Scottish Local Authorities:
- No. of local authorities who responded = 26
 No. who indicated LSOs would be located within EH service = 11
 No. who indicated LSOs would not be located within EH service = 7
 No. of authorities not yet decided = 8
- 3.6 There are currently, in terms of the Licensing (Scotland) Act 1976, some 153 licensed premises in Shetland, and some 20 registered clubs which will also fall within the regime of the new Licensing (Scotland) Act 2005, and on average some 75 occasional licences would be issued in a year. This would be a significant inspection workload for one person to manage, however not every occasional licence will require inspection. It is difficult to fully assess the calls on the LSO until they are in post, so it is proposed that the post will be created in the first instance as a temporary full time post for two years from 1st April 2008, it will then be possible to determine whether the calls on the post remain after the initial implementation period. The 2005 Act will only come into force on 01 September 2009, but that in the transition period, which begins on 01 February 2008, application can be made for new premises licences for all existing premises in readiness to continue operating after 01 September 2009. Once the post is functional if there are concerns about capacity to meet requests for service and proactive inspections further reports will be made to Committee. Therefore to ensure that there is not an unnecessary continual financial burden on the Council a full review will be completed by April 2010 to assess need and requirements of a full time post.

4 Financial Implications

- 4.1 No budget provision has been made in 2008/2009 to appoint an LSO as this is a new duty. The Fees Regulations envisaged that fees would be set at a level generally to recover the Board's and the Council's costs in administering the new licensing legislation. The Licensing Board on 21 January 2008 set the application fees for the initial premises licence application and the annual premises licence fee, within the prescribed levels; the Board are not permitted by the Regulations to vary the initial fees until after 01 September 2009. However even having set the fees at the maximum level there is likely to be an ongoing shortfall in meeting the full costs, given the limited number of premises in Shetland and that our Board and Council would not have the same economies of scale compared with other authorities who have greater numbers of premises. The fee levels are also likely to have a disproportionate effect on smaller rural outlets and village halls for which sale of alcohol may only be an ancillary part of the activity and may result in reduced numbers of licenced premises.
- 4.2 It is anticipated due to the enforcement expectations on the officer that they should be appointed on Scale AP5 equivalent to other Environmental Health enforcement staff, confirmation subject to job evaluation. The full cost of the post to the Council in the year 2008/2009, assuming SCP31, will be £34,052 (including Employer's Pension and National Insurance costs and Essential Car User Allowance).
- 4.3 The net cost of the Licensing Board function to the Council in 2008/09 has been budgeted as £31,330 (which comprises £61,330 expenditure on operating costs and Legal & Administration recharges offset by £30,000 fee income).
- 4.4 In light of these new Regulations, the Acting Divisional Manager - Legal has indicated that as the initial premises licence fee will be due in 2008/09, the income should increase by £50,000. This increase in income would be offset by an increase in Legal & Administration recharge expenditure of approximately £10,000, resulting in an overall additional net income of £40,000. This additional net income figure would enable full funding of the LSO post in 2008/09 and also offset the net budgeted cost of the Licensing Board function by £5,948.
- 4.5 In future years, from 2009/10 onwards, the ongoing annual licensing fee income is anticipated to revert back to £30,000 per annum in total, with the Legal & Administration recharge expenditure also reducing by £10,000 which will see the net cost of the Licensing Board resume its current net cost of approximately £30,000. Therefore in future years the full cost of this post will constitute an ongoing additional commitment.

4.6 The following table sets out the information above:

2008/09 Budget		Future Years' Budget	
Administration Costs	4,400	Admin Costs	
4,400			
Legal & Admin Recharge	56,930	Legal & Admin Recharge	
56,930			
Fee Income	<u>(30,000)</u>	Fee Income	<u>(30,000)</u>
Net Sub-Total	31,330	Net Sub-Total	31,330
Additional Legal & Admin Recharge	10,000	Additional Legal & Admin Recharge	0
New LSO Post	34,052	New LSO Post	34,052
Additional Fee Income	<u>(50,000)</u>	Additional Fee Income	<u>0</u>
Final Net Total	25,382	Final Net Total	65,382

5 Policy and Delegated Authority

5.1 The Infrastructure Committee has full delegated authority to act on all matters within its remit (Section 12.0 of the Council's Scheme of Delegations) and for which the overall objectives have been approved by the Council, in addition to appropriate budget provision. However, a decision of the Council is required on all staffing matters and increase in establishment.

6 Conclusion

6.1 The Council has a duty to appoint LSOs to deliver the new requirements under the Licensing Act. It is proposed that the LSO should sit within the Environmental Health Service to maximise the support available to the officer. The cost of the post will be recharged to the Licensing Board cost centre.

7 Recommendation

7.1 I recommend that subject to consultation with the Employee JCC, the Infrastructure Committee recommend to the Council to:

7.1.1 Note the requirement to appoint Licensing Standards Officers; and

- 7.1.2 Delegate authority to the Executive Director -Infrastructure Services or his nominee to create a new post and appoint an appropriately qualified and experienced officer to the post within Environmental Health.
- 7.1.3 Approve an ongoing commitment for future years to fund this post as deemed necessary under review.

Report Number: ES-13-08-F



REPORT

To: Infrastructure Committee

04 March 2008

**From: Service Manager – Trading Standards
Environment and Building Services
Infrastructure Services Department**

ENFORCEMENT OF LEGISLATION CONTROLLING THE SUPPLY OF TOBACCO PRODUCTS

1 Introduction

- 1.1 This report invites the Infrastructure Committee to consider, in the light of the recent increase from 16 to 18 of the minimum age for purchasing tobacco products, a proposal to use test purchasing as part of the Council's programme of enforcement under the Children and Young Persons (Protection from Tobacco) Act 1991.

2 Link to Council Priorities

- 2.1 The Trading Standards Service's activities to enforce the law prohibiting the sale of tobacco products to children and young people under the age of 18 support the Corporate Plan priorities of *Improving Health* and *Active Citizenship*.

3 Background

- 3.1 Section 6 of the Children and Young Persons (Protection from Tobacco) Act 1991 places a duty on each local authority in Scotland to consider, at least once in every period of twelve months, the extent to which it is appropriate for them to carry out in their area a programme of enforcement action relating to section 18 of the Children and Young Persons (Scotland) Act 1937 (sale of tobacco, etc to persons under 18), and sections 3 (sale of unpackaged cigarettes) and 4 (display of warning statements in retail premises and on vending machines) of the 1991 Act.
- 3.2 The programme of enforcement action is prescribed by the 1991 Act, and may include all or any of the following:
- 3.2.1 the investigation of complaints in respect of alleged offences;

- 3.2.2 the taking of other measures intended to reduce the incidence of offences; and
- 3.2.3 the monitoring of vending machines for the sale of tobacco.
- 3.3 As part of their routine inspections of businesses selling tobacco products, enforcement officers of the Trading Standards Service ensure that traders in Shetland are complying with their legal duty to display warning notices in retail premises and on vending machines.
- 3.4 The Council, through the Dialogue Youth initiative, offers a Young Scot card to all young people in Shetland between the ages of 13 to 18. Each card bears the holder's date of birth and can, among its many benefits, be used as an accredited proof of age. As part of this initiative, the Trading Standards Service has supplied all relevant Shetland traders with a pack containing support materials and guidance to encourage, advise and assist them to ask purchasers for some proof of age (such as a passport, driving licence or Young Scot card) before supplying certain products (such as cigarettes) to people who appear to be below the appropriate age, in order to help them to comply with their legal obligations in relation to the supply of age-restricted products. Officers also use their routine inspections of such businesses to discuss with retailers their experience of the practicalities of complying with this legislation, and to offer further encouragement, advice and assistance to support compliance.
- 3.5 The 2002 Scottish Schools Adolescent Lifestyle and Substance Use Survey (SALSUS) survey showed that, in Shetland, 9% of 13 year olds and 18% of 15 year olds were smoking, compared to Scottish figures of 8% and 20%. Girls were more likely to smoke: 16% of girls and 10% of boys from both age groups.
- 3.6 The same survey showed that, in Shetland, 70% of regular smokers under the age of 16 (at that time the minimum age for purchasing tobacco products) had obtained cigarettes from shops.
- 3.7 In May 2006 the Infrastructure Committee decided that the Trading Standards Service should not participate in that summer's national Scottish project to test the compliance of retailers with the law prohibiting the sale of cigarettes (and other age-restricted products) to young people under the age of 16 (minute reference 17/06).
- 3.8 At that time, Members of the Committee expressed particular concerns relating to:
- the recommendation that the volunteer test purchasers should be aged between 13-14½ years;
 - the absence of any anonymity in Shetland; and

- that the young volunteers could be required to give evidence in court.
- 3.9 From 1 October 2007, section 18 of the Children and Young Persons (Scotland) Act 1937 was amended to raise the minimum age for purchasing tobacco products from 16 to 18.
- 3.10 A test purchasing programme in relation to the supply of tobacco products to children and young people would therefore now use volunteers aged between 16-16½ years.
- 3.11 As part of the preparatory work for this report, we have discussed this proposal with the Council's Head of Children's Services; he regards it as an essential component in the Council's wider work to protect children and young people from harm.
- 3.12 Since this change in the law, an officer from the Trading Standards Service has (in partnership with NHS Shetland's Smoking Cessation Officer) undertaken visits to Brae High School and Scalloway Junior High School to discuss, with pupils aged 14-16, issues around smoking and young people.
- 3.13 As part of those discussions, pupils were invited to answer an anonymous questionnaire about their own experiences of smoking and their views on the idea of using young adult volunteers in a programme of test purchasing. 92 pupils completed the questionnaire, 57 (62%) of them being aged 15 at the time of the school visit.
- 3.14 The detailed results can be found in Appendix A, but can be summarised as showing that the majority of respondents agreed with the idea of using young adult volunteers in a programme of test purchasing, and a significant number would themselves, having considered the issues, volunteer to participate.
- 3.15 The Trading Standards Officer who undertook these school visits described the pupils' general feeling about whether or not the anonymity of volunteers could be maintained in Shetland to be: "Anonymity may not be possible, but this is important enough for it to be done anyway".
- 3.16 Trading Standards Services in many local authorities across Scotland have, in the last 18 months, carried out test purchasing programmes using young volunteers. As a result of the experience gained, the nationally agreed protocol for this work (see Appendix B), which contains a number of safeguards to ensure that the safety and welfare of the young volunteers involved is accorded the highest priority throughout the exercise, has been refined still further. Further detailed good practice guidance for retailers and Trading Standards Officers has also been put together and made freely available for others, such as ourselves, to use.

- 3.17 The precursor to any such programme of test purchasing is always an intensive campaign of education, advice and support for retailers to assist and encourage them to comply with the law. At the same time, they would be made aware that their shop could be selected for a test purchasing check as part of the programme, as without the deterrent of test purchasing this type of campaign has been found to have only a limited impact.
- 3.18 While undertaking this increased and targeted positive educational work with retailers, we would also begin the process of recruiting volunteers to carry out the test purchasing. We have discussed this with the Head of Service - Schools, who is fully supportive of the recruitment being progressed through the schools (as has happened in other local authority areas). The good practice guidance drawn up by other authorities who have carried out this type of work contains detailed advice and procedures to ensure that volunteers and their parents / guardians understand exactly what they will be doing, know that they are free to withdraw from the project at any time, and are properly aware of the possible issues relating to anonymity, peer pressure, and so on. Some Scottish authorities have reported that test purchasing volunteers have viewed it as a positive experience, and schools believe that it encourages good citizenship. Volunteers would receive a certificate of volunteer hours.
- 3.19 Volunteers would be selected not only by age, but also taking into account their height, and would not be allowed to make themselves look older than their actual age when undertaking test purchasing. Their general attitude to the task would also be a significant consideration. Volunteers would have to be non-smokers, so that a retailer would not be in the position of being asked to sell tobacco to a young person who had made such a purchase from them in the past.
- 3.20 The main reasons for adding test purchasing to our wider programme of enforcement under the Children and Young Persons (Protection from Tobacco) Act 1991 would be:
- to reinforce the work of advising and raising the awareness of retailers;
 - to demonstrate that most retailers are complying with the law;
 - to act as a deterrent to any retailer who might consider ignoring their legal responsibilities and the advice and guidance they have received; and
 - to emphasise the importance of this legislation in helping to protect children and young people from harm.

- 3.21 The Trading Standards Service would treat any instance of a retailer selling a tobacco product to an under-age test purchaser in exactly the same way as we approach other breaches of legislation (as outlined in our enforcement policy approved by Members in October 2007) (Infrastructure minute reference 42/07).

In outline, our approach to enforcement is to:

- tell businesses what they should be doing to comply with the law, helping and advising them with the practical implementation of good practice;
- check that businesses are complying with the law;
- warn any business found not to be complying with the law of the consequences of continuing or repeated breaches;
- check that particular business again to see if it is now complying with the law; and
- move towards civil court action and/or a report to the Procurator Fiscal for consideration of prosecution only as a last resort.

In other words, rather than trying to catch people out we are trying to ensure that they do the right thing - but that sometimes requires them to know that there is a definite risk of them being caught if they insist on breaking the law.

4 Financial Implications

- 4.1 There are no direct financial implications arising from this report, as the work could be carried out within existing budgetary allocations.

5 Policy and Delegated Authority

- 5.1 The Council delegated its responsibility under section 6 of the Children and Young Persons (Protection from Tobacco) Act 1991 to the Environmental Services Committee (minute reference 158/97).
- 5.2 The Infrastructure Committee has full delegated authority to act on all matters within its remit, "Section 12.0 of the Council's Scheme of Delegations" and for which the overall objectives have been approved by the Council, in addition to appropriate budget provision.
- 5.3 The Services Committee has approved the Council's participation in the Dialogue Youth initiative (minute reference 54/03).

6 Conclusions

- 6.1 The problem of under-age smoking is at least as bad in Shetland as it is in the rest of Scotland.
- 6.2 Evidence from other local authorities has shown that using test purchasing greatly enhances the effectiveness of a wider programme of enforcement under the Children and Young Persons (Protection from Tobacco) Act 1991.
- 6.3 The recent increase from 16 to 18 of the minimum age for purchasing tobacco products means that volunteer test purchasers would be aged between 16-16½ years.
- 6.4 Feedback from a number of school pupils aged 14-16 suggests that, although complete anonymity may not be possible in Shetland, this work is sufficiently important that they would want it to go ahead (and a significant number of them would volunteer to take part).
- 6.5 A sale to a volunteer test purchaser would not necessarily result in that person having to give evidence in court. Prosecution is far from being the first response to a breach of the law, the officers present in the shop at the time of the alleged offence would be able to speak to the events, and there is existing Crown Office policy in relation to child and vulnerable adult witnesses which would seek to avoid the test purchaser having to give evidence at any trial (for example by exploring other sources of evidence and / or seeking agreement of evidence).
- 6.6 The Council's Heads of Service for Children's Services and for Schools are both fully supportive of this proposal, and have offered to assist the Trading Standards Service in making any programme of test purchasing as effective and safe as possible.
- 6.7 The consideration of this report will discharge the Council's duty imposed by section 6 of the Children and Young Persons (Protection from Tobacco) Act 1991.

7 Recommendation

- 7.1 I recommend that the Infrastructure Committee approve the use of test purchasing as part of the Council's programme of enforcement under the Children and Young Persons (Protection from Tobacco) Act 1991.

Report Number: ES-12-08-F

Feedback from young people about tobacco test purchasing

Talks delivered jointly to school pupils aged 14-16 by Trading Standards Officer and NHS Shetland's Smoking Cessation Officer on the change in the legal age limit for the purchase of tobacco, test purchasing, and the effects of smoking on health.

Five talks were given, three at Brae High School and two at Scalloway Junior High School.

92 pupils completed an anonymous questionnaire, 57 (62%) of them being aged 15 at the time of the school visit.

The results are as follows.

65 (71%) agree with using child volunteers to test purchase tobacco.

74 (80%) agree with using young people to test purchase tobacco.

39 (42%) would volunteer to carry out test purchasing of cigarettes.

54 (57%) believe their parents would support them in being a test purchasing volunteer.

39 (42%) believe that their anonymity could be maintained in Shetland .

12 (13%) are regular smokers.

Respondents started smoking between the ages of 9-14, most commonly at 13 years.

11 (12%) smoke a daily maximum of between 10 and 20 cigarettes.

6 (55% of respondents who are smokers) buy their cigarettes from their local shop and say they have rarely or never been asked for proof of age.

4 (36% of respondents who are smokers) think that obtaining cigarettes when under 16 is easy, 2 (18% of respondents who are smokers) think it is difficult, and 5 (46%) think it is somewhere in between.

6 (50% of respondents who are smokers) would prefer to be a non-smoker.

Comments made by respondents.

"Good idea."

"As long as it wasn't someone you know who is selling it I don't think there would be a problem."

"I hate smoking! I'm so glad I don't do it."

"Smoking is pointless and should be banned."

"It's not always the shop's fault. Some people look far older than their age."

There were also a number of comments around the issues of anonymity, bullying and reactions from friends.

A Practical Guide to Test Purchasing In Scotland

October 2007

**A practical guide for those agencies involved in the conduct
of test purchasing operations involving children and young
people and the sale of age restricted products / goods**

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MINISTERIAL FOREWORD

We all want to see a healthier Scotland with safer and stronger communities where young people have the opportunity to flourish and reach their full potential in life. Over the years Government has brought in a wide range of legislation to place age restrictions on certain goods such as fireworks, knives, solvents, tobacco and alcohol in order to ensure that we properly protect our young people from known dangers.

But we recognise that placing an age restriction on a product does not bring automatic protection and reduce the potential harm of that product. We need to take a range of measures including working with our young people to educate them about the risks and give them clear health messages. We have to alert retailers to the laws and their responsibilities in ensuring that age restricted goods do not get into the hands of underage youngsters. Importantly we require to ensure that age restricted legislation is properly enforced and that compliance levels are high if we are to offer our young people full and effective protection.

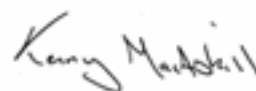
Test purchasing provides the Police and Trading Standards Officers with a useful additional tool to help prevent illegal underage sales. In order to ensure the safety and welfare of the young people taking part and a fair, effective and even handed approach to test purchasing procedures across Scotland, the Society of Chief Officers for Trading Standards in Scotland (SCOTSS) and Association of Chief Police Officers in Scotland (ACPOS) in conjunction with the Crown Office and Prosecution Fiscal Services have worked together in order to produce an operational protocol, drawing on experiences gained from the Scottish test purchasing pilots. **"A Practical Guide To Test Purchasing In Scotland"** is essential reading for local authorities and police forces undertaking test purchasing.

The Scottish Government believe active test purchasing will encourage traders to be more vigilant in exercising their legal obligations and put in place effective procedures to avoid underage sales, giving our young people the protection they deserve. We would therefore encourage all Local Authorities and Police Forces to adopt a test purchasing regime.

We would like to acknowledge the Local Authority Coordinators of Regulatory Services (LACORS) assistance in drawing up the practical guidance. We would also like to extend our thanks to Age Restricted Sales Enforcement Group for overseeing the Scottish test purchasing pilots and the production of "A Practical Guide To Test purchasing in Scotland".



SHONA ROBISON



KENNY MACASKILL

Foreword to the Guide

This document sets out the guidance to be adopted by those authorities and agencies that intend to report criminal offences based on evidence obtained through the use of children (or young people) to test purchase age - restricted goods.

This guide is based on the Local Authority Coordinators of Regulatory Services (LACORS) guidance for England and Wales, the Practical Guide to Test Purchasing (published April 2006), and its predecessor, the Code of Best Practice on the involvement of children and young people in the enforcement of legislation concerning the sale of age-restricted goods (published 2002). It has been prepared with the assistance of LACORS, and with advice from Crown Office and the Procurator Fiscal Service (COPFS), by the Scottish Executive Enforcement Advisory Group on Age - restricted Sales in consultation with the Society of Chief Officers of Trading Standards in Scotland (SCOTSS), Association of Chief Police Officers in Scotland (ACPOS), business representatives and health interest groups and agencies.

The Scottish Commissioner for Children and Young People was consulted about tobacco and alcohol Test Purchasing.

Section 1

1. Introduction

- 1.1 Local Authorities and Police Forces have responsibility for the enforcement of legislation relating to the sale of age-restricted products such as tobacco, alcohol, knives and fireworks.
- 1.2 The participation of children and young people in test purchasing operations forms a valuable part of the Local Authority and Police strategies designed to assess and maintain compliance with the legislation that deals with age restricted products (see Annex 1).
- 1.3 Test Purchase operations are designed to complement the overall enforcement programme dealing with age - restricted sales and should not be viewed in isolation.
- 1.4 Increased compliance with age-restricted legislation serves to protect the health, safety and welfare of children and young people and restricts anti-social behaviour in the communities in which they live.
- 1.5 The Guide will be maintained on the LACORS website and the COPFS website. The Guide will be regularly reviewed to take account of legal developments and updated practices employed by Local Authorities and Police Forces and in consultation with all other relevant agencies. Local Authorities and Police Forces will be advised of any amendments via email notification.

Section 2

2. Overview

- 2.1 Many Local Authorities and Police Forces have adopted test purchase operations as a part of their overall strategy to assess and improve compliance with legislation that controls the sale and supply of age restricted products. Other activities undertaken by Local Authorities to promote and / or improve compliance include:
 - Carrying out programmes of education by means of publicity, business seminars, production of guidance material, visits, inspections, etc;
 - Implementation of Proof of Age Schemes, many of which are now PASS¹ accredited.
- 2.2 It is acknowledged that decisions around specific enforcement policies and actions will necessarily reflect local needs and priorities. This Guide is intended as a basis to assist in such local decision-making. It is expected that all enforcement activities should be reasonable and proportionate given the circumstances of each individual case and that such activities should only be undertaken in order to secure compliance with the legislation and not for any other purpose.

¹ "PASS" refers to the Proof of Age Standards Scheme which seeks to accredit legitimate Proof of Age schemes that meet established criteria

Section 3

3. Operational Considerations

3.1 Risk Assessments and Disclosure Scotland

- 3.1.1 Local Authorities and Police Forces that wish to carry out test purchase operations involving children and young people should have regard to current practice and the principles of risk assessment. Test purchase operations should always be carried out in accordance with the Local Authority's and Police Force's own procedures in respect of health and safety.
- 3.1.2 This will be of particular relevance where operations are planned at premises licensed to sell alcoholic liquor.
- 3.1.3 An example of a 'standard' risk assessment that authorities may wish to undertake may be found in the separate but linked document **"A Practical Guide to Test Purchasing in Scotland - Example Forms."** It is a matter for each agency to determine how such an assessment is made.
- 3.1.4 It is anticipated that for routine test purchase operations the child or young person should be accompanied (albeit covertly) at all times by a police or local authority officer.
- 3.1.5 In the interests of maintaining the welfare of the volunteer as the paramount consideration at all times at least one covert officer should be in the premises with the volunteer wherever possible (please note the limited exception to this in section 3.5 below.) This may also be useful in terms of securing corroborative evidence for the commission of any offence.
- 3.1.6 Nothing in this Guide precludes the use of more than one child or young person in a test purchase operation if, in the opinion of the Local Authority or Police Force, this increases the security of the children and young persons within premises and presents a more realistic setting for the operation to take place. However consideration should be given in these circumstances to the possibility of two children or young people being called to court to give evidence.
- 3.1.7 All officers undertaking work with children and young persons must complete a Disclosure Scotland enhanced check. Local Authority Social Services or Human Resource staff should be able to assist with this process.
- 3.1.8 All officers involved in test purchase operations should be given training in how best to safeguard the child or young person acting as the test purchaser and to conduct effective, fair test purchasing operations.

3.2 Selection of Children and Young People

- 3.2.1 Enforcement agencies must ensure that the child or young person and, where appropriate, their parent(s)/carer(s) understand fully the nature of the test purchase operation and the possible outcomes where any illegal sale is made.
- 3.2.2 Participation may be paid or unpaid but must have the consent of the child or young person and, where appropriate, his/her parent(s) or carer(s) – see note on employment in section 3.6.

- 3.2.3** Where appropriate, the parent/carer of the child or young person must fully understand the nature of the task involved and give their written consent. An example of standard documentation is to be found in “Test Purchasing - Standard Forms” document. In particular, the parent/carer and the test purchaser must be made aware that the child or young person may be required to give evidence in court. Their evidence is likely to be essential to prove the case, and while efforts will be made to avoid having to cite the test purchaser (for example through agreement of evidence), this will not always be possible. The protections offered to child witnesses under the Vulnerable Witnesses (Scotland) Act 2004 will be available to all test purchasers who are under 16 at the time when the case comes to court.
- 3.2.4** Volunteers may be sought from any source, for example, the relatives of Local Authority staff, local youth groups, schools or police cadets (see also section on employment below). If, in the opinion of the officer, a child or young person appears to be over-eager to take part and to obtain a purchase, or if the officer has any other concerns about their involvement, they should be rejected for the purposes of that operation.
- 3.2.5** Whilst the actual age of the child or young person selected is a matter for each Local Authority or Police Force to determine within the context of the particular operation, the child or young person must be younger than the age stated for the purchase of the particular product.
- 3.2.6** It is recommended that volunteers should be at least 18 months younger than the legal minimum age for the purchase of the product in question. Therefore, where the legal age of purchase is 16 years for example for petroleum, lottery tickets, etc., it is recommended that the child volunteer should be 14 ½ years or younger. Similarly, where the legal purchase age of the product is 18 years for example alcohol, butane gas refills, fireworks and ‘18’ classified videos, the young volunteer should be no older than 16½ years.
- 3.2.7** The child or young person must not look older than their age. It is acknowledged that child development is not an exact science; however, the child or young person should be representative of their age group.
- 3.2.8** Consideration should be given to the clothing and make up (if appropriate) worn by the test purchaser as this may affect the determination of the age of the purchaser.
- 3.2.9** Where possible the assessment for suitability for test purchasing of the child or young person should be undertaken by a guidance teacher or similarly experienced person with personal knowledge of the young person. This assessment should be in conjunction with an experienced enforcement officer.
- 3.2.10** Where the test purchase operation is for the purpose of obtaining evidence for potential legal proceedings, then proof of the age of the young person must be obtained at the outset. This may be in the form of the birth certificate produced by their parent or guardian, from information stored on their school database, or by evidence of photographic ID such as a Passport, Driving Licence or PASS accredited Proof of Age Card.

3.3 Welfare of Children and Young People involved in Test Purchase operations

- 3.3.1** The welfare of the young person involved in the test purchase operation is paramount. To assist with an interpretation of what this means reference may be made to:

3.3.2 The **UN Convention on the Rights of the Child** (International Treaty), which has been ratified by the UK Government, provides rights and welfare principles specifically for children.

3.3.3 Of particular relevance is **Article 3** which provides that:

“The best interests of the child shall be a primary consideration in all actions concerning children, and administrative measures shall be appropriate to ensure each child such protection and care as is necessary for his or her wellbeing, taking into account the rights and responsibilities of his or her parents or guardians. Institutions, services and facilities responsible for the care and protection of children shall conform with the established standards, particularly for safety, health, the number and suitability of staff, and competent supervision”.

In particular:

- i) If at any time during the operation the child or young person indicates that he/she does not wish to continue, or he/she show signs of distress, the operation must be halted immediately
- ii) If whilst in the care of the officer the child or young person is injured or suffers loss or damage to his/her property, the incident must, where appropriate, be reported to the parent/guardian and the appropriate Local Authority senior officer or senior police officer without delay
- iii) The decision of the officer responsible for the volunteer's welfare should be final with regard to any matter relating to the use of the volunteer.

3.4 Briefing of the child or young person

3.4.1 The test purchase will, as far as possible, be made in the same manner, as a member of the public would seek to make a purchase. However there are some particular considerations that must be applied to test purchasing operations and thus the child or young person must be trained prior to any operation taking place:

- i) They must be told as far as is reasonably possible exactly what to say and what not to say;
- ii) For routine test purchase operations, the child or young person must be told to answer any questions that the seller may ask about their age truthfully. They should always give their correct age if asked. In addition, if asked whether there is anyone with them, the child or young person must be told to identify the official present.
- iii) It is not recommended that the child or young person produce their own genuine PASS accredited Proof of Age card or other such document if they are asked to produce it by the seller. This may reveal the identity of the child or young person to the seller, which is not desirable. The child or young person should be instructed not to carry such documents and to state that “I don't have it with me” or some other similar phrase.
- iv) Dependant on the type of test purchase operation, the child or young person may be asked to confirm that they do not have any money or target product on their person before a purchase is attempted.

This should be confirmed by asking him/her to turn out their pockets in front of two officers. The officers should then give the test purchaser a specific amount of money to be used for the test transaction. The money may be marked in some way so that it can be retrieved as evidence.

- v) If the child's or young person's initial request is refused, he/she must be told not to attempt to persuade or coerce the seller to make a sale.
- vi) The child or young person should be instructed that if their initial request for the product is refused, he/she should leave the premises and return to a predetermined location.

3.5 Additional Operational considerations

- 3.5.1** The anonymity of the child or young person is an important consideration during test purchases. They should not be asked to make test purchases in an area where they are likely to be recognised, such as near their home, school, club, place of work etc.
- 3.5.2** Colour photographs may be used in legal proceedings showing the appearance of the child or young person. Such photographs should be taken to clearly illustrate the height of the child or young person, perhaps against a height chart. Photos should be taken on the day of the proposed transaction and as near to the transaction/activity time as possible, given operational considerations. Officers may wish to consider requesting a copy of the retailer's CCTV tape with the relevant purchase on it in addition to any other evidence, although depending on the legislation being enforced the retailer may refuse such a request.
- 3.5.3** The child or young person should be supervised at all times. A minimum of two officers should accompany the child or young person during the exercise although this may not be such a strict requirement for young people older than 16. One officer, ideally of the same sex as the child or young person, should be responsible for the young person's safety and welfare for the duration of the exercise.
- 3.5.4** Wherever practical one officer should enter the premises before the young person. The officer should locate him/herself in a position where he/she can clearly observe and hear the attempted purchase, and if possible where the test purchaser can see them. The test purchase volunteer should not appear to be with the officer.
- 3.5.5** In certain circumstances it may be impractical for operational purposes for an officer to be in the premises at the same time as the young person (e.g. where a trader only sells when no adults are present). In these circumstances the test transaction may only go ahead if after a strict full assessment of the situation no significant additional risk to the young person is identified. (It is envisaged that these additional risks are likely in premises such as nightclubs and busy bars but they may not be present in corner shops or leisure facilities for example).
- 3.5.6** An officer should not approach a seller until the child or young person has left the premises, unless the seller acts in any way that the officer believes may be prejudicial to the volunteer's welfare. In these circumstances the officer should declare himself or herself, ask the child or young person to leave the premises to a predetermined safe place and then explain the situation to the seller.
- 3.5.7** Officers should consider the age and maturity of the child or young person during the test purchase exercise and ensure that any hazards or risks are assessed and

minimised in that context. For example where a child has to cross a busy road then the officer should escort him/her to within a safe distance of the premises.

3.6 Employment issues

3.6.1 A child or young person engaged in a test purchase exercise on behalf of a Local Authority or Police Force on the basis set out above would not be deemed to be “employed” by virtue of Section 28(1) of the Children and Young Persons (Scotland) Act 1937. However, any restrictions on hours of working or other conditions imposed by any relevant legislation or child employment bylaws should be considered during the planning stage of an exercise. The actual duration will depend on the age of the child or young person, his/her wishes and parental/carer’s consent.

3.6.2 The Local Authority or Police Force may provide reasonable expenses or gratuities to a child or young person engaged in assisting with test purchase operations. These may include travel expenses, subsistence, vouchers or a cash payment.

3.7 Working with other agencies

3.7.1 It is recognised that whilst the majority of test purchase operations are carried out by Local Authority Trading Standards Services staff and Police Officers, there may be occasions when other agencies are involved, notably, but not exclusively, employees of the National Lottery operator.

3.7.2 Where joint operations are planned, it is recommended that a memorandum of understanding is agreed between the organisations at the outset such that roles and responsibilities are clear. It is further recommended that the partner organisations agree to the use of this Guide as the standard to be adhered to for the operation.

Section 4

4. Legal Requirements and considerations

4.1 Evidence from Children and Young people

4.1.1 It is likely that the test purchaser’s evidence will be required to prove the case. However if the exercise is likely to result in prosecution efforts will be made, in line with Crown Office policy in relation to child and vulnerable adult witnesses, to avoid the test purchaser having to give evidence at any trial, for example by exploring other sources of evidence and/or seeking agreement of evidence.

4.1.2 After each test purchase attempt where a sale is made, a witness statement will be taken from the child or young person and the reason for doing so fully explained. Where the test purchaser is under 16 their parent or guardian should be present when the statement is being taken. As well as being an essential part of the evidence presented in any report to the Procurator Fiscal, these statements may also prove valuable in any subsequent re-visits or for evaluation purposes. Officers who accompany the volunteer whilst he/she attempts to make a purchase will provide the evidence of any sale.

4.2 Human Rights/Exclusion of Evidence

- 4.2.1** Prior to the Human Rights Act 1998 (HRA) and the Regulation of Investigatory Powers (Scotland) 2000 (RIPSA) coming into force the use of undercover officers by the police and other enforcement agencies, for test purchasing or other functions, was not regulated by statute.
- 4.2.2** In Scotland, the position on exclusion of evidence is governed by the general common law rules on the admissibility of evidence in criminal proceedings which require there to be an assessment on whether the admission of the evidence will be fair to the accused. In the context of test purchasing, Scots law recognises that certain evidence of the commission of a crime is inadmissible where it has been obtained by entrapment e.g. a police officer disguising him or herself and inciting the accused to commit a crime. Such an argument is likely to succeed only where it can be said that the accused would not have committed the offence but for the inducement and was not already predisposed or willing to commit crimes of the kind involved.

4.3 Appeal Cases

- 4.3.1** Appeal cases in which children have been used to make test purchases include:

- Texeira de Castro V Portugal (1998) 28 EHRR 101
- Tesco Stores Limited v Brent LBC [1993] 2 All ER 718
- Hereford and Worcester County Council v T & S Stores Plc (1994) 93 LGR 98
- LB of Ealing v Woolworths Plc [1995] Crim LR 58
- R v Loosley Attorney Generals Ref.(No3 of 2000) [2002] 1 UKHL 53
- City of Sunderland Council v Dawson (CO/4130/2004)
- Davies v Carmarthenshire County Council [2005] EWHC 464

- 4.3.2** The above cases were decided in England. Therefore they are not binding in Scotland but some may be considered persuasive. Future amendments to this Scottish Guide will include Scottish cases of relevance for practitioners.

4.4 Test Purchasing and Regulation of Investigatory Powers (Scotland) Act 2000

- 4.4.1** Part II RIPSA provides a statutory basis to safeguard against challenges under Article 8 of the European Convention on Human Rights (ECHR). The provisions create a system of authorisations for various types of surveillance and the conduct and use of covert human intelligence sources (CHIS).
- 4.4.2** A young person will be acting as a CHIS or 'source' under section 1(7) of RIPSA if he/she:
- i) establishes or maintains a personal or other relationship with a person for the covert purpose of facilitating the doing of anything falling within paragraph (b) or (c);
 - ii) covertly uses such a relationship to obtain information or to provide access to any information to another person;

- iii) covertly discloses information obtained by the use of such a relationship or as a consequence of the existence of such a relationship.

4.4.3 Even where a young volunteer is not deemed to be a CHIS, it may still be considered good practice to follow the requirements of the Regulation of Investigatory Powers (Juveniles) (Scotland) Order 2002 (SSI 2002/206) to ensure that:

- the safety and welfare of the child or young person has been fully considered;
- the officer is satisfied that any risk has been properly explained to, and understood by the child or young person;
- a risk assessment has been undertaken, covering the physical dangers and the moral and psychological aspect of the child or young person's deployment;
- a record is kept.

In the vast majority of test purchase exercises, it is likely that there will be minimal risk to the young volunteer involved.

4.4.5 The position in relation to the undercover officer who accompanies the child or young person also requires consideration as he or she may in some circumstances be regarded as conducting surveillance activities of a kind that might amount to unlawful conduct in breach of Article 8 of the European Convention on Human Rights. If this is the case then RIPSA authorisation should be sought for such activities. While this is unlikely to be the case in most test purchasing operations the responsible authority (the police or local authority Trading Standards Officers) should review this matter on a case-by-case basis. Care should be taken not to use the same test purchasers on repeat visits to premises and to avoid test purchase transactions taking place on premises other than those to which the public have access.

4.4.6 In the light of the ECHR, HRA and RIPSA, together with the general common law rules on the admissibility of evidence in criminal proceedings in Scotland, those involved in the planning and conducting of test purchasing exercises will need to have regard to:

- i) The avoidance of inciting, instigating, persuading, pressurising or wheedling a person into committing an offence that, otherwise, would not have been committed - and the particular need for a child/young person test purchaser to behave as 'an ordinary member of the public' in such circumstances;
- ii) The requirements for gathering/retaining relevant, admissible and sufficient evidence - an "unassailable" record of events - in order to prove the commission of an offence and to ensure that a fair trial takes place;
- iii) The necessity of ensuring that any interference with the right to privacy, of any person affected by the activity, is lawful; in particular the need for public authorities to consider whether it is conduct which should be authorised under RIPSA;
- iv) Other specific issues, arising from particular legislative provisions.

4.5 Enterprise Act 2002

- 4.5.1** Local Authorities may wish to consider the appropriateness of using Enterprise Act 2002 (Part 8) Enforcement Orders to prevent the ongoing sale of age restricted products to those who are under age. These may be sought in respect of those age related prohibitions specified in the Enterprise Act 2002 (Part 8 Domestic Infringements) Order 2003 (SI 2003/1593).

Annex		
PRODUCT	AGE	LEGISLATION
Videos	12, 15, 18	Video Recordings Act 1984 – It is an offence to supply to a person who has not attained the age specified in the rating certificate.
Cigarettes	18	Children and Young Persons (Scotland) Act 1937– It is an offence to sell any tobacco or cigarette papers to a person under the age of 16. This Act also covers the sale of cigarettes from vending machines. Children and Young Persons (Protection from Tobacco) Act 1991 – It is an offence to fail to display the statutory notice at a premise where cigarettes are sold by retail.
National Lottery	16	National Lottery etc Act 1993 - National Lottery Regulations 1994 – It is an offence for a National Lottery ticket to be sold by or to a person who has not attained the age of 16.
Offensive Weapons	18	Criminal Justice Act 1988 (as amended by the Offensive Weapons Act 1996 and the Police, Public Order and Criminal Justice (Scotland) Act 2006) – It is an offence to sell knives, razor blades and other bladed articles to any person under the age of 18. (Exemptions include folding pocketknives if the cutting edge is less than 7.62 centimetres long and razor blades that are permanently enclosed in a cartridge or housing). It is not an offence to sell a knife or a knife blade to someone if a) the person is over 16 and b) the knife or blade is for domestic use.
Fireworks	16	Explosives Act 1875 - It is an offence to sell gunpowder to any person 'apparently' under 16. Caps, cracker snaps, novelty matches, party poppers, serpents and throwdowns - are specifically excluded from the definition in the 1997 Regulations BUT may not automatically qualify under the 1875 Act. Note also that the restriction is still to those 'apparently' under 16.
	18	Consumer Protection Act 1987 Fireworks (Safety) Regulations 1997 – It is an offence to supply any firework to any person under the age of 18.
Spray Paints	16	Section 122 of the Antisocial Behaviour etc (Scotland) Act 2004 introduced a ban on the sale of spray paint to under 16s in Scotland.
Petroleum	16	Petroleum (Consolidation) Act 1928 - It is an offence to sell or dispense petrol to a person under the age of 16.
Cigarette Lighter Refills	18	Consumer Protection Act 1987 Cigarette Lighter Refill (Safety) Regulations 1999 – It is an offence to supply a cigarette lighter refill canister containing butane or a substance with butane as a constituent part to any person under the age of 18

Alcohol	18	Licensing (Scotland) Act 1976 – It is an offence to sell intoxicating liquor to a person under the age of 18. Also it is an offence to buy alcohol whilst under 18, therefore for test purchasing purposes it is only legal to seek the assistance of children for this purpose if they are authorised to do so under section 105 of the Licensing (Scotland) Act 2005 otherwise the test purchasers will themselves be committing an offence.
Crossbows	18	Crossbows Act 1987; It is an offence for a person to sell, or let or hire a crossbow or part of a crossbow to a person under 18. (Or for a person under 18 to buy a crossbow) therefore for test purchasing purposes it is illegal for authorities to seek the assistance of children for this purpose as the test purchasers will themselves be committing an offence. (The age restriction of crossbows changed from age 17 to 18 as of Autumn 2007).
Air Weapons	18	Custodial Sentences and Weapons Act 2007. It is an offence for a person to sell, or let or hire an air weapon to a person under the age of 18. Age of restriction changed from 17 to 18 from 1 October 2007.

A Practical Guide to Test Purchasing In Scotland

**Example forms for use by those engaged in age
restricted sales test purchasing**

October 2007

**Example forms for those agencies involved in the conduct of test
purchasing operations involving child or young persons and the
sale of age restricted products / goods**

Test Purchasing Example Forms

- 3-4 Overall Consent & Risk Assessment Form**
- 5 Nightly Consent form**
- 6 Pre-visit Premises Risk Assessment**
- 7 Checklist for Child or Young Person Volunteers**
- 8 Specimen certificate for participation**

Test Purchasing

Overall Consent and Risk Assessment Form

<i>Child or young person's Name</i>	
<i>Date of Birth</i>	
<i>Child or young person's Home Address</i>	
<i>Child or young person's Home Tel No.</i>	
<i>School</i>	

Part A - Consent Form Details

Note: The purpose of this agreement is to ensure that the parent/guardian and child or young person are aware of what the Officers intend to do. Detailed below are some of the safeguards involved

1. The child or young person will be fully trained in what to say and do. The child or young persons parent/guardian may attend the training session(s). The child or young person will be told to tell the truth at all times.
2. At least one (same sex) officer will supervise the child or young person at all times.
3. The child or young person will not be asked to make test purchases in any areas where he/she is likely to be recognised.
4. In any exercise, the child or young person's welfare is paramount. The nature of the child or young person's involvement in the exercise will not be revealed whilst the child or young person is on the premises, unless the officer is of the opinion that the child or young person's welfare is at risk. The officer will intervene at any time where the child or young person's welfare is at risk.
5. The child or young person's identity will not be revealed in any subsequent publicity.
6. Appropriate refreshments and travelling expenses will be provided.
7. This exercise may result in legal proceedings.
8. All efforts will be made to avoid that the child or young person will not be required to attend court as a witness. However, in exceptional circumstances, this may still occur.
9. The parent/guardian will provide a witness statement to confirm the child or young person's date of birth, if required.

- 10.** A parental consent form will be required on each occasion where the child or young person is involved.
- 11.** In the interest of the child or young person's well being each officer involved in the exercise has had a Disclosure Scotland check carried out.

Part B - Risk Assessment

Under *The Health and Safety (Young Persons) Regulations 1997*, where a child or young person is younger than the minimum school leaving age (MSLA) the following information should be made available to a parent of the child or young person. This following is the 'relevant and comprehensible' information required under the Regulations.

A Risk Assessment taking into account the child or young person's-

- Inexperience
- Lack of awareness
- Immaturity

Significant hazards to which the child or young person may be exposed during the course of the test-purchasing programme of visits are:

Risk of discomfort at being involved in an adult working environment; risk of verbal abuse from shopkeeper; risk of child or young person being involved in Court proceedings; risk of being recognised with any resultant repercussions.

The control measures in place to minimise the risks associated with the above hazards are:

The child or young person will be trained carefully and has had every facet of the operation explained. The child or young person will be supervised at all times during the operation. A 'same sex' officer will accompany the child or young person during the operation, their only role being the safety and welfare of the child or young person. An officer will intervene in any circumstances where the shopkeeper becomes abusive. If the child or young person, at ANY time, feels that they do not wish to continue, then they will be immediately returned to their home/school. The child or young person will never give any details that will identify him/her. The child or young person will always test purchase outwith their own area and never under circumstances where there is a risk of them being recognised. The child or young person will be fully briefed on what to say, and will ALWAYS tell the truth, other than to requests to reveal their identity. Each officer involved in the exercise has had a Disclosure Scotland check carried out.

I consent to my child or young person being involved in tobacco test purchasing and I am satisfied that an appropriate risk assessment has been made and that appropriate training will be given.

Signed: _____ **(Parent/Guardian)**

Signed: _____ **(Officer in charge of exercise)**

Signed: _____ **(Child or young person)** **Date:** _____

Contact details of Senior officer

Name _____ **Position** _____

Telephone number(s) _____

Provision of assistance by child or young person for test purchasing

Nightly consent form

Name of child or young person:	
Date of birth:	
Address of child or young person:	
Nature of exercise:	
Date and time of collection of child or young person and address (if different from above):	
<i>Date and time of return of child or young person and address (if different from above) :</i>	
Daytime contact point for child or young person during above dates:	
Alternative daytime contact point for child or young person during above dates:	
Areas in which test purchasing exercise will take place:	
Areas to be avoided (e.g. areas where the child or young person is likely to be recognised):	
Any special dietary/medical needs etc:	

I (name of parent/guardian)am the parent/guardian of the above-mentioned child or young person and I agree that he/she will be available to assist as detailed above. I have discussed the details of this operation with (officer's name).....

Signed: (Parent/Guardian)

Signed: (Officer in charge of Operation)

Signed: (Child or young person)

Date:

Pre- test purchase visit risk assessment sheet

Premises:	Date:
Address:	Time:
	Date of Intended Visit:

Type of Premises (please circle)	Do the premises have (please circle)
Mobile	Surveillance camera
Vending	Tobacco notice
Fixed independent (non buying)	Proof of age materials
Fixed buying (e.g . Spar, Alldays)	
Takeaway/Chip Shop	
Supermarkets	
Petrol Station	
Other (please state)	

Identified liaison meeting point:

Target product price:

Diagram of the premises, showing entrance, exits, counter, target product, reference points etc.



Checklist for child or young person volunteers test purchasing age restricted products

1. If at ANY time you no longer wish to be involved, even if that occurs while out doing the test purchasing, then it will stop and you will be returned to your school or home.
2. There will be an officer accompanying you (called your 'buddy') whose only role will be to ensure your wellbeing
3. You will never test purchase in your own area and must say if you feel there is a chance you may be recognised if test purchasing in a certain shop.
4. At all times during the test purchase operation your identity will not be revealed other than among the officers involved.
5. You should dress as you normally would at the time of day when the test purchasing is taking place. Clothes, hair and make-up should not be used to make you appear older or younger than your current age.

6. As far as possible you will be told what to say to the shopkeeper. You should always tell the truth to the shopkeeper, including if he asks you whether you are involved in test purchasing. If the shopkeeper asks whether anyone is with you, you may identify the officer(s) in the shop. You must never answer questions that will reveal your name or address. Simply tell the shopkeeper you have to go and leave the premises.
7. Upon entering the shop you should not have money other than that given to you by the officers and you should not have any products already on your person. You will be asked to hand over any money or other products before the test purchasing (to the buddy). For the purposes of any court case you will be asked to turn your pockets out before and after each test purchase.
8. You will be photographed on the day of the test purchasing.
9. You will be provided with any meals drinks and snacks.

Thank you for volunteering for test purchasing. The Trading Standards Service welcomes your assistance.

Contact numbers during test purchasing –
--



This Certifies that:
John Smith

... ..

while attending XXXXXXXXX

Volunteered and assisted XXXXXXXXXXXXXXXXXXXX as a covert test purchaser of XXXXXXXX. This activity was conducted as part of ongoing enforcement in relation to age restricted products in order to protect the health of children and young people and the effects of anti social behaviour on the wider community.

XXXXXX performed his/her duties under this project both professionally and efficiently.

Signed

.....

(on behalf of XXXXXXXXXXXXXXXX)

Date: XXXXXXXX



REPORT

To: Infrastructure Committee

04 March 2008

**From: Heritage Manager
Planning
Infrastructure Services Department**

SHETLAND AMENITY TRUST ARCHITECTURAL HERITAGE PROGRAMME 2008-09

1. Introduction

- 1.1 The purpose of this report is to request additional funding of £70K from the Reserve Fund to continue Shetland Amenity Trust's Architectural Heritage Programme from April 2008 to June 2008 inclusive.
- 1.2 While this report provides some background to the work delivered by the Amenity Trust in consultation with the Head of Finance it was felt that further detail on costs would be required to determine the most appropriate funding mechanism. A report will therefore be submitted before June 2008 with recommendations on the most appropriate funding source for this service.
- 1.3 Originally this service was funded by the Shetland Charitable Trust until the Trust carried out at review in 2002/03 when it transferred to the Council's Capital Programme for funding until 2007/08.
- 1.4 At a recent Capital Projects Review Team (CPRT) meeting it was highlighted that this service was not appropriate to be continually funded from the Council's Capital Programme. Given that there was not sufficient time to consider this as part of the Council's budget setting process for 2008/2009 funding is being sought to maintain the service in the short term while a longer term solution can be developed.

2. Links to Council Priorities

- 2.1 This programme directly contributes to 2 of the Corporate Plan aims, namely, an environment that is conserved and enhanced and a unique cultural identity and spirit that is celebrated and promoted. It will also assist in the achievement of the other 2 aims - namely a prosperous, competitive and diverse economy and a vibrant and inclusive society.
- 2.2 Individual projects within the programme will also help to deliver a range of Shetland-wide strategies, including:

- The Shetland Structure Plan
 - Shetland Local Plan
 - Shetland Cultural Strategy and Its Action Plan
 - Economic Development Unit Policy Statement
 - A Heritage Plan for Shetland
 - The Shetland Transport Strategy
- 2.3 A Heritage Plan for Shetland, approved by the Council on 13 December 2006 (minute ref. 184/06), endorses and recommends the development of a range of projects many of which are championed by Shetland Amenity Trust. These include the development of Sumburgh Head and the Textile Museum at Voe House.
- 2.4 The Shetland Local Plan similarly endorses a range of Shetland Amenity Trust projects, for example:
- The rebuilding and restoring of the southern portion of Voe House to provide premises for the Shetland Textile Working Museum.
 - The development of the Sumburgh Lighthouse project as a Development Opportunity.

3. Background

- 3.1 This report requests 3 months financial support from the Council for Shetland Amenity Trust's Architectural Heritage Programme. The programme has now been in existence since about the time the Trust was established and is firmly established as a core component of Shetland Amenity Trust's overall programme; in fact, the undertaking of work and projects of the type that make up this programme was one of the principal reasons behind the establishment of Shetland Amenity Trust in the first place.
- 3.2 The maintenance of Shetland Amenity Trust's highly skilled workforce for Mainland and the North Isles has enabled the delivery of a range of projects throughout Shetland and is a powerful lever in attracting external funding from national and international sources.
- 3.3 Shetland Amenity Trust has successfully used its architectural heritage workforce to deliver a whole range of projects over the past 25 years. These range from the creation of a local museums network to the development of heritage accommodation for visitors and include Camping Böds and Lighthouses. In this way, the Trust has protected important buildings, recycling them to create valuable assets for both local communities and the heritage tourism infrastructure of Shetland.

4. Proposal

- 4.1 Shetland Amenity Trust restores and preserves a wide range of buildings that are important to Shetland's Architectural Heritage, including both large and small buildings in both urban and rural locations. The Architectural Heritage Programme benefits the Shetland community as a whole, by enhancing and promoting Shetland's cultural identity and built heritage, providing valuable community assets and by building local pride and providing numerous

educational and leisure opportunities. In addition, tourism surveys have indicated that 77% of visitors to Shetland visit for a heritage and culture reason. Importantly, the work of the Architectural Heritage team continues to develop and maintain a wide range of traditional building, masonry and other craft skills that are of wide use and value to the built heritage community in Shetland and that might otherwise be lost.

- 4.2 The programme has been supported in part by external funding from a number of sources including Historic Scotland, Heritage Lottery Fund, HIE Shetland and EU funding initiatives. All these bodies either are currently, or are likely to once again become, partners in the programme – depending on the individual projects being undertaken. This external funding has almost exclusively been provided in part to meet the *capital* costs of undertaking projects, which obviously include shares of relevant employee costs. In 2006/07, Shetland Amenity Trust used core Architectural Heritage funding of £257,000 to attract a further £420,000 from these other sources.
- 4.3 This programme has resulted in a significant, widespread and long-term enhancement of the built heritage of Shetland. It fulfils many of the objectives of the Council as Planning Authority, as expressed in the statutory Development Plan (Structure and Local Plans). As such, it is appropriate that the Planning Service oversee it on behalf of the Planning Board.
- 4.4 The current list of projects that is proposed by Shetland Amenity Trust to be carried out in 2008-09 and future years is attached as Appendix 1.
- 4.5 The programme comprises works of a *capital* nature, for example, restoration of buildings, and costs that are *revenue*, such as employee and administrative costs associated with undertaking the projects. However, full details of the breakdown of costs is not known as yet. The subsequent *running costs* of the completed works do not fall on the Council, though there may be cost implications arising for the Shetland Charitable Trust in terms of supporting Shetland Amenity Trust in cases where it assumes or shares asset management responsibility for completed projects.
- 4.6 Shetland Amenity Trust seeks funding to support the core functions of its Architectural Heritage teams, rather than the projects themselves. These costs are *revenue* in nature and are not appropriate costs for the capital programme.
- 4.7 In terms of the Council, the main options are whether to continue to fund the programme and, if so, from where should that cost be met?
- 4.8 I am firmly of the view that support for the Shetland Amenity Trust's Architectural Heritage Programme should be given because it:
 - Implements key Council and Planning objectives in conserving, restoring and promoting Shetland's heritage

- Has helped to create and maintain a highly skilled workforce who have been provided with training in specialist and traditional building skills, some of which could otherwise be lost
- Provides valuable employment for about 14 employees, principally in the North Isles and North Mainland, supporting Council and Community Planning Board objectives of retaining and developing employment in the remoter areas of Shetland
- Will continue to create direct employment throughout Shetland as a result of the provision of visitor centres, local museums, Camping Böds and other community assets
- Has enabled the delivery of a range of heritage projects throughout Shetland and is a powerful lever in attracting external funding from national and international sources
- Implements key objectives of A Heritage Plan for Shetland, approved by the Council on 13 December 2006 (minute ref. 184/06)

4.9 Whilst it is possible to envisage very small or individual elements of this programme being undertaken by others, possibly directly by the Planning Service or by small, independent, building preservation trusts, I do not believe all of these outcomes could be achieved by any other means nor can I envisage a more efficient or effective means for the cost currently incurred and grant now being sought. Additionally, it is only by maintaining the critical mass of expertise that has been built up, supported by the structure of an established charitable organisation to manage the programme that many of the areas of expertise, economies of scale, shared resources, cost efficiencies and ability to re-use finite components remain as realistic factors when considering individual projects or the realisation of heritage objectives generally.

4.10 The Shetland Charitable Trust and the Council agreed, in 2002/03 that this programme should be funded by the Council, not the Trust, and the Council has, until now, funded it from the Capital Programme. However, the Capital Programme Review Team were concerned that this is essentially a revenue cost that should not be funded from capital.

5. Financial Implications

5.1 The costs associated with funding this programme would, if approved, represent new expenditure for the Reserve Fund of £70K. There is no budget currently available to meet this cost and, if the Council were minded to fund this programme in the manner recommended, an additional draw on the Reserve Fund would be required. The Council in approving this additional budget will remain within its 2008/09 budget strategy for the Reserve Fund of £8m spend.

5.2 This programme is a core component of the work of Shetland Amenity Trust and should be seen as a long-term commitment.

5.3 The running costs associated with the facilities once the projects are completed will not fall on the Council though, as stated, though there

may be cost implications arising from individual projects for the Shetland Charitable Trust.

6. Policy and Delegated Authority

- 6.1 The Infrastructure Committee has delegated authority to implement decisions within its remit for which the overall objectives have been approved by the Council, in addition to appropriate budget provision, as described in Section 12 of the Council's Scheme of Delegation. However, there is no budget provision to support the recommendations in this report, and accordingly a Council decision is required.

7. Conclusion

- 7.1 Shetland Amenity Trust's Architectural Heritage projects in general and historically have wide community support and the importance of the contribution to local communities is recognised throughout Shetland and beyond.
- 7.2 The Shetland Charitable Trust funded Shetland Amenity Trust's Architectural Heritage Programme until it was transferred to the Council's Capital Programme, following a review in 2002-03.
- 7.3 The CPRT has advised that, due to the nature of work being funded, this programme is not appropriate for the Capital Programme and that an appropriate Revenue source should be sought.
- 7.4 Once further detailed costs are available options on long term funding sources will include Council Reserve Fund and Charitable Trust.

8. Recommendation

- 8.1 I recommended that the Infrastructure Committee recommend to the Council that:
- 8.1.1 Shetland Amenity Trust is funded £70K for the first 3 months of 2008/09 from the Council's Reserve Fund towards the running costs of the Shetland Amenity Trust Architectural Heritage Programme.
- 8.1.2 a further report is submitted to the Council with detailed costs and a recommendation on the long term funding source for this service.

Report Number: PL-10-08-F

(Extract from the following document with annotations to the table of actions)

SHETLAND AMENITY TRUST

Celebrating and championing Shetland's cultural and natural heritage and actively promoting greater public access to, and enjoyment of, the full heritage resources and services within Shetland.

STRATEGIC PLAN 2007-2010

...

6. Architectural Heritage

Strategic Objectives:

- Protect and restore Shetland's architectural heritage to both enhance visual amenity and conserve cultural heritage for the benefit of the public.
- Encourage the use of traditional building methods and materials.

Preservation of architectural heritage is a core function of the Trust and has always been the mainstay of the Trust's activities. The list of buildings which have been restored by the Trust over the last 24 years is impressive.

The Trust, in addition to tackling its own restoration projects, has undertaken development projects for external groups, such as the Burra History Group, Whalsay History Group and the Belmont Trust. Participation in these projects has greatly enhanced the standing of the Trust within these communities.

Actions:

- Progress the restoration/development of Sumburgh Head (an A Listed Stevenson lighthouse).
- Secure planning consent and funding for the creation of a Textile Museum at Voe House, Waas.
- Completion of display facilities at Bressay Lighthouse.
- Completion of Phase II of the Belmont House project on behalf of the Belmont Trust.
- Develop the Hamars Project in Unst.
- Ongoing maintenance of Trust properties.
- In conjunction with the Project Officer, Environment, identify the potential for installing renewable energy sources in Trust properties.



REPORT

To: **Infrastructure Committee**

4 March 2008

From: **Network and Design Manager
Roads
Infrastructure Services Department**

ACTION PLAN FOR THE MAINTENANCE, IMPROVEMENT AND USE OF THE ROAD NETWORK, BIENNIAL REVIEW

1 Introduction

1.1 In line with Council policy there is a requirement to review and report on the Action Plan every 2 years. This report summarises the findings of the current review which includes:

- Roads Maintenance and Management (Revenue Spending) Section 4.
- Capital Rolling Programmes Section 5.
- Road Improvements (Major Schemes) Section 6.
- Proposed Major Roads Schemes (still under investigation) Section 7.

Supporting information is included in the Appendices.

1.2 I would welcome discussion by the Committee on this Review, and would ask you then to approve it, along with the provisional lists of schemes to be carried out under the Capital Rolling Programmes.

2 Links to Council Priorities

2.1 The Key Aims of the Council's Local Transport Strategy are as follows. Most maintenance, improvement and management of the road network is done in order to achieve most of these aims:

- to support the local economy,
- to reduce social exclusion,
- to reduce the environmental impacts of travel,

- to improve safety for all road and transport users, and
- to promote better health and fitness.

3 Background

3.1 In the late 1990s the Council developed its new Corporate Plan, following widespread consultation. It was decided that the Roads element should be an Action Plan covering all **maintenance** and **improvement** works; along with traffic management, road safety, and other aspects of the **use** of the road network.

3.2 The Review process involves the following:

- Assessment of technical needs with regard to maintenance costs and works, road safety, impact of developments, traffic delays, etc.
- Obtaining the views of Community Councils and other stakeholders.
- Assessment of works required, if any, to deal with the problems which have been identified.
- Allocation of works to the appropriate budget heading, and prioritisation of schemes within that heading;
- Carrying out a Review every 2 years, which is overseen by this Group, and presented to Committee for approval.

3.3 I outline below the categories of works which are done under the Plan, along with the issues which have arisen during the current Review. Here and in the appendices I list the proposed programmes of works for the next few years.

4 Roads Maintenance and Management (Revenue Spending)

4.1 **Routine maintenance** is carried out under the following headings, and issues arising since the last Review are noted alongside:

- Grass cutting/weed control (verges only). The current policy has been assessed during the course of the Review, and it was considered that it should continue in its present form. The Committee approved this on 22nd January.
- Drainage maintenance (mainly ditches and gullies). This budget is under pressure due to the increase in works required to be done.

- Traffic signs (repairs, replacements and new). The standing contract for this work was retendered in 2006, and won by a local contractor.
- Road markings and cats eyes (repairs, replacements and new). The standing contract for these was retendered in 2007. This budget is also under pressure.
- Road sweeping. Essential contribution towards road safety, especially for motorcyclists.
- Street light maintenance and electricity. Routine maintenance continues in an effective manner, although site staff are “stretched” with the increased numbers of lights. Provision of electricity was retendered in 2006 by the purchasing group which includes ourselves and 9 other North of Scotland authorities: costs are rising steeply.
- Christmas lighting. (Not a large budget!)

4.2 **Structural maintenance** is carried out under the following budget headings:

- Patching (pot holes). The amount of this work and local reconstruction is dependent on how much (or little) surfacing and surface dressing we do.
- Local reconstruction (usually carriageway edges).
- Surface dressing and slurry sealing. The requirement for this work and for resurfacing is assessed annually following consideration of the Scottish Road Maintenance Condition Survey (SRMCS), and detailed inspection. In recent years we have reduced the annual length of road surface dressed, done no slurry sealing, and sought an increase in the length resurfaced. The Maintenance Manager reports annually to the Member/Officer Working Group (Roads), and to all Community Councils on the programmes for these works.
- Resurfacing. This budget is also now under pressure.
- Footway maintenance (including replacement). Much of central Lerwick, Scalloway, Brae and Hamnavoe has been done in recent years. However, outer Lerwick and the Lanes are now giving cause for concern.
- Drainage improvements (small culverts and other piped systems).
- Verge maintenance. The amount of this work needed is now increasing, and I intend to investigate exactly why.

- Crash barriers (repairs and replacements). I have sought and obtained approval from the Capital Programme Review Team (CPRT) and the Council for the establishment of a Capital Rolling Programme for replacement of those sections of untensioned barrier which are now life-expired. See Appendix 3.5. Repairs are still to be done under Revenue.
- Minor improvements (e.g. passing places, added to resurfacing schemes).
- Street lighting replacements (single columns). I have sought increased funding for the Capital Rolling Programme for replacement works. However, this was not approved, and we will need to continue to fund minor replacements from Revenue. See Appendix 3.4.
- Sea defences (repairs only). Minor works only.
- Retaining walls (repairs only).
- Bridges and culverts (repairs only). We have almost completed updating the inventory of these, and this has produced programmes of minor repairs, (along with more major works, which are done under a Capital Rolling Programme: see Appendix 3.1).
- Cattle grids (repairs and replacements). We continue to replace the hazardous side walls with collapsible steel railings. In addition, we seek agreement where possible to remove grids.

4.3 Revenue budgets also cover the following activities which affect the use of the road network:

- Roads Authority Functions (traffic management, etc. under the Roads Acts).
- Surveys, inspections and asset management. Our computerised Roads Management and Maintenance System continues to be developed.
- Winter Service (gritting and snow clearing). This service is due to be reviewed shortly.
- New Roads and Streetworks Act (coordination of all roadworks by utilities, developers and ourselves.) Scottish Water is currently investing heavily in trunk main replacement in Yell and Lerwick. New regulations under the Transport (Scotland) Act 2005 require formal notification of our own works as well as others from now on. Private works are already being notified on the new national electronic system,

which helps us to monitor quality of works and new accesses.
There is a significant increase in our staff workload.

- Road Safety.

4.4 Appendix 1 tabulates the Revenue Estimates for 2008/09. It shows each of the above budget headings, along with their annual (operational) budget estimate. It also shows the range within which there is delegated authority to vary spending each year to suit the actual requirements.

5 Roads Improvements (Approved Capital Rolling Programmes)

5.1 Improvements generally costing less than £150,000 are done under the Roads and Transport Capital Rolling Programmes. As part of this Review of the Action Plan, and as requested by the Capital Programme Service, I carried out a review of those programmes in the Autumn of 2007. Appendix No.2 is a copy of the report which I then presented to the Capital Programme Review Team (CPRT) in December. Please note that I have omitted the Priority Criteria sheets. I have also updated the Provisional Lists of Schemes referred-to in that report, and enclosed them here as Appendix No.3.

5.2 Each of the programmes is described in Appendix No.2, along with my recommendations for revisions (in Appendix 2, Section 16.2). In the recent review of the Capital Programme approved by Council on 7th February 2008, each of the remaining 12 programmes has been included in the Council's Capital Programme for 2008/09 with a budget of 72% of the amount requested. In drawing up the lists of schemes, I have assumed that this level of spending will continue for the following 2 years to come. However, I am concerned that this will not be sufficient to meet the needs of the Service and I would still expect to seek full funding of each programme in these years.

5.3 Appendix No.3, Sections 3.1 to 3.10, shows the Provisional Lists of Schemes for construction in the next few years. These have been drawn up following:

- Detailed technical assessments.
- Requests from Community Councils and others; and
- Prioritisation under each of the 12 programmes.

5.4 I have not submitted schemes for Minor Works and Purchases, Airstrips (since there are none yet), or Development-Related Roads (since they normally arise at short notice, and often proceed only after agreement with a developer). In some cases it is not possible to detail the year in which individual works will occur nor their value, since these will depend on a number of issues such as:

- Council approval of the Capital Programme for each year.

- Finalisation of the actual option to be built in each case.
- Land acquisition, and other consents.

6. Roads Improvements (Major Schemes)

6.1 Most of the following projects are included in the Capital Programme for construction as named major roads improvement schemes. That is, most of them are estimated to cost more than £150,000, they have been assessed as worthwhile by the Working Group using Scottish Transport Appraisal Guidance (STAG), and they have been accepted onto the Capital Programme and prioritised by the CPRT. Against each project I give a note on progress and current status. The provisional dates for construction of most of those works not yet under way were outlined to the Council on 7th February 2008.

- 6.1.1 A971 Haggersta to Cova. Seriously delayed due mainly to opposition from objectors, and lengthy discussions with public bodies. The remaining preparation work includes updating the road safety audit, and seeking conclusion of the Stopping-Up Order and the land acquisition.
- 6.1.2 Bressay Link. In line with the Shetland Transport Strategy, ZetTrans is now carrying out a STAG study.
- 6.1.3 Germatwatt Footways, Walls. Major scheme for footways, lighting, parking, new bridge and other minor road improvements. Land acquisition details are being finalised for CPO.
- 6.1.4 B9081 Mid Yell Link Road. New 2-lane road from the main road to the village plus by-pass of houses at Hillend at entrance to village. Promoted by the Working Group. Hillend section to be done first. Notice of Intention to Develop (NID) approved, and land to be acquired.
- 6.1.5 A970 Oversund Junction, Lerwick. New roundabout initiated by Planning conditions for Quoys housing and contribution from developer. Environmental improvements and school car parking added. Construction well under way.
- 6.1.6 A970 Scord to School, Scalloway. New road through the quarry on completion of the next phase of extraction, plus improvement of Mill Brae. Required for quarry extension's NID and traffic problems near the school. At design stage.
- 6.1.7 Papa Stour Road. Substantial improvement to existing road prompted by fears of maintenance problems certain to arise from introduction of Ro-Ro ferry. At design and consultation stage. Weight restriction imposed meantime.

- 6.1.8 Gilbertson Road, Lerwick. Complete reconstruction of the street and pavements. Construction is now complete.
- 6.1.9 Symbister to Skaw Road, Whalsay. This road was reviewed by the Working Group, and in consultation with the local Member and the community it was agreed to carry out a series of minor improvements under the Capital Rolling Programmes. Several of these have been done and more are planned.
- 6.1.10 Vidlin Shore Road. This scheme is for widening, footways and traffic calming of the road to the School and Ferry Terminal. The Working Group agreed with the Community Council to prioritise it ahead of improvements to the main B9071 Laxo to Vidlin Road (see 7.1.5 and 7.3 below).
- 6.1.11 A971 Brig o' Walls. In advance of a decision to proceed with the next phase of the West Side Road, the Working Group and CPRT agreed that the Council should purchase the former Nurse's House to allow economic design of whatever improvement is eventually to be carried out here. The house was purchased in late 2007, and it will be demolished in due course.
- 6.1.12 A9071 Bixter to Aith Phase 2. New 2-lane road from the end of the Bixter Brae scheme to the entrance to the village, along with an improved single-track road with a footpath from there to the start of the footpaths in the village. Design is well advanced.
- 6.1.13 Burra and Trondra Bridges: Inspection Walkways. Required to allow more effective and safe identification of repairs and maintenance requirements, along with more economic and safe working.
- 6.1.14 Sletts Sea Wall, Lerwick. Replacement of unsatisfactory tidal protection measures.
- 6.1.15 A971 Brig o' Walls to Sandness Road. The Working Group agreed to the construction of a series of minor improvements, mainly to ease the passage of school buses, etc. Some of these have now been done under the rolling programmes.

7. Proposed Major Road Schemes (Still Under Investigation)

- 7.1 The following routes have "passed" STAG Stage 1 study. On completion of the STAG Stage 2 study, any proposed works would then be presented to the Working Group for discussion and guidance; and to the CPRT and Council for approval and inclusion in the Capital Programme.

- 7.1.1 A971 West Burrafirth Junction to Brig o` Walls. Expected to be a new engineered 2-lane road. This scheme and all those down to 7.1.8 below have been promoted by the Working Group.
- 7.1.2 B9071 Parkhall to Sand Junction. Favoured option is for medium scale improvements in the Effirth Area.
- 7.1.3 A970 Hillswick Junction to Urafirth. Expected to be a new 2-lane engineered road.
- 7.1.4 B9082 Gutcher to Cullivoe. Several main options still under development for the STAG Stage 2 study.
- 7.1.5 B9071 Laxo to Vidlin. Stage 2 study done, but discussion at the Working Group has led to a review of options which is now being carried out.
- 7.1.6 Gulberwick Loop Road. Design work being done on route options for the main road through the village. The Working Group has also helped promote the Gulberwick (and now also Lerwick) Masterplan being drawn up by the Planning Service.
- 7.1.7 Ronas Voe Road. The Working Group agreed with the local Member that the main road towards Hillswick (see 7.1.3 above) should be prioritised in this district.
- 7.1.8 B9122 Bigton Loop Road. Design options being developed for STAG Stage 2. Promoted by the Working Group.
- 7.2 Schemes which have still to pass STAG Stage 1.
 - 7.2.1 B9079 Ollaberry Road.
 - 7.2.2 Brig o` Walls to Skeld Road.
 - 7.2.3 Walls to Dale of Walls Road.
 - 7.2.4 Gremista Road. Surveys being carried out. The Working Group agreed to prioritisation of the area where footways to the College and a new culvert are required.
 - 7.2.5 Symbister Hall to Harlsdale, Whalsay. Scheme for minor improvements and footways. Promoted by the Working Group.
 - 7.2.6 Cott Road, Weisdale. The Working Group supported the Service's technical assessment that many single-track roads need to be widened and strengthened to provide 3.3 metre wide carriageways, verges which can give full support to the road, safe and convenient provision for pedestrians where appropriate, better passing – places, etc. (see 8.2 below). The CPMT (CPRT's predecessor) approved this in principle,

but decided that each road should be brought forward individually. The aim therefore is now to bring forward an abbreviated Stage 1 and 2 study shortly for the Cott Road, and others are likely to follow. The Community Council's views on which lengths of the Cott Road should be included will be taken into account at that stage.

7.3 In addition, as part of this Review, I have now listed the following as major schemes. Some of them are schemes which have arisen following technical assessments. Others were originally investigated under a rolling programme but their estimated cost is now greater than £150,000. No new major projects have been sought by Community Councils.

- Sandsting, Laxaburn Bridge Replacement. Design in hand.
- Scalloway, Burn Beach Car Park Extension. Under investigation.
- Walls, Lochside Drainage Improvement. Under investigation.
- Tingwall Footways. Design in hand.
- Yell, Burravoe Footway. Design done, land being acquired.
- Scalloway, East Voe Footway. Design in hand.
- Gremista, College Footway. Design done.
- Vidlin Shore Road. See 6.10 above.

8 Review

8.1 The current Review of the Action Plan is now complete. Consultation with Community Councils, the Working Group, and others proved as helpful as usual in drawing our attention to particular issues and particular problems. Most of our technical assessment work is reported in Section 4 above (Maintenance and Use), and in the Review of the Rolling Programmes (Appendices 2 and 3). I now present the final report to yourselves for approval.

8.2 Issues posing concerns in the Review included the following:

- The degree to which the structure of many local roads is deteriorating with age, and with heavier and more frequent loading. A programme for major strengthening and minor improvements of the more important single track roads would be highly desirable.
- The degree to which many features of the roads are approaching the end of their useful lives. These features include culverts, lighting, barriers, etc. In response to my

report on the Rolling Programmes, CPRT and the Council have recognised the desirability of carrying out more of this work as major replacements under the Capital Rolling Programmes.

- The need to re-establish the Council's 5-year Capital Programme, so that Roads staff (assessing, designing and buying land for future improvements), the Planning Service (preparing and operating the Local Plan, etc), and Scottish Water and others (planning improvements to their own infrastructure) can be more certain as to when road improvements are likely to be done. I have let the Capital Programme Service know about this.

9 Financial Implications

- 9.1 There are no direct financial implications arising from this report, other than the identification of the most effective, efficient and economic ways of spending funds which have already been approved.
- 9.2 However, I would ask the Committee to note that several of the Maintenance (Revenue) budgets are under significant pressure due to restrictions on spending, and increased works requirements arising from increased traffic and the age of the assets. The provision of only 72% of the funds sought under the Capital Rolling Programmes will lead to similar pressure on those budgets. This will have a long term adverse effect on the value and usefulness of the Council's assets, and on the funds required to maintain them.

10 Policy and Delegated Authority

- 10.1 The Infrastructure Committee has full delegated authority to act on all matters within its remit, Section 12.0 of the Council's Scheme of Delegations, and for which the overall objectives have been approved by the Council, in addition to appropriate budget provision.
- 10.2 The Action Plan was originally drawn up as a requirement of the Council's Corporate Plan of January 2000 (SIC Min. Ref. 05/00). The requirement to carry out a Biennial Review was approved by the Infrastructure Committee in December 2003 (Infrastructure Min. Ref. 40/03).
- 10.3 Road Maintenance is carried out under various policies, and to guidelines in the Code of Practice for Highway Maintenance Management (2005), which was adopted as policy in March 2006 (ref 14/06).
- 10.4 Capital Rolling Programmes are carried out under the policy and delegated authority approved in 1996 (ref 94/96), and updated in December 2003 (ref 40/03).

- 10.5 Major Road Improvement Schemes are developed and built under the Action Plan (see 10.2 above), and the procedures established by the CPRT.

11 Recommendation

11.1 I recommend that the Infrastructure Committee :

- 11.1.1 Note and approve the outcome of the above Review (including the recommendations in the Review of the Rolling Programmes – Appendix 2), and approve the provisional lists of schemes in Appendix 3.
- 11.1.2 Approve that the policies and delegated authority referred-to in Sections 10.2 to 10.5 above should continue to apply.
- 11.1.3 And I recommend that the Committee note my concerns, expressed above, that there may be an adverse effect on the road network in the long term if maintenance and Capital rolling programme funds continue to be restricted.

Report Number: RD-08-08-F

Operating costs identified under ledger codes GRY6501 to GRY6741 (Operation sub-codes)

Breakdown of Road Revenue Codes for year 2008/09 (Operating costs sub-codes):-

Code		Minimum Expenditure £k	Budget Provision £k	Maximum Expenditure £k
GRY6501	Grass Cutting - Verges	30	42	60
GRY6511	Drainage Maintenance	300	480	700
GRY6521	Traffic Signs	40	70	120
GRY6531	Road Markings & Cats Eyes	100	222	300
GRY6541	Roads Sweeping	20	38	60
GRY6551	Street Lighting - Maintenance	100	272	360
GRY6552	Christmas Lighting & Trees	4	10	15
GRY6555	Routine Maintenance General	0	0	20
GRY6601	Localised Reconstruction	150	285	450
GRY6605	Patching	100	155	300
GRY6611	Resurfacing	600	890	1200
GRY6615	Footpath Maintenance	80	119	250
GRY6625	Surface Dressing	250	650	850
GRY6635	Road Drainage Improvements	180	225	500
GRY6645	Verge Maintenance	20	93	180
GRY6655	Crash Barriers and Railings	100	132	200
GRY6665	Minor Improvements	20	40	150
GRY6675	Streetlighting (Renewals)	20	50	150
GRY6681	Sea Defences	0	18	80
GRY6685	Structures (Retaining Walls)	0	18	80
GRY6691	Structures (Bridges & Culverts)	10	18	80
GRY6692	Cattlegrids	60	97	160
GRY6695	Structural Maintenance General	5	12	50
GRY6701	Road Authority Functions	30	55	100
GRY6711	Surveys & Inspections	30	52	100
GRY6721	Winter Service	800	1,041	1400
GRY6731	NRSWA Functions	0	4	20
GRY6741	Road Safety	0	2	20
Total SIC Budget Provision (All Operation sub-codes)			5,090	



Appendix 2

Shetland

Islands Council

To: Report to Capital Programme Review Team (CPRT), 17th December '07

**From: Network and Design Manager
Roads
Infrastructure Services Department**

Review of Roads and Transport Capital Rolling Programmes

1. Introduction

- 1.1 In this report I address the need to review the above programmes in response to the proposal that they be discontinued from 2008/09, and in recognition that it is 11 years since the last major review of them.
- 1.2 I draw the Team's attention to the ways in which these programmes of small - to medium - scale works are effective and efficient in sustaining and improving the road network with regard to maintenance costs, safety and usefulness. I conclude by recommending that the current set of programmes with a budget of approximately £1.3M should continue, subject to the revisions recommended below. If there are to be more-significant changes, the current programmes should be replaced by arrangements which are no less effective.
- 1.3 I also append Priority Criteria forms for all but one of the existing programmes, and for the 2 new programmes proposed below. In some cases I list some of the schemes likely to be built in the next 3 years or so. However, since we are only partway through consultation and assessment under the biennial review of the Action Plan, most of these lists are not ready for formal presentation to the Team.

2. Background

- 2.1 These rolling programmes were developed during the 1980s and early '90s, and were established in their current form in November '96 (Roads and Transport Committee ref 94/96). There have been several reviews since then, but I recognise that a more substantial reappraisal is now due.
- 2.2 The objectives of the programmes are as follows:

- To sustain and improve all of the different aspects of what may be the Council's largest single asset: the road network. That is,

carriageways and foundations, verges and footways, bridges and culverts, ditches and drains, streetlights and other street furniture, barriers and railings, walls and other structures. The Roads Authority is required to do Asset Management: that is, to carry out collection of inventory information, inspection & assessment of condition, ordering of repairs, maintenance, minor or major improvements, or replacements, and monitoring of performance.

- To enable us to appraise proposals meaningfully using the recommended principles of STAG (Scottish Transport Appraisal Guidance). That is, by providing an intermediate range of options available to solve problems. Rolling programme schemes are more substantial than repairs and maintenance; and can be almost as effective as major improvements, which cost very much more.
- To address the changing needs of all road users by means of improved access for increased numbers and weights of vehicles; improved footways and other features for pedestrians and cyclists; improved lighting and security; improved road safety and traffic management; collaboration with developers of new housing and commercial premises; etc.
- To seek the views of local communities with regard to problem areas and priorities; and to be seen to carry out works in most districts in most years. Although this has been described as “fair distribution”, it is actually a useful contribution towards ensuring that our overall programmes of works achieve equitable standards for all road users in all districts.
- To appraise and prepare schemes efficiently. That is, once the principle of a programme for a certain kind of works is approved and established, technical evaluation, consultation, and prioritisation of individual schemes can proceed in a steady manner. In addition, the Council’s main Capital Programme is then not encumbered with a hundred or more Roads schemes at various stages of preparation or construction. Provisional lists of schemes within each programme are normally approved annually.
- To respond quickly to works which become urgent at relatively short notice. Examples of this would be bridges, sea walls, barriers, or lighting which were discovered to be in a dangerous condition. There are also occasions when collaboration with other bodies on joint schemes for improvement, or new construction of housing and other developments, requires decisions on spending to be taken at short notice.
- To organise construction of works economically and efficiently. Most of the works are carried out by the Roads Service’s own workforce under the Best Value internal trading arrangements for maintenance and minor works. Barrier replacement is done by the private contractor who has our 3- to 5-year standing contract

for this work, tendered last year. Some drainage and development-related schemes may be done by other contractors where appropriate.

- To enable us to appraise all options for repair, improvement, or replacement in the knowledge that funds are available for the latter if choosing it is the most economic option in the long run.

2.3 Each of the current 11 programmes is operated in a slightly different way. In each we apply specific solutions tailored to particular problems encountered by different categories of road user. Proposed schemes are collected from thorough technical assessments and widespread public consultation. They are prioritised on technical grounds and on the need to maintain equitable standards.

2.4 There is normally a biennial review of the Action Plan for the Maintenance, Improvement and Use of the Road Network, which includes a review of these rolling programmes. The 2007 review will be finished shortly, and should be reported to the Member/Officer Working Group (Roads) and then the Committee in January '08 for approval. There is also normally an annual update of the provisional list of schemes reported to the Infrastructure Committee for approval.

2.5 As part of the 2007 review, I have identified that a number of revisions will be required, subject to consultation with CPRT and the Working Group. These are listed in Paragraph 16.2 of the Recommendations.

2.6 At present there are 2 grants from the Government towards particular kinds of works carried out under the Footways programme (see paragraph 10.2 below). We make use of this funding to increase the number of such projects which we carry out each year.

2.7 In Sections 3. to 14. below I discuss each of the 11 current rolling programmes and 2 proposed new ones. Apart from the 2 Transport-related ones (for bus and air services), the programmes are listed in an approximate order of importance from a technical and economic perspective. However, it should be noted that the views of political and community bodies might be very different. My recommendations are that all but one of the programmes should be retained, and that the whole group of programmes should continue to be operated together.

3. Bridge Replacements (GCY9202)

3.1 The provision of replacement or reconstruction of bridges, culverts, retaining walls and other structures associated with the road, with the intention of ensuring that access is maintained throughout the road network for all vehicles. Works are assessed on technical need and prioritised on a County-wide basis. There are national and European standards for the assessment and design of bridges.

3.2 Most of this work is essential if weight restrictions (or possibly even road closures) are to be avoided: such restrictions could have a

significant effect on local communities and commercial interests in particular. All of the work is desirable if long-term maintenance costs are to be reduced. Almost 1000 structures are inspected on a regular basis, and assessed with regard to condition and the need for any repairs, improvements or replacement.

- 3.3 A Priority Criteria sheet is appended. It should be noted that works are allocated to Revenue for repairs or routine maintenance, and to Capital for replacement or major improvements. The estimate of average annual costs for Capital schemes for the next 3 years is 250k. Most of the works identified are required to be done as soon as is reasonably practicable. The actual amounts spent would vary from year to year within a range of from 150k to 400k, subject to getting authority to transfer funds to or from other rolling programmes. This is an arrangement which has always applied to all of these programmes: the critical requirement is to ensure that the overall budget for all of the programmes is not exceeded. The current provisional list of schemes due for construction in the next 2 years is appended.
- 3.4 The most efficient way to carry out the design and construction of these works is by a programme equivalent to 2 or 3 major replacements per year, along with a number of smaller improvement schemes. In this way we can deal with urgent works which arise at short notice, as well as carrying out long term refurbishment and replacement of those assets which are in the poorest condition. Most assessment and design is done by in-house staff, and most construction work is carried out using the in-house trading arrangements (the former standing maintenance contract).

4. Road Reconstruction (GCY9210)

- 4.1 Where the larger part of a road's foundation is in need of replacement along with its surfacing, reconstruction of the whole carriageway is often the most cost-effective option. Schemes are prioritised on the basis of technical need.
- 4.2 Most of these projects are essential if we are to avoid repeated resurfacing and/or other works on sections of road built on poor foundations. All of the projects are desirable if long-term maintenance costs are to be reduced, and if restrictions on use of the road are to be avoided.
- 4.3 The need for much of this work has arisen due to the increasing numbers and weights of vehicles on our roads. However, an additional concern is the increased size of vehicles now using most rural single-track roads. A modern truck or bus is 2.5m wide, yet many of these roads are only 2.7 to 2.9m wide, resulting often in severe edge damage to the carriageway, and public concern about the safety of pedestrians. Therefore, we would intend where possible to carry out minor widening of the carriageway (to 3.3m) and verges, when reconstructing such roads.

- 4.4 I append a Priority Criteria sheet. My estimate of the average annual budget required to carry out 2 or 3 small schemes per year is 250k, within a range of from 150k to 400k. However, the Team should note that a number of much larger schemes arise at times such as the recent schemes on the A970 at Bretto, and at Gilbertson Road. In these cases, I would expect to continue to report to CPRT about inclusion of such projects separately as “named schemes” in the Capital Programme.
- 4.5 It should also be noted that the Roads Revenue budget for Resurfacing was recently reduced by 250k. This was in recognition of the fact that we had this Capital rolling programme, and that where at one time resurfacing would have been sufficient, we are now often having to reconstruct the whole road.

5. Roads Drainage (Code would be GCY9211)

- 5.1 This would be a new programme which I recommend is needed in response to the greater number and size of drainage works proving to be necessary nowadays. The reason for the upsurge in this type of work could be climate change, but it is just as likely to have arisen from the increasing age of existing road and land drainage systems. At present a certain amount of this work is being done under the Minor Works programme, but it would be better to have a specific heading. The proposal for a new programme was discussed and supported at the meeting of the Working Group in February '07.
- 5.2 Most of this work consists of gullies, drains, ditches, etc adjacent to a road, or leading towards or away from one. It is essential if we are to eliminate the impact of poor drainage at vulnerable points in the road network. This is not just about the hazard of flood water on the road; but also about flooding of adjacent land and properties, and the damage that occurs to the foundation of the road under heavy loading when waterlogged. All of it is desirable if skidding hazards and long term maintenance costs are to be reduced.
- 5.3 Therefore, I recommend the establishment of this programme, and I append a Priority Criteria sheet for it. I estimate that an appropriate average annual budget would be 50k, within a range of 30 to 100k.

6. Streetlighting Replacement (GCY9204)

- 6.1 Replacement of defective streetlights, and of pole mounted lights made redundant by the undergrounding of Hydro supplies.
- 6.2 Most of this work is essential if streetlighting is to be retained in the long run both in Lerwick and the villages throughout the rest of Shetland. Much of our lighting is approaching, or older than, 30 years of age and it is generally not expected to last much longer than this. I have already had to sanction the removal of the very worst of these columns (before they fall down), without having funds this year to replace all of them.

- 6.3 I append a Priority Criteria sheet for this programme. The works should continue to involve replacement of single columns, or small groups of them, when they are beyond effective or economic repair, and when they may also have become a hazard to the public. The new layouts and units are almost always more efficient in electricity consumption than the existing systems.
- 6.4 It is most efficient to carry out replacement works as a programme of several small targeted schemes every year, rather than, say, a very large contract every few years. My estimate is that we need to replace about 100 lighting units per year (2.4% of our total of 4200) at an annual cost of about 150k, within a range of from 100 to 200k. The current level of replacement is 40 to 50 units per year (barely 1% of the total), which is not sufficient to avoid the problems described in 6.2 above.
- 6.5 Design is done in-house and construction is done under the in-house trading arrangements, largely by the squad who also carry out routine testing and maintenance of our existing lighting. I append a provisional list of schemes in need of replacement in the next 2 years.

**7. Plant Purchases, Roads Authority (GCY9205)
(Also Crash Barriers: Proposed New Programme, GCY9212)**

- 7.1 This programme is for the replacement of the roadside weather stations and other minor items of plant. It no longer funds the purchase of new and refurbished gritters, etc.
- 7.2 The regular upgrading of weather stations is essential if we are to remain as efficient and effective as possible in forecasting icy roads, and in knowing where and when it will require to be treated.
- 7.3 However, the only purchases now made under this programme are relatively small and do not occur every year. Therefore I recommend that the programme should be deleted, and that if the need arises to replace equipment in future, the remaining purchases should be funded from Minor Works, Roads (see Section 12 below).
- 7.4 **Crash Barriers.** Among the other various items of plant for which there are only Revenue funds at present for repair and maintenance works, I am particularly concerned about crash barriers. We have a total length of about 60km, much of which is approaching the end of its 20 to 30 year lifespan. In particular the many sections of untensioned barrier mounted on timber posts is in very poor condition. Current standards on all fast roads call for tensioned barrier which is mounted on steel posts.
- 7.5 Therefore, I propose that we should establish a new rolling programme for the replacement of life-expired lengths of barrier. Its code would be GCY9212, and the estimate of the average annual budget required is 250k within a range of from 200 to 300k. I attach a Priority Criteria

sheet. It should be noted that road safety would be the main issue of concern to both the Council and the public if barriers were not to be replaced. The insurance implications of not replacing barriers would also be a significant issue for the Council.

- 7.6 I would expect that almost all of the repair and replacement of barriers would continue to be done by the private contractor currently engaged on the 3-5 year standing contract, for repairs, maintenance and minor replacements. However, if the amount of work is significantly increased, it may be appropriate to do a small amount of it ourselves. I would intend to assess whether this was worthwhile during the annual reviews of all standing contracts and in-house trading arrangements,

8. Accident Investigation and Prevention (GCY9207)

- 8.1 The provision of minor road improvements of any kind which are shown to be necessary to improve safety, often following investigation of recorded accidents at particular locations, along particular routes, or in particular types of situation. Assessed on technical need and prioritised on a County-wide basis, my estimate for the average annual cost should be 50k, within a range of from 30 to 100k. I include in this total the costs of constructing bus bays at appropriate locations, since they are usually required for reasons of general road safety, and do not necessarily enhance the bus service (see para. 13.3 below).
- 8.2 I append a Priority Criteria sheet. An appropriate level of spending on this work is essential if we are to comply with our statutory obligations under the Roads (Scotland) Act 1984 and the Road Traffic Act 1988. The insurance implications for the Council of deciding not to do work identified under this heading could also be serious.

9. Development-Related Roads (GCY9201)

- 9.1 The provision of minor road improvements of any kind which are considered to be needed to sustain or improve access to new or existing private or public developments, rather than solely to improve safety. These developments would be at fixed locations, and can arise from existing Local Plans, or they can be fish farms, fish-landing piers, etc. In many cases it is appropriate to seek a contribution towards the cost of the works from the developer.
- 9.2 Carrying out these works can be advantageous: to road users (in getting an improvement); to the Council (in getting a contribution towards works that might eventually have to be done at full cost); and to the developer (whose project is often the facility to gain most from the improvement, and who does not have to pay the full cost). My estimate of the average annual funding required is 50k, within a range of from 30 to 100k.
- 9.3 I append a Priority Criteria sheet. I ask the Team to note that sometimes there is not much time available to decide whether to proceed with these schemes in collaboration with developers. For this

reason, we normally do not submit a complete list of schemes for approval: others may need to be added later at short notice.

10. Footways (GCY9203)

- 10.1 The provision of new footways, streetlights, traffic-calming measures, pelican crossings, etc. intended to improve safety and amenity for pedestrians and cyclists.
- 10.2 Construction of works under this heading is very desirable. There are still villages and districts where there are no paths linking housing estates to each other and to shops, schools, surgeries, workplaces, leisure centres, halls, care centres, etc. Paths are required not just for the safety of pedestrians and cyclists, but are also necessary if we are to encourage people to walk and cycle to work, school, and for other purposes.
- 10.3 There are currently 2 Capital Grants from Government towards schemes to provide “20mph Speed Limits, Safe Routes to School, and Home Zones”, and “Cycling, Walking and Safer Streets”. We allocate these funds to the Footways rolling programme and make use of them to carry out work which would otherwise either have been carried out in later years or not at all. We also integrate our work with the Planning Service’s Core Paths initiative, and with the Safety Manager’s Road Safety and School Travel Plan work.
- 10.4 I append a Priority Criteria sheet. My estimate of the average annual budget required (excluding grant assistance) is 100k, within a range of from 50 to 200k. This is much less than in some recent years, since several of the schemes being designed at present are so large that they will have to be presented separately to CPRT for approval and prioritisation as named schemes in the Capital Programme.

11. Traffic Management (GCY9206)

- 11.1 The provision of alterations to junctions, parking and road layouts, and the introduction of speed limits and other regulations, all intended mainly to improve traffic flow and safety in built-up areas. The Council has a detailed policy on traffic management (min ref 52/01), and funding of this programme is essential if that policy is to be operated.
- 11.2 These works are very desirable if we are to keep pace with changes to the pattern of traffic. Housing and other developments continue to cause increases in traffic and parking at certain locations. The general weights and numbers of vehicles continue to increase. Legislation on speed limits, etc changes from time to time. We seek to have a joint approach to these issues with the Planning Service; not only to obtain as much funding as possible from those who cause many of the problems: the developers; but also to maximise the benefits gained from collaboration with them over road layouts, etc.

11.3 I append a Priority Criteria sheet. My estimate of the average annual budget required is 50k, within a range of from 30 to 100k.

12. Minor Works and Purchases, Roads (GCY9200)

12.1 The provision of minor road improvements of any kind which cannot be described as of high priority under any of the above headings, but are nevertheless considered desirable by a community, perhaps to improve driver convenience. That is, they are not principally intended to improve the structural strength of the road (as in 3, 4 & 5 above), to replace various items of plant (6 & 7), to improve safety (8), to contribute towards development (9), to improve pedestrian safety and amenity (10), or to improve traffic flow, etc. (11), or bus and air service provision (13 & 14).

12.2 Since the technical grounds for carrying out these works are not so strong as for the other programmes, it may be possible to reduce the annual budget. However, until the current review of the Action Plan is complete, I cannot confirm this. I also ask the Team to note that I propose to carry out drainage works under a new rolling programme, instead of under Minor Works as at present. See Section 5 above.

12.3 I also suggest in this review that we add the refurbishment or replacement of roadside weather stations to the works carried out under this programme in future (see Section 7 above). I append a Priority Criteria sheet. My estimate of the average annual budget required is 50k, within a range of from 30 to 100k (The higher amount might be required in a year when one or more roadside weather stations were being refurbished or replaced).

13. Minor Works and Purchases, Bus Services (GCY9209)

13.1 The provision of new bus bays, bus shelters, turning points, ticketing systems, etc. intended to improve the operation, efficiency and usefulness of bus services.

13.2 Spending on this work has increased in recent years, and much of the funding has come from separate Transport (first HITrans, then ZetTrans) budgets. Therefore, I now propose that only those schemes which are specifically required to enhance bus services and car sharing should be carried out under this heading. This would include bus interchanges, park & ride schemes, bus shelters, ticketing systems, etc. and it would be the responsibility of the Transport Service/ZetTrans to fund and prioritise such schemes. Operational decisions on roadside projects would continue to be taken jointly by ourselves and Transport Service staff. I append a Priority Criteria sheet which has been agreed with them.

13.3 I estimate that the average annual budget required to carry out a minimal number of small schemes would be 40k, within a range of from 20 to 100k. However, this funding, along with what might come from ZetTrans, will depend on further discussions between them and

ourselves, on conclusion of the Action Plan, and on confirmation of the Transport Strategy.

- 13.4 Those schemes, such as bus bays, which are required for road safety and other roads-related purposes should be carried out under other headings, mainly AIP. See Section 8 above.

14. Minor Works and Purchases, Air Services (GCY9208)

- 14.1 Over the years, this programme has funded in whole or in part the provision of fire engines and garages, lighting and drainage, and various other minor improvements to the airstrips at Tingwall, and on Unst, Fetlar, Whalsay, Skerries, Papa Stour, Foula and Fair Isle.
- 14.2 Most of these works are essential if the airstrips are to be safely operated; and if they are to be operated in (almost) all weathers. The rest of the works are highly desirable if significant maintenance costs are to be avoided. The estimate of the average annual cost of these works is 15k, within a range of from 0 to 30k.
- 14.3 I append a Priority Criteria sheet, which has been agreed with the officers of the Transport Service/ZetTrans, who promote these projects and take operational decisions on them. They are content to leave this programme alongside the Roads programmes meantime, since this allows flexibility of funding from year to year.

15. Funding

- 15.1 The current arrangements of various Revenue budgets for repairs and maintenance, and the above Capital Rolling Programmes for improvements and replacements, are very effective and efficient in enabling the Service to meet the requirement placed on the Council as Roads Authority to manage and maintain all features and all parts of the public road network.
- 15.2 The current funding of approximately £1.3M in total per year for the rolling programmes should be sufficient to enable us to continue to provide an appropriate amount of improvement and replacement throughout the road network. The above review of the current arrangements has led me to recommend that a number of amendments are required to ensure that our procedures remain as efficient and effective as possible. See paragraph 16.2 below. I have also made adjustments above to the previous budgets for the individual programmes in light of current requirements.
- 15.3 If the Team is minded to prioritise each of the programmes separately, and one or more of them fell below the line for “construction this year”, this could have serious implications for some elements of the road network and for some categories of road user. If those circumstances arose, it might actually be preferable to reduce the overall budget, but retain each category of works.

15.4 It should be noted that I recommend that the current maximum cost of any one project within a programme should remain at 150k. Therefore in those cases where the preferred option for improvement exceeds this, I would still expect to seek separate approval for such a scheme's inclusion in the Capital Programme as a "named scheme".

15.5 The estimates given above for the average annual budget required for each of the programmes are based on 3 factors. Firstly, we have established over many years the levels of spending required to maintain acceptable condition standards, and the needs of access and safety. Secondly, I am aware of the number of schemes currently in hand for design or construction. And finally, forecasts are being made by ourselves and others with regard to traffic levels, expansion of housing and other facilities, the effects of any reductions in Revenue spending, and climate change.

15.6 Setting a budget range for each programme, as well as the average annual funding, is essential for the efficient operation of the system. There are several reasons for this. Firstly, setting an average annual budget for each programme ensures that each category of works and each category of road user is allocated the funding needed to meet their assessed long term needs. Secondly, when prioritising projects within a programme for construction in a particular year, it is unlikely that the estimates for the selected schemes would total the exact amount of the average annual budget. Thirdly, it allows us to react at short notice to changes as they arise, such as delays to land acquisition, deterioration of a bridge, or proposals for joint works. And finally, minimum and maximum annual spending limits are set to ensure that none of the programmes are unduly favoured or disadvantaged in the short term. The critical requirements are: that the total budget for all of the programmes should not be exceeded; that the priority schemes under each programme are the ones which should be carried out; and that each category of works and road user receives the appropriate level of improvement in the long run.

16. Recommendations

16.1 I recommend that the Team approve the retention of the Roads and Transport Capital Rolling Programmes, with the adjustments suggested above (and summarised below), and with a total budget similar to the current level of £1.3M. I ask the Team to note that on completion of the review of the Action Plan in about January '08, I would expect to submit for approval lists of most of the schemes to be carried out under each of the programmes for the next 3 years or so.

16.2 The revisions to the current arrangements for these programmes which I now propose are as follows:

- Greater emphasis should be placed on schemes and programmes which sustain the assets.
- The addition of a programme for Roads Drainage Improvements.

- A significant increase in the annual budget for Streetlighting Replacements.
- Deletion of the programme for Plant Purchases. Remaining purchases to be funded from Minor Works, Roads.
- Addition of a programme for Crash Barrier Replacements.
- A more proactive approach to seeking contributions towards costs from developers, etc.
- Roads-related bus projects to be allocated to AIP.
- A reduction in the works done under the Minor Works, Roads programme.
- Annual approval for provisional lists of schemes within each programme to be sought from CPRT as well as from Infrastructure Committee.
- Larger schemes may be developed under one or more of the above programmes, but if the favoured option is estimated to cost more than 150k, the project should then be reported to CPRT for approval to be included in the Capital Programme as a named scheme.

16.3 If the Team is not minded to do this, I recommend that they advise on what new arrangements should take their place, such that there is no significant loss of effectiveness or efficiency.

Rank	Bridge	Location	Scale	Proposal	Schedule	Estimated	2007	2008	2009	2010
Complete	Troulligarth	Dale, Walls	Replacement	Replace with culvert.		55000	55000			
Complete	Sandwater burn	Stromfirth	Repair	New conc spandrels and deck		50000	50000			
Complete	Sandlodge	Sandwick	Replacement	New drainage pipe from road ditch to sea, approx 600mm dia		10000				
Complete	Quendale Mill	Quendale	Repair	Conc. underpinning etc		12500	12500			
Replacements										
1	Laxaburn	Semblister	Capital	Replace with 2 x2.0m dia pipes, full road reprofiling over approx 175m		165000				
3	N Burn of Gremista	Lerwick		as part of footway scheme		40000		40000		
2	Mires of Houbie	Fetlar	Replacement	Replace with 1x 2.0m dia pipe		55000		55000		
4	Effirth		Replacement	Replace existing r/c deck bridge with something to carry 7.25 m3/s 200 year flow		85000			85000	
5	Fogrigarth	West Burrafirth	Widening?	Widen or replace existing arch ?? Plus road realignment		65000			65000	
6	Girlsta Loch burn	Girlsta	Replacement	Replace existing r/c deck bridge with ??? Cast r/c slab over the top??		35000				35000
	Strand Loch Bridge	Tingwall	Replacement	Replace existing bridge with 3 culverts, new footway etc						100000
	Southdale	Fetlar	replace??	Replace with 2x 1.2m dia pipe?? No existing headwalls.....		45000				45000
	Bridge End	Burra	assessment							
Decks strengthening										
	Ness burn	Fetlar	slab???	Cast new r/c slab over existing?? Replacement culvert??		30000				30000
	Loch of Clumlie	Levenwick	slab???	Excavate and pour new r/c slab over existing stone slabs?		20000				20000
Repairs										
1	Loch of Strom		Repair	Armouring on all abutments		8000		8000		
2	Fladdabister, new A970	Fladabister	Repair	Armouring & geotextile / concrete fill at headwalls		5000		5000		
3	Brig 'o Fitch		Repair	Concrete lining of armco pipes		25000		25000		
4	Bigton	Bigton Red Burn	Repair	Armouring & geotextile		8000		8000		
5	Upper Kergord		Repair	Armouring & geotextile		5000			5000	
6	Grunnafirth	North Nesting	Repair	Concrete haunching of abutments in channel		7500			7500	
7	Fladdabister armcos		Repair	Concrete lining of armco pipes		25000				25000
	South Brigadale	East Burrafirth	???							
Verge Markers etc general										
				Replacement of bridge verge markers and reflectors average £400 per bridge		21000		10000	6000	6000
Pedestrian railings etc general										
				Parapet replacement programme approx £1500 per location		21000		10000	6000	6000
	Browland, Brig o Walls			Replace parapets with pedestrian railings						
	Barister, Walls			Replace parapets with pedestrian railings						
	Fogrigarth	West Burrafirth		Railings? Widening? Replacement?						
Pointing and minor conc repairs general										
				Maintenance programme pointing etc		40000		15000	12000	12000
	Fladabister		maintenance	Kerbing and verge markers					4000	
	Sandwick	Jackie Henderson's	maintenance	Kerbing and verge markers					4000	
	Herra, Yell		addition	Fish pass				1000		
	East Voe, Scalloway		addition	Fish pass				1000		
							£705,500	£117,500	£176,000	£186,500
									£279,000	

Road Reconstruction GCY9210

Totals £200,000 £140,000 £335,000

Appendix 3.2

£181k per year		08/09	09/10	Future
DESIGN READY	Bressay, Heogan Road Ph 1	£140,000		
DESIGN REQUIRED	Lerwick, Charlotte Street - Reconstruction Whalsay, Tip and Brough Houses - Widening & Resurfacing B9074 - Tingwall - Double width section extension near Burial Ground Whalsay - North Park to Brough Junction - Widening	£50,000	£35,000	£40,000 £60,000
INVESTIGATION	Whalsay - Road to Brough Kirk - Widening Dunrossness - A970 to Primary School - Widening & Verges Dunrossness - A970 Robins Brae to Clumlie Jcn - Resurface Sandwick - Cullister Road - Verge and Ditch Replacement Tingwall - South Setter - Visibility Improvement and Widening on Bend Tingwall - Visibility/Widening South end Asta Loch Dunrossness - A970 between North & South Levenwick Jcns - Resurface	£10,000	£75,000 £30,000	£50,000 £35,000 £75,000 £75,000

Drainage GCY9211

Totals £15,000 £50,000 £215,000

Appendix 3.3

£38k per year		08/09	09/10	Future	
DESIGN REQUIRED	B9074, Eastvoe - Sea Chest Access (kerbing)			£5,000	
	Lerwick, West Sletts Park Drainage improvement			£80,000	
	Quendale, Hillwell Drainage Scheme	£10,000			
	Quendale - Brakes Drainage Scheme			£120,000	
INVESTIGATION	Walls, Lochside Drainage Scheme				Major Scheme
	Yell - Greenbank Terrace, Cullivoe - drainage			£10,000	
	Dunrossness - Surface Water Drainage - Ireland	£5,000			
	Vidlin - Vidlin Ayre drainage problem		£50,000		

Lighting replacement programme - Proposed works for GRY6675 Revenue

Appendix 3.4

Rank	Scheme	Location	Lighting Type	Proposal	Estimated	Code	2008/9	2009/10	2010/11	2011/12	2012/13
	Mulla	Voe	Illuminated signs	Spot replacement of selected columns	£2,338.43	GRY	2338.43				
	Moorfield	Brae	Illuminated signs	Spot replacement of selected columns	£4,360.70	GRY	4360.70				
	High Street	Lerwick	Illuminated signs	Spot replacement of selected columns	£1,235.57	GRY	1235.57				
	St Magnus Street	Lerwick	Illuminated signs	Spot replacement of selected columns	£1,235.57	GRY	1235.57				
	Gremista Road	Lerwick	Illuminated signs	Spot replacement of selected columns	£1,257.82	GRY	1257.82				
	St Olaf Street	Lerwick	Street light & Illuminated sign Columns	Spot replacement of individual columns	£1,657.65	GRY	1657.65				
	Cameron Way	Sandwick	Street light	Spot replacement of selected columns	£2,644.29	GRY		2644.29			
	Lingaro	Bixter	Street light	Spot replacement of selected columns	£2,780.08	GRY	2780.08				
	Mossbank House	Mossbank	Street light	Spot replacement of selected columns	£1,439.50	GRY	1439.50				
	A971, main road	Walls	Street light	Spot replacement of selected columns	£1,593.26	GRY	1593.26				
	Kantersted Road	Lerwick	Street light	Spot replacement of selected columns	£1,520.00	GRY	1520.00				
	Gressy Loan	Lerwick	Street light	Spot replacement of selected columns	£2,584.37	GRY	2584.37				
	Port Arthur	Scalloway	Street light	Spot replacement of selected columns	£2,435.38	GRY	2435.38				
	Sandveien	Lerwick	Street light	Spot replacement of selected columns	£1,520.00	GRY	1520.00				
	Braefield	Lerwick	Street light	Spot replacement of selected columns	£1,382.16	GRY	1382.16				
	B9076	Brae	Street light	Spot replacement of selected columns	£2,191.77	GRY	2191.77				
	Mail	Bressay	Street light	Spot replacement of selected columns	£1,523.79	GRY	1523.79				
	Hamilton Park	Bressay	Street light	Spot replacement of selected columns	£1,523.79	GRY	1523.79				
	Glebe Park	Bressay	Street light	Spot replacement of selected columns	£1,564.03	GRY	1564.03				
	Foula Burn	Bressay	Street light	Spot replacement of selected columns	£2,784.59	GRY	2784.59				
	Toab	Dunrossness	Street light	Spot replacement of selected columns	£2,478.03	GRY	2478.03				
	Brakefield Crescent	Unst	Street light	Spot replacement of selected columns	£1,716.46	GRY	1716.46				
	Sandy Loch Drive	Lerwick	Street light	Spot replacement of selected columns	£1,365.10	GRY	1365.10				
	North Park	Whalsay	Street light	Spot replacement of selected columns	£1,480.94	GRY	1480.94				
	Mid Gard	North Roe	Street light	Spot replacement of selected columns	£1,331.01	GRY	1331.01				
	North Lochside	Lerwick	Street light	Spot replacement of selected columns	£5,881.91	GRY	2800.00	3081.91			
	Nederdale	Lerwick	Street light	Spot replacement of selected columns	£6,146.16	GRY		6146.16			
	West Sletts Park	Lerwick	Street light	Spot replacement of selected columns	£2,985.01	GRY		2985.01			
	Kirk Park	Scalloway	Street light	Spot replacement of selected columns	£1,520.00	GRY	£1,520.00				
Totals							£49,620	£14,857	£0	£0	£0

Lighting replacement programme - Proposed works for XXY Capital

Appendix 3.4

Rank	Scheme	Location	Lighting Type	Proposal	Estimated	Code	2008/9	2009/10	2010/11	2011/12	2012/13
	Knab Road	Lerwick	Illuminated signs	Spot replacement of selected columns	£4,940.44	XXY	4940.44				
	Main Street, Houll Road & Berry Road	Scalloway	Illuminated signs	Spot replacement of selected columns	£9,985.49	XXY	9985.49				
	Briewick Road	Lerwick	Street light & Illuminated sign Columns	Spot replacement of selected columns	£4,777.07	XXY	4777.07				
	Burnside, Soldian Court & Voderview	Lerwick	Street light & Illuminated sign Columns	Spot replacement of selected columns	£9,192.89	XXY	9192.89				
	Hamnavoe	Burra	Street light & Illuminated sign Columns	Spot replacement of selected columns	£9,858.50	XXY	9858.50				
	Knab Road	Lerwick	Street light	Spot replacement of selected columns	£3,671.09	XXY	3671.09				
	Dalsetter Wynd	Dunrossness	Street light	Spot replacement of selected columns	£4,866.28	XXY	4866.28				
	Gutter Street	Unst	Street light	Spot replacement of selected columns	£4,133.85	XXY	4133.85				
	Ronald Street	Lerwick	Street lighting	Scheme Renewal	£16,500.00	XXY	16500.00				
	Kantersted Road	Lerwick	Street lighting	Scheme Renewal	£21,000.00	XXY	21000.00				
	Maidenfield	Mossbank	Street lighting	Scheme Renewal	£42,000.00	XXY		42000.00			
	Isles Road	Voe	Street lighting	Scheme Renewal	£45,000.00	XXY	22000.00		23000.00		
	Wester Loch Brae	Lerwick	Street lighting	Scheme Renewal	£30,000.00	XXY			30000.00		
	Gallowburn	Brae	Street lighting	Scheme Renewal	£18,000.00	XXY		18000.00			
	Mulla	Voe	Street lighting	Scheme Renewal	£15,000.00	XXY		15000.00			
	Clach-Na-Strom	Weisdale	Street lighting	Scheme Renewal	£33,000.00	XXY		33000.00			
	Gardentown	Whalsay	Street lighting	Scheme Renewal	£34,000.00	XXY			34000.00		
	Beach Road	Unst	Street lighting	Scheme Renewal	£6,000.00	XXY		6000.00			
	A970/B9076	Brae	Street lighting	Scheme Renewal	£160,000.00	XXY		53300.00	53300.00	53400.00	
	Rudda Court	Lerwick	Street lighting	Scheme Renewal	£6,000.00	XXY				6000.00	
	Gressy Loan	Lerwick	Street lighting	Scheme Renewal	£10,000.00	XXY				10000.00	
	Castle Road	Scalloway	Street lighting	Scheme Renewal	£21,000.00	XXY				21000.00	
	A970	Cunningsburgh	Street lighting	Scheme Renewal	£175,000.00	XXY					60000.00
	Chromate Lane	Lerwick	Street lighting	Scheme Renewal	£10,000.00	XXY				10000.00	
	Breiwick Road	Lerwick	Street lighting	Scheme Renewal	£18,000.00	XXY				18000.00	
	Runnadale	Ollaberry	Street lighting	New Installation	£15,000.00	XXY					15000.00
Totals							£110,926	£167,300	£140,300	£118,400	£75,000

Crash Barrier Replacement Programme - Provisional Works for 2007 - 2010

Appendix 3.5

Road	Location	Proposal	Estimated	2007-08	2008-09	2009-10	2010-11
A 970	Mavis Grind (North)	Replace untensioned timber post barrier in poor condition with new tensioned	40,500	40,500			
A 970	Mavis Grind (South)	Replace untensioned timber post barrier in poor condition with new tensioned	22,500	22,500			
A 970	Burravoe Brig, Brae	Barrier too short, new tensioned and untensioned sections of barrier	9,000	9,000			
A 970	Veensgarth Junction	Replace and extend barriers at sheep underpass	10,000	10,000			

Year 1 - Lerwick to Brindister

A 970	Brig o' Fitch	Replace untensioned barrier with open box beam to comply with design manual	15,500		15,500		
A 970	Sandy Loch	Replace untensioned timber post barrier in poor condition with new tensioned	58,500		58,500		
A 970	Hollanders Knowe	Replace untensioned barrier with new tensioned to comply with design manual	22,000		22,000		
A 970	South Gulberwick	Replace untensioned timber post barrier in poor condition with new tensioned	48,500		48,500		
A 970	Brindister Loch	Replace untensioned timber post barrier in poor condition with new tensioned	9,000		9,000		
A 970	Brindister South	Replace untensioned timber post barrier in poor condition with new tensioned	33,000		33,000		

Year 2 - Brindister to Sumburgh

A 970	Quarff	Replace untensioned barrier with new tensioned to comply with design manual	22,000			22,000	
A 970	Mail Brig, Cunningsburgh	Replace and extend barriers at large culvert	13,000			13,000	
A 970	North Sandwick	Replace and extend barriers at large culvert	4,000			4,000	
A 970	Burn of Hoswick	Replace and extend barriers at large culvert	4,000			4,000	
A 970	Breitoe	Replace barrier at sheep underpass to comply with design manual	4,000			4,000	
A 970	Brune Bend, Channerwick	Replace untensioned barrier in poor condition with open box beam	22,000			22,000	
A 970	Brune to Teevliks	Replace untensioned timber post barrier in poor condition with new tensioned	15,500			15,500	
A 970	Teevliks Bend	Replace untensioned barrier in poor condition with open box beam	30,000			30,000	
A 970	Teevliks to Levenwick	Replace untensioned timber post barrier in poor condition with new tensioned	32,000			32,000	
A 970	North Levenwick Junction	Replace untensioned barrier to comply with design manual	4,500			4,500	
A 970	South Levenwick Junction	Replace untensioned barrier to comply with design manual	9,000			9,000	
A 970	Robins Brae	Replace untensioned barrier with new tensioned to comply with design manual	21,000			21,000	
A 970	Ward Hill	Replace untensioned timber post barrier with new tensioned	4,500			4,500	

Year 3 - Kergord Junction to Parkhall

A 971	Wormadale	Replace untensioned barrier with new tensioned to comply with design manual	28,000				28,000
A 971	Stebbigrind	Replace untensioned barrier with new tensioned to comply with design manual	26,500				26,500
A 971	Whiteness Shop	Replace untensioned barrier with new tensioned to comply with design manual	8,500				8,500
A 971	Strom Bridge	Replace barriers either side of bridge to comply with design manual	10,000				10,000
A 971	Head of Weisdale Voe	Replace barriers at large culvert to comply with design manual	30,000				30,000
A 971	Tresta (East)	Replace untensioned barrier with new tensioned to comply with design manual	31,000				31,000
A 971	Tresta (West)	Replace untensioned timber post barrier in poor condition with new tensioned	36,000				36,000

£542,000 £82,000 £186,500 £185,500 £170,000

Accident Investigation & Prevention GCY9207

£15,000 £38,000 £140,000

Appendix 3.6

£38k per year		08/09	09/10	Future
INVESTIGATION	A970 - Brig o' Fitch - Right Turn Lane to Scalloway (poss major scheme)			£140,000
	Burra - Meal Junction - Visibility Improvements			
	Trondra - B9074 Cauldhame Junction - Right Turn/Overtaking Problems			
	Laxo - S -bend at change from double to single track		£38,000	
	Laxo - Floddens Passing Place Extension (Blind Spot)	£15,000		

Footways GCY9203

Totals £70,000 £123,000 £80,000

Appendix 3.7

	£73k per year	08/09	09/10	Future	
DESIGN READY	Delting, Brae - Burravoe Footway & Junction	£50,000			Major Scheme Major Scheme
	Lerwick, Charlotte Street - Re- Flagging		£23,000		
	Tingwall, Strand Footway (design)				
	Yell - Burravoe Footways Scheme				
	Lerwick, Lanes Railings Replacement		£15,000		
	Lerwick Drop Kerbs, Pavement Gritter & Disabled Access	£5,000			
	Trondra - B9074 - Hard Verge from Cauldhame Junction to New section	£15,000			
DESIGN REQUIRED	Delting - Footpath & Lighting, Leaside, Firth			£50,000	Major Scheme
	Delting - Footpath & Lighting, Mossbank Hall to Post Office				
	Gremista Footpath - Bod to College				
	Bressay, Glebe to School Footways		£45,000		
	Bressay, Church to Voeseide Footways		£15,000		
	B9074 - Eastvoe - Sundibanks Footway				
	Dunrosness, Turniebrae Remote Footway Phase 2		£25,000		
	Burra - Hard Shoulder from Boyne Cattle Grid to Bridge End War Memorial				
INVESTIGATION	Delting - Footpath / Cycle Path - Sparl Brae				
	Dunrossness - A970 - West Voe to Grutness - Hard Verge for pedestrians				
	Gulberwick - Hard/Gravel Verge on Landward Side of Loop Road				
	Whalsay, Gardentown				
	Hoswick, South End Drainage Scheme			£30,000	

Minor Works GCY9200

Totals £35,000 £35,000 £176,000

Appendix 3.9

£38k per year		08/09	09/10	Future
DESIGN READY	Sandness Minor Improvements (poss Major Scheme)	£15,000		
	B9074 -Trondra Verges, New section to Cauldhame Junction	£10,000		
DESIGN REQUIRED	Hoswick Turning Head			£15,000
	Unst, Burrafirth (Shore Station) Passing Places			£20,000
	Unst, Skaw Road			£75,000
	Vanlop Junction Improvements			£40,000
	Whalsay - Harlsdale House - Passing Place			£8,000
	Whalsay - Pegristane - Extend Passing Place on North End			£8,000
	Tingwall - Griesta Corner Improvement		£15,000	
	Tingwall - Asta - Passing Place near Sheep crus	£10,000		
	South Whiteness - Breck - Road Widening (30m)			£10,000
	Nesting - Widen Catfirth road from A970 to first PP (queuing traffic on A970)		£20,000	
INVESTIGATION	Whalsay - Harlsdale Junction Blind Summit - Passing Place			
	Whalsay - Shalimar to Heatherlea, Visibility Improvement			
	Whalsay - Clate - Widening and Resurfacing			
	Whalsay - Red Grind - Blind Summit - Extend Passing Place			
	Whalsay - Hillhead to sheep cru Whitefield - Widening			
	Whalsay - Extend double width to Huxter Junction (East Side)			
	Whalsay - Leaburn - Verges and Widening			
	Whalsay - Verges Hillhead to Clate			
	Whalsay - Symbister to Sandwick - repair dykes and Widening			
	Delting - Lower Voe - Kirkhouse - Visibility Improvement			
	Delting - Heights, Muckle Roe - Widening & Visibility Improvement			
	Strandhoull - Wheelafirth Brae - Visibility and Verges			
	Braewick - Tingwall - Blind Summit			
	Stromfirth Road - Passing Places			
	Burra - Speeds Corner (just South of Meal Junction) Visibility/Verge/Widening			

Appendix 3.9 contd

	Minor Works GCY9200	Totals	£0	£0	£0
	£38k per year	08/09	09/10	Future	
INVESTIGATION	Laxo - Vidlin - Passing Place Extensions				
	Nesting - Quoys, Bend widening				
	Nesting - Shop area improvements				
	Nesting - Air Station, formalise Passing Place				
	Nesting - Freester, Lengthen PP				
	Nesting - Blind Crest at Vassa				
	Nesting - Gletness, two blind bends require PP				
	Nesting - Scuddleswick, Blind crest and narrow road				
	Nesting - Brettabister, PP Improvement near War Memorial				
	Gruting, Hestafor, Browland and Selivoe - Passing Place Improvements				
	West Burrafirth - Blind Summit, to West of Brindister Junction				
	Sandwick - Brooniastaing Road - Passing Places				

1.

Bus GCY9209

Totals £145,000 £0 £80,000

Appendix 3.10

£38k per year		08/09	09/10	Future
DESIGN READY	A971 - Bixter Bus Interchange	£145,000		
	Staneyponds Bus Shelter and Lay-by improvement Dunrossness - Grutness - Bend improvement for coaches to Lighthouse Quarff - A970 - Wester Quarff South Junction - Bus Lay-by			£20,000 £30,000 £15,000
INVESTIGATION	A970 - Stromfirth Junction - Bus Lay-by			£15,000

GCY9206 TRAFFIC MANAGEMENT Provisional List of Schemes

Rank	Scheme	Estimate £'000s	Construction Programme				Notes
			2008/09	2009/10	2010/11	Future Years	
1	Traffic Regualtion Orders - various locations	20	20	20	20	20	Annual commitment
2	North Road Housing Schemes 20mph Zone	10	10				Ready for implementation
3	Hillhead Area Parking, Pedestrian & Environmental Improvements	80	75	5			Railings on Upper Hillhead are dangerous
4	Gulberwick South Junction Improvements	90	80	10			Not enough width for buses and cars to meet
5	A970 Brae, Camp Road Junction Improvement	76		72	4		Sub-standard junction delaying development
6	Castle Street, Scalloway Parking	35		35			
7	Central Lerwick Housing Schemes 20mph Zone	15		15			Area between Gilbertson Rd and Lochside
8	A970 Brig of Fitch Junction Improvement	?				?	Investigation only at this time
9	A970 Black Gaet, Gulberwick Junction Improvement	?				?	Investigation only at this time
10	Harrison Square / Irvine Place Re-design	40			40		+ reflagging costs
11	Burns Walk Parking & Access Re-design	40			40		Deter illegal access issues and improve parking
12	A970 Sound Brae Cycleway	40				40	
13	King Harald Street / Burgh Road Junction Area Improvement	120				120	Improve difficult junction area
14	North Gremista Junction Improvement	650				650	Roads contribution to development requirement
15	Scalloway School Traffic Management Scheme	15		15			Possible funding from Education?
16	Rovahead / Greenhead Junction Improvement	50				50	
17	Lower Fort Charlotte Electronic Parking Information Signs	20				20	Reduce unnecesary traffic below Fort Charlotte
18	Knab Road / Breiwick Road Junction Re-design	15				15	Improvement linked to New AHS project
			185	172	104		



REPORT

To: Infrastructure Committee

4 March 2008

**From: Network Manager
Roads
Infrastructure Services Department**

SIC (GLEBE PARK, BRESSAY) (PARKING PLACE FOR DISABLED PERSON'S VEHICLE) ORDER 2008

1. Introduction

- 1.1 This report considers the background to the above proposed order (see Appendix 1). It describes the consultation process and includes letters of objection from members of the public. A recommendation is given that the traffic order is made so that a disabled space can be provided in Glebe Park, Bressay.

2. Links to Council Priorities

- 2.1 Key Aims of the Council's Local Transport Strategy include:

- Reduction of social exclusion,
- Improved safety for all road users, and
- Promotion of better health and fitness.

- 2.2 Objectives include:

- Improve facilities for disabled access.
- make improvements to the road network in order to support gains in safety, environmental, accessibility, integration or economic terms.

- 2.3 This report links to the following priorities of the Council's Corporate Plan:

- Internal Transport, with continued improvements to roads included within this,
- Social Justice, helping to reduce inequalities and injustice, and
- Community Safety, working with partners to address and respond to safety issues concerning communities.

3. Background

- 3.1 The resident of No 4, Glebe Park, Bressay, contacted the Roads Service in September 2007 regarding access problems within the Glebe Park cul-de-sac. The applicant is a disabled badge holder and the complaint is that it is often impossible to access/exit the cul-de-sac due to inconsiderate parking along its length. Due to the applicant's disability there are times when the applicant is unable to walk from the "main part" of Glebe Park to the house at the end of the cul-de-sac and at these times they requires vehicular access. The applicant has contacted the Police but the response was that they are unable to act on this obstruction unless it is made clear to any "offender" that there is an access and it must be kept clear.
- 3.2 A "Disabled Access. Keep Clear" sign was suggested as a possible solution. The applicant also decided to apply for an "on-street" disabled space outside the front gate. Since the applicant meets the necessary criteria of having a disabled badge, a car "based" at her property and no "off-street" parking space or garage the process of promoting and making this space was begun.

4. Consultation

- 4.1 The consultation process, for the initial version of the order, began on 15 October 2007 with a letter sent to the following parties/organisations:
- the emergency services;
 - road haulage associations;
 - local Council Member;
 - Lerwick Community Council.

There were no responses to this letter.

- 4.2 The notice of proposal for the order was also advertised in the Shetland Times, on 19 October 2007, to give the general public an opportunity to comment or object. This resulted in three letters of objection from residents of Glebe Park. Copies of these letters with my replies are enclosed in Appendix 2.

5. Conclusions

- 5.1 The grounds on which the residents made their objections are listed below:
- (a) the proposed disabled space would reserve an area on the public road that would be used for car maintenance;
 - (b) the disabled space would result in more cars being parked at the end of the cul-de-sac and an increased likelihood that the access to the front gate of the adjacent property would be obstructed;
 - (c) the disabled space would reduce the availability of parking in Glebe Park;

- (d) the applicant does not own the house and may move from Bressay in the near future;
- (e) the level of the applicant's disability is not sufficient to warrant the provision of a disabled space.

5.2 The Roads Service response to these points are listed in turn below:

- (a) Section 3 of the proposed Order states that "the parking place shall be used exclusively for the causing to remain at rest or the leaving of any vehicle which is being driven by a disabled person or used for the transportation of a disabled person and which displays in the relevant position a disabled persons badge." In other words the use of this space for car maintenance would be prohibited and a punishable traffic offence. Therefore, the Order will at least prevent one of the cul-de-sac's parking spaces from being used for car maintenance.
- (b) There is currently no legislation, in Scotland, that prevents the repairing of cars on the public road. It is, however, an offence to obstruct a gate or access. When this happens the Police or Council should be contacted and they will seek to have the offending vehicle removed.
- (c) The applicant already parks the car in Glebe Park so the disabled space will not reduce the availability of parking in the estate. The only effect it will have is to ensure that the applicant is not inconvenienced by having to park too far away from the house.
- (d) Were the order to be made and the applicant to move house at a later date the Order would be revoked. This process would take approximately two months assuming there were no objections to the revocation.
- (e) I feel that the Roads Service cannot disagree with the opinion of the applicant's Doctor, if he/she is a disabled badge holder then they become eligible for a disabled space. I would also caution the Committee to restrict any discussion to road traffic issues and not stray into discussing the applicant's needs.

In summary, there are no technical reasons for refusing to provide this space.

6. Financial Implications

- 6.1 The provision of the disabled space markings and sign plate would cost approximately £125, from the Traffic Management Rolling Programme.

7. Policy and Delegated Authority

- 7.1 The Executive Director of Infrastructure Services has delegated authority to promote Traffic Orders and traffic calming measures. The Executive Director also has delegated authority to make Orders and install traffic calming where no objections have been received to the proposals at public consultation stage (R&T Min Ref 04/98). However, in this instance there are objections to the proposals so the decision has to be referred to the Infrastructure Committee , in accordance with its remit, as described in Section 12 of the Council's Scheme of Delegations.

8. Recommendation

- 8.1 I recommend that the Infrastructure Committee approve the making of the amended order so that a legally enforceable disabled space can be provided in Glebe Park.

RD-07-08-F

SHETLAND ISLANDS COUNCIL

**(Glebe Park, Bressay)
(Parking Place for Disabled Person's Vehicle)
Order 2008**

SHETLAND ISLANDS COUNCIL, in exercise of the powers conferred upon them by Sections 1, 2, 32 and 35 of the Road Traffic Regulation Act 1984, as amended, and all other enabling powers, hereby make the following Order: -

- 1 This Order may be cited as the "Shetland Islands Council (Glebe Park, Bressay) (Parking Place for Disabled Person's Vehicle) Order 2008", and shall come into operation on 2008.
- 2 The provisions of this Order shall apply to the parking place that is described in the Schedule and shown outlined in black and coloured red on the Plan, both annexed and subscribed as relative hereto.
- 3 Subject to the following provisions of this Order, the parking place referred to in Article 2 above shall be used exclusively for the causing to remain at rest or the leaving of any vehicle which is being driven by a disabled person or used for the transportation of a disabled person and which displays in the relevant position a disabled person's badge.
- 4 Nothing in Article 3 of this Order shall apply so as to prevent the causing to remain at rest or the leaving of any vehicle used for Fire Brigade purposes or any Ambulance or any vehicle in the service of the Police Force or of Shetland Islands Council, which is in any case being used in the pursuance of exercise of statutory powers or duties.
- 5 The limits of the parking place shall be indicated on the road in such manner as the Council may determine by means of lines, markings or other indications.

6 Save as hereinafter provided, the restriction imposed by this Order shall be indicated to and not in derogation of any restrictions or requirements imposed by any regulations made or having effect as if made under the Road Traffic Regulation Act 1984 or by or under any other enactment.

Made and enacted, at Lerwick by Shetland Islands Council on the.....day of Two Thousand and Eight.

.....
Executive Director of Infrastructure Services

Schedule

- 1 The parking place in the cul-de-sac at Glebe Park, Bressay at the frontage of Number 4, shown outlined in black and coloured in red on the plan annexed and signed as relative to the “Shetland Islands Council (Glebe Park, Bressay) (Parking Place for Disabled Person’s Vehicle) Order 2008” of which this schedule forms part.

Lerwick,2008

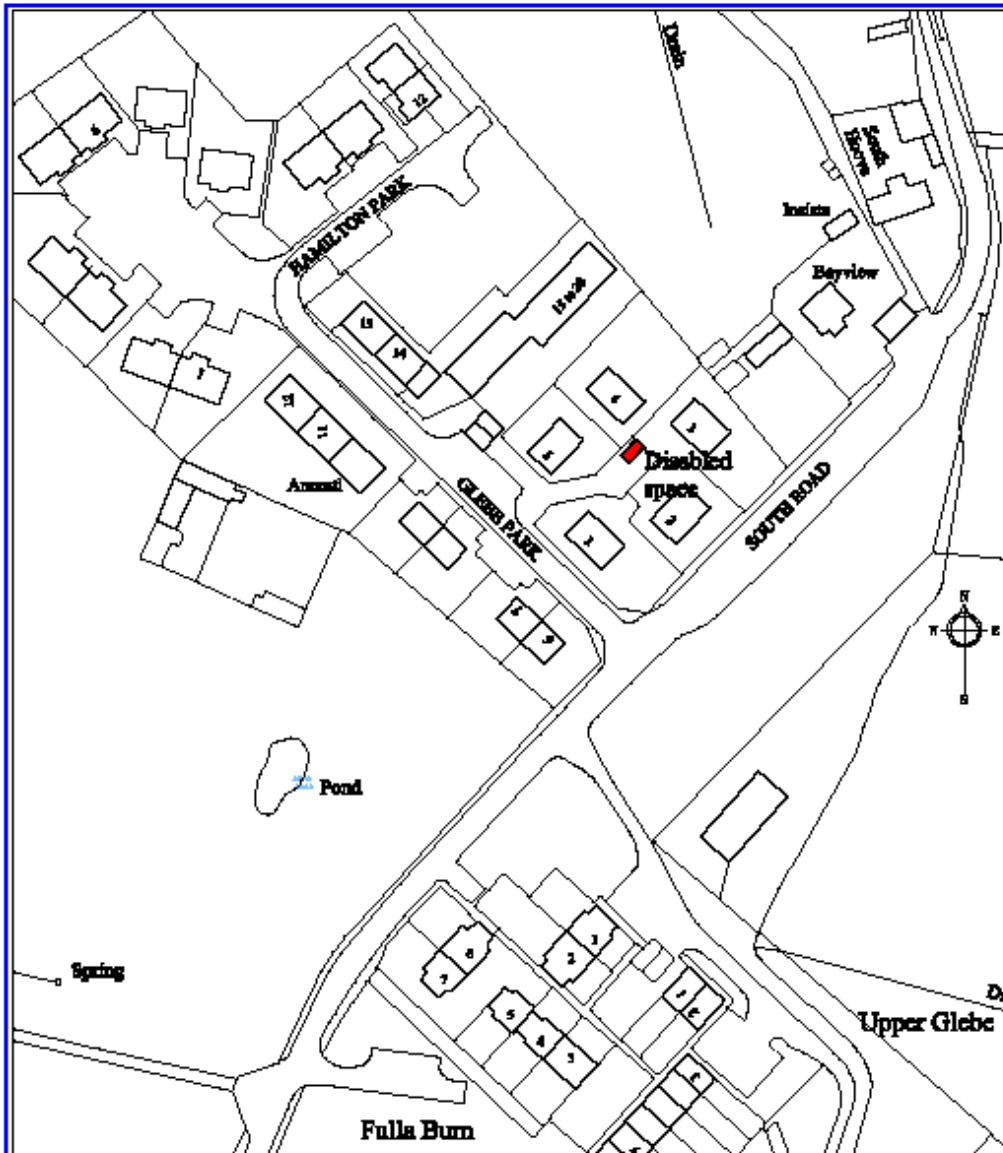
This is the Schedule referred to in the foregoing “Shetland Islands Council (Glebe Park, Bressay) (Parking Place for Disabled Person’s Vehicle) Order 2007”

.....

Executive Director of Infrastructure Services

STATEMENT OF REASONS

- 1 The Order is required for the purposes of providing a parking place for the vehicle of a disabled person resident at Glebe Park, Bressay.



This is the plan referred to in the foregoing "Shetland Islands Council (Glebe Park, Bressay) (Parking Place for Disabled Person's Vehicle) Order 2008"

Executive Director
of Infrastructure Services

Shetland Islands Council

Roads Service
Department of Infrastructure Services
Gronniata, Lerwick, Shetland

Tel: 01595 744886 Fax: 01595 744889



Date: 16 Oct 2007	Drawn: N.E.H.	Checked:	Scale: 1:1,250
Orig No:	P20/2007		Rev:

Head of Service: Ian Halcrow
Executive Director: Graham Spall

Mr William J and Mrs Marina M.N. Clark
"Hauraki"
2 Glebe Park
Bressay
Shetland
ZE2 9ER

Roads
Infrastructure Services Department
Gremista
Lerwick
Shetland
ZE1 0PX

Telephone: 01595 744866
Fax: 01595 744869
Roads@shetland.gov.uk
www.shetland.gov.uk

If calling please ask for
Neil Hutcheson
Direct Dial: 01595 744882

Our Ref: NH/NS/R/E3/29
Your Ref:

Date: 13 February 2008

Dear Mr and Mrs Clark

SIC (Glebe Park, Bressay) (Parking Place for Disabled Person's Vehicle) Order 2008

Thank you for your letter of 25 October 2007 regarding the above matter.

Section 3 of the proposed Order states that "the parking place shall be used exclusively for the causing to remain at rest or the leaving of any vehicle which is being driven by a disabled person or used for the transportation of a disabled person and which displays in the relevant position a disabled persons badge." In other words the use of this space for car maintenance would be prohibited and a punishable traffic offence. Therefore, the Order will at least prevent one of the cul-de-sac's parking spaces from being used for the car maintenance.

The applicant has her own car and a disabled badge, issued by her doctor, so is eligible for a disabled parking place. Logically the intention is to locate it at the end of the cul-de-sac at the front gate to her house. Since the applicant already parks her car in Glebe Park the proposed space will not reduce the availability of parking in the estate. It just ensures that she is not inconvenienced by having to park too far away from her house.

Were the Order to be made and the applicant to move house at a later date the Order would be revoked. The necessary procedures would take a little over two months assuming that there were no objections to the revocation.

I hope that the above comments have addressed your concerns. Should you wish to withdraw your objection please contact Neil Hutcheson at the above address before 25 February 2008. I will assume that you with your objection to stand if I receive no reply prior to this date. Your letter would then be included in the report to the Infrastructure Committee, where the matter will be decided, on 4 March 2008.

Yours sincerely

Head of Roads

Objection letter from Mr & Mrs Clark

Head of Service: Ian Halcrow
Executive Director: Graham Spall

Roads
Infrastructure Services Department
Gremista
Lerwick
Shetland
ZE1 0PX

R Henderson
3 Glebe Park
Bressay
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Telephone: 01595 744866
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Roads@shetland.gov.uk
www.shetland.gov.uk

If calling please ask for
Neil Hutcheson
Direct Dial: 01595 744882

Our Ref: NH/NS/R/E3/29
Your Ref:

Date: 14 February 2008

Dear R Henderson

**SIC (Glebe Park, Bressay) (Parking Place for Disabled Person's Vehicle)
Order 2008**

Thank you for your letter of 25 October 2007 regarding the above proposed Order.

The applicant has a disabled badge, issued by her doctor, and her own car so is eligible for a disabled parking place. Logically the intention is to locate it at the end of the cul-de-sac at the front gate to her house. Since the applicant already parks her car in Glebe Park the proposed space will not reduce the availability of parking in the estate. It just ensures that she is not inconvenienced by having to park too far away from her house.

Section 3 of the proposed Order states that "the parking place shall be used exclusively for the causing to remain at rest or the leaving of any vehicle which is being driven by a disabled person or used for the transportation of a disabled person and which displays in the relevant position a disabled persons badge." In other words the use of this space for car maintenance would be prohibited and a punishable traffic offence. Therefore, the Order will at least prevent one of the cul-de-sac's parking spaces from being used for car maintenance.

I hope that the above comments have addressed your concerns. Should you wish to withdraw your objections please contact Neil Hutcheson at the above address before 25 February 2008. I will assume that you wish your objection to stand if I receive no reply prior to this date. Your letter would then be included in the report to the Infrastructure Committee meeting, where the matter will be decided, on 4 March 2008.

Yours sincerely

Head of Roads
[02120801.doc]

Head of Service: Ian Halcrow
Executive Director: Graham Spall

Mrs Betty Jacobson
5 Glebe Park
Bressay
Shetland
ZE2 9ER

Roads
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If calling please ask for
Neil Hutcheson
Direct Dial: 01595 744882

Our Ref: NH/NS/R/E3/29
Your Ref:

Date: 12 February 2008

Dear Mrs Jacobson

**SIC (Glebe Park, Bressay) (Parking Place for Disabled Person's Vehicle)
Order 2008**

Thank you for your letter of 22 October 2007 regarding the above proposed order.

Section 3 of the Order states that "the parking place shall be used exclusively for the causing to remain at rest or the leaving of any vehicle which is being driven by a disabled person or used for the transportation of disabled person and which displays in the relevant position a disabled persons badge." In other words the use of this space for car maintenance would be prohibited and a punishable traffic offence. Therefore, the disabled space will not have the effect of "reserving" a works area for your neighbour. Neither, of course, will it prevent the adjacent space from being used for this purpose.

I am not aware of any legislation that would prevent your neighbour from repairing cars on the public road providing that the vehicles are taxed and are not causing an obstruction. However, it is an offence for cars to block your gate and in that situation the Council or Police should be contacted and they will seek the removal of the offending vehicle.

I hope that the above comments have addressed your concerns. Should you wish to withdraw your objection please contact Neil Hutcheson at the above address before 25 February 2008. I will assume that you wish your objection to stand if I receive no reply prior to this date. Your letter would then be included in the report to the Infrastructure Committee meeting, where the matter will be decided, on 4 March 2008.

Yours sincerely

Head of Roads
[HL02110803.doc]



REPORT

To:	Infrastructure Committee	4 March 2008
	Services Committee	6 March 2008
	Executive Committee	11 March 2008

**From: Head of Finance
Executive Services Department**

Report No: F-010-F

**HOUSING REVENUE ACCOUNT/HARBOUR ACCOUNT/RESERVE FUND
REVENUE MANAGEMENT ACCOUNTS 2007/08
FOR THE PERIOD 1 APRIL 2007 TO 31 DECEMBER 2007**

1. Introduction

- 1.1 The purpose of this report is to advise Members of the financial position on the Council's Housing Revenue Account, Harbour Account and Reserve Fund for the first 9 months of 2007/08.

2. Links to Corporate Priorities

- 2.1 This report links to the Council's corporate priorities, defined in its Corporate Plan, specifically in relation to reviewing financial performance relative to the Council's financial policies.

3. Background

- 3.1 The revenue management accounts for funds other than the General Fund are presented to Executive Management Team (EMT) on a quarterly basis to enable EMT to monitor the Council's overall financial position.
- 3.2 This is the second monitoring report to Members for 2007/08 and covers the period 1 April 2007 to 31 December 2007. Only controllable items of expenditure are included, on the basis that recharges for central services and financing costs are not controllable in terms of spending decisions. Thus expenditure items include employee costs, property costs, transport, grants and other running costs, and income comprises of fees and charges, grants and rents.

3.3 For information, all appendices shows the Annual Budget, Year to Date Budget, Actual and Variance. It is the Year to Date variances, which are referred to within this report, the Year to Date figures include income and expenditure from 1 April 2007 to 31 December 2007. An estimation of when spending will occur or income is to be received is made on each budget and a spend profile is set which determines the Year to Date Budget, i.e. for salaries an equal charge each month is expected so the budget will show in this report 9/12ths of the Annual budget in the Year to Date budget, for other items this is not so straightforward and these will either be based on past spending patterns or on a 1/12th basis across the year. The Year to Date Variance shows how actual activity has varied from the planned budget. Appendices 1, 3 and 5 show expenditure and income by service area and by type. Appendices 2, 4 and 6 shows the same data by cost centre activity.

4. Housing Revenue Account Financial Position at 31 December 2007 (SERVICES COMMITTEE)

- 4.1 The Housing Revenue Account (HRA) revenue for the first 9 months is over budget by £0.456m (see Appendix 1). Attached, as Appendix 2 is a more detailed cost centre listing of spend to date for information. There are two main areas where variances are occurring.
- 4.2 There is a profiling error of £0.557m on rents due to the timing of the rents fortnights not matching the management accounts period end. This will even out over the year.
- 4.3 Property costs is underspent by £0.192m, this is mainly due underspends on maintenance budgets £0.117m due to the timing difference between the budget profile, the completion of works and the charging by the Housing DLO to the HRA. The other main variance is an underspend on void rents (£0.111m).
- 4.4 The outturn on the HRA is expected to be within budget.

5. Harbour Account Financial Position at 31 December 2007 (COUNCIL)

- 5.1 The Harbour Account (P&H) revenue for the first 9 months is under budget by £0.670m for the six months (see Appendix 3). Attached, as Appendix 4 is a more detailed cost centre listing of spend to date for information. There are two main areas where variances are occurring.
- 5.2 The most significant adverse variance is on towage dues at Sullom Voe of £0.431m, which have not been realised. However, spend on boarding and landing hired services (helicopter services) is down by £0.137k. Income at Blackness for pier activities is up £0.247m and there has been underspending across all the small piers to date by

£0.142m. Overspending for the jetties and spur booms of £0.115m is due as a result of expenditure being incurred at a faster than budgeted rate under the maintenance contract. This contract is wholly funded by BP and will have no impact at the year-end.

- 5.3 It is difficult to predict the outturn on the Harbour Account at this stage, as the oil throughput is outwith the control of the Council. However, the latest prediction is that the outturn on the Harbour Account will be within the budget.

6. Reserve Fund Financial position at 31 December 2007 (INFRASTRUCTURE & EXECUTIVE COMMITTEE)

- 6.1 The Reserve Fund for the first 9 months is under budget by £0.481m (see Appendix 5). Attached, as Appendix 6 is a more detailed cost centre listing of spend to date for information. There are two main areas where variances are occurring.
- 6.2 The most significant adverse variance under Environmental Services is an outstanding accrual for income £0.478m in relation to Private Sector Housing Grant income which is to be netted off to zero this year and will have no impact at the year end. The underspend on Economic Development Unit is mainly on grants which are demand led (£0.706m). The main projects are Renewable Energy, Economic and Tourism Infrastructure. Under Legal and Administration underspending of £0.086m is due to difficulty profiling maintenance and the operating lease not being paid in line with the budget profile.
- 6.3 It is anticipated that the outturn on the Reserve Fund will be under budget.

7. Action Plan to resolve budget variances

- 7.1 Budget Responsible Officers (BRO's) have been actively encouraged to review the profiles on their budgets, identify and deal with any miscodings and action appropriate virements so that period variances do not obscure the real financial position. Management Accountancy will continue to provide advice and training to assist BROs to manage their budgets.

8. Financial Implications

- 8.1 It is expected that the Housing Revenue Account and Reserve Fund will be within the budget set for 2007/08. On the Harbour Account this is more difficult to predict as it depends on the level of throughput at Sullom Voe which is outwith the Council's control. At this stage it is predicted that it will be within the budget.

- 8.2 Any underspend against budget will reduce the draw on reserves, conversely, any overspend will increase the draw on reserves, which will reduce the amount available for use in future years.

9. Policy & Delegated Authority

- 9.1 This report is being presented to the Services and Infrastructure for information and comment; and Executive Committee in terms of its remit for financial policy and monitoring. The Committees may make comment to Council where necessary but the report is presented to Council for information.

10. Recommendation

- 10.1 The Services, Infrastructure and Executive Committees are asked to consider this report and make comment to Council where necessary. Thereafter, I recommend that the Council note the report and any comments from the Committees.

Report No: F-010-F

Ref: Accountancy/HKT

Date: 22 February 2008

SIC MANAGEMENT INFORMATION 2007/08 - PERIOD 9

1st April 2007 to 31st December 2007

Revenue Expenditure by Service - Housing Revenue Account

Annual Budget	Year to Date Budget	Year to Date Actual	Year to Date Variance (Adverse)/ Favourable
£	£	£	£

Housing (Total)	-7,053,430	-3,891,013	-3,434,937	-456,076
Head of Housing	-2,011,994	-1,508,996	-1,491,404	-17,592
Operational Services	-973,140	559,773	491,463	68,310
Business Support	-4,068,296	-2,941,790	-2,434,996	-506,794

Revenue Expenditure by Subjective - Housing Revenue Account

Annual Budget	Year to Date Budget	Year to Date Actual	Year to Date Variance (Adverse) /Favourable
£	£	£	£

Employee Costs (sub total)	119,877	89,443	66,766	22,677
Basic Pay	87,533	65,650	48,727	16,923
Overtime	0	0	946	-946
Other Employee Costs	32,344	23,793	17,093	6,700

Operating Costs (sub total)	2,194,245	1,624,438	1,425,012	199,426
Travel & Subsistence	1,122	842	464	378
Property Costs	2,145,048	1,585,650	1,393,138	192,512
Other Operating Costs	48,075	37,946	31,410	6,536

Transfer Payments (sub total)	28,578	27,528	26,648	880
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Income (sub total)	-9,396,130	-5,632,422	-4,953,364	-679,058
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TOTAL	-7,053,430	-3,891,013	-3,434,937	-456,076
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COMMUNITY SERVICES MANAGEMENT A/c's 2007/08 - COST CENTRE DETAIL - PERIOD 9
1st April 2007 to 31st December 2007

<u>Cost Centre</u>	<u>Description</u>	Annual Budget	Year to Date Budget	Year to Date Actual	Year to Date Variance (Adverse)/ Favourable
		£	£	£	£
Housing Revenue Account TOTAL		-7,053,430	-3,891,013	-3,434,937	-456,076
Head of Housing		-2,011,994	-1,508,996	-1,491,404	-17,592
HRH0350	Housing Support Grant	-2,011,994	-1,508,996	-1,491,404	-17,592
Operational Services		-973,140	559,773	491,463	68,310
HRH1300	Ladies Drive Hostel	-64,522	-63,818	7,588	-71,406
HRH3100	Customer Services	34,123	25,026	23,727	1,299
HRH3150	Garages, HRA	18,597	13,948	9,890	4,058
HRH3151	South Team Area 2	194,997	146,248	174,998	-28,750
HRH3152	South Team Area 1	194,997	146,248	-2,780	149,028
HRH3153	North Team Area 2	194,997	146,248	169,659	-23,411
HRH3154	North Team Area 1	194,997	146,248	118,906	27,342
HRH3300	Other	-1,740,826	0	-10,240	10,240
HRH3350	Grazing Lets	-500	-375	-492	117
HRH4258	Cost of Refurbishment	0	0	207	-207
Business Support		-4,068,296	-2,941,790	-2,434,996	-506,794
HRH2047	Rents General Needs	-4,409,153	-3,313,555	-2,909,782	-403,773
HRH2048	Rents Sheltered Housing	-504,289	-384,217	-353,982	-30,235
HRH2355	Supervision & Management	-106,920	29,925	27,712	2,213
HRH3200	Planned Services HRA	952,066	726,057	801,055	-74,998

SIC MANAGEMENT INFORMATION 2007/08 - PERIOD 9**1st April 2007 to 31 December 2007****Revenue Expenditure by Service**

(Harbour Account, Support Services & Recharged Services)

	Annual Budget	Year to Date Budget	Year to Date Actual	Year to Date Variance (Adverse)/Favourable
	£	£	£	£
Ports & Harbours (total)	-249,163	-2,562,594	-3,232,472	669,878
Ports Management	954,061	721,536	688,245	33,291
Sullom Voe	-4,994,880	-3,771,563	-4,027,675	256,112
Scalloway	148,813	116,113	-184,351	300,464
Other Piers	150,801	98,483	-44,015	142,498
Port Engineering Services	622,942	456,312	404,091	52,221
Jetties & Spur Booms (BP Funded)	-244,640	-183,475	-68,767	-114,708
Transfer of Funds	3,113,740	0	0	0

Revenue Expenditure by Subjective

(Harbour Account, Support Services & Recharged Services)

	Annual Budget	Year to Date Budget	Year to Date Actual	Year to Date Variance (Adverse)/Favourable
	£	£	£	£
Employee Costs (sub total)	6,859,155	5,120,588	4,983,725	136,863
Basic Pay	4,489,596	3,367,195	3,287,990	79,205
Overtime	373,634	280,227	248,736	31,492
Other Employee Costs	1,995,925	1,473,166	1,446,999	26,167
Operating Costs (sub total)	4,717,686	3,262,992	3,474,506	-211,514
Travel & Subsistence	189,862	143,099	103,481	39,618
Property Costs	1,036,887	665,671	562,176	103,495
Other Operating Costs	3,490,937	2,454,222	2,808,849	-354,627
Transfer Payments (sub total)	3,191,963	58,667	36,596	22,071
Income (sub total)	-15,017,967	-11,004,841	-11,727,299	722,458
TOTAL	-249,163	-2,562,594	-3,232,472	669,878

SHETLAND ISLANDS COUNCIL MANAGEMENT A/c's 2007/08 - COST CENTRE DETAIL - PERIOD 9

BY Harbour Account

1st April 2007 to 31st December 2007

<u>Cost Centre</u>	<u>Description</u>	Annual Budget	Year to Date Budget	Year to Date Actual	Year to Date Variance (Adverse)/ Favourable
		£	£	£	£
Harbour Account TOTAL		-249,163	-2,562,594	-3,232,472	669,878
Ports Management (sub total)		954,061	721,536	688,245	33,291
PRM0150	Canteen Service	25,544	19,087	23,204	-4,117
SRM0001	Ports - Recruitment Expenses	17,040	12,780	398	12,382
SRM0100	Ports - Support Services	218,318	164,717	159,085	5,632
SRM2000	Ports - Operations Management	693,159	524,952	505,557	19,395
Sullom Voe (sub total)		-4,994,880	-3,771,563	-4,027,675	256,112
PRM2100	Sullom Voe	-5,453,916	-3,980,008	-4,052,237	72,229
PRM2101	B & L Sullom Voe	-40,093	-100,961	-254,272	153,311
PRM2102	Pilotage Sullom Voe	-633,093	-474,820	-448,299	-26,521
PRM2103	Mooring Sullom Voe	-286,009	-214,506	-248,757	34,251
PRM2110	Marine Officers	1,161,727	881,855	818,697	63,158
PRM2111	Launch Crews	1,056,465	806,830	788,263	18,567
PRM2112	Towage Crews	-2,597,573	-1,957,652	-1,661,396	-296,256
PRM2116	Pollution Control	1,500	1,125	0	1,125
PRM2120	SOTEAG	2,500	1,875	89	1,786
PRM2121	SVA	78,223	58,667	36,653	22,014
SRM2001	Towage Management	8,400	6,300	11,447	-5,147
SRM3050	Ports - Admin Building	107,557	82,709	61,542	21,167
VRM3205	Nav Aids Sullom Voe	35,129	27,634	37,694	-10,060
VRM3206	Radar Sullom Voe	15,262	11,697	10,997	700
VRM3207	VHF Radio Sullom Voe	12,100	9,075	3,433	5,642
VRM3210	Maintenance Workshop	67,623	50,453	44,645	5,808
VRM3211	Helicopter Hangar	3,464	3,109	2,568	541
VRM3212	Meteorological Office	2,529	1,856	853	1,003
VRM3213	Long Term Store	2,830	2,070	1,080	990
VRM3214	Crew Accommodation	7,336	5,451	3,221	2,230
VRM3215	Pollution Store	39,375	29,455	28,569	886
VRM3221	Sullom Shoormal	43,452	24,778	20,974	3,804
VRM3222	Sullom Spindrift	46,134	26,789	23,074	3,715
VRM3223	Sullom Spray	49,277	29,151	21,770	7,381
VRM3225	Dunter	237,203	164,615	127,384	37,231
VRM3226	Shalder	216,290	147,985	128,597	19,388
VRM3227	Stanechakker	161,388	106,580	54,743	51,837
VRM3228	Tirrick	289,090	215,534	186,924	28,610
VRM3229	Tystie	237,203	164,615	128,398	36,217
VRM3230	Sullom A	9,349	6,053	1,970	4,083
VRM3231	Sullom B	9,349	6,053	2,599	3,454
VRM3232	Sullom C	9,849	6,428	1,354	5,074
VRM3235	Vehicles Sullom Voe	31,610	20,925	17,708	3,217
VRM3236	Boat Hoist	3,072	2,288	-4,570	6,858
VRM3237	Small Plant	5,200	3,900	2,013	1,887
VRM3239	Sullom Shearwater	16,801	10,891	7,078	3,813
VRM3240	Tug Jetty	48,517	39,638	67,521	-27,883
Scalloway (sub total)		148,813	116,113	-184,351	300,464
PRM2200	Blacksness	8,021	5,463	-239,212	244,675
PRM2201	B & L Scalloway	-5,000	-3,750	-10,183	6,433
PRM2202	Pilotage Scalloway	-11,950	38	667	-629
VRM3261	Nav Aids Scalloway	7,000	5,250	4,876	374

VRM3262	Offices & Stores Scalloway	31,425	23,825	14,812	9,013
VRM3263	Fish Market	32,671	24,821	4,631	20,190
VRM3264	Piers Scalloway	68,845	49,408	33,599	15,809
VRM3266	Vehicles Scalloway	1,870	1,404	1,459	-55
VRM3267	Lyrie	15,931	9,654	4,999	4,655
Other Piers (sub total)		150,801	98,483	-44,015	142,498
PRM2300	Baltasound	1,532	1,143	-6,165	7,308
PRM2301	Collafirth	-272	-208	-4,129	3,921
PRM2302	Toft	228	167	364	-197
PRM2312	Cullivoe	-18,683	-14,019	-47,525	33,506
PRM2314	Fair Isle	723	537	0	537
PRM2315	Hamnavoe	173	126	-99	225
PRM2316	Melby Pier	0	0	141	-141
PRM2317	Mid Yell	-260	-196	-36,686	36,490
PRM2318	Out Skerries	349	258	-167	425
PRM2319	Symbister	9,974	7,405	6,855	550
PRM2322	Vaila/Grutness	-1,662	-1,250	-1,652	402
PRM2323	West Burrafirth	48	32	-679	711
PRM2324	Humber Inflatable	77	0	0	0
PRM2325	Orkney Spinner	24	0	0	0
PRM2326	Avon Searider	60	0	0	0
VRM3270	Baltasound Pier Maintenance	13,528	8,998	3,343	5,655
VRM3271	Collafirth Pier Maintenance	7,983	5,404	2,242	3,162
VRM3272	Toft Pier Maintenance	3,019	1,920	8	1,912
VRM3273	Garth Pier Maintenance	8,596	6,188	13,003	-6,815
VRM3280	Billister Pier Maintenance	806	376	0	376
VRM3282	Cullivoe Pier Maintenance	41,733	29,002	7,910	21,092
VRM3283	Easterdale Pier Maintenance	1,466	1,074	141	933
VRM3284	Fair Isle Pier Maintenance	7,784	2,850	0	2,850
VRM3285	Hamnavoe Pier Maintenance	2,034	1,181	620	561
VRM3286	Melby Pier Maintenance	64	0	0	0
VRM3287	Mid Yell Pier Maintenance	6,566	4,388	2,004	2,384
VRM3288	Out Skerries Pier Maintenance	7,637	5,039	4,102	937
VRM3289	Symbister Pier Maintenance	30,227	19,913	10,931	8,982
VRM3290	Toogs Pier Maintenance	316	188	0	188
VRM3291	Uyeasound Pier Maintenance	2,912	1,725	339	1,386
VRM3292	Vaila/Gruting Pier Maintenance	11,540	7,913	58	7,855
VRM3293	West Burrafirth Pier Maintenan	12,279	8,329	1,026	7,303
Port Engineering (sub total)		622,942	456,312	404,091	52,221
VRM3200	Port Engineering Services	622,942	456,312	404,091	52,221
Jetties & Spur Booms (BP Funded) (sub total)		-244,640	-183,475	-68,767	-114,708
PRM2150	Jetties/Spur Booms - SV	-1,485,372	-1,114,029	-1,847,517	733,488
VRM3250	Jetty 1	545,229	408,923	579,126	-170,203
VRM3251	Jetty 2	317,654	238,242	671,236	-432,994
VRM3252	Jetty 3	147,554	110,667	246,071	-135,404
VRM3253	Jetty 4	190,085	142,564	277,720	-135,156
VRM3254	Construction Jetty	28,000	21,000	6,527	14,473
VRM3255	Spur Booms	12,210	9,158	-1,930	11,088
Transfer of Funds (sub total)		3,113,740	0	0	0
PRM2002	Transfer to Funds	3,113,740	0	0	0

SIC MANAGEMENT INFORMATION 2007/08 - PERIOD 9**1st April 2007 to 31st December 2007**

Shetland Islands Council	Annual	Year to Date	Year to Date	Year to Date
Revenue Expenditure by Service	Budget	Budget	Actual	Variance
(Reserve Fund)				(Adverse)/Favourable
	£	£	£	£
Executive Services (sub total)	1,481,943	961,796	834,933	126,863
Finance	296,418	4,888	5,154	-266
Legal & Administration	1,032,773	811,931	706,284	105,647
Housing	152,752	144,977	123,494	21,483
Education & Social Care (sub total)	140,000	0	0	0
Community Development	140,000	0	0	0
Infrastructure Services (sub total)	322,021	241,516	659,481	-417,965
Environment	70,000	52,500	510,406	-457,906
Planning	252,021	189,016	149,076	39,940
Economic Development Unit (sub total)	4,656,200	3,492,150	2,719,199	772,951
Economic Development Unit	4,656,200	3,492,150	2,719,199	772,951
TOTAL	6,600,164	4,695,462	4,213,614	481,848

Revenue Expenditure by Subjective	Annual	Year to Date	Year to Date	Year to Date
(Reserve Fund)	Budget	Budget	Actual	Variance
				(Adverse)/Favourable
	£	£	£	£
Employee Costs (sub total)	0	0	788	-788
Basic Pay	0	0	0	0
Overtime	0	0	395	-395
Other Employee Costs	0	0	394	-394
Operating Costs (sub total)	1,566,837	1,213,354	1,128,275	85,079
Travel & Subsistence	21,000	15,750	22,450	-6,700
Property Costs	762,153	608,966	496,139	112,827
Other Operating Costs	783,684	588,638	609,686	-21,048
Transfer Payments (sub total)	5,033,327	3,482,108	1,822,017	1,660,091
Income (sub total)	0	0	1,262,533	-1,262,533
TOTAL	6,600,164	4,695,462	4,213,614	481,848

EXECUTIVE SERVICES MANAGEMENT A/c's 2007/08 - COST CENTRE DETAIL - PERIOD 9
1st April 2007 to 31st December 2007

<u>Cost Centre</u>	<u>Description</u>	Annual Budget	Year to Date Budget	Year to Date Actual	Year to Date Variance (Adverse)/ Favourable
		£	£	£	£
Reserve Fund TOTAL		6,850,164	4,695,462	4,213,614	481,848
Financial Support Services		296,418	4,888	5,154	-266
RRF1151	Councillor Christmas Grant	4,529	4,529	4,635	-106
RRF1152	S.I.C.C.T. Allowances	478	359	519	-160
RRF1312	Graduate Placement Scheme	291,411	0	0	0
Asset & Property Services		1,032,773	811,931	706,284	105,647
RRB6380	N.A.F.C.	600,525	379,683	292,852	86,831
RRB6381	SCOFÉ Property Costs	432,248	432,248	413,432	18,816
Housing		152,752	144,977	123,494	21,483
RRH2800	Housing Initiatives	53,118	51,843	44,518	7,325
RRH2801	Tenant Participation	14,816	14,816	658	14,158
RRH2803	Shetland Women's Aid	78,318	78,318	78,318	0
RRH2804	Market Value Compensation	6,500	0	0	0
Environment		70,000	52,500	510,406	-457,906
RRY5002	PSHG-Housing Imp Grants	70,000	52,500	510,406	-457,906
Planning		252,021	189,016	149,076	39,940
RRY8381	Area Regeneration Res Fund	57,270	42,953	106,228	-63,275
RRY8383	Coastal Protection	39,968	29,976	925	29,051
RRY8481	KIMO Policy	6,770	5,077	4,761	316
RRY8482	Nuclear Policy	7,650	5,738	2,591	3,147
RRY8483	NENIG	12,863	9,647	12,826	-3,179
RRY8486	Env Improve/Cons	127,500	95,625	21,745	73,880
Economic Development		4,906,200	3,492,150	2,719,199	772,951
RRD1104	SCGWAG Advisors	11,500	8,625	4,304	4,321
RRD1105	Pony Breeders Scheme	1,000	750	424	326
RRD1123	Potato & Vegetable Scheme	16,000	12,000	0	12,000
RRD1124	AI Scheme	8,000	6,000	1,923	4,077
RRD1125	Bull Purchase Scheme	0	0	3,350	-3,350
RRD1129	Livestock Health Scheme	67,700	50,775	36,815	13,960
RRD1130	Agricultural Shows Scheme	3,000	2,250	0	2,250
RRD1131	Agricultural Training	10,000	7,500	3,359	4,141
RRD1133	Agriculture General Assistance	307,500	230,625	139,453	91,172
RRD1134	Grants to Agric Loan Scheme	25,000	18,750	0	18,750
RRD1135	Ineligible Crofter-Agric Grant	50,000	37,500	54,751	-17,251
RRD1136	Agriculture Contractors Scheme	30,000	22,500	11,956	10,544
RRD1500	Other Research	45,000	33,750	100,193	-66,443
RRD1502	Publications	3,000	2,250	8,457	-6,207
RRD1520	Other General Assistance	165,000	123,750	156,679	-32,929
RRD1523	Rural Shop Improvement	75,000	56,250	17,582	38,668
RRD1526	Rnew Energy Proj	380,000	285,000	47,144	237,856
RRD1528	Foula Electricity	25,000	18,750	16,057	2,693
RRD1529	BES111	70,000	52,500	36,857	15,643
RRD1530	Economic Infrastructure Projec	250,000	187,500	0	187,500
RRD1620	Tourism Financial Assistance	70,000	52,500	32,523	19,977
RRD1621	Tourism Infrastructure	350,000	262,500	100,000	162,500

RRD1700	Energy at the Edge	0	0	-1,855	1,855
RRD5005	MDP	104,000	78,000	34,306	43,694
RRD5031	Shetland Promotional Costs	221,000	165,750	87,241	78,509
RRD5033	Industry Marketing Event	0	0	-85	85
RRD5038	Johnsma's Foy	38,959	29,219	18,924	10,295
RRD5039	Flavour of Shetland	111,041	83,281	108,239	-24,958
RRD5040	International Links	20,000	15,000	905	14,095
RRD2120	Fisheries General Assistance	485,000	176,250	231,238	-54,988
RRD2121	North Atlantic Fisheries Coll	1,963,500	1,472,625	1,468,458	4,167
Lifelong Learning		140,000	0	0	0
RRL6050	Modern Apprenticeship	140,000	0	0	0



REPORT

To: **Infrastructure Committee** **4 March 2008**
 Services Committee **6 March 2008**
 Executive Committee **11 March 2008**

From: **Head of Finance**
 Executive Services Department

Report No: F-009-F

GENERAL FUND REVENUE MANAGEMENT ACCOUNTS 2007/08 FOR THE PERIOD 1 APRIL 2007 TO 31 DECEMBER 2007

1. Introduction

- 1.1 The purpose of this report is to advise Members of the financial position on the Council's general fund revenue accounts including support and recharged ledgers for the first nine months of 2007/08.

2. Links to Corporate Priorities

- 2.1 This report links to the Council's corporate priorities, defined in its Corporate Plan, specifically in relation to reviewing financial performance relative to the Council's financial policies.

3. Background

- 3.1 The general fund revenue management accounts are presented to Executive Management Team (EMT) on a monthly basis to enable EMT to monitor the Council's overall financial position.
- 3.2 This is the three quarter year monitoring report to Members for 2007/08 and covers the period 1 April 2007 to 31 December 2007. Only controllable items of expenditure are included, on the basis that recharges for central services and financing costs and income are not controllable in terms of spending decisions. Thus expenditure items include employee costs, property costs, transport, grants and other running costs, and income comprises of fees and charges, grants and rents.
- 3.3 For information, all appendices show the Annual Budget, Year to Date Budget, Actual and Variance. It is the Year to Date variances, which are referred to within this report, the Year to Date figures include income and expenditure from 1 April 2007 to 31 December 2007. An estimation of when spending will occur or income is to be received is made on each

budget and a spend profile is set which determines the Year to Date Budget, i.e. for salaries an equal charge each month is expected so the budget will show in this report 9/12ths of the Annual budget in the Year to Date budget, for other items this is not so straightforward and these will either be based on past spending patterns or on a 1/12th basis across the year. The Year to Date Variance shows how actual activity has varied from the planned budget. Appendix 1 shows expenditure and income by service area and by type. Appendices 2 shows the same data by cost centre activity.

4. Overall Financial position on General Fund revenue (including support and recharged ledgers) at 31 December 2007

- 4.1 The General Fund revenue management accounts is £3.238 million less than budget (see Appendix 1). This is after savings of £2.7m have been built into the 2007/08 budgets to reach the approved draw on Reserves of £5 million. There are a number of profiling errors identified amounting to nearly £0.982m which is overstating the underspend.
- 4.2 Attached, as Appendix 2 is a more detailed cost centre listing of spend to date for information grouped by Education and Social Care (Appendix 2a), Infrastructure Services (Appendix 2b) and Executive Services (Appendix 2c).

5. SERVICES COMMITTEE BUDGETS/EXPENDITURE

Analysis of Education and Social Care Service Activity as at 31 December 2007

- 5.1 The Education and Social Care Department spent £2.132m less than expected for the period of this profiling errors have been identified amounting to £0.814m. Some significant differences over planned activity are set out below.

5.1.1 Schools

Overall spend on schools is running under budget £1.275m, There are profiling errors on additional funding grants which require to be sorted amounting to £0.557m across the schools service for National Priorities Action Fund. Delayed charging for the DLO Catering Contract has resulted in an underspend of £0.203m which will be spent as the year progresses.

5.1.2 Community Care

Overall net spend is £0.140m over the approved budget. The service has a target deficit budget by £1.3M for the year, which the Council expected to secure through vacant posts. On current activity, the service is on target to meet the deficit set by the Council.

5.1.3 Children's Services

Underspending on grants and salaries has resulted in Children's Services under budget by £0.413m.

5.1.4 Social Care Training

The social care training programme has not been progresses as fast as was originally intended leading to an underspend of £0.401m at period 9.

5.1.5 Shetland College and Train Shetland

The College has an adverse variance of £0.075m due the timing of the receipt of external funding not matching the budget profile.

6. INFRASTRUCTURE COMMITTEE BUDGETS/EXPENDITURE

Analysis of Infrastructure Service Activity as at 31 December 2007

6.1 The Infrastructure Department spent £1.158m less than expected for the period of this profiling errors have been identified amounting to -£0.154m. Some significant differences over planned activity are set out below.

6.1.1 Environmental Rova Head Disposal

Higher than anticipated income £0.339m received from additional waste flows and drill cuttings. This is offset by reduced Processing Shed income due to waste flows being passed through landfill.

6.1.2 Environmental Health Repairs Notice

This is an accrual on expenditure £0.233m for which income will be received in 2007/08 which will net this expenditure to zero. This is not a real variance. The antisocial behaviour project for CCTV is behind schedule and has an underspend of £0.259m. This project is going ahead and the budget will be spent this year or accrued into 2008/09.

6.1.3 Transport

The Shetland Transport Partnership is underspent on External Consultants £0.188m due to the late approval of the Transport Strategy by the Government. It is anticipated however that the outturn position will be very close to balanced at the end of the financial year.

7. EXECUTIVE COMMITTEE BUDGETS/EXPENDITURE

Analysis of Executive Service Activity as at 31 December 2007

7.1 The Executive Department is over the budget by £0.152m than expected for the period after corporate savings of £1.3m have been included. Of this variance, profiling errors have been identified amounting to £0.322m. Some significant differences over planned activity are set out below.

7.1.1 Savings Required Across the Council

Part of the £2.7m savings mentioned in paragraph 4.1 lies on a Finance cost centre (£1.3m), this still has to be met from savings across the Council either from general underspending on activities and vacancies.

7.1.2 Housing & Capital Projects Unit

There is a timing difference between the receipt of income and the payment of rebates which has resulted in an underspend of £0.263m.

The Capital Projects Unit is underspent by £0.130m due mainly to vacancies.

7.1.2 Asset Services

Property costs are below budget by £0.240m mainly on maintenance and electricity due to outstanding bills.

8. Action Plan to resolve budget variances

- 8.1 Budget Responsible Officers (BRO's) have been actively encouraged to review the profiles on their budgets, identify and deal with any miscodings and action appropriate virements so that period variances do not obscure the real financial position. Management Accountancy will continue to provide advice and training to assist BROs to manage their budgets.

9. Financial Implications

- 9.1 The general fund revenue management accounts for the first 9 months of 2007/08 (including support and recharges) is £3.328m under the budget for that period. This is after savings of £2.7m have been taken into account. To ensure that the savings are achieved by the end of the year there is a need for Budget Responsible Officers to continue to carefully manage their budgets. There are a number of profiling errors identified amounting to nearly £0.982m which is overstating the underspend.
- 9.2 Any underspend against budget will reduce the draw on reserves, conversely, any overspend will increase the draw on reserves, which will reduce the amount available for use in future years.

10. Policy & Delegated Authority

- 10.1 This report is being presented to the Services and Infrastructure for information and comment and Executive Committee in terms of its remit for financial policy and monitoring. The Committees may make comment to Council where necessary but the report is presented to Council for information.

11. Recommendation

- 11.1 The Services, Infrastructure and Executive Committees are asked to consider this report and make comment to Council where necessary. Thereafter, I recommend that the Council note the report and any comments from the Committees.

Report No: F-009-F
Ref: Accountancy/HKT

Date: 22 February 2008

SIC MANAGEMENT INFORMATION 2007/08 - PERIOD 9

1st April 2007 to 31st December 2007

Revenue Expenditure by Service**Shetland Islands Council**

(General Fund, Recharged Services & Support)

	Annual Budget	Year to Date Budget	Year to Date Actual	Year to Date Variance (Adverse)/ Favourable	Savings To be Achieved	Year to Date Variance Before Savings have been deducted (Adverse)/Favourable
	£	£	£	£	£	£
Executive Services (sub total)	10,882,220	8,008,102	8,159,941	-151,839	-1,321,964	1,170,125
Executive Management	791,814	476,885	544,024	-67,139		-67,139
Council Members	703,915	538,864	486,784	52,080		52,080
Organisational Development	2,771,393	2,049,196	2,082,359	-33,163		-33,163
Finance	1,188,049	640,441	1,844,952	-1,204,511	-1,321,964	117,453
Legal & Administration	3,063,684	2,414,846	1,949,416	465,430		465,430
Housing & Capital Projects	2,363,365	1,887,870	1,252,406	635,464		635,464
Education & Social Care (sub total)	54,832,596	42,994,077	40,861,719	2,132,358	-1,372,011	3,504,369
Executive Director	4,887,251	3,548,438	3,110,561	437,877		437,877
Lifelong Learning	2,699,152	2,378,807	2,170,603	208,204		208,204
Schools	30,960,347	24,042,307	22,767,006	1,275,301		1,275,301
Community Care	11,427,550	9,544,560	9,685,092	-140,532	-1,372,011	1,231,479
Children's Services	4,830,414	3,679,733	3,266,253	413,480		413,480
Criminal Justice Unit	9,092	7,679	-5,752	13,431		13,431
SCOFÉ	18,790	-207,447	-132,044	-75,403		-75,403
Infrastructure Services (sub total)	27,190,802	20,597,702	19,438,942	1,158,760	0	1,158,760
Directorate	1,080,289	806,559	781,585	24,974		24,974
Environment & Building Services	5,077,107	4,141,336	3,520,645	620,691		620,691
Roads	6,616,762	4,866,541	5,055,075	-188,534		-188,534
Transport	13,450,473	10,081,539	9,564,755	516,784		516,784
Planning	966,171	701,727	516,882	184,845		184,845
Economic Development Unit (sub total)	987,172	754,301	655,738	98,563	0	98,563
Economic Development Unit	987,172	754,301	655,738	98,563		0
TOTAL	93,892,790	72,354,182	69,116,340	3,237,842	-2,693,975	5,931,817

NOTE: Harbour and HRA figures not included here, as they will be dealt with by specific management accounting reports.

Revenue Expenditure by Subjective**Shetland Islands Council**

(General Fund, Recharged Services & Support

	Annual Budget	Year to Date Budget	Year to Date Actual	Year to Date Variance (Adverse) /Favourable	Savings To be Achieved	Year to Date Variance Before Savings have been deducted (Adverse)/Favourable
	£	£	£	£	£	£
Employee Costs (sub total)	71,642,239	52,720,335	53,526,295	-805,960	-2,693,975	1,888,015
Basic Pay	54,147,918	40,438,388	39,141,559	1,296,829	0	1,296,829
Overtime	1,092,407	883,840	971,399	-87,559	0	-87,559
Other Employee Costs	16,401,914	11,398,107	13,413,337	-2,015,230	-2,693,975	678,745
Operating Costs (sub total)	39,660,763	29,448,086	26,999,383	2,448,703	0	2,448,703
Travel & Subsistence	3,764,979	2,763,265	2,136,537	626,728	0	626,728
Property Costs	14,137,063	11,175,256	10,324,013	851,243	0	851,243
Other Operating Costs	21,758,721	15,509,565	14,538,832	970,733	0	970,733
Transfer Payments (sub total)	9,039,798	7,122,155	6,096,013	1,026,142	0	1,026,142
Income (sub total)	-26,450,010	-16,936,394	-17,505,351	568,957	0	568,957
TOTAL	93,892,790	72,354,182	69,116,340	3,237,842	-2,693,975	5,931,817

EDUCATION & SOCIAL CARE Mgt A/c's 2007/08 - COST CENTRE DETAIL - PERIOD 9 1st April 2007 to 31st December 2007
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<u>Cost Centre Description</u>	Annual Budget	Year to Date Budget	Year to Date Actual	Year to Date Variance (Adverse)/ Favourable
	£	£	£	£
Directorate Mgt	213,016	167,704	197,978	-30,274
QOL/Com Safety/Data Share	458,203	267,897	295,512	-27,615
Resources	2,104,881	1,580,330	1,188,698	391,632
Sport & Leisure Mgt	97,989	73,078	72,020	1,058
Sport & Leisure	1,634,058	1,160,024	1,105,591	54,433
Community Work Mgt	49,113	36,672	34,656	2,016
Community Work	329,991	262,733	216,106	46,627
Culture/Museum	1,211,371	1,196,543	1,156,950	39,593
Shetland Library	1,025,204	782,241	755,162	27,079
Adult Learning	340,556	260,492	241,340	19,152
Shetland College and Train Shetland	140,811	-67,916	-114,894	46,978
Central Schools Support Mgt	425,439	312,766	347,870	-35,104
Central Schools Support	1,328,041	999,987	978,469	21,518
Improvement & Quality Assurance Mgt	138,474	101,708	177,261	-75,553
Improvement & Quality Assurance	362,377	289,797	218,843	70,954
Parental Involvement	36,636	27,241	10,741	16,500
ASN Schools' Provision	3,961,232	3,024,811	2,987,475	37,336
Pre-School Provision	1,333,094	973,376	925,869	47,507
Primary Schools	9,666,966	7,228,447	6,869,235	359,212
Secondary Schools	12,505,271	9,436,526	9,351,264	85,262
Visiting Services	1,583,112	1,208,942	1,175,157	33,785
Other Schools Activities	-380,295	438,706	-275,178	713,884
Community Care Service Mgt	310,173	230,697	229,956	741
Community Care (inc. all Older People income)	-3,361,304	-1,211,565	-1,553,114	341,549
CC Assessments & Care Management Mgt	59,778	44,415	49,134	-4,719
CC Assessments & Care Management	467,911	340,822	283,911	56,911
Adult Services Mgt	62,887	47,310	42,106	5,205
Adult Services	3,193,732	2,541,206	2,337,234	203,972
Mental Health	214,914	185,872	154,974	30,898
Older People Services Mgt	111,670	82,721	85,140	-2,419
Older People Services	10,072,923	7,075,412	7,856,967	-781,555
OT Assessments	294,866	207,670	198,786	8,884
Head of Children's Services	115,211	86,109	88,466	-2,357
ASN - Children's Services Provision	89,410	94,737	41,417	53,320
Children and Families Mgt	59,930	44,779	45,482	-703
Children and Families	593,258	452,629	463,729	-11,100
Child Protection Mgt	45,885	34,273	35,742	-1,469
Children's Resources Mgt	0	0	3,700	-3,700
Children's Resources	2,893,290	2,128,157	1,777,338	350,819
Psychological Services	340,685	256,032	251,203	4,829
Youth Services Mgt	51,732	38,801	38,043	758
Youth Services	562,739	485,732	480,905	4,827
Youth Justice	78,274	58,484	40,229	18,255
Criminal Justice	9,092	7,679	-5,752	13,431
TOTAL EDUCATION AND SOCIAL CARE	54,832,596	42,994,077	40,861,719	2,132,358



NOTE

Environment Forum

Council Chamber, Town Hall, Lerwick

Thursday 14 February 2008 at 10.00am

Councillors:

J H Henry

Stakeholders:

J Blackadder, Shetland Field Studies Group
J Moncrieff, Shetland Amenity Trust
I Walterson, Association of Shetland Community Councils
H Black, Shetland Fishermen's Association
I Napier, NAFC Marine Centre
S White, SCFWAG
D Okhill, SEPA
B Gunn, Shetland Retailers Association
S Henry, Shetland Tourism Association
D Sandison, Shetland Aquaculture
G Fraser, Scottish Agricultural College
J Budge, Shetland Livestock Marketing Group
E Graham, National Farmers' Union
M Hay, VisitShetland

Also:

J Summers, Keep Scotland Beautiful
R C Nickerson, SIC Councillor
F B Grains, SIC Councillor

In Attendance (Officers):

S Cooper, Head of Environment & Building Services
J Grant, Waste Services Manager
M Lisk, Environmental Management Officer
M Dunne, Service Manager – Environmental Health
J Grant, Waste Services Manager
J Mouat, Environmental Liaison Officer
Jennifer Nicolson, Graduate, Organisational Development
B Barron, Planning Officer, Development Plans
W Spence, Waste to Energy Plant Manager
J Emptage, Cleansing Services Manager
G MacDonald, Cleansing Officer
D Newcombe, Cleansing Supervisor
L Gair, Committee Officer

Apologies:

I J Hawkins

R Henderson, Seafood Shetland

A Steven, Visit Shetland

B Kelman, Scottish and Southern Power

J Uttley, SNH

Chairperson:

Mr J Henry, Environment Spokesperson, presided.

Circular

The circular calling the meeting was held as read.

The Chairperson said that he was please to see such a good attendance at the Forum, and hoped that would continue.

Minutes

The Forum approved the minutes of the Environment Forum meeting held on 13 November 2007.

01/08 A National Perspective on Waste Management

The Forum noted a report by the Head of Environment and Building Services. (RECORD Appendix 1). Mr John Summers, OBE, Chief Executive of Keep Shetland Beautiful gave a presentation and invited questions from the Forum. A copy of the slides are attached as Appendix 1A.

In response to a comment from Mr J H Henry, regarding waste prevention, Mr Summer said that waste prevention faced the same problem as recycling did in the beginning in that there was a lack of information to the public on what to do. He said that it was about normalising behaviour, adding that the public could now separate waste, compost and refuse junk mail. Mr Summer said that waste prevention was a combination of what the public could do and what industry could do at the beginning of the chain. He said that other countries had the means, the inspiration and the tools to deal with waste.

The Head of Environment and Building Services commented on buying local produce, in relation to the Love Food Hate Waste campaign. Mr Summer said that the Government were keen on buying local produce, adding that another consideration was the out of season food and how it was transported by lorry to supermarkets. He advised that SEPA were looking at a life cycle analysis.

Mr R C Nickerson said that he had raised the issue of allotments at the Council meeting, which would give the public the opportunity to grow their own food. Mr Summer agreed and said that allotments in Glasgow were under threat from development, but this was being resisted. He said that allotments provided a healthy lifestyle and addressed issues such as obesity and community spirit and they should be protected. Mr J H Henry added that in the past back gardens were often used for growing vegetables, but were now green lawns.

Mrs J Blackadder, Shetland Field Studies Group said that at one time Shetland saved 100% food waste as it went to pigs, but stocks were going down and many agricultural rigs had gone wild. She asked if there was any financial assistance available to get the rigs back into use, and asked if there was a way of collecting waste food from those households that do not have a use for it. Mr Summer said that he had no information on financial assistance for rigs. He said that there were animal health issues in composting in that there could be BSE in waste food and there would be concerns in the farming industry unless it had gone through the proper process.

Mr E Graham, NFU commented that food was very affordable and due to the cheap food available, it was easy to throw it away and suggested that the public should be food safe as well as food sensible. Mr Summer agreed and said that now even organic products were normalised and questioned how the economies of cheap food could be overcome.

Mr J Emptage asked what the review for Secondary Schools would include with regard to the Eco Schools initiative. Mr Summer said that there needed to be a more modular approach in secondary schools, rather than assessing the whole school. He said that in the future there could be career opportunities in practical subjects that pupils could be credited for and this could be taken forward into further education.

Mr R C Nickerson advised Mr Summer that there was a problem with regard to agricultural waste and silage bags. He said that Shetland Amenity Trust in the past shipped the waste to Dumfries, however the company in Dumfries was now out of business. Mr Nickerson said that this was still a big problem Scotland wide and asked whether Mr Summer could take this on board. Mr Summer he would take this forward and advised that another two companies had also gone out of business, adding that the contamination from it could not be reduced. He said there were problems with plastic waste and advised that there were approx 300 types of plastic and stated that not all were suitable for recycling, and this was something that the producers should sort out.

The Chairman thanked Mr Summer for visiting Shetland and for making his presentation to the Forum.

02/08

Litter and Dog Fouling Enforcement

The Forum considered a report by the Service Manager – Environmental Health. (RECORD Appendix 2).

The Service Manager - Environmental Health briefly introduced the report, and asked that the Forum discuss the current process and proposed reward scheme.

Mr R C Nickerson asked what proportion of the 63 FPN's were collected from households and individuals caught littering. The Service Manager – Environmental Health advised that the majority of FPN's issued were as a result of littering incidents, eg throwing litter from cars, caught during weekend patrols.

In response to a query from Mr S Henry, Shetland Tourism Association, with regard to split bags, the problems with gulls and the use of wheelie bins, the Head of Environment and Building Services advised that in 2000 the Council carried out a consultation exercise on the use of wheelie bins. He said that there was approx. a 50% return, and that there was an overall rejection of wheelie bins. He said that there was a risk that they would be blown about and would require to be anchored to the kerbside, and there was also the issue of what was placed in the bin in relation to the energy recovery plant. The Head of Environment and Building Services advised that wheelie bins were being considered for commercial waste. He added that bin lifters would then be required and if that were introduced, consideration would be given to an opt-in system for domestic use. The Forum acknowledged that there were health and safety, manual handling concerns with regard to the use of wheelie bins without the aid of bin lifters.

Mr Summer advised the Forum that 40,000 wheelie bins were distributed in the Banff District in 1985 and the amount of rubbish rocketed by 20% as people felt that they had to fill them. As a result, the rubbish collected overwhelmed the landfill site.

In response to Mr R C Nickerson, the Head of Environment and Building Services advised that there was no intention to move to fortnightly collections.

Mr J Emptage, in response to Mrs Blackadder's query advised that the specification of black bags had been down graded, at a saving of £9,000/yr. He said that he had received a few comments, but on balance the bags should be fine.

Mr I Walteson, Association of Community Councils queried where in Shetland the fines were issued. The Service Manager – Environment and Building Services advised that they were issued across the whole of Shetland. She advised that the Neighbourhood Support Officers were restricted to Lerwick, but other enforcement officers patrolled rural areas.

In response to further queries, the Service Manager – Environmental Health advised that the prize for good behaviour would be an environmentally friendly product such as compost bins, and other items associated with the activities.

The Forum agreed that this was a good initiative.

03/08

Shetland Islands Council's Waste Minimisation Programme, Eco Schools, Tidy Business Awards and Litter Monitoring Implementation

The Forum noted a report by the Environmental Management Officer. (RECORD Appendix 3). The Environmental Management Officer, gave a presentation and invited questions from the Forum. A copy of the slides are attached as Appendix 3A.

The Chairman noted that Council In-house Waste Prevention Audits were being carried out and the findings would be presented to Senior Management and reported to Committee.

The Forum discussed the need to encourage composting, and whether a market could be created for compost where the household would not use it. Mr Summer suggested the use of a green cone compost bin they would not leave much residue, and would require to be emptied less often.

Mrs J Blackadder raised an issue with regard to switching off computers, and found that there were different instructions being communicated within different departments. The Environmental Management Officer agreed to seek clarification from ICT on the matter.

During discussions with regard to brands, Mr R C Nickerson requested that the "Green Island" brand be included.

Mr R C Nickerson congratulated the Environmental Management Officer and her team for the volume of work carried out. Mr Summer added that the Environmental Management Officer was a well-known figure outwith Shetland.

04/08

Shetland Islands Council's Waste Management Strategy

The Forum noted a report by the Waste Services Manager. (RECORD Appendix 4). The Waste Services Manager gave a presentation and invited questions from the Forum. A copy of the slides are attached as Appendix 4A.

Mr H Black, Shetland Fishermen's' Association said he was aware that CO²/mile for transport was based purely on fuel, and asked whether carbon audits were carried out on all different recycling initiatives in Shetland; whether any had a negative effect; and what the priority was. The Waste Services Manager advised that everyone was talking about carbon becoming the target and that carbon would determine everything, but advised that carbon was not yet the target. He advised that there were programmes in place that looked at the full life cycle of vehicles, and calculated the overall CO² footprint with regard to the production of vehicles,. The Head of Environment and Building Services added that there was a huge debate on recovery and said energy recovery had environmental benefits and that it was not just about CO². He said that models varied depending on where they were done and that the figures demonstrate that energy recovery in Shetland has a positive CO₂ footprint and that the public are encouraged to participate in the recycling schemes that have been set up in Shetland.

The Forum discussed at length the targets to be achieved and Mr B Summer, KSB, advised that Friends of the Earth and Greenpeace were lobbying and there was pressure on CoSLA and others. He added that there were lots of issues regarding vehicles, transport etc. that were not straightforward, however there was an appetite for recycling and that needed more structure. He said that too many messages to the public would be confusing and they would stop recycling, and this was a

difficult challenge for the Government. Mr R C Nickerson said that Shetland was in an enviable position in that the previous Council put in place the Waste to Energy Plant.

In response to a query regarding Anaerobic Digestion, the Waste Services Manager advised that this system locked away carbon and returned it to the land. He said that the Western Isles had this system, but that it would not be possible to have this and the Energy Recovery Plant in Shetland.

Mr I Walterson, Association of Shetland Community Council said that this country works to comply with the EU Targets, whilst others either don't, or don't fully, comply. He said he did not want this country to be penalised when not on a level playing field. Mr summer said that the European model was very high and said that there were 300 energy recovery plants across France, Germany and Sweden, and they were meeting their targets

In response to a query, the Waste Services Manager advised that the bulk of the landfill waste was drill cuttings from off shore. He said that the Service always looked for other uses, but the volumes coming in hindered that and finding a use for that amount of waste was difficult.

The Chairman thanked everyone for attending and closed the meeting at 12.10pm.

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Mr J H Henry
CHAIRPERSON



REPORT

To: Infrastructure Committee

4 March 2008

**From: Network Manager
Roads
Infrastructure Services Department**

TRAFFIC REGULATION ORDERS, ETC. PROGRESS REPORT

1. Introduction

- 1.1 The purpose of this report is to inform the Infrastructure Committee of the Traffic Orders etc. made in 2007/08 and to provide an overview of the progress of those that are currently being promoted. An annual report is required in particular to let Members know what Orders etc. have been promoted or made under Delegated Authority.

2. Links to Council Priorities

- 2.1 Key Aims of the Council's Local Transport Strategy include:

- Reduction of social exclusion,
- Improved safety for all road users, and
- Promotion of better health and fitness.

- 2.2 Objectives include:

- improve environmental conditions by promoting traffic calming measures that increase the safety of all road users.
- make improvements to the road network in order to support gains in safety, environmental, accessibility, integration or economic terms.
- maximise facilities for walking and cycling as an alternative means of transport.

3. Completed Permanent Traffic Orders etc. (By Community Council Area)

- 3.1 The following Orders have been made and/or introduced since February 2007:

Lerwick North

SIC (Voderview, Lerwick) (Parking Place for Disabled Persons Vehicle) Order 2006:

Requested by a disabled person resident in the area. Made in late 2006, markings provided in February 2007.

SIC (Norstane, Burnside, Soldian Court and Voderview, Lerwick) 20 MPH Zone) Order 2007:

This Order was made in 2007. The signs will be installed early next financial year.

SIC (Freefield Centre, Lerwick) (Parking Place for Disabled Person's Vehicle) Order 2007:

Requested by the Freefield Centre staff for use by disabled persons attending the centre.

SIC (Burns Lane Car Park, Lerwick) (Parking Places for Disabled Persons' Vehicles) Order 2007:

Requested by a resident of Pitt Lane.

SIC (St Magnus Street, Lerwick) (Parking Place for Disabled Person's Vehicle) Order 2007:

Requested by a resident of St Magnus Street.

SIC (Various Roads, Lerwick) (Prohibition and Restriction of Waiting) (Variation No 4) Order 2007:

This varies the existing order that enables the enforcement of all the yellow lines throughout Lerwick. New lines will be introduced on North Lochside, Burgh Road, Haldane Burgess Crescent, Anderson Road, Cheyne Crescent, Union Street, the North Ness Road, Robertson Crescent, Browns Road and the Montfield Hospital access. This will be done when weather permits.

SIC (Various Roads, Shetland) (Parking Places for Disabled Persons' Vehicles) (Revocation No 1) Order 2008:

This order revoked a number of existing orders that "controlled" disabled parking spaces on Bell's Road, Russell Crescent and South Commercial Street. The road markings and sign plates will be removed shortly.

Lerwick South

SIC (Church Road, Lerwick) (Parking Places for Disabled Persons' Vehicles) Order 2007:

Requested by a resident of Chromate Lane.

SIC (Breiwick Road, Lerwick) (Parking Place for Disabled Person's Vehicles) Order 2007:

Requested by a resident of Breiwick Road.

SIC (Bells Place, Lerwick) (Parking Place for Disabled Person's Vehicle) Order 2007:

Requested by a resident of Bells Place.

SIC (A970 Lerwick to Sumburgh Road at Sound Primary School) (Variable 20 MPH Speed Limit) Order 2006:

The Order, which will introduce a part-time 20 mph speed limit on the A970 between Nederdale and the Upper Baila junction, was made in

December 2006. The signs will be installed during the construction of the Oversund Roundabout.

SIC (Oversund Road, Etc., Sound, Lerwick) (20 MPH Zone) Order 2007:

This Order was made in February 2007. A number of the signs are already in place and the remainder will be erected as part of the Oversund Roundabout contract.

Oversund Road, Sound: Traffic Calming:

This traffic-calming scheme was approved at the meeting of this Committee on 28 November 2006. The road hump and two pairs of speed cushions have been in place since last summer. The remaining pair of speed cushions will be constructed as part of the Oversund Road Roundabout contract.

SIC (Tarland, Upper Sound) (Parking Place for Disabled Persons Vehicle) Order 2007:

The making of this traffic order was approved by this Committee at its meeting in March 2007. The relevant road markings and sign were installed shortly thereafter.

SIC (81 Gilbertson Road, Lerwick) (Parking Place for Disabled Person's Vehicle) Order 2007:

Requested by a resident of Gilbertson Road.

SIC (Russell Crescent, Lerwick) (Parking Place for Disabled Person's Vehicle) Order 2007:

Requested by a resident of Russell Crescent.

SIC (St Olaf Street, Lerwick) (Parking Place for Disabled Person's Vehicle) Order 2007:

Requested by a resident of St Olaf Street.

SIC (Various Roads, Lerwick) (Prohibition and Restriction of Waiting) (Variation No 4) Order 2007:

This varies the existing order that enables the enforcement of all the yellow lines throughout Lerwick. New lines will be introduced on Burgh Road, Ronald Street, Oversund Road, Nederdale, Annsbrae, Glenfarquhar, Longland, Sandwall, Tarland, Kirkland and Swarthoull. This will be done when weather permits.

SIC (Various Roads, Shetland) (Parking Places for Disabled Persons' Vehicles) (Revocation No 1) Order 2008:

This order revoked two existing orders that "controlled" disabled parking spaces at Soldian Court and Cheyne Crescent. The road markings and sign plates will be removed shortly.

Cunningsburgh

SIC (A970 Lerwick to Sumburgh Road, Etc., at Cunningsburgh School) (Variable 20 MPH Speed Limit) Order 2007:

This Order was made in January 2007. The signs were installed early last summer and were in operation shortly thereafter.

SIC (Dandiegarth, Cunningsburgh) (Parking Place for Disabled Person's Vehicle) Order 2007:

Requested by a carer for the use of residents of the sheltered housing located in the scheme.

Sandwick

SIC (Cumlewick Road at Sandwick Junior High School) (Variable 20 MPH Speed Limit) Order 2007:

This Order, which will introduce a part-time speed limit on the lengths of road adjacent to the school, was made in November 2007. New electricity connections and wayleaves are likely to be required so it may be the end of 2008 or early 2009 before the relevant signs are installed.

Delting

SIC (Firth to Mossbank Road, Etc at Mossbank School) (Variable 20 MPH Speed Limit) Order 2007:

This Order, which will introduce a part-time speed limit on the length of road adjacent to the school, was made in November 2007. New electricity connections are not required so the relevant signs will be installed early next financial year.

SIC (Gossaford, Brae) (Parking Places for Disabled Person's Vehicles) Order 2006:

Requested by a disabled person resident in the area. Made in late 2006, markings provided in February 2007.

SIC (A970 Lerwick to Northmavine Road at Brae School) (Variable 20 MPH Speed Limit) Order 2006:

The Order, which will introduce a part-time 20 mph speed limit on the A970 as it passes Brae High School, was made in December 2006. Wayleaves for electricity connections have now been granted so signs will be installed early next financial year.

SIC (Various Roads, Shetland) (Parking Places for Disabled Persons' Vehicles) (Revocation No 1) Order 2008:

This order revoked an existing order that "controlled" a disabled parking space at Hamarsgarth, Mossbank. The road markings and sign plate will be removed shortly.

Nesting and Lunnasting

SIC (South Nesting Loop Road, Etc. at Nesting Primary School) (Variable 20 MPH Speed Limit) Order 2006:

The Order, which will introduce a part-time 20 mph speed limit on the roads adjacent to the Nesting Primary School, was made in December 2006. Scottish and Southern Energy are to provide two new electricity

connections for the signs as soon as the necessary way-leaves are obtained. The signs will be erected on site shortly thereafter.

SIC (Stendaal, Nesting) (Parking Place for Disabled Person's Vehicle) Order 2007:
Requested by a resident of Stendaal.

Northmavine

SIC (A970 Lerwick to Northmavine Road at Urafirth Primary School) (Variable 20 MPH Speed Limit) Order 2006:
The Order, which will introduce a part-time 20 mph speed limit on the A970 as it passes Urafirth Primary School, was made in December 2006. Scottish and Southern Energy are to provide two new electricity connections for the signs as soon as the necessary way-leaves are obtained. The signs will be erected on site shortly thereafter.

Scalloway

SIC (A970 Lerwick to Scalloway Road, Etc. at Scalloway School) (Variable 20 MPH Speed Limit) Order 2006:
The Order, which will introduce a part-time 20 mph speed limit on the roads adjacent to Scalloway Junior High School, was made in December 2006. Scottish and Southern Energy are to provide three new electricity connections for the signs as soon as the necessary way-leaves are obtained. The signs will be erected on site shortly thereafter.

SIC (Former A970, Da Scord, Scalloway) (Stopping Up) Order 2007:
This Order, that removed the "public right of passage" on an old disused section of the A970 at Da Scord bend, was promoted following a request from the landowner. There was one formal objection that was subsequently withdrawn. The Order was made in March 2007.

SIC (Main Street and Various Roads, Scalloway) (Prohibition of Waiting) (Variation No 2) Order 2007:
This amended the existing Order to include a length of the Upper Scalloway Road between its junction with the A970 and the Leisure Centre. Double yellow lines have been requested by local residents and the school's Head Teacher, due to inconsiderate and sometimes dangerous parking outside the school. The Order was made in January 2008 and the lines will be provided as soon as weather conditions permit.

Whiteness and Weisdale

SIC (Kalliness, Weisdale) (Parking Place for Disabled Person's Vehicle) Order 2007:
Requested by a resident of Kalliness.

Yell

SIC (Mid Yell Junior High School Access Road) (20 MPH Speed Limit) Order 2007:

This Order, which will introduce a permanent 20 mph speed limit on the access road between the school and the leisure centre, was made in November 2007. The relevant signs will be installed early next financial year.

SIC (Hillend to Sunnyside Road at Mid Yell Junior High School) (Variable 20 MPH Speed Limit) Order 2007:

This Order, which will introduce a part-time speed limit on the length of road adjacent to the school, was made in November 2007. New electricity connections are not required so the relevant signs will be installed early next financial year.

Other Areas

No Orders were made in a particular area if it is omitted from the above list.

4. Permanent Traffic Orders etc. in Progress (By Community Council areas)

- 4.1 The following Orders are currently being promoted. The procedures for making most of the permanent Orders are enclosed in Appendix 1.

Lerwick North

Proposed Bressay Bridge (2005):

Various orders were promoted for this scheme and are at present on hold pending resolution of the current Bressay Link study.

Lerwick South

SIC (Leslie Road, Lerwick) (Parking Place for Disabled Person's Vehicle) Order 2008:

Requested by a resident of Leslie Road. The final stage of consultation is complete with no objections received. The order will, therefore, be made shortly and road markings etc provided when weather permits.

SIC (St Olaf Street, Lerwick) (Parking Place for Disabled Person's Vehicle) Order 2008:

Requested by a resident of St Olaf Street. Final consultation is underway with no comments received to date.

Bressay

Proposed Bressay Bridge (2005):

See above

SIC (Glebe Park, Bressay) (Parking Place for Disabled Person's Vehicle) Order 2008:

Requested by a resident of Glebe Park. A number of objections have been received to this proposed space during the consultation process. Therefore, a separate report seeking a decision on whether or not to make this order is included in the agenda for this meeting.

Scalloway

SIC (Scalloway) (20 MPH Zone) Order 2007 and Craigpark Rd & Lover's Lane, Scalloway – Proposed Road Humps:

A total of 225 questionnaires were sent out to each household in Scalloway that would be directly affected by the proposals. The return was 51% with 67% in favour of the 20 mph zone with traffic calming on Craigpark Road/Lover's Lane and 32% against the proposals. However, a public meeting held in May 2006 found that the majority of those in attendance were against the proposals. It was agreed at this meeting that the next step would be to measure vehicle speeds on Meadowfield Road and on Craigpark Road for a second time. This was done in May 2006 with the data from Craigpark Road again showing that the vehicle speeds are too high for it to be included in the 20 mph zone unless it is traffic calmed. However, the speeds on Meadowfield Road are low enough for it to be considered suitable for inclusion in the zone. Therefore, the statutory consultation process could commence in the near future.

Whiteness and Weisdale

SIC (Haggersta to Cova) (Stopping Up) Order 2007:

The Order was referred to the Scottish Ministers for their determination on 21 February 2003. The Scottish Government requested additional information in August and September 2003. The last of the information was sent in mid-December 2003 and we are awaiting their response.

SIC (A971 Hellister, Weisdale) (Stopping Up) Order 2007:

The Order has been drafted and is awaiting approval from landowners before the consultation process begins. The Order would stop up an old unused section of the A971, at the Loch of Hellister, thereby allowing the solum of the old road to revert to the control of the landowners.

Nesting and Lunnasting

SIC (Quee Ness Road, Vidlin) (20 MPH Speed Limit) Order 2007 and Quee Ness Road, Vidlin: Proposed Road Humps:

A reduced speed limit on the Quee Ness Road, that leads to Lunnasting Primary School and Vidlin Ferry Terminal, has been requested by the School Board and the local Council Member. The existing vehicle speeds are too high for a 20 mph limit unless traffic calming is installed to force drivers to slow down. The outline design for the "Quee Ness Road Improvement Scheme" was completed early in the summer of 2007 which allowed the road humps scheme to be prepared for consultation. This and the consultation for the 20 mph limit

are both complete without any objections being received. The order can, therefore, be made as soon as a decision is reached regarding the commencement date for the road improvement scheme.

Delting

SIC (Sullom Voe) (Stopping Up) Order 2005:

This was promoted, at the request of the terminal operators, to allow a gate to be erected thereby preventing access for the general public. The consultation process has been complete for some time but the Order could not be made until SIC, Ports & Harbours had finalised the means of accessing the Construction Jetty. However, changes that are about to be made at the entry point to the terminal do not include any provision for controlling access to the Construction Jetty. Therefore, this Order cannot be progressed any further and its promotion will be discontinued.

Northmavine

SIC (B9079 Eela Water to Ollaberry Road at Ollaberry School) (Variable 20 MPH Speed Limit) Order 2006:

This Order will introduce a permanent 20 mph speed limit on the B9079 as it passes Ollaberry Primary School. The Parent Council, when contacted during the consultation process, asked for the variable limit to be extended all the way from the school to the Runnadale Housing Estate. I have contacted the Parent Council on a number of occasions to explain that this is too great a distance but as yet have received no reply.

Unst

SIC (Baltasound Junior High School) (20 MPH Speed Limit) Order 2007:

This Order will introduce a permanent 20 mph speed limit on the road between the school and leisure centre. The consultation process is complete with no objections received. However, there is a complication regarding the extents of the order due to a request for the "Heatherbrae" road to be adopted. When this is resolved, hopefully in the near future, the order can be made and the signs erected on site.

Other Areas

No Orders are being made in a particular area if it is omitted from the above list.

5. Temporary Traffic Regulation Orders, etc.

- 5.1 During the course of 2007 a total of 34 Temporary Orders were made for road closures, speed limits, etc. These were to allow works to be carried out safely by ourselves, utilities and others, and to allow various events to take place.

6. Compulsory Purchase Orders

6.1 The following Orders are currently being promoted

Whiteness and Weisdale

SIC (A971 Haggersta) Compulsory Purchase Order 2001:

The Order has been referred to the Scottish Ministers for their determination. The Scottish Government have requested additional information be made available to them before they make their decision.

Brae

SIC (Camp Road Junction, Brae) Compulsory Purchase Order 2007:

The Order was referred to the Scottish Ministers for their determination on 8 January 2008.

Lerwick North

SIC (Bressay Bridge and Approach Roads) Compulsory Purchase Order 2005:

This Order was referred to the Scottish Ministers for their determination but at present is on hold pending resolution of the current Bressay Link study.

Bressay

SIC (Bressay Bridge and Approach Roads) Compulsory Purchase Order 2005:

See above

7. Financial Implications

7.1 There are no financial implications arising from this report.

8. Delegated Authority

8.1 The Infrastructure Committee has full delegated authority to act on all matters within its remit, as described in Section 12 of the Council's Scheme of Delegation and for which the overall objectives have been approved by the Council, in addition to appropriate budget provision.

8.2 Authority was delegated to the Executive Director, Infrastructure Services to promote permanent Traffic Orders, etc. The Executive Director also has delegated authority to make Traffic Orders and to provide traffic calming measures when no objections have been received at public consultation stage (R&T Min Ref 04/98). The Executive Director is however required to report to Committee any Orders made. When there are objections the matter must be referred to the Committee which has delegated authority in this situation.

- 8.3 Authority is delegated to the Executive Director of Infrastructure Services or his nominee to make temporary Orders, etc. (R&T Min Ref 78/92)
- 8.4 Authority is delegated to the Executive Director of Infrastructure Services or his nominee to promote Compulsory Purchase Orders where that is a consequence of a decision to construct the relevant works (ref 53/96) and the application of the policy on Compulsory Purchase Orders (ref 100/93).

9. Recommendation

- 9.1 I recommend that the Committee note the contents of this report.

Report No: RD-06-08-F

Procedures for the making of Permanent Traffic Orders as at January 2008

The Procedures are Governed by the ‘Local Authorities Traffic Orders (Procedure) (Scotland) Regulations 1999’

1. Draft Order, notice and advertisement prepared by Roads Service.
2. The draft Order, notice and advertisement are sometimes referred to Legal Services for checking and revising.
3. Roads Service write to interested parties, organisations, and statutory consultees enclosing a copy of the proposed Order stating that any comments must be received within [28] days
4. Roads Service write in reply to any comments in an attempt to have any concerns allayed. This letter is sometimes copied to Legal Services.
5. The Order is advertised in the Shetland Times [and the notice is posted on site]. The advert is undersigned by the Executive Director of Infrastructure Services. Formal notice is also sent to those previously consulted under 3 above, not later than the date of the newspaper advert. The period specified for objections to be lodged must be not less than 28 days after the date of the advert.
6. Roads Service write in reply to any objections in an attempt to have them withdrawn. This letter is sometimes copied to Legal Services.
7. Should there be any formal objections a draft report to the [Infrastructure] Committee is prepared by Roads Service.
8. Draft report is checked and revised by Legal Services.
9. Report presented to [Infrastructure] Committee.
10. Certain Orders need to be referred to the Scottish Government for the consent of the Scottish Ministers. The letter to the Scottish Government would be written by Roads Service following a “resolution” by Committee but checked and revised by Legal Services. A public hearing may require to be held. Should the Scottish Government confirm the proposal the Order will proceed.
11. Final copy of Order prepared for signing by Legal Services if the Committee decide to make the Order.
12. Order signed by Executive Director of Infrastructure Services.
13. Executed Order returned to Legal Services.
14. Roads Service send copies of Order to emergency services, etc., and advertise notice of making the Order in the Shetland Times.



REPORT

To: Infrastructure Committee

04 March 2008

**From: Head of Transport
Infrastructure Services Department**

BRESSAY LINK STAG APPRAISAL – PROGRESS REPORT

1. Introduction

- 1.1. This report updates Members on progress on the process of the STAG appraisal of the Bressay Link that is being carried out by ZetTrans.

2. Links to Council Priorities

- 2.1. Although this study directly addresses the corporate priority of Internal Transport, the study will consider the benefits of various options in relation to integration with the plans of Council services and other organisations, the environment, economy, safety, accessibility and social inclusion in the context of Bressay, Lerwick and the rest of Shetland.

- 2.2. The Shetland Transport Strategy aims and objectives include: -

FL1: *ZetTrans supports the principle of developing fixed links between Shetland Mainland, and the main offshore islands of Bressay, Yell, Unst and Whalsay.*

FL2: *ZetTrans and SIC are committed to undertaking a 'Bressay Link' STAG assessment examining future options for a link to Bressay, considering a range of options including the continued operation of a ferry service, and the development of fixed links in the form of a bridge or tunnel.*

FL3: *In the short-term, ZetTrans proposes to commission a study to confirm the robustness of business cases for fixed links between Yell and Unst (Bluemull Sound), Shetland Mainland and Yell (Yell Sound), Shetland Mainland to Whalsay and Shetland Mainland and Bressay, with particular emphasis on agreeing with regulatory bodies the appropriate standards and specifications that would apply.*

- 2.3. The Council approved the construction of a bridge to Bressay (min ref 90/03).

3. Background

- 3.1. Report No. IFSD-03-07-F to the Infrastructure Committee on 19 June 2007 (Min. Ref. 27/07) gave details of a proposed approach to carrying out STAG appraisal of the link between mainland Shetland and Bressay.
- 3.2. The STAG appraisal process is now well underway and is expected to be completed in March 2008.

4. Progress

- 4.1. Since the last meeting of the Infrastructure Committee the long list of options reported has been through the initial appraisal stage.
- 4.2. The options were appraised against the planning objectives reported to the Committee on 22 January 2008. In this stage the following options were sifted out:

- **Causeway:**

- It was considered that this option would cause significant problems to operation of Lerwick Port, and the economic activities that it supports. For example the port would be split in two, not enabling boats to move around easily; requiring two sets of tugs to operate; and constraining activities such as decommissioning;
- there were also safety issues: for example the lifeboat would be on one side, unable to quickly reach incidents in the other direction, and build up of shipping in one area, rather than another; and
- there were environmental issues, as it would cause silting of the harbour and increased fuel used by boats moving from one side of the harbour to the other, around Bressay.

- **Transporter Bridge:**

- This option was rejected because of the increased journey time associated with it; potential constraints of use in poor weather; constraints on harbour activities; and potential visual impact.

- **Helicopter Service:**

- This option would be unable to take vehicles; unable to take many passengers or much freight and could have associated safety issues. It was recognised that the option could be used in combination with other options, but was likely to be too expensive to be sustainable.

- 4.3. The remaining options were taken through the Part 1 STAG appraisal and the following options were eliminated as a result of the findings of that initial appraisal:

- **Chain Ferry:**

- This option would require higher levels of capital investment than the existing ferry service (operating the ferry and back up for overhaul/maintenance). Slipways would need to be constructed on either side at a new location and operational costs would not be significantly lower than the existing service

(manning levels would be similar to current operation to ensure the ability to safely evacuate a vessel in an emergency situation);

- the Maritime and Coastguard Agency (MCA) code of practice will only consider issue of a certificate allowing a Chain Ferry to operate in Category A-C waters; Bressay Sound is categorised as a Category D water;
- the ferry could cause a level of disruption to Lerwick Harbour operations, depending on the frequency of service, because the Master of the ferry generally has to ascertain that the way is clear, before leaving shore, and vessels less than 50m long have to give way to the ferry when it is crossing. Mariners also have to be warned not to pass directly in front of the chain ferry and the draught behind the ferry can also be restricted by the chain;
- the location would have to be from the Point of Scatland or Greenhead, in order to function effectively. The crossing time would be approximately three minutes, but the overall journey time would be slower, as the link would not be so central, and there would be additional time for embarking and disembarking;
- the ferry must travel in a straight line, along the chain, limiting manoeuvrability. The service could also be adversely affected by sea conditions, particularly waves; and
- there are safety issues, because chain ferries have no means of steerage if the chain were to break, as happened with the Dartmouth Ferry in 2005 when the ferry was washed out to sea.

- **Immersed Tube Tunnel:**

- The capital costs involved in building this option would be high compared to a drill and blast tunnel, because of the depth of dredging the trench required (up to 18m) and the cost of transporting tunnel sections to Shetland or of constructing holding ponds locally to construct the sections in Shetland;
- there is a potentially greater environmental impact, particularly during construction, because of the activities required to facilitate construction;
- there is a high degree of risk in floating or craning in sections of tunnel in Shetland's climate and sea conditions; and
- 160-170,000 cubic metres of rock would be removed. It may not be possible to use and/or dispose of this quantity of material easily locally.

- **Opening Bridge:**

- Operational costs would be higher than for other fixed link options, due to required maintenance and manpower costs;
- it would place some constraints on the current activities of Lerwick Harbour, for example, it would have to be opened to enable pelagic fishing boats to pass through;
- access would be unpredictable: from when the bridge begins to open it would require up to 30 minutes wait (opening and closing time of 5-15 minutes each way and time for the vessel to pass through). The frequency of opening is not known, but the unpredictability to those using the link could present access issues and could prevent integration with other transport

services, including external connections. There would be a deterioration in level of provision of access for emergency services at these times; and

- under certain extreme weather conditions opening would be prevented.

4.4. The remaining options will now be taken forward to detailed appraisal:

- reconfigured ferry service;
- water taxi/passenger ferry;
- public transport improvements;
- measures to promote walking and cycling;
- drill and blast tunnel; and
- high level bridge

4.5. This will be undertaken by a team of environmental, economic, technical and health experts (each of the options will be subject to health impact appraisals in line with the Council's Health Action Team objectives) and with stakeholder involvement, where appropriate. The team of specialists will be a combination of SIC staff and consultants.

4.6. These options will be considered singly and as bundles of options. For example a reconfigured ferry service or fixed link option, along with improvements to public transport and measures to promote walking and cycling. The 'Do Minimum' Option will continue to be appraised alongside these, in order to provide a baseline for comparative purposes.

4.7. The study is now expected to report in April 2008. The reason for this delay is the large number of options generated and taken forward to broad appraisal.

5. Financial Implications

5.1. There are no unbudgeted costs associated with the work detailed in this report.

6. Policy and Delegated Authority

6.1 The Council decided to pursue a fixed link option to Bressay (min. ref. 3/01). Delivery of this project is delegated to the Infrastructure Committee as part of its remit as described in Section 12.0 of the Council's Scheme of Delegations, and for which the overall objectives have been approved by the Council, in addition to appropriate budget provision.

6.2 Once approved, the Shetland Transport Strategy will be a statutory document and the Council, as a member of Zetland Transport Partnership, must perform its functions which relate to or which affect, or are affected by transport consistently with the transport strategy.

7. Recommendation

7.1 I recommend that the Infrastructure Committee note this report.

Report No. TR-09-08-F



REPORT

To: Infrastructure Committee

4 March 2008

**From: Service Manager – Trading Standards
Environment and Building Services
Infrastructure Services Department**

COPYRIGHT, DESIGNS AND PATENTS ACT 1988 FUNDING

1 Introduction

- 1.1 This report updates the Infrastructure Committee about the proposal to establish a specialist regional intellectual property crime unit to discharge new enforcement duties on behalf of a group of local authorities in the north of Scotland.

2 Link to Council Priorities

- 2.1 This report sits within the Corporate Plan priorities of *Social Justice*, *Think and Act Collectively* and *Excellence, including Best Value*.

3 Background

- 3.1 In June 2007, Members approved the allocation of Shetland Islands Council's £3000 additional annual grant funding to support the establishment of a specialist regional intellectual property crime unit. The Unit would enable Shetland Islands Council to discharge its new Copyright, Designs and Patents Act 1988 enforcement duties in a more effective manner than we could achieve on our own.
- 3.2 At that stage, discussions were continuing to establish which authorities were in a position to pool their new monies to create a specialist regional unit which would undertake work on behalf of all of the partner authorities.
- 3.3 Members' approval of this allocation of funding was for one year only, and subject to the proviso that the Service Manager – Trading Standards should report back on the cost of expenses (minute reference 23/07).
- 3.4 It has unfortunately not been possible to set up the proposed specialist regional intellectual property crime unit, as the number of authorities willing and able to pool their new monies for this purpose was ultimately too few to make the proposal viable.

- 3.5 There were no direct expenses associated with the Council's participation in the discussions seeking to establish the proposed specialist regional unit, as these were all carried out by email.
- 3.6 The proposed specialist regional unit would have enabled Shetland, in partnership with neighbouring authorities, to undertake more proactive intellectual property crime enforcement work than has been the case to date.
- 3.7 The Trading Standards Service can, within its existing budget, continue to carry out reactive intellectual property crime enforcement work. This is in part dependant on authorities continuing to work in informal partnership arrangements as has been the case in the past.

4 Financial Implications

- 4.1 The £3000 allocated to the Trading Standards Service budget in 2007/08 for this purpose will not be spent and, although already budgeted for in 2008/09, will be offered as a budget saving for 2008/09.

5 Policy and Delegated Authority

- 5.1 The Infrastructure Committee has full delegated authority to act on all matters within its remit, Section 12.0 of the Council's Scheme of Delegations, and for which the overall objectives have been approved by the Council, in addition to appropriate budget provision.

6 Conclusions

- 6.1 The proposal to set up the proposed specialist regional intellectual property crime unit has fallen through. Due to a lack of economies of scale, it is not realistically possible to spend the Council's £3000 additional annual grant funding to make a genuinely effective difference to intellectual property crime enforcement within Shetland.
- 6.2 By continuing to work in informal partnership arrangements with neighbouring authorities, the Council's Trading Standards Service can (within its existing budget) maintain an effective level of reactive intellectual property crime enforcement work. The Service will not, however, be able to undertake the more proactive intellectual property crime enforcement work for which the additional annual grant funding was intended.

7 Recommendation

- 7.1 I recommend that the Infrastructure Committee notes the contents of this report.

Report Number: ES-10-08-F



REPORT

To: Infrastructure Committee

04 March 2008

**From: Environmental Liaison Officer
Planning
Infrastructure Services Department**

MINUTES OF THE SIC NUCLEAR POLICY CO-ORDINATION GROUP

1 Introduction

1.1 Shetlands Islands Council has a long history of involvement in monitoring the nuclear industry as demonstrated by its membership of Nuclear Free Local Authorities and its strong nuclear policy as set out in its statement of principles (Minute Ref 29/04). In representing the Council, Members attend several different stakeholder groups on nuclear and radioactive waste management issues. In order to co-ordinate these efforts it was decided to establish an officer member working group to co-ordinate SIC Nuclear Policy in August 2002.

2 Links to Council Priorities

2.1 The Council Corporate Plan identifies, the protecting our natural resources, improving health, managing waste effectively and reducing its impact on the environment as key priorities.

3 Proposal

3.1 At the meeting of the SIC Nuclear Policy Co-ordination Group on the 22nd June 2007 it was decided to forward all future minutes to the Infrastructure Committee to inform other members of the work of the group.

4 Financial Implications

4.1 There are no financial implications associated with this report.

5 Policy and Delegated Authority

5.1 The Infrastructure Committee has full delegated authority to act on all matters within its remit, "Section 12.0 of the Council's Scheme of Delegations" and for which the overall objectives have been approved by the Council, in addition to appropriate budget provision.

6 Recommendation

- 6.1 Members are asked to note the minutes of the group from the 29 August 2007.

Report Number : PL-13-08-F



Minutes

Sixteenth Meeting of Nuclear Policy Co-ordination Group Wednesday 29th August 2007 – Grantfield - Conference Room – 14:00

Present:

John Mouat (Chairman), Councillor Iris Hawkins, Councillor Jim Henry, Councillor Rick Nickerson, Chris Bunyan, Alastair Hamilton, Paula Nicolson

Apologies:

Tavish Scott MSP, Alastair Carmichael MP, Austin Taylor

	Action
<p>Item 1 – Welcome & Apologies</p> <p>Mr Mouat welcomed everyone to the meeting. The apologies were noted.</p> <p>Item 2 – Consider and approve draft minutes from previous meeting – Friday 22nd June 2007</p> <p>The minutes were approved.</p> <p>(i) Matters Arising</p> <p>Mr Bunyan was unsure as to what he had been asked to produce at the previous meeting. Mr Bunyan had prepared a report on Mayors for Peace where it should have been about Trident in a Shetland Context. Mr Bunyan agreed to prepare a draft report for the next meeting.</p> <p>Item 3 – Reports (Verbal)</p> <p>(a) Nuclear Free Local Authorities</p> <p>Two meetings had been held recently including the Scottish Forum AGM. A report on new build had been received from Pete Roche which Councillor Nickerson requested be circulated by e-mail and gave the group a brief overview. The consultation closed on 10th October. Monitoring of the particles was continuing on Sandside beach as an agreement had been reached for access with the landowner. NFLA secretariat Stewart Kemp had also left the organisation after many years service.</p> <p>(b) Dounreay Stakeholders Group</p> <p>There was nothing to report from this group.</p> <p>(c) KIMO</p> <p>Mr Mouat advised the group that KIMO sat on the review committee for the consultation process for the particles BEPO at Dounreay. The two preferred options from the BEPO were to continue with monitoring and retrieval both at sea and on the beach. The group discussed the environmental impact of removing part of the beach if it was found to be highly contaminated. KIMO had also sent a response on the SEPA consultation on Shipments of Radioactive metal from Rosyth to Sweden for Decontamination.</p>	<p>Mr Bunyan - Done</p>

	Action
<p>(d) NENIG</p> <p>Mr Bunyan reported that he had nothing significant to discuss.</p> <p>(e) COWAM</p> <p>John Mouat had attended the 1st COWAM in Practice meeting on 19th July, which he had found very interesting although the discussions covered some of the issues which had been discussed in COWAM 2. Travel and subsistence would be paid for attendance at future meetings and Mr Hamilton suggested it would be very helpful for Mr Mouat to continue to attend however he was happy to carry on with COWAM 2.</p> <p>(f) CoRWM</p> <p>The group discussed the present situation regarding CoRWM and Managing Radioactive Waste Safely (MRWS) Consultation. A letter encouraging responses to the consultation had been received and it was agreed to support the NFLA position.</p> <p>(g) NDA</p> <p>There was no report from NDA meetings.</p> <p>Item 4 - Attendance at Future Meetings</p> <p>The NFLA National Steering Committee was on 14th September and Cllr Nickerson would attend. The NFLA AGM was in Dublin on the 6 and 7th of December, Mr Mouat and Councillor Nickerson would attend.</p> <p>NDA – The next meeting was to be held in Gateshead in November.</p> <p>Item 5 – Future Consultations</p> <p>The group discussed the consultation on Future Nuclear Power which was due on the 10th October and the Managing Radioactive Waste Safely (MRWS) Consultation due on the 2nd November. It was agreed that a letter should be written to the Scottish Executive asking for the Scottish Governments long term position on waste Management</p> <p>Item 6 – AOCB</p> <p>There was no other business to discuss</p>	<p>Mr Mouat</p>

<p>Item 7 - Date and time of Next meeting</p> <p>The date and time of the next meeting was not agreed</p>	
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REPORT

To: Infrastructure Committee

4 March 2008

**From: Environmental Liaison Officer
Planning
Infrastructure Services Department**

MINUTES OF THE KIMO CO-ORDINATION GROUP

1 Introduction

- 1.1 As Shetlands Islands Council is a founder member of KIMO (Local Authorities international Environmental Organisation) the Council appoints four substantive and three substitute members to the organisation. As only two members regularly attend meetings, in June 2003, it was decided to establish a member officer working group to update the other appointed members of current activities.

2 Links to Council Priorities

- 2.1 The Council Corporate Plan identifies, the protecting our natural resources, developing suitable transport, managing waste effectively and reducing its impact on the environment and enhancing Shetlands biodiversity as key priorities.
- 2.2 KIMO is actively campaigning on these issues in relation to the marine environment, on behalf of its members, including the Shetlands Islands Council.

3 Proposal

- 3.1 At the meeting of the KIMO Co-ordination Group on the 22nd June 2007 it was decided to forward all future minutes of the group to the Infrastructure Committee to inform members of the work of the Organisation.

4 Financial Implications

- 4.1 There are no financial implications associated with this report.

5 Policy and Delegated Authority

- 5.1 The Infrastructure Committee has full delegated authority to act on all matters within its remit, "Section 12.0 of the Council's Scheme of

Delegations” and for which the overall objectives have been approved by the Council, in addition to appropriate budget provision.

6 Recommendations

- 6.1 Members are asked to note the minutes of the group from the 29 August 2007.

Report Number : PL-12-08-F



**Meeting of the KIMO Co- ordination Group
Wednesday 29th August 2007 – Conference Room - Grantfield**

Final Minutes

Present:

Councillor Iris Hawkins, Councillor Jim Henry, Councillor Gary Robinson, Councillor Josie Simpson, Mr Rick Nickerson, Mr John Mouat, Mr Iain McDiarmid, Ms Sally Spence, Mrs Paula Nicolson.

Apologies:

MSP Tavish Scott, MP Alastair Carmichael, Councillor Caroline Miller.

	Action
<p>1. Welcome & Apologies</p> <p>Mr Mouat welcomed everyone to the meeting, the apologies were noted. Mr Nickerson wanted it recorded that he was attending the meeting as a consultant and not as a Councillor.</p> <p>2. Consider & approve draft minutes of 22 June 2007</p> <p>The minutes from the previous meeting were approved and there were no matters arising.</p> <p>3. Presentation of KIMO (Power Point)</p> <p>Mr Mouat gave a brief power point presentation on the background of KIMO for the benefit of the new members. Councillor Henry suggested that Mr Mouat should give a presentation at the Environment Forum for the benefit of the new Councillors who may be unaware of KIMO.</p> <p>4. Review of KIMO activities (Mr John Mouat – KIMO Secretariat)</p> <p>Mr Mouat had attended an OSPAR meeting on the 25-29th June where it was agreed that KIMO would undertake a review of marine litter in the OSPAR Area for the Commission and the United Nations Environment Programme. A graduate placement was starting with KIMO in September and would be completing the task. The review would also generate a £5,000 income for KIMO UK.</p> <p>The Netherlands Government had also approached KIMO to co-ordinate the OSPAR Marine Beach Litter Monitoring Group, which would be undertaken KIMO International on a commercial basis.</p> <p>Mr Mouat explained that KIMO UK was having financial problems and urgently needed new members if the network was to be sustainable. The lack of members within the UK meant that the reserves had been eroded whilst Moray Council had recently pulled out following budget cuts. It was agreed that UK urgently needed more members and that Council Members would try to take information packs to meetings on the mainland. Councillor Robinson was to attend a meeting in Swansea and asked Mr Mouat to supply him with the packs to take away with him. The group discussed ways to encourage new memberships and new projects were also discussed. Mr Mouat added that</p>	<p>Mr Mouat - Done</p>

	Action
<p>one option would be to move the UK Co-ordinator post to another Authority on the mainland thus cutting out high travel costs.</p> <p>All options would be discussed in full at the KIMO UK business meeting in Edinburgh on 7th September. Mr Mouat hadn't yet approached another Authority in regard to taking over the UK Co-ordinator, both Fife and Aberdeenshire Councils had offered assistance with office space and administration but not the salary for co-ordinator. Both Lancaster and Cornwall Authorities had lately shown a great deal of interest in joining KIMO.</p> <p>The Data Trawl Home working Project was continuing well, 12 research briefs had been received they had now been narrowed down to 8. Researchers had also come forward so the project was on target with a deadline set for the middle of October.</p> <p>Mr Mouat informed the group that a Simrishamn Kommun, a new member in KIMO Sweden, who had attended the AGM last year, had expressed an interest in setting up a KIMO forum in the Baltic. As the KIMO constitution currently didn't include the Baltic countries a report would be presented to the KIMO AGM recommending its alterations and the inclusion of the Baltic countries in the KIMO Network.</p> <p>5. Fishing for Litter Scotland Project (FFL) and Marine Awareness Course initiatives (Mr Rick Nickerson – FFL Project co-ordinator)</p> <p>There had been no marine awareness courses lately, the next course was due to be held in September. Mr Mouat was receiving a consultancy fee from the courses which provided income for KIMO UK.</p> <p>There were now 14 harbours involved in the Fishing for Litter Project, the initial target had been set at 10. Mr Mouat and Mr Nickerson were due to meet Richard Lochhead on 24/9/07 to seek an extension of another 3 years to the project.</p> <p>Mr Nickerson had been invited to attend a meeting in Wales to give a presentation in Wales on the Fishing for Litter Project to Oban in October to give a presentation to the GRAB Trust.</p>	

	Action
<p>6. Review on CPMR / North Sea Commission Activities (Sally Spence – SIC European Officer)</p> <p>Ms Spence explained that Councillor Simpson and Councillor Angus had been re-elected onto CPMR, Councillor Henry and Councillor Nickerson were to act as substitutes. Shetland was more active in the North Sea Commission than the CPMR simply because NSC was more relevant to Shetland. Convener Sandy Cluness had been invited to apply for one of the 2 vice presidencies and had been successfully elected for two years. Ms Spence and Douglas Irvine had recently visited the Isle of Man to give a presentation on the difficulty of state aid legislation and received support from several regions with similar problems.</p> <p>Councillor Simpson presently chairs the CPMR Fisheries Intercom Group. CPMR had approached Shetland to host a Transport Workshop which would be held in November.</p> <p>7. Future Consultation</p> <p>There were no consultation to discuss</p> <p>8. Attendance at Future Meetings</p> <p>Councillor Hawkins was to attend the KIMO UK Business meeting on 7th September and the AGM in October. Councillor Angus had also been invited to attend the AGM to give a presentation regarding an Interreg project on Small Ports In which he had been involved.</p> <p>9. AOCB</p> <p>Mr Mouat advised the meeting that the Admin Assistant for KIMO, Elissa Bishop, had left the post to go to Independent Living. Marie Robertson and been appointed in her place and was due to start at the end of September.</p> <p>Councillor Hawkins brought up the issue of the beaches and coastlines in Shetland as she was concerned that there was a large amount of litter on them. The beaches were cleaned once yearly during the Redd-Up but this was not near enough. It was agreed that this was a problem and the group discussed possible remedial options.</p>	

	Action
<p>Councillor Robinson asked the group as to their thoughts on the campaign at present to get better weather Radar cover in Shetland. Mr Nickerson replied that KIMO had supported it in the past.</p>	