

MINUTE

‘A&B’

Infrastructure Committee
Council Chamber, Town Hall, Lerwick
Tuesday 4 March 2008 at 10.00am

Present:

L Angus	L F Baisley
J Budge	A T J Cooper
A Doull	A G L Duncan
E L Fullerton	F B Grains
I J Hawkins	J H Henry
W H Manson	R C Nickerson
G Robinson	C L Smith

Apologies:

A J Cluness	R S Henderson
A J Hughson	C H J Miller
F A Robertson	J G Simpson
J W G Wills	A S Wishart

In Attendance (Officers):

S Cooper, Head of Environment & Building Service
J Smith, Head of Organisational Development
I Halcrow, Head of Roads
M Dunne, Service Manager – Environmental Health
D Marsh, Service Manager – Trading Standards
M Grains, Trading Standards Officer
J Mouat, Environmental Liaison Officer
D Macnae, Network and Design Manager - Roads
E Perring, Transport Strategy Officer
C Albutt, Senior Assistant Accountant
B C Hill, Acting Divisional Manager – Legal
A Taylor, Heritage Manager
L Gair, Committee Officer

Chairperson:

Mrs I J Hawkins, Vice-Chairperson of the Committee, presided.

Circular:

The circular calling the meeting was held as read.

Declarations of Interests

Mr R C Nickerson, Mrs F B Grains and Mr J H Henry declared an interest in item 4 as Trustees of the Shetland Amenity Trust
Mr R C Nickerson declared an interest in item 14 as a consultant for KIMO
Mr C L Smith declared an interest in item 2 as the Convener to the Licensing Board
Mr A T Doull declared an interest as the Treasurer of the Sullom and Gunnister Hall.

Minute of Infrastructure Committee – 22 January 2008

The minute of the meeting held on 22 January 2008, having been circulated, was confirmed.

Mr W H Manson drew attention to paragraph 2.3 in Appendix A and said that management needed to tackle the perception that when working from home employees were not working. He said that working from home required a different discipline and style of management, but he was aware that some workers felt they

worked better from home. Mr Manson said he would encourage promotion of paragraph 3.3 of the report and hub offices should be looked at in more detail. Mr Manson welcomed the option for a district operative or handyman, it had been proposed in the past but had not been taken forward.

Mrs E L Fullerton said that this was a good report, and drew attention to the negative aspects and perceived barriers for managers, regarding employment performance and outputs. Mrs Fullerton said that this was something that management should be doing anyway and that management systems for monitoring performance should already exist and there would be no difference in managing workers performance remotely. Mrs Fullerton said that the Council had good buildings that could be considered for use as hub offices and said that to wait for broadband would mean nothing would happen.

Mr R C Nickerson endorsed Mrs Fullerton's comments and said there were synergies with other agencies such as the Health Board, and they should be considered when looking at remote working.

Mr G Robinson said that he had informal discussions in the Sandness community and noted that it was an arduous drive for anyone travelling to Lerwick everyday. He said that the hall and school were available for use as hub offices and noted that the IT barrier noted in 6.3 was a perceived barrier rather than a physical one, and could be overcome in some cases. Mr Robinson added that the formal home working policy appeared to be bureaucratic and asked that this be looked at to help the process.

Mrs L Baisley drew attention to paragraph 6.5 and suggested that posts be advertised with a statement to say whether the post was suitable for remote working or not. She said that would encourage more people to apply, who did not live or work in the area.

Mr J G Simpson said that too many working hours were spent on rubbish emails and said that needless emails should be cut back.

In response to comments made, the Service Manager - Environmental Health advised that the staff survey indicated a positive response on the matter of productivity. She said however that management indicated that they could not trust staff. The Service Manager – Environmental Health said there needed to be a cultural shift on managing outputs and there was still a lot of work to be done.

12/08 **Licensing Standards Officer**

The Committee considered a report by the Service Manager - Environmental Health (Appendix 2).

The Service Manager – Environmental Health introduced the report and advised Members that the duties and appointment of a Licensing Standards Officer (LSO) had been set out by the Licensing (Scotland) Act 2005. She advised that due to the amount of work to be done in the first 18 months, the duties could not be undertaken from within the Environmental Health Service, without stopping an existing function. She advised that a review would be undertaken after 18 months to assess whether the remaining workload could then be carried out from within the existing service.

Mr A G L Duncan said that, as the Act did not come into force until September 2009 there was not too much hurry on the project, and that it should be investigated further. Mr Duncan suggested that the function be carried out in partnership with another area for example Orkney. He said that the Council was trying to make savings and that the

Council should look at other in house options and transfer someone from another department.

Mr A T J Cooper said that he had no problem with the appointment but that he had two concerns. He said that he was not convinced that the income levels would be achieved, as he was aware that there were concerns in the community that they could not afford the license fees and would move to occasional licenses to save money. Mr Cooper said that he was also concerned that three weeks earlier the Council had fixed its budget and he did not want to go over that as there would no longer be a balanced budget, which was unacceptable. Mr Cooper said that Officers should look within the Infrastructure Services budgets to cover the £31,000 and look at the income levels from elsewhere.

Mr S Cooper advised that the budget was within Legal Services and he had checked with Finance Services who confirmed that funds were available in 2008/09 from the licensing of premises fees. Mr A T J Cooper asked that a 1-page report be presented to the Council to clarify the budget position.

Mr G Robinson said that there was an appalling record of underage drinking and there was an opportunity under the new Act to make a difference. Mr G Robinson moved that the Committee approve the recommendations contained in the report, as they stand, Mr C L Smith seconded.

Mrs F B Grains, said that there had been mixed message over the new Licensing Act, and moved as an amendment that the Committee approve deferral of post until the position was made clear. In seconding, Mr L Angus was of the opinion there was not sufficient information in the report and said that it could not be determined whether a full time post was required. He said that staff were already employed to assess premises and suggested that obtaining more information on the post duties would not impede the activity.

The Service Manager – Environmental Health advised that September 2009 was when the Act came into force, but that the transition period had already started. She explained that the licensees had to apply now for their new premises licenses and that was why the post was required now. The Service Manager – Environmental Health said that it was never the intention that this would be a growth item and it had not been until January that the fee levels had been set. She said that Chief Officers for Environmental Health had been assured that there would be no cost to the Council for the new licensing regime, and this issue had been raised in particular relating to rural communities however the Scottish Government advised that it had no concerns about the impact of the costs on Councils across the whole of Scotland.

In response to a query from Mr A T Doull, the Services Manager – Environmental Health confirmed that the Legislation stated that an LSO had to be appointed. She advised that the Legislation stated that the LSO could undertake other duties but the Licensing Board would only be recharged for Board related activities. The Service Manager – Environmental Health said that the amount of work, following the transition period in September 2009 could not be determined and that was why a review would be undertaken. She added that there was a huge amount of work to be done between now and September 2009, and that it could not be accommodated within the existing service without stopping another function.

Members discussed the effect that the new Act would have on community halls and expressed concern that if some halls gave up their license, that there would be

reduced control on carryouts and the way drink would be sourced and consumed. Mrs Baisley said that she would support a secondment opportunity and suggested that it be considered for remote working.

After summing up, voting took place by show of hands and the result was as follows:

Amendment (Mr F B Grains)	10
Motion (Mr G Robinson)	3

The Chairperson confirmed that a report was to be presented to the next Council meeting.

13/08 **Enforcement of Legislation Controlling the Supply of Tobacco Products**

The Committee considered a report by the Service Manager – Trading Standards (Appendix 3).

The Service Manager – Trading Standards briefly introduced the report.

(Mr J Budge left the Chamber)

Mrs E L Fullerton said that everyone was aware that smoking killed and said she wholeheartedly supported the report. Mrs E L Fullerton moved that the Committee approve the recommendations contained in the report, seconded by Mr A T J Cooper.

Mrs L F Baisley said that she was concerned about the illegal tobacco that was available and asked what was being done about the manufacture of it. She said that she was personally aware that there was also a problem in Shetland and asked how it could be prevented. The Service Manager - Trading Standards acknowledged that this was a problem and that it was a bigger issue on the mainland as illegal tobacco was being sold on street corners. Mr R C Nickerson said he was unsure if it was possible, but suggested that Dogs against Drugs be contacted to find out whether their dogs were able to detect illicit tobacco.

During further discussions, it was suggested that young people be encouraged to carry their Young Scot card as proof of age, but it was noted that there was still a problem with the availability of tobacco through vending machines. The Services Manager – Trading Standards confirmed that, for the safety of the young person, a Trading Standards Officer would be present in the shop before they entered. He added that not all Trading Standards Officers were well enough known to every shop, for that to affect the outcome.

14/08 **Shetland Amenity Trust - Architectural Heritage Programme 2008/09**

The Committee noted a report by the Heritage Manager (Appendix 4).

The Head of Environment and Building Services introduced the report and advised that the capital projects review team did not think that it was appropriate to fund this through the Council's capital programme. There was also not sufficient time to deal with this project through the budget setting exercise. He said that there was clearly more detail on the funding mechanism required, and the recommendation was that the funding be approved for 3 months until more information was received from the Shetland Amenity Trust (SAT).

Mr L Angus moved that the Committee approve the recommendations contained in the report, and following discussions at the Capital Programme Seminar on what would be in the capital programme, the matter be referred back to the Council. Mr W H Manson seconded.

Mr A G L Duncan moved as an amendment that the Committee reject in full, the recommendations contained in the report. He said that departments were encouraged to make savings and economise. Mr Duncan advised that SAT had recently received £1.5 million from the Shetland Development Trust for the Sumburgh Lighthouse project and said that like the Council, SAT received their budget and it was up to them to manage it accordingly. Mrs E L Fullerton seconded.

Mr C L Smith said that he was concerned that there appeared always to be some urgency on the funding requirements of the SAT. He commented that SAT tendered for outside work and said that there had to be a commercial return. Mr Smith queried what the commercial return was used for and asked for more information before a decision was made. Mr A T J Cooper added that he would like to see a 5-year capital programme from SAT.

After summing up, voting took place by show of hands and the result was as follows:

Amendment (Mr A G L Duncan)	3
Motion (Mr L Angus)	6

15/08 **Action Plan for the Maintenance, Improvement and Use of the Road Network : Biennial Review**

The Committee considered a report by the Network and Design Manager, Roads (Appendix 5).

The Network and Design Manager provided a detailed summary of the report, and advised Members that they were welcome to contact the Roads Service at any time.

Mr L Angus referred to Haggersta Road and said it reflected badly on the Local Authority, and asked that it be made an absolute priority. He referred to the Gulberwick Loop Road and advised that the community did not want streetlighting or wider roads as they felt it would encourage speeding traffic. The Network and Design Manager advised that the Road Service were drawing up a draft scheme for a 2 lane road and footpaths with a new road alignment required at the North end. He advised that there was no immediate intention to seek approval for the road to be built, but provision should be made for the future as the current rate of house building meant that it could become essential in 10 years time. The Network and Design Manager explained that the aim was to ensure that there would be no building approval given inside the road corridor required, and to also seek funding from developers, inform landowners and for it to be included in the master plan.

(Mr L Angus left the Chamber)

Members discussed the report at length and Mr J G Simpson requested a report on the maintenance of verges. Members were advised that a report had been presented to the last meeting, and approval of the policy allowed for a degree of flexibility in certain circumstances. However, following further discussion it was agreed that a further report be presented to the Committee. The Committee was advised that street lighting maintenance ensured that lights were replaced with low energy, down lit units. The Head of Roads advised that where an entire scheme was to be installed

or replaced, a full review would be carried out and assessed whether it was needed and/or wanted by the community.

Mr W H Manson drew attention to 7.1.3, and 7.1.7 and requested that, although improving the Hillswick Road was the Community's priority the Runnasvoe Road should also receive some works as soon as possible. He said that the cost of maintenance might be wasted as it needed reconstruction and could suddenly become a high priority.

In response to a query from Mrs F B Grains, regarding the Cott Road at Weisdale, the Network and Design Manager agreed to provide a report on the STAG to the Members/Officer Working Group Roads in June 2008.

The Head of Roads advised Mr A T J Cooper, that the policy on cattle grids was that they were not constructed unless the cost was provided by the individual. Mr Cooper said that the policy might required to be debated again.

Mr Cooper said that the Brae Community raised a concern with regard to the broken doors on street light columns. He said that some doors had been taped on and he asked that the matter be addressed and assurances given to the public on safety.

In response to a query from Mr Cooper, the Network and Design Manager advised that it was difficult to acquire land for the Vidlin road improvements. He provided Members with a brief history of the project and advised that land could not be purchased before they knew how much was need. The Network and Design Manager said to buy too much land, to be on the safe side, was not fair to the landowner and was not value for money and if it led to the compulsory purchase process, they would be criticised for trying to buy too much land.

Mr I Halcrow advised that there was a long list of works to be carried out, but the capital programme was approved on a year-by-year basis. He added that it would be good to have a 3 or 5 year capital programme and that would allow the service to design and purchase land in advance.

In response to a query from Mr A G L Duncan, the Network and Design Manager advised that there was a £10,000 budget for the replacement and maintenance of Christmas lights.

Mr G Robinson said that he was pleased to see that contributions would be sought from developers and moved that the Committee approve the recommendations contained in the report. Mr J G Simpson seconded.

16/08 **SIC (Glebe Park, Bressay) (Parking Place for Disabled Person's Vehicle) Order 2008**

The Committee considered a report by the Network Manager, Roads (Appendix 6).

Mr A T J Cooper moved that the Committee approve the recommendations contained in the report, seconded by Mrs E L Fullerton.

17/08 **Housing Revenue Account/Harbour Account/Reserve Fund
Revenue Management Accounts 2007/08
For the Period 1 April 2007 to 31 December 2007**

The Committee considered a report by the Head of Finance (Appendix 7).

The Head of Environment and Buildings Services briefly introduced the report and the Committee approved the recommendations.

18/08 **General Fund Revenue Management Accounts 2007/08
For the Period 1 April 2007 to 31 December 2007**

The Committee considered a report by the Head of Finance (Appendix 8).

The Head of Environment and Buildings Services briefly introduced the report and the Committee approved the recommendations.

19/08 **Note of Environment Forum – 14 February 2008**

The Committee confirmed, with the exception of the undernoted, the minutes of the Environment Forum meetings held on 14 February 2008 (Appendix 9).

Mr R C Nickerson advised that Mr Summers had been incorrectly referred to as “Mr Summer” throughout the minute.

Min Ref. 01/08 Mr J H Henry advised that the first paragraph referred to “Keep Shetland Beautiful” and this should be changed to “Keep Scotland Beautiful”

20/08 **Traffic Regulation Orders, etc. Progress Report**

The Committee noted a report by the Network Manager - Roads (Appendix 10).

21/08 **Bressay Link STAG Appraisal**

The Committee noted a report by the Head of Transport (Appendix 11).

22/08 **Copyright Designs and Patent Act 1988 Funding**

The Committee noted a report by the Service Manager – Trading Standards (Appendix 12).

23/08 **Minutes of the SIC Nuclear Policy Co-ordination Group**

The Committee noted a report by the Environmental Liaison Officer (Appendix 13).

24/08 **Minutes of the KIMO Co-ordination Group**

The Committee noted a report by the Environmental Liaison Officer.

The Environmental Liaison Officer advised Members that KIMO had been contacted by OSPAR Commission and the United Nations Environment Programme to undertake an assessment of marine litter in the North East Atlantic.

He also highlighted the KIMO was looking to appoint a UK Coordinator based on the mainland, subject to funding, and that a report on KIMO’s Home Working Data Trawl Project, which used graduates in Shetland to undertake marine environmental research using the internet, would be presented to the next meeting.

The meeting concluded at 12.00 pm