

MINUTE

‘B’

Infrastructure Committee
Council Chamber, Town Hall, Lerwick
Tuesday 15 June 2010 at 10.40am

Present:

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

In Attendance (Officers):

G Greenhill, Executive Director Infrastructure Services
S Cooper, Head of Environment and Building Services
I Halcrow, Head of Roads
I McDiarmid, Head of Planning
M Dunne, Service Manager – Environmental Health
J Grant, Waste Services Manager
J Duncan, Planning Engineer
B Robb, Management Accountant
L Gair, Committee Officer

Also:

L Kingham, SOTEAG
Prof. W Ritchie, SOTEAG
Dr M Richardson, SOTEAG
D McLellman, Scottish & Southern Energy
F Clifton, Scottish & Southern Energy
N Coote, Scottish & Southern Energy
C Foote, Scottish & Southern Energy

Apologies

A J Cluness	J H Henry
A J Hughson	J G Simpson
J W G Wills	

Chairperson:

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

Circular:

The circular calling the meeting was held as read.

The Chairperson ruled that due to timescales involved and to maximize the opportunity of having SOTEAG representatives in Shetland today, a presentation from them would be the first substantive item of business to be considered at this meeting, as a matter of urgency in terms of subsection 4 of section 50B of the Local Government (Scotland) Act, 1973.

Declarations of Interests

None.

Minutes of Meeting

The minutes of the Infrastructure Meeting held on 3 May 2010, having been circulated, was confirmed.

Attendance at External Meetings

None.

44/10 Review of SOTEAG Activities to June 2010

SOTEAG representatives provided Members with a presentation on SOTEAG Activities to June 2010. (Slides attached as Annex A).

In response to Members questions, Dr Richardson advised that the special area of conservation appeared to have no effect on SOTEAG. He said that this status provided an additional source of information and advised that SOTEAG liaise with Scottish Natural Heritage. Dr Richardson advised that the oil east of Shetland is high in sulphur dioxide, which has an acidic property. He informed Members that the levels in the atmosphere are monitored and explained that, biologically, lichen also provides a good indicator for the presence of sulphur. Dr Richardson said it was unlikely that sulphur would affect the heather and that the instance of heather die off, referred to by a Member, was related to the heather beetle.

With regard to the 33 years of bird surveys and the currently low population of guillemots, Prof. Ritchie advised that the surveys did not only monitor just Shetland birds and the figures regularly go up and down which may be as a result of a bad winter as well as other natural, reasons.

The Chairperson thanked Ms Kingham, Dr Richardson and Prof. Ritchie for providing their presentation.

(Mrs F B Grains left the Chamber)

45/10 A968 Ulsta, Yell: Proposed 30MPH Speed Limit

The Committee considered a report by the Road Safety Engineer, (attached as Appendix 1).

Mrs L F Baisley referred to correspondence between the Yell Community Council and the Council. She said that Officials advise that the stretch of road is not suitable for a 30MPH limit and said that there are no pavements and pedestrians were on the front line when passing cars rush to the ferry. The Head of Roads said that the Community Council also raised the need for pedestrian warning signs and advised that these signs could be arranged. He also advised Members on when a speed limit would be used and when they become less effective and advised that the measures suggested would help the situation.

Some Members expressed their concern with regard to the speed of traffic travelling to the ferry and Mrs E L Fullerton said that the procedure followed by Roads Service should be reviewed as guidelines followed were not law and did not prevent the Council from agreeing to a speed limit. She said that most side roads were not suitable for a 60mph limit and the local community know more about their own areas and what is needed. Mrs Fullerton said that the Council should not wait for an accident to occur before taking action.

Mr R S Henderson said that the road to Mid Yell was double width and with good verges and there was a greater need to extend the limit up to the Ferry View Houses as this section of road was used more by pedestrians.

Mr G Robinson referred to another area where a limit had not been effective and eventually removed. He said he would be reluctant to make a decision without a review of speed limits and said that with good planning the problem could be removed.

Mrs L F Baisley moved that the Committee listen to the concerns of the Yell Community Council and approve the 30MPH on the B9081 up to the Ferry View Houses. To clarify, Mrs Baisley said that she agreed that the main A968 was sufficiently wide, with good verges and visibility and therefore should not be implemented as detailed but should receive a similar approach to the ferry as provided at Voe approaching the School. Mr R S Henderson seconded.

In response to a query, the Head of Roads advised that the Police are consulted on speed limits but do not provide advice on whether it is a good idea or not. They state that they will enforce speed limits as per the recourses available.

Mr A G L Duncan asked that a review of speed limits take account of safety and reminded Members of the issues relating to the Levenwick stretch of road, which he said should be treated as a priority.

Mrs Fullerton said that she did not anticipate that a review of speed limits would look at every speed limit in Shetland but would look at the guidelines and the setting of speed limits taking account of limits where there are no footpaths and where walkers are in danger, particularly on single-track roads. She stated that there are more people walking for leisure as well as for a purpose and the Council should support them.

46/10 **Improving Delivery of Environmental Performance – Carbon Management**

The Committee considered a report by the Executive Director – Infrastructure, (attached as Appendix 2).

The Executive Director – Infrastructure introduced the report.

Mr L Angus moved that the Committee approve the recommendations contained in the report and was given assurance that the ferry emissions would also be included in the calculations. Mrs C H J Miller seconded.

The Executive Director – Infrastructure advised that he hoped to report on this again after the summer recess. He also explained that savings made on fuel, electricity and purchases would not be used to increase the workforce.

47/10 **Infrastructure Revenue Management Accounts – General Ledger and Reserve Fund – For the period 1 April 2010 to 31 May 2010**

The Committee noted a report by the Head of Finance, (attached as Appendix 3).

The Management Accountant introduced the report. In response to a query regarding the Landfill income figures, the Head of Environment and Building Services advised that there used to be an income of approx. £500,000 for drill cuttings, however with the knowledge that this would be much reduced, an estimated figure of £100,000 had been budgeted for but no income would now be received.

Mr A T J Cooper queried how much of the £377,000 underspend would be bankable, and the Management Accountant explained that profiling adjustments had been made to produce a more accurate figure, but more work would be required to ascertain if any of the underspend could actually be banked.

48/10 **Allotments: Update Report**

The Committee noted a report by the Head of Environment and Building Services, (attached as Appendix 4).

In response to a query, the Head of Environment and Building Services said that he could not give a definitive timescale with regard to finding a site in Lerwick, however he indicated that there were one or two options that would require further consultation and would be reported to Members with proposals.

49/10 **Financial Cost of Nuclear Policy Coordination**

The Committee noted a report by the Environmental Liaison Officer, (attached as Appendix 5).

Mr A G L Duncan said that savings could be made and was of the view that the provision of the Nuclear Policy Coordination was a waste of public funds. He questioned what benefit there was for Shetland and said that if there were any issues to be raised these could be done through our MP. Mr Duncan referred to paragraph 3.3 and said that the Local Authority had no chance of stopping the Trident Nuclear Weapon plant. He said that these funds could be directed to Education or Social Care for the elderly. Mr Duncan moved that the Committee agree to stop funding its membership of Nuclear Free Local Authorities the end of the financial year. Mr C L Smith seconded.

The Executive Director – Infrastructure advised Members that 50% of the £41,549 would not be a saving as this related to the direct operational costs of running the building, attributed to this service. He explained that this sum would continue for the other services within the department.

Some Members expressed their sympathy in respect of the points raised by Mr Duncan, however Mr G Robinson said that he would be reluctant to remove this service without a cost benefit analysis of other organisations.

Mr L Angus advised Members of the effect of discharges from Sellafield had on the fishing industry in the Irish Sea, with fish stocks being deeply affected by mutations and diseases. He said that this had implications for Ireland and the Isle of Man who have no representation. Mr Angus added that Norway reports on contamination from Sellafield and Dounreay, therefore this was not a localised issue and he would be reluctant to do nothing. Mr Angus said that the cost of nuclear contamination would be considerable.

Mrs Baisley quoted “evil prevails when good men do nothing”. She said that there are installations nearby and Dounreay Decommissioning was taking place and was pleased to have officers negotiating and defending Shetland.

Mrs E L Fullerton referred to paragraph 3.5 and said that the Council in its own right had influenced policy and was of the view that the Council can make its own representations. She said that savings do need to be made and agreed with Mr Robinson’s point that all organisations should be looked at further.

Mr R C Nickerson moved as an amendment that the Committee note the report. He said that this was good value for money and the Council had supported this service since 1993. He said that there was unity in numbers and there are discussions with the Nuclear industry and the Council had involvement and long term lobbying through the MSP and MP. Mr Nickerson said that advice and expertise is valued by Westminster and Edinburgh who say there will be no new nuclear plants in Scotland. He said that the greatest risk in a chemical plant is when it is being built and then when it is being decommissioned which will progress over the next 20 years. He said that the impact on Shetland would be from being down wind of these plants and reminded Members of the wide spread impact of Chernobyl. Mrs C H J Miller seconded.

(Mr G Robinson gave notice of a further amendment).

The Chairperson said that the affiliation fee is £1,228/year and was of the view that it is better to work as a team on issues such as no nuclear transporting which needs the whole of Scotland to agree. She said that Norwegians complain about the discharge from Sellafield and we need Officers to keep an eye on the situation.

Mrs C H J Miller referred to the presentation from SOTEAG and said that Shetland was proud of its environment and how we control pollution and was concerned that the millions received through tourism would be affected by any nuclear accident.

Following summing up, voting took place with a show of hands and the results were as follows:

Amendment (R C Nickerson)	9
Motion (A G L Duncan)	5

Mr G Robinson said that there was a real danger in doing nothing however the Council were affiliated with other environmental organisation that seem to be fighting the same battles in different forums. He said that transport of waste is a regular feature on KIMO and NFLA and viewed that this was not best use of money.

(Mr R C Nickerson declared an interest as a consultant of KIMO)

Mr Robinson referred to the excellent work of Chris Bunyan and the Environmental Liaison Officer but said that the Council appeared to be monitoring the monitoring that was already taking place. He was of the view that the Council was involved in a proliferation of groups and moved as an amendment that the Committee review the membership of infrastructure organisations and carry out a cost benefit analysis, but the status quo would remain in the meantime. Mr L Angus seconded.

For clarification Mr Robinson said that he had not restrained the breadth of the review, and that it related to any affiliation fee paid to an organisation involved in environmental issues. At the suggestion of Mr A S Wishart, Mr G Robinson and his seconder agreed that a future report would list these environmental agencies.

Mrs L F Baisley said that she was not opposed to Mr Robinson's motion, but cautioned that such a report would take up officer time and money.

Following summing up, voting took place with a show of hands and the results were as follows:

Amendment (G Robinson)	11
------------------------	----

50/10 Coast Protection Infrastructure Audit

The Committee noted a report by the Heritage Manager, (attached as Appendix 6).

The Planning Engineer introduced the main terms of the report.

Mr L Angus expressed his profound disappointment on the lack of progress with regard to coastal protection in Shetland. He said that there was no reflection on the Officer and explained that the Council had failed to get a plan in place and projects such as Sletts, Sands of Sound and the Dukes Kneb were being addressed when they fail after a storm.

Mrs L F Baisley said that Shetland had always been battered by the elements and when referring to the Tresta Link, she said that we have to accept that nature will take its course.

Mr R S Henderson expressed his disappointment that the Cullivoe Road was not on the list. He said that at high tide vehicles cannot pass and said that to wait on a change of tide, in this day and age was a disgrace. Mr Henderson said that the plans had been drawn and the matter had to be brought forward.

Mr Robertson said that in the past, these matters were dealt with on an adhoc basis as they were identified, but now that the Officer was in place Members know what is happening in Shetland. He said that the Council now needed to put their money where their mouth was.

Mr R C Nickerson said that there are many different projects with limited money available and it may be that in some cases the Council has to sacrifice the coastline.

Some Members spoke in support of the work being carried out by the Planning Engineer and advised of the excellent responses given to their queries.

The Chairperson asked that a report be presented to Committee on how to move forward, Members concurred and were advised that the projects would go through the Gateway process.

(Mrs C H J Miller left the meeting)

51/10 A971 Haggersta to Cova – Report on Progress, April 2010

The Committee noted a report by the Network and Design Manager, (attached as Appendix 7).

In response to a query, the Head of Roads referred to paragraph 4.3.3 and 4.3.4 and advised that the Compulsory Purchase Order (CPO) had been advertised to allow the public the opportunity to submit objections. He advised that an objection was made to the Scottish Government, which was passed onto the Roads Service to comment on, and this will be submitted to the Scottish Government by the end of the week. He advised that the Scottish Government would then consider the CPO, the objection and response and make their decision.

Members agreed to keep this report on the agenda for the time being.

Mrs L F Baisley said that it was important to keep this project in mind when debating the Whalsay Link as the acquisition of land can often be the biggest problem faced by any project.

52/10 20 MPH Speed Limit at Schools – Progress Report, February 2010

The Committee noted a report by the Road Safety Engineer, (attached as Appendix 8).

Members agreed that this report be removed from the agenda and only reported when the work is finished.

In response to a query from Mr A T J Cooper, with regard to the kerbing work at Voe, the Head of Roads confirmed that work was also being carried out for the speed limit and that it was intended that the limit would be in force by the end of the summer holidays.

(Mr G Robinson left the meeting)

With regard to Lunnasting, the Head of Roads informed Members that the traffic order would need to be re-advertised and the tender would be going out soon. He advised that he would make contact with the landowner again however the limit would not be in place by the end of summer, but later in the year.

53/10 Minute of Road Safety Advisory Panel – 4 May 2010

The Committee noted the minutes of the Road Safety Advisory Panel held on 4 May 2010, (attached as Appendix 9).

The Chairperson advised that as Vice-Chair of the Infrastructure Committee, Mr A S Wishart would now Chair the Road Safety Advisory Panel (RSAP).

(Mr F A Robertson left the Chamber)

54/10 Minutes of the Inter Island Ferries Board – 3 June 2010

The Committee noted the minutes of the Inter Island Ferries Board held on 23 April 2010, (attached as Appendix 10).

Min. Ref. 5/10 - Mrs L F Baisley reiterated her congratulations and thanks to the Officers and Engineers for fixing the linkspan and for getting the service operational so quickly.

Min. Ref. 6/10 – Mr R C Nickerson said there was no change to the minute required, but referred to the matter of the overspend on dry dockings and said this had to be addressed.

55/10 Minutes of the Infrastructure and Environment Forum – i) 9 March 2010 and ii) 4 June 2010

The Committee noted the minutes of the Infrastructure and Environment Forum held on i) 9 March 2010 and ii) 4 June 2010, (attached as Appendix 11i and 11ii).

In order to avoid the disclosure of exempt information, Mrs I J Hawkins moved, and Mr C L Smith seconded, to exclude the public in terms of the relevant legislation during consideration of agenda items 12 and 13.

56/10 Licensing Standards Officer Post

The Committee considered a report by the Service Manager – Environmental Health.

Mr L Angus moved that the Committee approve the recommendations contained in the report. Mrs E L Fullerton seconded.

(Mr A S Wishart and Mrs E L Fullerton left the Chamber)

(Mr D McLellan, Mr F Clifton, Mr N Coote and Mr C Foote of Scottish and Southern Energy attended the meeting).

(Mr J Goddard, Mr N Martin and Mr S Peterson of SHEAP attended the meeting).

(Mr A G L Duncan and Mr R S Henderson declared an interest as Directors of SHEAP)

57/10 **Low Carbon Network Fund**

The Committee considered a report by the Head of Environment and Building Services.

The Head of Environment and Building Services introduced the report and the Representatives of Scottish and Southern Energy (SSE) and SHEAP. A presentation was provided by SSE, which was followed by a question and answer session.

(Mr A S Wishart returned to the Chamber)

(Mr C L Smith left the Chamber)

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

The meeting adjourned at 1.10pm

The meeting reconvened at 2pm

Present:

L Angus	L F Baisley
J Budge	A T J Cooper
A G L Duncan	I J Hawkins
R S Henderson	W H Manson
C H J Miller	R C Nickerson
G Robinson	A S Wishart

In Attendance (Officers):

M Craigie, Head of Transport
K Duerden, Transport Development Manager
B Thompson, Services Manager – Transport, Planning and Support
L Gair, Committee Officer

Also:

J Ainsley, Scottish Government, Ferries Division
P Bald, Scottish Government, Ferries Division
S Robertson, ZetTrans
A Steven, ZetTrans
S Mathieson, ZetTrans

Apologies

A J Cluness	A T Doull
E L Fullerton	F B Grains

J H Henry	A J Hughson
F A Robertson	J G Simpson
C L Smith	J W G Wills

58/10 **Scottish Government Ferries Review Consultation Document**

The Committee considered a report by the Head of Transport, (attached as Appendix 14).

The Head of Transport introduced the main terms of the report. Ms Ainsley provided the Committee with a presentation on the Ferries Review Consultation Document and the North Isles Tender Documents (Slides attached as Annex 14A).

(Mrs C H J Miller left the Chamber)

In response to questions, Ms Ainsley advised that there was no agreed timing for the later changes and said it was up to Ministers to agree. The length of tenders would be a maximum of 6 years but it may be possible to extend that if the documents are kept flexible. She advised that this was something that Mr R Hadfield would take up with the European Commission.

Mr R S Henderson referred to the Edinburgh Tramline, the Forth Road Bridge and explained to Ms Ainsley that the ferries provide the road network like any bridge giving access from one land mass to another. He said that the Forth Road Bridge toll had been removed from the most affluent area of Scotland and questioned why the same could not be done for Shetland and other areas. Mr R S Henderson said that Shetland does not get the same level of support from the Scottish Government. He highlighted the losses to the Government as a result of removing tolls and suggested that they should be put back onto bridges in areas that could best afford it. Ms Ainsley advised that if the Council wished to take this point further, she was not the Officer that would deal with it and they should make contact with that department directly.

Mrs L F Baisley queried whether there was any potential for replacing ferries with fixed links and queried whether it was best to provide a ferry at cost or a fixed link for an initial cost with long term benefits which included the expansion of the Island's economy. Ms Ainsley said it was the intention of the Scottish Government to consider fixed links where appropriate and that a report on fixed links had been published that considered shorter routes with a lot of traffic. Mrs Baisley said it should also include routes that may gain more traffic as a result of the fixed link.

Mr L Angus said that he welcomed the opportunity for consultation as the previous Council's efforts to consult were not encouraged and what contact the former Director of Marine Operations had, were not to be shared. Mr Angus referred to Professor Baird's report on the vessels used and said that they were the least efficient and ineffective of those running in Europe. He also believed that the vessels being tied up for 12 hours was not sustainable. Mr Angus was of the view that the vessels be replaced with Vissintini design and dispense with the 2 freight vessels. This would reduce carbon and address efficiency. Mr Angus went on to say that calling at Orkney was not in Shetland's interest and efficiencies could be made. By way of clarification with regard to Orkney calls, Members were advised that as part of the first tender, calls were required at Orkney and the NorthLink bid added further calls/week. Mr Bald said that a dedicated service to Shetland could be looked at and the Scottish Government do want to explore more effective ways of running the service and to hear ideas on how it can be improved. Ms Ainsley said these points would be addressed.

Mr A G L Duncan provided an article from the Herald dated 14 June 2010, which headlines read "Key ferry services face cuts and fare increases". Ms Ainsley said that she was not aware of the article and was provided with a copy.

Mr A T J Cooper said he had been concerned that the document did not mention fixed links however he was content that they were taking this on board. He stated that the Local Authority took responsibility for the internal ferry service in the 1970's and questioned the report's view that everything has to be tendered. Ms Ainsley said that tendering the inter islands services was up to the Local Authority to decide upon.

Mr G Robinson provided a history of the Lifeline Ferry Service and said that P&O provided a service at a modest cost. However new regulations and the question of tourism led to new boats. He said that following this the freight services for Shetland and the Western Isles were treated differently with Shetland being subsidised and Western Isles put out to tender. Mr Robinson also raised the issue of the dry-docking schedule and the disruption to the folk festival where no help was offered, yet during the period of disruption due to volcanic ash a shuttle service was provided. He also questioned the use of seasonal pricing on the lifeline service and said that this should be the same all year round. Mr Robinson said that pricing on the different length of journeys would only be acceptable if a tiered system was worked out. Mr Robinson went on to say that what was highlighted from the current contract was that the subsidy was not being used to its full potential. He also explained that travelling with his family and car cost £500 when crossing to another continent on an overnight ferry with car cost approx. £100. Mr Robinson concluded by highlighting the difficulty in balancing the lifeline service with tourism. The timetables and fare structures are advertised a year in advance and block booked by tour groups who subsequently cancel. He said that this created difficulties for residents who are often left sleeping on floors in public areas. He said that there was huge difficulty in any tendering exercise but that balance should be addressed.

In response to queries from Mr R C Nickerson, Ms Ainsley advised that she did not think that the Ferry Plan would be made into legislation and in relation to the internal ferry service there would not be a requirement for the local authority to put out to tender. Mr Nickerson questioned the point of the consultation process and asked how anyone could have confidence when the Minister can cut services and run at half speed with no consultation and can supercede the process at any point. Ms Ainsley said that this was a medium to long term process and she had put forward the consultative report and was then asked to carry out further consultation. She said that she had received no indication from Ministers that this was anything other than a genuinely consultative process, but she understood the concerns raised.

Mr A S Wishart explained that the ferry services were vitally important for the existence of the islands, as there were no road or rail links to the mainland. He said that anything that impacts on the quality of services would have more impact here than on mainland Scotland. He said Ministers should be reminded that the community is self-sustaining at present but this will be affected by regulating the services. Mr Wishart said that this was a vulnerable community walking a tight rope but he hoped that after the ferries review Shetland would end up with better services. Ms Ainsley asked that this be fully explained in the response made by the Council.

In response to Mr W H Manson's query regarding the possible extension of the North Isles contract for a further year, Ms Ainsley said that this had been considered but was not possible for legal reasons.

Mr J Budge said that the fundamental problem was the design of the vessels and questioned the need for double ended loading. He said that the current vessels were inefficient going through the water which was the cause of the significant fuel costs. He suggested that the priority should be to look at larger passenger vessels with more freight capacity and a larger freight vessel with more passenger capacity. He said that they should run all the time and never be tied up. In the winter they could revert to daily sailings but be able to carry passengers and freight both ways. Mr Budge suggested that only the freight vessel should call at Orkney, as there were not large numbers of passengers who travel on this route. He stated that if the current vessels continue to operate, there is no way that the service can be efficient.

Mr Cooper agreed with Mr Budge and said that one thing that was missing was better integration with air and sea and a better system could be put in place so that cars can travel by ship and can be picked up in the morning when travelling by air. He said that this would meet the needs of tourism in the summer.

(Mrs L F Baisley left the Chamber)

Mr A S Wishart said that there were competing demands on the service with livestock, oil, fish, retailers, and wholesalers and said there were wider interests to be brought into this. He said that there would be an affect on the employment industry and it was important to get the service right. Mr Wishart said he felt there was no time to get new vessels. Ms Ainsley said that if the tender was loosened the operator could bring in their own vessels.

(Mr R S Henderson and Mr J Budge left the Chamber)

Mr Steven, ZetTrans said that more people travel at busy periods and a reduction of service would impact on demand and not just for visitors. He said that other reasons for increased passenger numbers included the free travel for pensioners. Mr Steven reiterated the concerns raised regarding the vessels not being fit for purpose.

Mr Robinson referred to past tendering exercises when NorthLink were successful he said there was a broad field of interested parties. Then when NorthLink ran into difficulties with fuel costs the second tendering exercise resulted in 2 returned tenders. He said he was concerned that there is now a perception that the odds are stacked against operators and there would now be less interest. Mr Robinson said that a lot of money went into completing the tender documents and some companies may be put off tendering. Ms Ainsley said that the service had to be tendered but some routes may be done in bundles to provide the best services. Larger operators may take on larger bundles.

Mrs I J Hawkins thanked Ms Ainsley and Mr Bald for attending the meeting and providing the presentation. She advised that the Council and ZetTrans would submit their responses in due course.

The meeting concluded at 3.25pm.

I J Hawkins
Chairperson

