

MINUTE

‘B’

Infrastructure Committee
Council Chamber, Town Hall, Lerwick
Tuesday 8 March 2011 at 10.00am

Present:

I J Hawkins	L Angus
L F Baisley	J Budge
A J Cluness	A T J Cooper
A T Doull	B L Fullerton
J H Henry	W H Manson
C H J Miller	R C Nickerson
F A Robertson	G Robinson
J G Simpson	A S Wishart

In Attendance (Officers):

G Greenhill, Executive Director - Infrastructure Services
S Cooper, Head of Environment and Building Services
M Craigie, Head of Transport
R Moore, Harbour Master
D Marsh, Service Manager - Trading Standards
B Robb, Management Accountant
E Leach, Environmental Health Officer
L Adamson, Committee Officer

Apologies

A G L Duncan	F B Grains
R S Henderson	A J Hughson
C L Smith	

Chairperson:

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

Circular:

The circular calling the meeting was held as read.

Declarations of Interests

None

Minutes of Meeting

The minute of the meeting held on 1 February 2011, having been circulated, was confirmed on the motion of Mr A Wishart, seconded by Mrs I Hawkins.

Attendance at External Meetings

None

16/11 Smoking Prevention and Reduction Work with Young People

The Committee considered a report by the Service Manager - Trading Standards, attached as Appendix 1.

The Service Manager – Trading Standards summarised the main terms of the report.

Mr F Robertson reported that with instances of lung cancer increasing particularly among women and the rise in the number of young women smoking, it is essential that the message is conveyed that smoking kills.

In response to a question from Ms L Baisley regarding statistics available on the number of young people who have stopped smoking following the appointment of the Health Improvement Officer (HIO), the Service Manager advised that so far no results were available from last year's survey, as the survey is carried out on a biannual basis. Ms Baisley noted that the external funding contribution for the post had ceased, and as there were already campaigns in place to encourage people to stop smoking, she questioned how effective the work undertaken by the Health Improvement Officer contributed to this. Mrs Baisley moved that the Committee reject the recommendations in the report. In seconding, Mrs C Miller said that with the various national initiatives to stop smoking, she questioned whether extending the post would have any actual benefit to Shetland.

The Executive Director explained that the purpose of the HIO post is to prevent the sale of cigarettes to young people, through test purchasing and enforcement, with education being peripheral to the post.

During the discussion, some Members queried the proposals in the recommendations of the report that the HIO post was to become permanent, but on a temporary basis. The Service Manager explained that it had initially been recommended that the post would be permanent but in light of the forthcoming review of Infrastructure Services it was considered appropriate to look to make the post permanent in general terms but only to fill it on a temporary basis until the review is complete.

Mrs B Fullerton said it was clear that the post was primarily a Trading Standards service to stop sellers selling cigarettes to people under the age to smoke, and therefore the Council has a duty to assist people in protecting, maintaining and improving their health, and to strive to get the message out to young people that smoking kills. Mrs Fullerton said that although she had some reservation as to whether the post has to be made permanent, she moved as an amendment, that the Committee approve the recommendations in the report. Mr R Nickerson seconded.

Mr J Henry reported on the dangers associated with the influx of cheap tobacco coming into Britain, which is accessible in Shetland.

In response to a proposal from Mr G Robinson that the word 'permanent' could be removed from Recommendation 9.1, Mrs Fullerton advised that she was content with her amendment.

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

During the discussion, some Members referred to the Council's statutory duty to enforce Health and Safety legislation, and felt it was a matter of conscience that the Council address the issue of smoking.

(Mr A Wishart gave notice of a further amendment).

Mr A Cooper advised of his concern whereby the Council gets caught up in Government initiatives then when the external funding is cut, the Council is left to continue the projects. Mr Cooper said he accepted that the initiative to reduce smoking in young people was a Trading Standards function, but he questioned whether the work currently undertaken by the HIO could be incorporated into the workload of the Service.

Mr L Angus reported that the responsibility for reducing smoking in young people transferred from the NHS to the Council three years ago. He acknowledged the advice from the Executive Director that the main function of the post is to focus on enforcement, rather than education, and suggested that Mrs Fullerton add to her amendment, an addition to Recommendation 9.1, as follows, "on the understanding that the post will be filled on a temporary basis, pending the wider staffing review".

Following a suggestion from Mr Cooper, Mrs Fullerton agreed that her amendment would be changed to read, "Recommend that the Council fill this 0.75 FTE post on a temporary basis until the review of Infrastructure Services (Min. Ref. 15/11) is complete". This received the consent of her seconder.

Members discussed the obligation and responsibility of the Council in relation to this function, and the Service Manager advised that the post had received NHS funding through their health improvement budget however this was no longer available.

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

Amendment (Mrs B Fullerton)	10
Motion (Ms L Baisley)	5

(Mr G Robinson withdrew his notice of a further amendment).

(Mr A Wishart withdrew his notice of a further amendment).

17/11 **Health and Safety Executive Proposed Changes to Health and Safety Regulations**

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

The Head of Environment and Building Services briefly introduced the report.

Ms L Baisley moved that the Committee approve the recommendations in the report.

Mr G Robinson seconded

In response to questions, the Head of Environment and Building Services advised that the changes being proposed by the Health and Safety Executive (HSE) should not result in additional workload to the Service, but the proposal to reduce the number of inspections may lead to a more reactive approach, rather than proactive approach to help and support businesses to ensure they are compliant, and should breaches be discovered, the Service will have to prioritise high-risk premises and follow up with an inspection.

In response to a question from Mr L Angus, the Head of Environment and Building Services advised that the HSE would continue to have a proactive approach to inspections of aquaculture installations, and the existing standard should not be affected.

Mr W Manson commented that the proposed changes by the HSE would be a backward step, and in the longer-term there will be no cost savings.

Mr R Nickerson referred to Section 10 and 12 of the letter from the HSE, attached as Appendix 1 to the report, and advised of his concern that the HSE's proposal to recover costs through its role as a statutory consultee on health and safety implications of various planning applications and around Major Hazard sites would be an additional burden on significant businesses in Shetland. In referring to the HSE's proposals for "cost recovery", Mr Nickerson said that more detail was required before a constructive decision can be made, and he proposed that the report should be deferred for one cycle to allow officers to provide further detail on the implications for the Council and Shetland. However this did not receive a seconder.

In referring to Section 13 of the HSE's letter, Mr Manson said that the proposal for Local Authorities to seek cost recovery in relation to inspections on a fee for fault basis could result in an inordinate cost on Local Authorities and could be detrimental to smaller businesses.

Mr Nickerson commented that he was uncomfortable with the detail in the submission from the HSE, and it was important that the Council reiterates its concerns in its response.

The Head of Environment and Building Services confirmed that any changes or updates would be reported to Committee.

18/11 **Antisocial Behaviour Strategy**

The Committee considered a report by the Service Manager – Environmental Health, attached as Appendix 3.

Mr G Robinson said he welcomed the report, however in noting in Section 5.1 that the delegated authority rests with Infrastructure Committee, he questioned how the

Strategy would get buy in from the other agencies, for example GIRFEC and With You For You, as the Strategy was not being presented to Services Committee.

In response to questions from Mr Robinson, the Head of Environment and Building Services advised that in addition to the Council, 10 external agencies have had input into the Strategy, and following wider consultation with the community, a further report will be presented to Committee. He added that the Strategy was presented to this Committee due to the amount of input from the Environmental Support Worker, however he acknowledged that the Strategy was very much a multi-agency approach.

Mr Robinson moved that the Committee approve the recommendation in the report. Ms L Baisley seconded.

19/11 **Review of UK Food Safety Official Controls Delivery**

The Committee considered a report by the Service Manager – Environmental Health, attached as Appendix 4.

Mr L Angus expressed his concern that the level of service currently provided to the local fishing industry could be reduced or affected by the centralised model proposed by the Food Standards Agency (FSA). The Head of Environment and Building Services advised that should the centralised model be accepted, the current service whereby a proactive approach is provided to support businesses to be compliant would be reduced.

During the discussion, Mr R Nickerson stated that food safety was a core function to ensure public safety and health. He said that the Council currently provides a good service on a cost effective basis, using local knowledge, and therefore the service should remain local, with the FSA role being in terms of national outbreaks. Mrs B Fullerton said that the point has to be made that there would be no cost savings to the Council from the centralised model due to the cost of travel for inspectors to visit Shetland, and she stated that the service should remain local.

In response to a question from Mr Nickerson regarding the statement in Section 11.1 of the paper from the FSA, the Executive Director – Infrastructure Services advised that the statement could be challenged as the Council provides an excellent cost effective service, which is well received by the industry. He advised of his concerns with the centralised approach, in that there would be a reduction in funding and level of service given, and on the ability for the Council to confirm that the food trade in Shetland is supported.

In response to a question from Mrs Fullerton, the Executive Director acknowledged that there could be merit in involving the other island groups to strengthen the argument from a Scottish perspective.

20/11 **Environmental Health Enforcement Policy**

The Committee considered a report by the Service Manager - Environment Health, attached as Appendix 5, and approved the recommendation contained therein on the motion of Mr L Angus, seconded by Mr G Robinson.

21/11 **Infrastructure Revenue Management Accounts**
General Ledger and Reserve Fund
For the Period 1 April 2010 to 31 January 2011

The Committee noted a report by the Head of Finance, attached as Appendix 6.

The Management Accountant briefly introduced the report.

In response to a question from Mr J Simpson regarding progress with the insurance claims associated with the MV Filla and MV Linga, the Head of Transport advised that all claims were with the insurers and although no formal response had yet been received he did not anticipate there would be any significant challenges to the claims.

In response to a question from Mrs C Miller regarding the one-off saving through increased ferry fares, the Management Accountant advised that the saving by increasing the fares had been agreed when the budgets were set at the start of this year.

Mrs B Fullerton stated that the overspends on fuel costs demonstrates the huge burden that increased fuel costs have on the Local Authority, and she said that efforts have to be made to reduce fuel use, while still serving the community.

In response to a question from Mr L Angus, the Management Accountant confirmed that the overspend on the Roads Winter Service included payroll costs.

Mrs L Baisley commended the work done to achieve nearly £1.3m savings to date. She added that the long-term consequences of increased fuel prices would result in services being cut and families moving from the isles.

22/11 **Minute of ZetTrans – 21 February 2011**

The Committee noted the minute of ZetTrans on 21 February 2011, attached as Appendix 7.

23/11 **Minute of Inter-Island Ferries Board – 25 February 2011**

The Committee noted the minute of the Inter-Island Ferries Board on 25 February 2011, attached as Appendix 8.

06/11 – Ferry Services Revenue Monitoring 2010/11 – Period 10 – 1 April to 31 January 2011

In referring to the final paragraph, Mr R Nickerson reiterated the request that the Ferries Service should be addressed as the first element of the Review of Infrastructure Services.

In order to avoid the disclosure of exempt information, Mrs I Hawkins moved, and Mr A Wishart seconded, to exclude the public in terms of the relevant legislation during consideration of agenda item 9.

24/11 **Foula Ferry Contract**

The Committee considered a report by the Head of Transport.

The Head of Transport summarised the main terms of the report.

Mr F Robertson moved that the Committee approve the recommendation in the report. Mr J Henry seconded.

The Head of Transport highlighted an error in the report, that Recommendation 8.1.2 should read “give delegated authority to the Executive Director – Infrastructure Services or his nominee in consultation with the Head of Capital Programming and Head of Legal and Administration”.

The meeting concluded at 11.15am.

I J Hawkins
Chairperson