

**Environment and Transport Committee****03 October 2012****Non-Aviation Use of Council Owned Aerodromes****Report Number : ETO-05-12-F****Report Presented by Team Leader –
Transport Operations****Infrastructure Services Department
Building and Transport Operations****1. Summary**

1.1. The purpose of this report is to seek approval from Committee for non-aviation uses of Council operated aerodromes.

1.2. This report focuses on motorsport events, however the report seeks for permission to hire-out airports for any purpose that does not interfere with aviation activities or safe airport operations.

2. Decision Required

2.1. That the Environment and Transport Committee RESOLVE to:

2.1.1. recommend to Executive Committee to approve the use of Council operated aerodromes for non-aviation uses including but not limited to Motorsport events;

2.1.2. that the existing licence arrangement between Shetland Islands Council and Shetland Motorsports Club be terminated in accordance with the terms and conditions and the fee be refunded;

2.1.3. recommend to Executive Committee and Council that the revised charges for the hire of Unst Airstrip as detailed in paragraph 3.3 be adopted;

2.1.4. agree that events may only take place after organising parties have contacted communities/stakeholders and signed agreements to indemnify Shetland Islands Council.

3. Detail

- 3.1. Shetland Motorsport Club has held two events in recent weeks, one at Unst Airport, the other at Tingwall Airport.
- 3.2. The rate charged for Unst Airport was that of the published and approved 'Landing Card', i.e. £240.00 for ten events. This rate is not a UK Mainland commercial rate for a motorsport event, but reflected the unmanned and unlicensed nature of Unst Airport, combined with income derived from ferry fares, estimated at £400 per event. The charge also reflected the desire to make the location attractive to the Motorsport Club, so as to benefit the island's accommodation and hospitality sector, estimated at £4,000 to £5,000 by the Motorsport Club.
- 3.3 However, £24 per event seems to be an unrealistically low fee for an event with 40+ cars. This is less than £1 per vehicle. Therefore it is recommended that the fees for the hire of Unst Airstrip be amended as detailed in the table below.

	Proposed Charges for Non-Aviation Use of Airports	
	First three-hours (or part thereof)	Every 15-minute segment thereafter (or part thereof)
Tingwall Airport	£546.00 inc VAT	£44.10 inc VAT
Unst Airport	£273.00 inc VAT	£22.05 inc VAT

- 3.4 Clause 9 of the application form for the use of Unst Airstrip allows for Shetland Islands Council to revoke the permission without prior notice. It is recommended that the existing permit be revoked and the £240 be refunded as a gesture of goodwill and that any future use be charged as per the revised rate in 3.3.
- 3.5 The rate charged for Tingwall Airport was that of the published and approved non-emergency services opening charge, i.e. £722.40 for five hours. This rate closely reflects UK Mainland commercial rates for a motorsport event. It also reflects that Tingwall Airport is a manned and licensed Aerodrome, although only one member of staff was present for the event. This resulted in a profit of £571.40 from the event.
- 3.6 Appendix A is an example of an Agreement which was signed by the event organisers for the events held at Unst and Tingwall.
- 3.7 The agreements limit the Council's liability, and places responsibility upon event organiser for matters pertaining to insurance, damage, risk assessment and behaviour. The agreement for Tingwall was updated to place the responsibility for contacting Police, Community Councils, Councillors and neighbours with the Motorsport club.
- 3.8 There are no issues pertaining to airport licensing.

4. Implications

Strategic

- 4.1. Delivery On Corporate Priorities – The Actions in this report will contribute to the SOA. Outcome 3 in the Council's Action Plan 2012/13 of "We have financial sustainability and balance across all sectors".
- 4.2. Community /Stakeholder Issues – Organisers of events should inform Community Councils, Ward Councillors and the Police prior to an event taking place and Local Ward Councillors, the Police and Community Council will be notified of any bookings.
- 4.3. Policy And/Or Delegated Authority – The Council's Scheme of Administration and Delegation provides authority for each functional Committee to discharge the powers and duties of the Council within their own functional areas in accordance with the policies of the Council, and the relevant provisions in its approved revenue and capital budgets. However a decision on budgets and the setting of charges is a decision reserved to the Executive Committee and the Council

The alternative use of Council assets is delegated to the Executive Committee and the setting of Charges is a matter for Council and so Environment and Transport Committee is asked to recommend the alternate use of aerodromes to Executive Committee and the revised fee scale to Council.

- 4.4. Risk Management – Potential damage to runway lighting/surface. This will be mitigated by strict instruction on behaviour and Motorsport Club insurance. The agreement at appendix A meet with the approval of the Council's insurers so the risk of liability arising has been addressed to an acceptable level.

Failure to reduce the net ongoing running costs of the Council carries a significant risk of breach of the Council's financial policies which will require a further draw on Reserves.

- 4.5. Equalities, Health And Human Rights – None.
- 4.6. Environmental – None.

Resources

- 4.7. Financial – The proposals in this report will generate a net additional income of in the region of £400.00 per event at Tingwall and £120.00 per event at Unst.

The generation of income for maximising the use of a Council asset will help offset the ongoing revenue costs of owning the asset and contribute towards the savings requirement to ensure the Council's future financial sustainability

Under the Local Government in Scotland Act 2003, the Council has a duty to make arrangements which secure Best Value. Best Value is continuous

improvement in the performance of the authority's functions taking into account efficiency, effectiveness, economy and equal opportunities.

4.8. Legal – Contractual Terms for the use of the aerodromes have been prepared. However, further refinement of these terms will be considered by Legal Services to ensure they fully protect the Council's interests.

4.9. Human Resources – None.

4.10. Assets And Property – The hire agreements for the use of our airstrips will indemnify the Council against damage to its assets and the income received will help mitigate the cost of maintaining these assets.

5. Conclusion

5.1. This report seeks Committee's approval to levy charges for the non-aviation use of Council airports.

For further information please contact:

David Polson - Team Leader Transport Operations

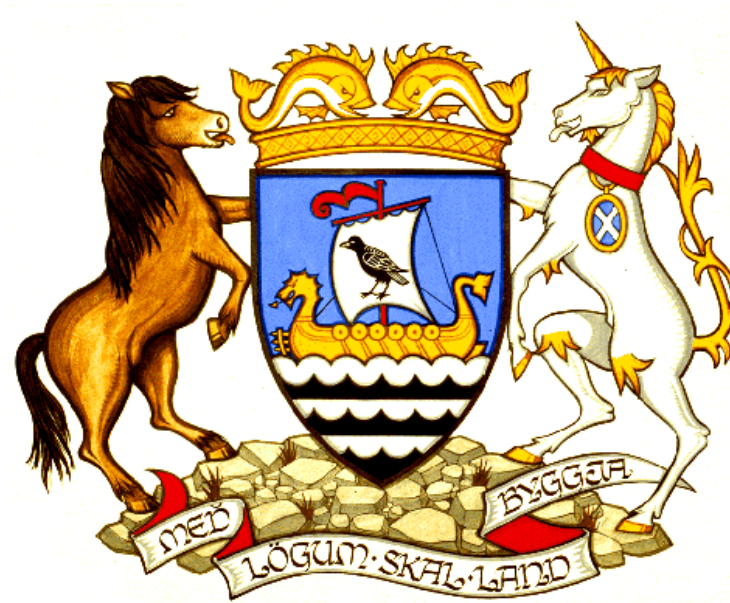
01595 744225; david.polson@shetland.gov.uk

24 September 2012

List of Appendices

Appendix A: Example Motorsport Agreement and Application Form

END



Tingwall Airport

Motorsport Agreement and Application Form

Shetland Islands Council strongly recommends that owners and drivers undertake their own risk analysis of using Tingwall Airport. Owners and drivers are referred, where appropriate to the current rules, terms and conditions of *EVENT ORGANISER*.

Effective 1st April 2012 Tingwall Airport, Shetland Islands Council

1. Introduction

- a. **Vehicles and drivers may only proceed on to the Apron, Taxiway or Runway of Tingwall Airstrip, for the purposes of motorsport, car testing, trailing, rallying or any other activity which may be deemed for the pursuit of leisure under the auspices of, and the direction of *EVENT ORGANISER*. *EVENT ORGANISER* may only proceed on to the fore mentioned areas under the express permission of Tingwall Airport's Duty FIS Officer**
- b. Spectators are strictly forbidden from entry to the runway.
- c. Vehicle entry Airside for the pursuit of leisure activities is strictly forbidden, unless it is within a planned event held by *EVENT ORGANISER*, and with the approval of Shetland Islands Council
- d. The written approval will be in a form which indemnifies the Aerodrome Operator (Shetland Islands Council) from any responsibility arising out of the use of the aerodrome and details special conditions as to operating procedures with which the *EVENT ORGANISER* agrees to comply.
- e. Copies of the Motorsport Agreement are available on the Shetland Islands Council website www.shetland.gov.uk/transport/airports or by emailing dutyfiso@shetland.gov.uk or calling 01595 744481.

2. Instructions

- a. **Tingwall Airport is PPR – Prior Permission Required.** As such no aircraft should land without the permission of Shetland Islands Council. Likewise, no event, or use of the airport is allowed without the written permission of Shetland Islands Council.
- b. All queries should be addressed to Tingwall Airport's Duty FISO
- c. The role of Tingwall Airport's Duty FISO is to provide information on the use of the Tingwall Airstrip.
- d. **The Duty FISO has the authority to permit access to, or demand the immediate evacuation of the Runway, Taxiway and/or Apron.**
- e. **The Duty FISO has the authority to cease any activity by a *EVENT ORGANISER* Member, or of the *EVENT ORGANISER* as a whole, which in the sole discretion of the Duty FISO may affect safety or the condition of the runway surface or any piece of equipment. AT ALL TIMES, LIABILITY RESTS WITH *EVENT ORGANISER*.**

Shetland Islands Council strongly recommends that owners and drivers undertake their own risk analysis of using Tingwall Airport. Owners and drivers are referred, where appropriate to the current rules, terms and conditions of *EVENT ORGANISER*.

Effective 1st April 2012 Tingwall Airport, Shetland Islands Council

3. Citation, commencement and interpretation

- a. This document may be cited as the Shetland Islands Council Tingwall Airport Motorsport Agreement and Application Form and shall come into operation on 1 August 2012.
- b. The Terms replace any other Terms used by Shetland Islands Council, which were revoked with effect from 31st July 2012.
- c. In this document, except where the context otherwise requires –
 - “Tingwall Airport” means the Shetland Islands Council having its main place of business at Tingwall Airport, Baillister, Tingwall, Shetland, ZE2 9XJ;
 - “Flight Information Service” means the level of air traffic service operated by Tingwall Airport, as defined in CAA CAP 427;
 - “FIS” means an acronym of Flight Information Service;
 - “Flight Information Service Officer” is the Shetland Islands Council employee who performs the Flight Information Service function, as defined in CAA CAP 427
 - “FISO” means an acronym of Flight Information Service Officer;
 - “Duty FISO” means the appropriately certified and competent Shetland Islands Council employee as Flight Information Service Officer for the period which they are undertaking that specific duty;
 - “Shetland Islands Council” means Shetland Islands Council constituted by Section 2 of the Local Government etc. (Scotland) Act 1994 and having its principal offices at the Town Hall, Lerwick, Shetland;
 - “SIC” means an acronym of Shetland Islands Council;
 - “Prior Permission Required” means that aircraft must seek the permission of the Duty FISO prior to arrival. Aircraft or other parties wishing to use Tingwall Airport must contact the Duty FISO prior to departing their base airport, or when planning an event. This can be done by calling 01595 744481, or 07766 421 058 (24/7 on-call), or emailing dutyfiso@shetland.gov.uk;
 - “PPR” means an acronym of Prior Permission Required;
 - “Operator” in relation to an aircraft means the person for the time being having the management of that aircraft; whether owner, user, pilot or otherwise and shall mean the person(s) or body or organisation (and their respective servants, agents and contractors) using, attempting to make use of, or having used, the facilities or services offered by the Shetland Islands Council at the Airport or elsewhere.

References to “Accountable Manager” shall include a nominated deputy;

Words denoting the singular shall include the plural and vice versa;

Words denoting either gender shall include the other or both genders;

The Terms shall be governed by Scots law and all passengers and users of the service submit themselves to the exclusive jurisdiction of the Scottish Court.

Shetland Islands Council strongly recommends that owners and drivers undertake their own risk analysis of using Tingwall Airport. Owners and drivers are referred, where appropriate to the current rules, terms and conditions of *EVENT ORGANISER*.

Effective 1st April 2012 Tingwall Airport, Shetland Islands Council

Application Form - Motorsport Indemnity –Tingwall Airport

In Consideration of the permission relating to the use Tingwall Airport to be granted to me/us by Shetland Islands Council. I/we being the Office Bearers of Shetland Motorsport, details below, acknowledge that in holding a members-only, or public event, ***Tingwall Airport will not be operating as a Licensed Aerodrome at the time of any Motorsport Event, therefore there will be no Aerodrome Rescue and Fire Fighting Services available. I acknowledge that EVENT ORGANISER is entirely responsible for the provision of any Rescue and Fire Fighting Services and administration of First Aid***

I/WE HEREBY UNDERTAKE AND AGREE:

1. **to make no claim against Shetland Islands Council or any member, officer or agent of the Council in respect of personal injury** (including injury resulting in death) or loss of or damage to my/our members vehicles or any property therein which may arise out of or in connection with the use of any airport pursuant to such permission, howsoever such injury, loss or damage may be caused;
2. **to indemnify** Shetland Islands Council and any member, officer, servant or agent of the Council –
 - (i) in respect of **injury** (including injury resulting in death) to any member, officer, servant or agent of the Council;
 - (ii) in respect of any **damage to the runways or tracks of any airports and any loss of or damage to the Council buildings, stores, equipment or other property thereon, including loss of use thereof;**
 - (iii) **against any claim for personal injury, damage or loss** which may be made against Shetland Islands Council or any member, officer, servant or agent of the Council by any person whosoever including but without prejudice to the generality of the foregoing any passenger in my/our members said vehicle and any tenant or licensee of premises on any airport;
which may arise out of or in connection with the use of any airport pursuant to the said permission, however such injury, loss or damage may be caused, except to the extent that such injury, damage or loss is the result of the negligence or wilful act or omission of the Council, its servants or agents whilst acting in the course of their employment;
3. **to pay Shetland Islands Council a sum equal to any sum which may be paid by the Council** in respect of the death or injury of any member, officer, servant or agent of the Council which may arise out of or in connection with the use of any airport pursuant to the said permission, being a payment made in accordance with the conditions of service for the time being in force (whether legally enforceable or not) providing for the continuance of pay or for payment of sick pay of any allowance to or for the benefit of any member, officer, servant or agent of the Council or their families or dependants;
4. and to **maintain in force at all times throughout the period during which the said permission is operative a valid policy of insurance, to a minimum of £5,000,000 covering all risks defined in paragraph 2 above, for each and every public event by my/our members said vehicles and to produce the said policy for inspection upon request.**

The expression "claim" herein includes all actions, proceedings or demands including claims for costs.

CONDITIONS OF USE:-

1. That *EVENT ORGANISER* is liable for all activities relating to any Motorsport event held by them at Tingwall Airport.
2. An Office Bearer wishing to apply for a permit for an event must contact the Duty FISO of Tingwall Airport either by telephone, fax or in writing with a minimum of five days before the event takes place. Provision of a permit will be at the sole discretion of Shetland Islands Council.

Shetland Islands Council strongly recommends that owners and drivers undertake their own risk analysis of using Tingwall Airport. Owners and drivers are referred, where appropriate to the current rules, terms and conditions of *EVENT ORGANISER*.

Effective 1st April 2012 Tingwall Airport, Shetland Islands Council

3. The indemnity Form shall be printed from Shetland Islands Council's website, completed and emailed to dutyfiso@shetland.gov.uk or faxed to 01595 744646
4. *EVENT ORGANISER* and its participating members must have adequate insurance cover. Acceptable evidence of this insurance must be produced to the Council for inspection upon request.
5. No spectators shall be allowed on the runway
6. Only members of *EVENT ORGANISER* are permitted to participate, unless special provision has been made for acceptable Public Liability Insurance. Acceptable evidence of this insurance must be produced to the Council for inspection upon request.
7. *EVENT ORGANISER* shall indemnify itself to all risks
8. *EVENT ORGANISER* shall undertake to manage and police the event with adequate rules and controls.
9. Shetland Islands Council may revoke this permission in the exercise of its sole discretion at any time without prior notice. No refunds will be provided.
10. All local regulations (as issued by Tingwall FISO, or local Shetland Islands Council employees or agents) must be observed. As motorsport events will only take place during periods when the Aerodrome is operating out side its published operating hours, no NOTAMs or AIP Supplements are available.
11. *EVENT ORGANISER* must have a 30-minute evacuation plan in place. Any member of Shetland Islands Council, HM Coastguard, NHS Shetland, Police or Scottish Ambulance Service, or their agents has the authority to invoke the evacuation plan.
12. The evacuation plan includes all activities on the runway and taxiway. The Apron may be used. No Banners, signs, cones, paraphernalia of Motorsport or of events may be left in an area of 25m or the runway, or such that it may present a hazard or distraction to a pilot. The Duty FISO has the authority to instruct *EVENT ORGANISER* to remove items beyond 25m if he, in his sole discretion deems it appropriate to the safe operation of the airport.
13. *EVENT ORGANISER* shall ensure that after the event closes/or in the event of the 30-minute evacuation plan being invoked, that there must be a surface contamination check, which could include FOD. Any such item must be removed
14. The permit will be valid only on the date and for the times detailed on the permit.
15. *EVENT ORGANISER* Marshals and Office Bearers must wear High Visibility Clothing.
16. *EVENT ORGANISER* shall advise Northern Constabulary of any event planned
17. *EVENT ORGANISER* shall advise Ward Councillors and Community Council Clerk of any planned event
18. *EVENT ORGANISER* shall advise local businesses and interested parties of any planned event, these shall be deemed to include, but not limited to: Direct Flight, Shetland Cattery, Plantie Crub, E&H Builders, Ian Jeromson, David Leslie and The Lerwick Congregation of Jehovah's Witnesses.
19. Driver behaviour, such as burn-outs or 'doughnuts' are strictly forbidden on the Runway, Taxiway or Apron, due to the damage this will do to the surface and negative impact on runway friction/creation of object debris. Any Driver behaving in such a matter will be instructed to leave Airside by the FISO and will seriously affect the validity of the Permit.
20. For the consideration of neighbours, when not competing in competition, engine noise is to be kept to a minimum.

Shetland Islands Council strongly recommends that owners and drivers undertake their own risk analysis of using Tingwall Airport. Owners and drivers are referred, where appropriate to the current rules, terms and conditions of *EVENT ORGANISER*.

Effective 1st April 2012 Tingwall Airport, Shetland Islands Council

INSTRUCTIONS FOR APPLICATION OF LANDING PERMIT FORM

1. Please read carefully through Application Form and complete as indicated.
2. The fee for holding events at Tingwall Airport shall be the published rates for opening the Aerodrome out with published Licensed Hours, these rates are currently £546.00 for the first three hours (or part thereof) and £44.10 for each 15-minute segment (or part thereof) thereafter.
3. A copy of the valid Motorsport/Public Liability certificate of insurance must be provided with the completed application form.
4. Once the application has been approved and documentation has been passed for processing into a Permit, an invoice/receipt will be completed by the Council and sent attached to the Permit.
5. Applicants are advised that the normal turnaround time to process an application is one working day.

Declaration

I hereby accept the agreement and conditions relating to Motorsport Indemnity, in particular that I accept that *EVENT ORGANISER* is fully liable and there will be no RFFS available.

I confirm that I am an Office Bearer of *EVENT ORGANISER*:

Name (Block Capitals)	Signature	Date
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Tingwall Airport – Motorsport Indemnity Application Form

Address	<i>EVENT ORGANISER</i>		For Tingwall Airport Use	
			Duty FISO (Sign below)	
	Post Code			Approved by Accountable Manager (Sign below)
	Telephone			
	Mobile			
	Fax			
	Work			
Email				
Website				

This form should now be emailed to dutyfiso@shetland.gov.uk faxed to 01595 744686 or posted to Duty FISO, Tingwall Airport, Baillister, Tingwall, Shetland, ZE2 9XJ United Kingdom

Shetland Islands Council strongly recommends that owners and drivers undertake their own risk analysis of using Tingwall Airport. Owners and drivers are referred, where appropriate to the current rules, terms and conditions of *EVENT ORGANISER*.
Effective 1st April 2012 Tingwall Airport, Shetland Islands Council

**Environment and Transport Committee****03 October 2012****Harrison Square and Irvine Place, Lerwick****Report Number: RD-09-12-F****Report presented by : Traffic and Road Safety Engineer****Infrastructure Services Department
Roads Service**

1.0 Summary

- 1.1 The purpose of this report is to inform the Committee of the existing policy on the development and enhancement of Harrison Square, to inform the Committee of the consultations held, and to seek approval to progress a specific scheme of improvements. This decision is required because there is not a consensus of opinion between the main consultees.

2.0 Decision Required

- 2.1 That the Environment and Transport Committee is asked to RESOLVE to approve:
- a. The layout shown in Option 1 is constructed as soon as possible to make use of the external funding currently available to us. This will need some additional funds to be made available from an existing approved budget.
 - b. That a traffic order is promoted to make Harrison Square traffic-free with loading operations in the area to be carried out from Irvine Place or the new loading bay on the Esplanade.
 - c. When the above traffic order is confirmed, bollards will be erected to prevent access by vehicles. These will be removable in the event of an emergency or when essential access is required.

3.0 Background

- 3.1 The current road layout of the Esplanade between the Post Office and the Bressay Ferry Terminal was laid out in 1997 to help tidy up the area and provide marked parking bays and loading areas. These were to be used for the implementation of the Short Stay Parking Order that was

being promoted at that time. This layout was undertaken at minimal cost and used as many existing features as possible. The layout created a turning lane for Victoria Pier. This was not for traffic volumes but rather to help control the ample available road space at a minimal cost.

- 3.2 When Commercial Street was re-slabbbed with Caithness stone in 1998/ 1999 various works were carried out to the lanes running between it and the Esplanade, and at a number of locations along the Esplanade. Part of these works replaced the pavements and kerbing along the Esplanade between the Post Office and the Peerie Shop with conservation kerbs and stone slabs to match the finish material on Commercial Street. At the same time Irvine Place and Harrison Square were similarly slabbed and finished.
- 3.3 Harrison Square and the lower part of Irvine Place had no traffic restrictions on them and were used by a large number of drivers looking for space to park. This created a number of problems in itself but it also highlighted a problem with the stone slab surfacing, which quickly suffered a number of failures.
- 3.4 Since then the trafficked slabs within Harrison Square and Irvine Place have virtually all been replaced with various bitmac patches depending on when each slab or group of slabs became loose. This has left the area looking increasingly derelict with a patchwork quilt of bitmac patches forming the surface of the street.
- 3.5 It has long been accepted that work needed to be done to this area, both to improve its appearance and to rectify the failed surface. However, opinions on how best to progress with this have been divided.
- 3.6 The stone slabbed surface all along Commercial Street suffered numerous failures and eventually a number of contributing factors to these failures were identified. This led to a revised method of laying the slabs, which has been successfully employed in many areas.
- 3.7 Unfortunately, one of the contributing factors identified cannot be overcome by this revised method, or at a reasonable cost. This is where the underlying substructure is affected by tidal movement, as is the case in Harrison Square.
- 3.8 Where the bearing strength of the substructure of the street is affected by the tides two possible courses of action have been identified. The first is to replace the surface with bitmac as this is flexible enough to carry vehicle loads without failure. This was adopted outside Don Leslie's for the access to the Market Cross. The second option is to re-lay the stone flags using the new method, but remove all traffic loads creating a pedestrianised area.
- 3.9 Between 2007 and 2009 the Planning Service undertook public consultation over a number of issues relating to the future development, viability and vitality of the Lerwick Town Centre area. This culminated with the presentation of the Lerwick Town Centre Action Plan to the Planning Board (Report No. PL-14-09-F) for adoption as a policy statement. This was approved by the Planning Board (Min. Ref. PB 58/09) and ratified by the Council (Min. Ref. SIC 160/09) at the end of

2009. One of the features of this adopted policy was the creation of a car-free public space in Harrison Square.

- 3.10 In 2009 the Roads Service drew up various layout options for Harrison Square and the adjacent length of the Esplanade and undertook a number of consultation meetings with representative bodies such as Lerwick Community Council and Lerwick Town Centre Association. From these discussions various options were discounted but unfortunately no consensus was reached.
- 3.11 While the Lerwick Town Centre Association promoted the creation of a car-free public space in Harrison Square, in line with the development policy for the area, the Lerwick Community Council expressed their desire to maintain the area for parking. These two positions are obviously at odds with each other. Another complication was that while some of the businesses in the area were keen on the car-free public space others wished to maintain access for loading. At that time none of the businesses saw the small number of official parking spaces as being of great merit, and all agreed that the larger number of illegally parked vehicles were both an inconvenience and a safety issue.

4.0 Detail

- 4.1 A way forward for this area now needs to be determined. This has been brought about by two specific issues. The first is that the Council is currently in receipt of some £126K of additional funding from the Scottish Government's Town Centre Regeneration Fund. This money was originally allocated to a Planning Service scheme in the Lanes Area, which cannot now proceed, but has been approved for spending in this area. This money must be spent before the end of the current financial year. The second issue is that the Esplanade, between the Market Cross and Leasks is scheduled for resurfacing. It makes sense to undertake any changes to the area in advance of the resurfacing so that levels and layout details complement each other.
- 4.2 To this end the main bodies and parties with an interest in the area were recently contacted. This time two possible options were presented with the request for them to express a preference. The two options are shown in Appendix 1 to this report.
- 4.3 Both layout options propose the same arrangement along the Esplanade with an improved bus layby and widened footways replacing the space currently used by the turning lane. This will narrow the Esplanade at this point to a similar width as provided along the rest of its length. This helps to keep vehicle speeds down and provides a shorter crossing distance for pedestrians.
- 4.4 Option 1 provides for a bitmac finish to Harrison square and the lower part of Irvine Place. This would allow for the current traffic, loading and parking regime to remain. Alternatively, traffic management in the area could be changed to make the area traffic free or to allow access for loading only. This option is currently costed at £131K. This is slightly greater than the external funding available but could be met by using funds from the Traffic Management Rolling Programme.

- 4.5 Option 2 reinstates the stone slabbed surface throughout the area. This would require the existing traffic orders for the area to be revoked and a new order promoted banning vehicular traffic in order to safeguard the surface against failure. This option is currently costed at £265K. This would leave a shortfall of some £134K to be found from the Council's Capital Programme this financial year/ early next financial year. Given the current level of demand for capital funding this scheme would not be a priority within the Infrastructure Services Directorate.
- 4.6 However, Option 2 could be constructed as a second phase to Option 1 with minimal re-doing of work other than replacing the bitmac surfacing. This option is currently costed at £131K + £161K = £292K.
- 4.7 Unfortunately, at the time of drafting this report only two parties have provided a written response to the latest consultation letter, the Living Lerwick BID group and Lerwick Community Council. Both expressed their wish to see the area re-flagged. However, Living Lerwick, representing business interests in the area, wished to see the area made traffic free, while the Lerwick Community Council wished to retain the car parking in front of the chip shop.
- 4.8 After consideration of all the points and views made during various consultation discussions and bearing the current financial position in mind, it is recommended that should the Council's financial position improve or additional external funding be available then the provision of the second phase could be considered at that time. It is anticipated that at this time this is likely to be beyond the lifespan of the medium term financial plan which is currently being developed.

5.0 Implications

Strategic

- 5.1 Delivery On Corporate Priorities – The delivery of the recommended scheme of improvement works is in line with Council Policy for the future of this part of the town centre.
- 5.2 Community / Stakeholder Issues – The loss of parking, both official and effective, is of concern to some stakeholders. However, the creation of a traffic free public space in the town centre is seen to offer considerable amenity and safety benefits.
- 5.3 Policy And/ Or Delegated Authority – The Council's Scheme of Administration and Delegation provides authority for each functional committee to discharge the powers and duties of the Council within their own functional areas in accordance with the policies of the Council, and the relevant provisions in its approved revenue and capital budgets.
- 5.4 Risk Management – The public road area covered by this report currently presents an ongoing maintenance liability, as well as giving a poor image of the town. Failure to progress works in this area during the current financial year will lead to the loss of £126K of external funding granted to the Council for improvements of this type in the town centre.

- 5.5 Equalities, Health And Human Rights – Removing unnecessary traffic from an area provides considerable benefits for all, but in particular for disabled persons.
- 5.6 Environmental – None.
- 5.7 Financial Resources – The proposal in this report is compliant with the Council's Financial Framework and Reserves Policy. External funding of £126K is available to undertake the initial works (Option 1 layout) leaving a shortfall to be provided by the Council of £5K. This is available from the existing budgets.
- 5.8 Legal – None.
- 5.9 Human Resources – None.
- 5.9 Assets And Property – None.

6.0 Conclusions

- 6.1 The Harrison Square and Irvine Place area presents a poor image of the town centre environment both in terms of appearance and indiscriminate use by drivers looking for a parking spot to squeeze into.
- 6.2 The proposals outlined in this report have found general favour with the majority of consulted parties and allow us to proceed in a manner and timescale that accords with the finances available.

For further information please contact:

Colin Gair, Engineer – Traffic and Road Safety
Tel: 01595 744867 E-Mail: colin.gair@shetland.gov.uk
24 September 2012

List of Appendices

Appendix 1 – Layout Drawings for Option 1 & Option 2

Background documents:

None

END



Scheme:
Harrison Square & Irvine Place,
Lerwick
Environmental Improvement
Scheme

Title:
Schematic Layout for Consultation
Phase 1 - Current Traffic or
Loading Only

Shetland Islands Council

Traffic & Road Safety Section, Roads Service
Department of Infrastructure Services
Gremista, Lerwick, Shetland ZE1 0PX
Tel: 01595 744866 Fax: 01595 744869



Date:
08/2012

Drawn:
CJG

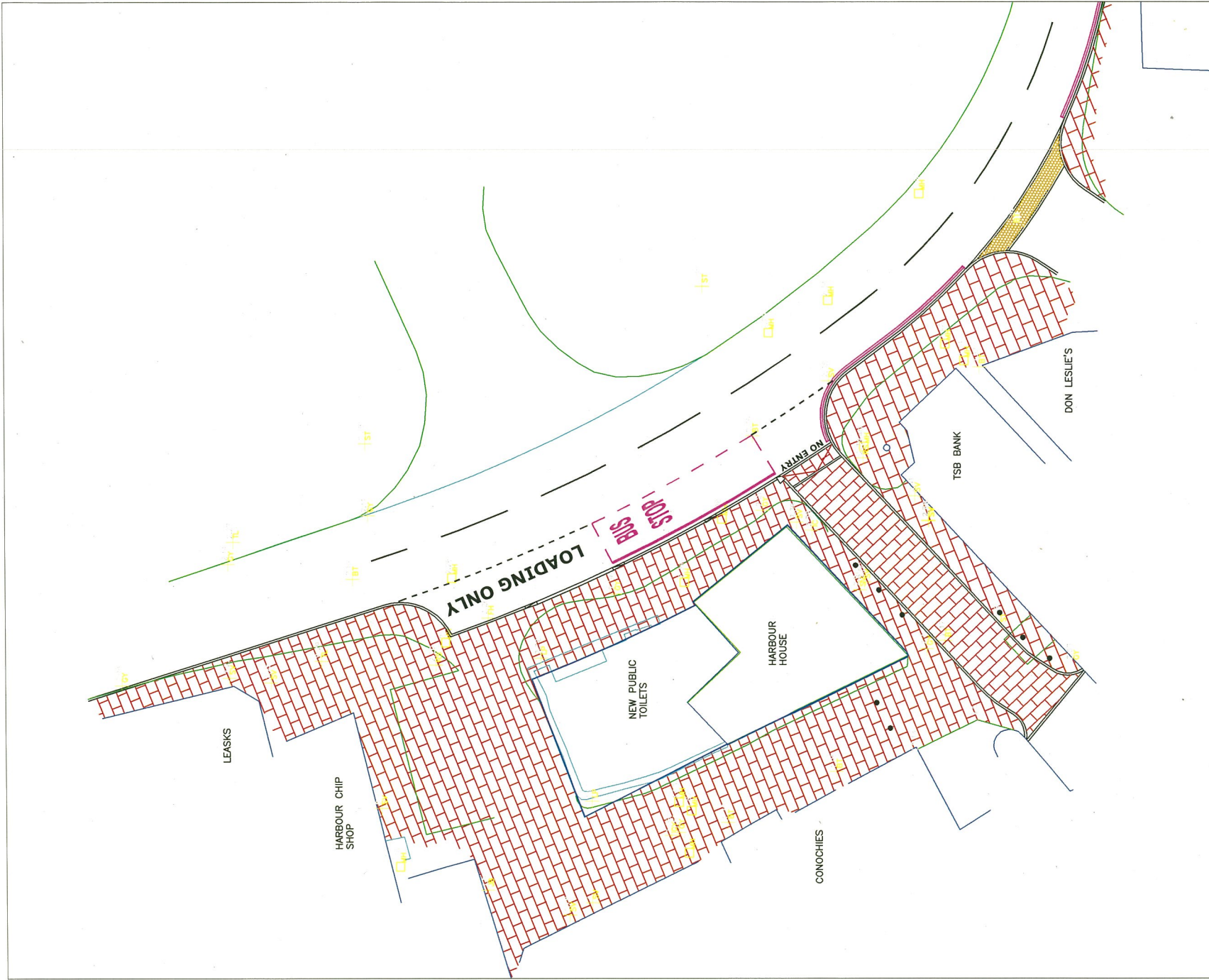
Checked:

Scale:
NONE

Drg No:

Rev:

DRAWING-01



Scheme:
Harrison Square & Irvine Place,
Lerwick
Environmental Improvement
Scheme

Title:
Schematic Layout for Consultation
Phase 2 - Traffic Free Public
Space

Shetland Islands Council

Traffic & Road Safety Section, Roads Service
Department of Infrastructure Services
Gremista, Lerwick, Shetland ZE1 0PX
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Date: 08/2012	Drawn: CJG	Checked:	Scale: NONE
Drg No:	DRAWING-02		
			Rev:

**Environment and Transport Committee****3 October 2012****Appointment to External Organisations - Shetland Environment Group**

GL-88-12-F

**Report Presented by Executive Manager –
Governance and Law****Corporate Services Department****1.0 Summary**

- 1.1 The purpose of this report is to consider a proposal from the Shetland Amenity Trust that the Council appoints one Member to attend meetings of the Shetland Environment Group.

2.0 Decision Required

- 2.1 The Environment and Transport Committee is asked to RESOLVE to approve that the Chair of the Environment and Transport Committee, Councillor Allan Wishart, be appointed to represent the Council on the Shetland Environment Group.

3.0 Detail

- 3.1 A letter from the Shetland Amenity Trust, attached as Appendix 2, asks the Council to appoint one Member to attend meetings of the Shetland Environment Group. This appointment is to fill the vacancy previously held by the Council's Environment Spokesperson. Under the Council's constitutional arrangements, the formal role of Environment Spokesperson no longer exists, and instead it is within the role of Senior Councillor Chairs to act as spokespersons for their respective functional areas.
- 3.3 In this regard, it is recommended that the Chair of the Environment and Transport Committee be appointed. The Chair of the Environment and Transport Committee has been consulted on this matter and has agreed to this recommendation.

4.0 ImplicationsStrategic

- 4.1 Delivery On Corporate Priorities – The recommendation in this report is not linked directly to any of the Corporate Priorities, but will support the

Council's Improvement Plan in terms of Governance, Accountability and partnership working.

- 4.2 Community /Stakeholder Issues – None.
- 4.3 Policy And/Or Delegated Authority – In accordance with section 2.3.1 of the Council's scheme of Administration and Delegations, the Environment and Transport Committee has delegated authority to implement decisions within its remit, including appointments for approved duties within its area of functional responsibilities.
- 4.4 Risk Management – No strategic risks.
- 4.5 Equalities, Health And Human Rights – None.
- 4.6 Environmental – None.

Resources

- 4.7 Financial - The majority of expenses incurred by Members in attending meetings are classed as an approved duty and met from the Members' Expenses budget head. No additional expenditure is expected to arise from attendance at these local meetings and therefore no significant financial implications arising from this report.
- 4.8 Legal – None.
- 4.9 Human Resources – None.
- 4.10 Assets And Property – None.

5.0 Conclusions

- 5.1 This report seeks an appointment of the Chair of Environment and Transport Committee to attend and represent the Council at meetings of the Shetland Environment Group.

For further information please contact:
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21 September 2012

List of Appendices

Appendix 1- Details of Council appointment to Shetland Environment Group
Appendix 2 - Letter from Shetland Amenity Trust

Background documents:

Constitution - Part A – Governance – Appendix 1 - Section (6)

END

SHETLAND ENVIRONMENT GROUP

Purpose:

Multi-agency group set up to advise and assist Shetland Amenity Trust in fulfilling its environmental objectives. This includes judging applications for the annual Environmental Awards.

Partners in the Group include Shetland Islands Council, SNH, SEPA, RSPB, Shetland Bird Club, Shetland Freshwater Anglers Association, VisitShetland, Shetland Civic Society and the Association of Shetland Community Councils.

The Group meets 4 times per year in February, May, July and September.

Membership	Method of Appointment	Duration	Approved Duty	Recommendation
One Member	Appointment	Council Term	Yes	Appoint Chair of Environment and Transport Committee



Mr Jan Riise
 SIC Governments & Law
 8 North Ness Business Park
 LERWICK
 ZE1 0LZ

AL/7 SG/sf

19th September, 2012

Dear Mr Riise,

Invitation for a Council Member to join the Shetland Environment Group

The Shetland Environment Group is a multi-agency group set up to advise and assist Shetland Amenity Trust in fulfilling its environmental objectives. Partners in the Environment Group include Shetland Islands Council, Scottish Natural Heritage, Scottish Environment Protection Agency, Royal Society for the Protection of Birds, Shetland Bird Club, Shetland Freshwater Anglers Association, VisitShetland, Shetland Civic Society and the Association of Community Councils. The roles of the group include judging the annual Shetland Environment Awards and setting the dates for the annual Voar Redd Up.

As Environment Spokesperson for the Shetland Islands Council, Mr Jim Henry, used to be the Councillor representative on the group but, following the Council elections, has stepped down from this position. Therefore, we would like to invite another council member to join the group as the new Councillor representative.

The group meets 4 times a year, usually Mid February, May and July as well as a meeting to judge the Environmental Award Applications in September. The representative would also be invited to the Environmental Awards Ceremony at the Shetland Museum and Archives which, this year, will be on Friday 16th November, 2012.

If you would like any further information on the group please contact me.

<PTO>

**Shetland
 Amenity
 Trust**

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 Lerwick,
 Shetland. ZE1 0NY

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The Shetland Amenity Trust is a charity
 registered in Scotland, No. SC017505
 ENTRUST Enrolment No. 261039



Yours sincerely,

Mrs S. Goudie

Project Officer, Environmental Improvement

SG- SED invite to join group - SIG Council/for - Sept'12

**Environment and Transport Committee****03 October 2012****Street Cleansing Service Reduction in Staff – Review SR-R023****Report Number : ETO-03-12-F****Report Presented by Executive Manager –
Environmental Operations****Infrastructure Services Department
Environmental Operations****1.0 Summary**

- 1.1 The purpose of this report is to inform the Environment and Transport Committee of the outcome of the review of Street Cleansing Services allowing a reduction in the number of staff employed in the Street Cleansing Service through natural wastage (SIC Minute Reference 14/12). As a result of staff retirements the existing workload has been re-organised between the remaining staff in order to minimise the visual impact on the public and to maintain the level of service provided at the highest possible practical standard with the resources available.

2.0 Decision Required

- 2.1 It is recommended that the Environment and Transport Committee RESOLVES to:
- 2.1.1 accept option 3 as the outcome from this review; and
- 2.1.2 request that the Director of Infrastructure Services make alternative savings for the shortfall of £26,000 in order to meet the approved savings target for 2012/13.

3.0 Detail

- 3.1 On 09 February 2012 Shetland Islands Council considered a report on the General Fund Revenue Estimates 2012-13. This included a proposal to save £45,000 per year in the Street Cleansing Service by 'natural wastage', that is by not replacing two members of staff who were due to retire in June and November 2012. Members considered this report and resolved to change this proposed saving from "assess" to "Review"

Options Considered

3.2 Three options were considered as part of this review:

No	Option
1	Maintain the status quo and recruit replacement staff on the retirement of the individuals concerned.
2	Share a post between Scalloway Harbour and Street Cleansing.
3	Reorganise the workload of existing staff to provide a similar level of service.

- 3.3 Option 1 was considered to be financially unsustainable as this would not achieve any savings and would, as such, increase the draw on the council's reserves in the medium term.
- 3.4 Option 2 was explored and would provide a 0.5 FTE for the street cleansing function within Scalloway. Again, this would have required additional savings within the street cleansing service which could not be identified and as such was considered to be financially unsustainable, as it would increase the draw on the council's reserves.
- 3.5 Option 3 was to re-organising the workload of the remaining staff. In Scalloway, the reduction could be implemented by re-deploying a member of staff with a vehicle to serve Scalloway five mornings a week with a van which means they are more mobile and so can be more effective in what they do. They can also do additional duties, such as the Scord Quarry View Point, which is a popular spot with the cruise liner coaches. The staff will be provided with additional support on an 'as and when' required basis, for example due to seasonal variations in the workload caused by weed spraying, blossom removal and leaf-fall removal. This option would deliver a full years saving of £45,000 when fully implemented and as such is considered to be the only option which would achieve the savings required.
- 3.6 The retirement of a member of staff in June required option 3 to be implemented on a trial basis pending formal approval of this report by this Committee.
- 3.7 It should be recognised that the over-riding factor, in any review of services, is that the Council has to reduce expenditure and expectations from any review need to bear this in mind. However informal feedback so far has been that there is no perceived reduction in the level of service provided by the street cleansing team.
- 3.8 One of the Statutory Performance Indicators required by Audit Scotland is 'Cleanliness - overall cleanliness index achieved'. The Indicator for the previous four years is as follows (✓ - Better than the previous year):

Measure	2008/09	2009/10	2010/11	2011/12	Better, worse or stayed the same since 2010/11
Cleanliness - overall cleanliness index achieved	79	76	73	75	✓

- 3.9 The implementation of option 3 and the re-organisation of workloads should have a minimal effect on the above performance indicators and has achieved a saving of £19,000 in 2012/13 and a full years saving of £45,000 from 2013/14 onwards. This will leave a short fall of £26,000 for the financial year 2012/13 which will have to be found from elsewhere within the Service or Directorate.

4.0 Implications

Strategic

- 4.1 Delivery On Corporate Priorities – The Actions in this report will contribute to the SOA. Outcome 3 in the Council's Action Plan 2012/13 of "We have financial sustainability and balance across all sectors".
- 4.2 Community /Stakeholder Issues – By reducing the input of resources allocated to street cleansing the standard of the output may fall. This may be noticeable to the public and shopkeepers on the Street in Lerwick Town Centre and Main Street in Scalloway. However, the standard of cleanliness should still achieve the legally required minimum. The reduction may have more of an impact in the summer when there are more visitors, tourists and cruise liners in Lerwick Town Centre and Scalloway, however, it is very unlikely to have an appreciable impact on our tourism economy which represent 2.3% of the overall Shetland economy..
- 4.3 Policy And/Or Delegated Authority – Section 2.1.1(3) of the Council's Scheme of Administration and Delegations provides authority for each functional committee to discharge the powers and duties of the Council within their own functional areas in accordance with the policies of the Council, and relevant provisions in it's approved revenue and capital budgets.
- 4.4 Risk Management – Failure to reduce the net ongoing running cost of the Council carries a significant risk of breach of the Council financial policies which will require a further draw on Reserves.
- 4.5 Equalities, Health And Human Rights – None.
- 4.6 Environmental – Please see paragraph 4.2 above – Community Issues.

Resources

- 4.7 Financial – The proposed saving in a full financial year is £45,000 and that will be an on going saving with effect from the financial year 2013-14. Given that the two staff retire part-way through this financial year, the saving for 2012-13 is £19,000.

The Council set a budget on 9 February 2012 which included savings of £15.4m. This Reduction in Street Cleansing Services savings review was included within that overall savings total.

If the Council does not approve this savings proposal or an alternative saving, it will result in an additional draw from reserves of £45,000. Over the lifetime of this Council, the decision not to accept this savings proposal will result in a total draw in reserves of £225,000.

- 4.8 Legal – Under the Environmental Protection Act 1990, the Council has a legal responsibility to keep streets clean to a specified standard, as set out in the 'Code of Practice on Litter and Refuse'.
- 4.8 Human Resources – This saving has been achieved by reducing staff by 'natural wastage' and by re-organising the workload of the remaining Street Cleansing staff.
- 4.9 Assets And Property – None.

5.0 Conclusion

- 5.1 This report concludes the current review of street cleansing requested by Council at its meeting of the 9 February 2012 and asks committee to accept option 3 as the outcome of the review which will deliver savings of £19,000 in 2012/13 and ongoing savings of £45,000 per annum from 2013/14 onwards.

For further information please contact:

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24 September 2012

List of Appendices

None.

Background Documents:

Shetland Islands Council, 09 February 2012, General Fund Revenue Estimates 2012-13

<http://www.shetland.gov.uk/coins/submissiondocuments.asp?submissionid=12989>

END

**Environment and Transport Committee****03 October 2012****Burial Grounds Extensions: Bixter and Voe****Report Number: ETO-04-12-F****Report Presented by Executive Manager –
Environmental Operations****Infrastructure Services Department
Environmental Operations****1.0 Summary**

- 1.1 The purpose of this report is to review the proposed extensions to the burial grounds of Bixter and Voe, in light of the current financial situation and to make efficient and effective use of the Council's existing assets before committing expenditure to new assets.

2.0 Decision Required

- 2.1 It is recommended that the Environment and Transport Committee RESOLVES to:
- 2.1.1 Agree in principle to defer work on the provision of an extension to the burial grounds currently in progress for Bixter and Voe in the Council's capital programme for the life of the medium term financial plan from 2012 to 2017 subject to consultation with relevant Community Councils and a further report to this Committee; and
 - 2.1.2 agree that any future potential extension to Voe Burial Ground be at the alternative site at Berry Knowe rather than next to the existing ground.

3.0 Detail

- 3.1 Bixter: The existing Bixter Burial Ground currently has capacity for 136 plots which have all been reserved. Because all the available plots have been reserved there is now no capacity within Bixter for anyone who passes away and has not reserved a plot. They will have to be buried at alternative Burial Grounds in the area. These are at Walls (7 miles), Reawick (7 miles), Aith (4 miles) and Sand (6 miles) where there is adequate space for the medium-term. This will have an impact on the local communities, as residents have historically always been able to be buried in the burial ground of their choice. The capital expenditure budget estimate for Bixter Burial Ground extension was £452,000 in total, £200,000 in 2012/13 and £252,000 in 2013/14.
- 3.2 The tender return date for Bixter Burial Ground extension and car park was 15 August 2012. The lowest tender received was within the budget amount and would appear to be a value for money price. This tender is valid for 90 days which means that the Council has until 12 November 2012 in which to accept this tender. However in light of the current financial situation it is recommended that no tender is awarded at this time.
- 3.3 Members should however be aware that:
- The lowest price is value for money and we might not expect this to be reflected in a future re-tendering exercise.
 - The increased cost could be approximately £80,000 including additional professional fees for re-tendering.
 - This tender would give the best financial benefit to Shetland Islands Council and the community were the money available.
- 3.4 The Council has concluded a contract to purchase the land for the extension and is in the process of acquiring it. The archaeological assessment of the site is currently in progress.
- 3.5 The cost of the professional fees (Project Manager, Quantity Surveyor and Architect) spent on the Bixter project to date together with completing the archaeological assessment is shown in the following table:

Description	2011-12	2012-13: Expenditure to End August 2012
Project Manager	-	2,234
Quantity Surveyor)	-	750
Architect	-	878
Archaeological Assessment	-	4,360
Total	6,971	8,222

- 3.6 In conclusion, given the Council's current serious financial situation and the need to reduce unsustainable draw on reserves it is considered that deferring the building of the extension is the most viable option.
- 3.7 Voe: The existing Voe Burial Ground has approximately four years spare capacity remaining (12 plots) which is why it is proposed to extend it by 2015/16. The project was considered by the Council's Planning Committee at its meetings on 10 January 2012 (Minute Reference 02/12) and 6 March 2012 (Minute Reference 10/12). Due to issues with land next to the existing burial ground, the Delting Community Council, two members of the public and 34 signatures to a petition objected to the proposed extension next to the existing site. Following these objections, the Community Council suggested an alternative site at Berry Knowe and at its meeting on 28 June 2012 the Community Council agreed for the SIC to proceed with the proposal to consider this site.
- 3.8 Since then an assessment of the suitability of Berry Knowe has been carried out and its development costs have been estimated by the Council's Project Manager in comparison with the existing site as follows:

	Element	Extension to Existing Site at Voe	New Site at Berry Knowe
1	Cemetery Extension	214,000	228,000
2	Access Road & Car Park	166,000	92,000
3	Preliminaries	30,000	30,000
4	P.C. & Provisional Sums	20,000	20,000
		430,000	370,000
5	Professional Fees	60,000	47,000
6	Land Purchase and Legal Fees	10,000	5,000
Total Cost		£500,000	£422,000

- 3.9 It can be seen that the new site at Berry Knowe is estimated to be the better value option. The Council's current Asset Investment Plan includes £427,000 (£200,000 2014/15; £219,000 2015/16 and £8,000 2016/17). However, the approved Medium Term Financial Plan requires the Asset Investment Plan to be reduced and scaled back to meet the available resources.
- 3.10 To date the cost of the professional fees (Project Manager, Quantity Surveyor and Architect) spent on the Voe project is shown in the table below. It is estimated that £6,000 is required for the pre-tender works

to evaluate the site options following the Council's decision to investigate Berry Knowe as an alternative site.

Description	2011-12	2012-13: Expenditure to End September 2012	Total Expenditure
Project Manager (including Quantity Surveyor)	-	1,795	-
Architect	-	2,072	-
Total	7,495	3,867	11,322

- 3.11 Given the scale of the Council's structural budget deficit and the need to achieve a sustainable draw on reserves the recommended option is to not commit any further resources to either extending Voe or building Berry Knowe, but make use of spare capacity at alternative burial grounds in the area. The alternative Burial Grounds in this area are at Muckle Roe (10 miles) and Brae (6 miles), where there is adequate space for the long-term as these Grounds have been extended significantly in recent years. Brae currently has spare plots for the next hundred years and Muckle Roe was extended in 2011-12. This will have an impact on the local communities, as residents have historically always been able to be buried in the burial ground of their choice.
- 3.12 It should be recognised that the over-riding factor, in any review of services, is that the Council has to reduce expenditure and expectations from any review need to bear this in mind.

4.0 Implications

Strategic

- 4.1 Delivery On Corporate Priorities – The actions in this report will contribute to the Single Outcome Agreement outcomes 10 and 15 in the Council's Improvement Plan 2012/13 of "Shetland stays a safe place to live, and we have strong, resilient and supportive communities" and "We deliver sustainable services and make sustainable decisions, which reduce harmful impacts on the environment".
- 4.2 Community /Stakeholder Issues – This will have an impact on the residents in the local communities, as residents have historically always been able to be buried in the burial ground of their choice. It is recognised that this will be a difficult and emotive decision on the sensitive issue of where people are able to be buried.
- 4.3 Policy And/Or Delegated Authority – The current Council policy is to extend grounds as they become full with the exception of sixteen yards (Minute Reference 52/97). Section 2.1.1(3) of the Council's Scheme of Administration and Delegations provides authority for each functional committee to discharge the powers and duties of the Council within their own functional areas in accordance with the policies of the Council, and relevant provisions in its approved revenue and capital budgets.

- 4.4 Risk Management – Failure to reduce the net ongoing running costs of the Council carries a significant risk of breach of the Council's financial policies which will require a further draw on Reserves.
- 4.5 Equalities, Health And Human Rights – None.
- 4.6 Environmental – None.

Resources

- 4.7 Financial – The currently approved Asset Investment Plan 2012/13 to 2016/17 includes the following funding for these schemes.

Burial Ground	12/13	13/14	14/15	15/16	16/17	Total
Bixter	200,000	252,000				452,000
Voe			200,000	219,000	8,000	427,000
Total	200,000	252,000	200,000	219,000	8,000	879,000

This is unaffordable in light of the requirement to scale back capital expenditure to meet the requirements of the Medium Term Financial Plan. If approved, the decisions in this report will decrease the draw on the Council's Reserves for capital expenditure by the above amount less expenditure already committed as detailed on 3.5 and 3.10, giving a total reduction on the draw on Reserves at £859,446 over the period 2013/14 to 2016/17.

Under the Local Government in Scotland Act 2003, the Council has a duty to make arrangements to secure Best Value. Best Value is continuous improvement in the performance of the authority's functions taking into account efficiency, effectiveness, economy and equal opportunities.

The proposed medium term strategy is to achieve financial sustainability by reducing the annual draw on reserves from £36M to £5M over the term of this Council.

- 4.8 Legal – The Burial Ground (Scotland) Act 1855 places obligations on the local authority regarding burial of the dead in Scotland.
- 4.9 Human Resources – None.
- 4.10 Assets And Property – None.

5.0 Conclusion

- 5.1 The extension of Bixter and Voe Burial Grounds are currently included in the Council's Asset Investment Plan 2012/13 to 2016/17. However, from the Medium Term Financial Plan approved on 20 September 2012 (SIC Minute Reference 85/12) the reduction in the Asset Investment Plan to lessen the draw on reserves by £5.6M annually, and the decision to defer work on the provision of an extension to the burial grounds currently in progress for Bixter and Voe would contribute to reducing this unsustainable draw on reserves.

For further information please contact:

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24 September 2012

List of Appendices

None.

Background Documents:

Planning Committee, 06 March 2012, To extend cemetery, improve access and provide additional parking at Voe Cemetery

<http://www.shetland.gov.uk/coins/submissiondocuments.asp?submissionid=13075>

END