



Shetland Islands Council

MINUTE

‘B’

Infrastructure Committee
Council Chamber, Town Hall, Lerwick
Tuesday 23 January 2007 at 10.30am

Present:

L Angus	B J Cheyne
A J Cluness	C B Eunson
R G Feather	F B Grains
B P Gregson	L G Groat
I J Hawkins	J H Henry
J A Inkster	J C Irvine
E J Knight	W H Manson
J P Nicolson	W A Ratter
F A Robertson	J G Simpson
W N Stove	T W Stove
W Tait	

Apologies:

Capt G G Mitchell

In Attendance (Officers):

G Spall, Executive Director, Infrastructure
A Taylor, Heritage Manager
M Holmes, Coastal Zone Manager
I Halcrow, Head of Road Services
J Emptage, Cleansing Service Manager
M Craigie, Head of Transport
V Hawthorne, Development Plans Manager
B Barron, Planning Officer – Development Plans
J Grant, Waste Services Manager
B Hill, Acting Divisional Manager – Legal
P Wishart, Solicitor
M Goodlad, Chief Executive
A Cogle, Service Manager - Administration
L Gair, Committee Officer

Also:

E McLeod, Solicitor, Shepherd and Wedderburn

Chairperson:

Mr J C Irvine, Chairperson of the Committee, presided.

Circular:

The circular calling the meeting was held as read.

Minutes

The minute of meeting held on 28 November 2006, having been circulated, was confirmed.

Members' Attendance at External Meetings

Infrastructure Committee - Tuesday 13 March 2007

Agenda Item No. (c) - Public Report

The following Members provided a brief synopsis of their attendance at the following meetings:

Mrs I J Hawkins Nuclear Free Local Authorities (Scotland), Glasgow - 19 January 2007

Mr W Tait Police and Fire Board Meeting, Inverness - 18/19 January 2007

Mr J P Nicolson Police and Fire Board Meeting, Inverness - 18/19 January 2007

In terms of the relevant legislation, Mr J C Irvine moved that the public be excluded from this meeting during consideration of the following item, but that after Members' consideration and discussion with legal advisers, that the meeting be re-convened in public so that the decision can be taken in public. Mr W Tait seconded.

Mr L G Groat declared a non-pecuniary interest in the following item. He added that Lerwick Port Authority was in the process of going out to tender for dredging as soon as possible. Mr Groat left the meeting.

Mrs F B Grains declared a non-pecuniary interest.

Mr C B Eunson moved as an amendment that the item be taken in public. Mr T W Stove seconded.

In summing up, Mr Eunson said that the matter had been widely discussed already on the radio, at community councils, and elsewhere.

Mr Irvine said that the terms of the report related to legal advice and should be considered in private. He said that his motion meant that Members could take legal advice and then, in public, make the decision on the recommendations.

Mr C Eunson asked why the report had been tabled today. The Executive Director Infrastructure Services advised that final legal advice had only been received late on Friday afternoon, and the report drafted and cleared on Monday.

Voting took place a show of hands and the result was as follows:

Amendment (C B Eunson) 2
Motion (J C Irvine) 16

[Representatives of the public and press left the meeting.]

The Chairman adjourned the meeting for 10 minutes to allow Members further time to read the report. The meeting reconvened at 11 a.m.

01/07 **Bressay Bridge Update**

The Committee considered a report by the Executive Director, Infrastructure.

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Considerable discussion took place, during which Mr E MacLeod, Partner in the firm of Shepherd and Wedderburn, provided Members with clarification and advice regarding the legal aspects of the case.

[Representatives of the press and public returned to the meeting.]

Mr A J Cluness moved that the Committee approve the recommendations contained in the report. Mr E Knight seconded.

Mrs B J Cheyne said that it was clear that the root of the problem was existing Council policy, and moved that the Committee approve recommendation 8.1(a) and that 8.1(b) be approved but amended to read: "agrees that a further report on options for a Bressay link should be presented to a future meeting for consideration by the Infrastructure Committee and the Council." Mr T W Stove seconded.

Mr J C Irvine reiterated the view stated earlier that the proper way to change policy was through a Notice of Motion, and that this was trying to change policy by the back door. He said that he had been minded to allow the amendment, but ruled that the amendment was not competent.

There being no further amendment, the Motion was declared the finding of the meeting.

Mr A J Cluness advised that a meeting would be held in private with representatives of the LPA, chaired by Alastair Carmichael MP.

The Executive Director – Infrastructure Services advised that a meeting of the Council could not be called within the short timescale required and that, consequently, the decision of the Committee would be actioned by the Chief Executive, in consultation with the Convener and Vice-Convener, within the terms of the Administrative Regulations relating to emergency powers.

02/07 **Procurement Policy for the Specification of Recycled Content**

The Committee considered a report by the Waste Service Manager (Appendix 2).

The Waste Services Manager briefly introduced the report. Mr F A Robertson moved the recommendations in the report, seconded by Mr W H Manson. Mr Robertson advised that the construction of the new museum had used roughly 10% recycled materials.

(Mr L G Groat returned to the meeting)

Mr B P Gregson endorsed this report and said that 10% was easily achievable and felt that it should be made clear that this was a minimum and that it was anticipated that legislation would in future raise the percentage. He added that whilst the proposal is limited to projects of £1 million it does not preclude projects less than that from also achieving the 10% Recycled Content.

The Committee considered a report by the Development Plans Manager (Appendix 3).

The Development Plans Manager briefly introduced the report and advised that the existing local plans would remain in order for planning to be assessed. The Chairman said that Mrs I J Hawkins and Mr F A Robertson had put in a lot of work on this, including visiting Community Councils with Officers.

Mr W A Ratter said he was satisfied with the report and noted that there were minor variations to be made in Delting and advised that there was a crofting issue which would be addressed by meeting with the crofter.

Mrs I J Hawkins said that she welcomed the report and said that some community Councils had been waiting some time for this. She said that it is now in the second phase and shortly there would only be one area left, namely Gulberwick and Lerwick, that would not be completed by the end of the current Council.

Mrs I J Hawkins moved the recommendations of the report, seconded by Mr W Tait.

Mr L Angus drew attention to paragraph 4.5 of the report and said that he was horrified to see micro planning being incorporated within this review which he believed was contrary to the communities' aspirations. He added that Community Council's were not being encouraged to consider a no zoning policy. Mr L Angus moved that the policy on housing should discourage urban type developments in rural areas and that zones should be removed in rural Shetland, seconded by Mr E J Knight.

The Development Plans Manager said that the problem with Gulberwick and Lerwick is that the master plan is to focus on housing and to alleviate the housing problem in Lerwick and to spread to outer areas to sustain rural communities with schools, shops etc. He added that planning as a topic is looking for the creation of viable communities out with Lerwick.

The Development Plans Manager said that with regard to rural housing in a rural context, planning would come forward on design but advised that was not being consulted on at this stage.

Mr F A Robertson advised that he was giving a presentation at the end of the meeting on the New Planning Bill and said that consultation was at the front end of the process before it formed part of a plan. He said that defined zones was a prerequisite of the Planning Act and where extensive development was expected, master plans were required for consideration by the Council.

After further discussions, Members voted by a show of hands as follows:-

Amendment (Mr L Angus)	3
Motion (Mrs I J Hawkins)	13

04/07 **Sustainable Development Policy into Practice: New Buildings, Renovation and Conversion**

The Committee considered a report by the Head of Planning (Appendix 4).

The Development Plans Manager briefly introduced the report and said that the “Shetland House” had been well received by the public.

Mr L Angus moved the recommendations of the report, seconded by Mr J H Henry.

Mr L Angus drew attention to Appendix B and quoted “25% of Shetland households are in fuel poverty” and asked that a report be brought to the next meeting on this matter.

Mrs F B Grains asked whether reusing an existing building would have to be in done in connection to the zoning policy. The Development Plans Manager advised that the policy is not prescriptive and does not state that you have to reuse an existing building and that the individual would have the choice to reuse or build.

Mr W H Manson drew attention to paragraph 3.7 of the report and stated that good modern design should fit with the landscape. He added that a paragraph was needed to state that it should also be affordable. Mr Manson said that because of inflation and interest rates, the young people cannot get onto the property ladder. He said that design should not close our eyes to affordability.

Mr W A Ratter said that the wind in Shetland is good for creating energy but said that it was bad for keeping houses warm. He said that he was not so interested in the look of the building but in it using little energy and insulated properly and that the running costs should be reduced. Mr Ratter said that Shetland should take a lead in the UK and move away from the 1970’s building standards.

After further discussion, the Head of Planning advised that with regard to Housing, a policy will be on the next cycle to show how the Council can implement affordable houses. He said that with regard to energy use, and with Members’ approval, he would bring forward a policy on onsite renewable energy.

Mr B P Gregson said that he wished to commend a house being built in Uyeasound that would, when completed, be carbon neutral. He added that the building would not be cheap, but would incorporate sustainability.

05/07 **The Land Reform (Scotland) Act: The Development of the Shetland Core Path Plan**

The Committee noted a report by the Service Manager, Development Plans (Appendix 5).

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The Development Plans Manager briefly introduced the report and advised that the Core Path Plan is required to be completed by February 2008.

Mr W Tait said that he was in favour of this plan, but said that he hoped that, as in Levenwick, the Council do not put in contractors to erect fences and gates without proper consultation with everyone and to include landlords. On this point Mrs B J Cheyne said that the land on some plans may have been sold on over time, and that some paths would be recognised as a right of way. She asked that planning advise owners now so that these recognised rights of way are pointed out.

Mr W A Ratter complimented the Planning Officer (Project Implementation) on all the work that had been done.

Mrs F B Grains was of the opinion that this was good for recreational walking, but said that roads were made for schools, but children were still expected to cross fences to get there with no adequate paths in place.

In response to a query from Mr W H Manson regarding whether additional funding would be required, the Development Plans Manager advised that with the existing budget and quality of life funding there would be sufficient funds for the current financial year. He added that paths would be maintained within existing budgets, but discussion would be required with regard to future requirements.

Members discussed the footpath signs that had been erected for the public. Members were of the opinion that these signs are misleading as some of the paths are physically challenging. The Development Plans Manager said that this had been a problem since the draft legislation and said he would rather that the paths were named routes as the public otherwise expected to see a properly constructed path.

06/07 **Response to Public Consultation on Proposals to Establish a Coastal and Marine National Park**

The Committee considered a report by the Heritage Manager (Appendix 6).

Mr J Simpson said this was not a route that the Council should go down. He said that the Council had to work with environmentalists for fisheries and that various agencies were working with aquaculture with great success and that the Shetland Shellfish Management Organisation and Scottish Sustainable Marine Environment Initiative were doing a lot of work on the marine industry and environment. Mr Simpson advised that the west coast were getting a rough ride and they had a petition going out against a Coastal and Marine National Park. Mr J Simpson moved the recommendations in paragraph 10.1 a) of the report, seconded by Mr R G Feather.

Mr A J Cluness said that a press release from the Scottish Crofting Foundation stated that the consultation process had been rushed, casual and poorly executed and that it needed to be improved on if there was to

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be meaningful discussion about this issue. Mr Cluness said that he accepted what Mr Simpson said but was of the opinion that the consultation with the public was dubious. He said it was difficult to get responses in time on what the Shetland people thought and that only a minor section had been consulted. Mr Cluness said that he was not prepared to say that the Council totally reject the proposition and Shetland had already demonstrated that it has the ability under the ZCC Act to protect Shetland's environment.

Mr A J Cluness moved as an amendment the recommendations in 10.1 c) of the report, Mr B P Gregson seconded.

Mr W A Ratter supported the amendment and said that the consultation had covered a self selected group and that it was important to get a representative group across the community. He added that option 10.1 c) allowed the Council to go forward with other issues in Marine Management.

Mrs I J Hawkins said it would be easy to criticise the consultation but said that the list of consultees consisted of a wide range of organisations not just environmental groups. She said it was unfortunate that the consultation had been done over the festive period, but a good response had been received. Mrs Hawkins wished to thank all consultees for responding and for their interest in Shetland. Mrs Hawkins went on to say that one of the criteria for a Marine National Park would be accessibility and was of the opinion that Shetland would not be the place to have the first Coastal and Marine National Park, due to the travel involved and high fare structure, limiting who could visit. Mrs Hawkins added that it would be possible to pursue consultation in the future.

Mrs F B Grains said that the public had been consulted and they responded, and the outcome left no option but to follow option 10.1 a). She said that the Council should not dismiss the consultation process.

Mr L Angus said that he agreed with Mr Simpson's sentiments but said that he had difficulty with option 10.1 a). He was of the opinion that there should be local control of the marine environment and said that Shetland is the only local authority that employs its own Coastal Zone Manager. Mr Angus said that one community in Shetland, namely Fair Isle, had expressed a wish for local control and suggested that an alternative proposal should be considered to include Fair Isle's aspirations and investigations towards alternatives to a Coastal and Marine National Park. Mr Angus gave notice of a further amendment.

(Mr W A Ratter left the meeting)

After further consideration and debate Members voted by a show of hands as follows:

Amendment (Mr A J Cluness)	10
Motion (Mr J Simpson)	6

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Mr L Angus said that the Council should provide a positive response to the Scottish Executive and provide another proposal. Mr Angus moved that the Council do not support the Coastal and Marine National Park in Shetland, but instead propose a further consultation on local control, that incorporates Fair Isle's Marine Environment and Tourism Initiative. Mr W Tait seconded.

Members voted by a show of hands as follows:

Amendment (Mr L Angus)	3
Motion (Mr A I Cluness)	8

The Committee adjourned at 1.20 p.m.

The Committee reconvened at 1.45 p.m.

Present:

L Angus	B J Cheyne
A J Cluness	R G Feather
F B Grains	B P Gregson
L G Groat	I J Hawkins
J H Henry	J A Inkster
J C Irvine	E J Knight
J P Nicolson	F A Robertson
J G Simpson	W N Stove
W Tait	

Apologies:

C B Eunson	W H Manson
Capt G G Mitchell	W A Ratter
T W Stove	

In Attendance (Officers):

G Spall, Executive Director, Infrastructure
I Halcrow, Head of Road Services
J Emptage, Cleansing Service Manager
V Hawthorne, Development Plans Manager
I McDiarmid, Head of Planning
B Hill, Acting Divisional Manager – Legal
L Gair, Committee Officer

07/07 **Notes of Environment and Transport Forum (a) 3 October 2006 and (b) 6 December 2006**

The minute of meetings held on 3 October 2006 and 6 December 2006 were confirmed, on the motion of Mr A J Inkster

. The Chairman advised that Loganair are invited to the meetings of the Environment and Transport Forum and ZetTrans, both on 27 February 2007.

Mr L Angus asked if Northlink were being pursued on the provide vessels fit for purpose, when the time comes to replace them. Mr J A Inkster said

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that this would not be forgotten, and agreed that the vessels were grossly inefficient and confirmed that this would be followed up with officials.

08/07 **Planning Agreements**

The Committee noted a report by Head of Planning (Appendix 8).

The Development Plans Manager briefly introduced the report. Mr F A Robertson said that a condition can be placed on Housing Schemes, through consultation with developers to have open environmental spaces for the community.

Mr L Angus expressed concerns with regard to the impact that the changes would have on the ZCC Act and the plans to control aquaculture under the Planning Act and questioned whether amending the ZCC Act had been considered. The Chairman advised that these points should be addressed following the presentation on the New Planning (Scotland) Act at the end of the meeting.

09/07 **Traffic Regulation Orders, etc. Progress Report**

The Committee noted a report by the Network Manager, Roads (Appendix 9).

The Head of Roads briefly introduced the report. Mrs B J Cheyne said that there is a proposed 20mph limit at the Vidlin School next to the terminal. She expressed her concern with regard to the road next to the waters edge which frequently flooded and stated there was no wall, barrier or pavement and asked for urgent consultation and asked that this be progressed quickly.

Mrs Cheyne said that the School Board for Olnafirth Primary School had expressed concerns regarding the proposed 20mph limit in Voe and hoped that it could be extended to the next junction, but Mrs Cheyne said she understood that may be too long. Mr B P Gregson said that he was pleased to see how well the traffic adhered to the current 30mph limit in that area.

The Head of Roads said that he noted the points raised by Mrs Cheyne and said that he would press on with the concerns regarding Vidlin and noted the point regarding the Olnafirth School.

10/07 **Provision of New Toilets for the Esplanade, Lerwick - Progress Report**

The Committee noted a report by the Head of Environment & Building Services (Appendix 10)

In response to a query from Mrs B J Cheyne, the Cleansing Services Manager agreed to provide a copy of the plans for this project, to be placed in the Members Room.

In response to a query from Mr B P Gregson, the Cleansing Services Manager agreed to email the list of maintenance for rural public toilets to Members.

11/07 **The New Planning (Scotland) Act. Presentation – Councillor Frank Robertson and Iain McDiarmid, Head of Planning**

Mr F A Robertson provided a presentation on the New Planning (Scotland) Act, (slides attached as Appendix 11A) and Members were invited to ask questions.

Mr F A Robertson advised that with regard to Marine Fish Farming, planning permission would need to be sought instead of Works Licenses for works floating in the water. He advised that the distance off land had been extended from 3 miles to 12 miles and permission granted would be permanent. Mr L Angus asked if permission would be extinguished if developments had not taken place within a certain period of time. He asked if conditions on permission would be made in particular circumstances, and if the ZCC Act would be superceded by the new Act.

Mr Robertson said that temporary consent could be given in certain situations. He said that the ZCC Act 1974 would remain for works fixed or attached to the seabed, which would include applications for piers. He advised that a review of all existing works licenses would be carried out and these would be transferred to permanent permission.

Mr B C Hill advised that the Crown Estate would continue to collect rent for anything anchored to the seabed.

Mr Robertson advised that a report would be brought forward on the restructuring of the Planning Board.

(Mr L Angus and Mr E J Knight left the meeting)

Mr A J Cluness thanked Mr F A Robertson and Officers and said that this had taken a tremendous amount of their time.

In response to a query from Mr A J Inkster, Mr B C Hill advised that once the Bill had been passed by Parliament it would be brought into force.

Mr J H Henry asked how developers would be made aware of the new Planning (Scotland) Act. The Head of Planning advised that there was to be a programme of regular meetings to include architects and developers. He added that there would be an open meeting on 15 February 2007 at 2.15pm in Islesburgh Community Centre, that Mr J McKinnon had agreed to attend, and questions would be encouraged.

(Mrs B J Cheyne and Mr J Simpson left the meeting)

The Head of Planning provided a presentation on the detail of the new Planning (Scotland) Act, (Slides attached as Appendix 11B).

After further queries, the meeting ended at 3.05pm

CHAIRPERSON



REPORT

To: Infrastructure Committee

13 March 2007

From: Service Manager – Transport Operations

Transport

Infrastructure Services Department

BUS FARES

1. Introduction

1.1 The purpose of this report is to seek approval for a restructuring of bus fares to enable implementing a discounted multi journey ticketing system which was put forward as part of the 2007/2008 Revenue Estimates.

2. Link to Council Priorities

2.1 The recommendation in this report meet key corporate plan objectives

- Strengthens Rural Communities
- Internal Transport
- Equal Opportunities

3. Discussion

3.1 As stated in 1.1 above these proposals were submitted as part of this departments Revenue Estimates for 2007/2008, however, Members requested further information before approving the changes.

3.2 The structure of bus fare tables in Shetland has remained relatively unchanged for some time and fare increases were simply subject to an inflationary increase across the board.

- 3.3 The cost of public transport in Shetland has consistently been much lower than elsewhere in Scotland. e.g.

Aberdeen to Inverurie	Approx distance 19 miles	£3.25
Aberdeen to Stonehaven	Approx distance 15 miles	£3.25
Aberdeen to Peterhead	Approx distance 33 miles	£4.75
Kirkwall to Stromness	Approx distance 14 miles	£2.10
Kirkwall to St Margaret's Hope	Approx distance 19 miles	£2.65
Kirkwall to Birsay	Approx distance 18 miles	£2.55
Lerwick to Sumburgh	Approx distance 25 miles	£2.20*
Lerwick to Eshaness	Approx distance 39 miles	£2.50*
Lerwick to Sandwick	Approx distance 14 miles	£1.70*

*New 07/08 fares

10 Journey tickets reduce this to Sumburgh £2.00
 Eshaness £2.00
 Sandwick £1.50

4. Proposals

- 4.1 Members will be aware that one of the key objectives within Transport Services –Service Plan 2006/2007 was to research and implement a discounted multi journey bus ticketing system in 2007.
- 4.2 We are now on target to deliver this major upgrade and improvement to bus fare tables, which will reduce the cost of travel for regular commuters. In addition the new simplified fare structure and multi journey ticketing system will be beneficial to bus drivers and operators alike by minimising daily cash handling on board buses. Weekly tickets can be purchased from the driver, direct from the operator or through the Transport office, which is conveniently adjacent to the Bus Station.
- 4.3 The attached appendices No's 1 to 7 illustrate the current fare structure and also shows the new zoned fares and the discounted multi journey ticket values on the main commuter services.
- 4.4 On all other services an inflationary increase would apply to current fares.

5. Financial Implications

- 5.1 No adverse financial implications are expected. The recently approved budgets for bus services in 2007/2008 took account of the fare review and ticketing initiative.

6. Policy and delegated Authority

6.1 The Infrastructure Committee has delegated authority to implement decisions within its remit for which the overall objectives have been approved by the Council, in addition to appropriate budget provision.

6.2 The functions relating to securing public transport services, ticketing arrangements and ticketing schemes have been transferred to the Zetland Transport Partnership and accordingly this report will also be presented to the next meeting of the Partnership on 16 March 2007.

7. Recommendation

7.1 I recommend that the Infrastructure Committee considers and comments on the proposals in this report for consideration by the Zetland Transport Partnership.

Report No: TR-02-07-F



Shetland

Islands Council

REPORT

To: **Infrastructure Committee**

13 March 2007

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

AFFORDABLE HOUSING – DRAFT POLICY FOR CONSULTATION

1. Introduction

- 1.1 The purpose of this report is to seek Members' approval for consultation with stakeholders for a policy for the delivery of Affordable Housing.

2. Links to Council Priorities

- 2.1 The provision of Affordable Housing ensures that there are greater equal opportunities, social justice and enhanced active citizenship in the housing sector. All these elements are priorities in the Corporate Improvement Plan.

3. Background

- 3.1 I previously reported the issues relating to the delivery of Affordable Housing to this Committee in August 2005 (Min Ref 49/05). In that report I recommended that discussions are held with housing providers and other stakeholders to establish an Affordable Housing policy following completion of the Housing Needs Assessment being undertaken by the Housing Service. Unfortunately the Housing Needs Assessment has been delayed. I attach for Members' information as Appendix 1, a note on the definitions used and methods of provision of Affordable Housing.

4. Report

- 4.1 Due to reasons out of the control of the Housing Service, the funding promised by Communities Scotland for the Housing Needs Assessment did not materialise. However, there is a continuing demand for Affordable Housing, so rather than delaying the implementation of a policy for Affordable Housing any longer, we will use general information from the current Local Housing Strategy 2004-2009 to develop the basis of a draft policy for discussion with housing providers and other stakeholders.

- 4.2 I set out in Appendix 2, the draft policy which I intend to use as a basis for discussion with stakeholders. I see no value in building a

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planning policy for the delivery of Affordable Housing that is too prescriptive. My aim would be to set out the basic requirements, i.e set the % level of provision by area, and leave the developers and the RSL's (Registered Social Landlords) to negotiate with the appropriate service the terms which secure delivery e.g commuted payment, houses or land.

4.3 The approach being proposed represents a positive attempt to address the need for Affordable Housing, at least in part. Its success will be dependent on effective partnership working between all parties involved at a practical level. It is important that discussions are undertaken at the earliest possible opportunity to avoid unnecessary delays to development and to influence land values at the appropriate time. A draft policy relating to planning gain and developer contributions by way of Section 75 Agreements is currently being prepared for Members consideration and will include proposals for obtaining the developer contribution for affordable housing.

4.4 It needs to be recognised however, that the Planning System can only make a contribution to meeting Affordable Housing need. It cannot address it in its entirety.

4.5 I propose to discuss the draft policy set out in Appendix 2 with developers and other stakeholders and report back to this Committee, early in the life of the next Council with an agreed way forward which can be approved as interim planning policy.

5. Financial Implication

5.1 At this stage in the process this report has no financial implications.

6. Policy and Delegated Authority

6.1 The Infrastructure Committee has full delegated authority to act within its remit (Min Refs SIC 19/03 and 70/03). A new policy for consultation is being proposed; therefore, a Council decision is required.

7. Conclusion

7.1 The Housing Service is unable to undertake a dedicated Housing Needs Assessment on which a policy would be based. So rather than delaying the implementation of a policy for this very important subject any longer, I propose to use information from the existing Local Housing Strategy and discuss the draft policy (Appendix 2) for the delivery of Affordable Housing with stakeholders. My intention would be to present an agreed policy for approval by Members early in the next Council.

8. Recommendation

8.1 I recommend that the Infrastructure Committee recommends to Council that:

1. the draft policy set out in Appendix 2 is approved for consultation with developers and other stakeholders.

Report No: PL-07-07-F

Affordable Housing -
Definitions and Types of Provision

Affordability:
Some definitions

***SFHA Affordability Measure for rented social housing:*¹**

For a rent (including any Housing Benefit eligible service charges) to be affordable, households with one person (head of housing or partner) working 16 hours or more should only exceptionally be dependent on Housing Benefit in order to pay it.

***National Housing Federation*²:**

Rents are affordable if the majority of working tenants are not caught in the poverty trap, because of dependency on housing benefit, or paying more than 25% of their net income on rent.

***Scottish Executive*:**³

Housing of reasonable quality that is affordable to people on modest incomes

Social Housing for Rent

Social housing for rent in Shetland is provided almost exclusively by Shetland Islands Council and by Hjaltland Housing Association Ltd. Both these organisations aim at providing good quality housing at a rent that aims to satisfy the above definitions.

Low Cost Home Ownership schemes:

Low cost Home Ownership schemes (LCHO) are those that aim to meet the Scottish Executive definition above. There are various schemes, mostly provided by Communities Scotland, that aim to address the need for “affordable” homes.

- Shared Ownership
- Shared Equity or “Homestake”
- Rural Home Ownership Grants
- Discounted Low-Cost Sale

The first three schemes are marketed through Hjaltland Housing Association Ltd, whilst the last scheme is marketed directly by Communities Scotland. The Local Housing Strategy will set out the framework for the use of these schemes within Shetland.

Shared Ownership

¹ Scottish Federation of Housing Associations – Developing Affordable Rents; Guidance booklet No 5 (revised) January 2002

² The national body for English RSL's

³ Scottish Executive - Homes for Scotland's People; A Scottish Housing Policy Statement March 2005

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Agenda Item No. 02 - Public Appendix

Shared ownership is a method of fulfilling people's aspirations to home ownership by enabling a purchaser to buy up to three 25% shares in a property initially and to pay an occupancy payment to a housing association (RSL) for the remaining shares to obtain exclusive occupancy of the property. A sharing owner has the right to purchase further shares in the property and "staircase" up to full ownership if/she so wishes. However there is no obligation on a sharing owner to purchase further shares.

Shared Equity or "Homestake"

Shared Equity or Homestake is similar to "shared ownership" low cost home ownership, but was only introduced in 2006.

A key target group will be first-time buyers. This will include new households, but also people affected by marital breakdown and people currently renting. The scheme will also be designed flexibly so that it can be used, for example, to assist disabled people and older people access more suitable housing.

The Homestake owner can buy between 60 and 80% of a new build property with the remaining balance funded by the association. No rent is payable to the association by the Homestake owner, though the owner is responsible for all running costs of the property, and on re-sale the association will get their share of the proceeds

Rural Home Ownership Grants

Rural Home Ownership Grants (RHOGs) are available to individuals on low incomes in rural areas to help them build or acquire suitable housing. The aim of the grant is to help sustain local communities by making it easier for local people to own their own home and meet their housing needs in their own community.

The grants can be up to around 30% of the total costs of the project, but possibly higher in exceptional circumstances, and are calculated on what an applicant can afford as a mortgage and the total development costs. The development cost includes site acquisition, house building, site servicing, legal fees, bridging interest and any other additional costs. Savings over £5,000 and grants from other sources are taken into account.

Applicants should have a local connection and be working locally and be unable to afford the project without the grant. Crofters eligible for the Crofters Building Grant and Loan scheme are not eligible for RHOGs.

Discounted Low-Cost Sale GRO Grants for Owner Occupation

These are grants to private developers to build houses for sale. They are used both to introduce housing for sale in areas with little or no private housing and to help meet local shortages. Priority Purchase arrangements are agreed locally to ensure assistance is targeted at those who need it.

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Agenda Item No. 02 - Public Appendix

GRO grants are intended to contribute to social inclusion and community regeneration by promoting more sustainable, mixed tenure communities. Grants are used to provide low cost owner occupied housing, as part of wider efforts to ensure effective physical, social and environmental regeneration. The grants also contribute to meeting land use and environmental objectives, by encouraging the use of brownfield rather than greenfield sites.

The scheme provides developers with the minimum level of funding needed to meet the difference between eligible production costs and the sales value of the houses upon completion. The maximum levels of grant payable are 33% of total costs; in designated Social Inclusion Partnership area the level can be 40% of total costs. These limits apply to the total of GRO grant and any other public funding that is received by the grant applicant.

Rural Empty Properties Grant

The purpose of Rural Empty Properties Grant (REPG) is to increase the supply of rented housing in rural areas by assisting projects that improve or convert empty properties for the provision of affordable rented units. The scheme is open to private landlords and developers.

Other Schemes for Affordable Housing

Croft House Grant Scheme (CHGS)

CHGS provides grants to crofters to build new croft houses or to rebuild and improve existing croft houses. The purpose of the scheme is to improve and maintain the standards of crofter housing with the aim of attracting and retaining people in the more remote areas of the highlands and Islands.

Assistance is provided at the discretion of the Scottish Ministers and there is no automatic entitlement to assistance.

Even if the applicant meets the basic eligibility criteria, other issues have to be considered before a final decision can be reached.

For new houses the applicant will have to show that their existing accommodation is inadequate in some way, and that a new house would enable the applicant to work the croft.

Private Sector Housing Grant

The private sector housing grant programme provides support to local authorities for improvements in private sector housing in their area.

In line with the recommendations of the Housing Improvement Task Force, the following areas have been identified as priorities for investment in the private housing sector:

- support the improvement of houses that are below the Tolerable Standard and the adaptation of houses for those with particular needs

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- extend the area coverage and services provided by Care and Repair
- support and encourage owners with communal repair responsibilities
- establish partnership working arrangements with the private rented sector
- improve the data and information required for strategy development in relation to the private sector
- support specific, identified problems at the local level such as private sector housing investment linked to regeneration.

Affordable Housing - Draft Policy for Consultation

The Scottish Executive is keen to increase the supply of affordable housing. To meet this aim the Council proposes that where a landowner/s or developer is planning to release or develop 4 or more plots for housing within the Local Plan period (i.e. 5 years), either as single sites or larger developments the cumulative total will be assessed. The Council will expect to negotiate a section 75 agreement with the landowner/s and other interested parties, or use other mechanisms, which provide for a contribution towards Affordable Housing (i.e. housing of reasonable quality that is affordable to people on modest incomes). Negotiations will be subject to market and site conditions and the contribution may be in the form of land, housing units or a financial contribution. The Affordable Housing quota sought by the Council will be in accordance with information derived from the Local Housing Strategy 2004-2009, Assessment of Housing in Shetland and set out in the following table.

Housing Market Area Summary

Market Area Type	Suggested % Affordable Housing	Community Council
High Pressure Area Commuted payment or payment in kind unacceptable	50%	Gulberwick, Quarff and Cunningsburgh Lerwick Scalloway
Balanced to High Pressure	35-40%	Tingwall, Whiteness & Weisdale Burra & Trondra
Balanced Areas	25% Scottish Executive Benchmark figure	Sandwick Skerries Yell
Balanced to Low Pressure	10%	Delting Dunrossness Sandsting & Aithsting
Stable	10%	Bressay
Low Pressure Areas		Unst Walls & Sandness Whalsay
Low Demand Areas		Nesting & Lunnasting Northmaven (some specific problems)
Very Low Demand Area		Fetlar

Delivery Mechanism

1. The value of the land or the houses will be agreed by the developer in negotiation with Hjaltsland Housing Association, the Council's Housing Service or other RSL (Registered Social Landlord). In the event of dispute, the Distinct Valuer or mutually agreed independent valuer shall determine the appropriate price. Where

the developer is making a financial contribution in lieu of subsidised land, the contribution should equate to the discounted value of the land for Affordable Housing if it had been provided on site.

2. Completed houses to be passed to the RSL must be built to a minimum acceptable standard. The set standard will be – “Housing for Varying Needs”.
3. Where the Affordable Housing quota is to be met by subsidised housing provided by a RSL (Register Social Landlord), the land should be transferred at a value relating to the end use for Affordable Housing or by agreement with the developer or landowner.
4. All sites within the High Pressure Areas are deemed suitable for Affordable Housing, commuted payment or payment in kind is unacceptable. Outside the high pressure areas, where reasons are provided to the Council demonstrating that accommodation of Affordable Housing on a site is not possible e.g. density, abnormal site costs, the following alterations will be considered in order of preference;
 - a. Provision by a developer or landowner of suitable alternative land to accommodate Affordable Housing elsewhere in the Community Council area.
 - b. A financial contribution in lieu of an alternative site, to be placed in a ring fenced account and pooled to assist in the delivery of Affordable Housing on an alternative site.

Justification

The Council’s Local housing Strategy has identified the need for affordable housing. To help meet that need, the Local Plan aims to make sure that new housing developments or the release of development plots makes a contribution towards the supply. The Scottish Executive in PAN 74 (Planning Advice Note 74 Affordable Housing) has set the benchmark percentage for the provision of Affordable Housing as 25%. This percentage has been identified as the level for provision in the balanced areas, reducing to 10% in the low pressure and stable areas and rising to 50% in the high pressure areas. The 50% figure has been set to reflect the average split of owner occupied to rented housing in Shetland before the introduction of “Right to Buy”.



REPORT

To: **Infrastructure Committee**

13 March 2007

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

CONSERVATION GRANTS **80-82 COMMERCIAL STREET AND HAY'S DOCK**

1. Introduction

- 1.1 This report recommends that the Council offers grant assistance in respect of works at 80-82 Commercial Street, Lerwick and at Hay's Dock, Lerwick.

2. Links to Council Priorities

- 2.1 80-82 Commercial Street and Hay's Dock contribute to our built heritage and their renovation and enhancement would contribute to the Corporate objectives of *Respecting our Unique Landscape* and *Our Cultural Identity* (priorities 2.2 and 3.1 of the Corporate Improvement Plan 2004-2008).

3. Background

- 3.1 The Council's Conservation Grant Scheme offers assistance towards the renovation and repair of buildings of architectural or historical interest. The Scheme is designed to assist with the additional costs of carrying out works using traditional materials and methods. The level of grant available depends on whether the building is a listed building or is in a conservation area and the type of work that is being undertaken.
- 3.2 Most Conservation Grant applications are dealt with under delegated authority. Applications are reported for a decision when they are outwith the Council's approved policy. The 80-82 Commercial Street application is being reported to the Infrastructure Committee because works had commenced prior to the application being submitted. The Hay's Dock application is being reported because it does not involve improvements to a specific building, and as such does not fall within the approved conservation grant policy.

4. Conservation Grant Application 067/07: 80-82 Commercial Street, Lerwick

- 4.1 80-82 Commercial Street is a tenement building of Scots Baronial style, erected in 1905 by E S Reid & Co. to plans by Alexander Campbell, the contractor being a Mr Magnus P Morrison. Manson's book of 1923 refers to the building by saying "unlike some others of the best buildings in Lerwick this was designed by a local architect and built by a local contractor". The elevation to Commercial Street is of an impressive scale compared to its neighbours, and the shopfront is an interesting survival. The elevation to the harbour is particularly prominent, and makes a major contribution to the townscape when viewed from the east.
- 4.2 It is a Building of Special Architectural or Historic Interest, listed category B.
- 4.3 The works include re-slating, stonework repairs and repointing. The total estimated cost of the project is £195,000.
- 4.4 The building is in multiple ownership and the application has been submitted by Hjaltland Housing Association on behalf of all the owners. I understand that the requirement to obtain the necessary mandates had proven time consuming and had contributed to the late submission of the application.

4.5 Calculation of Grant

- 4.4.1 If the application had been submitted prior to the project commencing the works would have been eligible to be assessed under Scheme A. The rate of grant that can be offered under this Scheme is up to 90% of the cost of the work, subject to the scheme maximum. The maximum grant available is generally £5000 per property. If the Council were minded to grant assistance, I would propose to calculate the grant as if it was a Scheme A grant. I would also propose to classify 80-82 Commercial Street as two properties (it spans two plots). The Committee is therefore asked to consider the approval of a Conservation Grant payment of £10,000 towards the project.

5.0 Conservation Grant Application: 067/04 Hays Dock, Lerwick

- 5.1 **Hays Dock, built circa 1825, is a stone built dock enclosed by piers to the north (with storehouse) and east. Formerly the premises of Hay & Co., the dock had fallen into dereliction, before being recently restored by Shetland Amenity Trust as part of the new Museum and Archives complex.**
- 5.2 It is listed category B.
- 5.3 **The application is for assistance towards the creation of a public walkway around the dock, and forms part of a wider programme of environmental improvements and public art in the area. The proposed works utilise traditional paving materials including reclaimed granite setts and Orkney flagstones.**

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5.4 The request is being reported to this Committee since it does not involve improvements to specific buildings and, as such, does not fall within the approved Conservation Grant policy. The project will, however, enhance the setting of the listed Dock and utilises traditional materials. In that sense it meets the general objectives of the grant policy, and I feel should be supported.

5.5 Calculation of Grant

5.5.1 The total estimated cost of the project is £53,726. Shetland Amenity Trust has asked the Council to consider a Conservation Grant of £5,000 towards the works. This represents 9.3 % of the total costs of the project.

6. Financial Implications

6.1 If approved the grant offers can be met from within the existing Conservation Grant budget. A summary of the 2006/2007 Conservation Grant budget is set out in paragraph 6.2.

6.2	Reserve Fund RCY 8485
Budget 2006/07	£125,000
<u>Less</u>	
Grants Paid Out	£35,364
Grants Offered	£50,622
Grants Recommended in this Report	£15,000
Total Awards	£100,986
Budget Remaining	£24,014

7. Policy and Delegated Authority

7.1 The Executive Director - Infrastructure Services has delegated authority to determine Conservation Grant applications that fall within approved policy guidelines and are within budget (SIC min. ref. 50/97). Although these applications fall within the general terms of the Conservation Grant policy the Commercial Street application was submitted after works had commenced, while the Hays Dock application relates to environmental enhancement works rather than involving improvements to a specific building and, as such, does not fall within the approved conservation grant policy. They therefore require the approval of the Infrastructure Committee.

7.2 The Infrastructure Committee has full delegated authority to act on all matters within its remit (Min Refs SIC 19/03 and 70/03) and for which the overall objectives have been approved by the Council, in addition to appropriate budget provision.

8. Conclusion

- 8.1 The proposals would help to safeguard Shetland's built heritage and are in accordance with the general objectives of the Conservation Grant policy. Accordingly I recommend them for approval.

9. Recommendations

- 9.1 I recommend that the Infrastructure Committee offer the following Conservation Grants:
- a) £10,000 to the owners of 80-82 Commercial Street for works at the property, and
 - b) £5,000 to Shetland Amenity Trust for works at Hay's Dock.

Report Number: PL-09-07-F



REPORT

To: Infrastructure Committee

13 March 2007

**From: Service Manager - Development Plans
Planning
Infrastructure Services Department**

PROPOSED RESURFACING AND DRAINAGE OF ST NINIANS BEACH ACCESS ROAD AND PARKING AREA

1.0 Introduction

- 1.1 This report relates to the proposed resurfacing of the access road down to the car park, which serves St Ninians Beach, to improve the parking area at bottom of the road and to formalise a parking turning area at the top of the road. The report seeks the Councils approval to spend funds from the existing Area Regeneration Budget on the work. The Council approved the Area Regeneration Budget in March 2000 (SIC minute Ref. 53/00).**

2.0 Links to Council Priorities

- 2.1 St Ninians beach is one of most popular visitor destinations in Shetland and is promoted in various tourism guides. The development of tourism leads to economic diversification and strengthens communities. This links to the Corporate Improvement Plan.**
- 2.2 The Councils Local Transport Strategy Objectives includes maintenance of assets and improvements to it, to support gains in economic, safety, environmental, accessibility and integration of terms.**

3.0 Legislation and Duties of the Council

- 3.1 These works are linked to the Councils duties under Part 1 of the Land Reform (Scotland) Act 2003 in that they allow for access to the beach and the isle. The Council has the power to undertake these works under Section 14 of the Roads (Scotland) Act 1984 as under this Section the Council can make a contribution to maintaining the road or, alternatively if they consider the repairs necessary, they may at their own expense carry out the repairs.**

4.0 Present Condition

- 4.1 St Ninians Beach is a very popular recreational destination for the local community and visitors from both within and out with Shetland. The road was resurfaced some 18 years ago however due to increased traffic and recent heavy rain fall, the access road to the beach has become increasingly potholed and rutted and requires regular upgrading and resurfacing. The Community Council have requested the repairs to be done as soon as possible before the summer season starts.
- 4.2 The current road has a poor foundation and is particularly poor on the lower section at the entrance to the beach car park. Ruts and depressions are common on the surface, and replacement of the entire surface would be the best solution. Water runoff from the adjacent field on the upper side currently channels down and exacerbates the erosion of the road. No drainage is currently in place.
- 4.3 The parking area at the bottom has recently suffered from extensive erosion due to runoff from the fields above. Indeed, the lower edge of the parking area has suffered from undermining and has collapsed in places.**
- 4.4 At present the road is not suitable for coaches and no suitable parking area is available for stopping coaches. Even after repair, it is advised that coaches should be encouraged to park at the top of the road at the corner as this provides for better turning of the coaches, which is an issue when the car park is busy. The parking of coaches will reduce the wear heavy vehicles are causing to the track. It is also noted that coaches parking and turning on the main road causes inconvenience to other road users due to the lack of parking.**

5.0 Proposed Improvement

- 5.1 The site was visited by a Council Roads engineer who has provided a proposed improvement scheme which is required to improve the access road, which will last for the foreseeable future. The engineer believes it would be more economic in the long run to carry out a complete reconstruction now. Emergency repairs were done in January, however, the repair has already failed due to the lack of drainage, heavy rain has washed out many previous repairs to the track.
- 5.2 The engineer advises that the lack of suitable drainage is one of the causes of erosion along with the increase in traffic flow.
- 5.3 The proposal works would therefore consist of:-

5.4 Access Track

- 5.4.1 Removing raised verges, particularly at the west side of the road
- 5.4.2 Regrading of the surface, sloping westwards
- 5.4.3 Surface dressing with a double coat on upper section
- 5.4.4 Surface bottom section with bitmac

5.4.5 Install suitable drainage along upper side of the road including cross drains and moving the fence line back from the road.

5.5 Turing and Parking Area at the Top

5.5.1 Remove topsoil and infill with aggregate

5.5.2 Surface dressing with a double coat

5.6 Parking area at the Bottom

5.6.1 Fill ruts and potholes

5.6.2 Recoat eroded surfaces with aggregate

5.6.3 Improve drainage around edge

5.7 To provide the most economical means of implementing the project and to ensure the road can remain in use until the tarring equipment can be on site, which at the earliest will be June, the contract will be split into the various stages.

5.7.1 Remove and relocate existing fence boundary on upper side.

5.7.2 Install suitable drainage along upper side

5.7.3 Carry out an emergency repair by filling existing ruts

5.7.4 Re-grade surface, filling depressions prior to tarring machinery coming on site. Tar surface.

5.8 It is estimated that the cost of the work would be £35,000. This will include access road and the parking area at the top and bottom. The proposed improvements to the road do not obligate the Council to undertake the future maintenance of the road, as the road is not an adopted road. It should be noted that the specification of the works proposed is not sufficient to bring the road to an approved standard for adoption by the Council but it is an appropriate standard for the level of use.

5.9 The landowner has been consulted on various occasions with regards to the project and is in full agreement with the proposed works. The road is and will remain a private road however a written agreement will be sought before work commences with the landowner. The landowner will be responsible for up-keeping the parking area at the bottom of the road.

6.0 Financial Implications

6.1 The costs of implementing the proposed works are to be met within an existing budget using funds still available this year to complete the initial stages and next year's funds for the remainder of the work. The budget code is RRY 83812402. Other funding schemes have been considered such as the Quality of Life grant scheme however they are not applicable in this case.

7.0 Policy and delegated Authority

- 7.1 Whilst there is delegated authority to spend from the Area Regeneration Budget, approval for projects costing in excess of £10,000 is required.

8.0 Conclusion

- 8.1 The proposed resurfacing is essential in order to safeguard the access to St Ninians Isle. The proposed upgrading of the road, by regarding and levelling the surface, introducing a slight camber, the use of tar, and installing drainage will significantly improve the road and lengthen the life span of the resurfacing work. The funds are being met the existing Area Regeneration budget.

9.0 Recommendation

- 9.1 I recommend that the Infrastructure Committee approve the spending of £35,000 from the Area Regeneration budget on the required upgrading and resurfacing of the St Ninians access road. This will ensure the access road is upgraded before the start of the summer tourist season.

Report Number: PL-08-07-F



Shetland

Islands Council

REPORT

To **Infrastructure Committee**
:

13 March 2007

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

MEMBER/OFFICER WORKING GROUP (ROADS) REPORT ON PROGRESS, 2003/2007

1. Introduction

- 1.1 In this report I ask Members to note progress on the various proposed road improvement schemes that have been under consideration by the Working Group in the four years of this Council, May 2003 to date.
- 1.2 I ask Members to note that in these years 8 schemes have been constructed, 12 have been included in the Capital Programme for construction in the next few years and I expect that another 3 shortly will be, and 15 are still under investigation.
- 1.3 I also ask Members to note a range of other subjects which have been discussed and promoted by the Group.
- 1.4 Finally, I ask Members to note that the view of the Group is that a report should be taken to the new Council in June recommending that the Group should be formed again and continue to serve in its roles of overseeing the development of road improvement schemes, and other more general Roads management issues. Today's meeting of the Committee may wish to comment and advise on this.

2. Links to Council Priorities

- 2.1 The Council's Local Transport Strategy's key aims are:
 - To support the local economy
 - To reduce social exclusion
 - To reduce the environmental impacts of travel
 - To improve safety for all road and transport users
 - To promote better health and fitness.
- 2.2 **The Working Group's remit is to achieve these aims by overseeing the development of all kinds of improvements to the Service and to the Infrastructure.**

3. Major Road Improvement Schemes Constructed 2003/2007

- 3.1 A971 Parkhall to West Burrafirth Junction. Completion of 4.5km of new road.
- 3.2 Setter to Central, Sandwick. Completion of improvements to the main road through Sandwick, with mostly 2-lane road, footways, etc.
- 3.3 Stove Area, Sandwick. New footways, parking, lighting, etc.
- 3.4 A970 Levenwick Junctions. Complete renewal of north and south junctions: both of which had a poor accident record.
- 3.5 A970 Bigton Junction. Major repairs to large slips in the embankment.
- 3.6 A968 Brookpoint, Unst. Completion of the 2-lane road to the entrance to Haroldswick. This scheme was reviewed and promoted by the Group.
- 3.7 B9074 Trondra Phase 2. Completion of the Scalloway to Hamnavoe 2-lane road links. This scheme was initiated and promoted by the Group.
- 3.8 West Burrafirth Road. In a similar manner to the Vidlin and Symbister projects (4.9 and 4.10 below), the Group agreed following a STAG stage 1 study to promote a series of minor improvements under the Capital Rolling Programmes. These are now nearing completion.

4. Road Schemes Included in the Capital Programme for Construction Shortly

- 4.1 A971 Haggersta to Cova. Seriously delayed due mainly to opposition from objectors, and lengthy discussions with public bodies.
- 4.2 Bressay Bridge. Seriously delayed due mainly to opposition from objectors, and lengthy discussions with public bodies.
- 4.3 Germatwatt Footways, Walls. Major scheme for footways, lighting, parking, new bridge and other minor road improvements. Discussions over land acquisition details, etc. in hand. Promoted by the Group.
- 4.4 B9081 Mid Yell Link Road. New 2-lane road from the main road to the village plus by-pass of houses at Hillend at entrance to village. Promoted by the Group. Hillend section to be done first. Notice of Intention to Develop stage (NID).
- 4.5 A970 Oversund Junction, Lerwick. New roundabout initiated by Planning conditions for Quoys housing and contribution from developer. Promoted by the Group. At design stage with construction due as soon as possible.
- 4.6 A970 Scord to School, Scalloway. New road through the quarry on completion of the next phase of extraction plus improvement of Mill Brae. Required for quarry extension's NID and traffic problems near the school. Promoted by the Group.

- 4.7 Papa Stour Road. Substantial improvement to existing road prompted by fears of maintenance problems certain to arise from introduction of Ro-ro ferry Promoted by the Group. At design and consultation stage. Weight restriction imposed meantime.
- 4.8 Gilbertson Road, Lerwick. Complete reconstruction of the street and pavements. Promoted by the Group. Tenders were returned last month, and work is due to start on site shortly.
- 4.9 Symbister to Skaw Road, Whalsay. This road was reviewed by the Group, and in consultation with the local Member and the community it was agreed to carry out a series of minor improvements under the Capital Rolling Programmes. Several of these have been done and more are being planned.
- 4.10 Vidlin Shore Road. This scheme is for widening, footways and traffic calming of the road to the School and Ferry Terminal and may be done as a rolling programme scheme. The Group agreed to prioritise it ahead of improvements to the main B9071 Laxo to Vidlin Road.
- 4.11 A971 Brig o` Walls. In advance of a decision to proceed with the next phase of the West Side Road, the Group agreed to promote the purchase of the former Nurse's House to allow economic design of whatever improvement is eventually to be carried out here.
- 4.12 Part-time 20 mph Speed Limits at Schools. The Group agreed to promote these in a prioritised order in line with government guidelines.

The following three projects are not yet included in the Capital Programme.

- 4.13 A9071 Bixter to Aith Phase 2. New 2-lane road from the end of the Bixter Brae scheme to the entrance to the village, along with an improved single-track road with a footpath from there to the start of the footpaths in the village. I reported to the Capital Programme Review Team (CPRT) on 12 February, and the outcome of that will be presented to the Council on 28th March. Promoted by the Group.
- 4.14 Burra and Trondra Bridges: Inspection Walkways. Required to allow more effective and safe identification of repairs and maintenance requirements, along with more economic and safe working. Also reported to CPRT on 12 February and the outcome will come to the Council on 28th March.
- 4.15 Sletts Sea Wall, Lerwick. Replacement of unsatisfactory tidal protection measures. I intend to present this project to the next meeting of the CPRT.

5. Road Schemes Still Under Investigation

5.1 Schemes which have passed Scottish Transport Appraisal Guidance (STAG) Stage 1 Study

- 5.1.1 A971 West Burrafirth Junction to Brig o` Walls. Expected to be a new engineered 2-lane road. This scheme and all those below have been promoted by the Group.
- 5.1.2 B9071 Parkhall to Sand Junction. Favoured option is for medium scale improvements in the Effirth Area.
- 5.1.3 A970 Hillswick Junction to Urafirth. Expected to be a new 2-lane engineered road.
- 5.1.4 B9082 Gutter to Cullivoe. Several main options still under development for the STAG Stage 2 study.
- 5.1.5 B9071 Laxo to Vidlin. Stage 2 study done, but discussion at the Group has led to a review of options now being carried out.
- 5.1.6 Gulberwick Loop Road. Design work being done on route options for the main road through the village. The Group has also helped promote the Gulberwick (and now also Lerwick) Masterplan being drawn up by Planning.
- 5.1.7 Ronas Voe Road. The Group agreed with the local Member that the main road towards Hillswick (see 5.1.3 above) should be prioritised in this district.
- 5.1.8 B9122 Bigton Loop Road. Design options being developed for STAG Stage 2. Promoted by the Group.
- 5.1.9 A971 Brig o` Walls to Sandness Road. Group has agreed to the development of a series of minor improvements to be done shortly, mainly to ease the passage of buses, etc.

5.2 Schemes which have still to pass STAG Stage 1

- 5.2.2 B9079 Ollaberry Road.
- 5.2.3 Brig o` Walls to Skeld Road.
- 5.2.4 Walls to Dale of Walls Road.
- 5.2.5 Gremista Road. Surveys being carried out. Group agreed to prioritisation of the area where footways to the College and a new culvert are required.
- 5.2.6 Symbister Hall to Harlsdale, Whalsay. Scheme for minor improvements and footways. Promoted by the Group.
- 5.2.7 Cott Road, Weisdale. The Group supported the Service's technical assessment that many single-track roads need to be

widened and strengthened to provide 3.3 metre wide carriageways, verges which can give full support to the road, safe and convenient provision for pedestrians where appropriate, better passing – places, etc. (see 6.5 below). The CPMT approved this in principle, but decided that each road should be brought forward individually. The aim therefore is now to bring forward an abbreviated Stage 1 and 2 study shortly for the Cott Road, and others are likely to follow. The Community Council's views on which lengths of the Cott Road should be included will be taken into account at that stage.

5.2.8 Cunningham Way, Lerwick. The Group discussed the arrangement of bypasses of Lerwick and recommended to the Committee that we should proceed no further at present with any new routes.

6. Other Issues Addressed by the Group

6.1 Action Plan for the Maintenance Improvement and Use of the Road Network. The Group discusses and reviews the arrangements for road maintenance (under Revenue), minor improvements (under Capital Rolling Programmes) and major improvements (the named Capital Schemes listed above) which are carried out under the Action Plan. The Committee then approves it. This is the Roads Service's main element of the Council's Corporate Plan.

6.2 Grass Cutting Policy. This was discussed and approved by the Group.

6.3 Winter Service. The Group has discussed, and would expect to oversee the review of, our policy and procedures for treating ice and clearing snow, which is now due.

6.4 Resurfacing and Surface Dressing Programmes. The Group reviews this annually.

6.5 Narrow Rural Roads Maintenance. The Group has discussed this with particular emphasis on obtaining wider carriageways and verges on single track roads. See 5.2.7 above.

6.6 Roads Maintenance Policy. The Group has reviewed this, especially with regard to inspection frequencies, response times, intervention limits, etc.

7. Views of the Group

7.1 I presented a paper similar to this report to the Group at its last meeting of this Council's term on 13 February 2007. The view in the discussion which followed was that the Group served a useful and constructive part in the management of roads and road improvement schemes. It was suggested that this Group should be re-established in the new Council.

- 7.2 The Group also recognised the part which it could play in the Roads element of the Transport Partnership, ZetTrans.

8. Financial Implications

- 8.1 There are no financial implications arising directly from this report.

9. Policy and Delegated Authority

- 9.1 The Infrastructure Committee has full delegated authority to act on all matters within its remit (Min Refs SIC 19/03 and 70/03) and for which the overall objectives have been approved by the Council, in addition to appropriate budget provision.

- 9.2 The Member/Officer Working Group (Roads) was set up in September 2002 and re-established in August 2003 (ref 14/03). The Group's remit is to consider, review and give guidance, and then to report back to the Infrastructure Committee. In the course of the last four years I have reported the views of the Group to this Committee on a number of specific schemes and issues. This report is a summary of all proceedings and recommendations of the Group in the same period.

10. Conclusions

- 10.1 The Group was first formed in mid 2002, and was formed again under the new Council in mid 2003. It usually meets every four months or so. As can be seen above, it has overseen a great deal of work by the Service's officers, especially in the development of new improvement schemes.
- 10.2 The Group serves an important role in allowing Members and Officers to speak openly and robustly about issues and options. This is especially useful in providing political input as well as technical considerations at early stages and later when reporting to the Capital Programme Review Team. Members and Officers have also inspected the road network in several parts of Shetland over the years.
- 10.3 The Group should also be able to provide significant input to the Zetland Transport Partnership, and to the development of the Council's new project prioritisation system.
- 10.4 The working of the Group has above all allowed the STAG (Scottish Transport Appraisal Guidance) system to be established as the best way of assessing whether projects and project options are worthwhile for all road users, including those organisations and departments which can benefit from the improvements.

11. Recommendation

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

Report Number : RD-02-07-F



REPORT

To: Infrastructure Committee

13 March 2007

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

SIC (TARLAND, UPPER SOUND) (PARKING PLACE FOR DISABLED PERSON'S VEHICLE) ORDER 2007

4. Introduction

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

2. Links to Council Priorities

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

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

2.2 Objectives include:

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

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

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

3. Background

3.1 The Roads Service was informed of a parking problem in Tarland in 2005. A disabled resident requested that action be taken to prevent inconsiderate parking across his garage access. The first option in this type of situation is the marking of a “keep clear” line at the access. The resident already has off-street parking so there was no need for an on-street disabled space providing he/she can get to their driveway. These lines are intended to alert drivers to locations where by parking they would be causing an obstruction. They do not require a traffic order and, therefore, are easier, quicker and less expensive to implement.

3.2 The line, when provided, was marked across the disabled residents access and the directly adjacent access belonging to his neighbour. This was done without consulting the neighbour because there was no sense in stopping the line half way across an access. I also fail to see how a marking of this type can in anyway disadvantage the “owner” of the access. The “owner” or their visitors, for example, can still park on this line as it would obviously not be considered obstruction.

3.3 Shortly after the provision of the line the Roads Service was contacted by the neighbour with a request that the line be removed. Despite explaining the reason for the line and that if anything it was of benefit to them they insisted that it be removed. I agreed to this request and the few minutes work to remove the neighbours half of the line was done when the road marking squad was next in the area.

3.4 Later in 2005 the disabled resident informed the Service that his access was still being obstructed on occasion. The decision was then taken to promote a disabled space that would be positioned across the access. While this space would be unlikely to be used it would, by way of a traffic order, make it easier for the Police to enforce any obstruction of the access.

3.5 In April 2006 the disabled resident was again in contact regarding the location of the disabled space. Due to deterioration in his condition, that had made walking even more difficult, he wished to have the space moved directly outside his garden gate. This re-location would reduce the distanced to be walked by 14 metres when compared to parking the car at the garage access. I contacted the resident’s Doctor to seek his opinion on whether or not this additional distance would “disadvantage” his patient. The Doctor’s reply was that “I would recommend the on-street disabled space.” The order was subsequently amended to meet this new requirement.

4. Consultation

4.1 The consultation process, for the initial version of the order, began on 15 February 2006 with letters sent to the following parties/organisations:

- the emergency services;
- road haulage associations;
- local Council Member;
- Lerwick Community Council.

This only resulted in a query from the Community Council regarding the placing of the space across the access.

- 4.2 The notice of proposal for the order was also advertised in the Shetland Times, on 17 February 2006, to give the general public an opportunity to comment or object. This resulted in four letters of objection from residents of Tarland. Copies of these letters are enclosed in Appendix 2.
- 4.3 The re-location of the space was considered a significant enough alteration to require a repeat of the consultation process. Letters were sent out on 21 November 2006 and the notice of proposal was advertised on 24 November 2006. This resulted in a further two letters of objection from residents of Tarland both of whom had objected previously. Copies of these letters are also enclosed in Appendix 2.

5. Conclusions

5.1 The grounds on which the residents made their objections are listed below:

- (a) the proposed disabled space is dangerous because it would be positioned too near to the junction with Oversund Road;
- (b) the applicant has an "off-street" parking space and
- (c) the level of the applicant's disability is not sufficient to warrant the provision of a disabled space.

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

- (a) the disabled space is located 15 metres from the "give way" markings at Oversund Road. The Highway Code states that vehicles should not be parked within 10 metres of a junction. This implies that parking 15 metres from a junction is not considered to be hazardous. It has also been noted, during almost all of the site visits to Upper Sound, that a car has been parked in the adjacent street outside Number 1 Kirkland. This car when parked is approximately 15 metres from the Oversund Junction, the same distance as the proposed space, but in the past 5 years no accidents have been recorded at this junction. Therefore, I have concluded that the proposed location of the space is not dangerous.
- (b) the normal practice when an applicant has an "off-street" parking space or driveway is not to provide a disabled space on the public road. However, in this situation the applicant's Doctor has stated that he "would recommend the "on-street" disabled space" as the 14 metres reduction in distance to be walked would make a significant difference to his patient.
- (c) I feel that the Roads Service can not disagree with the opinion of the applicant's Doctor, if he/she is a disabled badge holder they are eligible for a disabled space.

In summary, there are no technical or safety reasons for refusing to provide this space. The need for it to be located on the public road has also been recommended by the applicant's Doctor.

6. Financial Implications

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

7. Policy and Delegated Authority

7.1 The Executive Director of Infrastructure Services has delegated authority to promote Traffic Orders and traffic calming measures. The Executive Director also has delegated authority to make Orders and install traffic calming where no objections have been received to the proposals at public consultation stage (R&T Min Ref 04/98). However, in this instance there are objections to the proposals so the decision has to be referred to the Infrastructure Committee that has delegated authority in this situation (SIC Min Ref 199/99).

7.2 The Infrastructure Committee has full delegated authority to act on all matters within its remit (Min Refs SIC 19/03 and 70/03) and for which the overall objectives have been approved by the Council, in addition to appropriate budget provision.

3. Recommendation

8.1 I recommend that the committee approve the making of the amended order so that a legally enforceable disabled space can be provided in Tarland.

NH/SMG

Report Number : RD-04-07-F

APPENDIX 1

SHETLAND ISLANDS COUNCIL
(Tarland, Uppersound)
(Parking Place for Disabled Person's Vehicle)
Order 2007

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

- 1 This Order may be cited as the “Shetland Islands Council (Tarland, Uppersound) (Parking Place for Disabled Person’s Vehicle) Order 2007”, and shall come into operation on 2006.**
- 2 The provisions of this Order shall apply to the parking place that is described in the Schedule and shown outlined in black and coloured red on the Plan, both annexed and subscribed as relative hereto.**
- 3 Subject to the following provisions of this Order, the parking place referred to in Article 2 above shall be used exclusively for the causing to remain at rest or the leaving of any vehicle which is being driven by a disabled person or used for the transportation of a disabled person and which displays in the relevant position a disabled person’s badge.**
- 4 Nothing in Article 3 of this Order shall apply so as to prevent the causing to remain at rest or the leaving of any vehicle used for Fire Brigade purposes or any Ambulance or any vehicle in the service of the Police Force or of Shetland Islands Council, which is in any case being used in the pursuance of exercise of statutory powers or duties.**
- 5 The limits of the parking place shall be indicated on the road in such manner as the Council may determine by means of lines, markings or other indications.**
- 6 Save as hereinafter provided, the restriction imposed by this Order shall be indicated to and not in derogation of any restrictions or requirements imposed by any regulations made or having effect as if made under the Road Traffic Regulation Act 1984 or by or under any other enactment.**

Infrastructure Committee - Tuesday 13 March 2007

Agenda Item No. 06 - Public Report

Made and enacted, at Lerwick, by Shetland Islands Council on the
..... Two Thousand and Seven.

.....
Executive Director of Infrastructure Services

Schedule

- 1 The parking place at Tarland, Uppersound at the frontage of Number 17, shown outlined in black and coloured in red on the plan annexed and signed as relative to the “Shetland Islands Council (Tarland, Uppersound) (Parking Place for Disabled Person’s Vehicle) Order 2006” of which this schedule forms part.**

Lerwick, 2007

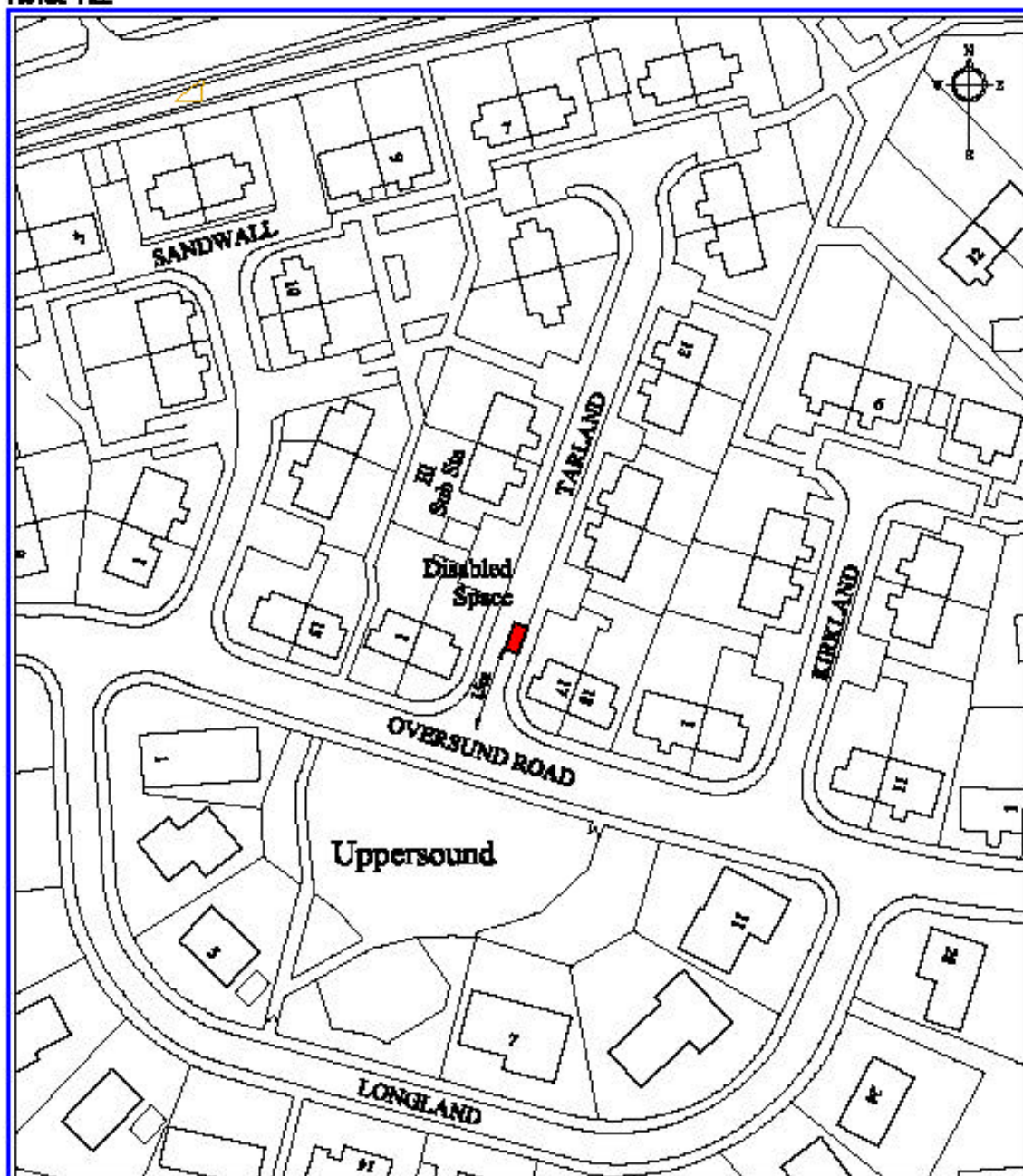
This is the Schedule referred to in the foregoing “Shetland Islands Council (Tarland, Uppersound) (Parking Place for Disabled Person’s Vehicle) Order 2007”

.....
Executive Director of Infrastructure Services

STATEMENT OF REASONS

- 1 The Order is required for the purposes of providing a parking place for a disabled person resident at Tarland, Uppersound.**

File Ref: FILE



This is the plan referred to in the foregoing "Shetland Islands Council (Tarland, Uppersound) (Parking Place for Disabled Person's Vehicle) Order 2007"

Executive Director
 of Infrastructure Services

Shetland Islands Council

Roads Service
 Department of Infrastructure Services
 Grantham, Lerwick, Shetland

Tel: 01850 744000 Fax: 01850 744000



Date: 15 Feb 06	Drawn: N.E.H.	Checked:	Scale: 1:1,000
Doc No:	P06/2006		Rev: A

APPENDIX 2



REPORT

To: **Infrastructure Committee**

13 March 2007

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

PROCEDURE ON USE OF CCTV TO TACKLE ANTI SOCIAL BEHAVIOUR

1. Introduction

- 1.1 The purpose of this report is to seek Members' approval on the draft policy on the use of the Portable CCTV camera to address complaints of Anti Social Behaviour and Flytipping.

2 Links to Corporate Priorities

- 2.1 The effective delivery of the Environmental Health enforcement function ensures delivery of key Corporate Plan objectives: Community Safety and Protecting the Environment.

3. Background

- 3.1 During 2006 Environmental Health purchased a portable CCTV camera to be used as a tool to investigate complaints of flytipping and Antisocial Behaviour. The camera was funded through the Antisocial Behaviour Budget received from the Scottish Executive, and its proposed purchase was agreed by the interagency Antisocial Behaviour Working Group. Since its purchase the camera has been used on two occasions, once in relation to flytipping and once at Mossbank in relation to Antisocial Behaviour.
- 3.2 The use of the camera has been successful on both occasions, as a preventative tool. In the Antisocial Behaviour incident, the complainant reported an immediate ceasing of incidents and that his sense of security increased and his fear of crime reduced.
- 3.3 Due to the response from the community to the use of the camera, as reported in the press and expressed at the public meeting at Mossbank, it was appropriate to publish the approach used in siting cameras and formalise it into a policy in order to reassure the public on the use of surveillance equipment. The use of the camera to date has followed the CCTV Code of Practice issued by the Information Commissioners Office to ensure compliance with the Data Protection Act 1998 and this forms the basis of the procedure set out in Appendix 1.

4. Financial Implications

4.1 There are no financial implications to this report.

5. Policy and Delegated Authority

5.1 The Infrastructure Committee has full delegated authority to act on all matters within its remit (Min Refs SIC 19/03 and 70/03) and for which the overall objectives have been approved by the Council, in addition to appropriate budget provision.

6. Conclusion

6.1 The CCTV camera plays an important role in prevention of flytipping and the resolution of Antisocial Behaviour. Its use will always follow the Good Practice guidelines and the attached policy.

7. Recommendation

7.1 I recommend that Infrastructure Committee note the success of the use of the equipment to date and approve the procedure attached in Appendix 1.

Report Number : ES-07-07-F

ENVIRONMENTAL HEALTH PROCEDURE ON THE INSTALLATION AND USE OF THE PORTABLE CCTV EQUIPMENT

1. The camera will be used to investigate Antisocial Behaviour and environmental damage. The investigating officer will ensure its use complies with the good practice guidelines set out in the Code of Practice on the use of CCTV equipment issued by the Information Commissioners Office. The investigating officer must also ensure its use complies with the Council's Data Protection Policy to ensure compliance with the Data Protection Act 1998.
2. The complaint Investigating Officer, Chair of Antisocial Behaviour Working Group and if appropriate, Antisocial Behaviour Case Conference members will assess the appropriateness of using the portable CCTV equipment. There will be an assumption that if there are other ways to resolve or investigate the complaint these should be used in preference of the equipment, ie regular officer visits, diary sheets, witness statements. The decision and operating plan will be documented. Prior to installation notification of the decision to use the CCTV camera will be made to the Council's Data Protection Officer.
3. The equipment should be sited in such a way that it only monitors those spaces, which are intended to be covered by the equipment. If domestic areas such as gardens or common areas border those spaces, which are intended to be covered by the equipment, then officer should consult with the owners of such spaces if images from those spaces might be recorded.
4. The camera will be left in situ for as short a time as is necessary to investigate the complaint. The investigating officer should review the camera use at least every fortnight to determine it is still the most appropriate response to the complaint. This review must be documented in writing on the case file or complaint database.
5. The member for the area will be notified in advance of the installation of the camera and the Community Council will also be notified once it has been installed. If feasible, depending on the severity and urgency of the incident, prior consultation with both the Member and the Community Council will be carried out.
6. Signs should be placed so that the public are aware that they are entering a zone, which is covered by surveillance equipment. A standard sign template is held by Environmental Health. Covert Surveillance will only be carried out in accordance with the council's RIPSAs Policy. However there should be an assumption that all surveillance will be overt except in exceptional circumstances.
7. Upon installation an initial check should be undertaken to ensure that the equipment performs properly and is recording the area intended to be covered by the camera.

Agenda Item No. 07 - Public Report

8. Images should not be retained for longer than is necessary, if there is no evidence relating to Environmental Damage or Antisocial Behaviour the images will be erased following first viewing by the investigating officer. The images relating to Environmental Damage or Antisocial Behaviour will be retained until the complaint has been resolved or appropriate enforcement action completed. The first viewing should be undertaken in an area where the images cannot be accidentally viewed by an unauthorised person.
9. Monitors displaying images from areas in which individuals would have an expectation of privacy should not be viewed by anyone other than the investigating officer and their manager.
10. Disclosure of the recorded images to third parties should only made in limited and prescribed circumstances

For example

- Prosecution agencies.
 - Relevant legal representatives.
 - People whose images have been recorded and retained (unless disclosure to the individual would prejudice criminal enquiries or criminal proceedings)
11. All requests for access or for disclosure will be by Subject Access Request through the Council's Administration Section where the request should be recorded. If access or disclosure is denied, the reason should be documented.
 12. Compliance with these procedures will be monitored by the Antisocial Behaviour Co-ordinator and the Service Manager-Environmental Health. A quarterly report on the cameras use will be reported to the Antisocial Behaviour Working Group. Any recommendations from the group in relation to this procedure will be reported to the Committee for consideration of a procedural review.



REPORT

To: **Infrastructure Committee**

13 March 2007

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

OFFICIAL CONTROL SAMPLES OF SHELLFISH REPORT

1. Introduction

- 1.1 The purpose of this report is to advise Members of the outcome of a bid for funding to the Food Standards Agency to carry out Official Control Samples of Shellfish and seek approval for the proposal to enter into a Service Level Agreement with the NAFC Marine Centre under a corresponding grant funding arrangement to deliver the service in line with the conditions of the funding bid.

2 Links to Corporate Priorities

- 2.1 The effective delivery of the Sampling function ensures delivery of key Corporate Plan objectives: Community Safety and Protecting the Environment.

3. Background

- 3.1 The Food Standards Agency (FSA) issued an outline of the proposed sampling regime for shellfish as required to comply with EU Regulation 882/2004. To date Shellfish growers are permitted to collect and submit bio-toxin classification samples to the FSA, the new EC requirements make it compulsory for these samples to be taken and submitted by an independent third party. Environmental Health was invited to submit a bid to deliver this function on behalf of the Food Standards Agency.
- 3.2 In preparing the bid, it became apparent that there were closer synergies between the work carried out by NAFC Marine Centre and the new sampling officers than there was within the Environmental Health Service. It was agreed in principle, subject to a successful bid and Infrastructure Committee approval that NAFC Marine Centre should deliver the service on the behalf of Environmental Health. The bid has been approved and will result in funding of £84886.15 in 2007/08 and £81882.78 in 2008/9 to fund Sampling Officers to deliver the FSA sampling Programme.
- 3.3 Due to the short timescales for preparing the bid, and delivering the contract, NAFC Marine Centre has advertised for staff to deliver this function pending the signing of the Service Level Agreement.

4. Financial Implications

Agenda Item No. 08 - Public Report

- 4.1 The cost of delivering the new regime of Official Control Samples for the FSA is being funded in full by the FSA at £84886.15 in 2007/08 and £81882.78 in 2008/9 paid in arrears in stage payments. No provision has been made in the 07/08 Estimates for the £84,886.15, however the effect will be neutral, with the Council receiving a grant from the FSA, and paying a grant to the NAFC Marine Centre. The FSA only asked Local Authorities to bid for this work, confirmation has been received that they are happy for it to be subcontracted to the NAFC, but that they would not enter into a contract with them directly.

5. Policy and Delegated Authority

- 5.1 The Infrastructure Committee has full delegated authority to act on all matters within its remit (Min Refs SIC 19/03 and 70/03) and for which the overall objectives have been approved by the Council, in addition to appropriate budget provision.

6. Conclusion

- 6.1 A grant funded Service Level Agreement to deliver the collection of the Official Control Samples of Shellfish between Environmental Health and the NAFC Marine Centre is being prepared and the agreement will commence from 1st April 2007 for two financial years.

7. Recommendation

- 7.2 I recommend that Infrastructure Committee :

- 7.2.1 note the success of the bid to the Food Standards Agency for delivering the Official Control Samples of Shellfish and
- 7.2.2 authorise the Service Manager Environmental Health to enter into a Service Level Agreement to deliver this service through NAFC Marine Centre.
- 7.2.3 approve the establishment of the necessary (cost neutral) budgets in 07/08.

Report Number : ES-06-07-F



REPORT

To: **Infrastructure Committee**

13 March 2007

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

ANIMAL HEALTH AND WELFARE (SCOTLAND) ACT 2006

1. Introduction

- 1.1 The purpose of this report is to advise Members of the potential impact of the recent change in Animal Health and Welfare legislation.

2 Links to Corporate Priorities

- 2.1 The effective delivery of the Environmental Protection function ensures delivery of key Corporate Plan objectives: protecting biodiversity

3. Background

- 3.1 The Animal Health and Welfare (Scotland) Act 2006 came into force in October 2006. It enhances Scottish Ministers powers to respond to or prevent animal disease outbreaks. The Act also consolidates and significantly improves the legislation relating to domestic and captive animal's welfare.
- 3.2 The Act places a duty of care on all owners, keepers or persons in charge of animals even temporarily to ensure all reasonable needs of the animal are met in terms of environment, behaviour, socialism and protection from suffering, injury or disease.
- 3.3 The Act provides the authorised officers of the Council with the power to take steps to protect animals including the seizure of animals where they are suffering or likely to suffer if circumstances do not change. Officers are also able to serve Care Notices where they believe a person responsible for an animal is failing to secure its welfare. All Environmental Health staff have been authorised under the new Act.
- 3.4 The Council has always maintained a reactive response to complaints about Animal Welfare, and works in partnership with the Scottish Society for the Protection of Animals (SSPCA). In the past the Council could act against anyone causing cruelty to Animals. Under the new legislation the Council can act before the animals suffer and resolve conditions which are likely to cause suffering, and act against anyone who does not take steps to prevent suffering. Since the Act has come into force a number of complaints have been received about animal suffering and the conditions animals have been kept in.

- 3.5 On two occasions officers from Environmental Health have prepared to seize animals to prevent suffering or them being likely to suffer. In these cases the matter was resolved by serving Care Notices requiring a change in the animals conditions. This has raised awareness that the new Act is likely to increase costs to the Council due to the need to investigate more complaints, take more enforcement action and where necessary to remove and keep an animal. This will pose an additional financial burden on the service, however the costs in removing and keeping the animal can be recouped through the courts and through the proceeds of the sale of the animal.

4. Financial Implications

- 4.1 Since the new legislation came into force there has been an additional burden placed on the Environmental Health service due to the number and complexity of complaints received. It is also anticipated that there may be costs incurred if animals are suffering and are seized by the Service, as well as costs incurred through Veterinary inspections and reports. It is intended at present to try to meet the costs from the existing Environmental Health budget but it should be noted that there is no provision for such expenditure within the existing budgets. If the number of complaints becomes a burden on the service a further report will be brought to the Committee for consideration.

5. Policy and Delegated Authority

- 5.1 The Infrastructure Committee has full delegated authority to act on all matters within its remit (Min Refs SIC 19/03 and 70/03) and for which the overall objectives have been approved by the Council, in addition to appropriate budget provision.

6. Conclusion

- 6.1 The service will continue to react to complaints of animal suffering, abandonment and failing to ensure the welfare of animals. If the number of complaints or the cost of implementing these powers becomes a burden on the service a further report will be brought to the Committee for consideration

7. Recommendation

- 7.3 I recommend that Infrastructure Committee note the powers under the new Animal Health and Welfare (Scotland) Act 2006, and the impact of the new powers to date as well as the potential costs which may arise in implementing these powers.



Shetland Islands Council

NOTE

Environment & Transport Forum
Council Chamber, Town Hall, Lerwick
Tuesday 27 February 2007 at 10.30am

Councillors:

J A Inkster	I J Hawkins
J H Henry	Capt G G Mitchell
W Tait	

Also:

L Angus	B P Gregson
F B Grains	J C Irvine
E J Knight	

In Attendance (Officers):

S Cooper, Head of Environment & Building Services
M Craigie, Head of Transport
K Duerden, Transport Development Manager
J Grant, Waste Services Manager
I McDiarmid, Head of Planning
I Halcrow, Head of Roads
A Taylor, Heritage Manager
J Smith, Head of Organisational Development
M Pottinger, International Links Officer
L Adamson, Committee Officer

Apologies:

R Henderson, Seafood Shetland
D Sandison, Shetland Aquaculture
M Farquhar, NFU

Invited to Attend:

J Uttley, SNH
D Okill SEPA
P Ellis RSPB
H Thomson, SCFWAG,
A Wishart, Lerwick Port Authority,
D Watson, Shetland Enterprise
C Hughson, Voluntary Services
A Steven, VisitShetland
S Henry, Shetland Tourism Association
J Rocks, Shetland Tourism Association
B Davidson, Northlink Ferries Ltd.
G Crichton, Northlink Ferries Ltd.

Chairperson:

Mr J A Inkster, Chairperson of the Forum, presided.

Circular

The circular calling the meeting was held as read.

01/07 **Community Planning Board Update**

The Chairperson advised that there were no updates to report to the meeting. The Head of Organisational Development reported that the next CPB would be held on 12 March. In response to a query from a Member, the Head of Organisational Development advised that CPB meetings are held quarterly, and the meetings are open to the public, with regular attendance from the media.

02/07 **Exploration of Opportunity to Promote Relations with Måløy**

The Forum considered a report by the Head of Transport (RECORD Appendix 1).

Mr L Angus referred to a letter from the Secretary of the Shetland/Vågsøy Twinning Association, enquiring whether Northlink would consider diverting one of their vessels to the Tall Ships' Race event in Måløy during 1-4 August 2008, to transport and accommodate people from Shetland who wished to attend the event. He advised that Måløy would be the smallest community to host the Tall Ships Race and as there was only one hotel in the town they were experiencing problems accommodating visitors to the event. The organisers were very anxious for Shetland to participate, and the Kirkwall Pipe Band had also been invited, and were keen to attend. Mr Angus said that attendance at the event was primarily to strengthen cultural links and to cement the relationship with Lerwick's twin town. Mr Angus said that the Forum was being asked to consider this proposal and he was aware that Northlink were being asked to consider providing one of their vessels, during one of the busiest times of the tourist season.

Mr J C Irvine advised that the letter from the Shetland/Vågsøy Twinning Association had been addressed to himself, as Chair of Infrastructure Committee, and he had forwarded the letter to the Chair of this Forum, to progress the request.

During the discussion, the Forum noted that the vessel could miss up to six sailings through attending the event, and this would impact on the people of Shetland and Orkney, over a weekend, during a busy time of year, and the lifeline service was important to the economy of Shetland.

Mr G Crichton, Northlink, advised that he had previously met with Mr Angus to discuss the proposal, and he could understand the difficulty facing the event organisers. He said that this request was unusual, however it was not unique, as similar requests for accommodation for

events had been considered and provided when feasible, and although generally at quieter times of the year, they had still caused some disruption. Mr Crichton added that from both a service and marketing point of view the proposal was not particularly attractive to Northlink as it would be at the height of the season when vessels would be running full, however the proposal required further discussion and the final decision would rest with the Scottish Executive.

Mr L Angus clarified that the Tall Ships Race was a planned event during August 2008 and the proposal was a straightforward request that could be planned for in advance. Mr B Davidson advised that Northlink's Ferry Timetable was published well in advance, therefore the disruptions to sailings could be included if they were planned far enough ahead. However, all the implications would need to be costed, the State Aid situation examined and most importantly agreement received from the Scottish Executive.

Mr A Steven, VisitShetland said that he would prefer alternative provision to be considered for this event, as it was evident that there has been a substantial increase in the number of visitors to Shetland, and August was the second busiest month for visitors. The Forum noted that Calmac did not have any spare provision during the summer months however it was suggested that the organisers could consider chartering a small cruise ship.

Mr Crichton advised that during the summer months most freight is transported on cargo boats, however some priority freight trailers continue to be transported on the passenger vessels.

During discussion, it was noted that Northlink required clarification on the specifics of the proposal. The Head of Transport suggested that ZetTrans could undertake a more formal consultation to gather views on the proposal. It was suggested that trade and industry representatives be included in the consultation and be invited to any future meetings. Mr Davidson advised that he would discuss the proposal with the Scottish Executive and could prepare costings to enable more involved discussion at the next Forum.

During the discussion that followed, the representatives from Northlink provided the Forum with an explanation for the reasons for the recent sailing disruptions, which related to bad weather, heavy swells, size restrictions on vessels entering Aberdeen harbour, and ultimately the Ship Masters not prepared to sail the vessels during these conditions. It was also reported that there had been a degree of confusion with the information provided to passengers regarding the cancelled sailings. The Forum noted the information provided and agreed that the safety of the passengers was paramount. However, it was suggested that pressure should be put on representatives of Aberdeen Harbour to improve the entrance to the harbour.

The Forum considered a report by the Waste Services Manager (RECORD Appendix 2).

Mr J Uttley, SNH advised that the draft Strategy Document "Towards a Greener Shetland", had been produced by the Environmental Action Team (EAT), which included representation from SIC, SNH, SAT, SEPA and the RSPB, for presentation to the Community Planning Board. The draft document sets out the framework and identifies actions necessary to improve environmental sustainability of development in Shetland. The Forum noted that the EAT has a number of different roles but the principal role is to promote environmental aspects of sustainability to the Community Planning Partnership. The draft document was presented to the Forum for comment on the framework, prior to the next meeting of the Community Planning Board.

Mr J Uttley provided the Forum with a presentation "Towards a Greener Shetland" (copy of slides attached as Appendix 2A). The presentation outlined the purpose of the strategy and how it will fit within the international and national context. The Forum noted the 4 Priority Areas: Sustainable Consumption and Production, Climate Change and Energy, Natural Resource Protection and Environmental Enhancement and Sustainable Communities. Mr Uttley advised that the importance of the environment is increasingly recognised in Shetland and the whole of the Highlands and Islands. In order to market itself, Shetland has to demonstrate to the rest of the world that it is trying to develop in an environmentally sustainable manner.

Mr Uttley then gave a brief presentation entitled "Biodiversity" (copy of slides attached as Appendix 2B). This presentation outlined the three aims, the objectives and the ongoing and required actions relating to biodiversity.

The Waste Services Manager provided the Forum with a presentation entitled "Resource Management" (copy of slides attached as Appendix 2C) which outlined the aims, the 6 objectives, the ongoing actions and work required by the Community Planning Board partners to manage and reduce waste.

The Heritage Manager summarised the proposed aims, key objectives and relevant plans and policies relating to Energy and Transport as outlined in pages 16-18 of the report. By way of example of the actions, he advised that the Council was working towards greater energy efficiency in new projects, during the design stage. He said that the main focus for energy and transport relates to climate change issues and the reduction of carbon emissions.

The Chairperson thanked the Officers for the informative presentations.

Referring to the earlier presentation on "Biodiversity", Mr N Leask, Crofters' Foundation, said that he was less confident that the new Scottish Rural Development Plan (SRDP) would be well suited to Shetland. He said that he had been involved during the consultation

and a lot of further work was required and continued discussions with Ministers and SEERAD officials.

Mr D Watson, Shetland Enterprise said that he was encouraged to hear of the benefits to the economy from the findings from the EAT and said that the aims fits well with the work of Shetland Enterprise and HIE, particularly in the areas of food and drink. In response to a query from Mr Watson, Mr Uttley said that there was currently no input from the SIC Economic Development Unit on the EAT, but he agreed that input from economic development could help to identify effective actions.

Mr B P Gregson said that he applauded the work carried out by the EAT, however he had concerns relating to the relative late appearance of the strategy document and to what extent the Community Planning Board could take it onboard, to progress and prioritise the objectives at this relatively late stage. The Head of Environment and Building Services advised that this was a high level strategy, adopting environmental management systems to incorporate into everyday work. He added that consultation would be invited on the draft Strategy and more detail would be incorporated into the document.

In response to a query from Mr B P Gregson, the Head of Environment and Building Services advised that the Ecological Footprint computer software had been purchased and training would begin very soon to provide an indicator on Shetland's impact on the environment.

Mrs I J Hawkins noted that it was important to protect the environment but also to repair damage done to the environment. She referred to the proposed action from SIC's Energy Policy "to seek to implement measures to achieve A ratings for all new build properties", and questioned whether this could impact on builders and in particular first time builders. The Heritage Manager advised that this was an essential action to ensure new builds are energy efficient. In response to a further question from Mrs Hawkins, the Heritage Manager advised that there were a whole range of ICT measures to be investigated and introduced to ensure more efficiency. The Heritage Manager further advised that the Community Planning Board had specifically set up the EAT with the remit of preparing its environmental strategy in response to concerns that the community plan was too focused on economic and social concerns with minimal consideration of environmental matters. This was a direct result of initial consultations undertaken on behalf of the Community Planning Board.

Mr J H Henry stated that the Strategy document covers a wide range of subjects. He suggested that several aims should be identified and focused on, rather than to endeavour to cover all the aims, using fewer resources. The Head of Environment and Building Services advised that it was felt that the actions identified in the draft Strategy were achievable and realistic. He added that the Strategy was very much a living document, to be constantly reviewed and updated.

Agenda Item No. 10 - Public Report

Mr D Watson stated that the information provided in the case study should be publicised to local businesses, to make them aware of the financial savings achievable by improving environmental performances. Mr J Rocks, Shetland Tourism Association, suggested that further communication was required with local businesses to promote awareness of incentives to encourage waste prevention.

The meeting concluded at 12.35pm

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J A Inkster
CHAIRPERSON