

# MINUTE 'B'

'A' &

**Infrastructure Committee**  
**Council Chamber, Town Hall, Lerwick**  
**Tuesday 17 October 2006 at 10.30am**

**Present:**

J C Irvine	L Angus
A J Cluness	C B Eunson
R G Feather	F B Grains
I J Hawkins	J H Henry
Capt G G Mitchell	J P Nicolson
F A Robertson	J G Simpson
W N Stove	T W Stove

**Apologies:**

B J Cheyne	B P Gregson
L G Groat	J A Inkster
E J Knight	W H Manson
W A Ratter	W Tait

**In Attendance (Officers):**

S Cooper, Head of Environment and Building Services  
M Dunne, Environmental Health Service Manager  
V Henderson, Assistant Environmental Health Officer  
D Marsh, Trading Standards Service Manager  
J Emptage, Cleansing Service Manager  
B Hill, Acting Divisional Manager - Legal  
L Adamson, Committee Officer  
L Gair, Committee Officer

**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 29 August 2006, having been circulated, was confirmed.

**Members' Attendance at External Meetings**

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

I J Hawkins	Kimo International 16 <sup>th</sup> Conference, Sweden 7/8 October 2006.
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J G Simpson                      Coastal Futures Conference, London, 12 October 2006

Mr J Simpson stated that a watch needed to be kept on pollution in relation to ship to ship transfers at sea. In response to a suggestion from Mr L Angus, the Committee agreed that a report on ship to ship transfers should be presented to the next Committee meeting.

Capt. G G Mitchell              “Getting from A to B” Scotland’s Infrastructure Conference, Edinburgh, 12 September 2006

Informal Meeting with Scottish Executive. Capt. G G Mitchell reported that following a query from a constituent, regarding the 2 free ferry trips per year for senior citizens, the restriction on not travelling in the summer holidays appears to have been extended to include all school holidays. He said that this was not what was expected from this concession, and this change had been made without consultation. It was agreed that the Head of Environment and Building Services follow this up with Tavish Scott MSP, the Transport Minister.

J C Irvine                        National Society for Clean Air and Environmental Protection Seminar, Glasgow, 7 September 2006.

RoSPA Annual Conference, Crieff, 11 September 2006.

CoSLA Roads and Transport Executive Group, Edinburgh, 12 September 2006.

CoSLA Modern Governance Executive Group, Edinburgh, 15 September 2006.

Meeting of Transport Partnership Chairs, Aberdeen, 29 September 2006.

Meeting of Transport Partnership Chairs with the Minister of Transport, Edinburgh, 4 October 2006

APSE Roads & Lighting Services Group Meeting and Meeting with Bob Sclater, Chair of Infrastructure, Orkney, 12/13 October 2006.

Further information can be obtained from the Members concerned.

52/06      **Updating of the Standard Conditions attached to Licences for the Safer Storage and Dispensing of Petroleum Spirit**

The Committee considered a report by the Service Manager, Trading Standards (Appendix 1).

The Service Manager, Trading Standards introduced the report and advised Members that this change brings the standard conditions in line with the new national guidance. He said that the onus would be on the site owners to carry out risk assessments and adhere to the standard conditions and added that Trading Standards would assist them to ensure that these were up-to-date and appropriate for their site.

Mr C B Eunson said that the North Ness tanks were more hazardous than petrol pumps and asked what could be done there. The Service Manager Trading Standards advised that the North Ness site was controlled by the Health and Safety Executive and the Council has no powers in that respect.

Mr A J Cluness advised the Committee that the Council is intending to have a meeting with BP, to discuss the removal of the North Ness tanks, by the end of next month.

Mr L Angus asked if these standard conditions were purely for the retail trade and queried whether it also applied to contractors and agricultural holdings where tanks are stored for their own use. The Service Manager Trading Standards advised that these standard conditions applied only to filling stations and that other sites were controlled by other health and safety legislation.

In response to a concern raised by Mr J P Nicolson, the Service Manager, Trading Standards advised that the risk assessments and other conditions would be inspected to ensure compliance.

In response to a query from Mr L Angus, the Service Manager, Trading Standards advised that the Council charges for these Licences.

Capt. G G Mitchell moved that the Committee approve the recommendations in the report. Mr J P Nicolson seconded.

53/06      **Air Quality – Update Report**

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

The Service Manager, Environmental Health introduced the report and advised Members of the proposal to submit a bid to the Scottish Executive for an Air Quality Monitoring Station for Shetland.

Mr J H Henry moved that the Committee approve the recommendations in the report. Capt. G G Mitchell seconded.

Mr Henry asked if the air quality at the Waste to Energy Plant had been monitored. The Head of Environment & Building Services advised that the plant undergoes continuous monitoring, by SEPA and there had been no breach of standards to date.

The Service Manager, Environmental Health advised Members that there are two different regimes for monitoring air quality. SEPA monitors the air quality of industrial premises and the Council has a separate regime for unauthorised activities such as bonfires, and anything that creates black smoke.

In response to a query from Mrs F B Grains, the Service Manager, Environmental Health advised that the station looks like a garden shed with pipes that suck in air, which is then analysed and recorded on a computer. She advised that this information is then downloaded and provides real time data, which would be available on the Council's website. She added that this would also make it easier to produce the three yearly assessment required by the Scottish Executive. The Service Manager, Environmental Health advised that the station would be located in Lerwick.

54/06

**The Private Water Supplies (Scotland) Regulations 2006 and the Private Water Supplies (Grants) (Scotland) Regulations 2006**

The Committee considered a report by the Service Manager, Environmental Health (Appendix 3).

After hearing the Service Manager, Environmental Health introduce the report, the Committee approved the recommendations on the motion of Mr J P Nicolson, seconded by Mr T W Stove.

55/06

**Outcome of the Private Sector House Condition Survey**

The Committee noted a report by the Services Manager, Environmental Health (Appendix 4).

The Service Manager, Environmental Health introduced the report and in responding to a query from Mr A J Cluness, stated that the last Housing Condition Survey had been carried out in 2002 and that the value of this report was that it provided more accurate information giving a better position to argue for funding from the Scottish Executive.

Mr F A Robertson expressed his concern with regard to the lack of available grant schemes for Shetland. In response to a query from Mr Robertson as to how fuel poverty is measured, the Service Manager, Environmental Health advised that should a household spend more than 10% of their income on fuel, they would be

classed as being in fuel poverty. She further advised that there are grant schemes that deal with disrepair and energy efficiency for those on benefits and pensions however, not everyone is applying for the benefits they are entitled to and are therefore not accessing the grants schemes.

56/06 **Private Sector Housing Grant**

The Committee considered a report by the Service Manager, Environmental Health (Appendix 5).

(Mrs I J Hawkins, Mr T W Stove and Capt. G G Mitchell all declared a non pecuniary interest in this item.)

The Service Manager, Environmental Health introduced the report and asked the Committee to consider the recommendations set in paragraph 7, adding that if additional funding is not sourced, the Private Sector Housing Grant Budget for 2007/08 would be allocated in April 2007, with no further applications being considered.

Capt. G G Mitchell said as Spokesperson for Housing, he wished to add information to the discussion. He advised that historically grants had been paid by the Charitable Trust, and the Scottish Executive had not been aware of this. He went on to say that this has left the Council at a disadvantage as Shetland get less money from the Scottish Executive and was of the opinion that this needs to be rectified.

Mr A J Cluness said that this Council contributes more to Central Government than any other authority and suggested that in addition to lobbying Communities Scotland and the Local MSP, the Housing Minister should also be approached.

Mr L Angus added that he was tired of listening to Ministers who act on advice from Civil Servants who say how and when we can spend our money. He asked if the point could be made in writing to the Housing Minister, on the quality of advice received from Civil Servants.

Mr J H Henry referred to the recommendations in the report, and said that as recommendation 7.1.2 does not provide any guarantee that funding will be made available and may not provide sufficient budget for the backlog of housing grants, Mr Henry moved the recommendations in the report and proposed an additional recommendation 7.1.3 be added. Paragraph 7.1.3 should read "The Executive Director of Infrastructure Services is to report to the Charitable Trust at the next cycle with an update, if required, on the Private Sector Housing Grant situation and requested that they provide a one off grant to fund the remainder of grant applications." Mr A J Cluness in seconding, proposed an addition at 7.1.1 that the

Housing Minister also be approached. Mr Henry agreed to incorporate Mr Cluness' proposal into his motion.

57/06 **Transfer of Functions**

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

The Head of Environment and Building Services introduced this report and advised that this Agreement sets out the administration and delivery of services that the Shetland Islands Council provides on behalf of the Shetland Transport Partnership. In response to a query from Mr J P Nicolson, the Head of Environment and Building Services advised that the budget was cost neutral.

Following further discussion, Capt. G G Mitchell moved that the Committee approve the recommendations of the report, seconded by Mr J P Nicolson.

58/06 **Provision of New Toilets for the Esplanade, Lerwick – Progress Report**

The Committee noted a report by the Head of Environment and Building Services (Appendix 7).

The Cleansing Service Manager briefly introduced this report. The Chairman noted the recommendations and asked for a further report on progress at the next meeting. The Head of Environment and Building Services suggested bringing a report forward should the situation change. Mr L Angus stressed the point that this project would be subject to review under the Capital Programme. The Chairman added that if there were any changes, they would be included in an updated report.

59/06 **Progress Report on Development of Shetland Transport Strategy**

The Committee noted a report by the Head of Environment and Building Services (Appendix 8).

The Committee noted that dates in Appendix A have been changed and that the two Transport Strategy Member Officer Working Group Meetings would now be held on 31 October 2006 and 15 November 2006. The Head of Environment and Building Services undertook to amend the appendix.

(Mr L Angus, Mr A J Cluness and Mr W N Stove left the meeting.)

60/06 **Note of Environment & Transport Forum, 3 October 2006**

The aforementioned minutes were tabled at the meeting (Appendix 9).

The Chairman brought the Committee's attention to item 20/06 and stated that Mr S Grier had advised the Forum that the Chairman of Infrastructure Committee had declined a request for a meeting in January 2006. The Chairman explained that correspondence between himself and Mr Grier had discussed why flights had been cancelled to Aberdeen. The Chairman said that he had also advised that meetings between Councillors and bidders was inappropriate during a tendering process. The Chairman clarified that he never received a response to this correspondence. He advised the Committee that the correspondence with Mr Grier had been circulated to all Members and the Press and was reported in the Shetland Times on 31 March 2006. The Chairman was of the opinion that there would not have been as much discussion at the Forum meeting had he been in attendance, to clarify the position at the time, but he wanted to clear the matter up and advised that he intended to ask the Council's Legal & Administration Service to write to Mr Grier asking him to identify when a consultation meeting had been refused and should Mr Grier be unable specify a date, Mr Grier be asked to withdraw his comments made at the Forum meeting.

Members were of the view that this matter was now in the past and asked that a line be drawn under the matter with a view to proceed now that twice yearly meetings had been re-established. The Chairman noted the comments.

Mr J G Simpson said that he appreciated the amount of hard work put in by the Chairman in getting the air service in place and said this should be acknowledged.

Mr J H Henry noted a change be made to the Forum minute, advising that it was Mr J Cameron, the Managing Director of Loganair that said there would be a review of all fare structures.

CHAIRPERSON