

Minutes:

The minute of meeting held on 13 March 2007, having been circulated, was confirmed.

MINUTE**‘A & B’****Infrastructure Committee**

Council Chamber, Town Hall, Lerwick

Tuesday 19 June 2007 at 10.00am

Present:

L Angus	L F Baisley
J Budge	A J Cluness
A T J Cooper	A G L Duncan
C B Eunson	F B Grains
I J Hawkins	R S Henderson
J H Henry	A J Hughson
W H Manson	C H J Miller
R C Nickerson	F A Robertson
G Robinson	J G Simpson
C L Smith	A S Wishart

Apologies:

E J Fullerton
A J Hughson (for lateness)

In Attendance (Officers):

G Spall, Executive Director – Infrastructure
S Cooper, Head of Environment and Building Services
M Craigie, Head of Transport
K Duerden, Transport Development Manager
M Dunne, Service Manager – Environmental Health
I Halcrow, Head of Roads
B Hill, Acting Divisional Manager, Legal
I McDiarmid, Head of Planning
D Marsh, Service Manager – Trading Standards
L Gair, Committee Officer

Chairperson:

Mr A S Wishart, Chairman of the Committee, presided.

Circular:

The circular calling the meeting was held as read.

23/07 Intellectual Property Crime Enforcement

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

The Service Manager – Trading Standards briefly introduced the report. Mr W H Manson queried whether the Police should be asked to set up an Intellectual Property Crime Unit in line with their Fraud Unit rather than setting up a separate unit within the Council.

(Mr A J Cluness attended the meeting)

The Service Manager - Trading Standards said that the legislation made the Council responsible for crime enforcement as a Local Authority. He added that this was not a new agency, but that it would be one unit hosted by one authority. The Executive Director confirmed that it was being set up in partnership with other local authorities.

In response to a query from Mr R C Nickerson, relating to paragraph 4.1, the Service Manager – Trading Standards said that the Scottish Executive had advised that the funding was part of the grant aided expenditure (GAE). Mr A G L Duncan asked whether the funding was a fixed amount or if it would increase with inflation. The Executive Director said that funding would be part of the future GAE calculations but that there was no guarantee that it would increase.

Mr L Angus said that if it was joining with a partnership the money spent on going to meetings may be more than the funding itself.

Mr L Angus moved that the Committee approve the recommendations in the report for one year only and that the Service Manager – Trading Standards reports back on the cost of expenses. Mr W H Manson seconded.

The Chairman advised that there would be no travel expenses as any communication would be carried out by email or video conference.

Mrs F B Grains said she had been concerned that this was creeping towards centralisation, however the Service Manager – Trading Standards had assured her that the Council was not having anything taken away.

Mrs F B Grains moved, as an amendment, that the Committee move the recommendations in the report as they stand. Mr R C Nickerson seconded.

Following summing up, voting took place by a show of hands as follows:

Amendment (Mrs F B Grains)	4
Motion (Mr L Angus)	14

24/07 **Housing Grants - Reserve Fund and Private Sector Housing Grant**

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

(Mr R C Nickerson declared an interest. Mrs I J Hawkins declared an interest as a Member of Hjaltland Housing Association)

The Service Manager – Environmental Services introduced the report and said that the funding received from Communities Scotland, of £918,000 for this year would be prioritised to those most in need.

In response to a query from Mr J H Henry, the Service Manager – Environmental Health advised that assessing fuel poverty was not only for properties with no heating, but that the home would be assessed for fuel efficiency, the money spent on fuel and income assessment. She said that if the owner was spending more than 10% of their income on fuel, they would be priorities for allocation.

Mr W H Manson queried whether the reserve fund property grant should remain in the Capital Programme.

Mr A J Cluness said that there had been problems with Communities Scotland funding and he said he was not sure if the initiatives would end. Mr Cluness was of the opinion that the issue was where the Council could support staff and suggested that be with the help of Tavish Scott MSP. Mr Cluness said that better planning was required. He added that he understood Mr Manson's concern but said that it had been a long-standing arrangement and had been working well.

Mr G Robinson moved that the Committee approve recommendation 8.1.1. Mr W H Manson seconded.

Mrs I J Hawkins suggested that Mr Robinson's motion should include the comments made by Mr A J Cluness. Mr Robinson and Mr Manson agreed.

Mr L Angus said that property maintenance in Shetland attracted a premium of up to 35% and said it would be worth pursuing this Communities Scotland on this matter. Mr Angus suggested that representations be made to Communities Scotland, sooner rather than later. The Service Manager – Environmental Services added that due to the increased building costs and the environment causing materials not to last as long, there was often a subsequent grant application. She said that Communities Scotland had not realised that may be necessary.

Following further discussion Mr G Robinson incorporated into his motion the comments made by Mr Manson and Mr Angus as follows:

Mr G Robinson moved that the Committee approve that recommendation 8.1.1 be amended to include that support be sought from Mr Tavish Scott, MSP for the application to Communities Scotland and that representation to be made to Communities Scotland with regard to the 35% increase in premium for property maintenance sooner rather than latter. Mr W H Manson seconded.

With regard to recommendation 8.1.2, the Chairman advised Members that Reserve Fund Property Grants scheme had paid out £1.8m to rich and poor alike. He said that £80,000 had been approved but the Council was unable to pay out because it did not appear on the capital programme. The Chairman said that he understood that the Council were legally bound to pay the £80,000 grants approved. He said that a report on this matter would be presented to the Council.

The Chairman said that an additional £70,000 of applications had been received and processed and there was a certain level of expectancy that these would be paid out. The Executive Director – Infrastructure advised that the report would address the £80,000 and additional issues decided at the meeting.

The Service Manager – Environmental Health provided Members with the background to the scheme and how applications were received and processed and how the grants were allocated. The Service Manager – Environmental Health said that it was difficult for all properties to be assessed but that had improved, with the help of the One-Stop-Shop. She added that once approved work had to be completed within one year, which proved difficult for applicants due to the unavailability of builders. The Service Manager – Environmental Health provided Members with a table which showed the up-to-date position of all grant applications as at 18 June 2007 (attached as Appendix 2A).

The Chairman said that it was difficult to keep other applicants in limbo and suggested that they be advised that the system would be suspended until a review had been carried out.

Mr F A Robertson said that the grant scheme appeared to have fallen foul of the Capital Programme prioritisation system. He said that points had been given but that this was not high in the prioritisation system. He said that there needed to be direct guidance to see the benefits to Shetland households and to Shetland in general.

Mr W H Manson said that no repair grants had been approved as they had not been given sufficient budget. He asked why the scheme was in the capital prioritisation programme as there were no capital consequences. He said that through the capital programme the Council acquired assets such as schools, ferries etc., but that no asset was acquired through the Reserve Fund Property Grant scheme. The Executive Director – Infrastructure said that this was an anomaly and that either all grant schemes be taken into the capital programme or not at all and advised that Members would need to give guidance on that point.

Mr W H Manson moved that the Committee recommend to the Council that the Reserve Fund Property Grant Scheme be taken out of the capital programme prioritisation scheme. Mr F A Robertson seconded.

Mr A T J Cooper said that he agreed with the motion and said that the total grant that could be applied for; namely £2,250 was well below the de minimis figure for the capital programme. He said that the grant was to fund the differential between building costs in Shetland and the mainland. Mr Cooper said that Members had already decided that the differential be restored and if it were restored through the Communities Scotland funded scheme, there would be no need for it to be included in the capital programme and that should be stated in the report.

Mr L Angus said that when Members looked at the improvements made, the reserve fund had been good value. He said that there were two anomalies that he came across; firstly the reserve grant was restricted to dwellings and asked if the grant would be given to holiday homes; and secondly the delays. The Chairman said that unlike the Communities Scotland Scheme, the Reserve Fund Scheme was not means tested. He said that the Scheme should be reviewed and criteria needed to be set for those who approved the grants. The Committee agreed that a review of the Reserve Fund scheme should be carried out.

Mr W H Manson moved that the Committee also recommend to the Council that existing approved applications, namely £80,000 and £70,000 be processed and that they do not proceed with the other applications at this time. Mr G Robinson seconded.

25/07 **Air Quality – Update Report**

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

Mr W H Manson moved the recommendations in the report. Mr C H J Miller seconded.

26/07 **Shetland Local Licensing Forum**

The Committee considered a report by the Service Manager – Environmental Health (Appendix 4).

Mr A J Cluness said that this Forum was intended to invite others from the trade and the general public to take part in Local Licensing. Mr A J Cluness moved that the Committee approve the recommendations in the report. Mr J H seconded.

Mr R C Nickerson expressed his concern with regard to the impact the new licensing legislation would have on the voluntary sector and hoped the forum would take account of that.

Mr G Robinson suggested that the Shetland Youth Voice be invited onto the forum and said that they have members up to 25 years old.

The Service Manager – Environmental Health said that it was intended to invite the public to be involved and advised that the forum would be advertised and application would be required.

27/07 **Lerwick to Bressay Link**

The Committee considered a report by the Executive Director Infrastructure (Appendix 5).

The Executive Director – Infrastructure briefly introduced the report.

Mr L Angus moved that the Committee approve the recommendations in the report. Mr A T J Cooper suggested that the Chairman and Vice-Chairman of the Infrastructure Committee be appointed, as the SIC Members, to the joint group. Mr Angus agreed to include this within his motion. Mr A J Cluness seconded.

In response to a query from Mr W H Manson, the Executive Director – Infrastructure confirmed that the STAG appraisal would look at what had already been done from the ground up and the ground down. He added that ZetTrans had included this work within their Transport Strategy and work was needed regarding funding.

Mr R C Nickerson asked whether the STAG appraisal would take into account the socio economic process for the whole of Shetland and not just Bressay and Lerwick. The Executive Director – Infrastructure confirmed that it would be for the whole of Shetland.

Mr C B Eunson said that the Council should forget building a bridge and build a tunnel for Bressay, Yell and Unst.

Mrs F B Grains said she would like to declare an interest from the beginning of this process and that she would have no involvement at all.

Mr F A Robertson said that he supported the STAG Appraisal process and said that it is very thorough and would look at every possible option including socio economics, stating that it was very worthwhile.

Mrs C H J Miller said that the Bressay Community Council were delighted to be invited onto the Joint Group.

28/07 **Consultation Process with External Transport Operators**

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

(Mr G Robinson and Mrs F B Grains declared an interest)

The Transport Development Manager introduced the report and said that the suggested Forum be set up to discuss Transport matters.

During discussions, Members suggested additional delegates be included in the Transport Forum and these were noted, by the Transport Development Manager. The Executive Director – Infrastructure said that if Members agreed to the mechanism, he would ask ZetTrans to review the list of delegates.

Mr W H Manson said that in addition on the updated operators list he asked that the SIC and Association of Shetland Community Councils be represented to channel the public representations.

Mr R C Nickerson referred to paragraph 4.4 and advised that he had more calls regarding Loganair and suggested that 6 monthly updates was not enough.

Mr L Angus said that as Loganair was franchised by BA and it was up for review in the near future, he suggested that BA, as franchise holder be included. The Executive Director – Infrastructure explained that there was an Open Air Policy and that Loganair had bought into the BA Franchise and it was up to Loganair if they operated as a BA Operator. Mr A T J Cooper said that there was a link to BA, at least for forward tickets, and suggested that there needed to be an alliance with a major operator through Aberdeen.

Mr A J Cluness said that the list was very long and wondered how effective the forum would be.

The Executive Director – Infrastructure said that he would take on board all comments and review the list and suggested that delegates would be invited to meetings, relevant to their service area eg. Air to air and shipping to shipping.

Mrs I J Hawkins moved that the Committee approve the recommendations in the report. Mr F A Robertson seconded.

29/07 **Roads Asset Management – Proposed Joint Working**

The Committee considered a report by the Head of Roads (Appendix 7).

The Head of Roads introduced the report. Mr F A Robertson said that he was in favour of sharing information and commented that Shetland had good roads and maintenance programme.

Mr F A Robertson moved that the Committee approve the recommendations in the report. Mr W H Manson seconded.

30/07 **Roads Maintenance and Minor Improvement Works** **Review of Contracts and Trading Arrangements**

The Committee considered a report by the Head of Roads (Appendix 8).

Mr J G Simpson said that this was a most important budget. He said that he found the Member Officer Working group of great benefit and said that it should continue.

Mr L Angus drew attention paragraph 3.6 and said that sea walls were maintained as a roads issue as it was part of Infrastructure. Mr Angus however called for a report on issues of coastal erosion around Shetland. Mr L Angus said that concerning structures he would like to see progress on the listed dyke at the Anderson High School, which had been demolished in 2004 due to Health and Safety reasons. He said that it was costed at £50,000 to repair but the lowest tender came in at £150,000, and it would be 3 years in October since it had been demolished. Mr Angus asked that this be progressed.

Mr C B Eunson advised that there was an advert in the Shetland Times last week asking for quotes. The Chairman advised that coastal erosion was not a roads issue and that The Development Plans Manager would be asked to bring forward a report.

Mr R C Nickerson said that light pollution with regard to streetlights and the carbon footprint needed to be addressed. He asked that a review be carried out not only on the operational side of work but also with regard to energy and light pollution.

The Head of Roads advised that his service had been looking at providing new units which would give out less light pollution and also more efficient lights. He said that there was no particular programme to change all lights, but that they were being changed wherever possible.

Mr F A Robertson said he too was in favour of the Member Officer Working Group which visited every road in Shetland and set up a programme of works based on what had been seen. Mr F A Robertson moved that the Committee recommend that the Council approve the recommendations in the report. Mrs I J Hawkins seconded.

In response to a query from Mrs L F Baisley, the Head of Roads advised that the Road Conditions Survey carried out by WDM was not the only factor taken into account when prioritising work. He said that it identified roads that needed attention, which road inspectors used as a guide but decisions were ultimately made by the Inspectors.

In response to a query from Mrs F B Grains, the Head of Roads explained that streetlights would be on during daylight for maintenance testing or because of a malfunction. In the instance of malfunction, this should be reported.

Mr A T J Cooper said that with regard to the Council's tar laying squad, the surfaces they laid were of a very high standard. He said that contactors did not lay tar to as high a standard and there was a need to operate to the same standards. He said that there was 2 examples in the North.

In response to a query from Mr R S Henderson with regard to the in-house arrangements, the Head of Roads advised that the office staff/roads repairs staff was approximately 3-1 ratios. He said there was approximately 30 office staff to 90 or so road workers. He added that other works going on, such as signs and cattle grids, were supervised by office staff and was additional to the road works.

The Chairman advised that over the years the whole environment had changed immensely due to Health and Safety Legislation. The Executive Director – Infrastructure said that he used to work in the Roads Service and that over the years the Council had restructured, and the result of that meant that there were currently less office staff involved in the Roads Service.

The meeting ended at 11.35am.

CHAIRPERSON