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Date: 30 April 2019

Dear Sir/Madam

You are invited to the following meeting:

Environment and Transport Committee
Council Chamber, Town Hall, Lerwick
Tuesday 7 May 2019 at 2pm

Apologies for absence should be notified to Leisel Malcolmson, at the above number.

Yours faithfully

Executive Manager – Governance and Law

Chair: R Thomson
Vice Chair: R McGregor

AGENDA

- (a) Hold circular calling the meeting as read.
- (b) Apologies for absence, if any.
- (c) Declarations of Interest - Members are asked to consider whether they have an interest to declare in relation to any item on the agenda for this meeting. Any Member making a declaration of interest should indicate whether it is a financial or non-financial interest and include some information on the nature of the interest. Advice may be sought from Officers prior to the meeting taking place.

- d) Confirm the minutes of the meeting held on i) 25 February 2019 and ii) 4 March 2019 (enclosed).
- 1. Taxi Tariff Review
DV-12
- 2. Management of Memorial Safety within Burial Grounds and Management Rules relating to Cemeteries and Burial Grounds
ES-02
- 3. Waste Management – A Zero Waste Strategy for Shetland
ES-03
- 4. Capital Maintenance and Replacement Programme
ISD-10
- 5. Environment and Transport Committee - Business Programme 2019/20
ISD-08

The following item contains EXEMPT information

- 6. Energy Recovery Plant and Shetland Heat Energy and Power – Strategic Outline Case
ISD-09



Shetland Islands Council

MINUTE

A&B - PUBLIC

Special Environment and Transport Committee
Main Hall, Town Hall, Lerwick
Monday 25 February 2019 at 2.30pm

Present:

P Campbell	S Coutts
C Hughson	S Leask
R McGregor	A Priest
G Smith	R Thomson

Apologies:

A Manson
D Sandison

In Attendance (Officers):

C Ferguson, Director of Corporate Services
N Grant, Director of Development Services
J Smith, Director of Infrastructure Services
J Manson, Executive Manager - Finance
B Robb, Management Accountant
C Anderson, Senior Communications Officer
L Malcolmson, Committee Officer

Also:

T Smith
E Macdonald

Chair:

Mr Thomson, Chair of the Committee, presided.

Circular:

The circular calling the meeting was held as read.

Declarations of Interests

Mr Thomson declared an interest in item 1 "2019/20 Budget and Charging Proposals - Environment and Transport Committee" advising that should discussion be held on Petroleum Regulation 2014 fees he would consider leaving the meeting. He also advised that he holds a taxi driver's licence, therefore should there be any discussion in that regard he would take no part and leave the meeting.

04/19 **2019/20 Budget and Charging Proposals - Environment and Transport Committee**

The Committee considered a report by the Executive Manager – Finance (F-001-19-F) outlining the budget and charging proposals for 2019/20.

The Executive Manager – Finance introduced the main terms of the report and drew attention to the key issues set out in section 4 of the report.

During questions, the Executive Manager – Finance explained that the Red/Amber/Green risks relate to the change in budgets at paragraph 3.4 which pushed the “Fair Funding for Ferries” risk into Amber. He accepted the significant financial pressure in regard to the Fair Funding for Ferries and agreed that the risk would be changed to Red.

There followed a number of questions in regard to specific charges and these were responded to by Officers. There was agreement that the inflationary increases should be checked in regard to both “10” and “20” journey tickets, as this was showing as an increase of 16.36%.

During the discussion, the Executive Manager – Finance was asked if the Reserve Fund would be used to get the Council out of financial trouble, whether that would be unsustainable next year. The Executive Manager – Finance said that there would be more detail at Policy and Resources Committee and the Council regarding the Reserve Fund. He said that the Reserve Fund would be used to fund the shortfall which was not sustainable and it would be necessary to consider what would not be funded into the future. He said that it was important not to exceed the sustainable draw but in the absence of a fair funding decision it was proving difficult.

The suggestion was made that that the Council should be looking to the Scottish Government for fixed links to ultimately sort the problem and Officers were asked if the Council would drive that position to the Scottish Government. The Director of Development Services advised that work on outline business cases for each route was to be done but at the moment the Scottish Government was being asked to look at the current level of service.

A further suggestion was made that a more forceful approach should be taken with the Scottish Government. The Chair advised that the National Transport Strategy was to be concluded in November 2019. Transport Scotland had consulted with the Council and ZetTrans and would set out the internal network strategy for the next 20 years based on the National Transport Strategy. He said it was important to push the point during that process.

In responding to a question in regard to the increased costs for the waste stream, the Director of Infrastructure Services advised that the increases in waste recycling were beyond expectation but the benefits would offset the costs once the new waste and disposal income is generated. He advised that once completed the sorting shed would see additional benefits but it was still in process. In response to a request for an update on the progress of the sorting shed the Chair advised that the Team Leader – Waste Management would provide an update as part of the next performance report.

During further consideration of the report, the Director of Infrastructure Services explained the changes to staff provision Tingwall Airport and advised that since taking on his role as Director he had reviewed the use of staff from other services to cover the airport. In that regard, he considered that the statutory requirement to meet the arrangement for safe and secure operation justified the need to have the correct dedicated staff provision in place. He added that the operation had previously met all the safe operational requirements but had implications for the other service and staff had struggled to do two jobs.

Reference was made to the bus service and the reduction of income expected. The Director of Development Services advised that the bus service would be considered soon and it was important to meet the needs of those using the service. He said that work would be done to establish who uses the services, when and why and why people are not using the bus service. In considering the total bus income the Director of Development Services explained that usage had dropped nationally and at a local level more understanding was needed. He said that there was double counting of figures that added to this issue. He advised that establishing an effective network there are a number of options to be considered and the Chief Executive had reset this service as a corporate project. During further consideration of this matter, it was agreed that more could be done to empower Community Councils to do work to understand what bus routes are used.

The Chair thanked Officers for the work undertaken, given the uncertainty in regard to the Scottish Government settlement and noted that Shetland continued to wait for a decision on ring fenced ferry funding. He said that Officers and Members had done all that they can with Transport Scotland to secure a satisfactory position and it was hoped that the Scottish Government would take a decision soon on the internal ferry funding issue. During comment on the Scottish Ministers position on this matter it was acknowledged that the outcome was at the mercy of the Government and it was hoped that the Government would provide the necessary funding required. It was noted that the continued unsustainable draw on reserves was an issue for the whole Council but concern was raised that the work put in by officers was falling on deaf ears. The Chair referred to paragraphs 4.8 and 4.9 of the report, and said that this had to be a one off draw on reserves or there would be considerations given to reductions across all Council Services. The Leader commented that the Medium Term Financial Plan (MTFP) was based on what the Scottish Government said at the time and therefore the Scottish Government had to accept that the principle of fair funding is to fair fund but the alternative is unsustainable. In terms of service redesign he said that there was no alternative to future service changes as directly affected the sustainability of our island communities.

Mr R Thomson moved that the Committee approve the recommendations contained in the report, Mr Leask seconded.

Decision:

The Environment & Transport Committee:

- **RECOMMENDED** to Policy and Resources Committee and Council that it approves the budget proposals for 2019/20 included in this report and set out in detail in the Budget Activity Summary (Appendix 2) and Schedule of Charges (Appendix 3) to be included in the Overall SIC Budget Book; and
- **NOTED** the content of the Service Redesign Briefing (Appendix 4).

The meeting concluded at 3.10pm.

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Chair



Shetland Islands Council

Agenda
Item

cii

MINUTE

A&B - PUBLIC

Environment and Transport Committee
Council Chamber, Town Hall, Lerwick
Monday 4 March 2019 at 2.00pm

Present:

P Campbell	C Hughson
S Leask	A Manson
R McGregor	A Priest
D Sandison	G Smith
R Thomson	

Apologies:

S Coutts

In Attendance (Officers):

J Smith, Director of Infrastructure Services
D Coupe, Executive Manager - Roads
M Craigie, Executive Manager – Transport Planning
C Bragg, Team Leader – Waste Management
A Inkster, Team Leader – Port Engineering
N Hutcheson, Team Leader – Roads
S Goodlad, Team Leader – Building Services
B Robb, Management Accountant
J Macleod, Performance & Improvement Adviser
P Wishart, Solicitor
B Kerr, Communications Officer
L Malcolmson, Committee Officer

Chair:

Mr Thomson, Chair of the Committee, presided.

Circular:

The circular calling the meeting was held as read.

Declarations of Interests

None

Minutes

The Committee approved the minutes of the meeting held on 5 February 2019 on the motion of Mr Leask, seconded by Ms Manson.

05/19 Infrastructure Directorate Performance Quarter 3 2018/19

The Committee considered a report by the Director of Infrastructure Services (ISD-03-19-F) that summarised the activity and performance of the Infrastructure Directorate for the third quarter of 2018/19.

The Director of Infrastructure Services introduced the report and advised on achievements against projects and actions.

During consideration of the report, Members discussed the movement of skilled workers from the Council and the Director of Infrastructure Services explained that the retention of skilled workers and apprentices is difficult when opportunities outwith the organisation appear more attractive. He said that the Council was committed to training its workforce the Council does all it can to keep its staff. The Committee acknowledged that the Council was supportive of apprenticeships however it was suggested that more could be done to advise young people of the opportunities available and career paths that could be followed. The Director of Infrastructure confirmed that there were good career progression opportunities with the department and he would raise this issue with Human Resources when he meets later in the week to discuss recruitment statistics.

(Mr G Smith attended the meeting)

The Committee also discussed the reduction in food hygiene inspections and the Director of Infrastructure Services advised that work in this area had to be prioritised in line with the resources available. The Director of Infrastructure Services advised that there are discussion ongoing in regard to Brexit and whether it will create the need for more information on fish exports which would put an extra strain on services. Following further discussion it was agreed that Members would be provided with statistics on reaction times and how the Environmental Health service performs against its targets.

As requested at a previous meeting of the Committee, the Team Leader – Waste Management provided an update on the recycling shed project and advised that there was an expected move in date of July 2019.

In regard to the underspend for winter maintenance, the Executive Manager – Roads explained that it had been a mild winter so far and that there had been an underspend in both wages and materials. He added that any surplus of materials would be carried over to next year.

There followed discussion on the new income stream for the Energy Recovery Plant in terms of NHS Scotland's clinical waste. The Director of Infrastructure Services explained that the income stream was dependent upon incineration capacity and the constrained supply of waste. He said that more would be understood following discussions with the NHS and contractors. He added that there are decisions being made in Aberdeen regarding waste to energy plants so there may be more facilities emerging in the next three to five years. In regard to concerns expressed by North Lerwick residents, the Director of Infrastructure Services advised that the waste was considered low risk but this would continue to be monitored by SEPA to ensure staff safety. He said that the Council already handles clinical waste and care is taken when it is processed. He assured the Committee that there is a limit to what can be processed in Shetland so the scale would not increase significantly.

Comment was made on the difficult position in regard to the overspend on ferries, and assurance was sought all was being done to mitigate the costs and reduce overtime. The Director of Infrastructure Services advised that the ferry timetables are set and have to be met and that was the priority. He said that there are recruitment and retention issues particularly in engineering, but work was being done to make adjustments to keep services running which meant that some staff were working “above and beyond”. He acknowledged that was not a sustainable position in the long term.

Reference was made to Appendix G and the assessment to be undertaken to establish whether a pelican crossing is needed for the new Anderson High School. The Executive Manager – Roads advised that a budget had been set aside for reassessment of pelican crossings once it was known where pupils would cross. He said however that pupils are crossing the road at multiple locations therefore a better place could not be found. He noted that pupils do cross at Tesco and Grantfield where there are split islands where the traffic is at a near standstill. He said that pupil movements would continue to be monitored but no particular pattern had emerged that would mean the pelican crossing would be moved.

There being no debate, the Committee noted the report.

Decision:

The Committee noted the report as appropriate to their remit and commented on progress against priorities to inform further activity within the remainder of this year, and the planning process for next and future years.

06/19

Development Services Directorate Performance Report - 9 Month/3rd Quarter 2018/19

The Committee considered a report by the Director of Development Services (DV-04-F) summarising the activity and performance of the Development Directorate for the third quarter of 2018/19.

The Director of Development Services summarised the main terms of the report that related to the remit of the Committee. He advised of the additional contribution to ZetTrans and provided further detail on that decision required at Section 1.2.

In responding to questions, the Executive Manager – Transport Planning advised that the smart ticketing for ferries was technically available but required investment. In that regard, Officers were in dialogue with the Scottish Government to invest in bus and ferry hardware integration. He explained that Transport Scotland were happy to invest in the business case and the ambition was to achieve smart ticketing on buses and ferries by the end of the calendar year.

Reference was made to concessionary fares for public transport, and in response to a question the Executive Manager – Transport Planning advised that concessionary fares are only part funded by the Scottish

Government and this was to reduce further to 52% funded by 1 April 2019, and the Council had to cover the remainder.

During further discussion, the Executive Manager – Transport Planning provided clarity around the costs for consultancy work in connection with the Outline Business Case for the Fair Funding for Ferries. It was acknowledged that the passenger usage on ferries had dropped and the Executive Manager - Transport Planning said that it would be possible to provide a breakdown of figures in future reports on the number of vehicles carried each year on internal ferry services. The Executive Manager – Transport Planning added that Transport Scotland had withdrawn their funding contribution to the consultation. It was noted that costs of procurement could not be limited to set aside for consultation fees, as most of the budget had already been spent now that the process was so close to conclusion.

Decision:

The Committee:

- NOTED the report as appropriate to their remit and commented on progress against priorities to inform further activity within the remainder of this year, and the planning process for next and future years; and
- NOTED that there is a requirement for an increased contribution to ZetTrans of up to £0.484m to fund the additional cost of running the public bus and air services; and consultancy costs to carry out the public transport network re-design.

07/19

Shetland's Road Safety Strategy 2019/22

The Committee considered a report by the Team Leader – Asset and Network (RD-01-19-F) that provided information on the Shetland Road Safety Strategy and Action Plan 2019-22.

The Executive Manager – Roads introduced the report, and in responding to questions he advised that driver training was being reviewed for insurance purposes and this Strategy was about road safety partners. He said however there was no reason that defensive training could not be looked at but it was not within the remit of the partnership to reinstate such training.

Comment was made that the Strategy should be communicated as widely as possible, and it was agreed that this should be done in a way that reaches the wider public. The Executive Manager – Roads confirmed that was part of the plan and the Strategy would be available on the Council's website and would be added to the communication strategy to ensure that the awareness of the Road Safety Strategy is sent out into the Community.

During further consideration of the Road Safety Strategy it was highlighted that with the percentage figures already being very low, one accident could skew these figures dramatically. It was hoped that this strategy would make

a difference not just for young drivers. Comment was made on the level of bad driving and overtaking that takes place on Shetland's roads. It was acknowledged the Police Service is stretched in terms of budget, and therefore constrained in what they can do, but it was noted that the change in drink driving laws had reduced the drink driving related accidents. There was also recognition that many bad driving incidents are not reported to the Police but there has been an increase in social media posts made by disgruntled drivers who have witnessed such incidents. The Vice-Chair made a plea that where an individual witnesses bad driving that this is reported to the Police.

Mr Leask moved that the Committee approve the recommendation contained in the report, seconded by Mr Priest.

Decision:

The Committee RESOLVED to approve the Shetland's Roads Safety Strategy & Action Plan 2019-22.

08/19

Review of Streetlighting Reduction Policy

The Committee considered a report by the Team Leader – Asset and Network (RD-02-19-F) that provided information on a review of the Streetlighting Reduction Policy.

The Executive Manager – Roads introduced the report, and in responding to a question he confirmed that a decision regarding streetlighting in Scalloway, taken by the Council, had now been actioned.

During debate, the review was regarded as a sensible approach. It was suggested however that it would be prudent for consultation to take place with residents where streetlights have been removed, and if they are not happy the streetlights should be reintroduced, using LED units, in order that the Council is implementing the same policy across Shetland.

A request was made that Community Councils be used as part of those investigations to inform the process.

Advice was given that the reinstatement of streetlighting was outwith the terms of this report, and that as there would be a significant cost implication involved in consulting with the affected members of the public and in the potential reinstatement cost, that such considerations would need to be the subject of a separate report.

Mr G Smith moved that the Committee approve the recommendations in the report with the addition of paragraph 1.1.3 that where streetlighting has been removed, to consult with residents and others, as appropriate, with a commitment to reinstate the lights should that be the overall wishes of those affected residents. Mr Leask seconded.

Decision:

The Committee RECOMMENDED that the Policy and Resources Committee APPROVES the “Streetlighting Reduction Policy” as detailed in section 4.4, namely:

- Introduce dimmed lighting in areas where part-night lighting is currently in place [Section 4.4.1 – 4.4.2];
- Part-night lighting to be discontinued [Section 4.4.3]; and
- Discontinue the policy to completely remove streetlights [Section 4.4.4], and
- Where streetlighting has been removed, to consult with residents and others, as appropriate, with a commitment to reinstate the lights should that be the overall wishes of those affected residents.

09/19

Environment & Transport Committee Business Programme 2019/20

The Committee considered a report by the Director of Infrastructure Services (ISD-04-19-F) providing information on the Business Programme of the Committee for the financial year 1 April 2019 to 31 March 2020. The report also included items where the date is still to be determined.

The Director of Infrastructure Services introduced the report and following consideration of the items to be brought to the future meetings it was agreed that an item be included on “Gravestone Safety” to be presented to Committee on 7 May 2019.

Decision:

The Committee APPROVED the business planned for Environment and Transport Committee in the financial year 2019/20, as amended.

The meeting concluded at 3.10pm.

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Chair



Shetland Islands Council

Agenda Item

1

Meeting(s):	Environment and Transport Committee Policy and Resources Committee Shetland Islands Council	7 May 2019 13 May 2019 15 May 2019
Report Title:	Taxi Tariff Review	
Reference Number:	DV-12-19-F	
Author / Job Title:	Robina Barton – Transport Policy and Projects Officer	

1.0	Decisions / Action Required:
1.1	That the Environment and Transport Committee and the Policy and Resources Committee RECOMMENDS that the Council APPROVE the taxi tariffs changes as set out in Appendix 1.
2.0	High Level Summary:
2.1	Shetland Islands Council, as Licensing Authority, is required in terms of section 17 of the Civic Government (Scotland) Act 1982 to review at intervals not more than 18 months the maximum tariffs that may be charged by taxis and private hire cars fitted with taxi meters.
2.2	This report sets out the revised table of tariffs proposed, subsequent to consultation with the Shetland Taxi Owners Association, which has now been out to statutory consultation, with no responses received.
2.3	If subsequently approved by the Shetland Islands Council at its meeting on 15 May 2019, the proposed Taxi Tariffs will come into effect on 14 June 2019, unless an appeal is received.
3.0	Corporate Priorities and Joint Working:
3.1	The Licensing Function helps to make Shetland safer, contributing to the Shetland Partnership Plan 'People' priority outcome 'Shetland will continue to be a safe and happy place'.
3.2	The Council's Corporate Plan 2016-2020 states that we will 'Provide quality transport services within Shetland' as a top priority.
3.3	The recommendations in this report would contribute to the Corporate Plan aim to ensure that 'there will be transport arrangements in place that meet people's needs'.
3.4	The local Taxi Trade re-established a representative and consultative body in October 2018. The Shetland Taxi Owners Association (STOA) held their first meeting on 17 October 2018. The Tariff changes were proposed by this body.

4.0 Key Issues:	
4.1	Shetland Islands Council, as licensing authority is required, after carrying out a review, to set Taxi Tariffs. The licensing authority must fix scales for the fares and other charges within 18 months beginning with the date on which the scales came into effect.
4.2	The last change in Taxi Tariffs was approved by Council on 17 December 2014 (Min. Ref 101/14). The last Taxi Tariff Review began in August 2017.
4.3	The timetable for the current review is contained in Appendix 2.
4.4	Appendix 1 to this report contains a table of the proposed tariffs as presented to Environment & Transport Committee on 5 February 2019 [Min Ref 02/19] and Policy & Resources Committee on 11 February 2019 [Min Ref 02/19].
4.5	The proposed tariffs were published in the Shetland Times on 22 February 2019 with a deadline for representations on 22 March 2019. No representations were received.
4.6	Given the lack of representation it is recommended that the proposed tariffs be adopted.
4.7	All Taxi Trade consultees will be notified of the decisions taken by the Council at its meeting on 15 May 2019.
4.8	Taxi Vehicle licensees will have the right to appeal the Council's decision to the Traffic Commissioner for Scotland within 14 days of notice being given of said decision. Any such appeal will have the effect of suspending the process until the appeal has been settled.
4.9	If no appeal is made, the approved Taxi Tariffs will be published in The Shetland Times on Friday 7 June 2019 and come into effect on Friday 14 June 2019.
5.0 Exempt and/or Confidential Information:	
5.1	None.
6.0 Implications :	
6.1 Service Users, Patients and Communities:	As well as being used by the general public, Taxis and Private Hire Cars are frequently used both under contract and on an ad hoc basis by service providers such as the NHS and SIC. They form a vital part of Shetland's transport network.
6.2 Human Resources and Organisational Development:	None.

6.3 Equality, Diversity and Human Rights:	None.
6.4 Legal:	<p>The decision of the Council is the final stage in the process of reviewing and/or fixing the Taxi Tariffs. Any Shetland Islands Council Taxi vehicle licensee will be able to appeal the Council's decision through the Traffic Commissioner for Scotland.</p> <p>In the event of such an appeal, the process of implementing the Council's decision upon the taxi Tariffs will be suspended pending the outcome of the appeal.</p>
6.5 Finance:	None arising from the licensing function of the Council.
6.6 Assets and Property:	None.
6.7 ICT and New Technologies:	None.
6.8 Environmental:	None.
6.9 Risk Management:	If Taxi tariffs are set at too high a level it can impact on social inclusion with secondary effects such as increased risk of drink driving for example. On the other hand, if tariffs are too low then operators can have difficulty in terms of financial sustainability with risks of falling standards of vehicles and services, through to businesses failing resulting in inadequate provision to meet economic and social needs. It is felt that the proposed tariffs adequately address these risks.
6.10 Policy and Delegated Authority:	<p>In accordance with Section 2.3.1 of the Council's Scheme of delegations, the Environment and Transport Committee has responsibility for discharging the powers and duties of the Council within its functional area.</p> <p>In accordance with Section 2.3.1 of the Council's Scheme of delegations, the Environment & Transport Committee has responsibility for advising the Policy & Resources Committee on policies, plans and service delivery within its functional area.</p> <p>Section 2.2. confirms the role of Policy & Resources Committee in advising the Council in the development of its strategic objectives, policies and priorities.</p> <p>The setting of charges is matter reserved to the Council</p>

6.11 Previously Considered by:	Environment & Transport Committee Policy & Resources Committee	5 February 2019 11 February 2019
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Contact Details:

Robina Barton, Transport Policy and Projects Officer

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Date Cleared: 29 April 2019

Tel: 01595 745802

Appendices:

Appendix 1 – Proposed Taxi Tariffs

Appendix 2 – Taxi Tariff Review Timetable 2018-19

Proposed Tariff Rates

STANDARD RATES		
Rate 1: 0600-2159	For the first 0.7 of a mile or part thereof	£4.00
	For each additional 0.1 mile or part thereof	£0.20
Rate 2: 2200-0559	For the first 0.7 of a mile or part thereof	£4.50
	For each additional 0.1 mile or part thereof	£0.22
FESTIVE RATES		
Times of operation	00:00 25th December - 05.59 27th December 00:00 1st January - 05.59 3rd January	
Rate 3: 0600-2159 (Rate 1 + 50%)	For the first 0.7 of a mile or part thereof	£6.00
	For each additional 0.1 mile or part thereof	£0.30
Rate 4: 2200-0559 (Rate 2 + 50%)	For the first 0.7 of a mile or part thereof	£6.75
	For each additional 0.1 mile or part thereof	£0.33
OTHER CHARGES		
Passenger Surcharge	For carriage of 5 or more passengers for the 5th and subsequent passengers	£2.00
Waiting Time	£0.50 per minute or £30 per hour	
Cleaning Charge	If vehicle soiled by passenger	£60.00
Excursion Rate When offering an excursion trip or service to an individual, group, or acting on behalf of an agent. <i>(Taxi operators / drivers may not describe themselves as a "tour guide" unless appropriately trained and certified)</i>	Taxi operators/drivers must use the taximeter on all hires, including excursions. Taxi operators/drivers are free to offer a lesser amount than displayed on the meter, expressed in monetary terms or as a percentage of the maximum fare at the commencement of the hire. This may be done on an individual basis, or as part of an agreement between the taxi operators and the contracting agent.	
	Car carrying up to 4 passengers	£45 per hour
	MPV carrying up to 8 passengers	£50 per hour

Current Tariff Rates

STANDARD RATES		
Rate 1: 0600-2159	For the first three quarters of a mile or part thereof	£3.80
	For each additional quarter mile or part thereof	£0.45
Rate 2: 2200-0559	For the first three quarters of a mile or part thereof	£4.00
	For each additional quarter mile or part thereof	£0.55
FESTIVE RATES		
Rate 3: 0600-2159 (Rate 1 + 50%)	For the first three quarters of a mile or part thereof	£5.70
	For each additional quarter mile or part thereof	£0.60
Rate 4: 2200-0559 (Rate 2 + 50%)	For the first three quarters of a mile or part thereof	£6.00
	For each additional quarter mile or part thereof	£0.75
OTHER CHARGES		
Passenger Surcharge	For carriage of 5 or more passengers for the 5th and subsequent passengers	£2.00
Waiting Time		£0.40 per minute or £24.00 per hour
Cleaning Charge	If vehicle soiled by passenger	£40.00
Excursion Rate When offering an excursion trip or service to an individual, group, or acting on behalf of an agent. (Taxi operators/drivers may not describe themselves as a "tour guide" unless they are properly trained and certificated to do so)	Taxi operators/drivers must use the taximeter on all hires, including excursions. Taxi operators/drivers are free to offer a lesser amount than displayed on the meter, expressed in monetary terms or as a percentage of the maximum fare at the commencement of the hire. This may be done on an individual basis, or as part of an agreement between the taxi operators and the contracting agent.	

Shetland Islands Council Taxi tariffs Review Timetable 2018-19

The timetable for the 2018-19 review of Shetland Islands Council's taxi Tariffs is as follows –

1. Taxi Trade licensees were invited to a Taxi Trade Forum on 30 October 2018 and the Tariff Review was launched.
2. A report detailing the draft Taxi Tariff proposals received and recommendations will be submitted to the Environment and Transport Committee at its meeting to be held on Tuesday 5 February 2019
3. A report seeking approval of the recommendations made by the Environment and Transport Committee on 5 February will be submitted to the Policy and Resources Committee at its meeting on Monday 11 February 2019
4. Dependent upon the decision of the Policy and Resources Committee on 11 February, an advertisement will appear in the Shetland Times on Friday 15 February 2019 detailing the proposed Taxi Tariffs and the date they will take effect.
5. Written representations on the proposals will require to be received no later than 17:00 on Friday 15 March 2019.
6. A report detailing the written representations received, final Taxi Tariff proposals and recommendations will be submitted to the Environment & Transport Committee at its meeting to be held on Tues 7 May 2019.
7. A report seeking approval of the recommendations made by the Environment and Transport Committee on 7 May and Policy and Resources Committee on Monday 13 May 2019 will be submitted to the Council on 15 May 2019.
8. All Taxi Trade consultees will be notified of the decisions taken by the Council at its meeting on 15 May 2019.
9. Taxi Vehicle licensees will have the right to appeal the Council's decision to the Traffic Commissioner for Scotland within 14 days of notice being given of said decision. Any such appeal will have the effect of suspending the process until the appeal has been settled.
10. If no appeal is made, the approved Taxi Tariffs will be published in the Shetland Times on Friday 7 June and come into effect on Friday 14 June 2019.



Meeting(s):	Environment & Transport Committee	7 May 2019
Report Title:	Management of Memorial Safety within Burial Grounds and Management Rules relating to Cemeteries and Burial Grounds	
Reference Number:	ES-02-19-F	
Author / Job Title:	Steven Goodlad/ Team Leader - Estates	

1.0 Decisions / Action required:

That the Environment and Transport Committee RESOLVES to approve:

- 1.1 the Management of Memorial Safety within Burial Grounds process (Appendix 1) and the Memorial Stones - Guidance and Information booklet (Appendix 3); and
- 1.2 the updated Management Rules relating to Cemeteries and Burial Grounds, (Appendix 2).

2.0 High Level Summary:

- 2.1 The purpose of this report is for the Committee to consider the Management of Memorial Safety within Shetland Islands Council's Burial Grounds, following a fatal accident in Glasgow in 2015 and subsequent changes to Scottish Government guidance.
- 2.2 This report addresses memorial safety inspections, remedial work to make safe memorials and highlights further actions to be undertaken. Approval by Committee is sought for the updated Management Rules relating to Cemeteries and Burial Grounds, which were last approved on 16 February 2000 and for the Memorial Stones Guidance & Information booklet.
- 2.2 Structures within burial grounds are also being assessed and where required significant works will be undertaken in order to make these safe. Paragraph 6.5 of this report sets out the anticipated costs to be met from within existing budgets.

3.0 Corporate Priorities and Joint Working:

- 3.1 The priorities listed in the Council's "Our Plan" include:

Our approach to managing the risks we face will have resulted in a more risk-aware organisation that avoids high-risk activities

4.0 Key Issues:

- 4.1 Management of Memorial Safety within Burial Grounds

In January 2018 a Fatal Accident Inquiry into the death of an 8-year-old boy killed by a falling memorial stone in a Glasgow cemetery found that the absence of an active system of inspection to ensure the safety and stability of memorials was a defect in the local authority's system of working which contributed to the death, and recommended that the Scottish Government issue guidance on memorial safety, including advice on carrying out inspections, for use by local authorities throughout Scotland. Management of Memorial Safety within Burial Grounds (Appendix 1) explains the memorial and structures inspection and assessment process proposed for Shetland, which follows the latest draft guidance issued by the Scottish Government.

Many listed monuments and structures within our burial grounds and boundary walls require immediate repairs to make safe. Re-inspection, recording and communication, notification, repair and re-fixing, future installations, memorial permit scheme and training will be undertaken, where costs can be met within budget.

4.2 Additions to Management Rules relating to Cemeteries and Burial Grounds

The following additions have been included, and are highlighted in italics and marked in grey, in Management Rules Relating to Cemeteries and Burial Grounds (Appendix 2):

4.2.1 Burials 4(b): *'Excavated spoil, in accordance with standard cemetery practice, may be placed temporarily on an adjacent grave pending conclusion of the burial and 4(c): 'The Funeral Director is responsible for the provision of sufficient bearers to convey the coffin from the hearse to the graveside and lowering of the coffin into the grave. If persons acting on behalf of the Council are required to assist, neither they nor the Council will be held accountable for damage to hearse or coffin'.* These have been added to provide clarity and information.

4.2.2 Burial of Cremated Remains 5(a): *'Designated areas for the interment of cremated remains will be provided in some burial grounds'*. The ground area within burial grounds reduces year by year, there are also some areas which cannot accommodate a full sized coffin in several burial grounds but which could accommodate cremated remains sized plots, a Cremated Casket Lair Exclusive Right of Burial charge has been introduced to allow these areas to be used.

4.2.3 Monuments 6(a): *'memorial stone'; 'constructed of appropriate material such as natural stone, or stainless steel and contain no plastic'* also, approval of the Appropriate Officer on a *'Memorial Permit Application'* have been added to provide information on suitable memorial material and on the Memorial Permit Application process.

4.2.4 Monuments 6(b): *'Memorial stonemasons must be approved by the Council in order to operate within burial grounds. Approved stonemasons are required to achieve certain criteria in order to gain approval such as:*

- *'Proof of adherence to BS8415; National Association of Memorial Masons (NAMM) and the British Register of Accredited Memorial Masons (BRAMM) recommended fixing methods or suitably approved and secure traditional methods.*
- *Proof of Public Liability Insurance cover.*

- *The production of appropriate risk assessments'*

From 1st August 2019 only Council approved stonemasons will be allowed to work within burial grounds, this is to ensure that future memorials are being erected to a safe industry standard.

4.2.5 Monuments 6(c): *'memorial stones'* has been added to provide clarity.

4.2.6 Monuments 6(e): *'natural'* stone has been added and *'stainless steel'* has replaced metal to provide clarity.

4.2.7 Memorial Benches 7(a) to (d) has been added to provide clear procedural information:

- '(a) Installation of memorial benches within all cemeteries will be at the discretion of the Appropriate Officer.*
- (b) Application to have a memorial bench placed within a Cemetery must be made in writing to the Appropriate Officer.*
- (c) The applicant is responsible for the general maintenance of the bench.*
- (d) If the memorial bench is vandalised or damaged beyond economical repair, the bench will be removed and disposed of at the discretion of the Appropriate Officer. Shetland Islands Council will not be responsible for replacement of the damaged bench. The applicant will be notified of the removal at their last known address.*
- (e) Applications will be dealt with in date order, and the applicant given the choice of available sites for the memorial bench.'*

4.2.8 General 8(j): *'Christmas wreaths shall generally not be removed for disposal until after the 31st of January, unless their appearance has substantially declined.'* This has been added to provide information on current procedures.

4.2.9 Offences 9(a) to (c) have been added to provide statutory consequences on contravening these Management Rules:

'The Council are empowered in terms of Section 117 of the Civic Government (Scotland) act 1982 to make an exclusion order for a maximum period of one year if they deem that a person has persistently contravened or attempted to contravene these Management Rules and is, in their opinion, likely to contravene them again.

Any person who:-

- (a) On being required to leave a cemetery by an authorised officer of the Council who has reasonable grounds for believing that the person has contravened, is contravening or is about to contravene any of these Management Rules, fails to leave;*
- (b) On being informed by an authorised officer who has reasonable grounds for believing that the person is about to contravene any of these Management*

Rules that he/she is excluded from any cemetery, enters or attempts to enter the cemetery; or

- (c) *Being a person subject to an exclusion order under Section 117 of the Act, enters or attempts to enter any Cemetery to which the exclusion order relates, shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding Level 1 on the standard scale of fines referred to in Section 225 of the Criminal Procedure (Scotland) Act 1995.'*

4.2.10 General 8(n): has been updated to 2019, in Notes, the Council's website has been added.

4.3 Deletions from Management Rules relating to Cemeteries and Burial Grounds

The following have been removed from Management Rules Relating to Cemeteries and Burial Grounds (Appendix 2):

4.3.1 Burial of Cremated Remains 5(a): *'Cremated remains shall not be scattered in any part of a cemetery or burial ground without prior consent of the Appropriate Officer, and shall be carried out in the presence of the burial ground employees.'* Scattering of cremated remains are not allowed within our burial grounds.

4.3.2 Burial of Cremated Remains 5(b): *No cremation caskets to be interred in a lair without there being at least 3' of soil between the surface of the ground and the casket.* There are no current regulations stipulating the depth cremation caskets should be interred.

4.3.3 Monument 6(a): *'Headstones'* has been removed and replaced with *'memorial stones'*, this creates clarity as we have headstones and footstones within our burial grounds.

4.3.4 Right of Appeal 8: *'Any person wishing to appeal against a decision taken in terms of these Management Rules must do so in writing to the Director Of Infrastructure Services within 14 days of that decision.'* This has been removed as it pertains to the consultation before the original Management Rules were approved.

4.4 Memorial Stones - Guidance and Information

A booklet entitled 'Memorial Stones – Guidance and Information' (Appendix 3) has been created in order to guide the bereaved through the memorial permit process and requires consideration.

5.0 Exempt and/or confidential information:

5.1 None

6.0 Implications :

6.1 Measures explained in the report are being taken forward and will ensure that our burial grounds are safer places for visitors,

Service Users, Patients and Communities:	contractors and staff. Lair holders will be notified if their memorial has not passed safety inspection.
6.2 Human Resources and Organisational Development:	Recruitment of temporary staff will be needed to ensure burial staff can meet targets to repair structures and boundary walls within our burial grounds and make safe and re-fix memorials. This cost has been set out in paragraph 6.5 below.
6.3 Equality, Diversity and Human Rights:	No implications
6.4 Legal:	<p>The Council is responsible for their cemeteries and the safety of those working, visiting or operating within them. In terms of:-</p> <ul style="list-style-type: none"> a) Local Government (Scotland) Act b) Health and Safety at Work Act 1974 c) The Management of Health and Safety at Work Regulations 1999 d) The Occupiers Liability Act 1960] e) The Burial and Cremation (Scotland) Act 2016
6.5 Finance:	<p>The proposals in this report will result in the following financial implications:</p> <p>Purchase of an A Frame gantry system will be met from the existing Burial Services budget GRY5230 = £4,000.</p> <p>Essential training in using an A Frame gantry system will be met from Workforce Development = £1200.</p> <p>Remedial make safe works including re-inspection and making permanent repairs to memorials (where no lair holder can be traced) including recruiting temporary staff will cost approximately £20,000 and be met from the existing Burial Services budget GRY5230.</p> <p>Inspection notification, burial administration including recording, communication and additional transfer of Exclusive Rights of Burial administration and Memorial Permit Applications may require additional staff resources which can be met from the existing Burial Services budget GRY5230.</p> <p>Further works to repair structures including historic buildings within our burial grounds will incur further costs from structural engineers and specialist tradesmen. These costs are still unknown, should costs exceed existing budgets Officers will seek approval of Committee where required.</p>
6.6 Assets and Property:	The proposals described in this report are intended to enhance monitoring, reviewing and management of the Council's Burial Grounds.

6.7 ICT and new technologies:	No implications.	
6.8 Environmental:	No implications.	
6.9 Risk Management:	<p>The risks associated through visiting a burial ground is relatively low however, there are recorded instances of serious injuries and fatalities outwith Shetland, therefore the Council has a duty to manage risks to reduce the likelihood of these occurring.</p> <p>Failure to provide adequate safety equipment, training and administration of memorials would make it difficult to defend a claim against the Council.</p>	
6.10 Policy and Delegated Authority:	In accordance with Section 2 of the Council's Scheme of Delegations the Environment and Transport Committee has responsibility for Burial Services.	
6.11 Previously considered by:	None.	

Contact Details:

Steven Goodlad, Team Leader – Estates
19th April 2019

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Appendices:

List all appendices e.g. strategy or policy documents, detailed analysis/timelines, relevant correspondence

1. Management of Memorial Safety within Burial Grounds
2. Management Rules relating to Cemeteries and Burial Grounds
3. Memorial Stones – Guidelines & Information

Background Documents

1. <http://www.iccm-uk.com/iccm/library/Managementof%20MemorialsPolicy.pdf>
2. Memorial Inspection Guidance-2nd Draft
3. Management Rules relating to Cemeteries and Burial Grounds, approved by Shetland Islands Council on 16th February 2000.

END

Management of Memorial Safety and Structures within

Shetland Island Council's Burial Grounds

19th April 2019

1. Responsibilities for Memorial Safety

- 1.1 Memorials do not belong to the local authority and it is the duty and responsibility of the lair holder to repair memorials in conjunction with a competent memorial stonemason. However, the Council has a legal responsibility to inspect and subsequently make safe all memorials to ensure the safety of those using, visiting and working within their burial grounds.

2. Inspection Notification

- 2.1 Burial ground gate signage already advises that memorials are being inspected on a rolling programme. A public notice will be placed in The Shetland Times and on the Council's webpage also, Councillors, Community Councils, memorial stonemasons and Goudie's Funeral Directors will be provided with information regarding the inspection programme whereby all structures within burial grounds are being assessed by Keegan's structural engineers additionally, information will be provided regarding the procedure to be followed if a lair holder's memorial has been assessed as unsafe.

3. Inspection Process

- 3.1 Keegan's structural engineers are surveying memorials for signs of structural decay or damage which is likely to represent a danger to people. Keegan's have categorised ratings by priority:

Priority 1: Work is required immediately to stabilise the issue identified

Priority 2: Work will be required within 3 to 6 months

Priority 3: Work will be required within 6 to 18 months

Priority 4: No work generally required, re-inspection advised in 2 to 3 years

4. Remedial Action to Make Safe and Re-Inspection

- 4.1 Practical methods of making safe memorials and structures which have not passed assessment will be proportionate to the hazard and will be undertaken following the Scottish Government's Memorial Inspection Guidance 2nd Draft. Approaches such as staking and tying, cordoning off and sinking in will be undertaken. Lying flat will be applied as a last resort.
- 4.2 Remedial make safe actions will be re-inspected periodically and within 1 year of the initial action. Passed memorials and structures will be re-inspected within 5 years on a rolling programme.

5. Recording and Communication

- 5.1 Accurate records of the outcome of each inspection and any actions taken including re-inspections will be fully recorded onto each lair record using current burial software – BACAS (Burial and Cremation Administration Software). Where other notification methods have been unsuccessful and where up to date records exist Burial Services will attempt to notify lair holders individually.

6. Notification, Repair and Re-Fixing

Where a memorial has been identified as being unsafe and measures undertaken to remove the immediate danger, the following action will be taken:

- 6.1 Pegs will be placed alongside any memorial which has been assessed as unsafe and indicates that repairs are required to make safe the memorial. Signs on burial ground gates will explain the placement of the pegs and provide contact information.
- 6.2 The lair holder together with a competent memorial stonemason should then apply to conduct repairs using the Council's 'Application for Permit to Erect a New Memorial or to Re-Erect an Existing Memorial' form which is available from Burial Services or on the Council's webpage. Repairs do not conduct a permit charge.
- 6.3 Where applicants are not the registered lair holder, the Exclusive Right of Burial may require to be transferred, advice should be sought from Burial Services.

- 6.4 Where previous notification methods have been unsuccessful, the Council will endeavour to contact lair holders individually when their memorial has been assessed as unsafe.
- 6.5 In cases where a lair holder cannot be traced, the Council will endeavour to undertake permanent repairs at its own cost. However, a charge for making permanent repairs will be introduced and recorded onto the lair record and if a lair holder comes forward the lair holder is then liable for the cost of such repairs and the right to use the lair shall be withheld until payment has been received.
- 6.6 The lair holder is responsible for the maintenance of the memorial during the period of the 'Exclusive Right of Burial' which in Shetland has historically been 'in perpetuity' meaning there is no end to the period of the rights. Upon the coming into force of Section 14 of the Burial and Cremation (Scotland) Act 2016 the Exclusive Right of Burial will last for 25 years and can then be extended for more than one period of 10 years.

7 Future Installations

- 7.1 To ensure memorials are being erected to a safe industry standard, the Council will allow approved stonemasons only to work within burial grounds. Only those stonemasons belonging to the approved list will be authorised to work within the Council's burial grounds. Approved stonemason's are required to achieve certain criteria in order to gain approval such as:
- Proof of adherence to BS8415 recommended fixing methods, National Association of Memorial Masons (NAMM's) and the British Register of Accredited Memorial Masons (BRAMM's) or suitably approved and secure traditional methods.
 - Proof of Public Liability Insurance cover.
 - The production of appropriate risk assessments.

8 Training

- 8.2 Training courses in inspection, testing, recording and making safe memorials, use of a mechanical A Frame gantry lifting system and re-fixing memorials for burial staff are currently being organised which

also includes a half day Presentation on Memorial Safety for elected members and stakeholders.

MANAGEMENT RULES

Relating To

Cemeteries and Burial Grounds

SHETLAND ISLANDS COUNCIL
CIVIC GOVERNMENT (SCOTLAND) Act 1982
RULES FOR THE MANAGEMENT OF ALL CEMETERIES
AND BURIAL GROUNDS

By virtue and in terms of the powers conferred on them by Section 112 of the Civic Government (Scotland) Act 1982, Shetland Islands Council constituted under Section 2 of the Local Government etc. (Scotland) Act 1994 hereby make the following rules for the management of all cemeteries and burial grounds under the control of the Council:-

1. **INTERPRETATION OF TERMS**

In the construction of these rules the following expressions shall have the meanings hereby assigned to them, that is to say,

- (i) "The Council" means the Shetland Islands Council as constituted under Section 2 of the Local Government (Scotland) Act 1974, Town Hall, Lerwick, Shetland.
- (ii) "The Certificate" means the Certificate of Right of Burial granted by the Council, or its predecessors in title as proprietors of the cemetery.
- (iii) "The Owner" means the person to whom the Certificate is granted and his/her heirs.
- (iv) "The Lair" means the piece of ground in which the exclusive right of burial is granted by the Certificate.
- (v) "Appropriate Officer" means the **Director Infrastructure services or any other person(s) appointed by the Director, being the Officer** authorised by the Council to act as Appropriate Officer of Cemeteries and Burial Grounds.

2. **EXCLUSIVE RIGHT OF BURIAL**

- (a) The exclusive right of burial in a lair will, subject to these rules, be secured to the purchaser and his or her successors. The Appropriate Officer shall furnish the purchaser with a lair certificate describing the lair. A lair holder duly registered in the books of the Council shall have exclusive right of permitting the lair to be opened and the production of the certificate will be held as sufficient authority. One person only shall be registered as the holder of a lair or lairs, except in the case of Trustees. No lair holder shall be entitled to transfer any or all of their lairs

without the sanction of the Council. The Appropriate Officer may on application and after due enquiry, issue a duplicate certificate in the name of the registered lair holder as indicated in the Council's books on such terms and conditions as seem appropriate.

- (b) On the death of the lair holder, notwithstanding the place of his domicile at his or her death, the right of succession to the lair will be governed by the Law of Scotland. The lair is capable of bequest, subject to the proviso that if more than one beneficiary is entitled to claim in terms of the Will, the Executors appointed thereunder or in the absence of any Executors, the beneficiaries shall nominate one of their number as the lair holder.

In the event that the lair holder dies intestate the lair forms part of the estate of the lair holder and falls to be distributed in accordance with the terms of the Succession (Scotland) Act 1964, as amended and all relevant regulations made thereunder.

The transfer shall be made by an appropriate entry in the Council's books. A memorandum of the transfer may be endorsed upon the lair certificate. The entry in the Council's books shall be conclusive as to the ownership of the right of burial.

- (c) The owner shall not be entitled to sell the right granted by the certificate except to the Council.
- (d) No heir of the owner or transferee shall have any right or interest in the lair or liberty to use same until evidence of title is exhibited to the Council and all purchase and burial dues have been paid.
- (e) The person instructing the burial is personally liable for all burial dues and fees.

3. **NOTICE OF BURIAL**

- (a) Notice of an interment, whether of coffin or of cremated remains, must be given to the Appropriate Officer on the approved form to allow not less than one clear working day between the receipt of the notification following the production of satisfactory evidence of title to the lair and the burial. If the applicant wishes to choose a new lair, the clear working day will commence from the time of choosing the lair. The necessary order for digging the grave, for which a charge will be made, as determined from time to time by the Council, will then be issued on confirmation of the funeral arrangements and on receipt of an interment instruction form. No interment shall take place outwith normal working hours unless in the case of urgency and then only with the consent of the Appropriate Officer.

- (b) All burials must be authorised by the Appropriate Officer prior to funeral arrangements being publicly announced.
- (c) Arrangements for burials can be made through the undertaker or with the appropriate officer of the Council
- (d) If the Certificate of Right of Burial cannot be produced, the Appropriate Officer will require that an indemnity form be completed by the member of the family or Executor arranging the burial.
- (e) Application for the interment of cremated remains must be made to the Appropriate Officer and the same information supplied as in the case of the burial of a coffin.
- (f) If the Certificate of Right of Burial cannot be produced the Appropriate Officer may at his or her sole discretion, allow the burial to take place on such terms and conditions as may seem appropriate, including the provision of indemnities and/or caution by the person instructing the burial and no liability shall be incurred by the Council, its Officers, or employees whatsoever.

4. **BURIALS**

- (a) The Council shall have the sole authority to declare a lair to be full. No further burials shall be permitted in any such lair so declared to be full.
- (b) The digging of graves and the infilling of graves shall be effected by the employees of the Council and contractors appointed by them only. *Excavated spoil, in accordance with standard cemetery practice, may be placed temporarily on an adjacent grave pending conclusion of the burial.*
- (c) *The Funeral Director is responsible for the provision of sufficient bearers to convey the coffin from the hearse to the graveside and lowering of the coffin into the grave. If persons acting on behalf of the Council are required to assist, neither they nor the Council will be held accountable for damage to hearse or coffin.*
- (d) Memorial wreaths shall be removed at such times as the Council in its discretion consider appropriate. This will generally be two weeks after they have been laid.
- (e) No burials will be permitted where the body has not been placed in a coffin.
- (f) No animals or pets will be permitted to be buried in any cemetery or burial ground in the Council's ownership.

5. **BURIAL OF CREMATED REMAINS**

- (a) *Designated areas for the interment of cremated remains will be provided in some burial grounds.*

- (b) Cremated remains shall not be scattered in any part of a cemetery or burial ground.

6. MONUMENTS

- (a) A lair holder shall be entitled to have a **memorial stone** or monument erected *constructed of appropriate material such as natural stone, stainless steel and contain no plastic*. Such monument shall not protrude in any way over the part of the lair to be opened for burial or out with the confines of the lair and to be erected in accordance with the Code of Working Practice of the National Association of Memorial Masons. No erection of or inscription on any monument shall be permitted until approval of the Appropriate Officer on *a Memorial Permit Application* with a drawing of what is proposed. Kerbs, copes, corner stones etc. shall not be permitted. Monuments may be erected only at such times as are permitted by the Appropriate Officer. The lair holder is liable for the risks of any damage by or to any monument or memorial on the lair.

- (b) *Memorial stonemasons must be approved by the Council in order to operate within burial grounds. Approved stonemason's are required to achieve certain criteria in order to gain approval such as:*

- *Proof of adherence to BS8415, National Association of Memorial Masons (NAMM) and British Register of Accredited Memorial Masons (BRAMM) or suitably approved and secure traditional methods.*
- *Proof of Public Liability Insurance cover.*
- *The production of appropriate risk assessments.*

- (c) The lair holder shall keep **memorial stones** or monuments in a neat, safe and proper condition of which the Appropriate Officer shall be the sole judge. Failing attention to this requirement within fourteen days after written notice to the lair holder at their last known address the Council shall be entitled, at the lair holder's expense either to repair the memorials or to cause to have them moved and until the cost of such repairs or removal is paid the right to use the lair shall be withheld.
- (d) No trees or shrubs shall be planted on a lair without prior written approval of the appropriate officer. Any tree or bush planted without permission if considered unsuitable may be removed on the authority of the appropriate officer. The Council will not be responsible for the maintenance of any plants, trees or shrubs planted on a lair.

- (e) Lair holders will be permitted to place one vase or suitable container for flowers in the head ground to the grave. Such container to be of *natural* stone or *stainless steel* and any container constructed of a material considered to be unsuitable may be removed immediately by the Cemetery staff. Glass containers will be tolerated but the council will not accept any responsibility for damage caused in the course of carrying out their duties.
- (f) The Council does not accept any liability for loss or damage to memorial wreaths, flowers, vases or similar receptacles as may be permitted in terms of para.6(d) above.

7. MEMORIAL BENCHES

- (a) *Installation of memorial benches within all cemeteries will be at the discretion of the Appropriate Officer.*
- (b) *Application to have a memorial bench placed within a Cemetery must be made in writing to the Appropriate Officer.*
- (c) *The applicant is responsible for the general maintenance of the bench.*
- (d) *If the memorial bench is vandalised or damaged beyond economical repair, the bench will be removed and disposed of at the discretion of the Appropriate Officer. Shetland Islands Council will not be responsible for replacement of the damaged bench. The applicant will be notified of the removal at their last known address.*
- (e) *Applications will be dealt with in date order, and the applicant given the choice of available sites for the memorial bench.*

8. GENERAL

- (a) The Council will keep registers in which will be entered every burial specifying the lair, the depth of grave, the date of burial, the name and age of the person buried and all other necessary information. Such registers being available for public inspection during normal working hours and without any payment being made therefor.
- (b) The burial grounds shall be opened to the public daily, during such hours and subject to such restrictions as the Council may apply from time to time.
- (c) Visitors should confine themselves to paths where provided and should not interfere with headstones, monuments, ornaments, floral tributes or plant material belonging to others.
- (d) Visitors must not pull flowers, or in any way damage shrubs or trees, and the Appropriate Officer or other person in charge for the time being, shall be entitled to remove any person inebriated or who may conduct him or herself improperly

or who may cause damage and to prevent any person entering except during permitted hours.

- (e) With the exception of guide dogs for the blind under the control of their owners no person shall permit any dog belonging to them or in their charge to enter or remain in any Cemetery or Burial ground unless it be led on a leash and restricted to recognised paths or to foul any Cemetery or Burial Ground or to damage or destroy any grass, flower, plant, tree or shrub in any Cemetery or Burial Ground.
- (f) Other than with the express permission of the Authorised Officer the public use of radios, compact disc or cassette players and other such sound emitting equipment is forbidden unless used with a personal headset.
- (g) Apart from vehicles necessary for the performance of a trade associated with the cemetery management, only disabled persons are permitted vehicular access, all other vehicles should be parked outwith the burial ground or, where applicable, confined to designated parking areas within the burial ground/cemetery.
- (h) The patrons are advised that herbicides will be applied to unplanted open ground around the headstones to control seasonal weed growth. In order to ensure survival of any new plant material, the top 250mm of soil should be replaced around the head of the stone prior to planting or containers should be used to accommodate the plant material.
- (i) The Council reserves the right from time to time to repair subsidence in lairs without any prior notification to the lair-holder.
- (j) *Christmas wreaths shall generally not be removed for disposal until after the 31st of January, unless their appearance has substantially declined.*
- (k) The Council shall be at liberty from time to time to alter these rules and enforce such others as they may consider appropriate for the proper or better management of the cemeteries/burial grounds.
- (l) The Council shall be at liberty, from time to time, to vary the charges made for burials and allied services.
- (m) These Management Rules supersede any Rules or Regulations however described previously issued by the Council and its predecessors entitle as proprietors of the cemeteries under its control.
- (n) These Management Rules shall be cited as the Shetland Islands Council (Cemeteries and Burial Grounds) Management Rules **2019**.
- (o) These Management Rules shall come into force on the date of their execution and shall remain in force thereafter unless revoked or amended.

9. OFFENCES

The Council are empowered in terms of Section 117 of the Civic Government (Scotland) Act 1982 to make an exclusion order for a maximum period of one year if they deem that a person has persistently contravened or attempted to contravene these Management Rules and is, in their opinion, likely to contravene them again.

Any person who:-

- (a) On being required to leave a cemetery by an authorised officer of the Council who has reasonable grounds for believing that the person has contravened, is contravening or is about to contravene any of these Management Rules, fails to leave;*
- (b) On being informed by an authorised officer who has reasonable grounds for believing that the person is about to contravene any of these Management Rules that he/she is excluded from any cemetery, enters or attempts to enter the cemetery; or*
- (c) Being a person subject to an exclusion order under Section 117 of the Act, enters or attempts to enter any Cemetery to which the exclusion order relates;*

shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding Level 1 on the standard scale of fines referred to in Section 225 of the Criminal Procedure (Scotland) Act 1995.

10. RULES NOT TO AFFECT EMPLOYEES IN THE PERFORMANCE OF THEIR DUTIES

Any act necessary to the proper execution of his/her duty in the premises by any officer of the Council or by any person employed by the Council shall not be deemed an offence against these rules.

NOTES

Copies of these rules can be found on the [Council's website www.shetland.gov.uk](http://www.shetland.gov.uk) and from Burial Services, Estates Operations, Infrastructure Services Department, Gremista, Lerwick, ZE1 OPX.

Any person contravening any of these Management Rules shall be subject to the penalties imposed by sections 116, 117 and 118 of the Civic Government (Scotland) Act 1982 **exigible from time to time in terms of the relevant sections of the aforementioned Act.**



SHETLAND ISLANDS COUNCIL

BURIAL SERVICES

MEMORIAL STONES GUIDELINES & INFORMATION

Memorial stones, plaques, tablets or other works can only be placed (and repaired) on graves where a Memorial Permit Application has been submitted and approved



Memorial Permits


Shetland Islands Council has a memorial permit system which ensures that all grave memorials within our burial grounds are of an approved type and erected in a safe and satisfactory manner, where the lair holder's rights are protected and no changes are made to the memorial without the lair holder's permission.

Prior to a memorial being placed on a grave space, the written authority of the owner of the lair (grave) must be given on an 'Application for Permit to Erect a New Memorial or to Re-Erect an Existing Memorial' (Memorial Permit Application Form), this must also be completed by a memorial stonemason who has been approved by the Council. The form asks for the lair and lair holder's details, particulars of the proposed work containing dimensions (which will be approved on a case by case basis), material, inscriptions, the stonemason's details and signature also, where necessary, the proposed method of fixing.

These details are recorded onto a burial software system (BACAS). Once we are satisfied that all checks are in place, the permit will be approved and the grave will be marked for the stonemason. An approved permit will then be issued to the stonemason carrying out the work.

An approved permit must be in the stonemason's possession before starting work on a memorial, as the Council will not be responsible for any losses incurred for works to a memorial which were not approved.

Sample Memorial Permit Application form available from the Council's website www.shetland.gov.uk or from Burial Services

	SHETLAND ISLANDS COUNCIL APPLICATION FOR PERMIT TO ERECT A NEW MEMORIAL OR TO RE-ERECT AN EXISTING MEMORIAL																
To: Shetland Islands Council, Infrastructure Services Department, Burial Services, Gremista, Lerwick, Shetland ZE1 0PX	Telephone: 01595 744853 01595 744898 Email: burials@shetland.gov.uk																
<p>Please notify the Burial Section at least one week before the work is to be carried out and once works are complete. A memorial permit application fee of £50.00/fifty pounds must be paid if this application is for a new memorial. Memorials will be inspected on a rolling program.</p>																	
Cemetery <input style="width: 150px;" type="text"/>	Section <input style="width: 100px;" type="text"/>																
Lair No <input style="width: 150px;" type="text"/>																	
Name of Deceased <input style="width: 600px;" type="text"/>																	
<p>I, being the person entitled to Exclusive Right of Burial in the above lair understand that the safe erection & maintenance of the memorial is my responsibility:-</p>																	
PRINT Name <input style="width: 250px;" type="text"/>	Signature <input style="width: 250px;" type="text"/>																
Address <input style="width: 600px;" type="text"/>																	
Erect a New Memorial <input type="checkbox"/>	Repair an Existing Memorial <input type="checkbox"/>																
Overall Size of Memorial:- Depth <input style="width: 100px;" type="text"/>	Width <input style="width: 100px;" type="text"/>																
Height <input style="width: 100px;" type="text"/>																	
Memorial Material <input style="width: 150px;" type="text"/>	Inscription <input style="width: 300px;" type="text"/>																
<p>To be read and signed by the Memorial Mason carrying out the work: I have been instructed to carry out the memorial work, a full description, including materials and dimensions, is submitted with this form; the applicant has seen and approved these. All work I complete will be in accordance with the Council's regulations and meet with the NAMM's/BIAMM's Code of Working Practice (2003 or any later version). I have Public Liability Insurance to the value of £5,000,000. I will ensure work is not carried out during a funeral service. I am responsible for any damage to Council property or to surrounding memorials, turf etc, caused by the negligence of myself, my workmen and/or any subcontractor employed by me. I will leave the site in a neat and tidy state.</p>																	
Name & Address of Memorial Mason: <input style="width: 700px;" type="text"/>																	
Signature of Memorial Mason _____ Date: _____																	
Planned Completion Date _____ Actual Completion Date _____																	
<div style="border: 1px solid black; padding: 5px;"> <p>FOR OFFICE USE ONLY:-</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">BACKS</td> <td style="width: 25%;"></td> <td style="width: 25%;">PERMIT PAID</td> <td style="width: 25%;"></td> </tr> <tr> <td>MEMORIAL DETAILS</td> <td></td> <td>GRAVE MARKED</td> <td></td> </tr> <tr> <td>APPLICANT</td> <td></td> <td>APPROVAL SENT</td> <td></td> </tr> <tr> <td>INVOICE ALLOCATION</td> <td></td> <td>PERMIT NO:</td> <td></td> </tr> </table> <div style="margin-top: 5px;"> Date Received _____ Invoice/Receipt No: _____ Permit Approved by _____ Memorial Inspected by _____ Date _____ </div> </div>		BACKS		PERMIT PAID		MEMORIAL DETAILS		GRAVE MARKED		APPLICANT		APPROVAL SENT		INVOICE ALLOCATION		PERMIT NO:	
BACKS		PERMIT PAID															
MEMORIAL DETAILS		GRAVE MARKED															
APPLICANT		APPROVAL SENT															
INVOICE ALLOCATION		PERMIT NO:															

Who can authorise work to a memorial

Where the registered lair holder is still living, they must sign the Memorial Permit Application form or it may be signed by their representative if evidence of Power of Attorney is presented.

A transfer of ownership is required:

If the registered owner is deceased.

(Transfer forms can be obtained from Burial Services.)

A transfer of ownership is NOT required:

If the registered owner is deceased and their spouse or civil partner has bequeathed the lair holding or when an additional inscription is added, to the memory of the lair holder, on an existing memorial.

We encourage the transfer of ownership for many reasons:

We are protecting the rights of the lair holder and their next of kin, ensuring that the correct person is entitled to exercise full burial rights, which includes the right to erect, repair and alter inscriptions to a memorial. Also, to ensure that records are up to date and to inform the lair holder if a memorial becomes dangerous or is in need of repair.

If a Memorial Permit Application form has been completed which requires a transfer of ownership form there is no additional transfer fee.

Responsible for the Safety & Maintenance of the Memorial

It is the responsibility of the lair holder to repair and maintain the memorial in conjunction with an approved memorial stonemason. If however, a memorial becomes dangerous, the Council will take remedial action to make safe. It is the lair holder's duty to make permanent repairs.

Fixing and Erecting Memorials

In order to be authorised by the Council as an approved memorial stonemason the following must be provided:

- Proof of adherence to BS8415 recommended fixing methods, National Association of Memorial Masons (NAMM) and the British Register of Accredited Memorial Masons (BRAMM) or suitably approved and secure traditional methods.
- Proof of Public Liability Insurance cover.
- The production of appropriate risk assessments

When an approved stonemason is carrying out work in the burial ground, they must have the relevant permit in their possession. A stonemason by his actions must not cause disruption to a funeral.

All memorial stones must be permanently dowed to a concrete foundation using a method in compliance with the current BS8415 (the British Standard for the memorial masonry industry) and recommended by the National Association of Memorial Masons (NAMM) and the British Register of Accredited Memorial Masons (BRAMM).

Where a burial ground section does not have previously installed foundations, a drawing of what is proposed must be submitted as part of the Memorial Permit Application process.

Memorial Plaques and Tablets

The usual permit application process still applies for a low plaque or tablet however, a Council approved stonemason is not necessary if the plaque or tablet is being placed by Council burial staff.

Unapproved Memorials

Any unapproved articles which are causing a hazard may be removed by Council burial staff.

If you require any further information please contact:

**Burial Services, Estates Operations, Gremista, Lerwick
Shetland, ZE1 OPX**

Telephone numbers: 01595 744853 & 01595 744898

Email: Burials@shetland.gov.uk



Meeting(s):	Environment and Transport Committee	7 May 2019
Report Title:	Waste Management - A Zero Waste Strategy for Shetland	
Reference Number:	ES-03-19-F	
Author / Job Title:	Colin Bragg: Team Leader - Waste Management	

1.0 Decisions / Action required:

That the Environment and Transport Committee:

- 1.1 NOTES the progress made to date towards national “Zero Waste” priorities – in the form of the establishment of kerbside recycling service;
- 1.2 APPROVES the development of a Zero Waste Strategy for Shetland, including the establishment of a Zero Waste Partnership, and agrees that a further report setting out the detail of the Strategy, including governance and membership of the proposed Partnership, will be presented to a future meeting for final approval and inclusion within the Council's policy framework; and
- 1.3 NOTES that a dedicated Graduate Project Officer post, funded through the Change Fund has been secured to support the development of a Zero Waste Strategy for Shetland.

2.0 High Level Summary:

- 2.1 The purpose of this report is to present to Environment and Transport Committee progress and next steps in Infrastructure Services' Waste Management plans – the establishment of a Zero Waste Strategy for Shetland.
- 2.2 This key part of the Service Redesign Programme for Infrastructure Services is to develop and implement a comprehensive long-term Zero Waste Strategy for Shetland, in line with longstanding Scottish Government national waste strategy priorities and targets (e.g. Zero Waste Plan 2010, Making Things Last: a circular economy strategy for Scotland 2016.)
- 2.3 The Zero Waste Strategy for Shetland includes waste awareness and prevention activities, cost effective household and commercial recycling (collection and disposal), cost effective and appropriate energy recovery from waste (in line with legislation and plant permits) and reducing waste to landfill.
- 2.4 The service will be recruiting a dedicated Graduate Project Officer – Zero Waste, funded through the Change Fund, to support the development of “Zero Waste” initiatives in Shetland.

- 2.5 The strategy will cover activity from the top to the bottom of the waste hierarchy and to reduce waste disposal costs and carbon production in Shetland by:
- **Reduction:** Reducing the quantity of waste generated in Shetland - through waste awareness and prevention activities.
 - **Reuse:** Working with other organisations and groups to encourage solutions in the community for the reuse of materials - through waste awareness and prevention activities.
 - **Recycling:** Improving recycling rates and achieving maximum sales values on materials collected. Working with other organisations and groups to identify opportunities in the community for the recycling of materials locally.
 - **Recovery:** Cost effective and sustainable long-term waste to energy operations at the Energy Recover Plant (ERP). Identifying new and environmentally appropriate waste streams - and generating increased income via gate fees. Working with other organisations and groups to identify opportunities in the community for additional energy recovery opportunities.
 - **Landfill:** Reducing waste to landfill.
 - Cost effective and efficient waste collection and stewardship.
- 2.6 In recent years, Shetland Islands Council has taken significant steps towards alignment with national “Zero Waste” ambitions through the introduction of kerbside recycling collections for households and increased waste streaming.
- 2.7 Uptake in the service has been good and the household recycling rate in Shetland has increased significantly. Rising by more than 10% in less than a year (based on 2018/19 Q3 figures). This rate is projected to rise further as a result of the recycling service now operating for some time in every area of Shetland.
- 2.8 Recycling costs are already cheaper than equivalent disposal costs at the Energy Recovery Plant (ERP) - as a result of good payloads and rebates received for the high quality and clean recyclate being generated. The costs of recycling will reduce further following the completion of the new recycling shed and commissioning of the associated small-scale Materials Recovery Facility (MRF) - as separated materials generate much higher prices on the market than comingled recyclate.
- 2.9 The Energy Recovery Plant (ERP) forms a central part of any current Zero Waste Strategy. The diversification of waste streams is important for the long-term future of the ERP. The diversion of high value recyclate away from the ERP allows for incineration capacity to be increased for higher value and/or problem waste streams in the community. For example, the plant has recently been used by NHS Scotland as a site to dispose of clinical waste.
- 2.10 Waste and resource awareness within the community (including large waste producers) will lead to more successful waste streaming. This will go some way towards the optimisation of waste management in Shetland, from an environmental and economic perspective, and help secure the long-term viability of community assets like the ERP and the associated District Heating Scheme – of which the SIC is by far the largest customer.

- 2.11 It is becoming increasingly difficult for Local Authorities to maintain efficient and cost effective waste management services. Reduced budgets along with increased complexity in the sector, such as significant changes to recycling markets, new national legislation and new consumer and waste producer behaviour, means a strategic approach is recognised as being more important than ever.
- 2.12 A coherent and clearly communicated Zero Waste Strategy will help to facilitate the behavioural and attitudinal change required to ensure successful waste management within the Shetland community - maximise income generated from valuable materials and minimise inherited and expensive disposal costs to Shetland Islands Council. It will also highlight the environmental imperatives that underpin current and future waste related activities within Shetland – and address future legislative requirements in a systematic and joined-up manner.
- 2.13 A Zero Waste Strategy for Shetland would provide the context for a number of large projects within the next 12 months, including the following:
- 2.14 **Commercial Recycling:** Recycling will be extended to all commercial waste collections provided by SIC in the local community. Allowing businesses to comply with statutory duties under the Waste [Scotland] Regulations 2012 - to present metal, plastic, glass, paper and card (including cardboard) for separate collection.
- 2.15 **The future of the Energy Recovery Plant:** This is another critical component of a holistic Zero Waste Strategy as the Plant is now in its 20th year of a 20-25 year lifespan and plays a central role in current waste disposal activity. With stricter restrictions on Landfill from 1st January 2021 decisions must be made in the coming months with respect to the future of this important public asset.
- 2.16 **Establishment of a Zero Waste Shetland Partnership:** This consortium of organisations, businesses and grass-root groups will coordinate and facilitate a community based asset approach to waste awareness and prevention activities across Shetland. Championing best environmental practices, offering advice, sharing skills and knowledge and changing behaviour at individual, household and organisational level. By incorporating key waste stakeholders and waste producers it will also help to coordinate environmentally appropriate, scalable and efficient waste recycling and disposal solutions within Shetland. Initial discussions have already been held with Shetland Amenity Trust, COPE and KIMO, as well as a number of grass roots groups and colleagues within SIC.

3.0 Corporate Priorities and Joint Working:

- 3.1 **Shetland's Partnership Plan 2018-2028**
Appendix 3 – Fit With National Outcomes
Scotland's National Performance Framework – “We value, enjoy protect and enhance our environment.”
- 3.2 **Our Plan 2016-2020: Our 20 by 20**
- Action 8:** “We will be working in a more effective way, allowing us to cope with reduced resources. Processes that add no obvious value will have been replaced with more proportionate approaches based on effectively managing risks.”

A Zero Waste Strategy will foster high levels of public and business awareness regarding waste issues - leading to efficient waste streaming and lower inherited disposal costs. Working in partnership with other organisations will allow the community to deal more efficiently with current and future waste streams, avoid duplication of effort and find the best possible solution for the community.

Action 10: “Our staff and the public will feel more informed about the Council’s activities, through excellent communications systems.”

Recent service changes offer a unique opportunity to engage with the public and businesses to realign Shetland’s waste activities within the waste hierarchy - and in line with national priorities, targets and existing and forthcoming legislation. An overarching and clear Zero Waste Strategy is an important public document that sets out a commitment to environmental sustainability and treating waste as a resource.

Action 17: “We will have reduced the effect we have on the local environment, particularly reducing carbon emissions from our work and buildings.”

Generating more local activity higher on the waste hierarchy (reduce and reuse) will lead to significant reductions to carbon emissions within the community and more environmentally appropriate disposal activity at Shetland Islands Council facilities. A strategic approach to Shetland’s waste is required to ensure we are doing all we can to cease unnecessary carbon intensive practices - and do our part as a community to mitigate the damage already being caused locally and globally by man-made climate change.

Action 20: “We will be an organisation that encourages creativity, expects co-operation between services and supports the development of new ways of working.”

The Strategy and associated Partnership explore and establish circular economy recycling solutions for waste streams generated within Shetland - and seek creative opportunities and efficiencies across a network of waste partners in Shetland.

- 3.3 Waste Management and Recycling is a key strand of the Infrastructure Service Redesign Programme.

4.0 Key Issues:

- 4.1 Shetland Islands Council plays the lead role in Shetland’s waste management activity - more so than in many other communities due to the lack of private sector involvement. Waste disposal activity is increasingly expensive and subject to frequent legislative change – as environmental standards are tightening and will continue to do so.
- 4.2 As such, establishing an efficient, adaptable and sustainable Zero Waste Strategy with appropriate systems and activities, in this remote rural Island community, is crucial to avoid service failure and/or significantly increased Waste Management costs.

- 4.3 Waste issues are increasingly prominent, as evidenced by the “Blue Planet Effect” and public calls for action on waste plastic. It is becoming a high profile area of UK and Scottish policy. As public consciousness increases so do demands for better solutions and more action to prevent waste being generated.
- 4.4 The Zero Waste Plan for Scotland was published by the Scottish Government in 2010 and established highly ambitious targets for recycling and reducing waste to landfill.
- 4.5 The ‘Vision for a Zero Waste Scotland’ was set out in 2011:
- where everyone - individuals, the public and business sectors - appreciates the environmental, social and economic value of resources, and how they can play their part in using resources efficiently;
 - to reduce impact on the environment, both locally and globally, by minimising the unnecessary use of primary materials, reusing resources where possible, and recycling and recovering value from materials when they reach the end of their life;
 - to contribute to sustainable economic growth by seizing the economic and environmental business and job opportunities of a zero waste approach.
- 4.6 In 2013 ‘Safeguarding Scotland’s resources: blueprint for a more resource-efficient and circular economy’ was published and followed up by ‘Making Things Last: a circular economy strategy for Scotland’ in 2016 setting out “an economic, environmental and moral necessity” to prevent waste and when it is generated, where possible, treat it as a resource.
- 4.7 A key element of Shetland Islands Council’s waste strategy to date has been the introduction of the household recycling collections in 2018.
- 4.8 On 3 October 2016 (Min. Ref. 23/16), Shetland Islands Council (SIC) signed the Household Recycling Charter. The Charter is a declaration of the SIC’s intent to provide services that deliver local and national benefits, encouraging high-levels of citizen participation in recycling.
- 4.9 On 28 August 2017 (Min. Ref. 23/17), Shetland Islands Council (SIC) approved a new kerbside household recycling service for the whole of Shetland - based on a baseline review of service, transition plan and transitional funding offered by Zero Waste Scotland (ZWS). The report set out a new collection frequency for rubbish and recycling and agreed timescales for implementation.
- 4.10 On 14 June 2018, Environment and Transport Committee approved the Charter for Household Recycling for Scotland – Associated Policies (Min Ref: 20/18).
- 4.11 The final area of Shetland to see the service commence was in October 2018. The household recycling rate has increased by over 10% in less than a year, and is projected to rise again in the latest quarterly reporting. This significant change to waste services in Shetland brings us into line with national imperatives and leads to a number of further opportunities to improve environmental standards.
- 4.12 The recycling scheme will be extended to include all commercial businesses in Shetland by September 2019, this will include public buildings and all Shetland Islands Council premises. Businesses were first notified of these changes in

March 2018 and again in March 2019. This included information explaining new charges for recyclable and non-recyclable waste would be applied on the commencement of separated collections – this is necessary in order to recover the cost of the collection and disposal activities undertaken by the Council for businesses in the community.

- 4.13 All waste producers have a Duty of Care with regard to their waste that covers the period of time from when the waste is produced to when it's received by SIC or an alternative waste collection business. Businesses must also comply with the Waste [Scotland] Regulations 2012 - to present metal, plastic, glass, paper and card (including cardboard) for separate collection from general refuse.
- 4.14 Commercial recycling will commence after the completion of the new recycling facility at Gremista Waste Management Facility in Summer 2019.
- 4.15 Part of the Waste Strategy would also be to establish of a Zero Waste Shetland Partnership to coordinate appropriate and efficient waste solutions within Shetland. The Partnership would see Shetland Islands Council coordinate and facilitate a community based asset approach to waste awareness and prevention activities – and encourage economic development opportunities locally within the context of the Scottish Government's "Circular Economy" agenda, including drawing in potential external funding to support local initiatives.
- 4.16 A collaborative approach to waste issues is regarded as best practice - and is now a stipulation for many national funding streams. It is also fundamentally important for Shetland Islands Council, as the owner and operator of the main waste disposal sites in Shetland, to actively engage with waste producers and the general public to ensure best practice and efficient waste disposal happens locally. This is crucial from an environmental point of view but also because the large quantities of waste generated have to be managed within the constraints of local disposal and waste management capacity now and into the future.
- 4.17 Shetland Islands Council has taken significant steps towards a more environmentally responsible waste collection and disposal in recent years - through the introduction of kerbside recycling. There is significant will within the organisation and the community for further moves in this direction – away from profligacy and towards environmental sustainability.
- 4.18 With these changes (driven by economic, environmental and legislative necessity) come significant opportunities to realign waste activities, find efficiencies, and align with national priorities. In doing so there is an opportunity to become an example of best practice in this area and draw in external funding to promote sustainable waste initiatives and practices.
- 4.19 Change in this area of the activity is inevitable due to environmental legislation, national policy and man-made climate change. Maintaining the status quo will prevent Shetland Islands Council from keeping pace with waste legislation but also with public expectation locally – and that of national funding bodies.
- 4.20 Aligning future projects and activities within a comprehensive Zero Waste Strategy for Shetland will allow SIC to build on recent progress - and coordinate and streamline waste related activity across the community. In doing so meeting legislative requirements will be more likely (avoiding financial penalties) and identifying new sources of revenue or economic development opportunities locally

will be possible - as well as the potential to draw in additional funding to build the sustainable systems and processes required for waste management, and energy from waste production, in Shetland well into the future.	
5.0 Exempt and/or confidential information:	
5.1 None.	
6.0 Implications : Identify any issues or aspects of the report that have implications under the following headings	
6.1 Service Users, Patients and Communities:	The Waste Management and Recycling Strategy – Zero Waste Shetland will have a positive impact on all residents in Shetland.
6.2 Human Resources and Organisational Development:	<p>Infrastructure Services has been allocated £70,900, over two years to fund a Graduate Project Officer, to support the further development of the Waste Management and Recycling Strategy – Zero Waste Shetland.</p> <p>The recycling scheme will include all Shetland Islands Council properties, and to ensure success, will require a degree of behavioural change on the part of Council employees. Information and advice will be available to all members of staff via the Council's intranet.</p>
6.3 Equality, Diversity and Human Rights:	The Zero Waste Strategy for Shetland, and all associated projects, will be alert to Equalities issues, and Equalities Impact Assessments will be undertaken on specific aspects where required.
6.4 Legal:	<p>The Waste (Scotland) Regulations 2012 were approved by the Scottish Parliament on 16 May 2012 and amended existing legislation to provide as follows:</p> <ul style="list-style-type: none"> - All businesses, public sector and not-for-profit organisations are required to present metal, plastic, glass, paper and card (including cardboard) for separate collection from 1 January 2014. - Food businesses (except in rural areas) which produce over 50 kg of food waste per week to present that food waste for separate collection from 1 January 2014. - Food businesses (except in rural areas) which produce over 5 kg of food waste per week to present that food waste for separate collection from 1 January 2016.

	<ul style="list-style-type: none"> - Local authorities to provide a minimum recycling service to householders. - Waste contractors to provide collection and treatment services which deliver high quality recycling. - A ban on any metal, plastic, glass, paper, card and food collected separately for recycling from going to incineration or landfill from 1 January 2014. - All new incinerators must ensure that metals and dense plastics have been removed from residual municipal waste prior to incineration. - A ban on biodegradable municipal waste going to landfill from 1 January 2021.
6.5 Finance:	<p>Reductions in overall waste management costs can be achieved through increased income and operational efficiencies from successful waste streaming.</p> <p>Specific financial targets will be determined during further evaluation of options and opportunities within the Zero Waste Strategy.</p> <p>The majority of the financial burden for waste disposal is currently borne by Local Authorities. Treating waste as a resource and changing behaviour around waste generation within the community offers economic as well as environmental benefits to the Council.</p> <p>As such Zero Waste activities will help to reduce overall costs to Shetland Islands Council.</p> <p>An allocation of £70,900 has been committed from the Council's Change Fund for a graduate placement to support this work stream.</p>
6.6 Assets and Property:	<p>There are no Assets and Properties implications arising from this report.</p>
6.7 ICT and new technologies:	<p>There are no ICT and ICT systems implications arising from this report.</p>
6.8 Environmental:	<p>Reducing the amount of waste generated within Shetland has a significant and positive environmental impact. Reducing the quantity of material transported North and shipped South again as a waste product should be avoided if at all possible.</p>

	<p>Many materials lend themselves well to reuse (e.g textiles) and initiatives for reuse can prevent the quantity of new products being shipped to Shetland - with the added benefit of creating social events and community groups around this activity.</p> <p>Despite Shetland's remote location recycling is one of the most efficient ways to reduce CO₂ emissions. It significantly reduces the amount of energy necessary to produce virgin materials.</p> <p>Energy recovery is well established and known in Shetland but not necessarily well understood. The Energy Recovery Plant and associated District Heating Scheme in Lerwick are almost twenty years old and have played a significant role in reducing waste to landfill for the communities of both Shetland and Orkney. .</p> <p>Energy recovery continues to be a better environmental outcome than landfill but future Energy Recovery planning must account for the significant changes to the waste sector since the plant was originally commissioned - including modern waste legislation and the geographical availability of sufficient and appropriate waste streams.</p>
6.9 Risk Management:	<p>Failure to implement a comprehensive waste management strategy carries significant risk to Shetland Islands Council given the substantial changes occurring in the field of waste management nationally and globally.</p> <p>At very least opportunities to add value to waste streams, find efficiencies in waste related activity, or draw in external funding, could be missed.</p> <p>At worst the Council may fail to comply with future waste legislation, fail to contribute to carbon savings required for the mitigation of man-made climate change, or fail to plan for changes to waste composition and/or quantity available locally for energy recovery. These failures could lead to the cessation of ERP operations - significantly increasing waste disposal costs to the Council.</p> <p>This would also cause issues for the long-term viability of Lerwick's District Heating scheme to provide hot water to over 1000 properties – including significant public assets in the form of the leisure centre, hospital, care centres and schools.</p>
6.10 Policy and Delegated Authority:	<p>In accordance with Section 2.3.1 of the Council's Scheme of delegations, the Environment and Transport Committee has responsibility for discharging the powers and duties of the Council within its functional area.</p>

6.11 Previously considered by:	None	N/A
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Contact Details:

Colin Bragg, Team Leader: Waste Management, colin.bragg@shetland.gov.uk, 19 April 2019

Appendices:

None

Background Documents:

The Waste (Scotland) Regulations 2012 (Amended January 2014)

<http://www.legislation.gov.uk/sdsi/2012/9780111016657>

Scotland's Zero Waste Plan 2010

<https://www2.gov.scot/Resource/0045/00458945.pdf>

Making Things Last: a circular economy strategy for Scotland

<https://www.gov.scot/publications/making-things-last-circular-economy-strategy-scotland/>

END



Meeting(s):	Environment & Transport Committee	7 May 2019
Report Title:	Capital Maintenance and Replacement Programme	
Reference Number:	ISD-10-19-F	
Author / Job Title:	John R Smith, Director of Infrastructure	

1.0 Decisions / Action required:

- 1.1 That the Committee APPROVE the projects in the Infrastructure Services Directorate's Capital Maintenance and Replacement Programme for 2019/20 subject to those proposals meeting the requirements of the Council's Gateway Process for the Management of Capital Projects.

2.0 High Level Summary:

- 2.1 This report sets out for approval the projects which fall within this functional Committee's remit which form part of the Infrastructure Services Directorate's Capital Maintenance and Replacement programme. These maintenance and replacement programmes are developed annually based on condition surveys of the service assets and are funded by an approved budget within the Council's 5-year Asset Investment Plan.
- 2.2 The detail of individual projects is agreed each financial year by the Service Committee.

3.0 Corporate Priorities and Joint Working:

- 3.1 Our Plan 2016-2020 states "we will have prioritised spending on building and maintaining assets and be clear on the whole life costs of those activities to make sure funding is being targeted in the best way to help achieve the outcomes set out in the Corporate Plan".

4.0 Key Issues:

- 4.1 On 29 June 2016 the Council approved a revised "gateway process" for managing the Asset Investment Plan (AIP) which incorporated the five case model. The guidance document on the Gateway Process for the Management of Capital Projects states that "where projects fall within a programme of Capital Maintenance, an annual budget may be included in the Council's Asset Investment Plan, covering several of these relatively low value projects. A Business Justification Case is required to establish such a programme, and the annual budget required, but the individual projects within such a programme are not listed and reported on as part of the Asset Investment Plan. The promoting service must however review the content of such programmes and submit these to the relevant service committee for approval annually."

4.2	The document in Appendix 1 sets out the individual projects forming the maintenance and replacement programmes in the AIP for Infrastructure Services for the financial year 2019/20. These programmes were previously established in line with the guidance in paragraph 4.1 above, and have now been reviewed for 2019/20.
4.3	The Ferry Vessel Life Extensions programme budget is included provisionally in the 5 Year AIP. It will be presented for approval separately to this report, as this programme has yet to be established formally under the Gateway Process.
4.4	The purchase of Bitumen Plant by Roads Service from the Vehicle and Plant Replacement Programme is subject to separate approval of a Business Justification Case.
5.0 Exempt and/or confidential information:	
5.1	None.
6.0 Implications :	
6.1 Service Users, Patients and Communities:	There is a clear expectation from the Community and our stakeholders that the Council will plan to maintain and replace its infrastructure assets to ensure the delivery of frontline services and maintain transport connectivity.
6.2 Human Resources and Organisational Development:	None.
6.3 Equality, Diversity and Human Rights:	None.
6.4 Legal:	The regular maintenance of assets and replacement of end of life assets ensures compliance with legal duties and compliance with relevant regulatory and inspection regimes.
6.5 Finance:	<p>The total budget for the capital maintenance programmes for Infrastructure Services in 2019/20 is £4.9m. This excludes the Ferry Life Extension Programme totalling £800k, which is to be presented in a separate report as described in paragraph 4.3 above.</p> <p>These programmes have been incorporated into the approved 5 Year Asset Investment Plan 2019-2024 and will be funded from the Scottish Government General Capital Grant and capital receipts in line with the Capital Funding Policy in the Medium Term Financial Plan.</p>

6.6 Assets and Property:	The routine maintenance and replacement projects within this programme are part of the Council's strategy to manage its existing assets in a functional condition and replace them at the end of their useful life.	
6.7 ICT and new technologies:	None.	
6.8 Environmental:	The Directorate is responsible for ensuring infrastructure and assets are managed in a way to prevent pollution and reduce carbon emissions. Routine maintenance programmes are a significant control measure to prevent accidental spills and pollution and enables energy efficiency measures to be put in place to reduce fuel use, manage carbon emissions and reduce the environmental impacts of council activity.	
6.9 Risk Management:	Failing to adequately resource the maintenance of the infrastructure that underpins the delivery of frontline services and transport connectivity creates a risk of service disruption and associated reputational damage. The regular maintenance of assets and replacement of end of life assets ensure compliance with legal duties. Routine regular maintenance prevents the deterioration of assets and keeps them functional saving more significant replacement costs.	
6.10 Policy and Delegated Authority:	In accordance with Section 2.3.1 of the Council's Scheme of delegations, the Environment and Transport Committee has responsibility for discharging the powers and duties of the Council within its functional area. The projects in these annual maintenance and replacement programmes in the AIP must be approved by Committee.	
6.11 Previously considered by:	N/A	

Contact Details:

John R Smith, Director of Infrastructure Services

jrsmith@shetland.gov.uk

01595 744851

Appendices:

Infrastructure Services Departments Capital Maintenance and Replacement Programme 2019/20

Background Documents: None.

END



Meeting(s):	Environment & Transport Committee	7 May 2019
Report Title:	Environment and Transport Committee Business Programme – 2019/20	
Reference Number:	ISD-08-19-D1	
Author / Job Title:	John Smith, Director of Infrastructure Services	

1.0 Decisions / Action required:

That the Environment & Transport Committee:

- 1.1 CONSIDERS the business planned for Environment & Transport Committee in the financial year 2019/20;
- 1.2 ADVISES the Director of Infrastructure Services of any changes required including new items where the timescale will be confirmed at a later date.

2.0 High Level Summary:

- 2.1 The purpose of this report is to facilitate discussion of the Business Programme of the Committee for the financial year 1 April 2019 to 31 March 2020 including items where the date is still to be determined.
- 2.2 The Business Programme 2019/20 will be presented to Environment and Transport Committee at least quarterly to ensure that it is kept up to date incorporating new items as work programmes across the Council are taken forward.

3.0 Corporate Priorities and Joint Working:

- 3.1 Our Plan 2016, in its 20 by 20 states that:-

“High standards of governance, that is, the rules on how we are governed, will mean that the Council is operating effectively and the decisions we take are based on evidence and supported by effective assessments of options and potential effects”.

Maintaining a Business Programme for each Committee/Board of the Council contributes to an effective governance framework for the Council.

4.0 Key Issues:	
4.1	A range of business scheduled or to be scheduled over the coming year in consultation with the Committee.
5.0 Exempt and/or confidential information:	
5.1	None
6.0 Implications :	
6.1 Service Users, Patients and Communities:	<p>The Business Plan provides the community and other stakeholders with important information regarding the planned business for the coming year.</p> <p>The Business Programme complements the Council's Corporate and Directorate Plans and the Shetland Partnership Plan.</p>
6.2 Human Resources and Organisational Development:	None arising directly from this report. Any implications for staff arising from individual reports in the Business Programme will be addressed through the work on those reports.
6.3 Equality, Diversity and Human Rights:	None arising directly from this report. Any implications in this regard arising from individual reports in the Business Programme will be addressed through the work on those reports.
6.4 Legal:	The Business Programme supports the governance framework of the Council which is underpinned by statute.
6.5 Finance:	<p>None arising directly from this report. Any financial implications arising from individual reports in the Business Programme will be addressed through the work on those reports.</p> <p>Ensuring the budget setting and PPMF meetings are scheduled well in advance should help Members to keep these dates/times clear in their diaries so that they are able to contribute to financial decision making and quarterly budget monitoring.</p>
6.6 Assets and Property:	None arising directly from this report. Any implications in this regard arising from individual reports in the Business Programme will be addressed through the work on those reports.
6.7 ICT and new technologies:	None arising directly from this report. Any implications in this regard arising from individual reports in the Business Programme will be addressed through the work on those reports.
6.8 Environmental:	None arising directly from this report. Any implications in this regard arising from individual reports in the Business Programme will be addressed through the work on those reports.

6.9 Risk Management:	The risks associated with setting the Business Programme are around the challenges for officers meeting the timescales required, and any part of the business programme slipping and causing reputational damage to the Council. Equally, not applying the Business Programme would result in decision making being unplanned and haphazard; aligning the Council's Business Programmes with the objectives and actions contained in its corporate plans could mitigate against those risks.	
6.10 Policy and Delegated Authority:	<p>Maintaining a Business Programme ensures the effectiveness of the Council's PPMF.</p> <p>The Business Programme supports each Committee's role, as set out in paragraph 2.3 of the Council's Scheme of Administration and Delegations.</p>	
Previously considered by:	N/A	

Contact Details:

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Appendices:

Appendix 1 – Environment & Transport Committee Meeting Dates and Business Programme 2019/20

Background Documents:

None



**Environment & Transport Committee - Meeting Dates and Business Programme 2019/20
as at Monday, 29 April 2019**

Date / Type of Meeting	Agenda Item	Referred/Delegated
07 May 2019 10am Ordinary	Zero Waste Shetland Strategy	D
	Recycling and Waste Management Review (Service Redesign Programme)	D
	Infrastructure Capital Maintenance and Replacement Programme	D
	Taxi Tarrif Review	
02 July 2019 10am Ordinary	Fair Isle Ferry Capital Outline Business Case	R
	Bus Network Strategic Business Case	R
	Inter-Island Air Services Outline Business Case	R
	Inter-Island Ferries Service Level Business Case	R
	Energy Efficiency Review (Service Redesign Programme)	D
04 September 2019 2pm Ordinary	Bus Network Outline Business Case	R
	Fleet Management Review (Service Redesign Programme)	D
	Gritting Review	D
	Inter-Island Air Services Final Business Case	R
20 November 2019 2pm Ordinary		
21 January 2020 10am Ordinary		



**Environment & Transport Committee - Meeting Dates and Business Programme 2019/20
as at Monday, 29 April 2019**

Date / Type of Meeting	Agenda Item	Referred/Delegated
05 February 2020 10am Special – Budget Setting	Infrastructure Services Budget Proposals	R
	Development Services Budget Proposals	R
10 March 2020 2pm Ordinary		

Planned Committee business still to be scheduled

- Performance Reporting
-

..... END OF BUSINESS PROGRAMME