

# MINUTES

# A&B – PUBLIC

**Special Shetland Islands Council  
Main Hall, Town Hall, Lerwick, and remotely via Teams  
Wednesday 22 July 2020 at 10am**

## **Present:**

M Bell	S Coutts
S Flaws	J Fraser
S Leask	M Lyall
E Macdonald	R McGregor
A Priest	D Sandison
I Scott	C Smith
G Smith	R Thomson

## **Present via remote link**

D Anderson	P Campbell
A Cooper	A Duncan
A Hawick	C Hughson
A Manson	T Smith

## **Apologies:**

None

## **In Attendance (Officers) (Main Hall):**

M Sandison, Chief Executive

## **In Attendance (Officers) (by remote link):**

C Ferguson, Director of Corporate Services  
D Coupe, Executive Manager – Roads  
M Craigie, Executive Manager – Transport Planning  
J Manson, Executive Manager – Finance  
J Riise, Executive Manager – Governance and Law  
R Sinclair, Executive Manager – Assets, Commissioning and Procurement  
J Lewis, Principal, Shetland College  
N Hutcheson, Team Leader – Asset and Network  
C Gair, Traffic and Road Safety Engineer  
J Birnie, Projects Officer – Change Programme  
A Cogle, Team Leader – Administration  
K Johnston, Team Leader – Legal  
P Wishart, Solicitor  
B Kerr, Communications Officer  
L Adamson Committee Officer

## **Chairperson**

Mr Bell, Convener of the Council, presided.

## **Circular**

The circular calling the meeting was then held as read.

### **Declarations of Interest**

Mr Sandison declared an interest in Item 6, "College Merger – Local Stakeholder Engagement", however he advised that given the nature of the item, he would not leave the meeting.

Mrs Macdonald declared an interest in Item 6, "College Merger – Local Stakeholder Engagement", and advised that she would leave the meeting.

### **53/20     Notice of Motion**

The Council considered a Notice of Motion, in the following terms: "The Council notes the need to learn from impact of Covid 19 related restrictions and build back better. The Council notes the long-standing desire to increase public accessibility to decision making process. The Council notes the success of hybrid meetings utilising technology and the ability to implement changes in quick order.

The Council resolves from 1 August 2020 to record all non-exempt items and make the recording publicly accessible for all meetings of the Shetland Islands Council, Policy and Resources Committee, Development Committee, Education and Families Committee and Environment and Transport Committee."

In introducing the motion, Mr Coutts advised that there has been discussion on the need for public accessibility to meetings for some time, and there is now a need to grasp the opportunity to record and cast meetings so the public can understand the decision making process. In that regard, he wished to pursue live casting of meetings from 1 August 2020, with the recording being available on that day. He said that while the motion referred to the functional Committees, the aspiration would be to extend to the full suite of meetings in due course. He paid tribute to the staff in ICT for supporting the hybrid set up for meetings to take place at this time, and he noted that Members were increasingly using their mobile devices at meetings, rather than referring to paper agendas. Mr Coutts moved that the Council approve the terms of the motion. Mrs Macdonald seconded.

During the brief discussion, some Members spoke in support of the motion, and there was no one otherwise minded.

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### **Decision:**

The Council RESOVED from 1 August 2020 to record all non-exempt items and make the recording publicly accessible for all meetings of the Shetland Islands Council, Policy and Resources Committee, Development Committee, Education and Families Committee and Environment and Transport Committee.

### **54/20     Asset Investment Plan – Business Case – Cullivoe Road**

The Council considered a report by the Executive Manager – Assets, Commissioning and Procurement (ACP-04-20-F) presenting an asset investment proposal for approval, which has been considered by the Council's Asset Investment Group (AIG) based on the submission of a Strategic Outline Case (SOC).

The Executive Manager – Assets, Commissioning and Procurement introduced the report. He advised that for each of the options as listed in 4.4, the capital costs would vary substantially, and further detail would be provided in the Outline Business

Case (OBC). He also advised that work would be taking place with the Council's Economic Development Service and Roads Service to address any changes COVID-19 has made to the economic case, and that would form part of the process going forward for the OBC to be presented to Council in September 2020.

During discussion, the two options that included Dalsetter were questioned in terms of the extra miles it would involve for minimum benefit, that the routes from Dalsetter would do nothing to support any fixed link project in the future, and the uncertainty on costs relating to those options. It was suggested that it would be very unlikely either of the routes would be selected as the preferred option, and officers were questioned why those two options were still being included for further appraisal. It was however advised that the options had been assessed against the Critical Success Factors, and that it was quite early in the process to start discussing options, which would be looked at further in the OBC.

Reference was made to the proposed 6 year timeline for all options to be presented for these works. It was questioned whether that time period was a worst case scenario or would be a usual timescale for such a development. The Executive Manager – Asset, Commissioning and Procurement advised that the main issue that can dictate the timescale would be the land acquisition process. The Team Leader – Asset and Network went on to advise that the Roads Service had progressed the surveying and minor ground investigation works sooner than was indicated in the report, and therefore the project could potentially move forward by 1 to 2 years. During the discussion, Members advised that they would welcome any improvements on the timeline for completion of the project.

Comment was made on the national significance of the project, and it was questioned whether any external funding was being pursued. The Chief Executive advised that the Council receives funding by way of capital grant for road maintenance and road repairs, however construction works is not generally an area that would secure external funding. However, she advised on the importance for the Council to have projects ready to drive into any funding mechanisms going forward, and confirmed that external funding would continue to be pursued in addition to the capital grant.

During debate, the Chair of Environment and Transport Committee advised on the important step in moving forward with the project which was essential for Cullivoe, and for Shetland, as well as being of national significance. Mr Thomson moved that the Council approve the recommendation in the report. Mr McGregor seconded.

In referring to the weaknesses in the two options where works would start in Dalsetter, Mrs Lyall moved, as an amendment, to discount the two routes from Dalsetter at this stage, and for no further time to be spent investigating either of those options. Mr Scott seconded.

During further debate, concern was again expressed regarding the proposed timescale for the project, and the need to streamline the process going forward as much as possible.

Reference was also made to the agreed process to be followed for capital projects, and that it was too early to discount the two options at Dalsetter, as put forward in the amendment, which would not impact on the timeline for the project. In that regard reference was made to the commitment for reporting on the next stage in September 2020. Comment was made on the benefit to look at all the options,

particularly when considering the fragility of Shetland's economic activity at this time. It was also suggested that the compulsory purchase Order process may be more straightforward at either of the Dalsetter routes, but what was also important was a shorter route as the carbon footprint has to be taken into consideration.

Following summing up, voting took place by roll call vote, and the result was as follows:

<u>Motion</u>	<u>Amendment</u>
Mr Anderson	Ms Hawick
Mr Bell	Mrs Lyall
Mr Campbell	Mr Scott
Mr Cooper	
Mr Coutts	
Mr Duncan	
Mr Flaws	
Mr Fraser	
Mrs Hughson	
Mr Leask	
Mrs Macdonald	
Ms Manson	
Mr McGregor	
Mr Priest	
Mr Sandison	
Mr C Smith	
Mr G Smith	
Mr T Smith	
Mr Thomson	

The result was Motion 19, Amendment 3, and accordingly the motion to approve the proposal described in Section 4.3 and included as Appendix A of the report, was adopted.

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### **Decision:**

The Council RESOLVED to approve the proposal described in Section 4.3 and included as Appendix A of the report.

55/20

### **Spaces for People**

The Council considered a report by the Transport Policy and Projects Officer (DV-13-20-F) presenting information relating to the ZetTrans application to the Sustrans Spaces for People Fund and which sought approval of Council support, in the form of staff resources, for the creation of temporary interventions and for the development of a strategic multi agency approach to mobility and access in Lerwick.

The Executive Manager – Transport Planning summarised the main terms of the report. He went on to advise on the proposal for a number of current Council projects to be accelerated by this funding, and to explore the principles in the report to make sure best use is made of the funding to leave a legacy for Shetland.

During the discussion, clarity was sought on the level of public engagement that will take place, given the dedicated staff resources to be allocated to the project. The Executive Manager – Transport Planning advised that the report highlights a number of ongoing pieces of work being undertaken by the Active Travel Group. The Group has a wealth of public and agency input for active and sustainable travel in Shetland, which he advised can be utilised to best apply this funding. It was however questioned how proposals for engagement would be undertaken going forward, for example, on any projects that may directly affect residents. In responding, the Chief Executive referred to Section 6.7 of the report, which she said recognises the need to use digital engagement with stakeholders and the public, which prior to the Coronavirus, would have been undertaken through public meetings and drop in sessions.

In response to a comment regarding the need for significant engagement going forward in order to prioritise projects, the Executive Manager – Transport Planning advised that the report informs on projects that have been explored so far, and with the funding received, could be delivered much sooner than had been expected.

Reference was made to Appendix 3, which set out the key points from the online active travel survey. It was suggested that there could be a typo, where the response to the statement “Regarding the principle of improving walking and cycling infrastructure in Shetland, even when this would mean less room for other traffic”, had been given as 7%. The Executive Manager – Transport Planning confirmed that the figure would be reviewed to ensure it was accurate.

Reference was made to the discussion on the report by ZetTrans, that the funding was very much Lerwick centred, and a plea was made for a proportion of the funding to apply to areas outside Lerwick, for community projects such as pathways, and to improve connectivity between places in Shetland. The Executive Manager – Transport Planning acknowledged that the report presents projects in development in Lerwick, however he advised that the principles of Active Travel extend beyond Lerwick and the objective would be to apply the funding to projects already in plan within communities and to spread the benefits effectively.

A Member commented that he had not been aware of the on-line survey on Active Travel in Shetland, and that there was a need for community empowerment and a more strategic approach to take advantage of the windfall funding and on how projects are taken forward. The Chief Executive suggested that the principles of participatory budgeting could be applied for projects to be taken forward, and for communities to be part of the process for the windfall funds. The Executive Manager – Transport Planning advised on the proposal to explore with Members, and Members on ZetTrans, to ensure the best legacy outcomes for Shetland in the wider strategic context. He advised on the integrated approach whereby the proposed projects to be taken forward would be reported to both ZetTrans and the Council.

In responding to further comments, the Chief Executive advised on the wider strategies on public health, recognising the COVID-19 impact on people who have issues with obesity and poor respiratory health. She referred to the strand of the COVID-19 response to improve public health, and the advice that had been given to take one period of exercise a day, but to extend that good behaviour into the future by promoting active travel. She advised also on the expectation of a further winter peak of COVID-19, and as part of the active travel initiatives was to have a healthy population going into that next peak.

In response to a question, the Chief Executive advised that she would provide Cllr Hawick with the link to the Healthy Weight and Obesity Strategy, which feeds into the Active Travel Strategy.

In referring to the recommendations at Sections 1.1.1 to 1.1.3 of the report, assurance was sought that engagement would take place with Community Councils and the public on how the project would move forward. The Chief Executive gave assurance to Members that their request for full engagement on how funding would be allocated, would be met.

During debate, disappointment was again expressed at the lack of investment proposed in the rural areas of Shetland compared to Lerwick, where it was advised that many Community Councils would have proposals for scenic walkways, access for prams and pathway projects, and some projects would be ready to proceed.

The Leader referred to the criteria for the funding that had been set by the Scottish Government, being solely focused on temporary measures, which he said could prove challenging with active travel being for the longer-term in Shetland. He also advised on the opportunities in terms of the funding, and said that it was important not to lose sight to get permanent solutions and to push for legacies for Shetland. The Leader also paid tribute to the staff who had been involved in securing the funding.

Comment was made on the importance for the project to be taken forward in a strategic way, with proper community engagement and empowerment. A Member advised that he would be monitoring the situation going forward, and should proposals directly affect householders or organisations within his Ward he would advocate to ensure engagement in the decision making process. However, while it was noted that community engagement was very important, there was also a call for the projects to progress quickly.

In noting that the recommendation at 1.1.3 referred specifically to 'Lerwick', comment was made that the strategic multi-agency approach should be to improve access and mobility across the whole of Shetland, and not solely in Lerwick.

During the discussion, some caution was expressed that Members should not descend into a Lerwick versus rural areas debate, but instead to encourage a more holistic approach to reach consensus for the benefit of the whole of the community of Shetland.

Comment was made that the report, although it comes across as narrow in terms of funding for Lerwick, there was however the Shetland wide travel strategy, and therefore the Spaces for People Fund would take account of all places in Shetland, and not just Lerwick.

The Chair of Environment and Transport Committee congratulated the staff involved in acquiring the substantial funding. He said that it would provide a legacy to Shetland following the ZetTrans and Council policies and strategies, in consultation with the Community Councils. Mr Thomson moved that the Council approve the recommendations as set out in the report. Mr McGregor seconded.

In referring to the recommendation at 1.1.3, Mr G Smith said that with there being an overall Active Travel Strategy for Shetland he was somewhat puzzled as to why

staffing resources were to be focused in Lerwick. Mr G Smith commented that the recommendation at 1.1.3 was therefore superfluous.

The Chief Executive provided clarity to Members, advising that the Spaces for People funding was very much focused on the urban centre, and that was the reason for reference to Lerwick in the recommendation at 1.1.3. The Spaces for People funding would enable the Council to address a number of projects that may have utilised some other funding, and it would then free up other funding to be better used for projects out with Lerwick. The Leader added that the criteria for the funding had been set by the Scottish Government, taking an urban centric approach.

Mr G Smith moved, as an amendment, that the Council approve recommendations 1.1.1 and 1.1.2, but to delete recommendation 1.1.3. Mr T Smith seconded.

In response to a request for clarity on his amendment, Mr G Smith explained that the report was specifically about the Spaces of People funding, informing on the windfall funding received and there was a need to apply that funding given the criteria set by the Scottish Government. He said that the recommendation at 1.1.2 adequately covers the scope of the report. He advised that recommendation 1.1.3 confuses the matter, and starts to define a piece of work that should already be taking place on a Shetland wide approach.

In response to a request for further clarity, the Chief Executive explained that the recommendation at 1.1.2 would be adequate to enable the Spaces for People funding to be allocated and spent, and should it be necessary to engage with key parties in the Active Travel Group that would still happen, as set out in section 4 of the report.

Following summing up, voting took place by roll call vote, and the result was as follows:

<u>Motion</u>	<u>Amendment</u>
Mr Bell	Mr Anderson
Mr Coutts	Mr Campbell
Mr Fraser	Mr Cooper
Mr Leask	Mr Duncan
Mrs Macdonald	Mr Flaws
Mr McGregor	Ms Hawick
Mr Thomson	Mrs Hughson
	Mrs Lyall
	Ms Manson
	Mr Priest
	Mr Sandison
	Mr Scott
	Mr C Smith
	Mr G Smith
	Mr T Smith

The result was Motion 7, Amendment 15, and accordingly the amendment to approve recommendations 1.1.1 and 1.1.2, and to delete recommendation 1.1.3, was adopted.

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The Council RESOLVED to:

- NOTE the application by ZetTrans to Sustrans Spaces for People Fund for 100% funding for the development of trial active travel interventions in Shetland, and
- APPROVE application of staff resources to the design and implementation of temporary interventions including, but not limited to, roadspace reallocation and traffic restrictions to support the continuation of active travel habits developed under the Coronavirus lockdown, as set out in Section 4.

56/20 **Temporary Speed Limits – A970 South Road to Gulberwick**

The Chair of Environment and Transport Committee advised from his consideration of the report, that Members required further information and evidence in terms of the introduction of such a scheme, and to also ensure any similar proposals would be taken forward equitably across Shetland. Mr Thomson moved that the Council defer the report. Mr Coutts seconded.

In response to questions, Mr Thomson explained further his motion to defer the report, advising that as Chair of Environment and Transport Committee he had no prior knowledge that the report would be on today's agenda. He said that the report provides very little data or evidence, and also on such an important issue, the Council are asked to note the report, rather than to make a decision.

During the discussion, some Members advised on their support for the deferral, stating that further consultation was needed and that the project had to be evidence based. Reference was also made to the Shetland wide context, and that Members were being asked to note a decision which officers have made on principle, whereas Members need to see the evidence to consider and for Members to make the decision.

Other Members advised on their concern regarding the motion, particularly as the report was only for noting by the Council. It was also suggested that the temporary speed limit being introduced would not affect any other calming measures on any other routes across Shetland.

Disappointment was expressed that the report would not be discussed today, where it was advised that the residents of Sound Brae and Gulberwick had been advocating for a reduction in the speed limit for a number of years, and there was now the opportunity to proceed. While the proposal to defer the report was taken on board in order to allow Members to vote, frustration was also expressed on the delay to introduce the traffic calming measures for the residents, and a Member commented on his deliberation to bring in an amendment for the traffic calming to be a permanent solution, rather than a temporary measure.

In response to a question, the Convener advised on this understanding that in terms of Section 6.4 of the report, there would be no implications to the Council in deferring the report, as proposed. Referring to Section 6.10, the Policy and Delegated Authority, the Chief Executive advised that the authority sits with the Director of Infrastructure Services to make Temporary Traffic Regulation Orders, and she also advised on the new Coronavirus guidance issued by the Scottish Government on the use of Temporary Traffic Regulation Orders to support the safety of people. She went on to advise that should Members wish an updated report, she would work with



officers to bring forward an amended report to the next meeting of the Council on 10 August.

The Traffic and Road Safety Engineer advised that the reason the report was being presented to Council for noting rather than for a decision was due to the delegated authority that already existed. There was also a need for the speed limit to be implemented quite quickly if it was to have the desired effect. He advised the lockdown restrictions meant that it had not been possible to collect data to analyse, as would normally be undertaken for permanent speed limit proposals, and in that regard he also advised that it would not be possible to collect data for reporting to Council on 10 August. Concern was however expressed on any further delay in reporting, where a plea was made for a report to Council timeously. The Chief Executive advised that a report could be brought to Council and Environment and Transport Committee during the September cycle.

Reference was made to the delegated authority in place to implement the traffic calming measures as proposed, where it would be assumed had followed the requisite information and statistics to arrive at that decision. The Chief Executive explained that studies had been carried out on the speed limit in the area prior to lockdown. However during lockdown patterns of travel changed and the level of active travel increased so the level of traffic before lockdown would not be relevant. She advised that the Scottish Government have encouraged Local Authorities to use Temporary Traffic Regulation Orders to support active travel and make the environment more conducive to active travel. The proposals presented would be a temporary measure, and a further report as requested would give Members the opportunity to make a decision on the introduction of the speed limits to support active travel.

A further comment was made that Members are often presented reports for noting, and it was questioned therefore why an issue was being made on this particular matter.

During further discussion it was acknowledged that delegated authority could have been used for the speed limit to be implemented, but rather it had been out of courtesy that the proposals had been presented to Council. In that regard, it was important to note that Officers had acted in the delegated authority granted, which was confirmed in Sections 6.4 and 6.10 of the report, and therefore there was no criticism on officers on the actions taken.

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**Decision:**

The Council deferred the report, and sought an updated report to Environment and Transport Committee and Council during the September cycle.

57/20

**Adoption of Memorandum of Understanding with Scottish Water**

The Council considered a report by the Traffic & Road Safety Engineer (RD-04-20-F) that sought approval for the adoption of a Memorandum of Understanding ("MOU") with Scottish Water generally in the form noted in Appendix 2 of the report.

After hearing the Traffic & Road Safety Engineer summarise the main terms of the report, Mr Thomson moved, and Mr Coutts seconded, that the Council approve the recommendations contained therein.

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**Decision:**

The Council RESOLVED to:

- APPROVE the adoption of a Memorandum of Understanding (“MOU”) with Scottish Water generally in the form noted in Appendix 2 of this report; and
- DELEGATE authority to the Executive Director of Infrastructure Services or his nominee to enter into the MOU on the Council’s behalf and to agree and enter into individual agreements for the joint maintenance of surface water drainage systems in new developments as appropriate.

*(Mrs Macdonald left the meeting).*

58/20

**College Merger – Local Stakeholder Consultation**

The Council considered a report by the Director of Corporate Services (CRP-18-20-F) that presented the Council’s formal response to the College Merger local consultation process, attached in draft form at Appendix 1.

In introducing the report, the Director of Corporate Services advised that following approval of the Ministerial Merger Business Case (MMBC) in May 2020 the process moved to consultation, where the merging Colleges were to consult widely in the local context, including the Local Authority. She advised that the format of the consultation response from the Council, drafted at Appendix 1, follows the main questions used throughout the consultation process. A summary report from the online survey undertaken was presented at Appendix 2 and a summary from the stakeholder consultation meetings was at Appendix 3. Appendix 4 included summaries from meetings of the Employees Joint Consultative Committee (EJCC) and College Lecturer’s Joint Consultative Committee (CLJCC) held last week. In that regard, she advised that the Council’s draft response had taken into account the points made at the EJCC and CLJCC.

The Director of Corporate Services referred Members to the Decision Required at Section 1.1(c) of the report, where it advised that following reporting to the Council’s College Board and the Shetland Fisheries Training Centre Trust, the final local consultation response will be submitted by the Shadow Board to the Scottish Funding Council. She then advised Members on the decision made at a recent meeting of the Shadow Board, that the role of the Shadow Board would now be taken on by the Transition Board for the new College entity. The Director of Corporate Services also advised that the name of the new entity was still to be agreed by Scottish Ministers at the end of the process.

The Director of Corporate Services advised that Dr Jane Lewis, the Principal, Shetland College, and other colleagues, were available to answer any questions from Members.

The Principal, Shetland College, advised on the opportunity to make changes to the consultation response prior to consideration by the Transition Board, and then for final approval by Scottish Ministers.

There were no questions.

During debate, Mr G Smith referred from his attendance at the EJCC and CLJCC last week, and said that the representation as presented in the draft consultation reflects the discussions from the meetings. In that regard, he said that he particularly welcomed the revision to the wording at the Section ‘What do you think are the benefits of merger’, to highlight the educational benefits that will accrue from the merger on teaching, learning and research in Shetland.

In referring to the decision still to be taken on the name of the new entity, it was advised that the Shadow Board last week had agreed for further consultation to take place with staff and students. Three options for the name had been given, which included “Shetland Institute”, and responses had been sought in early course.

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**Decision:**

The Council

- CONSIDERED the content of this report and its appendices; and
- ADVISED the Director of Corporate Services of any changes required to be made to the Council’s formal response to the College Merger local consultation process, which is attached in draft form at Appendix 1.
- NOTED that the Council’s final form response will be reported to the Council’s College Board members and Shetland Fisheries Training Centre Trust (SFTCT) as required by the national college merger process before being included in the final local consultation response that will be submitted by the Transition Board to the Scottish Funding Council (SFC).

The meeting concluded at 12.15pm.

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Chair