

Association of Shetland Community Councils (ASCC)

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Paper 3

**Minute of the ASCC meeting held on
Wednesday 6th November 2024, 6.00 pm,
Town Hall Chamber, Lerwick and online using Microsoft Teams**

Present

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| Ian Walterson | Association of Shetland Community Councils (Chair) |
| Jonathan Duncan | Lerwick Community Council |
| Alastair Cooper | Delting Community Council |
| Lawson Bisset | Scalloway Community Council |
| David Brown | Northmaven Community Council |
| Lindsay Tulloch | Bressay Community Council |
| Pat Christie | Gulberwick, Quarff & Cunningsburgh Community Council |
| Ewen McPherson | Gulberwick, Quarff & Cunningsburgh Community Council |
| Willie Simpson | Nesting and Lunnasting Community Council |
| Finlay MacBeath | Sandness and Walls Community Council |
| John Priest | Sandsting & Aithsting Community Council |
| Bryan Peterson | Sandwick Community Council |
| Paul James | Skerries Community Council |
| Andrew Archer | Tingwall, Whiteness & Weisdale Community Council |
| Claire Priest | Unst Community Council |
| Mark Burgess | Scalloway Community Council |
| Laurence Odie | Yell Community Council |
| Niall O'Rourke | Burra & Trondra Community Council |

Officers in Attendance

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| Paul Fraser | Executive Manager, Finance, SIC |
| Siobhan Johnson | Senior Revenues Officer, Finance, SIC |
| Donald Hay | Principal Revenues and Benefits Officer, Finance, SIC |
| Jan Riise | Executive Manager – Governance & Law, SIC |
| Vaila Simpson | Executive Manager – Community Planning & Development, SIC |
| Michael Duncan | Community Council Liaison Officer – Community Planning & Development, SIC |
| Lynsey Hall (note taker) | Community Involvement & Development Officer - Community Planning & Development, SIC |

1. Introductions

Ian Walterson opened the meeting and welcomed everyone to the meeting.

2. Apologies

Apologies were received from: Dunrossness Community Council, Fetlar Community Council, and Shane MacLeod (ASCC Vice-Chair).

3. Declarations of Interest

Bryan Peterson – declared an interest re item 4. Consultation with Community Councils on mothballing schools because he is a Member of that Council Committee.

4. Consultation for mothballing schools

Bryan Peterson left meeting.

This item had been submitted by Sandsting & Aithsting Community Council as a school in their area had recently been mothballed. John Priest, representing Sandsting & Aithsting Community Council, would like to discuss some of the concerns around this.

John Priest shared the experience of Skeld Primary School and spoke about a timeline of events that preceded mothballing. Following the decision by Shetland Islands Council, the Sandsting & Aithsting Community Council brought forward concerns to the Council's Children's Services Department. The response from Children's Services Department was that in relation to the school their definition of 'community' was the 'school community' and therefore the wider community was not recognised as a consultee in the process, which the Community Council were unhappy with. Mr Priest highlighted that school closures affect the whole area and how damaging this can be in a community. Sandsting & Aithsting Community Council felt that they were there to represent the wider community and felt that there is a need for Community Councils to be consulted when a 'trigger' point for mothballing is reached.

Ian Walterson highlighted that the trigger point Mr Priest referred to is when a school roll falls under 20% of its maximum capacity, which puts some smaller rural primary schools across Shetland at risk of dipping below this.

There were no representatives from Council's Children's Services Department present at meeting but Jan Riise, SIC Executive Manager – Governance & Law, offered to quickly mention what the purpose of the mothballing policy is. For the Education Authority there is a statutory process for schools that the Council has to consider if a school is becoming less viable and is potentially getting to a point where it is not providing the best educational experience for young people. There is a distinction between school closure and mothballing. Mothballing is a temporary process which might put a school out of commission for a period of time when you have a school roll dipping below a certain level. There is a lot of consultation in and around mothballing focused on the educational needs of the children. With population fluctuation there is every possibility that a school will close for a period and then come back in again.

In and around the constitution of the Council when the Council has made a decision, that decision is sacrosanct. At the time when a second report came before the Council on mothballing, looking at the process of 'unmothballing' schools, there was a motion in the Council Chamber specifically about not mothballing schools unless the Community Councils had been consulted. A vote was taken and the motion lost. Thus, the request from Sandsting & Aithsting Community Council cannot be constitutionally considered by the Council at this time. Mr Riise did confirm that motions are permissible following a Council decision after a period of 6 months has passed.

John Priest responded to say that there was evidence throughout Scotland that the majority of schools that are mothballed never reopen again and he asked if the term 'mothballing' was being used under false pretences. Mr Priest added it feels that Community Councils are being undermined.

Paul James of Skerries Community Council commented that that there could be potential community use for school buildings that have been mothballed.

Lawson Bisset referred to the details section of the paper submitted and suggested a proposal could be to write to the Council to ask them whether they would consider contacting the relevant Community Council in advance of the mothballing process.

Ian Walterson highlighted that Islands With Small Populations are treated slightly differently in terms of mothballing schools and that the 20% figure does not apply – mothballing only takes place when there are no school age children left on the isle.

Members spoke of the time it takes to mothball and unmothball a school and for communities to make alternative arrangements and how difficult it is to retain residents and repopulate communities should a school be mothballed. David Brown asked about the footprint for schools and the different thresholds for when mothballing would occur and stated that it would be interesting to see the Council’s calculations and if they were still in date.

Alastair Cooper said that school age population ‘comes in waves’ with peaks and troughs in numbers of school children and wondered if it would be possible to take into account the reason the Council did not accede to the Community Council’s request and build a case to propose this motion again in the Chamber.

In response to some of the concerns raised, Jan Riise noted that mothballing is not an attempt to close a school by the ‘back door’. Mr Riise also suggested that care should be taken in terms of what is proposed, as there is a duty on Community Councils to represent all the people in the Community Council area by being informed, and not see this as a mechanism to veto any decisions made through formal consultation.

Ian Walterson noted that the ASCC has a proposal from Sandsting & Aithsting, seconded by Scalloway, that Community Council’s should be consulted during any proposal to mothball a school anywhere in Shetland. John Priest asked that “at the earliest point” is added to that.

Mark Burgess noted that the written paper says contacted and asked if a distinction could be made between contacted and consulted before the decision goes through. Ian Walterson explained that the paper is for information and the proposal can be worded appropriately. Mr Burgess confirmed that we can take note that it’s consulted rather than contacted as has been said.

Action:

The ASCC agreed to put forward a request from the ASCC to the Council that:

“Community Councils should be consulted at the earliest point during any proposal to mothball a school anywhere in Shetland”.

Proposal: Sandsting & Aithsting Community Council
Seconded: Scalloway Community Council

5. Council Tax Consultation

Bryan Peterson re-joined meeting.

Donald Hay, Siobhan Johnson, Paul Fraser – Finance Department, SIC were in attendance to present this item. Paul Fraser, SIC Executive Manager – Finance, provided some background. In 2023 there was a new scheme introducing Council tax figures for empty homes (which were tiered but started at 125%) and second homes, which was set at a 200% rate.

There is some speculation that there will be further legislation to allow Local Authorities to increase this still further. Mr Fraser acknowledged that with these new rates there may be some unintended consequences. Therefore, the Council's Finance team would like to undertake a consultation exercise to look at key areas and are asking for Community Council views on how best to approach communities. Mr Fraser suggested that it would also be an option for Community Councils to gather local views and submit a collated response to the Council.

Lindsay Tulloch voiced a concern that the Community Councils may have more questions from the public than the Community Council are able to answer and would need to be fully prepared if expected to collate responses. Mr Fraser said that the Council's Finance team would be happy to provide direct support to Community Councils who have to field more complex questions.

Ewan McPherson wanted to highlight the scheme in relation to de-crofting timescales stating it may take around 3 years to go through a de-crofting process. Mr McPherson also wanted to highlight second homes that are used specifically to run a croft. Mr McPherson suggested that crofting needs to be made exempt from this policy or at the very least it would need to take account of crofting legislation. This was echoed by Mark Burgess as it wasn't written into the consultation document about what penalties may be incurred by croft house owners.

Senior Revenues Officer, Siobhan Johnson, responded to say that if a property is left unoccupied and unfurnished there is an exemption that can be applied in certain cases. However, some croft houses are only being occupied for running the croft and are seen as second homes under the legislation where the tax applies. Siobhan Johnson reiterated that the Council has to work within the confines of the legislation and cannot provide exemptions.

Jan Riise suggested the best way to carry out the consultation may be a 'blended' option. Providing a questionnaire form online with a free text box for comments, but also giving residents the option to communicate directly with their local Community Council. Paul Fraser said he understood that the timescales were tight but added that there was a degree of flexibility. Mr Fraser stated that he liked the suggestion of a 'blended' consultation approach as it may help to bring more complicated issues to the foreground.

Revenues Officer, Donald Hay, noted that part of the new policy was designed to enable the additional income generated to fund an 'Empty Homes Officer' who could signpost local residents to potential sources of funding and advice.

The Finance Team agreed to reword questionnaire and send back out to community councils to use.

Donald Hay, Siobhan Johnson, Paul Fraser – Finance Department, SIC left meeting.

6. Note of the previous meeting held on 11 June 2024 for approval.

Proposed by Lindsay Tulloch
Seconded by Alastair Cooper

7. Matters arising from previous minute not on the agenda

No comments

8. Shetland Community Benefit Fund (SCBF)

This item was introduced by Scalloway Community Council, presented by Mark Burgess

The SCBF is entering its next funding phase, in which ‘Shetland Wide’ applications will be handled directly by its Advance Grant Scheme. As part of this, the funding allocations ring fenced for each Community Council area are being reduced from the original Community Council funding allocations of £50,000 and £10,000 to £32,575 and £6,515 respectively. It is felt that the reduction of almost £4,000 per annum is too much for the Community Council areas outside the footprint of the Viking Windfarm.

Mark Burgess asked if it would be possible to approach the SCBF to see if the ring-fenced Community Council allocations can be increased and explore the liaison role between the SCBF and Community Councils going forward.

Ian Walterson opened the item up to members for discussion. Andrew Archer said that whilst it would be good for the Community Council allocations to stay at the previous higher level, Mr Archer pointed out that this funding arrangement was in the original agreement that we signed. To go back to SCBF with this request would be asking SCBF to reconsider an already agreed decision.

There was further discussion around the appointment of directors from Community Councils and the relationship between Community Councils and SCBF.

It was noted that Paul James is a Director on the Shetland Community Benefit Fund (SCBF) board representing Skerries. He noted that he has not been aware of this matter but that he will raise it with the other Directors as a member of that group.

Action:

It was agreed that it would be worthwhile for the ASCC to contact the SCBF and ask whether it would be possible to increase Community Councils allocation.

9. Community Council Scheme Review –update

Michael Duncan provided a verbal update on the Community Council Scheme Review.

Phase 2 Consultation has been completed and analysed. Mr Duncan is due to report to a Special Council meeting to share the Phase 2 feedback and to put forward final draft scheme to take out for consultation. The Special Council meeting shall take place on 19th November and following the meeting a briefing will be shared with Community Councils before Phase 3 consultation exercise goes live to the public.

Mr Duncan stated that the next consultation phase is expected to open at end of November 2024 and run through until the end of January 2025 – exact dates to be confirmed in due course. The Phase 3 consultation will include a proposed new funding mechanism and Mr Duncan pointed out that it is important Community Councils provide feedback on this and the final draft scheme proposals.

Mr Duncan then outlined the next steps of the Scheme Review. Following Phase 3 consultation, all responses will be collated and analysed, and a further report taken to the Council in March 2025 recommending a new scheme. The new Scheme is scheduled to come into force from April 2025.

Alastair Cooper asked about Community Council budgets and the timing of decision making. Shetland Islands Council budget setting is due to be decided in February 2025, so if the final Community Council scheme goes up to Council for approval in March 2025, will Community Council budgets be any more or less than the current financial year?

Mr Duncan replied that for the purposes of the Scheme Review consultation and proposed new funding mechanism, budgets and proposed Community Council allocations are based on the current level of funding. Mr Duncan pointed out that the current Community Council core funding formula dates back to the 1990s and is no longer relevant, therefore the Council needs to review it and introduce a new formula.

Ian Walterson added there was a meeting of Community Council Chairs earlier in the year with discussion around the topic of a new funding formula and to explore how budgets could be fairly allocated. Community Councils had stated they want to see an increase in funding as budget have not changed for 11 years but it was also recognised that Shetland Islands Council has significant budget constraints.

10. Items for future meetings

Local Place Plan Potential Project Worker

Bryan Peterson has spoken to SCBF to ask about the possibility of seeking funding to pay a Project Worker resource that would be available to all Community Councils to help with developing Local Place Plans. SCBF would be happy to consider this and may look favourably on this. Bryan Peterson is to prepare more information for the next ASCC meeting to see if this would be something that would work for everyone.

Dr Jim Wilson

Niall O'Rourke suggested inviting Dr Jim Wilson to a future ASCC meeting. Dr Wilson studies rare gene variants, and is interested in speaking to the Shetland population, as pockets of rare genes have been identified. Dr Wilson would like to screen the entire Shetland population and is looking for finance and support. ASCC members were happy to invite Dr Wilson to the next meeting.

Open Project

Lindsay Tulloch suggested inviting the Open Project; this is a group of young folk 16-25 who act as peer educators, working with young people around alcohol and drug use in our communities to a future ASCC meeting. Mr Tulloch had attended an event where representatives of OPEN Project had presented at and said it had been very informative. OPEN Project had been speaking about stigma, barriers and suggested solutions for communities.

Outdoor Access Co-ordinator

Michael Duncan advised that Liam Drosso, SIC Outdoor Access Co-ordinator, has requested to attend the next ASCC meeting in order to speak to Community Councils about the Council's Core Path Plan Review.

11. Date of next meetings:

Michael Duncan confirmed the ASCC meeting dates for 2025.

11 March 2025

10 June 2025

9 September 2025

Meeting closed at 8.00pm