

Association of Shetland Community Councils (ASCC)

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Paper 1

Minute of the ASCC meeting held on Tuesday 09 March 2021, 6.00 pm, online Teams

Present

Alistair Christie-Henry	Bressay Community Council
Niall O'Rourke	Burra & Trondra Community Council
Sherri Malcolmson	Dunrossness Community Council
Colin Clark	Gulberwick, Quarff and Cunningsburgh Community Council
Jim Anderson	Lerwick Community Council (Chair)
David Brown	Northmavine Community Council
Ian Walterson	Sandness and Walls Community Council (Vice Chair)
Iris Sandison	Sandness and Walls Community Council
James Garrick	Sandsting and Aithsting
Debra Nicolson	Sandsting and Aithsting
Kieran Malcolmson	Sandwick Community Council
John Hunter	Scalloway Community Council
Mark Burgess	Scalloway Community Council
Andrew Archer	Tingwall, Whiteness and Weisdale Community Council
Patrick Fordyce	Unst Community Council
William Polson	Whalsay Community Council
Laurence Odie	Yell Community Council
Annette Jamieson	Yell Community Council

Elected Members

Officers in Attendance

Michael Duncan	Community Council Liaison Officer – Community Planning and Development, SIC
Vaila Simpson	Executive Manager – Community Planning and Development, SIC
Pat Christie	CIDO - Community Planning and Development, SIC (Minutes)
Jan Riise	Executive Manager, Governance and Law
Anne Cogle	Team Leader – Administration – Governance and Law
Neil Grant	Director, Development Services, SIC
Keven Serginson	Access Officer, Planning
Michael Craigie	Executive Manager, Transport Planning

Officers Observing

Frances Browne	CIDO - Community Planning and Development, SIC
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Local Press

Andrew Hirst	Reporter, Shetland Times
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1. Introductions

Chair, Mr Jim Anderson welcomed everyone to the meeting. It was agreed that the meeting would be recorded for minute purposes.

2. Apologies

Apologies were received from: Fetlar Community Council, Skerries Community Council, Delting Community Council and Brenda Leask, Team Leader, Youth Services

3. Declarations of Interest

None

4. Mid Term Review: Chair and Vice Chair

Mr Anderson stood down as Chair and handed over to Mr Michael Duncan.

Appointment of Chair: Mr Duncan asked for nominations for the position of ASCC chair. Mr Alistair Christie-Henry proposed Mr Jim Anderson, this was seconded by Mr Colin Clark. No further nominations were received. Mr Anderson accepted position of Chair. The position of Chair will be reviewed in two years.

Mr Anderson took over the Chair.

Appointment of Vice Chair: Mr Anderson asked for nominations for position of ASCC Vice Chair. Mr Andrew Archer proposed Mr Ian Walterson, this was seconded by Mr Kieran Malcolmson. No further nominations were received. Mr Walterson accepted position of Vice Chair.

5. Note of the previous meeting held on 8 September 2020

Proposed by Mr Christie-Henry Seconded by Mr Archer

6. Matters arising from previous minute not on the agenda

None.

[6.09 pm – Mr Mark Burgess and Mr Laurence Odie joined the meeting]

Mr Duncan gave an update on Actions from 8 September 2020 Minute:

Action 1 - Ms Barton to update ASCC on Active Travel Plan. Mr Duncan said that there has been Active Travel updates since the last meeting.

Mr Clark mentioned that Gulberwick, Quarff & Cunningsburgh Community Council had submitted ideas for active travel in their area about two years ago but, apart from the production of a glossy leaflet, nothing had happened. Mr Duncan replied that the Active Travel Strategy has only recently been approved. It came about after an initial visit to Shetland by Sustrans when community councils, along with the Roads Department, submitted a list of projects. As no Active Travel strategy existed in Shetland, Sustrans recommended developing a strategy first. A working group formed that progressed the strategy to completion and approval. That group are now looking to prioritise projects to take forward and will be in contact with community councils to check details and inform them what projects will be presented for bids. Robina Barton will be leading on this.

Mr Michael Craigie said that ZetTrans and the Environment & Transport Committee had approved the strategy in March 2021. A number of Settlement Audits will be carried out to assist with the implementation of the strategy. The first of these will be in Gulberwick, Sandwick, Voe and Brae. The audits will capture evidence and information needed to pursue funding for those projects. Active Travel is high on the governments funding priorities and Shetland needs to be able to take full advantage of this.

Mr Anderson asked about timescale. Mr Craigie replied that funding is being sought from Sustrans to carry out those audits within this financial year. Once secured then the audits can start in April/May time. Mr Niall O'Rourke asked how a community applies for a Settlement Audit. Mr Craigie replied that the working group will go out to community councils. There are key areas that immediately draw attention due to their size for example Gulberwick and Sandwick. Gulberwick is also linked into a speed limit trial between there and Lerwick as part of an Active Travel pilot project. The aim is then to get on with this as quickly as possible while identifying other priority projects.

Mr Anderson asked about time limits on spending the funding. Mr Craigie replied that they hoped to get funding year on year. There has been an increase in government spending on Active Travel from £80m to £100m per annum. Spend this year will be on Settlement Audits and setting out the projects. Next year will be to apply for funding to carry out the projects and again for further projects in the following year. Rural areas like Shetland are being encouraged to submit projects to help with infrastructure.

[6.22 pm – Mr James Garrick joined the meeting]

Action 2 - Mr Duncan to update progress on the proposed training course for the Community Council's Complaints Procedure. Mr Duncan is looking at this and will hopefully be able to update on soon.

Action 3 - Mr Duncan to email Community Council Clerks, once by-election dates are available. On tonight's agenda.

Action 4 - Mr Duncan to email Community Council Clerks, once the new Community Council application forms are ready. On tonight's agenda.

Action 5 – Mr Grant to update ASCC on Scottish Government Scheme. Mr Neil Grant will talk about the Employability Action Plan tonight.

Action 6 – Attach Community Broadband Options Briefing Note to this minute. Circulated.

Action 7 – Mrs Christie to collate the points made before tomorrow evening. Mr Duncan to send those onto Chris Bunyan prior to tomorrow's meeting. Action complete

Actions carried over to next meeting:

Action 1 - Mr Duncan to update progress on the proposed training course for the Community Council's Complaints Procedure.

7. Community Council constitution update

Ms Anne Cogle explained that this item is in response to a number of queries regarding meetings mainly being held online. If the changes proposed are agreed by the ASCC tonight then the constitution will go out to formal consultation. It will then come back to the council for approval, taking account of any comments or representations.

[6.22 pm – Mr John Hunter joined the meeting]

a) Remote meetings: This change would allow meetings to be held entirely remotely or as a hybrid meeting with some members present in person and others attending remotely. Community councils are currently allowed to do this under temporary emergency powers granted by the SIC. This change will formalise this in terms of the constitutions.

It has been requested that the same change be made to the ASCC standing orders. If this is agreed tonight then a paper formalising that change will be brought to the next ASCC meeting.

b) Local Election rules/membership: This change is to reduce the voting and membership age to sixteen. This is in keeping with the franchise of local government elections. Community councils in other areas have already reduced the age to sixteen and there has been a call for this to happen in Shetland.

It is also proposed to change 'additional co-opted' member to 'associate' member. This has caused quite a bit of confusion over the years. Community councils in other areas seem to prefer the name associate member, where people can test out whether they would want to be a full member or perhaps a short term member to assist with a fund raising project for example.

c) Control of finance: change 'auditing of accounts' to 'independently checked and certified'.

If the ASCC agree to these changes then the paper will be circulated to community councils. Once formally agreed it will be submitted to the SIC on 16 June. Also, if agreed then ASCC standing order change will be brought to the next ASCC meeting.

Mr Archer said that it has been useful during lockdown to have the ability to make decisions out with standard meetings. For example planning applications with only short notice. Could this be continued? Ms Cogle said this was allowed under emergency provision. What usually happens is that if community councils cannot meet within an organisations original timescale then they are told to extend their timescale to allow for meetings to happen. Mr Jan Riise said this is a very complex issue. During this unprecedented lockdown period then emergency provision has allowed for a suspension of public presence or participation in meetings that community councils hold. When things return to normal then public participation could be compromised by this. It is something that could be considered but a balance will need to be found in order that the public are made aware. Interest in this will be noted and as changes in the law happen then they will be applied in a way that is acceptable to individual community councils and the ASCC.

Mr Riise said it might be possible to capture a feeling for the document from the attendees at tonight's meeting as the vast majority of community councils are represented.

Mr Anderson went through each of the changes and asked if members were happy with the wording:

- a) Remote meetings: agreed with Mr Archer's comment regarding decision making noted
- b) Local Election rules/membership: agreed
- c) Control of finance: Mr Kieran Malcolmson asked who could verify accounts. Mr Anderson commented that auditing accounts was expensive. Ms Cogle clarified that it is just the word 'audited' that has been changed to 'independently checked and certified'. Checking the accounts still needs to be done by a qualified person. Mr Clark asked if there is a list of qualified persons. Mr Duncan said there is no list but ideally it could be an accountancy firm or an independent person with a financial background, who is not a friend or relative. Community councils can get in touch with Mr Duncan who would try to assist and possibly identify suitable people, or alternatively contact Voluntary Action Shetland who already check accounts for other groups. Mr Riise said that by removing the word 'audit' then it takes away the need for professionally audited accounts. This should help community councils, which have unincorporated status, push down the costs of accounting. Everyone present then agreed this section.

Mr Riise said that this was now an affirmative to the changes from a significant number of community councils. Ms Cogle explained that the ASCC have now approved the changes to the community council constitution. Approval from all community councils will now be sought with the advice that the ASCC have approved it. When this has happened it will go to the council for final endorsement.

8. Community Council by-election timetable

Ms Cogle apologised to community councils who have been running with vacancies for the delay in the by-election timetable. The later timetable does to allow for marketing and promotion. Notice will go out 13 August with candidature in place for 21 October to fill all vacancies.

Mr Duncan said it would be good to do some publicity during the lead in to the elections promoting the role of community councillors and highlighting the vacancies. This was successfully done in 2018 and 2019 main elections and by-elections. Mr Duncan is willing to work with anyone interested. Proposals could be put together for the June meeting ahead of the dates going live later in the summer.

Mr Anderson asked if the Community Council Constitution changes would be approved in time for the by-elections. Ms Cogle said that it was hoped that the document would be signed off before 13 August.

9. Walkers of crofting and farming land

Mr Kevin Serginson opened the discussion by giving an overview of what the SIC are doing to educate people about access to the countryside. The Shetland Outdoor Access Strategy 2019 has been widely circulated and raises awareness of sensitive sites, lambing etc. A range of signage is offered to land managers including leaving gates as we find them, lambing, nesting birds and dogs. The SIC inspect their routes to make sure the infrastructure is on them. In terms of education then Mr Serginson has worked with SIC Communications to produce videos that are shared on Facebook, Youtube and Twitter.

Examples are the popular access and lambing video with Amy Budge of Bigton Farm, and the RSPB about access and nesting birds. The recent Outdoor Access guidance leaflet was advertised in the local press and is available in key locations. In the spring of the year free signage is offered to crofters such as keep your dogs on leads and 14 crofters so far have been in touch. Mr Serginson will meet with crofters to look at land management issues and try to resolve those perhaps through signage or new routes. Contact the police if the issue is specifically about dogs and contact Mr Serginson regarding other land management issues.

Action 2 - Mr Serginson to send links to the videos he mentioned for Mr Duncan to circulate.

Mr Anderson said this item was raised by Sandsting & Aithsting Community Council and asked if they had anything further to ask Mr Serginson. Ms Debra Nicolson said that she was satisfied with what was being done, she had noticed posters in the area and thanked Mr Serginson for his work. Mr Garrick pointed out that this was an ongoing issue for someone who lives in a picturesque place and possibly more signs might help. He said that the community council would encourage this person to contact Mr Serginson. Mr Serginson said that he would work with anyone who gets in contact with him.

Mr Duncan said that Delting Community Council had raised an issue about dogs being let off the leash on beaches when other people, including vulnerable adults and children, were there and get frightened. He asked if there was anything that could be done about this. Mr Serginson said that in the new Outdoor Access leaflet which is in agreement with the National Access Forum there is a line that says you should not let your dog approach other people. If it is an issue with the same person continually letting their dog run wild then this is an issue for the dog wardens or police.

Mr David Brown said there has been reports of dogs worrying sheep at Fethaland, North Roe. Further reports were of dogs actually worrying people at Sandvoe Beach, North Roe and also at Eshaness. Dogs had also been reported off leash at Ronas Hill. Mr Brown asked if there could possibly be a law passed that prevented dogs being off leash. Mr Serginson said there is a Bill going through parliament that will strengthen legislation about dogs. The law says dogs are to be kept under “close control” but it would be good to have a clearer definition of what this means, for instance “on a lead”. Mr Serginson said it doesn’t look as though the Bill will go through with that term. There will be an increase in fines for sheep worrying. There will also be a broader definition of what stock is to include llamas and other animals. The SIC put “Please keep your dog on a lead” on all their signage however, this cannot be enforced under law. People should take details and report problems to the police. Mr Riise added that the capacity for local authorities to set by-laws is limited and cannot be applied when it would be in conflict with national legislation. A way forward would be for influential bodies of opinion and pressure groups to seek to change government legislation and the way it is enforced. This means it has universal affect. The SIC could possibly pick up on this through the Islands Act where there was special recognition for Shetland’s circumstances. Mr Serginson wondered if by-laws only apply to public land. Mr Riise replied that to gain access to most private land you have to start in a public place and is probably not an avenue to pursue here. Mr Brown said that it would be good if the SIC could look at putting something forward through the Islands Act regarding dogs on leads. Mr Walterson pointed out that as government legislation was open to interpretation it is good to remind people through signage to keep dogs on leads. This is for the protection of their dogs as well as stock, especially cattle that can become quite aggressive when they have young calves. Mr Serginson added that there is a need to educate people that sheep worrying is not just about dogs attacking sheep it is about stressing sheep and this can happen when a dog is chasing a ball just as easily as an actual attack. Mr Anderson said that there was a group in Lerwick who are looking for a fenced area in Lerwick to walk dogs. Mr Anderson asked if something was to be done about this subject through the Islands Act would this be through formal representations to the SIC from individual community councils or through the ASCC. Mr Riise replied that this was something that the ASCC could formally write to the SIC about. The SIC would then look at ways to take this forward. Elected members would need to be informed to find out what level of engagement they have with the government. Currently the Scottish Government is in recess for their election in May this year and nothing will happen until June.

Action 3 - Mr Duncan to put dog control measures through Islands Act on next Agenda

[7.02] pm – Mr Kevin Serginson left the meeting]

10. Employability Action Plan

Mr Neil Grant said that early on in the Covid-19 lockdown then a group/taskforce was set up to look at Employability in Shetland. This was to address some of the issues lockdown had thrown up for individuals and families. The group/taskforce consists of representatives from the Department of Work & Pensions (DWP), Developing the Young Workforce (DYW), Skills Development Scotland (SDS), Highlands & Islands Enterprise (HIE), Shetland College and the SIC in terms of Children's Services and Development. The group/taskforce meets every two weeks.

In terms of people and business support there are many schemes funded through government. At the peak of lockdown 3,000 people in Shetland were estimated to be furloughed. By January 31st 2021 that was down to 1,000 persons and is down again now to just over 600. This is still a significant number, however things will return to normal as lockdown eases, although some sectors will struggle more than others. There are support schemes in place and others being developed to try and help that. Furlough numbers in Shetland are the lowest in the UK by quite a margin. This is reflected in the fact that most of Shetland's businesses have kept going. Being in tier 3 has really helped this.

People claiming Universal credit in Shetland has approximately doubled from about 300 before the pandemic to approximately 600 just now. Key Actions for the Employability Action Plan are firstly the Redundancy Support Partnership. This works proactively with companies and individuals where redundancy is being faced. Three companies have been assisted so far.

The next action is around the UK Government Kickstart Scheme to get young people on the ladder of paid employment. This scheme contributes 25 hours per week at minimum wage for 26 weeks. Shetland has secured 36 placements which are well on the way to being filled. There is good business support around this.

Another Scottish Government scheme aimed at young people is the Young Person's Guarantee. It also provides a wage up to 25 hours per week over 26 weeks and is accessible in Shetland.

There are a number of apprenticeship schemes and both Train Shetland and Shetland College report a healthy uptake in these offers. There is already a reasonably high level of funding from Skills Development Scotland for apprenticeship places this year. Apprenticeships are a good route into work and the opportunities are there.

It is hoped to provide increased local training capacity at Train Shetland, the NAFC and the Shetland College. The Scottish Government Developing the Young Workforce (DYW) scheme is aimed at influencing the career paths of young people in school. During lockdown the government recruited further business advisers who have been working remotely with schools. For example, prior to lockdown schools had developed at least one good relationship with a business around how young people should present for interview.

Career events is also on the Action Plan. These are very important to young people.

For employability information then the SIC Covid-19 Job Support links to most of the items Mr Grant has mentioned tonight. Links can be found on the paper that goes along with this Agenda item.

Action 4 - Mr Duncan to send out SIC Covid-19 Job Support link to be shared by community councils.

Mr Clark commented that this was a great piece of work and that it was good to target young people. Mr Grant said he would pass this on to the group.

Mr Malcolmson asked if Citizens Advice were part of the group and if they could assist get the message out. Mr Grant said that the group are at the point of looking at membership and Terms of Reference. Third Sector groups will be considered in this. Mr Riise agreed that Citizens Advice could have a useful role in signposting people to the links Mr Grant was speaking about. Mr Malcolmson said that Sandwich Community Council were increasingly using Citizens Advice along with Social Media to get messages across.

11. Long term plans – SIC Roads Service

Mr Anderson said that there is an extensive list of road improvements. Mr Archer of Tingwall, Whiteness and Weisdale Community Council had asked for this to be on the Agenda as road improvements are discussed at every meeting. Feedback from councillors indicates that this happens at most community councils. A lot of time is spent discussing road issues and speaking to the Roads Department about this. While replies are always helpful they say there is no money to do what is asked for. Mr Archer wondered if the ASCC might ask Dave Coupe of the Roads Department to do a presentation about the future of the Roads budget and what might be funded and why or should individual community councils just ask him themselves. Mr Anderson said that the ASCC would invite a representative from the Roads Department to speak. Mr Archer said that an overview of spending would give a better understanding of how things work. Mr Riise said that getting projects onto the Capital Programme involves option appraisals and the development of business cases for major capital investment. There is a move to reintroduce rolling programmes of works. It might be useful for Mr Duncan to ask the Roads Department to speak on the specific questions Mr Archer has posed, and in the context of that, what rolling programmes might be coming forward and how that might be prioritised in terms of spend. Mrs Annette Jamieson felt that the list had everything apart from capital, as the Cullivoe Road does not appear. Mr Archer said it was not his intention to discuss the list tonight. Mr Duncan said that he had spoken to the Roads Department and they are happy to come to a meeting. The list was to help formulate questions for the June meeting. Mr Malcolmson agreed this was something Sandwich Community Council would be keen to hear about for the same reasons as Mr Archer. Mr Malcolmson suggested that each community council could come up with a couple of questions and send those to Michael prior to the June meeting.

Action 5 – Mr Duncan to send out a communication asking community councils to send 2 or 3 main questions in for a Presentation by the Roads Department.

Mr Patrick Fordyce explained that an application for planning permission for the Unst Spaceport is now in its final stages. A decision may take several months but if permission is granted then there will be a profound effect on the isles roads. Concerns raised in the community have already been put to the Roads Department. A question Unst Community Council would like to raise at the meeting in June is whether the Roads Department would be able to address any of the issues identified and find solutions quickly. It would be good to have some discussion around this. Mr Anderson asked Mr Riise how developer contributions might relate to the Unst situation. Mr Riise said the level of developer contributions would be an aspect and secured through the planning consent process. Also, the willingness of the council to invest in capital for specific outcomes would be looked at separately in terms of option appraisal. This is a different situation to a funded rolling programme where smaller projects can be prioritised. That is the type of conversation the ASCC want to have with Dave Coupe and his officers. The list the ASCC has been given is a demonstration that the Roads Department will listen to what you have to say but they do not have the funding to deal with it. What you need to know from the June meeting is how they will fund this going forward and how money can be levered into smaller local projects that have been on the books for some time The Unst situation is a more specific demand than the more general issues community councils have to deal with.

Mr Riise said that the Cullivoe Road is progressing through the normal options appraisal route and would not be affected by any discussion at the June meeting.

12. Community Council template grant application form

Mr Duncan apologised for the lateness of getting this document out. A standardised grant application form that was up to date on data protection was requested at the last clerks training session. If the ASCC approve the template then it could be operational for the new financial year. There is a guide note and flow chart to go along side. Clerks would send out the form and when completed it would be returned to them. The clerks then check the form to see if it has been completed correctly. Sections 1 to 4 are then passed to the community council with details of the applicant and project. The sensitive data on pages 5 and 6 would be held by the clerk. Once a decision is made the clerk would notify the applicant.

Mr Clark asked for some clarity around the documents that are to accompany the application form. Mr Duncan said that documents such as constitutions, PVGs, Policies & Procedures that do not change from year to year only need to be submitted with an initial application. Quotes, updates on finances and any other relevant documents that change year on year, or have been changed, would need to be submitted.

Mr Archer asked about timescale for this? Mr Duncan said that feedback by the end of the month would be good and if agreed then the form could be distributed to community councils for the beginning of April.

Mr Anderson asked if it would be mandatory to use the form. Mr Duncan said it would be recommended as community councils would be compliant with Data Protection. Mr Anderson commented that GDPR regulations can be quite onerous and wondered how familiar community councils are with this. Ms Cogle said that the Privacy Statement contained in the document covers the regulations on handling personal information. Ms Cogle cautioned the use of other forms saying that as a minimum the Privacy Statement would need to be contained in any other documents used.

Action 6 – Mr Duncan to look at Data Protection training for clerks

Mr Archer said that the Shetland Community Benefit Fund (SCBF) are offering GDPR training to all chairs clerks of community councils as part of the grant process. Mr Anderson said that was useful to know and as well as the Privacy Statement there are rules on how long information is kept and how you destroy it. Mr Duncan said that there is a plan to offer training courses to community councils and GDPR will be among that.

Action 7 – Mr Duncan to ask Community Councils what their training needs are.

Action 8 – Mr Duncan to circulate template grant form for comment and return by end of March

13. Items for future meetings

Mr Anderson said Roads would be an item.

Mr Clark suggested Fuel Poverty in Shetland.

Mr Odie said he would like to see Fixed Links on the Agenda and updates on how this is progressing. Mr Anderson said that the ASCC had written to the Scottish Government about this and had not heard back. The letter had been circulated to community councils. Mr Craigie said that Cllr Thomson, Chair of the Environment & Transport committee and Chair of ZetTrans, intends to increase engagement with the government around the funding of fixed links. Fixed links will also be major component of the new Transport Strategy. A far higher profile will be starting soon in political and strategic terms.

Action 9 – Mr Duncan will send out a reminder for further Agenda items.

14. Any Other Business

Mr O'Rourke asked what stage the Shetland Community Benefit Fund (SCBF) is at and what its legal status is. Mr Duncan said that a number of community councils had been in touch about the Memorandum & Articles and the Data Sharing Agreement of the organisation. The documents were looked at by the SIC and feedback was sent to SCBF expressing the concerns raised. The SCBF have revised the documents taking on board the comments and this has been recirculated. The SIC is not in a position to provide any legal advice to the organisation. It would be up to individual community councils to liaise directly with SCBF if they have further queries.

15. Date of Next Meeting

Tuesday 8 June 2021, 6.00pm – virtual

Mr Anderson thanked everyone for attending and closed the meeting.

[The meeting closed at 7.50 pm]

Chairperson

Date