

Association of Shetland Community Councils (ASCC)

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Paper 1

Minute of the ASCC meeting held on Tuesday 8 June 2021, 6.00 pm, online Teams

Present

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| Alistair Christie-Henry | Bressay Community Council |
| Niall O'Rourke | Burra & Trondra Community Council |
| Colin Clark | Gulberwick, Quarff and Cunningsburgh Community Council |
| Gary Robinson | Lerwick Community Council |
| Jim Anderson | Lerwick Community Council (Chair) |
| Ian Walterson | Sandness and Walls Community Council (Vice Chair) |
| Iris Sandison | Sandness and Walls Community Council |
| John Priest | Sandsting and Aithsting |
| Yvonne Malcolmson | Sandwick Community Council |
| Mark Burgess | Scalloway Community Council |
| Violet McQuade (clerk) | Skerries Community Council |
| Andrew Archer | Tingwall, Whiteness and Weisdale Community Council |
| William Polson | Whalsay Community Council |
| Annette Jamieson | Yell Community Council |

Officers in Attendance

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| Michael Duncan | Community Council Liaison Officer – Community Planning & Development, SIC |
| Vaila Simpson | Executive Manager – Community Planning & Development, SIC |
| Neil Hutcheson | Team Leader – Roads Network & Assets – Roads Service, SIC |
| Anne Cogle | Team Leader – Administration – Governance & Law |
| Michael Craigie | Executive Manager, Transport Planning |

Officers Observing

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| Frances Browne | Community Involvement & Development Officer - Community Planning & Development, SIC |
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Local Press

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| Andrew Hirst | Reporter, Shetland Times |
| Hans Marter | Reporter, Shetland News |

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: Delting Community Council, Dunrossness Community Council, Fetlar Community Council, Nesting & Lunnasting Community Council, Northmavine Community Council, Unst Community Council, and John Hunter (Scalloway Community Council) and Laurence Odie (Yell Community Council), Pat Christie (Community Planning and Development, SIC)

3. Declarations of Interest

None

4. SIC – Roads Presentation

Mr Hutcheson delivered a Presentation on the Roads Service. It was agreed any questions be asked at the end of each section of the presentation.

How do the Roads budgets work?

It is linked to the Council's Strategic Plan and Medium Term Financial Plan. Mr Hutcheson described the range of budgets, capital and revenue. Revenue budgets had not been changed by the Medium Term Financial Plan, with some budgets applying to internal works delivered by SIC staff, with other budgets being used to employ contractors to carry out works.

Mr Hutcheson explained that the Medium Term Financial Plan is linked to the Council's Corporate Plan and aims to achieve a sustainable draw on reserves. The Council's capital expenditure is focused on no growth, and maintaining the assets it has. The exception to this is the new Anderson High School and Broadband roll out projects.

6.09pm - Mark Burgess joined meeting

The Council uses a gateway process and business cases to evaluate new projects. Mr Hutcheson noted that most Local Authorities follow this approach and use the "green book" criteria to assess projects. There is a 3 stage business case for large projects – outline business case, strategic business case and full business case. To take a project through to completion is a lengthy process whereas smaller projects only require a single stage business case and can be delivered much quicker.

Mr Hutcheson then described each budget line and explained their purpose.

There are currently around 100 schemes on the Roads Service waiting list. They vary in size and scale and have been ranked in order of priority. From the list, 11 schemes have been completed which is approximately one scheme per year.

The big schemes come under the Strategic Roads Programme and mainly apply to A class roads. The new Cullivoe road outline Business Case has been approved and 5 other roads are to be considered/approved. The West Burrafirth/Murraster Bend schemes are being done together.

Mr Archer asked how scoring process works re Council's goals. It seemed somewhat vague.

Mr Hutcheson advised that factors such as economic growth or health benefits. For example active travel will score points and improved safety is important too.

Mr Polson raised concerns about roads and pavements in Whalsay, particularly in relation to children walking to school. There are a number of blind corners, lack of verges. Mr Polson noted that no one from the Council has been to view or assess the situation and asked if the Council had any plans to visit.

Mr Hutcheson advised that the routes would have been checked as part of the safe routes to school surveys. It may need to be refreshed. Mr Hutcheson would check with colleagues if it has been looked at.

Action:

Mr Hutcheson to check the status of survey and share information with Whalsay Community Council.

Mr Clark noted the increased heavy vehicle movements in the north mainland and raised a query with regards to the Council's policy re damage to roads by contractors. Who is liable for repairs?

Mr Hutcheson advised that the Council comes to Section 96 agreement under the Roads Scotland Act prior to project starting. Contractor would be liable to "extraordinary damage" caused by above normal loading. Measures such as traffic counters monitor additional traffic volumes due to Viking. This is part of calculation and helps to monitor road condition. Scanner survey data also used.

Mr Priest asked for an update on the Garderhouse project. Mr Priest said it was good to see it come ahead as it has been delayed 3 or 4 times last few years.

Mr Hutcheson advised that the works were out to tender and hoping to commence works soon. No start date available at this time. Earth works have been tendered, with the completion works to be done in house and resurfaced and programmed to take place in October. A contractor will commence works on crash barriers after that. The project hinges on earth works commencing so will have to see about contractor availability.

Mr Priest stated it was disappointing to hear this timetable. The local community is seeking works to commence as soon as possible. Mr Hutcheson added that the contractor was working with Viking Energy.

Mr Priest stated there was public frustration to the number of delays encountered. It could be another year before works are carried out. Mr Hutcheson hopeful works will be completed by October.

Mrs Malcolmson asked at what point does SIC review increasing population in a community and the associated increase in traffic. Mr Hutcheson advised this would be covered later in the presentation.

Scanner survey query

Mr Hutcheson introduced the topic of road scanning and surveys. The Council uses a road surface scanner vehicle. The scanner vehicle drives at normal speed and can measure cracking, surface texture, rutting, and longitudinal profile - these are all important road condition indicators. The data gathered is reported annually to Scottish Government.

The data is plotted on to a map using a traffic light system. Green is good, amber indicates that the road needs looking at, whereas red is a road that needs repairs. This provides the Council with a helpful guide which is complimented with inspections and helps produce a maintenance programme up to 5 years in advance.

Westing Road and Hanigarth – Easting Road in Unst are both in poor condition and need repairs.

Mr Polson asked if there were any plans for the vehicle to go to the isles. Mr Hutcheson explained that the works are organised independently and linked to statutory performance indicators. Mr Hutcheson confirmed Whalsay had been visited and data is held for the isle.

Mr Polson asked if it was possible to see the data produced. Mr Hutcheson agreed this could be shared.

Action:

Mr Hutcheson to send survey data out to all Community Councils

At what point does the Council review infrastructure where there is an increase in properties/traffic? And is the road network keeping up with the developments it has to support?

Works and associated maintenance is monitored on a case by case assessments. In remote areas the Council does more checks in that location to minimise repeat travelling.

In some roads, the Council puts a cessation on development to assess matters or until improvements are made. Some roads that serve salmon farms and piers have more traffic so require more maintenance, but overall the roads are keeping up with developments. Existing budgets can cope with careful planning and management. Where no budget exists such as with the proposed new Cullivoe Road, then projects must go through the Strategic Planning route which takes time.

Mr Archer asked how did the Council assess the impacts that developments have on junctions i.e. Gate-a-Gott using A970 junction? Are roads tracked back for new houses? Mr Hutcheson advised that traffic counts are done on the approaches. Cameras may be used to monitor traffic and Mr Hutcheson confirmed the Roads service would take this into consideration as part of the consent process.

When do roads become adopted by the Council and what is the process?

Mr Hutcheon advised this is covered by the 1984 Roads Scotland Act 1984 and there are two options.

Roads used prior to 1984 must have been in use for at least 20 years prior to this, vehicle or pedestrian. It also required to be from public place to public place i.e. beach to facility. Adoption processed requires the majority of landowners in agreement to be progressed. The adoption process also needs to meet public authority standards – it is a fairly onerous process

After 1984, it requires to seek road construction consents. This allows the local roads authority to oversee works and is similar process to applying for a Building Warrant. A lot of information can be found on the Council's website, within the Road Service pages

How often to SIC review ditches/verges and what stages can actions be taken

This is a topic that is regularly reported by Community Councils. The Council has trialled different solutions to ditching and drainage with mixed feedback and is catered for within its revenue budgets. Improving verges or installing filter drains would be seen as capital expenditure, and potentially new works.

The Council recently approved its new Active Travel Strategy which should help to attract external funding from Sustrans to create the provision of more footpaths & cycle paths. These will typically be concentrated on population centres & settlements. Improvements proposed to take place in a number of areas including Aith and Brae.

Mr Hutcheson noted that 70% of road network are single track roads so ditches/verges is a significant issue for the Council and cannot be addressed everywhere.

Mr Archer advised that this was frequent topic, and could anything that can be done re verges that are narrower or ditches that are deeper? Mr Hutcheson advised ditches are not deeper, probably a perception after they have been cleared. The Council will do its best to repair damage to verges.

Mr Hutcheson advised that ditches are not deeper, may appear to be when cleared. Damage to verges, do best to repair them. Active Travel strategy could help in populated areas.

Mr Archer asked should communities just be told that little can be done, make do with what is in place as a message. Mr Hutcheson advised it would be difficult to address all requests without millions of pounds, and not all solutions are straightforward. There are drawbacks to filling in ditches. There may also be safety issues to address, or conflicting priorities between drivers and pedestrians.

Mr Polson noted that cycle paths in Denmark are less than 1m wide. In Shetland, cycle tracks and foot paths needs to be 3m. Mr Polson asked why the difference in width and why is lighting a requirement.

Mr Hutcheson advised that it is Sustrans who specifies the width of path (2.5m) to be eligible for their funding. Wider paths encourage more use but there is no legal requirement for lighting, footpaths can be constructed with no lighting.

Mrs Sandison asked if there is any plans for footpaths in Walls. There are no paths or verges in parts of the road between the shop, bakery, care centre and mussel farm.

Mr Hutcheson advised there were plans developed for this route and it is on the Active Travel list. The project is not progressing as yet, but this would be considered as being at an advance stage and highly ranked on the list. Mrs Sandison welcomed the improvements and noted at least one child is affected.

Mr Burgess noted that a number of years ago in the Tingwall valley the Roads Service had worked with Scalloway Community Council to put in place white plastic posts and plateau verges that had a step off for pedestrians using the highway for recreational use. Mr Burgess asked if this had been successful and would Roads Service favour this approach?

Mr Hutcheson advised the approach had been reasonably successful. There had been less damage to the verges now compared to before and pedestrians have better space when vehicles are approaching. The Roads service could look at this as an option/solution elsewhere.

Mr J Anderson thanked Mr Hutcheson for his attendance.

6.48pm Mr Hutcheson left the meeting.

5. Note of the previous meeting held on 9 March 2021

Proposed by Andrew Archer

Seconded by Niall O Rourke

6. Matters arising from previous minute not on the agenda

Mr Polson raised an action on page 2 with regards to Transport and information about tunnels that was sent to Scottish Government. It was agreed to address this later in the agenda.

Mr Duncan gave an update on Actions from 9 March 2021 Minute:

Action 1 – Mr Duncan to update progress on the proposed training course for the Community Council's Complaints Procedure – Community Council training planned in September & November 2021

Action 2 – Mr Serginson to send links to the videos he mentioned for Mr Duncan to circulate – information has been circulated

Action 3 – Mr Duncan to put dog control measures through Islands Act on next Agenda – held until next ASCC meeting as Council policy is under development. Training on the Islands Act and Island Communities Impact Assessments is being sourced to raise awareness of this new legislation and how it applies.

Action 4 – Mr Duncan to send out SIC Covid-19 Job Support link to be shared by community councils - information has been circulated

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 - information has been circulated

Action 6 – Mr Duncan to look at Data Protection training for clerks – Community Council training planned in September & November 2021

Action 7 - Mr Duncan to ask Community Councils what their training needs are – training needs questionnaire circulated

Action 8 - Mr Duncan to circulate template grant form for comment and return by end of March – new grant form in operation from 1 April 2021

Action 9 - Mr Duncan will send out a reminder for further Agenda items – information has been circulated

Mr Priest raised the situation with the new template Community Council grant form. Mr Priest advised that Sandsting & Aithsting Community Council felt the new template form was overly complicated. Mr Priest felt that the new template form had been rushed through and that Community Councils needed more time to be consulted.

Mr Duncan advised that the new template form was introduced to comply with the Council's Following the Public Pound requirements and to ensure that Community Councils were meeting GDPR requirements. Mr Duncan added there is a requirement to capture what outcomes are being achieved in a consistent format. Mr Duncan advised any groups struggling to complete the application form could contact Community Planning & Development staff for assistance.

Mr Priest commented that the form needed to be looked at again. Forms should be kept as simple as possible for small amounts of funding.

Mr J Anderson noted the concerns and believed that GDPR was the driver to developing the new grant form. Mr Priest stated that Community Councils should be using simple application forms as they tend to deal with small sums of money. Making the application form too difficult could put groups off from applying. Mr Priest asked if any other Community Councils had concerns about the form, but there were no comments.

Mr Priest asked if the new template form is to be used for Roads grant applications too. Mr Duncan confirmed that the new template form only applied to community groups applying for funding.

Mr J Anderson asked if the issues could be ironed out at a future meeting.

Action:

John Priest – pull together issues with new grant form for next meeting

7. Fixed Links

Mr Craigie provided an update on the Council's discussions with Scottish Government re fixed links and internal transport infrastructure.

Scottish Government has been carrying out a Strategic Transport Projects Review 2. This process started in 2019 and has been impacted on due to Covid-19. The Government has reach the Case for Change stage and Initial Options. Fixed Links and Ferries are not part of this programme. This mechanism is not available to Shetland, Orkney and the Western Isles.

In the summer of 2021, there is to be a sister plan called the Islands Connectivity Plan. This will be the next place for consideration of fixed links – however the remit is still to be decided. The plan will take place during 2021 and 2022. The Council is still trying to engage and provoke UK & Scottish Governments of transport needs that are not getting picked up.

A new group was established last week that comprises of various bodies and MPs. Mr Craigie has been asked to prepare a report that set out issues in fixed links, how Government needs to reconsider its approach on how considered & appraised within the UK. The group meet again in early August, with the paper be used to engage both Governments.

The paper will be designed to challenge existing conventions, risks, methods and timescales as well as the associated costs. Government support takes too long to be appraised. Appraisals take 30 years to 60 years and do not support a good thorough approach to tunnels. A lot of things the Council is shaping up into a paper to try and engage the Governments & Transport Authority understanding into a new way of thinking.

Mr Craigie advised that there has not been much progress with the Strategic Transport Project Review 2. The Council is working in other ways to challenge the methodology, approach to standards agreed, approach to appraisals, complexity and cost of projects and how the Government procurement strategies are all barriers to progress. Tunnels can be built anywhere in Scotland, but the process is where the blockages lie – the Council are trying to break down bureaucratic barriers.

Mr Polson queries figures in a SITs document that indicated that tunnels were more expensive to operate than ferries. Mr Polson commented that figures being passed to Government need to be accurate.

Mr Craigie advised that the figures are prepared on how Government's insist how calculations are done. The "Green book" must be applied to all projects, and these metrics and factors are the crux of the problem. The methodology must be followed by the Council. The Council is trying to tackle the methodology.

Mr Polson noted that figures seem to be different from area to area and have changed in reports. Mr Polson stated comparison figures used seemed to be flawed. Mr Craigie advised that the figures are provided by Government and change at different points in time. The Council apply the figures as described and it does result in different figures being produced over time.

Mr J Anderson noted the ASCC fully supports fixed links and had written to Government to express this report. It was important to look forward.

Mrs Jamieson commented that Government delays were disappointing. However it is important to keep pushing Government and take matters forward.

Mr Robinson agreed there is a need to move this matter forward. Mr Robinson did not believe the Government wish ferries to be cheaper and welcomed the new work to engage with Government. Mr Robinson noted that developing fixed links has been the Council's policy for a number of years. It is the Government's remit to take forward the provision of fixed links, so the real issue is how to do that. The Council needs to encourage Government to go down this new route as everyone can see the benefits of fixed links in the long term.

Mr Walterson asked what the group's name is and who is part of it?

Mr Craigie advised it is a Scottish level group and membership comprises of Shetland Islands Council, Orkney Islands Council, Western Isles Council, Argyll and Bute Council, Highland Council, MPS and Alastair Carmichael MP has been invited to join. The first focus of the group is to work with consultants "Cowi" who are one of the biggest underground tunnelling contractors in the world.

Mr Craigie added there is a need to heighten the understanding of drill and blast tunnels in Scotland so it is recognised and accepted in the same as it is in Norway and Faroe. The UK Government is ok with high profile tunnels but not more localised tunnels. At present the process is overly complicated.

Mr Craigie commented that the UK and Scottish Governments don't quite grasp the process and requirements at present. Similar to fair ferry funding situation, the Council needs to win "hearts & minds" for Government to understand the situation. It took the Council 7 years to break through the previous thinking re ferries funding so a similar piece of work is required to change the understanding and approach to funding for tunnels. Councils need to lobby for change. There are right conditions to move forward with this. Mr Craigie confirmed that the group doesn't include Community Councils – discussions are taking place at higher level.

Mr Walterson thanked Mr Craigie for the feedback and noted there were similar issues when seeking resource for lowly populated areas. The ASCC will support anything to take this forward.

Mr Burgess asked to what extent is the "Our Islands, Our Future" approach being utilised as a political response being made to Government. Mr Craigie advised that Councillor Ryan Thomson would be better placed to make political comments and lobbying.

Mr Polson queried construction costs that have been used to inform Government. It is important that accurate figures are used to make decisions. Mr Craigie advised that figures used in the past are no longer relevant, and that work to change the methodology and how future cases for funding. It will take into account the most up to date, realistic figures. Work is ongoing to change the appraisal methodology to get the best solutions for islands.

Mr Robinson asked if the "Green book" will be revised. Mr Craigie confirmed it will not be revised. The UK Treasury rule book needs to be evolved to enable better cases for funding from the islands.

Mr Anderson thanked Mr Craigie for his attendance. Mr Anderson suggested that Mr Craigie attend a future meeting with more updates as appropriate.

8. Fuel Poverty

Mr Anderson invited Mr Clark to introduce the topic of Fuel Poverty. Mr J Anderson suggested inviting officials along to a future ASCC meeting to discuss the topic.

Mr Clark noted that Bryan Leask of Hjaltland Housing Association has been talking about fuel poverty. It has been suggested that Shetland explore setting up an energy trust, provide solutions to this issue. One in three households experience fuel poverty, with one in five facing high costs of living. Mr Clark asked is there anything the ASCC can do to support Mr Leask. It was proposed Mr Leask be invited to a future ASCC meeting to discuss the subject and explore solutions.

Mr Burgess supported the concept of creating an energy trust for Shetland. There are helpful options that could be looked at such as bulk buying of heating oil and asked if there was up to date guidance about how to form an energy trust. Mr J Anderson noted that a fuel poverty discussion was certainly up for debate.

Mr Robinson commented that another trust is perhaps not the correct approach. Mr Robinson asked if Shetland Charitable Trust could take on the role as one if its core aims is to alleviate poverty. For example the Christmas Bonus scheme was designed to buy coal during the winter months.

Discussion followed about which organisation was best placed to take forward the initiative. Discussions could be held with Shetland Charitable Trust and Shetland Community Benefit to gauge interest. Other opportunities may exist with the Orion project in the future.

It was also noted that the remit of an energy trust would need to be clear. Ideas for the energy trust remit included how to tackle fuel poverty, setting tariffs, more use of insulation, green energy hubs and identifying funding sources to help people experiencing fuel poverty.

Actions:

ASCC invite Mr Bryan Leask to the next ASCC meeting to discuss fuel poverty.

ASCC engage with Shetland Charitable Trust and Shetland Community Benefit Fund to seek information and explore the establishment of an energy trust.

9. By Election publicity

Mr Duncan provided some background to the previous awareness raising and publicity for the 2018 Community Council elections, and 2019 Community Council By-elections. The Awareness Raising project carried out for the ASCC had been a success but had also provided some useful learning.

Mr Duncan added with the By-Election taking place this year there was an opportunity for the ASCC to support community councils to promote it, encourage new candidates to come forward. Mr Duncan confirmed there was currently 23 vacancies across 13 Community Councils to be filled at the By-election.

Mrs Jamieson asked if there was a way to engage and attract more 16 and 17 year olds to community councils. Need to identify the best way to attract young people. During the past year Community Councils has done a lot of work with Covid funding, so this is something that could be included in the publicity.

Mrs Malcolmson noted the Covid impacts over the last year. With restrictions easing it was an opportunity to get out and recruit new members.

It was agreed that the ASCC should promote the By-elections. Mr Duncan advised that he was happy to organise the publicity and said any volunteers who wanted to help would be appreciated and to contact him after the meeting.

10. Items for future meetings

Mr J Anderson confirmed that the following items would be on the next agenda

- Islands Act update
- Fuel Poverty / Energy Trust
- Activate Shetland project

11. Date of Next Meeting

Tuesday 14 September 2021, 6.00pm – virtual

Mr Anderson thanked everyone for attending and closed the meeting.

[The meeting closed at 8.02 pm]

Chairperson

Date

ACTION TRACKER

1. Mr Hutcheson to check the status of survey and share information with Whalsay Community Council
2. Mr Hutcheson to send survey data out to all Community Councils
3. Mr Priest – pull together issues with new grant form for next meeting
4. ASCC invite Mr Bryan Leask to the next ASCC meeting to discuss fuel poverty
5. ASCC engage with Shetland Charitable Trust and Shetland Community Benefit Fund to seek information and explore the establishment of an energy trust.