



LERWICK COMMUNITY COUNCIL

www.lerwickcc.org

CHAIRMAN

Mr Jim Anderson
66 Breiwick Road
Lerwick
Shetland ZE1 0DB

Tel. 01595 693540 or 07803 342304
Email: chair@lerwickcc.org.uk

CLERK

Mrs Marie Sandison
Community Council Office
1 Stouts Court
Lerwick
Shetland ZE1 0AN

Tel. 01595 692447 or 07762 017828
Email: clerk@lerwickcc.org.uk

1st June 2016

Dear Sir/Madam,

You are requested to attend a meeting of Lerwick Community Council to be held in the **Town Hall Chamber**, Town Hall, Lerwick at **7pm** on **Monday 6 June 2016**.

The next meeting of Lerwick Community Council will be on Monday 4 July 2016.

Yours faithfully,

Marie Sandison

Marie Sandison
Clerk to the Council

LCC Members Literature in Office

Scotland Bulletin – Spring 2016 – The Crown Estate

BUSINESS

1. Hold the circular calling the meeting as read
2. Apologies for absence
3. Approve minutes of the meeting held 2 May 2016
4. Business arising from the minutes
5. Police Scotland Monthly Report
6. LOOT for LERWICK – Results, PB Evaluation Form & Letter from Disability Shetland
7. Shetland Charitable Trust – Dr Ann Black, Chief Executive
8. Correspondence
 - 8.1 Planning Application 2015/406/PPF – Mr & Mrs J Watt, 43 Fogralea, Lerwick
 - 8.2 Letter from Mrs Christine Sinclair & Mrs Jolene Tindall – Speeding concerns
 - 8.2 Shetland Islands Area Licensing Board – Draft Statement of Licensing Policy 2016-19
 - 8.3 Community Empowerment (Scotland) Act 2015 – Consultation on Draft Regulations
 - 8.4 CC Questionnaire – T/Inspector Judy Hill, Police Scotland
 - 8.5 Local Government Boundary Commission for Scotland – Electoral Ward Boundaries
 - 8.6 Kantersted – Mr Paul Moar
 - 8.7 ASCC – Corinne Dalziel, Administration Assistant
 - 8.8 Path for All Community Paths Grant Fund – Catharine Idle – Senior Development Officer
9. Grant Applications
 - 9.1 Shetland Festival of Remembrance – Saturday 12th November '16 - Major A J Taylor QGM
 - 9.2 Living Lerwick – Summer Flower Scheme – Christena Irvine, BID Manager
10. Planning Applications
 - 10.1 2016/187/PPP – Erect House with garage – Upper Fogralea, Lerwick, ZE1 OSE – Sylvia & Alastair Inkster
 - 10.2 2016/206/PPF – Erect Sculpture with internal lighting – Esplanade, Lerwick, ZE1 OAB – Pelagic Sculpture Partnership
 - 10.3 2016/207/PPF – Demolish existing dwellinghouse and erect new dwellinghouse – 4 Burgh Road, Lerwick, ZE1 OLB – Mr & Mrs Stanley Manson
 - 10.4 2016/003/PPF – Proposed workshop/store – North Ness, Lerwick – Mr M Stewart (Revised plans from Planning Department)
 - 10.5 2015/055/PPF – Query from Community Councillor re: 32 Market Street, Lerwick
11. Finance
 - 11.1 Core Funding Financial Report 1st June 2016
12. Licence Variation
 - 12.1 Application for Variation of Premises Licence – Staneyhill Shop, 41 Norstane, Lerwick
13. A.O.B.

MONDAY 2 MAY 2016

At a meeting of LERWICK COMMUNITY COUNCIL held in Town Hall Chamber, Town Hall, Lerwick, at 7.00pm

Members

Mrs A Simpson	Mr J Anderson
Mr A Johnston	Mr A Wenger
Ms K Fraser	Mr S Hay
Mr P Coleman (Arr 7.10pm)	Mr W Spence
Mr J Fraser (Arr 7.15pm)	Mr A Carter

Ex-Officio Councillors

Cllr M Bell	Cllr J Wills (Arr 7.10pm)
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In Attendance

Mr Mark Clarke, Project Manager, Morrison Construction
Mr Trevor Smith, Project Manager, Capital Programmes, SIC
P C Malcolm MacLeod, Police Scotland
Mrs Pat Christie, Community Planning & Development Officer
Mrs M Sandison, Clerk to the Council

Chairman

Mr J Anderson, Chairman to the Council presided.

05/16/01

Circular

The circular calling the meeting was held as read.

05/16/02

Apologies for absence

Apologies for absence were received from Mr D Ristori, Mr M Peterson, Cllr A Wishart, Cllr P Campbell and Cllr M Stout.

05/16/03

Minutes

The minutes of the meeting were approved by Ms K Fraser and seconded by Mr S Hay.

05/16/04

Business Arising from the Minutes

05/16/05

New AHS Construction – Mark Clark, Project Director, Morrison Construction and Trevor Smith, Project Manager, Capital Programmes, SIC

Mr Anderson welcomed Mr Clark and Mr Smith to the meeting and accepted apologies on behalf of Mrs Budge.

Mr Clark introduced himself and Mr Smith and offered to give the community council a brief presentation showing some slides and answer any questions following that.

A few slides showing the architects plans and were followed by slides showing the site progress to date. The school dining area was an open atrium area, an attractive and modern feature in other recent school developments explained Mr Clarke with internal terraces looking down on a seating and standing communal area. The Halls of Residence was shown, three storeys high, with plenty of social spaces and en-suite bedrooms.

Mr Clarke showed progress to date with slides of the construction site revealing the Halls of Residence at the second floor level with roof steel work in place and the School at the fourth floor level. He said that construction was moving at a reasonable pace.

Mr Anderson thanked Mr Clarke for the presentation and for the informative site visit the community council recently had. He asked if anyone had any questions.

Cllr Wills enquired as to how the landscaping was progressing.

Mr Clarke replied that ground work in wet conditions was always difficult, but a lot of rock was on site, so in general they were coping. The site had a very hard surface and had not stopped them.

Cllr Wills asked if they were re-using the rock, did they have enough rock and was there surplus.

Mr Clarke said that there was no surplus rock. They had enough to balance out and were not short of material. Environmentally it was the right thing to do, instead of taking to the tip. It was quality rock which was good to re-use once broken down.

Mr Spence enquired when the rock breaking might stop.

Mr Clarke replied that the bulk of the rock was out two to three months ago. The septic tank store pump was deep to allow for drainage. The pump station was in at the school and nearly complete for the Halls of Residence. Only the local trenches were left to do. Over the next three to four months it would gradually be less and less. He apologised for the noise. Unfortunately it was the method they had had to adopt. It was not possible to blast so near to housing and the swimming pool.

Cllr Wills asked what had been the biggest problem so far on the project.

Mr Clarke replied that it was the rock. It was very tough, in fact the hardest he had come across. This meant that the school was not going anywhere. It was quality material used in the roads, car parks. He said that Shetland Quality Construction was working with it very well. Along with local firms, Garriocks and EM Plant.

Mr Hay expressed how impressed he was with the pace and scale in which the buildings were going up. He was pleased to hear about the durability and keen to hear if the design was flexible enough to allow for changing learning needs, as it was to be Shetland's learning centre.

Mr Clarke said he couldn't give a qualified answer as he was a construction man, but he had been involved in a number of school builds. The nature of these buildings

allowed for a level of flexibility built in and for future expansion. There is the opportunity to develop spaces to suit needs as they evolve. It was a central feature of modern school buildings which allowed it to be knocked around easier it was far removed from the 1960s tower designs which were 'higgledy-piggledy'. It allowed kids to transit the school easily and the modern core area, gives them circulation space and connectivity.

It was agreed that the design would be a better environment for both children and teachers.

Mr Clarke said that feedback from Elgin High School was that everybody liked the building. Having the central area meant it functioned well and it was easy to travel around the school.

Police Constable Malcolm Macleod arrived 7.25pm

Mr Anderson enquired about the completion date.

Mr Clarke replied that it would be September 2017.

Mr Smith said that the decision of how and when to move had not yet been decided. They were not under estimating that task. It would be the best and least disruptive time and suggested that it may be possibly during the October holidays.

Mr Clarke agreed that the task was not to be under estimated. He suggested being ruthless and getting rid of everything that they didn't need. He had seen hundreds perhaps thousands of boxes left in corridors.

Mr Anderson asked about the hostel completion date.

Mr Clarke replied it was the same, good progress was being made, although you don't always know what is around the corner. He mentioned that the trades involved were on the Island. They were hoping to stay on track and pushing to beat that or at least make it. There was a possibility of damaged kit due to the nature of a sophisticated building. They had a mantra that it will be sunny till September 2017. They had experienced reasonable weather to date.

Mr Anderson thanked Mr Clarke and Mr Smith for coming along.

Mr Clarke thanked the community council for the time and opportunity.

Mr Clarke and Mr Smith left at 7.35pm.

05/16/12

Police Scotland

Mr Anderson welcomed PC Malcolm Macleod to the meeting.

PC Macleod asked if the monthly report had been circulated.

The clerk replied that the report had been recently received.

PC Macleod said that it would be forwarded. He had been asked to attend by his reporting officer and asked if anyone had any questions.

Cllr Wills mentioned the problem of 'boy racers' on Victoria Pier and asked if the Police had any resources for dealing with them.

PC Macleod replied that generally they had a good relationship with them. He suggested that if aware of any problem then it could be highlighted and can be dealt with straight away.

Cllr Wills asked about the use of CCTV camera's for detecting culprits.

PC Macleod advised that their use was limited. He suggested that Police presence out and about at the weekend was more effective. He said that unfortunately they were always going to be there.

Cllr Wills suggested the use of 'smiley' signs as seen in little villages, advising on your speed.

PC Macleod agreed they were a handy tool. He suggested that this was something to be raised.

Mr Anderson asked if they had noticed any improvement in traffic behaviour on the street.

PC Macleod couldn't say for sure and a review was being done. He advised that there were still a lot of cars parked at the Market Cross.

Mr Anderson thanked PC Macleod for coming along.

PC Malcolm Macleod left at 7.45pm.

05/16/06

LOOT for LERWICK

Mr Anderson informed members that a total of nineteen applications had been approved. They were over-subscribed in proportion to the money so there would be a degree of competition. The event was to take place on 21st May and another two or three willing hands to help would be appreciated, if anyone can spare the time.

Some members offered to help on the day.

Mrs Christie mentioned that Delting had twelve applications in and South Mainland was currently producing their PR.

Mr Fraser suggested a few members attending the Delting event to see how things go.

Mrs Christie mentioned that Delting had had an event before. She commented that the applications were excellent and very varied with lots of new groups competing.

Mr Anderson said it was perhaps a reflection of the reduced availability of money. It was just a simple form, followed by a two minute presentation so little effort was involved.

05/16/07

Correspondence

7.1 School Transport Stop Assessment Reports

Mr Anderson explained the documents were assessments of bus stop locations. He asked if anyone had any comments.

7.2 Pelican Crossings

Mr Anderson noted the reply received from Roads that Siemens were to visit in June and undertake installations and maintenance checks.

Cllr Wills mentioned that half of the crossing lights at Albert Buildings had failed and was the cause of much confusion.

Mr Anderson suggested that we pass on the information to Roads. He queried the proposed traffic order and if all new lights were installed.

Cllr Wills remarked that it had been postponed due to twenty eight objections. The discussion was on-going and would be before the Environment and Transport Committee on 14 June.

7.3 Yellow Lines

Mr Anderson noted the letter from Roads and the gentle reminder regarding the Highway Code. He asked if anyone had any questions.

7.4 Flower Park Sports Facilities

Mr Anderson noted the reply received and suggested we write thanking them.
(Action: Clerk to the council)

7.5 Community Path Grant Application

Mr Anderson noted that any progress would be reported in June.

Cllr Wills mentioned he had reported the state of the path near the Sandy Loch with barriers that had fallen down. He said prompt action was taken within twelve hours of raising the concern and a temporary barrier was put in place.

7.6 Living Lerwick Christmas Lights Grant Receipt

Noted.

7.7 Scottish Rural Parliament Local Event

Mr Anderson suggested that anyone interested in attending should inform the clerk who will forward on.

7.8 Community Empowerment (Scotland) Act 2015 Consultation of Draft Regulations

Mrs Simpson commented that she had started to look over the questionnaire. She queried if it should be completed individually or something that the community council could fill in. A good read of the document was recommended to become better informed.

Mr Anderson agreed that members were encouraged to look over the document and for it to be included in the June agenda.

(Action: Clerk to the council)

7.9 Tesco Bags of Help Greenspace Funding

Mr Anderson asked if anyone had a proposal. It was agreed to try again for the Sletts sea path area, although it was marginal that it would fit the funding criteria.

(Action: Clerk to the council)

7.10 CDF PB Pilot Project Funding '16/'17

Noted.

7.11 CDF Project Upgrade Lighting at Clickimin Broch

Noted.

7.12 Water & Sewage Exemption Scheme '16-'17

Noted.

7.13 Clerk Pay Rate & SIC Salary Scales

This item was held until the end.

05/16/08

Grant Applications

8.1 British Royal Legion Lerwick Pipe Band – New Uniforms

Mr Anderson explained that the Pipe Band had a bid in with 'Loot for Lerwick' for two new uniforms, so were hoping for four in total.

Mr Carter proposed approving the full grant of two thousand pounds.

Mr Spence seconded the motion.

Mr Fraser said he opposed the proposal as he thought the British Legion could raise the funds themselves with one big night of fundraising.

Cllr Wills pointed out that they planned to hold a few fundraising activities.

Mr Anderson emphasised that it was not the British Legion but the Pipe Band who were looking for funding.

Cllr Wills remarked that the band were an asset to the community, it was a reasonable application to make along with plans to raise their own funds.

Mr Coleman seconded Mr Fraser's objection saying that it was a lot of money and the community council only had so much money available.

Mr Wenger left the meeting at 8.15pm

Both proposals were put to the vote.

Proposal to grant funding to the Royal British Legion Pipe Band received six votes.

Proposal to refuse funding received three votes.

The proposal to grant funding was carried.

(Action: Clerk to the council)

05/16/09

Planning Applications

9.1 2016/124/PPF – Erect Student Accommodation – 68 Commercial Road, Lerwick, ZE1 0NJ – Cityheart Limited

Cllr Wills declared an interest as a trustee of Shetland Charitable Trust which owns the company that owns the land.

Cllr Bell declared an interest as member of the planning board.

Mr Coleman stated that he had no objections to the planning.

Mrs Simpson raised concern regarding the lack of parking in the area and in relation to the eighty residents to be accommodated.

Ms Fraser suggested that being student accommodation less car provision would be necessary. She commented about over provision, but could understand the possibility of take-over of other spaces in the area.

Mr Spence agreed there was limited parking provision for what will be mature students in an eighty folk hostel. He suggested that a larger percentage will have a vehicle.

Mr Carter made a comparison with the NAFC Marine Centre large parking area and with only a fraction of the eighty students.

Mr Anderson proposed they make comment on the perceived insufficient parking.

Mrs Simpson agreed that it seemed very low for the number of students and additional for staff.

Mr Spence mentioned the area becoming built-up with new flats and the need to reflect on how it was going to end up.

Ms Fraser suggested it was time they stopped thinking about car parking spaces, although the college at Gremista had a limited bus service. She pointed out the lack of student accommodation and the critical need for the college.

Mr Anderson concluded that they would write and raise concern for the parking.
(Action: Clerk to the Council)

9.2 2016/156/PPF – To build 9no. housing units (5no. – 2 person/2 apartment, 3no. – 3 person/3 apartment and 1no. 6 person/5 apartment) on site for which planning permission exists for housing – Hill Grind, Lerwick, ZE1 0GT – Hjalmland Housing Association Ltd

Mr Anderson and Mr Coleman declared an interest as members of Hjalmland Housing Association Board.

Mrs Simpson welcomed the development.

Ms Fraser informed members that a chalet had been taken away and the area cleared.

Mr Anderson asked if there were any further comments.
(Action: Clerk to the Council)

05/16/10

Finance

10.1 Core Funding Financial Report 27 April 2016-05-25
Noted.

Additional Agenda Item

Open Day – Tesco Thursday 5th May

Mr Anderson informed members that information about a Tesco Open Day for community organisations had been received too late for the agenda. It advertised three sessions run by a new Community Champion for Tesco.

He asked the clerk to circulate the email to members and if anyone who was interested in attending to let her know.

(Action: Clerk to the Council)

Agenda Item held till the end

7.13 Clerk Pay Rate & SIC Salary Scales

The community council agreed to raise the Clerk's salary to that recommended by the ASCC effective from 1st April 2016.

05/16/11

A.O.B.

Additional Planning Application

2015/406/PPF – To erect dwelling house and alter existing communal car park – Adjacent to 43 Fogralea, Lerwick, ZE1 0SE – Mr James Watt

Mr Spence asked for support from of the community council in relation to the planning application and concerns raised by neighbours. He explained the background

to previous refusal by the planning department. He outlined the proposed plans and concern that they didn't fit in with the character of the area.

Other areas of concern were for the proposed additional parking and the lack of space for turning and large vehicle access, such as the refuse truck and the shortage of green space surrounding the property.

Discussion took place on the areas of concern and members looked at planning documents.

Some members suggesting waiting until the application appeared before the community council, but it was not sure if this would happen before the next meeting. It was agreed to write to planning and raise concerns expressed by the neighbours in the area.

(Action: Clerk to the Council)

Shetland Charitable Trust Governance Review

Cllr Wills informed members that the next meeting of the Charitable Trust on 12 May would include a proposed change in the governance of the trust with a reduction from seven to four councillor trustees.

He explained that no public consultation was to take place and that previously the ASCC had been consulted and expressed the view that everyone should be elected. He said there should be public consultation.

Mr Anderson said that he didn't disagree and asked if all members were happy. It was agreed to write to the trust calling for the public to be consulted over the changes.
(Action: Clerk to the Council)

There being no further competent business the meeting concluded at 8.55pm.
Minute ends.

MR J ANDERSON
CHAIRMAN
LERWICK COMMUNITY COUNCIL

Chairman.....

Date.....



Lerwick Community Council LOOT for LERWICK RESULTS



The following groups received the most votes on Saturday 21st May at the Participatory Budgeting Pilot Event at Islesburgh Community Complex.

Rank	Group	Description	Grant
1st	Disability Shetland	Activity costs (1yr), materials & sports equipment, training and volunteer expenses for weekly clubs in Lerwick.	£1,810.00
2nd	The Swan Trust	INMAR-SAT C Emergency Communications System & Install.	£2,000.00
3rd	Shetland Comm. Training Orchestra	Acquisition of sheet music, rehearsal & concert venue hire, refreshments, and transport.	£ 500.00
4th	Bell's Brae School	Lines repainted (selection of colours) on playground tarmac including labour and pedometers x 156.	£1,991.80
5th	Lerwick Amateur Swimming Club	Coach & teacher training to keep up with demand. A four week Club Taster Programme aimed at Lerwick primary schools.	£ 980.00
6th	1 st /2 nd Lerwick Sea Scout Group	Internal re-fit of yacht, external painting, outboard standby engine, liferaft/flares, VHF radio, life jackets, & other safety gear.	£2,000.00
7th	British Red Cross	Wheelchair accessible vehicle.	£ 718.20



Impacts & Performance

How well did your community engage in the PB Pilot?

How has the PB Pilot built on your communities understanding of participatory democracy?

How will the projects funded through this Pilot help to tackle inequalities in your community?

What plans do you, as a Community Council, have for the future?



**Disability
Shetland**

...working together

Company Reg Number SC211924
Charity Number SC001111

Disability Shetland,
Market House,
14 Market Street,
LERWICK.
ZE1 0JP

www.disabilityshetland.com

Lerwick Community Council
C/O Clerk
Mrs Marie Sandison
clerk@lerwickcc.org.uk

24th May 2016

To all Lerwick Community Council members

On behalf of the Trustees of Disability Shetland I would like to thank you for the recent cheque of £1810 from the 'Loot for Lerwick' scheme.

We are heartened by the amount of local support we are getting at present, despite reduction of grant aid from the SIC & SCT; and external funding being less available.

Any help our organisation can give to families, of members with additional support needs, can only be for the good of the Shetland Community at large.

Your support at this time is particularly helpful and encouraging.

Joyce Henderson
Trustee

Chief Executive: Ann Black

Mrs Marie Sandison
Clerk
Lerwick Community Council
Community Council Office
Basement, Stouts Court
Lerwick
Shetland ZE1 0AN

Our Ref: AB/EM/TA38
Your Ref: 2016-022/MS

22-24 North Road
Lerwick
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ZE1 0NQ

Telephone: 01595 744994

mail@shetlandcharitabletrust.co.uk
www.shetlandcharitabletrust.co.uk

If calling please ask for:
Ann Black
Direct Dial: 01595 744994

Date: 12 May 2016

Dear Mrs Sandison

Thank you for your letter of 7th May which I have circulated to all Trustees.

As you may be aware, when the governance structure of Shetland Charitable Trust was substantially reformed in 2012, one of the conditions was that the performance of the new arrangements should be reviewed within three years.

We began that process in August last year and with the assistance of the Institute of Directors (Scotland) have held discussions with key stakeholders and within the Trust. The outcome of that process was a series of recommendations that collectively amount to a revision in the way the Trust functions. Therefore Trustees in the current financial climate did not believe it was necessary to carry out a public consultation.

That said, the recommendations approved by trustees at their meeting today will be subject to an approvals process by the charities regulator OSCR which includes an invitation to members of the public to give their views.

Yours sincerely



Dr Ann Black
Chief Executive

Clerk to Lerwick Community Council

From: jhwatt [jhwatt@hotmail.co.uk]
Sent: 24 May 2016 11:59
To: clerk@lerwickcc.org.uk
Cc: iain.mcdiarmid@shetland.gov.uk; csmithbousta@btinternet.com;
peter.campbell@shetland.gov.uk; jonathanwills47@gmail.com;
amanda.westlake@shetland.gov.uk
Subject: 2015/406/PPF

Dear Marie,

With regards to the above planning application, for which we are the applicants, we were somewhat surprised to learn of the recent objection from Lerwick Community Council and write to address the content of your letter to Executive Manager – Planning Service dated 12.05.16.

We would like to assure you that the grounds on which your members now object have all been carefully considered during the design process. These are all noted within the revised supporting statement submitted 20.04.16 to Planning, which can be viewed on their website

<https://pa.shetland.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NXPDRCOAG4N00> as follows:-

- *It is noted there is no distinctive character to Fogralea and there is no settlement pattern to Fogralea. (Both the houses and plots vary in size, style and layout)*
- *A garage and further parking is provided at the lower 'basement' level ensuring all aspects of access can be met. This arrangement ensures ease of movement and access for all and it is safe.*
- *Typically in this area of Fogralea, due to the steeply sloping hill, all houses above tend to be elevated over houses below.*
- *The addition of a house on this site reflects the nearby situation at Nos. 27 & 29 of houses fitting tightly on sites and very close to their neighbours.*
- *Existing communal parking at the lower level will be altered to allow vehicle access to the garage. In principle the land owner (SIC) and SIC Roads are satisfied with this proposal.*
- *In its context the scale and design of the house is appropriate for the site and its surroundings.*
- *Currently there is a mixture of materials and colours in the surrounding area suggesting that this proposal is sympathetic to the context.*

- *Externally there is the provision of an appropriate amount of private amenity space.*

This revised supporting statement was submitted in conjunction with revised proposals which were prepared to address concerns raised by Planning during the consideration of our application. We have made changes to the design to accommodate these concerns and the current proposals should be seen as an improvement to the original design for which you had no objection to when discussed at your meeting 07.12.15. We also draw to your attention that SIC Roads have no objections to the proposals. Finally, there is no change to the public road that would have any effect on how larger vehicles including the refuse lorry currently carry out their operations.

We trust that this will remove your members concerns but regardless we would like to attend the next meeting of Lerwick Community Council on 06.06.16 and be given the opportunity to discuss further any concerns your members may still have on our application.

We look forward to hearing from you.

Kind regards

Jimmy and Janine Watt

43 Fogralea

Lerwick

Rcd 01/06/14

Mrs Christine Sinclair & Mrs Jolene Tindall,

18 Gilbertson Road,

Lerwick,

Shetland,

ZE1 0HN

Dear Mr Chairman,

We are writing to you today to ask for help and support for what we are fighting for. We have been trying to bring attention to the fact Gilbertson Road and surrounding areas have become a dangerous place for pedestrians due to speeding drivers. Gilbertson Road has Bells Brae, the Gilbertson Park and Hayfield Park which attracts many children of all ages. My daughter drives my grandsons to and from school because she is concerned about their safety. The Bells Brae school is currently encouraging children to walk to and from school but we both feel it is not safe for them to walk. More and more families with young children are moving into the area and the risk is increasing. Also with the new Anderson High School being built I would expect Gilbertson Road to be getting busier with traffic and more children.

Jolene has spoken to a few mothers with concerns similar and her neighbour does not allow her children to walk to and from the school either, she was stopped outside Bells Brae and told by the police not to drop them off and to use Goodlad Crescent which is also a busy road with children coming to and from school. I personally avoid Goodlad Crescent around 9am and 3pm because cars are diverting through it and it is a manic place to drive.

The problem has been identified before and speed restrictions were set in place which included a bend in the main road to force drivers to slow down - However this is not the case, in fact it seems to have encouraged more speeding drivers!! Recently the council came and put speed monitors on the main road in 3 areas up Gilbertson Road to help write their reports, the lines lay on the road for 3 days before being removed and the results are in the report I have included. I have also noticed it seems to be young drivers who try to race up and down but I have seen works vans, council vans, parents running late and delivery companies. Other areas in Lerwick have more sensible measures in place - the other main primary Sound School and roads connected Sandveine, Nederdale and around the sound area have speedbumps in place. There is also the old north road, Lerwick marina and all the new housing schemes to name a few. We want to prove to the council speed bumps would be the best for the safety of children attending school and using the parks and areas around the full length of Gilbertson Road.

We have contacted our local councillor who has been extremely helpful but have had no luck so far in bringing these changes about. Our local MP Tavish Scott is aware of this upsetting issue and has sent emails to try back me up with no avail. I will include a copy to this of the report Tavish Scott

received for you to see and read then you may see where our frustrations lie. The relevant department said because there has been no accidents reported in the last 5 years where someone has been physically hurt they have no concerns about our childrens safety - so do they expect us to wait for a fatal accident before something is done about it.

We would like to invite the police to do regular checks on Gilbertson Road to catch speeding drivers but from the North end of the road. We feel very passionate about this and hope you will support us and help us fight for it.

We look forward to hearing from you to hear if you can help. We are willing to set up a petition to prove we are not the only people thinking this is a problem.

Christine Sinclair and Jolene Tindall.

"Thank you for your enquiry regarding road safety at Gilbertson Road , Lerwick.

Background

Following representations from Mrs Tindal and Mrs Sinclair through their Councillor, Mr Wishart, three speed counts were carried out at various locations along Gilbertson Road.

Speeds

The count carried out on the north section of Gilbertson Road, near to Mrs Sinclair's property, showed an average speed for traffic of 26mph. The 85% speed, used to determine appropriate speed limits, was 31mph. There was no appreciable difference between uphill and downhill traffic speeds. The speeds are well within those commonly accepted for roads with a 30mph speed limit.

The count carried out on the south section of Gilbertson Road, outside Bells Brae Primary School, showed an average speed for traffic of 23mph. The 85% speed was 29mph. There was no appreciable difference between uphill and downhill traffic speeds. This count is within the permanent 20mph speed limit area for the school. These speeds are higher than normally acceptable within a 20mph limit.

The third count was carried out on the flat section of Gilbertson Road, at the top of the hill. The speed counts for this location showed an average speed for traffic of 27mph. The 85% speed was 32mph. At this location there was a measurable difference in the traffic speeds by direction, with southbound traffic travelling at an average of 28mph/ 85% speed of 33mph. The directional difference in speeds at this location is likely due to the initially lower speed of northbound traffic exiting the 20mph speed limit at Bells Brae Primary School. However, while these are the highest speeds on Gilbertson Road they are still within the normal limits for a road with a 30mph speed limit.

In respect of the average and 85% speeds of traffic on the 30mph section of Gilbertson Road, which are all well within normal parameters, the Council would not look to implement any traffic calming measures to lower them further given the current arrangement of speed limits in the area.

In respect of the measured speeds within the school 20mph limit area of Gilbertson Road our findings have been passed to the Police for consideration.

Accidents

Looking at the reported accident history for Gilbertson Road since 1 January 2000 we find that there have been four damage only incidents reported in the north half of the street.

The first two occurred in 2001 when a vehicle travelling downhill lost control on a snow and slush covered road and slid into a parked car. The second involved an unknown vehicle that struck the boundary wall at 5 Gilbertson Road at its junction with Haldane Burgess Crescent.

The next reported incident was in 2003 when the handbrake of a parked vehicle failed overnight and it ran downhill striking a junction box.

The last known incident occurred in 2011 when a vehicle executing a turn within Gilbertson Road hit a parked car.

The first three incidents occurred prior to the reconstruction and improvement of Gilbertson Road in 2007. At that time all of the kerbs along the road were replaced and proper up-stands provided along with widened footways and build-outs at the various junctions. This type of change may have influenced the outcomes of the second and third incidents when the vehicles involved mounted the footway before coming to a rest.

In the southern part of the street we note five damage only incidents since 1 January 2000.

Two of these incidents involved vehicles manoeuvring out of spaces hitting a vehicle parked in an adjacent space.

Two other incidents involved parked cars being hit by a passing vehicle.

The final incident, from 2001, involved a southbound vehicle hitting the railings at the school. The cause or factors relating to this incident are unknown but the impact did not result in any injury.

There have been no reported incidents within the central section of Gilbertson Road between Bells Road and Anderson Road since 1 January 2000.

Based on the accident history of the area the Council would not look to carry out any further works due to the very limited number of reported incidents, the lack of any injuries, and because there is insufficient evidence of speed being a significant factor in the incidents that have occurred.

Other Safety Considerations

When Gilbertson Road was reconstructed in 2007 a number of improvements were incorporated into the final road layout. These included improved footway widths and prominent footway build-outs at the various junctions and common crossing points. These measures were aimed at improving facilities for pedestrians both walking along and crossing Gilbertson Road.

With a generally low volume of traffic, peak hour flows are between 160 and 200 vehicles, low average vehicle speeds, and good visibility in both directions Gilbertson Road should present little appreciable risk to pedestrians. There is therefore no justification at this time for carrying out works to provide additional facilities for pedestrians. In terms of walking to school routes Gilbertson Road

falls into our safest category.

Apart from the generally too high level of speeds recorded within the 20mph limit area at Bells Brae Primary School it is recognised that there are a small number of vehicles travelling well in excess of the posted speed limits over the length of Gilbertson Road. Information on this has also been sent to the Police for their consideration.

While traffic calming works could be carried out on Gilbertson Road to limit the level of excessive speeding any such works would have to be placed on the Councils list of prospective road improvement schemes and ranked along with the other schemes in line with the approve policy. I have asked for the scheme to be placed on this list in order that it can be ranked.

Summary

Gilbertson Road has already benefited from a significant investment by the Council in 2007 that provided better facilities for pedestrians as part of a larger road reconstruction scheme.

There is no significant accident history on Gilbertson Road to give rise to any concerns over the suitability of the existing speed limits or the road layout.

The general level of vehicle speeds in the vicinity of Bells Brae Primary School is higher than the guidelines for a 20mph zone, and has therefore been highlighted to the Police.

While it is acknowledged that there are some vehicles driving at excessive speeds along Gilbertson Road, the general levels within the 30mph section are in line with the guidelines. The recorded incidence of excessive speeding within the 30mph section has also been highlighted to the Police.

14 March 2016

Therefore given the very limited accident history, the recorded speeds detailed above and the low traffic volumes, the Roads Service would have no intention to introduce traffic calming along Gilbertson Road at this time given the limited benefit when set against the likely cost of a traffic calming scheme."

Draft for Consultation

SHETLAND ISLANDS AREA LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005

STATEMENT OF LICENSING POLICY

November 2016 – November 2019

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PREAMBLE

1. Section 6 of the Licensing (Scotland) Act 2005 (the Act) requires all licensing authorities such as the Shetland Islands Area Licensing Board (the Board) to publish every three years a statement of licensing policy (the policy). This statement fulfils that statutory requirement for the Board, and is the fourth three-year statement to be published by the Board.
2. In accordance with the requirements of section 6 of the Act, and prior to the publication of this policy, the **Board has consulted with** and taken cognisance of the views of:
 - the local licensing forum for the Board area
 - NHS Shetland
 - Police Scotland
 - Shetland Islands Council officials in respect of planning, building standards and environmental health
 - the Shetland Child Protection Committee
 - Shetland Adult Protection Committee
 - Shetland Children's Rights Officer
 - Shetland Alcohol Support Services
 - Community Alcohol and Drugs Service Shetland
 - Alcohol Focus Scotland
 - Visit Shetland
 - Education & Social Work, Housing, Scottish Fire & Rescue Service, licence holders, the public (via website)
 - Community Councils
 - Shetland Licensed Trade Association
 - Scottish Beer and Pub Association
3. In preparing the policy, the Board has had due regard to the guidance issued by the Scottish Ministers.

The Board has also recognised its duty to promote the **five licensing objectives** set out at section 4 of the Act:

- preventing crime and disorder
 - securing public safety
 - preventing public nuisance
 - protecting and improving public health and
 - protecting children from harm
4. The Board welcomes the powers given to it by the Act and intends to use those powers in a socially responsible way. In so doing, the Board recognises that the interests of the public, residents, businesses and patrons of licensed premises require to be balanced. The five licensing objectives outlined in the Act will provide a starting point.

5. Comments may be submitted

by email to: legal.services@shetland.gov.uk
by fax to: 01595 744585
in writing to: Clerk to the Licensing Board
Shetland Islands Council
Governance and Law
Corporate Services Department
Office Headquarters
8 North Ness Business Park
Lerwick
Shetland
ZE1 0LZ

by telephone to: 01595 744087

If assistance is required to make your comments please discuss this with the Depute Clerk on the above telephone number, who will be glad to assist.

You can also access this document on the Council's website at:
www.shetland.gov.uk/licensing

6. This policy is operational from 30 November 2016. The policy will be applied during the three year period to November 2019; it will be kept under review and be subject to on-going consultation with stakeholders and revised, if appropriate, by the issue of supplementary statements, during the three year period.

SECTION A - GENERAL

1 INTRODUCTION

1.1 The Shetland Islands Area Licensing Board is a licensing authority for the purposes of the Licensing (Scotland) Act 2005 (“the Act”) and is responsible for granting:

- premises licences
- personal licences
- occasional licences
- provisional licences
- extensions of licensing hours
- temporary licences
- transfers of licences
- variations of licences

in respect of:

- the sale of alcohol by retail;
- the supply of alcohol in members’ clubs.

1.2 The Shetland Islands Area Licensing Board as Licensing Authority for the area is also responsible for reviewing Licences in order to maintain the licensing objectives.

1.3 **The Shetland Islands** are a group of more than 100 islands of which 15 are inhabited, located in the North Atlantic and are virtually equidistant between Norway to the east and the UK mainland to the south. The Islands have a population of approximately 22,000 with the main population centre being Lerwick with approximately 9,000 inhabitants.

1.4 Under the Act, the **current number of premises** holding premises licences which permit the sale/supply of alcohol as at 31 December 2015 is 150:-

The number of Personal Licences issued by Shetland Islands Area Licensing Board and still current since the introduction of the 2005 Act as at 31 December 2015 is 385.

1.5 The number of Occasional Licences granted in the calendar year from 1 January to 31 December 2015 was 166.

The Act requires the Board to carry out its various licensing functions so as to promote the **five licensing objectives**. These are:

- preventing crime and disorder
- securing public safety
- preventing public nuisance
- protecting and improving public health and
- protecting children from harm

The pursuit of these five objectives is a principal feature of this Board’s policy. The

objectives provide a basis for refusal of an application for the grant of a premises licence or of an occasional licence; their breach may lead to the imposition of sanctions on a personal licence holder or provide grounds for the review of a premises licence. The attachment of conditions to a premises licence or occasional licence may be based on any of the objectives.

- 1.6 The Act further requires that the Board publishes a statement of licensing policy which sets out the policies the Board will generally apply to promote the licensing objectives when making decisions on applications.
- 1.7 The Board is required to have regard to the **guidance** issued by the Scottish Ministers and to **consult** with:
- the local licensing forum for the Board's area
 - the following, in so far as they are not represented in the membership of the forum –
 - holders of premises licences and personal licences
 - the chief constable for the police area in which the forum's area is situated
 - persons having functions relating to health, education or social work
 - young people and
 - persons resident within the forum's area and
 - such other persons as the Board thinks appropriate.
- 1.8 This policy has been prepared in accordance with the provisions of the Act. It takes effect on **30 November 2016** and will remain in force for a period of not more than three years. It will be subject to regular review and further consultation prior to October 2019. If necessary the Board will prepare and publish supplementary statements of licensing policy.
- 1.9 It should be recognised that this policy covers a wide variety of activities and premises including public houses, restaurants, nightclubs, private members' clubs, sports clubs, and community halls, as well as off-licences. It cannot provide for every eventuality but seeks to detail those factors and the Board's policies which will influence the achievement of the licensing objectives.
- 1.10 The Board acknowledges that the licensing function cannot be used for the general control of the anti-social behaviour of individuals once they are beyond the direct control of the licence holder of any premises. However, in exercising its licensing function the Board will have due regard to the role and responsibilities of **other responsible authorities** within the local government area. These include:
- planning controls
 - positive measures to create a safe and clean town environment, in partnership with local businesses, transport operators and various services of the local authority
 - the provision of close circuit television (CCTV) surveillance, taxi ranks, street cleaning and litter patrols
 - enforcement of the general law concerning disorder and anti-social behaviour
 - greater use of the powers to deal with those who commit offences, such as selling alcohol to people who are drunk.

- 1.11 This policy does not seek to undermine the right of any individual to apply under the terms of the Act and to have such an **application considered on its individual merits**. It does not seek to override the right of any person to make representations on an application or to seek a review of a licence where provision has been made for this in the Act.

2 CONSULTATION AND LINKS TO OTHER POLICIES, STRATEGIES AND LEGISLATION

- 2.1 In developing this policy, the Board has consulted widely and given due consideration to the views of all those who responded to that consultation process. There are many organisations and people who have a stake in the leisure industry, including providers, customers, residents, law enforcers and the emergency services, all of whom have views and concerns that require consideration in the promotion of the licensing objectives.

- 2.2 In administering its responsibilities in respect of licensing the Board believes that it is important that it does not operate in isolation. Due regard will be given to the policies and decisions of Shetland Islands Council.

- 2.3 The **Human Rights Act 1998** incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way which is incompatible with a Convention Right. The Board will have particular regard to the following relevant provisions of the European Convention on Human Rights in respect of its licensing responsibilities:

- Article 1 of the First Protocol: that every person is entitled to the peaceful enjoyment of their possessions, including for example the possession of a licence
 - Article 6: that in the determination of civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law and
- Article 8: that everyone has the right to respect for their home and private life.

- 2.4 The Board recognises its responsibilities under the **Equalities Act 2010**. The Board has adopted an Equalities Statement along with its Community Planning Partners.

The Board shall seek to ensure equality of access to its services and shall monitor its performance. The progress and aspirations of the Board and its Community Planning Partners in this area can be accessed in the Shetland's Equalities Mainstreaming Report and Equality Outcomes 2013-17 (http://devweb.shetland.gov.uk/about_introduction/documents/ShetlandsEqualitiesMainstreamingReportandEqualityOutcomes2013-2017.pdf).

- 2.5 The Board will continue to work as an observer with the Shetland Alcohol and Drugs Action Team; the importance of such co-operation is recognised as part of the wider alcohol agenda.

- 2.6 The Board will have regard to any strategy of the **Scottish Government** designed to address the social, health and crime and disorder issues raised by the misuse of alcohol.
- 2.7 The Board are firmly committed to avoiding duplication with other regulatory regimes so far as possible and will not use its powers under the Licensing (Scotland) Act 2005 to arrive at outcomes that can be achieved more appropriately under other legislation or by other enforcement agencies.
- 2.8 In particular, the Board's licensing functions will be discharged separately from the functions of Shetland Islands Council as the **local planning authority**. The Board recognises that planning and licensing regimes are separate and that the processing of licensing applications should be an exercise distinct from the processing of planning applications. The Board as the licensing authority will not be bound by decisions made by Shetland Islands Council as the local planning authority. Applicants for licences are reminded that planning permission may be required for certain uses and that planning consents may carry conditions.
- 2.9 It is appropriate that planning permission is obtained first, or alternatively that a certificate of lawful use or development has been obtained in terms of the proposed activities and trading hours.
- 2.10 In general, planning permissions authorise a broad type of use of premises, whereas licences are granted for a particular type of activity. A planning permission may cover a number of activities that can have a wide range of different impacts in the locality.
- 2.11 There may be a common approach in the reasoning behind planning and licensing decisions and conditions attached to planning permissions may relate to one or more of the five licensing objectives.
- 2.12 The Council's planning policies are set out in its Development Plan. Government guidance in the form of Scottish Planning Policy (SPP) is also relevant.
- 2.13 The formulation of this policy involved consultation with the **Local Licensing Forum**, which will keep under review the operation of the Act in this Board's area and will advise and make recommendations to the Board as appropriate. The Board will have regard to any advice given or recommendation made to it. To ensure proper communication with the Local Licensing Forum, the Board may provide reports particular to it from time to time to enable it to have regard to the detail of such matters when deliberating.

- 2.14 All premises for which a licence is being sought will be expected to comply with the **building standards** requirements in force at the time of their construction, or at the time of any alteration. This is particularly relevant in respect of the licensing objectives relating to public health and public safety. Where construction work is proposed or completed, the applicant should be able to produce appropriate certificates issued by the local authority.
- 2.15 **Other statutory requirements** may apply to the provision of any activities at premises and the responsibility for compliance lies with the licence holder. For example, if the activity involves the preparation and/or sale of food then it is the responsibility of the applicant to ensure that all appropriate food safety legal requirements are met. It is not a requirement of any licence decision to address these matters but a responsible licence holder will conform to all relevant legislation.
- 2.16 There is considerable overlap between the licensing regime and wider health and safety regulatory regimes. Many specific licensing requirements relate to matters potentially affecting public health and public safety, two of the licensing objectives.

3 APPLICATIONS FOR LICENCES AND DISPOSAL OF BUSINESS

- 3.1 Applicants can obtain general advice from the Licensing Standards Officer. Applicants should be aware that there are considerable responsibilities involved in being a Licensee and should take their own legal advice from a solicitor if necessary.
- 3.2 The Board will not accept any premises licence application which fails to satisfy the requirements of section 20 of the Act and any regulations made under the Act. Any such application will be returned to the applicant.
- 3.3 The Board will dispose of its business in an open and transparent manner. Information will be made available to interested members of the public on the Board's Website:
http://www.shetland.gov.uk/about_introduction/LegalLicensing.asp
The Board will remain at all times mindful of the need to be accessible to all and assistance will be available on request to those who require any special arrangements to be made.
- 3.4 The Board will generally operate in the Chamber of the Shetland Islands Council Town Hall. Timescales will be laid down for applications to the Board, in accordance with any regulations issued and these will be widely publicised. The Board will meet on a regular basis and the meeting dates will be published on the calendar of meetings on the Shetland Islands Council's website.
- 3.5 Training of members will be a priority and will be carried out within the three month period following election of any member to the Board. Members will be kept informed of developments in the licensing arena and further training will be initiated as necessary.

- 3.6 The Board is committed to the use of e-government technology and to applying its benefits so as to ensure continuous improvement of the Board's operation.

4 DELEGATION OF LICENSING FUNCTIONS

- 4.1 It is the Board's policy to provide a speedy, efficient and cost effective service to all parties involved in the licensing process.
- 4.2 Decisions on licensing matters will be taken in accordance with an approved scheme of delegation aimed at underlining the principles of timely, efficient and effective decision-making.
- 4.3 The delegations will be made by the Board in accordance with the Act. A table setting out how the Board has delegated its various licensing functions is attached at **Appendix 1**. Many of the decisions and functions are largely administrative in nature such as the grant of non contentious applications, including for example those occasional licences where no representations have been made. These decisions will be delegated to the Clerk to the Board.
- 4.4 In order to maintain an overview the Board will receive regular reports regarding the use of delegated decision-making powers.
- 4.5 In general the Board will meet in public, although members may retire into private session to consider confidential materials provided to them or their decision in appropriate cases. Divisions of the Board, together with reasons, will be made public.

5 NOTIFICATION OF APPLICATION, OBJECTIONS AND REPRESENTATIONS

- 5.2 Objections or representations which are regarded as frivolous or vexatious will not be considered and in the case of a review of a licence, any representation which is regarded as irrelevant will be discarded. Otherwise, the Board will give a copy of the notice of objection or representation to the applicant, in terms of the prescribed procedure, and will have regard to the objection or representation in determining the application.

6. CONDITIONS ATTACHING TO LICENCES

- 6.1 The Board acknowledges the **mandatory conditions** laid down in Schedules 3 and 4 of the Act and is aware that other conditions have been or are to be published as Regulations. Appropriate use will be made of all such conditions.
- 6.2 Where relevant representations are made, the Board will make an objective judgement as to whether **other conditions** may need to be attached to a licence to secure achievement of the licensing objectives. Any conditions arising as a result of representations will primarily focus on the impact of the activities taking place at the licensed premises, on those attending the premises and members of

the public living, working or engaged in normal activity in the vicinity of the premises, and will cover matters that are within the control of the licence holder.

- 6.3 The Board recognises that all applications should be considered on their own merits. Conditions attached to a licence may be derived from the licence holder's operating plan, or as a result of a representation and will be tailored to each individual premises, in order to avoid the imposition of disproportionate and other burdensome conditions on those premises. Conditions will only be applied when necessary, appropriate and proportional, based on the individual consideration of the merits of each application.
- 6.4 To assist applicants, and in the interests of consistency, the Board may consider preparation of a series of model conditions which may be used with or without modification.
- 6.5 If an applicant volunteers a prohibition or restriction in their operating plan because their own assessment has determined such prohibition or restriction to be appropriate, such volunteered prohibition or restriction if accepted will become a condition attached to the licence and will be enforceable as such.

7 NEED FOR LICENSED PREMISES

- 7.1 The Board acknowledges that need, in the sense of the commercial demand for further licensed premises, is not a licensing policy matter. Licensing decisions will not therefore be based upon this issue.

8 CONSIDERATION OF APPLICATIONS BY THE BOARD

- 8.1 When considering whether any licence should be granted, the Board will assess the likelihood of it having an adverse impact. The Board will take into account relevant matters including:
- the nature of the premises, the style and type of use, the potential number and profile of the customers likely to attend the premises
 - the proposed hours of operation
 - the location, character and condition of the premises
- 8.2 Where it is possible to take steps to mitigate or prevent any potential adverse impact it may still be possible to grant a licence subject to conditions if these steps are reliable.
- 8.3 When considering any application for premises which have been previously licensed, or in any review of an existing licence, the Board will take into account the impact on local residents as borne out by any history of complaints and investigations into these. The Board will also look at the measures put into effect by the applicant to mitigate the adverse impact.

9 OVERPROVISION

- 9.1 The Board is under a duty in terms of section 7 of the Act to publish in this policy a statement on the extent to which it considers there to be overprovision of licensed premises or licensed premises of a particular description in any locality within the area of the Board.
- 9.2 Overprovision of licensed premises in a particular locality impacts on the promotion of the licensing objectives. The Board has considered whether there are areas within the Shetland Islands Area where the concentration of particular types of licensed premises is having an adverse impact.

SPECIFIC CONSULTATION IS UNDERWAY. UNDER THE CURRENT POLICY NO AREAS OF OVERPROVISION HAVE BEEN IDENTIFIED. ANY PERSON OR ORGANIZATION WITH VIEWS OR EVIDENCE ON OVER PROVISION IS SPECIFICALLY REQUESTED TO SUBMIT THEIR COMMENTS TO THE DEPUTE CLERK ON susan.brunton@shetland.gov.uk

10 OCCUPANCY CAPACITY

- 10.1 Reference is made to the provisions of paragraph 9 above, which relate to overprovision. The occupancy capacity of premises is one factor in the assessment of overprovision.
- 10.2 Each case will be considered on its merits but the Board will consider very carefully the type, size and capacity of licensed premises in the particular locality in respect of which the application is made. The Board recognises its responsibility to assess overprovision, not only on the number of licensed premises but on the number of premises of a particular description in any locality.

11 REVIEW OF PREMISES LICENCES

- 11.1 A licence may be reviewed on the application of any person on the grounds that one or more conditions to which the premises licence is subject has been breached or any other ground relevant to one or more of the licensing objectives. A review will include consideration being given to the suspension, revocation or variation of a licence or alternatively to the issue of a written warning.
- 11.2 The Board may reject a premises licence review application if it is considered to be vexatious or frivolous or if it does not disclose any relevant matter.

12 OCCASIONAL GRANTS

- 12.1 An **occasional licence** under section 56 of the Act authorises the temporary sale or supply of alcohol on premises which are otherwise not licensed premises.

It may be applied for by:

- the holder of a premises licence
- the holder of a personal licence
- a representative of any voluntary organisation

to cover a period of a maximum of 14 days.

- 12.2 Event organisers are encouraged to provide as much notice of their event as possible to the Board. The minimum period of notice which any applicant for such a licence will usually be 28 days, to allow for the statutory consultation with the Police Service of Scotland and Licensing Standards Officer. Applications received with less than 28 days notice may be rejected by the Board or may not be fully processed by the required date.
- 12.3 The Board shall give careful consideration to ensuring the licensing objectives are being met, when dealing with repeat occasional applications for the same premises, which have the effect that the premises are operating as if they held a premises licence.
- 12.4 The Board has power to reduce the notice period for an occasional licence where they are satisfied that the application requires to be dealt with quickly. Exercising this power has administrative cost implications and the Board will usually only be prepared to exercise their discretion to do so when the applicant could not reasonably be expected to have submitted an application under the usual timescales. The power will not usually be exercised merely because the event organizer has failed to appreciate the need to plan appropriately.
- 12.5 The notice period for the submission of occasional licences during the Christmas and New Year period will be extended to take account of the closure of the Council offices over the festive period. Applicants should note that no applications received within two days of the office closure date will be processed until after the offices reopen.
- 12.6 Any applicant for such a licence should be aware of their responsibility to apply for a public entertainment licence and late night catering licence, issued under the Civic Government (Scotland) Act 1982, where appropriate.
- 12.7 **Extended hours applications** under section 68 of the Act allow for an occasional extension of licensed hours for licensed premises and operate only for a period of up to one month. They may be granted where the Board considers it appropriate in connection with a special event or occasion to be catered for on the premises or a special event of local or national significance. If the Board receives a number of applications to extend licensed hours it will expect the applicant to consider whether an application should be made to vary the premises licence, by adjustment of the operating plan.
- 12.8 A general extension of licensing hours under section 67 of the Act may be granted to enable premises to remain open longer in connection with a special event of local or national significance. The Board believes that in many cases, such events

can be appropriately accommodated within the Board's normal licensing hours policy and should not be regarded as routinely in need of extended licensing hours. Further detail of the licensing hours policy for general extensions is contained in paragraph 21 below.

13 ENFORCEMENT AND LICENSING STANDARDS OFFICERS

- 13.1 Shetland Islands Council will employ **licensing standards officers (LSOs)** to investigate allegations of unlicensed activities, to ensure that licence conditions are complied with and to provide information and guidance to members of the public. The Council employs the Team Leader Environmental Health who is appointed to the statutory LSO role. The Team Leader is supported in that role by other Environmental Health Officers, who are fully trained.
- 13.2 Resources will be targeted towards high-risk premises and activities that require greater attention. A lighter touch will be provided in respect of low-risk premises, where the Board and LSOs identify good management practices in operation.
- 13.3 The Council delivers a wide range of enforcement services aimed at safeguarding the environment and the community and at providing a level playing field on which businesses can trade fairly. The enforcement of the licensing regime is one of these services. The Council has adopted the Government's **Enforcement Concordat** designed to ensure effective and efficient public protection services.
- 13.4 Specifically, the Council has confirmed that it is committed to the principles of good enforcement practice by carrying out its regulatory functions in a fair, open and consistent manner.
- 13.5 The Board recognises the interests of both citizens and businesses and will work closely with its partners, to assist licence holders to comply with the law and the five licensing objectives it seeks to promote. Proportionate but firm action will be taken against those who commit offences.
- 13.6 The Board expects enforcement agencies to adopt a similar approach and will seek to work actively with them to enforce the licensing legislation. In particular the Board anticipates co-operation with the Police Service of Scotland and to share information where appropriate in order to enhance the promotion of the five licensing objectives.

14 MANAGEMENT OF LICENSED PREMISES

- 14.1 Within the operating plan for premises on which alcohol will be sold, a premises manager must be specified. The Board will expect the **premises manager** to have the day to day responsibility for running the premises. The Board expects that there will be in place appropriate arrangements for monitoring the sale of alcohol and activities taking place on the premises, by the premises manager and/or by another person who is a personal licence holder. The premises licence holder is expected to ensure that the premises manager has experience commensurate

with the size, capacity, nature and style of the premises.

14.2 The premises manager must hold a personal licence.

14.3 Within all licensed premises, whether or not alcohol is to be sold, the Board will expect there to be proper management arrangements in place which will ensure that there is an appropriate number of responsible, trained persons on the premises and will also ensure compliance with all statutory responsibilities and the terms and conditions of the premises licence.

15 PERSONAL LICENCES

15.1 An individual may seek a personal licence whether or not they have current employment or business interests associated with the use of the licence.

15.2 The Board will grant a personal licence if it is satisfied that the applicant:

- is over 18 years of age
- possesses a relevant licensing qualification
- has not been convicted of any relevant offence or foreign offence

15.3 When an applicant has an unspent conviction for a relevant offence, the Board will liaise with the Police Service of Scotland. If the Police Service of Scotland object to the application, the application will be dealt with at a Board meeting, when it will consider carefully whether the grant of the licence will be in the interests of the crime prevention objective. It will consider the seriousness and relevance of any conviction, the period that has elapsed since the offences were committed and any mitigating circumstances. If not satisfied that grant of the application will promote the crime prevention objective, the Board will refuse it.

16 ADULT ENTERTAINMENT

16.1 Subject to any regulations which may be promulgated, this Board will seek to regulate standards in relation to licensed premises offering adult entertainment on a case by case basis.

16.2 In particular the Board will expect licence applicants to have given consideration to the promotion of the licensing objectives in relation to the protection of children and the prevention of crime and disorder.

16.3 Where premises licence applications include adult entertainment in the planned activities, the Board will have particular regard to the location of the premises in relation to places of religious worship, schools, youth clubs or other premises where significant numbers of children are likely to congregate.

16.4 All applications involving adult entertainment of any kind will be considered on their own merits but particular regard will be given to this section of the statement of policy.

17 OFF-SALES

- 17.1 Applicants for licences for premises which are to be used for the sale of alcohol for consumption off the premises will be expected to address the five licensing objectives in their operating plan.
- 17.2 The Board expects licence applicants to note that **Regulations** impose **restrictions** on the areas within premises in which **alcohol** for consumption off the premises **may be displayed**. The areas for display are restricted to one or both of (a) a single area of the premises agreed with the Board or (b) a single area of the premises which is inaccessible to the public.
- 17.3 With regard to **opening hours of off-sales premises** and taking into account the lack of any history of problems associated with the operation of off-sales premises in its area to date, the Board is inclined to the view that the terminal hour should be defined as 10 p.m. In terms of the Act, off-sales will not be permitted before 10 a.m. on any day. Each case will be taken on its merits and the Board is concerned to ensure that the licensing objectives relating to crime, children, public health and public nuisance in particular are promoted in this area and will consider very carefully whether earlier closing hours may be justified in any particular case. Reference is made also to paragraph 26 of this policy, relating to public nuisance.
- 17.4 Shops where sales will not be limited to alcohol should be able to demonstrate the ability to close off areas containing alcohol outwith the licensing hours of 10 a.m. to 10 p.m. any day.

18 SMOKING, THE USE OF E-CIGARETTES AND NUISANCE

- 18.1 The Board acknowledges that smoking and vaping is not a licensing matter but one for other legislation.
- 18.2 The health risks associated with smoking and with passive smoking continue to be well publicised; licence holders will be aware of their own statutory responsibilities, public opinion generally, the expectations of their patrons and the legislation concerning smoking in public places.
- 18.3 THE BOARD IS CONSIDERING WHETHER TO ADOPT A POSITION IN RESPECT OF E-CIGARETTES. ANY CONSULTEE WITH VIEWS ON THIS TOPIC IS SPECIFICALLY REQUESTED TO CONTACT THE DEPUTE CLERK ON susan.brunton@shetland.gov.uk
- 18.4 The Board expects that licence holders will have regard to good practice. It is their responsibility to ensure that patrons do not create a nuisance or disturbance for residents living nearby. This includes any noise nuisance arising as a result of patrons smoking outside the premises and any associated littering of the area. Where appropriate the Board may impose conditions requiring licence holders to

provide litter bins in the vicinity.

- 18.5 Every business has a duty to ensure that waste is disposed of securely and to keep their premises clear of all litter generated by staff and customers; the Board expects licence holders to be aware of their responsibilities and of the possibility of statutory street litter control notices in the case of non compliance.

19 OUTSIDE SEATING AREAS

- 19.1 When applicants propose to provide outside seating, tables or other facilities in any outdoor area (whether covered or not), the area should be included in the layout plan of the premises to be licensed. Further, the operating plan should indicate that due consideration has been given to the need to ensure that the use of such areas will not cause disturbance or nuisance to the occupiers of other premises in the vicinity and effective management controls, supervision and other measures will be put in place to ensure that the use of such areas by patrons or by any other persons does not have a negative impact in the vicinity. Managers of premises in Lerwick should take appropriate steps to alert customers to the effect of the byelaw prohibiting consumption of alcohol in public, if the customers were to take alcohol outwith the licensed area. Managers should also give consideration to how such areas should be clearly delineated, in coming forward with any proposals for licensing of outside drinking areas. Subject to the foregoing, the Board would look favourably on proposals for suitable outside drinking areas aimed at creating a more family friendly environment.

20 HOURS OF TRADING

- 20.1 This section primarily relates to premises where alcohol is sold for consumption on the premises with or without any other licensable activity. The Board expects that all applicants for all types of licensed premises will consider hours of trading to be an important issue when preparing their operating plans. Paragraph 17.3 above outlines the Board's policy approach with respect to off-sale trading hours.
- 20.2 In determining its approach to the hours of trading, the Board will give full consideration to the Scottish Executive guidance under the Act and to the provisions at sections 62 to 66 of the Act itself. Each case will be dealt with according to its individual circumstances.
- 20.3 As a starting point, but subject to considering the individual merits of each case, the Board intends to approve an **opening hour of 11 a.m.** each day for on-sale premises unless this conflicts with any statutory provisions or exceptional circumstances exist.
- 20.4 Having regard to the licensing objectives, and particularly that of protecting and improving public health, as a starting point, but subject to considering the individual merits of each case, for on-sale licensed premises the Board has approved the following for terminal hours.

The guideline **terminal hours** are –

1 a.m. on any night for the generality of premises and 3 a.m. on weekend nights for premises which are operating as a nightclub. For this purpose the Board regards premises or a part of premises which meet the following criteria as a night club:-

- recorded music is played live by a person or persons; and
- an area is specifically laid out for dancing; and
- a fee is charged for entry;

Whilst each case will be considered on its merits, the Board will generally consider applying the following additional conditions on premises seeking to operate as a nightclub. These conditions are:-

- CCTV coverage;
- A Personal Licence holder is present on the premises during late hours opening;
- The use of Security Industry Authority licensed door supervisors.

20.5 As a starting point, but subject to considering the individual merits of each case, the Board intends to follow the times laid down in those guidelines unless they conflict with any statutory provisions or exceptional circumstances exist. The Board remains satisfied with the opening hours which have operated under their guidelines.

20.6 With respect to **occasional licences** and **extended hours applications** reference is made to paragraph 12 above. Additionally as a guideline the Board would be prepared to approve applications which fall within the general guideline hours set out above for on-sale premises, namely with an opening hour of 11am and a terminal hour of 1am.

20.7 The Board believes that when preparing operating plans there is merit in applicants giving consideration to the principle of winding down periods at the end of the night. By gradually increasing the lighting and winding down entertainment such as loud music before ending the sale of alcohol and the end of trading hours, thereby creating a calmer ambience, patrons leaving licensed premises may be inclined to behave less boisterously. In addition patrons may be inclined to leave the premises spasmodically in small groups on a gradual basis rather than simultaneously.

20.8 Consideration will always be given to an applicant's individual case and the Board will take into account any proposals the applicant has to minimise the risk of nuisance or disorder being caused or exacerbated by customers departing from the premises

20.9 Where no relevant representations are received from either a responsible body or any interested party and there is no departure from the Board's adopted policies, the Board will consider granting an application in accordance with the terms of the operating plan.

20.10 The Board believes that by adopting an approach which is sufficiently flexible, it is

possible to ensure that:

- all areas of the Islands, including the town of Lerwick, their businesses and residents will be treated equitably and arbitrary restrictions will be avoided
- restrictions on the hours of trading will only be applied where this is necessary in order to promote the licensing objectives
- restrictions are not placed on hours of trading which may contribute to rapid binge drinking near closing time.

21 General Extensions of Licensed Hours

- 21.1 The Board has powers under S67 of the Act to grant a general extension of licensed hours in connection with special events of local or national significance. The Board will consider the views of the Police Service of Scotland particularly with regard to crime prevention and public safety objectives before granting any such general extension.
- 21.2 The Board will consider annually whether to grant a general extension of licensed hours for the Christmas and New Year period. During any such general extensions of licensed hours for the Christmas and New Year period the Board will consider permitting all licensed premises to remain open until 2am, and nightclubs to remain open until 3am provided they meet conditions required to ensure the promotion of the licensing objectives.
- 21.3 The Board recognises that Fire Festival and Up Helly Aa celebrations are special events of local significance for the Shetland Islands Area. The Board will annually grant a general extension of licensed hours with respect to appropriate licensed premises in the relevant vicinity for recognised Fire Festival or Up Helly Aa celebrations.
- 21.4 The currently recognised Fire Festival or Up Helly Aa celebrations are: Scalloway Fire Festival; Lerwick Up Helly Aa; Nesting and Girsta Up Helly Aa; Uyeasound Up Helly Aa; Northmavine Up Helly Aa; Bressay Up Helly Aa; Cullivoe Up Helly Aa; Norwick Up Helly Aa; South Mainland Up Helly Aa and Delting Up Helly Aa. Additional Fire Festivals or Up Helly Aa celebrations will require to be recognised by the Board prior to being included in the terms of the general extension.
- 21.5 During the general extension for a recognised Fire Festival or Up Helly Aa event the Board will permit identified licensed premises to remain open until 4am provided that the bar operations cease at 3.30am with respect to all events except the Lerwick Up Helly A'. Premises involved in the Lerwick Up Helly A' will cease bar operations at 3.30am but may remain open until 9am. Provision may also be made for additional hours for the Jarl's breakfast on the day of the event, or other events associated with the Lerwick Up Helly A'.
- 21.6 The Board delegates to the Clerk to formalise the dates and other content of the general extension for Fire Festivals and Up Helly Aa celebrations and notify the affected premises on an annual basis.

SECTION B - LICENSING OBJECTIVES

22 OVERVIEW

22.1 The following sub-sections set out the Board's policy relating specifically to the five licensing objectives:

- preventing crime and disorder
- securing public safety
- preventing public nuisance
- protecting and improving public health
- protecting children from harm

22.2 In each section relating to the objectives, the Board has defined its intended outcome. Each section lists the influencing factors on the achievement of that objective but, because of the wide variety of premises and activities to which this policy applies, the lists provided are not exhaustive. Applicants will know their premises best and will be expected to address all aspects relevant to the individual style and characteristics of their premises and the licensable activities for which they are seeking a licence.

22.3 In each sub-section, a list of possible control measures is provided, to be of assistance to applicants, but again is not intended to be an exhaustive or a prescriptive list. Many control measures achieve more than one objective but have not necessarily been listed under each objective.

22.4 The selection of control measures should be based upon a risk assessment of the premises, the proposed activities and the type of customers expected to attend – for example their age range and numbers. Risk assessment is considered to be good practice and a useful tool in the instruction and training of staff, as well as a sound basis for review by the licence holder, in the event of requiring to make application for a variation or in response to changing circumstances or conditions at the premises.

22.5 Additional measures may be necessary on an occasional or specific basis such as when a special event is planned which is intended to, or is likely to, attract larger audiences or audiences of a different nature; this can have a significant impact on the achievement of the licensing objectives.

22.6 The Board considers that the applicant should make provision for appropriate arrangements for effective and responsible management of the premises and for instruction, training and supervision of staff. This is considered to be an essential control measure for the achievement of all the licensing objectives.

23 LICENSING OBJECTIVE - PREVENTING CRIME AND DISORDER

23.1 The Shetland Islands Council together with its Community Planning Partners supports a strategy aimed at making the Islands Area a safe place to live in and visit. The Board is committed to further improving the quality of life for the people of the Islands Area by continuing to adopt policies and to introduce measures

designed to increase community safety and to reduce crime, the fear of crime and disorder.

23.2 There are already in existence a wide range of measures for preventing and reducing crime and disorder. The Act reinforces the duty of the Board to make this a top priority.

23.3 The promotion of the licensing objective to prevent crime and disorder, places a responsibility on licence holders to become key partners in achieving this objective. Applicants will be expected to demonstrate that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and the activities at those premises.

23.4 The applicant should be able to demonstrate that all those factors, which impact on crime and disorder have been considered. These include:

- underage drinking
- drunkenness on premises
- public drunkenness
- illegal possession and/or use of drugs
- violent behaviour
- anti-social behaviour
- litter
- unauthorised advertising

23.5 The following examples of control measures are given to assist applicants who may need to take account of them, having regard to their particular type of premises and/or licensable activities:

- effective and responsible management of premises
- training and supervision of staff
- adoption of best practice guidance where available, including those relating to drinks promotions
- acceptance of accredited proof of age cards or photographic driving licences or passports
- provision of effective CCTV in and around the premises, which complies with all current legislative provisions and provision of external lighting and other security measures
- employment of Security Industry Authority licensed door supervisors
- provision of litterbins outside premises
- membership of any local pubwatch schemes or similar organisations
- responsible advertising
- distribution of promotional leaflets and posters.

24 LICENSING OBJECTIVE – SECURING PUBLIC SAFETY

24.1 The Board is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. To this end, applicants may be expected to demonstrate that suitable and sufficient

measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and the licensable activities for which the licence is being sought.

- 24.2 When addressing the issue of public safety, an applicant must demonstrate that those factors which impact on standards of public safety have been considered, including –
- the occupancy capacity of the premises
 - the age, design and layout of the premises, including means of escape in the event of fire
 - the nature of the activities to be provided, in particular the sale or supply of alcohol and the provision of music and dancing, including whether those activities are of a temporary or permanent nature
 - the hours of operation – differentiating the hours of opening from the hours when licensable activities are provided, if different
 - customer profile – for instance age, disability
 - the use of special effects such as lasers, pyrotechnics, smoke machines and foam machines
- 24.3 The following examples of control measures are given to assist applicants who may need to take account of them, having regard to their particular type of premises and/or activities:
- suitable and sufficient risk assessments
 - effective and responsible management of premises, including installation of a CCTV system which complies with current legislative requirements in and around premises
 - provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons
 - appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons
 - adoption of best practice guidance
 - implementation of crowd management measures
 - proof of regular testing and certification where appropriate of procedures, appliances and safety systems.

25 LICENSING OBJECTIVE - PREVENTING PUBLIC NUISANCE

- 25.1 The Board believes that licensed premises may have a significantly adverse impact on communities, through public nuisances which arise from their operation. It wishes to maintain and protect the amenity of residents and occupiers of other businesses from the potential consequence of the operation of licensed premises, whilst recognising the valuable cultural, social and business importance that such premises provide.
- 25.2 The Board will interpret public nuisance in its widest sense and will take it to include such issues as noise, light, odour, litter and anti-social behaviour, where

these matters impact on those living, working or otherwise engaged in normal activity in an area.

- 25.3 The Board acknowledges the provisions of section 65 of the Act in relation to off-sales by shops, stores, supermarkets and other premises selling alcohol for consumption off the premises. Subject to the overall limits in section 65, the Board may permit the hours during which alcohol is sold to match the normal trading hours during which other sales take place, unless there are reasons for not doing so, such as disturbance or disorder attributable to the location and/or the premises. Reference is made in this connection to paragraph 17 of this policy, relating to off-sales.
- 25.4 However, applicants need to be aware that the Board may apply stricter conditions, including controls on licensed hours, where premises are in residential areas or where their activities may impact on residents or other business premises and where relevant representations have been received.
- 25.5 The Board believes that the impact licensed premises can have on a neighbourhood is significantly influenced by the times when those licensed premises are open. The Board may stipulate shorter hours when considering a premises licence application, if it considers this to be appropriate for instance where the premises are, or may be, a source of antisocial behaviour. The Board will consider each case on its merits.
- 25.6 Applicants may be expected to demonstrate that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events.
- 25.7 When addressing the issue of prevention of public nuisance, the following facts are relevant:-
- the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices, care homes and places of worship
 - the hours of opening, particularly between 11 p.m. and 7 a.m.
 - the nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises
 - the design and layout of premises and in particular the presence of noise limiting features and a CCTV system, which complies with current legislative requirements
 - the occupancy capacity of the premises
 - the availability of public transport
 - the wind down period between the end of the licensable activities and the closure of the premises
 - the last admission time
- 25.8 The following examples of control measures are given to assist applicants who may need to take account of them in their operating plan, having regard to their particular type of premises and/or activities:-

- effective and responsible management of premises
- appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance – for instance to ensure that customers leave quietly
- control of operating hours for all or parts of the premises – for instance garden areas – including deliveries
- adoption of best practice guidance
- installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices
- management of people, including staff and vehicular traffic and resulting queues, arriving and leaving premises
- liaison with public transport providers
- siting of external lighting, including security lighting and installation of an effective CCTV system which complies with current legislative requirements
- management arrangements for collection and disposal of waste and empty bottles, including reference to the management's Duty of Care in terms of the Environmental Protection Act 1990 and the Environmental Protection (Duty of Care) (Scotland) Regulations 1994
- effective ventilation systems to prevent nuisance from odour.

26 LICENSING OBJECTIVE – PROTECTING AND IMPROVING PUBLIC HEALTH

- 26.1 The Board wishes to see premises thriving in the Islands Area, but this cannot be at the expense of patrons' health and wellbeing. The Board will have particular regard to the views of the relevant bodies responsible for, and interested in, the protection and improvement of public health in the Islands Area. It will take advice from those relevant bodies.
- 26.2 Applicants may be expected to demonstrate that suitable and sufficient measures have been identified and will be implemented and maintained to protect patrons' health. This will include such measures as making available information with regard to sensible drinking, the effects of excessive alcohol consumption and contact points where assistance is required with problem drinking.
- 26.3 One concern about excessive alcohol consumption is the impact on people's health. This may in part be due to ignorance of the advisable daily and weekly units of alcohol which should be consumed and the number of units in commonly consumed drinks. Although some manufacturers are taking an initiative in this regard and publishing information on the labels of their products, it is considered that greater awareness of this issue would be achieved by more overt displaying of information. The Board wish to impress upon licence holders the importance of raising awareness of this issue and therefore will expect prominent informative signage to be displayed in appropriate places within their premises. If necessary, and as the result of a relevant representation, such a requirement may be imposed by way of a condition on a premises licence.

The measures identified by an applicant may depend on the individual characteristics of the premises for which the licence is sought. The Board will be

receptive to conditions which are proposed by individual applicants in respect of the promotion of this licensing objective. This might include the use of drink mats with sensible drinking messages and the use of posters on areas of circulation and in the toilet areas.

- 26.4 The Board is very aware of the risk of harm to children's health and this will be of paramount consideration when determining applications. Children may be adequately protected from harm by the action taken to protect adults but they also may need special consideration. It is recognised that no policy can anticipate every situation but applicants will be expected to demonstrate that they have given particular care to introduce measures designed to protect children's health while in or around their premises.
- 26.5 Licence applicants, door supervisors where employed and premises managers, as well as other staff employed in the premises, must remain vigilant at all times to the risks of excessive consumption. There should be established practice within the premises to ensure that a standard approach is taken where patrons' demeanour demonstrates an excessive consumption of alcohol. There should also be a clear understanding of the offences committed in connection with the service of alcohol to children or drunk persons.
- 26.6 With reference to Schedule 3 of the Act, applicants should demonstrate that they are aware that they must provide tap water fit for drinking free of charge on request and a wide selection of non alcoholic beverages must be available for purchase at a reasonable price during the whole period the premises are open. Applicants will also be encouraged to provide food on the premises, so that patrons may eat at the same time as consuming alcoholic beverages if they wish.

27 LICENSING OBJECTIVE – PROTECTING CHILDREN FROM HARM

- 27.1 The Board will have particular regard for the views of the Shetland Child Protection Committee.
- 27.2 The Board wishes to see family friendly premises thriving in the Islands Area; it would welcome applications from those who wish to operate licensed premises which will accommodate children. In determining any such application the risk of harm to children will be paramount.
- 27.3 Where applicants wish to operate such premises, the Board expects them to appreciate that this places additional responsibilities upon them, at the same time recognising that parents and other adults accompanying children also have responsibilities.
- 27.4 Applicants may be expected to demonstrate that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm, relevant to the individual style and characteristics of their premises and the licensable activities for which a licence is being sought.

27.5 Children may be adequately protected from harm by the action taken to protect adults, but they may also need particular measures to be taken; no policy can anticipate every situation. When addressing the issue of protecting children from harm, the applicant must demonstrate that those factors, which may particularly impact on harm to children have been considered.

These include whether:-

- entertainment or services of an adult or sexual nature are commonly or regularly provided
- there have been convictions of members of the current staff at the premises for serving alcohol to children
- the premises have a reputation for under age drinking
- there has been a known association with drug taking or dealing or the sale of legal highs
- the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided there

27.6 The following examples of control measures are given to assist applicants who may adopt them in any combination. They are considered to be among the most essential that applicants should take account of, having regard to their particular type of premises or activities:

- effective and responsible premises management
- provision of a sufficient number of people employed to secure the protection of children from harm
- appropriate instruction, training and supervision of those employed to secure the protection of children from harm
- adoption of best practice guidance
- limitations on the hours when children may be present, in all or parts of the premises
- limitations or exclusions by age when certain activities are taking place
- imposition of requirements for children to be accompanied by an adult acceptance of accredited proof of age cards with photographs or photographic driving licences or passports
- measures to ensure children do not purchase, acquire or consume alcohol
- measures to ensure children are not exposed to incidences of violence or disorder

27.7 The Board requires applicants who submit operating plans including children to ensure that they are not given access to premises when activities such as adult entertainment are taking place. The Board has given particular consideration to these types of entertainment and has included within this statement of policy at paragraph 16 its expectation of applicants in respect of adult entertainment.

SHETLAND ISLANDS AREA LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005
SCHEME OF DELEGATION

The Shetland Islands Area Licensing Board has delegated to the Clerk (which includes such Depute or Assistants as may be appointed by the Clerk for the purpose) authority to grant the following descriptions of application under the Licensing (Scotland) Act 2005 –

- (a) minor variation of premises licence (section 29).
- (b) variation to substitute new premises manager – where the applicant has not been convicted of any relevant or foreign offence (section 31 and with reference to section 54).
- (c) transfer of premises licence – where the transferee has not been convicted of any relevant or foreign offence (reference to sections 33 to 35).
- (d) grant of a provisional licence when the Board has held a hearing and proposed a modification to the operating plan and the applicant has accepted the modification, as proposed by the Board.
- (e) confirmation of a provisional premises licence – where no objections or representations have been received (section 46).
- (f) occasional licence – when all the following criteria are met
 - no objections or representations have been received;
 - the Police Service of Scotland have not recommended refusal;
 - the proposed licensed hours are within the guideline licensing hours of 11am to 1am; and
 - the hours applied for do not cover a period in excess of 48 hours.
- (g) extension of licensed hours – within the Board's guideline licensing hours of 11am to 1am – where no objections or representations have been received, the Police Scotland have not lodged a notice recommending refusal of the application and the report by the Licensing Standards Officer does not recommend refusal (section 68).
- (h) personal licence or renewal of a personal licence where the applicant has not been convicted of a relevant or foreign offence.
- (i) revocation of personal licence when a licence holder has failed to comply with the statutory retraining requirements.
- (j) general extension for Fire Festival and Up Helly Aa events - within the Board's Policy Statement and provided no adverse comments have been received from Police Scotland or the Licensing Standards Officer.

Third Sector Interfaces

Participation Requests under the Community Empowerment (Scotland) Act 2015 – Consultation on Draft Regulations

The Scottish Government has today published a consultation on draft regulations for participation requests under the Community Empowerment (Scotland) Act 2015.

Part 3 of the Act sets out a new process which will allow a community body to enter into dialogue with public authorities about local issues and services. Where a community body believes it could help to improve an outcome it will be able to request that the public body takes part in a process to improve that outcome. It gives the Scottish Ministers powers to make regulations to fill in more detail of the procedures to be followed. Ministers can also publish guidance to explain further how the process should work.

This consultation seeks views on draft regulations and it also explains the requirements of the Act. We encourage public authorities to use this information to help develop their procedures. We expect that final regulations will be laid before the Scottish Parliament in September 2016.

The consultation paper is available on the Scottish Government consultation hub at <https://consult.scotland.gov.uk/community-empowerment-unit/participation-request-regulations>.

The closing date for responses is **15 June 2016**.

We would be happy to take part in discussion and events on participation requests if that would be helpful, although please keep in mind that we are a small team, and we are restricted in what we can do during the Scottish Parliament election period.

Please be aware that this is one of several consultations being issued this month on different aspects of the Community Empowerment Act. They are all available through the consultation hub, https://consult.scotland.gov.uk/consultation_finder

Further information and contacts on the various parts of the Act are available on the Scottish Government website at <http://www.scotland.gov.uk/Topics/People/engage>

If you have any questions please contact ParticipationRequestsGuidance@gov.scot. You can also follow us on Twitter, @CommEmpower.

We look forward to hearing your views.

Ian Turner

Community Empowerment | 3-J South | Victoria Quay | Edinburgh | EH6 6QQ | Tel: 0131 244 0790 | Mob: 07411 429 565 | email: ian.turner@gov.scot

Clerk to Lerwick Community Council

From: Local Authority Liaison, Highlands and Islands
[HighlandIslandLocalAuthLiaison@Scotland.pnn.police.uk]
Sent: 20 May 2016 07:41
Subject: Community Council Questionnaire [NOT PROTECTIVELY MARKED]

NOT PROTECTIVELY MARKED

Dear All,

Thank you very much for taking the time to share your views with us through our recent questionnaire. This has now closed.

We are delighted to have received over 70 responses from you and are now in the process of collating those and sharing them with Chief Superintendent MacRae and your local Area Commander.

Once again, thank you for your commitment and continued support.

Judy

T/Insp Judy Hill
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Website: <http://www.scotland.police.uk>
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Facebook: www.facebook.com/policescotland

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Tell us what's important to you.
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Tha am fiosrachadh sa phost-d seo, agus ann an ceangal(an) sam bith na chois, prìobhaideach agus dh'fhaodte FO SHOCHAIR LAGHAIL. 'S ann a-mhàin airson an neach-uidhe a tha e. Mura tusa an neach-uidhe no mura h-eil dleastanas ort a chur air adhart chun an neach-uidhe, thathar le seo a' leigeil fios dhut gu bheil e toirmisgte am post-d seo a chleachdadh air dhòigh sam bith, no fhoillseachadh, no sgrùdadh, no sgaoileadh, no riarachadh, no lethbhreac a dhèanamh dheth.



Local Government Boundary

Commission for Scotland

Thistle House, 91 Haymarket Terrace, Edinburgh, EH12 5HD

Chair: Ronnie Hinds CPFA

Secretary: Isabel Drummond-Murray

Community Council

26 May 2016

Dear Community Council

Fifth Statutory Reviews of Electoral Arrangements - Final Recommendations

I am writing to inform you that the Local Government Boundary Commission for Scotland has submitted to Scottish Ministers its Reports and Final Recommendations, for the number of councillors and the electoral ward boundaries in each of Scotland's 32 local authorities.

Copies of our Reports and further information regarding the reviews are available on our website: www.lgbc-scotland.gov.uk/reviews/5th_electoral/.

The reports have been submitted to Scottish Ministers and, for the proviso in section 17(2) of the Local Government (Scotland) Act 1973, the agreed date for submission will be taken as 26 May 2016. Any comments on the reports should be made within the 6 week period referred to in section 17(2) of the Act to Scottish Government, Local Government Policy and Relationship Unit, Directorate for Local Government and Communities, Area 3J (North), Victoria Quay, Edinburgh EH6 6QQ.

The Commission has issued a News Release, published a Public Notice in the national and local press throughout Scotland and asked Councils to make copies of the reports available at display points in their area.

Yours faithfully

Isabel Drummond-Murray
Secretary

established by Parliament to advise Ministers on local government boundaries

phone: 0131 538 7510

email: lgbc@scottishboundaries.gov.uk

fax: 0131 538 7511

web: www.lgbc-scotland.gov.uk

Clerk to Lerwick Community Council

From: Paul Moar [paul-moar@hotmail.co.uk]
Sent: 30 April 2016 17:17
To: clerk@lerwickcc.org.uk
Subject: Kantersted

Dear Marie, hello again.

Over the past couple of weeks I've noticed one or two little matters which I thought I would drop you a small email regarding.

I think it was about a fortnight ago that I noticed in the Shetland Times "Da Whitrit" column a small post with two photos regarding the name and road signs pertaining to Kantersted.

The name is indeed Kantersted and not Kanterstead as the "sted" part of the name comes from the old Norse "Staðir" meaning farm. It would be nice if when the wrong road sign is replaced the correct spelling could be applied.

Another corruption is near to where I live at Westerloch and for a year or two now I've been aware that the sign for Andrewston has been spelled "Andrewstown". All my childhood it was Andrewston and this comes from "Andrew's fields". Again the "ton" part of the name is just a variation of the old Norse word "tun" which relates to a farm and fields.

It has nothing to do with "town"!

Indeed a quick Google reveals a plethora of results relating to Andrewston.

https://www.google.co.uk/search?hl=en-GB&source=hp&biw=&bih=&q=andrewston+lerwick&gbv=2&oq=andrewston+lerwick&gs_l=heirloom-hp.3...25587.31687.0.32265.18.11.0.7.0.0.468.2108.2j6j1j0j2.11.0....0...1ac.1.34.heirloom-hp..10.8.1272.C4E2s7vrVII

Sadly,, I don't think the SIC Roads Department would pay much heed to my advice on it so could I perhaps ask the LCC to make representations on it at some time?.

Finally(!), I saw an article in The Shetland Times a few weeks ago pertaining to the proposed Staney Hill development and it said that the public were being invited to submit their thoughts/ideas on it but unfortunately I let it slip and now I can't remember who it was that submissions could be sent to. Would you happen to know who or what agency this was?.

Many thanks again for your time and help.

Warmest wishes,

Paul

P.s I'm blyde to see the Lerwick signs back and looking healthy ;)

Clerk to Lerwick Community Council

From: Corinne.Dalziel@shetland.gov.uk
Sent: 25 May 2016 11:01
To: CommunityCouncilClerks@shetland.gov.uk; josie_mcmillan@hotmail.com; evaganson@gmail.com
Cc: catherine.hughson@shetland.org; wendy.hand@shetland.gov.uk; j.gear520@btinternet.com; jim@filsket.me.uk
Subject: ASCC
Categories: Red Category

Dear all

As of Friday 27th May, I will no longer be in post as administration assistant to the ASCC. I have passed on all active projects to Wendy Hand, Team Leader at Voluntary Action Shetland, until the new admin assistant is appointed. In the meantime, if you need to get in touch with the ASCC, please contact Catherine Hughson or Wendy Hand on 01595 743902.

The ASCC self evaluation will go ahead as planned. I have left notes and discussed plans with Wendy so the new admin assistant should be able to pick up where I left off.

It has been a pleasure to work for the ASCC and I wish you all the very best.

Kind regards,
Corinne

Corinne Dalziel
Administration Assistant
Association of Shetland Community Councils (ASCC)
Market House
14 Market Street
Lerwick
Shetland
ZE1 0JP

01595 743906
corinne.dalziel@shetland.org

26 May 2016

Marie Sandison
Lerwick Community Council
Stouts Court
Lerwick
ZE1 0AN

Dear Marie

PATHS FOR ALL COMMUNITY PATHS GRANT FUND

Thank you for your application to the Paths for All Community Paths grant fund.

This year's grant fund was hugely oversubscribed with a large number of high quality applications.

Unfortunately, after careful consideration, your application has not been successful.

Although we are unable to offer you a grant we can provide you with support, advice and access to a wide range of resources to help you to progress your project. Please feel free to contact us if we can assist you.

Thank you again for your interest in our Community Paths grant fund and we wish you every success with your project.

Yours sincerely,



Catharine Idle
Senior Development Officer

From: Maj (retd) A J Taylor QGM

**Su Stanes
Hillside
Voe
Shetland
ZE2 9PT**

Mrs Marie Sandison
Clerk to Lerwick CC
Community Council Office
Basement, Stouts Court
Lerwick
Shetland, ZE1 0AN

**Tel: 01806 588383
Mob: 07887 423965**

16 May 2016

Dear Mrs Sandison

Shetland Festival of Remembrance – Saturday 12 November 2016

Thank you for your Community Council's response to my initial request for financial support for the above event.

Please find enclosed the completed application form for a grant towards the production costs that you requested.

Yours sincerely

John Taylor

Encl:



LERWICK COMMUNITY COUNCIL

CHAIRMAN

Mr Jim Anderson
66 Breiwick Road
Lerwick, Shetland ZE1 0DB

Tel. 01595 693540 or 07803 342304
Email: chair@lerwickcc.org.uk

CLERK

Mrs Marie Sandison
Community Council Office
1 Stouts Court
Lerwick, Shetland ZE1 0AN

Tel. 01595 692447 or 07762017828
Email: clerk@lerwickcc.org.uk
Website: www.lerwickcc.org

APPLICATION FOR GRANT

Name of group/organisation: WNI COMMERCIALS COMMITTEE

Contact name & position held: JENN IANOR EVENT COORDINATOR

Address: SU STANES, HILLSIDE, VOE, SHETLAND
ZE1 9PT

Mobile & telephone numbers: 01806 588 383 07887 423965

Email address: taiglor.shetland@btinternet.com

Details of project: *(This should include how the grant will be spent and what outcome(s) would be achieved should the grant be awarded)*

As explained in original request.

Type of organisation (e.g. voluntary / charitable): Voluntary Committee

Number of members in group/organisation: and what percentage reside in Lerwick:

Number of residents in the Lerwick area likely to benefit from project - Adults: Children:

Open to all on first come, first served basis

Current financial position of group/organisation: NIL FUNDS ON HAND

Costs of proposed project: Known £2650.00 ESTIMATED A FURTHER £1500.00

Funding/grants received from other sources (e.g. fundraising):

ONE COMMUNITY COUNCIL GRANT OF £100.00

Grant requested from Lerwick Community Council: £100.00

Details of last grant received from Lerwick Community Council: N/A.

Date: Amount:

CONDITIONS OF GRANT

- Established groups/organisations **must** submit a copy of their last audited accounts and a copy of their most recent bank statement.
- Applications from Shetland-wide groups will not be considered (except in exceptional circumstances).
- A new group/organisation may receive a small establishment grant.
- Applications should be made prior to project commencing, therefore no retrospective applications will be considered.
- Although grants will be approved in advance, no grant will be paid until the work is done and a receipted invoice is submitted to Lerwick Community Council.
- A written acknowledgement is required once you have received your grant.

IMPORTANT

Any funding offer made will be paid on a pro-rata basis and may be rescinded if funds are not claimed within 12 months of the offer letter date.

I (print name and position held): John Tamsar Event Coordinator
of (group/organisation): WWI Commemoration Committee

hereby apply to Lerwick Community Council for financial assistance towards the cost of the proposed project detailed on page one.

A copy of the last externally examined accounts and/or a copy of the most recent bank statement are enclosed. NO PREVIOUS ACCOUNTS.

(please tick appropriate box)

We have previously been through grant process with Shetland Islands Council (SIC) Education & Social Care Grants Unit and give permission for the Community Council to contact the SIC Grants Co-ordinator to confirm that we have the appropriate Child Protection Policy & Procedures in place.

We have not previously been through the grant process with SIC Education & Social Care Grants Unit and enclose a copy of our Child Protection Policy & Procedure. We give our permission for the Community Council to check with SIC Grants Co-ordinator to ensure the enclosed documents comply with Child Protection requirements.

Signed: [Signature]

Date: 16 MAY 2016

**From: Maj (retd) A J Taylor
QGM**

Su Stanes
Hillside
Voe
Shetland
ZE2 9PT

Tel: 01806 588383
Mob: 07887 423965

9 March 2016

Marie Sandison
Community Council Office
1 Stouts Court
ZE1 0AN

Dear Ms Sandison

Shetland Festival of Remembrance – Saturday 12 November 2016

Throughout 2014-2018, Shetland is commemorating the centenary of events occurring during WWI. A proposal was put to the Lord Lieutenant and the Convenor that Shetland should hold a 'Festival of Remembrance', similar to that held each year in the Royal Albert Hall the night before Remembrance Sunday. The above date was selected because on the 13 November 1916, Shetland suffered its greatest single loss of life in one day, with sixteen soldiers killed.

I organise the Remembrance Sunday proceedings in Lerwick each year and the Lord Lieutenant has asked me to coordinate this, a Shetland wide event, which will be produced using volunteer effort and the participation of many groups throughout Shetland. The event is to be held in the Clickimin Centre between 18.30 to 20.00 hours, thus allowing time for anyone wishing to attend from the Isles to catch return ferries.

Early indications are that there will be considerable initial expenditure for hire of venue, staffing, publicity and programme production to mention only a few items. I am seeking some financial support/sponsorship for this, one off event, in order that Shetland can honour the sacrifice of those who were lost, not only in 1916, but throughout the conflict.

Entry to the event will be free, but ticketed on a first come, first served basis with each sponsor being allocated four complimentary tickets in recognition of their support. There will be a 'retiring collection' on the night which will be added to any surplus sponsorship monies for disbursement between Service Charities.

Cheques for sponsorship should be made payable to, "Shetland Islands Council" and sent to the Town Hall annotated, "for the attention of Anita Sparrow", indicating 'Festival Sponsorship'.

Thank you in anticipation.

Yours sincerely



John Taylor



LERWICK COMMUNITY COUNCIL

CHAIRMAN

Mr Jim Anderson
66 Breiwick Road
Lerwick, Shetland ZE1 0DB

Tel. 01595 693540 or 07803 342304
Email: chair@lerwickcc.org.uk

CLERK

Mrs Katrina Semple
Community Council Office
1 Stouts Court
Lerwick, Shetland ZE1 0AN

Tel. 01595 692447 or 07818 266876
Email: clerk@lerwickcc.org.uk
Website: www.lerwickcc.org

APPLICATION FOR GRANT

Name of group/organisation:	Living Lerwick Ltd
Contact name & position held:	Christena Irvine, BID Manager
Address:	7 Mounthooly Street, Lerwick, ZE1 0BJ
Mobile & telephone numbers:	07767 446617, 01595 696932
Email address:	manager@livinglerwick.co.uk

Details of project: *(This should include how the grant will be spent and what outcome(s) would be achieved should the grant be awarded)*

Living Lerwick Ltd is working towards a summer event. As part of this, we would like to improve the look and feel of the town centre for summer 2016. The intentions are to have:

Flower scheme – 45 half baskets, 25 full baskets, 10 window boxes, 15 small planters, 6 medium planters, 5 larger planters.

The cost of the flowers have been priced at £2,680.

The flower scheme adds life and colour to the town centre, improving the look and feel of the town for locals and visitors alike.

Type of organisation (e.g. voluntary / charitable): Ltd Company (not for profit business improvement district)

Number of members in group/organisation: 173 and what percentage reside in Lerwick: 100%.

Number of residents in the Lerwick area likely to benefit from project - Adults: All Children: All

Current financial position of group/organisation: Businesses are contributing a levy of approximately £75,000 to achieve all aspects of the Living Lerwick Ltd Business Plan.

Costs of proposed project: £2,680

Funding/grants received from other sources (e.g. fundraising): Levy contribution £1,680

Grant requested from Lerwick Community Council: £1,000.

Details of last grant received from Lerwick Community Council: Date: 16/3/16 Amount: £1,196.58
For the purchase and hanging of new Christmas tree lights which was part of our Winter Festival.

CONDITIONS OF GRANT

- Established groups/organisations **must** submit a copy of their last audited accounts and a copy of their most recent bank statement.
- Applications from Shetland-wide groups will not be considered (except in exceptional circumstances).
- A new group/organisation may receive a small establishment grant.
- Applications should be made prior to project commencing, therefore no retrospective applications will be considered.
- Although grants will be approved in advance, no grant will be paid until the work is done and a receipted invoice is submitted to Lerwick Community Council.
- A written acknowledgement is required once you have received your grant.

IMPORTANT

Any funding offer made will be paid on a pro-rata basis and may be rescinded if funds are not claimed within 12 months of the offer letter date.

I (print name and position held): Christena Irvine, BID Manager

of (group/organisation): Living Lerwick Ltd

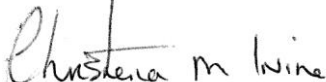
hereby apply to Lerwick Community Council for financial assistance towards the cost of the proposed project detailed on page one.

A copy of the last externally examined accounts and/or a copy of the most recent bank statement are enclosed.

(please tick appropriate box)

We have previously been through grant process with Shetland Islands Council (SIC) Education & Social Care Grants Unit and give permission for the Community Council to contact the SIC Grants Co-ordinator to confirm that we have the appropriate Child Protection Policy & Procedures in place.

We have not previously been through the grant process with SIC Education & Social Care Grants Unit and enclose a copy of our Child Protection Policy & Procedure. We give our permission for the Community Council to check with SIC Grants Co-ordinator to ensure the enclosed documents comply with Child Protection requirements.

Signed:  Date: 18 May 2016

For Official Use Only:

Date application received:

Date application approved: Minute reference:

Amount offered: Date grant paid: Cheque number:

Child Protection Criteria checked and approved by Community Council Clerk or her deputy

Name: Signed:

CHILD PROTECTION DETAILS

From 1st April 2010, if your organisation is applying for grant assistance from this scheme, and you provide services, activities or projects for young people up to the age of 18 years old, then you must comply with the requirements of the Protection of Vulnerable Groups (Scotland) Act 2007 which supersedes the Protection of Children (Scotland) Act 2003. The PVG Act introduces a new concept of 'regulated work' which covers both children and protected adult (for information on regulated work with adults guidance material can be sourced on the following web link www.scotland.gov.uk/topics/people/young-people/children-families/pvglegislation). Individuals doing regulated work qualify to apply to become members of the PVG Scheme.

Your group must have policies and procedures in place that adequately cover child protection and welfare issues. The following questions will help your decision.

Q1a Does your group organise activities for children and young people under the age of 18?

Yes No

Q1b Does your group arrange activities attended by children and young people under the age of 18 and have staff or volunteers carrying out regulated work as defined in the PVG Act.

Yes No

If you answered no to both question 1a and 1b, go directly to signatory section

If you answered yes to either, or both, questions 1a or 1b, please complete questions 2, 3 and 4: (Please note that if you have answered yes to either, or both, questions 1a and 1b, your organisation MUST have ALL of the following policies and procedures in place in order to receive any grant assistance.)

Q2a Does your organisation have an approved Child Protection Policy?

Yes No

Q2b Does your organisation have an approved Child Protection Procedure?

Yes No

Q2c Does your organisation have an approved Equal Opportunities Policy?

Yes No

Q2d Does your organisation have an approved Code of Conduct for staff and volunteers?

Yes No

Q2e Does your organisation ensure that staff or volunteers doing regulated work are scheme members? Check?

Yes No Not Applicable

Q2f Does your organisation take reasonable steps not to appoint anyone who is unsuitable to work with children or who is disqualified from working with children?

Yes No

Q3 How does your organisation access Scheme Membership Checks for its volunteers? Please tick one of the following options:

	<i>(tick)</i>
Voluntary Action Shetland (VAS)	
National Governing Body	
Other (please specify)	
Not Applicable (please let us know why. You should use the space below* to explain why your volunteers do not undertake Disclosure Checks)	

Q4 Are you satisfied that your organisation complies with the requirements of the Protection of Vulnerable Groups (Scotland) Act?

Yes No

Signatory Section

I declare the information I have given in this form is true and correct to the best of my knowledge.

Signature  Date 18/5/16

Print Name: Christena Irvine

For more information on Child Protection requirements please refer to the attached guidelines. You may also wish to contact your local Community Office for advice or refer to the Shetland Inter-agency Child Protection Procedures that are available through a link from the Childsafe Shetland website:

<http://www.shetland.gov.uk/childsafeshetland/>

*Please use the space below to provide us with any additional information

Child Protection requirements - Guidelines

From 1 April 2010 any organisation seeking financial assistance from this grant aid scheme must comply with Child Protection requirements if they:

1. Organise activities for children and young people under the age of 18;

Or

2. Arrange activities attended by children and young people under the age of 18, and have staff or volunteers engaged in a 'childcare' position as defined in the Protection of Vulnerable Groups (Scotland) Act 2007*

If either of these conditions applies to your group, then you will need to ensure that you have in place **all** of the following: a Child Protection Policy and Child Protection Procedures; a Code of Conduct for staff and volunteers; an Equal Opportunities Policy.

Templates for these documents are available from the Education and Social Care Department or at www.shetland.gov.uk/childsafeshetland and must be approved and signed by committee members of your group. You must also carry out Scheme Membership checks for any individuals doing regulated work to ensure they are not barred.

* Staff or volunteers doing regulated work include those 'whose normal duties include caring for, training, supervising or being in sole charge of children' and would cover, for example:

- Instructors or coaches who work with children (even with other adults present)
- Adults who accompany children on visits (even if their own children are part of the group)
- Adults who supervise other people's children who are 'sitting out' of activities

Even if your group does not fall within this list, it might still be subject to the requirements of the Act. If this is the case, you may wish to seek further advice from either the Central Registered Body for Scotland (CRBS), who process Scheme Record checks for volunteers, on 01786 849777, or Disclosure Scotland on 0870 609 6006.

Contact details for local support on this subject and more information are available on the Child Safe Shetland website: www.shetland.gov.uk/childsafeshetland

Clerk to Lerwick Community Council

From: development.management@shetland.gov.uk
Sent: 16 May 2016 15:24
To: Planning.Flooding.Drainage.Coastal@shetland.gov.uk;
kevin.serginson@shetland.gov.uk; roads.traffic@shetland.gov.uk;
clerk@lerwickcc.org.uk; don.eplanning@scottishwater.co.uk
Subject: Planning Consultation 2016/187/PPP

Dear Sir/Madam,

Planning Ref: 2016/187/PPP
Proposal: Erect house with garage
Address: Upper Fogralea, Lerwick, Shetland, ZE1 0SE
Applicant: Sylvia & Alastair Inkster
Date of Consultation: 16 May 2016

This e-mail is a formal consultation under the Town and Country Planning (Scotland) Acts. All plans can be viewed on:

<http://pa.shetland.gov.uk/online-applications/>

The consultation period is 14 days, but if you have any queries please contact Marion Bryant, Support Officer on development.management@shetland.gov.uk or 01595 744864.

Consultation replies should be sent to: development.management@shetland.gov.uk.

We appreciate that it may not always be possible to give a full response within the 14 days. If this is the case, please email development.management@shetland.gov.uk to indicate your continuing interest in the proposal.

If there are any problems with the e-consultation process, please get in touch.

Iain McDiarmid
Executive Manager - Planning Service
Shetland Islands Council
8 North Ness Business Park
Lerwick
ZE1 0LZ

Clerk to Lerwick Community Council

From: Hannah.Chapman@shetland.gov.uk on behalf of
development.management@shetland.gov.uk
Sent: 18 May 2016 15:41
To: roads.traffic@shetland.gov.uk; clerk@lerwickcc.org.uk
Subject: Planning Consultation: 2016/206/PPF

Dear Sir/Madam,

Planning Ref: 2016/206/PPF
Proposal: erect sculpture with internal lighting
Address: Esplanade, Lerwick, Shetland, ZE1 0AB
Applicant: Pelagic Sculpture Partnership
Date of Consultation: 18 th May 2016

This e-mail is a formal consultation under the Town and Country Planning (Scotland) Acts. All plans can be viewed on:

<http://pa.shetland.gov.uk/online-applications/>

The consultation period is 14 days, but if you have any queries please contact Marion Bryant, Support Officer on development.management@shetland.gov.uk or 01595 744864.

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If there are any problems with the e-consultation process, please get in touch.

Iain McDiarmid
Executive Manager - Planning Service
Shetland Islands Council
8 North Ness Business Park
Lerwick
ZE1 0LZ

Clerk to Lerwick Community Council

From: development.management@shetland.gov.uk
Sent: 19 May 2016 10:29
To: Planning.Flooding.Drainage.Coastal@shetland.gov.uk; roads.traffic@shetland.gov.uk; clerk@lerwickcc.org.uk; don.eplanning@scottishwater.co.uk
Subject: Planning Consultation 2016/207/PPF

Dear Sir/Madam,

Planning Ref: 2016/207/PPF
Proposal: Demolish existing dwelling house and erect new dwelling house
Address: 4 Burgh Road, Lerwick, Shetland, ZE1 0LB
Applicant: Mr & Mrs Stanley Manson
Date of Consultation: 19 May 2016

This e-mail is a formal consultation under the Town and Country Planning (Scotland) Acts. All plans can be viewed on:

<http://pa.shetland.gov.uk/online-applications/>

The consultation period is 14 days, but if you have any queries please contact Marion Bryant, Support Officer on development.management@shetland.gov.uk or 01595 744864.

Consultation replies should be sent to: development.management@shetland.gov.uk.

We appreciate that it may not always be possible to give a full response within the 14 days. If this is the case, please email development.management@shetland.gov.uk to indicate your continuing interest in the proposal.

If there are any problems with the e-consultation process, please get in touch.

Iain McDiarmid
Executive Manager - Planning Service
Shetland Islands Council
8 North Ness Business Park
Lerwick
ZE1 0LZ

Clerk to Lerwick Community Council

From: development.management@shetland.gov.uk
Sent: 12 May 2016 12:26
To: clerk@lerwickcc.org.uk; roads.traffic@shetland.gov.uk
Cc: Janet.BarclaySmith@shetland.gov.uk
Subject: Planning Re-Consultation 2016/003/PPF
Attachments: 003 Floor & Elevation Plan.pdf; 003 Site plan.pdf; 003let.pdf

Dear Sir/Madam,

Planning Ref: 2016/003/PPF
Proposal: Proposed workshop/store
Address: North Ness, Lerwick, Shetland
Applicant: Michael Stewart
Date of Re-Consultation: 12/05/2016

Original Plans submitted with this application have been amended – please find attached revised plans for further comment.

This e-mail is a formal consultation under the Town and Country Planning (Scotland) Acts. All plans can be viewed on:

<http://pa.shetland.gov.uk/online-applications/>

The consultation period is 14 days, but if you have any queries please contact Marion Bryant, Support Officer on development.management@shetland.gov.uk or 01595 744864.

Consultation replies should be sent to: development.management@shetland.gov.uk.

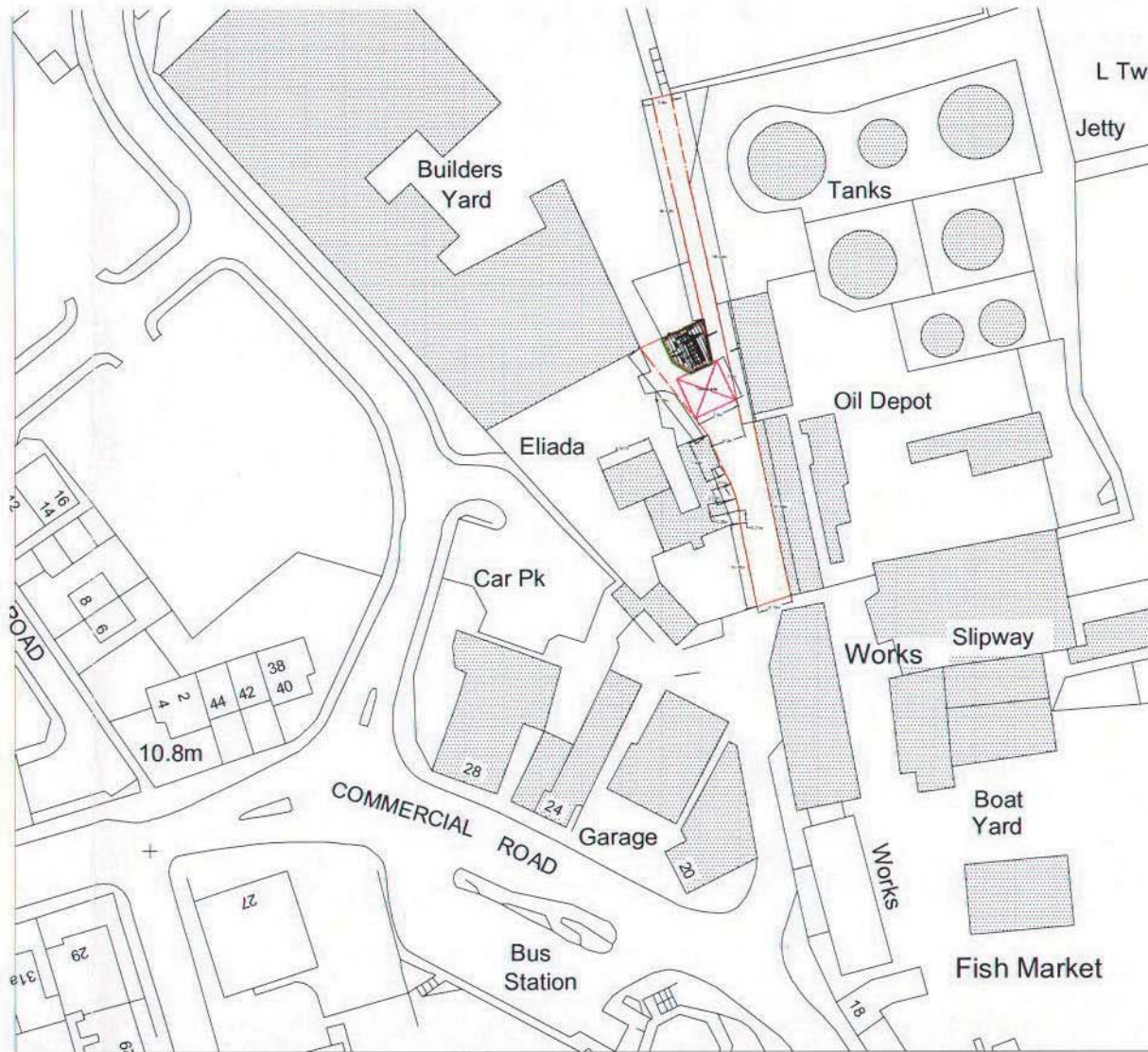
We appreciate that it may not always be possible to give a full response within the 14 days. If this is the case, please email development.management@shetland.gov.uk to indicate your continuing interest in the proposal.

If there are any problems with the e-consultation process, please get in touch.

Iain McDiarmid
Executive Manager - Planning Service
Shetland Islands Council
8 North Ness Business Park
Lerwick
ZE1 0LZ

03 MAY 2010
 PASS TO ACTION

- Non domestic property:**
- 3 -GB Oils Ltd, North Ness, Lerwick
 - 4 -Store, T P Holt, 20 Nikkavord
 - 5 -Malakoff Limited, North Ness,
 - 6 -Garage, Philip Leask, 1 Hillhead
 - 7 -Self Catering Unit, Jennifer Ja
 - 8 -Car Park, SLAP Ltd, 7 North Ness
 - 9 -SIC Headquarters, 8 North Ness

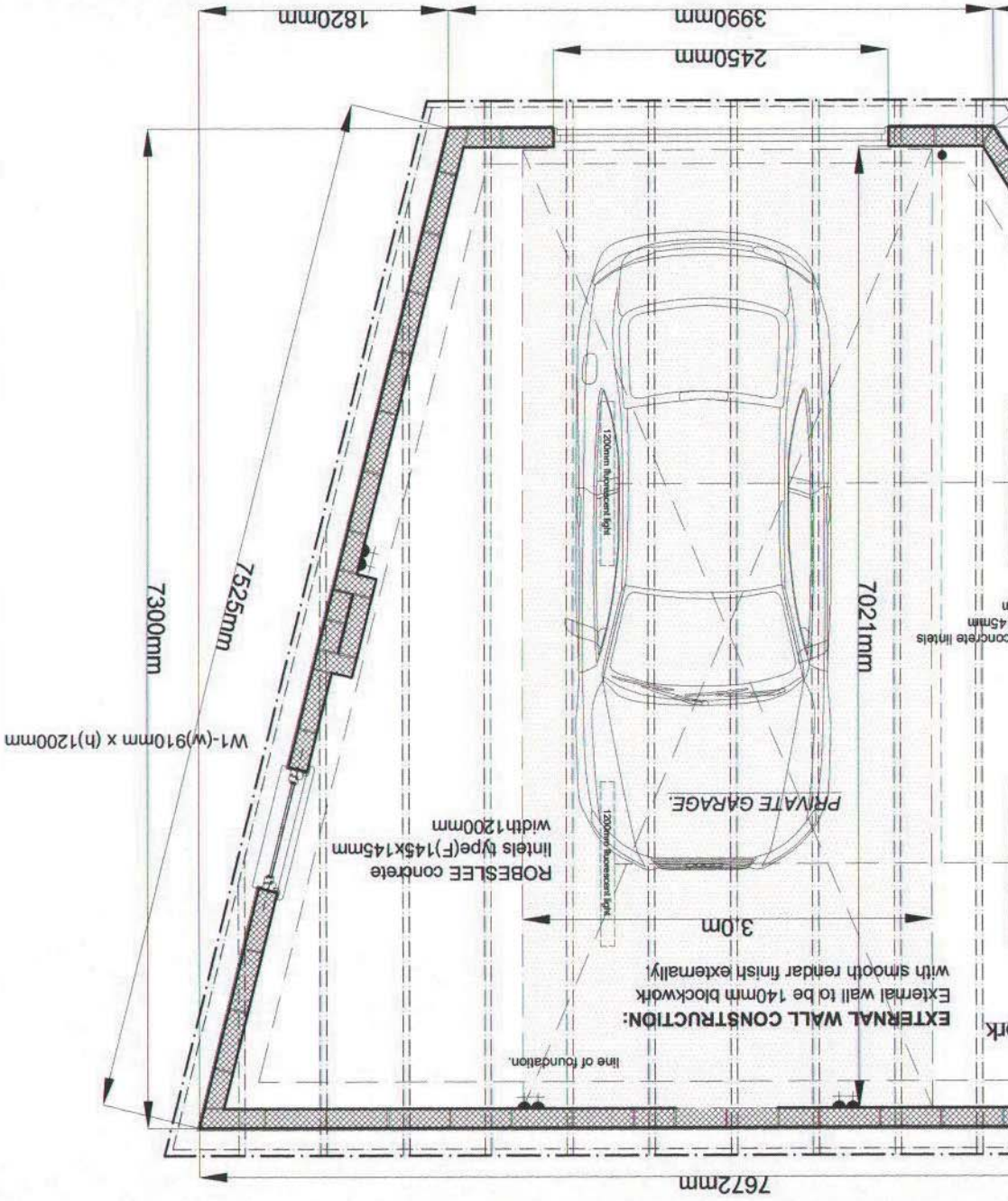


LOCALITY PLAN Scale 1:1250.

PROPOSED Scale 1:100



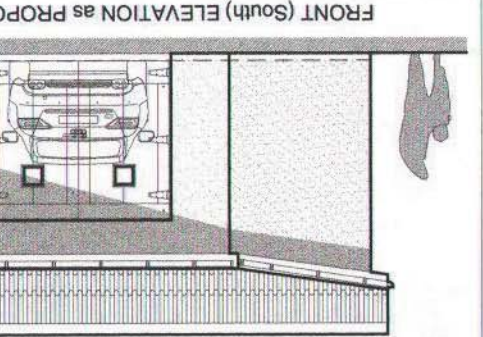
Hatched area represents area 7.0x3.0m



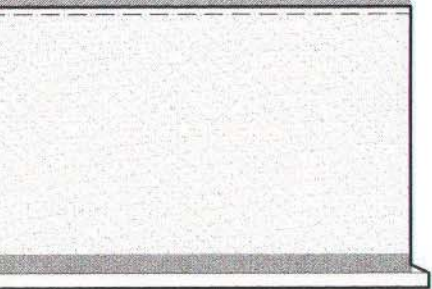
ROOF COVERING OVER GARAGE: Pitch 6°.
 Marley Eternit profile 6 sheeting, colour Blue BS 18-B-29 or equivalent fixed to 50x50mm purlins at max. 925mm ctrs. fixed to 200x50mm rafters at 600mm ctrs. with 50x50mm m/s angles.
 Fascia and soffit to be 19mm treated plywood.
 Fixings of roof to be 8mm dia. screw fixing with self washer.
 Purlins fixed between rafters to be 47x145mm grade C16 jack rafter @ 600mm ctrs. fixed with expamet bat angle bracket 90x90x32x9 swg square twist nails, all holes filled.
 Profiled sheeting is manufactured from Portland cement and water, reinforced with natural and synthetic fibres.
Technical data:
 Overall width 782mm
 Net covering width 650.8mm
 Thickness (nominal) 5.8mm
 Minimum density 1400kg/m³
 Pitch of corrugation (nominal) 72.3mm
 Depth of profile 19.8mm
 Type of product NT
 Profile height category A
 Class 1X
 Side lap 131.2mm
 Minimum end lap 150mm
 Maximum purlin centres 925mm
 Maximum rafter centres 1525mm
 Maximum unsupported overhang 250mm
 Approx. weight of roofing as laid
 with 150 mm end laps:
 single skin including fixings 14.5kg/m²
 Minimum roof pitch 5°.

FASCIA/SOFFT: Colour Black.
 Fascia to be 20mm external quality plywood with 12mm external quality plywood soffit fixed to 38x38mm treated soft wood frame.
GUTTERS: Colour Black.
 Gutters and downpipes to Black Marley deep flow gutters and downpipes.
EXTERNAL WALLS:
 External walls to be 140mm blockwork with White Smooth render applied to external wall.

SIDE (East) ELEVATION as PROPOSED Scale 1:100



FRONT (South) ELEVATION as PROPOSED



REAR (North) ELEVATION as PROPOSED

EXTERNAL DOOR: Colour Dark Blue.
 External doors to be Utile or equivalent. To be manufactured by local manufacturer. 1no. paint application prior to installation (VAL TTI or equivalent) D.p.c. to be dressed behind sub-frame as indicated.
EXTERNAL WINDOW: Colour Dark Blue.
 External window to be Utile or equivalent. To be manufactured by local manufacturer. 1no. paint application prior to installation (VAL TTI or equivalent) D.p.c. to be dressed behind sub-frame as indicated.
 Window to be top hung fully reversible.

DRAINAGE:
 Drainage to connect into existing surface water connection. All drainage to be in strict compliance with the Local Authority.

ELECTRICAL:
 All electrical work to be in accordance with the latest edition of the I.E.E. regulations.
 Hydro supply to be routed and ducted from the existing dwelling house.

Clerk to Lerwick Community Council

From: Karen Fraser [fraser6528@gmail.com]
Sent: 24 May 2016 22:30
To: Clerk to Lerwick Community Council
Subject: planning - 32 Mkt St

Well - the build has started and the wall is up only a foot from the windows of the building next door, totally blocking the light, which seems very strange. I am curious! The building next door is an office block for sale as a 'development opportunity'.

I have a very vague idea I did see the plans but just nodded it through as it didn't look like there were windows in the next door wall.

What might just be informative and educational for us is to enquire of planning why this was approved given the light issue?! I am rather curious. Market street is an interesting place to walk down just now!

cheers Marie - just enquire if you feel it's appropriate.

Karen

On 24 May 2016 12:57, "Clerk to Lerwick Community Council" <clerk@lerwickcc.org.uk> wrote:

Hi Karen,

I'm not sure what happened with this, normally planning email me the Lerwick applications and then I check the website before the meeting to see if anything relevant to LCC. This one definitely didn't arrive from planning and it must have escaped my notice. It was approved on 24 March 2015, so looks like we've missed the boat.

Do you have a issue with the build or has building not commenced yet? I could certainly bring it up if you have any concerns and there is still time to act. Let me know what you think.

Regards,

Marie

From: Karen Fraser [mailto:fraser6528@gmail.com]
Sent: 21 May 2016 17:38
To: Clerk to Lerwick Community Council
Subject: planning - 32 Mkt St

Hi Marie, me again, just a wee query when you have time - are you aware if this planning application ever came to the LCC?

LERWICK COMMUNITY COUNCIL

Core Funding Financial Report as at 1 June 2016

<u>INCOME</u>	£	£
Balance at at 1 April 2016		10,419.24
SIC Core Funding Grant 2016-17		20,923.00
SIC Community Development Funds (Distribution & Project)'16/'17		4,000.00
SIC CC Participatory Budgeting PB Project		5,000.00
Sale of TH Guides		0.00
Sale of LCC Ties		0.00
		40,342.24

<u>EXPENDITURE</u>	£	£
Office Costs	2,905.94	
Employment Costs	1,593.60	
Administration	65.16	
Accountancy	0.00	
Misc.	35.00	
Grants/Projects	266.62	
CDF Distrib & Projects	800.00	
LOOT for LERWICK	60.00	
		5,726.32
		34,615.92

<u>REPRESENTED BY</u>	£	£
Bank Balance as at 01.06.16		34,635.92

Indication of Free Funds:

Main Annual Running Costs - Amended Forecast - £15,355.62	
Amended Budget Remaining	10,755.92
Annual Grants & Projects Amended Forecast £1,881.07	
Amended Budget Remaining	1,614.45

Committed Funding:

PB Pilot Scheme from Core Funding '15/16	1,192.68
PB Pilot Scheme from CDF '14/15 and CDF '15/16	807.32
PB Pilot Scheme from CDF '16/'17	3,000.00
PB Pilot Scheme from SIC (Scottish Govt PB Match Funding)	5,000.00
PB Pilot Scheme Additional Funds	250.00
Filsket Riding Club (No longer required)	600.00
Replacement LED Floodlights for Clickimin Broch	4,524.00
Renewal of damaged office floorcoverings	490.00
Repair of office ceiling	200.00
	28,434.37
Estimated Free Funds	6,201.55

SHETLAND ISLANDS AREA LICENSING BOARD

Clerk: Jan-Robert Riise
Depute Clerk: Susan Brunton

Governance & Law
Corporate Services Department
Office Headquarters
8 North Ness Business Park
Lerwick
Shetland
ZE1 0LZ

Ms Marie Sandison
Clerk to Lerwick Community Council
Community Council Office
Stouts Court
Lerwick
Shetland
ZE1 0AF

Telephone: (01595) 744550
Fax : (01595) 744585

legal@sic.shetland.gov.uk
www.shetland.gov.uk

If calling please ask for
Susan Brunton
Direct Dial: 01595 744087

Your Ref: -

Our Ref: SI/PREM/157 SB/JI

Date: 29 April 2016

Dear Ms Sandison

Licensing (Scotland) Act 2005
Application for Variation of Premises Licence
Staney Hill Shop, 41 Norstane, Lerwick, Shetland
Closing Date for any Objections or Representations: 24 May 2016

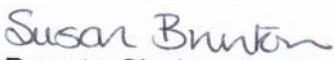
Shetland Islands Area Licensing Board has received an application for variation of a premises licence under the above Act and is obliged to give notice of the application to the relevant community council. I therefore attach a notice of the application received.

If the community council wishes to make objections or representations, you may access a pro-forma form (preferred) and guidance for your use on the Council's website at www.shetland.gov.uk/licensing.

Any objections must be lodged with the Clerk to the Licensing Board via this office by the above closing date.

If you have any queries, please don't hesitate to contact me.

Yours sincerely


Depute Clerk to the Licensing Board

Enc

LICENSING (SCOTLAND) ACT 2005

PREMISES LICENCE VARIATION APPLICATION

Applicant's Name	Name & Address of Person (if any) representing the applicant	Name & Address of Premises to which application relates	Whether for sale of alcohol for consumption on the premises, off the premises, or both	Proposed Variation	Date by which objections or representations may be made to the Board
Mr Tadas Zebrauskas		Staney Hill Shop 41 Norstane Lerwick Shetland ZE1 0QG	Off the premises	To increase alcohol display area from 6.54m ² to 12.29m ³ .	24 May 2016