



LERWICK COMMUNITY COUNCIL

CHAIRMAN
Mr Jim Anderson
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CLERK
Mrs Katrina Semple
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4 January 2012

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 **7.00pm on Monday 9 January.**

The next meeting will be on Monday 6 February 2012.

Yours faithfully

Katrina Semple
Clerk to the Council

LCC Members Literature in Office

Bell's Brae News – December 2011
PLS Annual Review 2011

BUSINESS

1. Hold the circular calling the meeting as read
2. Apologies for absence
3. Approve minutes of the meeting held on 5 December 2011
4. Business arising from the minutes
5. Police Report
 - 5.1 Crime Analysis – November 2011
 - 5.2 Crime Classifications Breakdown
6. Alcohol & Drug Issues – Gill Hession, Manager, Alcohol & Drugs Services Shetland (CADSS)
7. Lerwick Community Council Constitution – Section 8 Amendment – Paragraph 8.3
8. Correspondence
 - 8.1 Town Centre Parking Issues – PS Bruce Gray, Northern Constabulary, Lerwick
 - 8.2 Church Road Play Area 'Rocket' – Mr M Malcolmson, Leisure Facilities Officer, SIC
 - 8.3 Street Lighting Disrepair – Mr P Crossland, Director of Infrastructure Services, SIC
9. Financial Report
10. Planning Applications
 - 10.1 2011/359/PPF – Erect detached dwellinghouse & garage, Sands of Sound – Mr M Anderson
 - 10.2 2011/371/PPF – Erect new observatory & demolish existing on completion – Met Office
 - 10.3 2011/378/PPF – Attachment of air condition units – Santander
 - 10.4 2011/379/LBC – Attach & install air condition units - Santander
11. Lerwick Planning Applications - December 2011
12. Any Other Business

MONDAY 5 DECEMBER 2011

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

Members

Mr J Anderson
Mr S McMillan
Mr S Hay
Mr D Ristori

Miss K Fraser
Mrs A Simpson
Mr A Johnson
Mr E Knight

Ex-Officio Councillors

Cllr L Angus
Cllr J Wills *left 8.20pm*

Cllr J Henry

In Attendance

Mr Robert Sinclair, Executive Manager, Capital Programmes, SIC
Mrs K Semple, Clerk to the Council

Chairman

Mr J Anderson, Chairman to the Council presided.

11/12/01

Circular

The circular calling the meeting was held as read.

11/12/02

Apologies for Absence

Apologies for absence were received from Cllr C Smith, Mr J Stewart, Mr W Spence, Mr A Henry, Cllr A Wishart, Mr M Peterson, PS B Gray and Mrs H Budge.

11/12/03

Minutes

The minutes of the meeting held on 7 November 2011 were approved by Mrs A Simpson and seconded by Mr D Ristori.

11/12/04

Business Arising from the Minutes

11/11/12 Item 12.1 Knab Viewpoint

Mr L Angus enquired if the concern regarding breach of planning permission had been cleared up.

The Chairman replied that there was no actual breach of planning permission, just perceived.

He added that since responding to planning, he had not received any return correspondence.

11/11/10 – Proposed Lerwick Community Council Website

The Chairman asked members if they were happy with the idea of a Facebook page being added to the proposed website.

Mr S Hay responded that the power of Facebook was fantastic and it would add the interactive element that he had hoped for.

Mr D Ristori raised concern that via Facebook, unscrupulous people may attempt to corrupt the system with a computer virus.

Ms K Fraser welcomed the idea of Facebook and thought it a good solution.

The Chairman advised members that Mr S MacMillan had agreed to provide the photography for the website.

11/12/05

Police Report

PS B Gray was unable to attend the meeting.

Post meeting note – see appendix1

11/12/06

Feasibility Report-Proposed New Anderson High School – Mr Robert Sinclair, Executive Manager, Capital Programmes, SIC

Mr R Sinclair, Executive Manager, Capital Programmes, SIC opened the floor to questions with regard to the Feasibility Report for the proposed new Anderson High School.

Mr D Ristori enquired if the final decision had been made for the proposed new High School to be built at Lower Staney Hill.

Mr L Angus responded that it had been unanimously agreed to recommend to full Council that they proceed at Lower Staney Hill with a fit for purpose community school, hall of residence and to apply to the Government for financial assistance. This was to be ratified by full Council at their meeting on the morning of Wednesday 7 December.

Mr S MacMillan asked if the school would have to be smaller than initially hoped for in order to qualify for Government funding.

Mr R Sinclair replied that funding was based on floor area set down by the Government.

The Chairman asked if it was decided to build a school larger than national accommodation standards, of say 17,500 sq metres, would the funding available of a nominal £20,000 as two thirds of the estimated costs for an 11,000 sq metre school still be available. He asked for it to be clarified if Shetland Islands Council could fund the remainder of the additional costs without it affecting the Government funding.

Mr R Sinclair replied that he did not know as at this stage 'it was all up in the air'.

Mr L Angus clarified that no capital assistance would be available until 2015. Assistance currently available covered 67% of loan charges only. He stated that the same assistance may not be available if it was decided to borrow money from Shetland Charitable Trust, on sale and leaseback terms, the favoured method of funding.

Cllr J Wills advised that it was important to note that the desired 17,400 sq metres noted in the brief for the proposed school included an ASN and Technicians department which would cover the whole of Shetland's need. He thought that this would assist in justifying the need for the extra space.

Mr S Hay stated that it was crucial give time and consideration to how the building was designed. He furthered that it must suit the current and future need of pupils, not copy what we already have. Everyone should work together on the same vision and take an organic approach.

Mr L Angus concurred. He stated that now more than ever, educational need was changing all the time and an open minded approach had to be taken with regard to the design of the school.

He noted that the Private Public Partnership Scheme (PPP Scheme) worked well for many communities.

Cllr J Henry stated that there had been a lot of trouble with PPP Schemes. Some authorities regretted ever having becoming involved with it. It had led to them being told what to do by companies only interested in making money and no interest in education.

The Chairman advised that under the Curriculum for Excellence no one knew yet if changes would be made with regard to school leaving age. Any change may have a big effect on the size of school needed to accommodate pupils.

Mr R Sinclair informed members that for the report Shetland Islands Council had to prove that the proposed new school could fit into the designated educational area at Lower Stoney Hill and optimise the use of the contours of the land. This helped to give an idea of the costs of the build.

The Chairman declared that he was disappointed that in the report no mention had been given to the possibility of shared costs with regard to the infrastructure. He also noted that the report referred to costs for changing the current school site to an area for housing when it was a site currently zoned for education.

Mr R Sinclair responded that a few suggestions had been put forward with regard to what could be done with the current school site at the Knab. These included a primary school, college and housing. The latter generating income but only possible if the site was re zoned.

Mr L Angus advised that Shetland Islands Council previously resolved that if the school moved, the current site would be retained for educational use, until determined not needed. He hoped that this would be reaffirmed at the meeting on Wednesday.

He stated that no detail had been given with regard to consideration for housing, it was only a suggestion.

Mr E Knight suggested that the need for a Hostel should be fully and carefully explored. He was aware that the Janet Courtney Hostel was half empty.

Mr R Sinclair stated that there were many factors to consider. He informed members that for the purpose of the exercise the previous plan had been used only to give an idea of costs.

Mr E Knight expressed his hope that Shetland Islands Council would do their best to secure funding assistance. It was regretful that in his experience Shetland had never received a sympathetic ear.

Ms K Fraser enquired as to the course of action to be taken if funding was not secured.

Mr L Angus replied that the favoured option was to borrow money from Shetland Charitable Trust on sale and leaseback terms.

The Chairman asked if he could confirm that the project would not fail if funding could not be secured for a new Hostel.

Mr L Angus responded that the school was the core project. He added that a Hostel had to be provided to accommodate children from outlying areas but informed members that there was no legislation which obliged Shetland Islands Council to accommodate children over the age of 16.

There being no further questions the Chairman thanked Mr R Sinclair for attending the meeting and discussing the Report.

Mr R Sinclair then left the meeting, at 7.30pm.

11/12/07

Correspondence

7.1 Vandalism to Broch Lighting – Aimee Barclay, Youth Development Worker, Schools Service

The Clerk advised that Historic Scotland would be providing an Education Officer who would be attending Lerwick's schools to discuss the importance of the Broch. It had also been agreed that the Officer would also communicate with Ms A Barclay, Youth Development Worker, to ensure as many youths as possible could be included in discussions.

Cllr J Wills suggested that children may appreciate becoming proactive in protecting the Broch and floodlighting. He thought that they may be happy to become involved in coming up with a plan, possibly including CCTV, to watch and protect the Broch.

He proposed that youth groups could be approached and encouraged to come forward with ideas for 'Broch Watch'.

He added that the idea of some form of intruder beam be investigated.

The Chairman agreed that some form of camera would be a good deterrent. He was happy to note that Historic Scotland was being positive and stated that he would investigate the possibility of some form of technological security options for discussion with them.

He also agreed to broach the idea of 'Broch Watch' with youth groups.
(Action: Chairman)

The Chairman noted that underwater floodlighting, a suggestion raised at the previous meeting, 11/11/04, had been discussed with Mr R Bremnar, the Broch lighting electrician. However, the proposal was thought to have too many health and safety issues.

7.2 Pedestrianisation of Commercial Street – Phil Crossland, Director of Infrastructure Services, SIC

Mr L Angus advised that there had once been great opposition from traders with regard to the full pedestrianisation of Commercial Street but over time they had begun to realise that it would cause no adverse affect.

The Chairman asked the Clerk of the Council to write to Mr P Crossland, and promote the scheme which prohibits motorists from driving up Burns Walk and from access to Commercial Street from Church Road, requiring two way traffic between The Cross and Post Office

(Action: Clerk of the Council)

7.3 Vandalism, North Road, Lerwick – Lindsay Ward, North Road Resident

Mr D Ristori informed members that vandalism in the area had been a recurring problem for over thirty years.

The Chairman asked the Clerk of the Council to write to PS B Gray, Northern Constabulary with regard to the issue and include a copy of the letter.

He asked the Clerk to request that CCTV cameras are extended out to cover North Road and the Broch.

(Action: Clerk of the Council)

Mrs A Simpson mused that it would be good to see if evidence could be provided to show if the use of CCTV cameras made any significant difference.

She suggested that Ms Ward, subject to planning permission, may wish to consider installing her own CCTV camera.

The Chairman asked the Clerk of the Council to write to Ms Ward to advise her that a letter has been written to Northern Constabulary to highlight her concerns.

(Action: Clerk of the Council)

7.4 Copy of Letter to Mr A Buchan, Chief Executive, SIC - Seagull Infestation, St Olaf Street, Lerwick - James Hutton, St Olaf Street Resident

The Chairman suggested that a fine net could be installed over the Library tower to prevent the gulls from nesting.

Ms K Fraser responded that she was uncertain what the Chairman meant but would look into the suggestion.

(Action: Miss K Fraser)

7.5 Note of interest in one of Lerwick Community Council's three vacant seats – Amanda Westlake

It was agreed the Clerk should write to Ms Westlake and advise her of the forthcoming By-election.

(Action: Clerk of the Council)

Miss K Fraser asked if it would be possible to fund additional advertising in order to highlight the forthcoming By-election.

The Chairman advised that the same suggestion had been raised at the recent ASCC meeting. He stated that he would discuss the idea further with Mrs K Massie, ASCC.

(Action: Chairman)

11/12/08

Financial Report

Noted

Cllr J Wills asked if some of the funds available could be used to advertise Lerwick Community Council's three vacant seats.

The Chairman suggested that the proposal could be discussed at Lerwick Community Council's January meeting.

(Action: Clerk of the Council)

11/12/09

Planning Applications

9.1 2011/332/PPF – External alterations & refurbishment – Ogilvie Buildings, Lerwick

No objections.

(Action: Clerk of the Council)

11/12/10

Lerwick Applications October 2011

Noted

11/12/11

Any Other Business

Street Lighting

Mr D Ristori raised concern that the 'doors' on some street lights were still in need of repair.

The Chairman asked Mr D Ristori to email the Clerk of the Council with a list of the lighting in question in order for her to write to Mr P Crossland, Director of Infrastructure Services, SIC.

(Action: Mr D Ristori/Clerk of the Council)

Grit Bins

Mr S MacMillan asked if Grit Bins could be provided at Sandwell and Tarland as some pathways in the area were not gritted.

Mr D Ristori asked that a Grit Bin be placed between Viking Bust Station and Old North Road.

The Chairman asked the Clerk of the Council to write to Mr D Coupe, Executive Manager, Roads, SIC.

(Action: Clerk of the Council)

Access Concern – Pitt Lane & Park Lane

Mr S Hay expressed concern that for two years there were no easy access for residents in Pitt Lane and Park Lane to the nearby swimming pool car park. The problem related to building works in the area.

The Chairman asked the Clerk of the Council to write to Housing and ask for a progress update.

(Action: Clerk of the Council)

Community Benefit Fund

Referring to an email and attachments which she had asked the Clerk of the Council to email members earlier that day Miss K Fraser asked members for feedback.

Cllr J Wills Left the meeting, 8.20pm.

The Chairman asked how many people were on the Management Committee.

Miss K Fraser replied that there were 17 or 18 people, so far.

Cllr J Henry asked if money gathered in an area would be kept for use in that area.

Miss K Fraser responded that that was one of the reasons why the Management Committee was being set up. So an agreement could be reached which would be fair to all.

The Chairman stated that an 'inverse target' approach, had been proposed during early discussion, whereby those most effected, gained the most funding.

Miss K Fraser asked if members with any particular comment would contact her before, 12 December 2011.

Church Road Play Park

Mr D Ristori raised concern that the Rocket in the Church Road play park had fallen into disrepair and needed to be removed before it became a danger.

The Chairman asked the Clerk of the Council to write to Mr M Malcolmson, SIC with regard to the concern.

(Action: Clerk of the Council)

There being no other competent business the meeting closed at 8.30pm.

Minute ends.

MR J ANDERSON
CHAIRMAN
LERWICK COMMUNITY COUNCIL

Chairman..... Date.....

Crime Analysis

Crime analysis November 2011 compared with that of the same time last year.

- Class 1 - Crimes against the person – Down from 22 to 17, of which 15 were detected
- Class 2 - Crimes involving indecency – Up from 10 to 22, with 17 detections
- Class 3 - Crimes of dishonesty – Down from 281 to 159, with 100 detections
- Class 4 - Crimes of vandalism – Remained the same at 124, of which 56 were detected
- Class 5 - General Crimes – Down from 109 to 71, all detected
- Class 6 - Miscellaneous crimes – Up from 252 to 381, with 347 detections
- Class 7 - Traffic Offences – Down from 398 to 296, with 285 detections

NOT PROTECTIVELY MARKED

Class 1

- 1 Murder
- 2 Attempted Murder
- 3 Culpable Homicide
- 4 Serious Assault
- 6 Robbery and assault with intent to rob
- 7 Threats and Extortion
- 8 Cruel and Unnatural Treatment of Children
- 9 Abortion
- 10 Concealment of Pregnancy
- 11 Miscellaneous

Class 2

- 12 Incest
- 13 Unnatural Crimes
- 14 Rape
- 15 Assault with intent to rape or ravish
- 16 Indecent Assault
- 17 Lewd and Libidinous Practices and Indecent Exposure
- 18 Procurement and Other Sexual Offences

Class 3

- 19 Housebreaking
- 20 Opening Locked Places
- 21 Prevention of Crimes and Vagrancy
- 22 Theft
- 23 Resel
- 24 Breach of Trust and Embezzlement
- 25 Fraud (Including Statutory Fraud)
- 26 Forgery and Uttering (excluding Currency Offences)
- 27 Bankruptcy
- 29 Clandestine Removal
- 30 Corruption
- 31 Other Crimes of Dishonesty

Class 4

- 32 Finesetting
- 33 Vandalism, reckless damage and malicious mischief
- 34 Other Class 4 crimes

Class 5

- 35 Crimes against the state
- 36 Crimes against Public Order
- 37 Prevention of Terrorism Acts
- 38 Explosives
- 39 Crimes against Public Justice (non-court)
- 40 Crimes against Public Justice (court)
- 41 Conspiracy
- 42 Sacrilege
- 43 Wrecking Piracy and Hijacking
- 44 Offensive Weapons
- 45 Drugs

NOT PROTECTIVELY MARKED

NOT PROTECTIVELY MARKED

Class 6

- 46 Aliens and Immigration Offences
- 47 Betting Gaming and Lotteries
- 48 Disorderly Conduct
- 49 False/hoax Calls
- 50 Brokers (Licensed) and Auction Acts
- 51 Children
- 52 Offences Involving Animals/Plants
- 53 Crossbow Offences
- 54 Energy
- 55 Keeping and Supply of Explosives
- 56 Firearms, Miscellaneous Offences
- 57 Fisheries
- 58 Game Laws
- 59 Harbour Acts
- 60 Obscene Material and Sex Shop Offences
- 61 Drunkenness
- 62 Offences by Licensed Persons
- 63 Other Offences Against Liquor Licensing Laws
- 64 Labour Laws
- 65 Mines Acts
- 66 Shops Acts
- 67 Social Security Offences
- 68 Merchant Shipping Acts (not elsewhere class'd)
- 69 Naval Military and Air Force Laws
- 70 Parks etc
- 71 Pawnbrokers, Dealers, Firearms Offences
- 72 Patents Act & Off Against Certificates Issued by Local Auth
- 73 Civic Government (S) Act 1982 & Similar Provisions
- 74 Public Health and The Environment
- 75 Medical
- 76 Railways
- 77 Registration Acts
- 78 Revenue and Excise Offences (Excluding Vehicle and Drugs)
- 79 Bicycles
- 80 Offences Relating to Pedestrians
- 81 Offences relating to roads and road works
- 82 Stage and Hackney Carriages Regulations
- 83 Trespass Acts etc
- 84 Consumer Protection
- 85 Post Office, Telecommunications & Data Protection
- 86 Other Offences

NOT PROTECTIVELY MARKED

NOT PROTECTIVELY MARKED

Class 7

- 300 Dangerous and careless driving
- 301 Drunk driving etc
- 302 Vehicle Excise Licence Offences
- 303 Speeding in Restricted Areas
- 304 Other Speeding Offences
- 305 Driver's Neglect of Traffic Directions(Not Pedestrian Crossing)
- 306 Driver's contravention of Pedestrian Crossing Regulations
- 307 Accident Offences
- 308 Parking Offences
- 309 Failing to Provide Info to Identify Driver of Motor Vehicle
- 310 Using Motor Vehicle Without Test Certificate
- 311 Motorway Traffic Offences
- 312 Clearway Offences
- 313 Driving While Disqualified From Holding or Obtaining Licence
- 314 Driving Without a Licence (including under age)
- 315 Driving Licence, Other Offences
- 316 Failure to Insure Against Third Party Risks
- 317 Insure Against Third Party Risks, Other Offences
- 318 Registration or Identification Mark Offences (Not Lighting)
- 319 Lighting Offences, Motor Vehicle
- 320 Construction & Use Regulations (Other Than Lighting)
- 321 Motor Vehicle Records of Work (e.g. Tachograph) Offences
- 323 Seat Belt Offences
- 324 Mobile Phone Offences
- 399 Motor Vehicles, Other Offences

NOT PROTECTIVELY MARKED



Shetland Islands Council

Shetland Islands Council

7 December 2011

Agenda Item
X

Amendment to Community Councils' Constitution	
LA-51-11-F	
Report Presented by Executive Manager – Governance and Law	Corporate Services Department

1.0 Summary

1.1 The purpose of this report is to seek approval from the Council for an amendment to the Constitution for Community Councils in Shetland, relating to the examination of accounts, and an amendment to the Constitution for the Gulberwick, Quarff and Cunningsburgh Community Council in relation to their membership.

2.0 Decision Required

2.1 That the Council RESOLVES to approve the amendments to the Constitution for Community Councils, as detailed in Appendix 1.

3.0 Detail

3.1 The Constitution for Community Councils requires, in paragraph 8.4: "At least once per year all Community Council accounts shall be audited by a qualified accountant acceptable to the Director of Finance of Shetland Islands Council."

3.2 Increasing costs of employing a qualified accountant was a factor in considering whether an alternative method of auditing could be achieved. In this regard, and after consultation with the Head of Finance and her staff, it was agreed that paragraph 8.4 of the Constitution be amended to read as follows:

At least once per year all Community Council accounts shall be audited by an appropriately qualified independent examiner acceptable to the

Chief Finance Officer of Shetland Islands Council. A list of approved examiners will be maintained by the Association of Shetland Community Councils (ASCC).

3.3 The ASCC has consulted with all Community Councils and they are all in favour of this amendment. Community Council can continue with their current arrangements, but the amendment simply allows an alternative option to be considered, including the use of services provided by Voluntary Action Shetland.

3.4 Gulberwick, Quarff and Cunningsburgh Community Council considered a motion to increase the number of Community Councillors from 9 to 10, in order to allow a further member representing Gulberwick to be appointed. The Community Council unanimously accepted the amendment at their meeting on 21 September 2011, as follows:

"A proposal to amend the membership of the Constitution had previously been circulated to members. It was proposed that the existing membership be increased by one elected member seat. It was noted that this is subject to SIC approval. Members agreed that Gulberwick would now have three seats on the Community Council to fairly represent the residents of the area. Quarff would continue to have two seats and Cunningsburgh would continue to have five seats. The amendment to the constitution was unanimously approved by members present."

3.5 By-elections for new or existing Community Council vacancies will commence in January 2012.

4.0 Implications

Strategic

4.1 Delivery On Corporate Priorities – The outcome of this report will support the Council's Corporate Plan targets for Maintaining a Sustainable Society.

4.2 Community /Stakeholder Issues – Community Councils themselves instigated the amendments being proposed, and each Community Council has been consulted.

4.3 Policy And/Or Delegated Authority – Paragraph 10.3 of the Constitution for Community Councils states – "Formal approval by the Council shall be required for all amendments to this Constitution".

4.4 Risk Management – None.

4.5 Equalities, Health And Human Rights – None.

4.6 Environmental – None.

Resources

4.7 Financial – None.

7.

4.8 Legal – None.

4.9 Human Resources – None.

4.10 Assets And Property – None.

5.0 Conclusions

5.1 The proposed amendments have been approved by Community Councils and approval by the Council will complete the process as required by the Constitution.

For further information please contact:
Jan Riise, Executive Manager – Governance and Law
01595 744551
28 November 2011

Proposed Amendments to the Constitution for Community Councils in Shetland

1.

Section 8 Amendment – Paragraph 8.3 shall be replaced with the following:

8.3 At least once per year all Community Council accounts shall be audited by an appropriately qualified independent examiner acceptable to the Chief Finance Officer of Shetland Islands Council. A list of approved examiners will be maintained by the Association of Shetland Community Councils (ASCC).

2.

Section 4 of the Constitution for Gulberwick, Quarff and Cunningsburgh – Paragraph 4.1 shall be replaced with the following:

4.1 The membership of the Community Council shall comprise:

- (a) 10 elected members;
- (b) co-opted members filling seats in the absence of elected members;
- (c) additional co-opted members;
- (d) ex-officio, the local Councillor(s) for the Community Council area of Gulberwick, Quarff and Cunningsburgh.

List of Appendices
Appendix 1 – Proposed Amendments to Constitution

Background documents:
Constitution for Community Councils in Shetland.

END

LERWICK COMMUNITY COUNCIL

CONSTITUTION

1 Name

The Name of the Community Council shall be Lerwick Community Council, hereafter referred to as "The Community Council".

2 Area

The area of the Community Council shall be the electoral division of Lerwick under the terms of the Shetland Islands Council Community Council Scheme 1997.

3 Objects

In addition to any other purpose which the Community Council may pursue, the general purpose of the Community Council shall be to promote the well-being of the community in the Lerwick ward by ascertaining, co-ordinating and expressing to the local authority, and to public authorities, the views of the community which it represents, in relation to such matters for which those authorities are responsible, and by taking such action in the interests of the community as appears to it to be expedient and practicable.

4 Membership

4.1 The membership of the Community Council shall comprise:

- (a) 16 elected members;
- (b) co-opted members filling seats in the absence of elected members;
- (c) additional co-opted members;
- (d) ex-officio, the local Councillor(s) for Lerwick.

4.2 Categories (a) and (b) above shall comprise the core membership and candidates will be restricted to those over the age of 18 whose names appear on the relevant electoral roll and who are not otherwise disqualified from standing for election for local government. The number of co-opted members in category (b) shall be limited to 5 (the entry shall be one-third of the specified number in category (a) above or if the Community Council has a membership of less than nine, the number shall be three).

4.3 The Community Council may appoint such number of additional co-opted persons, in category (c) above, and candidature will not be restricted to those eligible to stand for election.

4.4 Full voting rights shall be restricted to the core members in categories (a) and (b).

4 Election

- 5.1 Elections to the Community Council shall be held in accordance with the provisions of the Representation of the People Acts and the rules made there under as amended or re-enacted by subsequent legislation so far as they relate to local government elections, and the provisions of the Shetland Islands Council Community Council Scheme 1997.
- 5.2 General election of Community Council members will be at a time and following a method approved by the Shetland Islands Council in consultation with Community Councils, the Returning Officer and the Electoral Registration Officer for the Shetland Islands Area.
- 5.3 Members shall be chosen by secret ballot, cast by postal vote, those eligible to vote being all persons whose names are on the current electoral roll for the area.
- 5.4 All members shall serve until the next election but shall be eligible for re-election, re-appointment or co-option provided all other qualifying conditions are met.
- 5.5 A member of the Community Council may resign at any time by giving notice in writing to the Clerk to the Council.
- 5.6 A casual vacancy shall be deemed to have occurred in the elected membership of the Community Council, inter alia, on the:
- (a) death of a member;
 - (b) resignation of a member;
 - (c) removal of an elected member from the electoral register applicable to the Lerwick Community Council area.
- 5.7 Apart from casual vacancies occurring within six months of the last day of office of the Community Council, which shall not be filled until the next ordinary election of the Community Council, the Returning Officer, in consultation with the Clerk, shall arrange for a by-election to take place. The by-election procedures shall be in accordance with guidelines and instructions issued by the Returning Officer. Only in the event of an unsuccessful by-election will the members of the Community Council be empowered to co-opt members to fill such casual or other vacancies remaining in the core membership of the Community Council during the term of office.
- 5.8 The Community Council shall meet as often as its members deem necessary.
- 5.9 At the first meeting after each Community Council general election, to be held within one calendar month of the election, members will appoint a Chairman and Vice-Chairman who, unless they resign or otherwise leave the Council, will continue in such office until the next Community Council general election.

- 5.10 The Community Council will appoint and provide for the payment for the services of a Clerk.

6 Management

- 6.1 One third of the members of the Community Council shall constitute a quorum for any meeting of the Community Council. No meeting shall have less than three members present.
- 6.2 The Community Council shall have the powers to appoint such committees and/or sub-committees as it may from time to time decide and shall determine the terms of reference, powers, duration and composition of such committees or sub-committees.
- 6.3 On written request to the Clerk, signed by not less than one third of the members of the Community Council, a Special Meeting of the Community Council shall be called to discuss any matter of interest to the community.
- 6.4 Notices calling any meetings of the Community Council and of any committees of the Community Council, specifying the items of business to be discussed, will be sent to Shetland Islands Council and each member of the Community Council, not less than 5 (five) days (including weekend days) before the day of any such meeting. A copy will also be displayed in a prominent place in the Community Council area at least 5 (five) days (including weekend days) before the date of the meeting referred to in the notice. In the event of a meeting having to be called at shorter notice, the public notice shall be displayed as soon as practicable.
- 6.5 A copy of the draft Minutes of Community Council meetings shall be forwarded to Shetland Islands Council as soon as practicable after the date of the meeting. Within 21 (twenty-one) days of the date of the meeting, further copies will be displayed at places accessible to the public and shall there remain available for public inspection for a period of not less than 14 (fourteen) days.

7 Public Participation

- 7.1 All meetings of the Community Council and of its committees and sub-committees shall be open to members of the public. Only with the permission of the chairperson shall members of the public have a right to speak at those meetings. This permission shall not be unreasonably withheld.
- 7.2 The Community Council and its committees and sub-committees may by resolution agree to consider in private any items of business of a private or confidential nature or when in the opinion of the Community Council it would be in the community interest to do so. In such circumstances, and for the duration of consideration of such an item, the public will be excluded from the meeting.

8 Control of Finance

- 8.1 All monies raised by or on behalf of the Community Council shall be applied to further the objects of the Community Council and for no other purposes.
- 8.2 The Community Council shall cause to be kept all proper accounts of the finances of the Community Council.
- 8.3 At least once per year all Community Council accounts shall be audited by an appropriately qualified independent examiner acceptable to the Chief Finance Officer of Shetland Islands Council. A list of approved examiners will be maintained by the Association of Shetland Community Councils (ASCC).
- 8.4 A copy of each year's audited accounts will, as soon as practicable after the work has been completed and approved by the Community Council, be supplied to Shetland Islands Council.

9 Information Procedures

- 9.1 Shetland Islands Council and Lerwick Community Council will, jointly, identify and agree a Code of Practice for the conduct of business and exchange of information between them.
- 9.2 The Community Council and Shetland Islands Council shall exchange Minutes of all meetings, including those of any committees.

10 Amendments to Constitution

- 10.1 Any proposed change to this Constitution shall be considered only in relation to a specific proposal included on the agenda and at a meeting attended by not less than half the members of the Community Council.
- 10.2 In addition to the provisions of section 53 of the Local Government (Scotland) Act 1973 relating to the amendment of Community Council schemes, a proposal to alter this Constitution shall be adopted if it is approved by *two-thirds* of the members of the Community Council *present and voting* at a General Meeting of the Community Council, notice of such meeting having specified the proposed amendment to this Constitution.
- 10.3 Shetland Islands Council shall be formally advised of all amendments to this Constitution. Formal approval by the Council shall be required for all amendments to this Constitution.

11 Dissolution

- 11.1 The Community Council shall be deemed to be dissolved if, nominations having been sought for elected membership of the Community Council, the number of valid nominations received is insufficient to ensure that at least one third of elected members will be in office.

- 11.2 On dissolution of the Community Council, Shetland Islands Council will supervise the satisfaction of all proper debts or liabilities of the Community Council and assume responsibility for all of its remaining residual assets.
- 11.3 In the event of dissolution, fresh nominations for membership of the Community Council will be sought not more than 6 months after the date of dissolution or, should such an election be scheduled for an earlier date, to coincide with the next general election to Community Councils, as described in paragraph 5.2 above. Should Community Council then be elected, Shetland Islands Council will return to it all residual assets of the previous, dissolved, Community Council.

12 Subscription of Constitution

This Constitution was adopted at a meeting of Lerwick Community Council held on _____ 2012, and was subscribed by the Chairman of Lerwick Community Council and the Convener of Shetland Islands Council at a meeting of the AGM of the Association of Community Councils on _____ 2012.

(Signed) Chairman

Mr J Anderson

(Signed) Convener

Mr A Cluness

Entered in the Register of Community Council Constitutions by:

(Signed) _____
Head of Legal and Administrative
Services

Date _____



Northern Constabulary

Protect and Serve Dion Is Cuidich

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

Sergeant 183 Bruce Gray
Police Station
Market Street
Lerwick
Shetland
ZE1 0EP



RECEIVED
02 DEC 2011

Your Ref: 2011-256/KS

Our Ref:

24/11/2011

Dear Katrina,

Parking Issues – Town Centre

I refer to your recent letter and concerns in relation to illegal and inconsiderate parking in the town centre of Lerwick.

Parking issues in Lerwick town centre have long been an issue which have been brought up on many occasions at Lerwick Community Council meetings. A particular issue which has been discussed, on more than one occasion, is that of a Traffic Warden.

Following a period of having no Traffic Warden, Shetland Police were successful in employing a caretaker/Traffic Warden who unfortunately was only able to stay with us for a relatively short period. Following a further recruitment drive we have now appointed a new caretaker/Traffic Warden who will undergo training and soon be in a position to carry out enforcement and education of parking and traffic issues in and around Lerwick and other areas.

In relation to the letter received by the Community Council, I appreciate many motorists are frustrated by parking issues and we have previously held enforcement days where numerous offenders have been issued with fixed penalty notices for contraventions of parking and driving legislation. What I would point out is that many of those issued with fixed penalty notices complained at having been issued with fines when they believe signage is poor, many of the restrictions are difficult to understand and the issue of road markings, which detail restrictions, being barely visible on the carriageway. These are to mention but a few of the issues raised by motorists who have been fined following enforcement of the restrictions.

To address the comments in the letter regarding officers not being on foot patrol, adding to vehicular clutter (by driving police vehicles) and wasting tax payers money on fuel and car maintenance when they have perfectly good legs, I would respond by saying that when I speak with members of the public most of them are of the belief that there are many police officers on duty at any one time in Shetland. The realities are that there can be a minimal number of officers on duty, with those officers having to be in a position to respond to calls anywhere in Shetland, including the islands. As such a supervisor must make best tactical deployment of the resources available to them, invariably if there is only one pair of officers available this means having them deployed in a vehicle so as to be able to respond immediately to urgent calls. Where there are sufficient resources available, we endeavour to have officers on foot patrol which invariably brings public reassurance, again it would be unfair to have officers carry out foot patrol only in the town centre; this resource must be spread throughout the community.

I do not believe there is any quick fix to the issue of inconsiderate parking in the town centre. I feel it must be a balance of education, enforcement and looking at an appropriate system of traffic management. The police, like all other public sectors, are facing unprecedented financial challenges now, and in the future, as such we must make best

use of those resources available to us. Whereas parking problems can be of great annoyance to the general public we have to balance such issues against the investigation of many other crimes and offences, which can include such high priority matters as Child Protection and Drug enforcement, along with the many other requirements for police deployment.

In relation to the paragraph in your letter which states "Parking violations are certainly on the increase", I would be very much obliged if you could forward me the source of your data which I am sure I could utilise in the preparation of any enforcement plans.

For your information and attention.

Yours Sincerely

A handwritten signature in black ink, appearing to be "B. Gray", followed by the number "183" written in a similar style.

Sergeant 183 Bruce Gray.
Lerwick Police Station.

From: magnus.malcolmson@shetland.gov.uk
Sent: 13 December 2011 10:52
To: clerk@lerwickcc.org.uk
Subject: Church Road Play Area

RECEIVED
13 DEC 2011

Hi Katrina,

In response to your letter dated 6th December regarding the above play area.

I can confirm that the "rocket" has been removed from the area and I will be looking to replace it with a suitable item of equipment as soon as I can - probably during the next financial year at the earliest.

Many thanks

Magnus

Magnus Malcolmson
Leisure Facilities Officer
Sport & Leisure Service, Shetland Islands Council
Hayfield House, Hayfield Lane
Lerwick, Shetland, ZE1 0QD

Tel 01595 744047
E-mail magnus.malcolmson@shetland.gov.uk
Web www.shetland.gov.uk/sport

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>



Shetland Islands Council

Director: Phil Crossland

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

Infrastructure Services Department
Grantfield
Lerwick
Shetland
ZE1 0NT

Telephone: 01595 744800
Fax: 01595 744804
infrastructure@shetland.gov.uk
www.shetland.gov.uk

If calling please ask for
Phil Crossland
Direct Dial: 01595 744851
Email:

Our Ref: PC/CA/Cp (154563)
Your Ref: 2011-268/KS (154563)

Date: 21 December 2011

RECEIVED
27 DEC 2011

Dear Mrs Semple

Street Lighting

Thank you for your letter of 8 December 2011, informing us of various street lighting faults in Lerwick. The matter has been passed to the Lighting Engineer, who will arrange for inspection and repairs to be carried out as soon as is reasonably possible in the New Year.

Yours sincerely

Director of Infrastructure Services

8.3

LERWICK COMMUNITY COUNCIL

Financial report as at 3 January 2012

	£	£
<u>INCOME</u>		
Balance as at 1 April 2011		18,729.01
SIC Grant 2011-2012		29,890.00
Sales - LCC Tie		11.50
Town Hall Booklet Sales		35.80
		<hr/>
		48,666.31
<u>EXPENDITURE</u>		
Office Costs	3,815.96	
Employment Costs	6,385.70	
Administration	898.36	
Chambers	204.37	
Accountancy	240.00	
Misc.	84.38	
Grants/Projects	23,291.22	
		<hr/>
		34,919.99
		<hr/>
		13,746.32
<u>REPRESENTED BY</u>		
Balance as at 3 January 2012		<hr/>
		13,840.82
<u>Indication of Free Funds:</u>		
Main Annual Running Costs Forecast - £16,743.34		
Costs Remaining	5,198.95	
Annual Grants & Projects Forecast Costs-Amended as at 28/11/11 - £7,200.00		
Payments Remaining	1,841.45	
<u>Committed Funding:</u>		
The Shetland Blues Festival	500.00	
LTCA (plus £750.00 already accounted for in Annual Grants & Projects)	1,250.00	
		<hr/>
		8,790.40
		<hr/>
Estimated Free Funds		4,955.92
		<hr/>

9.



Shetland Islands Council

Development Services Department Planning Application Consultation

For further information on this application contact:
Inga Davidson
Tel 01595 744840

RECEIVED
13 DEC 2011

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

Application:

2011/359/PPF	erect detached dwellinghouse and detached garage Sands Of Sound, Lerwick by Mr Matthew Anderson
---------------------	--

Date of Consultation: 08 December 2011

Applicable Policies and Guidance:

Structure Plan -
Local Plan -
Other -

Do you believe the proposal complies with Development Plan policy? (Please circle as appropriate)

YES

NO

Comments:

(NOTE: If you recommend we approve something contrary to the Development Plan, then material planning considerations must be given.)

(Cont'd overleaf)

10.1



Shetland Islands Council

Development Services Department Planning Application Consultation

For further information on this application contact:

Miss Inga Davidson
Tel 01595 744840

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

RECEIVED

15 DEC 2011

Application:

2011/371/PPF	Erect new observatory and demolish existing observatory on completion of new building works, Land South Of Observatory, Upper Sound, Lerwick, Shetland, ZE1 0RR
--------------	---

Date of Consultation: 12 December 2011

Applicable Policies and Guidance:

Structure Plan -
Local Plan -
Other -

Do you believe the proposal complies with Development Plan policy? (Please circle as appropriate)

YES

NO

Comments:

(NOTE: If you recommend we approve something contrary to the Development Plan, then material planning considerations must be given.)

(Cont'd overleaf)

10.2



Shetland Islands Council

Development Services Department Planning Application Consultation

For further information on this application contact:

Mr John Holden
Tel 01595 743898

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

RECEIVED
19 DEC 2011

Application:

2011/378/PPF	Attachment of air condition units to the external walls of Santander, facing Irvine Closs and Trance Closs, 66 Commercial Street, Lerwick, Shetland, ZE1 0DL Santander
--------------	--

Date of Consultation: 14 December 2011

Applicable Policies and Guidance:

Structure Plan -
Local Plan -
Other -

Do you believe the proposal complies with Development Plan policy? (Please circle as appropriate)

YES

NO

Comments:

(NOTE: If you recommend we approve something contrary to the Development Plan, then material planning considerations must be given.)

(Cont'd overleaf)

10.3



Shetland Islands Council

Development Services Department Planning Application Consultation

For further information on this application contact:
Mr John Holden
Tel 01595 743898

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

RECEIVED

19 DEC 2011

Application:

2011/379/LBC	attach and install air conditioning units to the external elevation of 66 Commercial Street, Lerwick facing Irvine Closs and Trance Closs and internal alterations to the bank layout 66 Commercial Street Lerwick by Santander
--------------	---

Date of Consultation: 15 December 2011

Applicable Policies and Guidance:

Structure Plan -
Local Plan -
Other -

Do you believe the proposal complies with Development Plan policy? (Please circle as appropriate)

YES

NO

Comments:

(NOTE: If you recommend we approve something contrary to the Development Plan, then material planning considerations must be given.)

10.4

Lerwick Planning Applications

December 2011

- Erect new observatory and demolish existing observatory on completion of new building works

Land South Of Observatory Upper Sound Lerwick Shetland ZE1 0RR

Ref. No: 2011/371/PPF | Received: Fri 02 Dec 2011 | Validated: Fri 02 Dec 2011 |
Status: Pending Consideration

- erect detached dwellinghouse and detached garage

Sands Of Sound Lerwick Shetland ZE1 0SZ

Ref. No: 2011/359/PPF | Received: Mon 28 Nov 2011 | Validated: Tue 06 Dec 2011 |
Status: Pending Consideration

- Erect illuminated signage

Co-op Ltd Holmsgarth Road Lerwick Shetland Shetland ZE1 0PW

Ref. No: 2011/341/ADV | Received: Tue 08 Nov 2011 | Validated: Fri 02 Dec 2011 |
Status: Pending Consideration

- Attachment of air condition units to the external walls of Santander, facing Irvine Closs and Trance Closs

66 Commercial Street Lerwick Shetland ZE1 0DL

Ref. No: 2011/378/PPF | Received: Mon 07 Feb 2011 | Validated: Thu 08 Dec 2011 |
Status: Pending Consideration

- attach and install air conditioning units to the external elevation of Santander, 66 Commercial Street, Lerwick facing Irvine Closs and Trance Closs and internal alterations to the bank layout

66 Commercial Street Lerwick Shetland ZE1 0DL

Ref. No: 2011/379/LBC | Received: Mon 07 Feb 2011 | Validated: Thu 08 Dec 2011 |
Status: Pending Consideration

//.