



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

3 May 2011

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 May.**

The next meeting will be on Monday 6 June 2011.

Yours faithfully

Katrina Semple
Clerk to the Council

LCC Members Literature in Office

PLS Newsletter – Spring/Summer 2011
The Nature of Scotland Spring 2011

BUSINESS

1. Hold the circular calling the meeting as read
2. Apologies for absence
3. Approve Minutes of the meeting held on 11 April 2011
4. Business Arising from the Minutes
5. Area Commanders Report – April 2011
6. Police Report
7. Roads Issues – Mr Ian Halcrow, Head of Roads, SIC
8. Closure of Grantfield and Lochside Public Toilets - Lerwick
9. Lerwick Old Town Issues – To discuss
10. Co-option – To discuss note of interest in one of the three vacant seats
 - 10.1 Expression of Interest – Mr Stewart Hay
 - 10.2 Confirmation LCC Co-option Procedures is in Accordance with Constitution – Anne Cogle, Service Manager, Legal & Admin, SIC and Jan Riise, Head of Service, Legal & Admin, SIC
(Copies of the LCC Constitution will be taken to the meeting for any member who has misplaced their original; alternatively please contact the Clerk if you would like one emailed)
11. Correspondence
 - 11.1 Mareel Licensing Application – Brian Hill, Depute Clerk to Licensing Board, SIC
 - 11.2 Community Benefit Steering Group, Request for CC Representatives – Kate Massie, Admin Assistant, ASCC
 - 11.3 Community Benefit Steering Group-Forms of Organisation, Comparison Notes – Kate Massie, Admin Assistant, ASCC
12. Financial Report
13. Planning Applications
 - 13.1 2011/103/PCD Erect New Day Care Support Centre, Seafield
14. Lerwick Applications April 2011
15. Any Other Business

MONDAY 11 APRIL 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 A Henry
Mr D Ristori
Mr W Spence
Mr S McMillan
Mrs K Greaves

Mr M Peterson
Mr L Angus
Mr A Johnson
Ms K Fraser
Mrs A Simpson
Mr J Stewart

Ex-Officio Councillors

Cllr C Smith
Cllr A Wishart

Cllr J Henry

Additional Co-opted Members

Miss J Sim

Mr T Henderson

In Attendance

Mr L Smith, Vice Chairman, Lerwick Town Centre Association
Ms F Dally, Tall Ships Races 2011
Shetland Times Reporter
Radio Shetland Reporter
Mrs K Semple, Clerk to the Council

Chairman

Mr J Anderson, Chairman to the council presided.

11/04/01

Circular

The circular calling the meeting was held as read.

11/04/02

Apologies for Absence

Apologies for absence were received from Mr E Knight and Cllr J Wills.

11/04/03

Minutes

The minutes of the meeting held on 14 March 2011 were approved by Mr L Angus and seconded by Ms K Fraser.

11/04/04

Business Arising from the Minutes

Staney Hill Barrier

Ms K Fraser asked if there had been any further information following the incidents at Staney Hill Barrier; she mooted the possibility of the installation of a gate.

The Chairman advised that the matter was in the hands of Shetland Islands Council and it may be best to wait until after any issues were resolved before discussing further.

Grant Assistance - Letters

Mrs K Greaves asked if the practice of including letters thanking Lerwick Community Council for grant assistance could be stopped in order to save paper.

The Chairman agreed to the request.

(Action: Clerk of the Council)

11/04/05

Police Report

PS B Gray was unable to attend the meeting but later emailed the following crime analysis for March 2011 compared to that of the same time last year.

- Class 1 - Crimes against the person – Up from 18 to 28, with 27 detections
- Class 2 - Crimes involving indecency – Down from 35 to 25, 15 detected
- Class 3 - Crimes of dishonesty – Down from 370 to 358, of which 236 were detected
- Class 4 – Crimes of vandalism – Down from 270 to 166, of which 69 were detected
- Class 5 - General Crimes – Down from 154 to 149, all detected
- Class 6 - Miscellaneous crimes – Down from 460 to 381, with 361 detections
- Class 7 - Traffic Offences – Up from 521 to 633, with 621 detections

11/04/06

BIDS Update Lerwick Town Centre Association

Mr L Smith Commenced a short power point presentation, the details of which follow:-

BRIEF HISTORY

- Started in Canada in 1960's
- Now well over 1400 established worldwide
- 134 fully operational BID's in the UK

SCOTLAND

10 OPERATIONAL BID's including:

- Bathgate
- Edinburgh (Princes Street/ George Street & Rose Street area)
- Inverness City Centre
- Falkirk
- Elgin

18 IN DEVELOPMENT

Includes:

- Aberdeen City Centre
- Edinburgh West End
- Edinburgh Grass Market
- Oban
- Kirkwall
- Lerwick

SO WHAT IS A BID!

- It's a proven business led initiative supported by legislation within a defined geographical area where businesses "vote" to work together and invest collectively in local improvements to their business environment
- A BID is not a substitute for local authority services

SUPPORT

- "A BID is often although not exclusively a partnership arrangement through which the business community and statutory authorities can take forward projects and services which will benefit the local economy"
- "The support of the local authority and other public sector agencies is fundamental to the success of the BID"

IS LERWICK TOWN CENTRE IMPORTANT?

- Historic Centre of Lerwick
- Over 100 Listed Buildings – Important Architecture
- Outstanding Lanes Conservation Area
- Commercial Centre
- Centre for Tourism
- Centre for Visiting Yachts & Cruise Liners
- Heart of Shetland

WHY DOES LERWICK TOWN CENTRE NEED A BID?

As in most traditional town centres, Lerwick town centre businesses are facing an unprecedented level of competition from:

- Out of town supermarkets
- Out of town shopping centres
- Competition from Trust & subsidy supported operations
- Internet shopping & mainland shopping- to issues of access and environment

A BID provides the framework for town centre businesses to help themselves to improve their own trading and business environment.

SO WHAT ABOUT OUR BID!

Process started by Lerwick Town Centre Association in 2008

Supported by funding from:

- Scottish Government
- Shetland Islands Council

LIVING LERWICK

THE PEOPLE INVOLVED

Project Team

Laurence Smith
Christena Irvine

Steering Group

Cynthia Adamson	M & Co	National Retail
Alastair Cooper	Shetland Islands Council	Councillor
Emma Gibson	Peerie Shop & Café	Cafes & Restaurants
Richard Gibson	Richard Gibson Architects	Professional Services
Irene Hambleton	Baker Tilly	Accountancy
Harry Jamieson	Harry's Department Store	Retail
Iain Johnston	Queens/Grand/Thule	Hospitality
Steve Mathieson	Visit Shetland	Tourism
Gillian Moncrieff/ Peter Morrison	Bank of Scotland	Financial Services
Ken Rae	J.G Rae Ltd	Retail
Suzanne Shearer	North Rock Gallery	Craft
Irene Smith	Health & Beauty	Hair & Beauty
Allan Wishart	Shetland Islands Council	Councillor

THE PROCESS

- Survey
- The analysis
- Final definition of the business area
- The business plan

THE BUSINESS PLAN

- Definition of the area
- The term
- The projects
- Baseline services
- Income & expenditure
- Management of the BID
- Measuring the success

**FINAL BUSINESS PLAN
PROPOSED LEVY
THE VOTE**

WHERE ARE WE NOW!!

- Established database
- 200 Public Questionnaire Survey & Analysis completed by AB Associates
- 100 Business Questionnaires
- 350 Employer / Staff Questionnaires
- 70 Business Interviews (81/65/5)
- Analysis of Questionnaires to be completed by end April 2011

THE BALLOT

October / November 2011

end of power point presentation

Mr L Smith advised further details and updates could be found on the website www.livinglerwick.co.uk

He stated that each business within the consultation area, the old town boundary, would get one vote. He explained that in order to meet the costs of the project a levy, based on the rateable value of the property, would be charged.

Mr L Smith explained that the process was highly democratic and not only did there have to be more 'yes' votes than 'no' votes, the rateable value of the 'yes' votes had to be more than the no votes; the levy was based on the projects and if the 'yes' vote won, every business paid.

The Chairman enquired as to the value of the rateable value for the business in the consultation area.

Mr L Smith stated he would prefer not to disclose the figure until after a list of projects was drawn up but would be happy to present at a future meeting of Lerwick Community Council once the steering group had decided on the projects and the levy. He stated that consideration would be given as to whether the levy should be capped or a minimum payment imposed.

Mr J Stewart enquired as to the type of projects undertaken elsewhere in Scotland.

Mr L Smith replied that safety and security had been projects in some areas, as was cleanliness, developing events and marketing and promotions. He stated that in Lerwick, parking was proving to be an issue and he was looking forward to hearing the results of the questionnaires.

Mr M Peterson asked if Mr L Smith could confirm if all business in the consultation area would have to pay the levy, if the bid was successful.

Mr L Smith confirmed that they would, provided that there were more 'yes' votes than 'no' and the rateable value of the 'yes' votes were more than the 'no' votes; a process which he thought was fair and democratic.

Mr M Peterson asked if a business that did not want to participate could the business 'piggyback'.

Mr L Smith advised legislation was in place and if the vote was won, everyone would have to pay, just in the same way as they paid their rates. He further advised that charity shops would also have to pay the levy.

He stated that out of 70 businesses, 65 were keen to participate and the other 5 wanted more time to think about it.

Mr J Stewart asked if the levy was based on rateable value, would larger businesses get a bigger vote.

Mr L Smith explained that one owner of several businesses would still get only one vote but the rateable value of the combined properties would add up.

The Chairman thanked Mr L Smith for attending the meeting.

Mr L Smith's presentation concluded at 7.30pm.

11/04/07

Tall Ships' Races 2011 – Ms F Dally

Ms L Smith Commenced a short power point presentation, the details of which follow:-

The Tall Ships Races 2011

- 54 Tall Ships to date (higher entry than Waterford and Greenock)
- 16 class A vessels
- Over 2000 crew from 11 Countries
- Local Tall Ship *Swan* participating in all Races

Sail Training Shetland provides sail training opportunities for young people between 15-25

- Recruited 42 local trainees for The Tall Ships Races 2011
- Charity aims to raise over £30k

Cruise in Company 12th-21st July 2010

- Non-Competitive and Cruise of Friendship
- Five local guest harbours with events taking place in Fair Isle, Scalloway, Unst, Yell and Whalsay
- Tri-island Yacht Race taking place between Yell, Unst and Whalsay: 17th-19th July

Event Budget

SIC contribution	£1,200,228
Total sponsorship/income target	£400,000
Total event budget	£1,600,228

Major Sponsors

Shetland Catch	BP
Petrofac	Event Scotland
Lerwick Port Authority	Hughson Brothers
Peterson SBS	Captain Flints
Total	Valhalla Brewery
Laggan –Tormore	Dong

Thursday 21st July Crew Parade
 Welcoming Ceremony
 Prize Giving

Crew Party

Friday 22nd July Captains' Dinner
 Levellers * ticketed

Saturday 23rd July Officers' Party
 Bjorn Again * ticketed

Sunday 24th July Parade of Sail
Ships Depart

Free Music, Family entertainment, Shetland Showcase with arts and crafts at Albert Wharf/Victoria Pier and Holmsgarth throughout Ships' visit

- Recruited over 90 Liaison Officers and training begun in March
- Over 3,500 facebook followers
- Over 1000 website news subscribers
- Event impact study commissioned and aim to exceed £2.6m return achieved at 1999 event

Entertainment and Music

Three main event sites

- Holmsgarth
- Club Marquee at Laurenson Quay
- Victoria Pier

Family Entertainment

- 11am-5pm & 11am to 8pm daily

Over 100 Music performances

- Victoria Pier-11am-10.45pm daily (expect Sunday)
- Holmsgarth- 11am-11.45pm
- Club marquee- 9.30pm-01.00am

Traders

- Shetland Showcase area with 18 local quality assured businesses
- 15 General caterers and traders
- Fairground attractions at Holmsgarth
- Corporate traders- RSPB, SNH, NAFC, Crown Estate, and Radio Shetland

Travel and Accommodation

- Flybe providing 50 additional flights/1612 passengers
- Northlink providing 2 day sails/2400 passengers
- Large % of accommodation providers are fully booked
- VisitShetland Temporary Accommodation scheme
- Temporary campsite being developed
- Over 6,000 daily visitors expected
- Up to 1,000 crew transfers

Local Event Transport Logistics

- Enhanced Town Bus Service and additional bus service to rural areas to encourage people to use public transport
- Road Closures based on 1999 successful model
- Additional taxi-ranks for event at Alexander Building and Garthspool
- Park and Ride facility from AHS multi-purpose areas (265 parking spaces)

100 days to go

- Host a successful world-class event
- Showcase Shetland as a unique sailing and tourism location
- Build Community Pride
- Build a sustainable legacy for sail training development

end of power point presentation

Cllr J Henry enquired as to the provision of seating for spectators.

Ms F Dally replied that Shetland Islands Council had invested in picnic style seating which would be made available along with additional tables and chairs for the seating areas.

Mr M Peterson asked if, like in 1999, a major catering company from the mainland would be doing the catering.

Ms F Dally advised that they had been working with local caterers to ensure that the majority of the catering, at least 80%, would be provided by local businesses; she stated that "it would be nothing like in 1999."

Cllr A Wishart noted that the work involved to date for both the BIDS project and Tall Ships' Races 2011 was tremendous and "didn't just happen by itself". He commended Ms F Dally and her team for their hard work.

The Chairman noted 54 ships, to date, were involved and asked how that compared to 1999.

Miss F Dally replied that in 1999 there were 53 but she believed that "one or two dropped out on the way". She stated she was confident they would beat the previous figures.

Ms K Fraser asked why a park and ride was to be sited at Anderson High School rather than somewhere on the outskirts of town.

Ms F Dally stated that unfortunately the pipe yard was unavailable and, due to other works, alternative, more suitable sites were also unavailable.

Mr M Peterson noted tickets to events were sold out and asked if it was locals had purchased them all.

Ms F Dally advised that some tickets had been allocated for visiting yachts and visitors had had the same chance to purchase tickets for events as locals as they had been well advertised and available on-line.

The Chairman thanked Ms F Dally for her informative presentation, which concluded at 7.55pm.

11/04/08

Lerwick Community Council By-Election 2011 – Three Vacancies may now be filled by Co-option

Mr M Peterson stated that in his opinion it was unacceptable to attempt to fill the three vacancies by co-option rather than waiting for the next by-election; he thought it unnecessary.

Ms K Fraser asked if he preferred the vacancies to be advertised at the next by-election.

Mr M Peterson replied it was fairer as if four people applied for the three vacancies they would have to go through a voting process.

Mrs K Greaves stated many people were unaware of what Community Councils did and thought there may be more genuine interest if the working of Community Councils could be highlighted.

Cllr A Wishart advised that the legal position should be checked to ensure Lerwick Community Council was following the correct procedure.

Mr M Peterson stated that it depends which procedure is the wisest one.

Mr L Angus suggested that the returning officer, Mr J Riise, SIC, should be contacted to enquire as to the date of the next by-election.

The Chairman advised he would be happy to wait until the next by-election.

Mr M Peterson agreed that the returning officer should be contacted and a by-election time table requested.

The Chairman agreed to keep the status quo for the time being and asked the clerk to write to the returning officer should be for clarification.

(Action: Clerk of the Council)

11/04/09

Correspondence

9.1 Coastal Path at Sound Heading Towards Kirk Yard – Jonathan Duncan, Outdoor Access Officer, SIC

Noted

9.2 Part Time 20mph Sign, King Harald Street – Ian Halcrow, Head of Roads, SIC

Cllr A Wishart asked if Lerwick Community Council would support the proposition that one or two pelican crossings should be installed at King Harald Street. He advised that a number of his constituents had raised concern regarding the safety of the road which is heavily used by pedestrians going to and from Bells Brae School, Islesburgh and the local parks.

Mr M Peterson stated that possibly we were getting too health and safety conscious and perhaps there was not a demand for pelican crossings.

Cllr A Wishart reiterated that there was a clear demand from his constituents.

The Chairman asked the Clerk of the Council to write to Mr I Halcrow, Head of Roads, SIC supporting the installation of pelican crossings.

(Action: Clerk of the Council)

9.3 Signage-Copelands Pier, Bains Beach, Stouts Pier & Hayfield Court – Neil Hutcheson, Engineer, SIC

Noted

9.4 Shetland Coastguard Station Consultation – Tavish Scott MSP

Mr M Peterson requested that HM Government in London be written to condemning the proposed closure of Shetland Coastguard Station.

Mrs K Greaves seconded the proposal.

(Action: Clerk of the Council)

9.5 Surface Dressing & Re-Surfacing Programme 2011 – Neil Hutcheson, Engineer, SIC

Noted

9.6 Grant Thanks – James Ratter, Hon Secretary, the Nautical Institute, Shetland Branch

Noted

9.7 Grant Thanks – Peter Malcolmson, Chairman, Sail Training Shetland

Noted

9.8 Grant Thanks – Monica Johnson, Funding Co-ordinator, Filsket Riding Club

Noted

9.9 Shetland Wide Groups Funded by LCC – Graham Johnson, Head of Finance, SIC

Copy For Info: Review of Community Council Guidelines & Best Practice

Noted

11/04/10

Applications for Premises Licenses

10.1 Licensing (Scotland) Act 2005, Application for Provisional Premises Licence – Shetland Arts Development Agency (premises address- Mareel)

Members discussed an amended application which arrived after the agenda had been sent. The clerk emailed a copy of the amendment to all members and councillors; Mr M Peterson received a copy at the meeting.

Mr L Angus moved to approve the original application which applied for a licence to sell alcohol for consumption on the premises up to 1am and object to the amended application requesting an extension on Friday's and Saturday's until 2am for the consumption of alcohol on the premises.

Mrs A Simpson seconded the motion.

(Action: Clerk of the Council)

- 11/04/11 **Traffic & Parking Orders**
- 11.1 (Bruce Crescent, Lerwick) (Parking Place for Disabled Persons Vehicle) Order 2011
No objections
(Action: Clerk of the Council)
- 11/04/12 **Financial Report**
- 12.1 Financial Report as at 31 March 2011
Noted
- 12.2 Grants/Projects 2010-2011
Noted
- 12.3 Annual Grants & Projects 2010-2011 & Forecast Costs 2011-2012
Noted
- 12.4 Main Annual Running Costs 2010-2011 & Projected Costs 2011-2012
Noted
- 11/04/13 **Community Council Grant Distribution**
Noted
- 11/04/14 **Planning Applications**
- 14.1 2011/74/PCD Erect temporary 40m high metrological mast, North Hoofield, Lerwick
No objections
(Action: Clerk of the Council)
- 14.2 2011/71/ADV Advertisement consent, Shop Window, Ellesmere Stores, Esplanade, Lerwick
No objections
(Action: Clerk of the Council)
- 14.3 2011/70/PCD Erect extension to rear elevation, 21 Staney Hill, Lerwick
No objections
(Action: Clerk of the Council)
- The Chairman read out details of the following two applications, which had arrived too late to be included in the agenda but were brought to the meeting for consideration.
- 2011/95/ADV Erect non-illuminated advertisement board to rear of the Camera Centre, Camera Shop, Lerwick
No objections
(Action: Clerk of the Council)
- 2011/89/PCD Engineering works to provide flood alleviation culverts and associated inlet and outlet Chambers, LPA
No objections
(Action: Clerk of the Council)
- 11/04/15 **Lerwick Applications March 2011**
Noted
- 11/04/16 **Any Other Business**
- Roads**
Mr M Peterson raised concern at the poor quality of the resurfacing of some of Lerwick's roads; he suggested a member of staff from Roads, SIC should come to a meeting of Lerwick Community Council to discuss the issue.
- Mr M Peterson also suggested that a roundabout at A970/Gremista, on the junction to Greenhead, would assist the flow and the safety of traffic.

The Chairman agreed asked the Clerk of the Council to invite a representative from Roads, SIC, Roads to a meeting of Lerwick Community Council when both items could be discussed.

(Action: Clerk of the Council)

Town Map

Mrs K Greaves enquired if there were any plans for a new town map to be printed.

Ms K Fraser replied that the library regularly saw that new maps were produced; she advised that they were available now, from the library.

Knab Viewpoint

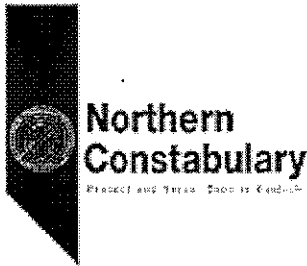
The Chairman advised, weather permitting, work would commence on the proposed Knab Viewpoint soon; all being well he hoped it would be completed before the next meeting of Lerwick Community Council.

The Chairman thanked members for attending the meeting.

There being no other competent business the meeting closed at 8.50pm.

MR J ANDERSON
CHAIRMAN
LERWICK COMMUNITY COUNCIL

NOT PROTECTIVELY MARKED



**AREA COMMANDER'S MONTHLY REPORT
- APRIL 2011**

Shetland Area Command
Police Station
Market Street
Lerwick
Shetland
ZE1 0JN

Tel. 01595 692110
Fax. 01595 693311

As we move into the spring time I am pleased to report that our performance has remained strong. We have maintained a detection rate for reported crime of 68.3%. This is an excellent figure and shows the communities in Shetland continue to help us detect crime. In a lot of areas in Scotland people would not report crime to the police but here I am assured that people will let us know when something is concerning them and with this level of community help we can ensure our patrols are worthwhile and communities are safe.

The Scalloway and Dunrossness Police Stations closed at the end of March. In both areas we are fully committed to ensuring there is continued policed presence and that the local officers will make regular patrols and continue to be involved in the communities. In Scalloway, PC Card will work out of the Lerwick Police Station. We open the new Police Office at Sumburgh Airport in the coming weeks where PC Millar will work from. The airport station is an exciting development for us as it will improve how we police the airport and southern islands area.

I am sure you will be aware of the national picture of the review of policing throughout Scotland. A consultation process is currently underway and I would encourage community councils and others to get involved in this where you have been invited to. It is important Shetlands voice is heard and I would want to encourage debate about maintaining policing resource here. Consultation documentation should have been sent out to community councils.

Looking ahead to the next two months we will work hard to ensure we maintain a good detection rate and prioritise our work around making communities safe by reducing crime, anti social behaviour and accidents on roads. Drugs still effect Shetland and we have had a lot of success in dealing with this. Again it is the public that help us to detect this crime and I would encourage any suspicious activity to be reported to us, confidentially if need be.

NOT PROTECTIVELY MARKED

5.

NOT PROTECTIVELY MARKED

We are making good progress with planning towards the Tall Ships and will increase our policing numbers for the event. Our policing for this will include members of the Special Constabulary who work along side regular officers at various times. We are always keen to increase our numbers in the specials so if you or anyone you know would be interested in becoming a special constable please contact Sergeant Paul Daley at Lerwick Police Station. This is a very worthwhile way for the public to serve their community.

**David Bushell
Chief Inspector
Shetland Area Commander**

Clerk to Lerwick Community Council

From: Stewart Hay [stewarthay@gmail.com]
Sent: 20 April 2011 21:57
To: clerk@lerwickcc.org.uk
Subject: Expression of interest

Dear Katrina

I am contacting you to ask about the possibility of being co opted on to Lerwick Ciommunity Council.

I am a Lerwick resident in the Lerwick North Ward and myaddress is

8 Reform Lane
LERWICK
Shetland Islands
ZE1 0DQ

I look forward to youre advice as to whether or not this may be possible.

All the best

Stewart

Clerk to Lerwick Community Council

From: jan.riise@shetland.gov.uk
Sent: 02 May 2011 16:32
To: anne.cogle@shetland.gov.uk; clerk@lerwickcc.org.uk
Subject: RE: Request response to letter 2011-198 KS

2 Thanks Anne for your attention to this.

Katrina, might I just add that in terms of any challenge to the legality or competence of co-option procedures generally, similar provisions are specifically recommended by the Scottish Government following their National Review of Community Council Schemes across Scotland. The outcome of that review resulted in the promulgation of model Constitutions, Scheme for establishment, and Standing Orders for meetings. The document prescribing a model scheme for the establishment of new Community Councils sets out formal co-option provisions and as I say they very much mirror what we already have in place.

Our own arrangements only allow co-option after a failure to elect a candidate through the ballot box (well postal balloting at a by-election!) so if anything our own procedures are even more restrictive than the model scheme would allow.

All in all, I do not understand the question regarding the legality of this process and I endorse what Anne has said on the subject.

Regards
Jan Riise

-----Original Message-----

1 **From:** Cogle Anne@Legal & Admin Services
Sent: 01 May 2011 21:34
To: Clerk to Lerwick Community Council
Cc: Riise Jan@Legal & Admin Services
Subject: RE: Request response to letter 2011-198 KS

Katrina

My apologies for not getting a response on this to you.

I can confirm that the process being followed by Lerwick Community Council, with regard to filling of vacancies in its elected membership, is entirely in accordance with the Community Council Constitution. Following the election in November, and after a by-election process in February, Lerwick CC were unable to elect to their remaining vacancies, and therefore, in terms of its constitution, the Community Council can proceed to co-option if it so chooses. Whilst elections to Community Councils are not bound by specific legislation, the procedures do follow election rules. However, due to recent changes in legislation, the local procedures for Community Council elections is to be reviewed this year, in order to modernise the process. Whether or not to retain the co-option process, will be a matter for Community Councils to determine, collectively.

With regard to your current vacancies, if the Community Council is unable to co-opt, or does not wish to co-opt, there will be a further round of by-elections later this year. A timetable will be issued in due course.

I hope this answers your queries, and again apologise for the lateness of this, but hope the terms of this e-mail can be conveyed to your Community Council at tomorrow's meeting. If I can be of any further assistance, please do not hesitate to ask.

Regards
Anne

Anne Cogle
Service Manager - Administration

SHETLAND ISLANDS AREA LICENSING BOARD

Clerk: Jan-Robert Riise
Depute Clerk: Brian C Hill

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

Legal and Administration
Executive Services Department
4 Market Street
LERWICK
Shetland
ZE1 0JN

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

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

If calling please ask for
Brian Hill
Direct Dial: 01595 744088

Your Ref: 2011-196/KS
Our Ref: BCH/CJ

Date: 14 April 2011

Dear Katrina

RECEIVED
18 APR 2011

Licensing (Scotland) Act 2005
Application for a Provisional Premises Licence
Mareel, Gutters Gaet, Lerwick, Shetland

I thank you for your letter dated 12 April 2011 regarding the above. As required in terms of the 2005 Act I am sending a copy of your letter to the applicant, through their agents.

Yours sincerely,



Brian Hill
Depute Clerk to the Licensing Board

11.1

Dear All

Further to my email below I can now confirm that presentations will be made on the day by outside experts on the pros and cons of the debate.

Regards

Kate

kate.massie@shetland.org

*A registered company limited by guarantee
registered in Scotland number 165677
Scottish Charity number SC017286*

From: Massie Kate@ASCC
Sent: 20 April 2011 14:10
To: Subject: Representative from Community Council
Importance: High

Dear Colleague

It was agreed at the Association of Shetland Community Councils (ASCC) meeting on 9/4/11 and Community Benefit Steering Group (CBSG) meeting on 20/4/11, that CBSG approach the Community Councils to instruct them to nominate a representative from each Community Council to attend a meeting with CBSG.

Each elected representative should be given mandate from his or her Community Council to enable them to vote on behalf of their CC. The point for discussion is whether an Organisation formed to administer a Renewable Energy Community Benefit Fund should have charitable or non charitable status.

The CBSG would there for be grateful if Community Councils could now take this forward to their next CC meeting or they may wish to hold a special meeting to discuss this. All nominations should be forwarded to me no later than **27th May 2011**.

Once all nominations are received a date will be set for the meeting, it is hoped that we will be able to set the date for the meeting form early June 2011.

I hope you don't mind this being sent by email but CBSG want to move this forward as soon as possible.

If you require any further information regarding the above please don't hesitate to be in touch.

Kind regards

Kate

Kate Massie
Administration Assistant
Voluntary Action Shetland (VAS) and Association of Shetland Community Councils (ASCC)
Market House
14 Market Street
Lerwick
Shetland
ZE1 0JP

01595 743906

RECEIVED
20 APR 2011

11.2

Clerk to Lerwick Community Council

From: kate.massie@shetland.gov.uk
Sent: 29 April 2011 10:06
To: joyce.adamson@shetland.gov.uk; james.shepherd08@btinternet.com; fetlarcc@yahoo.co.uk; dcc.alison@btinternet.com; laurena.fraser1@btinternet.com; eva.ganson@shetland.gov.uk; clerk@gqc-communitycouncil.co.uk; northmavenc@yaho.co.uk; barbara-maryann@tiscali.co.uk; info@sandwick-community.co.uk; kjamiesoncc@live.co.uk; clerk@dunrossnesscc.shetland.co.uk; ednanicol@btinternet.com; clerk@lerwickcc.org.uk; clerk.ycc@btinternet.com; tww.communitycouncil@googlemail.com; marinatait@btinternet.com; josie_mcmillan@hotmail.com; gunnista@aol.com; alastair.cooper@shetland.gov.uk; jonathan.a.duncan@shetland.gov.uk; drobertson5@toucansurf.com; james.rendall31@googlemail.com; ewenra@globalnet.co.uk; jim@filsket.me.uk; hubert.hunter@btinternet.com; fairviewha@btinternet.com; hnpengineers@btconnect.com; priestjt@aol.com; pete@ellis.shetland.co.uk; DavieSandison@aol.com; chris@skerries.demon.co.uk; chrissmith@sic.shetland.gov.uk; june-eraclett@tiscali.co.uk; lbrandmary@btinternet.com; david.hughson@uk.bp.com; danjoanthompson@home.3b.co.uk
Cc: catherine.hughson@shetland.org; Wendy.Hand@shetland.org
Subject: FW: Representative from Community Council
Attachments: Forms of organisation, comparison notes.doc
Importance: High

RECEIVED
29 APR 2011

Dear Colleague

With regard to my previous email I have further information for the Community Council representative attending the meeting:

- Structure of Organisation – the results from the Community Benefit Public Consultation clearly indicate that the preferred structure for a Community Benefit Organisation is that of community co-operative. The CBSG therefore agreed that this would be the format for a Community Benefit Organisation.
- Status of Organisation – the results of the Public Consultation were inconclusive on the question of whether the Organisation should have charitable or non-charitable status. The CBSG therefore decided to invite a representative from each Community Council to meet with them and two independent advisors to discuss, and hopefully decide, on whether a Community Benefit Organisation should have charitable or non-charitable status.
- I have attached comparison notes for your information, which shows the pros and cons of charitable and non-charitable status.

I hope this information is helpful. I will be circulating the date, time and venue for the meeting in the very near future.

Kind regards

Kate

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

01595 743906
kate.massie@shetland.org

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Scottish Charity number SC017286*

11.3

Renewable Energy Community Benefit Fund – forms of organisation, comparison notes
 Published by Bob Yuill, Deputy Chief Executive, Scottish Agricultural Organisation Society Limited

	Association	Bona Fide Co-operative	Company Limited by Guarantee
Regulatory Authority	None	Financial Services Authority	Companies House
Minimum number of members	2	3	1
Cost of registration	n/a	£120	£20
Registration documents	n/a internal governing document – constitution or rules	Rules	Memorandum Articles
Main reason for existence	People agreeing to work together for some common cause or objective e.g. Community Hall, Golf Club	To guarantee equality of ownership allied to use of the business by shareholders, coupled with limited liability. Underpinned legally by the 7 co-op principles.	A convenient legal form to provide limited liability to managers and board of the company. Not an ownership model – use ordinary company for that. Used by government to set up social enterprises
Cost of registration documents	n/a	Model from SAOS - £350 including any amendments.	Use shelf company model for about £100. Any amendments usually require legal advice & cost can vary enormously from a few hundred pounds to 10's of thousands.
Democracy	As per the governing document, most usually one member once vote	Guaranteed by FSA for all members. 1 member 1 vote, 51% of votes carries ordinary resolutions. 75%+ carries legal changes to Rules	Not guaranteed, voting rights can be restricted. E.g. Articles can restrict voting to (say) the founding member(s) only.
Ownership	In the last analysis by the using/paying members, but ownership not usually regarded as important	All members guaranteed ownership according to their use of the co-op. Ownership not specifically based on shares, shares are a form of providing capital and are the ownership link to voting.	No shares, no ownership unless absolutely specified in Memorandum. Most do not specify, can be a problem when wound up.
New members	As per the governing document, but most often by payment of annual subscription, or by default i.e. a member of the community.	Membership is open to those who can use the services of the co-op but subject to discretion of the Board. Liability limited to shares owned, often only £1 but more usually around £50 on joining	Membership criterion specified as per the articles often by default as criterion is simply a guarantee to pay £1 in event of bankruptcy.

	Association	Bona Fide Co-operative	Company Limited by Guarantee
Expelling members	Non-payment of fees, or simply not used the facilities. If more formal, would need to be in constitution	Usually at the behest of the Board for act considered prejudicial to the business, Rules specify procedure	As would be written in the Articles and would need legal advice. But as members are not shareholders their role is subordinate
Directors & Board	Most often regarded as the committee, voted on at an AGM	At the discretion of the members set out in the Rules. SAOS have info on best practice. Normally 5 to 8 on the Board. Board elect Chair	As set in the Articles. Can have a Board that is not elected by members, but is self-electing / co-opting. Boards tend to be cardinal
Executive powers	Run by those who turn up!	Rules set out the powers of the Board and of the members and executive, but in general terms same as an ordinary company	As an ordinary company. Board tend to exercise more power where members have subordinate rights.
Reporting	Only reporting to the sub paying members or the users/community	Annual report to FSA, takes 30 minute to complete. Searches for information by 3 rd parties more difficult	Annual report to Companies House. Easy to get credit reports and copies of lodged documents.
Audit	None. But it is best that an independent responsible person balances the books and publishes the accounts	Audit exemptions are as per company, but co-op still requires "accountant's report" that must be done by an auditor and so costs a little more than a company	Audited exemptions apply and cost of preparing accounts can be less than a co-op for a small business.
Tax	Does not come under the radar of the tax authorities if the work by the association is for mutual benefit and members are "trading" within themselves or acting as agent for members if involved in principle trading	Co-op can apply for "Mutual" tax status – all profits can be retained without paying tax. All trade must be done with members. Agency mutual gets around the issue of selling goods to third parties	Same as company. Avoiding tax on retained profits can meant higher accountancy costs.
Charitable status	None	Co-op can register for charitable status but must be registered as a "Co-operative for the benefit of the Community " where ownership rights are restricted	This is the only company type that can register as a charity – as there are no ownership right by members.

	Association	Bona Fide Co-operative	Company Limited by Guarantee
Capital	No shares. Members can provide loans	Members provide capital as a combination of shares, loans and retained surplus, often all three	Not capital model. Usually financed by retained surplus. Members / directors can provide loans, but is expensive to set up.
Some pros	Very simple and easily understood. No statutory costs. No fiduciary duties on the committee. Set up is simply a constitution and agreement by a few members to a common cause.	Simple legal underpinning (Industrial & provident Acts) shared by all bona fide co-ops. Known by the agricultural community. Based on equity among all members. Good network through SAOS providing assistance to Boards and managers. Co-op as a marketing name is becoming increasingly trusted	Can be set up to be simple. Understood by lawyers and accountants. Easier to set up bank account as banks have the correct paperwork to hand. Quick route to minimise liability for managers, Board.
Some cons	Have to always check that liabilities are properly covered. Not legal entity or 'person' in its own right. It is a form of partnership	The work co-op has some negatives for some. Credit agreements need a bit of patience, as providers cannot get information easily.	Can be very complex legally. Use of Companies Acts can involve high legal costs. Anyone involved with a Guarantee Co. Should read legal's very closely but never do. There is no structure re business principles.
Liability	There is no limit of liability as the association is a sum of its individual members. In theory, a liability say of negligence, can move to individual members. In practice it is difficult in law to establish fault at individual member level. Extra care is needed concerning liability insurance and risk assessment / management	Standard limited liability to the share capital and net assets of the business. But, directors have their fiduciary duties and responsibilities. Directors cannot be negligent, or regarded as being in any way.	Limited liability to the sum of the guarantee and the net assets of the business. But, directors have their fiduciary duties and responsibilities. Directors cannot be negligent, or regarded as being in any way.

This copy of the document was typed by Kate Massie, Voluntary Action Shetland Admin Assistant on 28/04/11. None of Mr Yuill's original dialogue has been changed.

LERWICK COMMUNITY COUNCIL

Financial report as at 3 May 2011

	£	£
<u>INCOME</u>		
Balance as at 1 April 2010		18,729.01
SIC Grant 2011-2012		
		<hr/>
		18,729.01
<u>EXPENDITURE</u>		
Office Costs	0.00	
Employment Costs	602.40	
Administration	202.96	
Chambers	46.87	
Accountancy	0.00	
Misc.	0.00	
Grants/Projects	3,622.38	
		<hr/>
		4,474.61
		<hr/>
		14,254.40
<u>REPRESENTED BY</u>		
Balance as at 3 May 2011		<hr/>
		18,656.43
		<hr/>
<u>Indication of Free Funds:</u>		
Main Annual Running Costs Forecast - £16,743.34		
Costs Remaining	15,891.11	
Annual Grants & Projects Forecast Costs - £4,200.00		
Payments Remaining	3,601.62	
Committed Funding:		
Knab Viewpoint (plus £4,000 LCCCT)	10,976.00	
Sail Training Shetland - 2011	1,000.00	
Shetland Ex-Whalers Association (plus £1,000 LCCCT)	920.00	
		<hr/>
		32,388.73
		<hr/>
Estimated Free Funds		-18,134.33
		<hr/>



Shetland Islands Council

Infrastructure Services Department Planning Application Consultation

For further information on this application contact:

Inga Davidson Tel: 01595 744840

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

Application:

2011/103/PCO	Erect new day care support centre, Seafield, Lerwick by Shetland Islands Council
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Date of Consultation: 21 April 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)

13.1

Lerwick Planning
Applications April 2011

<u>PL2011/125</u>	Marina Business Park Gremista Road Gremista Lerwick	Retrospective application for temporary consent to site a freezer unit to the rear of Scotprime Seafoods	26/04/2011	Earle Anderson
[files]	<u>Multimap</u> <u>Google Map</u>	[comment on this planning application]		
<u>PL2011/123</u>	Gremista Industrial Estate Gremista Lerwick	Erect general purpose storage building	22/04/2011	Islesburgh Drama Group
[files]	<u>Multimap</u> <u>Google Map</u>	[comment on this planning application]		
<u>PL2011/119</u>	56 St Olaf Street Lerwick	Change of use with alterations and extension to provide residential accommodation	15/04/2011	James Hutton
[files]	<u>Multimap</u> <u>Google Map</u>	[comment on this planning application]		
<u>PL2011/114</u>	45 St Olaf Street Lerwick	Extension and alteration to convert garage to bedroom		
[files]	<u>Multimap</u> <u>Google Map</u>	[comment on this planning application]		
Ref:	Address:	Proposal:	Date:	Applicant:
<u>PL2011/109</u>	31 Commercial Road Lerwick	Change of use from dwellinghouse to house of multiple occupancy	13/04/2011	Lerwick Engineering & Fabrication Ltd
[files]	<u>Multimap</u> <u>Google Map</u>	[comment on this planning application]		
<u>PL2011/107</u>	37 Leslie Road Lerwick	Erect shed (retrospective application)	04/04/2011	Lewie Peter Tulloch
[files]	<u>Multimap</u> <u>Google Map</u>	[comment on this planning application]		

PL2011/103	Seafiel Lerwick	Erect new day care support centre	08/04/2011	Shetland Islands Council
[files]	Multimap Google Map	[comment on this planning application]		
PL2011/102	36 Goodlad Crescent Lerwick	Erect extension to rear of existing dwellinghouse	05/04/2011	Amanda Kathryn Fordyce
[files]	Multimap Google Map	[comment on this planning application]		
PL2011/100	Shetland Catch Limited Gremista Industrial Estate Gremista Lerwick	Erect two 9m high flag poles		
[files]	Multimap Google Map	[comment on this planning application]		