

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

**Present**

Mr J Anderson	Mr A Johnston
Mr R Anderson	Cllr E Knight
Cllr A Cluness	Mr M Peterson
Cllr G Feather	Mr P Scarsbrook
Ms K Fraser	Mrs A Simpson (left 8.50pm)
Cllr J Henry	Cllr W Stove

**Additional Co-Opted Members**

Mr D Ristori	Mr W Spence
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**In Attendance**

Mr J Riise, SIC Legal & Administration  
Mr J Robertson, Shetland Times  
Miss C Duncan, Clerk to the Council

**Chairman**

Mr P Scarsbrook, Vice Chairman of the Council, presided

05/12/01 **Circular**

The circular calling the meeting was held as read.

05/12/02 **Apologies**

Apologies for absence were received from Cllr L Angus, Cllr J Irvine, Mr T Nicolson and Mr M Shearer.

05/12/03 **Minutes**

The minutes of the meeting held on Monday 21 November 2005 were approved by Mr R Anderson and seconded by Mrs A Simpson.

05/12/04 **Business Arising**

**Free Travel for Pensioners' Scheme**

Cllr W Stove thanked Mr R Anderson for picking up on the fact that he had stated pensioners should have a choice of method of travel, *either* by plane or boat.

**ASCC/SIC Liaison Group**

Mr R Anderson stated that he understood the next meeting would be held in

February 2006. Mr J Riise confirmed it would be held on 21 February 2006.

### **Coastal Erosion**

Mr R Anderson asked if the plans of the areas involved had been received yet and the Clerk confirmed that they had not.

05/12/05

### **Police Report**

No representative of the Northern Constabulary was present so no report was given.

05/12/06

### **Elections - Mr J Riise, SIC Legal & Administration**

Mr Riise distributed copies of SIC report "Local Government Boundary Review (Community Council Scheme)" and proceeded to update Lerwick Community Council regarding boundaries.

He noted that there were no big changes for the Lerwick area, other than it would be splitting into two multi member wards. Other areas of Shetland faced greater changes and he noted that there was a need for parity of numbers to ensure the value of the vote was equal in all areas. There would be a further update from the Boundaries Commission in January 2006.

Mr Riise stated that there had been a discussion at the last ASCC meeting re. the impact on community council wards. The Community Council review was due with the Scottish Executive, and this would probably also have an effect.

At the moment all Shetland fell into 3 member wards which also had a community council, although this was coincidence. Multi member wards would mean the re-organisation of business, not of members.

He could identify two areas where an anomaly arose, namely Gulberwick and Tingwall. Gulberwick will be part of the 4 member ward of South Lerwick and they had three options to consider:

1. To include Gulberwick with Lerwick Community Council
2. To maintain the status quo - i.e. part of Cunningsburgh & Quarff CC
3. To introduce stand alone community councils for Gulberwick and for Tingwall

At the moment, Tingwall favoured to maintain the status quo and remain part of Whiteness & Weisdale Community Council. He would be attending the Gulberwick, Cunningsburgh & Quarff Community Council meeting the next evening when the matter would be discussed further. Each option had its pros and cons, and he asked whether Lerwick Community Council would like to discuss it further now or wait until they had heard the outcome of the Gulberwick, Cunningsburgh & Quarff meeting.

The Chairman asked where the LCC boundary currently ended as he thought it was at Nordavatn (the Observatory houses).

Mr Riise confirmed that Nordavatn was within the LCC area and that the boundary cuts through the Loch of Trebister, runs around the field to Shurton Brae and along the road to the back of the Sandy Loch.

Cllr W Stove noted that Bressay currently had its own Community Council and wondered how that would work when a fixed link is in place as it could become part of the North Lerwick multi member ward.

Mr Riise stated that Gulberwick seeking its own Community Council could be an advantage and could solve the problem. Shetland Islands Council will award a new administration grant. But the difficulty lay in the fact that it is sandwiched between two existing Community Council areas. To leave the status quo in place would mean that all members merge with larger wards. So, for example, Gulberwick, Cunningsburgh & Quarff Community Council would include Gulberwick members, and so the 4 members from South Lerwick would be entitled to attend and there could be up to 7 councillors attending to discuss a Gulberwick issue. That would be resolved if Gulberwick had its own Community Council and the 4 members from South Lerwick could still attend.

The Chairman felt they didn't have enough knowledge of the boundaries being discussed and that the histories of the areas would have to be taken into consideration. He felt the other community council would need to decide first what they preferred to do before this one could have any discussions on the matter.

Cllr G Feather noted that he had spoken to the Chairman of Gulberwick, Cunningsburgh & Quarff Community Council, who had indicated he would not like to become part of Lerwick Community Council. He also felt that there wouldn't be enough interested people to stand for Gulberwick if they were to stand alone.

Mr Riise agreed that this was one of the reasons given by Tingwall Community Council as to why they may not be able to stand alone. He noted, however, that Skerries manage to find people to stand.

The Chairman noted his concern that perhaps people in Gulberwick would feel they'd be outvoted if they became part of LCC and that it wouldn't be pro-rata. He would like to know how Gulberwick felt about the matter.

Ms K Fraser queried whether, at the next election, it would still be all members were for the whole of Lerwick or if they would be the same as the wards currently served by SIC councillors, as it used to be in the past.

Mr Riise noted that he could return to another meeting to discuss this matter further. He would like to raise whether to go for wards or for overall representation.

Cllr W Stove felt that feedback was required as to how LCC had performed as one ward, and the Chairman indicated that he would like to hold the matter over to a later meeting to discuss fully.

Mr Riise stated that there were a number of issues to consider. He noted that Lerwick had full membership, which was not always the case in other rural Community Councils, and that was generally a good take-up for vacant positions. It could be the case that there were more members from one area of the town than from another, and there was no residency bar in applying for an area.

Mr Riise explained how there could be one ward for all members, which would mean all residents of Lerwick were entitled to vote for representation. Alternatively, there could be two wards, one with 6 members and one with 8. This may be easier at election time as only those resident in the relevant ward would be required to vote.

He also felt this could lead to be a burden to the Clerk of a community council if they had to prepare voting lists from electoral roles. If the community council chose to go for electoral reforms he stressed this would be an enormous task for a Clerk to deal with and was open to mistakes and errors. He also noted that his department be unable to help if this option was taken, as he was bound by statute as the Returning officer.

The Chairman asked for Mr Riise's opinion on the protocol on approving grants.

Mr R Anderson noted that this item would be discussed at the next meeting of the Liaison Group when it would be considered in detail. He felt that the scheme does need to be tightened up. At present each application is considered and grant approved at the discretion of the community council. The guidelines should be made clearer following the Liaison Group meeting.

Mr R Anderson asked if there was any reason why the Charitable Trust could not meet less frequently.

Mr Riise agreed that he saw no impediment to meeting quarterly. He suggested the Trust Deed be checked that there is no proviso written into it, but he saw no problem in meeting less often and nor did SIC Finance.

05/12/07

### **Scottish Executive Discussion Paper**

Mr Riise stated he was happy to stay for the discussion of this item as he would have to draft a response for the Liaison Group. He thought the document presented a modern relationship between Shetland Islands Council and Community Councils.

Shetland has a local code of conduct but this document relates to it on a national level. There is a need for levels of consistency across Scotland, but this could be a lower quality than we have here at present.

He noted that at present, as a corporate body, a community council is allowed to enter into contracts, but it is not clear what responsibility each community council member held. He felt a statutory corporate response

would be very useful. He thought they could accept more responsibility and there should be no barrier to community councils engaging in this.

There was currently no response from the Scottish Executive. He felt that community councils should be challenging the Liaison Group that they probably should take more responsibility.

The Chairman noted that community councillors are all volunteers, and this was quite a lot of information to be dealing with.

Mr R Anderson noted he was interested to hear Mr Riise advise that community councils should be empowered, as this had caused difficulties for Lerwick Community Council in the past. They got around this by creating the Charitable Trust. He saw this document as an improvement and looked forward to discussing it further at the Liaison Group.

Cllr A Cluness felt that community councils in Shetland and in Scotland operated very differently and one contract would not be suitable. As individuals they are liable for decisions made and through this legislation they would be empowered and protected. He was not sure if it would be widely welcomed as Shetland's community councils appeared to be more effective than elsewhere in Scotland. Shetland currently had a good system and the Association has been particularly good at maintaining enthusiasm.

Cllr W Stove felt that Shetland Islands Council currently passed on many duties to community councils, and many community councils may not want to take on the responsibility as they were worried about being sued.

Mr Riise noted that there had been good discussion with all community councils and they had been very well represented. He felt there was a good relationship between Shetland Islands Council and the community councils and was not surprised that the document referred to that. He thought that Shetland should be reasonably pleased that the document was looking at reviewing and modernising community councils, and they already had the flexibility to do so. Many of the suggestions in the document were already in place in Shetland. The report from himself and Ms W Fraser of the association would highlight the work already done and drawing attention to what actually works.

Mr M Peterson noted that the consultation was to run until 28 February but the Liaison Group were meeting on 21 February. He felt this was tight to form a response.

Mr Riise replied that Ms Fraser would like input from community councils by the end of January to enable her to work on the draft response. Every view will be given an airing, and he noted that the author of the report would actually be at the meeting on 21<sup>st</sup> so Shetland was in a very good position.

Cllr A Cluness noted that the more extensive legislation became, the less likely people would want to stand and become involved in community councils. People volunteered to do the best they can for the community,

not to take part in a document like this. He was in favour of more power being filtered down but suspected that more prospective community councillors would be less likely to stand.

Mr Riise raised two other points in the document - training and induction. He suspected the situation was better in Shetland than in anywhere else. He understood it was daunting for new community councillors and suggested producing an information pack to inform people of the role of community councils.

He added that Lerwick Community Council would meet in again in January, before the Liaison Group met, so would have the opportunity to discuss further before returning their response to Ms Fraser.

Cllr W Stove noted that they had already lost one member due to a planning issue, and felt that planning training was an area to be improved.

Mr Riise confirmed that Shetland Islands Council had asked each community council to identify a planning representative. He would advocate this training as a top of the list.

The Chairman agreed that this was a very difficult issue and that training was imperative, although he felt that more than one person should be given the training. He thanked Mr Riise for attending, and he left at 8.50pm.

05/12/08

**Correspondence**

**8.1 Tavish Scott: Free Travel For Pensioners' Scheme**

Noted

05/12/09

**Financial Report**

Noted

05/12/10

**Any Other Business**

**10.1 Lystina House/Lerwick Town Hall Consultative Committee**

The Chairman noted that there was now a vacancy on this committee and asked for a volunteer. Mr A Johnston agreed to attend.

The meeting closed at 8.55pm.

MR P SCARSBROOK  
VICE CHAIRMAN  
LERWICK COMMUNITY COUNCIL