

**MONDAY 10 JANUARY 2011**

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

**Members**

Mrs A Simpson  
Mr J Stewart  
Mr A Johnson

Mr A Henry  
Mr D Ristori  
Ms K Fraser

**Ex-Officio Councilors**

Cllr J Wills  
Cllr J Henry

Cllr C Miller **left 7.55pm**  
Cllr A Wishart

**In Attendance**

Shetland Times Reporter  
Mrs K Semple, Clerk to the Council

**Chairman**

Mrs A Simpson, Vice Chairman to the council presided.

11/01/01

**Circular**

The circular calling the meeting was held as read.

11/01/02

**Apologies for Absence**

Apologies for absence were received from Mr J Anderson, Mr L Angus, Cllr C Smith and .

11/01/03

**Minutes**

The minutes of the meeting held on 6 December 2010 were approved Ms K Fraser by and seconded by Mr D Ristori.

11/01/04

**Business Arising from the Minutes**

**10/12/11 11.1 Padlocked barrier, foot of Staney Hill**

The Clerk of the Council distributed a letter which arrived too late to be included in the agenda but was brought to the meeting for discussion.

The letter was a response from Mr G Greenhill, Executive Director, Infrastructure Services, SIC, dated 5 January 2011, Ref: GG/CA/Cp (14925) with regard to concerns raised at the December 2010 meeting, the content of the letter is noted below.

A copy of the original letter can be requested from the Clerk.

**Padlocked Barrier – Staney Hill Road**

*I refer to your letter of 8 December 2010 about the padlocked barrier on Staney Hill Road. I am pleased to hear that you have been given approval by the two main landowners to remove the padlock from the barrier.*

*The Council position remains as it was described to you in the e-mail dated 5 October 2010 from Mr Jonathan Duncan, Outdoor Access Officer. The Council would have no objection if the padlock were to be removed from the barrier, because that will not affect access to the Core*

*Path, which will continue to be available through the self-closing gate sited alongside the barrier. I have also checked with Head of Roads, he would have no objection to the padlock being removed and the barrier being lowered and left unlocked, as this is not a Public Road in terms of the Roads (Scotland) Act 1984.*

*The Council cannot remove the padlock as it is not the owner of the padlock or the barrier, but should the Community Council wish to remove it we would not have any objection to you doing so.*

Ms K Fraser stated she was pleased with the response and suggested that prior to the removal of the padlock appropriate signage would need to be arranged at either end of the road; she suggested a warning sign on both the barrier itself and at the Hoofields end of the road.

Mr A Henry asked for the opinion of PS B Gray.

PS B Gray responded that the Police had, on occasion, used the road if they had received an emergency call. He personally had no issue with the removal of the padlock and saw it as a traffic calming measure.

The Vice Chairman asked the Clerk of the Council to write to Mr N Hutcheson, Engineer, Roads, SIC with the request.

**(Action: Clerk of the Council)**

### **10/12/10 10.3 Hours of Opening – Certificate of Lawfulness for Proposed Use – Tesco Stores Ltd., South Road, Lerwick**

The Clerk of the Council distributed a letter which arrived too late to be included in the agenda but was brought to the meeting for discussion.

The letter was a response from Mr Richard MacNeill, Planning Officer, SIC, dated 13 December 2010, Ref: 2010/404/CLP, received 6 January 2011 with regard to concerns raised at the December 2010 meeting, the content of the letter is noted below.

A copy of the original letter can be requested from the Clerk.

#### ***Certificate of Lawfulness of Proposed Use of a Class 1 Store Opening Hours to between 0700hrs and 2300hrs daily, Tesco Stores, South Road, Lerwick***

*The background to this application relates to a condition applied to the original consent for store on the site. Condition No 29 on consent 95/117 required that the hours of opening be agreed with the Planning Authority prior to the commencement of the operation.*

*It has subsequently come to light that the terms of this condition have not been complied with. Unfortunately I cannot give you a reason why this was not complied with at the time. The store does not have agreed hours of operation and because of the time that has elapsed, over 10 years, the failure to comply with the condition leaves the store immune from enforcement action in this regard.*

*The applicants when made aware of this situation decided to make an application to formalise the situation.*

*A Certificate of Lawfulness of Proposed Use application does not include an assessment of the planning merits of a use, merely whether in the opinion of the Planning Authority that proposed use is lawful. That determination in this respect is currently under consideration.*

Mr J Stewart proposed that Mr I McDiarmid, Head of Service, Planning, SIC should be written to and asked what steps would be taken to ensure the situation, whereby Planning has effectively lost its power, does not occur again.

There being no objection to the proposal the Vice Chairman agreed that the letter should be written.

**(Action: Clerk of the Council)**

11/01/05

**Area Commanders Monthly Report – December 2010**

\*Following a request from Mr W Spence for comparable crime statistics for the previous ten years, **item 10/11/05**, PS B Gray distributed a handout detailing the crime analysis comparison from 2006/2007 to 2009/10.

He advised that details prior to 2006 were archived.

He stated that the figures given in the statistics were for the whole of Shetland but it was clear the majority of the calls related to the Lerwick area.

**\*See appendix 1, last page of the minutes**

The Vice Chairman noted the detection rate seemed quite positive.

PS B Gray advised that a meeting was to be held at the end of January whereby an update would be received regarding the proposed closures at Dunrossness and Scalloway; New Police Station at Sumburgh Airport and possible reduction in the Lerwick Police Station opening times.

Cllr J Henry enquired who would make the final decision.

PS B Gray replied it would be made by the Joint Police Board in consultation with the Police.

He advised he could see benefits both ways, and stated that he "could count on one hand how many people came into the Station after midnight". He noted Station opening hours may remain the same or be cut to 18 or 12.

Mr D Ristori enquired what would be done with any buildings which may be vacated.

PS B Gray responded that the decision would be made at executive level but there would be no benefit to Northern Constabulary in keeping them and they would be sold.

Cllr J Wills appreciated that finances may be tight but stated he was "incredulous" that the Station may not be open 24 hours a day and thought it was a "retrograde step to close at night".

Mrs A Simpson asked where night time calls would be routed to.

PS B Gray responded that at the moment they endeavored to have someone covering phones during the day but occasionally, under certain circumstances, calls at night have had to go through Wick. He stated that this had always worked well and any staff member at Wick would do everything a support member of staff at Lerwick would do.

Cllr J Wills stated he took some reassurance from PS B Gray's responses.

Mr D Ristori proposed a letter should be written to express Lerwick Community Council's opposition to the proposal to end the 24 opening hours of Lerwick Police Station and voice support that any calls made in Shetland should be answered in Shetland.

Cllr J Wills seconded the proposal.

Mr J Stewart suggested the decision to write should be delayed until after the meeting at the end of January.

Mrs A Simpson advised that that would be too late as the decision would have been made by then.

It was agreed the Clerk should write to David Bushell, Chief Inspector, Shetland Area Command.

**(Action: Clerk of the Council)**

10/11/06

**Police Report**

PS B Gray gave the following crime analysis for December 2010/2011 compared to that of the same time last year.

Class 1 - Crimes against the person – Up from 15 to 24, with 24 detections  
Class 2 - Crimes involving indecency – Down from 23 to 10, with 5 detections  
Class 3 - Crimes of dishonesty – Up from 275 to 299, of which 197 were detected  
Class 4 – Crimes of vandalism – Down from 214 to 130, of which 57 were detected  
Class 5 - General Crimes – Down from 138 to 119, all detected  
Class 6 - Miscellaneous crimes – from 376 to , with detections  
Class 7 - Traffic Offences – from 370 to , with detections

Members were advised that the detection rate at the end of December 2010 was 69.1%, the highest detection rate in the whole of Northern Constabulary.

PS B Gray stated that the crime of vandalism, a coward's crime, tended to drag all other figures down. For example if seven cars were vandalised at the same time there would be seven victims and each noted as a separate crime.

He advised assistance and support from the public was greatly valued and could significantly help in reducing crime figures.

CLlr J Henry enquired what thought had been given to the possible influx of thousands of men at Sullom.

PS B Gray responded that very little crime could be attributed to the workers as their employment was important to them. He stated the regime was hard and companies worked well using a 'three strikes and you're out' principal.

Mr D Ristori commented on the recent success of CCTV.

PS B Gray stated that without CCTV the offender who assaulted a 14 year old youth would not have been caught.

Mr D Ristori noted he could only see eight CCTV cameras but thought there were fourteen.

PS B Gray replied that there were indeed fourteen but they were designed to blend in with their surroundings.

The Vice Chairman thanked PS B Gray for attending the meeting and giving his presentation.

PS B gray left at 7.30pm

11/01/07

**Draft Paths Core Plan – Jonathan Duncan**

Mr J Duncan, Outdoor Access Officer, SIC was unable to make his proposed presentation due to illness; he asked for it to be scheduled for a later date.

11/01/08

**Correspondence**

**8.1 Concern, Queens Place, Lerwick, Parking Place for Disabled Persons Vehicle Order – John Johnson, Roads Engineer, SIC**

Noted

**8.2 Steps to Leog Beach – David Coupe, Area Engineer, SIC**

Mr D Ristori asked if the steps were listed historically and were they maintained.

Cllr J Wills stated they were in a conservation area. He noted the steps had been “shoogily” since he was a boy and members of the public had to take responsibility for themselves.

**8.3 Traffic Warden, Lerwick – Edwin Graham, Inspector, Northern Constabulary**

The Vice Chairman noted the approach regarding appointing a new traffic Warden was good news.

**8.4 Queens Lane Parking Issues – Ian Halcrow, Head of Roads, SIC**

The Vice Chairman stated the proposal to bring forward the traffic Management Plan was encouraging.

Cllr C Miller stated that Cllr L Angus had been pushing for a Traffic Management Plan for many years.

She advised Lerwick Community Council would be kept informed as any plans would come up for consultation.

**8.5 Concern, Impending Parking Restrictions in Knab Road – Carol Gray, Resident, Knab Road**

Cllr J Wills stated that Councillors were interested in finding a solution to the parking problem faced by the residents of Knab Road regarding the impending parking restrictions.

He stated any parking scheme would have to give priority to Knab Road residents and residents and visitors to Annsbrae.

Cllr A Wishart suggested a Letter should be written to Mr I Halcrow, Head of service, Roads and ask how the problem can be resolved.

The Vice Chairman agreed and asked the Clerk to also enquire as to why Ms C Gray's application to put in off road parking was refused.

**(Action: Clerk of the Council)**

She also asked the Clerk to write to Ms C Gray and express the sympathy and support of Lerwick Community Council.

**(Action: Clerk of the Council)**

**8.6 LCC Membership – Kathy Greaves, former member of Lerwick Community Council**

The Vice Chairman asked the Clerk of the Council to write to Ms K Greaves, thank her and wish her well for the future.

**(Action: Clerk of the Council)**

**8.7 Local Protection Area Review – Hannah Nelson, Development Plans Manager**

The Vice Chairman asked if there was any interest in forming a sub-group to discuss the issues in more detail.

Cllr J Wills agreed it would be beneficial for a small group to be formed in order to discuss issues directly with Planning, SIC.

He stated Knab, Ness of Sound, Sands of Sound and all recreational areas needed to be zoned.

Ms K Fraser stated any proposals should be brought to Lerwick Community Council first.

Ms K Fraser and Mr D Ristori both noted their interest. Mr D Ristori also suggested that Mr W Spence and Mr J Anderson, Chairman may be interested.

Cllr J Wills proposed Mr L Angus.

The Vice Chairman stated she would contact Mr J Anderson, Mr L Angus and Mr W Spence with regard to the proposal.

She asked that if anyone else was interested, they should let her know.

**(Action: Vice Chairman)**

**8.8 Gremista Wind Turbine and Integrated Renewable Energy Project – Guy Robertson, Principal Environmental Consultant, Synergie Environ Ltd**

Cllr J Wills stated he would like to know more about the proposal and who is behind it. He saw it as "something from a Consultant of a private company" and noted the proposed turbine was considerably less than one kilometer from an inhabited house and therefore against Government policy.

Cllr A Wishart noted the second paragraph of the letter seemed to be glossing over something much bigger and he was unsure what was meant.

He noted there was no date on the letter and Lerwick Community Council had very little time to respond.

The Clerk stated she had noted there was no date on the letter and had kept the envelope which had a stamp date.

The Vice Chairman stated Lerwick Community Council could not possibly comment about something with such scant information. She asked the Clerk of the Council to write requesting further information including what distance the turbine would be from any residences and how it would contribute to district heating.

**(Action: Clerk of the Council)**

11/01/09

**Traffic & Parking Orders**

**9.1 Bruce Crescent, Lerwick – Parking Place for Disabled Person's Vehicle – Order 2011**

No objections

**(Action: Clerk of the Council)**

11/01/10

**Financial Report**

The Vice Chairman advised the LCCCT meeting had been postponed from January to February in order for finances, with particular regard to the proposed Knab Viewpoint, to be discussed more fully.

Noted

11/01/11

**Planning Applications**

**Cllr C Miller declared an interest as a member of the Planning Board and left the meeting at 7.55pm.**

**11.1 2010/437/PCD – Erect Business Premises Comprising Workshop, Storage, Offices & Shop, Port Business Park, Gremista, Lerwick by Ocean Kinetics Ltd**

No objections

**(Action: Clerk of the Council)**

The following planning application arrived too late to be included in the agenda but was brought to the meeting for discussion.

**2010/451/PCD – Demolish Storage Building and Erect Stone Wall Enclosure and Erect a Warehouse Extension, Hay & Co Buildbase, Freefield by Buildbase Ltd**

Mr D Ristori stated he was happy to see the area developed.

Cllr J Wills agreed that it was good to see something being done to improve the area.

No objections

**(Action: Clerk of the Council)**

11/01/12

**Lerwick Applications December 2010**

Noted

11/01/13

**Any Other Business**

**Signs**

Mr D Ristori stated the signs for Copelands Pier, Stouts Pier and Bains Beach still needed to be replaced and the sign for Hayfield Court needed to be refurbished.

The Vice Chairman asked the Clerk of the Council to write to Mr N Hutcheson, Engineer, Roads, SIC with the details.

**(Action: Clerk of the Council)**

**Buildings Queens Hotel to Copelands Pier**

Cllr J Wills first noted an interest as members of his family owned a building at Lodberries.

He went on to state he was concerned at the deterioration of some of the buildings, there was some damage after every storm, and suggested someone should be spoken to with regard to long term preservation.

Cllr A Wishart asked if any residents had approached him with concern.

Cllr J Wills responded that they had not.

The Vice Chairman asked the Clerk of the Council to write to Planning, SIC and advise them of the concern noted at the meeting.

**(Action: Clerk of the Council)**

**Proposed Closure – Coastguard Station**

Cllr J Wills declared an interest through his business but raised concern at the proposed closure of the Coastguard Station.

He knew the proposed closure of the Coastguard Station was not just a Lerwick issue but stated that Lerwick was a busy port and the Coastguards are an essential emergency service for townspeople who go to sea on business and for pleasure.

He stated local knowledge was essential and the proposed closure was a backward step, he suggested Lerwick Community Council should join the many individuals and deplore the proposed closure.

The Vice Chairman asked the Clerk of the Council to write to Tavish Scott, MSP and voice the concerns of Lerwick Community Council.

She asked for a copy of the letter to be sent to the Coastguard Union.

**(Action: Clerk of the Council)**

The Vice Chairman thanked members for attending the meeting.

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

MRS A SIMPSON  
VICE CHAIRMAN  
LERWICK COMMUNITY COUNCIL