

MONDAY 3 OCTOBER 2016

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

Members

Mrs A Simpson	Mr J Anderson
Mr E Knight	Ms K Fraser
Mr J Fraser	Mr A Johnson
Mr A Wenger	Mr D Ristori
Mr A Henry	Mr W Spence
Mr A Carter	Mr S Hay

Ex-Officio Councillors

Cllr M Stout	Cllr A Wishart
Cllr P Campbell	

Additional Co-opted Members

Miss Eve Thomson	Mr Tommy Carroll
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In Attendance

Mrs Pat Christie, Community Planning & Development, SIC
PC Katie Peteranna, Police Scotland
PC Joel Macleod, Police Scotland
Mrs M Sandison, Clerk to the Council

Chairman

Mr J Anderson, Chairman to the Council presided.

10/16/01

Circular

The circular calling the meeting was held as read.

10/16/02

Apologies for absence

Apologies for absence were received from Mr P Coleman, Mr M Peterson, Cllr M Bell, Cllr J Wills and Cllr C Smith.

10/16/03

Minutes

The minutes of the meeting were approved by Mr E Knight and Mr D Ristori.

10/16/04

Business Arising from the Minutes

Lerwick Town Centre Pedestrianisation – (Minute Ref 09/16/06)

Cllr Wishart mentioned the discussion with Mr Hutcheson and presentation about closing the south end of the street. Mr Hutcheson had said they were waiting for feedback from the community council and Living Lerwick. He asked if clear guidance had been given in the minute.

The clerk replied that a letter had been written based on what was discussed at the meeting, the community council agreeing with proposals for the street, pointing out that the two-way traffic at the corner of Andersons might be a problem for pedestrians.

Mr Anderson stated that they were to come with a formal proposal and were to make a formal representation following that. He said it was raised that there was a potential pinch point or blind spot at Andersons. He also said that Mr Hutcheson had suggested there would be a build-out to keep traffic off, but not any firm proposals at this moment in time.

10/16/05

Police Scotland Monthly Report

Mr Anderson welcomed representatives from Police Scotland to the meeting.

PC Peteranna asked if a report had been sent.

The clerk replied that no report had been received in October.

PC Peteranna said that she had a list of incidents that had happened in Lerwick this past month. There had been twenty four positive drug searches, ten vandalisms, one robbery, one disqualified driver, and one industrial accident, one person with an offensive weapon, three thefts at shops, and one theft from domestic premises, four assaults, one police assault, thirty six fixed penalties, three domestics, and one breach of the peace.

PC Peteranna asked if there were any questions.

Mr Anderson asked if those figures were up or down on those figures last year.

PC Macleod replied that the number of fixed penalties was lower and the number of drugs searches had gone up. So over all they were slightly lower, but some figures might be higher. He mentioned the drugs work on-going at the moment.

Mr Anderson asked if this was a national initiative.

PC Macleod replied that it was just a local initiative.

Mr Anderson enquired about the detection rate.

PC Macleod replied that the figures hadn't been sent out to them and a report would be forwarded as soon as it came in.

10/16/06

Correspondence

6.1 Flower Park Bowling Green

Mr Anderson pointed out that a reply had been received from Mr Malcolmson and asked if anyone had any questions.

Mr Fraser said it was good to see that it was in hand.

6.2 Smelly Drains at Freefield/Burgh Road – Scottish Water

Noted.

6.3 Copland's Pier and Sea Scouts Premises – Kenn Allen, Asset Services, SIC

Mr Anderson commented that this was the result of an email he had received and forwarded on to the council. He said that hopefully this was now in hand and had been handed over to housing.

He said that he had copied this back to Billy and Jessie Dalziel who had written the original email.

(Action: Chairman)

6.4 Cycle Leaflets – Elaine Skinley, Road Safety Officer, Roads, SIC

Mr Anderson pointed out that they were out and about.

Mr Wenger said that they were in the Library.

6.5 Community Choices Fund – Kevin Stewart MSP, Minister for Local Government & Housing, Scottish Government

Mr Anderson said that unfortunately we had not been successful. They had grant requests totalling 5.77m, so were oversubscribed.

Mr Fraser asked if there was any particular reason why their application had been unsuccessful and could we potentially learn from this for the future.

The clerk responded that feedback had been requested.

Mr Anderson replied that had not been received yet, so it was unclear if it was a poor application or too much of the same. They would circulate that when received.

(Action: Clerk to the council)

6.6 Welcome from the Sea – Tourist Leaflet - Victor Sandison, Senior Commercial Executive, Lerwick Port Authority

Cllr Wishart said that he had been along the office and spoken to Melanie Henderson. Next year they were revising the whole leaflet. The photograph will be clearer and show more of the key areas. He said he thought it would be an improvement and mentioned the old fashioned style street map on the back.

Mr Anderson thanked Cllr Wishart for looking into that.

6.7 Participatory Budgeting – Monitoring Forms

Mr Anderson said that the monitoring forms were in with progress being made.

The clerk pointed out the Sea Scouts had yet to start work, but planned to be ready for next summer.

Mr Anderson said that it looked like the Sea Scouts might be outwith the conditions of the grant and enquired with Mrs Christie about clarifying the conditions and if money was not spent in the required time would it have to be returned.

Mrs Christie replied that she would look into this.

Mr Fraser commented that traditionally this was winter work and it was understandable that it was only getting going now. Throughout the summer they were out on the water and in the winter doing the maintenance on the boats. He suggested that due to these circumstances the community council could offer an extension to the end of March, he would like to propose that.

Mr Anderson replied that we would really need to consult on the guidelines before that.

Mrs Christie agreed that she would find out and come back with the rules.

(Action: Mrs Pat Christie/Clerk to the council)

6.8 Bridges Project – James Leask, Acting Team Leader, Bridges Project, Youth Service

Mr Anderson noted the email from Mr Leask who has almost finished compiling a list of assets for sanding and painting.

6.9 Living Lerwick – Grant Thanks

Comments were made on the displays of flowers and the enhancement made to the street.

6.10 Funding Opportunities

Community Capacity & Resilience Fund

Mr Anderson suggested that this application might be appropriate for sending to Mr Jim Leask, as it was more in line with the work he was doing, such as refurbishing benches.

(Action: Clerk to the Council)

Weir Charitable Trust

Mr Anderson asked if anyone had any ideas. He said there were two other sources of funding from Tesco and Big Lottery Fund. Mr Wenger attended a presentation from Big Lottery Fund at the Town Hall a few weeks ago.

Big Lottery Presentation with PowerPoint

Mr Wenger talked through the presentation, highlighting the different levels of funding available such as improving communities and not necessarily for big projects. He said that there was a broad range of possibilities and a good idea to look at the website.

Funding was available within different timeframes with up to one million pounds taking nine months to twelve months to come through. Mr Wenger commented that if anyone had an idea for a special project he would be happy to help.

Mrs Simpson suggested forming a sub-group to look into these possibilities. It has been thought of before and she said it would be good idea to think about doing that.

Mr Anderson agreed and while it had been suggested before had not got off the ground and deadlines were always very close. He asked if there were any volunteers from the community council.

Mrs Simpson, Mr Ristori and Mrs Christie were willing.

Mr Anderson suggested that a meeting be organised with all members being invited to attend. He said that the clerk would send out an email with a couple of dates.

(Action: Clerk to the council)

Tesco Bags of Help Programme

Mr Anderson said that this had been forwarded by Mr Michael Duncan and read that it included outdoor projects and repainting playpark equipment.

Mrs Christie informed the community council that this no longer had a deadline and could be applied for anytime.

Mr Anderson suggested that this could be held over for the sub-group meeting.

10/16/07

Financial Report

7.1 Core Funding Financial Report 31st August 2016
Noted.

10/16/08

Planning Applications

8.1 2016/112/PPF – Catering Trailer parked on Friday & Saturday nights between hours of 22:00 to 03:00 – Self Catering Unit, Harbour Street/Commercial Street Junction, Lerwick, Shetland, ZE1 0LR – Barry Callieu

No objections.

(Action: Clerk to the council)

8.2 2016/333/PPF – Erection of 2no 6KW Wind Turbines proposed height 15m and excavation of associated trench for electricity cable to existing property – Depot, Gremista, Lerwick, Shetland, ZE1 0PX – Minstral Renewal Energy Ltd

No objections.

(Action: Clerk to the council)

8.3 2016/334/PPF – Erection of two 6KW Wind Turbines proposed height 15m high – Waste Management Facility, Gremista, Lerwick, Shetland, ZE1 0PU – Mistral Renewal Energy Ltd

No objections.

(Action: Clerk to the council)

Additional Planning Applications

2016/361/VCON – To vary condition 1 of planning permission 2010/209/PCD to change 2no. 6 Person Houses to 2no. 4 Person Houses and reduce the height from storey and a half to single storey – Burnbank, Lerwick - Hjaltdland Housing Association

No objections.

(Action: Clerk to the council)

Additional Agenda Items

Replacement Pedestrian Railing, Hillhead, Lerwick

Mr Anderson informed members that we had asked for a report on the cost for replacement of the railings. Council spending allocations were looking at replacement in the financial year 2021/22.

Mr Ristori commented that it was unsafe and would have fallen down by then.

Mr Anderson replied that it was unsafe then surely they would be able to find emergency funding.

Discussion ensued about when the report was written. It was believed to be two years old dating back to a letter sent to the council regarding the 'gateway' process.

Mr Carter expressed that he was fairly disappointed, considering the money that was to be spent on the Town Hall and just across the road to have a rusty old railing that lowers the tone of the whole area, along with the safety aspect.

Mr Fraser pointed out that it was near to the war memorial as well.

Mr Anderson proposed that they could write to express our disappointment at the timeframe and public health and safety concerns.

Cllr Stout said that it would be highly appropriate to write back about the concerns of both the look of it and the potential safety issues.

Mr Knight remarked, could they afford not to do it, as it could be the source of some very serious injuries.

(Action: Clerk to the council)

Skatepark

Mrs Christie reported that she had met with the Skatepark committee. They only had a small amount in the bank account so were not really in a position to do anything. Also they had been through planning with this and felt unsure what the problem was, but they were open to suggestions.

Mr Anderson said that with regard to the gate, planning was not there to say if something is structurally safe or anything else. He said looking at the planning site it was as the original drawings.

Mr Christie reported that they had said that if they were to make any changes it would probably cost quite a bit of money to have designed properly. It was suggested that they could have a sign to say exit carefully.

Mr Knight commented that some of the bairns would be quite young and a notice would not mean much to them and they would be the ones most at risk. To his knowledge there had not been an accident, but he said it would be terrible to have to wait until there was.

Mr Christie agreed and suggested the possibility of a feasibility study being done.

Mrs Fraser pointed out that there was a railing across the pavement outside the King Harold Street playpark.

Mr Anderson mentioned that there was a staggered railing but a clear path, so although you can't go straight over the road it prevented going out straight onto the road.

Cllr Wishart suggested that Mr Anderson and somebody else make a visit.

Mrs Christie said that the committee were happy to meet and agreed to contact Mr James Irvine.

Mr Anderson agreed to go along with Mr Knight.
(Action: Mr Anderson/Mr Knight/Mrs Christie)

Cllr Stout commented that it was a completely open section of road, with good visibility and it was not much of a risk. Folk would have an awareness that they were coming out onto a main road, and he said he really could not see a problem with this.

Cllr Wishart suggested that if willing to spend a lot of money you could extend the fence along the road, open the gate at the end of it and put in a new drop kerb, but it would involve spending a few thousand pounds. It was not going to improve things hugely as they were still going to come out onto the road.

Cllr Stout stated that the fundamental point about road safety was that you have to accept folk will have to have a degree of responsibility.

Mr Carter suggested that it was more of a hazard getting there in the first place. He mentioned the two 'kissing gates' on the sea road and most bikers seemed to manage to negotiate them without any bother.

Mr Fraser commented that if a mum or dad had slipped them off at the skatepark it was regarding them as having 'a degree of mither wit' and road sense that they were going to use a little bit of caution.

Mr Carroll advised that it was used by young teenagers who may just like to have a bit of a thrill so drive straight out, but most seem to be a bit more sensible, rather than going straight out and paying attention to what was happening.

Cllr Campbell was fairly sure that when planning permission was put in, one of the consultations would have been done by Roads and safety would have been taken into consideration.

SCT Governance Review – Mr Kenny Mathers, Casework Policy Manager, OSCR

Mr Anderson read through the reply received from Mr Mathers informing the community council that no action would be taken and the file was to be closed.

Mr Carter suggested that they could take him to task on the public interest side of things, as that was a moot point in itself and clearly was in the public interest.

Mr Anderson asked if the community council were quite happy for him to close the file.

Cllr Stout suggested that the community council did have an opening to come back with an evidence based case to support what he was referring to as allegations. He remarked that if taking it further, putting together the specific reasons, the evidence, this is why, this is what, substantiates your concerns.

Mr Hay said that he felt that the response reflected an opinion about the behaviour of the trustees and their accountability rather than their concern about the appointment of trustees. He thought Mr Mathers was confused or the response confused two distinct issues.

He pointed out that the concern raised by the community council was; how does a charitable trust represent the interests of a community by way of its composition, they did not go on to have any discussion about how a charitable trust or trustees actually behave. He thought that there was a clear distinction between the two things and Mr Mathers was addressing the latter when it was the former that was put to him.

Cllr Stout agreed but pointed out that part of the issue was that OSCR had a very limited remit in terms of the former. The reply had avoided the former, but actually its remit was simply to deal with the other. He went on to suggest that if the community council was going to challenge how the trustees are chosen in the first place, they would need to put forward a well constructed case as to what they felt was wrong about that.

Mr Anderson said his understanding was that they did not believe any of the current trustees were acting improperly. It was the principle behind the appointment rather than the election of those trustees and therefore their accountability, and who they answer to; answering to the public or to OSCR.

Cllr Campbell asked if it was not the case that any new proposals put forward by the charitable trust had to be approved by OSCR. He said currently the proposals that OSCR accepted would have been the ones for the reduced number of councillors from what was a few years ago and so these are the set of conditions regarding the operation and until the trust puts forward a new set, the existing ones remain in force.

Mrs Simpson said that it was perhaps a discussion with the trust rather than with OCSR.

Cllr Stout commented that was where the community council had legitimacy because the point they would be making was about the relationship between the trust and the inhabitants of Shetland, as representatives. He said that the community council had every right to challenge or at least enquire of the trust and share their concerns of the proposed changes.

Mr Anderson advised there was an Association of Community Councils meeting on Saturday, with this matter on the agenda, and suggested that they forward on to Mr Gair. It could be discussed and if they would like to question or take forward, then at least that would come from the ASCC rather than a lone community council within Shetland.

Cllr Stout advised that the community council had the right to do both.

Mr Anderson said that they would forward their thoughts at the ASCC meeting, saying the last time it was discussed it was unanimous with everyone present of the opinion that trustees should all be elected. He said that would be his proposal, but if anybody wanted to make further representation then the community council could.

Cllr Stout suggested that even if you did either or both it would mean someone sitting down with a representative of the trust and if any or all of the other community councils did likewise it would give a stronger message.

Mr Simpson said that she agreed with what Cllr Stout was suggesting and said it was another voice.

Mr Anderson asked if the community council was to write to the Shetland Charitable Trust and asked if everyone was in agreement with that.

It was agreed by members present.

(Action: Clerk to the council)

Mr Fraser said that he didn't disagree with what was said, but he was interested in the concept of there been potentially two elected bodies within Shetland politics. Whereby each of these elected bodies potentially claim that they have a legitimate mandate for the dispersement of public funds.

Mr Anderson asked about what two bodies he was speaking about.

Mr Fraser replied the Shetland Islands Council and an elected Charitable Trust and where the two must work together in order to see the fruition of any particular project. He asked what happens if this two elected bodies disagreed on the suitable way forward and were you going to have a Mexican stand-off where each of them was going to suggest that they had the legitimate elected mandate in order to progress things and he was just worried where this would go from here.

Cllr Stout said that theoretically that would not be radically different from what the current situation was now. Also theoretically the planning partnership of which the council and charitable trust were members, all these Shetland 'plc' decisions should be reflected in at the partnership level.

He understood Mr Frasers point, but he didn't see it as being any potential stumbling block compared to the difficulties that they were currently having just now and the mandate of an elected trust still had the responsibility for the management and dispersement of the charitable trust funds. He stated that it would not have any other mandate attached to it as an elected body, whereas the council had a completely different type of mandate to back up its other business and obviously there were areas of shared interest, but those should effectively be covered through the partnership as things stands.

ASCC Bi-Annual Meeting

Mr Anderson displayed the agenda for the meeting on Saturday. He asked if anyone had any comments to make.

Ms Fraser enquired about item six 'Community Council By-Election and age reduction to 16 years old'.

Mr Anderson replied that it was something he had been asked to put on the agenda. He said that they had asked for membership of community councils to be lower to sixteen before, but it came down to how accurate the electoral role was and they needed to have a second electoral role. He said that Mr Jan Riise could explain it fully.

Mr Knight asked about item nine, 'Planning Policy for New Houses in Windmill Areas.'

Mr Anderson replied that it was a presentation from the council planning department.

Cllr Stout informed members that this was an item that came up at the last ASCC meeting following debate about a piece of planning legislation that came out. He said that it was decided to give a bit of professional guidance on how community councils should and could approach these planning issues and make comment on applications.

Mr Anderson said somebody had objected to a house been build within one hundred yards of a windmill.

Cllr Stout commented on the agenda item eleven, Shetland Place Standard. He said it was a national framework that asked questions about how people felt about the place they lived in. He pointed out that well over one thousand one hundred responses had been received. The idea had worked quite well and was something that could be built on with more specific questions around transport issues perhaps. He said that this was a good one to follow through.

Community Council Elections

Mr Anderson informed members that the community council had two vacancies and following no applications at the last by-election there was now an opportunity to co-opt. This could be done by advertising or any other means to fill these two seats. He

asked members had any ideas or would like to think about this. He suggested an advert in the paper or on the Facebook page.

Members were in agreement about adding to the Facebook site.

Mr Carter suggested an advert in the paper.

Cllr Stout advised that co-opting implies that the community council have an idea of folk who they could ask and taking the opportunity of approaching people and making up for an age or gender balance perhaps.

He suggested the ASCC looking at selling the benefits and to raise the profile across Shetland about why folk should put themselves forward and what it involved.

Mr Anderson suggested including on the ASCC agenda and if other community councils were in the same situation perhaps suggesting that the association put out a press release. He asked members to encourage the public to write in and failing that perhaps looking at putting out a press release next month.

(Action: Chairman)

10/16/09

Any Other Business

Anderson High School Parent Council

Mr Fraser alluded to his time spent on the Anderson High School parent council. He said there was a lot going on in Lerwick and with having a material change during the next year he suggested community council representation at the Anderson High School parent council meetings during that transition process. He said he would like to put himself forward for this unless anyone else had any unction.

Mr Anderson suggested that it was not up to the community council to say what the membership of that body was.

Mr Fraser said that it would not be as a member, but just in the same way as councillors attended these meetings as elected representatives.

He suggested that we write and see if an invitation could be extended to the Lerwick Community Council.

Discussion took place on attendance at schools and representation by councillors.

Mr Anderson said that he would find out who we would need to write to.

(Action: Chairman/Clerk to the council)

Campsite/Caravan Park in Lerwick

Mr Carter alluded to the July minute and asked about his proposal of putting forward two possible sites for a campsite and caravan park in Lerwick. One site on the North of the Clickimin, currently occupied by contractors portacabins and an area at the Knab currently the site of the Anderson High School buildings and Bellevue suggesting that either be considered to be zoned as a possible site. He referred to the July minute and quoted 'he suggested that they think about the campsite and make a suggestion on

the back of that to the council.’ He wondered if it had gone any further and asked if any responses or action had been taken.

The clerk said that there had been no correspondence, and agreed that was what was in the minute. No further discussion had taken place, and the clerk was unsure what course of action to take.

Mr Anderson that as far as planning goes it was five year rotating thing, and no reason why it could not be fed in, if that was the agreement of community council.

Mr Carter outlined the sites and suggested that either or both could be put forward to planning so they could be mindful of this whenever a formal application went in. He said that he would not be keen waiting until 2020 to mention this.

Mr Anderson mentioned the Knab Consultation and this was fed in during that. He pointed out that the site of Seafield was an ideal site.

Mr Carter asked about a letter of recommendation that these areas be considered and on file.

Mr Anderson agreed that we could write in.

Mrs Simpson said that it wasn't up to the council to provide a caravan site.

Mr Carter said that they did in other places.

Mr Ristori added that the Gilbertson Park had been used; it was lying empty half the time, and had a car park.

Mr Spence asked if we had any information or any statistics showing the number of caravans or tourists that wanted to come and bring their caravans to Shetland that were not able to do so.

Mr Carter said that the stronger lobby was coming from folk in Shetland that wanted to come into Lerwick especially around the time that there was any event on. At the moment there was no facility for them to do that, so effectively the town businesses were losing opportunities for business and folk in the country missing out.

Discussion took place about Marina's that provide facilities. It was suggested that they must be making it pay in some way. Figures were up probably due to no Lerwick facilities. It was mentioned that there was nothing to stop community groups from setting one up and making some money out of it.

(Action: Clerk to the council)

War Memorial

Mr Knight had raised the matter of the War Memorial needing a clean-up. He was recently at the Battle of Britain memorial and a few in attendance spoke about the state of the war memorial.

The clerk reported that John Mackenzie from Shetland Amenity Trust had been contacted originally, but he had not come back with anything yet.

Mr Anderson said that he would contact him and follow things up.
(Action: Chairman)

Knab Golf Course

Mr Knight mentioned that the council had cut the greens, but had not cut the fairways which had made it very difficult.

Mr Anderson heard it had been cut as in previous years, but said he would contact Magnus Malcolmsen and ask.

(Action: Clerk to the council)

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

Minute ends.

MR J ANDERSON
CHAIRMAN
LERWICK COMMUNITY COUNCIL

Chairman.....

Date.....