

**MONDAY 19 JULY 2004**

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

**Present**

Cllr G Feather	Mr J Ogg
Ms B Wishart	Mr A Johnston
Ms K Fraser	Cllr E Knight
Cllr W Stove	Mr R Anderson
Mr J Anderson	Mr T Nicolson

**Additional Co-opted Members**

Mrs A Simpson

**In Attendance**

Mrs M MacLeod, Clerk  
Miss C Duncan, Clerk  
PS G McCarthy, Northern Constabulary (left 7.55pm)  
Mr S Cooper, SIC Infrastructure Services (left 7.55pm)  
Shetland Times reporter

**Chairman**

Mr T Nicolson, Chairman of the Council, presided.

04/6/1

**Circular**

The circular calling the meeting was held as read.

04/7/2

**Apologies**

Apologies for absence were received from Cllr J Irvine, Mr J MacLeod and Mr P Scarsbrook.

04/7/3

**Minutes**

The minutes of the meeting held on 28 June 2004 were approved on the motion of Cllr W Stove, seconded by Ms K Fraser. Mr R Anderson asked that the point "across the board, including the Clerk's salary" be added at 9.2. Also Cllr G Feather left his apologies on the answering machine on the day of the meeting but this was not minuted.

The Chairman welcomed new Clerk to the Council (maternity cover) Miss C Duncan to the meeting.

04/7/4

**Matters Arising**

**4.1 Pavements at Twageos**

Mr R Anderson stated that Cllr C Eunson had contacted him regarding the pavements at Twageos. It is his understanding that the District Heating scheme is to extend along Twageos later this year so the pavements would be resurfaced then. Cllr W Stove, declaring a non pecuniary interest, stated that there would be no District Heating along Twageos unless further funding was obtained in September or October this year. Until then the pavements are not in the present plan. He is to ask that the pavements be included in this, but also stated that the bottom of Lover's Loan won't be resurfaced until next Spring.

**4.2 Ronald Street Swings**

Mr R Anderson stated that a petition had been taken up by neighbours in the area of the swings earlier this year when the signatories had agreed not to replace the swings. However, a second petition had gone the other way, with the signatories asking for the swings to be replaced. Mr J Anderson said that a questionnaire had

been sent out to all immediate neighbours by Mr M Malcolmson at SIC Community Services asking for their views on the replacement of the swings.

#### **4.3 SIC Education Best Value Review**

Mr T Nicolson informed the meeting that Mr A Jamieson, Head of Education, had been invited to attend and give a presentation on the Best Value Review but had been unable to do so due to holidays. It is hoped he will attend another meeting in the near future.

#### **4.4 Pegasus Place**

Ms K Fraser has not yet seen any improvement in the area. The situation appears to be worse than before and she would've liked to have seen an improvement by now. Mr T Nicolson said the problem lay with the fact that the contractor had gone into liquidation leaving the site in its current state. However, he would write to Mr A Hamilton at Shetland Islands Council re. progress in clearing the site.

#### **4.5 Shetland Rock Festival**

Ms K Fraser asked if there had been any response from the organisers of the Shetland Rock Festival regarding clearing up after the event. Mr T Nicolson said a letter had been sent to them but no reply had been received to date. Another letter is to be sent to remind them. Mrs A Simpson pointed out that following last year's event, 70 bags of rubbish had been collected in the following 3 weeks by the organisers and their helpers, therefore attempts had been made to clear up with an industrial cleaner being brought in but it had just taken time.

#### **4.6 Landscaping of New Developments**

Cllr G Feather asked for the position on this. Mr T Nicolson replied that letters had been sent to both Hjaltland Housing Association and Scottish Water, and he was awaiting their responses.

04/7/5

#### **Police Report**

PS G McCarthy reported the figures since the last meeting as follows:

Lerwick incidents 424, town centre 85  
92 hours foot patrol  
14 vandalism, 7 detected  
22 thefts, 16 detected  
1 assault, which was detected  
14 drugs searches, 4 positive  
1 drunk driver

The recent spate of thefts and damage to and from gardens were being dealt with and they were following a positive line of enquiry. It was very likely a report would be submitted in due course. The Chairman was glad to hear this.

Cllr W Stove asked about the progress in appointing new Special Constables and when they would be on the streets. PS McCarthy responded that 4 prospective candidates had been interviewed, and the applications were being processed by the Human Resources Department in Inverness. They then had to undergo medicals to ensure their suitability through Occupational Health services in Shetland, but unfortunately the consultant is on holiday until the end of this month. Therefore he doesn't have a date for their commencement of duty yet.

Mr R Anderson asked on the progress of CCTV in Lerwick. PS McCarthy had no feedback at the moment but would hopefully have more information for the September meeting.

04/7/6

#### **Litter in Lerwick**

Mr S Cooper, SIC Infrastructure, was invited to give a presentation on the litter problem in Lerwick. He gave an outline of the services provided by the SIC, including:

Resources	5 staff in Lerwick Pedestrian sweeper Manually operated mechanical sweeper Hot & cold pressure washer (for removing chewing gum, cleaning lanes, graffiti, etc)
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Litter - Commercial Street cleaned 7 days a week with the Esplanade to Hillhead and Church Road to Harbour Street 5 days a week

All other areas are cleaned once a week

Sands of Sound Beach - once a week from May to September. Averaging 3 bags per visit with 60% domestic waste/40% marine

Mechanical sweeper is manned 7 days a week

Washing lanes is done twice a year

Chewing gum removal is done in spring and summer. It is a very labour intensive task. He hopes to be trialing a new washer soon which is low pressure so can be used more often.

Fixed Penalty Notices - Current fine is £50. Offender is asked to pick up the litter, if they refuse the fine is issued. From September 2004 there will be no warning and a fine is instant. Under 16s are not issued fixed penalty notices, instead a letter is sent to the parents.

Environmental Health staff and Community Support workers are authorised to issue fixed penalties.

Enforcement Week was held 07-11 June 2004. 50 people were spoken to during this time but no fixed penalties were issued.

More publicity is required on the issuing of fixed penalties and the fines themselves may be a deterrent to offenders.

In the previous month 8 warning letters were issued for incorrect presentation of refuse - this included black bags not covered up or put out too early, etc.

Nets are free from Infrastructure Services for covering up black bags. Mr J Anderson asked if your black bags are torn by seagulls, would you face a fine? Mr Cooper replied that yes, but a warning letter would be issued first.

He also stated that 200 nests were removed this year, but this can only be done before the eggs hatch as the gulls are more aggressive once the chicks have hatched.

Bruck boxes can be bought from SIC Infrastructure Services or Shetland Amenity Trust, as can individual bin stores.

Communal bin stores are being promoted at present. Norstane residents are not interested in these, but the residents of Sandveien and Nederdale are keen to see them in place. A few of the proposed sites for communal bin stores may have to be changed, but they have found that people do use them and they help the seagull problem.

Education - all Lerwick schools participate in the education programme. Mr Cooper said that they have run articles in the local press and will soon be starting a poster campaign promoting a new anti-litter hot line. They also have a presence at public events such as agricultural shows and are constantly promoting good practice.

Monitoring - the Litter Prevention Plan is a 5 year plan which includes a Litter Working Group who aim to improve all areas. They also take part in the Cleanliness Index Monitoring System which returns a value on each area. Lerwick has an average value of 70 - the national average is 67, so Lerwick is scoring better than the national average but that is what Mr Cooper would expect in a place the size of Lerwick.

Mr Cooper then invited questions from the members of the Community Council.

The Chairman pointed out that the weekend of the Bergen Race in June this year saw a number of complaints from residents regarding the state of Commercial Street early on the Saturday morning. Mr Cooper saw no reason why it should've been so bad and he agreed it had been a glitch. They are keen for the public to let them know of any areas uncleaned and they would follow it up.

The Chairman asked what response had been to the advertisement for Community Wardens. Mr Cooper replied that there had been about a dozen and interviews were due to start next week.

Cllr W Stove asked what the ultimate sanction was for under 16 year olds and how do we educate them? Mr Cooper replied that the offence is for littering and the local authority only has the power to issue fixed penalty notices. In the case of an under 16 year old, a letter would be sent to their parents but if they were persistently re-offending they could be referred to the Children's Panel for them to deal with.

Cllr W Stove then asked if feeding seagulls was littering? Mr Cooper replied that it could be classed as a Public Nuisance and people could have a notice served on them for doing so. It comes under different legislation to littering, but they do have the power to serve notices.

Mrs A Simpson asked what was being done in the Anderson High School to educate young people. Mr Cooper replied that a campaign was held last year with a marked improvement in attitudes being noted. It was a very positive move but would need to be on-going.

Ms K Fraser asked how the Community Wardens would operate. How could they ensure getting correct names and addresses from offenders? Mr Cooper replied that in the majority of cases they do get correct details from people. They would be managed by the Housing Section, but would have support from the local Police Station.

Ms K Fraser asked if littering was an actual offence, and, as the local authority were issuing fines, would the police have the power to arrest? Mr Cooper replied that it is not an arrestable offence. The Wardens would give the offender the chance to remove the litter first before issuing the fine, but in reality it would be impossible to stop every single person on a Friday or Saturday evening on Commercial Street who dropped litter.

Mr Cooper also pointed out that commercial premises have a responsibility too and they should also be spoken to regarding litter prevention. A food outlet being awarded a late license already faces restrictions on littering. The large black bin stores near these premises have already been beneficial.

Mr J Anderson noted that the refuse truck reversed onto a narrow pavement at Sandveien and felt this was quite a risk as it was at a junction. Would there be permanent access provided for the trucks? Mr Cooper stated that work on the bin

stores in Sandveien and Nederdale would begin in September and take about 2/3 months to complete. This should stop the need for reversing in this area but he would look into it further.

Mr R Anderson stated that he was disappointed the Community Support Workers would not be in Mr Cooper's department but instead under Housing, as this would mean they would have other duties as well as litter control. He enquired as to the percentage of their time that would be spent on the anti-littering element, also what their job description was. Mr Cooper wasn't able to give an answer at the moment as the job will depend on what is required of them once they are in post. Their duties were likely to be housing matters, unkempt gardens, abandoned vehicles and noise nuisance, as well as the litter problem.

Cllr G Feather asked what area the new housing scheme at the Observatory would come under, whether it was Lerwick or Gulberwick. He felt if it was still under Ministry of Defense control, the local police would have no control in the area. PS G McCarthy said that it was no longer MoD property so the police were indeed responsible for the area. Cllr G Feather felt that some areas were still used by the Observatory so they would still be under MoD control, whereas other areas would be the Northern Constabulary. Discussion followed regarding the boundaries and how it would affect the proposed drinking by-laws as Cllr Feather had had concerns voiced to him by some people. The Chairman said they would write to the Shetland Islands Council to define the boundary between Lerwick and Gulberwick.

The Chairman stated that every town in the UK struggled with the litter problem and Lerwick wasn't doing a bad job in combating it. The cleaners were to be congratulated on the job they were doing with the resources available to them and recognised the good work being done.

Mr R Anderson asked if Community Wardens issued a fine would it be included in the police report? Mr Cooper replied that it wouldn't but would be well publicised in other areas, including the Shetland Times and Radio Shetland.

The Chairman said that the success of the project would be down to good publicity. He thanked PS McCarthy and Mr Cooper for attending the meeting and giving their reports. They left the meeting at 7.55pm.

04/7/7

#### **Proposed Bressay Bridge**

It was noted that Lerwick Port Authority had expressed concerns over the height of the bridge recently in the Press and Journal. Lerwick Community Council had no concerns at this time.

04/7/8

#### **SIC/SICCT Review of Council Created Trusts and Organisations**

The Chairman stated that the major responsibility of the Shetland Islands Council was not to duplicate trusts. According to the report there were to be no forced redundancies and staff would be transferred under TUPE regulations. He said he had no doubt there would be various areas of concern.

Mr R Anderson said that he felt the SIC would be picking up the costs for displacements, etc. Many functions and duties had been passed to the Charitable Trusts for many years. Now it seems they are facing problems and the reverse is taking place with the SIC cutting budgets. He would seek details of the proposed £500,000 savings from the SICCT. He would like to see a more detailed financial explanation.

The Chairman said that SIC/SICCT planned to remove managerial posts from both to make savings through retirement. He supported no compulsory redundancies, but he could only see savings being made through early retirement and merger to one management organisation.

Cllr W Stove, declaring a non pecuniary interest, said he was in an awkward situation when discussing this matter as he is a Trustee of all the Trusts involved except the Welfare Trust. There would be a 3 month consultation process whereby Trusts can input information to SICCT. Only after that would they decide on compulsory redundancies or transfers. He felt they should look at the long term and be realistic. It is not possible to make so many savings so quickly. He felt they should wait for the consultation report to come out.

Cllr E Knight stated that the main people with worries were the staff but they have the least to worry about due to the guarantees given. He is also a Trustee for some of the Trusts concerned.

Mrs A Simpson declared an interest as a Trustee on the Welfare Trust and she felt they should wait for other options to come out after the consultation process was over.

Mr R Anderson moved that the Community Council wait for more detailed information following the consultation. Mrs A Simpson seconded this.

04/7/9

### **Correspondence**

#### **9.1 Westerloch Residents Association**

A letter of thanks for grant assistance was noted.

#### **9.2 Dogs Against Drugs**

A letter of thanks for grant assistance was noted.

#### **9.3 AB Associates**

They are working on a project which they hope to develop to pass on skills to students regarding renewable energies. The Chairman felt this was a good idea and a good project, as the future lies in renewable energy.

Mr R Anderson agreed, but had some concerns regarding the use of wind power. He had no concern over the visual impact but referred to the second sentence in the report. It was his view that energy generated by wind was more costly than that from the Power Station, and he wanted to know how this would improve. He also felt that the acquisition of skills is great but doesn't like assumptions being made that are untrue.

Cllr W Stove asked if it was true that wind power can be converted to hydrogen cells, as this would be the way forward, although it would be a big investment.

The Chairman said that work was ongoing with a regard to the facility to store it. Wind power was intermittent, but 15% of wind generated was more efficient than in the rest of Europe, which was proven by the wind generators on Burdale Hill. Ongoing experiments are very interesting. He said AB Associates would be written to for a breakdown on the costs of wind generation.

#### **9.4 Lerwick Port Authority**

The Chairman referred to a letter from LPA, and their attached correspondence from the daughters of the late Kenny McLennan, who would like to erect a memorial bench at the Small Boat Harbour. He said there had been two benches there in the past but the area was currently being used by contractors renovating the Old Tolbooth. He was in full support of a bench in Mr McLennan's memory. He said they would write to the LPA to ask for new sites for the two LCC benches, but not next to the new memorial bench.

#### **9.5 SIC - Naming Thoroughfares**

No objections. Mr J Anderson asked if the SIC could update their plans as the old buildings previously occupied by J Goudies were still on the plan. The Chairman

confirmed a letter to go to the Planning Department asking that they update their records to identify new buildings on the site.

#### **9.6 Clifford Swaby - Letter to P Scarsbrook**

The Chairman referred to the correspondence between Mr Swaby and the Vice Chairman. He felt it was unfortunate that youngsters do this and pedestrians should not be put in danger. He said the letters should be forwarded to LPA for their information and to respond to as they wished as Victoria Pier is their property.

#### **9.7 Smoking In Public Places: A Consultation**

The Chairman asked that everyone fill out the Response Form and forward it on. Cllr W Stove stated he had recently returned from Dublin where smoking in public places has been banned and he was very impressed, with more smokers trying to give up. He encouraged everyone to return their forms. Ms K Fraser asked if the Community Council should reply as a group as agreed at the last meeting. The Chairman confirmed he would reply on behalf of the Community Council but each member should reply personally. Mr R Anderson felt a group response was better.

04/7/10

### **Financial Report**

#### **10.1 Financial Report as at 14 July 2004**

Noted

Mr R Anderson pointed out that they will be spending more on salaries with the appointment of Miss C Duncan as Clerk while Mrs M MacLeod is on maternity leave. Mrs MacLeod said that employers can claim back 92% of maternity pay, however, there will be a double payment of wages while both are working in the hand over period.

04/7/11

### **Financial Assistance**

The Chairman said that a lot of clubs were based in Lerwick but had Shetland in their name and this could cause difficulty when considering applications. He suggested groups apply to other community councils too as their members would come from all areas of Shetland.

#### **11.1 Shetland Archery Club**

Mr R Anderson pointed out that they were extremely successful in recent Island Games and archery was one of Shetland's top sports. The Chairman agreed, and stated that the club is an advertisement for Shetland. It was agreed to award funding of £250.00 on the motion of Mr J Anderson, seconded by Cllr E Knight. Mr R Anderson stated a letter should go to them suggesting they apply to the other Community Councils as well, since their members were from all over Shetland.

#### **11.2 Shetland Folkdance**

The Chairman stated this group were good ambassadors for Shetland and they should be encouraged to keep traditional dancing going. It was agreed to award £500.00 on the motion of Mr R Anderson, seconded by Cllr W Stove.

#### **11.3 Shetland Ladies Association of Pool**

The Chairman said that all who represent Shetland on the national scene have done very well and are a credit to the islands that they've achieved all that they have. It was agreed to award £500.00 on the motion of the Chairman and this was seconded by Mr R Anderson.

Cllr W Stove said that a letter should go to all groups awarded grants suggesting they apply to the other community councils as well. Cllr E Knight said we need a policy on this, and it should be raised at the Association of Community Councils. The Chairman agreed that it should go forward as an agenda item.

04/7/12

### **Planning Applications**

#### **12.1 3 Storey Office Building, North Ness Business Park**

No objections

#### **12.2 Change of use from Motor Sports to Paintball Games, Former Go-Kart Track, Staney Hill**

No objections

04/7/13

### **Any Other Business**

#### **13.1 Tarring of Burgh Road**

Mrs A Simpson asked when Burgh Road would be retarred as it was very patched towards the top of the road. Cllr W Stove replied that it had been mentioned at the Roads Planning meeting but the road to Bells Brae School would be done first. A letter is to go to them asking when this would be happening.

#### **13.2 Dyke at Old Infant's School**

Mrs A Simpson asked what was happening with the dyke at the Old Infant's School and who was responsible for it. Mr J Anderson said that shuttering had gone up in December and Mrs A Simpson replied that the top of the wall was now in a state of disrepair. Mr R Anderson suggested writing to the Chief Executive to find out who is responsible and what is to happen with the wall.

#### **13.3 Money to SIC for Benches**

Ms K Fraser asked what the current position was regarding the benches. Mr J MacLeod had intimated to the Clerk that he would like LCC to go ahead and purchase maintenance free ones. The Chairman said he would speak to Mr M Malcolmson, SIC Community Services, regarding the progress and will report back at the next meeting.

#### **13.4 Letters of Resignation**

Cllr E Knight stated he was appalled at the outcome of the SIC meeting regarding the Lerwick Community Council's decision on the burger bar. The purpose of the Community Council was to support its constituents and he felt the SIC had disregarded their wishes. He had full sympathy for the two members who had resigned over the matter.

The Chairman confirmed that he had received letters of resignation from Mrs S Newcombe and Mr M McDonald, and he was very disappointed that they had felt they should resign over the matter. The Community Council's views had been demonstrated but it was the Shetland Islands Council who made the final decisions. If the SIC had refused it would have gone to an appeal, which would probably have been won.

Cllr W Stove expressed a non pecuniary interest, and said it wouldn't have been good to go to an appeal as recognition would not have been given.

The Chairman said the two members who resigned had been very worthy people to be at the table, both with excellent attendance records, and he would be very sorry to lose them.

Cllr W Stove suggested all community councillors get training with regard to planning legislation as it was a very complex issue and one which they had to get right when making decisions.

Mr R Anderson said planning was a political decision at the end of the day. Previously the custom in planning decisions was for the member for that area to move for or against, but there were reduced numbers now. The normal way was for the constituency member most affected to make the move and should still be this

way. He too was disappointed at losing the two members, and was pleased to see Cllr E Knight making the point that the SIC didn't support its constituency member.

He also suggested that the Chairman contact both the resigning members to see if they would reconsider their decision. It was agreed he should arrange to speak to them both, and would also write to them thanking them for their contributions in the past.

### **13.5 TRAC Construction - Works in Breiwick Road**

Mr J Anderson said with the demise of TRAC Construction what would happen to the roadworks in Breiwick Road and would this mean the pipeworks being open for an extended time. Cllr W Stove replied he had written to SHEAP, who said it was now the responsibility of LEF, who had sub-contracted Hunter and Morrison the complete the works. They confirmed the works would have to be completed before the Anderson High School returns after the summer break.

### **13.6 Breiwick Road Bonfire Site**

Mr R Anderson suggested that the bonfire site in Breiwick Road be considered as a project for Lerwick Community Council funding. The area was currently being used by the contractor and was filled with hot bitmac, etc. As well as being the bonfire site, it was a popular area with tourists and locals for viewing the scenery. He would like the members to write to the SIC to see if they gave permission for this area to be used, also to ask them to clear it up. The Chairman replied it would be the responsibility of LEF to clear the site and they should write to them instead. Failing that, the Community Council should take the responsibility of clearing the site.

### **13.7 Authorised Signatory for LCC/LCCCT Accounts**

It was agreed that the relevant forms be completed to enable Miss C Duncan to be an authorised signatory during Mrs M MacLeod's maternity leave.

The meeting closed at 8.50pm.

MR T R NICOLSON  
CHAIRMAN  
LERWICK COMMUNITY COUNCIL