

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
Mr L Bissett	Mr T Nicolson
Ms K Fraser	Mr P Scarsbrook
Cllr J Henry	Cllr W Stove

**Additional Co-opted Members**

Mrs A Simpson	Ms B Wishart
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**In Attendance**

Mr C Medley, SIC Housing  
Mr P Barnem, Shetland Times Reporter  
Miss J Jamieson, Radio Shetland Reporter  
Miss C Duncan, Clerk

**Chairman**

Mr T Nicolson

04/11/1

**Circular**

The circular calling the meeting was held as read.

04/11/2

**Apologies**

Apologies for absence were received from Cllr L Angus, Mr I Bruce, Cllr J Irvine, Mr J Ogg and Mr M Peterson.

04/11/3

**Minutes**

The minutes of the meeting held on 18 October 2004 were approved on the motion of Mrs A Simpson and seconded by Mr P Scarsbrook.

04/11/4

**Business Arising**

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

Ms K Fraser said she hadn't realised that the meetings for this group would be held during working hours, and so she was unable to attend. Ms B Wishart volunteered to go on the committee instead.

**4.2 Westerloch Footpath**

No further information had been received to date from the Shetland Recreational Trust regarding costings for this repair work. It was agreed to write to them again.

**4.3 Benches**

The Chairman read out a letter which he had received that day from Mr M Malcolmson, SIC Community Services Department, confirming that the money given to them by the Lerwick Community Council *would* be allocated to budgets specifically for the renewal, maintenance and refurbishment of park benches throughout the town.

**4.4 Play Areas**

Mr R Anderson stated that it would be very foolish for the Lerwick Community Council to take on the maintenance and upkeep of play areas in the town. It was the function of the Shetland Islands Council to pay for the upkeep of the areas. The Chairman agreed that Lerwick Community Council should not be responsible. Mr R Anderson added that it would be okay to pass on money for the SIC to use on play areas but not to take on the massive responsibilities associated with it. Mr L Bissett agreed that it was the local authority's responsibility and that Lerwick Community Council had neither the skills nor the expertise to do it.

04/11/5

## **“Nuisance Neighbours” and Update on Crudens Housing, Lerwick**

### **5.1 “Nuisance Neighbours**

Mr Chris Medley had been invited along from the SIC Housing Department to give an update on Neighbour Nuisance and Anti Social Behaviour. He said this was nothing new and it was a longstanding problem, not just in Shetland but nationwide.

Contrary to popular belief, the Shetland Islands Council does not have the powers to move tenants against their wishes. It was a common misconception that they could, but they cannot forcibly move anyone as they have no legal powers to do so.

New legislation is in place regarding Anti Social Behaviour Orders (ASBOs). These allow the SIC to seek an ASBO, but they will only do so as a last resort. They must demonstrate to the court that all other interventions have failed before one will be granted. There are also several categories of people who cannot have an ASBO awarded against them. This includes those with mental illness or under social care.

He stated that these were not the answer to every problem. There were lots of different kinds of problems that could require other interventions, including education and advice. To get one ASBO issued took a lot of time and work, and the collation of a massive amount of evidence against the perpetrator, from a number of different departments including Housing, Legal Services and Social Care. Once an ASBO is in place it needs several breaches of the order to warrant further action from the Sheriff so it was not a quick and easy solution.

He has noticed of late a bit of a trend within the Shetland area of lots of complaints by neighbours against neighbours but with no evidence to substantiate it. There has been some malicious reporting and this needs weeding out. There have been cases where people have made half a dozen complaints then request a house move, but there is no legal requirement to move any tenant. The Police also have to be called to witness any noise.

The Shetland Islands Council are taking the situation very seriously and are dealing with each case in turn to provide the solution required. The ideal scenario would be to solve each problem at source by modifying people's behaviour towards their neighbours.

The Chairman said it was time for the Scottish Executive to review the law as, as it stands, it is weak. There are genuine cases where people are suffering real distress because of inconsiderate neighbours. Statistically alcohol and drug abuse are at their highest ever levels in Shetland and this causes problems. He was concerned that the use of some listening equipment required the offender being informed that he was being monitored, thus allowing him the opportunity to modify his behaviour at these times. There needs to be some strengthening of the law to curb behaviour and he appreciated it was a very difficult job for the Housing Department.

Cllr J Henry asked how far the Shetland Islands Council could go in adopting sensitive allocation of houses.

Mr Medley replied that they can do nothing. The system is such that if a person applies for a council house, no matter how bad a reputation they may have, they have no alternative but to let the property accordingly. They cannot screen applicants as thoroughly as they'd like to be able to. They can be sensitive when allocating property but face difficulties if challenged by an applicant. He felt the Scottish Executive were not taking it seriously enough but were in fact creating more problems than solving them. The SIC's powers are very very limited to make a real difference. The Neighbourhood Support Workers are due out on the streets shortly and perhaps they can be the eyes and ears for ongoing nuisances.

Mr R Anderson suggested that the Lerwick Community Council write to the Scottish Executive pointing out how people are suffering because of the weak laws.

Cllr W Stove said he had read an article in the Press and Journal that evening about Aberdeen City Council and a new action plan they were setting in place. They had applied for money to fund the project and had 7 staff dedicated to dealing with nuisance neighbours. The Scottish Executive appeared to be taking the subject seriously if they were funding an initiative like this one at Aberdeen City Council. Could the SIC not tap in to this fund too? He also said he was surprised that they could not take action against Social Work cases as people were suffering.

Mr Medley pointed out the SIC weren't not doing anything as a lot of staff time was dedicated to educating people and addressing problems. They have two or three cases at the moment where evidence has been gathered against tenants and they face one more written warning before an ASBO is enforced. After that, if they breach the ASBO they could face a prison sentence.

The Chairman agreed that they had very limited powers. It was decided to write to the Shetland Islands Council suggesting they contact Aberdeen City Council to find out more about their scheme, and to write to the Scottish Executive expressing concern about the current legislation in place.

## **5.2 Crudens Housing in Lerwick**

Mr Medley explained that they had done some refurbishment work on Crudens houses in Scalloway as a pilot scheme. During this work, some of the houses had been demolished as an alternative to refurbishing the whole house. It had proved cheaper to demolish and rebuild than the refurbish the houses on a piece-meal basis as they required new kitchens, bathrooms, doors, etc. They have now finished the work in Scalloway and are analysing the costs. They should get enough information to tell the Council what they intend to do with the rest of the Crudens. The technical decision would be based on cost.

They held a public meeting recently to explain to occupants concerned what was happening. A number of the properties are owner occupied and questions were raised regarding structure. The SIC are getting information from Building Control and looking for technical solutions. Environmental Services may be able to pass grants for owner occupiers. He intends to meet again with the owner occupiers to set out their options.

The Chairman stated it was a major task and there would be obvious concerns from owner occupiers. A lot of thought would be required to overcome difficulties.

Mr Medley replied that the main problem was the blockwork. The houses are steel framed construction and were not adequately braced. They can flex back and fore and this means some are in a poor condition with cracks appearing, which allows water to get in. Some properties are not too bad but refurbishment carried out in the mid 1980s was not as much as would be done now. He couldn't answer for the work that had been done at that time but thought there were questions to be answered over the extent of refurbishment done.

Cllr W Stove suggested that separate meetings should be held in future between SIC and tenants, and SIC and owner occupiers, as both these groups had different concerns. Some tenants felt they hadn't had the opportunity to express their concerns regarding the design of the houses.

Mr P Scarsbrook asked if there would be a difference between rebuilt houses and refurbished houses for people wishing to buy their home. Would it affect the point system and the right to buy?

Mr Medley replied that the cost of the house would reflect the extent of work carried out to it, whether it be a refurbishment or a complete rebuild. A rebuild would be worth more than a refurbishment. This would be decided by means of a survey, as they couldn't sell a house for less than the amount spent on it. There were grants available for owner occupiers to resolve some of the problems.

Cllr W Stove asked if two houses next door to each other had to be demolished, would the council be looking to build three houses in their place?

Mr Medley replied that if it was possible they would. Only if both the properties demolished had been of council stock, though, as owner occupiers would not accept a smaller house than that which they had before.

The Chairman thanked Mr Medley for his time, and he left the meeting at 7.50pm.

04/11/6

**Police Report**

There was no representative from the Police present so no report was given.

04/11/7

**Review of Housing Zones**

The Chairman suggested anyone who was available attend a meeting on 7 December with the SIC Planning Department to discuss the Review of Housing Zones.

Mr L Bissett asked if it would be easier or more helpful to ask Ms B Barron, Head of Planning, to attend the next meeting of Lerwick Community Council.

It was agreed that anyone who was available should attend the meeting on 7 December, and Ms Barron would also be invited to the next LCC meeting on 13 December.

04/11/8

**Community Economic Development Programme**

The Chairman suggested the Community Council write back to them for more guidance and information on the subject, and also clarification if it affected the whole of Lerwick or just "Lerwick (Old Town Centre)" as stated in the leaflet.

04/11/9

**Quality of Life Funding**

Following discussion it was agreed that the Lerwick Community Council put forward the footpaths at Westerloch and the Knab for consideration for funding.

04/11/10

**Traffic Order - Disabled Parking Space, St Olaf Street**

Mr J Anderson felt that the position of the parking space was dangerous as the driver would either have to get out of the car into oncoming traffic or drive across traffic to park.

The Chairman agreed that the Community Council's concerns be expressed regarding the position of the parking space on safety grounds and suggest they find a more suitable alternative.

04/11/11

**Way Forward for Lerwick Town Centre Management Group**

Cllr E Knight explained that the group had gradually become, over the years, largely run by the SIC Planning Department, and they were trying to get it back into action by inviting people along to a meeting to discuss whether or not they needed a town centre group.

The Chairman said he felt very strongly that there should be such a group as they have done a lot over the years to encourage people into the town centre by making it more attractive and entertaining. It would be a pity to not keep the events going and urged members to attend if possible.

04/11/12

**Shetland Taxi Owners' Association/Provision of Taxi Rank**

The Chairman felt that this was a casualty of the Shetland Islands Council's cutbacks. The taxi service was of vital importance for the general safety of people getting around Lerwick, and in encouraging people not to drink and drive. It was a very good taxi service with prices kept at an affordable level.

He suggested to write to the Shetland Islands Council encouraging them to support the taxi rank. Lerwick Port Authority could also consider their position. The rank needs to be disciplined and the SIC and LPA should come to a sensible solution to support the taxis.

Mr P Scarsbrook expressed an interest as a part time taxi driver. He stated each driver had to pay £67 per year for their licence. There were 120 licenced taxis in Shetland - 80 of these were blue plate or hackney taxis which can make pick-ups on the streets, with the other 40 being green plate or private hire, which meant they had to be phoned to book. These licences put £8000 into the SIC's coffers each year. As well as licences, each vehicle must have an inspection and MOT done at the cost of £23.50. They can only buy their metres and lights from the Shetland Islands Council, and these must be installed by the Shetland Islands Council.

Between 6pm and 6am taxis are the only form of public transport running in Shetland. Parking is free on Victoria Pier after 6pm but not for the taxis as they still have to pay for the use of the rank. If the rank is done away with, it would be a free for all at the Market Cross and someone could possibly be killed.

A meeting would be held the next day (23 November) between Lerwick Port Authority, the Licencing Department and the Taxi Owners Association.

The Chairman stated that the LCC would be unable to officially input to the meeting the next day due to the lack of time, but he will contact the Secretary of the Association to express the LCC's support for them, and to write to them to confirm their concerns.

**Correspondence**

**13.1 Mr and Mrs D Simpson, West Hall** Noted

**13.2 Islesburgh Pyrotechnics Display Club - Thanks**

Noted. Mr R Anderson stated that he had enjoyed the display but he hadn't seen anyone foot-collecting and felt this could have been improved. Ms K Fraser added that no advert had been in the Shetland Times the day before so it was unclear whether or not it was going ahead.

**13.3 The Swan Trust - Thanks** Noted

**13.4 Scottish Ambulance Service** Noted

**13.5 Scottish Water - Odour at Freefield Junction**

Noted. It was also noted that this was mainly a problem in summer, not during winter. The Chairman had forwarded a copy of the letter to the Freefield Chemist and urged them to contact Scottish Water direct if the odour occurred again.

**13.6 Stained Glass Windows, Town Hall** Noted

**13.7 Footpath - Knab Golf Course**

Mr R Anderson stated that some time ago he raised concerns with the parking space in Breiwick Road, the lower side of which was very close to a wet bank and there appeared to be a problem with drainage in the area. It was agreed to write to the SIC again.

He also raised concerns regarding the footpath at the Knab Golf Course and the distance it was above the level of the wall. He felt it would be unsafe. Also the gradient appeared to be much higher than the standard at 1 in 6.5. This would prove impossible for wheelchair users and he was quite appalled by this.

Mr L Bissett stated that the plans for the path had been before the Lerwick Community Council and approved. He said the main thrust of the project was to replace the wall, which had been a concern of the Community Council. The path was not a disabled access through the Knab and to be such would have to cross most of the golf course. There needed to be a balance between trying to achieve access but the project was to replace the walls. The word "reasonable" came into play when applying the new legislation for disabled access.

The Chairman suggested Mr R Anderson go to see the engineer himself with a view to sorting out their differences. Mr Anderson agreed he would do so.

**13.8 War Memorial, Hillhead**

Noted. Cllr J Henry confirmed it had been cleaned prior to Armistice Day.

**13.9 Surface Dressing of Private Roads** Noted.

**13.10 Clickimin Broch Lights**

The Chairman stated that he had been made aware that the lights at Clickimin Broch had been vandalised recently and he had contacted Shetland Electrical Services to carry out necessary repairs. One light was beyond repair and would have to be replaced, despite toughened Perspex and vandal-proof glass being used. He stated that people

in the area needed to report when any lights appeared to be not working. Mr L Bissett asked if the Community Wardens could make this a part of their role in the area.

### **13.11 Site at top of Staney Hill**

The Chairman reported that this had been cleared.

04/11/14

### **Financial Report**

Noted.

### **14.1 Draft Financial Statement**

The Chairman stated that the report was draft, but a copy had gone to the Shetland Islands Council with regard to Community Council funding. The final statement should be available soon, and this draft was for information only at the moment.

Mr R Anderson expressed concern at the amount of money each Community Council is allowed to carry forward at the end of the financial year. He felt there was an unfair distinction between Community Councils. The Liaison Group would be meeting soon and he would like to forward as an agenda item that each community council be allowed to carry forward a percentage of their budget instead of a fixed £1000 sum.

The Chairman agreed that it was disproportionate to the amount of constituents and it would be more useful to carry forward a larger sum to put towards bigger projects. He agreed to write to the Liaison Group.

04/11/15

### **Planning Applications**

**15.1 Brentham Place**            No objections

### **15.2 Quoys Development, Sound**

Mr J Anderson asked if the traffic routes in the area had been sorted yet. Cllr J Henry said it had not yet been finalised. Cllr W Stove stated the plans had changed from a one way system to a two way system so that cars can come out onto South Road instead of bringing traffic past the school. Mr J Anderson proposed that the Community Council await judgement until they have seen updated traffic proposals. Following discussion, the Chairman agreed to defer a decision until the next meeting. In the meantime, Mr Ian Halcrow of the Roads Department to be invited to attend the meeting to inform on how traffic will affect the area.

**15.3 North Ness Business Park**    No objections

**15.4 2/4 Pitt Lane**                    No objections

**15.5 4a Bells Road**                    No objections

**15.6 Greenhead Base**                 No objections

### **15.7 Construct Meat Processing facility - Staney Hill Ind. Estate**

Ms K Fraser stated that this facility was needed in Shetland but she was concerned about the noise of the animals coming from it and she hoped it would be far enough away from the nearby residences.

Mr R Anderson supported Ms Fraser's views. He said concerns must be expressed with regard to encroachment of the residential area. Not to do so would be remiss.

The Chairman agreed to approve the application but to voice concerns.

### **15.8 Oil Rig Decommissioning Area - Greenhead Base**

Cllr E Knight expressed concern regarding possible pollution. It was agreed to raise the point that all environmental concerns are taken into consideration before approval.

04/11/16

### **Financial Assistance**

#### **16.1 Junior Up Helly Aa Committee**

The Chairman had received an application from the Junior Up Helly Aa Committee for funding to construct an access road to their newly built galley shed at Gremista. Lerwick Community Council had previously given financial assistance to the building of the shed, but this was a separate application. They had received a very reasonable quote of £2990 + VAT but it was only valid for a short period. There was a formula in place for calculating access roads to private houses, but this was not a private house so the formula did not apply. The area concerned is 104 square metres.

Mr J Anderson proposed £2000 and this was seconded by Mr P Scarsbrook.

Mr R Anderson stated that they required a total of £3514 including VAT to construct the road so he proposed £2500. Cllr E Knight seconded this. Mr J Anderson withdrew his proposal and £2500 was agreed.

#### **16.2 Shetland Badminton Association**

They had applied to all Community Councils for funding for a book on the history of badminton in Shetland. The total cost required was £4500-£5000;.

Ms K Fraser asked if the application shouldn't be carried over to the next meeting as it hadn't been tabled for discussion at this meeting.

Mr L Bissett stated that in fairness it should go ahead as they had already considered the previous application which had not been tabled either. He proposed a grant of £500 and this was seconded by Mrs A Simpson.

04/11/17

### **Any Other Business**

#### **17.1 Mince Pies**

Mr L Bissett suggested having mince pies and coffee at the next meeting as it was close to Christmas and this was supported by Mr R Anderson. Mr Bissett also suggested having a more informal meeting. The Chairman said he will give it consideration.

#### **17.2 Drainage on South Road**

Mr J Anderson suggested writing to the Roads Department with regard to the drainage on South Road near the foot of Gilbertson Road, as there had been a puddle there for the last 30 years and he felt this should be addressed. It was agreed to write to them.

#### **17.3 Sewer at Lerwick Hotel - Sletts Footpath**

Mr R Anderson said that despite writing on more than one occasion to Scottish Water, there was still a problem with the sewer at the back of the Lerwick Hotel on the Sletts Footpath. He suggested writing again as no action had been taken.

Mr J Anderson pointed out that this was a private sewer.

The Chairman agreed to write to the Environmental Health Department to find out who is responsible for the sewer.

The meeting closed at 9.30pm.

MR T R NICOLSON  
CHAIRMAN  
LERWICK COMMUNITY COUNCIL