

MONDAY 9 MAY 2011

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

Members

Mr J Anderson
Mr A Henry
Mr D Ristori
Mr W Spence
Mr S McMillan
Mr E Knight

Mr M Peterson
Mr L Angus
Mrs K Greaves (**left 8.40pm**)
Mr J Stewart
Mrs A Simpson

Ex-Officio Councillors

Cllr J Henry

Cllr J Wills

Additional Co-opted Members

None Present

In Attendance

Mr I Halcrow, Head of Roads, SIC
Mr Ryan Taylor, Shetland Times Reporter
Mrs K Semple, Clerk to the Council

Chairman

Mr J Anderson, Chairman to the council presided.

11/05/01

Circular

The circular calling the meeting was held as read.

11/05/02

Apologies for Absence

Apologies for absence were received from Cllr C Smith, Cllr A Wishart, Miss K Fraser, Miss J Sim, Mr T Henderson, Mr A Johnson and PS B Gray.

11/05/03

Minutes

The minutes of the meeting held on 11 April 2011 were approved on the motion of Mr L Angus and seconded by Mr D Ristori.

11/05/04

Business Arising from the Minutes

Referring to the April 2011 minutes, Mr M Peterson stated it was disrespectful for the Clerk of the Council not to have noted the names of the Shetland Times reporter and Radio Shetland reporter (Rosalind Griffiths and John Johnson respectively) as the Radio Shetland reporter had in fact been the producer. He stated that in future the names of the attending reporters should be noted.

The Chairman stated that no disrespect had been intended and agreed that any attending reporters should have their names noted.

11/04/03 Minutes

Mr M Peterson stated that the minute should be amended to note that the minute was 'approved **on the motion of** Mr L Angus...'

11/04/06 and 11/04/07 Presentations - BIDS Update and Tall Ships' Races

Mr M Peterson also asked if it was necessary to include the full details of the power point presentations which were given during the April meeting.

The Chairman stated the details were included to provide full information.

11/04/14 Item 14.1 2011/74/PCD Erect temporary 40m high meteorological mast, North Hoofields, Lerwick

Mr M Peterson stated that he had declared an interest but the Clerk of the Council had failed to note this.

Mr M Peterson also noted there were spelling mistakes in the April 2011 minutes.

11/04/07 Tall Ships' Races 2011

Mrs A Simpson asked for it to be noted that the first line should read 'Ms **F Dally** commenced a short...' **not** Ms L Smith.

11/06/16 Knab Viewpoint

Mr L Angus asked for an update with regard to the progress of the proposed Knab Viewpoint.

The Chairman replied that work on the Viewpoint was commencing at Heylor Quarry and once completed it would be moved to the planned area.

He was confident that the works would be completed by the end of June 2011.

11/05/05

Area Commanders Report – April 2011

Mr M Peterson advised that at the Community Safety Meeting, where there was representation from the Police force, it became apparent that Lerwick Community Council was not held in any high esteem. He stated that a Police representative indicated that although "a couple of big drug busts" had been reported at a Community Council meeting all members wanted to speak about was cycling.

Mr M Peterson thought it showed Lerwick Community Council in a bad light.

The Chairman stated he did not recall issues regarding cycling being discussed at any great length but he would take the point and ensure Northern Constabulary were complimented more on their efforts in future.

11/04/056

Police Report

PS B Gray was unable to attend the meeting but later emailed the following crime analysis for April 2011 compared to that of the same time last year.

Class 1 - Crimes against the person – Remained the same at 1, which was detected
Class 2 - Crimes involving indecency – Remained the same at 1, which was detected
Class 3 - Crimes of dishonesty – Down from 33 to 18, 13 of which were detected
Class 4 - Crimes of vandalism – Down from 26 to 21, 7 of which were detected
Class 5 - Other Crimes – Down from 13 to 6, all detected
Class 6 - Miscellaneous crimes – Down from 33 to 37, with 35 detections
Class 7 - Traffic Offences – Up from 38 to 49, with 47 detections

11/05/07

Roads Issues - Mr I Halcrow, Head of Roads, SIC

The Chairman advised Mr I Halcrow, Head of Roads, SIC that the roads related issues which were raised at the April meeting of Lerwick Community Council included poor quality reinstatements, proposals for a roundabout at A970/Gremista on the junction and the rebuilding of Knab Road.

Proposals for a roundabout at the Gremista junction on the A970 - Mr I Halcrow agreed that the junction was busy, particularly at 9am, 2pm and 5pm and it was on his list as a desirable option. However, until there was further development it would have no place in the capital programme.

He further advised that if a major development was planned, "developer contribution would be looked for".

Poor quality reinstatements – Mr I Halcrow stated that any contractor digging up the road was obligated to reinstate the road to meet a standard set down by legislation and could be asked to re-do the road if it did not meet that standard.

He advised that there were instances where this had happened in the past and there were still some areas outstanding including North Lochside (following works by District Heating), Bressay Terminal, Viking Bus Station and from JJ Taylors to Globe Butchers (following work undertaken by Scottish Water).

He advised that contractors have up to two years, and in some cases three where they are responsible if there is any problem following works. Outwith that time it becomes the responsibility of Shetland Islands Council.

Cllr J Henry noted that there were areas of road which appeared to have been frost damaged and asked how Roads, SIC were dealing with them.

Mr I Halcrow agreed that various roads were showing damage due to age and frost. Work had commenced on the Esplanade, from the small boat harbour to the pelican crossing on Church Road and the proposal was to complete the works within two weeks.

Other areas targeted for repair were the road from Charlotte House to Mill Lane and the south end of King Harald Street to Gilbertson Road, but not until autumn.

He advised he was unaware of any major works to be undertaken by District Heating or Scottish Water which would affect the roads in the near future.

Mrs K Greaves noted that an area of road, on South Road, near Bells Brae School appeared damaged and possibly dangerous.

The Chairman advised he had noted a pothole on South Road opposite the Matchbox.

Mr I Halcrow advised pothole would be getting patched up but the quarry where the bitumen was obtained was closed for two weeks.

Mr M Peterson raised concern that it appeared contractors would block off a length of road without appearing to make good progress with any works.

Cllr J Wills agreed stating it showed complete disregard for the public.

Mr I Halcrow advised that contractors were urged to complete works as quickly as possibly but stated it was difficult to do anything about the odd day without work taking place.

Mrs A Simpson stated that in defence of contractors they often did not know what the problem was until digging a hole and then may have to wait for what was needed.

Traffic Management - Mr L Angus acknowledged there had been huge improvements but one issue which remained outstanding was the lack of a traffic management plan for the town, to include parking.

He expressed surprise and concern that he had heard the proposed multi storey car park at North Ness was no longer to go ahead.

Mr L Angus stated that there were parking issues during the day for commuters and at night for residents. There were often issues of concern regarding access by emergency services where roads were made narrower by parked cars.

Mr I Halcrow advised he had been asked to provide a traffic management plan and hoped to engage some students to undertake counts.

He also advised that he had been asked to look into the possibility of pelican crossings on King Harald Street; he explained that the difficulty was that pedestrian use was well spread out and he was aware, from the placement of other pelican crossings, that people did not tend to use them if they had to walk even a short distance to get to them.

Mr D Ristori asked why Roads had chosen to make Gilbertson Road the way it was.

Mr I Halcrow replied it was to help minimise traffic speed.

Mr D Ristori stated that the traffic Island opposite Gurka Kitchen was hazardous for large vehicles turning right up from North Road and advised even if it was moved slightly it would be safer.

Mr I Halcrow advised that it was something that would be looked into and advised concern had previously been raised with regard to the issue. He stated that the island had proved helpful to pedestrians.

Dropped Kerbs - The Chairman highlighted the contents of an email, previously forwarded to Mr I Halcrow, from a wheelchair user expressing frustration regarding dropped kerbs.

Mr I Halcrow advised he had read the email and would appreciate if the Clerk of the Council would ask that he be written to directly and he would do his best to address the concerns raised.

(Action: Clerk of the Council)

Referring back to the traffic issues at the A970/Gremista junction, Mr M Peterson asked why a simple mini roundabout would not suffice and stated "it would not have to cost the earth". He asked if developers were asked to contribute and did Hjaltland contribute to the roundabout at Rudda Park?

Mr I Halcrow confirmed Hjaltland did contribute towards the funding of the roundabout as did Safeway when the roundabout was constructed near them. He explained the level of contribution was not set but open for discussion.

Mr I Halcrow explained spot roundabouts were only suitable where traffic was already travelling at a slower speed and would not be suitable for the Gremista junction where traffic was approaching at a much faster speed. A larger roundabout made it much safer.

Knab Road – Mr I Halcrow advised Knab Road was making its way back on the programme following being dropped during proposals to build the new Anderson High School in the area.

He advised the programme would be one or two years but it would be within the scope of the rolling budget.

Pedestrianisation of Commercial Street – Mr I Halcrow stated that not a lot of progress had been made, but that it was feasible to pedestrianise the street from Church Road to Market Cross.

Mr L Angus advised objections would be raised with regard to the collection and delivery of heavy parcels at the Post Office; the proposals to allow a time slot for vehicles in connection to the delivery and collection of parcels were too restrictive.

Mr I Halcrow advised any proposal to pedestrianise the street would have to go through the consultation process.

Oversund Roundabout Mr D Ristori advised he had been asked to make the point that the Oversund Roundabout was looking dirty and would benefit from being cleaned.

Mr I Halcrow advised he would look into it.

Knab Road Speed Humps – Mr S McMillan expressed concern with regard to the traffic humps on Knab Road during wintery conditions.

Mr I Halcrow stated Roads, SIC would be salting and treating the road to minimize any problem. He stated that the advantages of having the speed bumps far outweighed the Disadvantages, but the snow plough drivers did not appreciate them.

Diversion Sign – Mr A Henry advised a diversion sign on Garthspool Road obstructed the view.

Mr I Halcrow thanked Mr A Henry and advised he would attend to it.

Harrison Square - Mr I Halcrow advised that Mr C Gair, Traffic Engineer, SIC would be writing soon with regard to Harrison Square. He would be seeking Lerwick Community Council's opinion with regard to removing traffic altogether. He explained that if traffic was to stay the flagstones would be replaced by bitmac on the vehicle surface because as part of the area was so little above sea level, movement would not allow the flagstones to lie.

He advised no work would commence until after Tall Ships' Races and it would entail months of work.

Mr L Angus stated previous proposals to pedestrianise Harrison Square had been discussed at length during Lerwick Community Council meetings where it was rejected due to loss of parking provision.

Pavement Widening - Mr I Halcrow added that it was proposed the pavement at TSB and Don Leslie's would be widened, narrowing the junction at Market Cross making it less desirable for vehicles and more pedestrian friendly. He advised the details would also be included in Mr C Gair's letter.

Mr D Ristori asked if there were any plans to widen the pavement at Peerie Shop.

Mr I Halcrow advised it was widened ten years ago and there were no plans to widen it further.

Flashing Speed Signs – Cllr J Wills asked why flashing speed signs were not more in use when they were cheap and effective.

Mr I Halcrow replied that there was scope for more of these signs to be used, the downside was that the battery would go flat very quickly but he was aware they were worth looking at more closely.

Cllr J Wills advised solar or wind power would help to keep the signs operating.

Mr S McMillan stated the flashing speed signs seemed to encourage boy racers at Lochside.

Mr I Halcrow replied that the signs could be set to go blank if speeds were too high and this would help discourage the boy racers.

The Chairman thanked Mr I Halcrow for his valuable comments.

Mr I Halcrow's presentation concluded at 8.15pm.

11/05/08

Closure of Grantfield & Lochside Public Toilets – Lerwick

Cllr J Wills advised the closure of Grantfield and Lochside public toilets had been discussed at length and the conclusion was that these facilities would be closed.

Cllr J Wills further advised the toilets would be open during the Tall Ships' Races but would eventually be knocked down.

He advised Gilbertson and Seafield Park toilets would be opened during sporting events only.

11/05/09

Lerwick Old Town Issues

Mr D Ristori advised Lerwick Old Town Development Association had expressed an interest in making their views known regarding Old Town Issues.

The Chairman asked Mr D Ristori to encourage them to write directly to Lerwick Community Council.

(Action: Mr D Ristori)

11/05/10

Co-option – Discuss Note of Interest in one of the Three Vacant Seats

10.1 Expression of Interest – Mr Stewart Hay

The Chairman stated he would be happy to co-opt Mr S Hay as a member of Lerwick Community Council.

He advised that according to the Lerwick Community Council Constitution it was clear that it was the normal course to allow co-option.

Mr M Peterson declared that despite what Mr J Riise, Head of Legal & Admin, SIC advised in his email, it was still his own opinion the vacant posts should be advertised and filled during a by-election and not by co-option. He stated that “what was legal was not necessarily correct”.

He did not think it “appropriate that friends of friends” were co-opted; he reiterated that the remaining posts should not be filled until the next by-election.

Mrs K Greaves suggested more people may apply to be Community Council members if they were more aware of what was involved.

The Chairman advised that 45 seats remained vacant following the first round of elections and highlighting the work of Community Councils was something both ASCC and Jan Riise were looking at.

Mr L Angus stated Lerwick Community Council had to be consistent and should be pleased to receive Mr S Hay’s note of interest.

Mr L Angus moved to co-opt Mr S Hay as a member of Lerwick Community Council.

Mr J Stewart seconded the motion.

Mr M Peterson moved an amendment to advise Mr S Hay to go through the by-election process.

Mr S McMillan seconded the amendment.

Vote: Amendment – To inform Mr Hay to go through the by-election process – 3 Votes
Motion – To co-opt Mr S Hay as a member of Lerwick Community Council – 8 Votes

The Chairman asked the Clerk of the Council to go through the procedures of co-opting Mr S Hay on to Lerwick Community Council as a member.
(Action: Clerk of the Council)

10.2 Confirmation LCC Co-option Procedures is in Accordance with Constitution – Anne Cogle, Service Manager, Legal& Admin, Sic and Jan Riise, Head of Service, Legal& Admin, SIC

11/05/11

Correspondence

11.1 Mareel Licensing Application – Brian Hill, Depute Clerk to Licensing Board, SIC
Noted

11.2 Community Benefit Steering Group, Request for CC Representatives – Kate Massie, Admin Assistant, ASCC
The Chairman, as representative, asked if anyone had any questions they wished to be taken into account.

Mr L Angus raised the question of distribution and asked how the potentially considerable funds would be distributed.

The Chairman replied that it still had to be “bottomed out” but he heard it described as an “inverse bulls eye” and mechanisms should be put in place for dialogue with the companies.

Cllr J Wills asked if the current Community Council system should be used. What if one area benefitted more than another, would they share?

The Chairman stated it was fairer that areas more affected by the turbines would benefit most.

Cllr J Wills stated that it should be down to individual Community Councils and if they wanted to set up a community co-operation it would be up to them.

The Chairman stated that at the moment it was just another step forward to capitalise for the benefit of the community.

11.3 Community Benefit Steering Group-Forms of Organisation, Comparison Notes – Kate Massie, Admin Assistant, ASCC

Noted

11/05/12

Financial Report

Noted

11/05/13

Planning Applications

13.1 2011/103/PCD Erect New Day Care Support Centre, Seafield

Mr J Stewart declared an interest.

Cllr J Wills advised he would like to see the new Day Care Centre built, urgently.

However, he went on to state a constituent had raised points of objection

It was pointed out that the proposal was in direct contradiction to paragraph 14.8 of the Shetland Structure Plan 2001-2011, where policy CSFSP2 clearly states that 'development should not lead to the loss of public open spaces that contribute to the recreational amenity or environmental quality of the area, unless such places can be conveniently replaced in the area'.

He believed the new Day Care Support Centre could go on the current horse park without depriving the community of a public park. Alternatively he mooted that the existing Eric Gray site could be developed by extending into the converted office block which would be vacated when employees moved into the North Ness offices.

It was also noted that the Seafield Parks were bought by public subscription in 1951 and legal burden on the sale was the condition the parks would be kept solely for sport and leisure.

He also noted Lerwick Community Council recognised the land as a valuable recreational area in the Local Plan.

Mrs A Simpson enquired where were the people to go who used the Horse Park.

Cllr J Wills advised they had been given £100,000 to find an alternative site.

Mr L Angus advised it not recommended by planners to use the Horse Park and there was not enough room to develop the existing site.

Cllr J Wills again stated he did not want the development held up but understood the desire to preserve the park.

The Chairman, referring to Policy LP NE11, Local Protection Areas, put forward the motion that Lerwick Community Council should object to the planning application on the grounds that in Lerwick Community Council's Area Statement the protected status of the parks were reaffirmed, as part of the new Scottish Planning Policy, when it was included as a proposed designated area for protection as a Local Landscape Area under new Local Plan.

He also stated that the application fails to state how the land will be replaced as required in Policy SP CSE2.

Mrs K Greaves Left – 8.40pm

In summation, the Chairman also stated that contrary to Policy LP NE10, the loss of the open area would have an adverse effect on the surrounding environment and amenity of the area as a whole

Mr L Angus stated the question regarding open space was substantially answered as the land currently used as an equestrian site would be vacated following their offer of £100,000 compensation to move.

He felt that if an objection was to be raised it should be done on more robust grounds.

The Chairman stated the proposed new Day Care Support Centre could easily fit on the existing site if the car parking facilities at Seafeld were utilised.

Mr L Angus argued that there would not be enough space, even taking into account the office staff moving; more space was needed for clientele.

The Chairman reaffirmed the new build footprint could fit on the site, without the car park.

Mr W Spence enquired where people would park their vehicles when using the park.

The Chairman stated the parking facilities could be shared as most sports events took place in the evenings.

Mr E Knight enquired if it was just one member of the public who had raised an objection.

Mr L Angus advised that the Planner's word should be accepted if they said the new Day Care Support Centre cannot go on the site.

He also advised a detailed feasibility study had been undertaken which listed reasons, including access, why it could not be built on the adjacent site.

Mrs A Simpson asked where the clients would go if they were decanted in order to allow a new Day Care Support Centre to be built on the site.

Scalloway School was mooted.

The Chairman moved that the planning application should be objected to on the aforementioned grounds.

Mr M Peterson seconded the motion.

(Action: Clerk of the Council)

11/05/14

Lerwick Applications April 2011

Mr J Stewart expressed an interest in Planning Application PL2011/114

Noted

11/05/15

Any Other Business

Ex-Whalers Association – Invitation

The Chairman asked if anyone would like accept an invitation to the unveiling of the memorial which Lerwick Community Council and Lerwick Community Council Charitable Trust helped fund.

Mr D Ristori accepted the invitation.

The following two items arrived too late to be included in the Agenda but was brought to the meeting for consideration:

2011/109/PCD – Change of use from dwellinghouse to house of multiple occupancy, 31 Commercial Road

No objections

(Action: Clerk of the Council)

(St Olaf Street, Lerwick)(Parking Place for Disabled Person's Vehicle) Order 2011

No objections

(Action: Clerk of the Council)

Wall between Flower Park & St Olaf Street

Mr D Ristori advised that the wall between the Flower Park and St Olaf Street looked a bit shabby and was in need of some maintenance.

The Chairman asked the Clerk to write to Magnus Malcolmson, Leisure Facilities Officer, SIC with regard to the issue.

(Action: Clerk of the Council)

Scalloway Junior High School

Cllr J Wills advised that seven Councillors, including Cllr A Cluness and Cllr J Simpson, had put forward a notice of motion to delay the decision to close Scalloway Junior High's secondary department until the new Anderson High School is built.

He stated that the motion, which was to be debated on 17 May 2011, undermined the whole Council reform process and in his 42 years experience was against the letter and spirit of Council regulations.

Cllr J Wills stated that in his opinion it was a not very well organised move to prevent the closure of Scalloway secondary department, and other schools, which were to be debated at the Services Committee Meeting, 10 May 2011, in order to have a cheaper, smaller, new Anderson High School built on the existing site.

The Chairman stated that at a recent meeting of the Joint Lerwick Parents Council, grave concerns were raised at the cuts and disparity of service in Shetland, giving Lerwick school children the "rough end of the stick". He stated there should be parity of service and Lerwick school children were getting a raw deal to the benefit of school children in the country.

As an example he stated that Lerwick school children were given swimming lessons for six weeks each year from primary three to seven whereas for example, Baltasound Primary School children received swimming lessons all year from primary one to seven.

Cllr J Wills stated he was advised that among other cut backs the Sound School Budget for books had been halved while the annual costs in keeping Skerries and Scalloway Junior High Schools open were £70,000 and £707,000 respectively.

Cllr L Angus agreed that the feature of cuts would affect Lerwick schools disproportionately. He stated Lerwick Community Council had not campaigned on behalf of Lerwick schools and suggested more of an interest should be taken as it seemed Lerwick children were being "short changed".

Mrs A Simpson stated that she felt sorry for the confusion caused to Scalloway Junior High children and their families and for the lack of concern for the school staff.

The Chairman agreed that the motion was highly unprofessional and asked the Clerk of the Council to write a letter noting Lerwick Community Council's concerns.

(Action: Clerk of the Council)

District Heating

Now that District Heating could be expanded, Mrs A Simpson asked when District Heating would now be available to properties in the Lane's. She advised that the properties were difficult to insulate adequately and the availability of District Heating was needed.

Mr L Angus advised members that the operation was run by SHEAP and had nothing to do with Shetland Islands Council.

Mr W Spence stated that the expansion of District Heating depended on the proposed wind turbines and advised that there were several hundred applicants on the waiting list.

The Chairman asked the Clerk of the Council to write to Neville Martin, District Heating Manager, Shetland Heat, Energy and Power Ltd and ask what information was available with regard to connecting property in the Lanes to District Heating.

(Action: Clerk of the Council)

Craigielea

Mrs A Simpson asked what was going to happen to Craigielea.

Mr L Angus replied that it had been recently surveyed for leasing as a day nursery, but there were cost implications.

He further advised that the whole of Shetland Islands Council's estate was currently being assessed and decisions would be made with regard to what could be sold or converted.

Knab Golf Course

Mr J Stewart suggested it would be helpful if two signs could be erected, at either gateway, to specify the layout of the golf course.

The Chairman asked the Clerk of the Council to write to Mr Malcolmson, Leisure & Facilities Officer, SIC, with the suggestion.

(Action: Clerk of the Council)

Old Cemetery Walls

Mr L Angus advised that in the interest of road and public safety the Old Cemetery walls would be examined to see if any non invasive action could be taken to repair the effect of the bulges.

Litter Bins - Lochside

Mr S McMillan noted there were no litter bins at Lochside between the public toilets and Tesco and suggested the area would benefit from a few well placed litter bins.

The Chairman asked the Clerk of the Council to write to Jonathan Emptage, Cleansing Services Manager, SIC and ask if the possibility of providing litter bins on South Lochside, between Clickimin Leisure Centre and Tesco's could be investigated.

(Action: Clerk of the Council)

The Chairman thanked members for attending the meeting.

There being no other competent business the meeting closed at 9.15pm.

MR J ANDERSON
CHAIRMAN
LERWICK COMMUNITY COUNCIL