

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

**Present**

Mr J Anderson  
Cllr G Feather  
Ms K Fraser  
Cllr J Henry  
Cllr J Irvine

Mr A Johnston  
Cllr E Knight  
Mr J MacLeod  
Mr T Nicolson

Mr M Peterson  
Mr P Scarsbrook  
Mrs A Simpson  
Cllr W Stove

**Additional Co-Opted Members**

Mr D Ristori                      Mr W Spence

**In Attendance**

Chief Inspector A Cowie, Northern Constabulary  
Ms K Tait, SIC Legal & Admin  
Ms C Duncan, Clerk to the Council

Mr C Medley, SIC Housing  
Shetland Times reporter

**Chairman**

Mr T Nicolson, Chairman of the Council, presided.

05/09/01 **Circular**

The circular calling the meeting was held as read.

05/09/02 **Apologies**

Apologies for absence were received from Cllr L Angus and Mr R Anderson.

05/09/03 **Minutes**

The minutes of the meeting held on 18<sup>th</sup> July 2005 were approved on the motion of Mrs A Simpson and seconded by Cllr W Stove.

05/09/04 **Business Arising**

**14.4 Clickimin Broch Lights**

The Chairman confirmed that he had received a quote of £210 + VAT to install a photo cell control for the Broch lights and this would save on the amount of electricity used. It was agreed to have the control installed.

**11.6 Gilbertson Park Signage**

The Chairman had discussed the matter with Mr M Malcolmson, SIC Community Services, who had confirmed that signs would be put in place in the near future.

**11.1 Sands of Sound Road**

Cllr J Henry stated that he had no further information on the status of the road at present.

**6.1 Guidelines**

Mr M Peterson thanked the secretary for sending out copies of the funding guidelines to the members and stated that these would be a great help when considering financial applications later in the meeting.

**10.3 Road Markings**

Mr M Peterson noted that the lines outside Market House had not yet been repainted despite written confirmation from the SIC Roads Department that the work would be carried out in August. It was agreed to write to the Roads Department pointing out that this work has not yet been completed.

05/09/05 **Police Report**

CI Cowie did not give a breakdown of offences but stated that PS McCarthy would do this at the next meeting when he returns from leave.

He started by noting the excellent result last week when his officers, with Dogs Against Drugs, successfully stopped a large quantity of drugs from being brought into the islands. He stressed that they are committed to controlling and deterring the amount of drugs being brought in to the islands and they will continue to work on it on a daily basis.

Anti Social Behaviour - he felt this was still an issue, especially in the town centre area on Friday and Saturday nights. Progress was being made, with the by-law being advertised in the press soon and an application will be made in the near future to the Scottish Executive to have it confirmed. He is convinced this will lead to a reduction in crime.

CCTV - they are still trying to obtain quotes from interested companies, and last week received an indicative figure from a second company. They need to have at least 3 quotes, but there appears to not be a huge appetite to bid for work in Shetland. They will prepare a paper to present to the Lerwick Community Council for consideration early in the New Year.

Road Safety - this is still an issue of concern. They are continuing to catch drink drivers who are more than 3 times over the legal limit, and this is taken very seriously, with offenders appearing in court from custody. They are aware of speeding drivers in the Lochside and Gulberwick areas and are working with SIC Roads Department to obtain a pattern of offences. There will be high visibility officers in these areas which works to deter most offenders, but change won't happen overnight.

The Chairman congratulated CI Cowie on the drugs haul and said it was encouraging to see, whilst at the same time disappointing that drugs is such a problem in Shetland. Dogs Against Drugs, which Lerwick Community Council supports, was proving to be helpful in detection and he hoped the police would keep up the good work.

With relation to the speeding drivers in Lochside, he felt they posed dangers and risks to very young people and the elderly in the area. He understood that road humps could not be used in this case as the road is a public highway so therefore humps are not legal. He also felt that CCTV in the area could be an option to discourage speeding drivers, but understood that they would only be sited when a stretch of road had experienced a certain number of serious accidents.

CI Cowie confirmed that the Scottish Executive had recently issued a new manual on procedures, and they would have to do a survey of the area to then prove that a percentage of drivers are exceeding the speed limit before they could consider any traffic calming measures. At present, no area in Shetland comes within the specific criteria. SIC Roads Department have had a temporary traffic indicator sited in Lochside which succeeded in slowing down the drivers but once this was removed they resumed speeding. He also felt that after a period of time, drivers stopped noticing the indicator and so it became ineffective. The police, along with the Roads Department, would work to gather more information and research it.

Cllr J Irvine stated that the sooner CCTV was installed in the town centre area, the better. He didn't feel a by-law would make a contribution to reducing crime and felt tempted to object to it in the future. During recent terrorist attacks in London, it was CCTV footage that had enabled detection of the offenders and not a by-law.

Cllr W Stove noted his support of CCTV but added that it was only one part of the equation. He said that CCTV could only help after the event and can be a deterrent.

He was pleased to see the police and SIC Roads Department working together to stop speeding motorists. He noted that a number of pets had been run down in the Lochside area and was concerned that it would be a young child next. He has sympathy with residents but acknowledged that this was a public highway so many traffic calming measures would not be suitable.

Mr P Scarsbrook asked for confirmation on the use of the sliproad at the end of Lochside when approaching the roundabout, and CI Cowie confirmed that there was no left turn at the end of Lochside and motorists should follow the road markings.

Mr J MacLeod asked if speed limits were being monitored outside Lerwick as recent fatal accidents had involved darkness or poor visibility.

CI Cowie confirmed that they were aware, but the use of hand-held laser guns or marked vans for detecting speeding motorists could actually cause a driver to brake suddenly and be the

cause of an accident. Monitoring continued and he added that most drink drivers had been caught recently during the hours of darkness.

Mr M Peterson asked if action can be taken against someone driving with the car stereo turned up, as seemed to be on the increase among young drivers.

CI Cowie noted that historically no action had been taken, but after 11pm they could be committing an offence. It was a bit of a grey area as it came down to defining what was excessive noise? He advised the public to contact the police with the registration number of the vehicle involved if they found the noise excessive.

The Chairman noted that having the press at meetings such as these helped get the message across to the public and he hoped that people would pay attention. He noted that Lerwick Community Council supported the by-law.

Mr J Anderson stated that he believed Lerwick Community Council had agreed to back the by-law covering the whole of Lerwick and not for certain areas. He asked if a vote could be taken on this.

The Chairman noted that this was not on the agenda for that evening's meeting so not all members were in attendance to vote if they wished, but agreed to put it on the next meeting's agenda.

Cllr E Knight asked if the police preferred the proposed by-law or CCTV. CI Cowie stated that both would have to work in co-operation with the other. Research showed that they could expect 70 less crimes per year with a by-law in place, and he knew that CCTV helped identify people who commit crimes. He did not feel it was an "either/or" situation but would like to see both in operation as they would be very effective together.

The Chairman thanked him for attending and invited him to stay for the presentation by Mr C Medley and Ms K Tait.

#### 05/09/06 **Current Housing Situation/Anti Social Behaviour Update**

The Chairman noted that he had been approached recently by members of the public who felt there was a severe lack of 3 bed and single person accommodation, with waiting list numbers extremely high. He had also received several complaints regarding disruptive tenants.

Mr C Medley noted that the problem with housing was nothing new and they needed to face up to a background of national housing policy leading to a lack of affordable housing. At present there were 462 applications for housing in Lerwick and 101 for Scalloway, which showed the high demand.

He thought that local authorities were the "landlord of last resort" and the housing service was getting smaller and smaller. They get some money to build houses but not enough to meet the current demand or solve the problem.

With regard to neighbour nuisance, it was a perception that there's an element of choice but in reality there's not. An applicant at the top of the housing list has to have the next available house, regardless of whether they have a history of being a nuisance neighbour or not. The Council has to allocate houses and it is not a matter of choice. They can't pick and choose who lives where when housing people.

Anti Social Behaviour - they can now take action against individuals. The legislation is in place but it is not easy to use it. It takes many hours of effort by housing officers to prepare a case which can then be thwarted when it gets to court.

Ms K Tait, solicitor at SIC Legal Services, advises the Housing Department on a range of issues including Anti Social Behaviour. She noted that it is not just the Housing Department who have responsibility for tackling anti social behaviour - also involved are the police, Children's Panel, Social Work and the community. The Scottish Executive wants everyone to work together. They have produced the Shetland Strategy which has taken an immense amount of time to prepare. The Neighbourhood Support Workers have made a good impact in the community and are a positive presence.

Acceptable Behaviour Contracts are being used to try to work with anti social tenants by identifying what the problem is and having the tenant sign that they will stop their behaviour. The SIC can then offer different avenues of help, such as meeting with an outreach worker or alcohol advice. Environmental Health can be involved to monitor noise, but sometimes mediation is enough if it is a clash of lifestyles.

Eviction can be made for anti social behaviour but only when all basic steps have failed. Firstly there would be a multi disciplinary case conference to tackle problems together and to make a plan to deal with the anti social behaviour. If all alternatives failed then tenants would be evicted. This caused a new problem in that they could declare themselves homeless and there would be an obligation to rehouse them.

Anyone making a complaint against a nuisance neighbour is issued with a diary log to record all issues of anti social behaviour. These logs would be kept for a few weeks and then used to build a case against the nuisance neighbour. Too often complainers don't complete the logs, which means there is not enough evidence to prosecute or to award an ASBO.

Presently Legal Services are managing 12 cases which include 5 people who have ABCs and one with an ASBO. The majority of these 12 cases will never reach the ASBO stage as they're being managed. A lot of work goes on behind the scenes which no-one ever sees.

Mr C Medley noted that he did not have with him exact figures of how many cases housing officers are currently dealing with but he would get this information before the next meeting.

Mr P Scarsbrook noted that some local authorities had suspended the "Right to Buy" scheme to keep housing available and asked if this was something being considered here. Mr C Medley said that suspension of the scheme was more easily applied in large urban areas than in Shetland. He felt the repercussions of this suspension could be very serious as, at some point, the pressurised status would be relieved and there would be a rush of tenants wishing to buy their properties. He thought that suspension was not an obvious solution for Shetland at the moment.

Mr P Scarsbrook noted that the local authority can't build new houses at the moment because of debt, and Mr C Medley confirmed that SLAP were trying to finance funding for council housing at the moment but this would not resolve the immediate problem.

Cllr W Stove stated that the "Right to Buy" scheme was about to be reviewed. He said that he attended meetings of the Sandveien and Norderdale Tenants and Residents Association (SANTRA), which were very well attended with representatives from the police and SIC attending. These meetings were very useful at identifying problem tenants. He noted that the Scottish Executive had recently criticised Shetland Islands Council for not issuing more ASBOs and was surprised to hear that a certain level had to be reached before one could be issued. He felt that some residents were wary of reporting incidents for fear of repercussions.

Ms K Tait stated that they can guarantee anonymity. The person reporting the offences must keep the dairy log as they would use this as evidence in court and not the witness. They needed to sit down with the witness to gather the information but people's identities would be kept secret.

Cllr J Irvine felt that the system was very convoluted and was surprised at that tenants have to go through such a torturous path to resolve issues with nuisance neighbours.

Ms K Tait confirmed that the local sheriff had been very sensible in issuing orders, as circumstances can change greatly from the time the evidence is presented until it is heard in court.

The Chairman felt it was very sad that ASBOs were required and that they seemed to be an increasing trend in Scotland. He felt the Scottish Executive needed to address and simplify the legislation.

Mr M Peterson asked what percentage of allocations go to families who have made themselves homeless, from here or from other areas. Mr C Medley replied that it varies depending on the area of Lerwick but that the allocation of housing to homeless was about 40%. Not all were from outside Shetland - most were from Shetland or have a local connection. Lots of applications were returned every week as the applicant couldn't provide a local connection, but sometimes just actively seeking work in the area would be enough to prove a local connection. He felt it was fair to say that most homeless are locally based.

The Chairman felt they had painted a gloomy picture with relation to ASBOs. He felt sure they were trying to do all they can to satisfy as many people as possible. He asked what were the plans for the site at Grantfield currently being cleared. Mr Medley confirmed that funding had been secured from the Scottish Executive for demolition of the old factory providing it was for low cost affordable housing. Hjalmland Housing Association were currently looking to buy the site from SLAP and build on it, but if this deal falls through the money will have to be repaid to the Scottish Executive.

The Chairman thanked Mr Medley, Ms Tait and Cl Cowie for attending and they left at 8.15pm.

#### 05/09/07 **Housing Zone Review Boundary Maps**

The Chairman noted that Lerwick Community Council were being asked to look at the lines and zones and put any comments forward.

He drew attention to the Ness of Sound area, which had been changed in the 1993 Local Plan to facilitate the building of houses. According to new maps this was not now happening. He thought it would have been wise of Shetland Islands Council to keep ground available for future building, should it be in 10 or 20 years.

Mr M Peterson disagreed, stating that a lot of affordable housing sites would be opened up in Bressay upon completion of the bridge, and this could also have avoided the expensive building works at Quoys.

Cllr J Henry felt that to speak of housing in this area was very premature as there was no infrastructure in place to accommodate building. He noted that this was one of the few green areas left and should be left alone. Mr J MacLeod thought that the views of SIC Councillors had been ignored in the current local plan and that members of the planning committee should have up to date planning training.

Cllr W Stove noted that most long serving councillors had received training but it was a complex system. The local plan was reviewed every 5 years, and that there had been planning applications for houses in the Ness of Sound area turned down in the past because of problems with water, drainage and sewerage.

The Chairman asked if anyone agreed with him that the area should be kept as a possible site of housing in the future, but was not supported.

Mr A Johnston asked if some of the areas could be used, but the Chairman told him that the local plan was changed in 1993 when it was agreed this was the way forward and the money had been bought by public money, therefore should be kept in the plan. Mr M Peterson stated that there was no real intention to develop the land but it had been a way to persuade the then owner to sell. He thought the public may have been misled.

Cllr W Stove said that there had been a great debate in Chambers regarding housing clusters, etc, but it was agreed there should be no development at all.

The Chairman noted that the last item on the agenda had pointed out a lack of housing in the area and here they were discussing an area which had land available to be used, but as no-one was prepared to support housing in the area, it was agreed to take no further action.

#### 05/09/08 **ASCC Meeting**

The Chairman noted the date of the meeting and suggested anyone with an item to go on the agenda should contact the Clerk.

#### 05/09/09 **New Anderson High School, Lerwick**

The Chairman noted the letter indicating that a contractor had been chosen for the design of the new school. Mr M Peterson noted that this was the same company responsible for the design of the Glasgow Science Museum.

Cllr W Stove stated that a public meeting would be held on 28<sup>th</sup> September in the Anderson High School for residents and any other interested parties.

Cllr E Knight added that the company were also the designers of the new Museum and Archives in Lerwick.

05/09/10 **Oversund Road, Sound: Possible 20mph Speed Limit and Traffic Calming**

Cllr J Henry noted that he had missed the last meeting of the Sound Community Association when this item had been discussed, but he understood there had been some confusion as to which areas should have the 20mph speed limit enforced.

Cllr W Stove had also attended the meeting and confirmed that the Association had been against the use of road humps. They would like to see the 20mph limit imposed in the area outside Sound School three times a day along with the use of flashing amber lights indicating the speed limit, but no road humps. He noted that questionnaires had gone out to all residents in the area so some of them may prefer the use of road humps.

Cllr G Feather stated that he had attended a meeting with Sound School representatives and, while they would have preferred more calming measures, they were happy to accept the decision.

Mr J MacLeod noted that the 20mph restriction currently in place within Sandveien worked very well and thought this could be extended to other residential areas. He proposed the use option A2 with 8 speed humps and a 20mph speed restriction in place in Oversund Road, and it was seconded by Mr J Anderson.

Cllr W Stove moved to adopt option C, with no speed humps and a 20mph speed restriction in place along the stretch of Oversund Road outside Sound Primary School, and this was seconded by Mr M Peterson.

Vote:	Motion 1 -	Option C -	6 votes
	Motion 2 -	Option A2 -	3 votes

The Chairman noted that Option C won. He hoped that the final decision of the Shetland Islands Council would bear in mind the wishes of all residents in the area.

09/05/11 **SIC (Parking Place for Disabled Person's) Vehicle Order**

**11.1 Queens Lane**

Mr J Anderson thought that there was a garage in Queens Lane, and access to this would be obstructed by siting a parking place. The Chairman noted that the drawing may not be exactly to scale and confirmed to write to the Infrastructure Department, noting no objections providing it did not prohibit access to the garage.

**11.2 Stouts Court** No objections

09/05/12 **Correspondence**

**12.1 Clickimin Open Riding Club - Thanks** Noted

**12.2 Fire From The North - Thanks** Noted

**12.3 Sound School - Thanks**

It was noted that the gardens had also recently been opened and were doing very well despite the weather. The playground markings were all in place and being used.

**12.4 Scottish Water - Lerwick Water Mains Renewal**

Mr J Anderson provided an up-to-date map of the area indicating the work which had been carried out and the work about to be completed.

**12.5 SIC - Dry Stone Dykes, Sea Road**

The Chairman noted that Shetland Islands Council did not seem to know what to do yet. He suggested writing back to them as he was anxious that the walls do not deteriorate any further. They would have to be completely rebuilt if action was not taken shortly.

It was agreed to keep the item on the agenda for the next meeting.

**12.6 SIC - Road Markings**

This had been touched on earlier in the meeting (Business Arising) and it was agreed to write to Shetland Islands Council.

### **12.7 SIC - Sands of Sound Road**

The Chairman noted that this item needed to stay on the agenda at the moment to see how things develop. He thought that, once the house under construction was completed, the tenant or the land owner may have plans for repairs for the road. He agreed that the situation was not satisfactory at the moment and felt that the best outcome would be for the road to be tarmaced so that it would last.

Cllr J Henry added that he was concerned about the condition of Nedersund and Lower Sound roads, and they should be included in any proposed works to be done.

The Chairman noted that this may be difficult due to the close proximity of houses in the area.

### 05/09/13 **Financial Report**

This was noted. The Chairman noted the repayment of £848 following queries to Shetland Islands Council regarding the amount deducted by them. This was not as much as he had hoped to see repaid, but he acknowledged they had procedures and guidelines to follow.

### 05/09/14 **Financial Assistance**

#### **14.1 Shetland Choral Society**

Mr M Peterson stated he had received a copy of the guidelines for awarding grant aid to groups and noted that Shetland wide projects should only be given grants in extenuating circumstances.

The Chairman noted that Lerwick Community Council can use their discretion when awarding financial assistance. Most Lerwick based organisations had a Shetland wide membership base, and groups applying are urged to that, if they have members from outside Lerwick, they should contact the relevant Community Council for further assistance. Decisions were made to give benefit to the community while working within the guidelines.

Mrs A Simpson asked how members decide which are exceptional circumstances, and Ms K Fraser suggested that, in this case, it was that the performance would take place in Lerwick.

Mr M Peterson asked if the guidelines had been considered by the ASCC. The Chairman felt that Mr Peterson was being mischievous. He confirmed that Lerwick Community Council have granted assistance to several Shetland wide organisations in the past, and confirmed that the ASCC appeared happy with the use of the guidelines by this Community Council.

Cllr W Stove suggested this should be an agenda item for the next meeting of the ASCC, to ascertain what exactly is "exceptional circumstances". He felt that members should carry on and consider each application on the agenda and hopefully have a clear decision by the next meeting. He proposed a grant of £1000. This was seconded by Cllr E Knight.

Mr J MacLeod noted that it had been agreed at a past meeting to make the application form clearer to enable members to know what the money being applied for will be used for, and the Chairman agreed to do this. Mr M Peterson asked if each application was cross-referenced to the relevant Shetland Islands Council department prior to each meeting.

It was agreed to grant £1000.

#### **14.2 Shetland Pony Riding and Driving Group**

Mrs A Simpson confirmed that the Group had members from around Shetland and that they had already received grants from Dunrossness and Gulberwick Community Councils. She proposed a grant of £500 as there were a number of Lerwick children in the group and this was seconded by Cllr W Stove.

#### **14.3 Michael Stewart - Road at North Ness**

The Chairman stated that he felt more information was required. The quote appeared to be for the road only and doesn't include a footpath.

Mr M Peterson referred to a letter dated 17 June 2003 from the applicant which indicated he planned to lock off the road, thus inhibiting access by the public.

The Chairman agreed that more information was required.

05/09/15 **Planning Applications**

**15.1 Change of Use - Baptist Church** No objections

**15.2 Change of Use - Unit 4H, Toll Clock Shopping Centre** No objections

05/09/16 **Any Other Business**

**16.1 Left Luggage Facility at Aberdeen Ferry Terminal**

Cllr G Feather noted that there were still no left luggage facilities at the ferry terminal, although passengers can leave luggage at the train station. He also noted that parking was a problem.

The Chairman agreed, noting that the Chairman of Northlink had stated on Radio Shetland some time ago that the facility would be re-instated by August. As this had passed, it was agreed to write to the Chairman and ask what was to happen with the left luggage facility and to note the lack of parking provision at the terminal.

**16.2 Pensioners' Rest Room**

Mr D Ristori asked if there had been any developments in acquiring new premises for the pensioners' rest room, and suggested the use of the WRVS office in Mounthooly Street as a temporary measure.

The Chairman confirmed that Age Concern, with the help of the Rotary Club were still willing to operate the rest rooms, but they were not in a position to take on the care and maintenance of a building. It was agreed to write to Shetland Islands Council suggesting the use of the premises.

**16.3 North Road Buildings**

Mr D Ristori asked if there were any plans to restore the buildings next door to the Salvation Army in North Road.

The Chairman confirmed that he had been in discussions regarding this buildings. They were owned by two separate parties who were in disagreement what to do with the building but he hoped this would be resolved soon.

**16.4 Baila/West Baila Signage**

Mr M Peterson noted that signage had been recently erected at Punds, indicating the house numbers, and wondered if it would be possible to do the same at Baila and West Baila for the benefit of residents and motorists in the area. It was agreed to write to Shetland Islands Council.

**16.5 Lerwick Walkways**

Mr M Peterson noted that Lerwick Community Council had donated £1000 to Shetland Islands Council in December 2003 for the creation of walkways around the Ness of Sound, but nothing had been done to date.

The Chairman agreed to invite Mr V Hawthorne, SIC Planning Department, to a future meeting to give an update on the situation.

**16.6 Play Parks**

The Chairman suggested inviting Mrs J Porter and Mr M Malcolmson from SIC Community Services to the next meeting to give an update on the current play park review.

The meeting closed at 9.25pm.

MR T R NICOLSON  
CHAIRMAN  
LERWICK COMMUNITY COUNCIL