

MINUTE

‘A’ & ‘B’

**Special Shetland Islands Council
Council Chamber, Town Hall, Lerwick
Tuesday 3 May 2005 at 9.30 a.m.**

Present:

F B Grains	L Angus
B J Cheyne	C B Eunson
L G Groat	I J Hawkins
J H Henry	J C Irvine
E J Knight	W H Manson
Capt G G Mitchell	J P Nicolson
W A Ratter	F A Robertson
W N Stove	T W Stove
W Tait	

Apologies:

A J Cluness	R G Feather
B P Gregson	J A Inkster
J G Simpson	

In Attendance (Officers):

G Spall, Executive Director, Infrastructure Services
S Cooper, Head of Environment
A Hamilton, Head of Planning
J R Riise, Head of Legal and Administration
A Cogle, Service Manager – Administration
B Barron, Planning Officer (Development Plans)
T Anderson, Technical Assistant
D Haswell, Committee Officer

Also:

M Forbes, Assessor

Chairman:

Mrs F B Grains, Vice-Convener of the Council, presided.

Circular:

The circular calling the meeting was held as read.

74/05 Strategic Environmental Assessment

The Council considered a report by the Executive Director, Infrastructure Services (RECORD Appendix 1).

The Head of Planning introduced the report and explained that the Scottish Executive were proposing that every policy and strategy document created in relation to Council plans that could have an environmental impact would be subject to a Strategic Environmental Assessment (SEA). He said that, at the moment, land use plans were already subject to SEAs. The view of Planning Officers was that strategies and policies should be environmentally responsible and it would be nonsense to suggest otherwise. However, the problem was that Planning Officers had very little experience in undertaking SEAs and this was new and unknown

territory. This would also be the case for other departments/sections of the Council as well as other agencies. In principle, the proposals were sensible but it was far too soon for SEAs to be introduced to all strategies because of the lack of Officer experience as well as the question of who would undertake SEAs and how much this would cost. Therefore, he suggested that the Council should respond along those lines and as indicated at section 3.4 of the report.

The Vice-Convenor pointed out a typographical error in section 3.4, whereby the word “form” should read “from”. In response to a question from the Vice-Convenor whether the introduction of the proposals would result in delays, the Head of Planning said that once experience was gained it might not cause any problems but during the early stages, there would be delays.

Mr F A Robertson said that this issue had been discussed at meetings of the CoSLA Economic Planning Forum he had attended. The Scottish Executive were keen to introduce these proposals in order to protect the environment from the much larger developments that were taking place. He said that Members would be aware of the work involved, processes that were required and costs involved when areas were specifically identified, e.g. a SSSI and the time and costs involved in obtaining planning permission. At the CoSLA meeting concern had been expressed at the lack of experts on SEAs that existed throughout Scotland, lack of Planning Officers with this expertise and the costs involved. In his view, the proposed response to the Scottish Executive on the proposals was perfect.

Members were unanimous in expressing their concern regarding the proposals, particularly in relation to the financial implications, the added pressure on staff time and possible delays to planning applications. It was stated that there were already a number of quangos in place, e.g. SNH, SEPA and, rather than the local authority being required to prepare and produce SEAs and consult with statutory consultation authorities, there should be a corporate approach involving all of the agencies concerned.

(Mr W H Manson attended the meeting).

(Mr L G Groat attended the meeting).

Comments were made about the number of duties the Scottish Executive were placing on local authorities and it was stated that rather than the Council bowing down and accepting these, it should question the Scottish Executive about the benefit of such proposals.

Mr L Angus moved that the Committee approve the recommendations in the report and, in relation to proposed response as detailed at section 3.4, suggested this be amended as follows:

“The Authority considered that it would be more appropriate to allow time to gain experience and learn lessons from preparing SEAs and properly consider the cost implications of these proposals for those Plans and Programmes required by the Regulations, before broadening the scope of Plans, Programmes and Strategies to be covered.”

Mr F A Robertson seconded and the Council agreed.

In response to a suggestion from a Member, it was further agreed that the response should be in the form of a letter from the Convener. The Head of Planning said that he would draft an appropriate letter, taking into account the points raised during the discussion.

Mr J C Irvine said that the Convener was almost writing to the Scottish Executive on a daily basis and the Council had to be careful that his correspondence did not just end up being filed. He suggested that the Council should request an informal meeting with Mr Tavish Scott, MSP to discuss the amount of centralisation. The Council unanimously agreed.

(Mr W A Ratter attended the meeting).

75/05 **Local Government Boundary Commission for Scotland – Review of Boundaries – Shetland Islands Area – Response to Initial Proposal**

The Council considered a report by the Head of Legal and Administration (RECORD Appendix 2).

The Head of Legal and Administration apologised for the lateness of the report. However, he said that he made no apology for the length of the report because it was quite a complicated matter and it was important the Council got it right.

Tabled at the meeting, marked as Appendix A, was a copy of the Forecast Electorate at 2009 prepared by the Boundary Commission. Also tabled at the meeting (attached as Appendix B) was a copy of the Actual Electorate at 1 April 2005 and the Forecast Electorate as at 2009 prepared by Assessor and Planning Officers, which, in the Head of Legal and Administration's view, provided a more accurate prediction of the Electorate for 2009 but was still, in the nature of such predictions, still just a guesstimate.

The Head of Legal and Administration said it was important for Members to be aware of the views of Community Councils and during the last boundary review in 1999, the Council had been very grateful to Community Councils for the information they had provided.

The Head of Legal and Administration suggested that it might be best for Members to consider sections 2.5 – 2.12, which detailed the proposed wards, individually. Members agreed. In regard to the names of the proposed wards, the Head of Legal and Administration advised that, for ease of reference, he had devised the names but he was also seeking ideas from Members on these names.

Members proceeded to debate the proposed wards as detailed in sections 2.5 – 2.12 of the report with the assistance of a PowerPoint presentation from the Head of Legal and Administration which showed maps of the proposed wards.

2.5 North Isles

After hearing the Head of Legal and Administration explain the proposed recommendation and submission to the Boundary Commission, the Council unanimously agreed with the proposal.

2.6 North Mainland

The Council unanimously agreed with the proposed submission. It was noted that Nesting and Lunnasting Community Council were pleased that the proposal would

result in the area being reunited, which had been campaigned for by the current Member for Nesting, Whiteness Girlsta and Gott.

2.7 South Mainland

After hearing the Head of Legal and Administration detail the proposed submission, the Council unanimously agreed with the proposal. Capt G G Mitchell pointed out that there was no reference to Fair Isle in the text of this section. It was noted that the map that had been displayed did have Fair Isle on it. Capt Mitchell also suggested that the ward be renamed "South."

(Mrs B J Cheyne attended the meeting).

The Head of Legal and Administration reiterated the point that he had suggested the names of the wards but these could easily be changed and he would seek Members views on the names towards the end of this item. The Council agreed that the ward names would be considered following discussion of the proposed wards.

2.8 Lerwick South

The Head of Legal and Administration explained that the general trend in this ward was an increase in population. However, this was mostly in the Gulberwick area. The Council unanimously agreed with the proposed submission.

2.9 Lerwick North and Bressay

In response to a question from a Member, the Head of Legal and Administration explained that there was no provision in the legislation for Lerwick to be a 7 Member ward and a ward as large as that would not be permitted. If this option had been available to the Council, this part of the exercise would have been easy. He said that the reduction from 8 Lerwick Members to 7 Members would be something Lerwick Community Council would have to consider, amongst other things.

The Council unanimously agreed the proposed submission.

2.10 Remainder of West and Central Mainland

Mr J C Irvine said that he did not wish to see any communities split up. In relation to Area 3, the Head of Legal and Administration said that the proposal put forward by the Boundary Commission would result in this ward having 300 less voters than the average for a 3-Member ward.

At this point, the Vice-Convener advised that the Infrastructure Committee was scheduled to commence at 10.30 a.m. Accordingly, Mrs F B Grains moved that the Council be adjourned. Mr J C Irvine seconded and the Council agreed.

(The Council adjourned at 10.30 a.m.)

(The Council reconvened at 10.33 a.m.)

Present:

F B Grains	L Angus
B J Cheyne	C B Eunson
L G Groat	I J Hawkins
J H Henry	J C Irvine
E J Knight	W H Manson
Capt G G Mitchell	J P Nicolson

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A Cogle, Service Manager – Administration
B Barron, Planning Officer (Development Plans)
T Anderson, Technical Assistant
D Haswell, Committee Officer

Also:

M Forbes, Assessor

Chairman:

Mrs F B Grains, Vice-Convener of the Council, presided.

75/05 **Local Government Boundary Commission for Scotland – Review of Boundaries – Shetland Islands Area – Response to Initial Proposal**

The Council resumed discussion of the report by the Head of Legal and Administration (RECORD Appendix 2).

2.10 Remainder of West and Central Mainland

Mr J C Irvine said, that in his view, the whole of Laxfirth should be united with the Parish of Tingwall, as it always had been, and he hoped the Boundary Commission would accept this proposal. Mrs F B Grains agreed and said that Laxfirth had always been part of Tingwall. Mr Irvine said communities would have the opportunity to comment on the Council's submission during the 12 week consultation period. Accordingly, Mr J C Irvine moved that the Council agree the proposed submission on the condition that the whole of Laxfirth should be included with Tingwall. Mr L Angus seconded.

There was extensive discussion around the possibility of the Girlsta area being also included in the Tingwall area along with Laxfirth. However, Mr J C Irvine agreed that this motion amounted to a reluctant compromise based on the pursuit of parity of numbers. It was subject to a caveat that the Council may have to join with other consultees if, after advertisements, representations were received seeking the addition of Girlsta with either Nesting or Tingwall. In the absence of any other motion, Mr Irvine's motion was accepted.

2.11 Tingwall, Scalloway, Burra and Trondra

The Council unanimously agreed the proposed submission subject to the same caveat regarding the possible inclusion of Girlsta with Tingwall in subsequent contributions.

A brief discussion ensued regarding possible names for the wards. Mr J C Irvine moved that the wards be single named wards as follows:

Isles, North, West, South, Central, Lerwick South and Lerwick North.

Mr L G Groat seconded.

Mr L Angus moved as an amendment that as part of the 12 week consultation period, invitations for suggested names should be sought.

In receiving the consent of his seconder, Mr Irvine agreed to incorporate Mr Angus's suggestion into his motion. Accordingly, Mr L Angus withdrew his amendment.

In response to a suggestion from Mr W H Manson and, in receiving the consent of his seconder, Mr Irvine also agreed to amend his motion so that each of the names be preceded, where appropriate, with the word "Shetland" so for example, the "North" ward would become "Shetland-North" ward. The Council noted that these submitted names would also be subject to later consultation.

CONVENER