

**MONDAY 6 MARCH 2017**

At a meeting of LERWICK COMMUNITY COUNCIL held in Board Room, Solar House, North Ness, Lerwick, at 7.00pm

**Members**

|               |               |
|---------------|---------------|
| Mrs A Simpson | Mr J Anderson |
| Ms K Fraser   | Mr D Ristori  |
| Mr A Carter   | Mr A Johnston |
| Mr A Wenger   | Mr J Fraser   |
| Mr P Coleman  |               |

**Ex-Officio Councillors**

|              |                 |
|--------------|-----------------|
| Cllr J Wills | Cllr M Bell     |
| Cllr M Stout | Cllr P Campbell |

**Additional Co-opted Student Members**

|                |              |
|----------------|--------------|
| Miss E Thomson | Mr T Carroll |
|----------------|--------------|

**Additional Co-opted Members**

|               |            |
|---------------|------------|
| Mr B Johnston | Mrs M Hall |
|---------------|------------|

**In Attendance**

Mr Tavish Scott, MSP  
Mr Ian Brown, Shetland Broadband  
Mrs M Sandison, Clerk to the Council

**Chairman**

Mr J Anderson, Chairman to the Council presided.

03/17/01

**Circular**

The circular calling the meeting was held as read.

03/17/02

**Apologies for absence**

Apologies for absence were received from Mr S Hay, Mr A Henry, Mr E Knight, Mr W Spence and Cllr A Wishart.

03/17/03

**Minute**

The minute of the meeting on 6<sup>th</sup> February 2017 was approved by Mr D Ristori and Mr A Carter.

03/17/04

**Business Arising from the Minutes**

**Minute ref 02/17/AOB – Town Centre 20mph**

Cllr Stout said that he did not advise that the 20mph speed restrictions were to go ahead, as that would mean he would have pre-empted the decision of the council. He had advised that it was up for debate.

**(Action: Clerk to the council)**

03/17/05

**Police Scotland Monthly Report**

Mr Anderson noted that no representatives were in attendance.

The clerk advised a report had been received and displayed figures relating to Lerwick.

Mr Anderson noted one charge of using a mobile phone and the increase to six penalty points.

03/17/06

**Broadband – Tavish Scott, MSP and Ian Brown, Shetland Broadband**

Mr Anderson welcomed and introduced Mr Ian Brown and Mr Tavish Scott.

Mr Brown said that he was here to answer any questions and give any explanations that he could. He explained his background with Shetland Broadband working with all sorts of broadband and telecoms work, for themselves and third party companies. They had a fairly good knowledge of how everything worked or did not work. He said he was happy to answer any questions.

Mr Scott explained that the government had set a target of every household in Scotland having Broadband by 2020, up to a level of 30Mbps, which he believed was a great target to have, although he suggested there were some doubts as to how that would be achieved and the finance to achieve it. He said the government was to tender again for the parts of the country that the commercial world would not fulfil and how they were to do that was open to question.

He advised that this was yet to be decided and unsure of how the government was to procure the services throughout Scotland. In stated that in order to hit the target and within the timescale, he suggested that they would need to get a move on. He commented that this was important for Shetland and also many parts of Scotland.

Mr Brown suggested that the government had done the easy bits, with the rest being to hard and expensive. He had heard figures of five times what had already been spent as what was required, commenting that one hundred per cent provision might not be doable.

He advised that the scheme for Lerwick had now finished. Consultations were on-going, including market research to find out if people still wanted broadband.

Mr Anderson said that some areas in the town apparently had no capacity left and enquired about the possibility of capacity being increased.

Mr Brown had no specific information on that, but explained that cabinets were not filled to capacity from the start, the reason might be financial or could be delays down to the lack of available BT engineers. BT were upgrading cabinets if not already full, in which case a second cabinet would be needed.

Ms Fraser asked about the status of Shetland Broadband, and if it was a private company.

Mr Brown replied they were a limited liability partnership, mainly family owned and run along with other partners, so an independent company.

Ms Fraser asked what Mr Brown's job entailed.

Mr Brown explained that most of their work came from telecom engineering, about ninety five pence was for other telecom companies, but they could do ADSL fibre to the cabinet anywhere in the country. Locally they tried to concentrate on local business, particularly in areas that BT could not be bothered with.

They worked with community broadband companies, small community areas and also large companies looking for large connections, again in areas that BT was not geared up to do. He said that being a small company they could look into, provide a cost and do the work within a short response time. They also worked on the telephone exchange with the radio masts on top of the hills.

Cllr Wills expressed his disappointment with BT. He said that he didn't see any problem with broadband in Lerwick, but more so in the outlying districts, which were quite serious. He said that back in 1996 he and Graham Storey proposed a satellite system for Shetland along the lines of what they had in Alaska; he suggested that might have been a better idea, but it was not taken seriously.

Mr Scott mentioned with regard to mobile, Faroese telecom were exploring that with the Faroese Prime Minister saying that they would like to set up a system right across Shetland, Orkney and the Western Isles. They had their Westminster representative in negotiations with Ofgen and with MP's representing the islands. He suggested that if they were to make that investment it would help with 4G going on 5G and with no public money, setting up a system from one end of the country to the other.

Cllr Bell informed members that there were outline plans already it was just a case of permission.

Cllr Wills asked if they would get permission or was there some sort of licence issue.

Mr Scott explained that it was a licensing issue with Ofgen, but alluded to a company who were arguing against that, so they had to get past that one.

Mr Brown reported that the current problem with that was that the existing companies bought licenses on the basis that they had exclusive use of those frequencies. He explained the legal aspect had been looked into and found some room, but might lead to legal dealings if they released another licence on those frequencies. He surmised it would be best left until the next time the licenses were due, to do that.

He stated that in remote places like Shetland it should be on the basis of use it or lose it, so that if you had a licence to operate in Shetland on a certain frequency and you did not use that frequency, you could have it taken back.

Mr Anderson asked Mr Brown if he had any information on EE provision of the emergency service coverage.

Mr Brown informed members that EE had won a contract from the UK Government to provide the emergency services network for the whole of the United Kingdom to be based on 4G. The government had worked for several years to find a mobile company that would do the whole of the UK and accepted EE as the best option for not doing the whole of the UK. The company EE were to build eighteen masts in Shetland to give minimal coverage. They had a plan for hard to reach areas with a mobile van set-up to give emergency coverage particularly for larger disaster area. EE had said they would have ninety eight percent of coverage by land mass, although in some areas that was outside the property, so would involve use of an ariel outside to get it.

Mr Anderson asked if there were any plans to upgrade the link between Shetland and the mainland.

Mr Brown replied they had the Faroese cable with approximately 400 Gbps available on that, had a huge capacity. BT had bought a pair of fibres off that cable. He explained the benefit of renting bandwidth and being able to increase this easily and any damage to the cable meant re-routing to other cables and then back to Shetland.

He said that Shetland was well connected with two external links and plenty of provision to Lerwick. He explained that some areas of the town could not get superfast broadband because of the way fibre to the cabinet works, with the technology less effect beyond two miles distance from the equipment, whereas the ADSL would be effective up to four miles.

Mr Brown said he was happy to answer any questions and if anyone found they had a coverage issue then to contact him.

Mr Anderson thanked Mr Scott and Mr Brown for coming along to the meeting.

Mr Scott and Mr Brown left at 730pm.

03/17/07

### Correspondence

#### **7.1 Shetland Charitable Trust – Tavish Scott, MSP, Association of Shetland Community Councils and OSCR**

Mr Anderson noted the correspondence regarding the letters that were sent to OSCR with regard to re-organisation of the Shetland Charitable Trust and asked if anyone had any questions. He mentioned the deadline that had passed; he was not sure how long they would take to report back on the findings and asked Cllr Wills if he had any information.

Cllr Wills reported that the deadline was 23<sup>rd</sup> February and that OSCR had removed the actual proposal from their website on the 9<sup>th</sup> February. He said that they would be reporting their decision around the middle of March and would be saying that it was perfectly legal, which it was and that's all they would say.

He informed members that if this did go through, it would give the Trustees the power to vary their Trust Deed and change their constitution without going back to OSCR, and that gave them the power to decide themselves. He hoped that during the forthcoming Elections in May all candidates would be asked by the public whether

they favour the removal of democratic control of what was more than half of Shetland's oil money, just over two hundred and fifty million pounds, about three million more than the council pot. He said that it was quite an important public resource and without it many council services would have to be cut back.

Mr Anderson replied that time would tell.

### **7.2 Emergency Control for Shetland – Annabelle Ewing, MSP – Minister for Community Safety and Legal Affairs**

Mr Anderson noted the reply from Ms Ewing, MSP along the lines that the control rooms were fully integrated and all worked very well. He had read that one of the problems with a single control centre would be the integrating of the various bits of computer equipment and he could perhaps see how this might be a challenge.

### **7.3 Review of Support to Association of Community Councils – Michael Duncan**

Mr Anderson mentioned that this had been discussed at a Joint Liaison Group meeting last week. One of the questions asked was how much financial support Voluntary Action Shetland received to provide this service; they were to come with a breakdown of that information. At this time the Association of Community Councils had two meetings each year, an average of one Joint Liaison meeting every year which they support from the administrative point of view, and meetings such as the Shetland Partnership and Shetland Transport Forum, also bi-annual meetings for clerks and training for clerks and new community council members.

He proposed that any available members could meet to discuss this and put back a comment, or this could be done as a community council. He asked how members wanted to proceed. He said that Mr Duncan was to come with further information on this report.

Cllr Stout reported that funding had been extended to VAS for six months until the report came to the council.

Mr Anderson said this had not been formally agreed by VAS, to continue support at the current level until then, as Mrs Catherine Hughson had not been present at the Joint Liaison Group meeting.

Mrs Simpson agreed that having a group looking at it, might be the best way to go.

Mr Anderson asked members who were interested to attend a meeting organised by the clerk. He asked if anyone had any comments to make at this time.

**(Action: Clerk to the council)**

### **7.4 Future Support to ASCC – Catherine Hughson, Executive Officer, VAS**

(Included as above)

### **7.5 Scottish Civic Trust – Park Lane Garden – John Pelan, Director, Scottish Civic Trust**

Mr Anderson noted the reply and although disappointing, was to be featured in a brochure.

Mr Fraser said the positive outcome was that those who had been involved had been acknowledged and appreciated by the community council.

Mr Anderson agreed and thanked Mr Fraser for his comments.

Cllr Wills remarked that it was looking very nice and was the best use of the space. He added that in light of comments made that the council should have build houses on it immediately, he stated that they could not afford to do so at the present time.

#### **7.6 Scottish Natural Heritage Event – W J (Ian) Ross, Chairman, Scottish Natural Heritage**

Mrs Simpson had attended along with Mrs Hall and Mr Knight. They had spoken about the walking route around the harbour and the town and planting trees, which was something SNH was keen to do.

She wondered if either of these might be something they could be involved in. The walk around the town was in need of signs showing the way.

Mrs Hall pointed out parts of the walk from Hays along the waterfront to the Mareel was interrupted by the fuel tanks and meant detouring into the council car park. She suggested that this could be signposted instead of coming to a halt.

Cllr Wills commented that the Lerwick Waterfront Walkway had been long spoken about and he would be keen to see this happening.

Mr Carter mentioned that the homeowners at Twageos Road had been offered the chance to purchase land between their houses and the sea. He asked if that happened how it would affect any walkway.

Mr Anderson said that it was interesting. The piece of ground was simply not developable because a sewer and a pumping main rises up in the middle of that strip of ground, anybody putting obstructions to access to that would have to pay costs to get to that infrastructure and back out again.

Cllr Wills remarked that it was public open space, owned by the council with a right of way. He thought it was deplorable if they were going to sell it and hoped that it would be preserved as public open space with a walkway through it. There was a way to arrange that at the widows' homes, but it had not been done.

Mr Anderson was unsure if it was a formal right of way, he had heard many years ago on the radio there were no official rights of way in Shetland.

Mr Fraser commented that if it transpired one of the residents took up the offer to purchase the land, would that not be deemed as change of use which would be subject to planning and in turn come before this meeting for members to respond to.

Cllr Wills suggested that this would not affect it in this case, but there was a right to roam in Scotland.

Mrs Hall mentioned previous discussion that it was kept mowed, but it was not now.

Mr Anderson surmised that the only reason the council were looking to off-load it was to negate the need to cut and maintain it.

Mrs Simpson enquired if they should do anything more about planting trees or the Waterfront Walkway.

Mr Anderson suggested making a bid through the Community Development Fund. He explained about previous discussions on a coastal walk or a circular walk around the town and to make that the basis of a bid.

Cllr Stout mentioned Sustrans, who were keen to develop their relationship with Shetland following recent projects here. They were involved in the Esplanade works. With regard to the path around Lerwick, he suggested that this was the best opportunity to get significant external funding to pull this together and get it done properly.

Mr Anderson agreed explaining the difficulties encountered with the walk at present, especially at the North Ness and particularly for pushchairs and wheelchair users.

Mrs Simpson also agreed and asked if they should contact with Sustrans about it.

Mr Anderson agreed.

Cllr Stout suggested contacting Daisy Narayanan and commented that if they could make it about a cycle path as well as a walkway it would give it more benefit.

Discussion took place about difficulties encountered for tourists navigating from the centre of town to the Toll Clock Shopping Centre and from Holmsgarth through the industrial and commercial maze towards the town. It was mentioned at the SNH event about Scottish Natural Heritage and Sustrans and the link up for industrial and green areas in towns which was particularly relevant to Lerwick. The use of painted footprints to guide people through a complicated area was suggested.

**Cllr Wills left at 8.00pm.**

Mr Anderson enquired about the tree planting that was discussed.

Mrs Simpson replied it was the area between the Clickimin football pitches and the Clickimin Loch that was suggested for tree planting and she wondered if it was anything that the community council could be involved in.

Mr Carter mentioned the money available through LEADER 2 and wondered if this funding could enable a scheme to get underway, referring to the whole pathway.

Cllr Stout suggested the sub-group making contact with Kevin Serginson and contacting SNH as he thought they were keen to speak to interested groups.

Mr Anderson agreed and suggested the sub-group looking at projects reconvene with this on the agenda.

**(Action: Clerk to the council)**

#### **7.7 Review of the Planning System**

Brief discussion took place on the list of proposals.

Mr Anderson asked if everyone was happy they wrote back agreeing to the proposals. This was agreed by members.

**(Action: Clerk to the council)**

#### **7.8 Padlocked Gates – Neil Hutcheson, Roads Engineer, Roads, SIC**

Noted.

**(Action: Clerk to the council)**

#### **7.9 Shetland War Memorial – Helen Bowman, Conservation Officer, War Memorials Trust**

Mr Anderson noted a more recent reply had been received asking for further information and quotes. He pointed out that Stornaway were receiving one hundred thousand pounds of funding from their council for upgrading of the war memorial.

He asked if members were happy if they progressed with this and thanked the clerk for progressing it to this stage.

#### **7.10 PB Champion for Scotland – Vaila Simpson, Executive Manager, Community Planning & Development, SIC**

Mr Anderson asked if members were happy to carry on their interest in it. Members agreed they would like to express an interest.

Cllr Stout spoke about the commitment by the Scottish government with plans for one percent of the budget spent through participatory budgeting and this was about those who had gone through the experience and were well placed to pass on information.

**(Action: Clerk to the council)**

#### **7.11 Opportunity to investigate potential renewable energy supply to Sandy Loch WTW – Ross Jones, CARES Development Officer, Local Energy Scotland.**

Mr Anderson outlined the proposal from CARES (Community and Renewable Energy Scheme) who were approaching Lerwick Community Council on behalf of Scottish Water as the customer. The proposal was perhaps a windmill located up near the Sandy Loch.

He asked members if it was something they wanted to be involved with.

Mrs Simpson pointed out they were just looking at the proposal with renewal energy sources of wind and solar mentioned.



Cllr Stout commented that everybody stood to gain by this arrangement. He expressed as interesting the issue regarding community council's property ownership now and in the future, which would be part of on-going discussions with the new council; and from his point of view very interesting to explore.

Mrs Simpson suggested that they investigate it further.

Cllr Stout drew attention to the request to establish who owns the land and if any potential show stoppers. He suggested by implication the need for looking at taking responsibility for those areas.

Mr Anderson suggested that they ask Andy.

Mr A Johnston said that it was Mrs Boden, Tait and Peterson.

Mr Anderson agreed that they would investigate further and gather the information.  
**(Action: Clerk to the council)**

#### **7.12 Copland's Pier Erosion – Richard Gibson, 10 Commercial Street, Lerwick**

Cllr Campbell informed members that discussion had taken place regarding the council transferring ownership to the Sea Scouts, but he was unsure about what stage this was at.

Mr Anderson alluded to past correspondence with Billy Dalziel. He suggested that they find out where things were at.  
**(Action: Clerk to the council)**

#### **7.13 Untreated Sewage Discharge into Clickimin Loch – George Leslie** Noted.

03/17/08

#### **Finance**

#### **8.1 Core Funding Financial Report 28<sup>th</sup> February 2017** Noted.

#### **8.2 2017/'18 Core Funding Application – Michael Duncan, Community Planning & Development**

Mr Anderson noted the amounts pertaining to each community council. Lerwick Community Council had been awarded £20,923. The funds were to be allocated to the eligible categories.

Members agreed to reduce the Roads and increase the Environment services amounts, so allocation of £200 Roads, Environment services £750, Administration £10,332.00 and Grants to local/district groups £9,641.00.  
**(Action: Clerk to the council)**

#### **8.3 2017/'18 Community Development Fund Application – Michael Duncan, Community Planning & Development**

Mr Anderson asked if members were in agreement to applying for project funding towards developing a walkway whatever that might be, with the intention of using it to enable any future investment in the project.

Members were in agreement to apply for this funding.

**(Action: Clerk to the council)**

#### **8.4 Community Development Fund '15/'16 Remaining Funds – Michael Duncan, Community Planning & Development**

Mr Anderson explained about the funding having been granted to Filsket Riding Club, but had not transpired so that money was being returned to the council due to being uncommitted.

**(Action: Clerk to the council)**

03/17/09

#### **Grant Applications**

##### **9.1 Letter & Policy re: Junior Up Helly Aa – Mr Ian Spence – Junior Up-Helly-Aa**

Mr A Johnston reported that many offers had been made and donations received following the last meeting to more than cover the rent, so there was no need for continuing with the grant application.

03/17/10

#### **Planning Applications**

**10.1 2016/434/PPF – Demolish wall next to Fort, extend existing store, change roof material, fit sign above door (retrospective), install wooden gate – 8 Harbour Street, Lerwick, ZE1 0LR – Mellivora Capensis**

No objections.

**(Action: Clerk to the council)**

**10.2 2017/4024/PPF – Reclamation of foreshore at area known as Tods Buildings, area to be filled with granular material and used to park haulage vehicles and equipment – North of Lerwick Marina, Gremista, Lerwick – Mr George Hepburn**

No objections.

**(Action: Clerk to the council)**

**10.3 2015/380/PPF - Demolition of an existing unused office building and the construction of a new 100 bed hotel (3805 sq meter) and new 945 square meter office building, with associated parking – Brevik House, 27 South Road, Lerwick, ZE1 0TG – Breiwick Bay Properties Ltd**

03/17/10

#### **Any Other Business**

##### **Streaming SIC Meetings**

Mrs Simpson said that streaming of council meetings had been spoken about a while ago and she wanted to find out what the situation was.

Cllr Stout replied that it had been looked at with no great appetite from the majority of councillors due to the costs involved. He suggested it was something for a new chamber with issues around being able to stream it currently. It was something the new council might look at again.

Cllr Bell alluded to the constraints of the current chamber and the work currently taking place on the Town Hall. He spoke about past situations that had involved streaming upstairs and suggested that this was definitely something for the future.

**Scottish Youth Parliament**

Mr Fraser said it was great to see young people so enthusiastic in standing for the Youth Parliament. He had a passing thought of developing a Shetland Youth Council.

Mr Anderson said that he was grateful for the students put forward from the school who made positive contributions to debate. They had frequently made similar requests, but Mr Jan Riise has pointed out the issues with extending down to sixteen year olds for community councils. It was done for the recent referendum, but the list was not maintained.

**Council Elections**

Mr Fraser stated his intention to stand for Lerwick North in the forthcoming council election.

Members wished him luck with his campaign.

**Sound Primary School 40<sup>th</sup> Anniversary**

Mr Ristori pointed out the fortieth anniversary of the Sound Primary School this year. He enquired if the community council could mark this in some way.

Mr Anderson suggested that they write to the headteacher Mrs Angus to ask if there were any plans and if we could help in any way.

**(Action: Clerk to the council)**

There being no further competent business the meeting concluded at 9.00pm.

**Minute ends.**

MR J ANDERSON  
CHAIRMAN  
LERWICK COMMUNITY COUNCIL

Chairman.....

Date.....

