

## NW&SCC – meeting by Zoom, Mon 30 Nov 2020

### Present:

Sheena Baker (in the Chair)  
Jimmy Ferguson  
Alan Hampson  
Ally MacDonald  
Alastair Noble  
Joan Noble  
Brian Stewart

Bill Young  
ex officio: Cllr Tom Heggie  
Cllr Peter Saggars

### Also participating:

Hamish Bain (River CC)  
Steven Bain (River CC)  
Mandy Lawson (River CC)  
Paul McIvor (River CC)  
Stewart Stansfield (River CC)

Andy Randerson

John Dolan  
Des Scholes

## 1. Welcome and apologies

1.1 SB (in the Chair) welcomed all, and reminded participants that the Zoom meeting was being recorded.

1.2 Apologies were noted from Cllr Liz MacDonald. There were no declarations of interest.

## 2. Minutes of previous meeting (26 Oct 2020)

2.1 The draft minutes of the 26 Oct meeting (circulated to all by email) were accepted by all CC members present with no amendments or dissent.

## 3. Matters arising

3.1 The only matter arising is noted as a separate agenda item 5.

## 4. Treasurer's Report

4.1 BY reported on the present financial situation (report attached). The only change since the last meeting had been a payment to the NT for an announcement. The CC had a balance of £1763.39, plus the £3261.12 originally earmarked for fireworks.

4.2 BY noted that a proposal had been made for the payment of an additional £50 pa for an upgraded version of the planned website design (Spanglefish 3). ***This additional payment was agreed by CC members.***

## **5. Traffic management and speed restrictions**

5.1 BS summarised the email reply received from the HC Roads Manager (Richard Porteous), already copied to all CC members. He recommended that the CC should reply welcoming this helpful and informative response; confirming that the CCs were ready to engage positively with the roads team; supporting the installation of a couple of SIDS (smiley face signs); and supporting the idea that some Active Travel funding might be used to deliver a joined-up plan aimed at improving local routes to enhance safety and calm traffic.

5.2 JN was reluctant to see funding already assigned to cycle paths and signage redeployed. But if (as was believed) a further tranche of Active Travel funding was available, this could be an option.

5.3 *It was agreed* that NW&SCC would reply accordingly to Mr Porteous, and copy the correspondence to Nairn River CC and to the resident who had originally raised the issue.

## **6. a) Nairn Common Good – demolition of Old Store**

6.1 A draft consultation response reflecting the views of CC members had been circulated to all members. BS noted the main points: NW&SCC was content to acquiesce in the demolition, but believed an attempt should first be made to see if any community group was interested in taking on the store, on the basis that they would then repair and maintain it. If not, then demolition was the only feasible option, but the cost should not fall to the Common Good Fund.

*The draft response was agreed.*

## **6. b) Nairn Common Good – new Links Tearoom lease**

6.2 Similarly, a draft had been prepared and circulated on the basis of CC members' comments. The core message was that NW&SCC was sympathetic to the lease proposal. But it was considered essential to have clarification and reassurance that the CG interests were protected in the detailed terms of the lease; so the response listed a number of specific legal points.

6.3 The response also urged that an overall policy and criteria for leasing of CG assets be put in place, and made public, to ensure consistent, fair, transparent and accountable management. It also recommended that this – and any other leases on the Links – should “fit” with other proposals or plans for the Links' future development.

6.4 Finally, the draft expressed concern about the implications of channelling Developer Contributions from elsewhere in the town to expanding the HC's own property (the HighLife Highland pool) in ways which would rival or undermine existing businesses and facilities.

*The draft response was agreed.*

## 8. Covid-19 funding (*additional item, taken out of order because of Zoom-session timing*)

8.1 SB, in the chair, asked if Councillors could shed any light on the pattern of allocation of special Covid-related funding to local voluntary groups around Highland as recorded in a recently publicised Highland Council report – it showed that groups in other areas of the Highlands had received significantly more money than those in Nairn.

8.2 TH said that some £30,000 of funding had been channelled to Nairn. Local CCs and other groups had had an opportunity to bid. Money had been made available to the volunteer Task Force, and to the food bank. Nairn did not have significant projects compared to some other areas.

8.3 AM asked what had happened to the local emergency ‘hub’ . TH said it had been relocated from the Academy to Balmakeith, but was then wound down.

## 7. Nairn Common Good – Sandown sale consultation

7.1 Introducing the subject, BS said that the CC – in preparatory discussions – had reached consensus that the CC response should be that the Sandown sale proposal should not proceed. As noted in a statement already made to the press, Covid restrictions prevented proper and full public discussion at this time; current economic circumstances meant that this was the wrong moment to sell and achieve best value; the business case for disposal had not been made; and other options had not been considered and assessed.

7.2 This underlined our central concern: that there was no policy, and no strategy, for managing Nairn’s Common Good. The local community should be involved in the policy-making and priority-setting from the outset. For that reason, NW&SCC were aiming to submit a participation request (PR).

7.3 BY outlined the reasoning behind the PR. The aim was to seek engagement in the management of CG. The dual role of Councillors as members of the Highland Council and as trustees presented a conflict of interest. The action in 2013 to claim a share of CG land equivalent in value to £344k was open to challenge: it violated the principle that trustees are not allowed to take ownership of assets which they hold in trust, nor to intermix trust assets with their own assets. This issue had been formally raised with Councillors.

7.4 The latest proposal to sell the land represented a reincarnation of an earlier attempt to claim the land for housing-development. It was not a function of the CG to provide housing. Most trustees (representing Ward constituencies elsewhere in the region), had no concern or interest in safeguarding Nairn’s assets. The inclusion of the local community in the decision-making process was to improve the outcome by assisting the trustees overcome their conflict of interest and thus ensure that the right decisions were made, at the right time, in line with the law.

7.5 ***It was agreed*** by all NW&SCC members that the PR, once the draft was reviewed and refined, should be submitted.

*[After a short break, the virtual meeting reconvened.]*

7.6 BS asked why, since the proposal to offer Sandown for sale had been actively discussed in Ward Business Meetings for more than a year, the CCs had not been alerted earlier as part of updates by Councillors at previous meetings.

7.7 TH pointed out that the proposal that Sandown be sold should not be a surprise: it had been a possibility for many years. The period for the current consultation had been set at 12 rather than 8 weeks, and could be extended (AM noted that 8 weeks was the legal minimum). He added that there were no immediate plans to sell.

7.8 JN questioned why, if there was no plan to sell, the consultation was proceeding now. The records of Ward Business Meetings implied that this was being progressed urgently. There was no business case, no evaluation of alternative options, and only a very general outline of what might be proposed. In present circumstances there was no opportunity for the community to examine plans, engage in workshops, or see exhibitions.

7.9 TH reiterated that there was no offer on the table. There was no prospect of early sale. The disposal would still have to go to court. Any sale process could take 18/24 months. There was “no imperative” to sell. The Council was seeking to clear the way to do so.

7.10 SB remained puzzled. If there was no early prospect of sale, and no developer bid on the horizon, why was the proposal being tabled now? Far better to defer it until circumstances permitted a full and collaborative engagement process to agree a long term strategy.

7.11 SB also noted with concern that the latest draft revision of the IMFLDP listed Sandown as the only “preferred” development site in the Nairn area.

7.12 TH said that these concerns could be put to HC officers. There were three possible outcomes to the consultation: the proposal could proceed; it could be amended; or it could fall.

7.13 AM drew attention to the quotes from Councillors in the press about the prospect of substantial capital gain to the CG Fund. This implied a wish to press ahead. She observed that turning a land asset into cash was imprudent, poor value and high risk when stock markets were in decline.

7.14 BS quoted the formal advice provided by officials in a 2013 report to the Council. They had warned that a sale attempt in depressed market conditions would not attract fair value, that this would not be in the interests of the Common Good, and that the Council could be deemed to be breaching its legal responsibilities as trustees. What had changed since then? If anything, the economic circumstances were even worse now. Why were Councillors going against that official advice and risking a breach of their fiduciary duties?

7.15 SB did not believe that disposing of the most important CG asset (“the family silver”) to deliver funds for the town was best value: the land had been held for the long term benefit of the town for 400 years. We had an obligation to safeguard it for future generations.

7.16 TH reiterated that “steps had to be taken”, that no sale was intended, various factors affected land value, and the action was to enable the trustees to dispose of the land as and when appropriate.

7.17 BS noted that local views were not something for HC officers to assess. CG decisions were a matter for the trustees. He expressed concern that Councillors were seeking *carte blanche* from the community to dispose of Sandown without examining alternative options and without an agreed plan. The law required that the community should not only be consulted over disposal but also the proposed change of use. He also noted the new requirement that Developer Contributions be paid by the landowner (in this case the Common Good) rather than – as in the past – the buyer/developer. This would significantly reduce the presumed gain to the CG Fund.

7.18 JN felt strongly that it was ill-judged to sell the land when the economy was in recession, and wrong to sell the entire site in a single deal. Volume housing development delivered the least value, not the best value. Far greater returns could be achieved by selling the land in stages, or in smaller lots. Other options needed to be evaluated.

7.19 TH recalled that there had been a “bespoke proposal” some time ago which might have attracted Scottish Government funding, but this had proved locally controversial and was not going to be pursued. He stressed that there was no obligation to “do it all”. The aim was for the trustees to sell as, when and if they so chose. The community was not being invited to accept “a pig in a poke” and he objected to that suggestion.

7.20 JF observed that the question being asked was the wrong one. The community should not be asked about a proposal to sell. The question that needed to be asked first was “what is the best way to manage Nairn’s Common Good”. That needed to be debated fully by the community before any specific propositions (for sale, lease or other action) were put on the table.

7.21 In a final comment Stewart Stansfield (Nairn River CC) appeared to echo that remark, saying that a proper local framework should be set up in order that the local community should have input, and exercise choice, over the use of CG assets and the spending of CG money.

**9. Next meeting:** Mon 29 January 2021 (probably 7pm, probably by Zoom – tbc)