

NAIRN WEST & SUBURBAN COMMUNITY COUNCIL

ORDINARY MEETING

7.00pm, Monday 25 October 2021 (held virtually on Zoom)

DRAFT Minutes

Present:

<i>NWSCC members:</i>	Sheena Baker (in the Chair)	<i>Others:</i> Hamish Bain (NRCC)
	Jimmy Ferguson	Mandy Lawson (NRCC)
	Alan Hampson	Loreine Thompson (NRCC)
	Ally MacDonald	
	Lorraine Mallinson	Donald Wilson (Inv Courier)
	Alastair Noble	
	Joan Noble	
	Brian Stewart	
	Bill Young	[members of the public?]
	Dick Youngson	

Apologies: Cllr Heggie (HC)
Cllr Saggars (HC)

1. Welcome/Introduction

1.1 The Chair welcomed all to the meeting. She noted that the proceedings were being recorded: there were no objections. She invited any declarations of interest: there were none.

1.2 Apologies were noted from Cllrs Heggie and Saggars.

2. Minutes of previous meeting (27 Sept 2021)

2.1 The draft minutes (previously circulated by email) were approved without amendment. *The minutes were adopted (proposed by AN, seconded by JF).*

3. Matters arising

3.1 Signage/Bridge pinch point. An email reminder had been sent on 18 Sept to the relevant HC official (Mark Smith) asking about progress with installation of cycle-path signage and modification of the railway bridge underpass pinch-point. No reply had been received.

Action: no further action – continue to monitor for installation of signs.

3.2 CCTV. In emails of 29 Sept and 17 Oct Cllr Saggars had explained that an HC official (Richard Pope) had proposed extending the coverage. The email message and press statement made by Cllr Heggie was noted. He had dismissed as “*ludicrous conspiracy theories ... and absolute rubbish*”, local concerns that any enhanced CCTV coverage would be used to monitor and enforce parking controls, while observing that off-street parking charges in the town centre may have to be considered in the future.

Action: no further action at present.

3.3 Flood prevention. Cllr Heggie had acknowledged but not responded to the joint CCs letter of 25 July urging early progress with flood prevention measures. In reply to an NW&SCC request of 4 October the Chair of the Nairn Community Planning Partnership (Ch Insp Jen Valentine) had agreed to pursue contacts with Scottish Water and SEPA to encourage them to take matters forward.

Action: updates awaited from Councillors and/or NNCPP Chair.

3.4 Developers' Contributions. As agreed at the 27 Sept meeting, letters had been sent to Scott Dalgarno (HC Planner) thanking him for the information provided so far; and to Malcolm Macleod (HC Executive Chief Officer) on 11 October seeking greater community engagement in decisions about current and future DCs. The view was strongly expressed that the CCs should continue to press for greater clarity and more information.

Action: it was agreed that the possibility of a formal joint approach to Audit Scotland should be discussed further with River CC.

4. Treasurer's report (and Fireworks funds)

4.1 The Treasurer reported spending since the previous meeting of £29.95 on the Spanglefish website. The CC had a current credit balance of £2219.16, and was also holding separately the £3,261.12 of donations for 'fireworks'. He noted that the BID were proposing to organise a fireworks display as part of a local festive event on 27 November, and proposed the transfer of the ring-fenced funding to the BID. His report was proposed by JF and seconded by AN.

Action: agreement that the funds would be transferred when it was confirmed that the BID had obtained all the necessary permits/licences; that Lorraine Mallinson should liaise with the BID over the event-planning; and that her role in raising the funds should be publicly acknowledged.

5. Motorhome Parking

5.1 Shane Manning (HC parking/roads official) had written on 1 October to inform both Nairn CCs of the decision made by local Councillors, following discussion at the Highland Council Tourism Committee, to 'move forward' with arrangements to permit motorhomes to park overnight at the Harbour and Maggot car parks, and to charge a fee for this.

5.2 In lengthy discussion, a number of concerns were raised. It was argued that the income should all go to or through the CG Fund, and that HC could not deduct or retain 50% of the proceeds directly or without presenting invoices for specific costs. Charging for parking implied a "licence to occupy land", which in turn generated a tax liability on revenue raised. It was suggested that HC had no legal right to permit or charge for this use of Common Good land and that HC

should be asked if they proposed to seek court consent under S.75 (2) of the 1973 Local Government Act. The proposal had not been formally considered by the Council in its role as CG trustees. It was recognised that formal court action would involve costs; and there was a risk that forcing the issue to court might result in the loss of the land. Other possible ways of challenging the Council needed to be explored. In further discussion the condition (mentioned in Manning's letter) that motorhomers would have to remain within their vehicles was unenforceable. The parking spaces were insufficiently far apart and were dangerous (eg fire risk). Moreover there were already motorhome facilities on the CG land leased to Parkdean. Local Councillors were responsible for the decision: it was regrettable that none was present to address these points.

Action: It was agreed by all members that a formal letter (on the lines of a draft circulated by Bill Young, and ideally agreed with River CC) should be sent to Councillors and the Chief Executive pointing out that these sites are CG land, noting that there has been no public consultation, raising the various practical and legal concerns, and asking if Highland Council intends to seek a court ruling on parking charges and the proposed change of use.

6. Common Good – Sandown Land

6.1 There was considerable discussion, also involving NRCC members, about how to respond to the short-notice email invitation sent on behalf of the new Ward Manager to a meeting of a "reference group" to discuss a further consultation on the possible disposal of the Sandown lands. There was no detail or clarity about who else might have been invited, and no indication of the purpose or agenda of the proposed meeting. It was pointed out that the reference group idea had originally been proposed as a task for the Nairnshire Community Planning Partnership, whose Chair had however made clear that Common Good issues were not part of the Partnership's remit.

6.2 Some NW&SCC members – who had considered the matter prior to the meeting – were inclined to accept the invitation on the basis that it offered an opportunity to listen and to find out what was being proposed. In a lively debate, this approach was strongly challenged. Both CCs had jointly agreed a formal position (set out in their letter to Councillors of 4 October) that a further consultation was inappropriate, unjustified and unacceptable, and that a further exercise involving only particular selected groups or organisations was undemocratic. This point had been firmly made by both CC representatives at the NNCCP meeting where the proposals were outlined, and could usefully be reflected in public reporting of the current debate.

6.3 It was argued that participation in a undefined reference group with no clear terms of reference – particularly in the absence of a full and clear reply to the joint CC letter – was contrary to the unequivocal and jointly agreed CC position. There was a risk that participation would in effect be cited by HC as evidence that the CCs were supportive of the idea of a reference group and acquiescent in the proposal for further consultation. The CCs could reconsider their approach in the light of the HC response to the 4 October letter.

Action: It was agreed that a short formal reply would be sent to the Ward Manager making clear – with reasons which would also be reported in the public media – that neither CC (which between them represent the people of Nairn) would accept the invitation to this reference group meeting, and with a reminder that a full response was still awaited to the joint letter of 4 October. The letter should also emphasise that the CCs were keen to participate in dialogue on Common Good matters, subject to satisfactory arrangements for such engagement being clearly agreed in advance. [NOTE: This joint reply letter issued on 26 October, and the reference group meeting proposed for that week apparently did not take place.]

7. NICE update on current projects

7.1 The Chair of NICE [AN] gave a brief report following circulation of a paper on current projects. It was regrettable that Councillors were not present to engage in discussion. Cllr Heggie had responded to the paper by email, complaining that NICE's approach was insufficiently positive. NICE were looking at Riverside path and bridge improvements, considering how to enhance the Town's heritage assets, and continuing to pursue regeneration funding for the Old Police Station (OSWB) despite various difficulties, and Ward Councillors had been briefed.

Action: the CC declined to comment on Cllr Heggie's email, noted the current position, and hoped that NICE would succeed in securing the necessary support.

8. Nairn East/Househill – Springfield planning proposals

8.1 Various members of both CCs had signed in to the online briefing events arranged by Springfield Properties. A wide range of concerns had been raised by local residents, but few clear answers had been offered. Given the problems at Lochloy, flooding, drainage and sewage were particular issues which would be discussed further. It was worrying that the developers had been quoted as saying that they aimed to develop some phases before the delivery of the A96 bypass. It was noted that the Househill site was not identified as a preferred site in the latest draft of the IMFLDP. The general expectation was that a substantive planning application might be submitted in early 2022.

8.2 The NW&SCC Chair had invited Springfield representatives to a Q&A session with CC members on 4 October. Having been given advance notice of some of the questions, the Springfield representatives then declined at the last minute, to attend, on the grounds that they needed much more time to address and respond. They had offered to put information and answers into direct replies to the CCs, and to publish the details on their website, and would hold further public consultation before submission of any planning application.

Action: no further action at this stage, pending the emergence of the revised draft IMFLDP.

10*. Updates from Councillors [*NOTE: taken in advance of Item 9, as decided by Chair]

It was noted that no Councillors were in attendance, but emailed updates had been received.

10.1 Leisure and Recreation spending. In the wake of discussion at the 27 September NW&SCC meeting, a letter had been drafted and – apparently – sent by the Chair to Cllr Saggars on 14 October¹ setting out concerns about the inequity in HC funding of all leisure and recreation facilities (not just playparks) across the region, and offering support and encouragement to local Councillors in efforts to secure a 'fair share' of Council funding and appropriate payment for use of CG land.

10.2 Common Good – rent and maintenance. Cllr Saggars had emailed just before the meeting that a discussion earlier in the day (25 Oct) with David Haas (Inverness Ward Manager) and Debbie Sutton (HC property service official) had produced “no meaningful conclusions”. The HC position was that they were doing “all that was required”; but there was an indication of

1 Final copy of 14 Oct letter to Cllr Saggars not currently available.

willingness to look into the question of whether HC should be paying rent to the CG Fund (or providing maintenance in lieu of rent) for those CG assets which were being used to provide public leisure facilities. The question of HC compliance with Section 75(2) of the Local Government Act 1973 was raised [by BY].

Action: members to reflect further on whether and how to follow-up contact on this subject with Cllr Saggars, and how to engage with Councillors in view of their recurrent non-attendance at CC meetings.

10.3 Children's Play Parks. NRCC members had attended a meeting of 'Nairn Play', but the group had not responded to invitations to attend an NRCC meeting and provide briefing on their activities and plans and it was not clear who was now leading the group. It was understood that Cllr Heggie is the HC representative and liaison with the group, which has recently been granted substantial grant-funding; and that some of the improvements sought for the Riverside would be delivered by the HC amenities group rather than Nairn Play.

Action: none

10.4 Nairn Academy. As agreed at the September NW&SCC meeting, the Chair had emailed Cllr Heggie to report on NW&SCC's strong interest in being engaged in the current local discussions about a new Academy building, and relaying a number of specific questions. Cllr Heggie had sent a series of strongly-worded email responses on 4 October in which he complained about an alleged lack of interest by CCs, declined to answer the questions, and criticised the CCs for "...inappropriately raising issues which are not relevant not having a clear understanding of their roles ... [and] ... making references to documents from King James VI while neglecting the well-being of their local constituents...". NW&SCC members had privately expressed concern about these messages, but no response was sent.

10.5 In a further email update on 19 October, Cllr Heggie advised that there had been a meeting of stakeholders to update the core design for the new building, staff and pupils would be involved, and that "... at appropriate stages other groups will participate in the process." This prompted renewed comments about the apparent exclusion of CCs (who should be regarded as stakeholders) from the discussions, and various observations about alternative sites for a new school and the lack of public debate around what other community facilities might be incorporated in a new-build.

Action: with no Councillors in attendance to respond, members agreed to consider drafting a letter reiterating the CCs' wish to engage in local meetings about the planning for a new Academy.

9*. Membership and Co-option [*NOTE: taken after Item 10, as decided by Chair]

9.1 The Chair announced that a postal vote on the selection of new co-optees had been carried out, proposed that two new members be co-opted, and invited comments.

9.2 In discussion, concerns were raised that the process of selection and voting on co-option was inconsistent with the rules in the Scheme of Establishment in a number of respects, and that the outcome was therefore in question. The key issues were that that the unorthodox procedure and arrangements had not been considered, discussed and agreed at a CC meeting; and that the

guidance and information provided in the ballot papers was incorrect and misleading in regard to the number of places available and the way in which support for nominees was to be assessed.

9.3 The Chair took these comments as personal criticism, and immediately resigned and left the meeting. The Secretary then announced that he was also resigning, and made critical remarks about other CC members. This prompted further recriminations, questions about the reliability of the official advice allegedly provided, and comments on the motives of all concerned. In consequence there was no scope to discuss the procedural issues, or to reach any conclusion on the validity of the exercise and the possible co-option of additional members. By general consent, the Vice Chair closed the meeting.

Action: in the absence of a decision or outcome, the question of possible co-option of additional members remains unresolved and thus will fall to be considered at a future meeting.

Next meeting: scheduled for 7pm on Monday 29 November 2021, by Zoom.