

**Nairn West & Suburban Community Council Ordinary Meeting (by Zoom)**

**29<sup>th</sup> March 2021 - DRAFT Minutes**

**Present:**

Sheena Baker (Chair) (SB)  
 Jimmy Ferguson (JF)  
 Ally Macdonald (Comm Liaison Sec) (AM)  
 Alastair Noble (Vice Chair) (AN)  
 Joan Noble (JN) (Associate Member)  
 Brian Stewart (BS).  
 Bill Young (Treasurer) (BY)

**Apologies:** Dick Youngson, (DY)  
 Lorraine Mallinson (LM)

**Ex Officio:**

Cllr Tom Heggie (TH)  
 Peter Saggars (PS)

**Also present:**

Des Scholes: The Gurn  
 Andrew Randerson: Nairn Our Town Our Views  
 Donald Wilson: Inverness Courier – Nairn section  
 Stephan Walker & Drew Davidson – Scouts Scotland  
 3 members of the public

Item	Description	Agreed motion/action
1.0	<b>Welcome:</b> Apologies, reminder meeting being recorded. No interests declared	
1.2	<p><b>Presentation from Scouts Scotland (Nairn branch).</b> Short video screened on the history of the Nairn Scout movement, and activities – including charitable fund raising - that embed the core values of the scout movement. Membership numbers are growing and there is an identified necessity for secure tenure of premises to meet current and future needs. Seeking support for the process of sourcing a location for new premises and have looked at a variety of potential locations including Nairn Common Good land. Intention is to undertake a feasibility study to inform the process and as part of that envisage a wider public consultation.</p> <p>Members asked questions and made suggestions for existing premises:</p> <ul style="list-style-type: none"> <li>• present schools’ availability,</li> <li>• possibly use of shared spaces such as the Air Cadets hut, BB’s use of church hall, British legion hall or other community venues</li> <li>• Option/opportunity for integration with the new Nairn Academy as HC policy is to incorporate facilities and spaces for community groups and this might be a better solution.</li> <li>• Current numbers</li> </ul> <p>Response:</p> <ul style="list-style-type: none"> <li>• Clashes with other group bookings is problematic in shared premises, storage is a big problem with the current storage inadequate and in poor condition, preventing purchase of new equipment. Facilities with security of tenure, secure storage space, toilets, kitchen facilities and space for activities are identified as needed to let Nairn Scouts grow. If they should share their premises with other groups there is a minimum expectation for a meeting space.</li> <li>• Scouts, cubs, beavers currently round 80 – 90 children with a waiting list.</li> </ul>	
2.0	Amendment to previous minutes - 3.3 Paragraph: “SB asked JN to respond: JN: if a lease is more than 10yrs it is looked on as a disposal, not by sale but by lease therefore if it’s alienable common good property or land, then there has to be a wide consultation then a decision made. If it's inalienable - the Maggot, anything in Fishertown, Viewfield - if they were to go to sale or for longer than a 10yr lease they too would have to go for consultation and then (if approved for disposal) to the Sheriff Court. TH expressed agreement”	<p>Proposed: JF                  Seconded: AH                  All members agreed.</p> <p>AM: to amend minutes 22/02/21 and place final copy on NWSCC website.</p>

<p>3.0</p>	<p><b>Matters arising from previous minutes</b>                  Chair advised that having written congratulating both the Farmers and Davidson Trust regarding the new location for the show field confirmation was received from Secretary of the Nairn Farming Society and Iain Bain, Chair of the Davidson Trust. Both organisations appreciated the contact.</p>	
<p>3.1</p>	<p><b>Speeding Restrictions:</b> Since NCCC ordinary meeting 22/02/21 - member of the public contacted us via the website with observations on pedestrian safety along Altonburn Road he area where there is no pavement near the Newton Hotel. BY concurred with this being correct as that road forms part of the rat run.                  Mr Porteous was made aware of this as were our Councillors.</p> <p>Chair read out a response received from Mr Porteous’s email late 26<sup>th</sup> March.</p> <ul style="list-style-type: none"> <li>• SIDS planned for 21-22 financial year. Unclear exactly where the SIDS are to be placed.</li> </ul> <p>JN asked about stop sign at the Thurlow road junction where a fatal accident occurred.</p> <p>TH advised this was being looked at and that a 20mph Highland Council wide restriction was also under consideration.</p> <p>No definite dates for installation of SIDS in the West end of Nairn or 20mph speed limits throughout Nairn were offered.</p>	
<p>3.2</p>	<p><b>Sandown Land Highland Council Consultation:</b> SB noted the 8 week evaluation period ends on 23<sup>rd</sup> April.</p> <p>A number of members commented on the publication of the results: most felt that the consultation responses should be published online in full, in the interests of transparency and because the future of Sandown was vitally important to the community</p> <p>TH advised</p> <ul style="list-style-type: none"> <li>• there are several consultations in Highland area</li> <li>• Officers collating responses on the Sandown response were being collated on an extended basis.</li> </ul> <p>BS asked what extended basis meant and that we see the full responses as in planning and not edited ones.</p> <p>An edited collated version would inhibit awareness of the full extent of the responses and community feeling around the future of Sandown.</p> <p>JN reminded the meeting that under the Scottish Government guidance on publication of consultation responses when disposing of CG land (Chapter 5 sections 8 and 11) say quite categorically that full consultation responses have to be published alongside comments from the LA.</p> <p>TH noted the concerns and would make Officers aware of comments/views expressed. SB to send an email to Sara Murdoch, Common Good Officer noting this legislation.</p>	<p>SB to email SM Common Good Officer - HC noting Scottish Government legislation.</p>
<p>3.3</p>	<p><b>Participation Request (PR):</b> The Chair reminded the meeting that the 22 Feb 2021 - Minute point 3.2 noted our CC’s letter 8<sup>th</sup> February to each Councillor asking them what they were going to do to address the identified problems. (2 CC’s each to have an invite to participate in the administration of the Nairn Common Good.</p> <p>TH responded that he had shown it to the Participation Request (PR) Officers at HC. It had been rejected on the basis it did not conform to PR criteria. It contained several</p>	

	<p>issues about the administration of the Common Good which required a different kind of discussion. He had, until recently, been unaware of the William Gilfillan letter committing to the set up a local Common Good committee or the fact it had not been enacted.</p> <p>BY categorically stated that the letter was not intended to be a PR, it was a letter to each individual Councillor requesting that elected CC's participate in discussions on Common Good matters. He noted it was not a personal attack on present Councillors as the issues requiring accounting predated, in the main the present Councillors.</p> <p>TH noted that a line needed to be drawn on past handling of various matters and that he was willing for discussions to start with the Chairs of the two CC's to enable some kind of inclusive working group to be initiated. He stated that he wanted BID, NICE and the CC's to speak with one voice. BY objected to the inclusion of NICE and BID in TH's call for "one voice" on the grounds they were unelected bodies and therefore not representative of the community.</p> <p>Various comments were made: AN felt that the past could not just be forgotten and needed resolution. JN advised the meeting there is a protocol from Scottish Lands Commission and that Gemma from that organisation was dealing with several queries from other HC communities as well as ours. She felt there needs to be a proper CG committee or subcommittee, however noted that only Elected members would have a vote.</p> <p>BS noted the previous comments from CC members and asked for guidance and advice on how such a group could be enabled. TH responded that he would take it forward with the two CC's Chairs, Ward Manager and Common Good Officer. This change of thinking was welcomed by CC members – TH to take the matter forward.</p> <p>JN commented that the recent Scottish Land Commission protocol said Local Authorities should encourage community involvement in management and decision making for Common Good assets. She had been communicating with the Land Commission and they seemed to be offering to take forward discussions with HC. TH awaiting action from them.</p>	
3.4	<p><b>A96 Bypass Update:</b> JF advised the reports to date were consistent, there was legal work to be concluded this summer which would then allow the next phase, land purchase, to commence.</p>	
4.0	<p><b>Treasurers Report.</b> Expenditure this past month had included the Zoom licence and annual insurance premium. Bank Balances: CC funds - 1722.64 Fireworks - £3261.12</p>	<p>Proposed – JF Seconded - AN</p>
5.0	<p><b>Membership:</b> 2 NW&amp;SCC members have been unable to attend CC meetings since the Covid Pandemic began. Chair (SB) read out the Scheme of Establishment 11.2 relating to Community Councillors attendance at CC meetings. Noted the need to address this situation had previously been circulated and guidance had been sought from the Ward Manager, W. Munro. A proposal to mitigate the situation was presented. Proposal: That due to Covid and where medical or connectivity issues prevent an elected member attending meetings, we as NW&amp;SCC temporarily agree, by majority that the 6 months be extended. We shall review this temporary ruling in 6 months or whenever public meetings can resume.</p>	<p>Proposed – SB Seconded – JF Agreed - by majority show of hands.</p>
6.0	<p><b>Developer Contributions (DC's):</b> SB reminded the meeting she had circulated the email TH had received from David Mudie on how Developers Contributions work in HC. She advised this was not in response to our letter to Malcolm MacLeod and asked TH if he had managed to ascertain if MM had received the CC's letter and various emails.</p>	

	<p>TH advised that MM had received the letter, that he is deeply involved in various matters and has arranged for Scott Dalgarno to attend the NWSCC April meeting to answer questions on the letter. SB said this could be helpful and suggested that in addition to the letter a list of the main DC's in question would assist in S Dalgarno's preparation.</p> <p>AN noted there were significant sums involved and mentioned the figure of £7million based on simple calculations for the Lochloy development and the school that was not built. JN felt SD needed to be able to explain the allocations as the sums involved were substantial and that HC had an obligation to ensure no money was lost or misappropriated. JN added that any organisation unable to account for several millions of pounds apparently missing from its accounts would perhaps be involving police and forensic accountants in an effort to trace the money in case of possible misappropriation.</p> <p>BS said there were 2 strands to the issue. The first is the known policy around DC's and noted that a monitoring group is now set up and keeps track of the current DC's. The issue relates to earlier DC's, the figures concerned and how (if) they have been allocated. The CC's and local community had little or partial access to information. Presently he felt it was a matter of groping in the dark and that it was up to HC to provide the list, allocations, and accounting. HC should provide their authoritative figures.</p> <p>BY stated it was important that SD comes to the meeting with the answers to the letter for further scrutiny.</p> <p>TH accepts that there needs to be clarification and would relay the points made to SD.</p>	<p>TH to relay points raised to Scott Dalgarno.</p>
<p>7</p>	<p><b>Inner Moray Firth Development Plan Consultation</b></p>	
	<p>The Chair advised the meeting of the extension of the deadline for submissions to the end of April. NWSCC members will continue the work on NWSCC's response with an informal Zoom meeting on Wednesday 7<sup>th</sup> May. Members were encouraged to submit any comments they had to JF well in advance of that meeting so the response can be finalised. Members were reminded the layout was designed to allow the response to be input in the format HC had requested.</p> <p>JF also requested that all CC members read and respond to the response even if it was just agreeing to the draft. The Chair stated there was time at the end of the month to formally ratify the submission from the CC.</p>	
<p>8</p>	<p><b>Update from Elected Ward Representatives</b></p>	
<p>8.1</p>	<p><b>Common Good rental/maintenance in lieu of rental income</b></p> <p>Councillor PS stated he was taking legal advice in case there was contractual reasons for the manner of the charging. He felt this was needed before he could pursue the matter further. JF took the view that this was appropriate.</p> <p>JN commented that she did not feel this was a legal matter rather one of consistency and fairness. JN felt HC should not have free use of Nairn's CG assets when other local users had to pay rental. She noted that facilities in Inverness and Dingwall for example were paid for by either by rental or maintained in lieu of rental. PS still felt he would like a legal response before further action.</p> <p>BS asked what question PS had put to the legal advisors. He felt there should be a consistency of practice and that this is a question for all Councillors asked about the maintenance of the Links and the figures involved.</p>	

	<p>PS then advised that HC had originally intended charging Nairn CG £71k for 2021-2022 financial year whereas on 2020-2021 it had been £43k! PS successfully argued against the increase and it was now reduced for 2021-2022 to £43k.</p> <p>AM made the point that the real issue was that HC should be paying Nairn CG fund for use of CG assets (and or providing maintenance) not charging the CG for looking after them. AM added there was a need for openness and that the various leases should be transparent and available to the public.</p> <p>AN and BS observed the issue was connected directly to the earlier discussion around participation with CG management. BS addressed the central concern of policy and practice of management of CG assets and the need for a consistent approach with clear policy and principle of rental income V maintenance of Common Good assets and land. Haggling over charges and reductions missed the point. The charge itself was inappropriate.</p>	
8.2	<p><b>Fair Shares.</b> The Chair reminded the meeting that in February there had been a request for clarification around HC per capita allocations calculation.</p> <p>PS had done some research (excluding burials) and just looking at play parks he had ascertained that the total HC spend in 2018-19 had been £250,000 and Nairn had received £4000 (1.6%). In 2019-20 HC total spend had been £186,000 and Nairn had received £4092 (2.2%).</p> <p>JN commented that this seemed to encapsulate what the CC were highlighting - that Nairn appeared not to be getting its fair share of leisure spend per capita.</p> <p>BS and JN pointed out that playparks was only a part of the leisure facilities budget and allocation. The concern was the whole leisure and recreation budget which included community centres, sports fields, swimming pools, gym facilities, village halls, cultural events and amenities such as Eden Court, museums, core paths and green spaces etc.</p> <p>BS noted that the split between HC and HLH made the funding opaque: some expenditure (e.g. buildings and utilities) were accounted under others subheads like education.</p> <p>PS was asked to progress the comparative figures for all leisure spend by area across Highland</p>	
8.3	<p><b>Nairn Academy:</b> TH. Currently HC officials were 'very busy' and the Invergordon fire had been a disruption however meetings were being held. A wider consultation would be held in due course</p>	
8.4.0	<p><b>Highland Council Recovery Plan:</b></p> <p>TH advised there is to be a HC meeting on the Recovery Plan on Monday 5<sup>th</sup> and this would cover criteria – which still had to be defined - and other matters. There is ongoing discussion on Covid recovery, play parks and other projects. Money would become available and some of it earmarked for 'localism'. A recent meeting of local groups (unnamed) only had 3 people participate. He advised he had had a meeting with Mike Barnet of NICE concerning the former jail (OSWB) and grant applications and discussed the outlook for further initiatives around the town centre.</p> <p>AM asked if for the next meeting TH could be more specific and pressed for details on the specific projects either planned or proposed to be brought to the meeting.</p>	

	<p>8.4.1. BS spoke to the Covid recovery plan. He felt there needed to be more focus on Nairn tourism not just Inverness and Loch Ness which has the emphasis in the draft IMFLDP as the main or only focus of Highland Tourism effort and spending. He noted that there are many jobs in Nairn reliant on a healthy tourist economy in the town. It was not just for Nairn BID to try and promote Nairn – HC’s tourism strategy needed to identify Nairn as a priority destination and ensure that was reflected in the local recovery planning.</p> <p>TH advised there had been a tourism meeting recently and that HC Officers had been tasked to address the tourism issues specific to Nairn and to report back with answers.</p> <p>JN stated she had noticed in the press that 21 tourist car parks were to be considered by Area Committees for charging. She asked if Nairn was included, and reminded councillors that in 2018 the BID, both CCs, most High Street traders, and a wide section of the general public had opposed the move to charge for parking.</p> <p>Tom Heggie confirmed that both Cumming Street and the Maggot were on the list. He was reminded that both areas mentioned were CG land, and belonged to the people of Nairn who should not be expected to pay to park on their own land.</p> <p>SB suggested a free permit should be issued to locals if it were introduced.</p> <p>Tom Heggie commented that the Links had been very congested, and charging was needed to deter large numbers of people from parking there.</p> <p>JN commented that one of the reasons the Links was so crowded was that there was no signage to the East Beach car park. Prior to Parkdean leasing a large part of the space, it had been more popular than the Links. People did not know that the 40+ space car park and toilets were still available and it was significantly underused. Road signage from the Maggot had been requested for several years with no response from HC.</p> <p>TH gave a broad reply, reminding the meeting that there had been meetings in 2020 with the four groups, NICE, the BID and both CC’s and that opposition to parking was not as strong as had been suggested. There was no plan for car parking charges in the town centre, but they are looking at charges at the Links, Cumming Street, and the Maggot.</p> <p>SB confirmed that at the two meetings the matter had been raised but that she had stated then there were issues surrounding Common Good matters to be resolved first. Any income after costs should go back into the common good fund. TH agreed that would be the case.</p> <p>TH reminded everyone there are two sides to the coin and that with increased tourist anticipated for staycations, traffic management had to be addressed and that this was one side of a two-sided coin.</p>	
<p>9</p>	<p><b>Public Toilets.</b> AN moved the discussion to the need for all four public toilets to be reopened in time for the anticipated increase in tourists. This is a necessity both for health and public health/environmental reasons.</p> <p>JN spoke to the need to swiftly erect signage showing visitors that there is car parking at the East Beach car park and that the toilets there needed a sign to show that they are open for the public to use. SB supported and affirmed the need for this.</p>	

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	<p>JN felt better signage would help spread the car parking situation and, in her view, remove the need for charging.</p> <p>TH advised he was in discussion with Debbie Sutton the HC Officer concerned with public conveniences and that there was a very high cost involved in refurbishing them specifically the toilets on the Links.</p> <p>JN commented that many Highland communities were getting enhanced toilet provision and there was major funding available – both government grants and HC budget - for tourist related infrastructure including toilets. Was Nairn applying for this funding?</p>	
10	<p><b>Questions or contributions from members of the public.</b> There were none.</p>	
11	<p><b>AOCB:</b>            BY - Playing fields: Would like to hear from groups using the playing fields through comment to the NWSCC website.</p> <p>AM – mentioned Adult Learning was a provision of Highlife Highland and that access to Nairn’s Adult Learning rooms was inaccessible to anyone with a disability and presumed that TH was aware of this. TH concurred over the poor access. AM was aware that improved access in the immediate future was not viable but hoped that TH in his capacity as a HighLife Highland director will be looking into this regarding premises.</p> <p>SB – thanked M Macrae for informing her via the website that the BID will be floralling the town this year.</p>	
	<p><b>Meeting closed</b></p>	
12	<p><b>Date of Next Ordinary Meeting: Monday 26<sup>th</sup> April 2021– 7pm – Zoom</b>  <b>Date of Annual General Meeting: Monday 31<sup>st</sup> May followed by Ordinary meeting.</b></p>	