

3.1 The Chair confirmed with regret the resignations of Sheena Baker (former Chair) and Jimmy Ferguson (former Secretary), and expressed appreciation for the contribution they had made to the work of the CC. As Bill Young had resigned from the role of Treasurer – while remaining a member of the CC – these three office-bearer positions were now vacant. The Chair confirmed that the Ward Manager had been informed. In discussion, it was agreed that the office bearer posts would be filled on an interim, short-term basis, pending further discussion with the Ward Manager and a decision on interim elections or co-option to fill the vacant slots. The next interim public elections for vacant CC places were scheduled for 3 March 2022, so a request would have to go to the Council in time for nominations to be submitted by the 10 January deadline.

3.2 Alastair Noble was nominated (AH) and seconded (AM) as interim Chair. There were no other nominations, and he was elected by unanimous consent. Brian Stewart was nominated (AM) and seconded (AH) as interim Secretary, and with no other nominees or volunteers, he too was elected by consent. Likewise Lorraine Mallinson was the sole nominee as interim Treasurer (AH, seconded by BS) and she was also elected by consent of the members present.

Action: It was agreed that CC members would discuss further, in the light of advice from the Ward Manager, how to fill the vacant membership slots on a long-term basis (by co-option and/or election).

4. Matters Arising (not otherwise listed as separate items)

4.1 Flood prevention. No response or update had been received from Councillors or the NNCPP Chair.

Action: review (and possible further reminders) at January meeting.

4.2 Developers' Contributions. Malcolm Macleod (THC Director of Planning and Development) had acknowledged the CC's letter seeking greater engagement in decision-making on DC allocations, but offered no new arrangements. The possibility of a formal joint approach to Audit Scotland was still to be discussed with Nairn River CC, probably in the new year.

4.3 New Academy planning. No further update, and no information or invitation in respect of future consultations.

4.4 Common Good and Parking scheme. There was no indication of when the promised public consultation might be launched. Meanwhile expert advice had been obtained which suggested that the pre-emptive "top-slicing" [deduction] by the Council of 50% of the parking-charge revenue was improper or possibly illegal. Separately, clarification had been sought – via FoI request – on the formal legal basis for the Council's assertion of the right to regulate and charge for the Cumming Street/Links and Maggot CG sites as off-street car parks. In discussion it was pointed out that the status of the CG sites at the Harbour and Falconers Lane were also in question: they had been designated as car parks when the HC believed – incorrectly – that both were Council property. The CG asset register checks had confirmed that both sites were inalienable CG land. The question of whether Sheriff Court consent was required for the introduction of a charging scheme remained on the table.

Action: Further representations/objections to be considered once the response to the FoI was received.

5. Treasurer's report (and Fireworks funds)

5.1 The CC bank account records etc had been handed over to AN as Vice Chair. There had been no transactions in the past month, so the CC's current credit balance remained at £2219.16. The BID-organised fireworks display had taken place and had been much appreciated by the spectators. The Chair paid tribute to the efforts of both Lorraine Mallinson and Andy Randerson in raising the donations and enabling the event. The transfer of the ring-fenced amount of £3,261.12 would be completed as soon as the outgoing Treasurer was available to sign the cheque.

Action: cheque to be signed by outgoing Treasurer and handed to BID a.s.a.p.

6. Common Good and Sandown Consultation

6.1 A response was still awaited to the joint CC letter of 4 October objecting to a further round of consultation on the possible disposal of Sandown. Following the joint CC letter of 26 October declining to attend a proposed "reference group" meeting, it was understood that no such group meeting had taken place. Although the Sandown site was still listed for development in the latest draft of the IMFLDP, the possible disposal of the land was not on the agenda for the 1 December Nairnshire Area Committee. The Council's future intentions were therefore completely unclear. The Chair regretted the lack of information from Councillors and officials.

7. Common Good rent and maintenance

7.1 Further information was still awaited from Cllr Saggars on THC policy – in particular regarding David Haas' (Inverness Ward Manager) indication that official/legal advice would be sought on the question of THC payment of rent, and/or provision of maintenance in lieu of rent, for the Common Good properties used by THC to provide public or recreational services.

Action: reminder to be sent if no information received in time for January meeting.

8. Leisure and Recreational Spending

8.1 JN gave a Powerpoint briefing setting out detailed information and figures on the Service Level Agreement (SLA) between THC and Highlife Highland (HLH), signed in 2011 and updated in 2017); and also on the pattern of THC spending on leisure and recreational facilities and community centres in each area across the Highland region. [The full Powerpoint presentation is available on request]. Three key issues emerged from the briefing...

8.2 "Double-charging" in respect of Nairn CG facilities. The SLA required HLH to deliver a range of Public Service Obligations in nine areas (eg Archives, Libraries, Museums, Youth Work etc – including Leisure and Recreation) in return for a total fee of some £16 million p.a. [In principle this implied a share for Nairn(shire) of some £890,000]. THC retained ownership of almost all sites, buildings, and properties, maintained them, and paid utility costs, rates etc, while HLH provided staff, management, and administration. But there appeared to be a curious anomaly in respect of the Nairn Leisure Park and paddling pool/splashpad. Under the SLA, HLH was paid to

manage both facilities, and to provide 49 hours per week of public access to the paddling pool/splashpad [estimated cost/value approx £18,000]. However evidence had emerged in the Nairn Common Good Fund accounts that HLH was also invoicing the CG Fund directly for the management of the park and pool/splashpad [approx £5-6,000 per year]. As they were already contracted and paid for this service under the SLA, this appeared to be a “double charge” and unjustified.

8.3 Regional inequity in funding allocations. The detailed breakdown of THC funding allocations and HLH budgeting by area across the Highlands revealed some startling disparities. Based on population share, Nairn with 5.5% of the region’s population should receive approx £1.6 million share of HLH expenditure. In terms of leisure and recreational facilities, however, the community of Nairn was actually a net contributor, paying in more than it received (- £0.45 per capita) in respect of leisure and recreation spend. By contrast, all other areas of Highland were massive net beneficiaries (from £26 per capita in Sutherland and £17 in Caithness to £14 in Wester Ross and around £5 in Ross & Cromarty and Badenoch & Strathspey).

8.4 In addition to paying HLH, THC also paid direct grants or subsidies to certain local facilities (eg £180k pa to the Macdonald Resort in Aviemore, £91k pa to the Nevis Centre in Lochaber) which made the disparities even more marked. Inverness, like Nairn, appeared disadvantaged. But this was misleading: the fact that HLH were also funded to run Inverness Museum and Castle, Botanic Gardens and Archive Centre, and that THC made large direct grants to facilities like Eden Court and generated substantial revenue from the use of sports facilities, meant that Inverness was also a major net beneficiary from the leisure and recreational budget. Figures for the payments made directly by THC in respect of utilities, maintenance, rates and other ‘overheads’ for all HLH-managed facilities were not yet available: this information was likely to reveal that the inequities in spend were even more significant than was currently evident.

8.4 Independent/3rd Party Community Facilities. A similar pattern was evident in THC funding of community facilities. Small grants were made to a large number of village halls. Substantial annual payments were made to certain community centres (eg Assynt Leisure Centre, the Nevis Centre, Macdonald Aviemore Highland Resort, Mallaig Swimming Pool, Caithness Horizons...). In some cases, these amounted to subsidies or rescue funds for loss-making or insolvent facilities. Again, Nairn received nothing: the previous annual grant of £67,000 to the Nairn Community & Arts Centre had been cut to zero in 2016, and no alternative facilities, or funding, had been provided. There were no agreed guidelines and no published or consistent policy in the selection and allocation of funding to local facilities or centres.

8.5 In discussion it was noted that even these detailed figures and spreadsheets did not reveal the full picture. It was believed that THC was no longer paying a grant to Nairn Sports Club despite a long-standing agreement to fund the tennis facilities following the redevelopment of the former Albert Street tennis courts for Council sheltered housing. Local groups in Nairn were also continuing to lobby – apparently unsuccessfully – for THC support for other local facilities (eg football at the Riverside and athletics at the Maggot)

Action: It was agreed that NW&SCC should write specifically to seek explanation of the apparent ‘double charging’ for management of the Nairn leisure park and paddling pool/splashpad; and that once the full figures for THC funding of HLH-run facilities were available, representations would be made about the “unfair” allocation of leisure and recreation funding across the region.

9. Local Place Planning

9.1 The Chair noted that the ‘pop-up shop’ in the High Street was now in operation, and thanked River CC for their initiative. This now offered an opportunity to engage with the local community about place planning. This might be followed up by a town wide survey in the New Year.

9.2 In discussion it was pointed out that THC was meanwhile pressing ahead with the revision of the existing Inner Moray Firth Local Development Plan. The Nairn section was to be considered at this week’s Nairnshire Area Committee (and the CCs had already written to urge Councillors not to endorse the draft). But THC were determined to process this old-style developer-led plan ahead of the forthcoming changes in legislation which required plans to be locally-driven. So local residents – and the CCs – would have to be ready to comment on the draft of the revised IMFLDP when it was put out for public consultation.

9.3 Considerable concern was expressed about the possible scale of new housing development envisaged under current plans. Current and proposed sites could result in over 3,500 new houses. Nairn’s actual housing requirement was probably less than 400. Crucially, the latest revised draft of the IMFLDP was still not underpinned by a valid and up to date Housing Need and Demand Assessment: the latest HNDA had not yet been approved by the official government Centre for Housing Market Analysis, nor by THC’s EDI committee. This raised questions as to whether it was appropriate or legal for Area Committees to consider the draft plan without this essential supporting evidence.

Action: it was agreed that a further letter be sent to members of the Nairnshire Area Committee pointing out the lack of a valid HNDA to support the draft plan.

10. Questions from the public

A local resident had raised various issues via the NW&SCC website:

10.1 Speeding and road safety on the A96 and in Tradespark. Serious concern about speeding vehicles and pedestrian safety in the vicinity of the Tradespark Road junction with the A96 on the west side of town prompted requests for the 30mph sign to be relocated further west (beyond Sandown Road), for a smiley-face SID before the junction, for a traffic survey, and for a pedestrian ‘island’ in the middle of the road.

10.2 In discussion it was noted that the A96 was a trunk road for which Transport Scotland was responsible: that there had been sustained but unsuccessful campaigns in previous years to extend the 30mph zone westwards following fatal accidents; that Transport Scotland had been equally resistant to similar speed limit changes on the east side of the town; and that in the longer term the traffic problem should be eased by delivery of the bypass and the ‘detrunking’ of the A96 through Nairn. The problem of obstructive on-street parking adjacent to the Tradespark Co-op was also raised.

10.3 Sandown Land – current and future use. The same resident urged that the Sandown Common Good land be retained and used as ‘green space’ and possibly planted with trees or an orchard for

the benefit of the community, on the basis that this was the right response to the challenge of climate change and environmental protection. Meanwhile she proposed that the current agricultural use should be subject to ‘no-dig, no-plough’ restrictions in order to avoid the seasonal dust-storms which affected nearby properties.

Action: the CC would draw the concerns about road safety to the attention of local Councillors and THC officials. There was little scope to influence the agricultural methods used by the current tenant of the Sandown lands, but a reply would be sent to the resident encouraging her to submit her views on the future of the site when the revised IMFLDP was put out for public consultation, and observing that the community would be better able to influence how CG land was used if arrangements were made for the local management of CG assets.

11. AOCB

11.1 Lochloy sewage problems. The meeting expressed sympathy and support for local residents affected by the recent infrastructure failures.

11.2 Seamens’ Hall. Similarly, members shared Nairn River CC’s concern about the implications of the proposed takeover of one of the town’s heritage buildings and expressed support for local efforts to safeguard and preserve this historic asset for the purposes intended by the local Fishertown community who originally funded its construction.

Next meeting:

No meeting in December. Next meeting at **7pm on Monday 24 January 2022** (*by Zoom or in public, depending on official Covid guidance at the time*).