

**Cullen & Deskford Community Council
Meeting on Wednesday 30th January 2013
Cullen Community and Residential Centre**

MINUTES

- Present:** Ashley Mowat (Chair)
Malcolm Watt (Vice-Chair)
Zillah Jamieson (Secretary/Acting Treasurer)
John Aitken
John Robertson
- In Attendance:** PC Craig Rowan - left meeting after Agenda Item 3.1
Andrew Mackie - left meeting after Agenda Item 3.2
Duncan Falconer - left meeting after Agenda Item 4
- Apologies:** Cllr Gary Coull
Cllr Stewart Cree
Cllr Ron Shepherd

1. Welcome and Apologies

The Chair welcomed all attendees to our 35th meeting of the new term. Apologies were noted as above.

2. Minutes of Previous Meeting (28th November 2012)

The Minutes were approved as a true record.

3. Reports

3.1 Police

The Local Policing Report is attached as Appendix 1.

The Chair noted that we had received two reports since the last meeting - the first a more general report, with emphasis on Buckie and Keith, which provided good information on continuing operations in the areas of drug misuse and anti-social behaviour. The report in Appendix 1 lists a large number of misdemeanours in Cullen, although he noted that the incident he had himself report - renewed vandalism at the "Parliament Building" at Cullen Harbour - was not included. Whilst the window had been repaired, stones and glass remained inside. It was noted that Moray Council is reluctant to report misdemeanours to the Police. PC Rowan emphasised once again the need for all instances to be logged as evidence to support a further attempt to have Moray Council improve security at the harbour. PC Rowan noted that several suspects in their early teens had been identified for incidents of vandalism at the end of 2012 and beginning of 2013 - most of them being in the Seatown/harbour area; however, there was insufficient evidence to press charges. PC Rowan also stressed that reporting to Crimestoppers guaranteed anonymity. He also highlighted his dialogue with the Cullen Youth Café members. In relation to derelict cars, he confirmed that the Police only have the authority to have them removed should they prove a safety issue. Members present expressed their continuing frustration with the 0845 number which does not encourage repeated contacts.

The Chair and Vice-Chair suggested that the Cullen Harbour Association should push again for greater harbour security.

ACTION: Ashley Mowat/Malcolm Watt

3.2 Community Warden

Andrew Mackie reported that 2 dog fouling court cases had been pending at the time of the last meeting; one in Elgin was thrown out; in the other case in Buckie, the individual was found guilty, but sentence was suspended for six months meaning that no fine was payable. Andrew highlighted a forthcoming press article in the Northern Scot which will cover community wardens patrolling in plain clothes to identify dog fouling culprits. He will also contact the Banffshire Advertiser. It is hoped that the Community Wardens will prepare a similar report to the Local Policing Report for discussion at community council meetings; he also undertook to attend the Cullen Summer Festival at the beginning of August. In January, Andrew patrolled for 8 hours in Cullen and undertook a leaflet drop in the Seatown area. One more dog fouling incident had been reported. He stressed that the legislation applies to all areas of public access. Whilst at Bayview Court, residents had commented on the dangers of crossing the main road at the Court because of speeding traffic; it was agreed that the Warden should write to the Community Council on this matter.

ACTION: Andrew Mackie

3.3 Local Councillors

No items were raised in the absence of all three locally elected councillors.

3.4 Treasurer

The Secretary confirmed that the last bank statement (31/12/12) indicated a balance of £3,203.50.

Taking into account expenditure items and income since the bank statement date, the balance stands at £3,474.60. This sum includes £250 ring-fenced for Neighbourhood Watch.

The above balance also includes the very generous annual contribution from the Seafield Estate - £450; an appropriate letter of thanks was sent to Mr Sandy Lewis, Chief Executive (10/12/12).

Total income from the calendar amounts to £2,124.40 (including sponsorship funds and sale of 364 calendars) against an expenditure to date of £1,824.57. All remaining stock has been retrieved from retail outlets, and all payments received and lodged in bank. Comparative figures for the 2012 calendar are sale of 714 calendars and surplus of circa £1,500. Following discussion, it was agreed to donate calendars to the Lythe and Wakefield Care Homes, and Bayview Court.

ACTION: John Robertson/Zillah Jamieson

Appropriate documentation re the change of signatories was presented to the bank (17/12/12), and all necessary changes have now been made.

ITEMS FOR DISCUSSION

4. **Moray Council Recycling Scheme:** Duncan Falconer, Environmental Services, Moray Council, was in attendance to provide further details on the new recycling scheme to be extended to towns and villages throughout Moray (already in place in rural areas). More details are attached in Appendix 2. The new bins will be rolled out in Cullen at the beginning of April, and in the whole of Moray by the end of May. In response to a query from the Chair, Duncan confirmed that those households without brown bins e.g. in the Seatown can obtain a 23-litre brown caddy for food waste, but they need to put in a request to Moray Council for this. Duncan undertook to attend the Cullen Summer Festival at the beginning of August as further promotion.

The Secretary confirmed having put this information on the Community Council page on www.discovercullen.com and highlighted it in the News Ticker facility; she will also include it in the next Discover Cullen newsletter which will go out shortly. She had also advised Duncan Falconer to contact the Deskford and District Community Association so that the details could be contained in their newsletter.

5. **2014 Calendar:** Following discussion, it was agreed that the 2014 Calendar and Photo Competition project should proceed, with the Chair managing the project and the Vice-Chair handling the corporate sponsorship aspects. The Secretary undertook to issue an appropriate press release and put appropriate details on www.discovercullen.com. It was noted that some entries have already been received. It was also agreed that the Vice-Chair would approach each of the sponsors to try to sell some of the remaining 2013 calendars at the discounted rate of £1; and that the Chair would try to sell some at the local Heritage meeting for the same discounted price, with the agreement of John Aitken, President of the Cullen, Deskford & Portknockie Heritage Society.

6. Planning

6.1 Aultmore Wind Farm

John Aitken and John Robertson reported that Vattenfall are meeting with the Moray Council on 8th February 2013 to discuss their planning application, in light of new Moray Council regulations regarding the height of the turbines. They also confirmed that a referendum had been undertaken in Deskford; not all votes are in as yet.

The Chair confirmed that he had written to Cllr Coull (10/12/12) asking for an update on progress made by the cross-party Working Party looking at a model for community benefit funds. He highlighted our objective to see justice done for smaller communities such as Deskford, and to see that this issue is not simply put on the back burner whilst centrally driven development of wind farms proceeds at a faster pace. Cllr Coull's response (11/01/13) indicated that the Working Party had not met again as they were awaiting more information. In response, the Chair indicated (11/01/13) that it is sad that Moray Council has to date not shown the same degree of application as the Community Council who have probably taken this as far as they reasonably can as a community council, having obtained MP and Ministerial involvement and implicit support. The Chair requested details of the Chair of the relevant Moray Council committee and of what information was awaited. A response is awaited.

ACTION: John Robertson/John Aitken/Ashley Mowat/Gary Coull

6.2. Moray Local Plan: The Chair and Secretary attended a meeting in Elgin on Wednesday 12th December 2012 to discuss the Main Issues Report arising from the Moray Local Plan; this meeting was a precursor to the regional roadshow which was held in a number of locations including Buckie. The Moray Local Plan is renewed every 5 years and forms the framework for planning decisions, within the framework of national policy and the strategic plan. This is the key stage for making representations, before the new plan is adopted by March 2015. The Main Issues Report is available on the Moray Council website, together with supporting documentation including Monitoring Report (of current plan), Housing Need/Capacity Analysis, Bid Site Checklist and Environmental Assessment. A number of issues were raised from representatives covering most rural areas and major conurbations in Moray. Some discussion was held on the condition of roads, accessibility for fishing villages and harbours, setting rules for retaining the character of settlements (especially in the light of tourism), the improvement of ruined houses not being encouraged enough, the provision of appropriate schools, medical facilities, leisure facilities etc to not only reduce carbon footprint but also to attract people to live in the area. Consideration should be given to the nature of industry in Moray e.g. tourism. Following discussion, it was agreed that the Chair would formulate a response in relation to the Cullen and Deskford area, and also insert comments regarding the piecemeal development of wind turbines. Responses are due by 15th February 2012.

ACTION: Ashley Mowat

Whilst at the meeting in Elgin, the Chair and Secretary requested that one of the roadshow events should take place in Cullen. Emma Gordon, Planning Officer, Moray Council wrote to the Secretary (16/01/13) indicating that the Council is not in a position to meet this request on the basis of a lack of staff resources to host events in the smaller communities. The exhibitions have been planned around the larger settlements and based on local housing market areas. This was agreed by the Planning Committee who in fact requested an additional event in Dufftown. The Buckie exhibition covers Findochty, Cullen, Portgordon and Portknockie. Despite the Secretary's reluctance to attend the Buckie exhibition, Emma Gordon expressed the hope that we would still participate in the consultation and feed back our communities' views. It is interesting to note that this letter was written **after** the Buckie event.

6.3 Single Wind Turbines: John Aitken requested that this topic was raised to highlight the concern felt re piecemeal development of wind turbines and the number of these being proposed (reference latest application as in Item 8.5). He confirmed that the Deskford and District Community Association will be following up on this.

7. A.O.C.B.

7.1. New Members: A press release based on the Chair's Annual Report and to call for volunteers to ensure the longevity of the Community Council was issued to local press (08/01/13). Coverage appeared in the Northern Scot (11/01/13), Banffshire Journal (15/01/13) and Banffshire Advertiser (29/01/13).

It was noted that it is possible to co-opt 2 members prior to the end of the Community Council term in October 2013; the Chair and Vice-Chair advised of three interested parties, who would be invited to future meetings, and John Aitken and John Robertson indicated possible further interest from Deskford.

7.2 Meeting Dates and Venues - 2013: The Chair confirmed having written to Cllr Coull (10/12/12) expressing disappointment that the change of dates for the Community Council meetings would, every second month, clash with the meetings of the newly-constituted Keith Conservation Area Scheme meetings, and that the latter meetings are to be attended by all 3 elected Councillors to the exclusion of attendance at the Community Council meeting. He requested clarification on what measures the Councillors are proposing to reduce the impact of their non-attendance. Cllr Coull indicated (10/01/13) that the Keith meetings cannot be changed, nor is the Councillor attendance discretionary because of quorate issues. Cllr Coull requested consideration be given to changing the Community Council meeting.

In considering a further change of date to accommodate the 3 elected Councillors, the following attendance statistics were taken into account. Out of 10 meetings in 2012, both Councillors Cree and Coull attended 4 meetings each; Councillor Shepherd attended none.

Following discussion, it was agreed that the locally elected councillors be offered alternative dates (first, second and third Thursdays of the month, or any Tuesday). Given the absence of conflict with the Keith meeting in February, it was agreed that the next meeting should still take place on Wednesday 27th February 2013.

7.3 Community Council Scheme Review 2009-2013: the Secretary confirmed having received a letter from the Moray Council requesting the Community Council's views on aspects of the current Community Council Scheme as a precursor to the formal consultation in Spring 2013. The letter is attached as Appendix 3. It was agreed that the Secretary should submit comments (by end February 2013) to reflect the fact that Community Councillors are volunteers, whilst locally elected councillors are paid public servants; in a multi-member ward, at least one of the three should be present at all meetings.

ACTION: Zillah Jamieson

7.4 Setting up of new charitable organisation: The Secretary confirmed having received a letter from Innes Community Council - attached as Appendix 4. Following discussion, it was agreed that, whilst members were sympathetic to some of the anxieties expressed, they could not support this initiative as a solution to the challenges.

ACTION: Zillah Jamieson

7.5 Certificates of Achievement: further information was to be obtained, and the topic discussed again at the next meeting.

ACTION: Zillah Jamieson

7.6 Centenary Memorials Restoration Fund: The Scottish Government is offering a £1 million package to help pay for the upkeep of war memorials - to mark the 100th anniversary of the outbreak of World War 1 in 2014. Enquiries about grants from the Fund should be sent to Historic Scotland Investment Team, Longmore House, Salisbury Place, Edinburgh, EH9 ASH - or phone 0131 668 8801 or e-mail hs.grants@scotland.gsi.gov.uk. Following discussion, it was agreed that an approach for funding should be made.

ACTION: Ashley Mowat

7.7. Draft Strategic Police Plan: Following discussion, it was agreed not to submit comments.

8. ITEMS FOR NOTING/DISCUSSION BY EXCEPTION

8.1 Cullen Medical Centre: There was nothing further to report.
ACTION: Ashley Mowat/Malcolm Watt

8.2 Cullen Community and Residential Centre - potential Asset Transfer: The Secretary confirmed that the Cullen Community Centre Development Group is now constituted, arrangements are in hand to open a bank account, a consultant has been appointed for the feasibility study/community consultation/business plan work - subject to funding applications - and work is in hand to apply for appropriate funding.
ACTION: Zillah Jamieson

8.3 Cullen Harbour/3 Harbours Association Report: The Vice-Chair reported that the Cullen Harbour Association had not meet since the last Community Council meeting; the 3 Harbours Association has appointed a consultant for the feasibility study to convert/restore an old harbour building, and work has commenced.

8.4 ITEMS AWAITING ACTION/CONFIRMATION OF ACTIONS TAKEN

AWAITING ACTION:

8.4.1 Budget Consultations:

Further information is awaited on the potential impacts on Cullen and Deskford. It was noted that the Council budget meeting is being held mid February 2013, and can be viewed on the webcast.

8.4.2 Lawtie Trust:

The Chair and Vice-Chair reported that they had met with the 3 Trustees of the Lawtie Trust on 9th January 2013. The key agenda items included:-

- An update on the current standing of the Lawtie Mortification:
 - in terms of land usage, current and projected, with revenues and costs
 - current standing of available funds
 - current administrative costs
- An up-to-date account of payments made from the Lawtie Trust in the past 10 years
- Where does the Lawtie Mortification and funds fit in the Moray Council's publicly stated aim to restructure its Trust fund portfolio to take care of those funds where the trust purposes are outdated and/or irrelevant?
- What are the views of the current Trustees on any proposed Moray Council changes to the administration of the Lawtie Trust?
- How do the Trustees aim to secure transparency, accountability, and informed representation for residents of Cullen and Lintmill at present, and also after any further shake-up of regional administration in Scotland?

Information tabled at the meeting is attached in Appendix 5.

A follow-up letter from the Chair and Vice-Chair (10/01/13) is attached in Appendix 6.

Moray Council have since then provided application forms and publicity material for the Lawtie Trust so that the Community Council can promote the Trust. In addition, the Chair requested further information, including:-

- Are the rentals for the Lawtie properties in South Deskford Street paid into the Lawtie Funds, (and are there costs for the maintenance of these properties which are charged to the Trust?): the response (24/01/13) indicated that the South Deskford properties no longer form part of the Lawtie Trust, they are now part of the Housing Revenue Account as they were bought from the Trust during the 1950s and 1990s.
- In Sept 2011 it was recommended by Paul Nevin to the Trustees that "£9,000 be released for the felling of on-site timber, disposal of the timber, removal of all tree roots and deep ploughing of the field to prepare it for future agricultural use. It was also recommended that the Estates manager be authorised to lease the site on a short limited duration lease for a period of up to 3 years at a rent of no less than £800 per annum". At the meeting on Wednesday 9th Jan 2013 none of the Trustees seemed aware of the above and were unclear as to whether the recommendation had been acted upon. The document tabled suggests that nothing has actually happened since 2011. Clarification was requested. The costing exercise is about to start again with a slightly reduced rental "in the region of £750", none of which, if correct, shows Trust management in a good light. The response indicated that, during 2011/12, a charge of £900 was made to the Trust for clearing and felling the land. The Estates section has estimated that the cost of completing these works would be £3,200. Estates advised that approximately 325-350 metres of fencing is needed to complete, and, depending on the specification, they have estimated that the cost of this is in the region of £8-9.10/metre, incurring a cost of £2,600 - £3,185. Depending on how well the ground regenerates, it may have to be re-seeded, and this is expected to cost in the region of £750 - £1,000. At the Trustees meeting on 10th January, 2013, the Trustees agreed that the £9,000 originally set aside for these works will continue to be used to regenerate the land.

ACTION: Ashley Mowat/Malcolm Watt

8.4.3 Community Website: Investigation on traffic statistics from Google Analytics remains an outstanding action. There are currently 94 subscribers to the Newsletter; newsletters are sent out regularly, with the prime objective of driving traffic to the website.

ACTION: Zillah Jamieson

8.4.4 Logie Head Path: The Secretary confirmed having written to Eleanor Munro of Aberdeenshire Council (06/11/12) raising the points discussed at the October meeting. A response is awaited.

ACTION: Zillah Jamieson

8.4.5 Tourist Office 2013: Despite contact with Nick Goodchild and Cllr Cree prior to Christmas 2012, the Secretary reported that there has been no communication at all from anyone regarding the outstanding booking request for the Tourist Office during the summer, although she understood from Cllr Cree that a notification is imminent.

8.4.6 Cullen Town Hall Flag: the Secretary confirmed that she will arrange for the repair of the old flag and the purchase of new flags once she obtains the old flag from the Cullen Fire Brigade.

ACTION: Zillah Jamieson

8.4.7 Floral Welcomes to Cullen: The Secretary confirmed having met with Ken Kennedy (Land and Parks) and Elaine Penny (Roads Department) on 18/01/13 to discuss the possibilities for floral welcomes at both ends of Cullen. This very constructive meeting resulted in the following recommendations:-

- **Approach from Buckie:** plant a selection of spring, summer and autumn bulbs immediately to the left of the wooden fence on the right hand side of the road; bulbs could potentially cost £200/£300 + cost of planting; it was felt that the verge on the right hand side of the road was not only too narrow, but also presented practical issues in terms of traffic lights for the works and accredited personnel to undertake the work; this would be a very expensive option
- **Approach from Portsoy:** there are two possible options here, both situated on the right hand side of the road in the middle of the grassy area between the main road and the path; **either** a banked display at the Cullen sign, banked in both directions for visibility, consisting of either herbaceous perennials, heathers or bulbs to avoid on-going maintenance requirements; **or** a strip of flowers up the middle (need to be at least 2 metres from the road to avoid damage by gritting/salt) - this would require a tractor with cultivator preparing the ground, plus wildflower seed mix; the timing of this requires to be carefully considered in order to allow the seeds to come; also, the timing of the grass cutting would have to be regulated for the same reason.

Following discussion, it was agreed to clarify an alternative site on the approach from Buckie, and to proceed with the banked display on the approach from Portsoy - subject to full costings on both.

ACTION: Zillah Jamieson

8.4.8 Judy's Lane signage: The Chair confirmed having written to Cllr Coull (10/12/12) for an update on the replacement of the signage. Cllr Coull's response (11/01/13) indicated that the sign had been ordered and should be erected late January/early February. This is awaited.

8.4.9 Landfill Trust: The Chair confirmed that this was not relevant.

CONFIRMATION OF ACTIONS TAKEN:

8.4.10 CCLO Evaluation Form: the Secretary confirmed having completed and submitted this form to the Community Support Unit (10/12/12).

8.4.11 Cullen Festival 2013: the Secretary confirmed having sent an e-mail to the Cullen Festival Group confirming 2nd to 4th August 2013 as the dates.

8.4.12 Presentations at November 2012 meeting: coverage and photos of the presentations appeared in the Banffshire Advertiser (04/12/12), the Banffshire Journal (11/12/12), the Northern Scot (14/12/12), the Banffshire Journal (25/12/12) and the Banffshire Advertiser (15/01/13). In addition, the Secretary confirmed having received thank you cards from Ethel Reid and Wilma Zielinski.

8.5 Planning - Weekly List

The following item appeared in the Weekly List dated 12th December 2012:

- Erect single turbine at Backies Deskford.

The following item appeared in the Weekly List dated 7th January 2013:

- Erect garage and rear porch 22 Victoria Street Cullen.

The following items appeared in the Weekly List dated 18th January 2013:

- Extension to rear at 16 North Castle Street, Cullen
- Extend planning consent for erection of house and detached garage for further 3 years on site north-west of Woodside Croft, Drybridge
- Erection of 2 wind turbines at Backies Deskford
- Form external ramps and platt to front door at the Methodist Church, Seatown, Cullen
- Form external ramps and platt to front door at 184 Seatown, Cullen.

These were not considered to be of community interest.

9. Date, time and place of next meeting

The date and time of the next meeting were agreed as Wednesday 27th February 2013, commencing at 7 p.m. in the Cullen Community and Residential Centre (TV Lounge).

**CULLEN AND DESKFORD COMMUNITY COUNCIL
MEETING ON 30 JANUARY 2013**

1. LOCAL INTEREST INFORMATION

CULLEN

During the evening of Friday 23 November 2012 a resident of Bayview Court, Cullen, witnessed a group of youths push an outdoor bench down the embankment causing it to fall down a retaining terraced wall into a lower drying area. No damage was caused to the property below on this occasion. This incident was not reported to Police but the Council was contacted and the bench was removed.

During the evening on Friday 7 December 2012 the same resident witnessed virtually the same thing happening again and on this occasion the bench fell on a rotary clothes drier damaging same and a concrete slab beneath.

Constable Craig Rowan has made great efforts to engage with the residents of Bayview Court to encourage them to report all incidents to the Police and has also attended the Cullen Youth Cafe in an effort to establish better relationships with the young people of Cullen.

Between 28 November and 9 December 2012, a Landrover was vandalised while parked on Portlong Road, Cullen and the windscreen and two windows were broken. Enquiries have proved negative to date.

Between 7 and 11 December 2012, wheel trims were stolen from a vehicle parked on South Castle Street, Cullen. The complainer did not wish to be seen by Police and there are no lines of enquiry.

On 9 December 2012, a sum of money was stolen from a wallet at the Three Kings Inn, Cullen. The victim may know the persons responsible and enquiries are ongoing.

On 19 December 2012, a child's scooter was stolen while left unattended on Logie Avenue, Cullen. Enquiries have proved negative to date.

Between 3 and 4 January 2013, a car was vandalised while parked on Findlater Circle, Cullen and the tyres slashed. The complainer suspects a neighbour as being responsible. Enquiries are continuing.

On 14 January 2013, wheel trims were stolen from a vehicle on Cathay Terrace, Cullen.

DESKFORD

There have been no crimes reported in the Deskford area.

2. FEEDBACK ON POLICE ACTIONS IN RESPONSE TO MATTERS RAISED AT THE PREVIOUS MEETING

The vandalism to a vehicle and to the notice board at Cullen Harbour, reported in October remain undetected, as does the theft of fire extinguishers from the Caravan Park.

3. DETAILS OF ACTIONS IN RESPONSE TO LOCAL PRIORITIES

4. ONGOING LOCAL/ FORCEWIDE ENGAGEMENT ACTIVITIES

FORCE STRATEGIC DOCUMENT

The Force's strategic document; 'Platform for Success 2012/13 - Building the Future' has been published and is also available to view on the Grampian Police website. www.grampianpolice.co.uk

Grampian Police are keen to highlight their use of social media and advise the public that our latest news can be found at <http://www.twitter.com/GrampianPolice> or <http://www.facebook.com/grampianpoliceforce>. Information can also be viewed online at <http://www.youtube.com/GrampianPoliceForce>

If anyone has any information relating to controlled drugs or drug dealing, please call Grampian Police on 0845 600 5 700. Alternatively, contact can be made with Crimestoppers on 0800 555 111. Crimestoppers allow information to be passed in relation to any crime or criminal activity anonymously. They can also be contacted via the website at www.crimestoppers-uk.org

MORAY COUNCIL RECYCLING SCHEME

From March 2013 Moray Council will be rolling out some changes to what and how you recycle.

Many people will have already seen purple and blue wheelie bins around the county and wondered what they were for and why they never had them. From March 2013, the new bins will start being rolled out to all other households in Moray, starting in Elgin, heading west to Forres and then east to Buckie and Keith.

The purple bin will be for the collection of plastic bottles, food and drinks cans, aerosols and tin foil.

The blue bin will take the place of the blue box and will be used for paper and cardboard.

The orange box will remain in use for glass bottles and jars only.

The brown bin will continue to be used for collecting garden and food waste and the green residual waste bin will continue to be for all other waste that can't be recycled.

Your new recycling bins will be serviced fortnightly, the same week as your green residual waste bin.

With the introduction of plastic bottle recycling at the kerbside, this will make a huge difference to the amount of waste in your green bin, as the bottles are often bulky and take up a lot of space. Therefore around the same time we will be introducing single green bin servicing, whereby only one green bin will be serviced per household – with the increased capacity of the recycling service there will be no need for householders to present more than one bin.

You will be notified when single bin servicing comes into effect in your area.

Second bins will not be emptied if presented but will only be removed on request. Additional bins purchased in the past will not be refunded as they were sold at a time when there were little or no recycling facilities available, the amount paid for the bin was purely for the purchase of the bin and not the cost for its continual servicing.

Households with larger families may be entitled to a larger bin and those with medical issues creating excess waste may be entitled to an additional bin for medical waste only.

With every tonne of waste that is buried in landfill we have to pay Landfill Tax which currently sits at £64 per tonne and rises by £8 per year. In 2011 this cost Moray Council almost £2 million. We can no longer afford to just throw everything away and not care, we must recycle as much as we possibly can not only to save money but to save resources. Please do your bit by recycling as much as you possibly can!

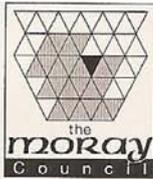
Democratic Services

The Moray Council, Council Offices,
High Street, Elgin, IV30 1BX
Telephone: 01343 563016

election.enquiries@moray.gov.uk
www.moray.gov.uk

Our Reference: 2013 CC SCHRW
Your Reference:

04 December 2012



FAO Prof. N Ashley Mowat
c/o Mrs Zillah Jamieson
Norwood
11 Seafield Place
Cullen
BUCKIE
AB56 4TE

Dear Prof. Mowat

Forthcoming Review of the Community Council Scheme 2009-2013

As the last year of the Community Council term has started, Democratic Services are now making preparations to review 'The Moray Council Scheme for the Establishment of Community Councils 2009-2013' (hereinafter referred to as 'scheme') in advance of the next Community Council elections in Autumn 2013.

In order to inform the review, which itself will be subject to public consultation in Spring 2013, by way of a pre-canvass I am contacting Moray Community Councils to establish their views on any aspect of the current scheme. I am interested in any points of the scheme that require clarification, caused any operational issues, or conversely worked well.

Some areas for consideration include (but are not limited to):

- Community Council area, sub-divisions (where applicable) and boundaries
- Membership eligibility and additional membership provisions
- Co-option levels
- Term of office
- Disqualification of membership
- Administration grant and the use of the same
- Model constitution
- Standing orders
- Code of conduct for Community Council members

Any section of the scheme is open for comment.

It should be noted that the framework of the scheme is unlikely to change significantly as this in line with the model scheme promoted by the Scottish Government, however the scheme allows for local operational arrangements to be included.

Whilst comments are welcomed at this juncture, all Moray Community Councils will also be included in the public consultation on the review of the scheme, the timetable for which will be detailed in late January 2013, following council approval.

Over/



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I welcome your comments by way of written response or by email to election.enquiries@moray.gov.uk **no later than 28 February 2013**. I ask where a Community Council is asking for a change to the scheme to be considered, that a full explanation and basis for the request is detailed.

If you have any queries regarding any of the foregoing, please contact me using the details noted above. I will also take this opportunity to wish all Community Councils members the very best for the festive season.

Yours Sincerely



Moira Patrick
Democratic Services Manager



APPENDIX 4

Mo Dhachaidh,
South Road,
Garmouth,
By Fochabers,
Morayshire.
IV32 7LX.

30th December, 2012.

To: - The Chairmen, Moray Firth Coastal Community Councils

Innes Community Council Area encompasses the coastal strip due west of the mouth of the River Spey in Morayshire. The Community Council has appointed me spokesperson on coastal affairs. In recent years the coast line mentioned above has suffered severe erosion and earlier this month the sea broke through a shingle spit and now threatens to inundate the village of Kingston (a village of over 100 houses).

In trying to resolve the issue and get engineering works done to protect our village, we have gathered evidence of the adverse environmental impact that coastal erosion and deposition has on the Moray Firth area. For example we see the transfer of eroded material from one area to another, smothering and sterilising the sea bed in the process. Through this action the marine environment is being severely compromised and changed. Changing coastlines are having a major impact on the environment for a distance inland as well as just above high water mark. Many of these changes may not be reversible but some could be stopped.

We believe that there are too many agencies/quangos involved in these areas yet none are taking sole responsibility for what we are seeing. We see academia in practice with those making decisions having no moral or financial responsibility for their decisions. Therefore, we see the need to set up a Moray Firth wide charitable organisation to identify, understand and tackle these problems to the betterment of the environment of the greater Moray Firth area and the residents of the area.

Would your Council be interested in joining such an organisation and be involved in its foundation? Are you aware of any environmental organisations (e.g litter picking squads, etc) local to your area that we could contact for their support? I look forward to your early response.

Yours faithfully,

James A Mackie

On behalf of David Mackay, Chairman, Innes Community Council

The Lawtie Trust

*Tabled at meeting on
9/11/13*

Update

Last Financial Year 2012

Grants

Total funds released £700

£500- for computer Bruce Cruickshank who is blind and help him gain new skills to enter the work place. The computer had a system JAWS which assist the blind to use a computer. There was money left over from the sum donated and the trustees agreed that Mr Cruickshank could use the balance to purchase a gadget which detects colours. This would assist him when selecting clothes on a daily basis. This grant attracted media attention.

£200- to another beneficiary to purchase domestic goods.

A strict financial criteria has been set by the Trustees which fits the Trust purposes. Each successful applicant was deemed to have met the criteria.

Two grant applications have been received and those will be decided at the next Trustee meeting.

Land Use

Current assets comprise 0.7Ha let to Cullen Allotments Association with a further 3.18 Ha to be clear felled, mulched and ploughed with a view to pursuing an agricultural letting later in 2013/2014 for agricultural uses. Current revenue for the allotments is £200 per annum and there are no anticipated operational costs in relation to this asset given the lease terms, until 2013 when the rent can be reviewed. Costs of the review are Council staff resources only and are not recharged at this time. The 3.18Ha clearance costs are being updated following a meeting with contractors on 7/1/13. Upon completion of the clearance works we may require to let the land stand for one year to allow mulch to decompose before letting this has yet to be determined. Once the land becomes suitable to let it will generate an agricultural rental in the region of £750 per annum. It is currently proposed that the grant of the lease will require the tenant to meet the costs of fencing and legal expenses of completing the lease therefore there should be no direct costs to the trust for the leasing of the 3.18Ha field.

Accounts

Please see accounts attached which provides a breakdown of funds.

Earliest accounts are abstract accounts.

Future of the Lawtie Trust

The Council has started to consider the future of its Trust Fund Portfolio. Many of the Council's trusts have been considered out of date and therefore may be reorganized. No final decisions have been taken on the Lawtie Trust and therefore I cannot give a definitive answer at this stage as to how it will fit into the Council's Trust portfolio.

Transparency

In terms of transparency the Trustees and the Council have to strike a balance between keeping the public informed as to how grant money is spent and allowing applicant's confidentiality. Confidentiality is important due to the nature of the trust as the Trust has been set up for people in difficult financial circumstances and therefore revealing information which would identify individual applicants could cause them embarrassment. Cullen and Lintmill are small communities where it may be easy to identify beneficiaries through certain characteristics. Bruce Cruickshank waived his right to confidentiality and was encouraged to do so on the basis that it would help promote the Trust.

Lawtie Trust

	<u>05/06</u>	<u>06/07</u>	<u>07/08</u>	<u>08/09</u>	<u>09/10</u>
Grants & Donations	0	0	0	0	0
Admin Charges (css)	380.83	306.07	315.24	321.65	334.51
Leaflets & Posters					
Adverts					436.58
Property Costs (clearing vegetation)					
Legal Fees					96
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
	380.83	306.07	315.24	321.65	867.09

Lawtie Year to date 12/13

Agreed as disburseable	1,409.44
P&R June 2012	
Paid out Grants & Donations	700
Balance	709.44

@ 31/12/2012 Other Year to date Expenses

Leaflets & Posters	4.52
Lawtie Adverts	670

10/12 11/12

0 0

343.57 342.96

30

900

343.57 1272.96

Prof. N. Ashley G. Mowat

York House

York Place

Cullen

AB56 4UW

10th Jan. 2013

Dear Stewart,

Cullen/Deskford Community Council meeting with Lawtie Trustees Wed 9th Jan 2013

Thank you, Ron, Anne and Lucy for agreeing to meet with us and giving up so much of your time for our wide-ranging discussions yesterday. We hope that we were able to dispel the idea that either of us have any relevant personal Lawtie Trust ambitions, and that we are motivated entirely by our statutory need to represent the best interests of the Cullen and Lintmill communities on this topic.

Thank you for updating us on many of the current financial aspects, and also for your obvious enthusiasm for making the Trust more receptive to modern day requirements.

The past three decades have been characterised by inactivity of the Lawtie Trust. This has several possible explanations, but featuring highly amongst those are the perceived legal constraints which were explained in some detail at our previous meetings with the Trustees. These constraints explain why successive Trustees have allowed the Trust to become dormant. We totally applaud the efforts of the current Trustees, and Lucy in particular, to increase public awareness of the Trust over the past year, but believe that the previous legal constraints remain, and sadly are unlikely to be mitigated simply by increased diligence and application. Increased public awareness is helpful but will do nothing to change the fundamental problems of the Lawtie Trust.

It was confirmed that the Lawtie Trust is indeed one of the seven "medium to large" Trusts of the 131 Moray Council currently has to operate, and is placed number 3 in the order of those being individually considered as having outdated and now irrelevant legal constraints. This is not a new perception of the Lawtie Trust as Moray Council did mount a costly attempt to restructure the Trust some 10 years ago. This was eventually abandoned as being too costly and perhaps presenting a solution that would not find favour either in Cullen or Lintmill. With Moray Council's recently stated intention of again considering trust reconstruction options the Council now has an opportunity to provide the solution for a problem which has be-devilled the Lawtie Trust for over 300 years!

In the past 10 years there have been only two pay-outs, both within the past year. The sums dispensed in the last year are only a little more than the increased costs over the same period. Both of these facts are ample testimony that the Trust needs restructuring to become more responsive to the modern needs of the people of Lintmill and Cullen. The current funds now stand at well over £160,000.

At meetings with the last group of Trustees, it was suggested to us by the then legal adviser, Sean Hoath, that there may be much less expensive legal ways of restructuring, with for example, formation of an OSCR approved modern equivalent which might still reflect the initial Trust aspirations. It was clear at our meeting yesterday that this suggestion has not been explored with OSCR. As each OSCR application must be made on an individual basis and will require detailed preparation, **we urge Moray Council to pursue this possibility now with some vigour.**

Although this suggestion did not find favour with the current Trustees, we also urge that any restructuring of the Lawtie Trust includes Cullen and Lintmill resident representation, either Community Council or Moray Council nominated. This arrangement we believe would not be unique. It is only by chance that one of the three currently elected members, and therefore Trustees, lives in the Cullen/ Lintmill community. Local ownership will help to raise the Trust profile in a self-motivating and less costly fashion; increase perceived local accountability; provide some much needed continuity free from the vagaries of local politics and any further local government re-organisation; and would not usurp current councillor influence but may even make the work of the current Trustees easier.

We understand your wish, as new Trustees, to have a further period of assessment, perhaps up to 2014 as you suggest, but on reflection, we now feel that preservation of the status quo, with its related history, will be perceived as procrastination. We fear that failure to grasp the opportunity to restructure now may mean that in future years we will still be facing the same problems, but only with a new group of Trustees and community councillors, talking round the same circles.

The hand-out provided at our meeting yesterday indicated that no final decisions have been taken on the Lawtie Trust and that this is subject to further Council discussion. We hope that the fears as well as suggestions recorded above will be considered sympathetically both by the Trustees and any other relevant Council committees involved in the final decision process.

In the meantime, we will continue to highlight the opportunities, existing and possible, of the Lawtie Trust and will co-operate fully with the Trustees in any way they feel might be helpful. We look forwards to hearing the outcome of the further deliberations.

Kind regards

Ashley Mowat Chair, Cullen/ Deskford Community Council

Malcolm Watt Vice-chair, Cullen/ Deskford Community Council