



The Community Council for the Royal Burgh of Forres

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Meeting of the Community Council for the Royal Burgh of Forres held in the Tolbooth, Forres, on Thursday 21st August 2014

Chair: S. Noble

Attendees: S. Ferris, J. Duncan, E. Hayward, J McDowell, G. Murdoch, C. Rodger, H. Shaw and M. Walker.

Also Present : Moray Cllrs G Alexander, L Creswell, A. McLean; G. McCartney (Forres Gazette), PC Doug Dowling (Police Scotland), S. Maclennan (Minute Taker) & 10 Members of the Public (M.O.T.P.)

Apologies: Apologies for absence came from Cllr A. Skene, J. Guthrie, C. Kleintges and D Haytack (Community Warden)

Topic	Discussion	Action
1.	<p>Ratification of Minutes of 17th July 2014.</p> <p>a) E.Hayward raised an objection and stated that the Minutes could not be ratified because the letter which S. Noble was actioned to send to Audit Scotland had not been sent. It was decided that the minute was correct in that it reported what was decided at the meeting. It was proposed that the letter be sent to ensure that there is an audit trail for future reference.</p> <p>The minutes were proposed by E Hayward, seconded by C. Rodger and Ratified by the Chair, S. Noble.</p>	SN
2.	<p>Matters Arising:</p> <p>a) Cycle Path on A96: MOTP (NJ) reported that a response to the Petition is expected by the end of September.</p> <p>b) E.Hayward will keep tracking records of correspondence. Community Councillors are asked to hand any correspondence to the Secretary. The letter may be handed back to the Community Councillor to carry forward.</p> <p>c) Findhorn and Kinloss Community Council: G. Murdoch and J.Duncan will attend the next meeting on 28th August 2014.</p>	NJ EH GM JD
3.	<p>Police Update: PC Doug Dowling presented the monthly report: 5 fixed penalties issued – 2 for urinating in the street; 1 for drinking in public; 1 for trying to start a fight and 1 for shouting and swearing and threatening to assault police officers. Theft: An 18 year old for theft from a supermarket on two occasions on the same day; 1 for theft of a bicycle by finding and 1 for stealing from a petrol station who was arrested and charged after refusing to give his details. Disturbances: 2 males reported for disturbances at residences and 1 at licensed premises. Traffic: 1 male driving a quad bike at Roseisle Beach: 1 for parking on the pedestrian crossing on High Street and 1 for driving with no MOT or insurance. G. Murdoch asked if it is permissible for customers to park on yellow lines when collecting items from High Street shops. PC Dowling advised that business drivers are allowed to park for collection or delivery. G. Murdoch asked if a customer is collecting items for his own business and PC Dowling responded that this would be for the Courts to decide. S. Noble asked who is responsible for deciding the placing</p>	

	<p>of yellow lines and what is the procedure to have these changed. PC Dowling replied that this is a Moray Council decision but is done in consultation with Police Scotland and the Roads Department is the contact for suggestions about changes. E.Hayward asked if the CCTV cameras are operational. PC Dowling replied that the cameras are working but they may not be manned at all times. If they are unmanned they are placed so as to view the busiest two areas. Recruitment: Police Scotland is seeking recruits. Anyone interested in becoming a Police Officer or Special Constable should contact policerecruitmentaberdeen@scotland.pnn.police.uk or 01224 306684. Briefing sessions will be held in Inverness and Aberdeen.</p>	
4.	<p>Public Session:</p> <p>a) MOTP asked for information about the Bye Law covering the display of signs on Lamp Posts. Cllr Creswell offered to contact the Moray Council Legal Department for clarification.</p>	Cllr LC
5.	<p>Moray Councillors' Reports:</p> <p>Cllr A. McLean: Sports and Leisure Review - There will be a meeting in Forres Academy on 16th September to give information about the proposals. Forres Community Council and Forres Area forum members are to be invited to attend. There will also be information sessions for the public in the Community Centre.</p> <p>Local Plan: The plan will be discussed on 16th September. 800 comments have been received from the public and 300 of those concerned Area 18.</p> <p>School Estate: Funding to improve school buildings has been made available by the Scottish Government. Applegrove Primary School, which is classed as C/D standard will be one of four schools to be upgraded.;</p> <p>Flooding: Moray Councillors will meet with residents in Dallas to address concerns about the recent flooding. The Mosset flood defences held up. G. Murdoch said that it was surface water which affected some areas of Forres. Cllr Alexander and Cllr McLean are in contact with Scottish Water. A survey will be done to locate drains in Fleurs and Grantown Road areas. G. Murdoch asked that the proposed Lochyhill Development be investigated to prevent possible problems in the future. The present system will be unable to cope. E. Hayward asked if drains are cleared regularly as had been done in the past. Cllr Mclean queried if the Moray Council may have done this for Scottish Water.</p> <p>Cllr Alexander: School Estate: The funding of £ 10 million pounds has come out of the blue. The Moray Council will provide an additional £5 million pounds. These plans will not affect the outcome of the School Estates review.</p> <p>Flood Alleviation Scheme: Extreme weather conditions on Monday tested the scheme and much was learned from the experience. A large amount of debris and tree trunks have been washed down the river Findhorn. More trees will have to be cut. It is hoped that more work will be carried out further down the river. A written question has been received for Seafield residents about the effects of the scheme. The scheme stopped the river coming out further up but acres of crops and 5 houses were affected. Cllr Alexander expressed his sympathy for those affected. MOTP asked if there are any plans to clear vegetation along the banks of the Mosset Burn which had nearly come over. G Murdoch asked if the huge boulders which had been washed out at Anton's Pool will be replaced. Cllr Alexander said the public can rest assured that he will look into this. Engineers are studying all the data gathered and will act accordingly.</p>	

	<p>Health Centre: Copies of the Newsletter were circulated. There will be an opportunity to visit the centre on 1st September from 1.30pm.</p> <p>Cllr Creswell: Health and Social Services: The new Chief Officer has been appointed and will take up her post in October. Discussions are taking place to decide how the area will be divided into localities, for example, based on Community Council Area or Council Wards or School catchment area.</p> <p>Local Community Event: The event will be in Forres Town Hall on Thursday 2nd October from 6.30 to 9.30pm.</p> <p>Moray Waste Busters: The company is about to undertake a Strategic Planning Review.</p>	
6.	<p>Presentation by Mr Paul Nevin, The Moray Council Legal Department: Common Good Assets.</p> <p>Mr Nevin explained the complexities of the administration of Common Good Assets. There is not a huge caseload to which reference may be made. There is no statutory definition and many records are missing or are incomplete. Each burgh has its own Common Good Fund which is separate from other Council funds but is owned by the Local Authority. Any transactions must have regard to the interests of the people of the former burgh. If the Common Good Fund was self financing it would be eaten up by maintenance and repair. Deeds will only be researched by The Moray Council if the land is to be sold, leased or changed in any way. There may be changes when The Community Empowerment Bill comes into force. Mr Nevin answered questions from members:</p> <p>Q: Are there any legal obstacles to setting up Town Trusts as in Argyll and Bute? A: Margaret Wilson o will advise about Financial aspects.</p> <p>Q: Where is the Common Good Fund money? A: It is with The Moray Council and accounts are published annually.</p> <p>Q: Is the Local Authority required to inform local people if disposing of assets? A: Must have “ regard” but there is no legal obligation to inform. Not to do so would invite legal challenge.</p> <p>Q: How many cases go to Court and are found in favour of the people? A: The Sheriff will want to know the result of consultation.</p> <p>Q: Is it classed as appropriation if asset is sold to a developer and then developer leases back to the council? A: The Act does not allow this.</p> <p>Q: Who owns any building built on Common Good Land? A: The land owner.</p> <p>Q: Is it legal for The Moray Council to borrow money then pay it back at low interest? A: This again is a financial matter.</p> <p>The Chair thanked Mr Nevin for his informative presentation. The Secretary will write a letter of thanks.</p>	EH
7.	<p>Common Good Accounts:</p> <p>This Agenda Item deferred to next meeting.</p>	SN / EH
8.	<p>Chair’s Report:</p> <p>a) Co –Options: Two residents expressed interest and gave a short personal introduction. Community Councillors will make a decision in due course.</p> <p>b) Election of Office Bearers and Representatives:</p> <p>Vice Chair: Steve Ferris – Proposed by Michael Walker; Seconded by Chas Rodger: Approved- For 6 votes</p> <p>Treasurer: Heather Shaw - Proposed by Steve Ferris: Seconded by</p>	

	<p>Chas Rodger; Approved – For 7 votes</p> <p>c) Standing Order Adoption: It was agreed to adopt the template recommended by The Moray Council. Proposed by G. Murdoch; Seconded by M. Walker. Vote: For 8. Against: None. The Secretary will contact Tracey Rae to request 3 copies of the Councillors' Handbook and a digital copy of templates.</p> <p>d) Administration and Communications: Areas of responsibility were accepted as follows:</p> <table border="0"> <thead> <tr> <th></th> <th>Councillor(s)</th> <th>Proposed</th> <th>Seconded</th> </tr> </thead> <tbody> <tr> <td>Youth</td> <td>SF and CK</td> <td>EH</td> <td>HS</td> </tr> <tr> <td>Sports</td> <td>MW</td> <td>EH</td> <td>GM</td> </tr> <tr> <td>Environment</td> <td>CR</td> <td>SF</td> <td>MW</td> </tr> <tr> <td>Culture</td> <td>EH and CR</td> <td>MW</td> <td>SF</td> </tr> <tr> <td>Social</td> <td>JG</td> <td>EH</td> <td>HS</td> </tr> <tr> <td>Business</td> <td>GM</td> <td>MW</td> <td>CR</td> </tr> <tr> <td>Heritage</td> <td>HS and JD</td> <td>MW</td> <td>CR</td> </tr> <tr> <td>Health</td> <td>J McD</td> <td>HS</td> <td>GM</td> </tr> <tr> <td>Education</td> <td>Vacant</td> <td></td> <td></td> </tr> </tbody> </table> <p>Responsibility for Common Good matters will be shared by all councillors. Vote: For 8 Against None.</p> <p>a) Correspondence about any of these areas of responsibility will be passed to the relevant councillor. E Hayward will forward as necessary. EH</p> <p>b) There will be a photo shoot at the next meeting for an article in the Forres Gazette. If any Cllr has a photo which they would prefer to be used, please forward to G. McCartney. ALL</p> <p>c) Minutes: Most of the minutes going back to 2000 have been printed. Some are missing. The Secretary will note missing copies and ask Tracey Rae if these are available. Minutes will be stored on disc. EH CR</p> <p>d) Lap top: It was suggested that a lap top be sourced from Re BOOT. C Rodger will bring information to next meeting. SN</p> <p>e) Auchernack Trust: The Moray Council need to have the name and address of the representative. GM SN</p> <p>f) Forres Angling Club: G Murdoch is willing to serve on this group in place of the Chair if this is acceptable.</p>		Councillor(s)	Proposed	Seconded	Youth	SF and CK	EH	HS	Sports	MW	EH	GM	Environment	CR	SF	MW	Culture	EH and CR	MW	SF	Social	JG	EH	HS	Business	GM	MW	CR	Heritage	HS and JD	MW	CR	Health	J McD	HS	GM	Education	Vacant			
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9.	<p>Secretary's Report:</p> <p>a) The Secretary has received information about Community Awards to be presented by the JCC, Nomination forms will be available soon. EH</p>																																									
10	<p>Treasurer's Report:</p> <p>b) The account stands at £397.30 and there is £5 cash in hand.</p>																																									
11	<p>Group Reports:</p> <p>a) Planning: James Jones has applied for permission to demolish the building formerly occupied by Fersina. FCC backed the application. Vote: Unanimous.</p>																																									
12	<p>AOCB:</p> <p>a) Leys Road Toilets: The Secretary will write to thank Bob Hellyer for locking the toilets over the past 4 years and also Dave and Gillian McRobbie for doing so in the interim. Craig Milton of Forres Co-op has agreed to lock the toilets each night.</p> <p>b) Hanover Housing site: There are no signs of the proposed August rebuild. The Secretary will clarify the start date.</p>																																									

	<p>c) Visit to ReBOOT: C. Rodger is organising a visit and asked that names be given to him.</p> <p>d) Dyke Community Council: Open meetings will be held in Dyke and District Hall on August 26th from 3pm to 4.30pm and from 6pm to encourage residents to sign a letter to request that a new Council be formed.</p> <p>e) Flood Alleviation: J.Duncan and three other FCC members were given a tour of the new scheme. He asked that it should be recorded that The Moray Council is to be commended for this initiative.</p> <p>f) Berryburn Windfarm: A Families Day will be held at the site on Saturday 30th August. Tickets must be obtained in advance.</p> <p>g) Cllr Alexander made a statement about a comment in the Forres Gazette following the July meeting in which the Chair was quoted as saying that Cllr Alexander is 'not looking after the interests of the town' and asked for clarification. The Chair replied that there have been issues when the views of the town appear not to be considered. There is a new Community Council and the aim should be for all to work together for the benefit of the town.</p>	
13	Date of next Meeting: Thursday 18th September in The Tolbooth at 7.00pm.	