

**The Highland Council**

Minutes of Meeting of the **Nairn and Badenoch and Strathspey Area Committee** held in The Chamber, The Court House, High Street, Nairn on Thursday 4 December 2014 at 9.30 am.

**Present:**

Ms J Douglas  
Mr D Fallows  
Mr L Fraser  
Mr M Green

Mr B Lobban  
Mr C Macaulay  
Mrs L MacDonald  
Mr G Rimell

**In attendance:**

Mr D Haas, Inverness City Manager  
Ms L Cowie, Ward Manager, Nairn and Badenoch and Strathspey  
Mr G Hamilton, Head of Environment and Development, Development and Infrastructure Service  
Mr G Duff, Countryside Manager, Development and Infrastructure Service  
Ms K Martin, Senior Ranger for Inverness, Nairn and Badenoch and Strathspey  
Mr C Kemp, Area Roads and Community Works Manager, Community Services  
Mr N Downie, Performance Officer, Community Services  
Miss M Murray, Committee Administrator, Corporate Development Service

**Also in attendance:**

Mr D Cameron, Director, Community Land Scotland Board  
Mr P Peacock, Policy Director, Community Land Scotland

**An asterisk in the margin denotes a recommendation to the Council. All decisions with no marking in the margin are delegated to the Committee.**

**Mrs L MacDonald in the Chair**

**Business**

**1. Apologies for Absence**  
**Leisgeulan**

There were no apologies for absence.

**2. Declarations of Interest**  
**Foillseachaidhean Com-pàirt**

The Committee **NOTED** the following declarations of interest:-

Item 4 – Mr D Fallows, Mr B Lobban and Mr G Rimell (non-financial)  
Item 5 – Mr L Fraser (non-financial)

### **3. Land Reform Ath-leasachadh Fearainn**

There had been circulated Report No NBS/33/14 dated 20 November 2014 by the Director of Development and Infrastructure which summarised the recommendations of the Government's Land Reform Review Group that were most relevant to the Council. It also presented the Council's recent involvement in supporting land reform in the Highlands and the Council's partnership with Community Land Scotland (CLS). It was clarified that the recommendations included Nairn.

Mr D Cameron and Mr P Peacock, representatives of CLS, were in attendance to discuss the role the Area Committee could play in advancing land reform towards the Government's target of doubling community land ownership to one million acres by 2020. Mr Cameron undertook a presentation during which it was explained that CLS was a charitable trust, formed in September 2010, to put the momentum back in to community land ownership, input in to local and national policy and assist knowledge exchange. A map of community land ownership in Scotland was presented and it was explained that a thriving community needed families, jobs, housing, environment and social life. Examples were provided of successful community purchase schemes in Knoydart and West Harris and innovative small projects such as wind turbines, the installation of pontoons and combined storage areas for community use. These led to more ambitious projects, details of which were provided, and statistics were presented which demonstrated the positive impact community land ownership had had on the local population. A number of key points were emphasised including the need to be ambitious, flexible, creative, build partnerships and seize appropriate opportunities.

There were a huge variety of communities throughout the Highland Council area and ambition varied. Confidence was vital and it was emphasised that starting with a small project could lead to greater things. Partnership working was essential and Ward Managers had a key role to play.

Mr Peacock then went on to explain that there was an increasing interest in passing power back to the people and detailed information was provided on a number of current developments including the Community Empowerment Bill, the Land Reform Bill, the devolution of The Crown Estate, changes to succession rights, changes to how Ports were governed and the reformation of the Land Fund.

In conclusion, Highland Council was the largest authority, geographically, in the United Kingdom and Local Members were encouraged to take an active part in the debate on community land ownership and think about new possibilities in relation to the ownership of land and facilities in their area. Given the opportunity, the inventiveness and capacity of communities was remarkable.

During discussion, the following issues were raised:-

- the importance of partnership working to get the best outcomes for local communities was emphasised;
- reference was made to the map of community land ownership in Scotland and the noticeable gap east of the Great Glen and in Badenoch and Strathspey in particular;

- the overlap between the Council and the Cairngorms National Park Authority meant that, in some ways, Badenoch and Strathspey was over-governed and, as a result, communities did not think as originally as they might;
- affordable land supply for housing development was an issue in terms of encouraging people to come and live and work in a particular area. Often, developers purchased land, it increased in value as soon as planning permission was obtained and building did not then take place. Radical thinking was required regarding developable land that was not developed and in what circumstances communities could step in;
- the First Minister's commitment to radical land reform was key to taking this forward. In particular, the end of hereditary privilege, Rates exemption for sporting estates and the pledge to use the income generated to fund land ownership for communities;
- there were some exciting and innovative projects in local communities. However, there were often practical barriers – for example, the complex and time-consuming asset transfer process. The introduction of a Policy was welcomed but it was essential to have simple quick processes and provide practical help to maintain the enthusiasm and momentum in communities;
- the offer to signpost communities to Community Land Scotland was welcomed;
- it was suggested that consideration be given to a workshop in Nairn at an early stage, looking at some of the creative and opportunistic projects that had taken place elsewhere as well as the lessons that could be learnt from unsuccessful schemes. There were issues in Nairn that could be resolved by community action but it was important to identify the right kind of projects to take forward;
- as indicated in the report, the Council did transfer assets where there was a sound business case and there was no reason that would not continue to happen in the future;
- the CoSLA report looking at the reinvention of local government was welcomed;
- one of the recommendations of the Land Reform Review Group was the development of a new statutory framework to modernise the arrangements governing Common Good Property and information was sought on how local communities were going to be involved;
- the role of the Ward Manager was key to the community empowerment agenda and if Community Land Scotland identified a situation where the Ward Manager did not have the resources to do what needed to be achieved it was requested that that be fed back to the Council;
- concern was expressed that placing additional tax burdens on land owners could have a negative impact;
- in relation to the potential devolution of The Crown Estate, it was essential that this was community focused and managed so as to maximise local opportunities. It was suggested that the Area Committee could consider how the Crown Estate was developed locally; and
- information was sought on the operation of the Council properties that had been transferred to community groups. In response, it was explained that this was reported to the Resources Committee.

Following discussion, and further to earlier comments, an additional recommendation was proposed to the effect that the Council create simple clear guidance and timescales for community asset transfer and land reform. Whilst it was recognised that some timescales were dependent on other people/organisations, it was important to reassure communities that the Council would do its part within a certain period. In

response, the Head of Environment and Development confirmed that this could be incorporated within the Community Transfer Policy currently being developed.

Thereafter, Mr Cameron and Mr Peacock having responded to the issues raised, the Area Leader thanked them for their presentation and the Committee:-

- i. **NOTED** the presentation;
- ii. **NOTED** the findings of the Land Reform Review Group published in May 2014;
- iii. **NOTED** the extent of the Council's current involvement in supporting land reform in the Highlands;
- iv. **AGREED** to promote the cause of land reform within Nairn and Badenoch and Strathspey; and
- v. **AGREED TO RECOMMEND** that the Community Transfer Policy currently being developed include simple clear guidance and timescales for community asset transfer and land reform.

#### **4. Countryside Ranger Activity Gnìomhachd nam Maor-dùthcha**

##### **Declarations of Interest:**

**Mr D Fallows, Mr B Lobban and Mr G Rimell declared non-financial interests in this item as Members of the Cairngorms National Park Authority but, in terms of the dispensation granted by the Standards Commission, remained to participate in discussion.**

There had been circulated Report No NBS/34/14 dated 20 November by the Director of Development and Infrastructure which summarised the events programme delivered by the Council's Countryside Ranger team in Nairn and Badenoch and Strathspey during 2014/15 and the resources allocated to the activities. The report also presented the activities proposed within Nairn and Badenoch and Strathspey for financial year 2015/16.

The report explained that the current staff complement in the area was 1 Full Time Equivalent (FTE) in Nairn, based in Inverness and also covering Inverness East, and 2 FTEs in Badenoch and Strathspey, based in Grantown on Spey. Countryside Rangers delivered a wide-ranging service for local communities and visitors to the area as well as fulfilling functions within the remit of the Council, notably assisting in the delivery of the Council's duties relating to access and biodiversity and the management and maintenance of its countryside properties. In Badenoch and Strathspey the Rangers worked closely with the Cairngorms National Park Authority (CNPA), assisting in the delivery of the Park Plan, and the CPNA provided grant aid for each of the Ranger posts, currently amounting to £11,000 per post per annum.

During discussion, the following issues were raised:-

- thanks were expressed to Mr J Orr, Inverness East and Nairn Ranger, for his efforts, particularly in relation to maintaining paths in the area and working with the Nairn Access Panel;
- reference was made to the funding partnership with the CNPA in Badenoch and Strathspey and information was sought on whether there were any innovative ways

- of increasing provision in the Nairn area – for example, by working in partnership with the Forestry Commission or the Crown Estate;
- the Nairn Seashore Roadshow was becoming part of Nairn’s annual calendar of events and the proposed events programme was welcomed. Reservations were expressed regarding charging for events, with even £3 per child being hard to find for vulnerable families, and the inclusion of some free activities was supported;
  - in relation to countryside access, it was highlighted that the CPNA was the access authority for a large part of Badenoch and Strathspey;
  - Members commended the Countryside Rangers and highlighted the positive feedback received on the services they provided;
  - events such as the Christmas Arts and Crafts Winter Lights Switch On, which was now an integral part of the festive calendar in Grantown on Spey, brought a cross-section of the community together and raised the profile of the Rangers’ Service;
  - it was acknowledged that the presence of the Cairngorms National Park and the need for partnership working added to the workload of the Rangers’ Service;
  - information was requested on when a Countryside Ranger presence had been withdrawn from the Highland Folk Museum in Newtonmore;
  - information was sought on the impact on the Rangers’ Service as a result of the completion of The Speyside Way;
  - reference was made to Parkdean Holiday Park, which had 1000 to 1500 residents for five or six months of the year. In addition, Nairn had an active elderly population. Creating a sustainable network of paths, in conjunction with Parkdean Holiday Park, to Culbin and Cawdor and back would be commercially viable and it was suggested that discussions take place with the Countryside Manager regarding how this could be developed. In response, the Area Leader explained that this work was being taken forward by officers in the Development and Infrastructure Service and Inverness and Nairn Local Access Forum; and
  - given the continuing financial pressures on the Council, the steps being taken to generate income and make the Rangers’ Service financially viable in to the future were welcomed.

Thereafter, the Committee:-

- i. **NOTED** the content of the report, including highlights of the work of the Countryside Rangers in Nairn and Badenoch and Strathspey during 2014/15; and
- ii. **APPROVED** the proposed priorities and activities programme for financial year 2015/16.

**5. Housing Performance Report – 1 April to 30 September 2014  
Aithisg Dèanadais Taigheadais – 1 Giblean gu 30 Sultain 2014**

**Declaration of Interest:**

**Declaration of Interest: Mr L Fraser declared a non-financial interest in this item as a Sub-Contractor for the Housing Service in Nairn but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors’ Code of Conduct, concluded that his interest did not preclude his involvement in the discussion.**

There had been circulated Report No NBS/35/14 dated 18 November 2014 by the Director of Community Services which provided information on how the Housing

Section performed in relation to Scottish Social Housing Charter and other performance indicators during the first half of 2014/15.

The report explained that the Scottish Housing Regulator had set out the performance indicators it would use in its scrutiny of landlords. These replaced statutory performance indicators for housing from April 2013. Statistics were provided on repairs, tenancy management, rent arrears and homelessness/homeless prevention. Information on other performance indicators for housing management was presented in Appendix 1 of the report.

During discussion, the following issues were raised:-

- the completion of 16 new Council flats on King Street, Nairn was welcomed and thanks were expressed to the Head of Housing Development and Estates and all those involved in the project, which demonstrated the commitment of the Council to building and letting new properties. In addition, the work being undertaken on the Allocations Policy to try and include people who had been on the housing waiting list for a long period of time was welcomed;
- it would be helpful if the additional performance information in Appendix 1 of the report could be separated by Ward in future;
- in relation to the length of time taken to complete repairs in Badenoch and Strathspey, thanks were expressed to officers for identifying and addressing the issues that had been distorting the figures. The Area Community Services Manager confirmed that the position would be monitored and reported to the Ward Business Meeting;
- with regard to Table 3 – Average Re-let Time in Days – it would be helpful if the figures could be split to show the time spent preparing properties for let. The Area Community Services Manager confirmed that the Voids Management Team would be examining the reasons for delays in re-letting properties;
- it was suggested that issues such as rent arrears write-offs and evictions could be determined by the Area Committee. However, it was explained that this was not a matter for the Area Committee to decide and would require changes to the Council's Scheme of Delegation;
- further information was sought in relation to the percentage of court actions that resulted in evictions;
- with regard to emergency repairs which then required further works, it was suggested that re-issuing work orders created unnecessary paperwork and it would be simpler to have a system in place whereby contractors emailed to confirm they had attended and the final repair was outstanding;
- staff were commended for their efforts in managing rent arrears despite the impact of Welfare Reform and the challenging financial climate;
- in relation to the maintenance of common areas at the new flats on King Street, Nairn, it was suggested that a shared service agreement would be more appropriate than individual tenants taking responsibility for the areas outside their homes. The Area Community Services Manager confirmed that he would investigate the position to ensure a suitable solution was in place; and
- the common areas at Kirkville and the flats at Sutors Avenue, Nairn required some maintenance and it was suggested that it might be an employment opportunity for a local person.

Thereafter, the Committee:-

- i. **NOTED** the information provided on housing performance in the period 1 April to 30 September 2014;
- ii. **AGREED** that the possibility of the additional performance information in Appendix 1 of the report being separated by Ward in future be investigated and that information on Voids be split to show time spent on preparing properties for let;
- iii. **AGREED**, in relation to the length of time taken to complete repairs in Badenoch and Strathspey, that the position be monitored and reported to the Ward Business Meeting; and
- iv. **AGREED** that the Area Community Services Manager investigate the position regarding the future maintenance of common areas at the new flats in King Street, Nairn to ensure that a suitable solution was in place.

## **6. Landfill Communities Fund Maoin Choimhearsnachdan Làraich Sgudail**

There had been circulated Report No NBS/36/14 dated 13 November 2014 by the Director of Community Services which invited Members to approve applications to the Highland Council Landfill Communities Fund (LCF).

The report summarised the background to the LCF and explained that the Council, as a landfill operator, distributed its LCF to local biodiversity conservation projects with a maximum contribution of £10,000 to any one project annually, subject to approval by the appropriate Area Committee, as agreed by the Community Services Committee at its meeting on 15 May 2014.

During discussion, reference was made to the previous application by the RSPB and concern was expressed that local Members had not been consulted as agreed by the Area Committee on 25 September 2014. In addition, information was sought on whether it was in order for one organisation to have two “live” applications to the LCF and whether the Committee was approving or noting the applications.

In response, it was explained that the LCF was not Council money but tax forgone which, instead of being paid to the Government, could be set aside for organisations that delivered environmental objectives to apply for. The application process was strictly governed by an arms length organisation of Revenue and Customs known as ENTRUST. Applications were presented to Area Committees for local scrutiny and endorsement and it was perfectly competent for Members to give an opinion on an application which would then be passed on to the governing body. However, funding could not be withheld unless, for example, there was an illegality. In relation to the previous application by the RSPB, it had been discussed with the Local Member who had raised concerns and subsequently put forward to ENTRUST. Apologies were expressed that consultation had not taken place with the remaining Ward Members as agreed.

Turning to the current applications, Members expressed support for the application by COILLE ALBA. In relation to the application by the RSPB, Caledonian pine forest was one of the last major strongholds of Capercaillie and it was hoped that tree planting would increase breeding success. However, some Members expressed concern that they were only providing staff time and there were no other funding sources. In response, it was explained that, in terms of the scheme, applicants must come up with 10% third party funding and staff time could be counted.

Thereafter, the Committee **APPROVED** the applications.

**7. Nairn Common Good Fund – Annual Report 2013/14 and Quarter 2 Monitoring Report**  
**Maoin Math Choitcheann Inbhir Narann – Aithisg Bhliadhnail 2013/14 agus Aithisg-sgrùdaidh Ràithe 2**

There had been circulated Report No NBS/37/14 dated 20 November 2014 by the Director of Finance and the Inverness City Manager which asked Members to note the Nairn Common Good Fund (NCGF) Annual Report 2013/14 and the position of the NCGF as shown in the Quarter 2 Monitoring Statement. The report also provided an update on the ongoing review of the NCGF.

The report explained that the lease review process for the caravan site at Lochloy had now concluded and, as a result, revenue reserves would increase in 2014/15 due to restitution rental income of £0.187m as agreed by the full Council. The budget outturn had been adjusted accordingly. In terms of ongoing and future actions, with management and governance arrangements now in place and operational, a key area of focus would be the Asset Register for the NCGF. Work also continued on the development of an Investment Strategy and a range of options had been discussed with Nairn Members. A draft Strategy would be presented to the Area Committee on 18 March 2015 for formal consideration.

During discussion, the following issues were raised:-

- the improvement in reporting in relation to the NCGF was welcomed. However, concern was expressed regarding the low rate of return on the asset value and it was hoped that this would improve in future reports;
- an up-to-date Asset Register and accounts in respect of the NCGF were long overdue and the work undertaken by the Ward Manager and Business Support in that regard was commended;
- the repayment by the Council of the money lost over a period of 14 years as a result of failures in governance in relation to the Parkdean lease was welcomed;
- the NCGF had multiple revenue streams including the Parkdean lease, which was the primary source in income, a yearly lease at Sandown, the Sandancer rental, which would become a new seaside restaurant, the Nairn Games commercial area, which continued to thrive, and the rental from the fair. There was a surplus of £40 to £50k and this would improve with time;
- in terms of expenditure, grass cutting at the Links and related areas was the largest cost, followed by the fishing fees for the River Nairn, paid on behalf of the Angling Club. It was hoped a solution would be found in respect of reducing this ongoing cost;
- the development of an Investment Strategy was welcomed and reference was made to the significant returns achieved by Inverness Common Good Fund, which had grown from approximately £2m to £10m over a sustained period of time. For NCGF to grow in the same way it was necessary to only spend a proportion of the revenue and protect and invest the capital. It was essential to consider disbursements very carefully;
- the NCGF was currently a remote entity to the people of Nairn and it was necessary to define its character and decide what it would be used for – for



- example, building affordable housing, buying and letting empty High Street shops or providing a winter hardship fund to help local families;
- there had been a debate on the NCGF at a recent meeting of Nairn Community Councils and it had been clear that local people wanted to have input in the decision making process. Reference was made to the discussions on land reform at item 3 on the agenda and the opportunities that presented. The Council had to administer the Fund but the people of Nairn were the largest stakeholder and it was necessary to create a forum that allowed the four local Trustees to make decisions based on the views and ideas of local people;
  - the ongoing and future actions in the report were a focus for the local Trustees and would form a core part of their business for year ahead;
  - whilst it was important to hear the views of the local community, reservations were expressed about the need for a quango;
  - disappointment was expressed that the land at Sandown had seen a reduction in value and it was hoped it would increase again over time;
  - it could be difficult to build up a fund and it was necessary to take stock for a year and have a clear idea of income and expenditure; and
  - it was suggested that the draft Investment Strategy be circulated to Community Councils for comment prior to submission to the Area Committee.

The Area Leader highlighted that a further report on the previous management of the NCGF would be presented to the Audit and Scrutiny Committee. Many of the issues raised were being discussed at the Ward Business Meeting and with officers and it was important to consider matters very carefully before announcing any further action. It was recognised that the local community was keen to be involved and their input was welcome. Community Councils had been informed that an Investment Strategy was being developed and invited to make representations. However, it was important not to pre-empt the outcome of the Community Empowerment Bill Consultation and creating a forum would be premature. The Council had been as open as possible about the issues surrounding the NCGF and the position had improved significantly. The importance of continuing to work together was emphasised.

Thereafter, the Committee:-

- i. **NOTED** the Nairn Common Good Fund Annual Report for 2013/14;
- ii. **NOTED** the position of the Nairn Common Good Fund and the amended outturn as shown in the Quarter 2 Monitoring Statement against budget;
- iii. **NOTED** that a draft Investment Strategy for the Nairn Common Good Fund would be brought before the Committee in March 2015; and
- iv. **AGREED** that update reports continue to be brought before the Area Committee.

## 8. Minutes Geàrr-chunntas

The Committee **NOTED** the Minutes of Meeting of the Nairn and Badenoch and Strathspey Area Committee held on 25 September 2014, as approved by the Council on 30 October 2014.

The meeting concluded at 11.45 am.