

The Highland Council

Minutes of Meeting of the **Communities and Place Committee** held remotely on Wednesday 10 November 2021 at 11.30 am.

Present:

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| Mr B Allan | Mr A MacInnes |
| Mr R Balfour | Mr D Macpherson |
| Mr J Bruce | Mr R MacWilliam |
| Mrs I Campbell (substitute) | Mr H Morrison |
| Mr C Fraser | Mr C Munro (substitute) |
| Mr R Gale | Mr A Rhind |
| Mr A Graham (substitute) | Ms J Tilt |
| Mr A Henderson | |

Non-Members also present:

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| Mrs J Barclay | Mr W MacKay |
| Mr D Fraser | Mr G MacKenzie |
| Mr K Gowans | Mrs E McAllister |
| Mr A Jarvie | Mr J McGillivray |
| Mr D Mackay | Mrs T Robertson |

In attendance:

Ms C McDiarmid, Executive Chief Officer Communities and Place
Mr A Gunn, Executive Chief Officer Transformation
Ms A Clark, Head of Service (Community Support and Engagement), Communities and Place
Ms C Campbell, Head of Service (Community Operations and Logistics), Communities and Place
Mr A McKinnie, Senior Waste Manager, Communities and Place
Mr A Yates, Environmental Health Manager, Communities and Place
Mr M Mitchell, Service Finance Manager, Resources and Finance
Miss J MacLennan, Principal Administrator, Performance and Governance
Miss M Murray, Committee Administrator, Performance and Governance
Miss M Zavarella, Committee Officer, Performance and Governance

Also in attendance:

Mr D Wilson, Local Senior Officer for Highland, Scottish Fire and Rescue Service
Ms S Harris, Chair of Knoydart Community Council

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

Mr A Henderson in the Chair

Prior to the commencement of formal business, the Chair drew attention to an item of good news, namely the recent completion of Kyleakin Community Playpark. He commended the community for their efforts, which showed what was possible, as well as local Members who had contributed ward discretionary funding to the project. A number

of photographs were then presented which showed the playpark site before any works had taken place, at various stages of completion and, finally, fully completed and being used by local children and young people.

The Committee **NOTED** the good news.

Business

1. Apologies for Absence Leisgeulan

Apologies for absence were intimated on behalf of Mr G Adam, Mr A Baxter, Ms K Currie, Mr J Gordon, Mr D MacLeod and Mrs M Paterson.

2. Declarations of Interest Foillseachaidhean Com-pàirt

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

Item 4 – Mr R Gale and Mr C Munro (both non-financial)

Item 11 – Mr D Macpherson (non-financial)

Item 14 – Mrs I Campbell and Mr C Munro (both financial)

3. Presentation from Knoydart Community Council Taisbeanadh bho Chomhairle Coimhearsnachd Chnòideirt

Ms S Harris, Chair of South Knoydart Community Council, gave a verbal presentation during which it was explained that Knoydart was a peninsula on the west coast of Lochaber, only accessible by boat from Mallaig. There were approximately 110 permanent residents at present, and the majority of the peninsula had been owned and managed by the community through the Knoydart Foundation since 1999. It was very much a working community but it also welcomed thousands of visitors each year.

The various Knoydart Foundation boards had done a fantastic job over the past 22 years of raising community issues and helping to find solutions, but there had been instances where the lack of a local community council had been felt and, when the opportunity had arisen in 2019, South Knoydart Community Council had been formed. Its founding members comprised six local residents, four of whom were women and three of whom were under 35 years of age.

She went on to provide detailed information on Resilient Knoydart, a steering group which had been formed during the first Covid lockdown to identify the challenges facing the community and find solutions, and which had eventually become a formal sub-committee of the Community Council. Information was also provided on the vaccine rollout in Knoydart and the Knoydart Renewables Energy Security Project, which would secure Inverie's electricity supply for the next 50+ years.

Thanks were expressed to local Members for their support over the past two years and, moving forward, it was hoped to work closely with the Council on a variety of issues. Particular reference was made to the recent visit from senior council staff and the joint issue of waste management on Knoydart and the Small Isles. Discussions were progressing regarding possible solutions to reduce the amount of

waste being transported to the mainland, including conducting a feasibility study into zero waste and improved recycling solutions on Knoydart and the Small Isles. It was emphasised that the Community Council would gladly play a role in such a project with the Council.

Another issue which arose regularly, particularly as winter approached, was maintenance of the adopted road. Repairs were desperately needed, particularly at the road end in Airor, and it was emphasised how important it was that the road was maintained as it was the only route that connected outlying communities to the village of Inverie.

Finally, she thanked the Committee for inviting her to speak, and looked forward to working with the Council over the coming years to improve and build upon the services available to the Knoydart Community.

During discussion, the following issues were raised:-

- the importance of road maintenance in remote and rural communities, as well as the challenges and significant costs involved, was recognised;
- the Mallaig to Inverie ferry service could not operate without some form of subsidy and it was essential that this continued. However, the ferry was efficiently run and the subsidy was minimal compared to what it had been previously;
- the Knoydart Renewables Energy Security Project demonstrated what could be achieved in terms of fundraising and the Chair offered to put any Members who wished to find out more in touch with the team of volunteers behind it. In addition, he highlighted that the proposed next phase of the project, which the community would be seeking the help of the Council to deliver, was to extend renewable power as far as Airor;
- information was sought, and provided, on whether there were any proposals to develop agriculture and tourism in Knoydart;
- it was uplifting to hear what the Community Council had achieved in a short space of time, and it was interesting to hear about the gender balance and age profile;
- information was sought, and provided, on whether there was any other specific support the Community Council would welcome from the Council to help achieve some of its ambitions;
- Knoydart needed to be a resilient community, and it was interesting to hear how everyone had come together during lockdown;
- in response to a question, it was confirmed that the Road Equivalent Tariff (RET) fares was an issue that was brought up often by the community and, although Knoydart was not an island, it was hoped the introduction of such fares could be progressed;
- surprise having been expressed that there was not a car ferry service between Mallaig and Inverie, the Chair explained that, whilst the pier at Inverie could accommodate a car ferry, like the Small Isles, the community preferred that people did not take their cars across as this was greener and kept the area in better condition;
- in relation to agriculture, and in his role as Species Champion for the Solitary Bee, Councillor Fraser commented that reducing artificial fertilisers increased pollinators. He drew attention to the Scottish Pollinator Strategy which might have elements that could be applied in Knoydart. He also referred to the Soil

- Association and commented that Knoydart would have soil that was particular to the area and that could potentially suit different types of crops;
- in relation to renewables, information was sought, and provided, on proposals to store and utilise surplus energy; and
 - information was sought, and provided, on fire cover in Knoydart, whether there were first responders in the community and where the nearest fire appliance and doctor were located.

The Committee otherwise **NOTED** the presentation.

4. Increasing community ownership and the role of Community Asset Transfer (CAT)

A' meudachadh sealbhadaireachd coimhearsnachd agus dreuchd Gluasad So-mhaoin Coimhearsnachd

Declarations of Interest:

Mr R Gale declared a non-financial interest in this item as a Trustee of a Development Trust which was currently going through an asset transfer process 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 him from taking part in the discussion.

Mr C Munro declared a non-financial interest as a Director of a local Community Trust which could theoretically request a Community Asset Transfer in the future 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 him from taking part in the discussion.

There had been circulated Report No CP/35/21 dated 15 October 2021 by the Executive Chief Officer Communities and Place.

During discussion, the following issues were raised:-

- it was important to ensure that assets, particularly older and/or listed buildings, were in as good a condition as possible prior to transfer, and that any significant repair and ongoing maintenance costs were highlighted to community groups potentially looking to take on an asset;
- in relation to title investigations, Registers of Scotland could provide a significant amount of information on heritable title for a relatively small fee;
- managing expectations in terms of timescales was crucial;
- attention was drawn to a situation whereby the portacabin formerly occupied by Lochcarron Playgroup had been put up for sale by the Council's Estates team without engaging with the community and Community Council, despite a number of local groups having made enquires, pre-Covid, about taking on the portacabin. Through working with officers, the closing date on the potential sale had been extended and it was hoped that what had become a fraught situation would be resolved. However, it demonstrated the need for the Council's Estates team to consult the CAT team and engage with communities on such matters;
- a Member with personal experience of the CAT process spoke to the challenges that had been experienced, including the imposition of legal restrictions which had resulted in a bill of several thousand pounds, a significant burden for a

charitable organisation with no real assets, and taken several months of negotiations to have removed to allow the building to be repaired and brought back into public use. The need to streamline the legal process and for the Council's legal team to work with communities rather than against them was emphasised;

- planning permission for change of use was a potential obstacle to a CAT, as were access burdens;
- on the point being raised, it was confirmed that Community Councils were not eligible to take on community assets;
- concern was expressed that the proposals would not actually lead to an improvement in the speed with which CATs were dealt with, from expression of interest to completion, and an explanation was sought, and provided, in that regard and as to how the success of the proposals would be measured. In addition, the title element of the process could be onerous, and information was sought, and provided, as to whether support would be offered to community groups when title challenges arose; and
- the Chair commented that the Community Loans Fund would help community groups access funding to take forward CAT projects, and that his experience of working with the CAT team was that there were a lot of obstacles for them to overcome but they were on the side of the community in terms of delivering CAT projects as quickly as possible. He added that going forward, due to the value of the assets, most CAT requests would be considered by Area Committees.

Thereafter, the Committee:-

- (i) **NOTED** note the challenges identified with the current approach to Community Asset Transfer (CAT) and the rationale for improving our processes outlined at section 5 of the report;
- (ii) **AGREED** the broader approach to CAT outlined at 6.3 of the report which included a more streamlined and proportionate application process dependent upon the nature of the CAT request and considered requests outwith the scope of the Act;
- (iii) **AGREED** the stronger Expression of Interest phase proposed at 6.4 including the requirement for a Title Investigation prior to submitting a CAT request;
- (iv) **AGREED** the revised approach to Economic Development Burdens outlined at 6.5 of the report;
- (v) **NOTED** the supporting actions outlined at section 7 of the report that were being progressed to further encourage and support groups to take forward asset transfers; and
- (vi) **NOTED** the transfer approved at the Badenoch and Strathspey Area Committee on 9 November 2021 and the transfer approved by lease in Thurso by delegated authority, as outlined at section 8 of the report.

5. Community Participation and Involvement Update Cunntas às Ùr mu Chom-pàirteachas Coimhearsnachd

There had been circulated Report No CP/36/21 dated 18 October 2021 by the Executive Chief Officer Communities and Place.

During discussion, the following issues were raised:-

- the approach described in the report was seen as an extension of what had happened over the past 18 months whereby communities had stepped up and, in many cases, the Council had taken a step back and let communities get on with what they knew needed to be done;
- the reference to Community Partnerships was welcomed, as they identified what was needed in their particular areas;
- a place-based approach was useful as it took a variety of factors into consideration, including rurality;
- it was hoped that Community Support Coordinators would work with communities to develop what was needed and, where necessary, take a step back and be there as a guiding hand as and when required. The Chair added that the light-touch additional support Community Support Coordinators would provide was what communities had said they wanted, and he welcomed this stage having been reached;
- the Council had never relied so much on volunteers and voluntary work, whether it be cutting roadside verges, spraying salt on pavements, or grass cutting. Particular reference was made to Caithness where there were many volunteers involved in maintaining cemeteries, which allowed the amenities team to do other important work. There were numerous other voluntary groups, all of which needed a little extra help from the Council with coordination by Community Support Coordinators;
- according to the report, Community Support Coordinators had engaged with 661 groups during the first six weeks of activity, which showed how much people cared and wanted to help across the area;
- the issues identified in terms of recruitment and retention of volunteers and volunteer fatigue were cause for concern;
- in response to a question regarding the availability of funding, the Head of Service (Community Support and Engagement), drew attention to the new Community Mental Health and Wellbeing Fund, Scottish Government funding which would be administered by Highland Third Sector Interface, and undertook to circulate further details to Members following the meeting; and
- in response to a question, it was confirmed that Community Support Coordinators were there to support community groups across the whole area and could potentially assist Development Trusts in taking forward local projects.

Thereafter, the Committee:-

- (i) **NOTED** the update on the work of the Community Support Co-ordinators, and the key themes and issues emerging from their work with groups including volunteering capacity, access to funding, assets to deliver local priorities, ongoing covid impacts including financial concerns and mental health and wellbeing impacts;
- (ii) **NOTED** the initial work of the Community Food Growing Co-ordinator in relation to the support and engagement with community bodies and that the Community Food Growing Strategy would be presented to the next meeting of this Committee;
- (iii) **AGREED** the Council's Annual Participation Request reported to the Scottish Government which was found at Appendix 1 of the report; and
- (iv) **NOTED** the areas of work under development as outlined in section 9 of the report.

6. SFRS bi-annual performance report Aithisg Choileanaidh dà uair sa bhliadhna SFRS

On behalf of the Local Senior Officer for Highland, Derek Wilson, there had been circulated the Local Performance Report for the Scottish Fire and Rescue Service for the period 1 April 2021 to 30 September 2021.

During a verbal update, the Local Senior Officer for Highland provided an overview of various performance indicators and trends in relation to the report.

The Committee **NOTED** the Local Performance Report for the Scottish Fire and Rescue Service for the period 1 April 2021 to 30 September 2021.

7. Environmental Health Operational Plan to 31 March 2023 Plana Obrach Slàinte Àrainneachd gu Màrt 2023

There had been circulated Report No CP/37/21 dated 26 October 2021 by the Executive Chief Officer Communities and Place.

During discussion, the following issues were raised:-

- Members commended the important and wide-ranging work undertaken by the relatively small Environmental Health team, often outwith normal working hours, and expressed thanks to all involved. The Environmental Health Manager confirmed that he would convey the Committee's thanks to the team;
- in relation to contaminated land, information was sought, and provided, as to the process if another service within the Council was responsible for the contamination; and
- information was sought, and provided, on the procedure for dealing with noise complaints and the statutory limits that applied.

Thereafter, the Committee **NOTED**:-

- (i) the Environmental Health Operational Plan to 31st March 2023 as detailed in Appendix 1 of the report;
- (ii) that the recent performance of the team in responding to the challenges of Covid19 including carrying out investigations of almost 1000 clusters & outbreaks; support to food businesses through EU Exit (including carrying out inspection of over 300 local fishing vessels and working with over 40 local exporting companies); and the recovery of statutory duties to over 6000 properties on private water supplies, over 5000 food businesses, and responding to almost 10,000 annual service requests on a wide range of public health, nuisance, licensing, safety, dog control, animal health and incivility issues;
- (iii) the work undertaken on preparing for and implementing new regulatory and operational requirements including: licensing for short-term lets, residential caravan sites and new pet and animal welfare activities, supporting the visitor management plan and new requirements for food labelling;
- (iv) that the development of the Communities and Performance performance framework would include environmental health functions and be subject to future reports to Members; and

- (v) that the team was preparing annual reports on local environmental health team performance for Area Committees. The first was provided to the Isle of Skye and Raasay Committee and the other areas would be provided in 2022.

8. Revenue Monitoring Report: 2021/22 Quarter 2 Aithisg Sgrùdaidh Teachd-a-steach: Cairteal 2 2021/22

There had been circulated Report No CP/38/21 dated 22 October 2021 by the Executive Chief Officer Communities and Place.

The Committee **NOTED**:-

- (i) the Q2 position as shown on Appendices 1 and 2 of the report and that the forecast out-turn position had improved since Q1, with a pressure of £414k reported;
- (ii) that 14 of 16 savings would be delivered this year amounting to £485k as shown on Appendix 3, with £82k at risk of delivery but factored into the out-turn position;
- (iii) that the greatest risk to the Service budget remained the under achievement of income, with work underway to create a dashboard to improve external income monitoring and interventions and to re-set income targets within the overall Service target and to remove unnecessary internal recharge, focusing next on the waste and street cleaning budgets;
- (iv) that the requirement for a further budget feed for visitor management expenditure was noted at the Tourism Committee and to be sought through the Corporate Resources Committee from within the overall funding agreed by the Council for visitor management;
- (v) that mitigation would continue to enable a balanced budget by year end focusing on income achievement, expenditure controls and full draw down of relevant Covid grants; and
- (vi) that good progress was being made to develop a performance framework for the C&P Service to enable improved scrutiny by Members.

9. Communities & Place Capital Monitoring – Quarter 2 2021/22 Aithisg Sgrùdaidh Calpa: Cairteal 2 2021/22

There had been circulated Report No CP/39/21 dated 25 October 2021 by the Executive Chief Officer Communities and Place.

The Committee **NOTED** the financial position as at 30 September 2021 and the estimated year end forecast.

10. Membership of Waste Strategy Working Group Ballrachd Buidheann Obrach Ro-innleachd Sgudail

The Committee **AGREED** the following:-

Waste Strategy Working Group – Councillor Jill Tilt to fill the vacancy for a Scottish Liberal Democrat Group Member.

11. Waste projects update Aithisg às ùr mu ro-innleachd is pròiseactan sgudail

Declaration of Interest: Mr D Macpherson declared a non-financial interest in this item on the grounds that a relative owned one of the potential sites for a waste transfer station in Fort William, and confirmed that he would not take part in the discussion in that regard.

There had been circulated Report No CP/40/21 dated 22 October 2021 by the Executive Chief Officer Communities and Place.

During discussion, it was commented that the progress of the waste projects was welcomed.

The Committee **NOTED**:-

- (i) the Aviemore waste transfer station was progressing towards completion;
- (ii) the construction programme for Inverness waste transfer station was underway;
- (iii) Heads of Terms were awaited for the preferred site upon which to develop the Fort William waste transfer station and the new lease for the existing Household Waste Recycling Centre (HWRC) in Fort William;
- (iv) the positive feedback from Zero Waste Scotland on the stage 2 RIF bid submitted to expand garden waste collections to East Inverness;
- (v) the Waste Strategy Working Group was to consider the proposed phasing of work to produce the detailed project plan for the Green Energy Hub at the Longman site using the resource agreed at the Council meeting in September 2021, as part of the medium-term financial plan report. The detailed project plan would provide the evidence for Members to consider how best to proceed;
- (vi) the procurement of waste transfer and disposal services for residual waste, as a medium-term solution, was progressing with early 2022 targeted for the award of contract to be effective from 2023;
- (vii) further information on the scope and engagement methods of the Scottish Government's review into the role energy from waste plants played in Scotland's waste hierarchy, including the need for any new capacity was expected during November 2021. Opportunities for the Council to engage in that review would be taken. The review was expected to run between November 2021 and March 2022; and
- (viii) this report highlighted the risks associated with some of the waste transfer projects and in securing a lease for a HWRC that may incur additional cost and the mitigation in place. There were risks around the development of a green energy hub at the Longman site and as reported to Council in September 2021, the allowance approved by the Council to develop the detailed project plan for the green energy hub did not commit the Council to agreeing this development or the scale of this development on the Longman site, but it provided the route map and information for Members to be able to make decisions with the costs, benefits and risks transparent.

12. Minutes of the Waste Strategy Working Group Geàrr-chunntas Buidheann Obrach Ro-innleachd Sgudail

The Minutes of the Waste Strategy Working Group held on 1 September 2021 and 5 November 2021 were **APPROVED**.

13. Investment in play parks and developing a play parks strategy Tasgadh ann am pàircean-cluiche agus a' leasachadh ro-innleachd phàircean-cluiche

There had been circulated Report No CP/41/21 dated 15 October 2021 by the Executive Chief Officer Communities and Place.

During discussion, the following issues were raised:-

- Members expressed appreciation for the report;
- significant work had been undertaken over the past year to reach the stage that playparks were at presently and this was commended;
- the principles of the United Nations Convention on the Rights of the Child underpinned the long-term benefits of play parks for children and the funding mentioned in the report was positive; and
- the confirmation that Area Committees would play a lead role regarding funding allocations and outlining of priorities of playparks was welcomed.

The Committee **NOTED**:-

- (i) the £415,013 local funds committed by Area Committees in 12 Wards by mid October 2021, supported by local place-based discussions and play parks information. Some of this was required to cover the costs of play park to enable play parks and play items to remain open;
- (ii) the national principles, guidance and reporting associated with the Scottish Government investment for play parks renewal for the £234k capital allocated to the Council for 2021/22, with scope to carry this forward into 2022/23 and that future phases of funding were yet to be determined;
- (iii) the play park renewal programme would extend for 4 years;
- (iv) the need to develop wider engagement and evaluation plans to involve children and young people in Wards as well as sharing good practice and annual reporting to Government. This work needed to be supported and coordinated by a time-limited post with full costs recovered from the award; and
- (v) play parks were within scope of the amenities review being considered by the Redesign Board and that as the play parks strategy developed progress reports would be considered by the Board before being finalised.

And, **AGREED**:

- (i) the Council strategy for play parks was developed through:
 - a. the place-based review underway locally. This involved an understanding of the equipment and its condition and the usage of play parks and any potential alternative uses or ownership that may be considered. This would lead to local plans and investment priorities being agreed locally and within the context of Council budget availability alongside any other external resources.
 - b. a recognition that different areas would have different needs and resources available, so consistency in approach for a Highland strategy was supported by adopting Highland-wide principles for:
 - play areas to be safe;
 - play areas to be inclusive – both in design and use; and
 - play areas to be environmentally and financially sustainable.

- c. the evolving local plans and gathering best practice to identify if any other common themes were emerging that could be developed as additional principles
- (ii) that the Scottish Government's play park renewal fund was apportioned to Area Committees as set out in option 3 of Appendix 4 of the report, i.e. a blend of play park conditions and the criteria used by Government which is 95% based on the 0-14 year old population and 5% on rurality.

14. Scottish Parliament Survey of Proposed Licensing Scheme for Short Term Lets

Suirbhidh Pàrlamaid na h-Alba de sgeama cheadachdan a thathar a' moladh airson aontaidhean màil gearr-ùine

Declarations of Interest: Mrs I Campbell and Mr C Munro declared financial interests in this item on the grounds that they owned self-catering businesses, and confirmed that they would not take part in the discussion.

There had been circulated Report No CP/42/21 dated 28 October 2021 by the Executive Chief Officer Communities and Place.

During discussion, the following issues were raised:-

- clarification was sought, and provided, on the criteria used to decide that Badenoch and Strathspey would be the sole area in Highland to be considered for zoning; and
- in response to a question on Control Areas, it was explained that the legislation on Control Areas had been passed in government and guidance was issued in June 2021. The Planning Service would be looking to bring a report to a future meeting of the Economy and Infrastructure Committee on how the Council approached Control Areas and it would be the decision of Members to determine implementation in the Highland Council area with evidence-based decision making as a requirement.

The Committee:-

- (i) **NOTED** the update on the proposed licensing scheme; and
- (ii) **AGREED** to homologate the survey response which was submitted to meet the Committee's deadline of 29 October.

The meeting ended at 2.55 pm.