

The City & Royal Burgh of Elgin Community Council

Held in Moray Council Chambers on Tuesday 9th June 2015 at 7.00pm

1.	<u>Sederunt and Apologies</u> . (* Associate, ** Youth)	<u>ACTION</u>
a.	<p><u>MEMBERS</u></p> <p>Alastair KENNEDY(Chair), Bryan WATSON(Vice Chair), Oliver BAYLIS, Iain CATTO, Steven CHRISTIE, David CHAPMAN*, Andrew GRAY, Ann GLOVER, Maureen MANSON, Steven MILNE, Pat PATERSON, Mary WALL, Eddie WALLACE, Gordie WELLS, Jim WISEMAN (Minutes).</p> <p><u>IN ATTENDANCE:</u></p> <p>Cllr John DIVERS, Kathy GRANT (Community Warden) PC George Ogg (Police Scotland),</p> <p><u>APPOLOGIES</u></p> <p>Cllr James ALLAN, Cllr Patsy GOWANS, Cllr Graham LEADBITTER, Cllr Kirsty REID, Cllr Mike SHAND, Gordon METHVEN(Sec'), Donnie MacLEAN,</p>	
b.	<p><u>WELCOME</u></p> <p>Alastair Kennedy welcomed everyone to the meeting.</p>	
c.	<p><u>SPEAKER – Mike Rodgers – World Orienteering Championship & Scottish 6 Day Event</u></p> <p>Mike Rodgers informed the meeting that the World Orienteering Championship had been held in Scotland twice in the last 40 years (1976 & 1999) and the Scottish 6 Day Event which had been held in Scotland only once (1976). For further information on these events members were referred to the following two websites: http://www.woc2015.org/ http://www.scottish6days.com/2015</p> <p>Mike Rodgers explained how these events will benefit the local economy intimating that there were 4713 entrants to date and each would most likely bring supporters. Obviously accommodation and hospitality will be in demand and volunteers will be required to assist the events which will run from 31st July to 7th August 2015. It is hoped that television will aid promotion of the event and the Moray area.</p> <p>It was agreed to erect the Community Council banners on 24th July 2015</p>	
2.	<p><u>PREVIOUS MINUTES</u></p> <p>The minutes were proposed by Gordon Wells and seconded by Pat Paterson with no objections.</p>	
3.	<p><u>MATTERS ARISING.</u></p> <p>Gifts from Illinois – These will go in the Library for one month. Christmas Lights – See report School rezoning – No comment considered necessary. Pansport crossing – ongoing Elgin Cathedral – Ongoing Community Empowerment Conference – AK was unable to attend.</p>	
4.	<p><u>AGENCY UPDATES</u></p>	
a.	<p><u>POLICE SCOTLAND</u></p> <p>See report circulated. It was agreed to remove national security from this agenda item. AK proposed removing licensing from the police agenda item because Police Scotland are consulted</p>	

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	<p>separately and views may differ from those of the community.</p> <p>PC George Ogg reported that parking had been targeted recently and it was agreed that an improvement has been seen. Grant Lodge area is to be targeted in the coming week. It was noted that targeting parking is a balance.</p> <p>CLlr Divers raised the new free after 3 six month trial which would only apply to three Council carparks ie TK Max, Marks and Spencers and the St Giles Centre but emphasised that it will still be necessary to obtain a ticket so that statistics can be obtained to prove the value of the scheme.</p>	
b.	<p><u>STAGECOACH</u></p> <p>No Report</p>	
c.	<p><u>COMMUNITY WARDEN</u></p> <p>Kathy Grant reported that in the month of may she had attended 21 Antisocial behaviour reports, 9 abandoned vehicles, and some dog fouling incidents.</p>	
d.	<p><u>CONSULTATIONS</u></p>	
5.	<p><u>COMMITTEE REPORTS</u> (See reports previously circulated)</p>	
a.	<p><u>PLANNING</u></p> <p>Findrassie – The report was tabled and approved with no amendments. Iain Catto reported that content of the advance copy of the Findrassie Report had been well received by the developer. Alastair Kennedy asked for thanks to be recorded to James Wiseman for collating the document and thanks to all for their input.</p> <p>Western Link Road – The Community Council noted the invitation to a workshop. Attendance to be considered by the WLR subgroup.</p>	
b.	<p><u>RECREATION, LEISURE AND ENVIRONMENT</u></p> <p>Help is required for planting at Ladyhill.</p> <p>An application has been submitted for renewal of Elgin's Fairtrade status.</p> <p>An application has been submitted for Fairtrade status to the Elgin Baptist Church.</p> <p>Mary Wall advised that discounted tickets for the Fairtrade farmers roadshow in Inverness are available on the following website:</p> <p>www.eventbrite.co.uk/e/smallholder-farmers-roadshow-inverness-ticket-17139632101</p>	
c.	<p><u>ROADS & TRANSPORTATION</u></p> <p>See report appended at the request of Eddie Wallace.</p> <p>Alastair advised that Network Rail will be replacing the bridge at Elgin Station later this year.</p>	
d.	<p><u>YOUTH.</u></p> <p>NO report</p>	
e.	<p><u>CHRISTMAS LIGHTS</u></p> <p>Gordie Wells advised that the Christmas Lights fund had reached £12,000 on 7th June</p>	
f.	<p><u>GRANT LODGE</u></p> <p>Andrew Gray has resigned from his role as a trustee of the Grant Lodge Group due to the nature of his work having recently changed.</p>	
g.	<p><u>SOCIAL MEDIA</u></p> <p>Bryan Watson reported that we now have 515 followers on facebook and he is considering another promotion.</p>	

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h.	<p><u>CHAIR'S REPORT</u></p> <p>See report</p>	
i.	<p><u>SECRETARY'S REPORT</u></p> <p>See report</p>	
6.	<p><u>COMMUNITY PLANNING.</u></p>	
a.	<p><u>ELGIN SOUTH AREA COMMUNITY PLANNING FORUM</u></p> <p>See ESAF Minutes circulated and available on www.yourmoray.org.uk</p>	
b.	<p><u>SPICE</u></p> <p>See Minutes circulated.</p> <p>Litter pick's planned for 13th June at the track behind Asda and 27th June at Newmill Road.</p>	All
c.	<p><u>JCC & COMMUNITY COUNCIL REPRESENTATION IN COMMUNITY PLANNING</u></p> <p>JCC Training:</p> <p>11th June – Role of Community Councillor – Elgin Academy 7pm</p> <p>17th June – Moray Local Plan Training – Inkwell 7pm</p> <p>2nd July – Conflict Resolution – Elgin Academy 7pm</p>	
d.	<p><u>TOWN CENTRE DESIGN CHARRETTE</u></p> <p>No Update</p>	
e.	<p><u>EMERGENCY & RESILIANCE PLANNING</u></p> <p>Andrew Gray had looked in to the plans produced by other Community Councils and will look to develop one for Elgin.</p>	
7.	<p><u>EDUCATION</u></p>	
a.	<p><u>New Elgin High School</u></p> <p>Cllr Divers advised that the delay could be as much as six months. Contract is to be signed 24th June 2015.</p>	
b.	<p><u>Elgin Academy</u></p> <p>No Update</p>	
c.	<p><u>Primary Schools</u></p> <p>No Update</p>	
8.	<p><u>TREASURER'S REPORT</u></p> <p>Steven Milne advised that the budgets were on target and account No 1 was at £3,546.93.</p>	
9.	<p><u>ONGOING TOPICS</u></p>	
a.	<p><u>DEANSHAUGH PLAYING FIELDS</u></p> <p>No update</p>	
b.	<p><u>ELGIN FUND COOPER PARK</u></p> <p>No Update</p>	

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c.	<u>ELGIN FESTIVAL</u> Alastair Kennedy said that he had been in discussion with Gordon Methven who had raised the idea of organising some kind of festival as there seems to be nothing of that kind in Elgin. He wondered if a re-enactment of the Wolf of Badenoch attacking Elgin and setting the cathedral alight might be a suitable theme. A sub-group would need to be set up to take the idea forwards.	
10.	<u>EVENTS</u>	
a.	<u>COMMUNITY AWARDS</u> Ongoing as previously reported.	
b.	<u>TRAINING</u> JCC Training: 11 th June – Role of Community Councillor – Elgin Academy 7pm 17 th June – Moray Local Plan Training – Inkwell 7pm 2 nd July – Conflict Resolution – Elgin Academy 7pm	
11.	<u>A.O.C.B.</u> Alastair Kennedy reported that he had submitted the proposed constitutional changes to Tracey Rae. The opportunity to advertise Elgin in the Coachdriver's handbook was declined. Iain Catto volunteered to coordinate the licensing consultation on Taxi fares and Taxi Driver's dress code. Pat Patterson raised the lack of School Patrol people. Cllr John Divers explained the difficulties and the need for volunteers. Donnie MacLean has resigned due to time constraints. Alastair Kennedy expressed thanks for his participation.	
12.	<u>NEXT MEETING</u> 7:00pm Tuesday 14 th July 2015 Council Chambers, High Street, Elgin.	
13.	<u>CLOSE</u> There being no further business the Chair thanked everyone and closed the meeting.	

CITATION: These Minutes were adopted as a True Record of Proceedings:

Proposer: _____

Seconder: _____

Chair: _____ Mr Alastair Kennedy

Date: _____

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**Progress report for Elgin Community Council meeting on 9th June 2015 of
Roads and Transportation Committee**

Meetings

No meetings during this period

Departmental Requests Please note the third item on grass verge parking, awaiting a response.

1. Larch Court Parking: A report by Dave Malpas was circulated and we can say the details and explanation offered are in line with the Moray Council's own recommendations and as such we concluded there is no further action needed by them.

2. Misuse of Blue Badge Scheme Mr Bill Ross, Roads Maintenance Manager

After receiving his reply which I am repeating for continuity I sent a reply as shown below.

Dear Eddie

BLUE BADGE SCHEME

I refer to your letter of the 2nd March 2015 regarding the Blue Badge scheme. It is my fault entirely that this reply is so late.

Just for clarification, the areas that the Community Council are concerned about – on street parking bays – are not under Council control with regard to enforcement. The Council's role is limited to promoting the traffic orders that give authority to these and other parking restrictions and to maintaining the associated road markings and signs.

Whilst I agree with many of the concerns you raise about the abuse of the blue badges scheme and about parking issues in general there is nothing we as a Council can presently do to address these issues except encourage the police to be more active in their enforcement role. However, as you recognise, the police, in managing their resources, have chosen to limit the attention they give to parking infringements. The Council could seek to have parking offences decriminalised in which case Council resources could be employed to manage enforcement. So far this Council is not minded to do this bearing in mind that, in a small authority such as Moray Council, operational cost will exceed income and given that the enforcement role still sits with Police Scotland.

This is the appropriate service within the Council with which to raise these matters as the purpose of on street parking restrictions is primarily to do with maintaining access and free flow for all traffic – vehicles, pedestrians and cyclists – on our roads. I would suggest you also write to Police Scotland to alert them to your concerns.

Yours sincerely

Bill Ross

My comment. 20/05/15

Dear Bill,

Thank you for your response and as you can imagine it was much as we expected, however, since I got your letter I have found more information on the subject which I would like to share with you.

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The extract shown below is from the Transport Scotland Website and makes some interesting reading. It would suggest that the council, if it so wishes, can take action to combat the abuses we have raised already. If I am wrong then I expect you will tell me so, but if not, is it something which the Moray Council, expenditure permitting, can do to alleviate the problem. The important part is that there is now another way to combat the misuse of badge holders once and for all.

[Home](#) » [News](#) » [Blue badge abuse clampdown ahead of legislation change](#)

Blue badge abuse

Drivers and passengers who abuse the blue badge scheme could have their badges confiscated through new legislation coming into force at the end of March.

The blue badge scheme provides an essential service for disabled people allowing access to parking bays which are normally closer to work, shops and other community services. This parking access often makes the difference as to whether people with mobility problems live their lives as fully as they can.

The Scottish Government hopes that by providing these additional powers to confiscate badges and cancel lost or stolen badges, people will think twice before misusing them.

Transport Minister Derek Mackay said:

“Blue badge misuse is socially unacceptable as it prevents the 228,000 legitimate badge holders across Scotland from accessing the on-street parking concessions to which they are entitled.

“Granting extra powers for local authorities to tackle blue badge misuse and confiscate badges that are not valid or are being used illegally by a third party for their own benefit will allow disabled badge holders to access services in the community and lead independent lives.”

Research conducted by Transport Scotland in 2012 showed that 76% of blue badge holders would go out less often if they were without their badge. Many also felt they wouldn't be able to go out at all.

Dennis Robertson, MSP who was responsible for taking the legislation forward, said:

“We need this legislation because people think that third party misuse of a blue badge is okay; although it is not. We as a society should not tolerate that.

“When someone misuses a blue badge they do not just take a parking space they deny a parking space to someone with a disability. When that person is denied a parking space they have to return home and might not be able to do what they went into town for.

“People need to understand that by using someone else's blue badge they are not just taking a parking space they are taking a parking space from a disabled person who is entitled to it.”

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Abuse of the scheme reduces the number of on street disabled parking bays and on-street parking spaces available for use by genuine blue badges holders. Local authorities are keen to stamp out the misuse with Parking Enforcement Officers constantly dealing with possible cases of misuse.

Michael Brady, Enforcement Manager City Parking (Glasgow), said:

“All of our officers have been trained in blue badge inspection protocol. This not only ensures that those who use their blue badge properly are treated with respect, but also ensures that if we suspect misuse, action will be taken.

“Checking badges is part of the everyday duties of our attendants and every few weeks we will clampdown on areas where we suspect there is a high level of blue badge misuse taking place. Occasionally it comes down to drivers not realising the rules, however there are many who abuse the scheme and we hear the same excuses daily.

“Blue badges should only be used by those people who have been awarded a badge and have a right to the parking concessions. The power to confiscate will be a crucial tool to tackle abuse and protect the parking rights of legitimate badge holders.”

Glasgow’s most common excuses given by those misusing the blue badge are:

- I have just dropped badge holder off for shopping, doctors, dentist; when that is not the case and enquiries reveal that the badge holder is at home.
- I am waiting on the badge holder coming from, the doctors, dentists ...
- I am doing the badge holder’s shopping
- I am collecting something for the badge holder / picking up their medication
- I thought I could use the badge as I will be collecting the badge holder later

For more information on blue badges and the rules and regulations around their use, please visit www.bluebadgescotland.org/

Publication Date:

Mon 16/Mar/2015

I am led to believe the legislation is the “Disabled Persons' Parking Badges (Scotland) Act 2014”.

I leave you to consider this information and I await your comments.

Regards

Eddie Wallace

Return comment from Mr Bill Ross 27/05/15

Dear Eddie,

The legislation in question does grant additional powers to councils, however these powers are limited and do not necessarily deliver the anticipated results. I would suggest that these powers were designed with an assumption that Councils have already taken over on street parking enforcement (as is the case in the majority of urban authorities). In our instance the powers provided would allow Parking Enforcement Officers to confiscate a badge which was being used without the badge holder being present. Crucially, we could not take action against the driver who is misusing the badge (who could stay in the disabled space without the badge taking the risk that the Police would not also be enforcing the area).

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As the Police retain on-street parking enforcement in Moray, we would have to employ or designate parking enforcement officers for this specific function. In practice these powers, used in isolation, are more likely to punish those most vulnerable badge holders whose helpers and carers are abusing the system by confiscating their badge for up to a fortnight whilst not impacting on the actual offenders.

Given the above there is currently no proposal to ask the Council to consider resourcing to implement these powers. However if the Council was to consider taking on powers from the police to deal with illegal parking through Decriminalised Parking Enforcement, then consideration would be given to also taking on the powers relating to confiscation of blue badges.

Regards

Bill

Further discussion will take place within the R&T committee along with those affected.

That concludes the report for the R&T committee of the Elgin Community Council
Eddie Wallace, David Chapman and Iain Catto