

**Cullen & Deskford Community Council
Meeting on Thursday 15th January 2009
7.30 p.m. in Deskford Jubilee Hall**

M I N U T E S

- Present:** Professor Ashley Mowat, Chair
Mrs Joyce Henderson, Treasurer
Mrs Zillah Jamieson, Joint Secretary
Mrs Monica Wells, Joint Secretary
Mr Malcolm Watt
- In Attendance:** Cllr Gary Coull
Cllr Stewart Cree
Sergeant Tony McCullie
- Apologies:** Mr Thomas Johnston, Vice-Chair
Mr Sandy Christie
Mr William Maben
Mr Tam McLellan
Mr Ted Newstead, Neighbourhood Watch
Cllr Ron Shepherd
Inspector Derek Spark
PC Iain Dormand

1. WELCOME AND APOLOGIES

The Chair welcomed all attendees to the 13th meeting of the Cullen & Deskford Community Council.

Apologies were noted as above.

Junior Members: Both Jade Cox and Matthew Patman indicated to the Joint Secretary on 5th January 2009 that, unfortunately, they are unable to continue their interest in serving on the Community Council given other commitments and pressures on their time. The Joint Secretary confirmed that Melissa Wood is still interested in contributing to the Community Council.

Following discussion, it was agreed that it would not be sensible, at this time in the session with pupils facing the pressure of exams, to approach Buckie High School for further nominations. It was suggested that approaches should be made to the Venture Scouts, the Boys Brigade and the organiser of the Duke of Edinburgh awards for nominations.

ACTION: Zillah Jamieson

Agenda: The Chair indicated that Agenda Items No. 6 and 7 (Police and Local Councillors Report, and Road Safety Concerns) would be taken following Item No. 3 (Matters Arising). Thereafter, proceedings would revert to the printed agenda.

2. MINUTES OF PREVIOUS MEETING (4th December 2008)

One amendment was advised regarding the Homecoming 2009 programme; the St Andrews concert is planned for 28th November, with the beacon to be lit on 30th November.

With this amendment, the minutes were approved as a true record.

3. MATTERS ARISING

3.1 Publicity/Suggestion Boxes

Publicity: a number of relevant articles had appeared since the last meeting, as follows:-

Cullen Harbour Lighthouse: An article in the Evening Express dated 8th December indicated that there was now a "glimmer of light" in attempts to save the harbour lighthouse and that two members of the Community Council are to meet with Moray Council officials to discuss, amongst other things, the offer of repair that will save Moray Council money. No comment was available from Moray Council. (Interestingly, the lighthouse also appeared in a picture in the centre pages of the Press & Journal on 31st December.)

Presentation to Ted Newstead: An article appeared in the Banffshire Advertiser dated 9th December.

Community Council Retrospective: Extensive coverage was given of the work of the Council during 2008 in the Banffshire Advertiser dated 30th December.

Suggestion Boxes: no items had been put forward.

3.2. Incoming Information of Interest:

Nothing relevant to report.

3.3. Licensing Board Applications

Licensing Board Applications are being monitored on a weekly basis by the Joint Secretary. There have been no applications for the Cullen & Deskford area since the last meeting.

3.4. Consultation Documents - Actions Taken

Grampian Fire and Rescue Service Questionnaire: The Joint Secretary confirmed that she had requested a copy of the consultation documentation/questionnaire on 19th December and had also requested that the Community Council be included in any future communications or consultations regarding the Fire and Rescue Service. She received confirmation on 5th January 2009 that the Community Council has been added to the Service's future lists for consultation, and a copy of the documentation was received. The questionnaire is due to be returned by 13th February 2009.

ACTION: Ashley Mowat/Zillah Jamieson

Moray Core Paths Plan - Final Draft 2008 - The Public Consultation

Exercise: The Joint Secretary confirmed that she had received a hard copy of this plan - for consideration and submission of comments by 6th February 2009. It was agreed that this document should be retained as a useful record of the recognised core paths, but that there was no requirement to submit comments.

Regulation of Bus Services Bill: The Joint Secretary confirmed that she had forwarded to all members correspondence from Charlie Gordon MSP regarding his Regulation of Bus Services Bill. It was agreed not to respond to this document. The Chair expressed his view that Scotland, given its size, should have an integrated transport system.

3.5. Cullen Town Hall Flag

Following confirmation from the Treasurer that the Fire Brigade is happy to erect the flag, the members present approved the purchase of the flag at a cost of £92.50 + VAT + carriage.

ACTION: Joyce Henderson

3.6. Confirmation of other actions taken

Moray Action Plan: The Joint Secretary confirmed that she had written to John Ferguson on 19th December requesting that all members of the Community Council be included in the Moray Citizens' Panel. John Ferguson confirmed that he had passed the request onto Craigforth who administers the Citizens Panel on behalf of the Community Planning Partnership. They try to maintain a balanced panel that represents the make-up of the Moray Community - both geographically and socially. The Panel does not stop members of a Community Council being members, but they are trying to get to those people in the community who do not have access to forms of representation. The programme for the panel is dormant currently and the Partnership are reviewing the role and purpose of the Panel as well as other means of community engagement, so it is unlikely that the Panel will be used in the immediate future.

Letter of thanks to Seafeld Estate: The Joint Secretary confirmed that she had sent a letter of thanks on 22nd December to the Earl of Seafeld for his generous donation to the Council's funds.

Letter to Chief Executive, Moray Council: The Joint Secretary confirmed that she had responded to Mr Keddie's letter dated 4th December which was reported on at the last meeting. In the letter dated 22nd December, she expressed the Community Council's extreme disappointment that the letter represented, in the majority of topics, exactly what we had already heard from the officers of the Council. As a result, we had learnt little new information and, most significantly, had not received any indication of deadline dates by which we could expect resolution in whatever form that might come. In addition to acknowledging the help received from Nick Goodchild on the Town Hall and Margaret Wilson on the Cullen Common Good Fund and the Lawtie Trust, she re-emphasised the criticality of a meeting with Gordon Holland and his team given the now significant number of issues which fall under his responsibility (not least being the Cullen Harbour and Beacon). An acknowledgement was received on 5th January 2009, with an undertaking that a response would be provided by 30th January 2009.

Petrol Station Site: The Chair confirmed that he had written a letter of concern to the Transportation Manager of the Moray Council (as an objector, not in his official capacity as Chair of the Community Council). The response received proved only to be a reiteration of the points already made. The Chair conceded that he had taken matters as far as he could, but that he would raise the issues once again at the forthcoming meeting with the Transport Manager.

Cullen Market Cross - Vegetation: the Chair confirmed that the offending vegetation had been removed from the Market Cross.

Path on Way to Salmon Bothy: the Joint Secretary had felt unable to write a letter to the Seafield Estate about the unsafe nature of the path around the area of the Pet Cemetery; she had gone down to the area and could not establish what the problem was. On advice from the members present, the Joint Secretary was actioned with writing a letter to the Seafield Estate to highlight the potential problems with the hole in the sea wall beyond the gate and the loss under the road before the gate.

ACTION: Zillah Jamieson

Midnight Football League: The Joint Secretary confirmed that she had now received photographs from the league for future use (e.g. on the website).

Gypsy/Traveller Awareness Raising Sessions: The Joint Secretary had asked all members on 19th December if they were interested in participating in such a session. Given no interest, she responded accordingly to Councillor McGillivray on 23rd December 2008. A provisional date of 24th April (morning) has now been set for this session.

4. CORRESPONDENCE

4.1 There was no correspondence to report.

5. TREASURER'S REPORT

The Treasurer reported that the bank balance stood at £1,209.70. It was agreed to postpone the discussion on the best use for these funds until more members of the Community Council were present.

It was also agreed that a separate Community Events Account would be opened.

ACTION: Joyce Henderson

6. REPORTS

6.1. Police:

Sergeant Mike Middlehurst: The Joint Secretary reported that Sergeant Mike Middlehurst had been posted to Elgin. The new contact for the Community Council will be Sergeant Tony McCullie, with PC Iain Dormand remaining as the local officer. In his e-mail of 18th December, Sergeant Middlehurst thanked the Community Council for their help and support over the past 13 months (and especially the Joint Secretary for her prompt and forthright communication!). He expressed the hope that Cullen would continue to be a special place in Moray, with a very special ice cream shop.

The Joint Secretary, in response, thanked Sergeant Middlehurst for his contribution at our meetings and his endeavours on our behalf, and wished him well in his new posting.

Neighbourhood Watch: The Joint Secretary indicated that Ted had sent his New Year Best Wishes to all. He had also indicated that no offers had been made to take on the Neighbourhood Watch scheme; if this situation remains the same, he would arrange for the transfer of the Neighbourhood Watch funds to the Community Council (in trust). He had also indicated that he would be standing down at the end of January.

Mobile police surgery: Sergeant McCullie indicated that no further dates had yet been set - but would be advised to the Joint Secretary when they became available. Sergeant McCullie raised concerns as to whether the mobile office was too visible, whilst also confirming that he would like to use the police office more. He was also looking into the possibility of PC Iain Dormand being in Cullen more often, especially at weekends.

ACTION: Sergeant Tony McCullie

Crime Figures: Sergeant McCullie reported that the crime incidents since the last meeting included: two petty assaults, four acts of vandalism, one house-breaking with intent to steal and one fraud.

The Chair raised the issue of the false fire alarm at the harbour two weeks previously when two fire engines and three police cars had been in attendance, followed by an actual fire at the harbour on the following evening. It was confirmed that a call log would have been recorded if no criminality was involved.

Clarification was also sought regarding an anonymous call made to the police on the subject of under-age drivers; Sergeant McCullie confirmed that evidence was required before warnings could be made. Two separate sources re the same incident would be regarded as evidence. It was confirmed that calls to report criminal behaviour should be encouraged.

6.2. Councillors:

No issues were raised other than those already on the agenda.

7. Road Safety Concerns

7.1 Play Area in Findlater Drive

Following the discussion held at the last meeting, the Joint Secretary confirmed that she had written to Alastair Keddie on 12th January 2009 indicating the following:

"The last communication from the Moray Council indicated that the site would be assessed by Elaine Penny of the Transportation Section who deals with Road Safety issues on behalf of the Moray Council. On completion of the investigation, a response to our concerns would be issued. We still await the results of this investigation.

However, following significant discussion, the members of the Community Council agreed on the following:-

- the play equipment should not be installed until the area is deemed safe
- we would like to have sight of the risk assessment done for the play area and of the plans for the play area (it is understood that local residents were not sent this information and were not kept up-to-date with play area developments as had been originally promised)
- we would like to request traffic measurement (volume and speed) via either the Moray Council or the Roads Policing Department - both at Findlater Drive (in relation to the play area) and Cathay Terrace/school junction (in relation to safety for pupils walking to school)
- we would also like to request the investigation of traffic calming measures in both areas - whether sleeping policemen, a 20 mph limit or any other measure which the Moray Council and/or the local police force deem appropriate."

The letter had been acknowledged and a response promised by 9th February 2009.

7.2 Junction York Place/Seafield Road

Following the discussion held at the last meeting, the Joint Secretary confirmed that she had written to Alastair Keddie on 12th January 2009 indicating the following: "All members had opportunity at our meeting to view the Planning Conditions for the former Petrol Filling Site and the Additional Provision agreed with the Transportation Manager. Given the significant amount of vehicular activity involved during building works, the members agreed that action should be requested to implement - **now** - all of the provisions indicated in both the Planning Conditions and the Additional Provision - particularly the pedestrian barrier and island (although it is unclear whether the island refers to that already constructed at the Post Office area of Seafield Street - and if it is, we are baffled as to how this island can contribute to the safety of pedestrians some distance from it). We would be grateful for your consideration of this."

The letter had been acknowledged and a response promised by 9th February 2009.

7.3 Pedestrian Island - Seafield Street

In response to representations from the local community to the Chair, he wrote to Cllr Shepherd on 9th December indicating the following:-

- there is an undoubted need for safer pedestrian crossing points on Seafield Street, especially for the elderly
- the new crossing presents openings that are too narrow for bigger vehicles, in particular combine harvesters at harvest time, necessitating them to negotiate York Place, South and North Castle Streets instead, resulting in considerable difficulties because of the steep inclines and crossroads involved
- the new road layout in Seafield Street comes as a surprise to drivers and therefore adds to risk for drivers and pedestrians alike

- the problem is real, with a tractor having already narrowly avoided a serious accident and an actual collision having taken place involving a minibus
- York Place has longterm problems with street drainage, resulting in pavement cracks and water retention on the road - which can only be worsened with increased traffic flow from the building development and heavy vehicles.

Cllr Shepherd undertook to speak to Elaine Penny, the engineer responsible for the Island. He indicated that there is a big problem with very fast vehicles entering Cullen and making it very difficult for the young and elderly to cross Seafield Street. He also undertook to contact the Roads Maintenance Manager regarding York Place.

Elaine Penny responded on 16th December, indicating the following:- "The island in Cullen was installed after many years of requests from members of the community in Cullen. In 2002 a public consultation exercise was undertaken to establish the needs of the community in relation to road safety and the request for a crossing came from that. At the time there was concern about the effect the installation of a crossing would have on available parking and so only works around the Square were completed. Following on from that time, despite the works at the Square there were continuing requests for a crossing point. The decision on which type of crossing to install was based on traffic speeds and amenity of the crossing for pedestrians.

A light controlled crossing was considered inappropriate for a number of reasons.

- the amount of parking loss as a result of the statutory zig zag markings would amount to approximately 40 metres on either side of the road (approximately 12 car lengths)
- the speed of traffic would not be reduced
- forward visibility and stopping distance could not be achieved for the approaching traffic speed and the gradient of the approach, given the constraints on location by kerb and drainage issues
- there is specific criteria for this type of crossing based on the amount of traffic and pedestrians and although not specifically surveyed and inspection indicated that the criteria could not be met.

The island which has been installed has a road width of 3.1metres kerb face to kerb face on either side, which is consistent with current advice. Additionally any vehicles wider than 2.9m are defined as abnormal loads and their movements must be notified to us.

I realise that the combine harvesters are 4.2metres wide, but the clearance between the bollards is greater than this and therefore, although the vehicles would have to run over the kerbs, there is still enough width to get through. This clearance is similar to that at the islands on the A98 at Bayview Road, to the north of York Place and through Portsoy. I have also spoken with a number of the combine harvester users and they have indicated that it is their usual practice to move the machinery early on a Sunday when there are virtually no pedestrians about.

The lining at the island is not yet complete, but once in place this will help drivers identify the island location.

It is not our intention that any of the agricultural vehicles use North and South Castle Street and we have indicated this to the users.

I trust that this explains the reasoning behind the choice of crossing facility.

The issue you have raised in York Place has been passed to our Road Maintenance section to respond directly, however, the fact that access to the development site is wholly on the A98 we would not anticipate significant additional traffic, if any, on York Place."

The Chair responded to Elaine Penny on 16th December 2008 as follows:-

"Thank you for your prompt and full reply. I thought that I should follow up with a few explanatory comments and observations on your reply. You will have appreciated from my original e-mail that I was not disputing the need for a safer crossing on Seafield Street, merely recording the observations of those in our community who see potentially urgent problems with it's nature and its site. The discussions on this topic I do appreciate antedate the reconstitution of the Deskford and Cullen Community Council just over a year ago, and I had no intention of calling these into question. However, if community consultation is to be meaningful, I am sure you will agree that in future the LCC should be included in the consultation exercise on issues such as these.

The observation on the problems for combine harvesters (and other wide loads) came from a local farmer who claimed to be reflecting the views of others, and came to me as Chair of the LCC, incorrectly assuming that the LCC had prior knowledge of the new crossing. Whilst this might have been a reasonable assumption, I had to tell him that the LCC had no prior knowledge of the crossing but presumed that our local Moray Councillors would have. It is stretching all credibility to suggest that farmers move their machinery, including combine harvesters, on Sunday mornings to cause least public inconvenience. In a rural community it is common knowledge that movement of combine harvesters is dictated by geographic, economic, climatic and seasonal factors and not by days of the week, not even the Holy Sabbath! A near accident involving a tractor and trailer was reported by yet another, and I presume you have details of the minibus accident.

Since then I have had another member of the public pointing out that the crossing has been constructed in front of the entrance of the drive to the back gate of the former bakery on Seafield Street. This clearly will be a problem for any car owners wishing to use that entrance in future.

Might it not have been a better idea to site the crossing a little further down Seafield Street and then it might well have been possible to have included in the required zig-zag area one or two existing entrances onto Seafield Street (where cars cannot park at present) and therefore help mitigate the loss of parking space on Seafield Street?. Some of other objections to a lighted crossing would also have been taken care of by a more northerly site.. Traffic on Seafield Street surely should not be moving at over 30mph irrespective of the type of crossing, and presumably appropriate warning signage could be in place?

I am surprised that the traffic and pedestrian data you mention as part of the argument against a lighted crossing have not been collected. Having the necessary data would certainly inform the debate one way or another. If the traffic data show less than the anticipated usage it could still be argued that the inconvenience of a lighted crossing for motorised traffic will be minimal, only applying when a pedestrian wishes to cross safely. A safe crossing is the bottom line for our community and there clearly are at least some in our community who are unhappy with the new crossing.

I totally accept that whatever type of crossing might be in place some will find a problem, and simply now ask that you monitor the situation carefully and if the anxieties generated by events of the first few days form a pattern, that you then revisit the problem as a matter of urgency and find a better solution.

Thank you for referring the problems of rain drainage on York Place to the Roads Maintenance Dept.

When those who will live in the planned new development at the Seafield Road/York Place junction wish to travel north of Cullen it is highly unlikely that they will take any route other than via York Place/ Castle Street, and it already the impression that the new crossing on Seafield Street is adding to the usage of this as a "rat -run" to the north. The police did collect traffic data from York Place just over a year ago and this would yield good comparative data if, as I hope will happen, the exercise is repeated in the next 2 or 3 years.

There is no point in public services having the ability to collect good data if that process is not used subsequently in the interests of the public.

This issue was presented to me as an urgent problem which I felt I had to act upon, before the next meeting of the LCC, but I will ask for this to be included in the agenda of our next meeting in Jan 2009."

A response has been promised by 9th February 2009.

7.4 Extension of Footpath - Lintmill Junction to Crannoch Hill Walk

Following the discussion held at the last meeting, the Joint Secretary confirmed that she had written to Alastair Keddie on 12th January 2009 indicating the following: "The results of an investigation by Transportation Department are still awaited (although it remains unclear whether an investigation is being undertaken on this request or the following request). We believe strongly that there are safety issues associated with this area, particularly given the promotion of the footpath in leisure trails literature."

The letter had been acknowledged and a response promised by 9th February 2009.

Suggestions were made that the Back to Work Training Scheme should be investigated dependent upon the outcome of the promised response.

7.5 Roadside Footpath - Kirktown of Deskford/Berryhillock to Deskford Halls

Following the discussion held at the last meeting, the Joint Secretary confirmed that she had written to Alastair Keddie on 12th January 2009 indicating the following: "The results of an investigation by Transportation Department are still awaited (although it remains unclear whether an investigation is being undertaken on this request or the preceding request). We believe strongly that there are safety issues associated with this area."

The Joint Secretary also confirmed that she had copied the letter to Alastair Keddie to all three Local Councillors requesting their support in bringing all of these five items to a speedy and satisfactory conclusion.

The letter had been acknowledged and a response promised by 9th February 2009.

8. COMMUNITY PLAN

8.1. Harbour Committee Report:

The Joint Secretary's letter of 22nd December 2008 to Alastair Keddie stated: "Attempting to summarise our thoughts on your paragraph on Cullen Harbour is very difficult as there are so many interlinked issues; a meeting with Gordon Holland (and we would suggest Sandy Ritchie and Keith Stratton) is becoming absolutely critical to many of our current concerns, and it is therefore very disheartening that a meeting date has not yet been confirmed despite many approaches from us. A quick survey amongst boat owners has indicated no knowledge of diver inspections, nor regular checks, and we would very much appreciate Gordon Holland providing full details of these. In the meantime, Professor Mowat intends to take some photographs of all the current problems in order to illustrate our point. The Cullen Harbour Committee has some very innovative ideas about the development of the Harbour which will boost tourism and potentially local employment; we hope that the Moray Council would be receptive to this given the number of Councillors who have gone on record in the press indicating that the harbours should be developed and that there is insufficient berths to satisfy demand."

The meeting with Gordon Holland and his team has now been arranged for Friday 30th January 2009 - discussion items to include the condition of the harbour (diver inspections and regular checks), the status of the waiting list, the development of the harbour to accommodate additional boats and the Lighthouse (reported later in Item 9.2) - as well as the Road Safety concerns itemised above in Section 7.

8.2. Town Hall Report:

The Joint Secretary's letter to the Chief Executive of the Moray Council (dated 22nd December) expressed concern regarding definitive timescales on future action, in particular the property review and the resultant maintenance work. The letter also stated:

"We would like to acknowledge the considerable help we have received from Nick Goodchild in this matter; your letter reflects all the information we had already received from Nick; we are dismayed however that we still await the outcome of the Property Review and a survey on the Hall - which latest information indicates has been delayed even further. Whilst we agree completely that any short-term work must wait until the outcome of the property review, we continue to be dismayed by the condition of the Town Hall and the facilities that users must put up with in the interim. We remain in the dark as to definite timescales on future action, which is disappointing in the extreme."

Noticeboard: Tam McLellan had indicated (via e-mail prior to the meeting) that he had sent measurements and a picture of the harbour noticeboard to Nick Goodchild on 3rd December 2008. Action is awaited.

Visit to Lossiemouth: Tam McLellan had indicated (via e-mail prior to the meeting) that he had met with a Lossiemouth Town Hall representative on 13th December 2008, who had confirmed that he and his fellow committee members would be delighted to offer any advice they can. A date for a visit is to be organised after 25th January 2009.

ACTION: Tam McLellan/Town Hall Committee

Town Hall Pictures: no further progress to report.

Maintenance Work: Nick Goodchild had indicated to Tam McLellan that the survey report was being put back until the end of January as there was still an electrical part of the survey to be completed.

Property Review: there is as yet no word on the outcome of the property review.

Reading Room: The Joint Secretary confirmed that she had sent a letter to the Chief Executive of the Moray Council on 22nd December requesting an investigation into the current status of the Reading Room in the Town Hall. She requested an investigation into how the current state of affairs has come about (i.e. no access to members of the community, cleaners or officers of the Moray Council, combined with the current state of disrepair), removal of the combination lock and removal of the current exclusivity of the Room. An acknowledgement was received on 5th January 2009, with an undertaking that we would receive a response by 30th January 2009.

8.3 CCTV (Square and Harbour):

The Joint Secretary confirmed that she had received a letter from Peter Fidgett dated 17th December, as follows:-

"The CCTV Working Party for the Moray Council has now reviewed the feasibility of providing a CCTV system for Cullen covering the Town Square and the Harbour areas either as a fully monitored or a fixed unmonitored local system.

The number and type of reported incidents in Cullen town taken from Police logs have been considered, and more specifically in the areas covered by any potential camera installations. The impact CCTV has on the type of incident reported in Cullen, either as a deterrent or detection facility, has also been taken into account.

The review concluded that, at this time, any monitoring system would not be justified based on our findings.

The CCTV Working Party will keep both the level of reported incidents and also the development of any more cost-effective CCTV solutions under continued review and should either effect a change in this decision we will advise you accordingly."

The Joint Secretary acknowledged receipt of this letter on 20th December 2008, indicating our disappointment at the result of the investigations, but thanking Peter for keeping the situation under continued review and for his help in this matter.

The Joint Secretary's letter of 22nd December to Alastair Keddie requested that officers give some consideration to lighting the Harbour in order to deter further incidents and thefts. A response is awaited.

8.4 Cullen Common Good Fund

Balance in Fund: Confirmation has been received of the monies available in the Cullen Common Good Fund during the financial year 2008/09. The amount is £531; previous information had indicated that the fund had been emptied as a result of the grant to the Christmas Lights Group. However, the Councillors approved carry forward of unspent monies in September 2008, thus resulting in the availability of £531. If this money is not spent in the current financial year, only £346 can be carried forward.

It was noted that Tam McLellan (via e-mail prior to the meeting) had suggested that some of the monies could be applied for by the Cullen Play Centre to buy some equipment for the younger members of the community. It was agreed that the Joint Secretary would make the Play Centre aware of the existence of the Cullen Common Good Fund.

ACTION: Zillah Jamieson

Explanation on "operation" of Common Good Funds (following queries raised by Forres Community Council): Extensive documentation has now been received from the Moray Council's Senior Solicitor, the key points of which are:-

- Common Good is the inherited property of the former burghs or town councils of Scotland (both moveable and heritable assets); it is all owned by the Moray Council who manage the assets for the benefit of the community
- The Moray Council inherited differing standards of records rendering the determination of the Common Good status of a property extremely problematic in certain cases
- Common Good Funds are applied for the benefit of the community - using reasonable judgement

- Asset Management Plan has identified a review of Common Good assets at a future stage (copy of plan with Chair and Joint Secretary) - but it is not a current priority given Common Good assets equal only 1% of the Council's assets; Asset Management Plan states under the Section entitled Other Cross Cutting Initiatives that "An area review of Council property is planned for Cullen in 2008/09. This review will be reported to the Asset Management Working Group and then to Committee as appropriate."
- Significant time is spent in clarifying the status of individual properties which are asserted as Common Good assets - and status is reviewed if errors or new information come to light; full legal investigation is carried out prior to the disposal of any Common Good Assets
- Community Councils have no formal statutory role in relation to Common Good matters except to the extent that they are there in the first place to represent the community's interests and to represent those interests to Councils
- Community Councils will be consulted on matters, but they are not the decision makers.

8.5 The Lawtie Trust

The results of the investigation by the Legal and Finance Departments of the Moray Council are awaited - to include how to get the terms of the trust changed (from the original very prescriptive terms - relief of poverty). It is anticipated that the costs of applying to the Court of Session could amount to as much as £80,000.

8.6 Floodlighting of the Market Cross/War Memorial

Indicative costings are still awaited from the Moray Council.

8.7 Homecoming 2009

The current schedule of activities includes the following:-

Date	Event
23rd January	Burns Supper, Cullen Town Hall - arrangements now being finalised - with a full programme of entertainment, raffle prizes and bottle competition arranged - all proceeds will go the Buckie RNLI
11th May	Childrens Marathon - arrangements in hand
15th to 21st June	Cullen, Deskford and Portknockie Heritage Group - Homecoming Week - various events
17/18th June	Seniors Open - run by Seniors Section of Golf Club; open to all seniors - male/female - different handicaps; £16 entry fee for 2 days; 10% of entry fees to Golf Club/10% to Community Council funds/remainder to be used for prizes
June	Talent Night
11th/12th July	Craft Weekend - in aid of RNLI and PoppyScotland
26th July	Vintage Tractors and Cars: ground booked through Moray Council; public liability insurance arranged through Moray Council; risk assessment in hand
July	Art Group event - hopefully one week long
8th/9th August	Craft Fair - Christmas Lights Group

7th November	Christmas Fair - Christmas Lights Group
28th November	Musical event, possibly Whiskers Galore
30th November	Beacon to be lit on the Bin Hill - courtesy of Seafield Estate
November/December	Christmas Lights Switch-on

8.8. Cullen Calendar

Nothing further to report at present.

8.9. Website

The Joint Secretary confirmed that, although Highlands and Islands Enterprise cannot fund or part-fund the development of the website, they were able to provide a consultant (Stewart Macdonald) - free of charge - to assist in drawing up a specification document for tender purposes. The specification document (first draft) had now been received and is currently being reviewed by the Website Sub-Group.

Tam McLellan had sent an e-mail to both the Chair and the Joint Secretary prior to the meeting in which he had expressed concerns regarding the specification document, the balance between the business and the community elements of the website, and the potential costs involved. He had also queried the necessity to apply for funding to the Common Good Fund given the number of potential sources of funding which were being investigated.

It was emphasised by the Joint Secretary that the specification document was only in first draft, and that the Website Subgroup had not met as yet to discuss the contents. It had already been recognised that the document did not reflect sufficiently the community elements of the website. She also emphasised that we had no indications of cost as yet, and that any figures quoted were purely speculation.

Following extensive discussion, it was agreed that:-

- members of the Community Council should see the finalised specification document before it is issued to identified suppliers
- the specification document should emphasise the balance between tourism and community objectives
- the website should be built in stages - focussing firstly on "essentials", subsequent stages focussing on "desirables"; this would also allow time to gauge the requirement for the "desirables"
- the technical structure of the website should allow for the flexibility of future bolt-ons
- there are a number of policy decisions yet to be considered.

Once the bids have been received and the costs known, it is proposed that both the Cullen Tourist Initiative and Cullen & Deskford Community Council are approached with a request for some funding for the Website. In addition, 7 other potential sources of funding are being investigated. A funding application was currently being prepared to go to the Moray Firth Partnership.

It was noted that Tam McLellan had indicated (via e-mail) his strong disapproval of the Common Good Fund being used for the website. Following extensive discussion amongst the members present, it was agreed that, as the website would be of benefit to the whole community, it would be appropriate to consider application to this as one of the sources of funding. It was however accepted that this is a limited source, and that other groups may also want to apply for funding from the Cullen Common Good Fund. It was felt important that the carry forward arrangements should be used judiciously so that no funds are lost to the community as has happened in the past.

It was also suggested that the Joint Secretary contact Rod Lovie re the development of the Keith website.

ACTION: Zillah Jamieson

8.10. The Cullen Community Garden

The Joint Secretary confirmed that she had invited Isobel Addison, Trustee, Cullen Community Projects Committee, to attend the meeting in order to advise all present of the current status of the Garden - thus making her comments available in the Minutes and thus generally available to the community in its entirety. A response was received on 29th December indicating that Isobel was unable to attend our meeting on 15th January 2009. The letter further indicated: "As I stated in our last letter to the Cullen & Deskford Community Council, the Projects Committee are more than willing to meet the members of the community who have voiced an interest in the gardens. The garden project is ongoing, and has been for the past 10 years."

It was noted that Tam McLellan had (via e-mail prior to the meeting) raised the issue of the accountability of groups who had either received public funding or raised funds through public events.

It was agreed that the Joint Secretary should write to the Moray Council asking how groups of this nature should be regulated and audited. It was also agreed to invite representatives of the Cullen Community Projects Committee to the next meeting in February.

ACTION: Zillah Jamieson

8.11. Funding Update

Prince's Trust: **to be raised with Young Members.**

Rural Development Funding Seminar: Information had been received regarding this seminar to be held in Elgin on 19th January from 09.30 to 15.15. Both the Chair and Joint Secretary had undertaken to attend on behalf of the Community Council.

ACTION: Ashley Mowat/Monica Wells

8.12. Events Diary

Attached as Appendix 1.

9. PLANNING

9.1 Aultmore Wind Farm Development

Nothing further to report.

9.2 Cullen Harbour Lighthouse

The Joint Secretary's letter of 22nd December to Alastair Keddie stated:

"Similar comments (to those under the heading of the Harbour) apply in relation to the numerous issues associated with the Beacon and the absolute criticality of a meeting with Gordon Holland. This is a significant topic for the local community, and feelings are running high that, after about two years, there has been no outcome - whether demolition or maintenance. And, in the meantime, the Beacon's condition is worsening. You make no mention of Historic Scotland's stance on the Beacon which is to maintain and preserve it, rather than demolish it.

We do not know of any boat owners who use the Cullen Bay Hotel as a marker, and, as a non-sailor, I cannot imagine how the Cullen Bay Hotel can be used as a marker when it lies to the west of the harbour."

A meeting with Gordon Holland is awaited on 30th January 2009.

9.3 Lintmill Nursery Site

The Joint Secretary indicated that she had received an e-mail from Malcolm Leiper of futureplans architects and planners who represent W.J. Gauld & Sons who own the Lintmill Nursery site and are intending to redevelop it. Mr Leiper had requested the opportunity to make a short presentation to inform the Community Council of the nature of their client's planning application and note any comments that may be made.

W.J. Gauld & Sons had made a bid to have the site re-designated in the Review of the Local Plan - which was eventually very narrowly turned down in the final part of the process. This was not a planning application. W.J. Gauld & Sons now wish to pursue a formal planning application which will have been submitted on 6th January 2009.

We understand that the Community Council would be consulted as a statutory consultee; however, it is also noted that responses would probably have to be submitted sometime between the January and February meetings of the Community Council.

Following discussion between the Chair, the Joint Secretary and Malcolm Leiper, it was agreed that, given the fullness of the January agenda, the Community Council would await sight of the planning application and then, dependent on the views of the members of the Community Council, call a public meeting in Cullen at which Malcolm Leiper could present. The Joint Secretary indicated that Malcolm Leiper had e-mailed her on 15th January 2009 confirming that the site under the planning application belongs to W.J. Gauld, that he has deeds to prove it and has certified to that effect in the planning application which was now registered with the Moray Council. A copy of the application forms, plans and supporting documents had been sent to Cullen Post Office, and are available for public inspection.

Following discussion, it was agreed that the Joint Secretary should obtain a copy of the planning application, and that the architects should be invited to the Community Council's February meeting.

ACTION: Zillah Jamieson

9.4 Weekly List

Since the last meeting, there had been no planning applications of community interest.

9.5 Planning System

The Joint Secretary confirmed that she had received correspondence from Alastair Kennedy, Chair of the Joint Community Councils, regarding the changes proposed to the Planning System in Scotland. As Chair of the Planning Committee in the Elgin Community Council, he regards the process as badly flawed, and, as a result, the credibility of the Scottish Parliament at stake and communities running the risk of not having their say on many planning issues in the future.

In the absence of all details, the Joint Secretary confirmed that she had e-mailed the correspondence to Mr Richard Lochhead MSP on 11th January 2009 requesting his views and reassurance that he will do his utmost to make sure that legitimate community interests will be both heard and protected. She pointed out to Mr Lochhead that, as a Community Council, we had already had experience of not being able to influence planning decisions in favour of the community we represent, and would be fearful of the system becoming "worse" in this respect.

10. A.O.C.B.

10.1 Community Council - Term of Office: The Joint Secretary had been advised by Tracey Rae (Community Council Liaison Officer) on 6th January 2009 that the current term of office ends on 5th October 2009 (the Cullen & Deskford Community Council having been formed half way through the term of 4 years). As a result, meetings can only be set for the period up to 4th October (a revised Members and Meeting Dates schedule will be issued to all members). As at 5th October, all current Community Council members would be considered as no longer in office, and no business can then be undertaken until the nominations process is completed, new and/or existing members are confirmed as being in office and office-bearers duly elected. In addition, all finances must be up-to-date and appropriate documentation available as at 4th October.

ACTION: Zillah Jamieson

11. DATE, TIME AND PLACE OF NEXT MEETING

The next meeting was confirmed as Thursday 19th February 2009 in the Memorial Hall, Cullen Town Hall at 7.30 p.m.

APPENDIX 1**EVENTS DIARY**

DATE	ORGANISATION	EVENT	LOCATION
17 January	Deskford & District Community Association	Burns Supper	Deskford Community Main Hall
23 January	Cullen Homecoming Group	Burns Supper	Cullen Town Hall
18 February	Breast Cancer Group	Coffee Morning	Portknockie
28 February	Deskford and District Community Association	NEATS - Cats Cradle	Deskford Community Main Hall
15 - 21 June	Cullen Deskford & Portknockie Heritage Group	Homecoming Week	Various events to be notified