

**Cullen & Deskford Community Council  
Meeting on Thursday 21st May 2009  
7.30 p.m. in Deskford Jubilee Hall**

**M I N U T E S**

**Present:** Professor Ashley Mowat, Chair  
Mr Thomas Johnston, Vice-Chair  
Mrs Joyce Henderson, Treasurer  
Mrs Zillah Jamieson, Joint Secretary  
Mrs Monica Wells, Joint Secretary  
Mr Sandy Christie  
Mr Malcolm Watt

**In Attendance:** Cllr Stewart Cree

**Apologies:** Cllr Gary Coull  
Cllr Ron Shepherd  
Inspector Derek Spark  
Sergeant Tony McCullie  
PC Iain Dormand

**1. Welcome And Apologies**

The Chair welcomed all attendees to the 17th meeting of the Cullen & Deskford Community Council.

Apologies were noted as above.

**2. Minutes Of Previous Meeting (16th April 2009)**

No amendments were made. The Minutes were approved as a true record.

**3. Reports**

**3.1 Police:**

In the absence of police representatives, the Joint Secretary included an update e-mail received from Sergeant McCullie (18th May 2009).

**Mobile police surgery/use of police office:** Dates for manning of the Cullen Police Office had been confirmed at the last meeting - Thursday 7th May from 12.00 to 14.00 and Tuesday 19th May from 15.00 to 16.00. These details were displayed in the Cullen Library and Post Office, and the Deskford Jubilee Hall and Community Centre. Sergeant McCullie indicated (via e-mail) that PC Iain Dormand carried out a police surgery on 7th May 2009; however, he was curtailed on the day due to staff sickness; he had been in Cullen however on several occasions carrying out various enquiries; he remains committed to working out of the office as much as possible, and the dates previously given will be honoured as far as possible. The Joint Secretary undertook to request further dates for the mobile surgery/use of police office, including an evening timing to suit those unavailable to attend during the day.

**ACTION: Zillah Jamieson**

**Crime Figures:** Over the previous month, Sergeant McCullie reported (via e-mail) that the following incidents had occurred in the Cullen beat area: vandalism (x 1); theft (no housebreakings) x 6; breach of the peace (x 2); and a minor road traffic accident, with enquiries ongoing into the majority of these incidents. In addition, he reported the alleged disturbance of a badger's set at the building site at Judy's Lane and that enquiries were ongoing, and building work had been suspended pending these enquiries. The relevant partner agencies had been involved. The Chair commented that the site was inspected by both Scottish National Heritage and the police, and, whilst evidence of badger activity was reported, there was no confirmation of a badger set. He also indicated that work at the site continued throughout the enquiry period.

In light of the recent break-ins to boats at the harbour (crime report submitted and 3 suspects caught), the Joint Secretary undertook to request that the police include the harbour on their local patrols.

**ACTION: Zillah Jamieson**

**Pedestrian Island, Seafield Street:** the Joint Secretary confirmed that she had written to the Chief Executive of the Moray Council (27th April - copied to Gordon Holland and Tracey Rae) as follows:-

"This topic was re-visited at our last Community Council meeting on 16th April. Whilst there is no denying that this pedestrian island has been of great benefit to many in the community, in particular the elderly and parents with young children, one concern has come to light recently which we would be grateful if you could address, perhaps with appropriate road markings. When approaching the crossing point, if there are vans and/or large vehicles parked in close proximity to the crossing (as there has been frequently recently because of building works), it is impossible to see oncoming traffic from the edge of the pavement; pedestrians have to lean out, thus causing a dangerous situation both for themselves and for oncoming traffic. We would be very grateful if you could investigate this and take appropriate measures."

A response is awaited; the Joint Secretary to progress.

**ACTION: Zillah Jamieson**

**Neighbourhood Watch:** Ted Newstead had confirmed to the Joint Secretary that he will be leaving Cullen at the end of June. To date, no-one had come forward to take on his role as Area Co-ordinator. The Joint Secretary undertook to ask the police if Neighbourhood Watch is part of their remit, in the absence of an Area Co-ordinator position, and to enquire whether the street co-ordinators are continuing in their own respective roles; Sandy Christie indicated that there was interest from Deskford in creating a Neighbourhood Watch scheme.

**ACTION: Zillah Jamieson**

### **3.2. Local Councillors**

No items were raised, other than those appearing on the agenda.

### 3.3 Treasurer

**Annual Grant:** the Joint Secretary confirmed receipt of a cheque from the Moray Council to the value of £327.50 as a contribution to the running costs of the Community Council for the period April to September 2009. This figure is calculated at a flat rate of £557 plus £0.02 per head of electorate and is based on the 2001 Census. The cheque also allows £35 for payment of Data Protection Registration.

**Textile Recycling:** The Treasurer confirmed on 21st April that Northern Textiles had submitted a cheque to the value of £5.00.

#### **Update on list of ideas on which to spend funds:**

**Meals on Wheels:** Christmas Hampers: confirmation of numbers is awaited.  
**ACTION: Malcolm Watt**

**Outings for elderly/less mobile people:** the Joint Secretary undertook to contact Allan Birnie, Moray Council, to establish whether this initiative would be covered under the Community Council Public Liability Insurance.  
**ACTION: Zillah Jamieson**

**Transport for less able people to Deskford Flower show:** ditto comments to above; the Flower Show is scheduled for 22nd August.  
**ACTION: Zillah Jamieson**

**Contribution to website:** see agenda item 4.9.

**Contribution to Cullen District Calendar:** The Joint Secretary confirmed that she had advised the Heritage Group Secretary on 25th April that the Community Council would contribute £220.00, being 50% of the production costs. The Calendar was scheduled to be available within the next 2/3 weeks. The Joint Secretary undertook to clarify with the Secretary of the Heritage Group that an acknowledgement of funding from the Community Council will appear on the calendar and that further reprints will be self-financing. Sandy Christie expressed disappointment that Deskford was not included in the 2010 edition. The Chair expressed his hope that the calendar would be an annual initiative and that this omission could be corrected.

**ACTION: Zillah Jamieson**

### 3.4 Funding Update/Incoming Information

The Joint Secretary confirmed that the Rural Gateway had been relaunched as the Scotland National Rural Network - but that most projects were associated with agriculture.

The Chair and Joint Secretary reported on a meeting with Fiona Limbrey of the Moray Council who had provided useful information on a number of funding sources for the range of initiatives being considered; these would be progressed as appropriate.

**ACTION: Ashley Mowat/Zillah Jamieson**

### **3.5 Events Diary**

Attached as Appendix 1.

It was agreed that the Community Council should write to Michael and Adrian Sandison (who are walking the Great Wall of China in October to raise funds towards the work of the Fishermen's Mission) to suggest that the Community Council contribute by arranging an event in November at which Michael and Adrian could talk about their venture.

**ACTION: Zillah Jamieson**

## **4. Community Plan**

### **4.1 Reduction in Public Facilities in Cullen**

The Joint Secretary confirmed that she had written to the Chief Executive of the Moray Council (27th April 2009, acknowledged on 5th May) attaching the letters received from community groups following the 25th March meeting and indicating Community Council support for all the points raised. The letters also included one received from Mrs Morag Whitelaw on 21st April, the key points of which emphasised the necessity to retain the Community Centre, the Residential Centre, the Library and the Town Hall which are all used extensively by a wide variety of clubs and activities (from babies to pensioners), the income generated in local shops and businesses by residential groups, and also included suggestions for further uses for the facilities.

The Joint Secretary confirmed that she had received a response from Mark Palmer, Chief Financial Officer (7th May 2009), indicating the following:-

"I can confirm that a review of Council facilities in Cullen is included in the Council's 4 Year Financial Plan which was initially approved by the Council on 14th May 2008 and more recently updated on 12th February 2009. In the Financial Plan reference is made to 'Rationalisation of Council Facilities in Cullen as appropriate and agreed - based on the Asset Management Efficiency Theme.' The review is being overseen by the Council's Asset Management Working Group which I chair and I can confirm that the information provided in your letter will be included as part of the review process.

At present the plan is to provide Council Members with a report towards the end of June at which point consideration will be given to consultation arrangements.

The third bullet point in your letter refers to the Local Plan. This is not a matter that will be covered in the review of Council facilities and I will forward your concerns to the Director of Environmental Services for a response to this point." This bullet point relates to the designation of the green space beside the Community Centre as being "Opportunity" Land. A response is awaited from Bob Stewart, Director of Environmental Services.

The letter from Mark Palmer was copied to those groups who had written to the Community Council; a notice giving details of the letter was also displayed at the Cullen Library, Post Office, Town Hall and Deskford Halls.

The P & J covered the story (1st May 2009) including quotes from Trisha Gauld of the Cullen Play Centre Committee and the Joint Secretary of the Community Council. A spokesman from the Moray Council indicated that no decisions had been taken about buildings at Cullen, and any proposals from the property review will be subject to consultation with the local community and facility users.

Malcolm Watt reported on a letter received from Graham Mair in support of the retention of the Cullen Town Hall, highlighting the work undertaken by the Cullen Bible Club with between 30 to 40 children on both bible teaching and a variety of fun activities (on which they have spent some £1,150 in the purchase of appropriate equipment). The letter emphasised the worthwhile contribution to community life for children (not specific to any church).

The Joint Secretary undertook to copy the letter to the Chief Executive of the Moray Council and the other groups who had previously written letters of support.

**ACTION: Zillah Jamieson**

#### **4.2 Harbour Committee Report:**

Malcolm Watt reported that progress had been made (with the help of the Moray Council) in realigning disconnected chains and in installing the chain from Hopeman Harbour. Further work was required to make these a usable asset for boat owners.

**ACTION: Malcolm Watt**

**Lighting on west pier:** The Joint Secretary confirmed that she had written to Gordon Holland, Transportation Manager (26th April 2009) to ask for an update on Keith Stratton's investigation into Lighting for the West Pier at Cullen Harbour. Malcolm Watt undertook to progress this.

**ACTION: Malcolm Watt**

#### **4.3 Town Hall Report:**

**Town Hall Flag:** The Treasurer confirmed that she had put the order for the new flag on hold further to the information indicated below.

The Joint Secretary confirmed that she had written to Nick Goodchild (26th April 2009) asking for confirmation that the flagpole is safe for the purposes of raising and lowering the Town Hall Flag - given that the flagpole is mentioned in the January 2009 condition survey as being "recently renewed". Nick Goodchild confirmed (28th April 2009) that he had passed on the e-mail to those responsible, and would advise of progress. A progress report is awaited.

The Joint Secretary contacted the Secretary of the Buckie Community Council to get more information on their experience of applying for the right to fly the coat of arms. Allan Fraser confirmed that the Cullen Coat of Arms went into abeyance with the changes in local government in 1975. Further to his advice, the Joint Secretary contacted Charles Burnett, Ross Herald of Arms, living in Portsoy, the main points of the discussion being:-

- The Town Council (in the 1950s) petitioned the Lord Lyon King of Arms in Edinburgh to record the Coat of Arms (it never having been recorded previously)
- The design is specific to the body making the petition; once that body no longer exists, the coat of arms no longer exists
- if the Cullen and Deskford Community Council makes the petition, the design requires to incorporate a Deskford element
- If the body making the petition ceases to exist in the future, that design of coat of arms also ceases to exist
- The flying of the flag in 2000 was unlawful
- The design of the ordered flag may not be lawful
- The design need not be heraldic (if not heraldic, no need to refer to the Lord Lyon King of Arms)
- It may be more advisable for the Cullen Town Hall Committee to make the petition
- It may be possible to shorten the 12-month lead time to get permission, but the fee is immovable (legal costs, vellum painters etc).

It was suggested that, failing all other routes to success, an approach to the Earl of Seafield to use his coat of arms for the flag may be appropriate; it is his coat of arms that features above the main entrance to the Hall. The Chair and Joint Secretary undertook to meet with Charles Burnett to explore the options available.

**ACTION: Ashley Mowat/Zillah Jamieson**

**Visit to Lossiemouth:** a very useful visit (24th April 2009) had been made to the Lossiemouth Town Hall (meeting with their Chair and Treasurer) by representatives of the Town Hall Committee, including the Chair of the Community Council. The visit convinced those attending of the value of pursuing this objective. Their conversion of the hall is very impressive, and considerable time was spent in understanding their mistakes (not many but important). They also provided a copy of their leasing arrangements, charging policy, constitution etc, and lots of practical advice on how to get things at cost.

**Fire/Safety Report:** the visit to Lossiemouth confirmed the crucial need for an up-to-date Fire Inspection and Safety report, which was requested by the Chair from Nick Goodchild on 26th April 2009. Nick Goodchild confirmed (28th April 2009) that he had passed the Chair's request onto the relevant parties. A response is awaited.

**Provost Pictures:** the Joint Secretary confirmed that she had written to Nick Goodchild (26th April 2009) asking for a progress report on the copies of the pictures which are to be provided by Alistair Campbell. Alasdair Joyce (Senior Museums Officer) had indicated on 1st May 2009 that a selection of these portraits could be loaned to Cullen to coincide with the Homecoming events later this year. The short-term loan of a selection of the portraits is made specifically with the intention that the loan would coincide with the Homecoming events in Cullen later this year. The offer is separate from any other proposed arrangements with regard to these objects. The Joint Secretary confirmed that she had consulted with the Chair of the Town Hall Committee who supported this initiative. It was agreed to progress the return of the pictures - by 11th June - in time for the Heritage Week. The Heritage Group had undertaken to organise some informative cards for each picture.

**ACTION: Zillah Jamieson/Steve Liley**

**Property Review:** no progress to report.

**Reading Room:** no progress to report.

#### **4.4 Cullen Common Good Fund**

The Joint Secretary confirmed that she had written to Margaret Wilson, Head of Financial Services (26th April 2009) asking for:-

- clarification on the current status of the application to the Common Good Fund for the costs of the Town Hall Flag, and whether it would be possible to obtain a conditional approval and to ensure that the funds come out of the 2008/09 budget
- an updated version of the "statement of account" for the Common Good Fund for the 2009/10 financial year.

Margaret Wilson's response (28th April 2009) had indicated that all unspent funds from both 2007/08 and 2008/09 had been carried forward (a new policy approved last year). On this basis, there was no value in re-visiting our application (especially given the potential time involved in obtaining permission). It is understood that the funds available in 2009/10 will be the sum of £195 and £354 (unspent from 2007/08 and 2008/09 respectively), plus a very small amount for 2009/10 due to the very low interest rates on investments).

The Joint Secretary confirmed having received an invitation from the Environmental Law Centre Scotland to attend a Seminar on Common Good (Understanding Law and Accounting Practices for Common Good) on Saturday 13th June at Lhanbryde Community Centre, Elgin (charge of £20).

#### **4.5 The Lawtie Trust**

Further to an enquiry by the Chair, Cllr Ron Shepherd confirmed (18th April 2009) that no decision had been made regarding the Lawtie Land's use for allotments, but he did confirm that the group had visited the site.

The Chair and Vice-Chair met with Rhona Gunn, Senior Solicitor (12th May 2009); this meeting was very useful in understanding the legal approach to the Lawtie Trust. Rhona confirmed that no value would be served in approaching the Court of Session again, therefore it is critical that ideas are generated which will fit in with the Trust's original objective of helping the poor and needy of Cullen and Lintmill or those with a connection to Cullen and Lintmill - without cutting across those services provided by national agencies.

Two points confirmed after the meeting were as follows:-

- planning permission had been granted for development of the site next to the Lawtie land; this will have no immediate relevance unless and until the trustees decide to sell, and it should be noted that the ability of trustees to dispose of capital is strictly regulated

- Moray Landscapes had written to the Trustees for permission to use the Lawtie land; no lease will be entered into until the land has been surveyed and consideration given to advertising the site. Any use of the land will be considered with reference to the Trust purposes. Depending on the nature of the proposals, the Trustees may instruct Legal Services to consult with the Community Council. This will very much depend on the nature of the proposals. Clearly the Trustees will wish to reflect and respect local opinion wherever possible in operating the trust. The terms of the Cy Pres scheme are however quite clear in giving the Trustees the sole discretion to determine use of the trust funds, and the views of the Community Council will form only part of the information which the Trustees may have regard to in reaching a decision.

Subsequent to the meeting (17th May 2009), the Chair posed two further questions to Rhona Gunn, to which a response is awaited:-

- Presumably the Trustees have an obligation to achieve the best returns possible for the Trust; in this time of sensitivity and mandatory transparency, what steps have the Trustees taken to make sure that the market has been fully tested to maximise returns for the Trust?
- What legal steps can be taken to ensure that any long-term lease does not compromise the original intentions of the Lawtie Mortification?

It was agreed that the Chair should request a further meeting with Rhona Gunn to discuss those issues raised at the Community Council meeting (including a discussion on the impartiality of Trustees).

**ACTION: Ashley Mowat**

#### **4.6 Floodlighting of the Market Cross/War Memorial**

The Joint Secretary confirmed that she had approached Reni Milburn of the Moray Council (26th April) for advice on which funds would be the most appropriate for this project. Reni indicated (28th April) that some of the items needed to be worked up; e.g. floodlighting would not be of much interest to funders without some information points or interpretation panels (the Heritage Group had indicated their willingness to help with this). She suggested that we should combine our suggested list (to include the community garden) as one "Village Regeneration" project with the potential of up to 50% of LEADER funding. A meeting took place with Fiona Limbrey (19th May 2009); this proved very useful in highlighting a number of funding sources, which will be progressed as appropriate. It was also emphasised that it would be essential to speak to all residents of the Square to obtain their support for this project.

**ACTION: Ashley Mowat/Zillah Jamieson**

In the light of these comments, the Joint Secretary considered it premature to write to Cullen groups to request their support for the project.

The Joint Secretary confirmed that she had written to John Phillips, Area Engineer Lighting (26th April 2009) asking whether:-

- the costs quoted could be reduced in light of the forthcoming work on column replacements in Seaford Street
- the Community Council should have been one of the organisations consulted on the column replacement work.

John's response (27th April 2009 and acknowledged by the Joint Secretary) indicated that:-

- the cost estimate provided was only guidance of the probable cost - not an exact quotation
- the Community Council require to consult various interested parties, including obtaining permission from the Roads Department to install underground units in a public carriageway
- John would provide a more accurate estimate once the Community Council decide if the scheme outlined is what we wish to progress
- The column replacement scheme in Seafield Street is programmed to commence at the end of May 2009; the time frame is therefore too short to consider installing the floodlighting at the same time as these works (e.g. underground lantern delivery = 12 weeks); he also confirmed that combining the works would probably not achieve any savings anyway
- John confirmed that, prior to carrying out street lighting installation/ improvement schemes, it is the Council policy to consult with those directly affected by any proposals i.e. properties/residents in the street affected - as part of their standard design procedure.

#### 4.7 Homecoming 2009

The current schedule of activities includes the following:-

Date	Event
23rd January	Burns Supper, Cullen Town Hall - successful evening - with the bottle competition carried forward to a future event; funds raised for the RNLI amounted to £504; presentation arrangements are in hand
16th February	Gents & Boys Haircutting Marathon - Scissors, The Square - funds raised for the Play Centre amounted to £100
15th to 21st June	Cullen, Deskford and Portknockie Heritage Group - Homecoming Week - various events (Primary School and Town Hall)
17/18th June	Seniors Open - run by Seniors Section of Golf Club; now accepted as an official event in the Homecoming Scotland 2009 programme of events
11th/12th July	Craft Weekend - in aid of RNLI and PoppyScotland (Town Hall)
22nd July	Musical Evening (to incorporate the bottle competition outstanding from the Burns Supper - all funds from the bottle competition to the RNLI)
26th July	Vintage Tractors and Cars: ground booked through Moray Council (The Link); public liability insurance arranged through Moray Council; risk assessment finalised
31st July/1st and 2nd August	Art Group event
8th/9th August	Craft Fair - Christmas Lights Group (Town Hall)
31st October	Christmas Fair - Christmas Lights Group (Town Hall)
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

The Joint Secretary confirmed that she had written to Pierre Masson of the Moray Council enquiring as to the outcome of the Homecoming 2009 application for the Burns Supper (£54.00 to cover costs of the Town Hall). Pierre confirmed on 27th April 2009 that we had been unsuccessful in our application. The Chair had written to the 3 Local Councillors and Richard Lohead (27th April 2009) to ask for their help in overturning this decision. Cllrs Cree and Shepherd had responded (28th April 2009) indicating their support for our application, and undertook to make representations to the Homecoming Committee (Chairman John Russell). Cllr Cree confirmed at the meeting that the Moray Council had indicated that retrospective bids would now be considered; however, our application was still not eligible because the funding does not fund charitable donations.

The Cullen Voluntary Tourist Initiative had confirmed that the Summer Festival and Cullen Skink Competition will be taking place during the weekend of 17th to 19th July (the same weekend as the Cullen Golf Club Gala Weekend).

#### **4.8 Cullen District Calendar**

Comments under agenda item 3.3 apply.

#### **4.9 Cullen Website**

The Joint Secretary reported on the presentations from 3 organisations which took place on 11th May 2009; the panel consisted of the Chair of the Cullen Voluntary Tourist Initiative, the Joint Secretary of the Community Council and an independent advisor (consultant from HIE). A preferred supplier had been identified. The Joint Secretary undertook to provide a fuller written progress report for consideration by members before any decision is taken (in conjunction with the Cullen Voluntary Tourist Initiative) on the way forward.

**ACTION: Zillah Jamieson**

#### **4.10 Cullen Community Garden**

The Joint Secretary confirmed that she had approached Reni Milburn of the Moray Council (26th April) for advice on which funds would be the most appropriate for this project. She also requested her view of CSV Action Earth 2009. The meeting with Fiona Limbrey (19th May) had proved useful in identifying various sources of funding which would be progressed appropriately.

The Joint Secretary confirmed that she had written to Isobel Addison, Trustee, Cullen Community Projects Committee (27th April 2009), confirming the discussion at the last meeting, as follows:-

"Your proposal to transfer the Community Garden to the Community Council was discussed at our last meeting. Whilst the Community Council empathised with the merits of this proposal, the members agreed that the role of a Community Council has to be one of facilitation and support to local groups. This role is working extremely well at the moment with both the Harbour Committee and the Town Hall Committee, and we are seeing benefits from our statutory role in looking after the interests of the community.

The Community Council would be very happy to support the Projects Committee in every way possible in returning the Community Garden into an area which can be enjoyed by local residents and visitors - as was originally envisaged. Some of the ways that we may be able to help are in the areas of identifying funding sources and submitting funding applications, as well as liaising with our contacts in the Moray Council to best effect. We would also be delighted for a Community Council representative to serve on the Projects Committee in order to ensure close collaboration and effective communication."

The letter also confirmed the initiation of investigation into funding possibilities and dialogue with the Criminal Justice Services unit.

A response had been received from Alastair Wilson, Trustee of the Cullen Community Projects Committee (12th May 2009) as follows:-

"At present do not approach Ms Reni Milburn on our behalf. When necessary we are quite capable of contacting her.

Regarding help from Mr Mike McRitchie of the Criminal Justice Services, you have no authority to interfere in this matter. We, if needed, can contact this gentleman ourselves.

We strongly advise you to take heed of the foregoing."

The visit to the site (as noted in 4.12 below) included Isobel Addison, Trustee, who was encouraged by the relevance of the tidy-up offer and who, in conjunction with her committee colleagues, will provide a plan of what is required so that the clean-up can proceed as soon as possible.

**ACTION: Ashley Mowat/Zillah Jamieson**

#### **4.11 Cullen Allotments**

There had been no further dialogue with this Group.

#### **4.12 Criminal Justice Services Projects**

The Joint Secretary confirmed that she had written to Mike McRitchie of the Moray Council (26th April 2009) to thank Tish and Mike for their presentation at the last meeting, and to confirm the action points as follows:-

- Cullen Beach tidy-up: to be undertaken regularly
- Viaduct - litter tidy-up: to be undertaken regularly
- Crannoch Hill path/Cullen Community Garden/Deskford Community Centre/Coastal path to the east of Cullen: site visits to be arranged
- Cullen Town Hall - internal painting: in abeyance in anticipation of Property Review and outcome of discussions with Nick Goodchild.

Mike McRitchie had confirmed that tidy-ups at both the Cullen Beach and the Viaduct had taken place and will continue on a regular basis. Site visits had taken place (14th May 2009) at the Crannoch Hill path, the Cullen Community Garden and the Deskford Community Centre. Subject to clarification of requirements for the Crannoch Hill path and the Community Garden, Mike McRitchie confirmed availability of labour for these projects. Sandy Christie confirmed that tidy-up work at the Deskford Community Centre had already commenced and would continue on a regular basis.

It was agreed to write to the Moray Council Transportation Department to request their approval for work on the Crannoch Hill path.

**ACTION: Zillah Jamieson**

## **5. Planning**

### **5.1 Cullen Harbour Lighthouse**

Nothing further to report. Malcolm Watt undertook to contact the Moray Council regarding the promised estimates.

**ACTION: Malcolm Watt**

### **5.2 Lintmill Nursery**

The Joint Secretary confirmed that she had written to Ian Douglas, Moray Access Manager, the Moray Council, as follows:-

"The Cullen & Deskford Community Council has been approached by Arthur Gauld and his architects in connection with the potential re-classification of the existing path via the School, along the boundary wall of Cullen House grounds, past the Lintmill Nursery and down to Lintmill.

Our understanding is that Arthur Gauld is willing to consider contributing to its improvement in sections which are in danger of becoming overgrown, and he has requested our support in having the path recognised as a Core Path on the grounds that it would add value to the network of public paths around Cullen to the benefit of residents and visitors. We understand that this re-classification would entitle the path to proper signposting and entitle the Community Council to press for any necessary upgrading or maintenance by appropriate parties.

Following full discussion at our last meeting, we are writing to confirm that the Community Council is happy to support Arthur Gauld's proposal. In the past, the path was used extensively by the community, and an upgrade to Core Path status will potentially open up latent demand for use of this attractive route by locals and visitors alike. The Community Council also believes that this path will add value to the Core Path Network.

In confirming our support for this proposal, we must emphasise that this statement does not imply in any way at all that the Cullen & Deskford Community Council directly supports the housing development being proposed. That is outside its remit, and the Community Council would not wish to be cited in that way."

### **5.3 ePlanning and eConsultation**

The Chair confirmed having received a letter on 16th April confirming the new arrangements for an ePlanning service across Scotland, commencing on 29th April.

### **5.4 Guidance for Community Councils re Elected Members role in planning issues**

A communication from the ASCC (21st April) indicated the following:-

- The Elected Members' code is about to be reviewed; this code only applies to those elected members who sit on planning committees or other structures where planning decisions are made and/or considered on appeal
- The code requires local authority councillors to give no public statement of their position in regard to a planning application; local authority councillors can, and should, listen to the view of Community Councils on planning applications; there is no reason for a local authority councillor to leave a meeting where a planning application is being discussed
- A local authority councillor who is a member of the planning committee cannot be expected to offer an opinion on a planning application at a Community Council meeting

### **5.5 Weekly List**

In the Weekly List dated 13th May, the following applications appeared:-

- Erect new dwellinghouse at Blantyre Cottage, Old Blantyre Farm, Cullen
- Retrospectively convert part of steading into dwellinghouse and retain rest of steading at Burnsford Deskford
- Change of use of existing hall to dwellinghouse and erection of extension to rear at 57 Seatown Cullen
- Erect block of 4 flats at site to the rear of Palm Cottage, 10 Seafield Place Cullen

These were not deemed to be of community interest.

## **6. Points for Noting/Information**

### **6.1 Licensing Board Applications:**

Licensing Board Applications are being monitored on a weekly basis by the Joint Secretary.

The Joint Secretary had advised members (8th May 2009) that the Bayview Hotel had modified its licensing application to reflect being open all year round. There were no grounds for objection.

The Joint Secretary had advised members (8th May 2009) that the Co-operative Group had modified its licensing application to extend its trading hours to 10.00 on a Sunday and to change the capacity available for off-sales. There were no grounds for objection.

## **6.2 Correspondence**

None to report.

## **6.3 Publicity**

None other than the coverage of the Public Facilities meeting previously mentioned.

## **6.4 Suggestion Boxes**

None to report.

## **6.5 Consultation Documents**

**General Practice in Scotland: The Way Ahead:** The Joint Secretary confirmed that she had advised members (27th April 2009) of this consultation document (available online) and had passed a copy to the Chair for his consideration (comments to be submitted by 12th June). The Chair undertook to prepare a response on behalf of the Community Council.

**ACTION: Ashley Mowat**

## **6.6 Community Council Paperwork**

A communication from the ASCC (9th April 2009) indicated that:-

- There is no hard and fast rule about the length of time Community Council paperwork must be kept
- For financial papers, HMRC could initiate a backwards check going back up to 6 years, so it is wise to keep these documents for at least that long
- For other paperwork, the advice is to keep as much as possible electronically, so it can be shared, stored and backed-up; Minutes should be kept for at least since the start of the Community Council's term (i.e. since last election)
- One exception - Data Protection - "personal information" which is data that "identifies a living person" (not including Community Councillors) can only be held for a maximum of 6 months; if held for longer, there must be a valid reason; an example of a valid reason would be a payment made to a 3rd party where the data must be kept for audit purposes.

## **6.7. Data Protection**

The Joint Secretary confirmed that she had received a communication from Tracey Rae indicating that, when we receive an annual renewal notice from the ICO to renew our £35 DPA registration, there may be another document included which obliges us to adopt the ICO model scheme for ensuring we comply with the FOI Act, stating how specific information held by the Community Council can be accessed by the public. This does NOT apply to Scottish community councils.

## **6.8 Confirmation of other actions taken**

**Midnight Football League 2009/10:** The Joint Secretary confirmed that she had written to Kim Paterson on 25th April indicating that the Community Council may wish to be involved in next year's league and, on that basis, would be grateful if she could keep us up-to-date with developments at the appropriate time. Kim's response (27th April 2009) confirmed that she would keep us posted on developments; it is likely that the League will return to Buckie either during the October to December or January to March school terms. She thanked us for our continued support.

## **7. A.O.C.B.**

No items were raised.

## **8. Date, time and place of next meeting**

In light of the Heritage Week and the Cullen Golf Tournament, it was agreed to cancel the next meeting scheduled for Thursday 18th June in the Memorial Hall, Cullen Town Hall at 7.30 p.m.

The next meeting will take place on Thursday 16th July in the Deskford Jubilee Hall at 7.30 p.m.

**APPENDIX 1**

<b>Date</b>	<b>Event</b>	<b>Location</b>
30th May	Coffee Morning Cullen Methodist Church 10.00 - 12.00	Cullen Town Hall
3rd June	Cullen Pensioners Club Summer Outing	
6th June	Cullen & Deskford Church Pancake Tea 14.00 - 16.00	Deskford Community Centre
16th to 21st June	Heritage Group Week	Various
16th June	Concert - for Christian Aid (to be confirmed)	Hall Church
17th and 18th June	Cullen Seniors Golf Tournament	Cullen Golf Club
21st June	Annual BBQ Church of Scotland	
8th July	Cullen Pensioners Club Charity Coffee Morning 10.00 - 12.00	Cullen Town Hall
11th and 12th July	Craft Weekend	Cullen Town Hall
17th and 18th July	Summer Festival	Cullen Town Hall
19th July	Cullen Skink Competition (to be confirmed)	Cullen Bay Hotel
22nd July	Musical Concert	Cullen Town Hall
25th and 26th July	Patchwork and Quilting Show	Cullen Town Hall
26th July	Vintage Cars and Tractors	The Links, Cullen
31st July/1st and 2nd August	Art Group Exhibition	Cullen Town Hall
8th and 9th August	Craft Fayre	Cullen Town Hall
19th August	Cream Tea, Christian Aid 19.00 - 21.00	Hall Church