

BURGHEAD and CUMMINGSTON COMMUNITY COUNCIL

Minutes of regular meeting, held at Burghead harbour office
1st July 2010

Present:- John Gordon (Chair); John Main, Alastair Mackenzie; Bill Davidson; Jim Patterson, Jennifer Walker; Jim McCourt.

Apologies:- Chris Tuke; Mollie Fraser; Cncllr David Stewart

In attendance:- Councillor Allan Wright

No police representative (all police officers continue to be heavily involved in the Elgin murder enquiry).

Visiting:- John Carney, Head of Children and Family Services Team, in Social Work Services; Richard Donald, Head of Educational Support Services.

John Gordon opened the meeting at 19.30, welcoming the visitors who were then invited to deliver their presentation, prior to other business being discussed.

Richard Donald and John Carney explained that they were in attendance to make local connections in relation to their plan for children and young people in Moray. The plan derives from Governmental initiatives. Locality management groups have been established in all secondary schools, to focus action on individual areas.

The local representative for Burghead is Ms Emma Sharp, based at Mills Primary School. Emma will be happy to come and meet the CC, and it is to her that all queries, needs and ideas regarding the youths and young people of the village should be directed. Emma will then use such information to feed back into a revised plan, and develop a long-term strategy. She will want to know the character of the local area, and will speak directly to the young people. (It was subsequently agreed that Emma will contact Jim M and make arrangements to attend the CC meeting in September). The CC confirmed their willingness to engage with the Social Work department.

The CC expressed disappointment over similar previous initiatives – lengthy efforts to get floodlights installed for an evening play area came to nothing. Political goodwill, backed by financial investment, is essential to bring ideas to fruition. It is unclear how far Emma will have access to a satisfactory budget.

Issues raised by the CC included Burghead primary school being almost unique in Moray in that it has no grass playing area, and a general lack of recreational facilities in the area. The meeting felt that as Burghead is relatively isolated, it should have priority for funding. Emphasis was also put on the need for a proactive approach to youth needs – rather than reacting to incidents of unwelcome behaviour.

John Carney stated that there has been a good reduction in youth offending in Burghead over the past four years. In the village, cases of theft, assault, or anti-social behaviour are minimal. The CC agreed that, generally, perceptions of crime risk are positive. The only area of concern relates to alcohol abuse. Further to the meeting of 3rd June, this issue was again discussed. The ready availability of cheap alcohol was felt to be a major and possibly

insurmountable problem. Educational drink awareness sessions might be useful, as would a greater police presence and community officers with strong local links.

At this point, John and Richard left and the business of the meeting commenced.

Adoption of previous minutes

The minutes of 3rd June were proposed for acceptance by Alastair Mackenzie and seconded by Billy Davidson.

All CC members expressed their condolences to Chris Tuke in respect of his recent bereavement.

Matters arising

Police involvement at Burghead:- John Gordon read from the local policing update, recently published for the Lossiemouth area. No progress has been made on the previously mentioned concerns.

Marchhead Cottage – nothing heard from Moray Council re CCs concerns.

Land Ownership (proposed club-house). Notice has been received from the Land Registry that “it is not possible to say with clarity” who owns the land on which the sub-aqua club plan their clubhouse. However, the notes with their decision-letter suggest that, actually, the land has been conveyed to the Amenities Association.

The CC agreed that Jim M will chase this matter up with the Land Registry (and, if need be, with Moray Council), and also write to the Amenities Association to advise them of our findings. If the land is owned by the Association, then they may be well advised to seek a retrospective way-leave from Diageo for the earlier use of the land to install a pipeline.

The crucial feature of any development on that land is that it must be for the benefit of the people of Burghead.

Litter at football pitch – no further problems

Unpleasant smell – no further problems

Bus services – The CC expressed considerable disappointment and displeasure at the reduction in bus services to Burghead, and the manner in which these were introduced. The new timetables have just been introduced and there are now no buses to/from Burghead after 7PM, and no Sunday service. No response has been received from the Council to the CCs concerns (two letters written).

The CC considered that Burghead was especially disadvantaged by the cuts. Several residents have already expressed anxieties about the impact on their jobs.

Speeding – No progress

Cemetery gates – The letter received from Moray Council stating that the gates are operable, was felt to be an unsatisfactory response. The Council may not have addressed the correct problem, namely that there is an accumulation of refuse adjacent to the **main** gates, which is unsightly. It was agreed that Jim M would again take the matter up with Mr Ken Kennedy of the Council.

Notice Board – Alastair has put up a new notice board about the CC in the chemist’s shop. The CC expressed their appreciation of Alastair’s efforts and Mr Duthie’s generosity in allowing the CC notices to be displayed.

Old library - This has now been advertised for sale and has attracted several indications of interest. The CC is clear in their desire to see the property retained as commercial premises of some kind.

Outdoor/underage drinking – A reply has been received from the Council in response to Jim M’s letter to them. Jim M forgot to bring this letter to the meeting (and apologised for the error). A copy of the letter is now attached to these minutes (Appendix 1). The CC again discussed the advisability and viability of seeking a ban on outdoor drinking of alcohol in and around the Burghead area. The CC would appreciate the views of the community. The meeting itself expressed varying opinions. Jim P stated that young people needed to be given an alternative and to be involved in creating other means of occupying their time.

Members’ items

John Main – The proposed **benches** have been successfully erected; no invoice has yet been received – it should be passed to John.

There is concern about the height of **grass along the back shore**, especially around the picnic tables there. The Young Trust own the land and so the Council may have little remit to cut the grass.

Recycling bins – Without notice or warning to the CC, the Council have removed the recycling bins which had been located by the Salmon Green. This has been done as part of a County-wide reduction (there had been 60 such sites). The Council maintain that the bins were lightly – or inappropriately - used. However, this was disputed by the CC. On behalf of the Council, Councillor Wright offered an apology that the CC had not been consulted in advance. However, he stated that the bins had been put in place in a time before every village household had been given with their own individual recycling boxes (orange and blue), and that, now, there was consequently less need for community recycling bins. Furthermore, any household in Burghead which requires additional boxes can obtain them – free – by phoning 01343 557045, or emailing waste@moray.gov.uk. The cost of servicing the community bins was £1K per annum to the Council.

Housing development - John expressed concern at a further amendment to the planning applications for the major housing development underway at the top of Burghead. Specifically the CC were unhappy about proposed maisonettes being changed to six single-person flats. This is believed to constitute overdevelopment of the site. In addition, although the flats are currently intended to be for private ownership, the possibility exists that they will become additional social housing units. In general, the view of the CC is that there may already be too many social housing units contained in the development (the statutory requirement is a minimum of 25%). The CC agreed that Jim M should write expressing their objections to the Moray Council planning department.

New library – The CC clearly understood that, when the new library was functioning, then its opening hours would dovetail with those of the school, so that there would never be an

occasion when the library was open during a period when children were present in the playground. This is not happening, and is a source of anxiety.

The current sign giving library opening times is not clearly readable from outside the playground, thereby raising the possibility of people entering the school area to read it. The CC were unanimous in their consensus that the safety and security of children must be paramount.

Coat of Arms – John showed the CC the scroll which he has now obtained. It includes the “Burghead bull” on the crest. John Gordon agreed to obtain copies of the CoA for all CC members. For safe-keeping, the original will then be forwarded to the Moray Council. Councillor Wright agreed to find out where it could best be stored.

Councillor Allan Wright – Councillor Wright showed a letter relating to a request from a group called “**Norwegians in Scotland**”, about the “Shetland bus”. Quite what they want is uncertain, but John Main will consider the letter and discuss it with local residents.

Jim Patterson – Jim suggested that perhaps the JCC could get together and create a coordinated effort to pressurise Stagecoach into changing their **reduction in bus services**. The sentiments were welcomed by the CC but indications are that there is no competitor to Stagecoach.

Jennifer Walker – Problems with **dog faeces** continue. Referrals to the local dog warden were recommended.

Alastair Mackenzie – There has been a resurgence of **giant hogweed** along by the old railway track, by the old dump. It was agreed that Jim M would contact Mr Ken Kennedy of Moray Council to ask that the Council take appropriate measures to remove such a dangerous infestation.

John Gordon – **Camper vans** are beginning to use the old headland area for overnight use. There are similar occurrences at the Salmon Green and at a nearby location. The meeting raised the possibility of seeking “No Overnight Parking” signs for the locations.

There was a brief discussion of whether Burghead might benefit from having a Councillor specifically representing the village as opposed to the current, more generalised representation covering the Laich.

Billy Davidson – The **display of flowers** along by the Salmon Green is poor, particularly in relation to other towns – although, in Forres’s case, “Forres in Bloom” pays the Council for their displays.

As regards the **Clavie**, nothing has been heard from the Council (or their solicitors) regarding insurance for the event. The CC are willing to help the Clavie Crew’s efforts in every possible way, but the CC were unsure that an additional committee is either necessary or useful. A risk assessment has been completed – the greatest anxiety relates to the crowds of people standing on the bank facing across the road to the Doorie Hill. The fear is that people might topple or be pushed over the edge, onto the road.

THERE IS NO COMMUNITY COUNCIL MEETING IN AUGUST.

The next meeting is on Monday 6TH September.

Appendix 1

From: [Chris Tuke](#)

Sent: Monday, June 21, 2010 12:34 PM

Subject: Byelaw Against Drinking in Public Places for Burghead

Dear Mr Tuke,

Thank you for your letter of the 7th June, addressed to my colleague Ms Gunn.

The remedy you seek would be a byelaw against drinking in places to which the public have access. Licensed premises and New Year's Eve are exempted from the byelaw. Drinking includes being in possession of an open container such that it is reasonable to infer an intention to drink.

I would firstly make the point that you have taken the correct action in notifying the police. The matter of underage drinking is first and foremost a matter for the police and the police have general powers to deal with underagers. Interestingly those powers are not under the Licensing (S) Act 2005. The offences under the new Act refer to selling alcohol to underagers or underagers buying or attempting to buy alcohol for themselves or others or adults buying alcohol for underagers. They go back to the root cause of where youngsters are obtaining alcohol and not the effect in terms of where it is being consumed etc.

The second point is that where persons are lawfully purchasing and consuming alcohol i.e. they are over 18 then the police are more limited. If those people are acting antisocially then the police obviously have the power to deal with them also e.g. for breach of the peace. The police generally feel that if those people are not acting antisocially then their powers are limited and a byelaw against drinking in public places adds a further weapon to the police arsenal. The byelaw enables the police to curtail drinking in public even when that drinking is legal in terms of age.

A byelaw is designed to combat particular problems. This in turn means that the Scottish Government will never endorse a byelaw designed to apply to the whole of Moray. Existing byelaws cover the urban areas of Elgin, Forres, Keith, Buckie and more recently Lossiemouth.

I note that you wish to target certain areas but you should be sure that creating a byelaw in one area will not just displace the problem to another or have other unintended/undesirable consequences. A byelaw will be defined by reference to a delineated area on a plan and that area will generally encompass the whole town. Therefore if there are other areas in the town you would like drinking to be allowed for other reasons e.g. a picnic with wine on the beach then you should be aware that a byelaw would stop that sort of activity as well. In addition drinking in a public place anywhere inside of the line will be a potential offence whereas one step outside of the line would not give rise to an offence, so byelaws can be a bit arbitrary in that way.

Whilst the police would retain a certain discretion in terms of enforcement of the byelaw it could also give rise to difficult situations. For example, if a party with the potential to cause trouble and a family having a picnic are both on the beach consuming alcohol then the police would have little choice but to target both so as to be consistent. That would mean reporting everyone to the Procurator Fiscal.

The process of obtaining a byelaw is a long one. Firstly, as I say, a byelaw is to target problems so evidence of problems should be gathered. Next the Moray Council as a whole would have to be convinced to support the idea in a full council meeting. Then a byelaw and plan would have to be formulated and initial views sought from the Scottish Government, the Procurator Fiscal and the police. Then the draft byelaw would have to be publicly consulted upon and the Scottish Government would deal with any public objections (objections can delay the process further). Then, even if it passes all these processes, it would go back to the Scottish Government and the Moray Council for final approval followed by implementation.

I hope this give you some ideas and guidance and I am happy to answer any further questions that you may have.

Kind regards.

Yours sincerely,

Sean Hoath

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