

## The Highland Council

Minutes of Meeting of the **Nairnshire Committee** held in the Chamber, The Court House, High Street, Nairn on Monday, 20 February 2017 at 10.30 am

### Present:

Mr L Fraser  
Mr S Fuller

Mr M Green  
Mrs L MacDonald

### In attendance:

Mr D Haas, Inverness City Area Manager  
Ms L Cowie, Ward Manager, Nairn and Badenoch and Strathspey  
Mr J Robertson, Programme Manager City-Region Deal, Development and Infrastructure Service  
Ms S MacLennan, Housing Manager (South)  
Mr S Taylor, Administrative Assistant, Corporate Development Service

### Also in attendance:

Mr M Hilton, Nairn Harbour Working Group (Item 4)  
T/Chief Inspector B Mackay – Police Scotland (Item 5)

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

### Mr M Green in the Chair

#### Business

#### 1. Apologies for Absence Leisgeulan

There were no apologies for absence.

#### 2. Declarations of Interest Foillseachaidhean Com-pàirt

The Committee **NOTED** the following Declarations of Interest:-

Item 4 – Mr M Green (non-financial)

Item 6 – Mr L Fraser, Mr M Green and Mrs L MacDonald (all non-financial)

Item 8 – Mrs L Fraser (non-financial) and Mr S Fuller (financial)

#### 3. Inverness and Highland City-Region Deal Cùmhnant Baile-Roinne Inbhir Nis agus na Gàidhealtachd

A presentation was given by Mr John Robertson, Programme Manager on the Inverness and Highland City-Region Deal, during which he set out the expected benefits of the programme and provided an overview of the projects and the specific funding in each case, as well as identifying the names of the project leads for the City-Region Deal.

In discussion, the following points were raised by Members:-

- The opportunities afforded by the proposed Newton Rooms were highlighted and the potential to establish one of these facilities in Nairn was suggested;
- Whilst welcoming the projects highlighted in the presentation, concern was expressed that Nairn currently lacked a vision for maximising some of the potential benefits arising from the City-Region Deal and it was suggested that the establishment of a liaison group could enable effective dialogue with lead partners in the Deal;
- Any future dialogue with lead partners in the Deal should take into consideration the Committee's previously agreed a list of Local Strategic Priorities for Nairnshire and the views of the Nairnshire and Ardersier Community Partnership;
- There was a perception locally that the majority of funding for road infrastructure projects had been allocated within Inverness and if there was potential for spin-off projects within Nairn, such as the Coastal Path, to benefit from the City-Region Deal, that this should be explored; and
- A request was made for a presentation to be made at a future meeting of the Committee on the health and social aspects of the City-Region Deal.

Thereafter, the Chair thanks Mr Robertson for his presentation.

The Committee **NOTED** the presentation.

#### **4. Nairn Harbour Development Strategy Leasachadh Caladh Inbhir Narann**

**Declaration of Interest: Mr M Green declared a non-financial interest in this item as Chair of the Nairn Harbour Working Group but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that his interest did not preclude his involvement in the discussion.**

An overview was given on proposals for the Nairn Harbour Development Strategy by Mr Matthew Hilton of the Nairn Harbour Working Group, during which he explained that regeneration of Nairn Harbour had been identified as a key action within the Local Strategic Priorities for Nairnshire in promoting local economic development and prosperity. He provided an update on the creation of a development strategy and set out the current state and future viability of the harbour. He highlighted the potential to develop the harbour to ensure its sustainability and support the town's overall economy. The challenges currently faced with regards to the sustainability of the harbour were highlighted and a range of short to long-term options outlined.

The Chair thanked Mr Hilton for his overview of the proposed development strategy and welcomed the opportunity for future consultation on the regeneration of Nairn Harbour.

In discussion, the following points were raised:-

- The importance of the proposed harbour project linking to the economic development and prosperity of the town centre was emphasised;
- With reference to Fort William and Aviemore as the mountain bike capital and outdoor capital of the Highlands respectively, there was potential for Nairn to become the water sports capital of Highlands;

- A request was made that any future consultation on the development of Nairn Harbour would take into consideration the Council Harbours Management Board's Strategic Business Plan;
- It was emphasised that the development of a strategy for Nairn harbour was at an early stage and that the preparation of a draft set of proposals for consideration by key stakeholders would follow shortly;
- It was highlighted that sources of funding had already been identified for a number of projects suggested as part of the short-medium term options for improving the harbour;
- Emphasis was made on the potential benefits to Nairn from marine tourism; and
- Increased capacity and increased revenues could make the harbour a viable consideration for community ownership.

The Committee **NOTED** the update on the proposals for the Nairn Development Strategy.

## **5. Police Scotland – Area Performance Summary Poileas Alba – Geàrr-chunntas Dèanadais Sgìreil**

There had been circulated Report No N/1/17 by the South Highland Area Commander for Police Scotland which provided a local summary update on progress with reference to the local priorities within the Highland 2014-2017 Policing Plan.

In discussion, the following points were raised:-

- In acknowledging the high number of calls received by the Police within the South Highland area, a request was made for future reports to include comparative quarterly figures from previous years to provide a historical perspective and to help identify whether there were any rising trends in terms of demand on the service. It was also suggested that the inclusion of statistics on the number of satisfactory outcomes and how the service dealt with calls within the report would be useful;
- In welcoming a reduction in the number of thefts by shoplifting following a spike in the previous reporting year, confirmation was sought, and received that the service's "Your View Counts" online survey was currently live and that information received from this could be shared at a forum in Nairn at a future date;
- Concern was expressed regarding an increase in disorder following the earlier closing of Nairn Academy on Friday afternoons and reassurance was sought, and received that officers were aware of this;
- It was suggested that an increase in detections for drink-driving, in particular, during the "morning after" hours of 6.00 am to 10.00 am could be attributed to the reduction in the legal limit for alcohol consumption prior to driving;
- Concern was expressed regarding the noise generated by loud exhausts and the nuisance caused by "car enthusiasts" in Fishertown and reassurance was sought, and received, that legislation was in place for the Police to deal with complaints as deemed necessary regarding this; and
- A request was made for further information regarding the Service's "Meet the MacPherson" during which it was explained that it was a programme to awareness through sharing of people's experiences of alcohol and drug abuse/misuse.

The Committee **NOTED** and scrutinised the progress report in relation to the four priorities – Road Safety, Drug Dealing and Misuse, Antisocial Behaviour and Dishonesty.

## **6. Nairn River Fishings Iasgach Abhainn Narann**

### **Declarations of Interest:-**

**Mr M Green declared a non-financial interest in this item as an upper beat proprietor for the Nairn District Salmon Fishery Board but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that his interest did not preclude his involvement in the discussion.**

**Mrs L MacDonald declared a non-financial interest in this item as a member of the Nairn District Salmon Fisheries Board but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that her interest did not preclude her involvement in the discussion.**

**Mr L Fraser declared a non-financial interest in this item as a ticket seller on behalf of the Nairn Angling Association but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that his interest did not preclude his involvement in the discussion.**

There had been circulated Report No N/2/17 dated 10 February 2017 by the Head of Corporate Governance and the Inverness City Manager which provided an update on the outcome, to date, of the investigation undertaken into the both the ownership and legal status of the River Nairn fishings. The report also invited Members to consider a petition seeking the establishment of a wildlife haven on the lower stretches of the River Nairn.

The Chair, having thanked officers and Councillor MacDonald for their work in relation to the status of the fishing, drew attention to the exchange of memoranda contained in section 4.4 of the report. He emphasised that the then Chief Executive of Nairn District Council had taken the view that the title to the fishings on the River Nairn belonged to Nairn District Council as the Burgh Council and not as Trustees for the Nairn Common Good Fund (NCGF). Therefore, it was considered that the title to the fishings was within the Nairn District Council. The Chair expressed the view that Clause Ninth of the Lease indicating that in the event that the Angling Association be wound up, that the right to administer shall pass to the trustees of the Common Good Fund was a caveat to maximise local control to ensure the municipal character was maintained, and did not relate or question ownership the ownership of the fishings by the Council. Whilst there was evidence to support that the fishings formed part of the NCGF, this relied heavily on the concept that, if any action by the Nairn District Council was deemed benevolent or in the interests of the people of Nairn, then such actions were contrary to the statutory duties of the Council.

Prior to discussion, the Chair expressed the view that Members should seek an external opinion from Professor Robert Rennie in order for the Committee to proceed confidentially and establish the facts to the best of its ability prior to submission to full Council.

During discussion, the following points were raised:-

- Disappointment was expressed that a definitive position had not yet been confirmed as to the ownership and legal status of the River Nairn fishings and reassurance was sought that the cost of seeking an external opinion would be met by the Council and not by the NCGF. It was confirmed by the Inverness City Area Manager that it would be appropriate for the fees to be paid by the Council, subject to the Council being entitled to recover the fees from the NCGF in the event that the legal status of the River Nairn fishings was decreed to be in the ownership of the NCGF;
- In highlighting the length of time taken to gather evidence, the view was expressed that the fishings had been acquired by the burgh of Nairn and that there had been no evidence to suggest that they belonged to the NCGF;
- It was acknowledged that only in the event of the Nairn Angling Association being wound up that the fishings would be transferred to the NCGF;
- It was highlighted that Scottish Assessors have recently completed their reassessment for business rates, including the rates for fishing rights and it was anticipated that there would be an increase in the levies currently paid by the Common Good Fund for the River Nairn'. As the Council would have until 30 September 2017 to appeal a proposed increase, a request was made that the process of formally lodging a legal appeal be initiated immediately if the Council is advised of any proposed increase;
- Whilst it was suggested that there was potential for the fishings to be maintained by the NCGF in the future, it was pointed out that the Committee were being asked to act as both Members of the Council and as trustees of the NCGF. If the fishings were indeed in ownership of the Council, Members could exercise local control as Elected Members, a proposal which would be mutually beneficial to both the NCGF and the Council; and
- In response to a question regarding the timescale for receiving an external opinion, the Inverness City Area Manager informed Members that it was anticipated that instructions would be issued immediately and that the urgency of the matter would be made clear to Professor Rennie.

During discussion regarding the petition received in relation to the creation of a designated Wildlife Area on the River Nairn, the following points were raised:-

- Following the publication of a letter in the local press, it was clarified that in 2007 the then Nairn Ward Members had only supported the development for Swan Island on the proviso that all necessary licenses and approvals from all environmental agencies with an interest in the area were obtained;
- Concern was expressed that Swan Island had undermined one of the fishing pools close by and that this may have impacted on the value of the Nairn River fishing rates. It was suggested that this should be considered in the any appeal against an increase in rates for fishing rates;
- Concerns had been raised regarding a number of issues, including wildlife care and control, in particular around intervention or removing of wild birds, increased pollution, over feeding and an increase in the number of vermin and it was suggested that there was a need to monitor this situation closely;
- Whilst it was an aspiration to protect the environment and wild life, the proposed Wildlife Haven was within a location where there were many other interests and recreational activities involved including fishing, kayaking and dog walking;

- Whilst commending the passion and efforts of those seeking to help protect wildlife, it would not be appropriate to designate this part of the river for a Wildlife Haven and it was emphasised that there are laws already in place to protect wildlife without the need to designate an area for protection; and
- Concern was expressed that the proposed designation could impact on some of the proposals being put forward in the Harbour Development Strategy.

The Committee **NOTED** the progress to date on researching the history of the fishings and **AGREED**:-

- i. that the Crown, as ultimus heares, be approached to grant title to the estuarial fishings;
- ii. that an external Opinion be obtained from Professor Rennie in respect of the title described in the 1923 Disposition; and
- iii. not to uphold the request set out within the petition to establish a wildlife haven on the River Nairn.

## **7. Nairn Common Good Fund - Budget Setting for 2017/18 and Quarter 3 Monitoring Report**

### **Maoin Math Coitcheann Inbhir Narann - Aithisg Sgrùdaidh Cairteil 3 agus Suidheachadh Buidseit**

There had been circulated Report No N/3/17 dated 10 February 2017 by the Director of Finance and Inverness City Manager which invited Members to set the revenue budget for the Nairn Common Good Fund (NCGF) for the financial year 2017/18 and presented the position of the NCGF as shown in the Quarter 3 Monitoring Statement.

In discussion, the following points were raised:-

- It was highlighted that, having previously run at a deficit five years ago, the NCGF was currently in robust health with assets worth £7.364m and was estimated to generate a surplus of £32k in 2017/18;
- It was highlighted that an investment portfolio worth £400k had been initiated with Adam and Co. and that the Committee would monitor this rigorously;
- Whilst acknowledging that there had been a delay in presenting a draft Asset Register to the Committee, it was emphasised that standardisation of Common Good Asset Registers was important and would enable an effective reporting form in the future;
- Following the appointment of a dedicated Common Good Officer, it was anticipated that work on the Asset Register for Nairn would be completed shortly;
- The projected £15k income from lettings and the Nairn Games was highlighted;
- The Chair, on behalf of the Committee, thanked the Community Services team for the support and infrastructure they provided during the Nairn Games; and
- The reinstatement of a Committee in Nairnshire had enabled transparency in terms of the responsibility and management of the NCGF and the Chair, on behalf of the Committee, thanked staff for their diligence in this regard.

The Committee **NOTED** the position of the Nairn Common Good Fund as shown in the Quarter 3 Revenue Monitoring Statement against Budget and **AGREED**:-

- i. the Nairn Common Good Fund budget for 2017/18 detailed within the report; and

ii. that update reports continue to be brought before Area Committee.

**8. Housing Performance Report – 1 April 2016 to 31 December 2016  
Aithisg Dèanadais Taigheadais – 1 Giblean 2016 gu 31 Dùbhlachd 2016**

**Declarations of Interest:-**

**Mr L Fraser declared a non-financial interest in this item as a Sub-Contractor for the Housing Service in Nairn but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that his interest did not preclude his involvement in the discussion.**

**Mr S Fuller declared a financial interest in this item as a Council House Tenant but, in terms of the dispensation granted by the Standards Commission, remained to participate in the discussion.**

There had been circulated Report No N/4/17 dated 10 February 2017 by the Director of Community Services which provided information on how the Housing Section performed in relation to Scottish Social Housing Charter and other performance indicators up to 31 December 2016.

- Clarification was sought, and received, that there was currently a number of anti-social behaviour cases which required further action and that the reporting figures in the report only showed cases which had been resolved within the quarter;
- Confirmation was also sought, and received, that a programme of works for 2017/18 in relation to environmental improvements would be prepared and that Members were welcome to suggest any potential projects for inclusion; and
- In welcoming an improvement in rent arrears performance, it was emphasised that early intervention was critical and that if there were any potential issues arising then tenants should seek to address these at an early stage.

The Committee **NOTED** and scrutinised the information provided on housing performance in the period 1 April to 31 December 2016.

**9. Minutes of Previous Meeting  
Geàrr-chunntas**

There had been circulated Minutes of Meeting of the Nairnshire Committee held on 7 December 2016, which were approved by the Council on 14 December 2016.

In relation to recommendation (i) of Item 4 in the Minutes, the Committee reiterated its total opposition to the Ship to Ship Oil Transfer Scheme proposed for the Moray Firth by the Cromarty Firth Port Authority.

Thereafter, the Committee **NOTED** the Minutes

The meeting concluded at 12.25 pm