

Agenda Item	4iv.
Report No	CP/15/20

HIGHLAND COUNCIL

Committee: Communities and Place

Date: 25 November 2020

Report Title: North Kessock Bottle Banks – Petition and Response

Report By: Executive Chief Officer Performance and Governance

1. Purpose/Executive Summary

- 1.1 The Council has received a petition from 50 residents in North Kessock requesting that the bottle banks from the community remain in their current temporary location at Ferry Brae. The location of bottle banks in North Kessock has been the subject of dispute over a number of years. The petitioners request that they are retained in their current location rather than being returned to their original location which was the subject of a final decision by the Council in 2019.
- 1.2 This report set out the detailed request of the petitioners, along with providing background to the current situation. The report also sets out the proposed response to the petition and the next steps for taking this forward.

2. Recommendations

- 2.1 Members are asked to:
 - note the petition received regarding bottle banks in North Kessock;
 - note the background to the current situation; and
 - agree that a community ballot is undertaken on the future location of the bottle banks to enable a final conclusion to be reached and enforced.

3. Implications

- 3.1 Resource:

There will be resource implications of undertaking a community ballot, mainly printing and postal costs and officer time to administer. However, this is balanced against the time and resources that have already been lost trying to implement the original decision. A conclusion to this matter is vital and a ballot is considered to be essential to achieve a definitive community view.

3.2 Legal:

The Council has a duty under the Waste (Scotland) regulations 2012 to provide recycling facilities. Both locations are within the Council's ownership, therefore it is ultimately the decision of the Council where the bottle bins should be located.

3.3 Community (Equality, Poverty and Rural):

A community ballot is a conclusive and democratic way in which to resolve the current situation and to provide community assurance that the final decision will be the majority view of the community as expressed through the ballot.

3.4 Climate Change / Carbon Clever and Gaelic

New glass production causes environmentally harmful CO₂ emissions. Collected glass from Highland Council bottle banks helps reduce the requirement to produce new glass. Recycled bottles and other glass from Highland Council Recycling Points are used again as glass products. The recycling point in North Kessock captures around 16 tonnes of glass annually for recycling. Accessibility of recycling facilities is therefore important to meet the waste regulations and to encourage people to recycle glass.

3.5 Risk:

A conclusion to this current situation is vital in order to draw the opposing views to a conclusion in the community, to demonstrate that the Council will listen to the views of the community and to prevent the loss of further officer time.

4. **Petition Process**

4.1 A petition is a way in which a community, individuals or a group can be involved in what the Council does. Communities can use this as a way of raising certain matters of concern or interest about our activities or responsibilities or about matters relating to the interests and welfare of residents, voluntary organisations or business within the area. It can be a way in which to create debate on a matter or issue in order to improve outcomes on a matter or issue of interest.

4.2 A petition can be submitted by:

- A group of people with at least 50 signatures from people living within Highland
- A group of at least 10 local businesses, voluntary organisations or social enterprise companies with a business address in Highland.

4.3 Petitions are submitted to the Head of Corporate Governance and are verified once received. Once verified, the petition is considered by the Chief Executive in consultation with the Convener, Leader, Depute Leader, appropriate Committee Chair, Leader of the Opposition and relevant Executive Chief Officer. The purpose of this is to consider the best course of action for dealing with the petition and not its merits. This would include which Council committee the petition should be considered at.

4.4 Petitions to be heard at committee would be the subject of a report from officers which will include advice and recommendations on how to proceed.

5. Detail of Current Petition

5.1 A petition from Douglas Morrison, local resident and Treasurer of the North Kessock Ticket Office Project, was received on 8 August 2020. This can be found in appendix 1. The purpose of the petition is:

For the bottle banks in North Kessock to be retained in their current position at Ferry Brae Car Park.

The petition received 50 signatures, is regarding a matter of Council activity and was therefore verified by the Head of Corporate Governance and accepted as a valid petition.

5.2 The petition sets out the rationale from the petitioners why they believe the bottle banks should be retained in their current location. This asserts that:

- they have been in their current location for 18 months with no complaints;
- returning them next to the Coastal Garden would spoil the atmosphere which has become a sanctuary for many people during lockdown;
- the first criteria for siting bottle banks should be away from places where people congregate;
- that if the bottle banks are returned to their original location, there will continue to be peaceful protest and letters of complaint; and
- that since the original public meeting in 2017 the village has changed and the current location, Ferry Brae, is now more central to the village.

6. Background to North Kessock Bottle Banks

6.1 Bottle banks been sited in the car park in North Kessock (map appendix 2) for around 20 years. The location was in the main car park in the village, opposite the hotel and shop and close to the bus stop. The dispute over their location stems from 2016/17 and the development of the Coastal Garden by the North Kessock Ticket Office Project.

6.2 The Coastal Garden was part of an overall development of the former Ferry Ticket Office which is adjacent to the main car park. A community group took on the former Ticket Office from the Council in 2014 and has developed this into a meeting space for organisations and clubs. The second phase of the project was the development of the Coastal Garden (www.nktop.org/coastalgarden.asp.) The Council leased a portion of the car park to the group to develop a Coastal Garden. This opened in 2019.

6.3 The bottle banks had originally been immediately adjacent to the former Ticket Office and therefore had to be removed during the development of the Coastal Garden and were situated temporarily at the other side of the car park. The intention, as set out in the lease to the Ticket Office Project Group, was on completion of the works for the recycling bins to be moved from their temporary site to their new location and that this:

“...new position is immediately to the west of and adjacent to the premises [Coastal Garden].”

However, concerns began to be raised with regard the visual impact that this may have on the Coastal Garden and a number of residents indicated they did not wish them returned to this location. At this stage it was suggested that perhaps other locations in the village could be considered, including the location of Ferry Brae.

- 6.4 A public meeting was held in September 2017 by the North Kessock Ticket Office Project, to gain views of where the bottle banks should be located following the development of the Coastal Garden. Reports suggest that there were strong views on both sides however the overall conclusion was that the bottle banks should be located within the main car park, near to their original location. This was minuted from that meeting and the Community Council has supported that position since then.
- 6.5 The Council has also drawn its position to date from this community meeting, whilst recognising that there are strong views on both sides. However, although the Council tried to implement this decision, there have been numerous attempts since then to prevent the Council from reinstating the bottle banks close to the original location. In 2018/19, the bottle banks were replaced by the Council in the main car park on two occasions and subsequently removed overnight by someone within the community and relocated to two different locations without permission or consultation, once beside the lifeboat station and subsequently to the present site in Ferry Brae.
- 6.6 In an attempt to draw a line under the ongoing impasse, in July 2019 the Chief Executive wrote to the Community Council, North Kessock Ticket Office Project and local residents outlining the following:
- that the final decision of the Council was that the bottle banks should be returned to the central location where they have been for 20 years.
 - the rationale for this is that:
 - this location is the best position for the bottle banks for the community given how central the location is;
 - this was the conclusion reached by a public meeting in Autumn 2017. The Highland Council is satisfied that this represented the public will of the majority of the community;
 - it had been agreed that following the development of the Coastal Garden that the bottle banks would be returned as near to their previous location as possible.

In an acknowledgement of the concerns expressed, it was outlined that smaller and more modern bottle banks would be used and screening to mitigate the visual and noise impacts would be erected, paid for from the Ward Discretionary Budget. The bottle banks would only be returned once the screening had been erected. The Community Council had offered to assist with arranging a contractor for the screening.

- 6.7 The screening has not yet been erected due to multiple attempts from within the local community to frustrate the works from taking place. This has included:
- removal of the traffic order notifications to enable the works to take place;
 - obstructing the location of the works by parking a car over the place where the works were to take place; and
 - setting up a picnic table and chairs in the location and refusing to move which would not allow the works to take place.

In all, this has involved a considerable amount of Council officer time and resources attempting to implement what was a community decision on the location of the bottle

banks. As a result, the actions outlined above have prevented the implementation of the decision outlined in the Chief Executive's letter in July 2019.

7. Response to Petition

- 7.1 Prior to the submission of the petition, Council officers had already concluded that a different approach was required to enable a conclusion to be reached on this matter. Views within the community appear entrenched on both sides, both claiming to represent the majority. Over the last 18 months we have received 8 complaints and over 10 enquiries regarding the bottle banks in North Kessock, all of which have been responded to. These complain both about the proposal to reinstate the bottle banks in their original location and the failure to do so. Time has moved on from the public meeting in 2017 and it is the conclusion of officers that the only way in which to determine the majority community view is to undertake a community ballot. This would allow a final and conclusive view to be reached on the location of the bottle banks going forward.
- 7.2 The ballot would be administered by the Council's Elections Office and run in the same way as any other community ballot would be held. All residents over 16 and on the electoral roll would be entitled to vote and the vote would be by postal ballot. North Kessock is a 'spread' community and therefore the geographical basis for the ballot will be those living within the primary school catchment which is a clear and recognised community geography. There would be a choice of two locations on the ballot – the Car Park or Ferry Brae – and residents would be required to make a choice. The outcome of the ballot will represent a final democratic community decision on the location of the bottle banks going forward.
- 7.3 It is the conclusion of officers that this is the only way forward to achieve a final conclusion to this impasse. Whilst a petition has been received, it does only have the signatures of 50 residents, the community of North Kessock is much larger and strong views have been expressed on both sides. The Council has been consistently prevented from implementing its 2019 decision, and, as the petitioners indicate, these protests are to continue; unless a different approach is found. The final option of removing the bottle banks altogether from the community would mean that a vital service was not available for the residents of North Kessock.

8. Next Steps

- 8.1 It is recommended that a community ballot is held to determine the future location of bottle banks in North Kessock. It is proposed the ballot is held in January 2021. The Council will consider the outcome of this ballot to be final and the future location of the bottle banks based on the decision of the whole community. In light of the frequent attempts to prevent the Council from implementing previously agreed decisions (paras 6.5 and 6.7 above), in the future, should any attempts be made to prevent the democratic decision of the community being implemented, action will be taken against the individual/individuals responsible.

Designation: Executive Chief Officer Performance and Governance

Date: 4-11-20

Author: Alison Clark, Head of Policy

Appendix 1: North Kessock Bottle Bank Petition

Appendix 2: Map of North Kessock



Office Use: Petition Number

PETITION SUBMISSION FORM

Title of the Petition:

BOTTLE BANKS NORTH KESSOCK

Name of the Principal Petitioner: Please enter the name of the person who is organising the petition, and the name of any organisation you represent (if applicable).

Douglas Morrison
North Kessock Ticket Office - NKTOP

Contact Address to which all communication should be sent – please include a telephone number and email address if available so that we can contact you with any queries.



Petition Statement – Please state (in no more than 250 words) what action the Petitioner wishes the Council to take. If you prefer, you can attach this as a typed sheet to this form.

The action the residents wish the Council to take is to retain the bottle banks at their present location at the Ferry Brae car park. The bottle banks have been there for over 15 months and through a FOI enquiry no complaints have been received.

During this pandemic the coastal garden has become a stopping point and sanctuary for many people including elderly walkers and families with small children, cyclists and kayakers. When local businesses introduced takeaways the coastal garden became a place to eat evening meals. In June a young lad played his bagpipes which many came to listen to.

Why should such a well used and essentially a peaceful place be ruined by having bottle banks at the end of the garden? North Kessock waterfront has been transformed immensely through hard work of residents and volunteers. Surely the first criteria for location of bottle banks is to have them away from places where people congregate to sit and enjoy the peacefulness and the beautiful views.

It is guaranteed that if the bottle banks are returned to the Oakleigh Road car park they will be the subject of continuing peaceful protests and letters of complaint to HRC.

The meeting held on September 2017, which is now nearly three years ago and the village, with the influx of new people has changed significantly. Ferry Brae has now become more central to the village.

Action taken prior to the Petition – Before a Petition is submitted, petitioners are expected to have taken reasonable steps in attempting to resolve the issues.

Please enter below details of any individuals or organisations approached. Copies of correspondence should also be appended.

This information will be made available to the Council or Committee in consideration of the Petition.

The conversation about relocating the Bottle Banks was started way back in December 2016 when the Chair of NKTOP consulted the Chair of KCC. It was obvious from that exchange of e-mails that the position of KCC (ie the Chair) was to impose the Bottle Banks in to the design of the Coastal Garden. The KCC position was entrenched from day 1 and continues until today.

Fortunately Waste Management were more amenable to change, and actually suggested alternative sites of which Ferry Brae was one.

Knockbain Community Council meetings were well attended on the subject. Both NKTOP and Residents were only met with a very dogmatic Council, who were not willing to deviate from one e-mail sent by the Chair of NKTOP. This email was never agreed by any other Committee Members and should never have been sent. This email was also taken as a minute of the public meeting, when copious notes were taken and never looked at along with the 50 Signatures which were on the table at the public meeting held on 17th September 2017. KCC has now new members on the Committee who are against the Bottle Banks being placed beside the Coastal Garden in Oakleigh Road.

Kate Forbes MSP was approached, she agreed entirely with our reasons but felt there was not a lot she could do.

Attachments:

1. Exchange of e-mails from Dec 2016 and Feb 2017
2. 2017 signed Petition. This was on September 2017 Public Meeting. NKTOP Chair e-mail sent following the meeting and Email retracting statement.
3. Minutes of KCC Meetings attended and follow up emails
4. Copy of Chief Executive Letter to Jackie Patience and Jackie Patience's response letter.
5. Freedom of Information response indicating no minutes were taken of the meeting at which the decision was taken to site Bottle Banks in Oakleigh Road Car Park
6. Maggie MacDonald e-mail to Donna Manson May 2020 which was not acknowledge.
7. FOI response re number of complaints of Bottle Banks situated at Ferry Brae = NONE.

Signature - When you are satisfied that the Petition meets all the criteria outlined in the Guidance to Submission of Petitions, the Principal Petitioner should sign and date the form.

Any additional sheets of signatures should be appended to the form.

Date:

7 AUG 2020 .

Map of Original and Current Location of Bottle Banks in North Kessock

