

STONEHAVEN AND DISTRICT COMMUNITY COUNCIL

Minutes of the 353rd Business meeting held at 7.30 p.m.
on Tuesday 8th June 2010
in the Cowie Lounge of the Invercarron Resource centre

No.	Notes.	Action
	<p>Present: David Fleming (Chairman), Stuart Alexander, Ian Balgowan, Philip Daniels, Peter Greig, Ian Hunter, Michael Innes, Alistair Lawrie, Elaine McCarron, Bob Michie, Andrew Newton, Iain Noble, Rachel Shanks.</p> <p>Youth members: Andrew Deans, Gemma Pugh.</p> <p>Kincardine and Mearns councillors: Cllrs. Wendy Agnew, Peter Bellarby Graeme Clark, Paul Melling, Mike Sullivan.</p> <p>In Attendance: P.C. Susan Christie; Iain Gabriel (Director of Infrastructure and Transportation) and Philip McKay (Heads of Roads) both of Aberdeenshire Council; some 5 members of the public.</p> <p>Apologies: Jenni Keenan, Billy MacKenzie, Allan Sutherland</p> <p>Absent: Crawford Anderson, Gemma Bull, Raymond Christie, Ian Sim</p>	
1.	<p>Welcome and apologies and declaration of interest</p> <p>The Chairman welcomed everyone, especially Iain Gabriel and Philip McKay, who were here in particular for item 5: Bervie Braes.</p> <p>Declarations of interest: None</p>	
2.	<p>Minutes of the previous meeting (Tuesday 11th May)</p> <p>An amendment to item 9.1 was noted in the Agenda. Further, Ian Hunter pointed out that under item 16, his name was mentioned, whereas in fact he stated his interest and did not take part in the discussion. The discussion originated from a letter received by the Secretary from Steve Holt of Mearns FM.</p> <p>The Chairman apologised that Mary Jackson was misnamed as Mary Clark.</p> <p>Michael Innes asked that the minutes reflect the fact that, under item 6.1, he had reminded the Council that if there were legal issues about the Bervie Braes, John Swinney had said that he would be willing to help.</p> <p>With these four amendments, the approval of the minutes was proposed by Ian Hunter, seconded by Billy McKenzie and carried unanimously.</p>	
3.	<p>Police matters</p> <p><u>Skimming at ATM's.</u></p> <p>P.C. Christie said that two machines had been targets on each of two occasions. The factors that the public should look out for include</p> <ul style="list-style-type: none">• If the machine had been tampered with• If one's card was retained• If someone was close when operating the machine	

- If someone tries to offer help.

People should shield the hand when entering a PIN, and should check statements/balances regularly. Always report anything suspicious to the branch (if it is open) or the Police.

Use of the Emergency number

P.C. Christie reiterated the instruction to use the 999 number if and only if there was an emergency in which:

- Violence is being used or threatened
- There is a danger to life
- A crime is in progress or the offender has been recently disturbed
- A road accident with injuries has occurred
- A non-injury road accident has occurred and there is serious traffic congestion

Otherwise, the 0845 600 5 700 number should be used, or a text sent to 07739 93 4444.

Public Issues

4. Severe Flooding in Stonehaven on 1st November

It was noted that the public meeting would be based on the two main reports issued, namely the Report to the Area Committee of 18th April, and the response to the 55 questions raised on November 10th last.

The arrangements (sent in an e-mail from Willie Munro) for the public meeting planned for 15th May were discussed. Ian Balgowan queried why it was necessary for officials to spend valuable time having a “dry run”. Philip McKay felt that that would allow officials to check that answers to likely questions would be ready.

Andrew Newton questioned whether the proposed group discussions were appropriate. A number of members agreed and suggested that a public meeting should be in public, and properly recorded.

David Fleming noted that the number of people scheduled to give a presentation was high, and they should be brief and not take up too much of the meeting time. Shire Councillors agreed to take up these issues with Mr Munro.

**Shire
Counci-
llors**

6. Bervie Braes

6.1 Progress on the Stabilisation Works

Iain Gabriel explained that, following the 8 options presented last year, and Aberdeenshire Council’s decision on Option 5, the Scottish Government had decided to fund an amalgam of two options. This had been notified on 30th April. This therefore now required detailed design. Land owners had been contacted on 10th May to request access. Experience of Pennan would suggest that this might take some time. Ninety-nine letters had been sent out. Twenty were now returned, and only half of those gave full approval.

Andrew Newton felt that Iain Gabriel’s letter to the Mearns Leader gave a better

explanation of the issues involved, but there was a dichotomy between that and the letter to residents.

Whether planning permission is required had yet to be determined. Actual construction would take 6 months.

David Fleming reported on correspondence between Sir Robert Smith and the Association of British Insurers (ABI), copies of which were available, and Iain Gabriel took a copy. The ABI are still considering the issues, and would welcome any details from individual householders. Sir Robert had also offered to help. David Fleming also reported the views of local solicitors that clause d) was too broad, and they might advise householders to seek a restriction to exclude reckless or negligent behaviour. They also remarked upon the “please tick as many boxes as possible” statement. In response to Michael Innes, he explained that this intervention involving Sir Robert was after an approach by two residents to the Chairman, and because of Sir Robert’s knowledge of this area. There was no party political content to it.

Secretary

Peter Greig suggested that the ABI letter should be sent to all affected householders. Ian Gabriel offered to include the ABI letter in a reminder letter to the residents, which was now appropriate.

Ian Hunter asked whether a dialogue was possible between all the Insurance companies. The Chairman reported that the ABI specifically excluded such talks as it would contravene competition law.

Philip McKay explained that the work would be considered in 3 phases. First, the rock fall area could be dealt with early, with construction starting in September. Secondly, work to improve the drainage might not need planning permission and, provided the conditions were appropriate, might start in the Autumn. The third and main phase would have to wait until the Spring. Apart from design, tendering and planning timescales, it would require the use of heavy equipment, and therefore unlikely to start until the Spring for safety reasons.

Peter Greig felt this showed positive thinking to get the project underway, and Aberdeenshire Council should be commended for that.

In reply to the Chairman, Iain Gabriel stated that the “Level” of water in the Braes was still at the level 3 status. He thought that it might go to Level 2 soon, in which case the footpaths on the Bervie Braes could then be re-opened.

Note: The following items are reported here in Agenda order, not in the order in which they were taken.

6. Royal Hotel

Michael Innes explained that the Royal Hotel had decided to close the night club, and to refurbish the area (including some decking outside) to create a function suite. It appears that not all the consents have yet been applied for, so full details are not yet available. He recommended that the Community Council welcome this change, and the improvement to the facility.

7. A future supermarket

Following the decision by the Area Committee to refuse the East Newtonleys supermarket application, Allan Sutherland had proposed (via an e-mail) that the Community Council undertake some work to establish the relative merits of all

possible sites around the town.

Andrew Newton felt this was an important move and the research should start immediately. Michael Innes wondered why we needed to survey the public again just now. It was felt that no one site stood out as the best and so establishing and listing the pro's and con's of all sites should inform a future public discussion.

This plan was proposed by Andrew Newton, seconded by Peter Grieg and agreed unanimously. Andrew Newton agreed to contact Allan to progress this work.

**Andrew
Newton**

8. Policy and Law - update

8.1 Dog fouling and Littering

**and
8.2**

David Fleming said he had received a draft letter from Allan Sutherland. He asked that the Council permit him to finalise it with the Secretary and Allan Sutherland, and sent it to the relevant Aberdeenshire Council officials.

This was agreed.

9. HGVs on the Netherley Road

A member of the public, Doug Samways, had written to ask for the Council's support in his request to have restrictions placed on HGVs using the Netherley Road. He said the volume had grown, and they were causing noise and danger in the town.

Iain Gabriel (to whom the letter had been addressed) said the Aberdeenshire Council felt that this was difficult to justify. He appreciated the problem, and indeed Aberdeenshire Council had used that argument to support the case for the AWPR. However, there were significant difficulties. First, as a B road, it could be used by HGVs and there was a need to encourage the economic activity that they serviced. He felt it would be difficult to enforce a ban.

It was reported that HGVs often exceeded the speed limit on the open road, and it was agreed to write to NESAMP to ask that mobile cameras were sent out to curb this.

Secretary

9a. School Road Site

Peter Grieg said he had received a minute of the School Road consultation meeting. He was disturbed that all the responses to the issues raised were negative. This supported the view expressed at the meeting that the design was a "done deal". Some of the answers (e.g. about the possibility of flooding) were contradictory, and some ignored the facts presented by members of the public (e.g. the history of the stability of the site). No attempt had been made to get round restrictions (e.g. ownership of small areas of land)

The Chairman reminded that meeting that that a letter of concern had been sent to the Director of Housing and Social Services on 13th April, which had been acknowledged. However, no reply had been received. This needed to be followed up.

Secretary

Cllr Clark suggested that the Community Council invite the proposers to come to the August meeting. This was agreed.

**Planning
Secretary**

9b. Co-operative monopoly

Michael Innes had received a detailed reply from the Competition Commission about concerns that Stonehaven convenience shopping was now almost a monopoly for the Cooperative. The reply stated that no action was appropriate. A number of attendees including Shire Councillors wished to examine the letter and establish what steps might be taken.

Business Matters

10. Report back from the Community Development Group (CDG)

Ian Hunter reported that it was felt that the pricing of the lets at Mackie Academy was rising, and that this might take some activities beyond some people's means.

11. Advertisement for a Minutes Secretary

The Chairman asked whether we ought to re-advertise. Alistair Lawrie reported that another candidate was possible. He was asked to progress this.

**Alistair
Lawrie**

12. Code of Practice on Exchange of Information

The Chairman re-tabled the list of outstanding letters to Aberdeenshire Council and the list includes a response from Willie Munro. He said he was very concerned about the first response. It implied that officers could take decisions to ignore democratically agreed policies, and not respond to explain their decision.

Secretary

It was agreed to write to the Head of Planning to raise the issue.

It was proposed by Rachel Shanks, seconded by Peter Greig, and agreed unanimously that the overall issue of replies to correspondence should be raised at the next Community Council Forum

Secretary

13. List of Activities

A sheet outlining what each member of the Community Council had volunteered for was tabled. With some additions, it was agreed, and an updated version will be distributed. None of this precludes members from joining any further activities.

Secretary

14. Processing of Planning Applications over the summer break.

After some discussion, it was agreed that Michael Innes should be mandated to correspond with the planning department to progress applications. In the event of a controversial application, he would seek the department's acquiescence to delay our response until after the August meeting.

**Michael
Innes**

It was agreed to write to Douglas Gray, following his departure for the position of Area Planning Manager, thanking him for his work over the years.

Secretary

15. Future dates

Stonehaven Town Hall Trust

The Chairman reminded members that there would be EGM/AGM of the Stonehaven Arts and Leisure Trust on Tuesday 29th June in the Town Hall at 7:30 pm. At that meeting, a new set of Articles for the Trust will be proposed, which is designed to form a revised Trust under the name of the Stonehaven Town Hall Trust. For this Trust, a maximum of 12 Trustees need to be appointed, and nominations from the membership will be sought shortly, and elected at the AGM.

The AGM of the Stonehaven Town Partnership had been postponed to the Autumn.

Peter Grieg asked if the Town Hall project was on time. David Fleming said that the business planning, constitutional and fund raising efforts were progressing well, and it is possible that negotiations will be concluded by Christmas.

Planning Workshops

Dates of two planning workshops were broadcast.

16. A.O.C.B.

School Writing Competition – a scam

Rachel Shanks warned everyone to beware of a scam in which parents were asked to send in the child's efforts to a competition, and to include money.

Boardwalk bins

Ian Balgowan raised problems with the emptying of litter bins on the Boardwalk. The Chairman reminded everyone to report such matters immediately to the Aberdeenshire Council call centre on 08456 08 12 07. Not only does this action seem to evoke a quick response, it records the events so that resources can be focussed properly.

17. Dates and times of next Business Meeting

There will be no meetings in July

There will be an Officers' meeting at 7.00 pm on Tuesday 2nd August 2010 in the Invercarron Resource Centre followed by a Planning Committee at 7.30 pm, and then the Agenda Meeting at 8.00 pm.

On Tuesday 9th August, the Business Meeting will be held at 7:15 pm. in the Cowie Lounge of the Invercarron Resource Centre.