

**Minutes of Meeting of Kinross Community Council held at the Masonic Hall,  
Kinross, on Wednesday, 5<sup>th</sup> October, 2011.**

**Present: Community Councillors** D Colliar, M Blyth, C Watson, M Scott and W Freeman. Also present **Councillors** S Miller, W Robertson and K Baird.

Four members of the public present.

**One**

**Apologies**

Apologies noted from CC members D Mackay, B Davies, L MacKay, I Jack and D Cuthbert.

**Two**

**Matters arising from previous Minutes (7<sup>th</sup> September 2011)**

The Minutes having been circulated prior to the meeting were proposed by CC Colliar and seconded by CC Freeman.

**Three**

**Police Report**

There was no police representative available this evening. A written Report was received prior to the meeting and the Secretary read this out.

Recent crimes/issues in the area included vandalism to the fence at the Primary School; a break in to two sheds on the Kinross to Cleish Road; a break in to a car in Montgomery Way and attempted break in to a car in Ochil View; theft of diesel from an unattended vehicle at MOTO car park; theft of a bike from the High Street; bogus workmen incident in Green Road; vandalism to a front door (spray painted) in Sandport and theft of metal from the roof of the Clydesdale Bank. All these incidents are under enquiry.

Regular speed checks are being carried out on local arterial routes with warnings and conditional offers issued.

Nominated Neighbour Scheme - In an attempt to prevent crimes involving bogus workmen Tayside Police are involved in the Nominated Neighbour initiative. The scheme works by providing the resident with an A4-size card that can be held up to a window or shown through the gap in a door. The card states, "I do not recognise you! Please go to number xxx who is my nominated neighbour. They will check your identity and return with you". The nominated neighbour will then check the identity of the person, return to the resident's home, and remain with the caller until their business is conducted. The cards must not be on permanent display and should only be shown when someone you do not recognise calls at your door.

Tayside Police are involved in the 2011 Be Safe For Autumn Campaign - Tackling Vandalism, Youth related disorder and Alcohol related crime. The campaign will run in Western Division from 29 September to 13 November 2011.

**Four**

### **Matters Arising from previous Minutes**

There were no issues raised.

However, George Lawrie from TRACKS was present this evening and asked if he could provide an update on the current position in relation to the Heritage Trail. A small section of TRACKS from the Bistro at Kinross Pier round to the Mill is about to be officially opened. This is to take place at 11.30 on 31<sup>st</sup> October. Although involving a short distance, this part of the project proved quite taxing as it included a major bridge over the Queich and a substantial Bird Hide. Work is progressing on the remaining route to complete the circle; this should be achieved quite quickly as only one bridge construction is required. Negotiations with landowners continue and it is hopeful that an agreement will be reached by the end of this year, the route being established by 2012 and construction being put in place thereafter. Funding from the Heritage Lottery has to be utilised by 2012.

Core Paths - Mr Lawrie advised that TRACKS have also been active in relation to the Core Paths. Signage is to be erected round the paths with money provided by the Council. This will also include links towards the Heritage Trail in areas such as Burleigh and Sunnypark.

Visitor Numbers - The second stage of an ongoing survey is to be conducted tomorrow for four days. This will take place at the Pier. The results of the earlier survey taken during the summer over a two hour period recorded 234 on the first day and 204 on the second. It was noted that all were visitors, not locals.

### **Five**

#### **Future of Kinross Buildings**

County Buildings - The position is unchanged in relation to this matter. A proposal is on the table from a prospective purchaser. The CC and Partnership agreed to postpone any further involvement at this time and await further development. However, we have requested an assurance from the Council that if this purchase fails to materialise we would be able to recommence negotiations with them with a view to leasing the building.

High School - The property is to be remarketed for sale. **ACTION - Councillors Robertson and Baird will raise this with the Council at the meeting next week.**

Mill Street - The CC have requested that this site be cleared and used for car parking. **ACTION - Councillors Baird and Robertson will follow this up with the Council.**

Swansacre - Work on this site is progressing well and the area is much improved.

Old Health Centre - NHS have confirmed that they are negotiating with a prospective purchaser who wishes to construct a Care Home on this site.

### **Six**

#### **Common Good Review**

CC Cuthbert asked that the Secretary read out this note.

Firstly, I have to say that I am pleased that Perth and Kinross Council are carrying out

a review of Common Good Properties throughout their administrative area. In my view, this is well overdue and should have been carried out in 1975, following the 1973 Local Government Act. If this had been done then the CC would NOT have had to face the Council in Court over the Town Hall and it is possible the property could have been sold and developed several years ago. Common Good is not something covered by Statute, but is governed by Case Law. This Case Law is complex and I will not go into it now. Suffice to say that the repeated message throughout Case Law and indeed supported by Minister's answers at the Scottish Parliament is that all property acquired by a Burgh is Common Good unless it was acquired by "Statutory Powers". The review being carried out by the Council uses a different test to determine whether a property is Common Good. The test they are applying is whether a property has been bought for a "Statutory Purpose". This is a quite different test and not supported by either Case Law or Minister's answers. It is my view that the CC should put this point to the Council and I would be happy to draft such a letter for approval by the Council on my return. The reason this matters, is that many properties will not be included in the Common Good Fund, when they should be. This means that the Kinross Common Good Fund is liable to be left with little or no income and little or no prospect of capital sales. Hence, the reason why I think we should object to the test currently being applied by Perth and Kinross Council.

**ACTION - It was agreed that CC Cuthbert should draft out a letter to the Council.**

The Chairman stated that there was quite an extensive list of Common Good property, which included the Potager Garden, the play area at Green Road, Town Hall, County Buildings and the Myre. CC Colliar added that it would include virtually anything owned by Kinross Town Council/County Council and taken over by Perth and Kinross Council.

**Seven**  
**Planning**

11/01608/FLL

Plots 1 - 84 Station Road, Kinross

Change of house types to plots 44 - 46 and 59 - 62

**Applications Determined**

11/01112/FLL

The Cottage, The Stables

Formation of walled garden enclosure along site boundary and erection of a greenhouse

Approved

11/01171/FLL

94 Muirs

Alterations and extension

Approved

11/01269/FLL

6 Emslie Drive

Erection of a conservatory

Approved

11/00947/FLL

Hallyard House, Wood of Coldrain

Change of Use of existing domestic dog kennels into commercial dog boarding kennels

Approved

11/01050/LBC

The Stables

Alterations, partial demolition and change of use of stables to form four guest accommodation units

Approved

11/01113/LBC

Kinross House

Alterations and extension to gatehouse

Approved

11/00872/FLL

31 Springfield Park

Extension to dwelling house

Refused

### **Eight**

#### **Reports from Perth and Kinross Councillors**

Councillor Baird reported on the Business Breakfast in Kinross which she attended. She mentioned that 35 businesses were represented.

Councillor Robertson advised that tenders are now being invited for the Relief Road. He explained that the delay was due partly to the negotiations in relation to the purchase of the land and SEPA issues that had to be addressed.

The Council Budget process for next year is starting now. Councillor Robertson added that again this would be a very difficult budget with a number of cuts being adopted in certain areas.

Councillor Miller reported that Smith Street would be closed for repairs on 14 December. This is to improve drainage and flooding issues in the street.

Portmoak Primary School has entered into a competition organised by the Royal Bank for funding for reading facilities. Councillor Miller asked that we log on to the Friends of Portmoak Primary School Website and register our votes. **ACTION - The Secretary will arrange for this information to be placed on the KCC Website.**

Charity Bags - CC Colliar asked if it was possible for the Council to control the amount of charity bags circulated. He commented that four or five bags can be received in a week.

Kirkgate Park - A member of the public reported that the toilets at the Park are in need of repair.

**Nine**  
**Correspondence**

Convention - 66<sup>th</sup> Meeting of the Convention to be held on Wednesday 5 October.

Convention/Council Meeting - It was suggested that the Council provide a Directory of Council Departments listing their functions and providing appropriate contact details. It was agreed that the Convention would formally submit its proposal, that where a CC objects to a planning application, but planning officers are minded to approve, the final decision should always be made by the Development Control Committee.

Core Paths - Dave Stubbs from the Council advises that in the next couple of weeks he is planning to order new fingerpost signs and arrow way marker discs to provide direction to many of the proposed core paths around Kinross and Milnathort. The focus is on providing direction to some of the paths linking to the Heritage Trail but they are picking up some other paths too. Consultation with the landowners has taken place and Mr Stubbs does not anticipate objections to the proposals. He has also asked George Lawrie from TRACKS to follow this up. An email was also received from a member of the public who stated that it would appear to be limited to the immediate vicinity of Milnathort/Kinross and asked if there are any planned for the country areas? Mr Lawrie added that some of the names have been changed, explaining that the majority of people would not know where the Black Bridge was located (i.e. Sunnypark).

Disabled Person's Parking Places Order 2011 - The Disabled Persons Parking Places Act of 2009 requires the Council to promote or vary their existing Road Traffic Orders for waiting restrictions to allow the enforcement of all Disabled Persons Parking Places. The parking spaces are in Avenue Road (3), Green Park (2), High Street, Ochil View (2), Sandport and Whyte Court. The Council forwarded a copy of the advert to be inserted in the Courier on 13 September. Full details may be examined at the Campus.

CLD Group Meeting/August 2011 - Proposed date for Better Place to Live Fair is 3 March 2012. A link has been placed on the Kinross Website. The next meeting is Monday 24 October at 10 a.m.

Display at Bus Stop - Mr Warrington has approached Adshel and he awaits confirmation on whether they will agree to a second display board at the Town Hall. If agreed, the Public Transport Unit will fund the installation. If not, the Council will proceed with an information case in the Council's shelter outside the Kirklands.

Forum Meeting - CC West attended this, however he was not present this evening to provide a report. The next meeting was suggested for January 2012 with the Local Plan to be the topic of discussion. It is to be noted that no decision can be reached at the Forum Meetings, CC members attending will inform their CC of the discussions held.

Following on this discussion a comment was made that a number of the public have no perception of what or who the Partnership or other similar Organisations are or of their aims and purposes.

### Ten Election

All 11 members will be elected unopposed with effect from 3 November 2011. All relevant paperwork is to be signed by the new office bearers at the first meeting of the new CC after 3 November 2011. This meeting will take place on 7 December.

### Eleven Any Other Matters

A90 junction - CC Jack asked if we could approach Bear to request repair of the fencing at the junction with the M90. The fencing on the south side of the junction side of Station Road is broken and requires attention. It was commented that the other side is broken as well. **ACTION - It was agreed that we should approach BEAR and report this matter.**

Remembrance Sunday - 13 November. Approval for the Parade has been applied for and a meeting is to be held on 27 October.

Wallace Land - Two residents from Argyll Road commented that during heavy rain Argyll Road is prone to flooding and questioned whether the proposed houses would be linked into the current system. They requested that the CC consider this should a Planning Application for this Development be lodged. Wallace Land previously commented that drainage is to be kept separate from the existing system. Councillor Miller added that if Wallace Land come forward with a Planning Application then at that time it might be appropriate to improve the road.

Primary School - It was noted that the single yellow line at the top of Ross Street was removed some time ago and has never been replaced. **ACTION - Councillor Robertson will follow this up.** The congestion of traffic during the school run was again discussed. Councillor Robertson suggested that traffic wardens visit during these times and speak to the car owners.

### Next Meeting

Wednesday 2<sup>nd</sup> November 2011.

Apologies received in advance from CC Blyth.