



MINUTES OF THE MEETING OF THE COMMUNITY COUNCIL HELD ON  
MONDAY 11th APRIL 2016 IN DALGETY PARISH CHURCH HALLS

1 ATTENDANCE LIST

**Community Council**

Peter Franklin (Chair), R Green (Secretary), W Allan (Treasurer), J McColl, J McFarlane,  
G Walker, K Leslie, R Doyle

**Fife Councillors** - G Yates, D Dempsey, A McGarry

**Members of the public**

7

**Apologies**

Sgt K Blackwell, Cllr L Laird

2 DECLARATIONS OF INTEREST

None.

3 FORESHORE RADIATION

SEPA report provided by Nina Patton Senior Policy Officer - Radioactive Substances Unit

SEPA Briefing Note: Radium contamination

The MoD continue to undertake a programme of monitoring and recovery of radioactive sources on the intertidal areas at Dalgety Bay which coupled with the signs and restriction of an area of the beach mean that the public is afforded a suitable level of protection from the radium contamination whilst long term management plans are being developed and implemented.

SEPA attended a meeting of the Dalgety Bay Implementation Group on 15th March where significant progress was made and all parties are committed to working together to move the project forward. DIO was able to confirm that DIO remain on schedule to complete works by end 2018.

Further survey work has been carried out by SEPA to assist Dalgety Bay Sailing Club Ltd with managing their land.

Regarding planning, SEPA have not been consulted by Fife Council at present with regard to the EIA screening report. However, as part of the due process, following consultation by the Council, the EIA screening report will be considered in line with SEPA policy and procedures and SEPA Radioactive Substances Unit will be working closely with SEPA Planners to ensure that all of the issues pertinent to the EIA regarding radioactive contamination are adequately covered.

#### 4 POLICE REPORT

Police report provided by PC James Bell.

Summary of Police Activity since 01/02/16

20 recorded crimes since 01/02 in the Dalgety Bay area.

Crimes of note are as follows

1. Several shopliftings recorded at the Co-op, Lt. Sales Avenue. Most of these have been detected and it has typically been youths stealing alcohol.
2. Theft by housebreaking – 17/02-16, at Dalgety Gardens. Entry was gained by persons smashing the patio doors and stealing items from within. Time of break in was 1945 hours. Enquiries are ongoing to identify suspects.
3. Theft by housebreaking – 04/04/16, at Forth Reach. Time of break in between 0830 and 1500 hours. Entry was gained by persons smashing conservatory window, gaining access and stealing items from within. Enquiries are ongoing to identify suspects.
4. Vandalism to St. Bridget's Kirk – 24/03/16 – vandalism by the means of purple spray paint occurred at some point during the evening of 24/03/16. There has been a significant amount of police resources and time since this incident dedicated to making enquiries to trace the person(s) responsible, and to patrol the area to prevent any future acts of vandalism occurring.

PC Bell/Blackwell have been in regular contact with Historic Scotland regarding plans to prevent any similar acts taking place and to deter youths from congregating at the Kirk. Historic Scotland are considering employing a security guard to man the site for a period of several weeks to ensure that no further damage is caused.

Chemical tests to remove the graffiti are ongoing, however will take a substantial amount of time and money to remove the graffiti.

The chief inspector at Dunfermline also approved that additional resources be deployed to the area over the holiday period. No further acts of vandalism have taken place, however there are still youths who appear to be lighting fires/smashing bottles in the vicinity of the Kirk.

Positive lines of enquiry are ongoing to trace the youths responsible. Names are being gathered and a process of interviewing the named youths is ongoing. It is hoped that the spray painter will be identified and charged over the coming days.

Further plans are also in motion for officers and employees from Historic Scotland to visit local schools and educate the pupils on anti-social behaviour, and also make them aware about the significance of the Kirk and its history.

5. Vandalism – Eastern Access Road – 28/03/16 – window smashed by youths throwing stone at same. Likely part of the same group responsible for issues at the Kirk and positive lines of enquiry are being followed. Increased patrols have also taken place around Seafire Place/Skua Drive, with local residents reporting that youths have moved away from the area for the time being.

Priorities for the forthcoming period

6. Tackling a rise in anti-social behaviour around Dalgety Bay (also linked with rise in Inverkeithing), particularly focusing on St. Bridget's Kirk/Seafire Place and other hotspots for youths to congregate. A local action plan is being formulated by PC Bell/Blackwell to ensure a long-term strategy to combat

youth disorder in the local area. This will include regular cycle and foot patrols in areas which are typically out of reach by police car.

The Secretary reported that Sgt Blackwell had requested that the Community Engagement Meetings be appended to the Police Report section of the Community Council meeting. These are held every 2 months and the next one would coincide with the CC June 13<sup>th</sup> meeting. There was unanimous agreement to this request.

## 5 APPROVAL OF MINUTES OF THE MARCH MEETING

The minutes were proposed to be a true record by G Walker and seconded by W Allan.

## 6 REPORT ON ACTIONS FROM PREVIOUS MINUTES

7c) Previous Item 11f - Cllr Dempsey to meet with Peter Franklin to be shown debris in Cramond Place. A meeting has been arranged on site between Cllr Dempsey and Nigel Hampton on 13<sup>th</sup> April.

**Action – Cllr Dempsey**

8a) Cllr Dempsey took the action to look into the parking issue at Couston Drive and Place. This was further discussed with respect to school run times. Cllr Dempsey agreed to revisit this aspect of the complaint.

**Action – Cllr Dempsey**

9) The Communications Subcommittee took the action to plan the way forward for the Diary and ultimately re-engage with the advertisers. K Leslie confirmed this is still work in progress.

**Action – K Leslie**

13) J McColl took the action to investigate the extent of land ownership liability and the cost of moving our property holdings into a limited liability vehicle. The results of this will be discussed in the closed session immediately following this public meeting.

**Action Complete**

15) There is an outstanding action for the Environment Subcommittee to have a discussion with P Collins about the community orchard.

**Action Complete**

## 7 CORRESPONDENCE

Two reports of vandalism at St Bridget's Kirk have been received. The secretary reported that he had been on site with our local police and Graeme Bell, Head of Conservation, Central Region for Historic Environment Scotland. Various methods of discouraging this type of behaviour were discussed and these will be implemented in the coming weeks. HES's team of specialist conservation experts was also on site assessing the damage and how to remove the graffiti with the minimum disruption to the stonework.

## 8 PLANNING

A planning application in full has been submitted by Muir Homes for its proposed housing development at Fulmar Way on Hillend and Donibristle Industrial Estate.

A McFarlane had emailed the Secretary asking why Fife Council had not advised residents neighbouring the site. Cllr Yates agreed to ask the question of Fife Council.

**Action – Cllr Yates**

The Secretary reported that the Community Council has requested to exercise its Statutory Consultee status and had requested a meeting with the Planning Officer. Because access is shown on the site map by way of Bouprie Rise and Otterston Grove, the secretary has also asked the Planning Officer if Fife Council has agreed terms etc to sell the row of garages at the end of Otterston Grove to the developer because the status of the row of garages was not clear. The four Ward Councillors did not agree with them being sold and were not aware of any discussion taking place on this subject. J McColl asked, because Fife Council has already rejected an application for this development, what would happen if the application went to the Reporter and the garages were still not sold.

J McFarlane told the meeting she had been told that Muir Homes will be submitting another application showing access by way of Fulmar Way.

It was agreed the Community Council will submit an objection to this development.

## 9 PUBLIC FORUM

Making a reference to a letter in November 2015 issue of the Diary, Mr Mark Bennett stated that for the avoidance of doubt, his organisation PKD is a registered charity and agreed to this being stated in this meeting's minutes.

## 10 CLOSED SESSION

The closed session was called to allow the Community Council to discuss the response J McColl received from the CC's solicitor, Stewart Greenwood, to the question about the implications of the CC owning land and woodlands in the town and the inherent liabilities.

P Franklin gave the following opening statement.

*“When the Fife Council scheme of Insurance for Community Councils was introduced it was pointed out that some CCs owned land. The scheme was changed to cover such points and CCs are covered for Public Liability on their lands.*

*Woodlands*

*I have been told that a series of meetings were held with Peter Howden. The Stewart Trust informed the CC that they were about to sell the woodlands at auction, but, as a Charitable Trust were willing to offer the woodlands to the community. They would, therefore, hold up any sale to give the CC a chance to consider this option. This they did for over a year.*

*The CC asked the public for their views via the 'Diary'. A group of volunteers came forward to form a woodlands group to manage and maintain the woods to save them for the town.*

*The CC then decided to accept the woodlands as a gift. The Stewart Trust to pay for all legal fees. The CC were represented in all negotiations by the CC solicitor, Stewart Greenwood. He was involved also with the formation of the woodlands trusts (Remember the Fife councillors were of course at the CC meetings when the decisions were taken and raised no objections). All done above board.*

*The woodlands [group] have their own constitution and insurance. Until recently the chairman was Stewart Greenwood.*

*If there was any mistakes in paperwork or approvals this should have been raised by the legal eagles.*

*On a personal note I hope that what appears to be a bit of a witch hunt will cease and we can look forward.*

*I suggest that a meeting should be convened with CC, Fife officials including legal ones and our own solicitor. If necessary the meeting can be chaired by a ward councillor.”*

J McColl had circulated the response from Stewart Greenwood prior to the meeting and he summarised the main outcome in connection with the ownership of the three woods and the legitimacy of our perceived insurance cover through the Fife Council scheme. Two conditions surrounding CC land ownership and being granted insurance cover cannot be verified.

These are that a Community Council is obliged to seek permission from the Council to allow it to own land. No record of this being requested or granted has been found. The second is related to Zurich Municipal and the statement provided to the CC in 2013 as follows.

*Basically it is the contract your council has with the woodland group that will determine how much of a risk your council is left with as owners of the land. The contract will state who is responsible for what, i.e. what maintenance of the land, etc. is carried out by the woodland group & therefore what responsibility they have. They will need to have their own Public Liability policy set up to protect their liability for managing the land.*

*With this in place I am happy to provide the indemnity your council requires as owners of the land (providing you do not get into any management or maintenance at all) under the existing block policy at no extra charge.*

The CC has no contract with DBCWG. However the DBCWG has a constitution that defines the aims, objects and reporting to the CC regime. An extract of this constitution showing these section is provided at Annex A.

J McColl also reported that a CC delegation had met with Lynn Hoey, Locality Support Team Leader (South West Fife) Fife Council-Corporate Services to discuss the issues surrounding legal liabilities placed on Community Councillors. Following our meeting Lynn told us that advice from Democratic and Legal Services is that FC wouldn't advise either way on the questions posed – 1. Is it necessary to dissolve the CC? 2. Do we need to cease other activities until this matter is resolved? Lynn did advise that we seek advice from Fife Voluntary Action (FVA).

Cllr Yates stated that the Ward Councillors were not pleased about the suggestion in recent emails that by them being in attendance at the CC meetings where the subject of the transfer of ownership of the woodlands was discussed that this could be seen as Fife Council giving permission to go ahead.

Various ways forward were discussed at length and these were seen to fall into two stages. These are summarised as follows.

Stage 1

1. Correct the omission to request permission from Fife Council by doing this retrospectively.

2. Investigate the possibility of turning the DBCWG's Constitution into a contract acceptable to the insurers.
3. Instead of a contract investigate if a memorandum of understanding could be agreed between the DBCWG and the CC

#### Stage 2

1. Create a limited company and transfer the ownership of the woodlands to it.

Discussion continued and the immediate concern about the validity of the insurance the CC has through the Fife Council scheme was seen to be the most important issue to resolve. It was agreed that this can only start by explaining the situation to Zurich Municipal and reacting to its response. Reaction might be as simple as amending or increasing indemnity offered by Zurich.

**Action – Secretary**

The issue of the completion of the town centre path was then raised because this is also an insurance concern. The secretary told the meeting that Lynn Hoey had agreed to investigate Fife Council grassing it over or completing it. The secretary confirmed that in parallel to this G Walker had produced a tender document and this will be sent out to suitable contractors this week.

**Action – Secretary**

In finding suitable contractors it was suggested that Tillicoultry Quarries, being the suppliers of the asphalt, may be able to make suggestions.

## 11 ANY OTHER BUSINESS

At the end of the meeting P Franklin confirmed that he is standing down as Vice Chair with immediate effect but would be remaining as a CC member. In order that there is more than one office bearer, W Allan agreed to stand in as Vice Chair as an interim measure until the AGM.

**These minutes were proposed to be a true record by G Walker and this was seconded by W Allan at the 9th May 2016 meeting of the Community Council.**

Annex A : Extract from DBCWG showing aims, objects and reporting to CC regime.

DALGETY BAY COMMUNITY WOODLANDS GROUP  
CONSTITUTION

**1 NAME**

The name of the organization shall be Dalgety Bay Community Woodlands Group (hereinafter referred to as "DBCWG").

**2 AIMS**

The Aims of DBCWG shall be to provide public benefit in Dalgety Bay and Fife and to advance environmental protection or improvement, citizenship and community development and in particular to:

2.1 make improvements to the built, social and ecological environment of Dalgety Bay with an emphasis on its woodland resources by protecting and managing Bathing House, Hopeward and Crow Woods on behalf of Dalgety Bay and Hillend Community Council ("the Community Council"); and

2.2 to raise the awareness and use of all of the woodlands in Dalgety Bay by the local community.

**3 OBJECTS**

To achieve the Aims DBCWG may carry out the following Objects:-

3.1 the protection, maintenance and improvement of Bathing House, Hopeward and Crow Woods and other public woodlands in or around Dalgety Bay;

3.2 so far as reasonably practicable, to ensure and maintain the safety of the public within Bathing House, Hopeward and Crow Woods, and any other woods managed by DBCWG on behalf of the Community Council, and also of DBCWG'S volunteers carrying out repair, maintenance, renewal or improvement works or operations, including without prejudice to the foregoing generality to arrange any required risk assessments and inspection programmes;

3.3 to appoint an appropriate and suitably qualified third party to undertake inspections of the woodlands at appropriate intervals and to maintain appropriate records with regard to the safety of the woodlands (including the safety of the public)

3.4 to liaise with the neighbouring proprietors adjacent to any of the woodlands managed by DBCWG and in particular not to do anything which causes damage or injury to any property or land adjacent to the woodlands or any person located thereon;

3.5 the reclamation, repudiation, restoration or any other operation intended to facilitate the economic, social or environmental use of woodlands in or around Dalgety Bay;

3.6 where it is for the protection of the environment, the conservation or promotion of biological diversity through:

- a) the provision, conservation, restoration or enhancement of a natural habitat; or
- b) the maintenance or recovery of a species in its natural habitat;

3.7 any operations intended to prevent or reduce any potential for pollution that may be caused, or to remedy or mitigate the effects of any pollution that has been caused by a previous activity on the land, which has ceased;

3.8 the maintenance, repair or restoration of a building or other structure, which is of historic or architectural interest associated with or situated in the woodlands of Dalgety Bay; and

3.9 to carry out fundraising initiatives in the furtherance of the Aims of DBCWG.

Notwithstanding the foregoing, DBCWG may do anything which is calculated to further its Aims or Objects or as may be incidental or conducive to furthering its Aims or Objects or any of them.

#### 4 REPORTING TO THE COMMUNITY COUNCIL

4.1 DBCWG shall report to the Community Council as proprietors of Bathing House, Hopeward and Crow Woods, and any other woods managed by DBCWG on behalf of the Community Council, and without prejudice to the foregoing generality shall provide full written reports to the Community Council on the activities of DBCWG at least once every six months or otherwise as may be requested by the Community Council.

4.2 DBCWG shall immediately notify the Community Council of any accidents, injuries or other incidents which occur within the woodlands.

4.3 Any reports to be provided by DBCWG to the Community Council in accordance with Clause 4.1 shall include, inter alia, development plans, financial, operational and safety matters and copies of any risk assessments or inspection reports carried out in the preceding six months.

4.4 DBCWG shall give due regard to any comments raised by the Community Council on the form, layout or content of any reports provided in accordance with Clause 4.1 or of any of DBCWG'S records or reports which the Community Council requests sight of (and for the avoidance of doubt which shall be exhibited to the Community Council without delay).

4.5 DBCWG shall report to any independent risk assessor or health and safety officer as may be appointed from time to time by the Community Council or their insurer in respect of the woodlands and shall make all records and reports of DBCWG available

to such independent risk assessor or health and safety officer on request and shall give due regard to any comments raised by such independent risk assessor or health and safety officer on the form, layout or content of any of DBCWG'S records and/or reports.