

Draft

TARBAT COMMUNITY COUNCIL

**Minutes of Inaugural meeting held on September 6, 2017
Carnegie Hall, Portmahomack at 7:30pm**

Present: Cllr. Derek Loudon, Cllr. Fiona Robertson, Hamish Mackenzie, Martin Dane, Jackie Thornhill, Helen Fleming, Janet Wilson, Jacqui Monro

In Attendance: Jock Munro, Neil Ross, Maggie Sowerby, Catriona Smith

1. **Welcome and Apologies:** Cllr. Loudon opened the Inaugural meeting with the announcement of the resignation of Billie Wood, as Chair, and of Frances O'Connor as a member. This required a by-election to take place and the formation of a new council which was now sitting.

The newly elected council wanted to record their appreciation of all the work done by Billie over the years she spent as on the council and for her tireless work a Chairperson. The committee also recorded their thanks to Frances O'Connor. The council greatly appreciated all that they had done and wished them the best for the future.

Apologies from Police Scotland.

2. **Call for nominations for appointment of Chairperson:**
Cllr louden then called for the nomination of Chairperson: H. Mackenzie proposed M. Dane, seconded by H. Fleming.
3. **Handover to duly elected Chairperson:**
 - A) M. Dane call for the nomination of Vice-Chairperson. J. Thornhill proposed H. Mackenzie, seconded by M. Dane.
 - B) M. Dane proposed J. Thornhill for secretary and seconded by H. Mackenzie.
 - C) M. Dane proposed J. Wilson for Treasurer and seconded by H. Mackenzie.
4. **Set date / Time for next upcoming meetings.**
First Wednesday of every second month at 7:30pm

October 4, 2017
December 6, 2017
February 7, 2018
April 4, 2018
June 6, 2018

Established meeting concluded.

5. **AOCB:**

1) Update on Land in front of Dolphin view chalets.

Hamish Mackenzie gave an update. Unfortunately, the Keeper of the Registers of Scotland had decided that the application by Mr and Mrs Joyce meets the requirements for registration of title. Hamish had therefore put the Keeper on notice of the servitude rights long enjoyed by the public. Her office had advised that she may be prepared to accept an affidavit on public rights, in suitable terms, from an official of the Scottish Rights of Way Society Limited. It was agreed that with a view to securing such an affidavit (a) support from the Access Officer of the Highland Council should be sought (**Action: Cllr Louden and Hamish Mackenzie**), and (b) a formal minute of the council should record the community council's understanding of these rights. The text of this minute was agreed as follows: -

“The community council is seriously concerned about the threat to rights long enjoyed by the public posed by the application to the Keeper of the Registers of Scotland by Mr and Mrs Joyce to register in their names land on the seaward side of Dolphin View Chalets under reference ROS18639 - 16ROS01714.

In order to facilitate efforts to maintain these rights the Secretary was asked to record that the community council, on the basis of members' personal knowledge and after making due enquiries, is satisfied that: -

- a. The landward part of the land now claimed under the above reference is a roadway that has been used by pedestrians and vehicular traffic for more than a century. It is marked as Quay Street on the first 25 inches to the mile Ordnance Survey map surveyed in 1872, and it appears on all subsequent Ordnance Survey maps, the later ones showing it as an extension of Harbour Street. It is still used daily by members of the public, both locals and tourists, for numerous purposes, particularly as the starting point of the very popular path leading to Tarbat Ness, now a Highland Council Core Path, and also for accessing the seaward part of the land now claimed by Mr and Mrs Joyce. It also provides access to Mrs Johnston's house, a fishing bothy and an ice-house owned by Mr William Paterson and fishing nets used by him and a farm owned by the Gordon family, and it is used by dust-bin lorries, emergency services and numerous other vehicles.
- b. The seaward part of the land now claimed was reclaimed from the foreshore in or about 1964 by Mr Alexander Smart, using stones from the fish-curing buildings formerly on the site of what is now Dolphin View chalets. Apart from a space at the northern end used by Mr William Paterson and his predecessors for spreading fishing nets, it has been regularly and extensively used since the 1960s by members of the public, both locals and tourists. Its primary use is as the car park for the Core Path, but many people use it for recreational purposes, including picnics, bird and dolphin watching and painting.

The community council therefore believes that there is a public right of pedestrian and vehicular access over the roadway or landward part. It notes that Mrs Johnston has a servitude right reserved over the roadway registered in the Land Register under Title Number ROS17407, and it hopes that the public right of access over this same ground can also be registered.

It also hopes that the public's servitude rights of access, car parking and recreation over the whole of the landward part, save for a space at the northern end used for spreading fishing nets, can also be registered."

2) Email discussed with regards to applying for licences for usage of fireworks. M. Dane found inconsistencies with their online forms and email now sent to highland council for clarification.

3) Anti-social behaviour within Portmahomack has been brought to the attention of the community council. It was suggested that all and any antisocial behaviour be reported to police Scotland to be recorded as evidence for future complaints.

4) It was agreed that a generic email address for Chairperson of TCC be set up.

Meeting closed at 8:40pm.