



Minutes of the 402nd meeting of Portobello Community Council held on Monday 24th April 2023 - AGREED

Present: Craig McIntyre (Chair), Mike Leeman (Secretary), Stephen Hawkins (Treasurer & PAS Representative), Lee Kindness, Laurie Berrie

Apologies: Cllr. Jane Meagher, Cllr. Alys Mumford, Esther Clayton, Catherine Etoe (B&RRA)

In attendance: Cllr Tim Jones, Cllr. Kate Campbell, Police Scotland and 3 members of the public.

402.1 Chair's welcome and introductions

Craig McIntyre welcomed everyone and there were introductions.

402.2 Minutes of previous meeting and matters arising

Minutes of March 2023 were agreed.

Website - Mike has drafted the questionnaire and it was agreed so send this out.

Facebook post was boosted and good a good audience so it was agreed this would happen for future posts. Mike also explained that he has applied to be able to post 'political' posts on Facebook allowing sharing of council documents.

On Basecamp Frazer had commented that someone from the Seafeld Consultation Group is happy to come and present at a future community council meeting.

Sign at the end of Hamilton Terrace. The company that made the sign are not coming up. Think that the sign will have to be replaced. Cllr. Kate Campbell has also written to Peter Whatton. Cllr. Tim Jones also corresponded and they are waiting for an engineer and so Cllr. Jones sent another email today to chase. Cllr. Jones will raise with Gareth Barwell next week and ask him to intervene.

Stephen Hawkins asked if there was any action re meeting with SEPA. There was not at the moment.

402.3 AGM Dates

It was agreed to hold the AGM at the start of the May 2023 Meeting.

ACTION : Publicise and then book the Baptist Hall for the AGM and Meeting

402.4 Groyne 4

Craig explained that there has been concern raised about the integrity of the shore protection structure and that there has also been a sign put up saying 'danger'. Craig wrote to Angus Robertson who replied that CEC had put up the sign, they were continuing to monitor and will shortly be putting out a tender to get the Groyne properly reinstated.



It was agreed that we keep this on the agenda as a going concern to make sure that it is being kept on top of.

Thanks also to the councillors who have followed up with the Council about this.

ACTION - Keep Groyne 4 on the agenda and get a confirmed statement about the council's position on the website

402.5 a . Treasurer

There has been one payment made in the past month to ZurichMunicipal for the annual insurance fee. This was for the sum of £302.29 which leaves the balance for the business account at £1,261.33.

There has been the additional interest of 76 pence applied to the Traders' account which results in a balance of £1208.51.

402.5 b. Police

Police Scotland were in attendance. (PC John Anderson) April small number of break ins - particularly 2 food trucks near the prom broken into. Police ask people to be vigilant. Have some leaflets for advice for security. Community officers are carrying on plain clothes patrols and will update on the work that will be done in the Summer.

A member of the public asked about the rules of cycling through Figgate Park. Cllr. Kate Campbell will find out as no one was completely sure.

Question asked about Duddingston Road and the continuing parking at pick up time. Cllr. Kate Campbell has emailed about the possibility of another joint approach from the police and parking attendants.

402.5 c Planning

Boathouse looking to put up 9 pergolas. 3 sets of seating areas. Put this on to the website.

It was felt that there is an excessive amount of tables and chairs have been given there. It is public land so there should be a need for it to be discussed at planning committee. Cllr. Kate Campbell will follow up.

There was also discussion about the 'owner' of the bandstand area outside of the old toilet blocks at the Joppa end of the prom and who should take responsibility about it.

Craig publicised the Seafield drop in. It will be put into the notice boards this week.

402.5 d Councillors

Cllr. Tim Jones - Portobello Swimming Pool. Pool drained and refilled and reheated but there is not the right amount of light so they have to have an audit for this and will give a solution. Cllr. Jones is on the case daily to get this reopened.



Cllr. Jane Meagher had sent in an email with some updates.

She has put Porty Community Energy in touch with the facilities team so that they can find somewhere to store their cargo bikes.

Regarding Dogs on the Beach -

The following has come from officers:

Blue Flag Status

You may be aware that Portobello Beach previously held a Blue Flag award. Blue Flag status prohibits dogs on the beach (or the Blue Flag designated area in the case of larger beaches) during the six months of summer period. In order to secure Blue Flag status again, additional toilets would be required in the area, life guards would need to be employed to patrol the beach and regular water testing would be required.

Land Reform (Scotland) Act 2003

Part 1 of the Land Reform (Scotland) Act 2003 established statutory access rights to most land and inland water in Scotland. Guidance on how to exercise these access rights responsibly is given in the Scottish Outdoor Access Code (SOAC). The access rights extend to being accompanied by a dog.

However, shared responsible use is the default position within the SOAC.

To create a dog free area, there are two mechanisms which could be progressed but only above the mean high water mark (any land below the high water mark of ordinary spring tides is specifically excluded):

Park Management Rules

The Council could make provision for this in the Council's Park Management Rules. The existing Rules currently include provision which prohibits dogs entering an area designated as a children's play area or dog-free area. If the specific area of the beach was designated as a park, the Park Management Rules could apply there. It is important to note that although this Rule exists, officers have difficulty enforcing it.

Revised Park Management Rules will shortly be consulted upon and it may be possible to incorporate the necessary consultation on the potential to create a dog free area on Portobello Beach alongside the consultation on revised Park Management Rules.

However, in considering whether the Council should introduce a designation within the Park Management Rules around dogs on Portobello Beach (or any other beach), officers feel that limiting the period of restriction from May to September may be required. In addition, there are some issues which also need to be considered:



Workability and Enforcement – it is not currently clear how enforcement could be supported within the Council's existing resources;

Public acceptance – there are a large number of dog walkers who normally use our areas responsibly; and

Inconsistency with the SOAC principles and perhaps confusion for the public about how to enjoy open spaces responsibly.

Introduction of a Byelaw

If the area is not designated as a park (or if it falls outwith the definition of land which could be considered to be a park) then the introduction of a byelaw could be considered. However, to do so would require the Council to demonstrate the scale of the problem and that other management approaches have been unsuccessful and would require public consultation. Creating a byelaw requires Ministerial approval and can be a lengthy process which cannot cover any activity which is already covered by legislation.

Experience from other local authorities

Both Aberdeen and Dundee City Councils have introduced dog free areas on local beaches. In Aberdeen, they introduced a Byelaw to prevent dogs accessing a central section of Aberdeen Beach from May to September however it appears that this has been repealed. We understand that this was introduced in an attempt to achieve Blue Flag status but previous feedback suggests that this was unenforceable and people soon realised this was the case. Aberdeen's Park Management Rules don't make any mention of dogs accessing beaches.

Dundee have a Park Management Rule which excludes dogs from a designated area of Broughty Ferry Beach Walk from May to September for the reason that dog urine can harm children playing in the sand. However, anecdotal feedback from their Access Officer is that enforcement has been extremely difficult.

Other Legislation

The following other legislation has been reviewed but does not provide a basis to introduce a dog-free area:

The Dog Fouling (Scotland) Act 2003 only creates the offence of failing to remove faeces immediately and does not make provision about creating dog-free zones; and

The Dangerous Dogs Act relates to the behaviour of dogs and does not extend to providing a basis for creating dog-free zones.

In light of the above it was decided by PCC that there would be no point creating an antagonistic survey which would ultimately lead to no actions being taken no matter the outcome.



402.5 e Seafield

No updates this month

402.6 AOB

Lee Kindness asked how we can generate interest in the Community Council elections later this year. It was agreed to come to the next meeting with some thoughts and suggestions.

ACTION - Each member comes with suggestions of promoting both PCC and the upcoming elections.

The meeting concluded at 20.45.

The next meeting is 29th May 2023. Which will be preceded by the AGM.