

PETITION FOR JUDICIAL REVIEW – ROTHESAY HARBOUR

1.0 EXECUTIVE SUMMARY

- 1.1 This report advises members that an action of Judicial Review has been raised against the Council by Calum McMillan / Argyll workboats in respect of the operation of Rothesay harbour at various points since 2007.

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2.0 INTRODUCTION

2.1 This report advises members that an action of Judicial Review has been raised against the Council by Calum McMillan /Argyll workboats in respect of the operation of Rothesay harbour at various points since 2007.

3.0 RECOMMENDATIONS

3.1 To note the position.

4.0 DETAIL

4.1 Members may be aware of concerns having been raised by Mr McMillan at various times in respect of his access to Rothesay Harbour. The Council has sought to respond to these concerns in a number of ways. The background to the matter was considered by the Policy and Resources Committee in October 2014.

4.2 The Council has retained Roddy Dunlop QC and Scott Blair, Advocate, to represent the Council in this action and work progresses on providing a robust defence to the terms of the action.

4.3 The case will likely be heard in mid spring 2016.

5.0 CONCLUSION

5.1 Members will be advised of the outcome of proceedings.

6.0 IMPLICATIONS

6.1 Policy – None.

6.2 Financial - There will be significant costs involved in defending the action which will be affected by the eventual outcome of the case.

6.3 Legal - The Council has taken advice from Counsel at various points on issues relating to this matter and continues to be so advised.

6.4 HR - None at this time.

6.5 Equalities - None

6.6 Risk – The Council recognizes there is an element of risk associated with any Court action.

6.7 Customer Service - None

Douglas Hendry
Executive Director of Customer Services

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For further information contact: Charles Reppke, Head of Governance and Law,
Tel: 01546 - 640192