

**MINUTES of MEETING of HELENSBURGH & LOMOND AREA COMMITTEE held in the
MARRIAGE ROOM, HELENSBURGH & LOMOND CIVIC CENTRE
on THURSDAY, 20 DECEMBER 2018**

Present: Councillor Ellen Morton (Chair)

Councillor Lorna Douglas	Councillor Aileen Morton
Councillor George Freeman	Councillor Gary Mulvaney
Councillor David Kinniburgh	Councillor Iain Paterson
Councillor Barbara Morgan	Councillor Richard Trail

Attending: Fergus Murray, Head of Economic Development
Robert Williamson, Head Teacher, Hermitage Academy
Audrey Martin, Transformation Projects and Regeneration Manager
Shona Barton, Area Committee Manager
John Gordon, Capital Regeneration Programme Manager
Andrew Collins, Regeneration Project Manager
Melissa Simpson, Hermitage Park Delivery Officer
Mhairi Gardiner, Helensburgh and Lomond Development Officer
Paul McCann, Area Housing Officer
Colin Young, Strategic Transportation Delivery Officer
Constable David Armstrong, Police Scotland
Sandra Coles, Senior Business Support Officer (Lync)
Aileen Simpson, Traffic Technician (Lync)

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated by:
Councillor Graham Archibald Hardie

The Chair ruled and the Committee agreed to consider an urgent item taken at item 18. Traffic Regulation Order – Sinclair Street/West Montrose Street, Helensburgh, of the agenda.

2. DECLARATIONS OF INTEREST (IF ANY)

No declarations of interest were intimated.

3. MINUTES

The minute of the Helensburgh and Lomond Area Committee held on 20th September 2018 was approved as a correct record.

4. PUBLIC QUESTION TIME

Questions submitted by Peter Brown, Vice Convener, Helensburgh Community Council

Question 1

I would be grateful if the committee could clarify the content of Phase 2.

The Position Statement says that Phase 2 “includes the retail development, skate park, play park and landscaping”. It would be perfectly understandable if the ‘blank area’ in the development plan was Phase 2, but the landscaping for which the committee are being asked to increase the budget is not in the ‘blank area’. The West Clyde Street landscaping is clearly detailed in the plans which are to be considered at the PPSL committee on 19th December. This means that either:

- The plans that are in front of the PPSL committee include items from both Phase 1 and Phase 2, and so the budget that the Area Committee have previously agreed does not cover all of the plans. In that case, I would ask for clarification of what the budget previously agreed covers?

Or

- The plans that are in front of the PPSL committee cover just Phase 1, in which case the Area Committee should not be asked to increase the budget that was previously agreed.

Response from CHORD Programme Manager:

As it clearly states at section 5.6.1 of the Report to be considered at Item 13 of today’s Agenda, it was originally envisaged that the landscaping of the area to the North of the site, along the West Clyde Street frontage, would be part of Phase 2, and therefore no budget allowance for it had been made.

That is why we are now asking the Area Committee to recommend, to the Policy and Resources Committee, that additional funding allowance be made a part of the 2019/20 Budget Process.

The inclusion of the start of the John Muir Trail is something which came about as part of the consultation process and following on from our purchase of the ex-Mariners site.

It was considered that relocating the start of the trail to this new public space at the northwest corner of the development site would have mutual advantages, both for the start of the trail and this new public space.

The other benefit of purchasing the ex-Mariners site was that it provided the physical space for us to introduce a left turning lane from the pierhead site following the Traffic Assessment.

The budget previously agreed covered the following elements:

- The construction of the new leisure centre
- Construction of improved flood defences, including raising the levels across the site, new rock armour, flood defence walls and surface water drainage infrastructure

- Construction of new car parking facilities, including short and medium term coach parking within the site, and the infrastructure to allow for increased provision in electric vehicle charging points
- Construction of new public realm in the immediate vicinity of the site i.e. on the west, south and eastern elevations, including a pedestrian walkway / cycle path around the perimeter of the site
- Demolition of the existing swimming pool
- Professional Fees, surveys and statutory approvals
- Risk, Contingency, Preliminaries, Inflation

Question 2

Previous budget plans for the development have included an expectation of £250,000 funding from Sport Scotland to pay for the moveable floor for the training pool. That does not appear in the budget in Section 6.0. Where is this money – if it is no longer being requested from Sport Scotland then where is the money to pay for the moveable floor to come from?

Response from CHORD Programme Manager:

It had always been the project's intention to apply for funding support from SportScotland, given that one of the key elements was the construction of a new leisure building.

Very early discussions and engagement with SportScotland suggested that a funding application in the region of £1m would not be considered unreasonable for a major project such as the construction of a new leisure centre. However due to reductions in the SportScotland budget this figure was downturned to £500k, and in October 2017 we were advised that due to further budget cuts the maximum funding support for any single project would be £100k.

One of the key priorities for SportScotland was projects which improved inclusivity and accessibility to sports facilities, and this fed in to our design development wherein we have included a number of features or facilities which are examples of best practice e.g. Changing Places facility and pool pods.

Argyll and Bute Council made a funding application to SportScotland for £100k in March, however the informal feedback that we have received, September 2018, was that our application had been unsuccessful. We are still awaiting formal confirmation of this decision, but considered it financially prudent to discount it from our current budget assumptions.

We are currently exploring a number of other external funding opportunities in support of the project, but these are at very early stages.

Question 3

The cost of this project appears to be constantly growing.

In June 2016, the Project Initiating Document forecast that the development would cost £18.2M including:

- £2.1M on "car park/public realm", which should have included the landscaping that now requires extra funding

- £4.1M that included “prelims/contingencies/inflation/risks”.

Despite this last item, the budget has now grown to £19M, and a further £0.5M is being requested of the Area Committee. In addition, the revised plans in front of the PPSL committee show an additional 0.5m seawall on top of the flood defences, which has yet to be costed.

It is likely that this addition to the defences will take the cost of the project close to £20M, which is an increase of £1.8M, or 10%, in just 18 months. And that is before a Full Business Case for the leisure centre has been completed.

How expensive does this development need to become before the Area Committee decides that it is unaffordable, and that the cheaper solution, of locating the leisure centre closer to the existing swimming pool so that the flood defences can be reduced in both height and cost, is the right solution?

Response from CHORD Programme Manager:

We have indicative costs for raising the southern sea defence wall of circa £20k or just under 1% of the total estimated cost of the flood defences.

In accordance with Her Majesty’s Revenue and Customs (HMRC) Green Book guidance on the Preparation of Business Cases we shall be bringing forward the Full Business Case for consideration by the Council prior to any contract being awarded. Only if it can be demonstrated that the project can demonstrate that it delivers Value for Money and is Affordable would the Council approve the award of the construction contract.

Without the provision of any detailed technical design, cost plan, statutory approvals or programme information we fail to see how the Community Council can state that their alternative proposals ‘are the cheaper solution’

Question submitted by the Friends of Blairvadach Horses

Do councillors fully appreciate they have placed local residents near Blairvadach in an intolerable situation for nearly 4 years as they have been forced to witness the neglect, abuse and starvation of a herd of horses and ponies the Council has allowed to fly graze on Council-owned land? Residents will testify the keeper has been using the Blairvadach site for that length of time and the keeper himself brags on Facebook that he has been visited by SSPCA inspectors for 4 years.

The photos being circulated here show the extent of the neglect. The old bay mare collapsed in the field after being tied to the tree and left to stand on the concrete hard standing for 4 days and nights, unable to lie down or even turn round. While I understand the SSPCA deems this treatment unacceptable, still nothing has been done to address it.

Are councillors aware that local residents are feeding the animals because they cannot live with a statutory system that it appears will only act when animals are in a near death condition? A condition the keeper has ensured for 4 years that the horses do not quite reach.

Is the Council aware the keeper is breeding, selling and lending his animals, effectively running a business from Blairvadach, and that there is currently one

stallion in the field with 4 mares? One mare is thought to be currently pregnant and more animals will surely follow.

Is the Council aware the horses have strayed dozens of times on to the A814 and are a threat to road users?

Will the Council and the SSPCA finally stop dithering and remove the horses, take them to a place of safety and raise the necessary court action to ensure the owner is banned from keeping horses and ponies for the foreseeable future?

Response from Special Projects and Quality Improvement Manager

I would advise that the Council is very much aware of the fly grazing issue and has taken active steps to address the matter, contacting the owner and his representatives on a number of occasions, raising court proceeding in the Sheriff Court and liaising with the SSPCA in regard to the welfare of the horses.

In January 2018, the Council became aware of horses grazing on land owned by the Council at Blairvadach, Helensburgh without the Council's consent. There appears to be a perception that the horses have been there for a period in excess of that but that is not the case. It appears they may previously have been "fly grazed" nearby. Thereafter, Officers advised the owner that he did not have permission to graze his horses on the Estate and instructed him on a number of occasions to remove them. The Owner of the horses failed to comply with any request or instruction, written or oral, to remove his horses from the Estate.

The Council has pursued a civil action against the owner of the horses in the Sheriff Court and has obtained orders to have the owner remove the horses. Unfortunately he has, thus far, failed to comply with that court order. It is important to note that the Council does not have a common law power, nor can the court at this stage competently grant such a power to remove the horses that enables the Council to assume ownership and dispose of them in an appropriate way. In the absence of the owner removing the horses in a responsible manner the Council (and other statutory and interested bodies) can only interfere in the custody and ownership of the horses, as they belong to a third party, where there is a lawful basis to do so.

There is no "fly grazing legislation" such as that existing in England and Wales, providing a power to the Council to deal directly with the horses as a result of the fly grazing alone. Therefore other lawful routes must be considered and there is a possible route involving liaison with the police that would be an effective measure and we are currently in communication with them to assess whether they are willing and able to action that.

Neither the Council nor the Police are, currently, in a position to deny the owner his rights of ownership in the horses or sell them. That position may change depending on the communications we are currently having with the Police.

In the meantime the Council's animal health officer continues to liaise with the SSPCA. They have been actively monitoring matters and do not currently consider that the welfare of the Animals is of sufficient concern to warrant a "statutory" intervention in that regard.

I hope that's helpful and sets out that the Council are concerned for the welfare of the horses and are working to address this matter as effectively as it can within the confines of the law.

Questions submitted by John Black

The basic problem with the Helensburgh Pierhead project has been the lack of engagement with the public. The first real engagement with the public took place at the hearing held in the Victoria Halls. The application has now been deferred by the PPSL Committee and there will be no further opportunity for public input. Where do we go from here and will there be any further public input?

Response from Councillor Kinniburgh

The application has been continued until the January meeting of the PPSL Committee. This meeting is held in public but there is no opportunity for further input from the public.

Response from CHORD Programme Manager

I disagree that there had been no prior public engagement prior to the Discretionary Hearing of the Planning, Protective Services and Licensing Committee on 19 November 2018.

The project Team undertook a number of focussed forum sessions back in January 2018 to obtain feedback and comments on our proposals from as wide a cross section of the community and facility users as possible.

Subsequently in through March and April of this year we engaged in a Pre Application Consultation Exercise (PAC). The regulations on PAC require that as a minimum we undertook at least one public engagement event, however given the importance of this project we scheduled three such consultation events, extended the final one into the evening to allow commuters to comment, and also worked with Helensburgh Community Council who were running a concurrent On-line Survey, to capture the results of their exercise in our PAC Report.

Unfortunately as this is a live planning application we are not in a position to undertake any additional public consultation until a determination has been made.

Question 2

This debacle has wasted public money and time. Will the project leader resign as an early Christmas present.

Response from Councillor Mulvaney

I would confirm that I have no intention of resigning.

Question from Stewart Campbell, Chair of Friends of Duchess Wood

You will note there is a paper for the future management of the wood on the agenda today. The wood is recognised as an important part of Helensburgh both socially and ecologically. The Friends are concerned that they have had no real impact in terms

of the final version of the report that is before you today. We would like to know how we can have a clearer input into the process which could influence any decisions being made.

Response from Councillor Aileen Morton

The concerns of the Friends are noted however it is for officers to prepare reports and to offer recommendations for Members to consider. Advice would be to liaise with local Elected Members to put forward any information that is relevant.

5. RURAL WATCH

The Committee considered a presentation by Constable David Armstrong on Rural Watch which is a Police Scotland initiative that provides a neighbourhood watch scheme specifically aimed at rural communities.

The Chair thanked Constable Armstrong for his informative presentation.

Decision

The Helensburgh and Lomond Area Committee noted the contents of the presentation.

(Ref: Presentation by Police Scotland dated 20 December 2018, submitted)

6. SECONDARY SCHOOL REPORT (HERMITAGE ACADEMY)

The Head Teacher of Hermitage Academy took the Committee through a progress update report on the schools achievements for the 2018 session.

Decision

The Helensburgh and Lomond Area Committee:

1. Noted the contents of the report; and
2. Commended the work and continued improvement being achieved by the school.

(Ref: Report by Executive Director of Customer Services dated 20 December 2018, submitted)

7. HOMELESSNESS IN HELENSBURGH AND LOMOND

The Committee considered an update report on the issue of homelessness in Helensburgh and Lomond.

Decision

The Helensburgh and Lomond Area Committee considered and noted the contents of the report.

(Ref: Report Executive Director of Development and Infrastructure Services dated 20 December 2019, submitted)

The Chair ruled and the Committee agreed to vary the order of business. Item 15. Charity and Trust Funds was therefore taken after item 7. Homelessness in Helensburgh and Lomond of the agenda.

8. CHARITY AND TRUST FUNDS

The Committee considered a report that set out the proposed method for distribution of the charities and trust funds in the Helensburgh and Lomond area.

Decision

The Helensburgh and Lomond Area Committee agreed to approve the proposed method for the distribution of the charities and trust funds as outlined in appendix 1 of the report.

(Ref: Report by Head of Strategic Finance dated 20 December 2018, submitted)

9. HELENSBURGH AND DISTRICT MEN'S SHED

The Committee considered a report on the proposed siting of a shed for the Helensburgh and District Men's Shed within Hermitage Park.

Decision

The Helensburgh and Lomond Area Committee:

1. Agreed in principle to the proposal to locate a Men's Shed within the south west corner of Hermitage Park, between the Victoria Halls boundary and the burn, subject to them obtaining all necessary statutory consents and;
2. Agreed that a Ground Lease should be concluded between the Men's Shed and the Council, and that authority is delegated to the Executive Director of Development and Infrastructure to agree the detailed terms of this lease.

(Ref: Report by Executive Director of Development and Infrastructure Services dated 20 December 2018, submitted)

10. HERMITAGE PARK COMMEMORATIONS GUIDANCE

The Committee considered a guidance report on the style and type of commemorations suitable for Hermitage Park, covering trees, benches and other commemorative features. A criteria was proposed to ensure appropriate and non-offensive language is applied to commemorative plaques/labels.

Decision

The Helensburgh and Lomond Are Committee:

1. Noted the commemoration guidance for Hermitage Park; and

2. Agreed to approve the criteria ensuring appropriate and non-offensive language is applied to all commemorations within the park as detailed at (5.1.4) of the report:
 - The proposed wording must not be used as a means of advertising any business;
 - The proposed wording must not cause offence i.e. likely to be upsetting, insulting, or objectionable to some or most people

(Ref: Report by Executive Director of Development and Infrastructure Services dated 20 December 2018, submitted)

11. HELENSBURGH OUTDOOR MUSEUM - ARTS STRATEGY FUND

The Committee Considered a report asking Members to agree to the offer of a grant in support of two applications to the Outdoor Museum Arts Fund, to approve amendments to the Terms of Reference of the Design Panel and also to request approval of a variation in the administration of future funding rounds.

Decision

The Helensburgh and Lomond Area Committee:

1. Approved Application 1 – Submariners Association;
2. Approved Application 2 – The Arts Society;
3. Approved amendments to the Design Panel Terms of Reference;
4. Approved new arrangements for administering the Arts Strategy Fund; and
5. Approved Conditions of Grant.

(Ref: Report by Executive Director of Development and Infrastructure Services dated 20 December 2018, submitted)

12. ECONOMIC DEVELOPMENT SERVICE FOCUS OF WORK - ARROCHAR

The Committee considered a report asking Members to endorse a continued focussed approach to economic development activity in Arrochar.

Decision

The Helensburgh and Lomond Area Committee:

1. Noted the contents of the report; and
2. Endorsed that the focus of the economic development service work in Arrochar is unlocking the development potential of the former MoD Torpedo Testing Range.

(Ref: Report by Executive director of Development and Infrastructure Services dated 20 December 2018, submitted)

Prior to consideration of the following item of business, Councillor Douglas declared a non-financial interest because she is the Chair of the Duchess Woods Local Nature Reserve Committee. She claimed the benefit of the dispensation contained at section 5.16 of the Standard Commission's Guidance and Dispensation Note to enable her to speak and vote.

13. DUCHESS WOOD - MANAGEMENT AGREEMENT

The Committee considered a report which outlined the current arrangements for the management of Duchess Wood and highlighted that the current management agreement will expire in August 2020. Members were asked to consider potential options for the subsequent management of the site.

Decision

The Helensburgh and Lomond Area Committee agreed:

1. That the management agreement will not be renewed in 2020 and that officers work with the Friends of Duchess Wood to explore options (b) and (d) as outlined in the report; and
2. If there is no agreement then the wood will revert back to the landowner and that officers provide clarity on any financial implications to the Council.

(Ref: Report by Executive Director of Development and Infrastructure Services dated 20 December 2018, submitted)

*** 14. HELENSBURGH WATERFRONT - POSITION STATEMENT**

The Committee considered a progress update report on the delivery of the Helensburgh Waterfront Development Project, including the following matters: RIBA Stage 4 – Technical Design; Procurement of the Main Works Contract; Development of the Full Business Case; Programme for delivering the project; and the Planning Application.

Decision

The Helensburgh and Lomond Area Committee:

1. Noted the progress update contained in the report; and
2. Agreed to recommend to the Policy and Resources Committee that an allowance should be made for additional funding, as set out at Section 5.6 of the Report, as part of the 2019-2020 Budget Process, for the two additional sections of public realm improvements approved for inclusion at the end of Stage 3.

(Ref: Report by Executive Director of Development and Infrastructure Services dated 20 December 2018, submitted)

15. AREA SCORECARD FQ2 2018-19

The Committee considered the Area Scorecard report for financial quarter 2 of 2018-2019.

Decision

The Helensburgh and Lomond Area Committee:

1. Noted the performance presented on the Scorecard and supporting commentary;
2. Noted that upon receipt of the quarterly performance report the Area Committee contact either the Performance Improvement Officer or the responsible named officer with any queries; and
3. Noted that work is ongoing and to respond to the Performance Improvement Officer with requests or comments regarding the layout and format of the report and scorecard.

(Ref: Report by Executive Director of Customer Services dated 20 December 2018, submitted)

The Chair ruled and the Committee agreed to vary the order of business, therefore item 18. Traffic Regulation Order – Sinclair Street/West Montrose Street was taken after item 14. Area Scorecard FQ2 2018-19 of the agenda.

16. TRAFFIC REGULATION ORDER - SINCLAIR STREET/WEST MONTROSE STREET, HELENSBURGH

The Committee considered a report detailing the traffic regulation order objections and proposed recommendation for Sinclair Street and West Montrose Street, Helensburgh.

Decision

The Helensburgh and Lomond Area Committee agreed that the TRO is progressed to the final stage of the statutory process and that the order is made with the following modification:-

- Reduction in the length of proposed waiting restriction on the north side of Maclachlan Road to allow additional parking at this location.

(Ref: Report by Executive Director of Development and Infrastructure Services dated 20 December 2018, submitted)

The Chair advised that appendix 2 of the following report contained exempt information as defined in paragraphs 6 and 13 of Part I of Schedule 7a to the Local Government (Scotland) Act 1973 and as such if Members wished to discuss the information contained in that appendix they would require to agree the exclusion of press and public.

17. HELENSBURGH, CARDROSS AND DUMBARTON CYCLEWAY

The Committee considered a report on the progress made since the Helensburgh and Lomond Area Committee on 20 September 2018 in relation to the delivery of Argyll and Bute Council's long-standing commitment to the provision of a dedicated, high quality walking and cycle route linking Helensburgh, Cardross and Dumbarton.

Decision

The Helensburgh and Lomond Area Committee:

1. Noted the progress to date and future programme for the delivery of the Helensburgh, Cardross and Dumbarton Cycleway and;
2. Agreed to support the continued commitment to construct the approx. 285m section of the route along Geilston Park [unadopted road] and through the Cardross Playing Fields and Cardross Park, now planned for spring 2019.

(Ref: Report by Executive Director of Development and Infrastructure Services dated 20th December 2018, submitted)

18. HELENSBURGH AND LOMOND WORK PLAN

The Committee gave consideration to the Helensburgh and Lomond Workplan for December 2018.

Decision

The Helensburgh and Lomond Area Committee noted the Helensburgh and Lomond Workplan.

(Ref: Helensburgh and Lomond Workplan dated 20 December 2018, submitted)