

MINUTES of MEETING of HELENSBURGH & LOMOND AREA COMMITTEE held by MICROSOFT TEAMS on THURSDAY, 16 SEPTEMBER 2021

Present: Councillor Barbara Morgan (Chair)

Councillor Lorna Douglas	Councillor Gary Mulvaney
Councillor George Freeman	Councillor Iain Paterson
Councillor Graham Hardie	Councillor Gemma Penfold
Councillor David Kinniburgh	Councillor Richard Trail
Councillor Aileen Morton	

Attending: Jim Smith, Head of Roads and Infrastructure Services
Shona Barton, Committee Manager
Stuart Watson, Assistant Network and Standards Manager
Colin Young, Senior Transportation Delivery Officer
Inspector Roderick MacNeill, Police Scotland

1. APOLOGIES

There were no apologies for absence intimated.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES

(a) Minute of the Meeting of the Helensburgh and Lomond Area Committee held on Thursday, 17 June 2021

The minutes of the meeting of the Helensburgh and Lomond Area Committee held on Thursday, 17 June 2021 were approved as a correct record.

4. PUBLIC QUESTION TIME

Rowena Ferguson advised that she had three questions that she would like to submit to the Committee in relation to the Luss Traffic Regulation Order (TRO) proposals and the Committee considered each of these questions in turn.

Rowena Ferguson asked the following question in relation to Community Council involvement in the foundations of the TRO:

“In your last paper to this meeting you stated the Community Council TRO proposals ‘were produced by lawyers acting for the Community Council’ and that these were ‘a strong example of positive partnership working’. I note in today’s paperwork there is absolutely no mention of the Community Council’s input to this TRO. Perhaps this is because in the meantime allegations (with supporting evidence) have been filed with regard to Luss Community Council and their preparation of this TRO.

Allegations of inappropriate influence by Sir Malcolm Colquhoun...

1. Lady Colquhoun sitting as an elected member of the Community Council yet consistently failing to declare a financial interest in the TRO discussions which remove parking for over 200 cars from the village and surrounds, whilst her company built a new commercial car park for 250 cars.
2. The Community Council permitted Simon Miller CEO of Luss Estates to act in a manner which was totally inappropriate, including meeting Jim Smith as a representative to review the TTRO and deciding on modifications for the permanent TRO, all whilst taking money from a business disadvantaged by the TTRO.
3. Failure to consult Residents adequately.
4. Failure to consult Business at all.

As a result, a Conduct Review Panel is being convened by Argyll & Bute Council. Yet the executive knowing all this, and knowing the TRO is based on the Community Council legal work has decided to proceed with this order. Surely it would be appropriate to wait for the outcome of this panel hearing before progressing this TRO. Why proceed with the TRO when there are such serious outstanding allegations? Why not wait until all the facts can be properly established as this TRO risks disadvantaging my business and other business in Luss which are not owned by Luss Estates?"

The Committee Manager advised that it would not be appropriate for the Committee to comment on the concerns raised around a Conduct Review Panel, as this process was completely separate to the process for the TRO which was being considered at the meeting. Rowena Ferguson advised that she was aware of this but felt that the Committee should delay any decision until they were aware of the outcome of the Conduct Review Panel.

The Head of Roads and Infrastructure Services advised that it would be inappropriate for him to comment on the Conduct Review Panel and he would not be best placed to respond to any comments in this regard. He confirmed that officers had consulted with a wide range of partners, including the Community Council, as part of the process to implement a Temporary Traffic Regulation Order (TTRO) previously and in the course of preparing the draft TRO being considered by the Committee today.

The Head of Roads and Infrastructure Services advised that proposals being considered were not significantly different to previous TRO proposals which had been considered. He outlined the differences between the previous TRO proposals and the ones being considered by the Committee today, noting that the TTRO in place had provided opportunities for officers to make pertinent changes to proposals based on this experience. He confirmed that the Community Council had provided some input to the process alongside a wider group of consultees and this had been welcomed, advising that officers were satisfied that this had been an appropriate step in seeking a solution to issues in the area. He noted that any TRO process was likely to require further work in the future and would involve continuous monitoring to assess whether there were any required changes. He reiterated that the TTRO had provided officers with a monitoring opportunity, and resulting knowledge had been incorporated into the draft order. He confirmed that from an officer point of view, he was confident and content that the process had been robust and that the consultation process had likely been even more extensive in this instance than it had been for a number of previous TROs.

Councillor Freeman advised that he was aware of issues raised and would not comment on the aforementioned Conduct Review Panel process. He noted that he did not believe that it was likely that Members would agree to continue consideration of the TRO to a later meeting and sought confirmation that, if concerns were subsequently raised which

indicated that there had been an impact on the TRO process, standing orders could be suspended to allow Members to re-consider the matter. Councillor Freeman also sought confirmation that the TRO would be subject to a bi-annual or annual review.

The Head of Roads and Infrastructure Services confirmed that the TRO would be subject to ongoing review as part of the standard process, and it was likely that any TRO would require to be in place for a 12 month period before any changes were made to allow it an opportunity to bed in. He noted that many of the measures in the draft TRO had been a part of the TTRO and had therefore been previously tested in the area. He advised that it was unclear at this point what would happen in the future with regard to staycation activity and travel behaviour, and where there was a requirement to respond quickly they would do so, as had been previously demonstrated by the implementation of the existing TTRO.

The Committee Manager confirmed that, as with any Council decision, if there was a material change in circumstances within 6 months then any item could be revisited without the requirement for a suspension of standing orders.

Rowena Ferguson advised that she had been disappointed not to have been consulted in relation to the TTRO as a business in the heart of the village.

Rowena Ferguson asked the following question in relation to the proposal of £489 annual permit charges:

“The Council document makes mention of the residents being unhappy to pay £90 per annum for a permit. Yet, the document does not spell out to Councillors that members of my staff will each have to pay £489 annually to park to simply attend their place of work. My staff have no alternative but to come by car due to inadequate public transport. The new Permit Zone and accompanying yellow lines on the approach roads to Luss mean they have nowhere to park without charge. This affects staff at the Village Shop, Village Rest, my own business and the Pier Shop. Luss Estates can clearly provide their own staff with free of charge parking.

Their only alternative is to pay A&B Council £489 annually for a permit. It is very difficult to attract staff in our rural setting and £489 is simply too high. My staff have always parked on Church Road without issue and there is adequate space. Why have you not proposed a solution such as additional business permits at the lower fee or a reduced rate to resolve this concern?”

The Head of Roads and Infrastructure Services advised that this was an issue across a number of locations in Argyll and Bute, resulting from there not being sufficient parking to allow everyone who wishes to park there to do so. He noted that there were elements of compromise in any process, confirming that residents had been given priority in this instance as there was not sufficient space to incorporate both residents and business parking. He confirmed that opportunities were available to purchase season tickets for parking, but this did come at a cost in terms of the process. He noted that businesses had not been excluded entirely from parking permits as each would be allocated two permits, and this could be reviewed in due course if any issues arose.

Rowena Ferguson asked the following question in relation to the impact of the TRO on tradesmen:

“This TRO makes no provision for tradesmen to the Coach House to park their vehicles close to our premises. This is totally impractical for a busy coffee shop, as these

tradesmen require constant access to their vehicles for tools and materials. Their only alternative is to park close to the coffee shop and risk a parking ticket while they carry out their work. For example is our gardener expected to unload his mower and then leave it unattended while he goes to the car park to park? Maybe then go back for his strimmer? What if he has forgotten something? What about our maintenance man who needs constant access to his vehicle for tools and materials?

The TRO suggests applying for permits in advance but that is not much use when we need an emergency plumber or engineer. This TRO is totally unsuitable for a working business. Why is Argyll and Bute Council making it so difficult for a legitimate business to carry out essential everyday activities while contributing to the economy?"

The Head of Roads and Infrastructure Services agreed to note these comments.

David Pretswell, Luss and Arden Community Council, asked the Committee to disregard previous comments relating to the Community Council as it had been inappropriate for these to be raised at the meeting. He noted that he would invite a reduction in costs for permits and asked Councillors to consider the responses of residents who had overwhelmingly reported their desire for a sustainable, long-term traffic management solution in Luss.

David Pretswell also asked the Committee to take cognisance of the below statement from Luss and Arden Community Council which had been circulated to Members in advance of the meeting in relation to the draft TRO proposals:

"As you are well aware the traffic crisis in Luss is horrendous, and these long awaited TROs, currently being considered, are based upon the plan drawn up by the Community Council, local Residents and Luss Estates, which were subsequently and are now, overwhelmingly supported by our Community.

We view the proposed TRO as the very minimum 'first step' that Argyll and Bute Council can do to mitigate the simply appalling traffic issues facing Luss on any sunny day, winter or summer.

We make the following observations:

1. Permit cost :

- a. We note the reduction to £45 per residential permit, as proposed in the papers submitted to the Area Committee; that the whole Parish is included, with each home getting two permits and that the £45 proposed charge is not a temporary measure.
- b. Whilst this reduction is welcome there remains very significant resistance to the principle of chargeable permits for village residents, many of whom are elderly and on low incomes.
- c. Having been given some six days only, between our first sight of the TRO charge proposals and the date of the Area Committee at which the TRO's are to be considered, it is not possible to give a view at this time on whether the £45 per permit charge may prove to be acceptable to our Community.

2. Prohibition of Driving :

- a. As has been emphasised by us on many occasions, the crisis facing Luss is NOT a simplistic parking issue, but is a TRAFFIC MANAGEMENT problem, caused in turn by the enormous volume of circulating visitor cars entering

the heart of the village and circulating there for no good reason. It poses real hazard to resident Quality of Life together with a severely elevated risk of pedestrian/vehicle accidents - there are NO pavements in this area.

- b. We find it to be totally unacceptable that the PDO (Prohibition of Driving Order) has been removed from the proposal. Without a PDO in place, the traffic crisis in Luss will never be resolved.
- c. PDO's are used throughout the United Kingdom in exactly these circumstances to reduce passing and circulating traffic from sensitive locations.
- d. We regret very much the apparent exclusion of this element of the proposal following receipt of ONE single objection. The Council will never get universal support to its proposal and it is an unhappy fact that this latter single objection can now result in a Reporter Referral process which typically will last for 6 to 9 months and thus defeat the current intent of the new measures to deliver an improvement in our Resident's condition in time for season 2022.

3. Street furniture at the top of Pier and school Road :

- a. We simply DO NOT believe that painting street markings on the road will deter sufficient drivers from entering the village -the 'emotional barrier' that they create will not be sufficient - it needs physical measures.
- b. We urge the Council to find the funds to construct physical speed tables and width restrictions as proposed in the "Community Alternative Proposal". Luss and Arden Community Council have applied for part funding for this infrastructure, and propose that we partner with the Council in getting this work done immediately.

4. Potential Reporter Referral

- a. Whilst our Community Council would regret the consequential delay to full implementation of the TRO's which would result from a referral of any aspect of these matters, our Community Council wishes to assure the Argyll and Bute Council of our full co-operation to properly present the full merits of the TRO's for Luss, including the required PDO, to the reporter at any time which it may be required."

5. POLICE SCOTLAND UPDATE

The Committee gave consideration to a report and verbal update from Inspector Roderick MacNeill which updated Members on current issues being dealt with by Police Scotland in the Helensburgh and Lomond area.

Decision

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

(Reference: Report by Inspector Roderick MacNeill, Police Scotland, dated 7 September 2021, submitted)

6. ROADS AND INFRASTRUCTURE SERVICES UPDATE

The Committee gave consideration to a report which provided an update on the recent activities of Roads and Infrastructure Services and highlighted works being undertaken which were of relevance to the Helensburgh and Lomond area.

Decision

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

(Reference: Report by Executive Director with responsibility for Roads and Infrastructure Services dated July 2021, submitted)

7. RECYCLING PERFORMANCE

The Committee considered a report which provided details on the council's recycling and landfill diversion performance along with national policy, targets and regulations which are likely to impact on future performance.

Decision

The Helensburgh and Lomond Area Committee considered and noted the information outlined within the report, including the national policy drivers that would likely impact over the next few years.

(Reference: Report by Executive Director with responsibility for Roads and Infrastructure Services dated 16 September 2021, submitted)

8. PROPOSED LUSS TRAFFIC REGULATION ORDERS

The Committee considered a report providing information around two proposed Traffic Regulation Orders (TROs) relating to Luss Village and the U228 Old A82.

Decision

The Helensburgh and Lomond Area Committee agreed:

Speed Limit TRO

1. that the Order should be made as drafted;
2. that physical traffic management measures should be installed to support the proposed speed limits in-line with the Council's Road Speed Limit Policy Framework;
3. that officers should carry out pre and post implementation speed surveys and review with respect to the Council's Road Speed Limit Policy Framework;

Traffic Management TRO

4. to reduce the proposed permit cost from £98 to £45 per annum;
5. to retain the restriction on the proposed number of permits with a view to amending this in the future depending on post-implementation use with respect to available road space (capacity);
6. to note that there is sufficient provision of off-street parking, that the inclusion of visitor parking within the permit scheme risks over-subscription of parking availability within the core village roads, and that off-street parking permits are available for the following fees:
 - a. 3 months - £139
 - b. 6 months - £258

- c. 9 months - £371
- d. 12 months - £489;
- 7. to note that equipment required by trades can be loaded and unloaded at the relevant property but that the vehicles should then park within the off-street car parks and that where works are longer term or more complex, a temporary relaxation of restrictions can be applied for;
- 8. to note that those with Blue Badges can park within the village core and that those with reduced mobility but without a Blue Badge can be dropped off or collected by a vehicle but otherwise to note the availability of off-street parking; and
- 9. to refer the objection to the Prohibition of Driving to an Independent Reporter.

(Reference: Report by Executive Director with responsibility for Roads and Infrastructure Services dated August 2021, submitted)

9. APPOINTMENT TO GOUROCK HARBOUR REFERENCE GROUP

The Committee gave consideration to a report seeking the appointment of an Elected Member representative to the Gourock Harbour Reference Group.

Motion

The Helensburgh and Lomond Area Committee agree to appoint Councillor Barbara Morgan as the Elected Member representative to the Gourock Harbour Reference Group.

Moved by Councillor Mulvaney, seconded by Councillor Kinniburgh.

Amendment

The Helensburgh and Lomond Area Committee agree to appoint Councillor Iain Paterson as the Elected Member representative to the Gourock Harbour Reference Group.

Moved by Councillor Trail, Seconded by Councillor Douglas.

The vote was taken by calling the role and Members voted as follows:-

Motion

Councillor Hardie
 Councillor Kinniburgh
 Councillor Morgan
 Councillor Morton
 Councillor Mulvaney
 Councillor Penfold

Amendment

Councillor Douglas
 Councillor Freeman
 Councillor Paterson
 Councillor Trail

Decision

The motion was carried 6 votes to 4 and the Helensburgh and Lomond Area Committee resolved accordingly.

(Reference: Report by Executive Director with responsibility for Legal and Regulatory Support, dated 10 August 2021, submitted)

10. AREA SCORECARD - FQ1 2021-22

The Committee considered the Area Scorecard report for Financial Quarter 1 of 2021-2022 (April-June 2021), which illustrated the agreed performance measures.

The Committee Manager provided a further update in relation to street lighting targets on behalf of the Network and Standards Manager, noting that the electrician for the area would shortly be undertaking training to allow him to work on street lights and this should result in improved statistics in due course.

Decision

The Helensburgh and Lomond Area Committee:

1. agreed the proposed presentation of dog fouling data commentary as detailed at section 1.3. of the report;
2. noted and considered the performance and supporting commentary as presented in the report;
3. noted that upon receipt of the Quarterly Performance Report the Area Committee Members could contact either the Responsible Named Officer or the Performance Improvement Officer with any queries; and
4. noted that work was ongoing and to respond to the Performance Improvement Officer with requests or comments regarding the layout and format of the Performance Report and Scorecard.

(Reference: Report by Executive Director with responsibility for Customer Support Services, dated 16 September 2021, submitted)

11. COMMERCIAL SERVICES PROPERTY UPDATE

A report which provided Members with an update on the development and sale of properties in the Helensburgh and Lomond area was before the Committee for noting.

Decision

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

(Reference: Report by Executive Director with responsibility for Commercial Services dated 11 August 2021, submitted)

12. HELENSBURGH AND LOMOND AREA COMMITTEE WORKPLAN

The Helensburgh and Lomond Area Committee Workplan as at September 2021 was before the Committee for noting.

Decision

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

(Reference: Helensburgh and Lomond Area Committee Workplan, submitted)

13. HELENSBURGH, CARDROSS AND DUMBARTON CYCLEPATH UPDATE

The Committee gave consideration to a report updating Members on the progress made since the previous report to the Committee on 17 June 2021 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.

The Committee resolved in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the press and public for discussion of appendix (b) in relation to the report on the grounds that it was likely to involve the disclosure of exempt information as defined in Paragraph 6 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

Decision

The Helensburgh and Lomond Area Committee:

1. welcomed the recommencement of the construction of the section linking Cardross Railway station to the Geilston Burn, Cardross;
2. noted the delay in commencement of the community engagement to inform the design and hoped that this would begin by the start of October 2021;
3. noted the revised timescale for completion of the design of the route linking Colgrain to Geilston Burn, Cardross and Ferry Road, Cardross to Dumbarton; and
4. noted that the landowner between Geilston Burn and Murray's Crossing had declined to progress land acquisition negotiations prior to the design for the full route being completed.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth, dated 11 August 2021, submitted)