

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

APPLICATION FOR GRANT OF BOAT HIRE LICENCE

LOCH LOMOND BOAT HIRE, TARBET VISITOR CENTRE, TARBET,
ARROCHAR, G83 7DE

PREMISES: TARBET VISITORS CENTOR, TARBET, G83 7DE

1. INTRODUCTION

- 1.1 The above application has been received from Loch Lomond Boat Hire. A copy of the application is attached as Appendix 1.

2. BACKGROUND

- 2.1 The applicant has applied to have the 12 vessels listed licensed for use for boat hire and boat trips on Loch Lomond. The applicant has applied to have trade licensed from 9am to 6pm Monday to Sunday.

3. OBJECTIONS AND OBSERVATIONS

- 3.1 Cruise Loch Lomond Ltd. have made an objection regarding the granting of a boat hire licence for the premises noted above. A copy of this objection, dated 6th October 2011, is attached as Appendix 2.
- 3.2 Arrochar & Tarbet Community Council have made an objection to the granting of a boat hire licence in the terms requested for the premises noted above.

This objection was received outwith the time period allowed by the Civic Government (Scotland) Act 1982 for making objections or representations. It is competent under Paragraph 3(2) of the 1982 Act for the licensing authority to entertain a late objection or representation if they are satisfied that there is sufficient reason for it not having been made within the time allowed.

This objection from Arrochar and Tarbet Community Council, dated 24th October 2011, will be provided for consideration by Members at the hearing if it is decided that the objection shall be entertained under Paragraph 3(2) of the 1982 Act.

- 3.3 Simon Lewis of Friends of Loch Lomond & The Trossachs, has submitted an objection to the granting of a boat hire licence for the premises noted above.

This objection was received outwith the time period allowed by the Civic Government (Scotland) Act 1982 for making objections or representations. It is competent under Paragraph 3(2) of the 1982 Act for the licensing

authority to entertain a late objection or representation if they are satisfied that there is sufficient reason for it not having been made within the time allowed.

This objection from Simon Lewis of Friends of Loch Lomond and the Trossachs, received 17th October 2011, will be provided for consideration by Members at the hearing if it is decided that the objection shall be entertained under Paragraph 3(2) of the 1982 Act.

4. PROCEDURE

- 4.1 Members are required to consider whether to entertain objections received from Arrochar and Tarbet Community Council and from Simon Lewis of Friends of Loch Lomond and the Trossachs.
- 4.2 If Members are satisfied that there is sufficient reason why the late objections made by Arrochar and Tarbet Community Council and from Simon Lewis of Friends of Loch Lomond and the Trossachs were not made within the time required under the 1982 Act, copies of these objections will be provided for Members.
- 4.3 Thereafter, Members are required to hear the applicant and those submitting relevant objections or representations as to the merits of the application and to determine the application in accordance with the Note of Procedure, which is attached as Appendix 3.
- 4.4 The committee can attach reasonable conditions to a licence.

5. RECOMMENDATIONS

- 5.1 Members are invited to consider the reasons for Arrochar and Tarbet Community Council and for Simon Lewis of Friends of Loch Lomond and the Trossachs submitting late objections.
- 5.2 Members are invited to hear the applicant and those submitting relevant objections or representations and to determine the application in accordance with the procedure referred to above.

LIST OF BACKGROUND PAPERS

1. Appendix 1
Application for boat hire licence received from Loch Lomond Boat Hire.
2. Appendix 2
Objection from Cruise Loch Lomond Ltd., dated 6th October 2011
3. Appendix 3
Note of Procedure

CHARLES REPPKE
Head of Governance and Law

Enc.

For further information contact: Graeme B. Forrester
Tel: 01546 604197

CIVIC GOVERNMENT (SCOTLAND) ACT 1982



Legal and Protective Services

Application For A Licence – Part A – Applicant Information

(Please note where the applicant is an individual, please go to Section 1; where the applicant is a partnership, firm or Limited Company, please go to Section 2):

1. This section to be completed where the applicant is an individual:

(i) Full Name:

(ii) Home Address: (Including full postcode)
 (Address Details)
 (Town) (Postcode)

(iii) Telephone Numbers: Home: Mobile:

(iv) Age, Date and Place of Birth
 Date of Birth: Day Month Year Age in Years: Place of Birth:

ONCE YOU HAVE COMPLETED THIS SECTION, PLEASE GO TO SECTION 2:

2. To be completed where the applicant is a partnership, firm or limited company:

(i) Trading Name of Business: LOCH LOMOND BOAT HIRE

Business address: (Including full postcode)
 (Address Details) TARBET VISITOR CENTRE
 TARBET
 (Town) ARROCHAR (Postcode) G83 7DE

(ii) Business Telephone Numbers: Business: 07827 931 448 Mobile:

RECEIVED
 12 SEP 2011
 LEGAL AFFAIRS & BUTE COUNCIL SERVICES

3. Please provide the following details of all partners/directors involved in your firm, please note where there are more than 3 partners/directors, please complete their details to include full name, home address, date of birth and telephone numbers on an attached sheet of paper.)

ONCE YOU HAVE COMPLETED THIS SECTION – PLEASE GO TO SECTION 5

(i) Full Name: MARK ANDREW AIKMAN

Home Address: (including Postcode)
 (Address Details) 34 CLOCH ROAD
 (Town) GOUROCK (Postcode) PA19 1AT

Date of Birth: Day Month Year Home Telephone: Mobile:
 19 07 74 01475 632426 07815 869 609

Amount: £220.00
 By: Clydelink Ltd.
 Date: 12/9/11

(ii)	Full Name	JILL PEARSON				
Home Address: (including Postcode)	(Address Details)	34 CLOCH ROAD				
	(Town)	GOU ROCK			(Postcode)	PA19 1AT
	Date of Birth:	Day	Month	Year	Home Telephone:	Mobile:
		22	9	1971	01475 632926	07879 335 731

(iii)	Full Name					
Home Address (Including Postcode)	(Address)					
	(Town)				(Postcode)	
	Date of Birth	Day	Month	Year	Home Telephone:	Mobile:

4. Please give the name of the person responsible for the day to day running of business/managing the activity:

MARK AIKMAN

Please note that if this person is not one of those named above, please also give:

Home Address (Including Postcode)	(Address)					
	(Town)				(Postcode)	
	Date of Birth	Day	Month	Year	Home Telephone:	Mobile:

SECTIONS 5 – 7 MUST BE COMPLETED BY ALL APPLICANTS:

5. Criminal Convictions

Has any of the parties named above been previously convicted of any crime or offence

~~YES~~/NO
(please delete as applicable)

If YES, please give the following details:

	Name:	Date of Conviction:	Convicting Court	Details of Offence	Sentence:
1.					
2.					
3.					

6. Other Licences:

(i) Has, or do, any of the parties named above previously held, or currently hold, any type of Local Authority Licence/s

~~YES~~/NO
(delete as applicable)

If Yes, please give the following details:

	Name:	Type of Licence:	Date Granted:	Expiry Date:	Issuing Authority:
1.					
2.					
3.					

(ii)	Has any of the parties named above, ever applied for any type of Local Authority Licence/s and had their application refused:				YES /NO (delete as applicable)
If YES, please give the following details:					
	Name:	Type of Licence:	Date of Application:	Authority Name:	Reason for Refusal:
1.					
2.					
3.					
7.	Does any party directly involved in the day to day licensed activity suffer from, or have any disability, allergy or other condition likely to affect their fitness to operate?				YES /NO (delete as applicable)
If YES, please give the following details:					
	Name:	Nature of Condition:			
1.					
2.					
3.					
<p>PLEASE NOTE: It is for the licensing authority to determine whether any such condition is relevant.</p> <p>Once you have completed all relevant sections of this part of the application form, you should proceed to complete Part B – this will include information about the specific type of licence you wish to apply for – please note that you are only required to complete one copy of Part A where this information remains valid for all licence applications – for more information, please refer to Appendix 1 – information and assistance when completing an application for a licence.</p>					

Form 1(Part B) - Application For A Licence

Activity Information:

8. **Licence Type:** (Please indicate what type of licence you wish to apply for by placing X in the appropriate box – please note that you can only apply for one licence per form):

Taxi Car (TAXI) (Go to Section 9)	<input type="checkbox"/>	Taxi Driver (TXDR) (Go to Section 10)	<input type="checkbox"/>	Street Trader (STRA) (Go to Section 11)	<input type="checkbox"/>
Private Hire Car (PHIR) (Go to Section 9)	<input type="checkbox"/>	Private Hire Driver (PHDR) (Go to Section 10)	<input type="checkbox"/>	Window Cleaner (WICL) (Go to Section 11)	<input type="checkbox"/>
Late Hours Catering (LHCA) - (Go to Section 11)	<input type="checkbox"/>	Second Hand Goods Dealer (SHDE) (Go to Section 11)	<input type="checkbox"/>	Second Hand Motor Dealer (SHMD) – (Go to Section 11)	<input type="checkbox"/>
Boat Hire (BHIR) (Go to Section 11)	<input checked="" type="checkbox"/>	Metal Dealers (METD) (Go to Section 11)	<input type="checkbox"/>	Public Entertainment (PBEN) (Go to Section 11)	<input type="checkbox"/>
Market Operator (MAOP) (Go to Section 11)	<input type="checkbox"/>	Booking office (Go to Section 11)	<input type="checkbox"/>	Knife Dealer (Go to Section 11)	<input type="checkbox"/>

9. **Taxi and Private Hire Car Application Only:**

(i) **Vehicle Details:**

Please complete the following information:

Registration Number of Vehicle to be licensed:

Date Vehicle First Registered:

Make of Vehicle: (eg Ford, Vauxhall etc)

Vehicle Model: (eg Mondeo, Vectra etc)

Number of Doors:

Description of Vehicle: (eg Estate, Saloon etc)

Colour:

Chassis Number:

Number of Passengers:

Width across back seat (must be a minimum of 51 inches/129.5 cms)

Insurance Documents Enclosed:

CERTIFICATE/COVER NOTE
(delete as applicable)

Insurance Cover Expiry Date:

MOT Document Enclosed:
(if applicable)

YES/NO
(delete as applicable)

MOT Expires on Date:

Date Vehicle Last Inspected:

Name and Address of Motor Mechanic who undertook said inspection:

	Days on which the Vehicle will be available for Hire:		During which Hours:	
ONCE THESE DETAILS ARE COMPLETE – PLEASE GO TO SECTION 16 DECLARATION				
10.	Taxi and Private Hire Driver Application Only:			
	NOTE – APPLICANTS AGED 65 YEARS AND OVER WHO ARE MAKING APPLICATION FOR A TAXI/PRIVATE HIRE DRIVER'S LICENCE WILL BE REQUIRED TO SUBMIT A MEDICAL CERTIFICATE. THIS CERTIFICATE SHOULD BE OBTAINED BY THE APPLICANT FROM THEIR GP AND ANY CHARGE LEVIED MET BY THE APPLICANT. IT SHOULD ALSO BE NOTED THAT SHOULD AN APPLICANT REACH THEIR 65 TH BIRTHDAY DURING THE PERIOD OF THE LICENCE, A MEDICAL CERTIFICATE WILL ALSO REQUIRE TO BE PRODUCED AT THAT TIME. AGAIN THIS WILL BE OBTAINED AT A COST TO THE LICENCE HOLDER.)			
	Does the applicant intend to work as a full time taxi/private hire driver	YES/NO (delete as applicable)	If NO, please give further details:	
	How long have you held a full drivers license authorising you to drive a motor car:		YRS	MNTHS
	Name and Address of the licensed operator of the vehicle/s the applicant intends to drive: (Note: this should be the name as featured on the licence):			
TAXI/PRIVATE HIRE DRIVER APPLICATION - ONCE THESE DETAILS ARE COMPLETE – PLEASE GO TO SECTION 16 DECLARATION				
11.	Activity/Premises Details:			
(i)	Third Party Indemnity Insurance:			
	Please give full details of the policy held (please also include a copy of this policy with your application):	SEE ATTACHMENT (1)		
	Policy Expiry Date:	31 MAY 2012		
(ii)	Premises:			
	Where applicable, please give the name and address of the premises for which the licence is required.	TARBET VISITOR CENTRE TARBET ARROCHAR G83 7DE		
	Please give details of the location of these premises (a sketch of the layout of premises should also be included with your application)	SEE ATTACHMENT (2)		
	Are you the owner of these premises	YES/NO (delete as applicable)		
	If NO, have you included a letter of consent from the owner of the premises which permits you to use premises for your intended purpose:	YES/NO (delete as applicable) SEE ATTACHMENT (4)	If NO – your application cannot be processed until such time as said letter of consent is obtained and forwarded	
	Where applicable, please specify the kind/s of entertainment or recreation to be carried on the premises	BOAT TRAM HIRE & BOAT TRIPS.		
	OR			
	Where applicable, state the nature of the goods/activities you intend trading/selling (it is important for all goods to be listed as any licence granted will specify the exact goods/services which can be sold/undertaken):			

Please specify the days and times it is proposed that the premises will be open for either of the above:	Days:	MON - SUN	Times:	0900 - 1800
Please indicate the maximum number of persons it is proposed to be admitted to the premises an any one time:	NOT APPLICABLE			
<p>I declare that I shall, for a period of 21 days beginning with the date on which the application is submitted to the licensing authority, display the "Notice for Posting" at or near the premises to be licensed.</p> <p>OR</p> <p>I declare that I am unable to display the " Notice for Posting" because I do not have such rights of access or other rights in respect of the premises as are required for me to do so, but that I have taken such reasonable steps as are open to me to acquire them.</p> <p>The steps I have taken to acquire these rights are:</p>				
Applications for Licences for :				
Metal Dealer -	Go to Section 12	Market Operator -	Go to Section 13	Street Trader - Go to Section 14
Boat Hire -	Go to Section 15	All other applicants – go to Section 16 Declaration		
12. Metal Dealer Application ONLY:				
(i)	Please state the address of the premises at which the metals will be stored until after the expiry of 48 hours after their acquisition:			
(ii)	Are the metals to be disposed of in the same condition in which they are received			
(iii)	If NO, please indicate:			
	- the nature of any process or processes to be carried out in relation to the metal received:			
	- the address of the place at which any process or processes are to be carried out in relation to the metal received:			
METAL DEALER APPLICATION - ONCE THESE DETAILS ARE COMPLETE – PLEASE GO TO SECTION 16 DECLARATION				
13. Market Operator Application ONLY:				
(i)	Please provide details of the provision of toilet facilities:			
(ii)	Please give details of the arrangements you are proposing to make for the maintenance of order and public safety			
MARKET OPERATOR APPLICATION - ONCE THESE DETAILS ARE COMPLETE – PLEASE GO TO SECTION 16 DECLARATION				

14.	Street Trader Application ONLY:	
(i)	Please state precisely the localities by reference to street names (and an attached sketch map) in which you propose to trade. (Please note: a letter of consent is required from each landowner and should also be attached to this application)	
(ii)	Please state the type and registration number of any vehicle and/or give dimensions of structure, kiosk, moveable stall or receptacle to be used in connection with street trading:	
(iii)	Does your proposed trading include food business:	YES/NO (delete as applicable)
<p>If YES, you must obtain a certificate from Argyll and Bute Council in relation to the relevant food and drugs legislation – a copy of which should be included with this application.</p> <p>STREET TRADER APPLICATION - ONCE THESE DETAILS ARE COMPLETE – PLEASE GO TO SECTION 16 DECLARATION</p>		

15. Boat Hire Application ONLY:	
(i) Please give the address of the hire point	TARBET VISITOR CENTRE TARBET AEROCAR 683 7DE
(ii) Please give a description of the intended extent of waters within which the vessels when hired are to operate:	LOCH LOMOND

(iii) Please give details of the vessel/s to be subject of licence (continue on a separate sheet if necessary):			
Vessel Name:	Type:	Year of Manufacture:	Maximum amount of passengers to be on board:
1. ATTACHED AS TABLE (ATTACHMENT 3)			
2.			
3.			

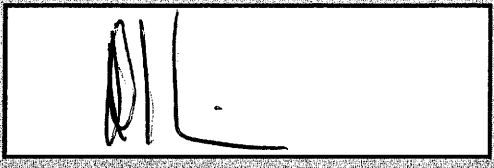
**BOAT HIRE APPLICATION - ONCE THESE DETAILS ARE COMPLETE - PLEASE GO TO SECTION 16
DECLARATION**

16. Declaration and Information:

I declare that the particulars given by me on this form are true and I hereby make application to Argyll and Bute Council for the grant of the licence applied for above. I understand that I, or any person who, in connection with the making of this application makes any statement which I/they know to be false or recklessly makes any statement which is false in a material particular shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £2500.00.

I also confirm that, if granted a licence, I will comply fully with the conditions of that licence and have, previous to lodging this application, made myself familiar with the terms of Argyll and Bute Councils' standard conditions pertaining to the licence.

Signature of Applicant:



Note – Please ensure your signature is within the marked box.

Date:

1/7/2011

Notes:

- Any form lodged which has not been fully completed will be considered incompetent and returned to the applicant.
- The completed form with the required supporting paperwork, as detailed over, must be lodged with:
**The Head of Legal and Protective Services
Argyll and Bute Council, Kilmory
Lochgilhead. PA31 8RT**
- Please note that the Council may consider the application at a public meeting.

TO WHOM IT MAY CONCERN

04 July 2011

Dear Sir/Madam

Loch Lomond Boat Hire

We act as Insurance Brokers to the above company and are pleased to confirm that the following cover has been effected for the period 01 June 2011 to 31 May 2012, both dates inclusive:

EMPLOYERS LIABILITY

Insurers:	Groves, John & Westrup Ltd (050)
Policy No.:	MTP 0003851 PC
Limit of Indemnity:	£10,000,000 any one occurrence
Indemnity to Principal:	Included

PUBLIC & PRODUCTS LIABILITY

Insurers:	Groves, John & Westrup Ltd (050)
Policy No.:	MTP 0003851 PC
Public Liability Indemnity Limit:	£10,000,000 any one occurrence
Products Liability Indemnity Limit:	£10,000,000 in all during the period of insurance
Indemnity to Principal:	Included

MARINE LIABILITY

Insurers:	Groves, John & Westrup Ltd (050)
Policy No.:	MTP 0003851 PC
Third Party Liability Limit:	£5,000,000 any one occurrence

The policy is subject to terms and conditions, including any policy excess and warranties that may apply.

This document is provided to you for information purposes only and the details herein are correct as at the date of this letter. This is a confirmation of the insurance arranged only and does not form any part of the policy.

Should the policy be cancelled, assigned or changed during the above period in such a manner as to affect this document, no obligation to inform the holder of this document is accepted by the undersigned or the Insurers.

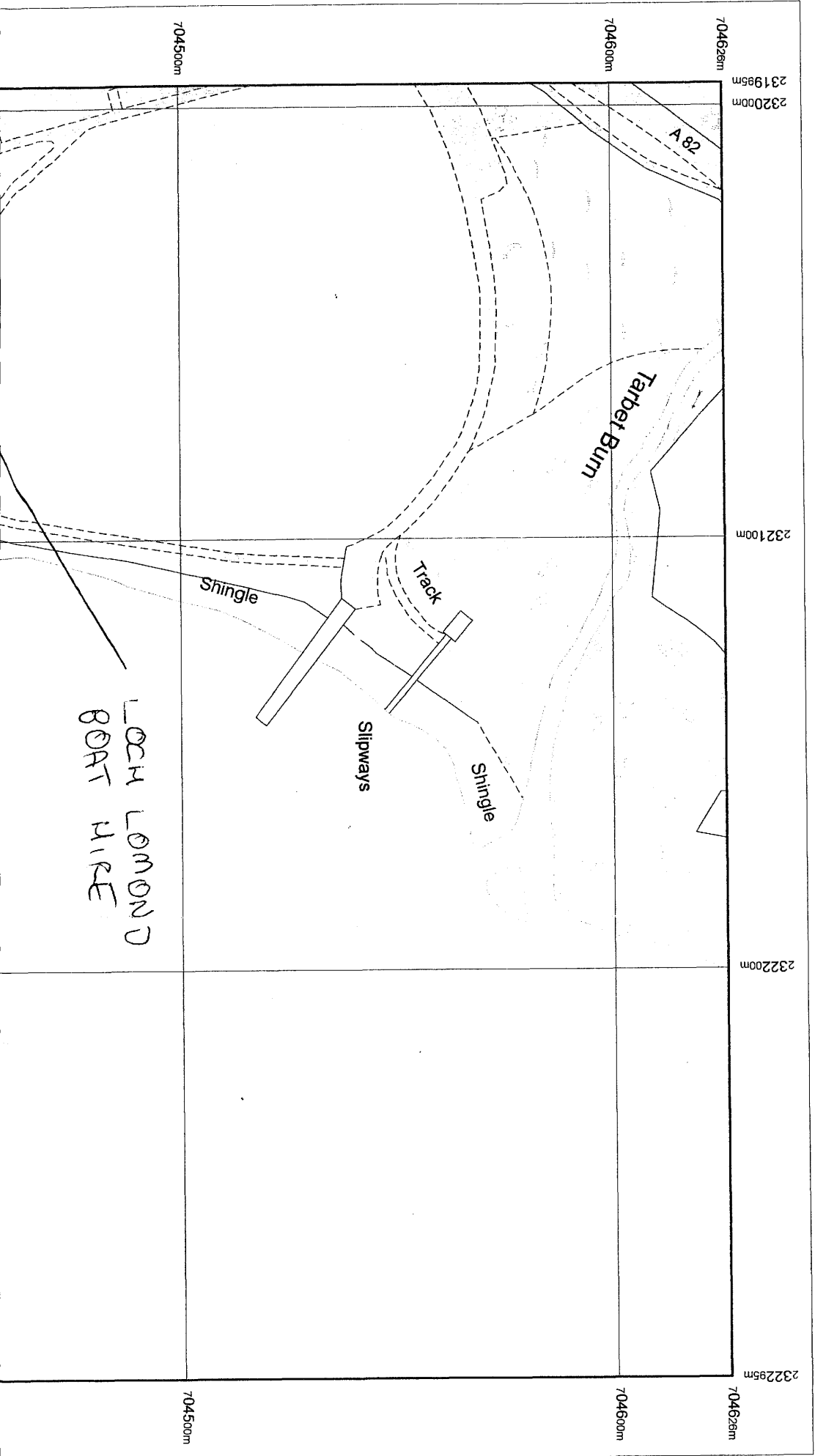
We trust that this information is sufficient for your purposes but if you require any further details, please contact the undersigned.

Signed



Seren Eaglesstone
On behalf of E Coleman and Co. Ltd.





Loch Lomond Boat Hire - Vessel Schedule

24/06/2011

Vessel Name	Type	Year of Manufacture	Maximum amount of passengers to be on board
LLBH 1	Rigiflex Cap 400	2011	7
LLBH 2	Rigiflex Cap 400	2011	7
LLBH 3	Rigiflex Cap 400	2011	7
LLBH 4	Rigiflex Cap 400	2011	7
LLBH 5	Rigiflex Cap 400	2011	7
LLBH 6	Rigiflex Cap 400	2011	7
LLBH 7	Rigiflex Cap 400	2011	7
LLBH 8	Rigiflex Cap 400	2011	7
Xtreme	Ribcraft 10.5	2006	12
Mingulay	Redbay 6.5	2004	6
Tango	Humber 7m	2010	12
Island Trader	Robust Boats 10m	2010	12



Established 1973

The Boatyard, Tarbet, Loch Lomond, Argyll & Bute, Scotland G83 7DG

Telephone: 01301 702356 Fax: 01301 702636

Email: enquiries@cruiselochlomond.co.uk Web: www.cruiselochlomond.co.uk

Head of Governance and Law,
 Argyll & Bute Council,
 Kilmory,
 Lochgilphead,
 Argyll,
 PA31 8RT

Our Ref:

Date:

6th October 2011

LOCH LOMOND BOAT HIRE

Dear Sirs,

It has been brought to our attention that an application has been made by Mark Aikman, of Silvers Marine for a **Boat Hire** operator's licence, to hire up to 12 boats, 4 large crewed fast rigid inflatable boats (rib's) each carrying up to 12 passengers and 8 **SELF Drive motor/speed boats**. Each carrying up to 5 passengers.

We understand that Silvers wish to operate from Tarbet Pier that is owned by Loch Lomond and the Trossachs National Park! We are tenants at Tarbet pier and have been operating cruises and ferries **safely** from this facility for the past 33 years.

As I am sure you will know we are governed by the MCA (Maritime & Coastguard Agency) and fully comply with all legislation relevant to Class V passenger vessels operating on category C waters.

We should like to formally object to this application on the following grounds:-

- 1, Health and safety issues with the general public operating hire vessels with no experience, berthing at the same pier as large commercial passenger vessels up to 60 ton's in weight!
- 2, Total lack of shore side infrastructure.
- 3, Fuelling of boats alongside a pier open to the general public as they will be petrol operated and petrol will have to be decanted from drums. (Fire/explosion hazard)

4, More moorings in Tarbet bay and more congestion (Silvers have already laid 3 moorings this year with no permission)

5, Car parking for self drive customers, car parking space In Tarbet at present is desperately lacking.

6, The hiring of boats to the general public with no knowledge of Loch Lomond Byelaws! (Loch Lomond Boat Hire actively promote landing on islands which goes against conservation aims of National Park)

7, We have grave concerns regarding the safety of our passengers, and the general public that make full use of Tarbet pier during the summer months. Tarbet pier is very popular with local and visiting Loch Lomond registered private craft.

8. Tarbet shore line is popular with families' picnicking, kids paddling/swimming and canoeists in the bay, the prospect of throwing 8 self drive vessels in among these activities that have been carried out for generations could be potentially lethal.

The combination of petrol driven hire boats, with the general public in command, potentially (most likely) with no experience whatsoever coupled with our passenger vessels using the same pier facility in a busy bay is a disaster waiting to happen.

Loch Lomond although an inland water way with no tide can still be very demanding, sudden weather change is common and can catch out experienced mariners. In 2006 the Inversnaid ferry capsized due to sudden crosswind which led to 3 crew being air lifted to safety, and in 2008 3 local fishermen lost their lives when their vessel got into difficulties due to adverse weather! Both incidents had experienced Loch users in charge!!

I sincerely hope the Council consider this licence application very carefully and if I can offer any further local knowledge on any of these safety and logistical issues stated above please don't hesitate to get in touch!

Yours faithfully



Iain Moore

Cruise Loch Lomond Ltd
Tel: 01301702356

Civic Government Hearings
Procedure

1. The Chairman will welcome, introduce everyone, outline this procedure and receive confirmation that both the applicant and objectors accept the hearing procedure.
2. The Applicant, or Agent, will be given the opportunity to speak in support of their application
3. Any objector, or Agents, will have the opportunity to question the Applicant or Agent on matters related only to their presentation
4. Objectors, or their Agents, will have the opportunity to speak in support of their objection.
5. The Applicant, or Agent, will have the opportunity to question any objector, or agent, on matters related only to their presentation.
6. The members of the Committee, through the Chair, may ask questions of Applicant or Objector or their agents for clarification.
7. The Objector, or Agent, will have the opportunity to sum up.
8. The Applicant, or Agent, will have the opportunity to sum up.
9. The Chairman will confirm that everyone has had a fair hearing.
10. The Committee will debate and determine the application in the presence of applicant/objectors.
11. The Applicant will be advised verbally of the decision and told written confirmation will be received from Legal Services within 7 days.