

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE  
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD  
on WEDNESDAY, 23 NOVEMBER 2011**

**Present:** Councillor Daniel Kelly (Chair)

Councillor Rory Colville	Councillor Donald MacMillan
Councillor Vivien Dance	Councillor Roderick McCuish
Councillor Mary-Jean Devon	Councillor Alex McNaughton
Councillor David Kinniburgh	Councillor James McQueen
Councillor Bruce Marshall	Councillor Al Reay
Councillor Neil Mackay	

**Attending:** Charles Reppke, Head of Governance and Law  
Graeme Forrester, Solicitor  
Mark Aikman, Applicant  
Stuart Cordner, Objector

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were intimated from Councillors Gordon Chalmers, Robin Currie and Alister McAlister.

**2. DECLARATIONS OF INTEREST**

None declared.

**3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF BOAT HIRE LICENCE: LOCH LOMOND BOAT HIRE (TARBET, ARROCHAR)**

The Chair introduced himself and invited those present at the meeting to do likewise and then outlined the procedure that would be followed.

Mr Forrester advised that 3 late letters of objection had been received out with the time period allowed by the Civic Government (Scotland) Act 1982 for making objections or representations. The first 2 late objections were received from the Arrochar & Tarbet Community Council and from Simon Lewis of Friends of Loch Lomond and the Trossachs. Mr Forrester advised that both of these Objectors had been invited to attend the meeting to explain their reason for the lateness of their objections.

Mr Reppke advised that if the Committee wished to take these late objections into consideration then they would need to adjourn to another day to allow the proper period of notice (14 days) to the Applicant unless the Applicant waived his right to have 14 days to consider these. It was confirmed that neither Objector was in attendance to explain the lateness of their representations.

Mr Forrester also advised of a late objection received from the Passenger Boat Association which had been received less than 14 days since notification of the hearing taking place had been given. He advised that if the Committee wished

to take this objection into consideration Members would have to agree to continue consideration of the application to allow the Passenger Boat Association to receive at least 14 days notice of a hearing taking place.

The Chair ruled, and the Committee agreed, that they would not take into consideration either of the 3 late representations on the basis that there appeared to be no reasonable explanation for the late submissions.

The Chair invited the Applicant to speak in support of his application.

### **Applicant**

Mr Aikman of Silvers Marine, operating under the Trading Name of Loch Lomond Boat Hire spoke to the terms of his application for a Boat Hire operators' licence to allow him to operate from premises at Tarbet. He referred to his submitted list of vehicles that he wished to use and advised that he felt misunderstood by Objectors. He advised that although the list was extensive it was not his intention to use all of the vehicles at Tarbet and confirmed that the first 3 vehicles on the list would be operating from Balloch and not Tarbet. He advised that it was only his intention to operate 1 – 4 ribs from Tarbet.

The Chair invited the Objector to ask the Applicant questions.

### **Questions to Applicant**

Mr Corder asked the Applicant if it was his intention to operate self drive boats from Loch Lomond shore and not Tarbet and Mr Aikman replied yes.

Mr Corder asked the Applicant to confirm how many ribs he intended operating from Tarbet and Mr Aikman confirmed that this would be a maximum of 3.

The Chair then invited the Objector to speak in support of his objection.

### **Objector**

Mr Corder of Cruise Loch Lomond Ltd advised that he had 2 main areas of concern. He referred to Tarbet pier having recently undergone extensive refurbishment and that this had resulted in a loss of a 3<sup>rd</sup> of its capacity and that there was no capacity for any further commercial activity at Tarbet. He also advised that he had huge concerns regarding ribs sharing the same channel of water as large commercial passenger vehicles up to 60 tonnes in weight, other private vehicles and families. He advised that this was a recreational area for locals and visitors and that to operate ribs from Tarbet pier would not make for a safe environment. He advised that he had asked the Loch Lomond and the Trossachs National Park to carry out a risk assessment for ribs and that to date this has not been done. He also referred to the impeccable safety record of the Commercial Boat Operators' Association. He advised that he was part of a working group looking at byelaws for the area. He queried what instruction or qualifications will determine whether or not a member of the public will be suitably qualified to drive self hire vessels. He referred to the Inversnaid ferry capsizing in 2006 and 3 local fishermen losing their lives in 2008 and advised that both incidents had involved experienced local users. He advised that a great deal of work has been done to build up the tourism sector of Loch Lomond

and that he felt that this could be put into jeopardy if self drive vessels and ribs were allowed to operate near a recreational area. He also referred to the Tarbet Visitor Centre being used to operate the Applicant's activities and questioned the size of the building and whether it was fit for this purpose and did not think this was the right environment to operate self drive vessels and ribs. He also queried the storage of fuel for the boats and advised that a separate licence would be required for this. He referred to the numbers of visitors to Tarbet pier in the peak summer period (150 – 200) and to the lack of car parking available in the area and the restricted access to the pier both for people wishing to cruise and for emergency vehicles. He referred to other Associations he was involved with and that their main aim was to ensure Loch Lomond remained a safe and tranquil location for users. He referred to Lake Windermere Cruises which operate both self drive vessels and cruises and that these activities were operated in different places and not in close proximity to each other. He also referred to Sweeney Cruises in Balloch previously operating both types of activities but that this had ceased due to it being too risky. He advised that there was a danger in having self drive vessels in close proximity to cruises.

The Chair invited the Applicant to ask the Objector questions.

### **Questions to Objector**

Mr Aikman asked Mr Cordner if it was his view that ribs were more of a danger than 60 tonne passenger vehicles and Mr Cordner replied yes and explained his reasons for this, referring to the Caribbean where people have lost their arms through being hit by fast moving vessels and that it was his opinion that these types of vessels were a higher risk to the public than large passenger vessels.

Mr Aikman referred to being governed by strict speed restrictions which would mean the ribs would approach the pier at the same speed as passenger vessels and advised that he struggled to understand why skippered vessels would not prove a greater risk and asked Mr Cordner to convince him of this further. Mr Cordner referred to the safety record for self drives and the experienced skippers of passenger vessels and that they would operate safely in the waters around Tarbet.

Mr Aikman asked if Mr Cordner was aware of any instances involving collisions with leisure vessels in the UK. Mr Cordner referred to an incident on the Thames involving a passenger boat. Mr Aikman asked what the findings of the MCA were on this and Mr Cordner advised that the investigation was ongoing.

Mr Aikman asked Mr Cordner if he was aware of other self drive hires on Loch Lomond and he replied yes.

Mr Aikman asked Mr Cordner if he was aware of self drive hires on Windermere and he replied yes.

Mr Aikman asked Mr Cordner if he was aware of self drive hires in the South of England and he replied yes.

Mr Aikman asked if Mr Cordner was aware of any incidents involving self drive hires in any of the above locations and he replied no.

Mr Aikman asked for clarification on Mr Cordner's understanding of the capacity of the pier at Tarbet. Mr Aikman referred to there being 2 commercial berths at Tarbet pier and asked Mr Cordner to explain why he thought there was a problem with capacity. Mr Cordner advised that given the size of the pier and the volume of users it was beyond saturation.

Mr Aikman asked Mr Cordner if he was familiar with power boat operators at Luss and he replied yes.

Mr Aikman asked Mr Cordner if he was familiar with issues of car parking at Luss and he replied yes.

Mr Aikman asked Mr Cordner if he was aware of other rib operators within a 30 mile radius and he replied other than one similar type of operator no.

The Chair invited Members to ask the Applicant and Objector questions.

### **Members' Questions**

Councillor Reay asked Mr Aikman about the speed restrictions of the 8 self drive ribs. Mr Aikman advised that the self drives were not ribs and explained the speed the restrictions of these.

Councillor Reay asked Mr Aikman if the hirer had to have qualification to operate the self drives and Mr Aikman replied no advising that there was no industry requirement for this.

Councillor Reay asked Mr Aikman what type of fuel his boats would be using and what the arrangements would be for fueling the boats. Mr Aikman replied that they were powered by petrol and that there was self contained fuel tanks on board the boats and explained how these were operated. He advised that the fuel tanks would be refuelled at petrol stations.

Councillor McCuish asked for clarification on whether these 8 boats would operate from Tarbet Pier. Mr Aikman advised that only 3 ribs would operate from Tarbet pier.

Councillor McCuish referred to Mr Cordner's objection on the grounds of Health and Safety and his concern about the general public operating hire vessels with no experience, berthing at the same pier as large commercial passenger vessels up to 60 tonnes in weight and asked if the fact that these types of vessels will not be operating from Tarbet pier satisfied him. Mr Cordner advised yes it did if the master of the craft had qualifications. He referred to his continued concern about self drive hire vessels still entering the water at Drumkinnon Bay needing to be addressed.

Councillor Devon asked if discussions had taken place with Loch Lomond and the Trossachs National Park regarding the Applicant being a tenant at Tarbet Pier and Mr Aikman confirmed that he had permission and he had a licence.

Councillor Devon asked if the National Park had raised any objections and Mr Aikman replied no.

Councillor Devon referred to Mr Cordner's statement that a risk assessment had not been carried out by the National Park and asked if the National Park had shown any concerns regarding the increase in vessels around Tarbet and boats being operated by non experienced people. Mr Cordner replied that this issue had been raised in the group he was involved with looking at bye laws and that it was an ongoing concern.

Councillor Devon referred to the MCA regulations that would have to be followed by the Applicant and Mr Aikman agreed that this would be the case.

Councillor Mackay referred to the concerns raised by Mr Cordner about the capacity of the premises to be used by the Mr Aikman at Tarbet pier and asked Mr Aikman what the premises would be used for. Mr Aikman advised that the premises would be used for ticket sales and storage of waterproof clothing and life jackets. He confirmed that fuel would not be stored on the premises.

Councillor Mackay asked the Applicant to confirm how long he had been operating his business and if there had been any incidents in this time. Mr Aikman replied that he had been operating for 5 months and that the only incident involved one of the safety boats which had broken speed restrictions at Balloch when they were retrieving belongings that had fallen off the boat of one of their self hire drive vessels. He advised that he had since arranged to have the safety boat exempt from speed restrictions.

Councillor Mackay referred to the refurbishment of Tarbet pier and the reduction in capacity and asked Mr Cordner to explain how capacity would be infringed by other operators using the pier. Mr Cordner advised that from experience members of the public hiring self drive vessels were given tuition at the pier and that this did not make for a safe environment. However, he acknowledged that the goal posts had changed as the Applicant would now only be running ribs from the pier and not self drive hire vessels. He advised that he had concerns about members of the public being instructed on self drive boats but understood that this work would now be undertaken at Drumkinnon Bay.

Councillor Colville asked whether the boats being used by the Applicant were new or second hand. Mr Aikman advised that he had one second hand vessel and the rest had been purchased and been in use since 2005.

Councillor Colville asked if the operators of the ribs will be existing operators or if the Applicant would be hiring new staff. Mr Aikman advised that all his staff were experienced and had been operating the vessels since 2005. He advised that if there was great demand then there was the possibility of employing more staff in the future.

Councillor Colville asked Mr Cordner if the opening hours of his business were the same as Mr Aikman's and he replied he operated from 8 am – 6 pm.

Councillor Kelly sought clarification from Officers on what exactly on the application the Committee were dealing with today. Mr Reppke advised that the operation of self drive vessels from Tarbet was no longer part of the application and that the Committee were only being asked to consider the 4 ribs. He explained that the self drive vessels would be operating out of Drumkinnon Bay which was in the West Dunbartonshire Council area and that they would be the

subject of a separate application to Argyll and Bute Council if the Applicant wished to enter the waters of Loch Lomond within this Council area.

Councillor Marshall referred to Mr Cordner's objections being centred around the grounds of Health and Safety and suggested that may be his main reason was because of competition with his business. Mr Cordner replied that this was certainly not the case and that Mr Aikman's business would be for a completely different market of people. He advised that his main concern was about Health and Safety and the infrastructure at Tarbet Pier as the channel of water at Tarbet was used by private users and swimmers.

Councillor Dance referred to the National Park raising no concerns, the Applicant catering for a different market, the operation of the 3 ribs and self drive vessels no longer being an issue and asked Mr Cordner to explain his concerns in light of this and to explain his concerns about the premises to be used by the Applicant. Mr Cordner advised that Cruise Loch Lomond Ltd looked to advise the National Park and offer their professional opinion on boat users. He advised that the National Park were very keen on self policing. He advised that he was concerned that the premises to be used by the Applicant were not fit for purpose and that the size of the building was limited.

Councillor Dance asked Mr Aikman how long he had been in business and to respond to the concerns about the premises at Tarbet pier being fit for purpose. Mr Aikman advised that he had been the owner of Silvers Marine for 3 years and that Silver's have been in business in their own right for over 100 years operating out of Rosneath all of this time. He advised that the kiosk at Tarbet was 200% bigger than a similar kiosk and storage area used by an operator on Loch Ness.

Councillor Dance asked Mr Aikman if he believed his operation was for a different market to Mr Cordner's. Mr Aikman replied yes but that there may be a cross over and that he was there to satisfy demand.

Councillor Reay asked if the Committee were now not concerned with the self drive boats. Mr Reppke replied yes and that they would be operating out with the Council area at Drumkinnon Bay and that there may be a further application if the boats were to come into the Argyll and Bute Council area.

Councillor McCuish referred to Mr Cordner's objections and asked if 5 out of the 8 of these were no longer valid as the self drive vessels were no longer part of the application. Mr Cordner advised that he would be still concerned about the ribs being operated in close proximity to swimmers, kayakers and the large passenger vessels.

Councillor McCuish asked was it not illegal to jump off the pier at Tarbet and were there not signs advising of this. Mr Cordner advised there were no signs and that it would be difficult to police.

Councillor Mackay asked Mr Aikman if his company was involved with any of the organisations mentioned early by Mr Cordner. Mr Aikman advised that his company had not been invited to join the Commercial Boat Owners' Association.

Councillor Mackay asked Mr Aikman if he had applied to join the Association and he replied no.

Councillor Devon asked Mr Cordner if he agreed that the MCA regulations for commercial passenger vessels was very stringent and he replied yes and that they were in the process of reviewing and recommending regulations for smaller passenger vessels for 12 or less people.

Councillor Devon asked Mr Cordner did it not give him comfort that the MCA had these strict regulations in place. Mr Cordner advised that at the moment the regulations did not cover passenger vessels operating for 12 passengers or less and that they were not responsible for these types of vessels.

Having established there were no further questions the Chair invited the Objector and Applicant to sum up.

### **Summing Up**

Mr Cordner summarised his concerns about safety and the ribs being operated in close proximity to other users of Tarbet pier. He acknowledged that the operation of self drive vessels at Tarbet was no longer an issue.

Mr Aikman advised that he wished to operate the ribs from Tarbet in order to bring a new tourist activity to the area and that the drivers of these ribs would not be charging into the Pier at great speeds and that there was not a greater safety risk operating at Tarbet or anywhere else in Loch Lomond.

The Chair invited the Applicant and Objector to confirm that they had received a fair hearing and both confirmed this to be the case.

### **Debate**

The Chair advised that from what he had heard today and the fact that the application was now only for ribs to operate from Tarbet Pier with experienced helmsmen he saw no reason why the application could not be granted.

### **Decision**

It was unanimously agreed to grant Mr Aikman's request for a Boat Hire Licence and that he would be informed of this decision within 7 days.

(Reference: Report by Head of Governance and Law, submitted