|  |
| --- |
| national park logo |
| Draft minutes of meeting held on 30 January 2023 |
| Agenda Item 3 |
| National Park Authority Board Meeting |
| **13 March 2023** |
| Paper for information |

[Present 1](#_Toc115352208)

[Apologies 1](#_Toc115352209)

[In Attendance - National Park Authority Staff 2](#_Toc115352210)

[Items and Actions 2](#_Toc115352211)

|  |
| --- |
| **Present** |
| Martin Earl (ME) |
| Sid Perrie (SP) |
| David Fettes (DF) |
| Sarah Drummond (SD) |
| David Fettes (DF) |
| Ronnie Erskine (RE) |
| Iain Shonny Paterson (ISP) |
| Zain Sehgal (ZS) |
| David Mackie (DM) |
| Maurice Corry (MC) |
| Heather Reid (HR) |
| William Sinclair (WS) |
| Gerry McGarvey (GM) |
| Rhona Brock (RB) |
| Chris Spray (CS) |
| Hazel Sorrell (HS) |

|  |
| --- |
| **Apologies** |
| James Stuart |
| Claire Chapman |
| Richard Johnson |
|  |
| **In Attendance - National Park Authority Staff** |
| Gordon Watson (GW), Chief Executive Officer |
| Pete Wightman (PW), Director of Corporate Services |
| Stuart Mearns (SM), Director of Place |
| Simon Jones (SJ), Director of Environment and Visitor Services |
| Anna MacLean (AM), Director of Engagement & Innovation |
| Dougie Smith (DS), Board & Committee Manager and Proper Officer |
| Ayeasha Temple (AT), Minute Clerk |
| Matt Buckland (MB), Visitor Operations Manager |
| Kenny Auld (KA), Head of Visitor Services |

| Items and Actions |
| --- |
| **Item 1: Welcome and Apologies**  Martin Earl explained that - as Depute Convener of the Board - he would be Chairing the meeting, in the absence of the Convener, and in line with Standing Order 10 of the National Park Authority Board.  ME opened the meeting by welcoming all to this Special Meeting of the Loch Lomond and the Trossachs National Park Authority Board to consider the proposed amendments to the Loch Lomond Byelaws, which the National Park Authority has a statutory obligation to review at least every 10 years.  ME advised that as well as being physically accessible to members of the public, this meeting is available to view via a livestream on our website. ME reminded all members to speak clearly into the microphones provided and not to speak over each other so that those following online are able to follow proceedings with clarity.  ME welcomed all members of the public attending in person and following online.  ME asked Members and National Park representatives participating in this meeting to introduce themselves. |
| **Item 2: Declarations of Interest**  Claire Chapman and James Stuart submitted declarations in advance and did not participate in the special meeting.  JS declared a Registerable Interest relating to the Loch Lomond Byelaws through his involvement with the Royal Yacht Association of Scotland, who are consultation respondents.  CC declared a Registerable Interest relating to the Loch Lomond Byelaws through her involvement with the Scottish Canoe Association, who are consultation respondents. |
| **Item 3: Minutes of the Board Meeting held on 12 December 2022**  SP would like a correction to the minutes to clarify the wording he used in introducing the charter under Any Other Business. All members present agreed to amend the previous minutes with this clarification.  **ACTION:** DS to amend minutes and update on the website. The relevant section under AOB to read: *“SP raised a question about the status of a charter granted by King James VI to the Burgh of Dumbarton in 1609, which he believed should inform all decisions on access and byelaws.”*  The minutes were Proposed by SD and seconded by DM. The minutes were approved by all Members present.  **DECISION:** The minutes of the Board Meeting held on 12 December 2023 were approved with the clarification above. |
|  |
| **Item 4: Loch Lomond Byelaws Review 2023**  ME informed Members that a deputation request was received from a member of the public wishing to speak to the Loch Lomond Byelaws Review 2023. The request was turned down due to it being outwith the two-week notice period required for deputation requests and the fact that the deputation provisions in the Standing Orders are designed to provide an opportunity to bring to the Board’s attention issues that are not on the agenda, rather than allow direct contributions on papers.  ME advised that the public have been able to contribute to the consultation process and will have further opportunity to do so should the proposals be approved with the statutory opportunity to respond. ME advised that all Members had been forwarded a copy of correspondence received from the member of the public following the close of the consultation period, alongside the National Park Authority’s response.  DF joined the meeting and introduced himself.  ME stated the purpose of this agenda item:    1.Seek Board approval to submit the attached draft report (Appendix 1) and its appendices to Scottish Government Ministers to seek approval for the changes to the current Loch Lomond Byelaws 2013 under the National Parks (Scotland) Act 2000.    2.The report outlines the history and purpose of the existing byelaws, the statutory review requirements and proposed changes to the byelaws which have been informed by the consideration of the available evidence, extensive expertise and experience of the National Park Authority staff managing the loch, engagement with key loch stakeholders, a public consultation exercise and external legal advice.    3.Additionally, the report, which has been drafted for Scottish Government Ministers (subject to approval by the Board), highlights several associated issues on the use of Loch Lomond which have been raised during the review process, but which have not been deemed appropriate or proportionate to take forward to formal byelaw changes at this time or require further discussion with the Scottish Government over a longer time frame.    4.The proposed next steps for implementing the byelaw changes are also laid out, should Ministers confirm approval.  ME informed the Board that following internal and external legal advice, there is an amendment to section 9.1 of the cover report to reflect a change to timescales:  *“…Should Board members approve the draft byelaw change proposals, the report will be amended with any changes before being published on the National Park Authority website and made available at our offices for a period of three months, to give stakeholders and interested parties sight of the finalised byelaw changes. During this time, stakeholders and Loch users can write to Scottish Government with any grievances or concerns about the draft byelaws.”*  The paper was introduced by SJ, MB and KA. There were slides presented and shown via the livestream for those following proceedings online, alongside physical copies of maps in the meeting room, also displayed via the slides.  ME invited points and questions relating to the cover paper and Sections 1-9 and 11-14 of the draft report to the Scottish Government on the Loch Lomond Byelaw Review (Appendix 1).  SP asked for clarification on figures relating to personal watercraft usage, in relation to a freedom of information request.  ME advised that the figures provided in the freedom of information request were not for a full year, but rather to the point in the year when the request was made.  A detailed discussion and questions from Members followed.  **Break**  ME invited points and questions relating to Section 10 of the draft report to the Scottish Government on the Loch Lomond Byelaw Review (Appendix 1), which sets out the final to the six key proposed changes to the Loch Lomond Byelaws:  **Proposal 1**: Introduce Low Speed Activity Zones  **Proposal 2**: Realignment of the current 11kph boundary to the south of the island of Inchmoan  **Proposal 3**: Compulsory wearing of Personal Flotation Devices (PFD) such as lifejackets or buoyancy aids for young people on all vessels when on an open deck  **Proposal 4**: Transfer liability for offences committed by young persons in sole charge of powered vessels to the Owner or Registered Owner of the vessel  **Proposal 5**: Introduce a Loch User Registration Scheme  **Proposal 6**: Amend the existing Permission to Trade byelaw to solely deal with business practices causing nuisance on the Loch and its surroundings  Members had an in-depth discussion on each of the proposed changes in turn.  For clarity, ME asked Members if there were any potential amendments to the motion they would like to propose.  ISP indicated that he would like to propose an amendment to Proposal 3 that would see Personal Flotation Devices compulsory for all people on vessels, not just young people. HS indicated that she would second the proposed amendment. Members voted by a majority to adjourn the meeting (in line with Standing Order 31) to allow a competent amendment to be composed.  **Adjournment**  DS read the proposed amendment aloud: "Remove 'for young people (under 16)' [and subsequent references] in Proposal 3, making the wearing of Personal Flotation Devices (PFDs) compulsory on all vessels when on an open deck".  DS detailed the debate and voting procedures for Members.  The original motion was proposed by RE and seconded by DF.  The amendment was proposed by ISP and seconded by HS.  RE spoke in favour of the original motion. ISP spoke in favour of the amendment.  ME closed the debate and asked Members to vote, in line with Standing Order 59 – which states that where a motion and one amendment only are before the meeting these will be voted on together.  Members voted in favour of the original motion by a majority of 8 votes to 6 and therefore the original motion became the decision of the Board.  **DECISION:** Members agreed to:   1. **Note** the outcome of the review process carried out by officers, and timetable of next steps [including the update to the timescale from one month to three months], including submission to Scottish Government Ministers and proposals for implementation should the changes be accepted; 2. **Approve** the attached draft report, including the final proposed byelaw changes to be submitted to Scottish Government Ministers for their consideration; 3. **Agree** to delegate approval of final design and minor editorial adjustments of the report to officers prior to submission to Scottish Government Ministers. |
| **Item 5. Farewell to James Stuart**  ME and HR thanked the outgoing Convener of the Board, James Stuart, for all his contributions to the strategic direction of the National Park and the change he has driven over his 8 years with the National Park Authority Board.  AM asked that a message from Aidan Cronin of the National Park’s Youth Committee be noted: that James Stuart had been an ambassador for the work of the Youth Committee and helped develop its members throughout his time as Convener.  James Stuart thanked Members and staff for their support across his term on the Board.  A formal Vote of Thanks from the Board was noted. |
| **Item 6. Any other Business**  None. |
| **Item 7: Date of Next Meeting**  The next scheduled meeting of the Board is Monday 13 March 2023, at National Park Headquarters, Balloch. |

Signed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Heather Reid, Convener**