

Minutes from Go Bike AGM, 12 November 2014
 The Admiral Bar, 72 Waterloo Street, Glasgow

Item No	Item	Action
1	<p>Present: Go Bike Convener: Tricia Fort. Committee members: Members: Jim Ewing, Michelle Leonard, Peter Hayman, Jo Hartga, Jeremy Stevenson</p> <p>Apologies: Douglas Bingham, Alasdair Macdonald, Peter Kane, Lucy Reynolds, Jim Hall, Calum McCallum</p> <p>Guest speakers: Brenda Mitchell, Road Share and Donald Urquhart, chair of Scottish Road Justice Working Group</p>	
2	<p>Approval of Minutes from AGM 27 November 2013 The minutes of last year's meeting were accepted as a true record; proposed by Rob Mitchell, seconded by Katy O'Rourke.</p> <p>Approval of Treasurer's Report, accounts etc – Douglas Bingham; proposed by Andy Preece, seconded by Peter Hayman</p> <p>Fergus Duncanson agrees that accounts are clear and accurate and agrees to continue in post as auditor.</p> <p>Membership fees will continue to be by donation at the discretion of donors.</p>	<p>Andy winter comment – need membership reminders</p> <p>Chris Denton comment – keep membership fee small but chase vigorously</p>
3	<p>Convener's Report: Tricia Fort</p> <p>See slides from Powerpoint</p> <ul style="list-style-type: none"> • Membership numbers • Meetings attended • Consultations • Campaigns • Rides • Website / Social media / Newsletter • Committee • Future meetings • Appeal for members/representation at meetings 	
	Resolutions	Non proposed
	Public meeting 11 March 2015 presentations from Clackmannanshire and	

	<p>Edinburgh Councils</p> <p>Date of next AGM – Wednesday 18 November 2015</p>	<p>TBC</p>
<p>4</p>	<p>Brenda Mitchell, Road Share. lawyer and CycleLaw Scotland - campaigning for 'Presumed Liability'.</p> <p>Short history of legal position of liability, now accepted throughout E.U. except UK, Malta, Ireland, Cyprus and Romania.</p> <p>Current position for Scotland started with Liability (Cycling Action Plan for Scotland) CAPS 2010 which was reviewed in 2012. The Scottish Government, despite finding there was lack of “robust evidence” continued support for liability leaving the debate open should evidence be found. CAPS Refresh 2013</p> <p>Chris Oliver leads Road Share Steering Group. Includes Frank McAveety but he has not attended. Present research prepared by Eachann Gillies.</p> <p>Strict liability = liability without fault</p> <p>Presumed liability = liability attached with presumption but can be rebutted if the cyclist at fault</p> <p>Road Share propose that in majority of cases presumed liability should entitle compensation unless the motorist can prove otherwise.</p> <p>Strict liability for elderly, disabled and children</p> <p>France introduced Strict liability in 1990 and fatality rate for cycling declined 66% from 1990-2012 (OECD) and was fairer and swifter for all.</p> <p>Case studies showing costly waits involving lawyers/police and courts</p> <p>News of support from Mark Beaumont</p> <p>Due to increase in cycling popularity - proposal to SNP conference to adopt strict liability 15-16/11/14</p> <p>-----</p> <p>Donald Urquhart, secretary CTC Scotland, Spokes and 32 years as policeman</p> <p>Criminal Law across UK needs to protect all vulnerable road users whether cyclists or walkers. Road Traffic Law decided in Westminster. Scottish Parliament decides Alcohol Limits in Scotland and can influence Westminster. Scottish Government caught between thinking this is justice or transport issue – operational silos.</p> <p>Cuts in police budgets leads to loss of traffic wardens and road safety</p>	<p>Unfortunately not supported by conference.</p>

	<p>officers and longer waits for arrivals at accidents. This leads to lack of evidence and training. Also suspicion of not following up charges which might not go to court / have chance of conviction.</p> <p>Sentencing – no Sentencing Council to give sentencing guidelines. Possibly in place in 2015?</p> <p>Proposal to ‘train’ judges to be stricter with drivers – remove licences from individuals / companies.</p> <p>Recommendation to ‘make sensible protests’ to give best chance of getting results. Support GoBike and the like!</p>	
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5	Question / Answers / Comments with Brenda (B.M.) and Donald (D.U.)	
	<p>Dave Brennan: Support Pedal on Parliament on 25 April</p> <p>Looking for response from Frank McAv from petition handed in</p>	
	<p>Peter Hayman: Ask for advice on applying pressure for Presumed Liability and understanding Criminal Law</p>	<p>D.U. - Booklets available for England and Wales, one for Scotland in preparation</p>
	<p>Dave Holliday: Suggests review of NICE Way Code – survey not valid</p> <p>Also driver penalties for professional drivers</p>	
	<p>Andy Winter: Local authorities devolved parking warden duties, wardens coverage patchy – no deterrent to motorist with bad habits.</p>	
	<p>Dave Holliday: Variable responses from police</p>	<p>D.U. - Difficult to get feedback from police</p> <p>B.M. - Procurator Fiscal acts in public interest – not interest of victim</p>
	<p>Dave Brennan: Presumed Liability in criminal case would lead to insurers making awards before the court case.</p>	
	<p>Jim Stewart: Change in Civil Law possible from Scottish Gov’t</p>	
	<p>‘Death on the Streets’ book referenced. Black boxes to be installed in cars to record driver habits – lower insurance premiums?</p>	
	<p>B.M. Presumed Liability does not mean presumed</p>	

	<p>guilty. Need for: education All responsible for road safety Greater mutual respect</p>	
	<p>Charlie Mulholland: Vulnerability of pedestrian! Cyclist can be liable if hitting pedestrian</p>	
	<p>Norman Armstrong: More direct action – schools using traffic cones</p>	<p>D.U. Haddington making cars park away from school and then walk to school</p>
	<p>Dave Holliday: Black boxes commercially available. Liability should be against companies who send drivers on long hours / multiple shifts = dangerous.</p>	
<p>Thanks to all for attending</p>		

JS Nov14