

MINUTE of MEETING of the **ARBROATH HARBOUR JOINT CONSULTATIVE COMMITTEE**, held in Room D, Bruce House, Arbroath, on Friday 7 December 2018 at 3.00 pm.

Present:

Council

Representatives: Councillors ALEX KING, BRENDA DURNO and LOIS SPEED.

Harbour Users'

Representatives: ALEX SMITH (Fare Paying Passenger Boat Owners); PAUL SIMPSON (Boat Builders/Repairers), SAM CLOW (RNLI), PETER ANELLI (Arbroath Sailing and Boating Club); BOB TEVIOTDALE (Arbroath and Montrose Static Gear Association).

In Attendance: PC DARREN BURNETT (Police Scotland),

Officers in

Attendance: WALTER SCOTT (Angus Council, Service Leader – Roads and Transportation); BRUCE FLEMING (Angus Council, Team Leader – Arbroath Harbour Master); RORY TOSH (Angus Council, Team Leader (Finance and Legal) and ANDREW WILSON (Angus Council, Legal and Democratic Services, Committee Officer).

Councillor King, Convener, in the Chair.

1. APOLOGIES / SUBSTITUTES

Apologies for absence were submitted on behalf of Councillors David Fairweather, Ron Sturrock and Derek Wann; and Professor Bernard King CBE.

2. DECLARATIONS OF INTEREST (ELECTED MEMBERS ONLY)

No declarations of interest were made.

3. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Committee of 21 September 2018 was submitted and approved as a correct record.

4. ARBROATH HARBOUR WINTER REPORT

With reference to Article 4 of the minute of previous meeting of this Committee, there was submitted Report No 377/18 by the Head of Infrastructure, outlining plans for future programmes of works, and considering contemporary matters of relevance to Harbour activities. The Report also included details of the Biennial Review of Charges April 2019 to March 2021.

The Committee agreed to note, and approve as appropriate, the contents of the Report as follows:

(a) Administrative Matters

(i) Financial Update – Appendix 1 to Report No 377/18

With reference to Article 4(a)(i) of the minute of previous meeting of this Committee, it was anticipated that the 2018/19 revenue budget would include an underspend of £21,000, mainly due to the reduction in Roads section staff recharges. An overspend on budgeted employee costs was fully offset by greater than budgeted income receipts.

(b) Revision of Harbour Charges – Biennial Review of Charges for Implementation in April 2019

With reference to Article 4(a)(ii) of the minute of meeting of this Committee on 25 November 2016, proposed revisions to the Harbour charges were attached to the Report as Appendix 2. The Service Leader – Road and Transportation had consulted

with MacKay Boatbuilders in reviewing the charges for the next two years. He set out for the Committee an explanation of the Council's financial situation and the need for the Harbour to increase its income if it was to survive as a working Harbour into the foreseeable future. In general terms, the Council required to be more focused on the services which it provided and charged whatever fees were appropriate, fair and provided value for money. The percentage applied was recognised by officers to be higher than previously but in turn this was in recognition of higher costs and the rate of inflation.

The Convener reminded members that of the Council's overall budget of £350 million, only £65 million of that total was discretionary and was available for the Council to deal with as it saw fit. In addition, Angus Council was required to save £35 million over the next three years and therefore it was essential that the Council used all avenues available to increase its revenue streams. As set out in Appendix 1 to the Report, the Harbour's projected expenditure for 2018/19 was £449,000 less gross income estimated at £299,000, leaving a net expenditure of £150,000. This reinforced the need for the Harbour to increase its income and reduce costs as far as possible. The Council was generally seeking to engage with the citizens of Angus on the savings necessary across the range of council activities. As Councillor Speed noted, the challenges were severe. This stark message was offset by a recognition that in terms of inward investment, the Harbour, now into its fourth century of existence, was highly important. Charges had been proposed where there had been none before while existing charges were due to increase at a higher rate than previously. Looking to the future, one option might be for the Harbour to be run as a Trust. As another example, it was noted that Portpatrick Harbour in Wigtownshire (Dumfries and Galloway) was now run by the local community. (Clerk's Note: It had been run previously by a Cambridge property company.) The Service Leader – Roads and Transportation would report to the next meeting of this Committee how many of Dumfries and Galloway Council's Harbours were run as Trusts, or by a similar body.

In response to a query from Councillor Durno, current Chair of the Northern Roads Collaboration, regarding the requirement for independent assurance about the operation of its marine safety management system it was noted that the Communities Committee performed the role of 'duty holder' and the Head of Infrastructure is the appointed 'designated person' responsible for assurance.

The Harbourmaster was currently building up a network of useful contacts regarding good practice.

In the course of discussion, Harbour users, while feeling that the charges were higher than they would have liked, recognised the severity of the situation. The Committee thereafter endorsed the proposed increases.

The proposed increases would now be submitted to the Communities Committee for consideration at its meeting on 15 January 2019. If approved, the charges would be implemented from 1 April 2019 and reviewed again ahead of 1 April 2021.

(ii) Oil Spill Contingency Planning and Response

With reference to Article 4(a)(iii) of the minute of meeting of this Committee, there had been no further significant oil spills in the Harbour since.

Briggs Marine and Environmental Services had carried out a desk-top exercise at the Harbour with Harbour staff, testing the Harbour's Oil Spill Contingency Plan. All staff held up-to-date MCA Oil Spill Response Certificates, so meeting the need for high levels of competence and knowledge to enable all eventualities.

The Committee noted that the Council so far had not received payment by the owner of the fishing vessel *Ubique*, responsible for the significant discharge of diesel oil into the Harbour on 12 June 2018. The Committee agreed to have this matter referred to the Council's Legal Services Team to secure repayment of the approximately £1,200 expenditure incurred as a result of the clean-up operation.

(iii) Scottish Ports Meeting

With reference to Article 4(a)(iii)(A) of the minute of previous meeting of this Committee, the Harbourmaster had attended the Scottish Ports Committee meeting in Edinburgh on 5 December 2018, which had been addressed by Michael Mathieson MSP, Cabinet Secretary for Transport, Infrastructure and Connectivity.

The Maritime and Coastguard Authority, along with the Health and Safety Executive, were currently reviewing compliance with the Marine Safety Code, with spot checks being carried out on harbours around the country – Arbroath Harbour might well receive a visit. The minute for this meeting would be available for inspection by Committee members in the Harbour office in due course. The date and venue of next meeting was still to be arranged.

(iv) Pontoon Berths

With reference to Article 4(a)(iv) of the minute of previous meeting of this Committee, on the Pontoon, five winter berths had been filled by boats replacing others lifted out for storage between October and March. The waiting list currently remained at 31; as usual, all on the list would be contacted during January 2019 and asked to indicate if they wished to remain on the waiting list.

(v) Compounded Berths

With reference to Article 4(a)(v) of the minute of previous meeting of this Committee, two compounded berths had been granted to the *Aurora* and *Boy Kai* taken the number commercial fishing boats working out of the harbour to 29. The boat *Pride and Joy* had also replaced *Telstar III*.

(vi) Staffing

With reference to Article 4(a)(vii) of the minute of previous meeting of this Committee, a temporary Harbour Assistant continued to be retained. The lack of staff continued to cause difficulties with staff being stretched to carry out, for example, assisting Mackay Boatbuilders with the operation of the slipway cradles and with the operation of the Boat Hoist.

(b) Engineering Matters

(i) Inner Harbour Gates

With reference to Article 4(b)(i) of the minute of previous meeting of this Committee, there had been a further incident on the gates when one of the hydraulic hoses connected to the locking pin, burst, necessitating hydraulic engineers being called out to the Harbour to replace the hose. The Harbourmaster took the opportunity to replace the other hose connected to the locking pin at the same time.

Opening and closing times of the gates were placed on the winter schedule from 1 October 2018, details being posted outside the Harbour Office, on the security gate leading on to the Pontoon and to the Arbroath Harbour page of the Council's Website.

(ii) Maintenance Dredging Operations

With reference to Article 4(b)(ii) of the minute of previous meeting of this Committee, dredging was underway in the Harbour with the dredger *John Madsen* in the process of removing up to 9000m³ of silt from the navigation channel and Harbour. This was a smaller vessel than usual, with the scheduled dredger, *Aase Madsen* being delayed on a contract in the Faroe Islands, due to adverse weather. Dredging therefore, would be extended from 6 weeks to around 8 weeks, in to December 2019. The *John Madsen* has worked halfway through the job at present and, like its sister

ship, was fully equipped with GPS. It was anticipated that the next dredge would not be required until spring 2020 with any change to the interval between dredges depending upon circumstances and budgets. In his absence, it was noted that Professor King had requested that officers consider developing a strategy which would allow dredging in the early part of the year to provide maximum value for money and cost effectiveness.

GPS had been part of the tender specification which in future would have to be met by any company tendering for this work.

(iii) Slipway Winch Wire

The slipway had been closed in the last week of October 2018 to enable the 150m long slipway winch wire rope to be removed and replaced with a new wire rope. The slipway was back in operation on 2 November 2018.

(iv) Programme of Works

With reference to Article 4(c) of the minute of previous meeting of this Committee, the Committee noted the further updated list of projects for 2018/2019.

With reference to Article 4(a)(ii) of the minute of previous meeting of this Committee, it was recalled that the Harbour Reserve Fund was being partially utilised to support the installation of a new pontoon in the Outer Harbour. The contract had been awarded and work was progressing on the detailed design, to be followed by ground investigation and piling works. The works were expected to be completed by April 2019.

An application had been made under the NESFLAG Scheme for an EMFF grant for a chill room in the fishmarket. This was on the basis for a 50/50 match funding for the project, budgeted at £20,000. The Council's contribution would come from the Arbroath Harbour Reserve Fund. The Service Leader – Roads and Transportation acknowledged Bob Teviotdale's assistance in informing the funding application. WiFi provision was another priority, and a payment card reader had been costed at £5,000. Provision of a harbour vehicle was still under consideration; however, the preference was for leasing rather than purchase.

The ice making facility was currently on hold; however three quotations had been sought for a chill room which had a project budget of £20,000. Provision of such a facility would enable the Harbour to meet the demand for the local live crab market. Crabs could then be stored before collection by customers. The chill room could also be utilised by the mackerel fishermen during the summer months. It would increase the attraction of the Harbour for additional commercial fishing boats, including prawn boats. It was noted that the users of the facility would be required to supply their own containers.

5. POLICE ACTIVITY REPORT

PC Darren Burnett presented on behalf of Police Scotland the Arbroath Harbour Area Report, providing details on crime/issues in the Harbour area from 1 January 2018 to 25 November 2018. These varied from the theft of a yacht (later recovered from Lunan Bay); to young people loitering around the Harbour. Community Officers conducted walking and drive-by patrols round the Harbour areas at the appropriate times, engaging with young people and acting as a deterrent to offending behaviour while offering reassurance to the community. They also engaged with primary and secondary schools to discuss anti-social behaviour. Regular discussions were held with the Harbourmaster to complement the patrols carried out. Community Officers would seek to increase patrols following the clock change.

Councillor Durno expressed her concern at the car parking position at the Harbour since the introduction by the Council of off-street car parking charges. Her concerns were shared by Professor King who, in his absence from today's meeting, had confirmed his support of representations made by Arbroath Sailing and Boating Club regarding car parking for pontoon berth holders. Members noted that the

neighbouring new school would have a pick-up area for the collection of children by their parents/carers. Currently, much of the available parking for Harbour users was being taken up by sub-contractors working in the area. The Harbour Master had certain powers with respect to car parking; however, these required the involvement of a Procurator Fiscal and generally were not invoked.

With reference to the service area adjacent to the Harbour, Harbour staff favoured the application of discretion when dealing with parked vehicles. The Harbourmaster had discussed the situation with the Council's Parking Enforcement Officer. Signage was advisory only, and as long as there was sufficient turnover of cars throughout the day enforcement was not necessary. There was no reserved parking within the Harbour; however, it was pointed out that Council Parking Permits were available at a rate of £260.

PC Burnett indicated that the Police intended to provide regular reports of their activity around the Harbour at future meetings of this Committee; this was welcomed by Members and the valuable role played by the Police around the Harbour was warmly acknowledged.

6. CALENDAR OF MEETINGS 2019 / DATE OF NEXT MEETING

The Committee agreed the calendar of meetings as being 29 March (next meeting); 30 August and 6 December 2019, all to be held in Bruce House, Arbroath on Fridays commencing at 3.00pm.