

ANGUS COUNCIL

ARBROATH HARBOUR JOINT CONSULTATIVE COMMITTEE

MINUTE of MEETING of the **ARBROATH HARBOUR JOINT CONSULTATIVE COMMITTEE**, held in Room G1, Bruce House, Arbroath on Friday 2 September 2022, at 3.00 pm.

**Present:**

**Council**

**Representatives:** Councillors DAVID FAIRWEATHER, SERENA COWDY, BRENDA DURNO AND LOUISE NICOL.

**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).

**Officers in**

**Attendance:** WALTER SCOTT (Angus Council, Acting Director of Infrastructure (Roads and Transportation));  
BRUCE FLEMING, (Angus Council Harbour Master); and  
FIONA ANDERSON (Angus Council, Democratic Services, Committee Officer).

Councillor Fairweather, Interim Convener, in the Chair.

**1. APOLOGIES / SUBSTITUTES**

Apologies for absence were submitted on behalf of Councillor Martin Shepherd and Constable Darren Burnett (Police Scotland).

**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 4 March 2022 was submitted and approved as a correct record.

**4. MATTERS ARISING**

There were no matters arising from the previous minute.

**5. ARBROATH HARBOUR - AUTUMN REPORT**

With reference to Article 5 of the minute of meeting of this Committee of 4 March 2022, there was submitted Report No. 300/22 by the Acting Director of Infrastructure (Roads & Transportation), outlining plans for future programmes of works, and considering contemporary matters of relevance to Harbour activities.

The Committee agreed to note, and approve as appropriate, the contents of the Report, particularly highlighting the following points:

**(1) Administrative Matters**

**(a) Financial Update**

With reference to Article 5(1)(a) of the minute of previous meeting of this Committee the Report showed the estimated outturn position as at 31 March 2023 being an underspend of £42,000 as detailed in Appendix 1 to the Report. The budgeted expenditure was slightly lower than budget while the budgeted income was higher than budget. This was considered to be within reasonable operational and financial

variances. An additional budget carry-over of £34,000 into 2022/23 had been approved by the Council for the next round of dredging and £43,000 and £27,000 remained in "balances" for 2022/23 use also.

#### **(b) Oil Spill Contingency Planning and Response**

With reference to Article 5(1)(b) of the minute of previous meeting of this Committee of 4 March 2022, it was noted that there had been no significant oil spills in the Harbour and staff were fully compliant with the relevant oil-spill qualifications and training requirements. The Harbour Master and Senior Harbour Assistant continued to be qualified to MCA Level 4/5 and all Harbour Assistants were now qualified up to MCA Level 2 – Sorbents and Equipment. The Harbour Master had completed MCA Level 4/5 refresher training on 29 August 2022.

The Council also continued to retain Briggs Environmental Services to deal with higher-level pollution incidents not only at the harbour but throughout the whole of the council should they occur.

A new 5-year Oil Spill Contingency Plan (OSCP) for Arbroath Harbour had been developed between the Harbour Master and Briggs Environmental Services Ltd., which was now in place and had been fully operational since May 2022, the new plan would have a shelf life of 5 years and would be due for renewal in May 2027.

#### **(c) Scottish Ports Meeting**

With reference to Article 5(1)(c) of the minute of previous meeting of this Committee of 4 March 2022, it was noted that a remote meeting of the Scottish Ports had been held on 7 March 2022. A face-to-face meeting had been scheduled for 22 June 2022 in Ayr but was cancelled due to the rail strike at the time.

The topics discussed at the meeting in March included COVID 19, Russian ships ban, Freeports, Transport Strategy, Post Brexit Customs Changes and Sustainability.

The next Scottish Ports meeting was scheduled for 8 September 2022 in Ayr, which the Harbour Master would not be attending. However, subjects and topics raised at the meeting would be presented at the next meeting of this Committee.

#### **(d) Compounded Berths**

With reference to Article 5(1)(d) of the minute of previous meeting of this Committee of 4 March 2022, the Acting Director of Infrastructure (Roads and Transportation), advised that there were 41 compounded berths. This was made up of commercial fishing boats (31), fare paying passenger boats (2) and pleasure boats (8).

No further compounded berths had been granted since the last meeting of the Committee.

#### **(e) Pontoon Berths**

With reference to item 5(1)(e) of the minute of meeting of this Committee of 4 March 2022, it was noted that the pontoon berths continued to remain at maximum occupancy. There continued to be 53 annual berths occupied and 6 berths, which were available for visiting yachts.

It was reported that several boat owners who currently occupied an annual berth on the pontoons would have their boat lifted out and stored in the boatyard between the months of October and March. The Harbour Master had been able to contact several boats owners who would take up a winter berth on the vacant pontoons.

The Committee noted that currently, there were 30 names on the waiting list for a berth. This was the maximum number of names the Harbour Master wished to have on the list and no further names were being taken at this time.

## **(f) Visiting Boat Numbers**

It was noted that the number of visiting pleasure boats to the harbour in the period 1 April 2021 to 31 August 2022 was 223 which represented a 49% increase from the previous year. It was noted that it is likely this increase in visitors could be contributed to COVID restrictions being lifted, people with pleasure boats opting to take breaks in the UK and an increase of visiting boats from Europe. In 2020, there were no visiting boats from Europe due to the COVID restrictions.

The members noted that of the pleasure boats that did visit the harbour, the average length of stay was 2.65 nights which was consistent with previous years proving that Arbroath was continuing to be a go to location and people were delighted with the facilities. Peter questioned if the Commercial boat that was currently in berth would remain there. The Harbour Master advised that it would remain there meantime and did not stop any visiting boats coming into the Harbour and berthing.

## **(g) Staffing**

With reference to item 5(1)(f) of the minute of meeting of this Committee of 4 March 2022, it was noted that staffing at the Harbour moved to winter hours on 1 October 2022. The harbour would be staffed from 7am to 6pm Monday to Friday and 7am to 4.30pm Saturday and Sunday. These arrangements would continue through to 31 March 2023 before reverting to the summer hours on 1 April 2023.

It was noted that following the departure of one of the Harbour Assistants on 27 May 2022, a new Harbour Assistant had since taken up the position as of 8 August 2022 thus maintaining the required staffing levels at the harbour. The Harbour Master thanked his staff for all their help and effort they had put in over the busy summer months covering the required shifts while being a member of staff down and yet still managing to maintain the expected level of service.

## **(2) Engineering Matters**

### **(a) Inner Harbour Gates**

With reference to Article 5(2)(a) of the minute of previous meeting of this Committee, there had been no operational problems with the dock gates during the intervening period.

The opening and closing of the dock gates moved to the winter schedule on 1 October 2022. Opening and closing times would continue to be routinely posted outside the Harbour Office and on the security gate leading on to the pontoons, generally one month in advance. The opening times for the dock gates up to and including March 2023 would be posted on the Arbroath Harbour page of the Council's website by the end of September 2022.

### **(b) Maintenance Dredging Operations**

With reference to Article 5(2)(b) of the minute of previous meeting of this Committee, it was proposed that an annual dredge of the harbour would be carried out in January 2023.

The Acting Director of Infrastructure (Roads and Transportation) advised that following two rounds of tendering, the current commercial rates for dredging have meant that the £89,000 budget would not afford a fully licensed dredge of 12,000 cu.m.

It was advised that a contract with Wyre Marine Services to dredge a lesser volume of 8,000 cu.m m3 for a price of £146,000 had been accommodated within approved carry over budgets and it was expected that this work would take 4 to 6 weeks to complete.

It was noted that over recent years, the £46,000 annual revenue base budget allocation for dredging had been shown to be too low. On occasions, a biennial dredge had resulted, which can compromise the harbour depths and operations in the harbour, and on others additional funding had been secured from corporate budgets and from other Roads & Transportation budgets. This was no longer considered to be

a sustainable approach to maintain safe operation and navigational passage for all commercial and pleasure boats using the harbour. It was noted that in the current climate budget pressures on the harbour and all council services were increasing.

**(3) Programme of Works**

With reference to item 5(3) of the minute of meeting of this Committee of 4 March 2022, Report No 300/22 set out as detailed below an updated programme of projects, to be delivered if within available budget, including external funding sources.

<b>Project/ Nature of Expenditure</b>	<b>Budget / (Cost) 2022/23 £000's</b>	<b>Comments</b>
<b>Annual Dredging</b>		
Revenue budget	89	See paragraphs 2.1.1 (£43,000 carry over from 2021/22 and £46,000 annual budget) and
	27	Carry over from 2019/20
	34	Additional carry over from Infrastructure budgets
Dredging costs	(146)	See Section 3.2
	4	Surplus as contingency
Designated Person	3	See paragraph 5.2
Bathymetric Survey	7	See paragraph 5.3
Cathodic Protection	120	See paragraph 5.4
<b>Harbour Infrastructure Improvements</b>	(5)*	
WiFi	(5)*	Priority project
*		
<b>Vehicular Barriers</b>	(18)	See paragraph 5.1
AHJCC Reserve Fund	15	Contribution increased
Car Park Reserve Fund Contribution	3	
Residents Contribution		Contribution removed
*		

\*subject to identification of budget to fund

**(4) Other Matters**

**(a) Vehicular Barriers**

With reference to Article 5(4) 4.1 of the minute of the meeting of this Committee held on 4 March 2022, monitoring of the current parking situation at both locations continued.

It was noted that between the current RNLI building and the Fishmarket the current signing and positioning of cones had been sufficient to prohibit public vehicles from entering onto the quay. This would continue to be monitored and any progress would be reported back to this Committee.

The demand for the barrier at Market Gate would also be subject to ongoing monitoring given the withdrawal of funding contribution from residents and any progress would be reported back to this Committee.

### **(b) Port Marine Safety Code (PMSC)**

With reference to Article 5(4) 4.3 of the minute of this Committee of 4 March 2022, it was noted that Angus Council continued to use the services of APBMer as Designated Person for Arbroath Harbour under the Port Marine Safety Code (PMSC).

The Harbour Master continued to work on regularly reviewing and improving the current Marine Safety Management System (MSMS) and the system would be subject to an annual audit by the Designated Person (ABPMer) in September 2022. The findings of the audit would be reported to the Duty Holder at the November meeting of the Communities Committee.

It was noted that the two non-compliances which were picked up in the audit in September 2021 where no evidence of manual handling training and no bathymetric survey data. They have both now been completed.

Following on from the local council elections and the subsequent formation of a new Communities Committee, Angus Council now had a new Duty Holder for Arbroath Harbour under the PMSC. Previous members of the Communities Committee underwent a compulsory half day Duty Holder training session and as such new members of the Communities Committee would be required to undertake this training. A date for this training was yet to be established but it was likely to be sometime in September and would be carried out by the Designated Person (ABPMer).

### **(c) Bathymetric Survey**

With reference to 5(4) 4.3 of the minutes of meeting of this committee of 4 March 2022, it was noted that in order to fully comply with the Port Marine Safety Code (PMSC) a harbour authority must conduct a bathymetric survey to achieve hydrographic data which can then be passed to the UK Hydrographic Office (UKHO). Producing this data was a conservancy duty that the Council had not discharged previously, and this had been picked up in the PMSC Audit carried out by the Council's Designated Person in September 2021.

To ensure compliance with the PMSC, a tender to carry out a bathymetric survey of the harbour was issued on 27 April 2022 via the Public Contracts Scotland portal. After assessing the three tender submissions, the contract was awarded to Geosight Land and Hydrographic Surveys (GLHS) at a cost of £6,798.

GLHS commenced the survey work at the harbour on 19 July 2022 which lasted for three days, and the survey data was submitted on 27 July 2022. The Committee noted the completed chart of the harbour was shown in Appendix 2 to the Report.

### **(d) Cathodic Protection**

With reference to Article 5(4) 4.4 of the meeting of this Committee of 4 March 2022, it was noted that Cromarty Firth Marine Services Ltd (CFMS) had returned to the harbour on 14 March 2022 to finish off the cathodic protection works on the steelwork at the harbour gates, inner and outer harbour pontoon piles, oil pier and ballast quay. The works were completed by 31 March 2022.

### **(e) Harbour Review Change Project**

It was noted that a review of Arbroath Harbour Delivery Model with an associated saving target of £60,000 had been identified in the Council's Finance & Change Plan (Report Nos. 61/21 and 55/22, Appendix 2, 'Place Planning').

It was reported that the review commenced in July 2021 but was suspended for operational reasons and it has been recommended that it commences again in July 2022. Officers representing the harbour, roads & transportation, finance, legal and economic development make up the review panel, which was led by the Acting Director of Infrastructure (Roads & Transportation). The outputs would be reported to the council's Change Board made up of the Corporate Leadership Team in the first instance. It would then be reported formally in the next update of the Change Plan. It

was anticipated that the draft outputs would be shared with the consultative committee at an appropriate time.

**(5) Police Report**

With reference to Article 5 of the minute of meeting of this Committee of 4 March 2022, it was noted that Police Scotland had provided a full report to the Acting Director of Infrastructure (Roads & Transportation) detailing recent crimes/issues in and around the harbour, including crime reports. The following emerging issues were shared from the report:

Calls made:

05/04/2022 03:43:07 Youths causing public nuisance at RNLI Building

24/06/2022 10:33:53 Theft of chemicals from boat in harbour – see below crime report

02/07/2022 22:45:43 suspicious activity at RNLI Building

Crime reports:

CR/0028543/22 – Theft of Chemicals from ‘Defiant’ boat at harbour. Counter Terrorism contacted however not thought connected although confirmed highly flammable. Owner suspects connected to other harbour user. Under enquiry.

Emerging issues:

Patrols around the harbour area continue on foot, cycle and vehicle when resourcing and call demand allow. Efforts are made to engage with users of this area to build up a good relationship.

Police Scotland had members of staff that had moved on to new positions and it was noted that 2 new community Officers would be joining the Arbroath Community Policing team in a number of weeks.

The Committee agreed to note the terms of the Police Report.

**6. OTHER MATTERS ARISING**

**(a) ARBROATH POOL PROJECT - SEA POOL AREA**

Councillor Durno advised the Committee that discussions had taken place with members of the Arbroath Pool Project who were keen to build and maintain a sea pool at Inchcape Park beach beside the ramped area at the harbour. By using the ramped area, this would make it a fully accessible for all to use and would have no impact on other harbour users. This project would be subject to planning permission and securing funding of £200,000 through external grants and fundraising. It was noted that the project members would be responsible for the works; however, any bathing would require to be approved by the Harbour master. The Committee noted the position meantime.

**(b) ARBROATH PLACES FOR EVERYONE**

Alex Smith advised that this was the first meeting of this Committee that he had attended since the start of Covid-19 and expressed his disappointment that members of the public had not been allowed to attend the Arbroath Harbour Consultative Committee on 13 December 2019 to express their views on the impact of the Sustrans Arbroath Places for Everyone Initiative and asked that the constitution of this Committee be reviewed to allow the public to attend and take part in the meetings.

He advised that these proposals, when implemented, would have an impact on the response time, mainly for the RNLI, but also for the other emergency services and these concerns had been expressed at the ‘blue light’ services meeting on 3 February 2020.

At this point, the meeting was adjourned to allow the Convener to seek advice on this matter.

On reconvening the meeting, the Convener advised Mr Smith that this was not a matter for the Arbroath Harbour Joint Consultative Committee as the Sustrans

Arbroath Places for Everyone Initiative had been approved through the Councils budget setting process.

The Acting Director of Infrastructure (Roads and Transport) advised members that in consultation with the Convener and the Secretary, Legal & Democratic Department, a review of the current constitution would take place and a report would come back to a future Committee.

## **7. DATE OF NEXT MEETING**

The Committee noted that the next Meeting would take place at Bruce House, Arbroath on **Friday 25 November 2022 at 3pm.**

Following conclusion of the business, the Convener intimated that this was Sam Clow's last meeting in his capacity as the RNLI representative and on behalf of the Committee he expressed his appreciation of the contributions Sam had provided to the Committee over the years and wished him every success in his new post.