

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 Monday 11 December 2023, at 2.00pm.

Present:

Council

Representatives: Councillors DAVID FAIRWEATHER, SERENA COWDY, LOUISE NICOL and MARTIN SHEPHERD

Harbour Users'

Representatives: PAUL SIMPSON (Boat Builders/Repairers)
PETER ANELLI (Arbroath Sailing and Boating Club)

Officers in

Attendance: GRAEME DAILLY (Director of Infrastructure and Environment)
BRUCE FLEMING, (Angus Council Harbour Master);
FIONA ANDERSON (Angus Council, Democratic Services, Committee Officer); and
ROSELYN BROWN (Angus Council, Democratic Services, Committee Assistant.

Councillor Fairweather, in the Chair.

Prior to commencing business, the Chair advised members that this would be his last meeting as he was planning to retire from his role of Councillor, early 2024. Nominations for a replacement Chair would be considered by the Communities Committee following his resignation.

It was also noted that Ron Churchill (Lifeboat Operation Manager) would be replacing Pete Willis as the RNLi representative on the Committee.

1. APOLOGIES / SUBSTITUTES

Apologies for absence were submitted on behalf of Councillors Brenda Durno and Derek Wann, Ron Churchill (RNLi) and Rory Tosh (Angus Council).

2. DECLARATIONS OF INTEREST AND STATEMENTS OF TRANSPARENCY (ELECTED MEMBERS ONLY)

The Committee agreed to note that there were no declarations of interest or statements of transparency made.

3. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Committee of 15 September 2023 was submitted and approved as a correct record, subject to the following amendment: -

Item 5(2)(b) Maintenance Dredging Operations 4th paragraph should read: -

'Peter Anelli addressed the Committee and advised that during September 2023, there had been a low tide of 20cm at the entrance to the harbour therefore, the boats required to be more careful when entering the harbour due to the low water.'

4. MATTERS ARISING

There were no matters arising from the previous minute.

5. ARBROATH HARBOUR – WINTER REPORT

With reference to Article 5 of the minute of meeting of this Committee of 15 September 2023, there was submitted Report No 345/23 by the Director of Infrastructure and Environment, outlining details of operations at the Harbour since the previous meeting, 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 item 5(1)(a) of the minute of meeting of this Committee of 15 September 2023, Appendix 1 to the Report showed the 2023/24 Arbroath Harbour budget plus expenditure/income to date (as at 31 October 2023) and the estimated year end outturn position as at 31 March 2024. It was reported that currently there was no significant budget variance to report.

(b) **Revision of Harbour Charges – Review of Charges for implementation in April 2024**

With reference to Article 7(1)(b) of the minute of meeting of this Committee of 25 November 2022, there were submitted proposed revisions to the Harbour charges for 2024/2025 as set out in Appendix 2 to the Harbour Winter Report, No 345/23, and **attached to this Minute**. The Director of Infrastructure & Environment had consulted with Mackay Boatbuilders as part of the review process.

It was reported that historically the review of the charges had been reviewed on a biennial basis but given the uncertainty of the current financial climate, it had previously been agreed to review the charges on an annual basis.

The Committee endorsed the proposed revisions to the Charges which would now be submitted to the Communities Committee on 27 February 2024 for consideration. If approved, the revised charges would be implemented from 1 April 2024 and reviewed again ahead of 1 April 2025.

(c) **Oil Spill Contingency Planning and Response**

With reference to item 5(1)(b) of the minute of meeting of this Committee of 15 September 2023, it was noted that there had been one diesel spill in the harbour.

The Report indicated that on 2 November 2023 while working on *Queensberry* the engineer had switched on the bilge pump and released approximately 20 litres of diesel which had accumulated in the bilges into the inner harbour. Fortunately, the wind helped keep the spill contained in the SW corner of the inner harbour where harbour staff were able to deploy sorbent booms and pads to contain the spill further and clean up the diesel. All procedures detailed in the harbour's Oil Spill Contingency Plan were followed and the spill had been cleared up by the following day.

The owner of the vessel had been invoiced for the costs of replacing the spill equipment used by harbour staff in the clean-up operation.

The Harbour Master and Senior Harbour Assistant continued to hold MCA Level 4/5 Oil Spill Response Manager's Certificates with all three Harbour Assistants qualified to MCA Level 2 – Sorbents & Equipment.

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

The current 5-year Oil Spill Contingency Plan (OSCP) for Arbroath Harbour continued to be a live document and various exercises were carried out by the harbour staff throughout the year to ensure that the proper amount of oil spill equipment was held at the harbour, staff are familiar with the use of the equipment and that all contact details in the Plan were current and up to date.

It was noted that these exercises were recorded and forwarded to the MCA as annual returns to comply with the requirements of the OSCP.

The Committee noted the position.

(d) Scottish Ports Meeting

With reference to item 5(1)(c) of the minute of meeting of this Committee of 15 September 2023, it was noted that the last meeting of the Scottish Port Meeting was on 7 November 2023 and was held in Edinburgh which the Harbour Master attended.

The Scottish Ports Meeting had tied in with the Annual Parliamentary Maritime Reception at the Scottish Parliament and was hosted by the Minister for Transport Fiona Hyslop MSP. The Scottish Local Authority Ports Group meeting at the Scottish Government's offices had been held the following day on 8 November 2023. The Harbour Master had attended these events representing Angus Council and Arbroath Harbour and the subjects discussed at these meetings included Ports & Skills Safety, Offshore Wind Policy, MCA Health Checks, Port Marine Safety Code updates along with presentations from Forth Ports, Scottish Enterprise & Transport Scotland.

(e) Compounded Berths

With reference to item 5(1)(d) of the minute of meeting of this Committee of 15 September 2023, it was noted that there had been one compounded berth granted to a new commercial fishing boat *Bella Rose*. Three commercial fishing boats *Kiroan*, *Oriane* and *Queensberry* had been sold and had vacated the harbour.

The number of compounded berths taken up in the Harbour was 35, made up of commercial fishing boats (26), fare paying passenger boats (1) and pleasure boats (8).

The remaining 4 boats berthed in the harbour did not have a compounded berth and were currently paying a weekly berthing rate.

(f) Pontoon Berths

With reference to item 5(1)(e) of the minute of meeting of this Committee of 15 September 2023, 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.

The Committee noted that currently there were 24 names on the waiting list for a berth and the Harbour Master was not taking any more names at the moment.

(g) Staffing

With reference to item 5(1)(g) of the minute of meeting of this Committee of 15 September 2023 it was noted that staffing at the harbour moved onto winter hours on 2 October 2023. 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 2024 before reverting to the summer hours on 1 April 2024.

It was noted that one of the Harbour Assistants was due to retire on 31 December 2023 and the process was in place to recruit a replacement. It was hoped that the new Harbour Assistant would be in post by 1 February 2024.

(2) Engineering Matters

(a) Inner Harbour Gates

With reference to item 5(2)(a) of the minute of meeting of this Committee of 15 September 2023, it was reported that there had been one operational issue with the dock gates during the intervening period.

The Report indicated that on 19 September 2023 a hydraulic hose burst on the east gate as they were closing. A temporary repair had been carried out that night in order that the gates could be closed, and hydraulic engineers attended the site on 20 September 2023 to carry out a replacement of the burst pipe.

The opening and closing times of the dock gates had moved to the winter schedule on 2 October 2023. 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 2024 had now been posted on the Arbroath Harbour page of the Council's website.

Discussion took place and it was noted that the Inner Harbour gates were around 20 years old and would require to be replaced in the near future. It was noted that approximate costs could be between £500,000 to £750,000 to replace them.

The Committee noted the position.

(b) Maintenance Dredging Operations

With reference to item 5(2)(b) of the minute of meeting of this Committee of 15 September 2023, it was noted that a tender to carry out the dredging of the harbour in 2024 had been issued via the Public Contracts Scotland portal. Three tenders were returned and after evaluating all three returns Wyre Marine were awarded the contract on 15 November 2023 and detailed discussions had begun to programme and plan the works, to start around March/April 2024.

As the Committee were aware, the annual budget of £46,000 fell short of the cost required to dredge the harbour on an annual basis so the Director of Infrastructure & Environment had requested an additional revenue bid of £104,000 to supplement the budget at the forthcoming budget setting meeting in February 2024. This would allow the dredging to be carried out in March/April 2024.

The Committee noted the position.

(c) Infrastructure Repairs (including breakwaters)

With reference to item 5(2)(c) of the minute of meeting of this Committee of 15 September 2023, it was noted that Southbay Civil Engineering Ltd had started infrastructure repair work to the harbour on 21 August 2023.

The works included stone and concrete repairs to the breakwaters, repointing of the quayside walls in the outer harbour and slipway, a ladder replacement, concrete and render repairs to the Fishmarket walkway, replacement of the timber decking viewing platform in the NW corner of the marina and a diving survey of the quay walls in the outer harbour.

It was reported that the diving survey along the bottom of the quay walls identified some areas at the base of the quay walls which required stone and concrete repair work and the contractor had also been able to carry out some of these repairs.

The Committee noted that all the works within the contract were completed on 21 November 2023 and the Harbour Master thanked harbour users for their patience with the contractor to allow the works to be completed with as little inconvenience as possible.

(3) Other Matters

(a) Port Marine Safety Code

With reference to item 5(3)(b) of the minute of meeting of this Committee of 15 September 2023, 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). The system was subject to an annual audit by the Designated Person (ABPMer), with the results reported back to the Communities Committee as the Duty Holder.

It was reported that on 13 October 2023, Monty Smedley from APBMer visited Arbroath Harbour and spent the day with the Harbour Master to carry out the PMSC Audit for 2023. This was a comprehensive audit which went through every aspect of the Code and measured Arbroath Harbour's performance against it.

As part of the audit, Mr Smedley also interviewed Councillor Serena Cowdy, a member of the Communities Committee who were collectively the Duty Holder for Arbroath Harbour.

The Committee noted that the full findings of the audit would be presented to the Communities Committee (Duty Holder) on 16 January 2024.

(b) Maritime and Coastguard Agency - PMSC "Health Check"

With reference to item 5(3)(c) of the minute of meeting of this Committee of 15 September 2023, it was reported that three representatives from the MCA had visited the Harbour Master to carry out a "health check" on compliance with the Port Marine Safety Code.

This process was not an audit and was promoted by MCA as a helping visit to harbours and ports to check compliance with the Code and recommended any improvements if necessary. The MCA would look at areas for improvement, but would also identify areas of good practice.

From the ten sections of the Port Marine Safety Code assessed on their visit to Arbroath there was found to be seven areas of good practice, three observations and no non-conformities. The Harbour Master was addressing the observations and the full findings of the MCA Health Check would be presented to the Communities Committee (Duty Holder) on 16 January 2024.

(c) Northern Lighthouse Board (NLB) Audit

It was reported that on 1 November 2023, representatives from the Northern Lighthouse Board (NLB) visited the Harbour Master to carry out an audit of how the harbour applies the Port Marine Safety Code and Safety Management System to its Aids to Navigation.

The visit flagged up one observation which the Harbour Master had addressed and the NLB had now closed off the report and were satisfied with the findings of the audit. The full findings of the audit would be presented to the Communities Committee (Duty Holder) on 16 January 2024.

(d) Storm Babet

As members were aware, between 18 to 21 October 2023 Storm Babet brought exceptional rain and wind not only to Arbroath Harbour but to the whole of the county of Angus.

The Harbour Master advised that the west breakwater repairs had just been completed before Storm Babet arrived and certainly reduced the impact of major infrastructure damage. He advised that he was in no doubt that the west breakwater would not have stood up to the storm given the condition of it just months before.

In the days leading up to the storm the Harbour Master permitted some of the fishing boats to bring most of their gear ashore onto the quay otherwise there would have been the potential for the gear to be lost or destroyed. All the commercial boats currently berthed in the outer harbour were then all moved into the inner harbour giving the boats considerable shelter from the wind and waves which crashed over the south breakwater into the outer harbour. Ninety-three boats in total were able to be berthed in the inner harbour and the Harbour Master thanked the commercial harbour users for their patience and cooperation while he planned out this operation.

Considering the damage caused to the infrastructure of other harbours on the east coast as well as damage to boats and fishing gear experienced nationally, Arbroath Harbour's infrastructure survived the storm with only a few damaged lighting columns and an information sign being blown down. During the worst three days of the storm, harbour staff worked through the wind and rain to ensure that all the boats' mooring ropes remained adequate. It was noted that only one pleasure boat came away from one of its mooring ropes during the night but no damage was caused. The Harbour Master was not aware of damage to any of the boats in the harbour as a result of Storm Babet.

The Committee thanked the Harbour master and his staff for all their work during Storm Babet and noted the position.

(4) Police Report

With reference to item 5(4) of the minute of meeting of this Committee of 15 September 2023, it was noted that Police Scotland had provided a full report to the Director of Infrastructure and Environment detailing recent crimes/issues in and around the harbour, including crime reports. The following emerging issues were shared from the report:

Calls made:

18/10/23 - Bag found in harbour at Harbour Master's Office. Retrieved and just clothing within.

Crime Reports:

There were no crime reports.

Emerging issues:

Police Scotland continue to carry out regular patrols in the area of the harbour on foot, bike and car.

The main type of call received by Police Scotland in recent months had been concern for person type calls and suicidal persons and there had been a lot of joint work carried out with supporting agencies, especially for one male, to help with these issues.

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

6. DATES OF FUTURE MEETINGS

The Committee noted the dates of future meetings as shown below:

Friday 26 April 2024
Friday 13 September 2024
Friday 13 December 2024

All meetings to take place in Bruce House, Arbroath at 3pm.

Review of Annual Charges from April 2024 to March 2025

Proposed charges in 2024 – 2025 against present charges in 2023 – 2024

Schedule A - Charges for Compound Berthing

	Schedule A Charges for Compounded Berthing	Present charge	% Increase for 2024 – 2025	Proposed Charge from April 2024
		£		£
1	Fishing Boats			
	Increase charge from £313 to £335 per annum or part thereof	313.00	7.03%	335.00
2	Pleasure Craft (for personal use)			
	Increase charge to £351 to £376 per annum or part thereof	351.00	7.12%	376.00
3	Craft employed carrying up to 12 fare paying passengers			
	Increase charge from £671 to £ per annum or part thereof	671.00	7.00%	718.00
4	Craft employed carrying over 12 fare paying passengers			
	Increase charge from £1,010 to £1,081 per annum or part thereof	1,010.00	7.03%	1,081.00
5	Visiting fishing boats, yachts, pleasure craft and all other vessels not granted a compounded berth			
	Increase charge for up to 24 hrs from £22.00 to £24.00	22.00	9.09%	24.00
	Increase charge for up to 48 hrs from £39.00 to £42.00	39.00	7.69%	42.00
	Increase charge for up to 1 week from £63.00 to £68.00	63.00	7.94%	68.00
6	Pleasure craft for personal use summer berthing only			
	Increase charge from £262 to £281	262.00	7.25%	281.00

Schedule B - Sundry Charges for Services

	Schedule B Charges for Services	Present charge £	% Increase for 2024 - 2025	Proposed Charge from April 2023 £
1	Fish landing dues			
	Increase charge on landed catch from 3.5% to 3.7%	3.5%	5.71%	3.7%
2	Slipway Charges			
	Revise charges as follows:			
	Vessels less than 12m			
	First day from £168 to £180 per day	168.00	7.14%	180.00
	Thereafter from £93 to £100 per day or part thereof	93.00	7.53%	100.00
	Vessels more than 12m and under 18m			
	First day from £186 to £200 per day	186.00	7.53%	200.00
	Thereafter from £100 to £107 per day or part thereof	100.00	7.00%	107.00
	Vessels 18m and over			
	First day from £190 to £204 per day	190.00	7.39%	204.00
	Thereafter from £106 to £114 per day or part thereof	106.00	7.55%	114.00
3	Boat Hoist Charges			
	Lift out of the water & set on blocks/stands (£ per lin. m)	21.00	9.52%	23.00
	Thereafter time on blocks/stands (£ per week or part thereof)	32.00	6.25%	34.00
	Lift off blocks/stands and return to the water (£ per lin. m)	21.00	9.52%	23.00
	Lift out of water & set on transporter (£ per lin. m)	27.00	7.41%	29.00
	Lift off transporter & into the yard/water (£ per lin. m)	27.00	7.41%	29.00
	Lift out of the water, hold & return to the water (£ per lin. m)	27.00	7.41%	29.00
4	Boats fitting out doing repairs or tying up			
	Increase charge from £88 to £ per week or part thereof	88.00	7.95%	95.00
5	Wash Down Facilities			
	Vessels less than 12m Increase charge for water for washing down from £71 rising to £76	71.00	7.04%	76.00
	Vessels more than 12m and under 18m Increase charge for water for washing down from £82 rising to £88	82.00	7.32%	88.00
	Vessels 18m or over Increase charge for water for washing down from £93 rising to £100	93.00	7.53%	100.00

Schedule C - Sundry Charges for Pontoon Berths

	Schedule C Sundry Charges for Pontoon Berths	Present charge £	% Increase for 2024 - 2025	Proposed Charge from April 2024 £
1	Annually From 1st April to 31st March			
	Increase charge from £143 to £154 per metre excl. VAT	143.00	7.69%	154.00
2	Summer Season From 1st April to 30th September			
	All Season			
	Increase charge from £116 to £125 per metre excl. VAT	116.00	7.76%	125.00
	Monthly			
	Increase charge from £37 to £40 per metre excl. VAT	37.00	8.01%	40.00
	Weekly			
	Increase charge from £18 to £20 per metre excl. VAT	18.00	11.11%	20.00
	Daily (any length)			
	Increase charge from £29 to £32 per day incl. VAT	29.00	10.34%	32.00
3	Winter Season From 1st October to 31st March			
	All Season			
	Increase charge from £57 to £61 per metre excl. VAT	57.00	7.02%	61.00
	Monthly			
	Increase charge from £20 to £22 per metre excl. VAT	20.00	10.00%	22.00
	Weekly			
	Increase charge from £11 to £12 per metre excl. VAT	11.00	9.09%	12.00
	Daily (any length)			
	Increase charge from £26 to £28 per day incl. VAT	26.00	7.69%	28.00