

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 25 November 2022, at 3.00 pm.

Present:

Council

Representatives: Councillors DAVID FAIRWEATHER, SERENA COWDY, MARTIN SHEPHERD AND DEREK WANN.

Harbour Users'

Representatives: ALEX SMITH (Fare Paying Passenger Boar owners)
PAUL SIMPSON (Boat Builders/Repairers)
PETE WILLIS (RNLI)
PETER ANELLI (Arbroath Sailing and Boating Club)
BOB TEVIOTDALE (Arbroath and Montrose Static Gear Association).

Police Scotland: Constable Greig and Constable Watt

Officers in

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

Also in

Attendance: MONTY SMEDLEY, (ABP Mer) (by Remote access)

Councillor Fairweather, Convener, in the Chair.

Prior to commencing the business, the Convener welcomed Councillor Derek Wann and Pete Willis (RNLI) to their first meeting. He also advised the members that he had been appointed Convener of this Committee by the Communities Committee on 15 September 2022.

1. APOLOGIES / SUBSTITUTES

Apologies for absence were submitted on behalf of Councillors Brenda Durno and Louise Nicol and Rory Tosh (Angus Council).

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 2 September 2022 was submitted and approved as a correct record.

4. MATTERS ARISING

(a) Constitution of Arbroath Harbour JCC – Item 6 (b) of minute of 2 September 2022

With reference to Article 6(b) of the minute of meeting of this Committee of 2 September 2022, the Convener reminded members that this was an advisory and consultative Committee which helped oversee the routine management and operational considerations for the Harbour and the aim of this Committee was to obtain the views of the harbour users on issues that may be remitted to it from time to time by the Communities Committee. A copy of the constitution had been circulated to all members.

He advised members that the Consultative Committee therefore had no budget, and the members could only make recommendations to the Communities Committee to request works to be done subject to funding being made available.

Unlike the statutory standing Committees of the Council which were held in line with the local Government (Scotland) Act 1973 and must be open to the public and press, this consultative Committee reported direct to the Communities Committee therefore the meetings were not open to the public and press and the agenda and papers were not required to be published on the Councils web site.

Discussion took place regarding para 5.1(meetings) of the constitution and it was agreed that the Committee continue to meet three times a year (generally April, August and November except where otherwise agreed by the Committee).

5. ARBROATH HARBOUR - WINTER REPORT

With reference to Article 5 of the minute of meeting of this Committee of 2 September 2022, there was submitted Report No. 393/22 by the Director of Infrastructure and Environment, 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 meeting of this Committee of 2 September 2022, Appendix 1 to the Report showed the 2022/23 Arbroath Harbour budget plus expenditure/income to date (as at end October 2022) and the estimated year end outturn position as at 31 March 2023. The overall net budgeted expenditure figure was £0.207m compared to an estimated outturn net expenditure of £0.221m. A minor overspend of £0.014m, which would be fully contained within the overall Infrastructure and Environment Directorate's 2022/23 budget.

The Committee noted the position.

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

With reference to Article 7(a)(ii) of minute of meeting of this Committee of 6 November 2020, there were submitted proposed revisions to the Harbour charges for 2023/2024 as set out in Appendix 2 to the Harbour Winter Report, No 393/22, 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 was agreed to review the charges for 2023/2024 only.

The Committee endorsed the proposed revisions to the Charges which would now be submitted to the Communities Committee for consideration. If approved, the revised charges would be implemented from 1 April 2023 and reviewed again ahead of 1 April 2024.

(c) Oil Spill Contingency Planning and Response

With reference to item 5(1)(b) of the minute of the meeting of this Committee of 2 September 2022, it was noted that there had been no significant oil spills in the Harbour in the intervening period.

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

attend an MCA Level 2 – Sorbents & Equipment training course in the new year when a course date became available.

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 were familiar with the use of the equipment and that all contact details in the Plan were current and up to date.

These exercises were recorded and forwarded to the MCA as annual returns to comply with the requirements of the OSCP.

(d) Scottish Ports Meeting

With reference to item 5(1)(c) of the minute of meeting of this Committee of 2 September 2022, it was noted that the date of the last Scottish Ports Meeting was on 8 September 2002 in Ayr which the Harbour Master did not attend.

The next Scottish Ports meeting was scheduled for 29 November 2022 in Edinburgh. This meeting would tie in with the Annual Parliamentary Maritime Reception at the Scottish Parliament that evening hosted by Liam McArthur MSP as well as the Scottish Local Authority Ports Group meeting at the Scottish Government's offices the following day on 30 November 2022. The Harbour Master was planning to attend these events representing Angus Council and Arbroath Harbour and subjects discussed at these meetings would be presented at the next meeting of this committee

(e) Compounded Berths

With reference to item 5(1)(d) of the minute of meeting of this Committee of 2 September 2022, it was noted that there had not been any further compounded berths granted.

The number of compounded berths taken up in the Harbour remained at 41. This was made up of commercial fishing boats (31), fare paying passenger boats (2) and pleasure boats (8).

(f) Pontoon Berths

With reference to item 5(1)(e) of the minute of meeting of this Committee of 2 September 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.

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

(g) Staffing

With reference to item 5(1)(g) of the minute of meeting of this Committee of 2 September 2022, it was noted that staffing at the harbour had moved onto winter hours from 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.

(2) Engineering Matters

(a) Inner Harbour Gates

With reference to item 5(2)(a) of the minute of meeting of this Committee of 3 March 2022, 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.

(b) Maintenance Dredging Operations

With reference to item 5(2)(b) of the minute of meeting of this Committee of 2 September 2022, it was noted that the dredging of the harbour was still programmed to be carried out in January 2023.

Discussions were currently ongoing between the Harbour Master and the contractor Wyre Marine Services regarding the finer details and timings of the planned dredge. 8,000 m³ of material would be removed from the harbour at a cost of £149,000. It was expected this work would take 4 to 6 weeks to complete.

The Committee were again informed that over the last few years it had become evident that the current allocated budget of £46,000 fell well short of what was required to carry out annual dredging of Arbroath Harbour. From 2023/24 onwards the Council required to consider that the budget needed to be set at c£150,000 to continue with necessary annual dredging to maintain safe operation and navigational passage for all commercial and pleasure boats using the harbour. Given the current financial strain on the Council's budgets the Director of Infrastructure and Environment would attempt to explore options of external funding to help with the expense of the dredging operations.

(c) West Breakwater Repairs

It was reported that over the past year, it had become evident that extensive stone repair work was required at the east end of the West Breakwater. The Director of Infrastructure & Environment would be applying for additional capital funding in order that the repair work could be carried out in 2023/2024.

(3) Programme of Works

With reference to item 5(3) of the minute of meeting of this Committee of 2 September 2022, Report No 393/22 set out as detailed below an updated programme of projects, to be delivered if within available budget, including external funding sources.

Project/ Nature of Expenditure	Budget / (Cost) 2022/23 £000's	Comments
Annual Dredging		
Revenue budget	89	See paragraph 2.1 of the Report (£43,000 carry over from 2021/22 and £46,000 annual budget)
	27	Carry over from 2019/20
	33	Underspend form Roads Revenue 2021/22
Dredging costs	(149)	See paragraph 3.2 of the Report
Designated Person	3	R&T revenue budget. See paragraph 5.2 of the Report
Harbour Infrastructure Improvements	(305)*	
West Breakwater Repairs	(300)*	Priority project. Subject to identification of a budget in 2023/2024. See para 3.3 of Report
WiFi	(5)*	
Vehicular Barriers	(18)	See paragraph 5.1 of the Report
*AHJCC Reserve Fund	15	Contribution increased
Car Park Reserve Fund	3	
*Contribution		
s		

*subject to identification of budget to fund

(4) Other Matters

(a) Vehicular Barriers

With reference to item 5(4)(a) of the minute of meeting of this Committee of 2 September 2022, it was noted that monitoring of the current parking situation at both locations at Fishmarket Quay and Market Gate continued.

It was also noted that between the current RNLI building and the Fishmarket the current signage 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 item 5(4)(b) of the minute of meeting of this Committee of 2 September 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), the results of which are reported back to the Duty Holder i.e. the Communities Committee.

Monty Smedley, Designated Person APBMer was present and advised members that on 20 September 2022 he had visited Arbroath Harbour and spent the day with the Harbour Master to carry out the PMSC Audit. This was a comprehensive audit which went through every aspect of the Code and measured Arbroath Harbour's performance against it.

The full findings of the audit were presented in Report No. 300/22 to the Communities Committee on 22 November 2022. In summary the report identified that, for the ten-point health-check, Angus Council as the Statutory Harbour Authority for Arbroath Harbour was found to have 74 satisfactory components, 15 observations/recommendations and 0 non compliances. As a result of this audit, Angus Council was found to be fully compliant with the requirements of the Port Marine Safety Code.

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 Committee would be required to undertake this training. A suitable date for all the members had yet to be finalised for this training but it was likely to be sometime in January/February 2023 and would be carried out by the Designated Person (ABPMer).

Monty congratulated the Harbour Master and his staff for all their hard work.

(5) Police Report

With reference to Article 5(5) of the minute of meeting of this Committee of 2 September 2022, it was noted that Police Scotland had provided a full report to the Director of Infrastructure & Environment detailing recent crimes/issues in and around the harbour, including crime reports. The following emerging issues were shared from the report:

Calls made:

15/09/22	Skipper of fishing boat reporting an assault & vandalism by crew on his fishing boat
23/09/22	Concern for suicidal male at Black Sheds at the harbour
30/09/22	Concern for suicidal male at Black Sheds at the harbour
10/10/22	Concern for suicidal female at Black Sheds at the harbour

Crime Reports:

15/09/22	Skipper of fishing boat reporting an assault & vandalism by crew on his fishing boat
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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.

Constables Greig and Watt addressed the Committee and discussion took place regarding the area at the black sheds and how appropriate signage may help.

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

6. BUSINESS NOTIFIED BY MEMBERS IN ADVANCE OF THE MEETING AND CONSENT OF THE CONVENER

(a) MAINTENANCE OF THE MAIN QUAYS AND SLIPWAYS

Alex Smith advised the Committee that he had concerns regarding the maintenance of the main quays and slipways and an area at the Pier was bulging out. There were also issues at the Black Shed. He felt that in general the area around the Harbour was badly in need of improvement.

Discussion took place and his concerns were noted by the members. The Director of Infrastructure and Environment advised that he had put in a funding bid of £300,000 for harbour infrastructure improvements which he hoped would be successful. The Committee noted the position meantime.

7. DATE OF NEXT MEETING

The Committee noted that the next Meeting would take place at Bruce House, Arbroath on **Friday 21 April 2023 at 3pm.**

Review of Annual Charges from April 2023 to March 2024

Proposed charges in 2023 – 2024 against present charges in 2022 – 2023

Schedule A - Charges for Compound Berthing

	Schedule A Charges for Compounded Berthing	Present charge	% Increase for 2023 – 2024	Proposed Charge from April 2023
		£		£
1	Fishing Boats			
	Increase charge from £284 to £313 per annum or part thereof	284.00	10.21%	313.00
2	Pleasure Craft (for personal use)			
	Increase charge to £319 to £351 per annum or part thereof	319.00	10.03%	351.00
3	Craft employed carrying up to 12 fare paying passengers			
	Increase charge from £610 to £671 per annum or part thereof	610.00	10.00%	671.00
4	Craft employed carrying over 12 fare paying passengers			
	Increase charge from £918 to £1,010 per annum or part thereof	918.00	10.02%	1,010.00
5	Visiting fishing boats, yachts, pleasure craft and all other vessels not granted a compounded berth			
	Increase charge for up to 24 hrs from £20.00 to £22.00	20.00	10.00%	22.00
	Increase charge for up to 48 hrs from £35.00 to £39.00	35.00	11.43%	39.00
	Increase charge for up to 1 week from £57.00 to £63.00	57.00	10.53%	63.00
6	Pleasure craft for personal use summer berthing only			
	Increase charge from £238 to £262	238.00	10.08%	262.00

Schedule B - Sundry Charges for Services

	Schedule B Charges for Services	Present charge £	% Increase for 2023 - 2024	Proposed Charge from April 2023 £
1	Fish landing dues			
	Increase charge on landed catch from 3.2% to 3.5%	3.2%	9.38%	3.5%
2	Slipway Charges			
	Revise charges as follows:			
	Vessels less than 12m			
	First day from £152 to £168 per day	152.00	10.53%	168.00
	Thereafter from £84 to £93 per day or part thereof	84.00	10.71%	93.00
	Vessels more than 12m and under 18m			
	First day from £169 to £186 per day	169.00	10.06%	186.00
	Thereafter from £91 to £100 per day or part thereof	91.00	9.89%	100.00
	Vessels 18m and over			
	First day from £173 to £190 per day	173.00	9.83%	190.00
	Thereafter from £96 to £106 per day or part thereof	96.00	10.42%	106.00
3	Boat Hoist Charges			
	Lift out of the water & set on blocks/stands (£ per lin. m)	19.00	10.53%	21.00
	Thereafter time on blocks/stands (£ per week or part thereof)	29.00	10.34%	32.00
	Lift off blocks/stands and return to the water (£ per lin. m)	19.00	10.53%	21.00
	Lift out of water & set on transporter (£ per lin. m)	24.00	10.42%	27.00
	Lift off transporter & into the water (£ per lin. m)	24.00	10.42%	27.00
	Lift out of the water, hold & return to the water (max. 3 hours) (£ per lin. m)	24.00	10.42%	27.00
4	Boats fitting out doing repairs or tying up			
	Increase charge from £80 to £88 per week or part thereof	80.00	10.00%	88.00
5	Wash Down Facilities			
	Vessels less than 12m Increase charge for water for washing down on slipway cradle from £65 rising to £71	65.00	9.23%	71.00
	Vessels more than 12m and under 18m Increase charge for water for washing down on slipway cradle from £75 rising to £82	75.00	9.33%	82.00
	Vessels 18m or over Increase charge for water for washing down on slipway cradle from £85 rising to £93	85.00	9.41%	93.00

Schedule C - Sundry Charges for Pontoon Berths

	Schedule C Sundry Charges for Pontoon Berths	Present charge £	% Increase for 2023 - 2024	Proposed Charge from April 2023 £
1	Annually From 1st April to 31st March			
	Increase charge from £130 to £143 per metre excl. VAT	130.00	10.00%	143.00
2	Summer Season From 1st April to 30th September			
	All Season			
	Increase charge from £105 to £116 per metre excl. VAT	105.00	10.48%	116.00
	Monthly			
	Increase charge from £33.50 to £37 per metre excl. VAT	33.50	10.45%	37.00
	Weekly			
	Increase charge from £16 to £18 per metre excl. VAT	16.00	12.50%	18.00
	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 £52 to £57 per metre excl. VAT	52.00	9.62%	57.00
	Monthly			
	Increase charge from £18 to £20 per metre excl. VAT	18.00	11.11%	20.00
	Weekly			
	Increase charge from £10 to £11 per metre excl. VAT	10.00	10.00%	11.00
	Daily (any length)			
	Increase charge from £24 to £26 per day incl. VAT	24.00	8.33%	26.00