

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 21 April 2023, at 3.00 pm.

Present:

Council

Representatives: Councillors SERENA COWDY, BRENDA DURNO, LOUISE NICOL AND MARTIN SHEPHERD

Harbour Users'

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

Officers in

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

Councillor Cowdy, in the Chair.

Councillor David Fairweather proposed that in his absence, that Councillor Serena Cowdy should Chair the meeting. Members unanimously agreed the proposal.

1. APOLOGIES / SUBSTITUTES

Apologies for absence were submitted on behalf of Councillor David Fairweather, Bob Teviotdale and Constables Greig and Watt, 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 25 November 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 4(a) of the minute of meeting of this Committee of 25 November 2022, Alex Smith raised the issue that he felt that there were inconsistencies between what he had been told in relation to the constitution compared to what was actually in the constitution regarding allowing the attendance of members of the public at the AHJCC. Councillor Cowdy explained that officers would address Mr Smith's query and clarification would be presented at the next meeting.

5. ARBROATH HARBOUR - WINTER REPORT

With reference to Article 5 of the minute of meeting of this Committee of 25 November 2022, there was submitted Report No. 102/23 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 Article 5(1)(a) of the minute of meeting of this Committee of 25 November 2022, Appendix 1 to the Report showed the 2022/23 Arbroath Harbour budget plus expenditure/income to date (as at end 31 March 2023) and the estimated year end outturn position as at 31 March 2023. The overall net budgeted expenditure figure was £0.209m compared to an estimated outturn net expenditure of £0.226m. A minor overspend of £0.017m, which would be fully contained within the overall Infrastructure and Environment Directorate's 2022/23 budget.

The Committee noted the position.

(b) Oil Spill Contingency Planning and Response

With reference to Article 5(1)(c) of the minute of the meeting of this Committee of 25 November 2022, it was noted that there had been one significant oil spill in the Harbour in the intervening period.

It was reported that the Harbour Master had been alerted on the morning of 19 March 2023 to an oil slick in the inner harbour. Harbour staff deployed sorbent booms and pads to contain the slick where the source of the spill was identified to be an oil drum spilling waste oil. The empty drum was retrieved from the harbour.

The spill was contained in specific areas within the inner harbour using the booms but given the nature of the material and the difficulty to remove it from the harbour, the Harbour Master escalated the spill to Tier 2 and Briggs Environmental Services Ltd. (BESL) were called to the harbour to clean up the spill with their specialist equipment.

Booms were left in the harbour for several days and BESL returned to retrieve the spill equipment and disposed of the waste accordingly. The harbour's required Tier 1 oil spill equipment had now been replenished.

All required communication links were followed in accordance with the harbour's Oil Spill Contingency Plan and the MCA, SEPA, Marine Scotland, Nature Scot and Angus Council's Resilience Manager were notified and updated on progress of the clean up as per the Plan. There was no long-lasting damage to the harbour infrastructure, any boats or wildlife.

The Harbour Master and Senior Harbour Assistant continued to hold MCA Level 4/5 Oil Spill Response Manager's Certificates with the Senior Harbour Assistant recently carrying out a refresher course in early April. 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 Council remained a member of Briggs National Oil Pollution Control Club (NOPCC).

The Harbour Master responded to questions raised in relation to recovery costs and signage.

(c) Scottish Ports Meeting

With reference to Article 5(1)(d) of the minute of meeting of this Committee of 25 November 2022, it was noted that the last meeting of the Scottish Port Meeting was on 17 March 2003 which was held via MS Teams, which the Harbour Master had attended.

Topics discussed were policy updates from Transport Scotland, outcomes from various British Ports Association meetings, Scottish Highly Protected Marine Areas

(HPMAs) and the most relevant, updated procedures to obtaining a marine licence from Marine Scotland which was relevant for dredging in the harbour.

The next Scottish Ports meeting date had not been set. The Harbour Master, subject to availability, proposed to attend this.

(d) Compounded Berths

With reference to Article 5(1)(e) of the minute of meeting of this Committee of 25 November 2022, it was noted that there had been no further compounded berths granted.

The number of compounded berths taken up in the Harbour remained at 4, made up of commercial fishing boats (31), pleasure boats (10), and fare paying passenger boats (1).

(f) Pontoon Berths

With reference to Article 5(1)(f) of the minute of meeting of this Committee of 25 November 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.

There were 24 names on the waiting list for a berth, with some names being removed from the list recently. No further names were being taken at this time as it was considered there was enough to cater for any vacancies that may arise on the pontoons.

(g) Staffing

With reference to Article 5(1)(g) of the minute of meeting of this Committee of 25 November 2022, it was noted that staffing at the harbour had moved to summer hours from 3 April 2023. The harbour would be staffed from 7am to 8pm seven days week and would continue through to 30 September 2023 before reverting to the winter hours on 1 October 2023.

(2) Engineering Matters

(a) Inner Harbour Gates

With reference to Article 5(2)(a) of the minute of meeting of this Committee of 25 November 2022, there had been no operational problems with the dock gates during the intervening period.

The opening and closing times of the dock gates had also moved to the summer schedule from 3 April 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 September 2023 had now been posted on the Arbroath Harbour page of the Council's website.

(b) Maintenance Dredging Operations

With reference to Article 5(2)(b) of the minute of meeting of this Committee of 25 November 2022, it was noted that the dredging of the harbour was carried out in February/March 2023.

Wyre Marine Services had dredged 8,000 m³ of silt from the outer harbour and navigation channel to a depth of between 0.5m and 1.0m below chart datum. The Harbour Master intimated his thanks to the harbour users for their co-operation whilst the dredging was carried out.

The annual dredge of 8,000 m³ of silt from the harbour now costs c£150,000 per annum, and with an annual allocated budget of £46,000 for dredging the harbour, there was now a considerable shortfall. The Report highlighted that the Council consider that the budget requirements be set at c£150,000 in order to continue with an

annual dredge that would 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, it was noted that the Director of Infrastructure and Environment may require to explore options of external funding to assist with the expense of the dredging operations.

Following discussion where comments and questions were, and in response, the Director of Infrastructure and Environmental and the Harbour Master provided updates.

(c) West Breakwater Repairs

With reference to Article 5(2)(c) of the minute of this Committee of 25 November 2022, the Director of Infrastructure and Environment had applied for additional capital funding in order that infrastructure repair work could be carried out at the harbour.

The bid was approved at the special budget meeting of Angus Council on 2 March 2023, with £400,000 allocated in the capital programme for 2023/24. The funding bid was primarily towards the repair of the west breakwater but also other areas of the harbour infrastructure which required attention.

Council officers would be procuring a contract and submitting tenders to have these works carried out as soon as possible.

(3) Programme of Works

With reference to Article 5(3) of the minute of meeting of this Committee of 25 November 2022, Report No 102/23 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	46	See paragraphs 2.1.1 £46,000 annual base budget)
	104	Carry overs from prior years
Actual Dredging costs	(146)	See paragraph 3.2
Designated Person	3	R&T revenue budget. See paragraph 5.2
Harbour Infrastructure Improvements		
West Breakwater Repairs	(395)	See para 3.3.1
WiFi	(5)	
Vehicular Barriers		
AHJCC Reserve Fund	15	Contribution increased
Car Park Reserve Fund Contribution	3	

(4) Other Matters

(a) Vehicular Barriers

With reference to Article 5(4)(a) of the minute of the meeting of this Committee of 25 November 2022 it was noted that monitoring of the current parking situation at both locations at Fishmarket Quay and Market Gate continued.

Between the current RNLI building and the Fishmarket, 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 also be reported back to this Committee.

(b) Port Marine Safety Code (PMSC)

With reference to Article 5(4)(b) of the minute of this Committee of 25 November 2022, Angus Council continued to use the services of APBMer as Designated Person for Arbroath Harbour under the Port Marine Safety Code (PMSC).

Following on from the formation of the new Communities Committee following the local council elections last year, Angus Council had a new Duty Holder for Arbroath Harbour under the PMSC. On 27 February 2023, Monty Smedley from ABPMer carried out a half day Duty Holder training to the elected members of the Communities Committee. The training was well attended with six of the eight new members of the Committee attending.

The training areas covered included:- the purpose of the Code and the role that the Duty Holder has in ensuring compliance along with explaining the duties; powers and responsibilities of the Duty Holder; requirements to comply with the Code; information, and guidance within the Guide to Good Practice; and the potential exposure from failure to comply with the requirements of the Code.

It was noted that to be fully compliant with the PMSC, the remaining two members of the Duty Holder required to carry out Duty Holder training in the coming months.

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 outcomes reported back to the Council's Communities Committee, as Duty Holder.

The next PMSC annual audit was scheduled to take place at the end of August 2023.

In referring to the forthcoming audit, the Harbour Master also highlighted that two members still required to undertake the necessary training as soon as possible.

(c) Northern Lighthouse Board (NLB)

It was noted that in April of each year, the Northern Lighthouse Board (NLB) requested from harbours and ports, a rolling 3-year report of all failures of any Aids to Navigation (AtoNs).

The last 3-year rolling report from 1 April 2020 to 31 March 2023 for Arbroath Harbour was outlined in Appendix 2 to the Report.

At this point, the Director of Infrastructure and Environment, in reference to Appendix 1 – Estimated Revenue outturn as at 31 March 2023, highlighted the information omitted from the last column of the table as follows:- Actual 2021/22 Gross Expenditure - £536k; Gross Income (£376k) and Net Expenditure 2022/23 £160k.

(5) Police Report

With reference to Article 5(5) of the minute of meeting of this Committee of 25 November 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:

6,9,10 & 27/12/22; 26/01/23, and 15 & 25/03/23 - All calls for concern/suicidal individuals.

Emerging issues:

Patrols around the harbour area continue on foot, bike and car. Community officers continued to have regular contact with the Harbour Master.

It was noted that the main type of call received by Police in recent months had been concern for person, time calls and suicidal persons and that there was currently a lot of joint work being 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.

At this stage in the meeting, Councillor Durno highlighted the forthcoming announcement by RNLI in relation to the replacement lifeboat at Arbroath, thereafter the Committee also heard from Alex Smith, Pete Willis and the Harbour Master, and it was noted that the RNLI would announce their decision on Friday 28 April 2023.

6. DATE OF FUTURE MEETINGS

The Committee noted that the next meetings would take place at Bruce House, Arbroath on Friday 8 September 2023 and Friday 15 December 2023, both meetings to be held at 3pm.