

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 13 December 2024 at 3.00pm.

Present:**Council**

Representatives: Councillors SERENA COWDY, LOUISE NICOL and MARTIN SHEPHERD.

Harbour Users'

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

Officers in

Attendance: GRAEME DAILLY (Director of Infrastructure and Environment)
BRUCE FLEMING (Angus Council Harbour Master)
RORY TOSH (Senior Accountant, Angus Council)
SARAH FORSYTH (Angus Council, Democratic Services, Committee Manager)
ELAINE DOAK (Angus Council, Democratic Services, Committee Officer)

Councillor COWDY, Convener, in the Chair.

1. APOLOGIES/SUBSTITUTES

Apologies for absence were submitted on behalf of Councillors Jack Cruickshanks and Derek Wann, and Peter Inglis, Leisure Craft Owners' Representative.

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 13 September 2024 was submitted and approved as a correct record.

4. MATTERS ARISING

There were no matters arising from the previous minute.

5. ELECTION OF NON-LOCAL AUTHORITY MEMBER

The Committee noted that one nomination had been received to fill the vacancy for a representative of the Leisure Craft Owners following the passing of Professor Bernard King.

Mr Peter Inglis had been duly nominated and seconded and the Committee agreed to appoint Mr Inglis to the Committee.

6. ARBROATH HARBOUR – WINTER REPORT

With reference to Article 5 of the minute of meeting of this Committee of 13 September 2024, there was submitted Report No 382/24 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

For 2024/25, it was estimated there would be a budget deficit of £0.047m compared to the £0.191m budget as outlined in Appendix 1 to the Report. The final 2024/25 actual position for Arbroath Harbour would be fully contained within the Infrastructure and Environment Directorate's overall budget for 2024/25.

(b) Revision of Harbour Charges - Review of Charges for Implementation in April 2025

With reference to item 5(1)(b) of the minute of the meeting of this Committee of 11 December 2023, proposed revisions to the harbour charges were presented. The Director of Infrastructure & Environment had consulted with Mackay Boatbuilders in reviewing the charges for next year.

Historically the review of the charges had been reviewed on a biennial basis, but it was decided in 2022 to review the charges on an annual basis. It was still felt that there was enough uncertainty within the financial climate that the Council would continue in the meantime with reviewing the charges on an annual basis. The relatively high percentage increase in charges reflected the substantial investment needed in the coming years to maintain the Harbour and ensure its long-term sustainability. The Committee agreed to endorse the proposed revisions for 2025/2026, which were shown in Appendix 2 of the Report.

The Committee was asked to note two additional items within the Schedule of Charges that were to be introduced for 2025/2026. Item 6 in Schedule B was an overstay charge. This would help the Harbour Master deal with any boat which he felt had overstayed its welcome and was refusing to adhere to a Special Direction issued to the owner to remove the vessel from the harbour by a certain date. The other new charge was Item 3 in schedule C. This was a daily charge for electricity which would be applied to boats which were berthed on the pontoon berths in the inner harbour and were plugged into the service bollards.

Subject to the revised charges being agreed at the Special meeting of Angus Council to set the Council's 2025/26 revenue budget, the new charges would come into effect from 1 April 2025. Thereafter, the next review would be undertaken and presented in the AHJCC Winter Report 2025.

Mr Anelli informed the Committee that at a meeting of club members they had found the £2 per day charge for electricity to be unacceptable and that this equated to a 15% increase in the cost of a berth.

The Harbourmaster advised members that there had been an increase of 47% in visiting commercial boats. He further advised that he had discussed the increased charges with some members who had been satisfied with the revised electricity charge once they had received an explanation that the fee would be applied only when boats were plugged into a bollard.

Mr Anelli questioned charges for the Christmas lights going forward. The Harbourmaster informed that there would be no charges in December to allow the lights to continue.

Councillor Cowdy thanked everyone involved with the Christmas Lights.

(c) Oil Spill Contingency Planning and Response

With reference to item 5(1)(b) of the minute of the meeting of this Committee on 13 September 2024, there had not been any oil spills in the harbour.

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 now qualified to MCA Level 2 – Sorbents & Equipment.

Angus 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.

Details of these exercises and any clean-up operations carried out were recorded and forwarded to the MCA as annual returns to comply with the requirements of the OSCP & Port Marine Safety Code. The next round of annual returns would be sent to the MCA in January 2025.

(d) Scottish Ports Meeting

With reference to item 5(1)(c) of the minute of the meeting of this Committee on 13 September 2024, the date of the last Scottish Port Meeting was held on 19 November 2024 hosted by Peel Ports which the Harbour Master attended via MSTeams. Topics discussed were Port Development Experiences, BPA: Policy Updates, How Best to Work with Government Agencies along with details of other future events.

The next Scottish Ports Meeting would be held on 14 January 2025 to tie in with the Annual Parliamentary Maritime Reception at the Scottish Parliament that evening hosted by the Cabinet Secretary for Transport Fiona Hyslop MSP. The Scottish Local Authority Ports Group meeting at the Scottish Government's offices would be held on the following day on 15 January 2025. The Harbour Master was planning to attend these events representing Angus Council and Arbroath Harbour and would report back with any relevant issues 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 on 13 September 2024, there had been no change to the number of compounded berths taken up in the harbour.

The number of compounded berths taken up in the Harbour remained at 35. This was made up of commercial fishing boats (25), fare paying passenger boats (1) and pleasure boats (8).

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

(f) Pontoon Berths

With reference to item 5(1)(e) of the minute of meeting of this Committee on 13 September 2024, the pontoon berths continued to remain at maximum occupancy. There continued to be 52 annual berths occupied and 7 berths which were available for visiting yachts in the summer months.

The waiting list for an annual pontoon berth sat at 25 names and no further names were currently being taken.

(g) Staffing

With reference to item 5(1)(g) of the minute of the meeting of this Committee on 13 September 2024 the staffing of the harbour moved onto winter hours from 1 October 2024. The harbour was being staffed from 7am to 6pm Monday to Friday and 7am to 4.30pm Saturday and Sunday. This would continue through to 31 March 2025 before reverting to the summer hours on 1 April 2025.

(2) Engineering Matters

(a) Inner Harbour Gates

With reference to item 5(2)(a) of the minute of the meeting of this Committee on 13 September 2024, there had been one operational issue with the dock gates during the intervening period.

On 23 October 2024 a hydraulic hose on the locking pin burst on the east gate just as they closed. Hydraulic engineers attended the harbour on 24 October 2024 to carry out a replacement of the burst pipe.

The opening and closing times of the dock gates had moved to the winter schedule from 1 October 2024. Opening and closing times continued 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 2025 had been 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 this Committee on 13 September 2024 the dredging of the harbour was still programmed to be carried out in May 2025.

A tender to carry out dredging of the harbour in 2025 was issued on 25 September 2024 via the Public Contracts Scotland portal. Three tenders were returned and after evaluating all three returns Wyre Marine Services Ltd. were found to have submitted the best value tender with a cost of £146,000.

The contract was awarded on 15 November 2024 and detailed discussions had begun with Wyre Marine to programme and plan the works, a start date was proposed to be around April/May 2025.

The current dredging licence expired on 12 July 2024. The Harbour Master had sample analysis carried out of the silt within the harbour and in May 2024 completed the application process to obtain a new licence. The application had been submitted to Marine Directorate, was assessed and a new 3-year licence was granted to Angus Council on 19 October 2024.

As the Committee was aware the annual budget of £46,000 fell short of the cost required to dredge the harbour on an annual basis, The Director of Infrastructure & Environment had submitted a request for the additional revenue required to carry out dredging in 2025 and this would be considered and determined through the Council's budget setting process.

The Director of Infrastructure and Environment provided reassurance regarding the budget outlining that the challenge was that every other year there was a bid to supplement the £46k with a bid of £104k to be submitted for 2025/26. In future a base budget would be £75k per annum and a repair and renewals fund would also be included.

(c) Fishmarket Roof

With reference to item 5(3)(b) of the minute of this Committee on 13 September 2024 the roof of the fishmarket was planned to be replaced in May 2024. Due to some contractual issues between the council and the contractor this led to the works being cancelled.

The works were being re-tendered, and tenders were expected to be returned by mid-January 2025. It was proposed to replace the fishmarket roof in March/April 2025.

As previously indicated, the Harbour Master had requested that the works were carried out in several phases so that the fishmarket and walk in refrigerator could remain operational during the contract.

Harbour users would be kept advised as to the progress regarding an exact start date and the programme of works.

(3) Other Items

(a) Port Marine Safety Code

With reference to item 5(3)(a) of the minute of this Committee on 13 September 2024, 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 was subject to an annual audit by the Designated Person (ABPMer), the results of which were reported back to the Duty Holder i.e. the Communities Committee.

On 11 and 12 November 2024, Monty Smedley from APBMer visited Arbroath Harbour and spent the day with the Harbour Master to carry out the PMSC Audit for 2024. 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 Cllr Serena Cowdy, a member of the Communities Committee who are collectively the Duty Holder for Arbroath Harbour.

The full findings of the audit will be presented to the Communities Committee (Duty Holder) on 21 January 2025.

(b) Storm Ashley

Storm Ashley hit Arbroath Harbour on 17 October 2024 and approximately 20m of the 2.5m high stone boundary wall between the south breakwater access road and Mackay Boatbuilders was knocked down by the waves crashing over the breakwater.

The Harbour Master contacted Dundee Plant Co. Ltd. who were on site the following day to immediately start work on rebuilding the wall. The Harbour Master requested stone buttresses were built into the back of wall to add additional strength and support. The section of wall was rebuilt and completed by 8 November 2024.

7. FURTHER ITEMS

(1) Proposed Refurbishment of the Harbour and Protection Wall for the Next 5 Years – Alex Smith

Mr Smith raised the issue that there were concerns regarding slippage in the area of the black shed which would continue to get worse, he also pointed out that the black shed had a block missing. He raised further concern that the round pier also had a block missing.

The Harbourmaster advised that a structural engineer was to visit, and repairs would be carried out as part of the 2025/26 budget if approved.

The Director of Infrastructure and Environment advised members that there was a capital bid that was in excess of what was required for the dock gates and cradle and Committee members agreed that other works should be completed.

Councillor Cowdy was keen that the repairs were completed and outlined the need to look at external funding.

(2) Safety Issues Regarding the Vessel Dundarg and Management Plans for Future Regarding this Vessel – Bob Teviotdale

Mr Teviotdale advised the Committee that there had been a lot of discussion regarding the vessel Dundarg, which had come to Arbroath Harbour from Eyemouth, and harbour users wanted the vessel removed as it was in such a bad state of repair. He further advised that some works had been done, however, these had stopped and it did not appear that the owner had intent to do more. He believed that there was a safety issue affecting other Harbour users and was looking for options on how the vessel could be dealt with.

The Harbourmaster confirmed that the vessel had come into the harbour for repair work and agreed that it was frustrating that it could not be moved. He advised members that the owner had provided reassurance that repair works were to be completed.

Mr Teviotdale's biggest concern was that the owner was absent and difficult to contact and felt the vessel had been abandoned and indicated that the Harbourmaster had a Duty of Care to harbour users.

The Harbourmaster confirmed that he had written to the owner on 25 November 2024 to explain the situation giving points for the owner to respond to or he would declare the vessel abandoned and take ownership. The owner had responded detailing the works which were to be carried out before departing in spring 2025, and he would be attending a meeting the following week where short and specific timescales would be set. The Harbourmaster would contact the owner again following this meeting with the members safety concerns.

(3) Harbour Security and CCTV – Bob Teviotdale

Mr Teviotdale advised the Committee that there had been several recent incidents of theft, attempted arson and equipment being thrown into the harbour. He had not seen any police presence at the harbour and requested that the CCTV system be upgraded to a system similar to that in Eyemouth where boat owners had access.

The Harbourmaster agreed and would like to use some of the funds from the 2025/26 budget, if approved, to install more CCTV.

(4) Elected Members- Future Membership of the Group

Councillor Cowdy informed the Committee that there were currently 6 elected members on this Committee, all of which were Arbroath members, with only one of the Arbroath members not currently included. She requested that the Constitution be amended to allow all 7 Arbroath members a chance to contribute to the harbour.

With the agreement of the Committee, it was noted that Councillor Cowdy would discuss future elected member representation with the Director of Infrastructure and Environment and would report back to this Committee in due course.

8. DATES OF FUTURE MEETINGS

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

Friday 25 April 2025

Friday 5 September 2025

Friday 12 December 2025

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