

**ANGUS COUNCIL****POLICY AND RESOURCES COMMITTEE - 25 JUNE 2002****MONTROSE PORT AUTHORITY HARBOUR REVISION (CONSTITUTION) ORDER****REPORT BY DIRECTOR OF LAW AND ADMINISTRATION****ABSTRACT**

This Report advises members of a Public Inquiry into the proposed Port Authority Harbour Provision Order.

**1. RECOMMENDATION**

The Policy and Resources Committee is asked to sanction employment of Counsel to represent Angus Council's objection to the proposed Harbour Revision Order.

**2. INTRODUCTION**

Reference is made to Articles 8 and 9 respectively of the minutes of meeting of the Policy and Resources Committee of 19 March 2002 and 23 October 2001 when the Committee noted the position with regard to proposed changes to the Constitution of the Montrose Port Authority and homologated the decision of the Convener and Vice-Convener of the Policy and Resources Committee to object to the draft Order.

Intimation has now been received from the Scottish Executive that a Public Inquiry will be held into the objections received and the date of that will be intimated to Angus Council in early course. In view of the issues of accountability and democracy which are involved it is suggested that it would be appropriate to appoint Counsel to represent the Council's position at the Public Inquiry.

**3. FINANCIAL IMPLICATIONS**

It is estimated that the cost of appointing Counsel will be approximately £500 with a further sum of approximately £800 per day for the duration of the Inquiry. While it is impossible to predict the length of time the Inquiry will take, it is hoped that the expenditure would not exceed £3,000. The Director of Finance has confirmed that the expenditure can be met from the Provisions for Additional Burdens budget in Miscellaneous Services.

**4. HUMAN RIGHTS IMPLICATIONS**

There are no human rights implications arising directly from this Report.

**5. CONCLUSION**

It is clear that the terms of the draft Order do not meet the stated position of the Council. It is considered that the best method of representing Angus Council's views at the Public Inquiry is to appoint Counsel.

**6. CONSULTATION**

The Chief Executive and the Director of Finance have been consulted in the preparation of this Report.

CATHERINE A COULL  
Director of Law and Administration

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information), were relied on to any material extent in preparation of this report.

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