REPORT NO 914/03

ANGUS COUNCIL

INFRASTRUCTURE SERVICES COMMITTEE

28 AUGUST 2003

ARBROATH HARBOUR JOINT CONSULTATIVE COMMITTEE

ORGANISATIONAL ARRANGEMENTS AND CONSTITUTION

REPORT BY THE DIRECTOR OF ROADS

ABSTRACT
This report reviews the organisational arrangements for the Arbroath Harbour Joint Consultative Committee, and its constitution, and recommends consultation with the harbour users on proposed changes prior to further consideration by the Infrastructure Services Committee.

1 RECOMMENDATIONS

1.1 It is recommended that the Committee agree:-

(i) to note at this stage the proposal to appoint five elected members, comprising the local member for the Harbour Ward, 3 other Arbroath members and the Convener of the Infrastructure Services Committee to represent the Council on the Arbroath Harbour Joint Consultative Committee;

(ii) to note at this stage the proposal to rationalise the representation from the harbour users on the Arbroath Harbour Joint Consultative Committee to comprise:-

2 representatives from the Arbroath Fishermen’s Association.
1 representative of the Boatbuilders/Repairers.
1 representative of the small fishing boat owners/farepaying passenger boat owners.
1 representative of the leisure craft owners.
5 Total;

(iii) that the Director of Roads consults the Arbroath Harbour users on the proposed organisational arrangements and constitution for the Arbroath Harbour Joint Consultative Committee which remain essentially similar to those previously adopted but which are now formalised and detailed in Appendix A;

(iv) that a further report be submitted to the Infrastructure Services Committee on 16 October 2003 detailing the feedback from the consultation exercise proposed in Recommendation (iii) above and proposed arrangements for taking forward this review of the Arbroath Harbour Joint Consultative Committee.
INTRODUCTION

2.1 At the first meeting of the Infrastructure Services Committee on 12 June 2003, the Director of Roads was asked to bring forward a report on the future composition and constitution of the Arbroath Harbour Joint Consultative Committee.

2.2 Members will be aware that the Arbroath Harbour Joint Consultative Committee previously reported to the former Roads Committee. The Joint Consultative Committee consisted of six elected members and six harbour representatives.

2.3 Further to the recent changes in the Council Committee structure the Director of Roads has reviewed the constitution of the Joint Consultative Committee.

DETAILS

3.1 The Arbroath Harbour Joint Consultative Committee dates back to the time of Tayside Regional Council, whereby the Council, in managing the operation of the Harbour, consulted and involved those directly affected.

3.2 Following consideration of Report No. 269/96, presented to the Roads Committee of Angus Council on 25 April 1996, the Committee agreed to continue these arrangements and to appoint six members, with one as Chair, to sit on the Joint Consultative Committee. Since 1996 the Joint Consultative Committee has been so established all in accordance with Angus Council’s Standing Orders (Standing Order 32 (6)).

3.3 At its meeting on 8 June 1999, the Roads Committee agreed to amend the constitution of the Arbroath Harbour Joint Consultative Committee to provide that the Council representatives be four local members selected from the Arbroath Wards and the Conveners of the Planning and Transport and Economic Development Committees. At that time the other members of the Committee comprised three representatives from the Arbroath Fishermen’s Association (in practice only two representatives usually attend the meetings), one representative of the Fish Processors, one representative of the local boatbuilders/repairers and one representative of the owners of farepaying passenger carrying boats.

3.4 With the recent changes in the Council’s Committee structure, the Committees of Planning and Transport, Economic Development and Roads have been combined into the Infrastructure Services Committee. Therefore with the four local members and the Convener of the Infrastructure Services Committee, the Council representation is reduced to five. It is proposed however that Members will be entitled to appoint substitute Members to attend meetings in their place when necessary, and that these substitutes would not need to be Members of the Infrastructure Services Committee.

3.5 There have also been changes in those who are directly affected by the operation of the harbour. There is a reduced interest with respect to the fish processors and the Arbroath Fisherman’s Association due to the reduced number of vessels directly involved in fishing and working from Arbroath Harbour. There is an increased use of the harbour by smaller inshore fishing boats (including crab/lobster boats), organised boat trips (boat anglers and bird watching) and leisure boats (yachts, etc). With the current proposals for the harbour in respect of replacing the dock gates and the
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introduction of pontoon moorings it is anticipated that there will be further increased use by leisure boats. Currently the harbour users’ representatives are:-

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<table>
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<tbody>
<tr>
<td>Fish Processors</td>
<td>Vacant</td>
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<tr>
<td>Arbroath Fishermen’s Association</td>
<td>President, Vice President and one other</td>
</tr>
<tr>
<td>Boatbuilders/reparers</td>
<td>Mr H Simpson</td>
</tr>
<tr>
<td>Small fishing boat owners</td>
<td>Mr D Yuill</td>
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</tbody>
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3.6 It is therefore now considered appropriate to further rationalise the harbour users representation to comprise two representatives of Arbroath Fishermen’s Association, one representative of the local boat builders/repariers, one representative of the owners of small fishing boats/farepaying passenger boats and one representative of the leisure boat owners. This would result in the number of representatives of the harbour users also being reduced to five. It is proposed that the appointment of substitutes for the harbour users representatives should also be permitted.

3.7 Until now there has not been a formal constitution for the Arbroath Harbour Joint Consultative Committee although the main functions of the Committee were detailed in Report No 269/96 as:-

1) The Committee meets twice a year (May and November).

2) The Roads Committee should appoint a Chairman from the Council’s elected member representatives.

3) The Committee’s function will be to act in an advisory and consultative capacity on the routine management and operational considerations for the harbour and such other issues as may be remitted to it from time to time by the Roads Committee.

3.8 It is proposed that the Infrastructure Services Committee continue these arrangements. In addition a formal constitution has been drawn up based on the constitution of similar Consultative Committees of the Council (as detailed in Appendix A).

3.9 Before proceeding with this rationalisation of the Arbroath Harbour Joint Consultative Committee to comprise five elected members/five harbour users, and the introduction of a formal constitution, it is proposed to consult the current harbour users to seek their views and comments on the proposals.

3.10 Following this consultation exercise the Director of Roads will report to the next meeting of the Infrastructure Service Committee giving feedback from the harbour users and recommending arrangements for taking forward the review of the Arbroath Harbour Joint Consultative Committee.

4 FINANCIAL IMPLICATIONS

4.1 There are no financial implications as a result of this report.

5 HUMAN RIGHTS IMPLICATIONS

5.1 There are no human rights implications arising from the proposals in this report.
6 CONSULTATION

6.1 The Chief Executive, the Director of Law and Administration and the Director of Finance have been consulted in the preparation of this report.

7 CONCLUSION

7.1 As requested by the Infrastructure Services Committee, the Director of Roads has reviewed the composition and constitution of the Arbroath Harbour Joint Consultative Committee and it is proposed that the composition of the committee be reduced to ten (from twelve) and that the constitution detailed in Appendix A be adopted.

Ronnie McNeil
DIRECTOR OF ROADS

NOTE:

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 preparing the above Report.

IAC/JSG
29 July 2003
REPAIRS/arb.harbour.aug.03
APPENDIX A

Angus Council

CONSTITUTION OF ARBROATH HARBOUR
JOINT CONSULTATIVE COMMITTEE

1 DEFINITIONS:

In the following constitution the following words shall have the meanings given:

(a) “The Council” shall mean Angus Council.

(b) “The Director” shall mean the Director of Roads or his/her representative.

(c) “Harbour Users” means organisations/businesses/individuals with an interest in the management of Arbroath Harbour.

(d) “The Committee” means the Arbroath Harbour Joint Consultative Committee.

2 MEMBERSHIP

2.1 The Committee shall consist of not more than ten members. These shall comprise the Convener of Infrastructure Services Committee of Angus Council; the Angus Council Member for Arbroath Harbour Ward, three other Angus Council Members for the Arbroath area; five representatives of the Harbour Users.

2.2 The representatives of the Harbour Users shall comprise the President and Vice President of the Arbroath Fishermen’s Association; one representative of the boat builders/repairs, one elected representative of the small fishing boat owners/farepaying passenger boat owners and one elected representative of the leisure boat owners.

2.3 Where a vacancy arises for a representative from (a) the small fishing boat owners/farepaying passenger boat owners or (b) the leisure boat owners, the new representative shall be elected by a poll of the Harbour Users entitled to vote for that category of representative.

2.4 The Harbour Users entitled to vote for a representative shall be those individuals who pay compounded charges or weekly charges for the full period of 9 months prior to the proposed election of representatives and who have less than 1 months fees outstanding at the date of the election.

2.5 The category of representative shall be in accordance with the category of rates and duties leviable on vessels at Port and Harbour of Arbroath, Schedule A of Arbroath Harbour charges, and shall be as follows:-

(a) Small fishing boat owners (including visiting fishing boats paying dues in accordance with 2.4 and all boats paying fish landing charges); craft employed
carrying up to 12 farepaying passengers; craft employed carrying over 12 farepaying passengers.

(b) Leisure craft (for personal use) (including visiting yachts, pleasure craft, etc paying dues in accordance with 2.4).

2.6 Harbour Users will be entitled to vote for the representative in the category for which they pay harbour dues. Harbour Users paying dues for more than 1 vessel will be entitled to vote for each due paid in accordance with 2.4 and in each category that these dues fall.

2.7 Representatives of the Harbour Users may resign by giving notice to the Secretary.

2.8 The Director of Roads shall hold such elections as necessary when vacancies arise on the Committee.

2.9 Substitute members from the Council and those representing Harbour Users may be appointed as needs arise.

2.10 The membership of the Committee may be reviewed at any time in accordance with Section 8 of the Constitution. The Council representatives shall be reviewed following Council elections.

3 FUNCTIONS

3.1 The Arbroath Harbour Joint Consultative Committee’s function will be to act in an advisory and consultative capacity on the routine management and operational considerations for the harbour and such other issues as may be remitted to it from time to time by the Infrastructure Services Committee.

4 OFFICE BEARERS

4.1 The Council members shall elect the Chair of the Arbroath Harbour Joint Consultative Committee.

5 MEETINGS

5.1 The Committee shall meet twice a year (May and November).

5.2 The Chairperson may call a special meeting at any time and a special meeting shall also be called on receipt of written notice signed by four members of the Committee, stating the item(s) of business which it is proposed to discuss at the meeting.

5.3 Four members of the Committee of which two shall be Council members shall constitute a quorum.

5.4 The meeting shall include representatives of the Director of Roads and secretarial support provided by the Director of Law & Administration of the Council as required.
6 PROCEDURE

6.1 Seven clear days at least before a meeting of the Committee, notice of the time and place of the intended meeting shall be left at or sent to the usual place of residence of every member of the Committee, or such other place as the member may have requested the Secretary to send such notice to.

6.2 Every notice of meeting shall specify the items of business which it is intended to discuss at the meeting. Any member who wishes an item of business to be discussed at a general meeting shall give to the Secretary full particulars not less than ten days before the date of the meeting.

6.3 Except with the consent of the Chairperson, no business other than that specified in the notice of meeting shall be transacted at any meeting and then only if there is some urgent reason for additional business to be considered without prior notice.

6.4 At every meeting the proceedings shall be under the general control of the Chairperson who shall decide all matters of order, competency and relevancy. The Committee may also ascertain from the Director or his representative(s) his interpretation of the Council’s policies and directives with regard to the Harbour.

6.5 The Secretary shall arrange to have minutes kept of all meetings of the Committee in such forms as the Chairperson shall consider appropriate.

6.6 The minutes of the meetings shall be reported to the next Infrastructure Services Committee following the Arbroath Harbour Joint Consultative Committee meeting.

7 CORRESPONDENCE

7.1 The Secretary shall be the official correspondent of the Committee.

8 REVISION, SUSPENSION OR REVOCATION

8.1 The Council may alter, amend, extend or revoke any of the foregoing Articles of the Constitution and the Committee shall thereafter continue to function in accordance with the Constitution as so altered, amended or extended. Except as aforesaid no alterations amendments or extensions or revocations shall be valid.

8.2 If, in the opinion of the Council, circumstances so warrant, the Council may at any time, revoke the Constitution in its entirety, and in such an event, the Committee shall cease to function or the Council may suspend the Constitution for such a period as it sees fit, in which case the committee shall cease to function during that period.