ARBROATH HARBOUR JOINT CONSULTATIVE COMMITTEE (AHJCC)
PROPOSED AMENDMENT TO CONSTITUTION AND REPRESENTATION OF ANGUS COUNCIL

REPORT BY THE DIRECTOR OF INFRASTRUCTURE SERVICES

ABSTRACT:
This report recommends that consideration be given to proposed amendments to the constitution of the Arbroath Harbour Joint Consultative Committee (AHJCC) to reflect proposals raised at the most recent meeting of the joint consultative committee.

1 RECOMMENDATION

It is recommended that the committee agrees:

(i) the proposed amendment to the non-council representation on the Arbroath Harbour Joint Consultative Committee (AHJCC) as set out in the revised constitution in Appendix A to reflect changes in the organisations representing active harbour users; and

(ii) the proposed change to reflect the desire of the joint consultative committee to meet three times per year, rather than twice as at present.

2 BACKGROUND

2.1 The AHJCC is a consultative committee, which reports to the Infrastructure Services Committee of Angus Council on issues relating to the harbour at Arbroath. The Infrastructure Services Committee makes the final decisions relating to the operations at the harbour. The functions of the AHJCC are set out in paragraph 3 of the established constitution.

2.2 The constitution of the AHJCC was most recently reviewed in August 2012 following the establishment of the new council (Report 450/12 considered by Infrastructure Services Committee on 21 August 2012 refers).

3 DETAIL

3.1 At the meeting of the AHJCC held on 23 November 2012 the representative of the Arbroath Fishermen’s Association (AFA) advised that the association was now in the final stages of winding up following disposal of their tangible assets. Accordingly it will now no longer be appropriate that the AFA retains representation on the joint consultative committee.

At the same time a new association has been constituted to represent the owners of smaller fishing vessels (than were previously commonly represented through the AFA) using the Arbroath and District Inshore Static Gear Association.

Accordingly it is proposed that the following representation be deleted:

- Arbroath Fishermen’s Association (current representative Mr A Smith); and
- Owners of small fishing boat / Fare-paying Passenger Boat Owners (current representative Mr B Beckett)

Further it is proposed that the following new representatives be established:

- Arbroath and District Inshore Static Gear Association (Representative Mr B Beckett); and
- Fare-paying Passenger Boat Owners (representative Mr A Smith) and that the constitution of the AHJCC be amended accordingly as set out in Appendix A.
3.2 Also at the meeting of the AHJCC held on 23 November 2012 it was proposed by the chair of the joint consultative committee that the frequency of their meetings be increased. Following discussion at the meeting it was agreed to request the Infrastructure Services Committee that the meetings of the AHJCC be increased to three per annum rather than the two at present. Accordingly it is proposed that the constitution of the AHJCC be further amended to enable this as shown in Appendix A to this report.

3.3 It is further recommended that the AHJCC would therefore meet in late autumn (generally November), spring (generally April) following the end of the financial year, and late summer (generally August) following the summer recess period, but that the precise dates of meetings be left to the discretion of the AHJCC itself.

4 RISK

This report does not require any specific risk issues to be addressed.

5 FINANCIAL IMPLICATIONS

There are no financial implications arising from the recommendations contained in this report other than minor administrative cost increases for the Roads division in servicing the joint consultative committee on three occasions per annum rather than two as at present.

6 HUMAN RIGHTS IMPLICATIONS

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

7 EQUALITIES IMPLICATIONS

The issues dealt with in this report have been the subject of consideration from an equalities perspective (as required by legislation). An equalities impact assessment is not required.

8 ANGUS COMMUNITY PLAN AND SINGLE OUTCOME AGREEMENT

This report contributes to the following local outcomes contained within the Angus Community Plan and Single Outcome Agreement 2011 – 2014:

- Individuals are supported in their own communities with good quality services,
- Our communities are developed in a sustainable manner,
- Our natural and built environment is protected and enjoyed.

9 CONSULTATION

The Chief Executive, Director of Corporate Services, Head of Finance and Head of Law and Administration were consulted in the preparation of this report.

10 CONCLUSION

This report recommends changes to the constitution of the AHJCC as proposed at the most recent meeting of the joint consultative committee.

ERIC S LOWSON
DIRECTOR OF INFRASTRUCTURE SERVICES

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 a material extent in preparing the above report.

Roads JG
APPENDIX A

ANGUS COUNCIL
CONSTITUTION OF THE ARBROATH HARBOUR
JOINT CONSULTATIVE COMMITTEE

1 DEFINITIONS:
In this constitution the following words shall have the meanings given:

(a) “The Council” shall mean Angus Council.
(b) “The Director” shall mean the Director of Infrastructure Services 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 twelve members. These shall comprise six members of Angus Council as follows:

A minimum of four members drawn from the two Arbroath wards, and at least two members of the Infrastructure Services committee; and six representatives of the Harbour Users.

2.2 The representative of the Harbour Users shall comprise one representative of the Arbroath and District Inshore Static Gear Association (formerly the Arbroath Fishermen’s Association); one representative of the boat builders/repairers; one elected representative of the farepaying passenger boat owners (formerly the Owners of small fishing boat/ Fare-paying Passenger Boat Owners), one elected representative of the leisure boat owners; the commodore of the Arbroath Sailing and Boating Club; and one representative of the RNLI.

2.3 Where a vacancy arises for a representative from (a) 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 nine months prior to the proposed election of representatives and who have less than one month’s 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) 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 one 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 Infrastructure Services 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 this 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 three times a year (generally April, August and November except where otherwise agreed by the committee) as opposed to twice a year previously (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 member 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 Infrastructure Services and secretarial support provided by the Head of Law & Administration of the Council as required (the Secretary).

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 or sent to the usual place of residence of every member of the Committee, or such other address to which the member may have requested the Secretary to send such notice.

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 preparation of the minute for 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.