

The Highland Council

Minutes of Meeting of the **Harbours Management Board** held in the Leader's Meeting Room, Council Headquarters, Glenurquhart Road, Inverness on Wednesday 21 February 2018 at 10.30 am.

Present:-

Dr I Cockburn	Mrs L MacDonald
Mr M Finlayson	Ms A MacLean
Mr A Henderson (Chair)	Mr H Morrison (by tele conference)

In attendance:-

Mr W Gilfillan, Director of Community Services
Ms C Campbell, Head of Performance and Resources
Mr T Usher, Harbours Manager, Community Services
Mr C Howell, Head of Infrastructure, Development and Infrastructure Service (Item 4) (by tele conferencing)
Mr A MacIver, Principal Engineer, Project Design Unit, Development and Infrastructure Service (Item 4)
Mr M Mitchell, Finance Manager, Finance Service
Miss J MacLennan, Principal Administrator, Chief Executive's Service

Business

1. Apologies for Absence

Apologies for absence were intimated on behalf of Ms K Currie, Mr W MacKay, Mrs T Robertson and Mr A Sinclair.

2. Declarations of Interest

There were no declarations of interest.

3. Minutes

There had been circulated, and were **NOTED**, Minutes of Meeting of the Harbours Management Board held on 8 December 2017.

Arising from the minutes, in relation to Item 8a (Nairn Harbour), Members were informed that the Council's Project Design Unit had suggested rock armouring and stabilising the bottom of the wall which had collapsed as a consequence of dredging works. In addition the road would be resurfaced, with concrete, and the capstones reset with an estimated total cost for all the works of £31k. It was hoped that this would be completed in time for the Easter season. Assurances were also provided that other areas of the harbour would be examined to see if any other remedial works were required.

4. Uig Harbour Redevelopment

There had been circulated Report No HMB 1/18 dated 19 February 2018 by the Director of Community Services.

Members were provided with a presentation regarding progress made to date of the Uig Harbour Redevelopment. In particular, reference was made to the recent community

consultation meeting with Harbour users and the community group, chaired by Councillor Henderson, addressing issues highlighted at the previous consultation meeting in October 2017. AECOM had provided technical notes on a number of the items raised including the Berthing Structure Widening Construction, the approach widening, new boat steps, the arrangements in place to mitigate disruption during construction works, the upgrading of the existing or provision of a new slipway should funding become available, the provision of an additional fuelling berth and options for the introduction of a system of pontoons. Some of these proposals could not be accommodated but there were some where there was technical merit in doing so, together with a reduction in costs, and these had been communicated to the CMAL.

Turning to the funding mechanism, Transport Scotland had advised that the works, which were originally to be funded through increased harbour dues, would now be funded by Transport Scotland through Capital which would require bids to be submitted. This proposal carried risks in terms of the uncertainty on the availability of funding and the impact on the phasing of works. A Skye Triangle Steering Group meeting was scheduled for 27 February where these issues would be discussed and the detail of these discussions would be fed back to Members. Overall, at present, construction was anticipated to start in Spring 2019 and, as a result of the revised phasing and funding of the project, an estimated completion date was now 2023/24.

During discussion, the following points were made:-

- at the meeting with the harbour users concerns had been expressed in relation to smaller boats and the positioning of the harbour piles. However, assurances had been given that the piles would be situated appropriately;
- while many suggestions made by harbour users were admirable, they would be difficult to justify to CMAL and the Scottish Government. For example, the cost of providing pontoons was prohibitive;
- the delays encountered had meant that the £1½m set aside to refurbish the linkspan had been used instead to pay for the design fees. This meant that the Council were now tasked with maintaining the present linkspan for a further 2-3 years;
- confirmation was sought, and received, that the proposals suggested could still be contained within the funding envelope; and
- the Council would only be responsible for funding works at Uig not associated with the ferry i.e. the pier refurbishment. All other costs needed to be funded by Transport Scotland.

The Board:-

- i. **NOTED** the position; and
- ii. **AGREED** that the Harbours Management Board be kept advised of discussions at the Skye Triangle Steering Group meeting on 27 February in relation to funding proposals.

5. Port Marine Safety Code

There had been circulated Report No HMB 2/18 dated 13 February 2018 by the Director of Community Services.

Safety at harbours was a priority for Highland Council and, as Duty Holder, the Director of Community Services welcomed the Audit of the Council's compliance with Port Marine Safety Code. He assured Members that any issues highlighted by the Audit would be brought to the Board's attention.

The Board **NOTED** the position.

6. Body Worn Cameras

There had been circulated Report No HMB 3/18 dated 13 February 2018 by the Director of Community Services.

The Consultation document, Privacy Impact Assessment and Operating Procedure for the introduction of Body Worn Cameras (BWCs) had been adapted from those used by the Council's Traffic Enforcement Officers. The wearing of BWCs had shown to moderate behaviour and enhance security, particularly for lone workers. Their use by Harbours staff would assist them in dealing with port security requirements, issuing statutory directions or instructions to harbour users and the requirements placed on them by Border Force in relation to immigration control. In the first instance it would be trialled at Kyle Harbour for 6 months at a cost of £2k.

During discussion, the following points were made:-

- in response to a question, the costs of rolling out BWC to other harbours would be in the region of £10-15k;
- it was suggested that the costs might in fact prove to be cost neutral, bearing in mind the expenses involved in defending false claims and complaints;
- any requirements in terms of signage intimating the use of BWCs should be fully investigated;
- BWC would be complementary to the use of CCTV, not a replacement for it; and
- in publicising the consultation it was important to highlight the benefits BWC would bring and the joint working taking place with the Border Force Agency.

The Board **AGREED** to recommend to the Environment, Development and Infrastructure Committee:-

- i. the issue and wearing of Body Worn Video Cameras (BWC) by the Kyle Harbours Staff;
- ii. the commencement of the public consultation process;
- iii. the proposed operating procedure for Highland Council Harbours Staff wearing BWC whilst discharging their statutory duties; and
- iv. that associated publicity of the proposed introduction of BWCs highlight the positive benefits.

7. Schedule of Rates and Dues for Financial Year 2018/19

There had been circulated Report No HMB 3/18 dated 13 February 2018 by the Director of Community Services.

Prior to debate, Members were reminded that the Highland Council, at its meeting on 15 February, agreed a 3.9% increase. Accordingly, the circulated schedules, showing a 10% increase, would require to be amended prior to advertising them. There were two exceptions to these charges: vehicle hire and sales of materials. Furthermore, arising from legal issues, there was the possibility that charges for 3rd party pontoons might also have to be published, the details of which were explained together with the locations of these privately owned facilities in relation to Highland Council Harbour Areas.

Members were advised of an approach made by Marine Harvest who currently transported 1-1½ million smolts through Kyle Harbour each year. The number of smolts was likely to increase significantly and, as a result, Marine Harvest had compared Kyle's

Harbour Dues to those elsewhere. Consequently, it was proposed that an adjustment be made to the Schedule in relation to smolts whereby there would be a reduction in the rate per thousand smolts over 150k.

Thereafter, the Board:-

- i. **NOTED** that the Highland Council had agreed a 3.9% uplift in its Schedule for Rates and Dues for 2018/19 for Highland Council Harbours;
- ii. **AGREED** that the Schedules of Rates and Dues be amended accordingly and then published; and
- iii. **AGREED** to recommend to the Environment, Development and Infrastructure Committee that an amendment be made to the Schedule in relation to smolts introducing a reduction in the rate per thousand smolts over 150k.

8. Review of the Highland Council's Harbour Ownership Options

There had been circulated Report No HMB 5/18 dated 14 February 2018 by the Director of Community Services.

Members were reminded that the proposal was for the Council to retrain Strategic sites but with an accelerated closure/transfer of assets that could be disposed of. Accordingly, a list of assets had been drawn up and had been categorised as:-

- Statutory/Non Statutory
- Income Generating or Commercially Viable
- Development Potential
- Disposal

It was hoped that there might be community interest in some of the Harbours but where this failed to materialise the asset would then be sold on the open market. Some facilities had both a Yes/No under the disposal column and these would need further consideration.

During discussion, the following points were made:-

- when major damage to piers took place, as had occurred in December 2012, it was questioned if communities would be in a position to carry out the necessary repairs;
- the proposal was that Ward Managers would be asked to encourage community interest but it was questioned if they had capacity to do this. In addition, it had to be questioned if communities themselves would be able to take on additional responsibility taking into account other aspects which the Council had already devolved to communities;
- as well as Ward Managers, Local Members should be involved;
- any community putting forward a good enough business case could, in terms of the Community Empowerment (Scotland) Act 2015, take over a harbour;
- once determination of the assets for disposal was agreed, there was merit in issuing a press release to actively encourage community involvement and explaining the opportunities available. In this vein, Members emphasised that, first and foremost, assets should be disposed of to community groups rather than private individuals;
- community groups had access to funding that the Council did not. In this connection, it was pointed out that time was of the essence if the benefits of LEADER funding was to be maximised;

- the Crown Estate review regarding the devolvement of seabeds would have a significant impact in terms of income opportunities but also burdens and liabilities;
- at some Harbour locations investigation would be needed to determine exactly what the Council owned;
- the position in relation to Rosskeen slipway was explained. Whilst this fell within the Cromarty Firth Port Authority (CFPA) area and the CFPA could regulate vessel traffic coming in/out of it, they did not own it;
- there was huge potential for some harbours, especially those on the west coast. However, in many of these locations there were high levels of holiday homes. Diabaig was cited as a specific example where there was huge development opportunities to attract yachts but the local community was too small with 30-35% of properties being second homes;
- deregulation of harbours took considerable time;
- under the list of harbours, there were some which had a “No” under both the Commercially Viable and Development Potential columns. In such instances communities might not be interested in taking over control if there was nothing to be gained. Similarly, there might be little or no interest when trying to sell them on the open market. As a result, consideration should be given to closing off these harbours to limit the Council’s liability; and
- additional information was sought for the Board’s next meeting, including detail on their condition, on those harbours recommended for disposal.

Having reviewed the list of assets at Appendix 1 of the report, the Board:-

- NOTED** the position;
- AGREED** additional information be provided to the Harbours Management Board’s next meeting on those harbours recommended for disposal.

9. Financial Performance 1 April to 31 December 2017

There had been circulated Report No HMB 6/18 dated 13 February 2018 by the Director of Community Services.

Members’ attention was drawn to the increased fuel sales which had potential for future growth. In addition Harbour Dues were also up as landings by value had increased due to strong fish prices.

It was pointed out that landings had fallen at Kinlochbervie as a result of the refurbishment works taking place at the fish market. This had resulted in some boats had used other harbours but the works to provide a fully operational chilled market were scheduled to be completed by mid April and it was anticipated that landings would recover.

The Board otherwise **NOTED** the financial position to 31 December 2018.

10. Debt Management

There had been circulated Report No HMB 7/18 by the Depute Chief Executive and Director of Corporate Resources.

The Board **NOTED** the current outstanding debt position for piers and harbours as at 1 February 2018.

The meeting ended at 12.40 p.m.

