

The Highland Council

Minutes of Meeting of the **Fishery Harbours Management Board** held in Committee Room 2, Council Headquarters, Glenurquhart Road, Inverness on Thursday 25 February 2010 at 10.35am.

Present:

Mr J Laing	Mr A Henderson
Mr R Greene	Mr D Henderson
Mrs A MacLean	Mr R Pedersen

Officials in attendance:

Mr N Gillies, Director of Transport, Environmental and Community Services
Mr M Mitchell, Finance Manager, TEC Services
Mr T Usher, Harbours Manager, TEC Services
Miss J MacLennan, Principal Administrator, Chief Executive's Office
Miss C Maragh, Administrative Assistant, Chief Executive's Office

Mr J Laing in the Chair

Business

1. Apologies for Absence

Apologies for absence were intimated on behalf of Mr G Farlow and Mr B Murphy.

2. Applications for Sale or Lease of Property

There was circulated Report FHMB/01/10 by the Director of Transport, Environmental and Community Services inviting Members to consider a number of requests to lease or purchase property and land from the Highland Council. The letting of property requests were as follows:-

- Scorrybreac Slipway;
- Application for a Pontoon at Sheildaig, Torridon; and
- Gairloch Boat Club.

Members were provided with background information on each request. In particular, in relation to the application for a pontoon installation at Sheildaig, Torridon, the Sheildaig Community Association, in conjunction with the tour boat operator, had proposed that the pontoon be used to carry out tours and accommodate passenger landings from the cruise liner Hebridean Princess rather than a slipway. The Harbours Manager clarified that Harbour Dues would be applicable, explaining that the charge for the tour boat operation would be 75% of the Annual Composite rate for tour vessels, as published in the Highland Council Harbours "Schedule of Dues and Charges", and that the owner agreed to charge other vessels for using his pontoons as per the published rates with 25% of the collected fees for such vessels being paid to Highland Council.

During discussion of Gairloch Boat Club, where the existing good relationship between the Council and the Boat Club regarding the facilities at the pier was recognised, it suggested that a 2 metre strip of the site be reserved for possible future development of a footpath and incorporated into the terms and conditions of the lease. However, the tenants would still have full use of the reserved area until such time as it

was required. The Boat Club had, however, raised concerns about the terms of the lease which were:-

- rent would be £500 per annum;
- lease would be a period of 5 years; and
- landlords would be entitled to terminate the lease on giving six month's written notice to the tenant should the landlords require any part of the subjects of the let.

Following discussion, the Board **AGREED** to recommend approval of the:-

- i. sale of Scorrybreac Slipway to the Portree Moorings Association at the valuation price;
- ii. installation of a pontoon at Sheildaig, Torridon, subject to all relevant consents being in place, and that the application was subject to the charges as set out in of the report; and
- iii. conditions regarding Gairloch Boat Park, subject to a 2 metre strip of the site being reserved for possible development of a pavement, that the:-
 - a) rent remains at £500 per annum;
 - b) lease be extended for a period of 10 years with a rent review after 5 years; and
 - c) landlords would be entitled to terminate that lease on giving one year's written notice to the tenant.

3. **Scottish Municipal Ports Review**

There was circulated Report No FHMB/02/10 by the Director of Transport, Environmental and Community Services advising Members of the proposal by the Scottish Government to assess whether or not the Municipal Ports Sector in Scotland required a review of the management and operation of their Harbours with a view to producing a list of recommendations and an accreditation scheme. As a result the Scottish Government would be circulating a questionnaire to local authorities to gauge if there was sufficient need and interest for such a review.

The Harbours Manager explained that the Council's Harbours currently met many of the English and Welsh Municipal Port review's recommendations. Although they were not compulsory, they could nevertheless; if adopted in a Scottish Municipal Review, be looked at in further detail with a view to enhancing the Council's Harbours' operation.

During discussion, Members explored the suggestion of Board Members being appointed from the commercial sector, if this became a review recommendation. However, it was felt that a potential clash could arise with business-related interests and that the Council's Harbours would potentially lose some of its independence and openness. Members also commented that the vast area that the Highland Council covered was already well managed.

Thereafter, the Board **NOTED**:-

- i. the initiative involving Trust Ports and Municipal Ports and that a questionnaire on this subject would be issued by Scottish Government; and

- ii. that a response to the Scottish Government's questionnaire would be prepared in due course and presented to a future Fishery Harbours Management Board for approval.

4. Harbour Dues for Financial Year 2010/11

Declaration of Interest

Mr A Henderson declared a non-financial interest in this item as a board member and substitute director of Rum Community Trust and Eigg respectively but, having applied the test outlined in Paragraph 5.18 of the Councillors' Code of Conduct, concluded that his interest did not preclude his involvement in the discussion.

There was circulated Report No FHMB/03/10 by the Director of Transport, Environmental and Community Services advising Members of the increases to harbour dues for financial year 2010/11.

During discussion, while generally accepting the proposed increases, concerns were expressed that the suggested charges for private pontoons, namely, an annual charge of £100 per annum per 10 metres of pontoon in addition to the Harbour Dues, seemed unreasonable. Various suggestions were explored, including the introduction of bonds and a sliding scale, to address the issue of who was liable for the private pontoons should they come ashore and the need to ensure that the Council's costs were recovered. Consequently, a further report would be brought back to a future meeting of the Fishery Harbours Management Board to reassess measures that could be used to address the potential abandonment of the private pontoon systems.

Thereafter, the Board **NOTED**:-

- i. a 10% increase would be applied to the harbour dues for Private Leisure Vessels, Cruise Liners and Tour Boats, and the Schedule of Charges for Nairn Harbour, with effect from 1 April 2010;
- ii. in accordance with the existing Agreement, the charges to Caledonian MacBrayne for the use of facilities at Uig, Muck, Rum and Eigg would increase by Retail Price Index (RPI), with effect from 1 April 2010;

AGREED to recommend:-

- iii. that the current charging arrangements for the Sconser to Raasay Ferry continue;
- iv. that the harbour dues for commercial fishing vessels are frozen, with no increase applied in 2010/11;
- v. that a RPI increase, as advised by the Director of Finance, would be applied to Wharfage and Miscellaneous charges with effect from 1 April 2010;
- vi. the General Amendments and Conditions, subject to the exclusion of the proposed charges for private pontoons; and

AGREED:-

- vii. a further report would be brought back to the next Fishery Harbours Management Board to re-evaluate the potential abandonment of the private pontoon systems within the Council's harbour areas.

5. Financial Performance – 1 April to 31 December 2009

There had been circulated Report No FHMB/04/10 by the Director of Transport, Environmental and Community Services setting out the financial performance of Highland Council Harbours for the period 1 April to 31 December 2009.

The Board **NOTED** the position.

6. Debt Management

There was circulated Report No FHMB/05/10 by the Director of Finance providing details of the outstanding debt for piers and harbours as at 31 January 2010.

Members were informed of specific areas of concern and the measures to address these were explored. Members were assured that debt management was closely monitored and that the Chairman would be kept fully informed of developments.

The Board:-

- i. **NOTED** the current debt position; and
- ii. **AGREED** that a stringent payment plan would be implemented and closely monitored to reduce the outstanding debt for piers and harbours.

The meeting concluded at 12.25pm.