

Harbour Board
23 February 2006 Public Minutes
Harbour Board
Port Administration Building, Sella Ness
Thursday 23 February 2006 at 10.30 a.m.

Present:

J G Simpson I J Hawkins
J C Irvine W Tait

Apologies:

Capt D C Gray E J Knight
N McCracken W A Ratter

In Attendance (Officers):

J T Dickson, General Manager, Ports & Harbours Operations
B Edwards, Operations Manager, Ports
R Moore, Operations Manager, Marine
A Inkster, Port Engineer
S Summers, Administration Manager
D Haswell, Committee Officer

Chairperson:

Mr J G Simpson, Chairperson of the Board, presided.

Circular:

The circular calling the meeting was held as read.

Minutes:

The minute of meetings held on 12 January and 2 February 2006, having been circulated, were confirmed.

Members' Attendance at External Meetings

The General Manager advised that he was part of a small contingent going to Iceland next week on a fact finding mission of the 2 fishmeal plants in operation there.

8/06 **Scalloway Harbour – New Business**

The Board considered a report by the Operations Manager, Ports (Appendix 1).

The General Manager introduced the report and said that the report had stemmed from a request for information under the Freedom of Information (Scotland) Act 2002 (FOISA) from Lerwick Port Authority (LPA) which requested specific information regarding operations at Scalloway. From the information in section 6 of the report, it was clear that a lot of negotiations had been done to entice the contractor to use Scalloway as a base. The feedback received from the contractor had been very positive and indicated that they were happy with the service provided and the level of enthusiasm.

Mrs I J Hawkins said that the Pier Master, Scalloway, should be congratulated for his involvement in the successful outcome. The Board agreed and said this should also apply to other staff involved.

All Members were concerned that the Council was required to provide LPA with this information, which, in their view, should be exempt in terms of FOISA because it was commercially sensitive, and it was suggested that the Council should ask similar questions of LPA with regard to their operations. However, the General Manager advised that FOISA did not, as yet, apply to Trust Ports.

Mr J C Irvine moved that until this issue is investigated further to determine if the Council can have a reciprocal arrangement with LPA to obtain this type of information, the Council should not impart any information to LPA. The General Manager explained that the Council were obliged to impart this information by law.

Mr J C Irvine suggested that the Council should write to LPA asking for similar information from them. The General Manager advised that, as part of the response to the first FOISA request from LPA, the Council did ask for similar information but, because the LPA are not subject to FOISA, they are not obliged to provide it. He explained that advice on this issue had been sought from the Head of Legal and Administration.

Mr J C Irvine moved that the Board agree that before any further information is divulged to LPA, specialist advice should be sought from a QC on this issue. Mrs I J Hawkins seconded on the condition that the concerns of Members is also raised with Tavish Scott, MSP and Alastair Carmichael, MP. Mr J C Irvine seconded and the Board agreed.

The General Manager said it might be beneficial if a briefing note on FOISA was presented to the next meeting.

Referring to the forthcoming review of FOISA by the Information Commissioner, Mrs I J Hawkins moved that the Board should recommend to the Council that, in responding to the review, the Council wish Trust Ports to be included in those bodies that are subject to FOISA. Mr J C Irvine seconded and the Board agreed.

10/06

Port Operations Report

The Board noted a report by the General Manager (Appendix 3).

The General Manager said that since the report was written, the Transport Secretary, Alistair Darling, had issued a Press Release which unveiled Marine Environmental High Risk Areas. Thirty two locations around the UK coast had been identified as Marine Environmental High Risk Areas (MEHRAs), including 2 in Shetland – one at Muckle Flugga and the other at Fethaland. However, there were no operational consequences as a result of these 2 areas being classed as MEHRAs as they were already within the Area to be Avoided scheme around Shetland.

The General Manager advised that BP had recently implemented its new offshore search and rescue operation, Project Jigsaw, and a Super Puma helicopter would be based at Sumburgh Airport. Discussions had been held with Bond Helicopters about the possibility of using the Super Puma

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helicopters to board and land marine pilots in times of severe swell conditions on Yell Sound. Although the details had not been finalised, Bond had agreed to this proposal and had already started training Ports and Harbours pilots. Whilst Bond Helicopters were essentially and primarily search and rescue and this would be their first priority, they and BP have agreed to transport marine pilots. It was noted that from 1 April 2006, Gamma Aviation would be taking over the air ambulance service with Bond Helicopters being sub-contracted to use their helicopters for inter island transfers when necessary.

The General Manager said that with effect from 10 February 2006, Shetland Towage Ltd had transferred to the Council. This involved the transfer of 48 crew and 2 shore staff. Since the transfer, operations were continuing as normal. There was still a lot of work to be done with regard to transfers in accordance with TUPE regulations and this would commence on 2 March.

Mr J C Irvine said that the negotiations that had been done to allow the transfer of Shetland Towage Ltd to go ahead were very much appreciated. Members agreed.

The Chairperson said he was pleased to note an increase in fish landings at Scalloway and added it was clear that the “Land in Shetland” exercise had been worthwhile.

CHAIRPERSON

9/06

Ports Project Monitoring Report

The Board noted a report by the General Manager (Appendix 2).

Dock Symbister

The Port Engineer advised that a meeting had been held between Planning, Shetland Amenity Trust, Historic Scotland and Officers from Ports and Harbours. At the meeting, it became clear that the repairs used at Hays Dock would be unsuitable for the Peerie Dock. To try and allay any concerns Historic Scotland had, it had been arranged for the **Amenity Trust's consultant engineer to meet with the Port Engineer on site on 8 March.** Historic Scotland had promised that, following the meeting, unless there were any other problems, the repairs would be given approval.

Walls Pier

The General Manager said that as well as repairing the existing pier, it was also planned to include a small amount of additional pier and to create a small industrial park.