

APPENDIX 2 – HARBOURS AND PIER USE POLICY

Harbours and Piers Use Policy

1. Introduction

Argyll and Bute Council is a Statutory Harbour Authority at eight locations and a marine asset owner at a further 28 marine facilities located throughout the Council area. The Council's Statutory Harbour Authorities are namely:

1. Bruichladdich Pier, by virtue of the 'Islay Piers Order, 1904'.
2. Carradale Harbour, by virtue of the 'Pier and Harbour Orders Confirmation (No 3) Act, 1901'.
3. Campbeltown Harbour, by virtue of 'Campbeltown Harbour Acts and Orders 1846 to 2011'.
4. Craignure Harbour, by virtue of the 'Argyll County Council (Arinagour and Craignure Piers, etc) Order 1961'.
5. Dunoon Harbour, by virtue of 'The Pier and Harbour Orders Confirmation Acts 1895 to 1906'.
6. Oban North and South Pier, by virtue of the 'Oban Pier and Harbour Orders 1862 to 1988'.
7. Port Askaig, by virtue of the 'Port Askaig Acts and Order 1904 to 1975'.
8. Rothesay Harbour, by virtue of the 'Rothesay Harbour Acts and Orders 1831 to 1937'.

The Council is the marine asset owner and, in most cases, operator of 28 piers, wharves and slipways. Some of these marine assets are located within the jurisdiction of a Statutory Harbour Authority (for example, Kilcreggan and Helensburgh Piers are located in Clydeport's harbour). Others are located outside of Harbour Authority boundaries (for example, Iona and Fionnphort). In all situations, the Council is responsible for marine safety and must manage these facilities in compliance with the requirements of the Code.

In addition, the Council is also the Competent Harbour Authority in respect of Pilotage, under the requirements of the Pilotage Act 1987, at:

- Campbeltown Harbour.

Argyll and Bute Council manages these ports, harbours and piers as the Statutory Harbour Authority (SHA) and Local Lighthouse Authority (LLA). Additionally, the Council is the Marine Asset Owner at the further 28 piers, jetties and slipways with a range of duties and responsibilities described in the Port Marine Safety Code, health and safety, environmental and maritime legislation and guidance.

The Executive Director of Development and Infrastructure Services is the Duty Holder under the Port Marine Safety Code.

2. Port Rules

In order to maintain health, safety, security and order at Argyll and Bute Council ports and piers, it is a condition of entry that Port Rules are complied with. When entering an Argyll and Bute Council port you are agreeing to abide by these Rules. If any person becomes aware of any breach of these Rules, they should in the interests of health, safety and security report the breach to Argyll and Bute Council via the appropriate Harbour Master. Where Argyll and Bute Council becomes aware of any person failing to comply with these Rules, the Council has the right to refuse access to the Port and to remove such person, vehicle or vessel from the Port. Any continued or serious breach of these Rules may result in future access being denied whether a formal ban has been served or not.

3. The Rules

By entering or using an Argyll and Bute Council (The Council) Port, Harbour or Pier you are agreeing to abide by these Rules for the benefit of all users.

1. All persons will be required to provide proof of identity to Council personnel or Port Security on request.
2. All vehicles, vessels, persons and their possessions may be subject to inspection and searches at any time, including on entry to and exit from the Port.
3. Illegal activity will not be tolerated and will be reported to the relevant authorities.
4. Pedestrians must stay within the confines of any marked pedestrian walkways whenever possible.
5. All persons must comply with all Council signage on the Port.
6. No dangerous substances or articles, explosives or weapon may be brought onto the Port other than as expressly permitted by the Council.
7. The Council reserves the right to refuse access to any person or to remove any person whom Council staff suspect to be under the influence of drugs or alcohol or whom Council staff otherwise consider to be a risk to the safety of themselves or others on the Port.
8. The Council reserves the right to refuse access to any person and remove any person who is unable to provide a legitimate reason for being on the Port

or whom Council staff suspects does not have a legitimate reason to be on the Port.

9. Any unattended bags or other articles on the Port may be removed or destroyed by Port Security without any liability on the part of the Council.
10. Persons driving vehicles on any Port roads must be licenced and do so with care, while complying with all Port road signage and speed limits. Seat belts must be worn and handheld mobile phones or devices must not be used while driving. All vehicles are required to be road worthy, in a safe condition and properly maintained. Loads carried on or in vehicles must be adequately and safely secured. No trailers are to be coupled or uncoupled at the Port and must remain properly secured at all times.
11. Individuals or companies using the port or pier for any business reason must register their details with the Council and inform the Council if those details change. It is the responsibility of all vessel owners to register their vessel with the appropriate Harbour Master's Office and to inform that Office in advance of intended port visits.
12. It is the responsibility of individuals or companies using the port or pier to ensure that any applicable fees and charges are paid in full and in good time.
13. Persons must conduct their activities at the Port at all times in such a way as to minimise any nuisance or disturbance to the Council, any other person at the Port, any other vessel or vehicle using the Port and the owners and occupiers of other land within or adjacent to the Port.
14. All persons at the Port must follow any reasonable instructions given by Council personnel or Port Security.
15. Verbal abuse or aggressive behaviour will not be tolerated.
16. CCTV may be in operation throughout the Port and used in the detection of any breach of these Rules, unsafe practices, inappropriate behaviour or criminal activity. CCTV recordings may be used as evidence in proceedings.
17. No photography or filming is permitted at the Port without the prior approval of the Council.
18. Unauthorised use of drones over the Port is strictly prohibited.
19. No person shall cause any damage to any property or any part of the Port or cause any contamination, pollution or harm to the environment.
20. All persons at the Port must immediately report to Council personnel or Port Security any breach of these Rules, or any behaviour which they consider may be a breach of these Rules, or any behaviour or unsafe practices which may present a danger or give rise to a risk to health, safety, security, order, property or the environment at the Port.
21. The Council is entitled to remove and ban any person from the Port (including any vessel at the Port) if the Council considers that their presence or behaviour may present a danger or give rise to a risk to health, safety, security, order, property or the environment at the Port, or if the Council considers that such person has breached or is attempting to breach any of these Rules or any applicable law.
22. All children must be supervised.

23. All persons must comply with the Harbour Byelaws and Directions applicable to the Port.
24. These Rules are without prejudice to any other rights or remedies which the Council may have.

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