

APPENDIX 3 - COLLECTION OF FEES POLICY

Collection of Fees 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. Register of working vessels at Argyll and Bute Council Ports, Harbours and Piers

When entering an Argyll and Bute Council port owners and operators are agreeing to abide by the Council's Port Rules.

Fees and Charges are an essential part of port operations to help ensure services and infrastructure are maintained for all users. A register of all working vessels which use our ports and piers is just as essential to ensure that all business is conducted appropriately, that all vessels are properly insured and contact details for payments and correspondence are maintained.

It is the responsibility of all vessel owners to register their vessel at the appropriate Harbour Master's Office. The Harbour Master administers the facility on behalf of the Harbour Authority and may issue any communications necessary to carry out the operation of the facility.

The Harbour Master is to be informed of any change of address, phone number or other contact details used. The Harbour Master is also to be informed of any vessel being sold, if the vessel is to remain in the Harbour.

3. Payment of fees

There are different methods available to pay fees to the Council and range from one off payments to long standing service agreements.

At the earliest opportunity is advisable that the appropriate Harbour Master is contacted to arrange method and period of payments so that an agreement can be put in place in good time.

4. Enforcement

In smaller ports there is often a tight-knit community, where everyone knows each other and the port is a central part of the community. It can be difficult to pursue payment of fees when the users and staff are well known to each other so frustrations and confrontational situations are best prevented by routine and prearranged agreements avoiding the need for enforcement.

Early advice must be sought if there are any reasons for non-payment of fees.

The Council will endeavour to collect all fees that are owed to ensure that all users of the services and facilities pay a fair share and can benefit from the maintenance and improvements afforded by the funds.

CCTV may be in operation throughout the Ports and piers and will be used in the detection of any breach of these Rules. CCTV recordings may be used as evidence in proceedings.

Kirsty Flanagan
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