



Report No: **59/2009** Public Agenda Item: **Yes**

Title: **Tor Bay Harbour Business Plan 2009/2010**

Wards Affected: **All Wards in Torbay**

To: **Harbour Committee** On: **23 March 2009**

Key Decision: **No**

Change to Budget: **No** Change to Policy Framework: **No**

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1. What we are trying to achieve and the impact on our customers

- 1.1 To draw up and agree a Tor Bay Harbour Business Plan.
- 1.2 Harbour customers and the wider community would expect the harbour authority to have a business plan.
- 1.3 If the Harbour Committee work to an agreed Business Plan it will have a positive impact on our customers.

2. Recommendation(s) for decision

- 2.1 That the draft Tor Bay Harbour Business Plan 2009/2010 as set out in Appendix 1 be approved.
- 2.2 That, subject to the views of the Harbour Committee, the Executive Head of Harbour and Marine Services and the Harbour Committee Chairman agree the final detail of the Tor Bay Harbour Business Plan 2009/2010, and sign the Acceptance Statement in Section 9.

3. Key points and reasons for recommendations

- 3.1 The Municipal Ports Review recommends that local authority owned ports and harbours should consider producing a business plan that looks at the future prospects of the port/harbour and how it will meet the requirements of stakeholders. The plan should review the strategy of the harbour and present measurable objectives.

- 3.2 Report 28/2007 to the Harbour Committee, dated 8 February 2007, set out the recommendations of the Municipal Ports Review Working Party. The report also set out the way forward for the governance arrangements of Tor Bay Harbour.
- 3.3 Annex 4 of Report 28/2007 contained a Municipal Ports Review – Implementation Schedule. The Schedule indicates that a Tor Bay Harbour Business Plan should be drawn up and agreed by the end of March 2008.
- 3.4 Report 78/2008 presented the Harbour Committee with a draft Tor Bay Harbour Business Plan 2008/2009 on 25 March 2008. Under Minute 623/2008 it was resolved that a workshop be arranged for the Members and Advisors to input into the Tor Bay Harbour Business Plan 2008/2009; and that, following the workshop the Director of Marine Services in consultation with the Harbour Committee Chairman, be authorised to finalise a working Business Plan for 2008/2009. The Tor Bay Harbour Business Plan 2009/2010, attached as Appendix 1, reflects many of the changes recommended by the workshop held in 2008.
- 3.5 The layout and content of the draft Tor Bay Harbour Business Plan 2009/2010 as set out in Appendix 1 also follows the guidelines of the Municipal Ports Review, which makes reference to *'Modernising Trust Ports: A Guide to Good Governance'*.

For more detailed information on this proposal please refer to the supporting information attached.

**Kevin Mowat
Executive Head of Harbour and Marine Services
Tor Bay Harbour Master**

Supporting information to Report 59/2009

A1. Introduction and history

- A1.1 In November 2000, in '**Modern Ports – A UK Policy**', the Department for Transport promised a review of municipal ports management structures and practices to ensure that municipal ports were playing a full and accountable part in the local and regional economy.
- A1.2 In May 2006 the Department for Communities and Local Government and Department for Transport jointly published '**Opportunities for Ports in Local Authority Ownership; A review of municipal ports in England and Wales**'.
- A1.3 In this report they have stated that within the current framework for decision-making in local government there is scope for responsive and dynamic management of municipal ports. The key findings identified in the Executive Summary (Annex 2) concerned:-
- 1 Accountability and Decision Making
 - 2 Strategy and Business Planning
 - 3 Management and Performance Review
 - 4 Municipal Port Finances
- A1.4 Furthermore the Review document states that decisions relating to the Harbour are based on advice from officers who have a clear understanding of the special requirements of the Harbour.
- A1.5 Following a report to the Harbour Committee in June 2006 it was resolved that a Municipal Ports Review Working Party be established to prepare an implementation schedule for review in relation to the review of Municipal Ports.
- A1.6 This Working Party met on five occasions with the last meeting being held on 22 January 2007. The Working Party agreed and recommended that the best way forward to meet the requirements of the Municipal Ports Review is to have a fit for purpose Harbour Committee working for Tor Bay Harbour under new and more detailed Terms of Reference and a Protocol set by the Council, making it effectively a decision-making committee of the Council. Later in 2007 the Council adopted the Working Party's recommendations.
- A1.7 It was a recommendation of the Working Party that the new Committee should be protected against short-term thinking and be subject to a coherent and consistent treatment by the Council. Furthermore they believed the Committee should be apolitical.

- A1.8 Once the principle of a Harbour Committee was established it was agreed by full Council that there would be a need to undertake a considerable amount of work in order to put the Harbour Committee in place. This work included the recruitment and appointment of the advisors and the training of all members of the Committee. A suggested Implementation Schedule was agreed in 2007 and this included the need to draw up and agree a Tor Bay Harbour Business Plan by the end of March 2008.
- A1.9 The Municipal Ports Review (May 2006) states that there should be six months to formulate a plan and two years for implementation.
- A1.10 Finally, it should be remembered that the whole debate about the Municipal Port Review is really one about the management of the harbour. It is not a question of ownership as the Council will still be the owning authority. It is a matter of what delivers the most appropriate and fit for purpose form of governance that will work best for any particular municipal port.

A2. Risk assessment of preferred option

A2.1 Outline of significant key risks

There is likely to be a reduction in risk by having a Business Plan in place. If the new governance arrangements did not include an appropriate Business Plan there will be a significant risk that the Council will not have a fit for purpose form of governance that reflects national best practice.

- A2.2 Although the Harbour Committee is a decision-making body, the risks associated with the Committee making decisions is minimal as the powers given to it can be revoked at any time by a revision of the Council's Constitution. However, this would be an extreme option as it would go against national best practice.

A2.3 Remaining risks

The only remaining risk is that the Council could be criticised for not adopting a Tor Bay Harbour Business Plan as recommended by the Municipal Ports Review.

A3. Other Options

- A3.1 Not to accept the draft Tor Bay Harbour Business Plan.
- A3.2 To recommend an alternative layout of the Business Plan with alternative content.
- A3.3 Municipal Ports are expected to consider adopting and adapting the recommendations made in '*Modernising Trust Ports: A Guide to Good Governance*'. This sets out the benchmarks in terms of Board composition, appointment, performance and accountability.

A4. Summary of resource implications

- A4.1 There are no additional resources implications.

A5. What impact will there be on equalities, environmental sustainability and crime and disorder?

A5.1 The Harbour Committee, with its Business Plan, will improve community relations as co-optees/advisors will be involved at the heart of the strategic decision-making process for Tor Bay Harbour.

A6. Consultation and Customer Focus

A6.1 There are a number of stakeholder groups which are used to consult on the quality and performance of the harbour service these are the Brixham Harbour Liaison Forum, the Torquay/Paignton Harbour Liaison Forum, various Community Partnerships, individual Harbour User Groups and the community wide Viewpoint Panel.

A6.2 All of these stakeholder groups have helped to influence the content of the Tor Bay Harbour Business Plan.

A7. Are there any implications for other Business Units?

A7.1 No.

Appendices

Appendix 1 Draft Tor Bay Harbour Business Plan 2009/2010

Documents available in member's rooms

None

Background Papers:

The following documents/files were used to compile this report:

Opportunities for Ports in Local Authority Ownership: A Review of Municipal Ports in England and Wales – Dept. for Communities & Local Government/Dept. for Transport (May 2006)

Modernising Trust Ports: A Guide to Good Governance – Dept. of the Environment, Transport and the Regions (Jan 2000)