



Report No: **298/2010** Public Agenda Item: **Yes**

Title: **Old Fish Market – Brixham Harbour**

Wards Affected: **All Wards in Brixham**

To: **Harbour Committee** On: **6th December 2010**

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 This report serves to update the Harbour Committee on the current use and management of the Old Fish Market area, including the old market canopy on the Harbour Estate and the adjacent berthing facilities. It reviews the existing arrangements whilst delivering both transparency and accountability.
- 1.2 The report will seek the Harbour Committee's views on the future use of this area and provide some clarity to the harbour users and the local community.
- 1.3 Tor Bay Harbour Authority, under the guidance of the Harbour Committee, will endeavour to properly manage all harbour assets, thereby continuing to protect the harbourside's built environment for the ongoing benefit of the community and our customers.

2. Recommendations for decision

- 2.1 **That the Harbour Committee endorses the continued use of the Old Fish Market area for both operational use and community support purposes.**
- 2.2 **That the Executive Head of Tor Bay Harbour Authority is directed to ensure, subject to his reasonable discretion, that the area remains available for the following uses:**

- a) **Vessels laying up or requiring to berth alongside.**
 - b) **Commercial or fishing vessels undertaking appropriate repair work.**
 - c) **A weekly harbour side Arts and Crafts Market managed by the Brixham Chamber of Commerce.**
 - d) **The allocation of a seasonal Wednesday event where various local charities are granted permission to erect charity stalls.**
 - e) **Community events such as the Brixham Buccaneers, RNLI services, other religious services and performances by various bands and choirs.**
- 2.3 That the Arts and Crafts Market should continue to be run by the Brixham Chamber of Commerce with all monies that it might earn, after expenses, being reserved for community based projects and at the end of each season a set of market accounts are presented to the Harbour Committee.**
- 3. Key points and reasons for recommendations**
- 3.1 Torbay Council, as the Tor Bay Harbour Authority and the Competent Harbour Authority for the purpose of the 1970 Tor Bay Harbour Act has powers to regulate vessel and persons on the Harbour Estate. The act also gives the authority the power to license and make charges for both the use of the water space and the Harbour Estate within the various enclosed harbours of Tor Bay.
 - 3.2 In pursuance to managing the Harbour Estate areas, the Harbour Authority have also agreed and adopted the licensing arrangements with colleagues in Torbay Council in order to give continuity of licensing and licence fee charging.
 - 3.3 Tor Bay Harbour Authority is committed to supporting its harbour users and to supporting the wider community by working in partnership with various stakeholders to deliver wider community benefits.
 - 3.4 The Harbour Committee should be kept informed of the arrangements relating to the Arts and Crafts Market at Brixham harbour.

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

**Kevin Mowat
Executive Head of Tor Bay Harbour Authority
Tor Bay Harbour Master**

A1. Introduction and history

- A1.1 During the 2004 summer season, two markets were held at Brixham under the Old Fish Market and were facilitated by the Harbour Authority. They were run by a company which was made up of a number of market stalls (about twenty) under the banner of the “French Market”. These markets sold only French related goods and were perceived to be a success in terms of creating an ambience around the harbour and in attracting visitors to the area.
- A1.2 In 2005 the Brixham Town Team took the view that a weekly market at Brixham throughout the season would be of benefit to the town. Markets were then subsequently held throughout the 2005 Summer Season on a Sunday and occasionally in addition so was the French market. The markets were judged by some to be a success and at the time some market research seemed to support this view.
- A1.3 The profits raised by the market organisers went to the market organiser with a fixed percentage going to the Harbour account (£1500). The harbour income was used to offset the use of the Old Fish Market area and storage of the market stalls during the week between markets. Although the Council received a modest income for the use of the Old Fish Market it did not adequately compensate for the number of hours of officers’ time dedicated to the running of the market.
- A1.4 The market organisers operated the market in agreement with the Council and were responsible for putting up and taking down stalls, booking stallholders, insurance, keeping the site in good order, clean and tidy.
- A1.5 The original concept developed by the Brixham Town Team, and in agreement with local traders, was for an Arts and Crafts market. Initially difficulties were experienced between the market operators and the local retail traders as to what constituted arts and craft. Local traders were of the opinion that on a number of occasions the market stalls were acting in direct competition to their own businesses in the town. Consequently for the remainder of the 2005 season the Harbour Master, the Head of Tourism and a town traders’ representative were responsible for vetting the content of stalls and the standard of stallholders at the weekly market. This resulted in an improved offer.
- A1.6 Ahead of the 2006 season the Harbour Master, the Head of Tourism, representatives of the Brixham Chamber of Commerce and the town’s traders held discussions over the future of a weekly market. The Brixham Chamber of Commerce proposed that a weekly market be run and operated under their auspices with all profits going to the Chamber of Commerce to be used for community based projects/events. At the time the Director of Marine Services (now Executive Head of Tor Bay Harbour Authority) believed that the money should be held centrally in the harbour account with a clear and transparent audit trail prior to the redirection of funds for community use.
- A1.7 In 2006 it was suggested that one of the advantages of running a market under the auspices of the Chamber of Commerce was that they would be free from the

constraints of making a commercial profit and the need for competitive tendering could be avoided. Consequently the Chamber could concentrate their efforts on supporting local artists, artisans and craft makers. At the time it was highlighted that in pure financial terms the Chamber option did not clearly demonstrate value for money, but probably represented the best way forward in both practical and economic terms.

A1.8 On 21 March 2006 the Harbour Committee received Report 68/2006 which sought advice from the Committee on the concept of a community proposal to run an Arts and Crafts Market under the Old Fish Market at Brixham every Saturday throughout the forthcoming season. Consequently the Harbour Committee made the following decision:

- (i) that the Director of Marine Services be requested to exercise his delegated powers to allow a weekly market at the Old Fish Market, Brixham, to be held on Saturdays, for a trial period during 2006. The market to be run by the Brixham Chamber of Commerce with all monies that it might earn being reserved for community based projects and held in trust by Marine Services; and
- (ii) that the Director of Marine Services be requested to exercise his delegated powers to prepare a contract between the Council and the Brixham Chamber of Commerce accordingly.

A1.9 For the last 5 years the Brixham Chamber of Commerce has been successfully organising the weekly Arts and Crafts Market held during the summer season at the Old Fish Market. The market generates income of several thousand pounds and after various expenditures are taken out, a Market Management Committee agrees what is donated to good causes locally. Details of the income, expenditure and recipient good causes are all recorded and filed through the Brixham harbour office (see Appendix 1 - Arts and Crafts Market – Summary of Accounts – 2007~2010).

A1.10 Over the previous few years the management of the market has been delegated by the Chamber of Commerce to a Market Management Committee consisting of the Chairman of the Chamber of Commerce, the Harbour master, various other organisers and representatives of the market traders. This arrangement has worked well to date.

A1.11 Minute 1044/12/86 delegated power to officers to allocate by lot, to the applying charities, dates for the use of the former fish market for charitable events, with preference being given to locally based organisations. Currently, and since 1986, the management of the Wednesday charitable events is undertaken through the Brixham harbour office. Following receipt of applications from charities to hold various events, the days are allocated by the harbour office through a ballot system for the following season.

A1.12 Interestingly an old Council Minute from 1994 states that *“the use of the Old Fish Market for commercial and market purposes be discouraged”*.

A2. Risk assessment of preferred option

A2.1 Outline of significant key risks

A2.1.1 There are clear risks if the management and maintenance of this area of harbour estate falls outside the control of the Harbour Authority.

A2.1.2 The risks of not having properly audited accounts for the Arts and Crafts Market are mitigated by having the Harbour Office staff manage the process in a transparent and accountable manner.

A2.1.3 Community relations could be damaged if changes to the use of the Old Fish Market are perceived to be unacceptable.

A2.2 Remaining risks

A2.2.1 There are no remaining risks.

A3. Other Options

A3.1 Not to allow any of the various events to take place on the Harbour Estate adjacent to the Old Fish Market. This option would go against the Council's core principles and it would damage the relationship between the Harbour Authority and the community.

A3.2 That the contract for the day to day management of events under the Old Fish Market is put out to competitive tender with a view to maximising any income to the harbour account. This alternative could attract the wrong type of market and market operator and would still require significant input from the Harbour Authority.

A3.3 Allow the events to be managed by another not for profit third party such as Brixham Town Council. This has happened in the past but has proved contentious. The Harbour Authority should retain overall control of the area because it has the necessary powers to issue directions to vessels, it has responsibility for the Harbour Estate, and it can make charges and enforce harbour bye-laws. Also, the Harbour Authority remains wholly accountable to its stakeholders through the Brixham Harbour Liaison Forum and the Tor Bay Harbour Committee.

A4. Summary of resource implications

A4.1 A modest amount of officer time is spent processing the income/expenditure items and attending the Market Management Committee.

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

A5.1 The Harbour Committee has a good record of properly managing the Harbour Estate assets and this assists in both protecting and sustaining the built environment for the benefit of the community of Brixham, the Harbour Authority and the harbour customers.

A5.2 There are no other impacts identified.

A6. Consultation and Customer Focus

A6.1 The Harbour Authority has consulted with stakeholders through its Brixham Harbour Liaison Forum. Members of the Arts and Crafts Market Management Committee have also been consulted.

A7. Are there any implications for other Business Units?

A7.1 None.

Appendices

Appendix 1	Old Fish Market – Arts and Crafts Market – Summary of Accounts 2007 ~ 2010
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Documents available in members' rooms

None.

Background Papers:

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

Report 68/2006 - Brixham Harbourside Market