

Minutes of the Harbour Committee

25 March 2008

-: Present :-

Councillor Horne (Chairman)

Councillors Addis, Amil, Carter (C), Faulkner (J), Thomas (D))

External Advisors

Colonel Chris Bedford, Mr William Butcher, Captain Bob Curtis, Mr Gordon Jennings and Mrs Elaine Lambert

617. Apologies. Apologies for absence were received from Councillors Ellery and Ms Heather Maxwell.

618. Committee Membership. It was reported that, in accordance with the wishes of the Conservative Group, the membership of the Committee had been amended for this meeting by including Councillor Thomas (D) instead of Councillor Bent.

619. Minutes. The Minutes of the meeting of the Harbour Committee held on 3 December 2007 were confirmed as a correct record and signed by the Chairman.

620. Harbour Liaison Forum Minutes. The Committee noted the minutes of the Torquay/Paignton Harbour Liaison Forum held on 4 March 2008 and the Brixham Harbour Liaison Forum held on 13 March 2008 (as set out in Report 83/2008).

621. Marine Services Budget Monitoring 2007/2008. The Committee received Report 76/2008 which identified the latest situation in relation to the Marine Services Budget. The Director of Marine Services summarised the Statement of Accounts and responded to questions from Members and Advisors. The report also set out details of decisions taken by the Director of Marine Services under his delegated powers, in relation to the Marine Services Budget.

Resolved: that the contents of Report 76/2008 be noted.

622. Tor Bay Harbour Wave Buoy. The Committee considered Report 77/2008 which set out proposals to place a wave monitoring buoy in Tor Bay harbour. Members were

advised that the project to locate a wave monitoring buoy in Tor Bay is part of the strategic regional Coastal Monitoring Programme for the South West of England to provide freely available data of a consistently high quality to inform coastal management and future strategy. The Director and Assistant Director for Marine Services advised the Committee that data collected from the wave monitoring buoy could be used to inform and improve the Environment Agency's Paignton Major Incident Plan which provides information for the Environment Agency's Flood Warning System.

Resolved: that the deployment of an Environment Agency wave rider buoy, for the purpose of recording wave data in Tor Bay, be approved.

623. Tor Bay Harbour Business Plan 2008/2009. Members received Report 78/2008 which set out a draft Business Plan for Tor Bay Harbour 2008/2009. The Director of Marine Services introduced the report and responded to questions from Members and Advisors.

Resolved: (i) that a workshop be arranged for 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.

624. Proposed Lease of the Old Lookout Tower, Daddyhole Plain. The Committee received Report 79/2008 in connection with

the potential lease of the Old Lookout Tower, Daddyhole Plain, Torquay. Members were advised that the lookout tower was a useful strategic asset to retain and had now been listed as part of the Harbour Estate. Since its use as a store for meteorological equipment was changed in February 2007, the lookout tower had fallen into a state of disrepair.

The Director of Marine Services advised Members that he had approached the National Coastwatch Institution (NCI) to ascertain their interest in acquiring the lease of the old lookout tower. Since this initial approach in December 2007, NCI have demonstrated a keen interest in the lookout tower and several preliminary discussions and site visits have already been held. Members discussed the possible terms of any lease which might be granted.

Resolved: that the Director of Marine Services, in consultation with the Chairman of the Harbour Committee, the Director of Law and Support and the Director of Financial Services (Estates Service), be authorised to grant a lease of 15 years to the National Coastwatch Institution for the lookout tower on Daddyhole Plain.

(Note 1: Prior to consideration of the item in minute 624, Councillor Addis declared a personal interest by virtue of his membership of the Development Control Committee. In accordance with Standing Order A19.5, Councillor Addis requested that his abstention from voting on the matter be recorded).

(Note 2: Prior to consideration of the item in minute 624, Councillor D Thomas declared a personal interest by virtue of his membership of the Development Control Committee. In accordance with Standing Order A19.5, Councillor D Thomas requested that his abstention from voting on the matter be recorded).

625. Mayoral Vision Project. Members received Report 80/2008 and received a presentation on the Mayoral Vision Project. The Director of Marine Services advised Members that in order to achieve the Mayoral Vision a New English Riviera Action Framework Plan had been produced which identified several areas for development that are located on the Harbour Estate and had the

potential to impact on harbour users and customers.

Resolved: (i) that it be noted that the New English Riviera Action Framework Plan has the potential to deliver development, regeneration and changes to the built environment on the Harbour Estate at Brixham, Paignton and Torquay and that, as the decision making body for the management of the harbour estate, the Harbour Committee should be consulted at all stages of the planning and development process; and

(ii) that it be noted that, subject to the necessary external funding and planning permission being obtained, the key projects identified in the Action Framework Plan have been approved in principle the Cabinet.

626. South Devon Marine. The Committee considered Report 81/2008 on a request made by South Devon Marine for financial support to fund a stand at the Southampton Boat Show. Members received a letter from the Chairman of South Devon Marine which outlined the level of funding required and the proposed use of any funding received.

Resolved: that the request for financial support from South Devon Marine, be refused.

627. Timings of Meetings. The provisional Calendar of Meetings was approved by full Council on 28 February 2008 for final ratification at the annual Council meeting to be held in May 2008. Further to this, Councillor Ellery requested that consideration be given to changing the times of future meetings of the Harbour Committee to better enable him to attend.

Resolved: that future meetings of the Harbour Committee be held at 5.30 p.m. to make them more accessible to those Councillors who work during the day.

628. Proposed Development of the Old Market House, Brixham. Members received exempt Report 82/2008 which set out the details of a proposal for a redevelopment project at the Old Market House, Brixham. The Committee were advised that the Council had been approached by Nirvana Properties

Limited in respect of the Old Market House and following a presentation from the developer, Members and Advisors had the opportunity to ask questions.

Resolved: (i) that Nirvana Properties Limited be informed that, in principle, the Council is, as Landlord, supportive of the development plans to convert the Old Market House into licensed premises with first floor restaurant;

(ii) that, notwithstanding the above, Nirvana Properties Limited be informed that the Council is currently not supportive of plans to re-develop the Old Market House without the Tourist Information Centre (TIC) having a presence within the building;

(iii) that, Nirvana Properties Limited be informed that the Council will not terminate the remaining fisherman's tenancy using its powers as landlord if they are unable to come to an agreement with him about vacating his store;

(iv) that, if the fisherman does vacate his store and the Director of Tourism decides to relocate the TIC then, the Director of Marine Services, in consultation with the Director of Law and Support, be authorised to accept surrenders of Nirvana Properties Limited's existing leasehold interests within the building and grant a new lease for up to 35 years for the entire building and such additional land / rights necessary for the re-development of the Old Market House as a licensed premises and restaurant on acceptable terms;

(v) that if the fisherman does not vacate his store and/or the Director of Tourism decides not to relocate the TIC then, subject to plans being re-submitted to Officers which include the Tourist Information Centre and/or the fisherman's store within the building, the Director of Marine Services, in consultation with the Director of Law and Support, be authorised to accept surrenders of Nirvana Properties Limited's existing leasehold interests

within the building and grant a new lease for up to 35 years for the building (excluding the TIC and/or fisherman's store) and such additional land / rights necessary for the re-development of the Old Market House as a licensed premises and restaurant on acceptable terms;

(vi) that Nirvana Properties Limited be reminded that the recommendations in (iv) and (v) above are subject to obtaining planning consent and the necessary approvals in terms of licensing legislation and that an in-principle approval by the Council, as landlord, does not mean that permission will be automatically forthcoming from the Council as Local Planning Authority or Licensing Authority; and

(vii) that, subject to (iv) or (v) above being complied with, the Estates Manager be authorised to advertise the disposal of public open space around the Old Market House in accordance with the Local Government Act 1972 to allow the creation of the Terrace Seating Area and for the extension to the building shown on the plan contained in Appendix 1 (or such agreed area deemed necessary if the plans are subsequently amended).

(Note 3: Prior to consideration of the item in Minute 628 the press and public were formally excluded from the meeting on the grounds that the item involved the likely disclosure of exempt information as defined in paragraphs 1 and 3 of Part 1 of Schedule 12A of the Local Government Act 1972.)

(Note 4: Prior to consideration of the item in minute 628, Councillor Addis declared a personal interest by virtue of his membership of the Development Control Committee).

(Note 5: Prior to consideration of the item in minute 628, Councillor D Thomas declared a personal interest by virtue of his membership of the Development Control Committee. In accordance with Standing Order A19.5, Councillor D Thomas requested that his abstention from voting on the matter be recorded).