

Minutes of the Harbour Committee

7 December 2009

-: Present :-

Councillors Addis, Bent, Carter (C), Charlwood, Horne, Manning and Richards

External Advisors Butcher, Hayes and Jennings

314 Apologies

Apologies for absence were received from Councillors Ellery and Faulkner (J), and External Advisors Bedford and Curtis.

315 Minutes

The Minutes of the meeting of the Harbour Committee held on 14 September 2009 were confirmed as a correct record and signed by the Chairman, subject to the following amendment:

Minute No. 235 add "Steve Parrock, Chief Executive TDA, indicated that he would assist Brixham 21 in their search for new permanent accommodation arrangements following the December 2010 deadline to vacate the portacabin at Brixham Harbour."

316 Urgent Items

Following the receipt of a letter from Torbay Sailability Ltd concerning its grant application, which had been considered by the Committee at its meeting in June 2009, the Committee discussed whether the grant application should be reconsidered, in light of the receipt of clarified accounts, at its next meeting in January 2010.

Resolved:

to reconsider the Torbay Sailability Ltd grant application at its next meeting.

(Note: Prior to consideration of minute 316, 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 paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amendment).)

317 Harbour Liaison Forum Minutes

The Committee reviewed the minutes of the Torquay/Paignton Harbour Liaison Forum and Brixham Harbour Liaison Forum meetings held on the 24 and 25 November respectively.

William Butcher, External Advisor, provided the Committee with additional information regarding minute 12 of the Torquay/Paignton Harbour Liaison Forum minutes, confirming the profitability of the three Sailing Clubs events in the area amounted to £1.03m and 18 full time jobs. The Committee agreed that this demonstrated the role of Tor Bay Harbour as an economic driver for the area.

Noted:

the minutes of the Torquay/Paignton Harbour Liaison Forum held on 24 November 2009 and Brixham Harbour Liaison Forum held on 25 November 2009 (as set out in Report 258/2009).

318 Harbour and Marine Services Budget and Harbour Charges 2010/11

The Committee considered Report 259/2009 which provided the recommendations of the Harbour Budget Working Party proposing the raising of harbour charges for 2010/11 by an average of 5%. Recognising the difficult financial times that the budget was being proposed under, the Committee considered whether a blanket increase of 5% across the Bay would be fair to all users, considering the facilities that were available at each enclosed harbour.

Of particular concern for the Committee was the perception that harbour users were being targeted to pay for the repairs to Haldon Pier, which the whole of the local community would benefit from the work. The Executive Head of Harbour and Marine Services stressed that, at the current time, the Harbour Account would not be able to support further borrowing, although it could continue to service its existing loans. However, the Harbour Commissioning option would be put to the Harbour Committee in January and this would set out the responsibilities for repairs to the more significant strategic assets, like Haldon Pier.

Resolved:

1) to increase the harbour charges for 2010/11, by a representative average increase of 5% and approve the schedule of harbour charges set out in Appendix 1.

2) to approve the Harbour and Marine Services budget for 2010/11 based on a 5% increase in harbour charges as set out in Appendix 2.

3) to approve the schedule of harbour charges set out in Appendix 3, which reflects the new VAT rate of 17.5% that will be applicable on existing charges for 2009/10 levied from the 1 January 2010.

4) that the Budget Working Party continue to review the full range of harbour charges, including commercial customers using the Torquay Harbour Town Dock and other harbour facilities.

(Note 2: Prior to consideration of Minute No. 318 Councillor Horne declared a personal and prejudicial interest and left the room, Councillor Richards in the Chair.)

319 Port Marine Safety Code Refresh – October 2009

The Committee considered report 260/2009 concerning the Port Marine Safety Code which had been recently refreshed. The Code summarised the legal duties and powers relating to marine safety. The most significant revisions to the Code included reference to national legislation that had come into force since the original publication of the Code in 2000 and clarification on the key elements, including the role of the 'duty holder' which for Tor Bay harbour was the Harbour Committee.

Noted:

the updates to the Code.

320 Annual Compliance Audit of the Port Marine Safety Code

The Executive Head of Harbour and Marine Services summarised the findings of the Annual Compliance Audit of the Port Marine Safety Code, as detailed in Report 261/2009 for the Committee. The Committee was informed that the opinion given was that Tor Bay Harbour had complied with the Code, and particular mention had been given to the revised Safety Management System. The Committee was informed that the number of incidents had risen over the previous year, but that the Harbour could now clearly demonstrate how that risk was being managed.

Noted:

Annual Compliance Audit findings.

321 Harbour and Marine Services Quarterly Budget Monitoring Report

The Committee received Report 262/2009 giving the projections of income and expenditure for the year 2009/10 compared with approved budgets. The Report details the overall budgetary position as at the end of October 2009.

Having reviewed the current position, the Committee stressed that it did not feel overly concerned at the deficit within the Brixham budget at this stage, despite the short term difficulties, the completion of the regeneration process would see an improvement, as had been demonstrated by the results of regeneration investment in Torquay. The Committee also discussed the fact that Torquay was now at full capacity and that the sensitive balance to getting the pricing structure right appeared to be working.

Noted:

The improved budgetary position shown in Report 262/2009, and that a site visit to Brixham Harbour to show the work being undertaken would be arranged at a future date.

322 Harbour and Marine Services Performance Indicators

The Committee reviewed Report 263/2009 and was updated on the red indicators for Brixham Harbour Fish Tolls and Staff Absence. The Fish Tolls were negligibly below target and could alter dramatically month to month impacted by such things as species fluctuation. The Staff Absence figures were based around a provisional target baseline of 3%, which would be reviewed in the new year. There was a rolling staff absence of 2% for the year; however there could be monthly anomalies to this, such as the current month which was at 4.1%. With only 22 full time employees the numbers could be dramatically impacted by the absence of only one or two staff, and long term absence (above 20 working days) would not be included in the figures.

Noted:

Report 263/2009 on the Harbour and Marine Services Performance Indicators.

323 Torquay Rowing Club/Royal Torbay Yacht Club

The Committee considered exempt Report 264/2009 on the application for a grant for Torquay Rowing Club, and received further information from Torquay Rowing Club concerning the level of its reserves.

Resolved:

that the application for a grant for Torquay Rowing Club be refused.

(Note 3: Prior to consideration of exempt Report 264/2009, the press and public were formally excluded from the meeting on the grounds that the items involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amendment).)

(**Note 4:** Prior to consideration of Minute No. 323 Councillor Horne declared a personal and prejudicial interest and left the room, Councillor Richards in the Chair.)

324 Barton Sea Scouts

The Committee considered exempt Report 265/2009 on the application for a grant for Barton Sea Scouts.

Resolved:

that the application for a grant for Barton Sea Scouts, for 50% of the annual rent excluding VAT for the period 1 July 2009 to 30 June 2012, be approved.

(**Note 4:** Prior to consideration of exempt Report 265/2009, the press and public were formally excluded from the meeting on the grounds that the items involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amendment).)

Chairman