



## **Minutes of the Harbour Committee**

**Monday 6 December 2010**

**-: Present :-**

Councillor Horne (Chairman)

Councillors Bent, Carter (C), Manning, McPhail and Richards

External Advisors: Mr Butcher, Captain Curtis, Ms Hayes and Mr Jennings

(Also in attendance: Councillors Oliver)

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Prior to the meeting the Harbour Committee held a moments silence in remembrance of External Advisor Colonel Chris Bedford.

### **386. Apologies.**

Apologies for absence were received from Councillors Addis and Faulkner (J)

### **387. Minutes.**

Subject to an amendment to minute number 270 to reflect that instead of two SB3 World Championships, there would be one Tasar and one Laser SB3 Class World Championship events hosted by the Royal Torbay Yacht Club in 2011, the Minutes of the meeting of the Harbour Committee held on 20 September 2010 were confirmed as a correct record and signed by the Chairman.

The Committee was also informed that Torbay Council had agreed to the use of the top deck of the Beacon Quay car park for the World Championship events and a civic reception may be provided.

Ms Hayes also raised the issue of consultation on the Annual Maritime Events List and the Executive Head of Tor Bay Harbour Authority confirmed that he would be looking to collate all schedules, identify any potential conflicts and meet with the parties involved to discuss the impact in the new year.

The Committee was also informed that Ms Hayes had been elected as Chair of the new Devon and Severn Inshore Fisheries and Conservation Authority (IFCA).

### **388. Urgent Items.**

The Committee considered the item in Minutes 388a/12/10, and not included on the agenda, the Chairman being of the opinion that they were urgent by reason of special circumstances i.e. the matter having arisen since the agenda was prepared and it was unreasonable to delay a decision until the next meeting.

**388a. Torquay Harbour Area Action Plan**

The latest version of the Torquay Harbour Area Action Plan had been released for consultation and the Harbour Committee would need to respond to this consultation by Friday 17 December 2010. The Chairman asked for comments from the Committee that the Executive Head of Tor Bay Harbour Authority could include in the consultation response.

The Committee felt that comment should be made as to the misleading title, as the document only partially involved the Harbour and Harbour Estate and wasn't in any way an action plan for the harbour. It was also felt that if the document was to progress it should include the maritime commercial environment which was increasing, along with reference to a spatial strategy for the Harbour (Port Masterplan) and the Tor Bay Harbour and Maritime Strategy.

Members of the Committee and External Advisors agreed to contact the Executive Head of Tor Bay Harbour Authority by Friday 10 December 2010 with any further comments. Ms Hayes, together with the Chairman of the Harbour Committee and the Executive Head of Tor Bay Harbour Authority agreed to meet to discuss the final submission prior to the 17 December 2010.

**389. Torquay/Paignton and Brixham Harbour Liaison Forums**

The Committee noted the minutes of the Torquay/Paignton Harbour Liaison Forum held on 23 November 2010 and the Brixham Harbour Liaison Forum held on 24 November 2010.

Ms Hayes confirmed that discussions were ongoing with Natural England regarding the rationalisation of Marine Conservation Zones (MCZ) boundaries to tally with the Special Area of Conservation (SAC) boundaries. However, there had been a point of principle made that there would not be any MCZs within harbour limits in the South West.

The Brixham Harbour Master agreed to forward more details on the costs of the refurbishment of the Old Fish Market Canopy in Brixham to Councillor Manning.

**390. Review of existing harbour powers**

The Executive Head of Tor Bay Harbour Authority presented the review of existing harbour powers for the Committee detailed in Report 292/2010.

The Committee noted:

- 1) that all harbour legislations applicable to Tor Bay Harbour, including byelaws and directions, have effectively been reviewed for 2010;
- 2) Tor Bay Harbour's legal responsibilities can be discharged effectively using its existing powers;
- 3) the Harbour Authority has the ability to seek and amend its powers in the future; and
- 4) no additional powers are currently necessary and no obsolete legal functions were found.

**391. 2010/11 Performance – Tor Bay Harbour Authority**

The Committee noted Report 293/2010 on the current status of performance by Tor Bay Harbour Authority and were pleased that none of the indicators were below target.

The Committee discussed the subjectivity of some of the indicators and asked that the Executive Head of Tor Bay Harbour Authority review these with a mind to rationalisation, as well as providing more detailed notes on those that are reported to the Committee.

**392. Port Marine Safety Code – Annual Compliance Audit**

The Committee discussed Report 294/2010 and in particular commented on a tripping incident that had led to a comprehensive risk review and noted:

- 1) the Port Marine Safety Code (PMSC) Compliance Statement for 2010 (attached as Appendix 1 to Report 294/2010);
- 2) the contents of the PMSC Compliance Audit Report for 2010, including the actions identified for implementation during 2010 (attached as Appendix 2 to Report 294/2010); and
- 3) the contents of the revised Tor Bay Harbour Committee Safety Management Systems (attached as Appendix 4 to Report 294/2010).

The Committee also congratulated the Harbour Authority on a good audit.

**393. Tor Bay Harbour Authority Budget Monitoring 2010/11**

The Committee considered Report 295/2010 and noted:

- 1) any amended outturn positions of the two harbour accounts and the resulting change in reserve movements;
- 2) the use of delegated powers by the Executive Head of Tor Bay Harbour Authority to make decisions in relation to the budget allocated to Tor Bay Harbour;
- 3) the Harbour Master's use of delegated powers to waive certain harbour charges, which this financial year amounts to £4,289.81 (excluding VAT) and which have been spread across both harbour accounts. No additional charges have been levied.

The Committee also requested that the Harbour's Financial Services Accountant attend the next meeting of the Committee to explain the process for investment of the Harbour Authority's money.

**394. Tor Bay Harbour Authority Budget and Harbour Charges 2011/12**

The Committee considered Report 296/2010 with recommendations from the Harbour Committee's Budget Working Party and agreed:

- 1) to increase the harbour charges for 2011/12, by a representative average increase of 2.5% and approved the schedule of harbour charges set out in Appendix 1 of the report;
- 2) that the Tor Bay Harbour Authority budget for 2011/12 be approved; and
- 3) that during 2011/12 the Tor Bay Harbour Budget Working Party should continue to review the full range of harbour charges, monitor the revenue budget, and recommend a budget for 2012/13.

The Committee discussed the proposed 2.5% rise in harbour fees and it was stressed that the 2.5% did not include the VAT increase (as of 1 January 2011) which would make this, in effect, a 5% rise as of 1 April 2011. Members were reassured that this was a competitive rate within the South West.

The Committee also discussed the importance of renting out the restaurant area in the new Fish Market complex in relation to the budget for Brixham Harbour, and considered whether the best approach was being taken to advertising the lease.

### **395. Vessel Traffic Services (VTS) and Local Port Services (LPS) Policy Statement**

The Committee approved the Local Port Service (LPS) Policy Statement as detailed in Report 297/2010.

The Committee considered the benefits of both the Local Port Service (LPS) and Vessel Traffic Services (VTS) systems, and concluded that the formal risk assessment showed that a VTS was not required for a Port the size of Tor Bay, and therefore they agreed with the establishment of a LPS.

### **396. Old Fish Market Canopy, Brixham**

The Committee considered Report 298/2010 on the proposed uses of the Old Fish Market Canopy in Brixham and agreed:

- 1) to endorse the continued use of the Old Fish Market area for both operational use and community support purposes;
- 2) that the Executive Head of Tor Bay Harbour Authority be 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 Brixham Chamber of Commerce;
  - d. the allocation of a seasonal Wednesday event where various local charities are granted permission to erect charity stalls; and
  - e. community events such as the Brixham Buccaneers, RNLI services, other religious services and performances by various bands and choirs.
- 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 be presented to the Harbour Committee.

Chairman

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