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Dear Member

HARBOUR COMMITTEE - MONDAY, 13 JUNE 2011

I am now able to enclose, for consideration at the Monday, 13 June 2011 meeting of the Harbour Committee, the following reports that were unavailable when the agenda was printed.

Agenda No	Item	Page
7.	Harbour Committee Terms of Reference Revised Terms of Reference.	(Pages 53 - 54)
12.	Torquay/Paignton and Brixham Harbour Liaison Forums	(Pages 55 - 64)

Yours sincerely

Sarah Forsyth
Clerk

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Membership

9 members of the Council plus up to five external non-voting advisors appointed by the Committee on a four year term and one non-voting advisor who is a private sector representative of the Board of the Torbay Economic Development Company (Group Leaders will be asked to take account of the geographical spread of members in making appointments to the Committee)

Terms of Reference (Revised)

To determine all matters relating to the strategic management of the Council's function as a Harbour Authority, in line with the Tor Bay Harbour and Maritime Strategy, the Council's Policy Framework. Specifically the Committee will:-

1. manage all of the Harbour's financial matters in accordance with approved financial procedures and the Council's aspirations for the harbour to be self financing as outlined in the Harbour and maritime strategy and including (but not limited to):
 - (a) the setting of harbour charges from time to time (including in-year changes to the schedule) normally following consultation with the relevant Harbour Liaison Forums;
 - (b) approving the annual revenue budgets within the ring-fenced harbour accounts;
 - (c) receiving quarterly budget monitoring reports and to approve variances as appropriate; and
 - (d) monitoring the harbour reserve funds and to seek to ensure that the funds are kept above an appropriate minimum contingency level and ensure the harbour remains self-financing;
2. providing that no decision by the Harbour Committee shall impact adversely on the Council's general fund or capital budget.
3. to act as Duty Holder for the purposes of the Port Marine Safety Code;
3. approve and monitor a business plan for Tor Bay Harbour, in line with the Council's policy framework, and address any issues relating to performance;

4. review these terms of reference annually and request the Council to make any necessary amendments and/or additions;
5. review annually the powers delegated to the Executive Head of Tor Bay Harbour Authority – Tor Bay Harbour Master and refer any proposed changes to the Council for determination. The Committee itself shall not authorise any changes;
6. consider any other matters referred to the Committee by the Executive Head of Tor Bay Harbour Authority;
7. establish any sub-committee or working parties as the Committee sees fit, in particular a Harbour Appointments Sub-Committee for the recruitment of advisors;
8. recommend the format, composition and governance of the Harbour Liaison Forums and keep the arrangements under review;
9. to provide strategic direction in relation to those assets within Tor Bay Harbour and the harbour estate that are managed by Tor Bay Harbour Authority. (Note: the extent of the harbour estate and asset purchase and disposal over £25,000 is determined by the Mayor.); and
10. appoint advisors following receipt of recommendations from the Harbour Appointments Sub-Committee and the Board of Torbay Economic Development Company Ltd. Appointments will be merit based and be in accordance with the Local Protocol for members of the Harbour Committee.

Meeting Title	Torquay & Paignton Harbour Liaison Forum
Venue	Torquay Harbour Office
Date	31 st May 2011 at 10.30

Present	Capt K Mowat (KM)	Ms Elaine Hayes (EH)	Mr D Musgrove (DM)
	Mr J Turner (JT)	Cllr M Hytche (MH)	Mr W Butcher (WB)
	Mr C Baker (CB)	Mr M Smith (MS)	Cllr J Richards (JR)
	Mr M Ritchie (MR)	Mayor Gordon Oliver (GO)	Capt P Labistour (PL)

Agenda Items	1.	Apologies
	2.	Minutes of the last meeting
	3.	Matters Arising
		a) Finding Sanctuary
		b) Princess Gardens/Pavilion development proposals - update
		c) Tor Bay Harbour Business Plan
		d) Paignton Harbour - decriminalised parking review update
		e) Torquay Harbour marine fuel station update
		f) RTYC - boat park scheme
		g) Coastguard modernisation - update
		h) Beacon Quay car park policy - update
		i) Dog mess on harbour side
		j) Update on Beacon Quay access barrier
4.	Capital Works	
	a) Haldon Pier – update	
5.	Town Dock - Torquay	
6.	Budget Outturn 2010/11 & budget pressures 2011/12	
7.	Tor Bay Harbour Enforcement & Prosecution Policy - review	
8.	Tor Bay Harbour Business Plan 2011/12	
9.	Changes to the Tor Bay Harbour Moorings Policy	
10.	Maritime Events 2011	
11.	Boat Watch Scheme - MS	
12.	Fire Safety on Boats	
13.	Harbour Committee - Upcoming Agenda	
Date of the next meeting 30 th August 2011		

1.	Apologies for Absence	Action
	No apologies were received.	

2.	Minutes of the last meeting	Action
	It was agreed that the minutes of the 1 st March 2011 meeting were a true and accurate record of that meeting.	

3.	Matters Arising	Action
(a)	<p>Finding Sanctuary KM reported that Finding Sanctuary were nearing the end of the process for finalising their recommendations for Marine Conservation Zones (MCZs). He said he was attending a meeting with Natural England at the British Ports Association next week and he would continue to raise his concerns over a proposed MCZ within Tor Bay Harbour limits. KM also advised the Forum that the final designation process still had to go through a number of further stages. EH suggested that the government's Marine Planning Policy Document would be critical in determining the final outcomes. KM agreed to keep the Forum updated.</p>	KM
(b)	<p>Princess Gardens/ Pavilion development proposals The Mayor (GO) informed the Forum that whilst the Princess Theatre may be extended to accommodate bigger shows the area between that and the Pavilion would be retained as open space. He assured the Forum that the harbour authority would have a significant influence on any decision regarding the pontooning of the inner harbour. He indicated that new inner harbour facilities must be able to accommodate all types of vessel owners not just the more affluent. KM welcomed the Mayor's comments and EH pointed out that additional services would be require for new pontoon berths. i.e. toilets and showers. She explained that the exchange of water volume was bound to be restricted by the cill.</p>	KM
(c)	<p>Tor Bay Harbour Business Plan KM reported that the Plan had been submitted and accepted by the Harbour Committee. Some minor amendments had been made and the document had been signed off by the previous Harbour Committee Chairman.</p>	
(d)	<p>Paignton Harbour – decriminalised parking review – update KM advised that only one objection had been received to the public notice advertising the amended Traffic Regulation Order (TRO). Consequently the objection was considered by Cllr Horne the Chairman of the Harbour Committee. The TRO was approved as advertised. JT reported that the new signage was being erected and that the revised scheme would be implemented on the 13th June 2011. JT also informed the Forum that he planned to meet with all parking attendants pre implementation to ensure that they understood how the new TRO would work and also the differences on the harbour estate as opposed to the highways.</p>	JT
(e)	<p>Torquay Harbour marine fuel station - update KM reported that the Harbour Committee had discussed this matter and agreed that the Council should take back this facility at the end of the current lease term. The current performance of the fuel service had improved but the prices remained high. KMs concern was that this reflected on the services available to both resident and visiting boat owners and this may well have a negative impact. He also reported that the lease had seven years to run.</p>	
(f)	<p>RTYC - boat park scheme KM advised the Forum that a significant area of the boat park had been allocated to the yacht club so that they could administer it directly. WB reported that all spaces were now allocated. He stressed that the club had faced a significant administration load as a result of having to manage their boat spaces. KM agreed to review this new arrangement after the summer season. He also mentioned the option to develop a new boat park adjacent to Living Coasts.</p>	KM

3.	Matters Arising – continued	Action
(g)	<p>Coastguard modernisation – update KM reported that he had submitted a response to the consultation which included an objection to the closure of the Brixham Coastguard station. He also reported that the government appeared to be reviewing their entire modernisation plans and that he would keep the Forum updated on this matter.</p>	KM
(h)	<p>Beacon Quay car park policy-update KM told the Forum that the Council were no longer considering short stay parking as an option for Beacon Quay. There was a lengthy debate on a range of parking issues, with some significant concerns raised by EH on behalf of Living Coasts. In conclusion the Mayor (GO) stressed that the harbour authority would, in the future, be involved in discussions on car parking policy where it impacted on the function of the harbour.</p>	
(i)	<p>Dog mess on harbour side KM asked the Forum if they thought the situation had improved and the general response was that it had. TOR2 had been advised that they were expected to remove dog mess and the harbour staff had also been instructed to respond to any future problems.</p>	
(j)	<p>Update on Beacon Quay access barrier KM reported that the barrier would be operable within a few days and when proven reliable new access cards would be issued.</p>	

4.	Capital Works – Update	Action
(a)	<p>Haldon Pier KM reported that the work to install the mini-piles had been successfully completed and the erosion of the foundation blocks was not as severe as first thought. Funding for Phase 2 had been secured which would involve piling the rest of the quay on the inside face and repairing any foundation blocks that were damaged. A contractor would be appointed in Autumn 2011. Phase 3 would be to infill any voids, compact the fill and re-lay a reinforced concrete deck. EH reminded KM about the risk of disturbing the Purple Sand Pipers. GO discussed his concept of a third harbour for Torquay and many of the Forum members commented on the idea. KM explained that officers would be exploring the feasibility of such a development.</p>	KM

5.	Town Dock – Torquay	Action
	<p>KM reported that the facility remained fully occupied with the exception of some jet-ski pods. He also indicated that some cracks in the steel structure were being investigated.</p>	

6.	Budget Outturn 2010/11 & Budget pressures 2011/12	Action
	<p>KM reported that the outturn results for 2010/11 had been very good with a surplus achieved on both the harbour accounts. Consequently the harbour reserve fund at Torquay/Paignton now exceeded £600k. However, KM explained that pressure would be placed on the 2011/12 budget due to increased staff costs and rising energy prices.</p>	

6.	Budget Outturn 2010/11 & Budget pressures 2011/12 - continued	Action
	EH a member of the Budget Review Working Party wished for a vote of thanks to be recorded for Pete Truman who had been very proactive and supportive throughout the financial year.	KM
7.	Tor Bay Harbour Enforcement & Prosecution Policy – review	Action
	<p>KM explained that the Tor Bay Harbour Enforcement & Prosecution Policy would be reviewed by the Harbour Committee at their next meeting. He suggested that any changes would be of a minor nature and all Forum members were asked to contact KM for further information.</p> <p>An interesting debate ensued on the subject of crabbing. Concerns were raised about the issues and risks associated with crabbing in inappropriate areas. It was suggested that the Coast & Countryside Trust might be able to offer some guidance and/or solutions to this issue.</p>	<p>All</p> <p>KM</p>
8.	Tor Bay Harbour Business Plan 2011/12	Action
	This item had been covered in matters arising.	
9.	Changes to the Tor Bay Harbour Moorings Policy	Action
	KM made the Forum aware that the changes previously circulated had now been adopted by the Harbour Committee and the updated Moorings Policy was now operational.	
10.	Maritime events 2011	
	<p>KM reported on the maritime events to date and informed the Forum that the cruise ship visit had been cancelled. The Mayor (GO) observed that there needed to be a significant improvement in infrastructure, facilities and attractions for the Bay to increase the number of cruise ship visits. He emphasised again his support for a third harbour or at least a facility for cruise ships to dock.</p> <p>JT made the Forum aware that PSC were bidding for the Optimist Nationals in 2012 and that this would be a huge event with potentially up to 500 boats competing. The Club would need support from a number of Council departments to achieve a successful bid and that he had already committed the support of the Harbour Authority. The Mayor requested JT to make him aware of more detail and that he would speak with his colleagues to ensure support was forthcoming.</p>	JT
11.	Boat Watch Scheme	Action
	MS made the Forum aware of a MDL idea to launch a boat watch scheme in the Tor Bay area to help reduce marine related crime rate. He hoped it would be a multi-agency approach. The Forum offered their support for this initiative.	
12.	Fire Safety on Boats	Action
	KM made the Forum aware of a Fire Safety initiative for boat owners launched by the Devon & Somerset Fire Service. He showed the Forum some fire safety literature that was now available.	

13.	Harbour Committee - Upcoming Agenda	
	KM informed the Forum of the items on the agenda for the next Harbour Committee meeting on 13 th June 2011. He indicated that the Committee had some new members who had recently been appointed and that an induction/training session had therefore been scheduled for 10 th June 2011.	KM

14.	Non Agenda Item – HMS Ark Royal	Action
	KM was requested to provide information on a reported plan to sink HMS Ark Royal in Tor Bay. KM responded that the ship was too big to sink inside the Bay but that he had been in discussions with the group making the proposal. KM felt that the concept of an artificial reef was worth pursuing and it matched one of the outcomes in the Tor Bay Harbour & Maritime Strategy. He agreed to keep the Forum informed about any progress.	KM

Next Meeting	30 th August 2011	10.30am
Venue	Torquay Harbour Office	
Future meetings	22 nd November 2011	10.30am
	21 st February 2012	10.30am
	29 th May 2012	10.30am
Dates of Harbour Committee Meetings	13 th June 2011	5.30pm (Torquay)
	12 th September 2011	5.30pm (Brixham)
	5 th December 2011	5.30pm (Paignton)
	5 th March 2012	5.30pm (Torquay)
	11 th June 2012	5.30pm (Brixham)

Next Meeting	Torquay Harbour Office	
Venue	30 th August 2011	10.30am
Future meetings	22 nd November 2011	10.30am
	21 st February 2012	10.30am
Dates of Harbour Committee Meetings	14 th March 2011	5.30pm (Paignton)
	13 th June 2011	5.30pm (Torquay)
	12 th September 2011	5.30pm (Brixham)
	5 th December 2011	5.30pm (Paignton)
	5 th March 2012	5.30pm (Torquay)

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Meeting Title	Brixham Harbour Liaison Forum
Venue	Brixham Harbour Office
Date	1 st June 2011 at 10.30

Present	Capt P Labistour (PL)	Capt B Curtis (BC)	Mr D Putt (DP)
	Mr D Bartlett (DB)	Mr D Saunders (DS)	Mayor G Oliver (GO)
	Miss K Annis (KA)	Mr D Ham (DH)	Cllr V Ellery (VE)
	Mr R Smith (RS)	Mr J Carter (JC)	

Agenda Items	<ol style="list-style-type: none"> 1. Apologies for absence 2. Minutes of the last meeting 3. Matters arising from the last minutes <ol style="list-style-type: none"> a) Harbour charges – fishing vessel mooring fees b) Victoria Breakwater c) Electricity recharge d) Finding Sanctuary 4. International Ship and Port Facility Security Plan 5. Moorings contracts 6. Restaurant update 7. Consultation on the modernisation of the Coastguard 8. Access, security and parking for leaseholders 9. Maritime events 10. Harbour Committee <ol style="list-style-type: none"> a) Upcoming Agenda <p>Date of next meeting 31st August 2011</p>
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1.	Apologies for Absence	Action
	Capt K Mowat, Mr N Wright & Mrs H Meacock	

2.	Minutes of the last meeting	Action
	It was agreed that the minutes of the meeting of the 2 nd March 2011 were a true and accurate record of that meeting.	

3.	Matters Arising	Action
(a)	<p>Harbour charges – fishing vessel mooring fees</p> <p>Fishermen Graham Wright and Nigel Ritson joined the liaison meeting on the 3rd March 2011 to express concern and disappointment over the significant percentage increase on fishing vessels mooring fees for 2011/12. KM has spoken with Cllr Horne to clarify the issue of fishing vessel mooring charges; PL stated that the outcome was that the fees were to remain as agreed by the Harbour Committee but that the fishermen could pay in instalments over the year.</p>	

3.	Matters Arising - continued	Action
(b)	<p>Victoria Breakwater</p> <p>PL reported that the structural survey had been completed and no significant concerns had been found only minor work was needed. He said that Dave Stewart was in the process of putting in a bid to the Environment Agency under the Coastal Defences Fund if this was not approved the Harbour Committee had approved work on the bull nose end to be carried out using the Brixham harbour account reserve.</p> <p>BC asked what repairs would be needed?</p> <p>PL replied sandbagging, pouring concrete and the rearrangement of rock armour.</p> <p>BC thought it would be a good idea to take rock armour from the inside of the Breakwater and reuse it at the end.</p> <p>PL said he would talk to KM & Dave Stewart about this idea.</p>	PL
(c)	<p>Electricity Recharge</p> <p>PL reported that there would be a meeting next week with Chris Varker and Andrew Pedrick to find out how we can recharge for the electricity being used by others in and around the harbour. PL stated that energy costs had risen considerably around the harbour and that the fishing fleet was consuming a significant amount of power. A system of recharge needs to be looked at and it will then be subject to a report to the Harbour Committee.</p> <p>GO stated that the cost of energy is set to dramatically increase and bearing in mind that the harbour is close to the sea maybe it would be of benefit to look at alternative energy sources and grant funding.</p> <p>DB said that solar energy was at the top of the list and that a company had already looked at putting solar panels on the roof of the new fish market building.</p> <p>RS advised that a sustainability/alternative energy report had previously been carried out and that it was found that alternative energy was not feasible at that time. The report needed to be looked at again.</p> <p>PL stated that he would chase up the previous report with Keith Humphreys and report back at the next meeting.</p>	PL PL
(d)	<p>Finding Sanctuary</p> <p>PL reported that work is coming to an end and the Finding Sanctuary steering group will be making recommendations for Marine Conservation Zones throughout the South West. Tor Bay has been recommended to be included as an MCZ whilst a similar area of Tor Bay is about to become a Special Area of Conservation.</p> <p>DP stated that there were links available on the MMO website.</p>	PL

4.	International Ship and Port Facility Security Plan	Action
	<p>PL is the designated Security Officer based around cruise ships that call into the Bay; there is a Security Plan in place. PL has the responsibility for training and advised the Forum that a Security Committee meeting would be taking place in the near future. JC is also involved through the shipping agents in managing security of cruise vessels when in the Bay.</p> <p>GO asked if the MCZ would affect the cruise ship anchoring in the Bay.</p> <p>PL was unsure.</p> <p>RS stated that the conservation areas were so close to the shore that he didn't think it would affect the ships anchoring in the Bay.</p>	

5.	Mooring contracts	Action
	<p>A new mooring contractor had been appointed TMS (Teignmouth Maritime Services).</p> <p>DB stated that he was very pleased with the work undertaken so far. The contractors had measured the moorings, put the moorings in the correct place and corrected some problems caused by the previous contractor. They had replaced class 1 and class 3 moorings with chains that had been upgraded which meant that they would last five years instead of three. There would still be an annual inspection.</p> <p>JC asked if rubbish had been cleared from the Harbour.</p> <p>DB responded that three days diving had been spent clearing approximately sixty feet of rubbish a lot of which was tyres. The tyres would be expensive to dispose of and therefore a way in which they could be reused was being looked into.</p> <p>An inner harbour clearance had also took place and also over three hundred bags of scallops were recovered from the MFV basin seabed after someone was witnessed dumping them. Action was being taken against this person. DB has had a meeting with the Environment Agency to discuss the way forward and the person involved has been invited to have a formal interview with the Harbour Authority and the Environment Agency.</p>	
6.	Restaurant update	Action
	<p>PL stated that an Agreement to Lease was about to be signed with the Glass Blowing House and that the Harbour Authority were disappointed that there would not be a tenant in for this summer but it was hoped that it would be open for next spring.</p> <p>PL advised the Forum that there was 600sq ft of storage space on the ground floor of the new building up for tender in the near future.</p> <p>The old Market House has been leased out to Nirvana Properties Limited who have announced a partnership with the St. Austell Brewery.</p>	
7.	Consultation on the modernisation of the Coastguard Station	Action
	<p>PL reported that the MCA's desire to update the Coastguard service could result in the closure of the Brixham Coastguard Station. A lot of lobbying has been carried out and it has resulted in the Minister responsible Phil Hammond saying that they are now listening and that a complete review of the original proposals will be carried out. The stance of the Harbour Committee, Tor Bay Authority and Torbay Council is to keep Brixham Coastguard Station open.</p>	
8.	Access, security and parking for leaseholders	Action
	<p>JC asked what the official line was with regard to tenants parking within the Harbour Estate.</p> <p>PL said there had been issues with security which had now been met with 24/7 coverage. The whole site is controlled by a new 'fob' system and 'fobs' are issued to tenants and their staff. They are also issued to fish buyers & sellers, contractors and fishing vessel owners; some of whom have restricted access to certain areas of the Quay. Currently there are a few people tail gating fob owners into the site and parking on the Quay.</p>	

8.	Access, security and parking for leaseholders - continued	Action
	<p>PL stated that he would like to introduce decriminalised parking and that a meeting was needed with the key stakeholders such as BTA, MTS and members of the fishing industry.</p> <p>VE said a strict policy was needed and that a sub-management group was a good idea to help implement the new arrangements.</p> <p>PL agreed to put together a working group.</p>	PL

9.	Maritime Events 2011	Action
	<p>Hardcopies of the 2011 Events schedule were circulated to the Forum at the meeting.</p> <p>PL reported that on 11th June the Harley Davidson ride was coming to Brixham Harbour. The Heritage Regatta had been held on the previous Saturday and it had been a great success.</p> <p>Mentorn Films were currently filming around Brixham for a 10 part series starting in June for Sky HD. A lot of this filming has occurred in and around the Harbour Estate.</p> <p>GO would like a discussion with Mentorn regarding advertising of the Bay.</p> <p>PL to arrange the meeting.</p>	PL

10.	Harbour Committee	Action
	<p>PL reported that Gordon Oliver was now the new Mayor of Torbay and the Group Leader of the conservative party.</p> <p>PL informed the Forum of the items on the agenda for the upcoming Harbour Committee meeting on 13th June.</p> <p>An issue was raised by RS of the Brixham Trawler Agents concerning the levying of business rates for the new fish market of which the Valuation Office were expecting BTA to pick up the new bill. PL agreed to brief the Harbour Committee, if required, at the next meeting.</p>	

Next Meeting	31 st August 2011	10.30am
Venue	Brixham Harbour Office	
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