



Minutes of the Harbour Committee

24 September 2018

-: Present :-

Councillors Amil, Bye, Darling (M), Ellery, Hill, Lewis (C), O'Dwyer, Pentney and Robson

External Advisors: Mr Buckpitt, Day, Mr Ellis and Mr Stewart

(Also in attendance: The Elected Mayor, Gordon Oliver)

13. Election of Chairman/woman

The Monitoring Officer advised the Harbour Committee that concerns were brought to her attention after the last Committee meeting that the election process for the Chairman had not been carried out in accordance with the Council's Constitution. Whilst recognising that no objections were raised at the meeting, when it was brought to her attention she felt it was appropriate for her to investigate. After careful consideration she concluded that the process undertaken was not in accordance with the Constitution, and accordingly required the election of Chairman and Vice-Chairman to be re-run.

Some Members and External Advisors questioned the Monitoring Officer's advice and expressed an aversion to the suggestion that the election be re-run. However on the advice of the Council's Monitoring Officer the election of Chairman and Vice-Chairman was re-run.

(At this juncture Councillors Darling (M) and Pentney withdrew from the meeting).

Resolved:

Councillor Bye was elected Chairman for the remainder of the 2018/2019 Municipal Year.

14. Appointment of Vice-Chairman/woman

Councillor Hill was appointed Vice-Chairman for the remainder of the 2018/2019 Municipal Year.

15. Apologies

An apology for absence was received from Mr Blazeby External Advisor.

It was reported that, in accordance with the wishes of the Conservative Group and the Liberal Democrat Group, the membership of the Committee had been amended for this meeting by including Councillor Lewis (C) instead of Councillor Thomas (D) and Councillor Darling (M) instead of Councillor Carter.

16. Minutes

The Minutes of the meeting of the Harbour Committee held on 18 June 2018 were confirmed as a correct record and signed by the Chairman.

17. Urgent items

The Committee considered the items in Minute 18, 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.

18. Appointments to Harbour Sub-Committee's and Working Parties

Following the election of the Chairman and Vice-Chairman the Chairman sought clarification regarding membership of the Harbour Asset Working Party, Harbour Budget Working Party, Appointments Sub-Committee and Pilotage Review Working Party.

The Clerk advised that the Harbour Asset Working Party and Harbour Budget Working Party were appointed at the Adjourned Annual Council meeting on 14 May 2018, these working parties are subject to political balance with nominations made by group leaders. The Appointments Sub-Committee and Pilotage Review Working Party were appointed at the Harbour Committee on 18 June 2018. As a result of the change in Chairman and Vice-Chairman a vacancy had arisen on the Appointments Sub-Committee.

Resolved:

That Councillor Amil be appointed to the Appointments Sub-Committee.

19. Torquay Fuel Station

Members considered a report that sought to determine the most efficient and effective way of providing a marine fuel service in Torbay harbour. The Head of Tor Bay Harbour Authority informed Members that the marine fuel station in Torquay was council-owned but has historically been leased to a commercial operator. After the lease was terminated in April 2018 a marine fuel engineering consultancy firm was commissioned to provide a material assessment of the fuel station. They concluded that the infrastructure was in a poor condition and they would not endorse its continued use. The Head of Tor Bay Harbour Authority had identified a number of options to reinstate the marine fuel service and recommended that an external service provider was sought.

Resolved:

That the Harbour Master be authorised to seek tender applications for the provision of a marine fuel service in Torquay harbour.

20. Parking on the Fish Quay

Members considered a report that sought agreement to future parking arrangements for the Fish Quay, Brixham Harbour. The Head of Tor Bay Harbour Authority advised Members that due to the thriving fishing industry and growth in fish landings the numbers of parked vehicles on the Fish Quay had increased in line with the success of Brixham as a fishing port. Historically parking had been a nuisance issue however parking had now become a serious health and safety concern due to the number and size of vehicles attempting to manoeuvre on and off the site, the lack of space for the increasing quantity of fishing equipment and ready-use stores required and the resultant over-congestion.

Resolved:

- i) that all car parking on the Fish Quay be suspended for Health and Safety due to congestion; and
- ii) that the Harbour Master be directed to liaise with the Assistant Director of Business Services to investigate arrangements for displaced vehicles to park in the Oxen Cove car park.

21. Tor Bay Harbour Authority Budget Monitoring 2018/19

The Committee noted a report that updated Members with the income and expenditure projections for 2018/19. The report also identified the overall budgetary position for the Tor Bay Harbour Authority as at end of August 2018 to enable appropriate action to contain expenditure and maintain reserves at appropriate levels. Members attention was drawn to the amended outturn projections of the harbour accounts and adjustments to the Reserve Funds, the Head of Tor Bay Harbour Authority's use of delegated powers to make decisions in relation to the budget allocated to Tor Bay Harbour and that no waiver of harbour charges has been approved to date under the Harbour Master's use of delegated powers for 2018/19.

Members were also advised that the Harbour Authority would be seeking legal advice following a legal challenge made by a group of residents regarding Scarborough Borough Council's classification of income and expenditure from Whitby Harbour. Members were informed that the outcome of the legal challenge could affect the future Harbour Authority's financial relationship with the Council therefore Members felt it appropriate to seek legal advice.

22. Performance Monitoring

The Committee noted the latest performance monitoring and incident data.

23. Torquay/Paignton and Brixham Harbour Liaison Forums

Members noted the topics discussed at the Torquay/Paignton and Brixham Harbour Liaison Forums.

Chairman
