

Minutes of the Harbour Committee

14 December 2022

-: Present :-

Councillor Amil (Chairman)

Councillors Brooks, Carter, Dudley (Vice-Chair), Ellery, O'Dwyer and Mills

External Advisor:

Mark Day

15. Apologies

An apology for absence was received from Barry Young (non-voting External Advisor).

16. Minutes

The Minutes of the meeting of the Committee held on 26 September 2022 were confirmed as a correct record and signed by the Chairman.

17. Port Marine Safety Code

17.1 Tor Bay Harbour Master Update - Port Marine Safety Code

The Tor Bay Harbour Master provided a verbal update on the latest safety initiatives that had been undertaken across the Harbour Authority's operational area. The Committee was reminded that as Duty Holder they had individual and collective responsibility for the Port Marine Safety Code.

Members discussed safety issues in connection with memorial benches and the lack of Policy on placement, repairs and maintenance of these benches within the Harbour Estate.

Resolved (unanimously):

That the Tor Bay Harbour Master be recommended to work with the Director of Pride in Place to develop a Policy on the placement and maintenance of memorial benches on the Harbour Estate having regard to the overall Council Policy on memorial benches and that the Policy be presented to the Harbour Committee for consideration prior to adoption.

17.2 Internal Audit Report - Port Marine Safety Code 2022-23

The Harbour Committee noted the Internal Audit Report on the Port Marine Safety Code for 2022/2023. The Tor Bay Harbour Master suggested improvements to the future audit process for the Harbour Estate and whilst acknowledging the Internal Audit opinion that the Harbour Authority was compliant with the requirements of the Port Marine Safety Code he noted there were still many improvements required, particularly around the use of agency security staff who were not qualified maritime professionals being responsible for the Harbour Estate in the absence of the Harbour Master(s). The Tor Bay Harbour Master informed Members that he would be reviewing and addressing the issues raised in the resulting action plan.

Resolved (unanimously):

1. that the Committee is not satisfied that agency security staff who are not qualified maritime professionals are left responsible for the Harbour Estate in the absence of the Harbour Master(s) and recommends that the Tor Bay Harbour Master reviews this and puts in place appropriate measures to address this by either arranging suitable training or replacing them with suitably qualified professionals as a matter of urgency;
2. that the Tor Bay Harbour Master be recommended to ensure that the arrangements for auditing the Harbours is improved by the Tor Bay Harbour Master carrying out the internal audit with a qualified Harbour Master from another authority providing professional external audit challenge to ensure robust challenge of the operation of the Tor Bay Harbour Estate; and
3. that the Harbour Committee receive quarterly updates on the action plan resulting from the Internal Audit of the Port Marine Safety Code in their role as Duty Holder.

18. Tor Bay Harbour Budget Monitoring 2022-23

Members considered a report which provided an update on the overall budgetary position for Tor Bay Harbour Authority as at September 2021 compared against the budget approved on 6 December 2021. It was noted that the original budget reflected the Harbour Committee's wish for a reduction in the annual contribution to the General Fund of £135,000 and the budget approved by Council on 6 March 2022 limited this reduction to £100,000.

The Committee acknowledged the pressures on the Harbour Budget and were particularly concerned that the level of reserves was below the recommended levels. At their meeting on 26 September 2022, they had recommended:

“That the Cabinet be requested to review the Harbour Reserve Fund to ensure that it is set at an appropriate minimum contingency level and make appropriate recommendations to the Council and the Director of Finance.”

The Chairwoman advised that she had written to the Leader of the Council he had verbally advised that the Cabinet would consider this as part of the budget setting process for 2023/2024 but gave no assurance as to any changes and did not provide a formal written response. The Harbour Committee raised concern as to the lack of formal response from the Cabinet to their recommendation and the impact that this was having on the safe and compliant operation of the Harbour Estate.

The Harbour Committee noted:

- i. the amended outturn projections and adjustments to the Reserve Fund (set out at Appendix 1 to the submitted report);
- ii. the low level of the harbour reserves in 2022 (below the Committee's recommended level);
- iii. the Head of Tor Bay Harbour Authority's' use of delegated powers to make decisions in relation to the harbour budget; and
- iv. the Harbour Master's use of delegated powers to waive certain harbour charges which to date amounts to £577.36.

19. Harbour Budget 2023/24 and Schedule of Fees and Charges

The Harbour Committee considered a report which set out the Harbour Budget for 2023/2024 and the Schedule of Fees and Charges. The Tor Bay Harbour Master advised that the Budget Review Working Party met on 9 November 2022 to consider the in-year financial position and the draft budget for 2023/2024. It also agreed the principle for the 2023/2024 schedule of charges, dues and fees as set out in Appendix 1 to the submitted report which provided for an increase that reflected the current level of inflation 10%.

The Tor Bay Harbour Master advised that the submitted report showed a deficit budget and outlined two options to ensure a balanced budget was set for 2023/2024. This was to either use Reserves to bridge the gap of £144,000 or to amend the forecast income relating to the Fish Tolls by £144,000 as in previous years they had exceeded estimated levels. To limit the amount of money to be taken from the Harbour Reserves it was proposed that £100,000 be added to the forecast income relating to Fish Tolls and £44,000 be taken from Reserves. Members acknowledged the risks associated with this and that the Fish Toll levels were volatile and subject to fluctuation in market forces and this would need to be kept under regular review by the Committee.

Resolved (unanimously):

1. that the Tor Bay Harbour Authority Schedule of Charges, Dues & Fees for 2023/24, in line with the current level of inflation and the views of the Budget Review Working Party, being a representative increase of 10%, as set out in

Appendix 1 to the submitted report be approved, subject to guarantee that the increase in revenue from this income be used to fund improvements to infrastructure and assets; and

2. that, subject to the forecast income relating to Fish Tolls being set at £1,100,000 and the NET from Reserves being £44,000, the proposed Harbour Authority budget for 2023/24 as set out in Appendix 2 to the submitted report be approved.

20. Torquay/Paignton and Brixham Harbour Liaison Forums

The Minutes of the Torquay, Paignton and Brixham Harbour Liaison Forums were noted.

Chairman