



Friday, 13 July 2012

## HARBOUR COMMITTEE

A meeting of **Harbour Committee** will be held on

**Monday, 23 July 2012**

commencing at **5.30 pm**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,  
Torquay, TQ1 3DR

### Members of the Committee

Councillor Amil  
Councillor Baldrey  
Councillor Ellery (Chair)  
Councillor Faulkner (J)  
Councillor Hytche  
Councillor McPhail  
Councillor James

Mayor Oliver (Vice-Chair)  
Councillor Richards  
Mr Buckpitt  
Mr Butcher  
Capt. Curtis  
Ms Hayes  
Mr Jennings

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**Working for a healthy, prosperous and happy Bay**

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For information relating to this meeting or to request a copy in another format or language please contact:

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# HARBOUR COMMITTEE

## AGENDA

1. **Apologies**  
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
2. **Minutes** (Pages 1 - 6)  
To confirm as a correct record the Minutes of the meeting of the Committee held on 11 June 2012.
3. **Declarations of interest**
  - (a) To receive declarations of personal interests in respect of items on this agenda  
**For reference:** Having declared their personal interest members and officers may remain in the meeting and speak (and, in the case of Members, vote on the matter in question). If the Member's interest only arises because they have been appointed to an outside body by the Council (or if the interest is as a member of another public body) then the interest need only be declared if the Member wishes to speak and/or vote on the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
  - (b) To receive declarations of personal prejudicial interests in respect of items on this agenda  
**For reference:** A Member with a personal interest also has a prejudicial interest in that matter if a member of the public (with knowledge of the relevant facts) would reasonably regard the interest as so significant that it is likely to influence their judgement of the public interest. Where a Member has a personal prejudicial interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.  
  
(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Democratic Services or Legal Services prior to the meeting.)
4. **Urgent items**  
To consider any other items that the Chairman decides are urgent.
5. **Harbour Liaison Forum Minutes** TO FOLLOW  
To note the minutes of the above Harbour Liaison Forum.
6. **Passenger Ferry Infrastructure** (Pages 7 - 12)  
To consider a report regarding the introduction of a ferry service between Torquay and Brixham. In particular, the installation of new pontoon and passenger access infrastructure at Brixham Harbour and Torquay Harbour.



## Minutes of the Harbour Committee

11 June 2012

-: Present :-

Councillors Amil, Baldrey, Ellery, Faulkner (J), Hytche, James and McPhail  
and Mayor Oliver

Also in attendance: Faulkner (A), Mr Buckpitt, Mr Butcher, Capt. Curtis and Mr Jennings

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### 1. Election of Chairman/woman

Councillor Ellery was elected Chairman for the 2012/13 Municipal Year.

Councillor Ellery in the Chair.

### 2. Apologies

Apologies for absence were received from Councillor Richards and Elaine Hayes.

### 3. Election of Vice-Chairman/woman

Mayor Oliver was elected Vice-Chairman for the 2012/13 Municipal Year.

### 4. Minutes

The Minutes of the meeting of the Harbour Committee held on 8 March 2012 were confirmed as a correct record and signed by the Chairman.

### 5. Urgent items

The Committee was advised of an additional Harbour Committee Meeting date of 23 July 2012, starting at 5.30pm in the Meadfoot Room, Town Hall, Torquay, to consider the Ferry Infrastructure arising from the successful bid for Sustainable Transport funding. Due to time constraints the item is required to be heard before the next scheduled Harbour Committee on the 17 September 2012.

### 6. Harbour Committee Terms of Reference

The Committee noted the current terms of Reference for the Harbour Committee.

**7. Appointment of Harbour Appointments Sub Committee**

The Committee considered appointments to the Harbour Appointments Sub-Committee to consider applications for External Advisors to the Harbour Committee and to make recommendations to the Harbour Committee on suitable appointments to those positions. Members were advised that previous Sub-Committees consisted of three Councillors, including the Chair and vice-Chair.

**Resolved:**

That a Harbour Appointments Sub-Committee be re-appointed to comprise six members of the Harbour Committee (The Chair, Vice-Chair and Councillors Hytche, Richards, McPhail and Faulkner (J)).

**8. Harbour Asset Review Working Party**

The Committee considered appointments to the Harbour Asset Review Working Party to provide strategic direction in relation to those assets within Tor Bay Harbour and the harbour estate that are managed by the Tor Bay Harbour Authority.

**Resolved:**

That a Harbour Asset Review Working Party, comprising three members of the Harbour Committee (Councillors Faulkner (J), Richards and McPhail) and two of the External Advisors to the Committee (Captain Bob Curtis and Mr Gordon Jennings), be appointed with the following terms of reference:

- a) To review all assets within Tor Bay Harbour and the Harbour Estate;
- b) To establish how each asset is performing; and
- c) To identify any assets that are surplus.

**9. Harbour Budget Review Working Party**

The Committee considered appointments to the Harbour Budget Review Working Party to assist the Harbour Committee in the management of 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 Tor Bay Harbour and Maritime Strategy.

**Resolved:**

That a Harbour Budget Review Working Party, comprising two members of the Harbour Committee (Councillors Baldrey and Hytche), plus the Chairman and two External Advisors to the Committee (Ms Hayes and Mr Jennings), be appointed to scrutinise the draft Tor Bay Harbour Authority budget prior to presentation to the Harbour Committee and to review the full range of harbour charges. Also, to assist Officers to monitor and review the budget ahead of each quarterly Harbour Committee meeting.

**10. Pilotage Review Working Party**

The Committee considered appointments to the Pilotage Review Working Party to review the Pilotage arrangements for Tor Bay Harbour and to recommend amendments to the Pilotage direction as and when appropriate.

**Resolved:**

That a Pilotage Review Working Party, comprising of three of the External Advisors (Captain Curtis, Mr Butcher and Mr Buckpitt) be appointed to work alongside Officers to review the Pilotage arrangements for Tor Bay Harbour and to recommend to the Harbour Committee any amendments to the Pilotage Directions as and when appropriate.

**11. Presentation by Torquay Rowing Club**

The Treasurer from Torquay Rowing Club, situated at Unit 11 Beacon Quay, Torquay was invited to speak to the Committee for ten minutes regarding the Club's application for a grant in lieu of rent.

**12. Exemption of the Press and Public**

The Committee moved to exclude Press and Public under Section 2 for Item 13 by virtue of paragraph (s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

**13. Application for Grant**

The Committee considered the application for grant received from Torquay Rowing Club and invited the Club's Treasurer to remain so that questions could be answered.

**Resolved:**

That a grant of £1500 be allowed for a period of one year, subject to the Torquay Rowing Club striving to attain higher membership levels and exploring Charitable Status and Membership of the Sports Council. Also, for an Action Plan to be brought back in 12 months time to the Committee if the Club wanted to make a further grant application next year.

**Resolved:**

The Committee moved to re-admit the Press and Public to the Meeting.

**14. Funding for Extension to Torquay Harbour (Third Harbour)**

The Committee considered a report and verbal update from the Executive Head, Spatial Planning and the Director of Place, seeking approval to fund the procurement of outline feasibility studies, including a preliminary business plan, in support of plans to extend Torquay Harbour from the Harbour Reserve Fund.

Members had concern over the order of the feasibility work and the estimated cost of £150,000 to £250,000 with the upper range taking the Harbour Committee Reserve fund below the approved minimum level.

**Resolved:**

The Committee moved to support in principle the funding of the feasibility works, from the Harbour Reserve Fund, with a Project Board set up by the Chairman and Vice Chairman of the Harbour Committee. The Project Board to be delegated to evaluate the procurement tenders and then to determine the sequence of the feasibility stages.

**15. Tor Bay Harbour Authority Revenue Outturn 2011/12**

Members received and noted a report setting out details of Tor Bay Harbour Authority's final expenditure and income figures against the budget targets for 2011/12.

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

The Committee received the minutes of the latest Torquay and Paignton Harbour Liaison Forum and the Brixham Harbour Liaison Forum and noted the contents.

**17. Tor Bay Harbour Authority Budget Monitoring 2012/13**

The Committee received and noted a report which provided members with projections of income and expenditure for the year 2012/13 compared with the approved budgets.

**18. Harbour Authority Performance**

The Committee noted the report which detailed the year end 2012/13 performance position of Tor Bay Harbour Authority.

**19. Tor Bay Harbour Authority Audit Plan - 2012~2017**

The Committee received a report setting out a dedicated Audit Plan for the Harbour Authority for the next four years.

**Resolved:**

The Committee approved the amended Tor Bay Harbour Audit Plan for 2012/2013 as set out at Appendix 1.

**20. Tor Bay Harbour Enforcement and Prosecution Policy**

The Committee received a report setting out an Enforcement and Prosecution Policy which the Committee were requested to review and endorse.

**Resolved:**

That the Tor Bay Harbour Authority Enforcement and Prosecution Policy shown in Appendix 1 be approved.

**21. Marine Economy Action Plan**

The Committee received a report which identified the potential for development of the marine economy and outlined appropriate actions and the investment needed to deliver positive outcomes for Torbay.

**Resolved:**

That the Harbour Committee endorses the Marine Economy Action Plan.

**Brixham Coastguard Station**

The Committee received an update from the Chairman on the Coastguard Station and the sell-off of properties around the country. A National Agent has been appointed to dispose of the buildings and a valuation has been made of the Brixham property although he had been unable to find out the valuation amount.

The Committee noted this is a valued building and would be a good building for Community/harbour use and/or used for the training of fishermen and for the fishing industry.

**Resolved:**

That the Chairman draft a joint letter with the Vice-Chairman to be sent to Adrian Sanders MP and Dr Sarah Wollaston MP asking for them to support the Harbour Committee in trying to keep the Coastguard Property for local community/harbour use.

**22. Torquay Inner Harbour Pontoon Berthing Project**

The Committee received a report which proposes to replace the existing chain moorings with new pontoon moorings in Torquay's inner harbour.

The proposal had been brought to the Harbour Committee and approved in principle in 2009. The existing chains are now beginning to fail and works need to be undertaken.

**Resolved:**

That the proposal to replace the existing chain trot moorings in Torquay's inner harbour be approved.

That the Council is recommended to add the Torquay Inner Harbour Pontoon Berthing Project to the Capital Plan.

That the Council is recommended to approve the use of prudential borrowing of approximately £800,000 to enable Torquay Inner Harbour Pontoon Berthing Project to proceed.

That, subject to the Council's approval of the prudential borrowing, the Executive Head of Tor Bay Harbour Authority, in consultation with the Chairman of the Harbour Committee and the Mayor, be authorised to use his delegated powers to proceed with the Torquay Inner Harbour Pontoon Berthing Project and that the Torbay Development Agency be asked to assist with the project procurement, management and delivery.

**23. Old Fish Market - Brixham Harbour**

The Committed noted the accounts for the Arts and Craft Market located on the Old Fish Market, Brixham.

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Chairman





Title: **Local Sustainable Transport Fund (LSTF)**

Public Agenda Item: **Yes**

Wards Affected: **All wards in Torbay**

To: **Harbour Committee** On: **23<sup>rd</sup> July 2012**

Key Decision: **No**

Change to Budget: **No** Change to Policy Framework: **No**

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## **1. What we are trying to achieve and the impact on our customers**

- 1.1. This report provides further information regarding the successful bid to the Local Sustainable Transport Fund (LSTF).
- 1.2. The Harbour Committee is being asked to make a decision regarding the introduction of a ferry service between Torquay and Brixham. In particular, approval is needed for the installation of new pontoon and passenger access infrastructure at Brixham harbour and Torquay harbour.
- 1.3. A ferry service throughout the year between Torquay and Brixham should have a beneficial impact on the majority of harbour customers and the wider community.

## **2. Recommendation(s) for decision**

- 2.1 **that the locations and indicative layout of the pontoons and access ramps at Brixham and Torquay enclosed harbours, as set out in the plans to be submitted at the meeting, for the procurement of new pontoon infrastructure, be approved**
- 2.2 **that the Executive Head in consultation with the Chair of the Harbour Committee will approve the final pontoon designs at Brixham and Torquay enclosed harbours, following the appointment of the successful contractor**

**2.3 that the Executive Head of Tor Bay Harbour Authority be asked to form a working group consisting of relevant officers, Councillors and harbour stakeholders, to consider a long-term location for passenger ferry infrastructure at Torquay harbour and report back to the Harbour Committee.**

**3. Key points and reasons for recommendations**

3.1 In February 2012 the Council submitted a bid into the department for Transport's Local Sustainable Transport Fund (LSTF) for the introduction of a ferry service between Torquay and Brixham. In June 2012, the Council received confirmation that the bid had been successful.

3.2 As part of the bid the Council is required to introduce new passenger ferry infrastructure at Brixham harbour and Torquay harbour. Drawings indicating the location and the likely layout of the new works will be available to view at the meeting.

3.3 This report seeks approval from the Harbour Committee, who deliver the Council's harbour authority function, for the introduction of new harbour infrastructure.

**For more detailed information on this proposal please refer to the supporting information attached.**

**Sally Farley  
Senior Service Manager  
Environmental Policy**

**Kevin Mowat  
Executive Head of Tor Bay Harbour Authority  
Tor Bay Harbour Master**

## Supporting Information

### A1. Introduction and history

A1.1 The LSTF bid – the Travel Torbay Regeneration Project – was submitted in February 2012. In June 2012, the Council received confirmation that the bid had been successful.

A1.2 The bid proposes the delivery of a new Eastern Corridor for Torbay. The main features are as follows :-

- A regular, direct ferry service between Torquay and Brixham running all year round;
- The 'Riviera Trail' cycle route between Torquay town centre and Torbay Hospital;
- A bus service linking Torquay Harbour, town centre and Torbay Hospital;
- Provision of new 'work hubs' at both harbours, alongside apprenticeship opportunities in ferry related occupations; and
- A supporting package of employer based travel planning and real time information and marketing.

A1.3 A total of £2.75m has been awarded to the Council to implement the package of measures. A significant proportion of the capital funding has been allocated to the construction of new pontoons in Torquay and Brixham harbours.

A1.4 During the bid production period, the Harbour Committee was consulted with regards to the proposal for the new ferry service and potential locations for the pontoons. This paper provides an update to these proposals as the Council prepares to procure marine construction contractors to complete the infrastructure works.

A1.5 The new ferry service will operate a half-hourly service throughout the year to provide a direct public transport link between Brixham and Torquay. The service will commence from March 2013.

A1.6 The ferry is expected to be contracted for five years. A subsidy will be provided to the ferry operator for the first three years of the contract to allow them to operate services during the winter period. The service is expected to operate on a commercial basis throughout the year for the remaining two years of the contract.

A1.7 At Brixham Harbour, the pontoon is proposed to be located alongside East Quay on the outer harbour side. It is expected that the pontoon will be constructed as a free standing structure with supporting piles and a connecting brow onto the existing quay. This location is already being used by passenger boat operators.

- A1.8 At Torquay Harbour, the pontoon is proposed to be accessed from Beacon Quay between the Town Dock and the slipway. The Torquay Harbour pontoon will be designed in order to minimise potential impacts to the nearby popular slipway. This particular location in Torquay has been identified as the most appropriate under current conditions and it is already being used by passenger boat operators. There are medium to longer term plans for alternative locations to be considered for the ferry pontoon (see recommendation 2.3), however, given the time constraints of the bid funding, a location off Beacon Quay has been identified as the optimum solution at present.
- A1.9 The pontoons are being procured on a design and build basis. Contractors will be required to design a system that improves access for all passengers and will be able to accommodate a range of different vessel types. Following construction, the infrastructure will become the property of the Harbour Authority along with the ongoing maintenance liability and income opportunity. The new ferry service will pay the appropriate harbour dues and charges for use of the new facilities and this matter will be the responsibility of the Authority.
- A1.10 The procurement process for the pontoon construction is underway, with a Pre-Qualification Questionnaire (PQQ) issued 23<sup>rd</sup> June 2012. The Invitation to Tender will be issued in August.
- A1.11 A legal consent process needs to be followed to permit the construction of the new ferry infrastructure and to this end the Council/Harbour Authority will be relying on existing powers to construct works (see A7.2 below). However, the Marine Management Organisation has been consulted and will continue to be consulted regarding the lawful delivery of the new works at both of the enclosed harbours.

## **A2. Risk assessment of preferred option**

### **A2.1 Outline of significant key risks**

- A2.2 An assessment of likely risks for the overall LSTF project has been carried out. The main risks identified regarding the pontoons are in relation to the construction period to avoid delay to the operation of the ferry service, which is due to commence in March 2013. Programme slippage could occur due to a number of factors including weather, or problems with existing infrastructure. It is proposed that a contingency plan is put in place to identify alternative boarding points for the ferry service to avoid delaying the commencement of the service.
- A2.3 The location of the new infrastructure at Torquay will be adjacent to the Beacon Quay slipway. Any potential conflict between slipway users and the manoeuvring ferry will need to be carefully managed. The Royal Torbay Yacht Club has expressed concerns over the impact on their ability to host dinghy championships and they have also raised the issue of safety management. Safety issues can be adequately managed by the Harbour Authority but it is more difficult to control the perception of risk. However, the Harbour Committee is being asked to form a working group (see recommendation 2.3) consisting of relevant officers, Councillors and harbour stakeholders, to consider a long-term location for passenger ferry infrastructure at Torquay harbour.

#### **A2.4 Remaining risks**

A2.5 There is a risk of scour damage caused by the ferry manoeuvring, especially at low water. The Harbour Master and Council engineers will monitor this situation.

#### **A3 Other Options**

A3.1 Not to install the new passenger ferry infrastructure and to hand back £2.75m of funding to the Department for Transport.

#### **A4 Summary of resource implications**

A4.1 The funding received from the Local Sustainable Transport Fund (LSTF) bid will cover the capital costs of constructing both pontoons. This is not expected to exceed £1million.

A4.2 It is expected that the new infrastructure will have a 25 year design life and the Harbour Authority will inherit the ongoing maintenance costs. These new costs are expected to be offset by the income generated through appropriate harbour charges and any new business opportunities.

#### **A5 What impact will there be on equalities, environmental sustainability and crime and disorder?**

A5.1 The new passenger ferry infrastructure, especially the new ramps, will improve access to the passenger boat services.

A5.2 A Habitats Regulation Assessment (HRA) was undertaken as part of the Local Transport Plan 3. This assessment covered both the policies and individual projects in the Implementation Plan, including the ferry service proposal. The mitigation measures proposed in this assessment will be taken forward with the project.

A5.3 There are no implications for crime and disorder, although the Harbour Authority may well make the new infrastructure a gated facility.

#### **A6 Consultation and Customer Focus**

A6.1 The Harbour Committee has previously been briefed with regards to the proposal for the new ferry service and potential locations for the pontoons.

A6.2 Special meetings of the Torquay/Paignton Harbour Liaison Forum and the Brixham Harbour Liaison Forum were held on the 10<sup>th</sup> and 11<sup>th</sup> of July 2012. The proposal to introduce new ferry infrastructure was generally supported by both Forum meetings. However, concern was raised over the location of the pontoon and ramp at Torquay harbour and these concerns have been highlighted within this report.

#### **A7 Are there any implications for other Business Units?**

A7.1 The Harbour Authority has permitted development rights it is understood that planning permission is not required for this type of structure in either harbour.

A7.2 Legal advice will be required in respect of the need for construction consent.

Such consent is normally required from the Marine Management Organisation. The Tor Bay Harbour Revision Order 2000 provides consent for a range of works in support of improvements to the harbour infrastructure. Included in this order are a series of Work Areas, which cover the construction of piled moorings with a pontoon to be accessed from Beacon Quay. At Brixham Harbour the Council will rely on section 18 of the Brixham Harbour and Market Act 1837. This power to construct was successfully used in the delivery of the new fish quay and Brixham marina.

## **Appendices**

None

## **Documents available in members' rooms**

None

## **Background Papers:**

The following documents/files were used to compile this report:

Local Sustainable Transport Fund Application – February 2012