



Minutes of the Harbour Committee

16 December 2013

-: Present :-

Councillors Ellery, Faulkner (J), Hytche, McPhail, James, Stringer, Excell (In place of Amil), Addis (In place of Mayor Oliver) and Lewis (In place of Richards)

External Advisors: Paul Lloyd, Dave Buckpitt, Capt. Curtis and Mike Ellis

11. Election of Chairman/woman

In the absence of the Chair and Vice-Chair, Councillor McPhail was elected Chairman for the meeting.

12. Apologies

An apology for absence was received from Mr Mike Stewart.

It was reported that, in accordance with the wishes of the Conservative Group, the membership of the Committee had been amended for this meeting by including Councillors Excell, Lewis and Addis instead of Councillors Amil, Richards and Mayor Oliver.

13. Minutes

The Minutes of the meeting of the Harbour Committee held on 23 September 2013 were confirmed as a correct record and signed by the Chairman.

14. Urgent items

Members were advised that due to the budget pressure a restructure of the Harbour Authority Business Unit had been undertaken resulting in two Senior Officers being made redundant.

Resolved:

That the Chairman send a letter to the two Senior Officers thanking them, on behalf of the Harbour Committee, for their long service and dedication.

15. Appointment of External Advisor

The Committee were advised that following an application and interview process, the Harbour Appointments Sub-Committee had met on 2 October 2013 and were pleased to recommend the appointment of Michael Ellis for the position, previously held by Gordon Jennings, as External Harbour Advisor.

Resolved:

That Mike Ellis be appointed as an External Harbour Advisor for a period of four years from 16 December 2013.

16. Exemption of Press and Public

Prior to consideration of the item in Minute 17 the press and public were formally excluded from the meeting on the grounds that the item involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

17. Development Opportunity for the Harbour Authority

Members considered an exempt Report on a potential Development opportunity for the Harbour Authority.

Resolved:

- (1) That the Executive Head of Tor Bay Harbour Authority, supported by the Torbay Development Agency (TDA), be requested to investigate the redevelopment opportunity outlined in the submitted report, with reasonable preparation costs being met by the harbour reserve fund; and
- (2) upon completion of the investigation outlined in (1), and detailed in the submitted report, the Executive Head of Tor Bay Harbour Authority working with the Torbay Development Agency, produce a detailed business case for the following scenarios :-
 - (i) Obtain vacant possession and sell a long leasehold interest of all or just the first floor of the building, for a premium as well as an annual rent, allowing the purchaser / tenant to carry out these works. If just the first floor is sold, consider how the ground floor could also be reconfigured to maximise values and increase usage of the harbour; and

- (ii) carry out the works to the first floor or all of the building and then seek a tenant for those refurbished parts at a full rental value; and
- (iii) retain the status quo. Keep the structure of the building as it is and renew the existing leases, reviewing the rents where appropriate; and
- (3) that the tenants of the building be consulted and kept informed as to the proposals that might affect their use of the building; and
- (4) that the £5,000 budget identified in Point 4.19 and 4.20 of the submitted report be approved to investigate the costs of carrying out the development, but that authority will be delegated to the Chairman and the Executive Head of Tor Bay Harbour Authority to exceed this budget if so required; and
- (5) that an Update Report be brought back to the Harbour Committee in March 2014.

18. Tor Bay Harbour Authority Budget and Setting of Harbour Charges 2014/15

The Committee considered the report which provided Members with the opportunity to consider the level of harbour charges to be levied by Tor Bay Harbour Authority, on behalf of the Council as the Harbour Authority, in the next financial year and to consider the Tor Bay Harbour Authority budget for 2014/15. This was being considered at this time to enable implementation and payment to be made in advance of the granting of facilities for the coming financial year.

Resolved:

- (1) That, having had regard to the opinions expressed by the Harbour Liaison Forums, Members consider the recommendation from the Harbour Committee's Budget Review Working Party, to increase the harbour charges for 2014/15, by a representative average increase of 3.0% and approve the schedule of harbour charges set out in Appendix 1; and
- (2) that, as set out in the submitted report, an additional contribution be made to the Council's General Fund from the Tor Bay Harbour Authority accounts, to the equivalent value of £150,000 for the years 2014/15 and 2015/16; and
- (3) that, any operating surplus from the Tor Bay Harbour Authority accounts for the year 2013/14 and the next two years be passed to the Council's General Fund in support of the corporate budget saving measures, providing the harbour reserve levels are not below the minimum recommended level; and

- (i) that the Tor Bay Harbour Authority budget for 2014/15, based on a 3.0% representative average increase in harbour charges as set out in Appendix 2, of the submitted report, be approved; and
- (ii) that during 2014/15 the Tor Bay Harbour Budget Review Working Party should continue to review the full range of harbour charges, monitor the revenue budget, and recommend a budget for 2015/16.

19. Annual Compliance Audit of the Port Marine Safety Code.

Members noted a report which provided details of the annual Port Marine Safety Code compliance audit. The audit had been undertaken by Nicholsons Risk Management Ltd who were appointed as the harbour authority's 'Designated Person' and the Harbour Committee, on behalf of the Council is the 'Duty Holder.'

The Committee also noted the contents of the revised Tor Bay Harbour Committee Safety Management System.

20. Torquay/Paignton and Brixham Harbour Liaison Forums

Members noted the minutes of the Torquay/Paignton and Brixham Harbour Liaison Forum meetings held on 3rd and 5th December 2013.

Members noted that the Defra Minister had announced the proposed Tor Bay Marine Conservation Zone (MCZ) had now been designated but it was too early to say what management measures might be forthcoming.

Resolved:

Executive Head of Tor Bay Harbour Authority to bring a report to the Harbour Committee to inform Members of the likely impacts of the new MCZ designation.

21. Quarterly Budget Monitoring

Members noted the report which provided them with projections of income and expenditure for the year 2013/14 with approved budgets and identified the overall budgetary position for Tor Bay Harbour Authority.

Members were advised that significant additional costs on the Brixham Harbour account had been incurred, increasing the anticipated deficit on the account for the year. This, along with the committed capital spending is likely to bring the Brixham Reserve level well below the minimum level.

The Executive Head of Tor Bay Harbour Authority advised Members that he will endeavour to remedy this situation within future years budget planning.

22. Performance Report

Members noted the quarterly report on the performance of the Harbour Authority.

Chairman
