



Minutes of the Harbour Committee

20 March 2017

-: Present :-

Councillor Bye (Chairman)

Councillors Amil, Carter, Ellery (Vice-Chair), O'Dwyer, Robson and Sykes

External Advisors: Mr Buckpitt, Mr Ellis, Capt. Lloyd and Mr Stewart

(Also in attendance: Mayor Gordon Oliver)

30. Apologies

An apology for absence was received from Councillor Stringer.

31. Minutes

The Minutes of the meeting of the Harbour Committee held on 13 December 2016 were confirmed as a correct record and signed by the Chairman.

32. Urgent items

The Committee considered the items in Minute 33, and not included on the agenda, the Chairman being of the opinion that they were urgent by reason of special circumstances i.e. the matters having arisen since the agenda was prepared and it was unreasonable to delay a decision until the next meeting.

33. Appointment of External Advisor and Order Update

Kevin Mowat, Executive Head of Business Services advised that Mr Stewart's first four year term of office as an External Advisor to the Harbour Committee had come to an end in December 2016 and Members were asked to consider extending his term of office for a further four years.

Kevin Mowat also advised that the Secretary of State for Transport had approved the Harbour Directions (Designation of Harbour Authorities) Order 2017 which would come into force from 6 April 2017. The Order authorises Tor Bay Harbour to give harbour directions in respect of ships in accordance with sections 40A to 40D of the Harbours Act 1964.

Resolved:

That Mr Stewart's term of office as an External Advisor to the Harbour Committee be extended for a further four years.

34. Harbour Light Restaurant, Paignton Harbour

Further to the meeting of the Harbour Committee held on 27 June 2016, the Committee considered the submitted exempt report which set out a revised business case for the future use of the Harbour Light Restaurant.

Kevin Mowat, Executive Head of Business Services highlighted the submitted report. Members noted that the proposal would require vacant possession as it affected a number of leases. There were some architectural sketches within the report which showed the potential redevelopment opportunities for the site. The Council wants to maximise the use of the asset in accordance with the Port Masterplan and regenerate and increase footfall to the Paignton Harbour area. David White, Torbay Development Agency attended the meeting for this item and responded to questions.

Members did not support the proposal to relocate tenants from the South Quay to the Harbour Light Restaurant to facilitate development on the south side of the harbour.

Resolved:

That the Council be recommended that consideration is given to the redevelopment of the Harbour Light Restaurant in accordance with the Port Masterplan, subject to vacant possession, as set out in the submitted exempt report.

(Note: prior to consideration of the item in Minute 34 Members confirmed that they would discuss the item on the Harbour Light Restaurant in public but that the report would remain exempt on the grounds that it contained exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).)

35. Review of Delegated Powers

The Committee considered the submitted report on a review of the powers delegated to the Executive Head of Business Services – Tor Bay Harbour Master as contained within Torbay Council's Constitution to ensure that they were fit for purpose.

Members noted that the Harbour Directions (Designation of Harbour Authorities) Order 2017 gives the Harbour Master additional powers and the delegated powers of the Executive Head of Business Services would need to be amended accordingly.

Resolved:

- (i) that, having reviewed the powers delegated to the Executive Head of Business Services, as set out in Appendix 1 to the submitted report, the Harbour Committee finds no reason to refer any proposed changes to the Council for determination; and
- (ii) that the Executive Head of Business Services be recommended to consider any additional powers conveyed by the Harbour Directions (Designation of Harbour Authorities) Order 2017 and make recommendations to the Monitoring Officer on the necessary amendments to the Constitution.

36. Tor Bay Harbour Business Plan 2017/2018

The Committee considered the submitted report which sought agreement of the Tor Bay Harbour Business Plan for 2017/18.

Resolved:

- (i) that the draft Tor Bay Harbour Business Plan 2017/18 as set out in Appendix 1 to the submitted report be approved; and
- (ii) that the Executive Head of Business Services and the Harbour Committee Chairman agree the final detail of the Tor Bay Harbour Business Plan 2017/18, and sign the Acceptance Statement in Section 9.

37. Operational Moorings and Facilities Policy

The Executive Head of Business Services outlined the submitted report and highlighted the proposed amendments to the Operational Moorings Facilities Policy to ensure that a fair and equitable approach was applied to new, existing and potential facility customers that use Tor Bay Harbour and the harbour estate. Members noted the main change was in respect of prohibition of assignment/sub-letting of facilities to prevent people renting their beds/berths on board vessels whilst using the harbour facilities via websites such as www.bedsonboard.com and www.airbnb.co.uk.

Resolved:

That the Tor Bay Harbour Operational Moorings and Facilities Policy – Version 12 set out in Appendix 1 to the submitted report be approved.

38. Tor Bay Harbour Authority Budget Monitoring 2016/17

The Committee received the Revenue Budget Monitoring Report which provided Members with projections of income and expenditure for the 2016/2017 financial year as at the end of February 2017 compared with approved budgets.

Members noted that £100,000 should be added to the reserve list for future maintenance of the Harbour Light Restaurant at Paignton.

The Committee thanked the Executive Head of Business Services and his staff for their excellent performance and the high levels of income generated by the Harbour Authority.

The Committee noted:

- (i) the amended outturn position of the harbour account and adjustments to the Reserve Fund shown in Appendix 1 to the submitted report;
- (ii) the Executive Head of Business Services' use of delegated powers to make decisions in relation to the budget allocated to the Tor Bay Harbour; and
- (iii) the Tor Bay Harbour Master's use of delegated powers to waive certain harbour charges, which so far this financial year has amounted to £8,827.76 (excl VAT) and that no additional charges have been levied.

39. Harbour Committee Work Programme 2017-18

The Committee considered the submitted report which set out the draft Work Programme for the Harbour Committee for the 2017/2018 Municipal Year.

Resolved:

That the Executive Head of Business Services, in consultation with the Chairman of the Harbour Committee, be authorised to finalise the Harbour Committee Work Programme for 2017/2018.

40. Review of the Tor Bay Harbour Asset Management Plan 2017/18

The Committee received the submitted report on a review of the Tor Bay Harbour Authority Asset Management Plan. The Executive Head of Business Services advised the Committee that the Asset Review Working Party had met on 27 February 2017 and reviewed the Asset Management Plan in accordance with their terms of reference.

Resolved:

That the Tor Bay Harbour Authority Asset Management Plan 2017/18 set out in Appendix 1 to the submitted report be approved.

41. Quarterly Accident and Incident Data for Tor Bay Harbour

Members received the submitted report which provided a quarterly update on the current accident statistics for the Harbour Authority's operational area up to 9 March 2017.

42. Torquay/Paignton and Brixham Harbour Liaison Forums

Members noted the Minutes of the Torquay/Paignton and Brixham Harbour Liaison Forum meetings held on 8 March and 9 March 2017.

Chairman
