



## **Minutes of the Harbour Committee**

**17 December 2018**

**-: Present :-**

Councillor Bye (Chairman)

Councillors Amil, Carter, Ellery, O'Dwyer, Pentney, Robson and Thomas (D)

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

(Also in attendance: Councillor Mike Morey)

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### **24. Apologies**

An apology for absence was received from Councillor Hill.

### **25. Minutes**

The Minutes of the meeting of the Harbour Committee held on 24 September 2018 were confirmed as a correct record and signed by the Chairman.

### **26. Tor Bay Harbour Authority Environmental Policy Statement**

Members considered a report that reviewed and sought the endorsement of the Tor Bay Harbour Authority Environmental Policy Statement. The Torbay Harbour Master informed Members that in addition to their operational duties, ports and harbours have extensive environmental responsibilities. A harbour's commercial and recreational activities must co-exist with sound environmental practice. The Environmental Policy Statement demonstrates compliance with environmental best practice and will be regularly reviewed by the Harbour Committee.

Resolved:

That the Environmental Policy Statement be approved subject to the second bullet point being amended to read:

'Encourage and review the efficient use of renewable energy and natural resources;'

### **27. Tor Bay Harbour Authority Local Port Services Policy Statement**

Members received a report that reviewed and sought endorsement of the Tor Bay Harbour Authority Local Port Services Policy Statement. The Torbay Harbour

Master informed Members that the Guide to Good Practice on Port Marine Operations indicates that Harbour Authorities have the power to establish Vessel Traffic Services (VTS) or Local Port Services (LPS) to mitigate risk, enhance vessel safety and to protect the environment. The requirement to manage navigation varies by port with the decision to have VTS or LPS being informed by a formal risk assessment of navigational risk. In Tor Bay harbour the risk assessment indicates that a VTS is not required and an LPS is instead sufficient.

Resolved:

That the Local Port Services Policy Statement be approved.

### **28. Tor Bay Harbour Edge Protection Policy**

Members were requested to review and endorse the Tor Bay Harbour Authority – Edge Protection Policy. Members were advised that as well as reviewing the policy a physical audit of the Harbour estate. The Tor Bay Harbour Master explained that the Edge Protection Policy makes it clear through risk assessment the control measures to reduce the risk of falling from height.

Resolved:

that the Tor Bay Harbour Edge Protection Policy be approved subject to the inclusion of actions to be taken should a control measure need replacing or require maintenance.

### **29. Tor Bay Harbour Authority Audit Plan - 2018-2023**

Members considered the Tor Bay Harbour Audit Plan for 2018-2023, the key objective of the plan is to deliver a framework of audit tasks that will provide the Harbour Committee with reassurances regarding risk management, control and governance processes. By adopting a risk based, systematic approach to internal auditing the Harbour Committee will be able to assist the Tor Bay Harbour Authority business unit to meet the overall objectives of the service and provide assurance to Torbay Council that the strategic management of Tor Bay Harbour meets their aspirations for their harbour authority function.

Resolved:

That the amended Tor Bay Harbour Audit Plan for 2018-2023 set out in Appendix 1 subject to 'income' being rated as high and the next scheduled audit being in 2019/20.

### **30. Port Marine Safety Code - Annual Compliance Audit**

Members considered a report that provided an update on the annual Port Marine Safety Code (PMSC) compliance audit undertaken by the Devon Audit Partnership

on behalf of the Council, as the Harbour Authority. The Tor Bay Harbour Master informed Members that the PMSC represents good practice which offers a national standard for port safety in the UK. Members were advised that the Devon Audit Partnership were unable to provide assurance that the Tor Bay Harbour Authority was compliant with the requirements of the PMSC due to the lack of progress made against previous recommendations and agreed actions, particularly the requirement for Members to receive Duty Holder training and the identification of other safety risks.

Members were advised that a number of the high and medium recommendations had been addressed, however Members sought further reassurance and requested an extraordinary Harbour Committee be scheduled prior to the Harbour Committee on 18 March 2019.

Resolved:

That

- i) Members noted the report and attached appendices;
- ii) Members requested their grave concern and disappointment at the outcome of the audit on compliance with the Port Marine Safety Code be recorded;
- iii) an extraordinary meeting of the Harbour Committee be scheduled prior to the Harbour Committee on 18 March 2019 to receive an update on progress of implementing the medium and high recommendations; and
- iv) training for Members of the Harbour Committee on the Port Marine Safety Code be scheduled for January 2019.

### **31. Tor Bay Harbour Authority Budget and Harbour Charges 2019/2020**

The Harbour Committee considered the proposed Tor Bay Harbour Authority budget and charges for 2019/20 in order that customers can make an informed choice regarding the leasing of harbour facilities in the next financial year.

Members were concerned with the proposal for the IFCA (Sea Fisheries) precept liability to be transferred to the Harbour Account as the wider community not just Harbour Users benefitted from IFCA membership.

Resolved:

- i) that, taking into account the opinions expressed at the Harbour Liaison Forums, Members approve the Harbour Committee's Budget Review Working Party (BRWP) recommendation to increase the harbour charges for 2019/20 by a representative average of 2.0%, and approve the schedule of harbour charges set out in Appendix 1;

- ii) that any additional contribution to the Council's General Fund from the Tor Bay Harbour Authority accounts above the base level of £802,000 be on the basis of the operating surplus of the Harbour Account by way of:
  - First £25,000 to the General Fund
  - Any amount over £25,000 split 60% retained by the Harbour Account and 40% to the General Fund;
- iii) That subject to the IFCA (Sea Fisheries) precept liability remaining with the Council, the Tor Bay Harbour Authority budget for 2019/20 be approved.

**32. Tor Bay Harbour Authority Budget Monitoring 2018/2019**

The Committee considered a report that provided Members with an update on income and expenditure projections for 2018/19. Members noted:

- i) the amended outturn projections of the harbour accounts and adjustments to the Reserve Funds as set out in Appendix 1;
- ii) 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;
- iii) that no waiver of harbour charges has been approved to date under the Harbour Master's use of delegated powers for 2018/19.

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

The Minutes of the Torquay/Paignton and Brixham Harbour Liaison Forums were noted and an update on the Harbour Lights building was also provided.

The electricity supply to the dock area in Torquay was also raised as an issue, the Committee requested the Harbour Master undertake a user survey on this issue with the survey being clear that investment may result in increased charges.

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Chairman