



Minutes of the Harbour Committee

17 September 2012

-: Present :-

Councillor Ellery (Chairman)

Councillors Amil, Baldrey, Faulkner (J), Hytche and James
and Mayor Oliver (Vice Chairman)

28. Apology

An apology for absence was received from Councillor McPhail.

29. Minutes

The Minutes of the meeting of the Harbour Committee held on 23 July 2012 were confirmed as a correct record and signed by the Chairman.

30. Appointment of External Advisor to Harbour Committee

It was reported that the Harbour Appointments Sub-Committee met on 11 September 2012 to discuss the replacement of Mr Butcher, External Advisor, whose term had come to an end.

A timetable for recruitment was drawn up and the advert, person specification and press release finalised and circulated with a closing date for applications of 15 October 2012, short listing on 29 October 2012 and interviews on the 7 December 2012 with the successful candidate being invited to attend the Harbour Committee on 17 December 2012.

The Chairman and the Committee thanked Mr Butcher for his outstanding contribution to the Harbour Committee over the past five years and presented him with a token of appreciation.

31. 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.

The Chairman and Committee thanked Paul Labistour, Assistant Director, Marine Services, Tor Bay Harbour Authority, for his work with a sunken boat in Brixham Harbour over the past few days.

32. Harbour Authority Business Risk Register

The Committee noted the submitted report which provided them with details of the Tor Bay Harbour Business Risk Register for 2012/13.

It was highlighted that 'Produce an Environmental Management Plan' has been on the Business Risk Register for at least four years.

Resolved:

that the Executive Head of Tor Bay Harbour Authority be requested to look in to resourcing to produce the Environmental Management Plan.

33. Harbour Asset Review Working Party

The Committee noted the report from the Harbour Asset Review Working Party which met on 23 August 2012. All assets were performing satisfactorily and two work boats were identified as being surplus and due to be sold and replaced by one new craft.

34. Tor Bay Harbour Authority Budget Monitoring

The Committee noted a report on the Budget Monitoring which provided members with the overall budgetary position for Tor Bay Harbour Authority as at the end of August 2012.

35. Tor Bay Performance Monitoring

The Committee noted a report outlining the performance of the Tor Bay Harbour Authority Business Unit.

36. Tor Bay Harbour Environmental Policy Statement

The Committee considered a report to review and endorse the Revised Environmental Policy Statement.

It was noted that the Policy had been re-written many times and updated and required a refresh.

Resolved:

- (i) that the Environmental Policy Statement as shown in Appendix 1 of the submitted report be approved; and
- (ii) that the Environmental Policy Statement be revised, with assistance from External Advisor Ms Elaine Hayes, after the Harbour Port Master Plan has been produced.

37. Artificial Reef in Tor Bay Harbour

Mr Rick Parker from the Torbay Reef Restoration Project presented a proposal for an artificial reef to members.

It was noted that since the report was circulated, correspondence had been received and this was read to members. The Torquay Harbour Fishermans Association had written stating that they were opposed to the project but e-mails of support for the project had been received from the Torbay Coast and Countryside Trust and the Brixham Sea Anglers Club. The Crown Estate were also in general support of the project.

A number of issues were raised as to risks, impact on local fishing industry, erosion to coastline, consultation with neighbouring authorities, liability during the first three years and afterwards and possible costs to the Council and the marking of the site with navigation buoys and signage.

Members felt that the project needed more work, research and consultation.

The Harbour Committee resolved that :-

- (i) the Committee agreed in principle with the Torbay Reef Restoration Project, but that more background work was required in respect of stakeholder consultation, a Business Plan and shoreline impact assessment before the following recommendations can be applied; and
- (ii) subject to item (iii) below that the Committee recommends to the Mayor that he authorise the Head of Commercial Services, in consultation with the Executive Head of Tor Bay Harbour Authority and the Chief Executive of the Torbay Development Agency, to accept a new lease, or amend the existing lease, for part of the seabed from the Crown Estate on acceptable terms, and that, in determining the acceptable terms, the Mayor is recommended to seek further legal advice as to the level of the Council's risk exposure at the end of any subsequent sub-lease; and
- (iii) the Committee recommends that the Mayor authorise the Head of Commercial Services, in consultation with the Executive Head of Tor Bay Harbour Authority and the Chief Executive of the Torbay Development Agency, to grant a sub-lease (and if considered appropriate an agreement for that lease) for part of the seabed to a local charitable organisation on acceptable terms; and
- (iv) the Committee recommends that the Mayor authorise the Head of Commercial Services, in consultation with the Executive Head of Tor Bay Harbour Authority and the Chief Executive of Torbay Development Agency, to enter into such other legal documentation on acceptable terms as deemed necessary; and

- (v) that the exact position of the artificial reef within Tor Bay Harbour limits will be determined by the Executive Head of Tor Bay Harbour Authority in his capacity as Harbour Master, following consultation with harbour users and the Harbour Committee

Chairman