

## **Minutes of the Harbour Committee**

**21 December 2020**

**-: Present :-**

Councillor Amil (Chairwoman)

Councillors Barrand, Bye, Dudley, O'Dwyer, Ellery, Mills and Cowell

External Advisors: Mr Blazeby, Mr Ellis and Mr Stewart

(Also in attendance: Councillors Loxton and Morey)

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### **94. Opening**

The Chairwoman opened the meeting with a minute's silence as a mark of respect for the two fishermen, Adam Harper who tragically lost his life and Robert Morley who was missing at sea following the sinking of the Brixham fishing boat the Joanna C.

### **95. Apologies**

Apologies for absence were received from External Advisors Mr Day and Mr Young.

It was reported that, in accordance with the wishes of the Liberal Democrat Group, the membership of the Committee had been amended for this meeting by including Councillor Cowell instead of Councillor Carter.

### **96. Harbour Budget 2021/2022 and Schedule of Fees and Charges**

The Committee considered the submitted report which provided members with the opportunity to review the level of harbour charges to be levied by Tor Bay Harbour Authority, on behalf of the Council as the Harbour Authority, for 2021/22 and to consider the Tor Bay Harbour Authority budget for 2021/22. A revised Appendix 2 was circulated prior to the meeting.

Councillor Ellery proposed and Councillor Cowell seconded a motion as set out below:

- (i) that the recommendation of the Harbour Budget Working Party to increase harbour fees and charges by an representative average of 2.0%, as set out in Appendix 1 to the submitted report, be approved;

- (ii) that the proposed Harbour Authority budget for 2021/22, as set out in revised Appendix 2 to the submitted report and attached to these minutes, be approved; and
- (iii) that the Harbour Budget Working Party continue to monitor the revenue budget and to recommend a budget for 2022/22.

During the debate Councillor O'Dwyer proposed and Councillor Bye seconded an amendment to the motion as follows:

- (iv) that the Committee note it is not meeting its duty as a Harbour Committee to ensure the funds are kept above the minimum contingency level.

On being put to the vote, an equality of votes was declared. Therefore, in accordance with Standing Order A18.2, the Chairwoman used her casting vote, voted against the amendment and the amendment was declared lost.

Councillor Ellery's and Councillor Cowell's original motion was then considered by the Committee which was agreed, as set out below:

- (i) that the recommendation of the Harbour Budget Working Party to increase harbour fees and charges by an representative average of 2.0%, as set out in Appendix 1 to the submitted report, be approved;
- (ii) that the proposed Harbour Authority budget for 2021/22, as set out in revised Appendix 2 to the submitted report and displayed at the meeting, be approved; and
- (iii) that the Harbour Budget Working Party continue to monitor the revenue budget and to recommend a budget for 2022/22.

#### **97. Tor Bay Harbour Budget Monitoring 2020-21**

Members noted the submitted report that provided details of projections of income and expenditure for the year 2020/21 compared with approved budgets. The report identified the overall budgetary position as at the end of November 2020 to enable appropriate action to contain expenditure and maintain reserves at appropriate levels.

The Tor Bay Harbour Master highlighted to members that the level of Harbour Reserve was forecasted to be depleted by end of the 2020/21 financial year.

#### **98. Port Marine Safety Code Compliance**

The Harbour Committee noted the submitted report detailing the annual Port Marine Safety Code (the code) compliance audit undertaken by the Devon Audit Partnership. Members noted the code was not mandatory and did not create any

new legal duties, however the code represented good practice as recognised by a wide range of industry stakeholders and a failure to adhere to good practice may be indicative of a harbour authority being in breach of certain legal duties.

Members noted that the Devon Audit Partnership, the appointed 'Designated Person' had provided the opinion that Tor Bay Harbour Authority had remained compliant with the requirements of the code.

**99. Port Marine Safety Code and Health & Safety matters**

The Head of the Tor Bay Harbour Authority presented the submitted report which updated the Committee on topical Port Marine Safety Code (PMSC) matters including accident or incident data. The Committee noted the three main PMSC incidents as outlined in the submitted report. The Head of Tor Bay Harbour Authority advised the Committee that the recruitment of a dedicated Health and Safety Officer for the Harbour authority was underway and he was also liaising with the Police for a Maritime Support Officer to help reduce anti-social behaviour.

**100. Harbour Committee Terms of Reference**

The Committee noted a technical change to its terms of reference (as attached to the agenda), which arose from the annual Port Marine Safety Code compliance audit undertaken by the Devon Audit Partnership.

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

The minutes of the joint Torquay, Paignton and Brixham Harbour Liaison Forum held virtually via Zoom on 12 December 2020, as circulated prior to the meeting, were noted.

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Chairwoman

Expenditure	2019/20 Final Outturn £ ,000	2020/21 Base Budget £ ,000	2020/21 Revised Budget £ ,000	2021/22 Proposed Budget £ ,000	2022/23 Provisional Budget £ ,000	2023/24 Provisional Budget £ ,000	2024/25 Provisional Budget £ ,000
Harbour Employee Costs	612	651	652	717	735	754	773
Premises Costs:-							
Repairs and Maintenance	261	322	304	303	280	280	280
Repairs and Maintenance - Dredging				150			
Energy & Water	268	184	240	245	247	252	257
Cleaning & Waste	124	107	90	99	101	103	105
Other Premises & Insurance costs	130	115	134	126	128	131	133
Operational Costs:-							
Security Services including CCTV	132	141	141	144	146	149	152
Professional Services	69	59	59	60	61	63	64
Equipment and V&P	91	45	45	49	50	51	52
Other Services	108	108	110	112	113	115	118
General & administration expenses	89	83	59	60	61	63	64
Internal Support Services	181	185	239	244	248	253	258
User Charges Concessions	15	14	11	11	11	12	12
Capital Charges							
Torquay Town Dock	81	81	81	81	81	81	81
Torquay Inner Harbour pontoons	54	54	54	54	54	54	54
Torquay Haldon Pier	81	81	81	81	81	81	81
Brixham Harbour regeneration	282	282	282	282	282	282	282
Other schemes	49	39	38	38	38	38	38
Contribution to Multi-Agency funding	0	0	0	5	0	0	0
Contribution to General Fund - EHO	25	25	25	25	25	25	25
Contbn to General Fund (Asset Rental)	802	802	852	702	702	702	702
	<b>3,454</b>	<b>3,377</b>	<b>3,497</b>	<b>3,589</b>	<b>3,446</b>	<b>3,488</b>	<b>3,531</b>
<b>Income</b>							
Rents and Rights :-							
Property and Other Rents/Rights	589	607	563	623	623	623	623
Marina Rental	461	453	453	462	471	481	490
Operating Income :-							
Harbour Dues	172	154	58	158	161	164	168
Visitor and Slipway	74	65	56	67	68	69	70
Mooring fees	213	206	256	210	214	218	222
Pontoon Berths	587	598	591	613	625	638	651
Fish Tolls	993	982	900	1,000	1,000	1,000	1,000
Recharged Services	136	135	153	163	166	170	173
Harbour Facilities charges	82	76	66	78	79	81	82
Licences & Contractor passes	31	29	40	35	36	36	37
Reserved Car Parking	43	44	30	40	41	42	42
Miscellaneous & Administration charges	46	28	41	29	29	30	30
Contributions from Reserve	11	0	0	0	0	0	0
Contribution from GF - Dredging				150			
Covid-19 Grant			125				
	<b>3,438</b>	<b>3,377</b>	<b>3,332</b>	<b>3,627</b>	<b>3,514</b>	<b>3,551</b>	<b>3,589</b>
<b>Operating Surplus /(Deficit)</b>	<b>(16)</b>	<b>(0)</b>	<b>(165)</b>	<b>39</b>	<b>68</b>	<b>63</b>	<b>58</b>
Gain share contribution to General Fund	0	0	0	0	0	0	0
Gain share contribution to Harbour Reserve	0	0	0	0	0	0	0
Shortfall in Council contribution (2019/20 budget)	(50)	0	0	0	0	0	0
Net (Deficit)	<b>(66)</b>	<b>(0)</b>	<b>(165)</b>	<b>39</b>	<b>68</b>	<b>63</b>	<b>58</b>
<b>RESERVE FUND</b>							
Estimated Opening Balance as at 1st April	741		380	10	50	119	184
Interest Receivable	6		1	1	1	1	1
Net Surplus / (Deficit) from Revenue Account	(66)		(165)	39	68	63	58
Withdrawals - Harbour Schemes	(301)		(206)	0	0	0	0
Expected Closing Balance as at 31st March	<b>380</b>		<b>10</b>	<b>50</b>	<b>119</b>	<b>184</b>	<b>243</b>
Minimum Reserve Level	688	675	666	725	703	710	718

Notes

- A The structure from 2021/22 includes a new health & safety related post together with additional days capacity for administration
- B A programme of dredging works at Brixham Harbour will be funded by a contribution from the General Fund
- C Charges for corporate and governance services have been discounted in previous years but are being applied in full from 2020/21.
- D Funding of a 12 month pilot for dedicated police support at Tor Bay Harbour locations.
- E The increased figure from 2021/22 reflects a new lease of the Brixham Fish Market and a full rental from Harbour Light restaurant
- F Fish toll income levels are based on industry forecasts
- G Funding of capital schemes e.g. Brixham H&S works, Brixham Water Metering, Paignton Harbour Light redevelopment