



## Minutes of the Harbour Committee

18 March 2013

-: Present :-

Councillor Ellery (Chairman)

Councillors Amil, Baldrey, Faulkner (J), Hytche, McPhail, James and Richards and Mayor Oliver.

External Advisors: Mr Buckpitt, Capt. Curtis and Mr Jennings

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### 52. Apologies

An apology for absence was received from External Advisor Mr Mike Stewart.

### 53. Minutes

The Minutes of the meeting of the Harbour Committee held on 17 December 2012 were confirmed as a correct record and signed by the Chairman.

The Minutes of the Meeting of the Harbour Committee held on 23 January 2013 were confirmed as correct with an amendment to item 50/01/12, which should read:

Concerns were also raised over Health and Safety issues at Paignton Harbour with the movement of large vehicles, storage of waste and equipment and the conflict with use of the harbour by members of the public and other harbour users.

#### **Action:**

Health and Safety issues would continue to be monitored by the Paignton Harbour Master in relation to the concerns raised by the Harbour Committee and any additional issues reported back to the Chairman.

### 54. Presentation by the Torbay British Sub Aqua Club and Application for Grant

Representatives from the Torbay British Sub Aqua Club, situated at Unit 8 Beacon Quay, Torquay were invited to speak to the Committee regarding the Club's application for a grant to set-off rent that would otherwise be due to the Harbour Authority.

At this juncture the Committee resolved to exclude the press and public from the meeting on the grounds that the item involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended) for the remainder of this agenda item.

The Committee considered the application for a grant to set-off rent that would otherwise be due to the Harbour Authority, received from the Torbay British Sub Aqua Club and invited the representatives from the Club to remain so that questions could be answered.

**Resolved:**

That a grant of £810.00, which is 50% of the current market rent, be allowed for a period of one year, subject to the Torbay British Sub Aqua Club striving to attain higher membership levels and exploring Charitable Status and Membership of the Sports Council. Also, for an Action Plan to be brought back in 12 months time to the Committee if the Club wanted to make a further grant application next year.

**55. Review of Delegated Powers**

The Executive Head of Tor Bay Harbour Authority informed the Council that harbour customers would expect the harbour authority to be fit for purpose and to regularly review the Delegated Powers of the Executive Head of the Tor Bay Harbour Authority.

**Resolved:**

That having reviewed the powers delegated to the Executive Head of Tor Bay Harbour Authority as set out in Appendix 1 of the submitted report, the Harbour Committee found no reason to refer any proposed changes to the Council for determination.

**56. Accidents and Statistics**

Further to Minute 43/01/12 Members received a briefing note which provided an update of the current accident statistics for the Harbour Authority. Members were advised that there had been two fatalities in the harbour and both had been categorised as D (drowning). However, the status of one of the fatalities had changed to SU (suicide).

Concerns were raised by Members as to the possibility that the recorded statistics would increase when the Coastguard Station closes.

**57. Tor Bay Harbour Business Plan 2013/2014**

The Committee considered a report which sought agreement of the Business Plan for the Tor Bay Harbour Authority business unit for 2013/2014.

**Resolved:**

- i) that the draft Tor Bay Harbour Business Plan 2013/2014, as set out in Appendix 1 to the submitted report be approved; and
- ii) that subject to the views of the Harbour Committee, the Executive Head of Tor Bay Harbour Authority and the Chairman of the Harbour Committee agree the final detail of the Tor Bay Harbour Business Plan 2013/2014, and sign the Acceptance Statement in Section 9.

**58. Tor Bay Harbour - Operational Moorings and Facilities Policy**

The Committee considered a report to amend the Harbour Authority's operational moorings and facilities policy. The Committee were advised that the policy sought to ensure a consistent, fair and equitable approach was applied to new, existing and potential facility customers that use Tor Bay Harbour and the harbour estate.

**Resolved:**

That the Tor Bay Harbour operational Moorings and Facilities Policy – Version 7 as set out in Appendix 1 of the submitted report, be approved.

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

The Committee noted the minutes of the Torquay and Paignton Harbour Liaison Forum meeting on 5 March 2013 and the Brixham Harbour Liaison Forum meeting on 27 February 2013.

The Chairman wished it to be noted that due to a family bereavement he was unable to attend either of the Forum meetings and gave his apologies to Members.

**60. Tor Bay Harbour Authority Budget Monitoring 2012/13**

The Committee noted a report on the quarterly Budget Monitoring.

The Committee noted the Harbour Master's use of delegated powers to waive certain harbour charges, which this financial year amounted to £2488.77 (excluding VAT), and which have been spread across both harbour accounts. No additional charges had been levied.

The Chairman conveyed the Committee's gratitude to all the Harbour staff for all their hard work in monitoring the harbour budgets.

**61. Harbour Committee Work Programme - 2013/2014**

Members considered a report which outlined the Work Programme for the 2013/14 Municipal Year.

**Resolved:**

The Harbour Committee work programme for 2013/14, as set out in the submitted report, be approved.

**62. Performance of the Harbour Authority Business Unit**

The Committee noted the submitted report outlining the performance of the Tor Bay Harbour Authority Business Unit. The Executive Head of Tor Bay Harbour Authority informed Members that performance was on target or above target.

**63. Annual Review of the Tor Bay Harbour Authority Asset Management Plan**

The Committee considered the submitted report to review and approve the Tor Bay Harbour Authority Asset Management Plan.

The Executive Head of Tor Bay Harbour Authority advised the Committee that the Asset Review Working Party had reviewed the Asset Management Plan in accordance with their terms of reference.

**Resolved:**

That the Tor Bay Harbour Authority Asset Management Plan 2013/2014 as set out in Appendix 1 of the submitted report be approved.

**64. Tor Bay Harbour Authority Income - Internal Audit Report - November 2012**

The Committee noted the submitted report which provided an overview of the Tor Bay Harbour Authority IT System Administration and Security – Internal Audit Report – September 2012. In particular the Committee noted:

- i) The audit scope was previously agreed for 2012/13 by the Harbour Committee in June 2012; and
- ii) the report contained 31 recommendations, 9 were High Risk, 18 were Medium Risk and four are Low Risk; and
- iii) the Executive Head of Tor Bay Harbour Authority assured Members that all of the High priority actions would have been implemented by April 2013; and

- iv) a procurement process has commenced to replace the existing harbour software system which was over 12 years old, with new fit for purpose software which would considerably mitigate many of the risks identified during the audit. The result of the procurement process would be brought back to a future meeting of the Harbour Committee for a decision; and
- v) the new system should be in place for invoicing in February 2014 allowing Harbour users to pay by direct debit or in instalments.

**65. MCZ Consultation**

Members considered a response to the public consultation on the proposals from Defra that up to 31 sites would be suitable for designation as Marine Conservation Zones (MCZs) in 2013 and in particular a proposal from Defra to set up a Torbay Marine Conservation Zone, which would occupy all of the inshore area within Tor Bay Harbour Limits (20km<sup>2</sup>).

Members expressed their concerns known over the proposed MCZ and questioned whether the conservation advantages outweighed the economic and social implications of its likely designation and that the summary document stating that the socio-economic impact best estimate of cost of £3,000 being clearly inaccurate, with a figure of £250,000 being more realistic.

**Resolved:**

- i) that the Executive Head of Tor Bay Harbour Authority, in consultation with the Chairman of the Harbour Committee and the Mayor, be asked to respond to the public consultation on behalf of Tor Bay Harbour Authority and Torbay Council; and
- ii) that, in responding to the public consultation, the idea of a Marine Conservation Zone anywhere within Tor Bay Harbour limits is rejected on the grounds that the socio-economic impacts are unquantifiable.

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Chairman