



Minutes of the Harbour Committee

23 June 2014

-: Present :-

Councillor Amil (Chairman)

Councillors Ellery (Vice-Chair), Faulkner (J), Hytche, McPhail, James and Stringer and Mayor Oliver.

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

(Also in attendance: Mr Jennings until Item 7)

1. Election of Chairman/woman

Councillor Amil was elected Chairman for the 2014/15 Municipal Year.

2. Apologies

An apology for absence was received from External Harbour Advisor Capt. Bob Curtis.

It was reported that, in accordance with the wishes of the Conservative Group, the membership of the Committee had been amended for this meeting by including Councillor Addis instead of Councillor Richards.

3. Election of Vice-Chairman/woman

Councillor Ellery was elected Vice-Chairman for the 2014/15 Municipal Year.

4. Minutes

The Minutes of the meeting of the Harbour Committee held on 17 March 2014 were confirmed as a correct record and signed by the Chairman.

5. Urgent items

The Committee considered the items in Minutes 6, and not included on the agenda, the Chairman being of the opinion that they were urgent by reason of special circumstances i.e. the matter having arisen since the agenda was prepared and it was unreasonable to delay a decision until the next meeting.

6. Presentation to Mr Gordon Jennings

The Chairman acknowledged the years of service given to Tor Bay Harbour and the Harbour Committee by Mr Gordon Jennings whose term as an External Harbour Advisor had come to an end in September 2013.

Members thanked him for his valued hard work and expertise over the years and presented him with a token of appreciation.

7. Harbour Committee Terms of Reference

The Committee noted the current terms of Reference for the Harbour Committee.

8. Appointment of Harbour Appointments Sub Committee

The Committee considered appointments to the Harbour Appointments Sub-Committee who consider applications for External Advisors to the Harbour Committee and to make recommendations to the Harbour Committee on suitable appointments to those positions. Members were advised that the previous Sub-Committee consisted of three Councillors, including the Chair and vice-Chair.

Resolved:

That a Harbour Appointments Sub-Committee be re-appointed to comprise six members of the Harbour Committee (The Chair, Vice-Chair and Councillors Hytche, Richards, McPhail and Faulkner (J)).

9. Harbour Asset Review Working Party

The Committee considered appointments to the Harbour Asset Review Working Party who provide strategic direction in relation to those assets within Tor Bay Harbour and the harbour estate that are managed by the Tor Bay Harbour Authority.

Resolved:

That a Harbour Asset Review Working Party, comprising four members of the Harbour Committee (Chair, Councillors Faulkner (J), Richards and McPhail) and two of the External Advisors to the Committee (Mr Stewart and Capt. Lloyd), be appointed with the following terms of reference:

- a) To review all assets within Tor Bay Harbour and the Harbour Estate;
- b) To establish how each asset is performing; and
- c) To identify any assets that are surplus.

10. Harbour Budget Review Working Party

The Committee considered appointments to the Harbour Budget Review Working Party who assist the Harbour Committee in the management of all of the Harbour's financial matters in accordance with approved financial procedures and the Council's aspirations for the harbour to be self financing as outlined in the Tor Bay Harbour and Maritime Strategy.

Resolved:

That a Harbour Budget Review Working Party, comprising three members of the Harbour Committee (Councillors Stringer and Hytche), plus the Chairman and two External Advisors to the Committee (Mr Stewart and Mr Ellis), be appointed to scrutinise the draft Tor Bay Harbour Authority budget prior to presentation to the Harbour Committee and to review the full range of harbour charges. Also, to assist Officers to monitor and review the budget ahead of each quarterly Harbour Committee meeting.

11. Pilotage Review Working Party

The Committee considered appointments to the Pilotage Review Working Party who review the Pilotage arrangements for Tor Bay Harbour and recommend amendments to the Pilotage direction as and when appropriate.

Resolved:

That a Pilotage Review Working Party, comprising of two of the External Advisors (Captain Curtis (up until September 2014), Capt. Lloyd and Mr Buckpitt) be appointed to work alongside Officers to review the Pilotage arrangements for Tor Bay Harbour and to recommend to the Harbour Committee any amendments to the Pilotage Directions as and when appropriate.

12. Exemption of the Press and Public

Prior to consideration of the item in Minutes 13 and 14 the press and public were formally excluded from the meeting on the grounds that the item involved the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).)

13. Paignton Harbour Development Opportunity

Members considered an Exempt Report on the Harbour Authority's potential to realise the development value within the Harbour Light Restaurant building at Paignton Harbour as a project identified as achievable in the 'short term' within the Port Masterplan.

Resolved:

- 1) that, a Working Party be set up to look at all the options for the development of the Harbour Light Restaurant building, including the submitted exempt report; and
- 2) that the tenants of the Harbour Light Restaurant building continue to be consulted and kept informed as to the proposals that might affect the future use of the building; and
- 3) that an update report based on the findings of the Working Party be brought back to the Harbour Committee in March 2015.

14. Torbay BSAC Application

Members considered an application by the Torbay British Sub Aqua Club for a grant to set-off rent that would otherwise be due.

Members noted that on the 18th March 2013 they considered an application from the Torbay British Sub Aqua Club and having considered the application the Harbour Committee approved the following:-

Minute 5.3

“That a grant of £810, 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.”

Members were advised by the Executive Head of Tor Bay Harbour Authority, that Torbay British Sub Aqua Club had not provided any evidence of their exploring Charitable Status or Membership of the Sports Council and had not provided an Action Plan as part of their new application and had not requested to attend the committee meeting to answer Members questions.

Resolved;

- 1) that the Executive Head of Tor Bay Harbour Authority be requested to remind the Torbay British Sub Aqua Club of the approved Minute (5.3) and request that the information be provided as part of the application to be considered at the September Harbour Committee.

15. Tor Bay Harbour Authority Revenue Outturn 2013/14

Members received and noted a report setting out details of Tor Bay Harbour Authority's final expenditure and income figures against the budget targets for 2014/15.

Members noted that Brixham Harbour deficit had increased to £53,000 and that the Harbour Budget Review Party may wish to consider presenting a single set of accounts for Tor Bay Harbour rather than one account for Torquay and Paignton Harbours and another account for Brixham Harbour.

Members also noted the Harbour Master's use of delegated powers to waive certain harbour charges, which at the end of the financial year amounted to £1,938.39 (excl VAT) and which were spread across both harbour accounts.

16. 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.

17. Tor Bay Harbour Authority Quarterly Budget Monitoring Report

The Committee received and noted a report which provided Members with projections of income and expenditure for the year 2014/15 compared with the approved budgets.

The report identified the overall budgetary position of Tor Bay Harbour Authority as at the end of May 2014 and noted that the Brixham Harbour Deficit was projected to worsen.

Members were also asked to note that the Harbour Committee had agreed to an additional contribution to the Council's General Fund of the equivalent value of £150,000 for the years 2014/15 and 2015/16 but since December 2013 further pressure had been placed on the Council's overall budget position and the Executive Head of Tor Bay Harbour Authority and the Chair of the Harbour Committee had been asked to consider a further contribution to the Council's General Fund of £160,000 for 2015/216. The Committee received an explanation of how the additional £160,000 contribution could be delivered.

18. Performance Report - Tor Bay Harbour Authority

The Committee noted the report which detailed the year end 2013/14 performance position of Tor Bay Harbour Authority and the performance position to date in 2014/15.

Members requested that their thanks be passed onto all Harbour staff for their work during these difficult times.

19. Tor Bay Harbour Authority Audit Plan

The Committee received a report setting out a dedicated Audit Plan for the Harbour Authority for the next four years.

Resolved:

The Committee approved the amended Tor Bay Harbour Audit Plan for 2013 - 2018 as set out at Appendix 1 of the submitted report.

20. Tor Bay Harbour Enforcement and Prosecution Policy - June 2014

The Committee received a report setting out an Enforcement and Prosecution Policy which the Committee were requested to review and endorse.

Resolved:

That the Tor Bay Harbour Authority Enforcement and Prosecution Policy shown in Appendix 1 of the submitted report, be approved.

21. Quarterly Accident and Incident Data for Tor Bay Harbour

Members received a briefing note which provided a quarterly update of the current accident statistics for the Harbour Authority up until June 2014.

Members noted there had been 3 hospitalisations which had been categorised as ASU (attempted suicide), SWIM (swimming) and STF (slips, trips and falls).

22. Amendments to the Moorings 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.

Members noted that Version 9 of the Tor Bay Harbour Operational Moorings and Facilities Policy proposed the introduction of a £25 non-refundable registration fee to join a waiting list and this new fee would not be counted as a credit when the facility was first allocated. The revised Policy also proposed the introduction of a £50 non-refundable registration fee to join or remain on the commercial moorings waiting list.

Resolved:

That the Tor Bay Harbour Operational Moorings and Facilities Policy – Version 9 as set out in Appendix 1 of the submitted report, be approved.

Chairman
