



Meeting: Harbour Committee

Date: 15th December 2014

Wards Affected: All wards in Brixham

Report Title: Old Fish Market – Brixham Harbour

Executive Lead Contact Details: Non-Executive Function

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1. Purpose

- 1.1 This report serves to update the Harbour Committee on the current use and management of the Old Fish Market area, including the old market canopy on the harbour estate and the adjacent berthing facilities. It reviews the existing arrangements whilst delivering both transparency and accountability and provides some clarity to the harbour users and the local community.

2. Summary

- 2.1 Tor Bay Harbour Authority, under the guidance of the Harbour Committee, will endeavour to properly manage all harbour assets, thereby continuing to protect the harbour's built environment for the ongoing benefit of the community and our customers.
- 2.2 Torbay Council acting as Tor Bay Harbour Authority and the Competent Harbour Authority for the purposes of the 1970 Tor Bay Harbour Act has powers to regulate vessel and persons on the harbour estate. The act also gives the authority the power to license and make charges for both the use of the water space and the harbour estate within the various enclosed harbours of Tor Bay.
- 2.3 In pursuance to managing the harbour estate areas the Harbour Authority have also agreed and adopted the licensing arrangements with colleagues in Torbay Council in order to give continuity of licensing and licence fee charging.
- 2.4 The Harbour Authority is committed to supporting its harbour users and to supporting the wider community by working in partnership with various stakeholders to deliver wider community benefits.
- 2.5 The Harbour Committee should be kept informed of the arrangements relating to the use of the Old Fish Market and the Arts and Crafts Market that uses this facility.

- 2.6 It is appropriate for the Executive Head of Tor Bay Harbour Authority to seek advice from the Harbour Committee regarding the ongoing use of the Old Fish Market at Brixham harbour.

Supporting Information

3. Position

- 3.1 During the 2004 summer season, two markets were held at Brixham under the Old Fish Market and both were facilitated by the Harbour Authority. The company that ran them had about twenty market stalls under the banner of a "French Market". The markets sold only French related goods and were perceived to be a success in terms of creating an ambience around the harbour and in attracting visitors to the area.
- 3.2 In 2005 the Brixham Town Team took the view that a weekly market at Brixham throughout the season would be of benefit to the town. Markets were then subsequently held throughout the 2005 Summer Season on a Sunday and occasionally in addition so was the French market. The markets were judged by some to be a success and at the time some market research seemed to support this view.
- 3.3 The profits raised by the market organisers went to the market organiser with a fixed percentage going to the Harbour account (£1500). The harbour income was seen as a modest fee for the use of the Old Fish Market area and storage of the market stalls during the week between markets. Although the Council received a modest income for the use of the Old Fish Market it did not adequately compensate for the number of hours of officers' time dedicated to the running of the market.
- 3.4 The market organisers operated the market in agreement with the Council and were responsible for putting up and taking down stalls, booking stallholders, holding adequate insurance, keeping the site in good order, clean and tidy.
- 3.5 The original concept developed by the Brixham Town Team and in agreement with local traders was for an Arts and Crafts market. Initially difficulties were experienced between the market operators and the local retail traders as to what constituted Arts and Crafts. Local traders were of the opinion that on a number of occasions the market stalls were acting in direct competition to their own businesses in the town. Consequently for the remainder of the 2005 season the Harbour Master, the Head of Tourism and a town traders' representative were responsible for vetting the content of stalls and the standard of stallholders at the weekly market. This resulted in an improved offer of goods for sale.
- 3.6 Ahead of the 2006 season the Harbour Master, the Head of Tourism, representatives of the Brixham Chamber of Commerce and the town's traders held discussions over the future of a weekly market. The Brixham Chamber of Commerce proposed that a weekly market be run and operated under their auspices with all profits going to the Chamber of Commerce to be used for community based projects/events. At the time the Director of Marine Services (now Executive Head of Tor Bay Harbour Authority) believed that the money should be held centrally in the harbour account with a clear and transparent audit trail prior to the redirection of funds for community use.

- 3.7 In 2006 it was suggested that one of the advantages of running a market under the auspices of the Chamber of Commerce was that they would be free from the constraints of making a commercial profit and the need for competitive tendering could be avoided. Consequently the Chamber could concentrate their efforts on supporting local artists, artisans and craft makers. At the time it was highlighted that in pure financial terms the Chamber option did not clearly demonstrate value for money, but probably represented the best way forward in both practical and economic terms.
- 3.8 On 21st March 2006 the Harbour Committee received Report 68/2006 which sought advice from the Committee on the concept of a of a community proposal to run an Arts and Crafts Market under the Old Fish Market at Brixham every Saturday throughout the forthcoming season. Consequently the Harbour Committee made the following decision :-
- (i) that the Director of Marine Services be requested to exercise his delegated powers to allow a weekly market at the Old Fish Market, Brixham, to be held on Saturdays, for a trial period during 2006. The market to be run by the Brixham Chamber of Commerce with all monies that it might earn being reserved for community based projects and held in trust by Marine Services; and
 - (ii) that the Director of Marine Services be requested to exercise his delegated powers to prepare a contract between the Council and the Brixham Chamber of Commerce accordingly.
- 3.9 Since 2006 the Brixham Chamber of Commerce has been successfully organising the weekly Arts and Crafts Market held during the summer season at the Old Fish Market. The market generates a significant income and after various expenditures are taken out, a Market Management Committee reach agreement over what is donated to good causes locally. Details of the income, expenditure and recipient good causes are all recorded and filed through the Brixham harbour office (see Appendix 1 - Arts and Crafts Market – Summary of Accounts – 2007~2015).
- 3.10 Over the past few years the management of the market has been delegated by the Chamber of Commerce to a Market Management Committee consisting of the Chairman of the Chamber of Commerce, the Harbour Master and various other organisers/representatives of the market traders. Initially this set of circumstances appears to have worked but the Executive Head of Tor Bay Harbour Authority now believes that it is time for a review of the existing arrangement. See 3.11 below.
- 3.11 Following the early success of the Brixham Arts & Crafts Market three independent traders have applied to the Harbour Authority for a separate Trading Consent because they could not or would trade at the Arts & Crafts Market. The Brixham Chamber of Commerce Market Management Committee has asked the Harbour Master to reconsider the granting of these consents. A review of the Arts & Crafts Market income and expenditure figures would indicate the possibility of further income to the harbour account given the challenges placed on the harbour budget. At present, the only income to the harbour account from the Arts & Crafts Market is a single Harbour Estate Trading Consent fee of £770. The Council officer handling the income and expenditure from the Arts & Crafts Market has indicated that the process is a noticeable administrative burden. The Brixham Chamber of Commerce

Market Management Committee would prefer to handle all of the income and expenditure themselves.

- 3.12 Following several meetings with the Brixham Chamber of Commerce Market Management Committee the Executive Head of Tor Bay Harbour Authority has agreed to an annual facility charge of £2000. Also, he has agreed to hand over the banking arrangements and the decision making in respect of the allocation of funds to good causes, to the Chamber of Commerce.
- 3.13 The Harbour Authority received an update on the use of the Old Fish Market with a report presented to the Harbour Committee on 3rd June 2013.
- 3.14 Minute 1044/12/86 delegated power to officers to allocate by lot, to the applying charities, dates for the use of the former fish market for charitable events, with preference being given to locally based organisations. Currently, and since 1986, the management of the Wednesday charitable events is undertaken through the Brixham harbour office. Following receipt of applications from charities to hold various events, the days are allocated by the harbour office through a ballot system for the following season. This system is working and doesn't need to be reviewed.

4. Consultation

- 4.1 The Harbour Authority has consulted with stakeholders through its Brixham Harbour Liaison Forum. Members of the Arts and Crafts Market Management Committee have also been consulted.

5. Risks

- 5.1 There are clear risks if the management and maintenance of this area of harbour estate falls outside the control of the Harbour Authority.
- 5.2 The risks of not having properly audited accounts for the Arts and Crafts Market are currently mitigated by having the harbour office staff manage the process in a transparent and accountable manner.
- 5.3 Community relations could be damaged if changes to the use of the Old Fish Market are perceived to be unacceptable.

Appendices

- Appendix 1 Old Fish Market – Arts and Crafts Market – Summary of Accounts 2007 ~ 2014

Additional Information

The following documents/files were used to compile this report:

- Report 68/2006 Brixham Harbourside Market (March 2006)
- Report 298/2010 Old Fish Market – Brixham Harbour (December 2010)

Report (11th June 2012) Old Fish Market – Brixham Harbour

Report (3rd June 2013) Old Fish Market – Brixham Harbour