



Minutes of the Harbour Committee

21 December 2015

-: Present :-

Councillor Bye (Chairman)

Councillors Amil, Carter, Cunningham, Ellery (Vice-Chair), O'Dwyer and Stringer

(Also in attendance: Mayor Gordon Oliver)

26. Apologies

An apology for absence was received from Councillor Sykes.

27. Minutes

The Minutes of the meeting of the Harbour Committee held on 21 September 2015 were confirmed as a correct record and signed by the Chairman.

28. Tor Bay Harbour Authority Budget and Harbour Charges 2016/17

Members considered a report that presented the opportunity to consider the level of harbour charges to be levied by Tor Bay Harbour Authority, for the forthcoming financial year and to consider the Tor Bay Harbour Authority budget for 2016/17. Members were advised that the charges and budget were being considered at this time to enable implementation and payment to be made in advance of the granting of facilities for the coming financial year.

The Executive Head of Business Services explained that the Tor Bay Harbour Budget Review Working Party had met several times and following responses from the Harbour Liaison Forums and harbour users the working party had recommended the harbour charges increase by a representative 2.5%.

Resolved, that:

- (i) having had regard to the opinions expressed by the Harbour Liaison Forums and the recommendation of the Harbour Committee's Budget Review Working Party, the harbour charges for 2016/17 be increased by a representative 2.5% and the schedule of harbour charges as set out in Appendix 1 to the submitted report be approved;
- (ii) an additional contribution be made to the Council's General Fund from the Tor Bay Harbour Authority accounts, to the equivalent value of £147,000 for 2016/17 be approved;

- (iii) the Tor Bay Harbour Authority budget for 2016/17, based on a 2.5% representative average increase in harbour charges (as set out in Appendix 2 to the submitted report) be approved; and
- (iv) during 2016/17 the Tor Bay Harbour Budget Review Working Party should continue to review the full range of harbour charges, monitor the revenue budget, and recommend a budget for 2017/18.

29. Brixham Capital Repairs

The Committee received a report that provided Members with the opportunity to consider the approval of a capital spend of approximately £90,000 required for Brixham Harbour to carry out some necessary protection, repairs and maintenance works.

The Executive Head of Business Services informed Members that the repairs were essential however the financial outlay for these works would result in the Tor Bay Harbour Reserve Fund dropping below the recommended minimum level.

Resolved that:

- (i) the capital works as set out in the submitted report be approved; and
- (ii) funding of approximately £90,000 be secured from the Tor Bay Harbour Reserve Fund for these capital projects.

30. Procurement of Harbour Workboat

Members considered a report that sought approval for a capital spend of approximately £45,000 in order to purchase a new harbour workboat for Brixham Harbour.

Resolved that:

- (i) the purchase of a coded workboat for use at Brixham Harbour be approved; and
- (ii) funding of approximately £45,000 be secured from the Tor Bay Harbour Reserve Fund for this capital spend.

31. Tor Bay Harbour Authority Quarterly Budget Monitoring Report

The Committee noted a report that provided projections of income and expenditure for the year 2015/16 compared with approved budgets. The report identified the overall budgetary position for Tor Bay Harbour Authority as at the end of October 2015 to enable appropriate action to contain expenditure and maintain reserves at appropriate levels.

32. Paignton Harbour Development Opportunity

David White, from the Torbay Development Agency, advised Members that the Harbour Light Restaurant at Paignton Harbour had been identified in the Port Masterplan as a potential development opportunity. The current premises were not being utilised to maximum benefit. There were two scenarios for occupation, one occupier for the whole building or two occupiers, one per floor. Either scenario would require significant investment in the building itself. However, the biggest issue of the project would be planning and flooding as the majority of the building sits in a flood zone area and therefore a site-specific flood risk assessment, looking at the risks and mitigation would need to be undertaken at a cost of approximately £25,000.

Members wished to see the project progress and requested a full report be presented to a specially convened meeting of the Harbour Committee.

Resolved:

- (i) that the Executive Head of Business Services use his delegated powers to commission a flood risk assessment in respect of the Harbour Light Restaurant building;
- (ii) that the Torbay Development Agency be asked to undertake further market testing regarding the Harbour Light restaurant building;
- (iii) that the Executive Head of Business Services write to the existing tenants of the Harbour Light restaurant building advising of the plans for the building; and
- (iv) that a full report on the proposals be presented to a meeting of the Harbour Committee in January 2016.

33. Annual Compliance Audit of the Port Marine Safety Code.

Members noted a report that set out the details of the annual Port Marine Safety Code (PMSC) compliance audit undertaken for the Council, as the Harbour Authority, by the Devon Audit Partnership. The PMSC Compliance Audit Report for 2015 included actions identified for implementation during 2015/16.

Verna Gibbs representing the Devon Audit Partnership advised Members that the audit was undertaken in November 2015 and were able to offer the opinion that the Tor Bay Harbour Authority was compliant with the Port Marine Safety Code. Members noted that the majority of areas examined were of 'good standard' with recommendations made that would enable the authority to be of 'high standard'. The Executive Head of Business Services advised that he would use the recommendations of the report to create an improvement plan.

34. Review of Tor Bay Harbour Legislation

Members were advised that in order to comply with the Port Marine Safety Code, the Harbour Committee, as the duty holder, on behalf of the harbour authority must review and be aware of their existing powers based on local and national legislation.

Members were informed that all legislation, including byelaws and directions, should be reviewed on a regular basis, preferably annually, to ensure that it remains fit for purpose in changing circumstances. The Code provides that the requirements for marine safety will be determined by risk assessment. If the legal responsibilities cannot be discharged effectively using available powers and other measures, and that the authority does not have the powers to rectify the situation, then it should seek the necessary additional powers. In addition, it is good practice to dispense with redundant or obsolete legal functions.

Resolved that:

- (i) the contents of the report entitled 'Overview of Key Statutory Harbour Powers' for Tor Bay Harbour Authority, contained in Appendix 1 to the submitted report be noted;
- (ii) the Executive Head of Business Services and Tor Bay Harbour Master, be authorised to apply to the Secretary of State for Transport, for Torbay Council (Tor Bay Harbour Authority) to be designated as a designated harbour authority for the purposes of section 40A of the Harbour Act 1964; and
- (iii) the harbour authority has had regard to the content of and agrees to comply with the Code of Conduct on Harbour Directions, in particular:
 - (a) to maintain a Port User Group and to apply a dispute resolution procedure such as is set out in the Code of Conduct when required; and
 - (b) to have regard to supplementary guidance issued from time to time by the National Directions Panel on the subject of harbour directions.

35. Man and Boy Statue Brixham Harbour

The Committee received an update on the 'Man and Boy' memorial statue. Members were advised that Brixham Town Council in conjunction with English Heritage had been working on the project and would like the memorial to be located on Kings Quay.

Resolved:

That the Harbour Committee confirms its support for the Executive Head of Business Services to exercise his delegated authority to agree the location of the statue.

36. Annual Harbour Users Survey

The Committee noted the report that provided detailed results of the Tor Bay Harbour Users Survey 2015. Members were advised that the response was generally good with customer service seeing the greatest increase to 90%. The surveys also included narrative remarks; action to address the concerns raised would be addressed in the forthcoming year.

37. Internal Audit Report - Risk Management

Members noted a report that provided an overview of the results of the Internal Audit Report undertaken for Tor Bay Harbour Authority on risk management. Members were particularly pleased to note that Internal Audit had issued an opinion that a good standard had been achieved with the systems and controls generally mitigating the risks identified.

38. Performance of the Tor Bay Harbour Authority Business Unit (SPAR.Net)

Members noted the performance data for Tor Bay Harbour Authority.

39. Torquay/Paignton and Brixham Harbour Liaison Forums

The Committee noted the minutes of the Torquay, Paignton and Brixham Harbour Liaison Forum. Members also noted a couple of amendments which were reported by the Executive Head of Business Services.

Chairman/woman