



Minutes of the Harbour Committee

13 December 2016

-: Present :-

Councillor Bye (Chairman)

Councillors Amil, Carter, Ellery (Vice-Chair) and Stringer

External Advisors: Mr Buckpitt, Mr Ellis and Mr Stewart

19. Apologies

Apologies for absence were received from Councillor Robson and Capt Lloyd.

20. Minutes

The Minutes of the meeting of the Harbour Committee held on 27 June 2016 were confirmed as a correct record and signed by the Chairman.

21. Tor Bay Harbour Authority Budget and Harbour Charges 2017/2018

The Committee considered the submitted report which 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 2017/18 as recommended by the Budget Review Working Party. 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 average of 3.0%, this was due to increasing budget pressures, including an increase in business rates. Members noted the content of a letter from Mr Crumpton on behalf of the Torquay Inner Dock Social Group requesting that the increase in harbour charges be set at a maximum of 2% which also mirrored the views of other harbour users.

The Executive Head of Business Services gave assurance that the other issues raised in the letter from Mr Crumpton were being addressed and that the harbour staff would continue to work closely with all harbour users regarding the management and maintenance of the harbour estate.

Resolved:

- (i) that, having had regard to the opinions expressed by the Harbour Liaison Forums and Torquay Inner Dock Social Group and the recommendation from the Harbour Committee's Budget Review Working Party, the harbour charges for 2017/18 be increased by a representative average of 3.0% and the schedule of harbour charges set out in Appendix 1 to the submitted report be approved;
- (ii) that an additional contribution be made to the Council's General Fund from the Tor Bay Harbour Authority accounts, to the equivalent value of £50,000 for 2017/18 as set out in the submitted report;
- (iii) that, the Tor Bay Harbour Authority budget for 2017/18, based on a 3.0% representative average increase in harbour charges (as set out in Appendix 2, to the submitted report) be approved; and
- (iv) that, during 2017/18 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 2018/19.

22. Port Marine Safety Code - Annual Compliance Audit

Members considered and noted the submitted report which provided details of the annual Port Marine Safety Code compliance audit undertaken for the Council, as the Harbour Authority, by the Devon Audit Partnership (acting as the Designated Person') and the actions identified for implementation during 2016/2017. The report also included a table of accident/incident statistics for the period from December 2015 to November 2016. It was noted that 50 accidents/incidents had been recorded during this time compared to 62 in the previous year.

Mrs Barnes from Devon Audit Partnership attended the meeting and outlined the process carried out for the audit, which included visiting and walking around the three harbours, meeting staff and reviewing all records on safety management. She confirmed that she had found that the Harbour Authority was compliant with the Port Marine Safety Code. Recommendations arising from the audit had been agreed with the Executive Head of Business Services and the Devon Audit Partnership which included lessons learned from other parts of the country. The Committee welcomed the actions in relation to translation services in particular.

23. Tor Bay Harbour Authority Budget Monitoring 2016/2017

The Committee noted a report that provided projections of income and expenditure for the year 2016/17 compared with approved budgets. The report identified the overall budgetary position for Tor Bay Harbour Authority as at the end of October 2016 to enable appropriate action to contain expenditure and maintain reserves at appropriate levels. The report demonstrated that the income generation for the Harbour estate was performing strongly which had enabled money to be invested in

improvements. Members thanked the harbour staff for their hard work in implementing new technology and making significant efforts to generate harbour income.

The Committee noted the amended outturn projections of the harbour accounts and adjustments to the Reserve Funds shown in Appendix 1 to the submitted report, in particular:

- (i) the Executive Head of Business Services' use of delegated powers to make decisions in relation to the budget allocated to Tor Bay Harbour; and
- (ii) the Harbour Master's use of delegated powers to waive certain harbour charges which so far in this financial year has amounted to £699.79 (excluding VAT), with no additional charges being levied.

24. Internal Audit Report - Harbour Authority Income

The Committee noted the submitted report which set out an overview of the results of the Internal Audit Report undertaken for the Tor Bay Harbour Authority on income which concluded in June 2016. The overall assurance opinion was 'improvements required' which meant that in the Auditor's opinion there were a number of instances where controls and procedures do not adequately mitigate the risks identified and existing procedures need to be improved to ensure that they are fully reliable. The report also set out an action plan which had been agreed by the Executive Head of Business Services and Devon Audit Partnership to enhance the internal control framework and mitigate the identified risks.

Mrs Barnes from the Devon Audit Partnership attended the meeting to present the findings of the audit, which had been brought forward as a priority area for audit. Members were advised that they had not received the full audit report as it was confidential. Mrs Barnes advised that she had looked at various areas including cash handling, fish landing and security arrangements and found that some areas were good and other areas required improvements, which have been included in a list of actions. She was confident that any issues that were found would be addressed.

Resolved:

That the Internal Audit Report – Harbour Authority Income Action Plan to be presented to the next Budget Review Working Party.

25. Torquay Town Dock Capital Repairs

The Committee received a report which sought approval of a capital spend of approximately £220,000 required for Torquay Harbour to carry out some essential pontoon replacement works to the Town Dock. It was proposed that larger pontoon units are purchased, in the style of the existing wave screen, to be installed on the southern edge of the dock. The additional draught and rigidity of the new structure

will continue the screen further east on the visitor's pontoon and this will afford greater protection for the inner walkways and finger berths of the dock.

Resolved:

- (i) that the essential capital works to maintain the safety and sustainability of the Town Dock set out in the submitted report be approved; and
- (ii) that, funding of approximately £220,000 be secured from the Tor Bay Harbour Reserve Fund for these necessary capital projects.

26. Notice of Motion Protecting Devon Dolphins

Members considered the submitted report in respect of a motion referred to the Harbour Committee for consideration by the elected Mayor regarding a campaign to create a 'Devon Dolphins' Marine Conservation Zone (MCZ) in the south-west of Lyme Bay. The report provided background information in respect of the campaign being led by the Devon Wildlife Trust to protect an area in the south west of Lyme Bay for dolphins, whales and seabirds. Members noted that the Council had already taken action to improve the maritime environment for dolphins and other wildlife.

Resolved:

- (i) that, the elected Mayor be advised that in respect of the campaign to create a 'devon dolphins' Marine Conservation Zone (MCZ) in the south-west of Lyme Bay, currently:
 - (a) the proposed area falls outside the limits of Tor Bay Harbour;
 - (b) the proposed area is used by commercial shipping, fishing vessels and recreational craft;
 - (c) a number of voluntary codes of conduct already exist to help protect dolphins, whales and seabirds by influencing human activity;
 - (d) there are no firm proposals from the Department for Environment, Food and Rural Affairs (Defra);
 - (e) there are no proposed management measures to consider;
 - (f) the socio-economic impacts of any management measures cannot therefore be determined; and
 - (g) consultation to determine the views of stakeholders within our communities has not been undertaken.
- (ii) that, in view of the points highlighted in (i) above and the need for informed decision making and meaningful consultation, the elected Mayor be advised that it would not be appropriate, at this time, to support the campaign to create a 'Devon Dolphins' MCZ in the south-west of Lyme Bay.

27. Tor Bay Harbour - Local Port Services Policy Statement

Members considered the submitted report which set out a review of the Tor Bay Harbour Authority Local Port Services (LPS) Policy Statement to ensure that customers and employees will benefit from a clear and concise LPS Policy Statement that demonstrates compliance with the Port Marine Safety Code (PMSC). In light of the recent incident in Brixham Harbour it was suggested that signage should be used to warn users that some of the dock areas dry out.

Resolved:

That the Local Port Services (LPS) Policy Statement set out in Appendix 1 to the submitted report be approved.

28. Tor Bay Harbour - Environmental Policy Statement

Members considered the submitted report which set out a revised Environmental Policy Statement to ensure that the Harbour's commercial and recreational activity co-exists with sound environmental practice.

Resolved:

That the Environmental Policy Statement set out in Appendix 1 to the submitted report be approved.

29. Torquay/Paignton and Brixham Harbour Liaison Forums

The Committee noted the Minutes of the Torquay and Paignton and Brixham Harbour Liaison Forums.

Chairman