



Meeting: Harbour Committee

Date: 20th March 2017

Wards Affected: All wards in Torbay

Report Title: Tor Bay Harbour Business Plan 2017/2018

Executive Lead Contact Details: Non-Executive Function

Supporting Officer Contact Details: Kevin Mowat
Executive Head of Business Services
Tor Bay Harbour Master
☎ Telephone: 01803 292429
✉ Email: Kevin.Mowat@torbay.gov.uk

1. Purpose

- 1.1 To agree the Tor Bay Harbour Business Plan for 2017/18.
- 1.2 Harbour customers and the wider community would expect the harbour authority to have a business plan.
- 1.3 If the Harbour Committee work to an agreed Business Plan it will have a positive impact on our customers.

2. Proposed Decision

- 2.1 **That the draft Tor Bay Harbour Business Plan 2017/18 as set out in Appendix 1 be approved.**
- 2.2 **That, subject to the views of the Harbour Committee, the Executive Head of Business Services and the Harbour Committee Chairman agree the final detail of the Tor Bay Harbour Business Plan 2017/18, and sign the Acceptance Statement in Section 9.**

3. Action Needed

- 3.1 To agree the final detail of the Tor Bay Harbour Business Plan 2017/18, and sign the Acceptance Statement in Section 9.

4. Summary

- 4.1 The Municipal Ports Review recommends that local authority owned ports and harbours should consider producing a business plan that looks at the future prospects of the port/harbour and how it will meet the requirements of stakeholders.

- 4.2 The business plan should review the strategy of the harbour and present measurable objectives.
- 4.3 The Tor Bay Harbour Business Plan 2017/18 has followed the guidelines set out in the Municipal Ports Review, which also refers to *'Modernising Trust Ports: A Guide to Good Governance'*.

Supporting Information

5. Position

- 5.1 In November 2000, in **'Modern Ports – A UK Policy'**, the Department for Transport promised a review of municipal ports management structures and practices to ensure that municipal ports were playing a full and accountable part in the local and regional economy.
- 5.2 In May 2006 the Department for Communities and Local Government and the Department for Transport jointly published **'Opportunities for Ports in Local Authority Ownership; A review of municipal ports in England and Wales'**.
- 5.3 In the review they stated that within the current framework for decision-making in local government there is scope for responsive and dynamic management of municipal ports. The key findings identified in the Executive Summary of the review concerned:-
- 1 Accountability and Decision Making
 - 2 Strategy and Business Planning
 - 3 Management and Performance Review
 - 4 Municipal Port Finances
- 5.4 Furthermore the review document states that decisions relating to the Harbour are based on advice from officers who have a clear understanding of the special requirements of the Harbour.
- 5.5 Following a report to the Harbour Committee in June 2006 it was resolved that a Municipal Ports Review Working Party be established to prepare an implementation schedule for review in relation to the review of Municipal Ports.
- 5.6 This Working Party met on five occasions with the last meeting being held on 22 January 2007. The Working Party agreed and recommended that the best way forward to meet the requirements of the Municipal Ports Review is to have a fit for purpose Harbour Committee working for Tor Bay Harbour under new and more detailed Terms of Reference and a Protocol set by the Council, making it effectively a decision-making committee of the Council. Later in 2007 the Council adopted the Working Party's recommendations.

- 5.7 It was a recommendation of the Working Party that the new Committee should be protected against short-term thinking and be subject to a coherent and consistent treatment by the Council. Furthermore they believed the Committee should be apolitical.
- 5.8 Once the principle of a Harbour Committee was established a suggested Implementation Schedule was agreed in 2007 and this included the need to draw up and agree a Tor Bay Harbour Business Plan by the end of March each year.
- 5.9 The Municipal Port Review deals with the management of the harbour. It is not a question of ownership as the Council remains the owning authority. It is a matter of what delivers the most appropriate and fit for purpose form of governance that will work best for any particular municipal port.
- 5.10 The second edition of *Modernising Trust Ports: A Guide to Good Governance* was published by the Department for Transport (DfT) in 2009. More recently a further study looking more specifically at the major trust ports was undertaken by the DfT in 2016. The DfT has now started work on preparing revised guidance, working with trust ports and others in the sector. While the focus of the guidance will be trust ports, the intention is for it also to include good practice guidance for local authority ports and potentially other ports.

6. Possibilities and Options

- 6.1 Not to accept the draft Tor Bay Harbour Business Plan 2017/18 and to recommend an alternative layout with alternative content.

7. Preferred Solution/Option

- 7.1 To approve the draft Tor Bay Harbour Business Plan 2017/18.
- 7.2 Municipal Ports are expected to consider adopting and adapting the recommendations made in *'Modernising Trust Ports: A Guide to Good Governance'*. This sets out the benchmarks in terms of Board composition, appointment, performance and accountability.

8. Consultation

- 8.1 There are a number of stakeholder groups which are used to consult on the quality and performance of the harbour service these are the Brixham Harbour Liaison Forum, the Torquay/Paignton Harbour Liaison Forum, various Community Partnerships, individual Harbour User Groups and the community wide Viewpoint Panel.
- 8.2 All of these stakeholder groups have helped to influence the content of the Tor Bay Harbour Business Plan over recent years. In particular harbour staff and the Liaison Forums have been able to comment on a draft version of the plan.
- 8.3 The Harbour Committee, with its Business Plan, will improve community relations as External Advisors are involved at the heart of the strategic decision-making process for Tor Bay Harbour.

9. Risks

- 9.1 There is likely to be a reduction in risk by having a Business Plan in place. If the Harbour Authority's governance arrangements did not include an appropriate Business Plan there would be a significant risk that the Council would not have a fit for purpose form of governance that reflects national best practice.
- 9.2 Although the Harbour Committee is a decision-making body, the risks associated with the Committee making decisions is minimal as the powers given to it can be revoked at any time by a revision of the Council's Constitution. However, this would be an extreme option as it would go against national best practice.
- 9.3 The only remaining risk is that the Council could be criticised for not adopting a Tor Bay Harbour Business Plan as recommended by the Municipal Ports Review.

Appendices

Appendix 1 Draft Tor Bay Harbour Business Plan 2017/18

Additional Information

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

Opportunities for Ports in Local Authority Ownership: A Review of Municipal Ports in England and Wales – Dept. for Communities & Local Government/Dept. for Transport (May 2006)

<http://webarchive.nationalarchives.gov.uk/http://www.dft.gov.uk/pgr/shippingports/ports/opportunities/>

Modernising Trust Ports: A Guide to Good Governance – Dept. of the Environment, Transport and the Regions (Jan 2000) (Second Edition August 2009)

<https://www.gov.uk/government/publications/modernising-trust-ports>

Trust Port Study: Findings and Recommendations (2016)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/525076/trust-port-study-key-findings-and-recommendations.pdf

Torbay Council's Constitution - updated and published on 6th February 2017.