



## **Minutes of the Harbour Committee**

**12 September 2011**

**-: Present :-**

Councillors Amil, Ellery, Faulkner (J), Hytche, James, Richards and Stringer and Mayor Oliver

External Advisors: Mr Butcher, Capt. Curtis and Ms Hayes

(Also in attendance: Councillor Andrew Baldrey and Councillor Mike Morey)

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### **236. Apologies**

Apologies for absence were received from Councillor McPhail and External Advisor Jennings.

### **237. Minutes**

The Minutes of the meeting of the Harbour Committee held on 13 June 2011 were confirmed as a correct record and signed by the Chairman.

### **238. Harbour Committee's Appointment of External Advisors**

The Committee considered the recommendations of the Harbour Appointments Sub-Committee which had met on the 2 September 2011.

#### **Resolved:**

- 1) that the four current External Advisors be reappointed for the following staggered periods, to allow for a rolling programme of appointments to be established:
  - a. Elaine Hayes – 4 years
  - b. Bob Curtis – 3 years
  - c. Gordon Jennings – 2 years
  - d. Bill Butcher – 1 year
- 2) that an advertisement be published in order to fill the current vacancy for an External Advisor, with the wording and requirements to be agreed by the Chairman and Sub-Committee;

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- 3) that an update to the Constitution be requested to clarify that External Advisors, going forward, would be limited to two 4-year terms.

(**Note:** Prior to consideration of Minute 238, the press and public were formally excluded from the meeting on the grounds that the items involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).)

### **239. Torquay/Paignton and Brixham Harbour Liaison Forums**

The Committee noted the minutes of the Torquay and Paignton Harbour Liaison Forum meeting on the 30 August 2011 and the Brixham Harbour Liaison Forum meeting on the 31 August 2011.

### **240. Harbour Authority Business Risk Register**

The Committee noted the report providing them with details of the Tor Bay Harbour Business Risk Register for 2011/12. In particular, the Committee noted that the number of risks had been consolidated from 39 to 9 which are then linked to the performance objectives of the Harbour Authority, following advice from the Council's Corporate Risk Management team.

#### **Resolved:**

that the Executive Head of Tor Bay Harbour Authority would brief the Chairman and External Advisor Hayes on the status of all statutory and non-statutory plans relating to the mitigation of risk, and any that are deemed in need of further discussion would be brought to the next Harbour Committee.

### **241. Harbour Asset Review Working Party**

The Committee noted the report from the Harbour Asset Review Working Party, which concluded that they had broadly established how each asset was performing, and that no assets were identified as being surplus to the requirements of the Harbour Authority.

### **242. Budget Monitoring Report**

The Executive Head of Tor Bay Harbour Authority introduced the second budget monitoring report for the Harbour Authority to the Committee, which showed the projections of income and expenditure for the year 2011/12 compared with the approved budgets. The Committee noted the current predicted deficits and

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recognised that it was hoped that, as with previous years, the fish tolls would move the Brixham account into surplus before year end.

### **243. Tor Bay Harbour Authority Performance**

The Committee noted the quarterly report on the performance of the Harbour Authority, and in particular expressed some concerns that the website refresh should be prioritised.

### **244. Annual Harbour Users Survey**

The Executive Head of Tor Bay Harbour Authority introduced the results of the 2011 Tor Bay Harbour User Survey, which had been sent out to approximately 1200 users with 80 replying. The Committee noted the overall positive response to the survey, but felt that it would be important to further encourage responses (particularly from Brixham and Paignton) going forward and discussed how this might be possible.

### **245. Northern Arm Breakwater**

The Committee considered the report on the outcome of the Brixham Harbour Northern Arm Breakwater Concept Design Report, and discussed what the next steps in the potential development might be. The Committee recognised the protracted nature of the discussions around this project, and discussed the economic benefits as well as the environmental issues involved, but also stressed the need to ensure value for money was achieved in the current financial climate.

#### **Resolved:**

- 1) that the Torbay Development Agency be asked to prepare a preliminary business case for the Northern Arm Breakwater; to include an economic analysis of the proposed development to assess the project's viability, its value and importance;
- 2) that the cost of the preliminary business case be funded from the Brixham Harbour Reserve and that the Executive Head of Tor Bay Harbour Authority be authorised to amend the revenue budget accordingly.

### **246. Lease of the Sea Bed for HMS Ark Royal**

The Committee considered the report on the proposal to create an artificial reef off Tor Bay, and received verbal representations from 'Wreck the World' and the Torbay Development Agency. Members discussed the economic benefits,

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environmental issues and concerns around the potential level of risk to the Council in taking this project forward.

The Committee formally recognised the effort put in by 'Wreck the World' and congratulated them on the work that had already been completed.

### **Resolved:**

- 1) that the Mayor be recommended to authorise the Head of Commercial Services, in consultation with the Chief Executive of the Torbay Development Agency and the Executive Head of Tor Bay Harbour Authority, to accept a 125-year lease for part of the seabed from the Crown Estate on acceptable terms, and that, in determining the acceptable terms, the Mayor be recommended to seek further legal advice as to the level of the Council's risk exposure;
- 2) that the Mayor be recommended to authorise the Head of Commercial Services, in consultation with the Chief Executive of the Torbay Development Agency and the Executive Head of Tor Bay Harbour Authority, to grant a sub-lease (and if considered appropriate an agreement for that lease) for part of the seabed to a local charitable organisation on acceptable terms;
- 3) that the Mayor be recommended to authorise the Head of Commercial Services, in consultation with the Executive Head of Tor Bay Harbour Authority and the Chief Executive of Torbay Development Agency, to enter into such other legal documentation on acceptable terms as deemed necessary;
- 4) that the exact position of the sinking of any vessel within Tor Bay Harbour limits will be determined by the Executive Head of Tor Bay Harbour Authority in his capacity as Harbour Master, following consultation with harbour users and the Harbour Committee.

**(Note 2:** Prior to consideration of Minute 248, External Advisor Elaine Hayes declared a personal interest as she was Chair of the Inshore Fisheries and Conservation Association.)