



Minutes of the Harbour Committee

30 January 2012

-: Present :-

Councillor Ellery (Chairman)

Councillors Amil, Hytche, James, McPhail, Mayor Oliver (Vice-Chairman), Richards and Stringer

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

510. Apologies

An apology for absence was received from Councillor Faulkner (J).

511. Minutes

The Minutes of the meeting of the Harbour Committee held on 5 December 2011 were confirmed as a correct record and signed by the Chairman.

512. Torquay Waterside Regeneration - Marina Car Park, The Pavilion and Cary Green, Torquay

Members received a report which was to be considered by the Council and the Mayor on 1 February 2012. The report sought agreement from the Mayor to deliver a major regeneration project which capitalises on the existing Marina Car Park (part of the harbour estate), a project that would safeguard the long term viability of The Pavilion and allows appropriate development of Cary Green.

Members expressed particular concern at the potential loss of income for the Harbour Authority during the construction phase and felt strongly that provisions within the new lease should ensure that Torbay Council as Harbour Authority receives at least its existing level of income.

Members also articulated disquiet at the knock on affect such a development could have on the Council's exposure to flood risk liability in particular in respect of ongoing Environment Agency funding for Haldon Pier and Princess Pier. The Chairman requested officers seek clarification regarding the impact on flood risk liability and circulate the findings to the Committee.

Members resolved that the Council recommend to the Mayor the following recommendations:

Resolved:

- i) That the Chief Executive of Torbay Development Agency, in consultation with the Mayor and Executive Lead for Employment and Regeneration, the Commissioner for Place and the Environment, the Executive Head of Tor Bay Harbour Authority and the Chair of the Harbour Committee, be instructed to negotiate and agree terms for the sale of a long lease or leases to the Marine Car Park, The Pavilion and Cary Green to the Nicholas James Group (or a subsidiary company) ('the Developer'). Such terms to include an obligation on the Developer to obtain planning consent and carry out and complete the redevelopment of the Marina Car Park, the restoration of The Pavilion and redevelopment of Cary Green;
- ii) That before any agreement is entered into, the Torbay Development Agency shall obtain a satisfactory independent valuation from a firm of Chartered Surveyors with the requisite experience in valuing such developments, demonstrating that the proposed terms represent best value that Torbay Council can reasonably obtain;
- iii) That the Executive Head of Commercial Services, in consultation with the Chief Executive of Torbay Development Agency and the Executive Head of Tor Bay Harbour Authority, be authorised to enter into such documentation as may be necessary with the Council's present tenant, Marina Developments Limited ('MDL'), to allow the development to proceed, including but not limited to the acceptance of the surrender of part or all of MDL's existing leases and the grant of a new lease or leases to MDL or such other party on acceptable terms;
- iv) That the new leases referred to in (i) and (iii) contain provisions to ensure that Torbay Council as Harbour Authority continues to receive at least the existing levels of income from the development and the marina and that, subject to the outcome of the valuation outlined in (ii) above, negotiations address the need to preserve this level of income during the construction phase; and
- v) That the Commissioner for Place and the Environment with the Executive Head of Spatial Planning be instructed to determine the Council's exposure to flood risk liability in respect of the proposed development and ongoing Environment Agency funding for Haldon Pier and Princess Pier.

Chairman