

Clerk: Sarah Forsyth Telephone: 01803 207013

E-mail address: <u>democratic.services@torbay.gov.uk</u>

Date: Thursday, 08 September 2011

Town Hall Castle Circus Torquay

**Democratic Services** 

TQ1 3DR

**Dear Member** 

# HARBOUR COMMITTEE - MONDAY, 12 SEPTEMBER 2011

I am now able to enclose, for consideration at the Monday, 12 September 2011 meeting of the Harbour Committee, the following reports that were unavailable when the agenda was printed.

Agenda No	Item	Page
6.	Torquay/Paignton and Brixham Harbour Liaison Forums	(Pages 143 - 154)

Yours sincerely

Sarah Forsyth Clerk







Meeting	Title
Venue	
Date	

Torquay & Paignton Harbour Liaison Forum	
Torquay Harbour Office	,
30 <sup>th</sup> August 2011 at 10.30	

#### **Present**

Capt K Mowat (KM)	Mr J Bond (JB)	Mr D Musgrove (DM)
Mr J Turner (JT)	Cllr B McPhail	Mr W Butcher (WB)
Mr M Ritchie (MR)	Mr M Smith (MS)	Cllr J Richards (JR)
Cllr J Faulkner (JF)	Mayor Gordon Oliver (GO)	Capt P Labistour (PL)
Cllr R Stringer (RS)		

- 1. Apologies
- 2. Minutes of the last meeting
- 3. Matters Arising
  - a) Finding Sanctuary
  - b) Paignton Harbour decriminalised parking review update
  - c) RTYC boat park scheme
  - d) Coastguard modernisation update
  - e) Crabbing update
  - f) Ark Royal update Agenda Item
  - g) Boat Watch Scheme MS
- 4. Capital Works
  - a) Haldon Pier update
- 5. Town Dock Torquay

### **Agenda Items**

- 6. Budget Setting 2012/13 Harbour Charges
- 7. Oil Spill Response Plan review
- 8. Port Waste Management Plan review
- 9. Results of Harbour Users Survey 2011
- 10. Maritime Events 2011
  - a) Optimists Nationals update (JT)
  - b) Events 2012 (WB)
- 11. Seabed Lease from Crown Estate (Ark Royal)
- 12. Broadsands Dinghy Sailing
- 13. Torquay Harbour Entrance 5 knot Buoy (BB)
- 14. Harbour Committee
  - a) Upcoming Agenda

Date of the next meeting 22<sup>nd</sup> November 2011

1.	Apologies for Absence	Action
	Apologies were received from Ms H Meacock, Cllr V Ellery and Mr G Jennings.	

2.	Minutes of the last meeting	Action
	It was agreed that the minutes of the 31 <sup>st</sup> May 2011 meeting were a true and	
	accurate record of that meeting.	

3.	Matters Arising	Action
(a)	Finding Sanctuary KM reported that there was no real change from the update provided at the previous Forum meeting. Finding Sanctuary had now finalised their recommendations for Marine Conservation Zones (MCZs). The meeting with Natural England at the British Ports Association allowed for a frank exchange of opinions. The final designation process still has to go through a number of further stages, including a full public consultation exercise which would commence in 2012. KM said he would continue to raise his concerns over a proposed MCZ within Tor Bay and particularly how certain management measures might have a social and economic impact. MR agreed to raise the issue of restricted anchoring of leisure vessels through the RYA.	KM MR
(b)	Paignton Harbour – decriminalised parking review update JT reported that the change to the parking order allowing for short stay bays had been successful together with the scheme overall. A further review would be carried out prior to the 2012 boating season.	JT
(c)	RTYC - boat park scheme WB reported that the scheme was working well and KM agreed that things had improved from last year. A further review will take place over the winter.	KM
(d)	Coastguard modernisation – update KM reported that unfortunately the Brixham Coastguard Station was still earmarked for closure despite a considerable number of local objections. However, KM advised the Forum that the Harbour Committee's Chairman Cllr Vic Ellery had arranged a further public meeting/rally on the 17 <sup>th</sup> September at the Riviera Centre.	
(e)	Crabbing – update KM reported that there were no new issues on this subject other than a view that a dedicated facility for this activity, like a pontoon, would be a good idea. KM stressed that whilst this was feasible in the inner harbour; it was not without risk and would therefore need to be managed. He also suggested that the project could be organised, managed and financed by the tourism industry.	
(f)	Boat Watch Scheme - MS MS reported that he had been in touch with the Police in pursuance of the introduction of such a scheme which he thought was most definitely required after a recent spate of incidents. KM stated that the Harbour Authority would wish to support such a scheme. The Mayor asked for more details from MS.	MS

4.	Capital Works	Action
(a)	Haldon Pier - update	
	KM reported that further underwater survey work had taken place and that	
	engineers were evaluating the results. £1.2m of Environment Agency (EA) funding	
	was to be spent on further repair works but the methodology was still to be	
	determined. KM made the Forum aware that the Council were preparing another	
	bid for a further £7m funding from the EA for work on both Haldon and Princess	
	Piers. The outcome of this bid will not be known until the spring of 2012.	KM

5.	Town Dock – Torquay	Action
	KM informed the Forum that he had been approached by businesses asking for advertising space on the Town Dock bridge and was seeking the views of those present. JB objected to this proposal if it was to be competitors of Birchell Marine but did not object to the principle. Overall those present supported KM pursuing the matter.	KM
	DM asked KM to review the need for individuals to cycle on the Town Dock as it was particularly dangerous to disabled people. KM responded that he totally supported this view and existing notices would be reviewed and if necessary amended to this effect and a regime of zero tolerance adopted.	KM

6.	Budget Setting 2012/13 - Harbour Charges	Action
	KM informed the Forum that the Harbour Committee's Budget Working Party had	
	recently held a meeting to discuss the 2012/13 harbour budgets. There would be	
	two more meetings of this Working Party ahead of the December meeting of the	
	Harbour Committee where the budget setting report would be considered. The	
	Working Party was made up of Councillors and External Advisors from the Harbour Committee.	
	KM said that the in year budget for 2011/12 was on track and he explained a	
	number of variations. He said it was always hard to forecast the budget for next	
	year ahead of the third and fourth quarter results. The Forum was reminded that	
	the harbour accounts were set to show a deficit over the next few years of up to	
	£50k and income was currently falling from visitors, slipway use and Marina rent.	
	KM advised the Forum that Torbay Council was facing a significant budgetary	
	challenge with an estimated funding gap of £10m for 2012/13. He said that the	
	Harbour Authority had been asked to help contribute towards this shortfall.	
	Following a meeting with the Mayor and the Council's CEO, the Chairman (VE)	
	and KM agreed to recommend to the Harbour Committee a cash dividend	
	contribution of £50,000 to Torbay Council and in return the Council would	
	reconsider commissioning the Harbour Authority function and revisit the level of	
	recharging for support services. This outcome would protect the policy of ring	
	fenced accounts for the Harbour Authority and help deliver future cost savings. KM	
	said it was important that stakeholders understood these proposals and were	
	comfortable with the way the Harbour Authority was moving forward. The Forum	
	was generally supportive of this approach.	
	KM indicated that the Budget Working Party (BWP) would be looking for feedback	
	on proposals to increase harbour charges in 2012/13 to keep pace with rising	
	costs. Options for consideration included a general increase of 2.5% or 3.5% or	
	5%. Some of those present felt that the boating population could not sustain a	
	further increase and that any such action would result in more vacant berths. It	
	was suggested by the Forum that some charges need not be increased at all and	
	the Working Party should look at the charges on an individual basis rather than	
	simply implementing a generic increase. KM explained that whilst the reserve fund	
	could be used to cover any deficits both in this and in coming years there needed	KM &
	to be an increase in harbour charges to fund some of the deficit. KM & MR agreed	1
	to organise a meeting with the Torquay Harbour Users group.	MR
		ed

KM said that it was a statutory obligation to have an Oil Spill Response Plan which
incorporates a Tier 2 contractual responder and that all relevant officers were fully
trained. The plan is due to be reviewed and it will go out to consultation to various
stakeholders and then on to the MCA for approval. PL asked interested parties to
contact him directly. MS emphasised the need to consider the fuel station in the
plan. KM agreed to take such action.
, ·

PL All KM

8.	Port Waste Management Plan – review	Action
	KM reported that the Port Waste Management Plan was also a statutory obligation. The plan is due to be reviewed and it will go out to consultation to various stakeholders and then on to the MCA for approval. PL asked interested parties to contact him directly.	PL All

9.	Results of Harbour Users Survey 2011	Action
	KM gave the Forum some headline figures from the annual Harbour Users Survey;	
	he said that a full report would be going to the Harbour Committee in September	
	with the results being available to anyone who is interested.	All

10.	Maritime Events 2011	Action	ı
(a)	Optimists Nationals ~ update JT JT reported that PSC had to date not been successful with their bid to hold this event but were hopeful of attracting alternative national events to compensate.		
(b)	RTYC Events 2012 ~ WB WB reported on the successful events hosted to date by the RTYC in 2011. He stressed the economic value to the Bay by providing some spending figures. WB also told the Forum about the events proposed for 2012.		

# 11. Seabed Lease from Crown Estate (Ark Royal)

KM said that a report regarding a lease of the seabed from the Crown Estate would be considered by the Harbour Committee in September. A bid had been put in for the Ark Royal by a local charity who would like to create an artificial reef off of Tor Bay. However, the Crown Estate required the Council to take a lease of the seabed for 125 years, as they would not accept responsibility. Also, they would not grant a lease to the charity. KM explained a number of risks associated with this proposal especially if the charity ceased to exist. He explained that these risks existed despite the fact that the vessel would be sunk 6/7 miles off Tor Bay. The risks included a possible financial burden on the Council/Harbour Authority. The Forum understood the concerns expressed by the officers and the potential risk exposure. They agreed it was a good idea to seek further advice on the various risk issues. KM continued by saying that any Harbour Committee recommendation would ultimately need approval from the Mayor/Council.

12.	Broadsands - Dinghy Sailing	Action
	KM explained that a member of the public had asked for this matter to be raised at	
	the Liaison Forum meeting. The Forum were keen to encourage dinghy sailing	
	from Broadsands and KM agreed to revisit this idea with the TDA	KM

Page 1/6	
13. Torquay Harbour Entrance 5 knot Broy (WB)	Action

WB reported that a power boat had hit the 5 knot mark on the evening of the fireworks display and he suggested that this buoy could be moved further seaward and re-assigned as a port hand mark complete with a navigation light. KM welcomed this proposal and the Forum also supported this view. KM agreed to investigate this matter further.

KM

14.	Harbour Committee	
(a)	Upcoming Agenda	
	KM informed the Forum of the items on the agenda for the next Harbour	
	Committee meeting on 12 <sup>th</sup> September 2011.	
	·	

Next Meeting Venue Future meetings	22 <sup>nd</sup> November 2011 Torquay Harbour Office 21 <sup>st</sup> February 2012 29 <sup>th</sup> May 2012	10.30am 10.30am 10.30am
Dates of Harbour Committee Meetings	12 <sup>th</sup> September 2011 5 <sup>th</sup> December 2011 5 <sup>th</sup> March 2012 11 <sup>th</sup> June 2012	5.30pm (Brixham) 5.30pm (Paignton) 5.30pm (Torquay) 5.30pm (Brixham)

This page is intentionally left blank





<b>Meeting Title</b>	Brixham Harbour Liaison Forum
Venue	Brixham Harbour Office
Date	31 <sup>st</sup> August 2011 at 10.30

#### **Present**

Capt P Labistour (PL)	Cllr Vick Ellery (VE)	Mr N Wright (NW)
Capt K Mowat (KM)	Cllr Mike Morey (MM)	Mr S Elliman (SE)
Mr D Bartlett (DB)	Mr D Saunders (DS)	Mr P Bartlett (PB)
Miss K Annis (KA)	Mr T Robins (TR)	Mr S Beer (SB)

- Apologies for absence
- 2. Minutes of the last meeting
- 3. Matters arising from the last minutes
  - a) Electricity Recharge update
  - b) Access Security & Parking Leaseholders Working Group update
  - c) Finding Sanctuary update
  - d) Mentorn Films advertising the Bay
  - e) Coastguard Modernisation update
- 4. Capital Works Brixham Breakwater & Photovoltaic Panels
- 5. Oil Spill Response Plan Review
- 6. Port Waste Management Plan Review

### Agenda Items

- 7. Mooring contract update
- 8. New Restaurant/Fishmongers update
- 9. Budget Setting 2012/13
- 10. Results of Harbour Users Survey 2011
- 11. Winter Storage
- 12. Boat Yard Lease Oxen Cove
- 13. Seabed Lease from Crown Estate (Ark Royal)
- 14. Maritime Events 2011
- 15. Harbour Committee
  - a) Upcoming Agenda

Date of next meeting 23<sup>rd</sup> November 2011

1.	Apologies for absence	Action
	Bob Curtis, Rick Smith, Shaw Smith & Dave Jones	

flinutes of the last meeting	Action
t was agreed that the minutes of the meeting of the 1 <sup>st</sup> June 2011 were a true and accurate record of that meeting.	
t١	was agreed that the minutes of the meeting of the 1 <sup>st</sup> June 2011 were a true

3.	Matters Arising	Action
(a)	Electricity Recharge - update PL and Chris Varker are to form a report on electricity recharging to MFVs for the December Harbour Committee meeting. PL stated that energy costs had risen considerably around the harbour and the fishing fleet were consuming a significant amount of power. Costs and the carbon footprint needed to be reduced and this can be achieved by recharging back to the fishing industry using an automated remote monitoring and control system costing circa £50k. PB asked if it would be the boat owner or contractor responsible for paying for the recharged electricity. KM responded that it would need to decided between the owner and contactor and that the days of free electricity were over with electricity prices due to rise by up to 19% in the next few months. TR raised the issue that the fishing industry may return to using their onboard generator sets and this could have overnight noise implications. PL felt the way forward was to consult with the boat owners and contractors; to publicise the charging regime and that it was a risk that the fishing industry may use the generators but it was a risk that had to be taken. The Forum was generally supportive of this proposal and understood the need for change.	PL
(b)	Access, Security & Parking Leaseholders Working Group – update PL reported that all access rights for tenants were stated in their leases. A meeting was held by the Working Group attended by Cllr Vick Ellery, Mike Shaw and Paul Labistour the result of the meeting was to keep the access, security and parking issues under review. The key fob system and the Security/ Dockmaster team are working well at keeping a secure site.	PL
(c)	Finding Sanctuary – update PL said that Finding Sanctuary is a process central government used to produce recommendations on a network of Marine Conservation Zones (MCZs). Some of Tor Bay is being recommended as an MCZ because of the seagrass beds. A number of stakeholders are worried about the impact this will have on them. KM stated that the Harbour Authority has objected strongly to the designation and the final MCZ proposals will be open for public consultation in 2012. Everyone will then have a chance to express their views on the government's proposals.  NW reported that a ban had already been imposed on trawl/dredge activity within the 5 metre contour of the Bay's coastline.	AII
(d)	Mentorn Films – advertising the Bay PL said that Sky TV had now completed filming "Fish Town" and that the Mayor was very keen that the Bay was advertised within the advertising breaks. PL had passed the information on to the Council's communications team.	PL
(e)	Coastguard Modernisation – update PL reported that despite strong opposition from the public and the Harbour Authority the Brixham Coastguard Station was still earmarked for closure. Falmouth has now been reprieved and the remaining stations were now all to be open 24/7.  VE has arranged a big rally with MPs and the Coastguards in the hope that the Minister (Phil Hammond) may review the situation again with the new proposals brought forward by the Coastguard's Union - all are welcome to attend. A copy of the Union's proposal was requested for the next Forum meeting.  Page 150	VE

4.	Capital Works	Action
(a)	Brixham Breakwater KM reported that although the Harbour Committee had agreed to £150,000 to come from capital funding to repair the Breakwater voids, assistance was still being sought from the Environment Agency.	
(b)	Photovoltaic Panels KM stated that the Council had approved a project to install photovoltaic panels on Council buildings. The New Fish Market has been identified by the Council as one of the sites for the panels to be situated. It will cost approximately £50,000 to fund with the benefit coming from reduced energy costs and the government's feed-in-tariff scheme. KM indicated that the money could come from the harbour reserve fund and that this would deliver the full benefit of the feed-in-tariff to the harbour account. The Forum fully supported this approach.	KM

5.	Oil Spill Response Plan – Review	Action
	PL said that it was a statutory obligation to have an Oil Spill Response Plan which incorporates a Tier 2 contractual responder and that all relevant officers were fully trained. The plan is due to be reviewed and it will go out to consultation to various stakeholders and then on to the MCA for approval. PL asked interested parties to contact him directly.	AII PL

6.	Port Waste Management Plan - Review	Action
Newspaper and the second secon	PL reported that the Port Waste Management Plan was also a statutory obligation. The plan is due to be reviewed and it will go out to consultation to various stakeholders and then on to the MCA for approval. PL asked interested parties to contact him directly.	All PL

7.	Mooring Contract – update	Action
	PL reported that the new mooring contractor Teignmouth Maritime Services, who have a three year mooring contract with the Harbour Authority, had made an impressive start. As required they had indemnified the moorings and had carried out all of the necessary work for 2011. The moorings are now in good order.	

New Restaurant / Fishmongers – update	Action
PL reported that the Old Market House redevelopment was due to open within the next two weeks. As a project initiated by the Harbour Committee he was confident that it would be a success. It had been an interesting journey to get to this point but the significant private sector investment can now be clearly seen.  The restaurant in the new harbour building is now subject to an Agreement to Lease with owners who are linked to 'The Glassblowing House' on the Barbican in Plymouth.  KM said that a name had been chosen for the new restaurant which is due to start fitting out in the autumn with the lease starting and the opening due in the spring of 2012.	
	PL reported that the Old Market House redevelopment was due to open within the next two weeks. As a project initiated by the Harbour Committee he was confident that it would be a success. It had been an interesting journey to get to this point but the significant private sector investment can now be clearly seen.  The restaurant in the new harbour building is now subject to an Agreement to Lease with owners who are linked to 'The Glassblowing House' on the Barbican in Plymouth.  KM said that a name had been chosen for the new restaurant which is due to start fitting out in the autumn with the lease starting and the opening due in

### 9. Budget Setting 2012/13

Action

PL informed the Forum that the Harbour Committee's Budget Working Party had recently held a meeting to discuss the 2012/13 harbour budgets. There would be two more meetings of this Working Party ahead of the December meeting of the Harbour Committee where the budget setting report would be considered. The Working Party was made up of Councillors and External Advisors from the Harbour Committee.

KM said that the in year budget for 2011/12 was on track and he explained a number of variations. He said it was always hard to forecast the budget for next year ahead of the third and fourth quarter results. The Forum was reminded that the Brixham Harbour account was set to show a deficit over the next few years of around £50,000, although fish toll income was currently performing well.

KM advised the Forum that Torbay Council was facing a significant budgetary challenge with an estimated funding gap of £10m for 2012/13. He said that the Harbour Authority had been asked to help contribute towards this shortfall. Following a meeting with the Mayor and the Council's CEO, the Chairman (VE) and KM agreed to recommend to the Harbour Committee a cash dividend contribution of £50,000 to Torbay Council and in return the Council would reconsider commissioning the Harbour Authority function and revisit the level of recharging for support services. This outcome would protect the policy of ring fenced accounts for the Harbour Authority and help deliver future cost savings. VE added that it was very important that the Forum was happy with commissioning of the Harbour Authority as the Committee believed it was the correct way forward. The Forum was generally supportive of this approach. KM indicated that the Budget Working Party (BWP) would be looking for feedback on proposals to increase harbour charges in 2012/13 to keep pace with rising costs. Options for consideration included a general increase of 2.5% or 3.5% or 5%. KM also mentioned the ongoing need to review the differential in harbour dues across the Bay and between different end users. A number of Forum members indicated that certain elements of the fishing industry were currently doing very well and the Working Party were encouraged to look at the charges on an individual basis rather than simply implementing a generic increase.

**BWP** 

# 10. Results of Harbour Users Survey 2011

Action

KM gave the Forum some headline figures from the annual Harbour Users Survey; he said that a full report would be going to the Harbour Committee in September with the results being available to anyone who is interested.

ΑII

## 11. Winter Storage

Action

PL reported that the winter lift out dates were 11<sup>th</sup> October for the Breakwater lift and 12<sup>th</sup> October for the Oxen Cove lift.

### 12. Boat Yard Lease – Oxen Cove

Action

PL stated that Simon Beer a local shipwright had approached the Harbour Authority with a view to renting space to create a boat yard facility at Oxen Cove and also perhaps some space adjacent to the Breakwater slipway. If this initiative is approved by the Harbour Committee the lease opportunity would need to be subject to a public tendering process. SB explained how the boats could be hauled out and re-launched via the existing slipways using a towed or self-powered trailer/cradle/hoist. This type of specialised equipment could also be used for winter storage in Page 7.

12.	Boat Yard Lease – Oxen Cove - continued	Action
	PL said he would be preparing a report for the December meeting of the Harbour Committee and he asked for the Forum for their views on this proposal. SB said that the Harbour Authority had hired a crane in the past this had only given customers a two to three day window in which to have the boats lifted. He suggested that this proposed alternative would be more appealing to the customers as they could come in and out of the water to their own time table and that there was no other facility in Brixham which provided this at the moment. DB added that the current crane hire costs and manpower costs were very high. Also, the crane can only access the water to lift the boats in or out at the top of a big tide and this combined with bad weather provided limited windows of opportunity.	PL
	MM thought that it would be a good idea as long as it was done sensitively and in consideration of all the various factors like the car park capacity and the RDA's regeneration funding agreement. KM said that these and other issues would be addressed in the report. The lease would need to be relatively short but long enough to allow the tenant to recoup their investment. Forum members agreed that such a facility was needed and it would both sustain and create jobs. In broad terms the idea was well supported.	KM

13.	Seabed Lease from Crown Estate (Ark Royal)	Action
	KM said that a report regarding a lease of the seabed from the Crown Estate would be considered by the Harbour Committee in September. A bid had been put in for the Ark Royal by a local charity who would like to create an artificial reef off of Tor Bay. However, the Crown Estate required the Council to take a lease of the seabed for 125 years. They would not grant a lease to the charity. KM explained a number of risks associated with this proposal especially if the charity ceased to exist. The risks included a possible financial burden on the Council/Harbour Authority. The Forum understood the concerns expressed by the officers and the potential risk exposure. They agreed it was a good idea to seek further advice on the various risk issues.	

14.	Maritime Events 2011	Action
	PL informed the Forum that Fishstock is take place on 10 <sup>th</sup> September 2011	
	and that the Michelmores Cup is on 3 <sup>rd</sup> /4 <sup>th</sup> September 2011. A copy of the	
	Maritime Events list is available in the harbour office if anyone is interested in	
	а сору.	

15.	Harbour Committee	Action
(a)	Upcoming Agenda	
	PL informed the Forum of the items on the agenda for the upcoming Harbour	
	Committee meeting on 12 <sup>th</sup> September 2011.	

Next Meeting Venue

23<sup>rd</sup> November 2011 10.30am Brixham Harbour Office

**Future Meetings** 

22<sup>nd</sup> February 2012 10.30am 30<sup>th</sup> May 2012 10.30am

# Dates of Harbour Committee Meetings

 12<sup>th</sup> September 2011
 5.30pm (Brixham)

 5<sup>th</sup> December 2011
 5.30pm (Paignton)

 5<sup>th</sup> March 2012
 5.30pm (Torquay)

 11<sup>th</sup> June 2012
 5.30pm (Brixham)