

Tuesday, 31 May 2022

HARBOUR COMMITTEE

A meeting of **Harbour Committee** will be held on

Wednesday, 8 June 2022

commencing at **2.00 pm**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,
Torquay, TQ1 3DR

Members of the Committee

Councillor Amil (Chairwoman)

Councillor Barrand

Councillor Brooks

Councillor Carter

Councillor Dudley

Councillor Ellery

Councillor O'Dwyer

Councillor Mills

External Advisors

Mr Day and Mr Young

Together Torbay will thrive

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Governance Support, Town Hall, Castle Circus, Torquay, TQ1 3DR

Email: governance.support@torbay.gov.uk - www.torbay.gov.uk

HARBOUR COMMITTEE AGENDA

1. **Apologies**
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
2. **Minutes** (Pages 4 - 6)
To confirm as a correct record the Minutes of the meeting of the Committee held on 21 March 2022.
3. **Declarations of interest**
 - (a) To receive declarations of non pecuniary interests in respect of items on this agenda
For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
 - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda
For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
4. **Urgent items**
To consider any other items that the Chairman decides are urgent.
5. **Terms of Reference of the Harbour Committee** (Pages 7 - 8)
To note the Harbour Committee's Terms of Reference.
6. **Harbour Asset Review Working Party**
To appoint two External Advisors to the Harbour Asset Review Working Party.
7. **Harbour Budget Review Working Party**
To appoint two External Advisors to the Harbour Budget Review Working Party.
8. **Pilotage Review Working Party**
To appoint an external advisor to the Pilotage Review Working Party.

- 9. Port Marine Safety Code**
For Members to note a verbal report on the latest accident statistics for the Harbour Authority's operational area.
- 10. Harbour Improvements - Developing Commercial Fishing Capacity at Brixham Harbour** (To Follow)
To consider a report on the above.
- 11. Budget Outturn for Financial Year ending March 2022** (To Follow)
To consider a report on the above.

Meeting Attendance

Please note that whilst the Council is no longer implementing Covid-19 secure arrangements attendees are encouraged to sit with space in between other people. Windows will be kept open to ensure good ventilation and therefore attendees are recommended to wear suitable clothing.

If you have symptoms, including runny nose, sore throat, fever, new continuous cough and loss of taste and smell please do not come to the meeting.

Minutes of the Harbour Committee

21 March 2022

-: Present :-

Councillor Amil (Chairman)

Councillors Brooks, Carter, Dudley (Vice-Chair) and Ellery

136. Opening of the Meeting

The meeting was opened with a minute's silence for a serving member of staff, Amanda Coote, who had sadly passed away.

137. Apologies

Apologies for absence were received from Councillors Barrand, Mills and O'Dwyer and External Advisor Barry Young.

138. Minutes

The Minutes of the meeting of the Committee held on 6 December 2021 were confirmed as a correct record and signed by the Chairman.

139. Urgent items

The Committee considered the item in Minute 139, and not included on the agenda, the Chairman being of the opinion that they were urgent by reason of special circumstances i.e. the matter having arisen since the agenda was prepared and it was unreasonable to delay a decision until the next meeting.

140. Health and Safety Incident

The Tor Bay Harbour Master informed Members of an incident that had occurred earlier in the day, whereby a pedestrian was struck by a vehicle in the turning circle at Brixham Harbour. Early reports suggest the pedestrian had suffered minor injuries, however the incident highlights this mixed use area as being a pinch point. Members wished the pedestrian involved a speedy recovery and noted that the Tor Bay Harbour Master would be giving consideration to measures, if any, that could raise awareness of the conflicting pressures on the turning circle.

141. Work Programme 2022/2023

The Committee considered a report which set out the Work Programme for 2022/2023. The Tor Bay Harbour Master advised that there was a slight deviation from previous work programmes with the Tor Bay Harbour Asset Management Plan

and Tor Bay Harbour Business Plan being deferred to September in order for a meeting of the Harbour Asset Working Party to be arranged.

Resolved:

That the Work Programme for the Harbour Committee for 2022/2023 be confirmed.

142. Port Marine Safety Code and Health and Safety Matters

The Tor Bay Harbour Master provided a verbal update in respect of the Port Marine Safety Code and health and safety matters. The Tor Bay Harbour Master raised concerns regarding the launching the Private Watercrafts and Jet Ski's from beaches in contravention of By-laws, a situation that the Harbour and Beach Teams would be seeking to raise awareness of during the summer season. Members noted the report and welcomed the Tor Bay Harbour Master's intention to provide informal monthly updates.

143. Tor Bay Harbour Budget Monitoring

The Committee received the submitted report which set out the overall budgetary position for the Tor Bay Harbour Authority as at February 2022 compared with the overall approved budgets.

Resolved:

That the Committee noted:

1. the amended outturn projections and the adjustments to the Harbour Reserve Fund, as set out in Appendix 1 to the submitted report;
2. the revised projected level of the Harbour Reserve Fund as of February 2022;
3. the Head of Tor Bay Harbour Authority's' use of delegated powers to make decisions in relation to the harbour budget; and
4. the Harbour Master's use of delegated powers to waive certain harbour charges which to date amounts to £1,834.12.

144. Tor Bay Harbour Operational Moorings and Facilities Policy 2022/2023

The Committee considered a report which set out minor changes to the Tor Bay Harbour Operational Moorings and Facilities Policy for 2022/2023. The Harbour Master informed Members that the policy ensured a consistent, fair and equitable approach was applied to new, existing and potential facility users.

Resolved:

That the revised Tor Bay Harbour Operational Moorings and Facilities Policy 2022/2023 be approved.

145. Review of Delegated Powers to Tor Bay Harbour Master

The Committee considered a report which provided details of the delegated powers to Tor Bay Harbour Master.

Resolved:

That having reviewed the powers delegated to the Tor Bay Harbour Master, the Harbour Committee finds no reason to propose changes to the Council for determination.

146. Torquay/Paignton and Brixham Harbour Liaison Forums

This item was deferred to the next meeting.

Chairman

Name and Terms of Reference	Membership
<p>Harbour Committee</p> <p>To determine all matters relating to the strategic management of the Council's function as a Harbour Authority, in line with the Tor Bay Harbour Port Masterplan, the Council's Policy Framework.</p> <p>Specifically the Committee will:-</p> <ol style="list-style-type: none"> 1. manage all of the Harbour's financial matters in accordance with approved financial procedures and the Council's aspirations for the harbour to be self financing as outlined in the Tor Bay Harbour Port Masterplan and including (but not limited to): <ol style="list-style-type: none"> a. the setting of harbour charges from time to time (including in-year changes to the schedule) normally following consultation with the relevant Harbour Liaison Forums; b. approving the annual revenue budgets within the ring-fenced harbour accounts; c. receiving quarterly budget monitoring reports and to approve variances as appropriate; and d. monitoring the harbour reserve funds and to seek to ensure that the funds are kept above an appropriate minimum contingency level and ensure the harbour remains self-financing;" <p>providing that no decision by the Harbour Committee shall impact adversely on the Council's general fund or capital budget.</p> 2. to act as Duty Holder for the purposes of the Port Marine Safety Code, the accountability for which cannot be assigned or delegated; 	<p>8 members of the Council in accordance with the political balance requirements, plus up to five external non-voting advisors appointed by the Committee on a four year term.</p> <p>(Group Leaders will be asked to take account of the geographical spread of members in making appointments to the Committee)</p> <p>Conservative (3):</p> <p>Liberal Democrat (2):</p> <p>Independent Group (3):</p>

3. approve and monitor a business plan for Tor Bay Harbour, in line with the Council's policy framework, and address any issues relating to performance;
4. review these terms of reference annually and request the Council to make any necessary amendments and/or additions;
5. review annually the powers delegated to the Head of Tor Bay Harbour Authority and refer any proposed changes to the Council for determination. The Committee itself shall not authorise any changes;
6. consider any other matters referred to the Committee by the Head of Tor Bay Harbour Authority;
7. establish any sub-committee or working parties as the Committee sees fit, in particular a Harbour Appointments Sub-Committee for the recruitment of advisors;
8. recommend the format, composition and governance of the Harbour Liaison Forums and keep the arrangements under review;
9. to provide strategic direction to the Head of Tor Bay Harbour Authority and the Leader of the Council in relation to those assets within Tor Bay Harbour and the harbour estate that are managed by Tor Bay Harbour Authority.; and
10. appoint advisors following receipt of recommendations from the Harbour Appointments Sub-Committee. Appointments will be merit based and be in accordance with the Local Protocol for members of the Harbour Committee.