

Minute

Harbour Authority Sub-committee

Tuesday, 16 March 2021, 10:30.

Microsoft Teams.



Present

Councillors Graham L Sinclair, Andrew Drever, Robin W Crichton, David Dawson, Magnus O Thomson, Owen Tierney and Heather N Woodbridge.

Clerk

- Angela Kingston, Committees Officer.

In Attendance

- Gavin Barr, Executive Director of Development and Infrastructure.
- James Buck, Harbour Master.
- David Sawkins, Deputy Harbour Master (Strategy and Support).
- Colin Kemp, Corporate Finance Senior Manager.
- Karen Bevilacqua, Solicitor.

Observing

- Lorraine Stout, Press Officer.

Declarations of Interest

- No declarations of interest were intimated.

Chair

- Councillor Graham L Sinclair.

1. Form of Voting

The Sub-committee resolved that, should a vote be required in respect of the business to be considered at this meeting, notwithstanding Standing Order 21.4, the form of voting should be by calling the roll (recorded vote).

2. Miscellaneous Piers and Harbours and Scapa Flow Oil Port

Draft Budgets

After consideration of a joint report by the Executive Director of Development and Infrastructure and the Head of Finance, copies of which had been circulated, and after hearing a report from the Corporate Finance Senior Manager, the Sub-committee:

Noted:

2.1. That the respective budgets for Miscellaneous Piers and Harbours and Scapa Flow Oil Port, as trading activities, should normally be based on an assumption that a surplus could be generated from their activities.

2.2. That, after applying inflationary and budgetary assumptions, the draft revenue budget in respect of Miscellaneous Piers and Harbours for 2021/22 was indicating a net deficit of £404,800.

2.3. That provision of £1,795,000 had been made within the revenue budget for Miscellaneous Piers and Harbours in respect of maintenance and repair works, to be partially funded in 2021/22 by a contribution of £413,000 from the Miscellaneous Piers Property Maintenance Fund.

The Sub-committee resolved to **recommend to the Council:**

2.4. That the draft revenue budgets for financial year 2021/22 in respect of Miscellaneous Piers and Harbours and Scapa Flow Oil Port, attached as Appendix 1 to the joint report by the Executive Director of Development and Infrastructure and the Head of Finance, be submitted to the Policy and Resources Committee for consideration through the budget setting process.

3. Miscellaneous Piers and Harbours and Scapa Flow Oil Port

Minor Capital Improvement Programmes – Proposed Programmes for 2021/22

After consideration of a report by the Executive Director of Development and Infrastructure, copies of which had been circulated, and after hearing a report from the Corporate Finance Senior Manager, the Sub-committee:

Noted:

3.1. That the Non-General Fund capital programme included annual budget allocations for financial year 2021/22 as follows:

- Miscellaneous Piers and Harbours – £300,000.
- Scapa Flow Oil Port – £150,000.

3.2. That the draft programmes in respect of minor capital improvements for 2021/22 were costed as follows:

- Miscellaneous Piers and Harbours – £620,000.
- Scapa Flow Oil Port – £85,000.

3.3. That, although revenue budgets for 2021/22 in respect of Miscellaneous Piers and Harbours and Scapa Flow Oil Port had not yet been set, the draft revenue budgets reflected the associated loan charges in respect of the proposed minor capital improvement programmes.

The Sub-committee resolved, in terms of delegated powers:

3.4. That, subject to an adequate budget being established, the minor capital improvement programmes for Miscellaneous Piers and Harbours and Scapa Flow Oil Port for 2021/22, attached as Appendices 1 and 2 respectively to this Minute, be approved.

The Sub-committee resolved to **recommend to the Policy and Resources Committee:**

3.5. That the capital allocation within the Non-General Fund capital programme for 2021/22 be increased from £300,000 to £620,000 in respect of minor capital improvement works for Miscellaneous Piers and Harbours.

3.6. That the capital allocation within the Non-General Fund capital programme for 2021/22 be reduced from £150,000 to £85,000 in respect of minor capital improvement works within Scapa Flow Oil Port.

4. Miscellaneous Piers and Harbours

Revenue Maintenance Programme – Proposed Programme for 2021/22

After consideration of a report by the Executive Director of Development and Infrastructure, copies of which had been circulated, and after hearing a report from the Corporate Finance Senior Manager, the Sub-committee:

Noted:

4.1. That provision had been made within the draft budget for Miscellaneous Piers and Harbours for 2021/22 in respect of revenue maintenance works, amounting to £1,795,000, to be part funded from the Miscellaneous Piers Property Maintenance Fund.

The Sub-committee resolved, in terms of delegated powers:

4.2. That, subject to an adequate budget being established, the revenue maintenance programme for Miscellaneous Piers and Harbours for 2021/22, attached as Appendix 3 to this Minute, be approved.

5. Harbour Charges – Proposed Terms and Conditions

After consideration of a report by the Executive Director of Development and Infrastructure, copies of which had been circulated, and after hearing a report from the Harbour Master, the Sub-committee:

Noted:

5.1. That the current Schedule of Charges for the use of facilities and provision of services within the Harbour Area did not contain terms and conditions regarding the provision or otherwise of services.

5.2. That, for commercial reasons and to provide clarity for users regarding their responsibilities as customers of the Harbour Authority, it was considered preferable to set and publish trading Terms and Conditions regarding the provision of Harbour Services.

5.3. That, in December 2020, the Council agreed that the Executive Director of Development and Infrastructure, in consultation with the Solicitor to the Council, should draft a set of comprehensive Terms and Conditions of Trading, and thereafter undertake consultation with stakeholders on the proposed Terms and Conditions of Trading.

5.4. That consultation with stakeholders had been undertaken in respect of the draft Terms and Conditions of Trading, with no objections or comments raised.

The Sub-committee resolved to **recommend to the Council:**

5.5. That the Harbour Authority Terms and Conditions of Trading, attached as Appendix 4 to this Minute, be approved, to take effect from 5 May 2021.

6. Port Marine Safety Code – Compliance Declaration

After consideration of a report by the Executive Director of Development and Infrastructure, copies of which had been circulated, and after hearing a report from the Harbour Master, the Sub-committee:

Noted:

6.1. That the Maritime and Coastguard Agency required Harbour Authorities, Terminal Operators and Marinas to declare compliance with the Port Marine Safety Code every three years, with the next declaration due by 31 March 2021.

6.2. That Marico Marine Limited, as the Designated Person, had conducted independent audits of Marine Services for the past three years, with those audits showing continued compliance with the Port Marine Safety Code and a continuing trend of improvement.

6.3. That, on 7 and 8 December 2020, the Designated Person undertook the annual audit of compliance, remotely, with the audit report attached as Appendix 1 to the report by the Executive Director of Development and Infrastructure.

6.4. That, in order to declare compliance with the Port Marine Safety Code, a letter of assurance required to be provided to the Maritime and Coastguard Agency prior to 31 March 2021, a draft of which was attached as Appendix 2 to the report by the Executive Director of Development and Infrastructure.

The Sub-committee resolved to **recommend to the Council:**

6.5. That the letter of assurance, referred to at paragraph 6.4 above, be dated and submitted prior to 31 March 2021, to the Maritime and Coastguard Agency confirming continuing compliance by Marine Services with the Port Marine Safety Code.

7. Conclusion of Meeting

At 11:51 the Chair declared the meeting concluded.

Signed: Graham L Sinclair.