

DORSET COUNCIL - HARBOURS COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY 23 SEPTEMBER 2020

Present: Cllrs Mark Roberts (Chairman), David Gray, Rob Hughes (Vice-Chairman), Louie O'Leary, Daryl Turner, Sarah Williams, Jim Clarke, Lee Hardy and Steve Pitman

Also present:

Cllr Ray Bryan- Portfolio Holder for Highways, Travel and Environment
Cllr Nocturin Lacey-Clarke - Lead Member for Environment, Travel and Harbours
Mr Alistair Clarke - Chairman of Weymouth Harbour Consultative Group
Mr William Heaps - Designated Person

Officers present (for all or part of the meeting):

Lara Aintree (Senior Lawyer - Regulatory), Ken Buchan (Head of Environment and Wellbeing), Claire Connolly (Finance and Admin Manager, Weymouth Harbour), Chris Evans (Finance Business Partner - Place), Keith Howorth (Weymouth Harbour Master), Matthew Penny (Project Engineer), James Potten (Communications Business Partner - Place), Karyn Punchard (Corporate Director for Place Services), James Radcliffe (Bridport and Lyme Regis Harbour Master) and Denise Hunt (Democratic Services Officer)

1. **Apologies**

No apologies for absence were received at the meeting.

2. **Minutes**

The minutes of the meeting held on 4 December 2020 were confirmed.

3. **Declarations of Interest**

The following declarations were made at the meeting:-

Councillor Louie O'Leary declared that his name had been put forward as liaison for a new group of harbour users and stakeholders and that he was currently awaiting confirmation of the legality of this role by the Council's Legal Department.

Councillor Daryl Turner declared that his brother held a commercial licence based at Lyme Regis Harbour.

Councillor Mark Roberts declared that his brother sat on the main board of Jacobs civil and structural engineers, who carried out coastal and harbour works around the country.

Councillor Rob Hughes declared that he ran a scuba diving school that chartered boats from different companies within the harbours.

Mr Steve Pitman declared that he was a member of Weymouth Sailing Club.

Mr Jim Clarke declared that his son had involvement in restaurants at West Bay and Lyme Regis and that he was an occasional user of both harbours.

4. Public Participation

Written questions were received from members of the public which were read out at the meeting. The questions and responses are attached as an appendix to these minutes.

Following reading of the public submissions, members asked about learning from complaints made by the Harbour Consultative Group (HCG) and was advised that all formal complaints had been investigated and responses provided. The learning had been fed into the report concerning the Terms of Reference for Harbour Consultative Groups to be considered later on the agenda.

5. Weymouth Harbour Consultative Group Minutes

The Chairman of the Weymouth Harbour Consultative Group presented the minutes of the meeting held on 26 February 2020.

6. Chairman's Report

The Chairman thanked the Weymouth Harbour Master, Keith Howorth, for his service during the past 7 years as he was shortly due to retire. He wished to formally record the Committee's thanks for his excellent job in ensuring a well-run and compliant harbour.

A new Harbour Master, Jamie Joyce, would join Dorset Council on 2 November 2020 with a handover period with the current Harbour Master taking place during early October. He thanked officers for including members in the recruitment process.

He also drew attention to the Weymouth Harbour and Esplanade Flood and Coastal Risk Strategy which represented a large amount of work to protect Weymouth for the future.

7. Harbour Master Updates

The two Harbour Masters gave their updates.

Weymouth Harbour

The Harbour Master reported that since the Covid pandemic, Weymouth Harbour had remained open as an essential service and had gone through several phases promulgated by Notices to Mariners. Weymouth slipway had

been one of the first to open on the south coast and had been far busier than usual. There had also been a significant rise in popularity of jet skis and paddle boarders. The number of visitors had gone down due to safety restrictions which meant that rafting (where boats tie up alongside each other) had not been permitted, however, this had been compensated in part by increased slipway activity and jet ski permits. The harbourside road closures would remain in place until 25 September 2020.

An update on the Harbour Revision Order (HRO) had been received that morning advising that the earliest time this could be laid before Parliament was in January or February 2021 due to the Covid pandemic and Brexit. A lease to the Rowing Club could be granted following approval of the HRO.

Additional points not covered in the report included:-

- removal of the railway lines running alongside Weymouth Harbour commencing in the Autumn with the removal of tracks along King Street and Commercial Road during October / November 2020. This would necessitate two-way traffic on Custom House Quay as part of the road diversions.
- consultation further to a request by Weymouth Sailing Club for use of an area of water that was not fully used for some additional pontoons.

A question was asked concerning quarantine and members were advised that home ports and contact details were declared on arrival at the harbour with foreign vessels regulated in conjunction with the Border Force. The number of foreign vessels was less than previous years.

Bridport & Lyme Regis Harbours

The Bridport & Lyme Regis Harbour Master outlined his reports and further updated the Committee that equipment for the pontoon anchor system at Lyme Regis had been bought and would be installed during 2021; and that a planning application for a storage building near to Ozone Terrace had recently been approved with construction taking place during the winter period.

Following the presentation members requested the following for future reports:-

- that waiting lists numbers were split on a private and commercial basis
- that all harbour reports followed the same template, similar to that used for the Bridport and Lyme Regis Harbour updates

A specific question was asked regarding the impact on the eco system of dredging to a greater depth at Lyme Regis.

The Harbour Master confirmed that depth surveys had been undertaken before and after the dredging activity but that the ecological impact had not been assessed on this occasion.

The Chairman highlighted that dredging had been delayed until July 2020 due to lockdown and would not normally be undertaken during the middle of the summer season. He suggested that the ecological impacts, including the deposit of resulting material could be discussed at a future meeting.

A further question was asked in relation to signage at Lyme Regis Harbour which, it was suggested, was too big and bright for the Grade 1 listed structure and also the high concentration of bleach used in cleaning the harbour walls.

The Harbour Master explained that installation of the signage followed a large number of incidents where people had fallen from the wall onto the surface of the cob or into the sea with subsequent feedback that the signage was not sufficiently clear. A pressure washer would be used to clean the harbour walls in future.

The Chairman explained that a balance needed to be sought between safety requirements and heritage and the need to ensure that the Council was not put at risk due to a lack of signage.

The Head of Environment and Wellbeing stated that further advice regarding signage would be sought with partners who had implemented interpretation signage along the Jurassic Coast.

Mr Jim Clarke made a general comment that the detailed reports blurred the sort of oversight and strategic position of the Committee. He provided examples of the loss of £200k income as a result of the pandemic and the near total collapse of community links at Weymouth Harbour as being significant, but not raised in reports during the last 6 months. He suggested that the structure of the update reports was reassessed going forward.

The Chairman stated that prioritisation could be looked at whilst being mindful that the Committee had a legal duty to receive these reports. The financial issues were covered in the budget monitoring reports to be considered as part of this agenda.

Noted

8. Engineering Update Report

The Engineering Projects Manager presented the report and in response to questions by committee members, he advised that the harbour wall along Westway Road in Weymouth would be included in future condition surveys and that work would continue with Highways as the wall was critical to the integrity of Westway Road.

A project engineer had recently been appointed for the remainder of the preparatory works for the Lyme Regis Environmental Improvement Scheme (Phase 5) in respect of The Cobb. The former West Dorset District Council had approved £1m towards the scheme and it remained to be seen whether this funding would still be available once a business case had been

developed. The scheme would be funded through capital funding by Dorset Council, Flood Defence Grant and Aid (FDGA) funding from the Environment Agency and a minor contribution by the Lyme Regis Town Council. Timescales for FDGA funding and an outline business case to the Environment Agency was 6 months to a year.

Members commented that the appendix to the report containing a Weymouth harbour wall location plan was helpful and should be included as a permanent appendix in future reports.

Members highlighted the need to keep this issue on the agenda in order to achieve the necessary project milestones and were informed that a firm timetable would be taken forward by the recently appointed Project Engineer and shared once available.

Councillor Ray Bryan, Portfolio Holder for Highways, Travel and Environment, highlighted the links to flood defences and praised the Engineering team for their work so far which had been excellent. There would be a need to keep the Committee informed on all aspects of this project given the impact of climate change.

On this point members highlighted that the relevant sections of the reports in relation to climate change and equalities impacts should be completed comprehensively in future. Further comment was made that the focus should be to bring as many boats as possible to Weymouth and prioritise economic growth in a deprived area.

The Chairman stated that there was a balance to be made that had been recognised within the Portfolio Holder areas.

Noted

9. Harbours Budget Out-turn 2019-20 and Monitoring 2020-21

The Harbour Masters presented a report setting out the year-end figures for 2019-20, the current position (as at end August 2020) and the predicted position of the Harbour Reserves for 2020-21 of the Harbour Revenue Budgets for Weymouth, Bridport and Lyme Regis Harbours.

Weymouth Harbour

The Weymouth Harbour Master stated that the budget outturn had been encouraging and highlighted the following points:-

- a favourable variance in budget outturn due to a review of the Asset Management Plan works and the deferral of a number of 2019-20 projects as well as delays of some work affected due to the pandemic.
- a review of premises rates assessments for buildings had been offset by water leaks identified on the peninsular during the past year due to old infrastructure
- a reduction in debt payments owed to the Council

- the predicted reserves would not cover the Asset Management Plan (AMP) in 2020-21 with the need to defer items once again. Commitments made included the demolition of the ferry terminal building and the Weymouth Quayside Regeneration Project.

The Harbour Master confirmed that there were no safety risks resulting from deferral of items and that a survey of the Melwey since the last meeting had not been as bad as expected and fully met the safety requirements following an assessment in July 2020.

Members asked whether extending the life of an asset was a short-term fix that affected viability.

The Harbour Master explained that the AMP had been ongoing for 7 years with an original estimation by officers of how long assets would last. Some deferrals had been made due to increased knowledge regarding lifespan rather than a short-term fix.

Further questions were asked by members in relation to utilising underspend for improved training for the Deputy Harbour Master, noting that the audit risk had been rated as medium and recognised that the Deputy Harbour Master should have increased delegations in future.

The Head of Environment and Wellbeing explained that plans were in place to look at staffing structures, part of which would look at the Assistant Harbour Master post and training requirements. However, there were certain restrictions regarding the movement of monies from one harbour to another due to a legal requirement which required that income from individual harbours remained ringfenced within that harbour operation.

Members asked why no reserve had been allocated for dredging Weymouth Harbour.

The Harbour Master responded that the harbour walls and dredging were capital projects that sat outside of operational funds. There had been limited dredging at Weymouth over recent years and this was an ongoing issue going forward, particularly as many vessels were greater than 2 metres depth.

Councillor Louie O'Leary stated that residual funding should be invested in projects that were of direct benefit to customers such as providing electricity on the pontoons. He also requested that harbour businesses were made aware when dredging took place to ensure that none were negatively impacted.

The Corporate Director for Place Services advised that dredging and funding of improvements would be developed through the Dorset Harbours Strategy with the financial implications considered by this Committee as part of the wider Dorset Council budget process. Major capital works would be subject to a separate capital bid in competition with other bids for Dorset Council funds.

Bridport Harbour

The Bridport and Lyme Regis Harbour Master presented the report, highlighting an overspend on staffing that was due to the costs of seasonal staff and a harbour mechanic who provided income by undertaking boat repairs.

An overspend had been incurred due to dredging of the outer harbour that was usually funded by the Environment Agency.

Lyme Regis Harbour

The Harbour Master highlighted an overspend due to staffing and also the cost of unexpected repairs to the harbour's Telehandler JCB which was due to be replaced in 2021.

Further to a question as to whether the Environment Agency was likely to fund dredging of the outer harbour at Bridport in future, members were informed that engineers were in early discussions with the Agency regarding funding of depositing the dredged material onto East Beach.

The need for a replacement plan for all harbour vehicles was highlighted and the Harbour Master advised that the JCB would be replaced in Bridport this year and Lyme Regis in the next financial years.

In response to a question regarding the staffing overspend despite a cost saving in a Harbour Master post, members were advised that this had been due to a recent increase in hours of the mechanic that would be included in the budget going forward. Additional seasonal staff had also been employed to cover vacant posts. The Lyme Regis Harbour Master position was currently under review.

The Head of Environment and Wellbeing provided some context that budgets brought across from previous councils were not always satisfactory in terms of staffing and therefore needed to be investigated. The car parks within the harbour estates should bring additional income into the harbour to mitigate the overspends.

Noted

10. Port Marine Safety Code Audits and Designated Person Reports - Weymouth, Bridport and Lyme Regis Harbours

The Committee received a report by the Designated Person (DP), Mr William Heaps concerning his initial Port Marine Safety Code (PMSC) Audit reports for Weymouth, Bridport and Lyme Regis Harbours, the role of the DP being to provide independent assurance about the operation of the Marine Safety Management System.

Mr Heaps explained that this was year 1 of a 3 year appointment with initial audits carried out in October 2019. The audits found that all 3 harbours had

systems in place to support the Port Marine Safety Code and contained recommendations for improvements.

He outlined 3 areas of the reports that were important.

- Legal background - harbours were statutory undertakings enabled by an Act of Parliament and therefore its legal powers were separate from Dorset Council powers. These powers were derived from ancient legislation and it was pleasing to see that the Harbour Revision Orders to modify those powers was now in progress.
- Accountability of the Duty Holder - the Harbours Committee was the statutory Duty Holder and the role of its members to ensure that navigation within the harbour was safe was separate from the responsibility as councillors. The interest of the Designated Person was to provide reassurance regarding navigational safety rather than commercial interests.
- A review of the separation of Navigation Risk Assessment from Health & Safety risk Assessments was recommended, particularly in Bridport and Lyme Regis Harbours.

Mr Heaps reported that some progress on the identified improvements had already been made during the past year, in the area of HROs and development of an incident reporting system that was already in use. He recognised that the pandemic had put extra work on staff and it came as no surprise that some of the business as usual activity had been impacted, however, he had been impressed with what had been achieved and continued. His plan during the course of the next 2 years was to attend and provide reports to Harbours Committee meeting and to be available for advice.

The Chairman thanked Mr Heaps for his reports and stated that the Committee would benefit from annual training on the Port Marine Safety Code. A recent virtual webinar offered nationally had been attended by some members of the Harbours Committee and information on future courses would be circulated to members of the committee. Mr Heaps stated that he was also available to deliver training.

Mr Jim Clarke, Independent Member, stated that all 3 harbours had done broadly well, but that Weymouth Harbour had been identified as a standard bearer of good practice which was a matter for congratulation to all staff at Weymouth Harbour. He felt that declassifying Bridport Harbour as a Competent Port Authority was significant issue that the Committee should address rather than preside over a change.

Mr Heaps stated that all three harbours were doing a lot of things well and that Bridport's classification as a Competent Harbour Authority enabled it to deliver a pilotage service legally should a pilot be required. Therefore, the necessary advice needed to be taken on this.

Proposed by Cllr Mark Roberts, seconded by Cllr Rob Hughes.

Decision- That the Port Marine Safety Code initial audit reports be accepted as a true reflection of the harbours' status against the Code.

Reason for Decision

Initial audits for each of the harbours have been completed by the Designated Person.

11. **Terms of Reference for the Dorset Council Harbours Consultative Groups**

The Committee considered a report setting out proposed terms of reference for Harbour Consultative Groups (HCG) in Weymouth, Bridport and Lyme Regis to address inconsistencies in approach to how they operated.

The Terms of Reference had been amended further to comments made during an informal session of the Committee in July 2020 and Councillor Louie O'Leary stated that the informal session had given the impression of a complete overhaul of the Harbour Consultative Groups that had not been reflected in the report. He asked how harbour users had been involved in developing the terms of reference for the groups and highlighted that the diving community had not been represented on the Weymouth HCG. He concluded that the review had not gone far enough and that the existing group was not fit for purpose.

The Head of Environment and Wellbeing advised that the proposed terms of reference was a hybrid of the existing 3 groups and that there was flexibility for the group to alter its membership in future. Representation had been discussed recently with the Weymouth HCG with the outcome that a dive shop owner would be substitute for traders on the committee. The new terms of reference extended an opportunity for substitutes to receive agenda papers and attend meetings giving a potential 24 members in attendance at meetings.

The Chairman proposed an open meeting facilitated by the Dorset Coast Forum to determine people's views on the Weymouth HCG, following which the Committee would be in a better position to determine the membership of the Weymouth HCG. He reiterated that flexibility of membership was already contained in the terms of reference.

Mr Heaps cautioned on the difference between consulting with harbour users in relation to navigational safety and on commercial grounds. There were many different models and good practice used around the country and he would be happy to point members and officers in the right direction.

Cllr Louie O'Leary proposed deferral of the report until the open meeting had taken place. This was not seconded, however, a similar view was expressed that any failure to consult in an appropriate manner was wider than membership and that best practice was key to engaging people

Other members were supportive of the recommendation in principle as the terms of reference provided a base line and on the basis that an open meeting took place with Weymouth harbour users regarding membership of this group.

Proposed by Cllr Daryl Turner, seconded by Cllr Rob Hughes.

Recommended

The Harbours Committee recommends to the Executive and Full Council that in so far as they have power to do so they agree and otherwise support, the proposed Terms of Reference for the Dorset Council Harbours Consultative Groups.

Reason for Recommendation

With the Committee's new responsibility for all of Dorset Council's Harbours it is timely that the Committee considers how the consultative groups will operate in the future, providing consistency across the harbours.

12. Harbour Revision Order - Bridport and Lyme Regis Harbours

The Committee considered a report that sought authority to prepare and submit a Harbour Revision Order (HRO) to the Marine Management Organisation (MMO) in order to consolidate and modernise the current local legislation relating to Lyme Regis and Bridport Harbours.

The Committee was advised that following cancellation of the Harbours Committee in March 2020, a joint draft application had been submitted together with a holding letter in order reduce costs and avoid a considerable expected fee increases for the MMO. Any further comments by the Committee on the legal aspects could be co-ordinated with the Executive Director - Place and the Portfolio Holder by way of a virtual meeting.

Proposed by Cllr Sarah Williams, seconded by Cllr Louie O'Leary.

Recommended

The Harbours Committee recommends to the Cabinet and Full Council that in so far as they have power to do so they agree and otherwise support:

1) An application being made to the Marine Management Organisation for a joint Harbour Revision Order in respect of Bridport and Lyme Regis Harbours to consolidate and modernise the current applicable legislation;

2) Delegated authority is given to the Executive Director of Place in consultation with the Portfolio Holder for Highways, Travel and Environment to determine the wording of the Harbour Revision Order based on legal advice and to undertake all procedures for the submission of the Harbour Revision Order to the Marine Management Organisation

3) A budget of £36,000.00 be allocated for this work to include the legal advice, the application fee and public notices. This may be split over 2 years.

Reason for Recommendation

To secure approval for the submission of a Harbour Revision Order to consolidate and modernise the local legislation for Lyme Regis and Bridport Harbours.

13. **Dorset Council Harbours Strategy Update**

The Head of Environment and Wellbeing gave a verbal update on the Harbours Strategy, covering the following points:-

- The Dorset Coast Forum (DCF) had been engaged to help develop the Harbours Strategy, with some delay in progress due to the pandemic
- 4 virtual workshops with stakeholders had been held - 2 in Weymouth, 1 in Bridport and 1 in Lyme Regis. Attendance varied with half of over 100 people registered participating in the workshops.
- Dorset Coast Forum and Dorset Council would be promoting questionnaires by direct mailing, publication in the Dorset Echo and social media. The DCF would provide outputs from the survey that would inform the development of a draft Harbours Strategy that would subsequently be consulted upon.
- The final Harbours Strategy would be recommended for adoption to Dorset Council by the Harbours Committee

The overall timeframe had been extended to take account of a number of informal committee sessions in order to work through the options with a final draft strategy expected in spring or early summer 2021.

Members highlighted the need to include people who were not online and to take account of working patterns during the consultation period.

The Head of Environment and Wellbeing stated that ideally this exercise would have included drop-in sessions and a way of doing this in line with the latest Covid regulations as well as posting questionnaires in response to specific enquiries could also be explored.

The Committee suggested that copies of the questionnaires were also made available in the Harbour Masters' offices, council offices and libraries.

Mr Lee Hardy, Independent Member, considered that the Harbours Strategy should take account of the harbours being an asset for Dorset as a whole and therefore wider Dorset residents should also be included in the consultation.

14. **Workplan**

The Committee noted its workplan.

The Chairman requested an item on marine safety to be scheduled for the meeting on 9 December 2020.

Further comment was made around progress against the improvement action resulting from the Designated Person audit reports that should be highlighted on the forward plan in future and the need for a capital bid for dredging if needed in the next 5 years.

15. **Urgent items**

There were no urgent items.

Duration of meeting: 10.00 am - 12.55 pm

Chairman

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