



Harbours Committee

Date: Wednesday, 19 June 2019
Time: 10.00 am
Venue: Committee Room A, South Walks House, South Walks Road, Dorchester, DT1 1EE

Membership: (The Quorum of the Harbours Committee shall be no less than 3 persons appointed to the committee but must in all cases be made up of a majority consisting of councillors)

Dave Bolwell, Louie O'Leary, Mark Roberts, Daryl Turner, Kate Wheller, Sarah Williams, Jim Clarke, Steve Pitman and Matt Walkden

Chief Executive: Matt Prosser, South Walks House, South Walks Road, Dorchester, Dorset DT1 1UZ (Sat Nav DT1 1EE)

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A G E N D A

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1 APOLOGIES

To receive any apologies for absence.

2 ELECTION OF CHAIRMAN

To elect a Chairman of the Harbours Committee for the 2019/2020 year.

The Chairman must be a Dorset Council councillor.

3 ELECTION OF VICE-CHAIRMAN

To elect a Vice-Chairman of the Harbours Committee for the 2019/2020 year.

The Vice-Chairman must be a Dorset Council councillor.

4 DECLARATIONS OF INTEREST

To receive any declarations of interest.

5 URGENT ITEMS

To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4) b) of the Local Government Act 1972. The reason for the urgency shall be recorded in the minutes.

6 PUBLIC PARTICIPATION

To receive questions or statements on the business of the committee from town and parish councils and members of the public.

7 TERMS OF REFERENCE OF THE HARBOURS COMMITTEE

5 - 8

To note the Terms of Reference of the Harbours Committee as set out in the Dorset Council Constitution. The Terms of Reference set out the role and responsibilities of the committee and detail of the

membership of the committee, the appointment of Chairman and Vice-chairman and meetings of the committee.

8 HARBOUR MASTERS' REPORT

To receive a verbal briefing from each Harbour Master (Weymouth, Bridport and Lyme Regis) covering:

- Staff structure
- Budget
- Major projects/works
- Ongoing issues

9 HARBOURS COMMITTEE FORWARD PLAN

9 - 12

To review the Forward Plan for the Harbours Committee for 2019/20.

10 APPOINTMENT OF COUNCILLOR TO THE WEYMOUTH HARBOUR CONSULTATIVE GROUP

13 - 16

To consider the appointment of a councillor of the Harbours Committee to the Weymouth Harbour Consultative Group.

11 POINTS/QUESTIONS

12 EXEMPT BUSINESS

To move the exclusion of the press and the public for the following item in view of the likely disclosure of exempt information within the meaning of paragraph x of schedule 12 A to the Local Government Act 1972 (as amended).

The public and the press will be asked to leave the meeting whilst the item of business is considered.

There is no exempt business.

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HARBOURS COMMITTEE – Extract from Dorset Council Constitution (Part 1 – Articles – Article 8 – Committees and Boards)

8.15 Role/Terms of Reference and Membership

- (a) The Harbours Committee shall be primarily responsible for exercising functions of the Council as a harbour authority as defined in the Harbours Act 1964 and any other functions arising under any local Act and/or byelaw in respect of the operational issues in relation to harbour land of any harbours within the area of the Council not dealt with through any other mechanism.
- (b) The Harbours Committee shall have the power to determine income and expenditure matters relating to the harbours for which it is responsible but:
 - (i) in the case of income, only to the extent that Full Council has expressly resolved that such matters may be determined by the Harbours Committee; and
 - (ii) in the case of expenditure only up to its budget.
- (c) The Harbours Committee will consist of 10 persons comprising 6 Members and 4 other persons who are not Members all appointed by Full Council.
- (d) The quorum of the Harbours Committee shall be no less than 3 persons appointed to the Harbours Committee but must in all cases be made up of a majority consisting of Members.
- (e) There shall be no power to appoint substitutes to the Harbours Committee.
- (f) Arrangements shall be made to identify a designated person in relation to the Port Marine Safety Code in connection with the harbours. Such person shall be the Proper Officer identified as having the powers for such purposes in the Officer Scheme of Delegations – Part 3(2) of the Constitution or such other arrangements as the Council may from time to time decide.

8.16 Duty Holder in relation to Harbours

The Harbours Committee will be the duty holder for the purposes of the Council's responsibilities under the Port Marine Safety Code for all Harbours in the area of the Council for which the Council is the statutory harbour authority.

8.17 Appointment of Chairman and Vice-Chairman

The Chairman and Vice-Chairman of the Harbours Committee shall be appointed by Full Council unless Full Council otherwise determines. No co-optee shall be appointed either Chairman or Vice-Chairman.

8.18 Meetings

- (a) The number of ordinary meetings of the Harbours Committee each year will normally be determined by Full Council.
- (b) The Chairman of the Harbours Committee shall have the power to call one or more special meeting(s) of the Harbours Committee.
- (c) The Chairman of the Harbours Committee may determine that a meeting should be cancelled for insufficient business.
- (d) No person shall sit as a member of the Harbours Committee unless s/he has received Port Marine Safety training provided to that person for this purpose.
- (e) There shall be no power to appoint substitutes to the Harbours Committee or to any Harbours Sub-Committee.

8.19 Delegated powers and powers of recommendation of the Harbours Committee

- (a) The Harbours Committee shall have the powers as set out in Functions of the Council - Part 3(1) of the Constitution.
- (b) For the avoidance of doubt the Harbours Committee and any of its Sub-Committees can delegate any of their powers to any Officer.

Extract from Dorset Council Constitution relevant to Harbours Committee

Part 3 – Scheme of Delegation – Responsibility for Local Choice Functions

	RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS	
No.	FUNCTION	DECISION MAKING BODY / DELEGATION OF FUNCTION
17.	Any function of a local authority in their capacity as a harbour authority (to the extent that the function does not fall within paragraph 1 of Schedule 2 Local Authorities (Functions and Responsibilities) (England) Regulations 2000.	Non-executive decision (a) Harbours Committee to the extent as provided for in its functions, (b) Full Council to such extent as it does not fall within the functions of the Harbours Committee; and (c) any Officer to such extent as may be provided for in the Officer Scheme of Delegations – Part 3(ii) of the Constitution.

Part 3 – Scheme of Delegation – Committees and Boards – No. 4 (Harbours Committee)

	COMMITTEES AND BOARDS	FUNCTIONS			
No.			DELEGATIONS	No.	POWER TO RECOMMEND
4.	Harbours Committee	1.	To exercise all functions of the Council as a harbour authority that relate to any matter concerning issues of administration, harbour operations and/or the management of Lyme Regis, Bridport and Weymouth harbours and associated harbour land (the terms “harbour authority” and “harbour land” all being as defined in section 57 Harbours Act 1964). This power includes power to determine income and expenditure matters relating to		

			<p>the harbours and harbour land in respect of which the Harbours Committee has functions. However:</p> <p>(a) in the case of income, only in relation to such matters as Full Council has expressly resolved may be determined by the Harbours Committee; and</p> <p>(b) in the case of expenditure, only to the extent that such expenditure is within such budget as may be allocated to the Harbours Committee.</p>		
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Harbours Committee Forward Plan

Standing items will be reported in the Harbour Masters' Updates if there is no new significant material requiring a separate report

Key:

Harbours:

**B – Bridport
L – Lyme Regis
W – Weymouth**

Dorset Council Committees:

**C - Cabinet
FC – Full Council
HC – Harbours Committee
HCG – Harbour Consultative Group**

Dorset Council Portfolio Holders:

HTE - Highways, Travel and Environment (which includes harbours)

Subject/Decision	Applicable Harbours	Decision Maker	Decision Due Date	Key Dec	Brief Holder Contact
<p>Standing Items</p> <p>1. Harbour Masters' Update/PMSC Issues Separate reports to consider the ongoing activity of the Harbour Offices and any Port Marine Safety Code issues.</p> <p>2. Harbour Consultative Group To receive key points from recent Harbour Consultative Group meetings (W quarterly, B&L bi-annually in Oct and Mar).</p> <p>3. Budget Monitoring To provide an update of the latest financial forecast for the current year. Includes In Year Procurement Plan Update (W only). Q1 – Report of out-turn from previous year. Q3 – As part of budget setting.</p> <p>4. Engineering Projects Update To provide an update of the engineering projects progress and issues.</p> <p>5. Peninsula Development To provide an update on the progress of the Peninsula Development Project including the Commercial Area (former Port Restricted Area).</p> <p>6. Points/questions from Committee Members To discuss any concerns or issues raised by Committee Members.</p>	B, L, W	1. HC	Not applicable	1. No	1. HTE
	B, L, W	2. HC		2. No	2. HTE
	B, L, W	3. HC		3. No	3. HTE
	B, L, W	4. HC		4. No	4. HTE
	W	5. HC		5. No	5. HTE
	B, L, W	6. HC		6. No	6. HTE

Scale of Charges Workshop To discuss an overview of the Scale of Charges for 2020/21.	B, L, W	HC	25 Sep 2019	No	HTE
Setting of Harbour Scale of Charges To approve the proposed changes to the Harbour Scale of Charges.	B, L, W	HC	20 Nov 2019	Yes	HTE
Harbour Budget Request 2020/21 To consider the Harbour Budget requirements for 2020/21.	B, L, W	HC/FC	20 Nov 2019	Yes	HTE
Port Marine Safety Code Annual Report for PMSC Compliance by Designated Person.	B, L, W	HC/FC	05 Feb 2020	Yes	HTE
Harbour Financial Out-turn 2019/20 To provide details of the final out-turn position of the harbour.	B, L, W	HC	Jun 2020	No	HTE
Harbour Annual Report 2019/20 To submit the annual report for the harbour for Full Council.	B, L, W	HC/FC	Jun 2020	Yes	HTE

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Date of Meeting: 19 June 2019

Lead Member: Councillor Ray Bryan – Lead Member for Highways, Travel and Environment

Lead Officer: Keith Howorth – Weymouth Harbour Master

Executive Summary: The purpose of this report is to invite the Harbours Committee to appoint a member of the Committee to the Weymouth Harbour Consultative Group and to endorse the group under the new Harbour Authority.

Equalities Impact Assessment:

Not applicable

Budget:

There are no budget implications from this report.

Risk Assessment:

Having considered the risks associated with this decision, the level of risk has been identified as:

Current Risk: LOW

Residual Risk LOW

The appointment of a member of the Harbours Committee to the Weymouth Harbour Consultative Group will provide a link between the Committee and members of the Group who represent users of the Weymouth Harbour.

Other Implications:

Not applicable

Recommendation:

That a member of the Harbours Committee be appointed to the Weymouth Harbour Consultative Group for a 3-year period.

That the Terms of Reference for the Harbour Consultative group be endorsed by the new Harbours Committee.

Reason for Recommendation:

To provide Councillor representation on and a link between the Weymouth Harbour

Consultative Group and the Dorset Council Harbours Committee.

Appendices:

None

Background Papers:

Terms of Reference for Harbour Consultative Group (attached)

Officer Contact

Name: Keith Howorth – Weymouth Harbour Master

Tel: (01305) 838386

Email: keith.howorth@dorsetcouncil.gov.uk

1. Appointment of Harbours Committee member to the Weymouth Harbour Consultative Group

- 1.1 The Weymouth Harbour Consultative Group was originally established by Weymouth and Portland Borough Council in order to ensure that links were in place between the Council and users of Weymouth Harbour, local communities and other external organisations with an interest in the port of Weymouth. The group is made up of harbour users and other interested parties. The Consultative Group provides a forum for discussion and is non-decision making. The updated Terms of Reference are attached.
- 1.2 With the creation of Dorset Council, the Weymouth Harbour Consultative Group continue to meet and provide a useful consultation mechanism between harbour users and the Dorset Council Harbours Committee, a useful link in the governance of Weymouth Harbour.
- 1.3 In order to provide a link between the Consultative Group and the Harbours Committee it is proposed that a Councillor on the Harbours Committee be appointed to the Weymouth Harbour Consultative Group.
- 1.4 The Group has always had 2 Councillors as members. In addition, the new Weymouth Town Council have been invited to appoint a representative to the Consultative Group.
- 1.5 The Weymouth Harbour Consultative Group meets four times a year and the notes of their meetings are brought to the Harbours Committee for information. The Chair of the Weymouth Harbour Consultative Group also attends the Harbours Committee as a non-voting member.

Consultative Group Terms of Reference (10 June 2019)

Weymouth Harbour Consultative Group

Terms of Reference

- (1) Dorset Council's Harbours Committee (HC) will establish a group, to be known as the **Weymouth Harbour Consultative Group**. The HC will regularly consult the Consultative Group (except in a case of special urgency or where it would be seriously detrimental to the interests of the Council to do so) on all matters substantially affecting the conservation, protection, regulation, management, maintenance and improvement of the harbour and its navigation.
- (2) The Consultative Group shall consist of **twelve representatives** invited from the following organisations and harbour interest groups:
 - (a) **two** Councillors shall be appointed, one nominated by Weymouth Town Council and one a member of the HC, to represent Council interests.
 - (b) **one** shall be appointed on the nomination of the training and education schools including the Sea Cadet Training Centre, Weymouth Outdoor Education Centre (WOEC) and Royal Yachting Association (RYA) schools.
 - (c) **one** shall be appointed on the nomination of the Clubs of Weymouth to represent the interest of the Clubs using the Harbour including sailing, rowing, angling and any other leisure clubs with vessels.
 - (d) **one** shall be appointed on the nomination of the Commercial Fishermen using the Harbour.
 - (e) **one** to represent the Charter Boat Associations in the harbour including both dive and fishing charters.
 - (f) **one** to represent the Leisure Weymouth Beach Users including swimmers, board and kite sailors, personal watercraft users and paddle-boarders.
 - (g) **one** to represent commercial passenger carrying vessels interests in the harbour including trip boats, mackerel boats, rowing boats and pedaloes.
 - (h) **one** to represent the interests of the boat owners using Council owned Inner Harbour non-commercial moorings including chain and sinker moorings.
 - (i) **one** to represent the interests of Dean and Reddyhoff moorings.
 - (j) **one**, to represent the Harbour Traders Association encompassing all shoreside traders close to the harbour.
 - (k) **one** to represent the RNLI.
- (3) The Consultative Group will meet **four times a year**, their meetings being interleaved with those of the HC, which will normally meet up to four times a year.
- (4) If the Council does not receive a nomination for any reason from any of the organisations mentioned in Clause 2 (a) to (k) above, the Council may, after consulting with other organisations it thinks appropriate, appoint a suitable

alternative or none at all. This procedure will also be followed should any of the organisations mentioned in Clause 2 (a) to (k) above cease to exist or the function of the organisation changes significantly.

- (5) The Council shall not be obliged to appoint a person who is duly nominated in accordance with any of sub-paragraphs (a) to (k) above but may request the body or bodies who made the nomination to nominate another person.
- (6) The term of office of a member of the Consultative Group shall be **three years** from the date of his/her appointment and, on ceasing to hold office, (s)he shall be eligible for re-appointment for a further 3 years only; provided that a member of the Consultative Group may at any time, by notice in writing to the Council, resign his/her office.
- (7) The Consultative Group may determine its own quorum and procedures.
- (8) The Consultative Group shall nominate its own Chairman who shall not be a Councillor. The Chairman shall represent the group on the Harbours Committee as a non-voting member.
- (9) Without prejudice to paragraph (1) above, the Harbours Committee shall seek the views of the Consultative Group on:-
 - (a) the Weymouth Harbour Business Plan;
 - (b) proposals to vary any charges in relation to business and recreational use of the harbour and its use by any vessels;
 - (c) the making of byelaws or directions;
 - (d) proposals to construct or license any significant works in the harbour including dredging; or
 - (e) changes to the use of the harbour.
- (10) The Harbours Committee shall take into consideration any matter, recommendation or representation which may from time to time be referred or made to them by the Consultative Group, whether or not it has been consulted by the Harbours Committee on the matter, recommendation or representation so referred or made.
- (11) Any nominated member that **misses two consecutive meetings** shall be removed from the group and the nominating body will be asked to nominate a new representative.
- (12) Members may **nominate a substitute** to attend the Consultative Group meetings.
- (13) Dorset Council will find a venue and provide secretarial support for the Consultative Group meetings.
- (14) The Weymouth Harbour Master (or substitute representative) will attend Consultative Group meetings to observe and advise but will have no voting rights.