

Public Agenda Pack



Minutes of a Meeting of the Harbour Management Advisory Committee held in the John Meikle Room, The Deane House, Belvedere Road, Taunton TA1 1HE, on Monday, 20 January 2025 at 2.00 pm

Present:

Cllr Andy Sully (Chair)
Cllr Rosemary Woods (Vice-Chair)

Cllr Andy Hadley

Cllr Marcus Kravis

Co-Opt Members: Richard Adams and Stuart Scorgie

Other Members present remotely:

Cllr Chirstine Lawrence

22 Apologies for Absence - Agenda Item 1

Apologies were received from Councillor Leigh Redman, Claire Sully and Co-opt member Nick Dunsby.

23 Minutes from the Previous Meeting - Agenda Item 2

Resolved that the minutes of The Committee held on 29 July 24 be confirmed as a correct record.

24 Declarations of Interest - Agenda Item 3

Councillors present at the meeting declared the following other registerable interests in their capacity as a Councillor of a Town or Parish Council or any other Local Authority:-

SOMERSET COUNCILLOR	CITY, TOWN AND/OR PARISH COUNCIL
Marcus Kravis	Minehead Town Council
Leigh Redman	Bridgwater Town Council

25 Public Question Time - Agenda Item 4

Public questions were received from:

- Kate Jeffrey – Fees and Charges
- Sarah Reed – Fees and Charges
- Debbie Allum – Fees and Charges

- Allan Dyer – (read by Josh Barrett)

the questions and responses provided are attached to the minutes in Annex A.

26 Fees and Charges Report - Agenda Item 5

The Chair of the Committee, Councillor Andy Sully introduced Service Director – Regulatory Services, Sarah Dowden, to introduce the report. The report highlighted the Fees and Charges for ports and harbours for the financial year 2025/2026 for Somerset Council.

- Councillors queried whether negotiations with the sailing club regarding fees and charges are underway. Service Director, Sarah Dowden confirmed that she will respond in writing after The Committee.
- Councillors raised the importance of resolving the issue with fees and charges with the sailing club as soon as possible.
- Councillors highlighted that the issue with fees and charges for the sailing club are separate to that of main Harbour Issues.
- Councillors queried whether there was an ethical issue to charging different rates for different organisations. It was confirmed that this has already been happening in previous years.

Councillor Andy Hadley proposed an amendment to the recommendation, and this was seconded by Councillor Marcus Kravis. The motion was passed and the Harbour Advisory Management Committee:

(a) noted the proposed 25/26 charges: subject to a further discussion between the portfolio holder, Service Director and HMAC Committee Members to discuss the charges of Minehead Sailing and Water sports Club taking place.

(b) recommended the Fees and Charges increases for the Port of Bridgwater and Watchet and Minehead harbours set out in Appendix A of this report, to the Executive meeting on 3 February ahead of the Full Council meeting on 19 February for consideration as a part of the Council's annual budget setting process.

27 Work Programme - Agenda Item 6

The Chair with support from Josh Barrett, Committee Clerk introduced the work programme for the following Committee. It was highlighted by Councillors that they would like to see an update on resource and individual harbour updates at future Committees. Sarah Dowden, Service Manager confirmed that further items would be added to the agenda in future once Acting Harbour Master, Jessica Tyson returns from absence.

(The meeting ended at Time Not Specified)

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CHAIR

Annexe A – Public Questions	
Name of person submitting	Question
Kate Jeffreys	<p>Question 1a - Please confirm whether Somerset Council owns the harbour area including the area subject to the new lease</p> <p>Question 1b - Please outline the following for the new lease: a) exact parties, b) length of the lease, c) date of signature.</p> <p>Question 1c - Please confirm the 'red line boundary' for the lease area.</p> <p>Question 1d - Please confirm who owns assets other than land, such as the Marina offices, and plant / equipment including pontoons etc.</p> <p>Question 1e - What are the key performance indicators that will be used to measure the success of the lease arrangement?</p> <p>Question 1f - Who will monitor and report on these? Will these reports be made public?</p> <p>Question 1g Please outline the mechanism available to trigger suspension of the contract/lease in the event of KPIs not being met?</p> <p>Question 1h In the event of the key performance indicators not being met, and hence a triggered suspension of the lease, could you please confirm whether control and responsibility for the safe and effective operation of the marina as part of Watchet Harbour would then be the responsibility of Somerset Council?</p> <p>Question 1i Would the Advisory Board support 'ring fencing' uplift from harbourside development for the future management of Watchet harbour, for example through a S106 agreement and/or Conservation Covenant, to help address risk under the scenario of KPIs not being met?</p> <p>Question 1j Were all committee members made aware of the previous questions I raised before the decision to cancel the October meeting was made?</p>

**Full
Written
Response**

Question 1a - Yes, Somerset Council remain the freehold owners.

Question 1b - Parties: Landlord: Somerset Council. Tenant: WM Watchet Limited Guarantor: Western Marinas Ltd.
Lease duration: 2001 – 2201.
Revised lease signed 12/12/2024

Question 1c – Attached with written response of question.

Question 1d - Marina office, pontoons and other infrastructure is owned by Somerset Council. Plant such as dredgers, vehicles are property of the leaseholder.

Question 1e - As per written answer provided at HMAC.

Question 1f -The lease conditions will be checked in the event of a complaint, but the operation of the marina is a matter for the company. Somerset Council will conduct periodic landlord inspections to ensure compliance with relevant regulations. These are matters between the leaseholder and the Council so unlikely to be made public.

Question 1g- There are various clauses and conditions around health and safety, dredging, repairs and maintenance etc that the leaseholder is required to meet as the marina operator. In the first instance the Council would look to solve these issues itself, but the lease is there as a document to guide enforcement should this be required.

Question 1h -If for any reason the leaseholder ceased to operate the marina, then the operation of the marina would fall back to Somerset Council.

Question 1i -As per written response provided at HMAC.

Question 1j -Your previous questions did not impact the decision to cancel the October meeting

Response from Lead Officer: Sarah Dowden, Service Director, Regulatory & Operational Services

<p>Allan Dyer</p>	<p>Question 2a,</p> <p>Minehead harbour is a problem. This is what people in Somerset think. Concerns that have been raised by our MP and others, have been shared on the BBC website, on BBC regional news, in both local and national media. The sailing and water sports club has ceased to function depriving a local charity of its ability to play a part in health and recreation, the cannons have been illegally removed incurring expense, the Department of Transport is investigating harbour mismanagement, and the ombudsman is investigating procedural failures in local government. How have we arrived at this state of affairs? Who is responsible? What measures will be taken to sort it out?</p>
<p>Full Written Response</p> <p>Page 5</p>	<p>There has been change to the management of the harbours since 2023, this has brought together different approaches and ways of working to bring all the harbours and ports inline across Somerset. This work has coincided with Somerset Council facing a financial emergency, and a piece of work around fee alignment, across the whole of the council, including the Harbours and Ports of Somerset.</p> <p>Going forward the team are working towards a plan for the ports and harbours, giving clear direction, understanding areas we need to improve upon and working with the communities, where we are able.</p> <p>Response from Lead Officer: Sarah Dowden, Service Director, Regulatory & Operational Services</p>
<p>Sarah Reed</p>	<p>Can you ensure that the following questions and statement are submitted to the Harbour Management Advisory Committee prior to the meeting on the 20 January 2025, to be addressed in the meeting under the public question session.</p> <p>In the minutes of the Harbour Management Advisory Committee dated 29 July 2024, Captain Tyson Stated in her response to public questions that 'Officers and the Lead Member previously offered to engage with the club'. Also, in a recent article and broadcast on BBC Somerset and Points West, a Council spokesman stated to the public that 'We have always been open to positive engagement and discussion and continue to be so'. My questions relate to these statements as follows:</p> <p>3a Can the Committee please ensure that these statements are substantiated with the relevant personnel, in relation to the Minehead Sailing Club and their 9 requests to seek a meeting with the Portfolio Lead Member and fee setting Officers?</p>

3b Can this Committee endorse and forward on the Sailing Club's request for a meeting to allow a discussion from both sides to promote positive engagement, something the Council advocates but has not given the Sailing Club the opportunity to do, to date?

3c Having seen the Harbour fees proposal and the proposed increase of 3-4% for the period 2025-26, my questions are as follows:

a. What is the Committees view on approving this recommendation when the fees for 2024-25 are still in contention, and having seen the demise of a local community charity due to the impact of over inflated harbour fees?

b. Until this matter is resolved, would the Committee consider as a sign of good will, waiving the fees or reintroducing the Sailing Club's charitable concession for the coming year?

c. Do the Committee recognise that this may be an oversight, or is it a total lack of empathy and disregard for our local harbour community?

**Full
Written
Response**

3a *I will follow up with the relevant officers, and members to arrange a meeting. Setting of the fees and charges will need to go through the correct democratic process.*

3b *As the previous answer, a meeting can be arranged.*

3c - a *The fees for 24-25 have been signed off and agreed through the Fee's and Charges governance process at Somerset Council. That process falls outside of this committee. This Committee has recommended to *F Council* that the fees and Charges go through.*

3c - b *This committee is unable to waive fees that have been set at Full Council.*

3c – c *The setting of fees and charges was carried out in the correct way for 24/25, by Full Council*

Response from Lead Officer: Sarah Dowden, Service Director, Regulatory & Operational Services

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Debbie Allum</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 7</p>	<p>4A, On 29th July 2024 I submitted a question to this committee asking for an appeal by this advisory team to Somerset Council to urgently review the disastrous fee increases for Minehead Harbour users. It was answered and minuted, by stating that officers and lead members had previously offered to engage with the club, and that there was an external review pending. I would like to put on record that both of these statements were incorrect, and neither have actually happened, although we remain committed to facilitating both.</p> <p>I requested a 5-minute slot at the next advisory meeting scheduled for 28th October 2024, to give harbour users a platform to express their concerns regarding the desertion of leisure users, due to the fee increases. This meeting was subsequently cancelled, as I was informed that there was “nothing on the agenda”. We still await the minutes from the stakeholders’ meetings in April 2024, and November 2024, so you can understand our frustration. We don’t have a voice. Today’s Fee Proposals report states that there was “No Consultation”. There was no consultation on the 2024/25 fee proposals either, which led to the closure of the harbour charity and cessation of all non-motorized water activities- for everyone. It would be appropriate, and appreciated, if the current and pending fees could be waived to allow paddles, oars and sail-based craft to launch, without further delay. This should be your recommendation to the Executive today. By the report authors own admission, it is a “small amount of income for the Council”. And yet hundreds of man hours, at what cost to the tax payer, have been spent already. We have one of the most expensive slipways in the UK, with no facilities, and more often than not, no water. It will never be run on a cost-neutral basis with staff costs at nearly £1000 a week for Minehead Harbour alone, as confirmed by a Freedom of Information request.</p> <p>How does this committee intend to advise the executive on a way forward to rebuild bridges and trust with Minehead Harbour Users and encourage health and wellbeing to a resentful and noticeably absent community?</p> <p>4b Can the Advisory Committee, in good conscience, really advise the Executive that they recommend these Fee Proposals, given procedural failings, delays in accessing documents, and ongoing issues surrounding the current fees, for which discussions, investigations and reports are still pending?</p>
<p>Full written response</p>	<p>4a, As discussed in the meeting, a meeting will be set up with some members from this committee, Officers from Somerset Council and Federica Smith-Roberts to understand, for both parties the concerns and next steps.</p>

4b, Members of the committee, and the community, including the sailing club will be able to feed comments into the meeting that is proposed and these can be fed through to Cllr Smith- Roberts ahead of full councils decision.

Response from Lead Officer: Sarah Dowden, Service Director, Regulatory & Operational Services