



Belfast City Council

Report to:	Development Committee
Subject:	Consultation: Department for Regional Development (DRD) Consultation Coleraine Harbour
Date:	10 November 2010
Reporting Officer:	John McGrillen, Director of Development, ext 3470
Contact Officer:	Barbary Cook, Policy & Business Development Manager, ext 3620

Relevant Background Information

The Council has been asked to respond to this proposed transfer order. This order will transfer ownership of the harbour to Coleraine Borough Council. The proposal follows discussions *"with the Coleraine Harbour Commissioners and Coleraine Borough Council, the Regional Development Minister, Conor Murphy MP, MLA, has concluded that a regeneration-based approach to the harbour lands, rather than a continued focus on traditional port activity alone, offers greater potential as an economic driver for the town. He is therefore of the view that the future of the Harbour would be best served by transferring the ownership of Coleraine Harbour to Coleraine Borough Council. This would mean that Coleraine Harbour would become a municipal port rather than a public trust port."*

"This policy aim would be effected by subordinate legislation in the form of a Harbour Order made under Section 1 (1) and (2) of, and Schedules 1 and 2 to, the Harbours Act (NI) 1970.

It is proposed that the effective date of the proposed transfer will be agreed with Coleraine Harbour Commissioners and Coleraine Borough Council once they have resolved the practical issues raised by the transfer, for example identification of assets and liabilities and future management arrangements. This date will be incorporated in the draft Order that will be brought to the Assembly for affirmation."

Highlights of the order

- The council will become responsible for all of the functions of the [Harbour] Commissioners and all property, rights, liabilities and obligations to which the Commissioners were entitled or subject.
- Where a person is employed immediately before the transfer date by the

Commissioners their contract of employment shall have effect on and after that date as if originally made between them and the district council.

- The Commissioners shall be dissolved on the transfer date.
- Every byelaw, rule, regulation, direction, license or consent made, issued or granted by the Coleraine Harbour Commissioners shall continue to have effect as if it had been made, issued or granted by the district council as the new local harbour authority.

Previous consultations

The order has implications for the future control of other harbours and ports. As such, the committee may wish to consider this proposal in terms of Belfast Harbour. Previous discussions relating to this include:

- DRD consultation 'Draft Guidance for Port Master Plans in Northern Ireland on 22nd June 2009', which supported the development of a master plan for the port in accordance with the guidance from the Department for Regional Development.
- DRD consultation 'Ports Policy – Your Views Invited' 'Powers, Status and Governance of Public Trust Ports in Northern Ireland' in September 2006. The Committee respond to this at a strategic level and reiterated Belfast City Council's position, which was previously detailed within 'Submission I and II to the Northern Ireland Assembly's Ad-Hoc Committee Port of Belfast in 1999' (Appendix 1). On this subject Belfast City Council considered that the interest of NI and the future of the Port of Belfast would be best served by a governance structure that retains the Trust Status of the port with the potential for extended powers.

Belfast Harbour

We have contacted Belfast Harbour to determine if they will be responding to this request and if there are any additional factors that we should be aware of.

There are no specific questions for the consultation.

The full proposal is available online:

<http://www.drdni.gov.uk/index/publications/publications-details.htm?docid=6391>

Key Issues

Considering the background information it is suggested that no specific issues need to be raised in the response to this consultation request. Instead a general acknowledgement should be sent. A proposed response is shown below:

Draft Response

We do not have any specific issues to raise with regard to the proposed transfer of property, rights, liabilities and obligations from the Harbour Commissioner to Coleraine District Council.

However you will be aware of previous discussions about the future of ports and harbours. In particular, our response in September 2006 where we asserted that we believed that the Port of Belfast would be best served by a governance structure that retains the Trust Status of the port with the potential for extended powers. As such we will follow the transfer with interest.

Thank you for asking us to respond to the proposals.

Recommendations

The Committee is asked to :

- Approve the basic content and structure of the draft consultation response; and
- To suggest additional comments to include in the response to DRD.

Decision Tracking

Subject to approval, the draft response, together with any additional suggestions will be returned to the DRD by 2 December 2010.

Timeframe: 2 December 2010

Reporting Officer: Barbary Cook

Key Abbreviations

DRD – Department for Regional Development