

Title of meeting: Planning Regeneration & Economic Development
Date of meeting: 7 October 2014
Subject: Port Dues
Report by: Martin Putman
Wards affected: All
Key decision: No
Full Council decision: No

1. Purpose of report

The purpose of this report is to make changes to Port Dues.

2. Recommendations

That the changes to Port Dues are approved.

3. Background

In 2007 it was decided to address the dues payable for livestock shipments using the Continental Ferry Port. Rules governing these shipments were implemented at the same time. Report to Executive 24 February 2007 refers.

The report set the dues for shipment depending on the number of animals; classifying up to 10 animals as a Class 1 shipment and over 10 animals as a Class 2 shipment. The dues were set in order to cover the additional costs that the Port envisaged that it would incur due to these shipments, particularly Class 2 Shipments.

A recent judgement against Thanet District Council (TDC), operating the Port of Ramsgate, found that there was no requirement for the provision of facilities within the port for livestock. TDC had stopped livestock shipments from using their port until they had provided adequate facilities. It appeared that it would take some time to provide such facilities. This was judged to be an attempt to stop the legal trade and TDC will face some compensation claims from hauliers.

In order that PCC are not subject to similar claims the terms for moving livestock through the Port have been reviewed and the new rules are attached (Appendix 1). As no extra services are required for these shipments, the standard charges will be charged for freight vehicles of their size.

4. Equality impact assessment (EIA)

This report does not carry any equality implications.

5. Legal Implications

1. Although no set of terms and conditions are immune from challenge, the City Council is attempting to satisfactorily justify the charges, such that they would likely to be determined as lawful if such a challenge was made.
2. The Council need not be 'out of pocket' in order to provide the service. The Council is providing a service to the shippers, as long as the price charged properly reflects the cost to the Council, it should be recoverable (Commission v Belgium [1983] ECR 1649 at para 8) and provide it with sufficient security to prevent a legal challenge irrespective of whether livestock is exported via the Port.

6. Finance Comments

There are no forecast material financial implications associated with the recommendations of this report.

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Signed by:

Appendices:

Appendix 1 - Port Dues

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

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Signed by: