



Clerk: Lisa Antrobus
Telephone: 01803 207013
E-mail address: governance.support@torbay.gov.uk
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Governance Support
Town Hall
Castle Circus
Torquay
TQ1 3DR

Dear Member

HARBOUR COMMITTEE - TUESDAY, 5 DECEMBER 2017

I am now able to enclose, for consideration at the Tuesday, 5 December 2017 meeting of the Harbour Committee, the following reports that were unavailable when the agenda was printed.

Agenda No	Item	Page
5.	Tor Bay Harbour Authority Budget and Setting of Harbour Charges 2018/2019	(Pages 21 - 50)
6.	Port Marine Safety Code - Annual Compliance Audit	(Pages 51 - 104)
7.	Tor Bay Harbour Authority Budget Monitoring 2017/2018	(Pages 105 - 110)

Yours sincerely

Lisa Antrobus
Clerk



Meeting: Harbour Committee

Date: 5th December 2017

Wards Affected: All wards in Torbay

Report Title: Tor Bay Harbour Authority Budget and Harbour Charges 2018/19

Executive Lead Contact Details: Non-Executive Function

Supporting Officer Contact Details: Kevin Mowat
Executive Head of Assets and Business Services
Tor Bay Harbour Master

☎ Telephone: 01803 292429 (Ext 2724)

✉ Email: Kevin.Mowat@torbay.gov.uk

Pete Truman

Principal Accountant

☎ Telephone: Ext 7302

✉ Email: Pete.Truman@torbay.gov.uk

1. Purpose

- 1.1 This report provides Members with the opportunity to consider the level of harbour charges to be levied by Tor Bay Harbour Authority, on behalf of the Council as the Harbour Authority, in the next financial year and to consider the Tor Bay Harbour Authority budget for 2018/19. This is being considered at this time to enable implementation and payment to be made in advance of the granting of facilities for the coming financial year.
- 1.2 The Committee is required to approve the level of harbour charges for Tor Bay Harbour for 2018/19, having considered the budgetary implications set out in this report.
- 1.3 The Committee is further asked to approve the 2018/19 budget for Tor Bay Harbour Authority.

2. Proposed Decision

- 2.1 **That, having had regard to the opinions expressed by the Harbour Liaison Forums, Members consider the recommendation from the Harbour Committee's Budget Review Working Party, to increase the harbour charges for 2018/19, by a representative average of 2.0% and approve the schedule of harbour charges set out in Appendix 1.**

- 2.2 That, as set out in this report, an additional contribution be made to the Council's General Fund from the Tor Bay Harbour Authority accounts, to the equivalent value of £145,000 for 2018/19.
- 2.3 That, the Tor Bay Harbour Authority budget for 2018/19, based on a 2.0% representative average increase in harbour charges (as set out in Appendix 2, to this report) be approved.
- 2.4 That, during 2018/19 the Tor Bay Harbour Budget Review Working Party should continue to review the full range of harbour charges, monitor the revenue budget, and recommend a budget for 2019/20.

3. Summary

- 3.1 The provisional Harbour Estimates for 2018/19 and the subsequent four years, together with the originally approved Estimate for 2017/18 and Projected Outturn for 2017/18 are attached at Appendix 2 and reflect the likely operating position for the consolidated harbour account for next year assuming a representative average increase of 2.0% in Harbour Charges.
- 3.2 It will be noted from Appendix 2 that, as a result of the continuing financial contribution to the Council's General Fund and investment in the harbour infrastructure, the consolidated Harbour Account is forecast to be in deficit over the next five year period. Returns from investment will reduce the level of deficit over the latter part of the period and it is anticipated the Harbour Account will then return to a break even position in the longer term. The annual deficits will be funded from the Harbour Reserve.
- 3.3 As an indication of how much revenue can be generated by an increase in harbour charges, the following table shows how much additional annual income is derived from a 1% increase.

	1% increase in charges
Torquay and Paignton Harbours	£8k
Brixham Harbour	£4k

- 3.4 The Harbour Committee's Budget Review Working Party held meetings on the 7th September and 2nd November 2017 and this report represents some of the findings and recommendations of that group. The Budget Review Working Party is recommending that Harbour Charges be increased, on average, by 2.0% as reflected within Appendix 1.
- 3.5 The Budget Review Working Party continue to recommend to the Harbour Committee that the harbour reserve fund should be split into two with one part ring-fenced to meet any deficit in the revenue budget, or winter storm damage, and the other part set aside for harbour capital projects.

Supporting Information

4 Introduction and history

- 4.1 The Harbour Committee's Budget Review Working Party has met on several occasions since it was appointed in June 2017. It has scrutinised the approved Tor Bay Harbour Authority budget for 2017/18 and has made recommendations for a proposed budget for 2018/19. Membership of the Budget Review Working Party includes Councillors Bye, Amil and Ellery with External Advisors Mr Stewart and Mr Ellis, supported by relevant officers.
- 4.2 Torbay Council's General Fund budget continues to face significant pressures with a shortfall of some £17m by 2021. All council business units have been asked to make further savings and/or look at income opportunities to help reduce the corporate deficit. Consequently, the Executive Head of Assets and Business Services, along with the Chair of the Harbour Committee have been involved in discussions with the Chief Executive, Director of Corporate Services & Operations, Chief Finance Officer and the Mayor to consider what was expected of the Tor Bay Harbour Authority service area and what could be achieved. As a result of this process, it was agreed that a number of recommendations would be made to the Harbour Committee's Budget Review Working Party and to the Harbour Committee itself.
- 4.3 Over recent years the Harbour Committee has agreed to make annual contributions to the Council's General Fund building to a total of £657,000 by 2017/18. The Committee understood that the recommendation relating to the cash contribution should then be reviewed.
- 4.4 A further £173,000 contribution was requested by the General Fund over 2018/19 and 2019/20 as part of the previous year's budget proposals. With further pressure placed on the Council's overall budget position the Executive Head of Assets and Business Services and the Chair of the Harbour Committee were asked to consider a further contribution to the Council's General Fund totalling £100,000 over in 2018/19 in addition to the earlier proposal.
- 4.5 The Budget Review Working Party met twice between September and November 2017 to review and consider the commitments and proposals set out in 4.3 and 4.4 above. The Working Party were reminded that when the budget for 2013/14 was agreed on the 17th December 2012 the Harbour Committee resolved "*that the level of the cash dividend to the Council's general fund be capped at a maximum of 6% of harbour income in future years and that the Executive Head of Financial Services be asked to review the level of support costs to the harbour account to reflect the ongoing reduction in central resources*". Members of the Working Party were also reminded that the additional cash contribution agreed in December 2013 had been described as an asset rental fee. A range of other measures were also discussed with the harbour users groups and other stakeholders. The Working

Party also considered an appropriate increase in the level of harbour charges for 2018/19 and after considering the responses from consultation with the Torquay Harbour Users, the Working Party elected to recommend a 2.0% increase across the board.

- 4.6 The Working Party initially considered a schedule of budget reductions/income generating proposals by the Executive Head of Assets and Business Services to achieve the corporate General Fund contribution target of an additional £273,000 over 2018/19 to 2019/20. While the Working Party continued to be generally supportive of the viability of income generating proposals it was considered that there was considerable risk in the sustainability of the levels projected. These specific proposals were rejected and a revised additional contribution totalling £223,000 was offered back to the corporate centre with £128,000 to be applied from 2018/19.
- 4.7 A further development since the Working Party meetings is a separate demand by the corporate centre arising from savings achieved due to a reduction in overtime and enhancement rates for all Council staff (“Green Book” terms & conditions). The Council’s Senior Leadership Team agreed to take the full effect of these changes, from all service areas, as a corporate saving. However, these savings had already been anticipated and were used to make up the additional General Fund contribution requested during a previous year Harbour budget exercise. In any event, because the changes to rates of pay were only applied during this current year a clear request has been made for an additional contribution of £17,000 from the Harbour budget.
- 4.8 No firm agreement has so far been reached regarding the contribution levels expected from the Harbour service area to the Council’s overall Budget for 2018/19 but the budget proposal presented at Appendix 2 is based on the Working Party view set out in para 4.6 and the additional “Green Book” levy for consideration by the Committee.
- 4.9 These proposals, if approved will bring the overall contribution to the general fund to £802,000 in 2018/19 with a further £95,000 requested for 2019/20.
- 4.10 The Executive Head of Assets and Business Services has continued to indicate that the delivery of a fully commissioned harbour authority service could reduce some of the existing support & fixed costs and that such cost reduction and efficiency gains, if they were achieved, would place the harbour authority in a better position to potentially continue paying a cash dividend and asset rental in future years. i.e. beyond the current financial crisis.
- 4.11 In 2007 Torbay Council decided to accept the main findings of the Municipal Ports Review and the concept of paying a dividend and/or an asset rental fee to the “owning authority” is clearly mentioned within this review. However, the total contribution of £657k for 2017/18 has and will continue to put considerable

pressure on the harbour authority budget.

4.12 A set of financial guidelines recommended by the Harbour Committee Budget Working Party in 2009 remain valid and are set out below:

- that the Harbour Committee should establish a set of accounting principles;
- that the annual Budget Report should include details of planned capital spending;
- that details should be provided, in pie-chart format, showing the breakdown of internal support service charges;
- that the annual Budget Report should clearly indicate which budget lines are under pressure and more likely to be at risk to variation, complete with the reasons why.
- that any inflationary increase in harbour charges should use the April CPI (consumer price index) figure from the previous year as a reference point.

4.13 Before charges are reviewed Provisional Estimates indicate that the balances of the Harbour Reserve Funds as at 31 March 2018 could be in the region of £609,000 :-

	Revenue Deficit Reserve (minimum level)	Projects Reserve	Total Reserve
Harbour Reserve	£570,000	£39,000	£609,000

The Reserve table in Appendix 2 reflects a significant reduction in the Reserve level by 2022/23 to fund revenue deficits. Any uplift to the forecast levels can be used to reduce borrowing requirements on existing schemes or to fund other desirable investment projects such as the Torquay Fuel Station and Haldon Pier works.

4.14 There is uncertainty over future levels of income and expenditure as outlined in paragraph 8.4 below and this could put significant pressure on the Harbour account over the coming years. It is therefore important that as well as keeping pace with rising costs, income levels from user charges, rent and other sources, are sufficient to mitigate these pressures and provide the ability to maintain the appropriate reserve levels.

4.15 The table below indicates the increase in charges in recent years, compared with the consumer price index (CPI) taken at the April point of the previous year. In the last five years increases of 3.0%, 3.0%, 2.0%, 3.0%, and 2.8% have been applied. The table further illustrates the balance of the combined reserves at 1st April of the charges year.

Charges Year	Overall Increase	Actual CPI	Reserve Levels
2017/18	3.0%	2.30%	£821,623
2016/17	3.0%	1.60%	£719,930
2015/16	2.0%	1.80%	£687,596
2014/15	3.0%	2.40%	£859,683
2013/14	2.8%	3.00%	£1,144,654

4.16 Capital Plan/Budget

The items identified in the table below are currently in the Council's Capital Investment Plan/Budget relating to the Harbour Authority.

Capital Item	Project Year	Total Budget £000	Actual to Date (including prior years) £000	Projected Outturn £000
Environment Agency grant funding for Torquay Harbour – Haldon & Princess Piers	2011	1,272	1,272	1,272
New Harbour Workboat	2016	45	45	45
Torquay Harbour Pontoon Replacement	2017	220	15	250
Harbour Light Restaurant Building Redevelopment	2018	600	0	600
Oxen Cove Jetty	2018	1,500	0	1,500
Beacon Quay Decking	2017	90	0	90

4.17 Harbour Accounts – Financial Principles

The Harbour Committee are asked to note the following recommended financial principles for the harbour accounts:-

- the harbour account and harbour reserve fund should be ring-fenced (assured);
- any operating surplus will pass to the harbour reserve fund;
- operating deficit will be met from the harbour reserve fund;

- the approved budget should not be in deficit;
- the harbour reserve fund level should aim to be at least the minimum target level recommended by the Review of Reserves approved by Council each year;
- all budget lines are properly risk assessed prior to recommendation to the Harbour Committee;
- the Harbour Authority should seek to maximise external funding opportunities;
- the cost of borrowing should be monitored so that the harbour account is not over extended.

4.18 The recommended budget at Appendix 2 gives rise to a breach of a number of these principles over the term of the forecasts. However, the Executive Head of Assets and Business Services is of the view that the proposal offers the best balance in assisting the General Fund and investing in the future of the Council's Harbour Authority function.

4.19 **Significant variations to harbour charges**

This report recommends that Harbour Charges be increased, on average, by 2.0%. However, certain charges have not increased and others are subject to a more significant variation. The key variations are set out below:-

- Some charges have been rounded up or down (around 2.0%) for ease of collection.
- In some cases, on the advice of officers, the recommended charges have not increased by 2% but have remained at the same level as 2017/18. The areas where charges have not changed are set out below :-
 - Visitor charges
 - Annual launch & recovery charges
 - MFV fresh water tank charges
 - Miscellaneous charges
 - Waste charges
 - Labour and equipment hire excluding pressure washing
 - Storage space for fishing equipment and leased areas on the quayside
- Alongside berthing charges for the use of the Princess Pier Pontoon are significantly lower than the Town Dock for what is considered an equivalent facility. This is not an equitable arrangement and these charges will rise to the same level as the Town Dock over a five year phase in period, with 2018/19 being the second year.

5 **Possibilities and Options**

5.1 Increase Harbour Charges in 2018/19 by an average inflationary increase of 2.0% and increase the overall contribution to the General Fund as per recommendations

in section 2 and as outlined in paragraphs 4.3 to 4.9.

5.2 Make no change to the level of harbour charges and accept increased operational deficits for 2018/19 and future years in contradiction of the Harbour Accounts – Financial Principles (see Para 4.17).

5.3 Do not agree to the recommended level of contribution to the Council's General Fund.

6 Preferred Solution/Option

6.1 See the recommendations in section 2.

7 Consultation

7.1 Consultation with the Brixham Harbour Liaison Forum and the Torquay/Paignton Harbour Liaison Forum commenced in September 2017 and continued in November 2017. The responses from both the Torquay/Paignton Harbour Liaison Forum and the Brixham Harbour Liaison Forum will be circulated prior to the meeting in the form of minutes of the meetings. A meeting was also held with the Torquay Harbour Users Association.

7.2 The Executive Head of Assets and Business Services has benchmarked with some other Harbour Authorities and the results are displayed in the table below :-

Harbour Authority	2017/18 - % Increase	2018/19 - Proposed % Increase
Chichester	2.0	2.6% - 2.8%
Teignmouth	2.5	3.6%
Tor Bay	3.0	2.0
Dartmouth	1.5	3.9%
Salcombe	1.0	6.0% (Dues only)
Poole	RPI + 5.0	RPI + 5%
Langstone	-	3.0%

8 Risks

8.1 The major risk associated with this report is not presenting a realistic budget resulting in excessive operational deficits beyond the capacity of the Harbour Reserve. Long term depletion of this Reserve would eventually require support from the Council's Revenue Fund to meet any operational deficits. Accordingly, the Executive Head of Assets and Business Services has recommended a budget that will meet the operational requirements and initial new investment costs of the Harbour over a five year period in line with realistic expectations for income.

- 8.2 There is a potential risk of customer resistance to increasing Harbour Charges resulting in a shortfall in targeted income. The Executive Head of Assets and Business Services has evaluated this risk in line with demand levels for services and the need for harbour income to keep pace with costs. The level of risk is further mitigated by the consultation process with the Torquay Harbour Users Association and both of the Harbour Liaison Forums.
- 8.3 If the Council continues to request a significant contribution to the General Fund in the form of a cash dividend and asset rental fee there is a significant risk that the Harbour Authority will be unable to remain self-funding. In that situation, the Harbour Authority would require a precept from the General Fund and this scenario would be contrary to government best practice for the financial management of municipal ports.
- 8.4 Specific risks and budget line pressures relating to 2018/19 are explained in the table below when read in conjunction with Appendix 2.

Key	Risk and/or pressure to budget line
A	The salary budgets reflect the new Harbour Master post and other smaller changes to the staffing structure.
B	Increased security and cleaning arrangements will add to costs at Brixham Fish Quay but will be offset by increased fish toll income.
C	Financing costs are recharged to the Harbour Account based on Torbay Council's prevailing low average borrowing rate and fixed over the life of the borrowing period. New liabilities are incorporated in respect of redevelopment of the Harbour Light Restaurant Building and the Oxen Cove Jetty.
D	The Executive Head of Assets and Business Services has agreed to part fund an Environmental Health Officer post to reflect the benefit to the fish market operation.
E	An increase in the contribution to the General Fund is being recommended as outlined in section 4.3 to 4.9 of this report.
F	New rental streams are being pursued.
G	Annual growth is anticipated from the Marina rental streams but is expected to be offset by a loss of income during development work around Torquay Harbour.
H	Addition income streams are anticipated from the cruise ship sector following recent marketing.
J	Fish toll expectations have been prudently adjusted in line with current levels and expectations of new shellfish income streams.

Appendices

- Appendix 1 Schedule of Tor Bay Harbour Charges 2018/19 showing a representative average increase of 2.0%.
- Appendix 2 Provisional Harbour Estimates for 2018/19 and Subsequent Years with an average 2.0% increase in Harbour Charges.
- Appendix 3 Estimated Support Service Charges 2018/19

Additional Information

The following documents/files were used to compile this report:-

Schedule of Tor Bay Harbour Charges 2017/18

Tor Bay Harbour Act 1970

Tor Bay Harbour (Torquay Marina Act &c.) Act 1983

Minutes of Torquay & Paignton Liaison Forum – September & November 2017

Minutes of Brixham Harbour Liaison Forum – September & November 2017

TOR BAY HARBOUR AUTHORITY



Torquay Tel: 01803 292429

Brixham Tel: 01803 853321

Paignton Tel: 01803 557812

Email: harbourauthority@torbay.gov.uk

Website: www.tor-bay-harbour.co.uk

SCHEDULE OF CHARGES, DUES & FEES 2018 – 2019

VAT Registration No. GB 142 2082 11

**For the period commencing 1st April 2018
until 31st March 2019**

REFERENCES

Harbour Docks and Piers Clauses Act 1847
Harbours Act 1964
Pilotage Act 1987
Tor Bay Harbour Act 1970
Tor Bay Harbour (Torquay Marina &c.) Act 1983

PUBLICATIONS

Tor Bay Harbour Act 1970
Price - £5.00 By Post - £5.50
Tor Bay Harbour Byelaws 1994
Price - £3.00 By Post - £3.50

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Part 1 – Introduction

1.1 General

- 1.1.1 All charges, dues and fees are subject to the appropriate rate of Value Added Tax (20%) which is included in the price, except as indicated.
- 1.1.2 Annual charges relate to the period 1st April to 31st March following and any part thereof. Certain charges may be levied at either 75% or 50% of the annual rate if no latent demand exists for the facility and three or six months of the annual charging period has elapsed.
- 1.1.3 Seasonal charges, only where applicable, relate to the periods:
- | | | |
|-----------------------------|---|--------|
| 1st April to 30th September | - | Summer |
| 1st October to 31st March | - | Winter |
- 1.1.4 All accounts are to be paid promptly and within the time specified. Payment of the charges listed may be required in advance of the service being taken up. Credit and debit card facilities are available for payments made at the Harbour Offices or via telephone.
- 1.1.5 Penalty for evading payment of charges – Section 30 Tor Bay Harbour Act, 1970
“The owner of any vessel or goods or any other person who eludes or evades or attempts to elude or evade payment of, or refuses to pay, a charge payable by such owner or person to the harbour authority at the time when the same becomes due and payable shall be liable to pay to the harbour authority, in addition to the charge, a sum equal to the amount thereof, which sum shall be a debt due to the harbour authority and shall be recoverable by them in any court of competent jurisdiction.”
- 1.1.6 Failure to notify the harbour office of arrival, or departing the harbour without paying harbour charges, will be taken as an attempt to evade the payment of harbour charges.
- 1.1.7 Visiting vessels of special interest and/or vessels owned by Registered Charities to be eligible for a 50% concession on applicable Harbour Charges at the discretion of the Harbour Master.
- 1.1.8 Any person claiming the return of the whole or part of any charges paid to the Authority shall make such claim and produce all documents and give all information required by the Authority in proof of such claim within twenty four months from the time of payment and, in default thereof, the claim shall cease to be enforceable. (Section 31 Torbay Harbour Act 1970). Refunds would normally only apply in exceptional circumstances and will incur an administration charge (see 5.7)
- 1.1.9 All lengths referred to are overall lengths which in the context of these charges includes bowsprit, pushpit, stern davit, and/or bumpkin etc. etc. as determined by the Harbour Master if required.
- 1.1.10 Any person who without reasonable cause fails to provide information which is reasonably required for the purpose of the harbour undertaking shall be liable on summary conviction to a fine not exceeding level three on the standard scale. (Section 18 Tor Bay Harbour (Torquay Marina &c.) Act 1983).
- 1.1.11 Application for and acceptance of a mooring, quay berth, boat park space, pontoon berth or other facility, implies acceptance of the rate of charge currently in force and of the conditions of issue including that the Authority and its staff are indemnified against any claims arising from or in connection with such berth or facility, save only as the Authority may be liable under the Unfair Contracts Terms Act 1977.
- 1.1.12 Vessels directed into the harbour by the Secretary of State’s Representative (SOSREP) or by any other person legally entitled to direct vessels into a harbour are required to pay one month’s harbour dues in advance as a condition of entry. If using a mooring facility, they will also be required to pay one month’s mooring fees in advance as a condition of entry. These charges are in addition to any charges incurred for pilotage, tugs, berthing the vessel or for the provision of any other service supplied by the Authority.

- 1.1.13 The lawful orders or directions of the Council's Harbour Master and other authorised officers must always be obeyed promptly.
- 1.1.14 No facility granted may be shared, assigned or sub-let without the prior consent of the Harbour Master in writing and further charges may apply (Tor Bay Harbour Byelaw no 38 & 41).
- 1.1.15 The Council has the right to exercise a general lien upon any vessel, and/or her gear and equipment, whilst in or upon the harbour premises, or afloat, until such time as the monies due to the Council from the applicant in respect of such vessel whether on account of storage or mooring charges or otherwise, shall be paid. The Harbour Master is the appointed "Collector of Rates" for the purposes of the Harbours, Docks, Piers & Clauses Act 1847.
- 1.1.16 No person shall place a vessel on a mooring prescribed in the mooring scheme prepared by the Council for a vessel of a different size than that applied for, without the applicant obtaining the approval of the Harbour Master in writing (Tor Bay Harbour Byelaw no 40).
- 1.1.17 In the event of the applicant selling or otherwise disposing of the vessel authorised to use the mooring, the Harbour Master shall be notified in writing (Tor Bay Harbour Byelaw no 33).
- 1.1.18 These charges will be applied in a fair and equitable manner, to reflect, as reasonably as possible, the service provided. However, for the avoidance of doubt, the Harbour Master may interpret this Schedule in such a manner as to maximise income to the Council as the Harbour Authority.
- 1.1.19 The Harbour Master may vary these charges and/or levy additional charges in respect of anything done or provided by (or on behalf of) the Harbour Authority in accordance with the Harbours Act 1964 and/or Section 24 of the Tor Bay Harbour Act 1970 (or any amendments or re-enactments of those Acts) and all powers delegated to the Harbour Master by Torbay Council.
- 1.1.20 The owner of any vessel using Tor Bay Harbour shall indemnify the Council, their servants and agents against all actions, claims, costs and demands in respect of any injury or death of any person and any damage to any property which may arise out of the owner's occupation and use of the harbour facilities including slipways, steps, jetties, pontoons and staging and for this purpose shall maintain a Public Liability policy against such risks. Failure to maintain the appropriate insurance cover will result in the withdrawal of mooring, launching or other facilities.

1.2 Definitions

1.2.1 Limits of the Harbour

The limits of the Harbour shall comprise the areas as set out in Parts I and II of Schedule 1 of the Tor Bay Harbour Act, 1970, and are as follows;

PART I

The area below the level of high water enclosed by an imaginary line drawn from the point at which the northern boundary of the borough meets the coast to a point one half of a nautical mile true east, thence to a point one half of one nautical mile true east of Hope's Nose, thence to a point one nautical mile true east of Berry Head and thence direct to Sharkham Point, but excluding the area referred to in Part II of this schedule.

PART II

The area below the level of high water enclosed by;

- (a) an imaginary line drawn from Shoalstone Point in the parish of Brixham extending in a west-north-westerly direction for a distance of 6,500 feet or thereabouts until it intersects the imaginary line next described;
- (b) an imaginary line drawn from the centre of Old Quarry at O.S. Ref. SX91445723 in a north-easterly direction for a distance of 3,000 feet or thereabouts until it intersects the imaginary line first described; and

(c) the land line of the coast from the centre of Old Quarry aforesaid to the said Shoalstone Point.

The description Enclosed Harbour means:

Torquay - The area of water enclosed by an imaginary line drawn from the western end of Haldon Pier to the south-eastern end of Princess Pier.

Paignton - The area of water enclosed by an imaginary line from the eastern end of North Quay to the northern end of East Quay

Brixham - The area of water enclosed by the Breakwater; an imaginary line from the northern end of the Breakwater to Battery Point and the shore.

1.2.2 **Recreational Vessels**

Any vessel, less than 50m LOA, used solely for the purpose of recreation. All vessels owned and operated by a registered charity for the purpose of training people at sea for recreational purposes. Any vessel that meets the definition of a Passenger Vessel in 1.2.3 below shall not be considered a Recreational Vessel.

1.2.3 **Passenger Vessels**

An MCA Class V, VI or VIA vessel, or an MCA coded vessel, or, where applicable a vessel licensed by Torbay Council to carry fare-paying passengers. Any vessel that meets this definition shall not be considered a recreational vessel.

1.2.4 **Motor Fishing Vessels**

A registered Motor Fishing Vessel based in and working from a Tor Bay Harbour, the owner/master of which is engaged in commercial fishing, whose sole or main income is derived from selling fish on the Brixham Fish Market or landing fish for sale at Brixham, Torquay or Paignton Harbours and paying Fish Tolls to the Torbay Council. (Income from Fish Landings must total at least £10,000 in the previous year to meet the sole or main income test)

1.2.5 **Commercial Vessels**

Recreational vessels of 50m LOA and over and all other vessels, including naval vessels, workboats and pilot boats used for any purposes other than recreation with the exception of, licensed passenger vessels, fishing vessels, or training vessels as defined in 1.2.2, 1.2.3 and 1.2.4 above.

1.2.6 **Vessel**

Means every description of vessel however propelled or moved. Under Tor Bay Harbour byelaws a 'power boat' is defined as a small vessel propelled by machinery and which is ordinarily capable of a speed exceeding 17 knots.

1.2.7 **Passenger**

Any person carried that is not essential to the running of the vessel or any person who has paid to be transported, accommodated or trained on the vessel on which they are embarked.

1.2.8 **Work Within The Harbour**

The loading, discharging, transport, carriage, storing or accommodation of goods, cargo, dry, liquid or gaseous commodities, livestock or passengers. The carrying out of any project for any purpose including but not limited to photographic, film or other artistic work on or by any vessel. Capital dredging; diving support; pile driving or pile removal; laying or recovering an underwater cable or pipeline; laying, maintenance, survey or recovery of mooring anchors, ground tackle, risers or buoys; surveying, scientific research, water sampling or core sampling; and drilling into the river bed for any purpose. Any other project resulting in the construction or removal of any structure or the alteration of the harbour bed or infrastructure. Operations carried out by HM Customs, immigration officers, police and fisheries patrols but excluding firefighting and search and rescue operations.

1.2.9 **Further Definitions**

Definitions contained within the Harbours Act 1964, the Tor Bay Harbour Act 1970, the Tor Bay Harbour (Torquay Marina &c.) Act 1983 and Tor Bay Harbour Byelaws are applicable where appropriate.

PART 2 – Harbour Dues

2.1 General

- 2.1.1 Harbour Dues are normally payable on all vessels entering, within or leaving the harbour. Harbour Dues relate to a particular vessel and are not transferable. No refunds or partial refunds are normally given.
- 2.1.2 Bona-fide tenders of up to 4.3m LOA, or of up to 6.0m LOA, for parent vessels of 10.0m LOA and over are covered by the payment of harbour dues on the parent vessel. Such tenders must be clearly and uniquely identifiable. If the parent vessel has paid the relevant annual harbour charges the associated tender must show the plaque issued at the time of payment and must be clearly marked 'Tender to (the main vessel's name)'. With the exception of commercial vessels of 50m LOA and over only one tender per vessel is covered in this way. Tenders can only be used for transport to and from the parent vessel and/or mooring. Craft which are not tenders to a larger vessel on a Council mooring will attract Harbour dues in addition to the tender rack charge. All tenders should be stored within appropriate tender racks unless other arrangements have been specifically agreed in written form with the Harbour Master, this would include alongside charges as appropriate.
- 2.1.3 Small vessels less than 3m LOA of which the only means of propulsion is either oars or paddles and which are not normally berthed within the harbour, single canoes of less than 4m LOA and sailboards and rowing skiffs are exempt from the payment harbour dues.
- 2.1.4 Safety and or rescue vessels may be exempted from Harbour Dues as agreed with the Harbour Master. Except that all RNLi vessels will be exempt from the payment of Harbour Dues and mooring fees.
- 2.1.5 HM Ships, Customs and Excise vessels and craft in the service of Trinity House may be exempt from the payment of Harbour charges except as may be otherwise agreed with the Harbour Authority (Section 35 Torbay Harbour Act 1970).
- 2.1.6 Harbour Charges may be offered at concessionary rates for vessels taking part in organised events within Harbour limits if permission is sought and granted in advance of the event and the names and lengths of the vessels involved are made available to the Harbour Master.

2.2 Commercial Vessels

- 2.2.1 This section applies only to commercial vessels (as defined in 1.2.5) not normally moored within the harbour that are, have been or will be carrying out work within the harbour at any time except laid up vessels that will be charged as per 2.2.5. Prices are exclusive of VAT.
- 2.2.2 Charges in this section include mooring/quayside charges where applicable. (vessels over 50 metres only, otherwise see section 3.1)
- 2.2.3 **Vessels visiting an enclosed harbour for up to 7 days**
£3.32/m/LOA/day
- 2.2.4 **Vessels remaining in an enclosed harbour more than 7 days**
For every week or part thereof during which a vessel (not being a vessel to which paragraph 2.2.5 or 2.2.7 of this Part of the Schedule applies) remains in the Harbour after the expiration of seven days from the date of entry when arranged and agreed in advance.
£ 15.03/m/LOA/week

- 2.2.5 **Vessels laid up - Un-laden (and gas-free if applicable) and not working within the Harbour**
For every month or part thereof during which a vessel is laid up (in lieu of the rates mentioned in paragraphs 2.2.3 & 2.2.4 above when arranged and agreed in advance).
To be determined by the Harbour Master
- 2.2.6 **Vessels entering the enclosed harbours of Tor Bay to take on or discharge fuel oil or supplies**
For vessels which are not normally moored in the harbour (maximum stay 24 hours)
£1.39/M/LOA/Day
- 2.2.7 **Floating docks**
For every year or part thereof during which a floating dock remains in the Harbour (in addition to harbour dues applicable to each vessel docked)
To be determined by the Harbour Master
- 2.2.8 **Vessels at anchor in Tor Bay other than those seeking shelter**
£125.00 per day
- 2.2.9 **Vessels at anchor in Tor Bay for underwater survey, hull cleaning, repairs or associated activity**
£250.00 for first 48 hours or part (in addition to the above charge)
- 2.2.10 **Vessels undertaking fish and cargo transhipments**
For the transhipment of fish, cargo, personnel or other goods whether at anchor or underway within Tor Bay Harbour limits.
To be determined by the Harbour Master

2.3 Non Commercial Vessels

- 2.3.1 This section applies to Torquay, Paignton and Brixham harbours. Charges are levied per metre per annum or part thereof expiring 31st March following. Prices are inclusive of VAT, except where specified. For daily rates see part 3.
- 2.3.2 Payment of Annual Harbour Dues must be signified by the display of the Harbour Authority 'Plaque' which will be issued when payment is made. Failure to display a 'Plaque' may result in daily charges being applied as detailed in part 3. Tenders must be registered with the Harbour Authority to obtain their tender 'plaque'. The display of any 'Plaque' issued in respect of another vessel will be taken as an attempt to evade the payment of harbour dues. Such attempts may be subject to payment of twice the amount of set harbour dues (section 30 Tor Bay Harbour Act 1970) (see section 1.1.5).
- 2.3.3 Motor Fishing Vessel charges only apply to vessels bona fide engaged in fishing. Registered fishing vessels employed as pleasure craft and carrying passenger for reward are to pay the appropriate passenger vessel charge for the period so employed.
- 2.3.4 Vessels owned by charities or charitable organizations, including bona fide local youth organisations are eligible for a specific charge at the discretion of the Harbour Master.

Torquay Harbour Recreational Vessels, Commercial Vessels under 50m LOA not undertaking work within the harbour and Commercial Vessels normally moored within the harbour regardless of whether they are carrying out work or not (other than passenger vessels).	£59.66/m/LOA/year or part
Paignton & Brixham Harbour Recreational Vessels, Commercial Vessels under 50m LOA not undertaking work within the harbour and Commercial Vessels normally moored within the harbour regardless of whether they are carrying out work or not (other than passenger vessels).	£44.59LOA/year or part
Paignton & Brixham Harbour Specific charge for certain vessel categories (see 2.3.4 for details)	£22.30/LOA/year or part
Passenger Vessels under 16.5m LOA or carrying 12 passengers or less	£60.23/m/LOA/year or part
Passenger Vessels over 16.5m LOA and carrying more than 12 passengers	£87.71/m/LOA/year or part
Motor Fishing Vessels based in and working from Tor Bay Harbour (Exclusive of VAT)	£9.26/m/LOA/year or part

2.4 Goods, Cargo and Passenger Dues

2.4.1 Goods dues are levied on all vessels (VAT exempt for vessels of over 15 GRT) per occasion as follows.

2.4.2 The payment of fish tolls includes alongside berthing charge at Brixham and electricity/water consumption where a recharge facility does not exist.

Goods (Exclusive of VAT)	
Fish (other than cured fish) but including shellfish, crabs etc., Brought into the Harbour or to any place within the limits of the Harbour by sea and sold, on the gross proceeds of fish (includes alongside berthing charge at Brixham and electricity/water consumption where a recharge facility does not exist)	£0.025 per £
Fish overlanded and sold on Brixham Fish Market, On the gross proceeds of the sale	£0.015 per £

Cargo Dues (Exclusive of VAT)	
General Cargo/Other Commodities	To be determined by the Harbour Master
General Ships Stores/Spares etc.	£1.90 per tonne
Waste Bins (1,100 litres)	£2.50 per unit

Passenger Dues	
Cruise ship passenger landing fees, per passenger	£3.50 per passenger
For Passenger Vessel charges	See section 4.4

PART 3 – Visitor Charges

3.1 Launching and Recovery Fees and Visitor Charges

- 3.1.1. This section applies to Recreational Vessels, Passenger Vessels, Fishing Vessels and Commercial Vessels under 50m LOA not undertaking work within the harbour. These are applicable at each of the enclosed Harbours. No visitor charge is applicable to Recreational Vessels staying alongside for less than two hours (Not applicable to the Town Dock in Torquay during busy periods).
- 3.1.2 All charges quoted within this section are inclusive of VAT except where stated. These charges are combined charges that include harbour dues and mooring fees where applicable.
- 3.1.3 Visitor Pontoons are available, normally for Recreational Vessels during the summer months in Brixham and Torquay harbours.
- 3.1.4 Visitors staying more than 3 nights get one night free, only applicable for up to a three week stay (This offer is at the discretion of the Harbour Master for undeclared visits). Vessels may be required to double-up with other craft, and in such cases fendering will be the responsibility of the Masters of the craft involved. There is no reduction for doubling up.
- 3.1.5 Motor Fishing Vessel charges only apply to vessels bona fide engaged in fishing. Registered fishing vessels employed as pleasure craft and carrying passenger for reward to pay the appropriate passenger vessel charge for the period so employed.
- 3.1.6 To avoid the abuse of visitor moorings by local vessels, all craft using visitor mooring facilities will be charged as set out below and are normally restricted to a maximum stay of three weeks (21 days) with no return within one week 7 days.
- 3.1.7 Use of harbour facilities can and will be denied if boats are not adequately insured (see 1.1.20).

Daily Visitor Charges (per night or over 2 hours)	
Up to 4 metres (13ft)	£10.00 per day
Over 4 metres up to 5.5 metres (14ft-18ft)	£11.00 per day
Over 5.5 metres up to 7 metres (19ft-23ft)	£12.00 per day
Over 7 metres (23ft)	£1.94 m/per day
Motor Fishing Vessels not working regularly from Tor Bay Harbour up to 4 days (Exclusive of VAT)	£1.53 m/per day
Passenger vessels	£2.22 m/per day
Tri-Marans	£2.90 m/per day
Catamarans	£2.42 m/ per day

Weekly Visitor Charges	
Up to 4 metres (13ft)	£48.00 per week
Over 4 metres up to 5.5 metres (14ft-18ft (per day)	£53.00 per week
Over 5.5 metres up to 7 metres (19ft-23ft) (per day)	£58.00 per week
Motor Fishing Vessels not working regularly from Tor Bay Harbour over 4 days (Exclusive of VAT)	£6.38 per m/per week or part

Slipway Charges	
Up to 4 metres (13ft)	£10.00 per day
Over 4 metres up to 5.5 metres (14ft-18ft (per day)	£11.00 per day
Over 5.5 metres up to 7 metres (19ft-23ft) (per day)	£12.00 per day
Over 7 metres (23ft) up to 15 metres (50ft)	£1.94 m/per day
Canoes/Kayaks/Paddle-Boards	£5.00 per day

- 3.1.8 Annual launch and recovery passes are issued at the discretion of the Harbour Master and are subject to availability.
- 3.1.9 Annual launch and recovery passes do not include trailer parking charges.
- 3.1.10 Passenger vessels other than MCA Coded and MCA class V, VI, VIA Passenger Vessels and EU Classes to be charged as commercial vessels see section 2.2.

Annual Charges	
Launching and recovery pass for private use of Tor Bay Harbour slipways.	£37.86 per m
Launching and recovery pass for commercial use of Tor Bay Harbour slipways.	£51.80 per m
MCA Coded and MCA class V, VI, VIA Passenger Vessels and EU classes visiting Tor Bay Harbour (combined charge)	£300.00

3.2 TRAILER PARKING

- 3.2.1 Trailer parking is subject to availability.
- 3.2.2 Annual trailer parking is only available when purchasing an annual launching and recovery pass.
- 3.2.3 Customers seeking continuous trailer storage should refer to Boat & Trailer parking in section 4.5; such facilities are subject to availability. The annual trailer parking identified in this section does not entitle constant use of the trailer parking area.

Daily trailer parking	£5.00 per day
Weekly trailer parking	£25.00 per week
Annual trailer parking (only available with private annual launch & recovery pass)	£60.00 per year or part

3.3 PERSONAL WATERCRAFT (JET SKIS)

- 3.3.1 All personal watercraft (jet skis) must be registered with the Harbour Authority and proof of insurance will be required.
- 3.3.2 The granting of launching/recovery facilities is at the discretion of the Harbour Master and subject to availability.
- 3.3.3 These launching/recovery charges do not include trailer parking.
- 3.3.4 “Qualified” means a person holding a recognised RYA Personal Watercraft Certificate – proof will be required on each occasion.

Personal Watercraft (Jet Skis) Launching & Recovering	Qualified	Unqualified
Daily charge	£13.00 per craft/day	£18.00 per craft/day
Weekly charge	£60.00 per craft /week	£80.00 per craft /week
Annual charge	£180.00 per craft /annum	£250.00 per craft /annum
Registration fee	£15.00	£15.00

Town Dock Jet Ski Pods (subject to availability)	
Daily charge	£16.50
Weekly charge	£72.00

PART 4 – Tor Bay Harbour Authority Moorings, Berths & Facilities

4.1 General

- 4.1.1. A waiting list exists for some Tor Bay Harbour moorings & facilities. The registration fee to join each waiting list is £25.00 the fee is not refundable or transferable. A non-refundable fee of £50 is required to join any of the commercial waiting lists.
- 4.1.2 Permanent moorings and berthing facilities are allocated on an annual basis, 1st April to the 31st of March following.
- 4.1.3 When vessels are moored, outboard engines in the raised position must have the propeller and skeg covered with a plastic bucket or other approved protective cover in order to prevent damage to other boats.
- 4.1.4 Owners must ensure that the vessel is provided with a sufficient number of fenders adequate for the size of vessel, so as to prevent damage to other vessels, quays or other property (Tor Bay Harbour Byelaw 46).

4.2 Visiting Commercial Vessels

- 4.2.1 For vessels under 50m LOA not undertaking work within the harbour see section 3.1 (combined charge applicable.)
- 4.2.2 For all other commercial vessels see section 2.2 (combined charge applicable.)

4.3 Visiting Non Commercial Vessels

- 4.3.1 See section 3.1 (combined charge applicable)

4.4 Use of Tor Bay Harbour Authority Landing/Embarkation Facilities

- 4.4.1. These charges are inclusive of VAT and apply in relation to passengers embarking/landing at Brixham, Paignton and Torquay quays, piers, pontoons or any other fit for purpose harbour facility. Except those passengers embarked as trainees aboard vessels owned and operated by a registered charity for the purpose of training people at sea for recreational purposes.
- 4.4.2 For Cruise Ship Passenger Charges see section 2.4

Visiting Passenger Vessels	
MCA coded vessels and MCA Class V, VI, VIA vessels and EU classes	£2.77 per passenger per visit
MCA coded vessels and MCA Class V, VI, VIA vessels and EU classes – over 15grt (VAT Exempt)	£2.32 per passenger per visit
Other Passenger Vessels	To be determined by the Harbour Master

Passenger Vessels - Annual Compound Charges	
MCA coded vessels up to 24m LOA	£56.10 per annum
MCA class V, VI, VIA vessels, EU classes and coded vessels of 24m and over	£3.41 per passenger

4.5 Quayside Charges

- 4.5.1. This section applies to Non Commercial vessels and resident Commercial vessels and all charges are inclusive of VAT.
- 4.5.2 Grids are only available at Brixham Harbour.
- 4.5.3 Annual charges for MFV's lying alongside the quay in Brixham are covered by the payment of fish tolls as described under goods and passenger dues in section 2.4.
- 4.5.4 Torquay Inner Harbour pontoon charges are inclusive of harbour dues.
- 4.5.5 Torquay Outer Harbour Town Dock pontoon charges are inclusive of harbour dues.
- 4.5.6 Town Dock non-commercial facilities are charged as per the allocated berth size and not the LOA.

Quayside Berth Daily Charges	
Vessels carrying out repairs inclusive of harbour dues (where a bookable facility exists)	£2.98 per m LOA/per day
Vessels carrying out repairs exclusive of harbour dues (where a bookable facility exists)	£2.88 per m LOA/per day
Resident vessels with moorings and paying harbour dues lying alongside the quays or each other (for pontoon use see visitors section 3.1).	£1.79 per m LOA/per day
Use of Grids inclusive of harbour dues	£3.57 per m LOA/per day
Use of Grids exclusive of harbour dues	£3.47 per m LOA/per day
Use of slipway/beach to dry out/repairs – Torquay and Paignton only	£3.52 per m LOA/per day
Annual Charges for Vessels Lying Alongside the Quay, Pontoon or Each Other.	
Torquay Harbour	£70.75 per m LOA
Paignton Harbour	£54.82 per m LOA
Brixham Harbour	£54.82 per m LOA
Use of Brixham Town Pontoon by Tenders (At the Harbour Masters discretion)	£54.82 per m LOA
Torquay Princess Pier Pontoon (does not include harbour dues)	£111.39 per m LOA
Torquay Inner Harbour South Pier Pontoon	£182.52 per m berth
Torquay Inner Dock	£182.52 per m berth
Torquay Inner Dock – Specific charge for certain vessel categories (see 2.3.4 for details)	£91.26 per m berth

Torquay Outer Harbour Town Dock	
Private Vessels - per year	£242.52 per m berth
Jet Ski Pods – per year	£740.00 per pod

- 4.5.8 Annual charges for boat and trailer parking on quays are inclusive of harbour dues. Charitable organisations, local yacht clubs, and bona fide local youth organisations are recognised as youth training organisations and invited, on an annual basis, to submit details of eligible young persons under the age of 18 years to be considered for a specific charge. Boat park charges will be based on the greater length of either the boat or trailer - if stored on a road trailer and not a launching trolley.
- 4.5.9 Charges for horizontal racks are inclusive of harbour dues.
- 4.5.10 Craft, which are not tenders to a larger vessel on a Council Mooring, will attract harbour dues in addition to the rack charge (see section 2.1.2).

- 4.5.11 Beacon Quay reserved car parking spaces are located under the public car park on Beacon Quay. Allocation of these spaces is on the understanding that they can be given up for up to 14 days per year to assist in accommodating maritime events.

Boat & Trailer Parking, Storage on Quays	
Boat parking (under 6m LOA) – single hull (includes racks at Torquay)	£70.03 per m LOA/per annum
Boat parking (under 6m LOA) – multi hull (occupying more than one space)	£90.38 per m LOA/per annum
Boat parking (under 6m LOA) – Specific charge (see 4.5.8)	£35.02 per m LOA/per annum
Boat parking (under 6m LOA) – Haldon Pier only (Summer season only)	£35.02 per m LOA/per season
Boat parking (under 6m LOA) – Haldon Pier only (Summer season only) - Specific charge (see 4.5.8)	£17.17 per m LOA/per season
Boat trailers only (subject to availability)	As per single hull boat parking
Boat storage on the Quay (on or off a trailer) (subject to availability)	£2.95 per m LOA/per day
Boat parking (6m LOA and over) (subject to availability)	£105.64 per m LOA/per annum
Commercial boat parking on Haldon Pier (subject to availability)	£138.72 per m LOA/per annum
Dinghy/tender rack	£37.74 per rack per year
Use of courtesy tenders, subject to availability	£37.00 per year
Paignton horizontal racks, subject to availability (max, length 3.7m)	£173.40 per rack/per year
Kayak/Canoe rack (only available at certain harbours)	£113.22 per year or part
Paignton Harbour West Quay Parking	£151.97 (April to Sept)
Paignton Harbour South Quay & West Quay Parking	£301.92 per year or part
Car parking permit for Beacon Quay (quayside level only)	£510.00 per year or part
Car parking permit for Brixham (New Fish Quay & MFV Basin only)	£265.20 per year or part

4.6 Annual Mooring Charges

- 4.6.1 Trot, Swinging and Outhaul Moorings – all prices inclusive of VAT
- 4.6.2 It is Torbay Council’s policy to support the fishing industry and this is reflected in certain mooring charges at Brixham Harbour

Mooring Charges	
Brixham Inner Harbour trot mooring (no risers provided)	£52.14 per m loa /per annum
Brixham Outer Harbour swinging mooring	£92.82 per m loa /per annum
Paignton trot mooring (no risers provided)	£52.14 per m loa /per annum
Paignton trot mooring – Specific charge for certain vessel categories (see 2.3.4 for details)	£26.07 per m loa /per annum
Paignton outhaul mooring (not exceeding 4.88m) (no risers provided)	£21.49 per m loa /per annum
Mooring Licence Fee (Paignton Harbour only)	£5.00 per annum

4.7 Winter Storage

- 4.7.1 Winter storage is only available at Brixham & Paignton Harbours and is charged on length overall as detailed in 1.1.9
- 4.7.2 Vessels having annual facilities at Paignton Harbour will be entitled to a 50% concession.
- 4.7.3 Accommodation is let for the period 1st October to 31st March only, subject to availability. This charge applies for the whole or any part of the above period and no reduction will be allowed for any lesser period. Any craft that remains in storage after 31st March may attract a further charge of £2.95 per metre per day.

Winter Storage Charge	
Uncovered storage at Brixham or Paignton Harbours	£52.83 per m LOA
Lifting Charge (Brixham Harbour only)	£21.53 per m LOA/per lift

PART 5 – Tor Bay Harbour Authority Services and Other Charges

5.1 Utilities

- 5.1.1 Electricity cards for electricity only, are available in the following denominations for the respective price (prices listed are inclusive of 5% REDUCED RATE VAT)
- 5.1.2 These utility charges are applicable only where a recharging facility exists, e.g. card/token meters or sub meters. Also these charges are linked to the relevant energy prices at any given time (See 2.4.2 for MFV charges when paying fish tolls)

Electricity Charges	
Level 1 card (available only at Torquay & Paignton)	£1.00 each
Level 1 (10 KW card) (available only at Brixham)	£1.00 each
Level 5 (50 KW card) (available only at Brixham)	£5.00 each
Level 10 (100 KW card) (available only at Brixham)	£10.00 each
Smart Card (available at Torquay Inner Dock only)	To be determined by the Harbour Master
Brixham Harbour KW charge for MFVs	To be determined by the Harbour Master

- 5.1.3 For water taken by small leisure vessels in quantities of less than one tonne there is no charge other than where a recharge facility exists.
- 5.1.4 For water supplied from the Council's standpipes other than in 5.1.4 above the following charges apply.

Water Charges (Zero rated VAT)	
Up to 50 tonnes	£3.29 per tonne
50 tonnes and over	£2.64 per tonne
Fishing Vessels with fresh water tanks 0m ~ 8m LOA	£20.00 per annum
Fishing Vessels with fresh water tanks over 8m ~ 12m LOA	£40.00 per annum
Fishing Vessels with fresh water tanks over 12m ~ 20m LOA	£200.00 per annum
Fishing Vessels with fresh water tanks over 20m LOA	£250.00 per annum

5.2 Crane, Labour and Equipment Hire Charges

- 5.2.1 The Brixham Harbour crane has a safe working load of 4 tonnes maximum.
- 5.2.2 Use of mobile commercial cranes and/or other lifting appliances (including Hiab's) on Harbour Property/Estate is at the discretion of the Harbour Master and prior notification must be provided for each operation. Prior notification in respect of cranes on Beacon Quay must be provided 48 hours in advance.

Crane per lift (other than boat lifts) e.g. masts engines etc.	£83.64 per hour or part
Boat lift (minimum charge £82.00)	£10.86 per m
Lift out and re-launch same day before 1600 hours (Monday - Friday)	Charge as 1½ lifts
Block-up charge	£4.18 per m LOA
Block up charge, twin keel	£1.76 per m LOA
Storage on quay, per day or part per metre LOA (See 4.5)	£2.95 per day or part/m LOA
Site rental for mobile crane at Torquay Harbour	To be determined by the Harbour Master
Use of mobile commercial crane and/or Hiab on Harbour Property/Estate up to 4 hours. (Inclusive of Launch Fee)	£40.00 per crane
Use of mobile commercial crane and/or Hiab on Harbour Property/Estate over 4 hours. (Inclusive of Launch Fee)	£80.00 per crane/per day

- 5.2.3 Enhanced rates will be charged, out of ordinary working hours, where overtime is required to be worked. If staff have to be called out, a minimum of 2 hours overtime will be charged (per person).
- 5.2.4 Tor Bay Harbour Authority personnel and equipment (subject to availability) are charged out at the following rates all including VAT. Hire of these facilities are at the Harbour Masters discretion.
- 5.2.5 Towing and water taxi services are provided at the discretion of the Harbour Master.
- 5.2.6 Use of forklifts on harbour property/estate is at the discretion of the Harbour Master.
- 5.2.7 Fork lift truck services to Ship's Agents, includes labour up to 30 minutes and minimal storage up to 1 week. Storage charges (subject to capacity) after 1 week are at £2.00 per pallet per day. (Exclusive of VAT).
- 5.2.8 The boat pressure washing service includes the provision of an operative.

Labour and Equipment Hire Charges	
Labour charge (during normal working hours) per staff member	£25.00 per hour or part
Hire of workboat including skipper and crew	£150.00 per hour or part
Hire of workboat including skipper and crew	£700.00 per day, 0900-1700 hours
Water taxi service to or from vessel in enclosed Harbour, including crew	£12.75 per single trip or per round trip if no waiting
Towing within enclosed harbour	£25.00 per ½ hour or part
Towing outside enclosed harbour to nearest enclosed harbour within Tor Bay	£50.00 per ½ hour or part
Pumping out of vessels within the enclosed harbours	£50.00 per hour or part
Hire of fork lift truck without driver (Requires qualified driver)	£100.00 per half day
Hire of fork lift truck with driver	£50.00 per hour or part
Fork lift truck services to Ship's Agents (Exclusive of VAT)	£18.00 per pallet
Boat pressure washing service (minimum charge £45.00)	£10.57 per metre LOA

5.3 Storage Space

- 5.3.1 The storage of fishing equipment is only chargeable after 48 hours at the discretion of the Harbour Master.
- 5.3.2 A charge will be made for moving equipment into storage and the applicable rate will be labour charge identified in 5.2 above.

Unleased quay areas for fish boxes, fishing gear, cargo containers etc.	£1.00 per m ² /per day
Unleased quay areas for fish boxes, fishing gear, cargo containers etc. (subject to availability and at the Harbour Masters discretion)	£65.00 per m ² /per annum

Storage of beams. on unleased quay areas	£6.00 per set/per week
Storage of waste bins (1,100 litres)	£2.50 per bin per day
Storage of loaded pallets on unleased quay areas	£3.00 per pallet/per week
Unleased storage areas in Oxen Cove, Brixham	£28.00 per m ² /per annum
Lock-up storage (ship stores only) (Equipment removal and transportation costs at applicable hourly rate)	To be determined by the Harbour Master
Storage lockers at Paignton Harbour (subject to availability)	£192.00 per annum

4. Licences (Exclusive of VAT)

- 5.4.1 Fish salesmen's and buyer's licences are valid from 1st April each year.
- 5.4.2 The period of validity for a Boatman's licence must run concurrent with their DfT licence - MCA and Code of Practice Boatmen only.
- 5.4.3 Torbay Council, as the Harbour Authority, may grant upon such terms and conditions as they may think fit licences for pleasure craft to be let for hire or to be used for carrying passengers for hire within the Harbour, and to the boatmen or persons assisting in the charge or navigation of such craft. (See section 22 (1) Tor Bay Harbour Act 1970).

Fish salesmen's licence (includes use of Fish Market brand)	£320.00 per annum
Fish buyer's licence (includes use of Fish Market brand)	£320.00 per annum
Self-drive pleasure boats	£5.00 per boat/per annum
Harbour estate trading licence (at the Harbour Masters discretion)	As per Council's Street Trading Consent Fee.
Fishing permit	To be determined by the Harbour Master

5.5 Bunkering Charges (Exclusive of VAT)

- 5.5.1 Bunkering charges do not apply where fuel is taken from the refuelling stations at the Bunkering Jetty at Brixham, Brixham Marina or South Pier at Torquay

For fuel oil delivered to vessels from tankers on shore or afloat up to 4,000 litres (minimum charge £25.00)	£0.03p per litres per vessel
For fuel oil delivered to ships from tankers on shore or afloat over 4,000 litres (minimum charge £25.00)	£1.50p per 500 Litres
For fuel oil delivered to ships from tankers afloat in Tor Bay	To be determined by the Harbour Master

5.6 Waste Charges

- 5.6.1 Waste/rubbish that litters the Harbour Estate as a result of refit or repair work may be removed by the Harbour Authority. Fishing vessels undergoing a refit will be required to use a dedicated skip. The related charges and applicable costs are detailed below.

Transportation to the Council refuse tip, Including attendants and use of Council transport etc.	£150.00 per truck load or part load
Council tipping charge.	As per weighbridge load
Provision of skip for fishing vessels in refit	At cost + 10%

- 5.6.2 A significant contribution towards the reasonable cost of Port Waste reception facilities for vessels covered by the Port Waste Reception Facilities Regulations 2003 will be made by way of a consolidated harbour dues charge where applicable. However, with the exception of small volumes of waste oil, the charge for receipt of dirty ballast water, tank washings (slops), oily mixtures containing chemicals, scale and sludge from tank cleaning operations, oily bilge water, sludge from purification of fuel oil, noxious liquid substances, sewage and excessive volumes of garbage will be levied at cost plus 10%.

Passenger Craft Waste Reception Facilities	To be determined by the Harbour Master
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5.7 Miscellaneous Charges (inclusive of VAT unless otherwise stated)

- 5.7.1 The parking of exhibition vehicles on Harbour Estate is at the discretion of the Harbour Master.
- 5.7.2 Pleasure Boat Advertising Boards are licensed sites and are subject to a tendering process .
- 5.7.3 Vessels of exceptional construction or methods of propulsion, or not otherwise covered which include; sea planes, hovercraft, hydroplanes, hydrofoils and similar craft, rafts used for recreational purposes, etc.
- 5.7.4 The Harbour Authority may from time to time levy a charge on persons promenading on Quays and Piers of the Harbour Estate
- 5.7.5 Annual Contractors passes are valid from 1st April each year and are subject to Terms and Conditions of Use. To be determined by the Harbour Master using Powers Delegated by Torbay Council.

Administration Charge (This charge is at the discretion of the Harbour Master)	£50.00 Minimum
Officer Charge (this charge applies when time has been spent by officers in preparing reports or supervising work that is not the responsibility of the Harbour Authority)	To be determined by the Harbour Master
Parking of Exhibition Vehicle on Harbour Estate	£70.00 per day or part
Replacement Swipe Card or Fob for controlled access/electricity meters	£10.00 per unit
Additional pontoon cleat (subject to Harbour Master's agreement)	£47.00 per unit fitted
Vessels of exceptional construction or methods of propulsion, or not otherwise covered.	Such charges as may from time to time be fixed.
Contractors Pass (for Tradesmen working on the harbour estate) Exclusive of VAT	£315.00 per year or part
Daily Contractors Pass Exclusive of VAT	£8.98 per day or part
Advertising Charges	To be determined by the Harbour Master
Salt Water Extraction Charge (Use of quays to pump water for commercial purposes) (At the Harbour Masters discretion)	£25.00 per day or part £1000.00 per year or part
Facilities for visiting Fishing Vessels at Brixham Harbour Use of showers	£2.50 per shower
Tide Tables (Subject to availability)	To be determined by the Harbour Master
Payment Plan Administration Charge (Direct Debit payments over monthly instalments) (annual facility charges only) inclusive of VAT	£30.00
Payment Plan Administration Charge (Direct Debit payments over monthly instalments) (annual facility charges only) inclusive of VAT	£42.00
Payment Plan Administration Charge (Direct Debit payments over monthly instalments) (annual facility charges only) inclusive of VAT	£60.00

PART 6 – Pilotage

6.1 Services of a Pilot and/or Pilot Boat (Exclusive of VAT)

6.1.1. Extract from Tor Bay Harbour Pilotage Directions

Pilotage shall be compulsory within the compulsory pilotage area for all vessels except :-

- i. any ship of Her Majesty's Royal Navy or Royal Fleet Auxiliary;
- ii. foreign warships navigating in the harbour for the purpose of taking up or leaving an anchorage;
- iii. any vessel of less than 36m LOA entering or leaving an enclosed harbour and not carrying a cargo of dangerous goods or marine pollutants;
- iv. any vessel of less than 80m LOA providing they do not enter or leave an enclosed harbour
- v. any vessel engaged in towing where the length of such vessel aggregated with the length of the tow is less than 80m or less than 36m for those entering or leaving an enclosed harbour;
- vi. any fishing vessel less than 47.5m LOA;
- vii. any vessel, or vessel engaged in towing, proceeding to or departing from a designated anchorage provided such vessel has been forced by stress of weather to seek shelter.

See www.tor-bay-harbour.co.uk for the latest version of the Tor Bay Harbour Pilotage Directions

From sea to Brixham or Torquay harbours	£72.50 per metre draught
From Brixham or Torquay harbours to sea	£67.50 per metre draught
Shift berth within Torquay or Brixham harbours	£42.00 per metre draught
From sea to Tor Bay Harbour anchorage	£31.00 per metre draught
From Tor Bay Harbour anchorage to sea	£23.00 per metre draught
Sea to Tor Bay Harbour & Tor Bay Harbour to sea – surcharge for vessels over 150m LOA	£1.60 per metre for each metre over 150m
Minimum charge (with or without a Pilot on board)	£110.00
Detention, after 1 hour	£70.00 per hour or part
Pilot Boat Charges (Shipping or Landing a Local Pilot)	Levied by Marine & Towage Services Group Ltd [Brixham Office]

Note – Add 50% surcharge to Pilotage Charges incurred on Bank Holidays

6.2 Charges for Pilotage Exemption Certificates

6.2.1 Pilotage Exemption Certificate, per issue £110.00

Appendix 2

HARBOUR REVENUE ACCOUNTS 2018/19 to 2022/23

(including a proposed increase on Harbour Charges of 2.0% in 2017/18)

TOR BAY HARBOUR AUTHORITY

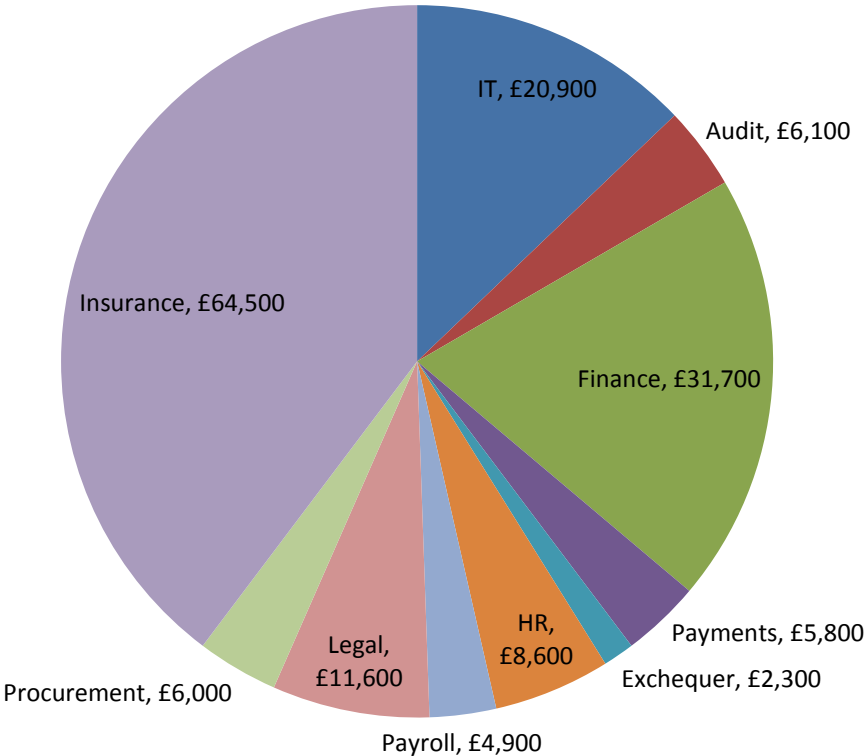
Summary of Harbour Contributions to General Fund	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
Target Contribution to General Fund for year		145	95	0	0	0
Total Contribution to General Fund per year	657	802	897	897	897	897

Expenditure	2017/18 Base Budget £ ,000	2017/18 Projected Outturn £ ,000	2018/19 Provisional Budget £ ,000	2019/20 Provisional Budget £ ,000	2020/21 Provisional Budget £ ,000	2021/22 Provisional Budget £ ,000	2022/23 Provisional Budget £ ,000	Risk Key
Harbour Employee Costs	589	615	640	651	656	661	667	A
Operations and Maintenance :-								
Repairs and Maintenance	229	331	216	216	216	216	216	
Rent Concessions	17	11	17	17	17	17	17	
Other Operating Costs	548	592	580	590	600	610	620	B
Management and Administration :-								
Internal Support Services	162	164	162	162	162	162	162	
External Support Services	50	50	51	52	53	54	55	
Other Administration Costs	79	74	73	74	75	76	77	
Capital Charges	498	498	498	593	593	593	593	C
Contribution to General Fund - EHO	25	25	25	25	25	25	25	D
Contbn to General Fund - Cash Dividend	171	171	171	171	171	171	171	
Contbn to General Fund - Asset Rental	486	486	631	726	726	726	726	E
Revenue Contribution to Capital	0	205	0	0	0	0	0	
	2,854	3,222	3,064	3,277	3,294	3,311	3,329	
Income								
Rents and Rights :-								
Property and Other Rents/Rights	576	576	594	586	623	623	623	F
Marina Rental	403	463	403	408	408	408	408	G
Operating Income :-								
Harbour Dues	144	154	152	155	158	161	164	H
Visitor and Slipway	54	54	55	56	57	58	59	
Mooring fees	212	208	216	220	224	228	232	
Torquay Town Dock	306	301	313	319	325	331	337	
Torquay Inner Dock	258	258	263	268	273	278	283	
Fish Toll Income	636	950	775	775	815	860	910	
Boat and Trailer parking	42	42	43	44	45	46	47	
Recharged Services	79	74	81	81	81	81	81	
Other Income	144	155	147	150	153	156	159	J
	2,854	3,235	3,042	3,062	3,162	3,230	3,303	
Operating Surplus /(Deficit)	0	13	(22)	(215)	(132)	(81)	(26)	

RESERVE FUND	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
Estimated Opening Balance as at 1st April	821	609	467	257	130	55
Interest Receivable	5	5	5	5	6	6
Net Surplus / (Deficit) from Revenue Account	13	(22)	(215)	(132)	(81)	(26)
Withdrawals - Harbour Schemes	(230)	(125)	0	0	0	0
Expected Closing Balance as at 31st March	609	467	257	130	55	35

Minimum Reserve Level	570	608	612	632	646	661
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Appendix 3
Harbour Account
Estimated Internal Support Service Charges 2018/19





Meeting: Harbour Committee

Date: 5th December 2018

Wards Affected: All wards in Torbay

Report Title: Port Marine Safety Code - Annual Compliance Audit

Executive Lead Contact Details: Non-Executive Function

Supporting Officer Contact Details: Kevin Mowat
Executive Head of Assets & Business Services
Tor Bay Harbour Master

☎ Telephone: 01803 292429

✉ Email: Kevin.Mowat@torbay.gov.uk

1. Purpose

- 1.1 This report provides Members with details of the annual Port Marine Safety Code compliance audit undertaken for the Council, as the Harbour Authority, by the Devon Audit Partnership.
- 1.2 The Harbour Committee, on behalf of the Council, is the 'Duty Holder' under the Port Marine Safety Code (PMSC) and the Devon Audit Partnership are the appointed 'Designated Person'.
- 1.3 The Committee is asked to note the contents of the PMSC Compliance Audit Report for 2017, attached as Appendix 1, including the actions identified for implementation during 2017/18.
- 1.4 A table of Accident/Incident Statistics for the period from December 2016 to November 2017 is attached as Appendix 2. During the same period in the previous year there were 51 accidents/incidents and near misses.
- 1.5 The Committee is asked to note the contents of the revised Tor Bay Harbour Committee Safety Management System – Issue 16, as attached as Appendix 3.

2. Summary

- 2.1 Torbay Council, under their responsibilities as a Harbour Authority, has implemented the requirements of the Port Marine Safety Code (PMSC). The Code offers a national standard for port safety in the UK with the aim to "improve safety for those who use or work in ports, their ships, passengers and cargoes, and the environment". Creation of the Code was prompted by a review of the Pilotage Act 1987 undertaken in 1998 by the Department for Environment, Transport and the Regions in the aftermath of the 1996 Sea Empress disaster. All Harbour Authorities are expected to comply with the Code. As the Code is not statutory, failure to comply is not an offence in itself, but the Code does set out references to legal duties that do exist and not adhering to it may be indicative of a breach of those duties. The Code is subject to a triennial review process by a steering group of maritime organisations. It was last published in December 2012 and last updated in November 2016.
- 2.2 On 3 November 2016, the Department for Transport (DfT) and the Maritime and Coastguard Agency (MCA) released an updated version of the Port Marine Safety Code. It provides additional advice for non-statutory harbour authorities and the introduction of 10 principles designed to assist organisations in focusing on the issues they should be considering to ensure compliance.
- 2.3 In the updated version of the PMSC the Government is now placing a greater emphasis on proportionate compliance with the Code by other marine facilities, berths and terminals in the UK. The PMSC now strongly advises that such organisations should adopt a formal risk assessment process and implement a marine safety management system (MSMS) which complies with the Code or any alternative similar standard applicable to their sector.
- 2.4 The PMSC is not mandatory and does not create any new legal duties. Failure to comply is not an offence, however, the Code represents good practice as recognised by a wide range of industry stakeholders and a failure to adhere to good practice may be indicative of a harbour authority being in breach of certain legal duties.
- 2.5 In order to comply with the PMSC, the Code states that, statutory harbour authorities must consider the following 10 measures. Other organisations are advised to identify which of the items may be applicable to their port marine activities. It is recommended that, at the very minimum, items 4, 5 and 6 below should be considered by all organisations.
1. **Duty holder:** Formally identify and designate the duty holder, whose members are individually and collectively accountable for compliance with the Code, and

their performance in ensuring safe marine operations in the harbour and its approaches.

2. **Designated Person:** A 'designated person' must be appointed to provide independent assurance about the operation of the marine safety management system. The designated person must have direct access to the duty holder.
 3. **Legislation:** The duty holder must review and be aware of their existing powers based on local and national legislation, seeking additional powers if required in order to promote safe navigation.
 4. **Duties and Powers:** Comply with the duties and powers under existing legislation, as appropriate.
 5. **Risk Assessment:** Ensure that marine risks are formally assessed and are eliminated or reduced to the lowest possible level, so far as is reasonably practicable, in accordance with good practice.
 6. **Marine Safety Management System:** Operate an effective MSMS which has been developed after consultation, is based on formal risk assessment and refers to an appropriate approach to incident investigation.
 7. **Review and Audit:** Monitor, review and audit the risk assessment and MSMS on a regular basis – the independent designated person has a key role in providing assurance for the duty holder.
 8. **Competence:** Use competent people (who are trained, qualified and experienced) in positions of responsibility for managing marine and navigation safety.
 9. **Plan:** Publish a safety plan showing how the standards in the Code will be met and produce a report assessing performance against that plan at least every 3 years.
 10. **Aids to Navigation:** Comply with directions from the General Lighthouse Authorities and supply information & returns as required.
- 2.6 All the officers involved in marine safety have been instructed to familiarise themselves with the updated PMSC and review any implications for marine operations in Tor Bay Harbour. It is strongly recommended that members of the Harbour Committee, acting as the 'duty holder', should also become familiar with the updated Code by reference to this report and by following the link identified in the Additional Information section below.

Supporting Information

3. Position

- 3.1 The Code states that “Each organisation must appoint an individual as the ‘designated person’ to provide independent assurance directly to the duty holder that the marine safety management system (MSMS), for which the duty holder is responsible, is working effectively. Their main responsibility is to determine, through assessment and audit, the effectiveness of the MSMS in ensuring compliance with the Code.
- 3.2 The Devon Audit Partnership has been appointed the ‘designated person’ to review the Tor Bay Harbour Safety Management System and annually report on compliance with the Port Marine Safety Code.
- 3.3 The last Port Marine Safety Code Compliance Audit Report was dated November 2016 and was presented to the Harbour Committee on 13th December 2016.

Appendices

Appendix 1 - Port Marine Safety Code - Compliance Audit Report - November 2017

Appendix 2 – Table of Accident/Incident Statistics - December 2016 to November 2017

Appendix 3 – Tor Bay Harbour Committee Safety Management System – Issue 16
(30th November 2017)

Additional Information

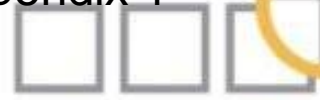
The following documents/files were used to compile this report:

The Port Marine Safety Code – November 2016 (DfT & MCA)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/564723/port-marine-safety-code.pdf

A Guide to Good Practice on Port Marine Operations – February 2017 (DfT & MCA)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/642892/170508_Port_Marine_Guide_To_Good_Practice_Rev_2017.pdf



Internal Audit Report
Port Marine Safety Code
Tor Bay Harbour Authority
November 2017

OFFICIAL



Devon Audit Partnership

The Devon Audit Partnership has been formed under a joint committee arrangement comprising of Plymouth, Torbay and Devon councils. We aim to be recognised as a high quality internal audit service in the public sector. We work with our partners by providing a professional internal audit service that will assist them in meeting their challenges, managing their risks and achieving their goals. In carrying out our work we are required to comply with the Public Sector Internal Audit Standards along with other best practice and professional standards.

The Partnership is committed to providing high quality, professional customer services to all; if you have any comments or suggestions on our service, processes or standards, the Head of Partnership would be pleased to receive them at robert.hutchins@devonaudit.gov.uk.

Confidentiality and Disclosure Clause

This report is protectively marked in accordance with the National Protective Marking Scheme. Its contents are confidential and, whilst it is accepted that issues raised may well need to be discussed with other officers within the organisation, the report itself should only be copied/circulated/disclosed to anyone outside of the organisation in line with the organisation's disclosure policies.

This report is prepared for the organisation's use. We can take no responsibility to any third party for any reliance they might place upon it.

1 Introduction

The 'Port Marine Safety Code (PMSC)' establishes a national standard for every aspect of port marine safety and aims to enhance safety for those who use or work in ports, their ships, passengers and the environment. The code applies to all harbour authorities in the UK that have statutory powers and duties.

The Devon Audit Partnership is the appointed 'Designated Person' for the Tor Bay Harbour Authority for 2017/18.

2 Audit Opinion

In our opinion the Tor Bay Harbour Authority is compliant with the requirements of the Port Marine Safety Code.

3 Executive Summary

We have examined a restricted sample of records relating to the Tor Bay Harbour Authority and its compliance with the requirements of the Port Marine Safety Code, and obtained such explanations and carried out such tests as we consider necessary.

To the best of our knowledge and belief, and having carried out appropriate checks, in our opinion the Tor Bay Harbour Authority is compliant with the Port Marine Safety Code. It is pleasing to note that progress has been made against the previous year's recommendations although some remain outstanding and have been re-reported.

We have noted areas where additional action is required (refer to Appendix A).

The detailed findings and recommendations regarding these issues and less important matters are described in the Appendices. Recommendations have been categorised to aid prioritisation. Definitions of the priority categories and the assurance opinion ratings are also given in the Appendices to this report.

4 Assurance Opinion on Specific Sections

The following table summarises our assurance opinions on each of the risks covered during the audit. These combine to provide the overall assurance opinion at Section 2. Definitions of the assurance opinion ratings can be found in the Appendices.

Risk Covered		Level of Assurance
1	Breach of Port Marine Safety Code	Good Standard

The findings and recommendations in relation to each of these areas are discussed in the "Detailed Audit Observations and Action Plan" appendix. This appendix records the action plan agreed by management to enhance the internal control framework and mitigate identified risks where agreed.

5 Issues for the Annual Governance Statement

The evidence obtained in internal audit reviews can identify issues in respect of risk management, systems and controls that may be relevant to the Annual Governance Statement.

There are no issues arising from this review that would warrant inclusion within the Annual Governance Statement.

6 Scope and Objectives

Devon Audit Partnership undertook a review and assessment of the Tor Bay Harbour Authority against the requirements as specified in the Department for Transport's Port Marine Safety Code, and the associated Port Marine Safety Code Guide to Good Practice.

7 Inherent Limitations

The opinions and recommendations contained within this report are based on our examination of restricted samples of transactions / records and our discussions with officers responsible for the processes reviewed.

8 Acknowledgements

We would like to express our thanks and appreciation to all those who provided support and assistance during the course of this audit.

Robert Hutchins
Head of Partnership

Appendix A

Detailed Audit Observations and Action Plan

1. Risk Covered: Breach of Port Marine Safety Code	Level of Assurance
<p>Opinion Statement:</p> <p>In our opinion Tor Bay Harbour Authority is compliant with the requirements of the Port Marine Safety Code. The PMSC was subject to an update in February 2017 and notification of this has been issued to all three harbour offices. Although compliant, there are some areas where action would further strengthen the control framework.</p> <p>As in previous years, we found the Tor Bay Harbour Authority staff to be knowledgeable and positively engaged in maintaining compliance with the Port Marine Safety Code (PMSC). Staff were supportive of the review process and were active in providing the supporting evidence.</p> <p>It was evident that Duty Holders were aware of their responsibilities and that performance against the code is monitored. A formal structure to evidence regular performance review would be of benefit through implementation of a standing agenda item at Harbour Committee meetings. The Harbour Committee act as the 'Duty Holder' for the purposes of the Port Marine Safety Code. All committee members and advisors are responsible for compliance with the Code, which is set out in their terms of reference and published on the Tor Bay Harbour website. Commitment to the PMSC is set out in the 'Safety Management System' which is presented to the Tor Bay Harbour Committee annually along with the outcome of the PMSC compliance audit which is undertaken in November each year. The 'Designated Person' appointed to undertake the PMSC compliance audit is appointed by the Tor Bay Harbour Committee.</p> <p>The Secretary of State for Transport has approved the Harbour Directions (Designation of Harbour Authorities) Order 2017 which came into force from 6 April 2017. The Order authorises Tor Bay Harbour Authority to give harbour directions in respect of ships in accordance with sections 40A to 40D of the Harbours Act 1964. It has not been necessary to make any changes or amendments to date.</p> <p>Byelaws have been established and are published on the Harbour website. A breach of the byelaws can result in fines that are limited by scale; however, for more serious breaches alternative legislation such as the Merchant Shipping Act (Collision Regulations) is available to enable a greater degree of prosecution and financial penalties. Warnings are given to harbour users where necessary however requires retention of supporting documentation to evidence that the warning has been accepted or not by the user.</p> <p>A Port Masterplan has been established and is designed to assist regional and local planning bodies and transport network providers in preparing / revising their own strategic developments. The Masterplan sets out the development opportunities for the Tor Bay Harbour Authority and the expected timelines for implementation. The previously defined SWOT analysis undertaken in 2013 is due for review in 2018. At this time we would suggest that the review incorporates consideration of and linkage to the Port Marine Safety Code.</p>	<p>Good Standard</p>

As previously reported there are a number of plans on the website that are out of date, this includes the Emergency Plan which needs to be reviewed and updated and will now need to include a reference to the new work boat at Brixham. The UK's National Contingency Plan, which provides a strategic overview for responses to marine pollution from shipping and offshore installations, was updated in August 2017; this now refers to the new Business Energy and Industrial Strategy which encompasses the responsibilities of the now merged Energy and Climate Change department and Business Innovation and Skills.

The Tor Bay Harbour Safety Policy has been adopted by the Harbour Committee and measures Health and Safety performance, which is reported to the Harbour Committee annually. The Safety Management System (SMS) records marine based risks and links to risks held on the Council's IT network.

Risks should be reviewed annually and updated when a need has been identified, however as detailed later in the report there remain a number of risks that are overdue for review. The SMS system is designed to show risks ALARP (as low as reasonably practicable) by colour coding the risks as per their severity.

A number of Standard Operating Procedures(SOP) have been established and continue to be developed and updated as needs are identified. During this audit we have identified that it would be appropriate to review the need for a risk assessment and/or SOP in relation to the new workboat at Brixham. The boat is currently restricted to use in the enclosed harbour only due to the lack of a Small Vessel Certificate. We were unable to identify any training records to confirm that any of the staff at Brixham harbour hold the necessary RYA certificates, along with valid endorsements, to operate the new workboat as per the MCA Code of Practice. This issue links to the need to maintain the training records.

Pilotage / tugs are provided under contract by a local company, as identified in last year's audit, a new contract had been drawn up but remains unsigned. We understand that there are issues around the signing of the contract and the Harbour Authority need to pursue this matter to ensure that agreement is gained and appropriate contractual documentation is in place. Towage Guidelines have been established and published on the Tor Bay Harbour website. The Pilotage Manual still requires completion and appropriate review/approval.

All accidents / incidents / near misses are reported quarterly to the Harbour Committee. These reports are produced from MarNIS. There remain some system weaknesses in relation to logical access controls on MarNIS and these have been re-reported to the software provider.

System controls within the SMS ensure that any serious / fatal accident / incident are reported to the Marine Accident Investigation Branch (MAIB) who will then carry out an investigation. Investigations are also held locally and reviewed at Management Team meetings with the appropriate action then being taken.

Trinity House undertake an annual audit of all navigational aids with any issues reported back to the Tor Bay Harbour Authority, who then provide written confirmation that all issues / defects have been rectified; however this year we were unable to obtain copies to confirm this position.

As previously reported, there is still a need to improve record keeping of training and to publish hydrographic survey information.

A Tor Bay Harbour Business Plan has been established and is published on the Tor Bay Harbour website and is subject to annual review. We noted that the situation regarding the slipway remains ongoing and that there were two incidents of falls into the harbour, and have made recommendations accordingly.		
No.	Observation and implications	
1.1	Although there is clear commitment to the code and performance is reported on an annual basis, the PMSC is not currently a standing item on the agenda for the Harbour Committee meetings.	
	Recommendation	Priority Management response and action plan including responsible officer
1.1.1	It was previously agreed that the PMSC would be combined with the Accident and Incident statistics agenda item going forward, as a standing agenda item for the Harbour Committee meetings, however a review of committee meeting minutes shows that this remains outstanding.	Low Agreed – this will be added to agenda – KM Jan 18
No.	Observation and implications	
1 Page 61	Work still needs to be undertaken on the outer sections of Princess Pier, this is due to take place this winter.	
	The steps used for the passenger ferries at Torbay have had additional hand rails installed following an incident whereby a passenger fell in the water and also knocked in a member of the ferry staff.	
	The steps on the outer wall of Princess Pier have been removed and filled in due to the damage they sustain. However, chains have subsequently been attached to the outside of the wall in response to a young girl falling in whilst crabbing. As the steps had been removed she had no easy way of getting out, there are safety rings around the harbour / pier and one was used to hoist her out, whilst the harbour boat had been deployed she had been safely removed by the time they got there.	
	The pontoons on the Torquay town dock have been damaged by one of the ferries and this is currently going through the insurers, the intention is to use the monies to improve the facility rather than replace / repair it which will reduce the risk of damage in the future.	
	The decking along Beacon Quay is now in a bad state of repair, this has already been identified and it is planned to remove and replace during the winter.	
	As previously reported, the end of the slipway had fallen away. We understand that there is currently a warning notice on the wall of the slipway. We understand that the slipway issue has been raised with the engineers and is still being evaluated by the contractors. They have put in some bench marks and are monitoring the movement.	

	Recommendation	Priority	Management response and action plan including responsible officer
1.2.1	The resolution of the known slipway hazard should continue to be pursued. We acknowledge that this is a known hazard which harbour staff are monitoring and pursuing but are reliant on external contractors in terms of a resolution.	High	Agreed – management / staff to continue to monitor and pursue with external contractor.
1.2.2	Although it is clear that action has been taken to provide further safety measures following two incidents of falls into the harbour, we would recommend that consideration be given to updating the existing 'Edge Protection Policy' and associated 'Edge Audit Record'.	Medium	Agreed - the policy will be reviewed to ensure it is sufficient and all relevant legislation is current, the audit will also need to be updated – April 18 SP
No.	Observation and implications		
1.3	An enforcement policy has been established and was presented and approved by the Harbour Committee however the date on the policy has not been amended to reflect the latest review. Additionally whilst the policy is available on the Tor Bay Harbour website the policy there is dated 2012.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.3.1	The enforcement policy should reflect the most current review and the latest policy should be added to the website and the old one removed.	Low	Agreed – SP Dec 17
No.	Observation and implications		
1.4	We are satisfied that breaches of byelaws or other legislation are recorded and reported to the Harbour Master using a standard incident form. In one sample we identified a warning which had been issued to a harbour user, however we could not see any evidence that the harbour user had accepted and signed the warning.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.4.1	All warnings should be signed as either accepted or not by the relevant harbour user.	Low	Agreed – some warnings may be sent by letter so will be reliant on the person to respond, where no response has been received this will be logged going forward – staff to be reminded at Harbour Managers meeting.
No.	Observation and implications		
1.5	The Tor Bay Harbour website has a page for publications; this provides numerous pieces of information mostly in the form of reports and plans. It was noted that the majority of these reports / plans are several years old, some plans have been updated and the page does not reflect the current plans.		

	Recommendation	Priority	Management response and action plan including responsible officer
1.5.1	The Harbour web pages should be fully reviewed to ensure that all reports and plans are current thus ensuring the public has up to date and current information.	Low	Agreed, this is currently being addressed – SP completion by April 18
No.	Observation and implications		
1.6	Contractors are required to complete and sign a contractor’s pass. A pass that we sampled was signed by the contractor but the tear off pass section at the bottom had not been signed. This is more of an administration issue rather than any direct impact on safety.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.6.1	All contractor passes should be fully completed and signed off as required.	Low	Agreed – staff will be reminded at the Harbour Managers Meeting, they will then pass on – KM Dec 17
No.	Observation and implications		
1.7	As previously reported there are a number of risk assessments outside of the MarNIS system that are in need of review, there is nothing to indicate that this has been undertaken. The document register within MarNIS shows that a number of risk assessments / documents that are either overdue for review of due for review soon.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.7.1	As previously agreed all risk assessments should be reviewed annually, additionally the document register should be reviewed to ensure that where applicable all documents are reviewed within the agreed timeframe.	Low	Agreed – a new risk assessment document has been drawn up for risk assessments outside of MarNIS, all of these risk assessments should be in the new format / updated by April 18 – SP
No.	Observation and implications		
1.8	<p>As previously reported the MarNIS system, which is used to record all risk assessments / accidents / incidents / training etc, has no system controls linked to access i.e. all staff have the same level of access.</p> <p>It was anticipated that a pending system update would include an audit trail functionality whereby transactions can be attributed to users through view of an on screen provision, whilst there is a properties tab that shows who set up the record and who last updated it, the audit trail does not show all details, it is anticipated that the next software update will resolve this issue.</p> <p>This will provide some element of mitigation; however the risk remains that the system access cannot be appropriately restricted. Early resolution of this issue in full would require a system modification at significant cost to the Harbour Authority.</p>		

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	Recommendation	Priority	Management response and action plan including responsible officer
1.8.1	Tor Bay Harbour Authority should either accept the risks (with the upgrade audit trail provision) or progress the modification to provide full system access controls.	Medium	Agreed – risk accepted but a new software release is expected in 2018 that will resolve this issue.
No.	Observation and implications		
1.9	Although a number of key harbour staff have undertaken risk management training, the Brixham harbour training was last undertaken in 2006. As the recommendation is for a three yearly refresher training process, further engagement in the training for Brixham harbour staff would ensure all staff are trained to current practices, and provide consistency in terms of the processes operated.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.9.1	It would be prudent to have a currently trained risk assessor at Brixham, especially as this is the largest port, operates largely with the fishing industry and the port is getting increasingly busy.	Medium	Agreed – once the new Harbour Master is in place they will identify a member of staff to be trained – April 18
Page 64	Observation and implications		
	As previously reported there are a number of risk assessments that are in need of review. The Safety Management System document list the dates for review, it was noted that some of these dates differ to the dates in the system.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.10.1	The Safety Management System manual should be updated to reflect the correct date of all reviews for risk assessments thus ensuring that the Harbour Committee is presented with accurate information.	Low	Agreed – a new single Port Marine Safety Officer role is to be established, linked to this a dashboard it to be developed which will identify the owner of risk assessments / SOP's / accidents / incidents etc. this will ensure that all reviews are picked up and actioned, the manual will then be updated to reflect current dates / reviews – SP March 18
No.	Observation and implications		
1.11	A list of standard operating procedures is held and staff are appropriately aware of them. They have been formulated to link to risks and work practices identified by Harbour staff and Management. Brixham now has a workboat which is currently restricted to use within the enclosed harbour pending the provision of a Small Vessel Certificate, however in addition to this the use of the workboat has not yet been subject to a review regarding the need for a specific risk assessment and/or an appropriate SOP.		

	We have also identified that 'fly boarding' is becoming a popular activity in the Bay. This activity has not yet been subject to any formal risk assessment process and associated standard operating procedure.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.11.1	The use of the Brixham workboat should be the subject of a review to consider the need for a specific risk assessment and SOP. We understand that there are similar risk assessments and SOP's for other workboats in operation so it may be that these can be used.	High	Agreed – current workboat Risk Assessment / SOP to be reviewed to ensure it is suitable for the new Brixham boat and amend if necessary or create new documents – DB Jan 18
1.11.2	Fly boarding activity should be the subject of a formal risk assessment and if necessary an associated SOP formulated.	Low	Agreed – SP April 18
No.	Observation and implications		
1.12	It was previously recommended and agreed that the Pilotage Manual would be completed and sent for review / approval, it has been confirmed this remains outstanding.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.12.1	The Pilotage Manual needs to be updated, issued for comments and finalised.	Low	Agreed – SP April 18
No.	Observation and implications		
1.13	<p>RYA commercially endorsed certificates of competency need to be revalidated every 5 years, this includes obtaining a certificate in Professional Practices and Responsibilities along with providing a valid (in date) medical certificate.</p> <p>The Deputy Harbour Master at Torquay has recently completed his renewal however the other staff still have to finalise theirs.</p> <p>There is nothing in the training matrix to confirm that any of the staff at Brixham harbour hold a current endorsed certificate, nor is there evidence that staff at Brixham hold the necessary RYA certificates to operate the work boat as per MCA guidelines.</p> <p>The Training Matrix held for all three harbour sites provides details of essential or desirable training required for posts held. These do not appear to have been kept up to date as there are a number of areas where re-training is out of date.</p> <p>It was previously agreed that the medical certificates needed for the RYA endorsed certificates would be added to the matrix however this remains outstanding.</p>		

	Recommendation	Priority	Management response and action plan including responsible officer
1.13.1	Management should ensure that all necessary staff are trained to operate the work boats and where applicable revalidate their certificates.	High	Agreed – all relevant staff should be trained by April 18
1.13.2	The Training Matrix should be updated to show when the last medical fitness certificates were obtained and when they are due for renewal. Additionally the harbour management should ensure that all training records are kept up to date and if necessary any re-training needed re booked and any i-training required is undertaken.	High	Agreed – the new Harbour Master to assign a member of staff to take specific responsibility for reviewing and updating the training matrix – April 18
No.	Observation and implications		
1.14	Work boats are required to hold a MECAL certificate; this is the Certifying Authority that provide a survey and certification of the commercial vessels used by the Council. It has been confirmed that the new workboat at Brixham does not currently hold the appropriate certificate.		
Page 66	Recommendation	Priority	Management response and action plan including responsible officer
	1.14.1	Management should ensure that the workboat at Brixham has the necessary certificate and until this is obtained the boat must not leave the limits of the enclosed harbour.	High
No.	Observation and implications		
1.15	Trinity House undertake an annual audit of the aids to navigation in Tor Bay and any deficiencies are reported back to the Harbour Master. However, we were unable to confirm any details of a current audit or any required actions resulting from it.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.15.1	Management should ensure that the details of the navigation aid audit are held centrally and that any deficiencies found have been actioned and records of actions are held.	Low	Agreed – records have since been located. Also, Trinity House to be updated with details of the new Harbour Master who will take responsibility for this – March 18
No.	Observation and implications		
1.16	The newly updated PMSC states that 'A harbour authority has a duty to conserve the harbour so that it is fit for use as port, this duty covers several specific requirements' and goes on to state 'hydrographic information is published in a timely manner'. No reference to the publishing of hydrographic information could be found on the Tor Bay Harbour website.		

	Recommendation	Priority	Management response and action plan including responsible officer
1.16.1	As previously agreed, links to the publication of relevant and current hydrographic information should be made available on the Tor Bay Harbour website.	Low	Agreed – copies of the latest surveys has been sent to the web team to add to the website. However, this data is routinely published in a variety of ways via commercial chart providers.
No.	Observation and implications		
1.17	<p>As previously reported there are a number of plans on the website that are out of date, this includes the Emergency Plan, this needs to be reviewed and updated and will now need to include a reference to the new workboat at Brixham.</p> <p>The UK's National Contingency Plan, which provides a strategic overview for responses to marine pollution from shipping and offshore installations, was updated in August 2017; this now refers to the new Business Energy and Industrial Strategy which encompasses the responsibilities of the now merged Energy and Climate Change department and Business Innovation and Skills.</p>		
	Recommendation	Priority	Management response and action plan including responsible officer
1.17.1	The Emergency plan should be updated and published. Additionally a copy of the latest National Contingency Plan should be obtained and held centrally so that all necessary staff are aware of the changes.	Low	Agreed – KA April 18

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Definitions of Audit Assurance Opinion Levels

Assurance	Definition
High Standard.	The system and controls in place adequately mitigate exposure to the risks identified. The system is being adhered to and substantial reliance can be placed upon the procedures in place. We have made only minor recommendations aimed at further enhancing already sound procedures.
Good Standard.	The systems and controls generally mitigate the risk identified but a few weaknesses have been identified and / or mitigating controls may not be fully applied. There are no significant matters arising from the audit and the recommendations made serve to strengthen what are mainly reliable procedures.
Improvements required.	In our opinion there are a number of instances where controls and procedures do not adequately mitigate the risks identified. Existing procedures need to be improved in order to ensure that they are fully reliable. Recommendations have been made to ensure that organisational objectives are not put at risk.
Fundamental Weaknesses Identified.	The risks identified are not being controlled and there is an increased likelihood that risks could occur. The matters arising from the audit are sufficiently significant to place doubt on the reliability of the procedures reviewed, to an extent that the objectives and / or resources of the Council may be at risk, and the ability to deliver the service may be adversely affected. Implementation of the recommendations made is a priority.

Definition of Recommendation Priority

Priority	Definitions
High	A significant finding. A key control is absent or is being compromised; if not acted upon this could result in high exposure to risk. Failure to address could result in internal or external responsibilities and obligations not being met.
Medium	Control arrangements not operating as required resulting in a moderate exposure to risk. This could result in minor disruption of service, undetected errors or inefficiencies in service provision. Important recommendations made to improve internal control arrangements and manage identified risks.
Low	Low risk issues, minor system compliance concerns or process inefficiencies where benefit would be gained from improving arrangements. Management should review, make changes if considered necessary or formally agree to accept the risks. These issues may be dealt with outside of the formal report during the course of the audit.
Opportunity	A recommendation to drive operational improvement which may enable efficiency savings to be realised, capacity to be created, support opportunity for commercialisation / income generation or improve customer experience. These recommendations do not feed into the assurance control environment.

Confidentiality under the National Protective Marking Scheme

Marking	Definitions
Official	The majority of information that is created or processed by the public sector. This includes routine business operations and services, some of which could have damaging consequences if lost, stolen or published in the media, but are not subject to a heightened threat profile.
Secret	Very sensitive information that justifies heightened protective measures to defend against determined and highly capable threat actors. For example, where compromise could seriously damage military capabilities, international relations or the investigation of serious organised crime.
Top Secret	The most sensitive information requiring the highest levels of protection from the most serious threats. For example, where compromise could cause widespread loss of life or else threaten the security or economic wellbeing of the country or friendly nations.

30th November 2017

ISSUE 16

**TOR BAY HARBOUR COMMITTEE
SAFETY MANAGEMENT SYSTEM**

**in compliance with
The Port Marine Safety Code**

THE TOR BAY HARBOUR COMMITTEE (TBHC) :-

- Councillor Nick Bye (Chairman)
- Councillor Vic Ellery (Vice Chairman)
- Councillor Christine Carter
- Councillor James O'Dwyer
- Councillor Nicole Amil
- Councillor Nick Pentney
- Councillor Ray Hill
- Councillor Chris Robson
- Councillor Terry Manning

ADVISORS :-

- Mr David Buckpitt
- Mr Michael Stewart
- Mr Michael Ellis

OFFICERS :-

- Capt. Kevin Mowat - Executive Head – Assets & Business Services and Tor Bay Harbour Master

DESIGNATED PERSON :-

- Verna Barnes – Devon Audit Partnership

SAFETY MANAGEMENT SYSTEM

OVERVIEW

PAGE

Diagram of Safety Management System

4

Diagram of Planning and Procedures

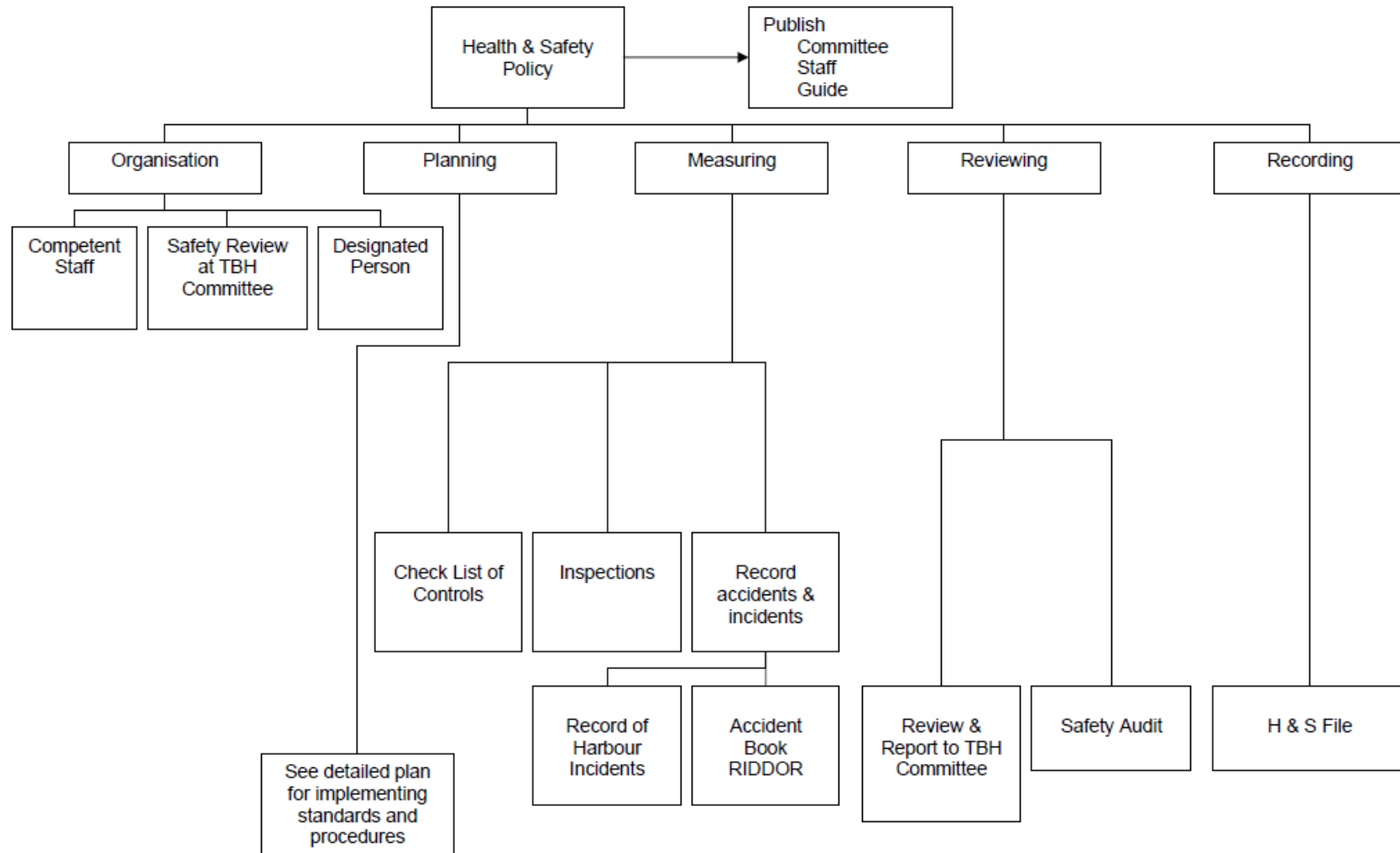
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Tor Bay Harbour Committee (TBHC) have, after consultation with harbour users, drafted risk assessments and adopted a Safety Management System comprising the following 6 elements:-

1) Policy	Adopting a health and safety policy which contributes to business performance while meeting responsibilities to people and the environment in a way which fulfils both the spirit and the letter of the law.	6 – 8
2) Organisation	Establishing a positive organisation and culture which puts the policies into effective practice.	9
	Structure/Organisation Chart	10
	Training	11
3) Planning	Assessing risk and then adopting a planned and systematic approach to policy implementation. Risk assessments will be the key to judge what safety plans are needed.	12
	3.1 Risk Assessments and Risk Register	13-15
	3.2 Risk Control Procedures	16
	3.2.1 Emergency plans	17
	3.2.2 Conservancy	19
	3.2.3 Environment	20
	3.2.4 Management of Navigation	21 – 22
	3.2.5 Pilotage	23
	3.2.6 Marine Services	24 – 25
4) Measuring	Measuring health and safety performance against predetermined standards.	26
5) Reviewing	Auditing, monitoring and reviewing the performance so that lessons are learned from all the relevant experience and are effectively applied. Training and education are implicit as part of good safety management. Consultation is a continuing process through the Harbour Liaison Forums.	27 – 28
6) Recording	What has been done? Safety controls and responsibilities Maintaining a record of due diligence	29

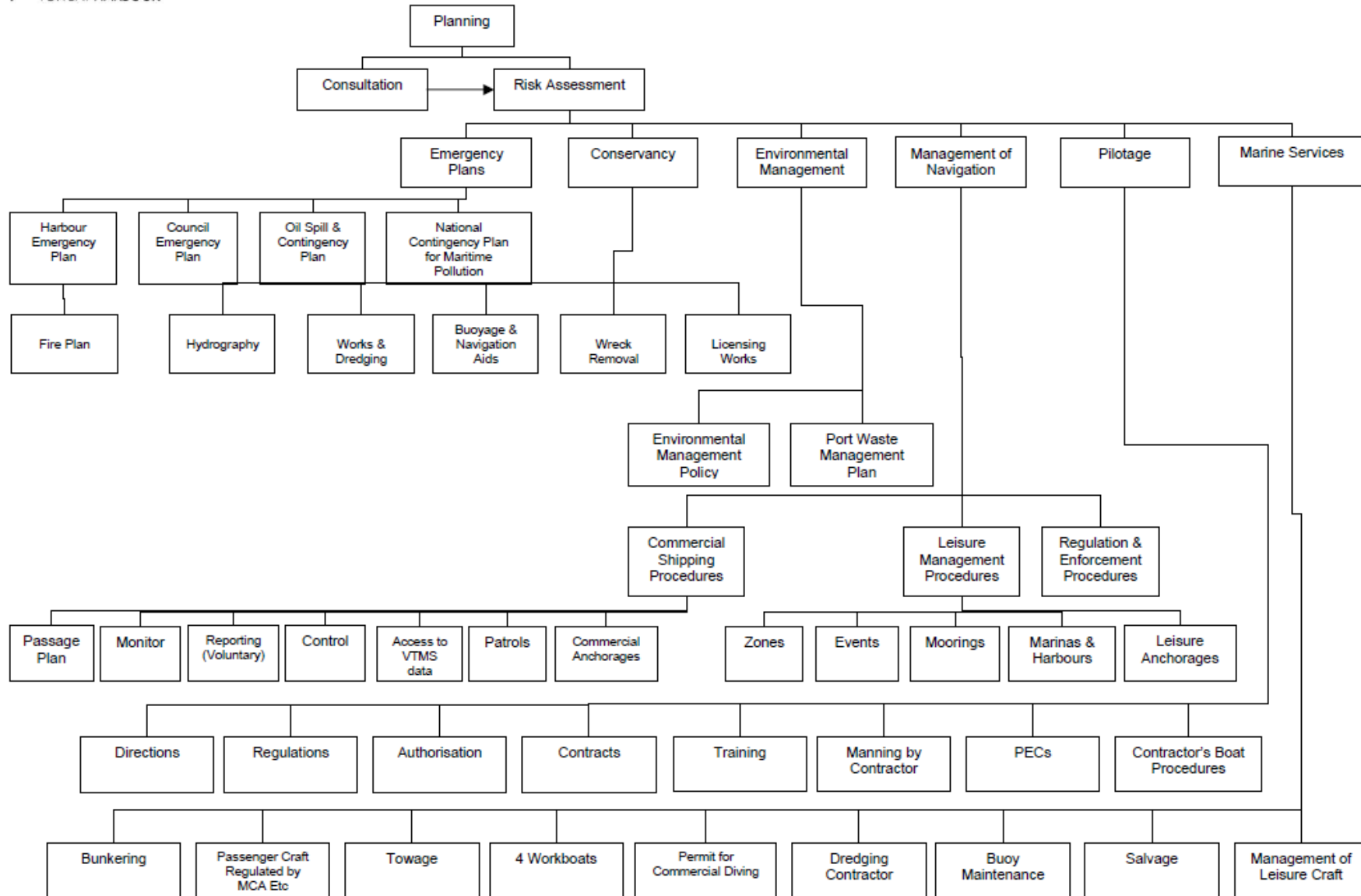
Torbay Council, through the Tor Bay Harbour Committee, is responsible for policy. The Harbour Master is responsible for the organisation and the facilities. The staff implement the policy. Together these three categories form the system that puts policy into effective practice.

TOR BAY PMSC SAFETY MANAGEMENT SYSTEM



OUTLINE CHART OF SAFETY MANAGEMENT SYSTEM

TOR BAY HARBOUR PLANNING FOR PMSC



1. Tor Bay Harbour Safety Policy

Health and Safety Management System;

Torbay Council, through its Tor Bay Harbour Committee (TBHC), has adopted a health and safety management system in compliance with the principles set out in the Port Marine Safety Code. The health and safety management system includes policies for emergency plans, conservancy, environment, management of navigation, pilotage and marine services.

Tor Bay Harbour Committee will on behalf of Torbay Council provide a safe harbour within the limits of their jurisdiction, which is open to the public for recreation and the transportation of passengers and goods. It will ensure the safety of Tor Bay by exercising its statutory functions to a high standard. The TBHC will regulate the use of the harbour by maintaining appropriate byelaws and ensuring that these and other statutory regulations are enforced. The TBHC will ensure that an efficient pilotage service is available and that pilotage directions are maintained and reviewed regularly. The TBHC will ensure such marine services as are required for the safe use of their harbour are available and are well maintained and operated. Tor Bay Harbour Committee will ensure that up to date plans are available to deal with emergency situations and that the resources required to implement these plans are maintained and exercised.

Existing powers shall be reviewed on a periodic basis, to avoid a failure in discharging duties or risk exceeding powers.

The Policy incorporates input from officers, from staff and from harbour users as high standards of safety can only be achieved through dialogue and co-operation.

Plans and reports will be published as a means of improving the transparency and accountability of the harbour authority, as well as providing reassurance to the harbour users. TBHC will consider past events and incidents so as to recognise potential dangers and identify the means of avoiding them.

The Aims of the Safety Management System of Tor Bay Harbour Committee;

1. To identify, quantify and manage the significant marine risks associated with the waters and harbour activities of Tor Bay. This will ensure there is proper control of ship movements by, where necessary, regulating the safe arrival, departure and movement within the harbour of all vessels.
2. To maintain, protect, improve and regulate the safe navigation of all vessels in Tor Bay.
 - To ensure that Tor Bay and its enclosed harbours remain safe areas for all harbour users to undertake their business and activities, with the risk of injury as low as reasonably practical
 - To have an effective system for promulgating navigation warnings affecting the Harbour.
 - To consider the effect of weather on harbour safety and see that the broadcast warnings are accessible.
 - To designate suitable anchorages.
 - To monitor lights and marks used for navigation.
 - To keep the need for pilotage under review and authorise suitably trained and experienced pilots to provide an efficient pilotage service.
 - To provide resources to deliver marine services, such as the provision of harbour patrol craft.

3. To ensure that suitable plans for emergency situations are maintained, regularly updated and exercised, so that TBHC will respond rapidly and effectively to emergency incidents to minimise the impact.
4. To carry out all its functions with special regard to the possible environmental impact, protecting from damage and pollution the marine environment and the landscape, heritage, amenity and tourism attractions of the Tor Bay coastline.
5. To maintain an up to date set of byelaws in consultation with harbour users and enforce them so as to regulate harbour use effectively.
6. To set up controls for personal safety.
 - To safeguard Harbour users', employees, those working in harbours, port users and the public whilst within areas under the TBHC's control.
 - To control the risk of exposure to criminal and civil liability.
 - To involve all stakeholders in management of marine safety and raise awareness of marine safety risks and prevention, control and management of risks.
 - To consider the effects on harbour safety of proposed changes in use or harbour works.
 - To operate within policies developed specifically to address marine issues in addition to the corporate policies and procedures agreed by the Council.
 - confirm the roles and responsibilities of key personnel at the harbour authority
 - outline present procedures for marine safety within the harbour and its approaches
 - measure performance against targets, after building a database recording incidents, including near misses
 - refer to emergency plans that would need to be exercised
 - be audited on an annual basis
7. To keep the duties and powers under review.

All employees have a duty to:

- Take care regarding their own health and safety and that of other harbour users and of those who might be affected by their acts or omissions.
- Comply with all harbour safety procedures laid down by Tor Bay Harbour Committee.
- Ensure that marine operations are undertaken in a safe manner.
- To report hazard, risk, accident, incident or near miss to their Safety Officer.

Harbour users operating commercially and the general public using the Harbour for pleasure are responsible for:

- Their own health and safety and that of other harbour users and the general public who may be affected by their acts or omissions.
- Complying with byelaws, directions and other regulations aimed at ensuring the safe use of the Harbour.

Nominated Harbour Safety Officers

Mr Dave Bartlett at Brixham, Mr Nick Burns at Torquay and Mr Simon Pinder at Paignton are the safety officers for these areas. In their absence urgent harbour safety matters shall be referred to the Harbour Master. The Safety Officers are also the “competent persons responsible” for fire safety.

Emergencies in the Harbour

Emergencies where life is in danger must be notified at once to the emergency services by dialling 999 or through VHF channel 16. Other emergencies shall be notified to the Duty Harbour Master by the quickest available means.

Reporting of Accidents Incidents and Near Misses

The public are asked to bring matters of safety - all accidents, incidents and near misses – promptly to the attention of the Harbour Master or the Harbour Safety Officer at the nearest Harbour Office or by completing an online form on the Harbour Authority website.

The Harbour staff are obliged to record on the Maritime Navigation and Information Services (MarNIS) computer system; Marine Safety incidents/accidents/near misses. The reports will be used to review accidents and incidents, for assessing whether any action is necessary to reduce the risk of recurrence. It shall be recorded that the Executive Head has conducted this review and that the necessary actions have been taken. This will be an assessment of the effectiveness of the harbour safety management system.

Adopted by Torbay Council’s Harbour Committee - December, 2017

2. Tor Bay Harbour Authority (TBHA) Organisation

Torbay Council is the statutory harbour authority for Tor Bay Harbour. The Council has set up a sub-committee, Tor Bay Harbour Committee (TBHC), to advise on all matters relating to strategic management of the Council's function as harbour authority. The TBHC performs the Council's role of Duty Holder as required under the Port Marine Safety Code. Members of the Tor Bay Harbour Committee are, jointly, the Duty Holder in accordance with the PMSC. They are collectively and individually responsible for the safe management of the harbour and they cannot assign or delegate their accountability for compliance with the Code on the grounds they do not have particular skills.

The current members of the TBHC are listed on page 1. This committee is the Duty Holder.

The Tor Bay Harbour Committee considers that current legislation gives them adequate authority to exercise their responsibilities as described in this document and in accordance with the Port Marine Safety Code. The organisation is bound by the Harbour, Docks and Piers Clauses Act 1847, The Harbours Act 1964, The Tor Bay Harbour Act 1970, which confirms the harbour limits, the Tor Bay Harbour (Torquay Marina &c) Act 1983, the Health and Safety at Work Act 1974, the Workplace (Health, Safety and Welfare) Regulations 1992, and all the other harbour related and safety laws and regulations.

Torbay Council and the Harbour Committee set the policy and the officers and staff provide the means of implementing the Policy. Any decisions taken or policy set must take into account any issues related to harbour safety. The consideration of such issues is to be minuted.

The Executive Head of Business Services is responsible for the day to day management of marine safety risks and for reporting to the duty holder, the TBHC. He is responsible for ensuring that the staff put the Harbour Safety Policy into practice. He is responsible for maintaining insurance policies, obtaining any required licences, publication and display of such notices and instructions as the Tor Bay Harbour Committee consider necessary.

He must also ensure that facilities are provided up to the standards set in the policy. Such facilities include the harbour infrastructure, harbour craft, pilotage and equipment to be used in the event of emergencies.

The Duty Harbour Master has the role of Emergency Planning Officer for the harbour and is the co-ordinating officer, responsible for marine incidents planning and response. He is also the officer responsible under their Oil Spill Contingency Plan for maintenance of the plan and response to incidents. Torbay Council also has an emergency planning officer who is responsible for planning and response to major incidents.

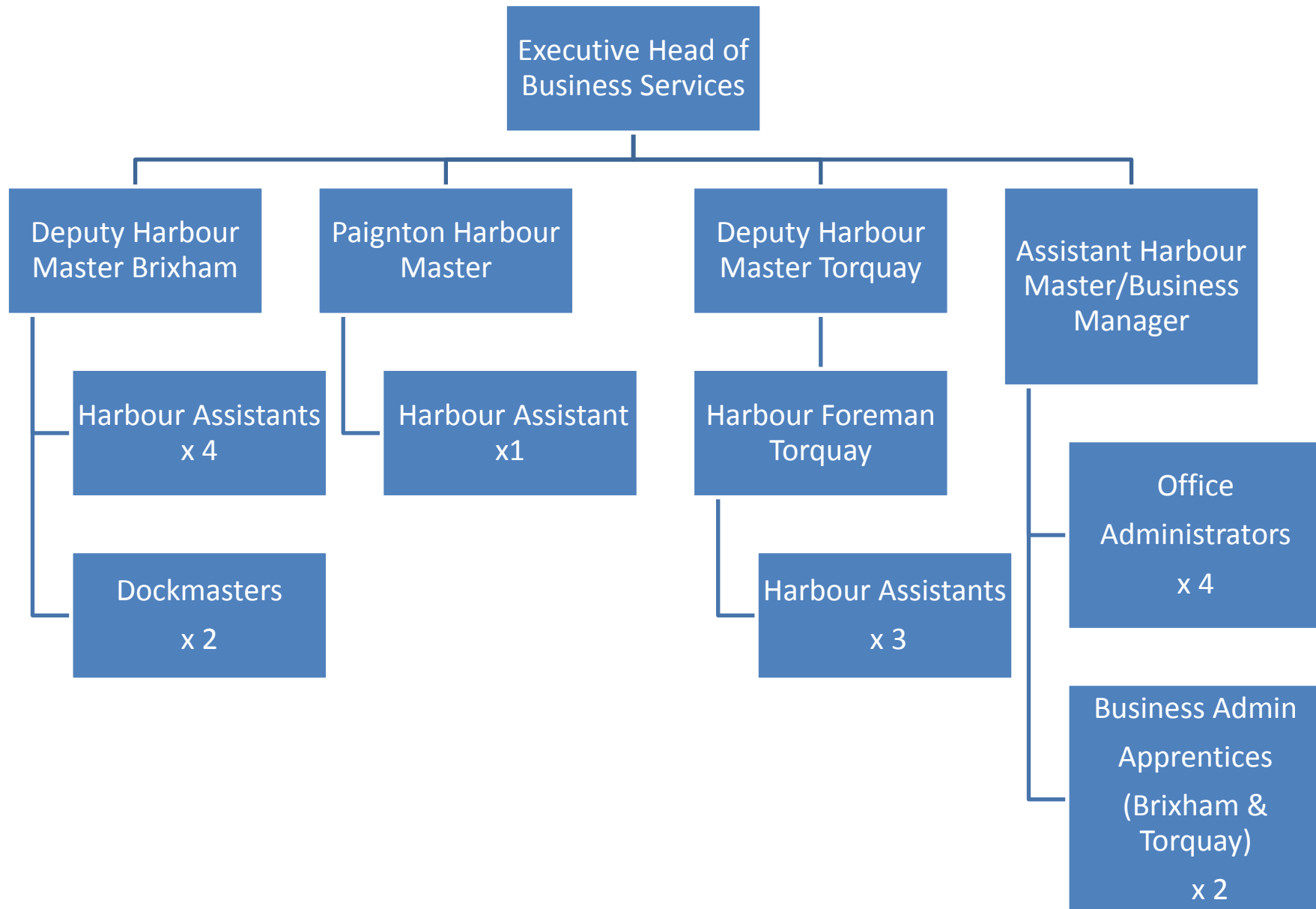
The pilots, contracted through Marine & Towage Services Group Ltd, are responsible for safe pilotage of large vessels within the waters of Tor Bay Harbour and for reporting marine risks, incidents and near misses to the Harbour Master.

TBHC shall assess the fitness and competence of all persons appointed to positions with responsibility for safe navigation.

The 'Designated Person' as defined in the Port Marine Safety Code is responsible for auditing the marine safety system and providing assurance to the 'Duty Holder' of the effectiveness and performance of the system. Corporate Services audit team has been appointed the designated person to provide this function and annual reviews and reports on Tor Bay Harbour Authority's compliance with the Port Marine Safety Code. The Designated Person has direct access to the Harbour Committee.

All staff are suitably qualified, have job titles and descriptions. A Tor Bay Harbour Authority staff Structure Chart is set out on the next page.

Tor Bay Harbour Authority – Structure Chart November 2017



Training

It is policy that officers and staff are to be suitably trained to be competent and qualified up to a minimum national standard to fulfil their roles within the organisation and can demonstrate competence in critical areas of harbour safety.

Training and education are implicit as part of good safety management.

- New staff receive induction training.
- Every year the training requirements of each member of staff will be assessed and a training programme planned.
- Training needs will be considered during the annual appraisal process.
- An in house training programme will be implemented to reinforce the importance of harbour safety and of maintaining best working practice.
- All staff receive emergency training and practices.

Training Records

The Harbour Authority holds a Training Record for all staff and the respective line managers are responsible for its upkeep. Staff are trained in the Standard Safe Operating Procedures listed in Appendix 3.

Training Plan Responsibilities

Post	Training Responsibility
Deputy & Assistant Harbour Masters	Executive Head of Business Services
Assistant Harbour Master/Business Manager	Executive Head of Business Services
Harbour Master, Paignton	Executive Head of Business Services
Office Administrators	Assistant Harbour Master/Business Manager
Business Administration Apprentices	Assistant Harbour Master/Business Manager
Torquay Staff	Deputy Harbour Master, Torquay
Brixham Staff	Deputy Harbour Master, Brixham
Paignton Staff	Harbour Master, Paignton
Pilots	Marine & Towage Services Group Ltd
Pilot Boat crews & technical staff	Marine & Towage Services Group Ltd
Launch crews Technical staff	Marine & Towage Services Group Ltd

3. Tor Bay Harbour Safety Planning

Planning Policy

It is the policy of the Torbay Council to have powers, policies, plans and procedures based on a formal assessment of hazards and risks, and TBHC shall have a formal marine safety management system.

The marine safety management system shall be in place to ensure that all risks are controlled – the more severe ones must either be eliminated or kept “as low as reasonably practicable” (ALARP).

Once a year the THBC will receive from the Executive Head of Business Services his review of the risk assessments. The Harbour Safety Management System with the Harbour Safety Policy will also be tabled for review. The Committee will undertake a review and their findings will be recorded in the minutes.

An independent audit of the Harbour Safety Management System will be commissioned once a year from the Designated Person. The audit report will be considered by the TBHC and the outcome of this consideration will also be minuted.

The TBHC will remind the officers every year that harbour safety issues must always be taken into account in their decisions and recorded appropriately.

The Officers will annually bring to the attention of each employee the Harbour Safety Policy and specifically their roles in an emergency.

Organisation of Annual Reviews

Safety Policy	Tor Bay Harbour Committee
Safety Management System	Designated Person & Tor Bay Harbour Committee
Harbour use	Executive Head of Business Services & Harbour Master
Commercial shipping	Executive Head of Business Services & Harbour Master
Operation of all other craft	Executive Head of Business Services & Harbour Master
Premises & Quays	Executive Head of Business Services & Harbour Master
Workshops	Deputy Harbour Masters
Offices	Harbour Masters & Business Manager

3.1 Tor Bay Harbour Committee Risk Assessments

Risk Assessment Policy:

It is the policy of Torbay Council that its powers, policies and procedures will be based on a formal assessment of hazards and risks and it will have a formal safety management system.

The aim of this process is to eliminate the risk or, failing that, to reduce risks to as low as reasonably practicable.

The formal risk assessments incorporating the Risk Register are listed in Appendix 1 and shall be used to :-

- identify hazards and analyse risks;
- assess those risks against an appropriate standard of acceptability; and
- where appropriate, consider a cost-benefit assessment of risk reducing measures.

Torbay Harbour Committee has undertaken a formal safety assessment of its harbour operations to insure that a systematic approach was taken to the identification and the management of risks. The level of risk was determined after considering the risk to Life, to the Environment, to Port Operations and to Port Users.

There is a preferred hierarchy of risk control principles :-

- eliminate risks - by avoiding a hazardous procedure, or substituting a less dangerous one;
- combat risks - by taking protective measures to prevent risk;
- minimise risk - by suitable systems of working.






A set of risk assessments, Appendix 1, has been reviewed and signed off on various dates during 2015 and there is a ranked hazard list. The control measures emanating from the risk assessments are listed in Appendix 2 and the Standard Safe Operating Procedures used by staff to minimise their risks are listed in Appendix 3.

These are the checks to identify new hazards, review risks and see that controls are implemented to bring the risks down to 'As low as reasonably practicable' (ALARP), as defined in the following diagram.

MarNIS Risk Assessment Matrix Grid and Calculation

The matrix grid allows the user to select a grid cell matching frequency and consequence descriptors.

Symbol showing the level of each hazard:

- | | |
|---|------------------------------------|
|  | - High Risk |
|  | - Significant Risk |
|  | - ALARP* |
|  | - Low Risk |
|  | - Negligible Risk
or Unassessed |

Risk matrix for the consequences to PROPERTY resulting from a PORT EFFICIENCY incident						
Major (> €10,000,000)	Cat 4					
Serious (€ 500,000 - 10,000,000)	Cat 3					
Moderate (€ 50,000 - 500,000)	Cat 2					
Minor (€ 3000 - 50,000)	Cat 1					
Negligible (< € 3000)	Cat 0					
Consequences		Once every 10 years	Every year	Every month	Every week	Every day
		Frequency				

* ALARP stands for :-
'As low as reasonably practicable'.

The following matrix values are loaded into the MarNIS software.

Category	People	Property	Planet	Port Business
0	None	Negligible (£0 - £2,000)	None	None
1	Minor (Single slight injury)	Minor (£2,000 - £10,000)	Tier 1 (No outside assistance, no Harbour Authority response necessary)	Minor (£0 - £2,000 - Little local publicity. Minor damage to reputation. Minor loss of revenue)
2	Moderate (Multiple slight or single major injury)	Moderate (£10,000 - £100,000)	Tier 1 (Limited outside assistance, oil spill manageable with own means)	Moderate (£2,000 - £20,000 - Negative local publicity. Moderate damage to reputation. Moderate loss of revenue)
3	Serious (Multiple major injuries)	Serious (£100,000 - £1,000,000)	Tier 2 (Regional assistance needed, large oil spill, several amenities impaired)	Serious (£20,000 - £200,000 - Negative national publicity. Serious damage to reputation. Serious loss of revenue)
4	Major (One or more fatalities)	Major (> £1,000,000)	Tier 3 (National disaster, massive oil spill, widespread and/or extensive damage to amenities)	Major (> £2,000,000 - Negative national and international publicity. Major damage to reputation. Major loss of revenue)

Using the matrix, values for Frequency of Occurrence and Consequence can be selected for each of the four groups in both the Worst Credible and Most Likely scenarios. Each group has three cells associated with it, the first shows the selected frequency of occurrence, the second shows the consequence and the third is the matrix score. The values from the matrix are then used to arrive at the Overall Risk Score.

The following calculation is used to determine the Overall Score.

- Matrix Score from Worst Credible: People + Property + Planet + Port ÷ 4 = Average Worst Credible Value;
- Matrix Score from Most Likely: People + Property + Planet + Port ÷ 4 = Average Most Likely Value;
- Maximum score from the Worst Credible Scenario;
- Maximum score from the Most Likely Scenario;
- = Average Worst Credible + Average Most Likely + Max Worst Credible + Max Most Likely ÷ 4 = Overall Score.

Arising out of the risk assessments and as part of the policy of continuous improvement, the following actions have commenced and/or are ongoing :-

1. Complete a comprehensive set of harbour specific Standard Operating Procedures. These would consolidate the existing 19 procedures, 3 codes of practice and 3 SMS guidelines and the various Standing Orders –Completed.
2. Revise, sign off and re-issue a full set of risk assessments, including ones for fire risk. - Completed
3. Update the training records and plans on completion of the Standard Operating Procedures, so each employee is sure to be instructed in the procedures relevant to his/her work.
4. Consider amending the MarNIS risk assessment software to :-
 - Display the matrix that shows clearly that the risk is as low as reasonably practical.
 - Change the descriptions of the controls to those listed in Appendix 2 of the SMS, linking them to the Standard Operating Procedures and the specific controls set out in the SMS.
5. Endeavour to have the MarNIS accident reporting software modified to :-
 - Clarify the need for any further controls and the rule that each report is shown to the Harbour Master and he is the only one able to close off a report.
 - Have a short form report where there is no ship involved.
6. Promotion of safe seamanship:
There is forever a need to maintain, refresh, improve and emphasise the advice already being given through notices, brochures, emails of Notices to Mariners, the website, in person by harbour staff and through sea schools.
7. Regularly review how IT developments can improve communications with customers. Consider ways to promote the identity of Tor Bay Harbour Authority, possibly by expanding the Tor Bay Harbour Visitor Guide and by using social media, by improving the web site and providing a clear link to the Safety Management System and compliance with the Port Marine Safety Code. One specific improvement would be to make it clearer on the web how to subscribe to the distribution by email of Notices to Mariners. Links to weather information could readily be improved.
8. Review security measures in place at the Brixham Fish Market.
9. Pilotage:
 - Finalise the contract between Marine & Towage Services Group Ltd and T B H A
 - Pilotage Review Working Party to meet annually.
 - Consider pilot training needs i.e. Bridge Management and ECDIS.
10. Structural improvement plans are in hand for :-
 - Haldon Pier
 - Princess Pier
 - Northern Arm Breakwater at Brixham
11. Review and update where necessary :-
 - Tor Bay Harbour Emergency Plan
 - Local Port Services Policy
 - Harbour Legislation
12. Consider using Torbay Council's remote learning platform, 'i-Learn', to provide a link to the new Standard Operating Procedures currently being drafted.
13. Undertake a detailed review of the Safety Management System, cross referenced to the Maritime and Coastguard Agency's aide memoire for inspection, and amend the wording as required.

3.2 Tor Bay Harbour Committee Risk Control Procedures

3.2.1 Emergency plans

3.2.2 Conservancy

3.2.3 Environment

3.2.4 Management of Navigation

3.2.5 Pilotage

3.2.6 Marine Services

3.2.1 Emergency plans

Emergency Policy:

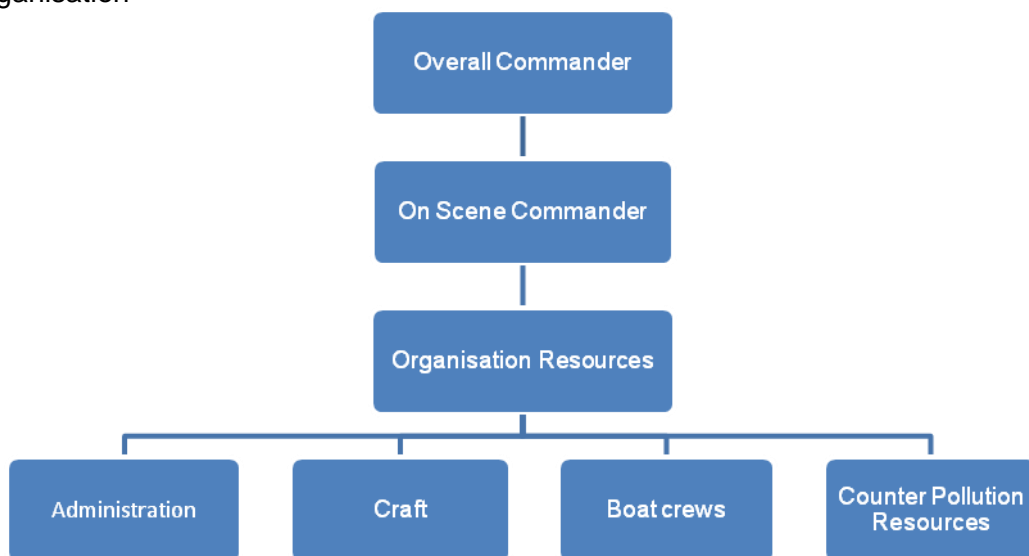
The safety management system shall include preparations for emergencies – and these should be identified as far as practicable from the formal risk assessment. Emergency plans need to be published and exercised.

Emergency Organisation and Management Responsibility

Review of Emergency and Oil Pollution Plans

Harbour Master

Emergency Organisation



Emergency Plans and Procedures

Tor Bay Harbour Emergency Plan – December 2015

The Tor Bay Oil Spill and Contingency Plan – redrafted in January 2016

National Contingency Plan for Marine Pollution

Standard Operating Procedure 22 – Harbour Emergency

All officers trained to Tier 2 Response

Planning exercises are undertaken to see that the procedures would be followed.

The MAIB web site is used to see if lessons can be learnt from accidents investigated at other harbours.

3.2.2 Conservancy

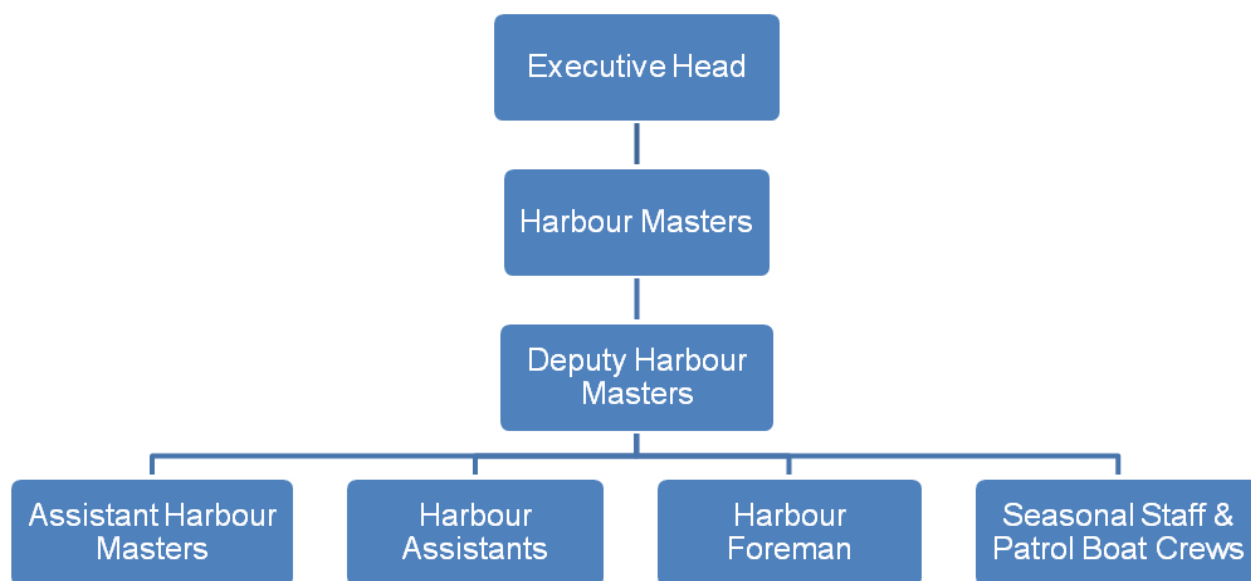
Conservancy Policy:

Torbay Council recognises it's a duty of conservancy the harbour so that it is fit for use as a harbour, and a duty of reasonable care to see that the harbour is in a fit condition for a vessel to use it.

The aim to provide users with adequate information about conditions in the harbour.

Torbay Council recognises the extent of its duty and powers as local lighthouse authority; and specific powers in relation to wrecks.

Conservancy Organisation and Management Responsibility



Conservancy Procedures

Hydrography

TBHC follows the code of practice for UK ports and harbours, developed by the Hydrographic Office.

Dredging

Tor Bay Harbour Committee does not maintain a maintenance dredging disposal licence. Any capital dredging that might take place is subject to statutory consent and TBHC is a priority consultee when such applications are considered.

Buoyage and Navigational Aids

The provision of aids to navigation is based on risk assessment. Trinity House has issued standards for reliability and maintenance of navigation aids and reserves the right to undertake inspections to ensure that these are met. PANAR reports are submitted quarterly.

Wreck Removal

The procedure is to buoy and/or light a wreck as appropriate, issue a notice to mariners and, if necessary, use TBHC's authority to remove the wreck.

Licensing of Work

TBHC is a statutory consultee for proposed work affecting navigation or the environment within the harbour limits.

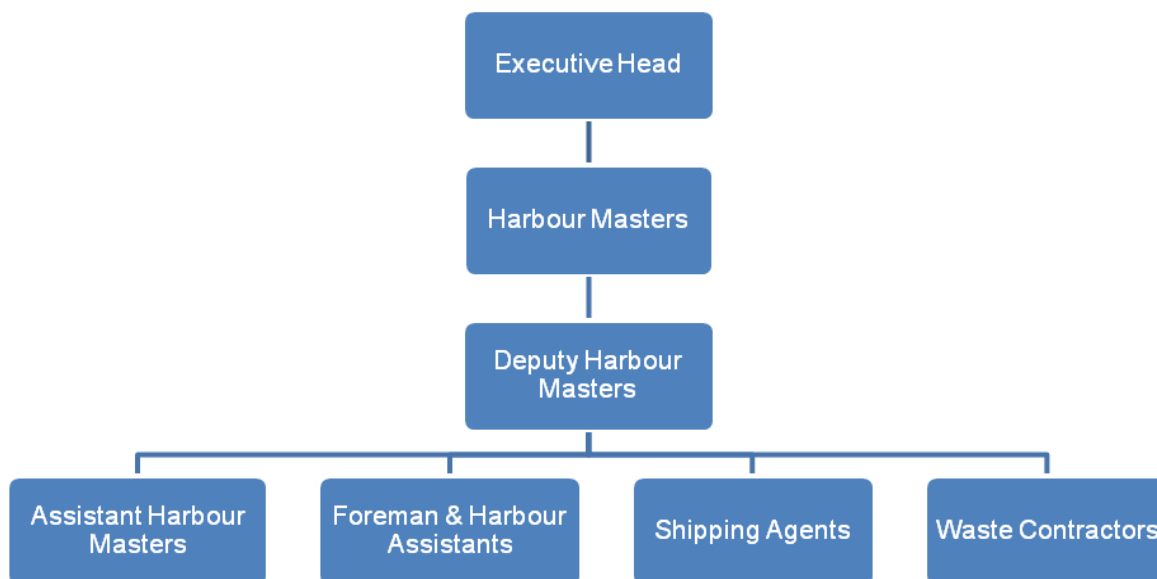
3.2.3 Environment

Environment Policy:

Torbay Council has a general duty to exercise its functions with regard to nature conservation and other related environmental considerations.

A Marine Conservation Zone and part of a Special Area of Conservation are located within the limits of Tor Bay Harbour.

Environment and Port Waste Management Plan Organisation and Responsibility



Environment Policies, Plans & Procedures

Tor Bay Harbour Environmental Policy Statement – July 2017

Port Waste Management Plan – November 2016

Port Marine Safety Code – A Guide to Good Practice on Port Marine Operations

Natural England's Advice

SeaTorbay Membership (Coastal Partnership)

Standard Operating Procedure 46 – Oil Pollution

Standard Operating Procedure 30 – Surge Barriers & Flood Defence

3.2.4 Management of Navigation

Policy for Management of Navigation:

Torbay Council, through its TBHC, has rules in byelaws and directions, which every user must obey as a condition of his or her right to use the harbour.

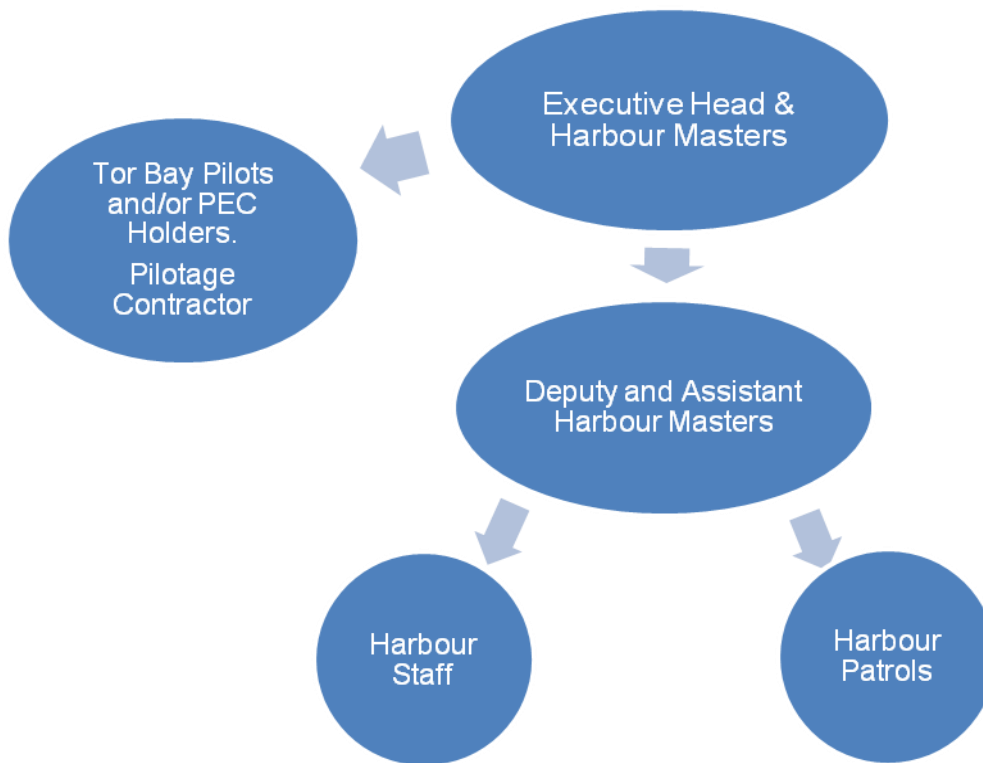
Torbay Council and its Harbour Master recognise their duty to assess risk and make proper use of powers to make byelaws, and to give directions (including pilotage directions), to regulate all vessel movements in their waters.

These powers shall be exercised in support of the policies and procedures developed in this safety management system, and should be used to manage the navigation of all vessels.

TBHC has clear policies on the enforcement of directions, and should monitor compliance.

Powers of direction shall be used to require the use of port passage plans in appropriate cases – whether vessels are piloted or not.

Management of Navigation Organisation and Management Responsibility



Procedures for Management of Commercial Navigation

Passage Plans

The passage plan is prepared on a standard form by the pilot and agreed with the master of the vessel. A copy is to be filed at the offices of the shipping agents.

Monitor

24-hour VHF cover is provided by the combined efforts of the Harbour Offices and the Pilot Station.

Reporting

Reporting is mandatory, as per Tor Bay Harbour Pilotage Directions.

Control

Pilotage requirements are set in the Tor Bay Harbour Pilotage Directions and Pilotage Manual. SOP 28 – Pilotage & Defective Vessel Notification also applies.

Access to Vessel Traffic Management System (VTS) data

After the assessment of risk it has not been considered necessary to have a VTS system & Local Port Services (LPS) are provided. The harbour authority has AIS monitoring software. To the extent that there are Local Port Services these include information in the Admiralty Sailing Directions, Channel Pilot, in Reeds Almanac, in the Local Notices to Mariners and on the Tor Bay Harbour web site.

Patrols

Standard instructions are issued to staff running patrol boats. Patrol boats enforce bye-laws and assist visitors

Bunkering

Other than at an approved harbour fuel station, the Harbour Master's approval is required before bunkering operations take place. The Harbour Authority issues procedures for bunkering. For any bunkering at anchor or cargo vessels alongside, or vessels taking bunkers direct from road tankers - there is a checklist.

Cargo Transfer

The Harbour Authority has various procedures in the Oil Spill Response Plan to control any oil cargo transshipment, following submission of a risk assessment.

Commercial Anchorages

Anchorages are specified for large vessels.

Procedures for Leisure Management

Zones

Controlled areas with a 5 knot speed limit are provided for swimmers.

Water ski approach lanes have been established at Elberry Cove and Livermead Sands

Events

Notices to Mariners and special directions are issued for events as required.

Moorings

Moorings are allocated by TBHC.

Marinas

There are 2 marinas in Tor Bay Harbour operated by MDL. It is considered that both these marinas are managed safely.

Enclosed Harbours

The Harbour Masters and the Harbour Master manage the enclosed harbours of Torquay, Brixham and Paignton.

Leisure Anchorages

Anchorages are specified for large vessels. Controlled areas with a 5 knot speed limit are provided to safeguard swimmers. Water ski approach lanes have been established at Elberry Cove and Livermead Sands.

Procedures & Plans

Standard Operating Procedures - Appendix 3

Tor Bay Harbour Authority Emergency Plan – Dec 2015

3.2.5 Pilotage

Policy for Pilotage:

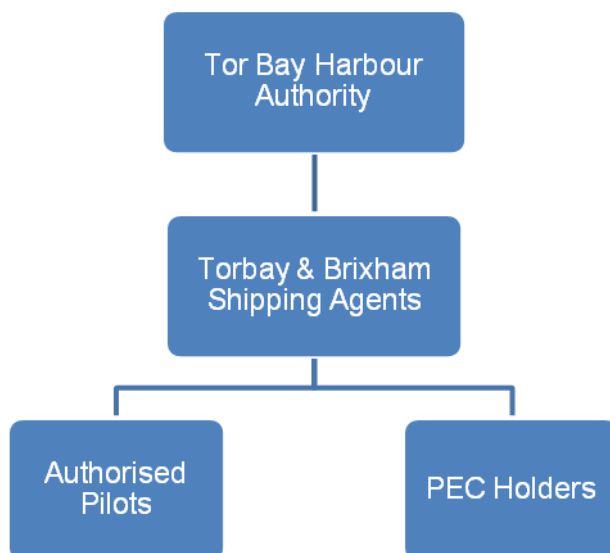
Torbay council, through its TBHC, is the competent harbour authority and accountable for the duty to provide a pilotage service; and for keeping the need for pilotage and the service provided under constant and formal review.

TBHC will therefore exercise control over the provision of the service, including the use of pilotage directions, and the recruitment, authorisation, examination, employment status, and training of pilots.

Pilotage shall be fully integrated with other harbour safety services under harbour Committee control.

Authorised pilots are accountable to their authorising authority for the use they make of their authorisations: TBHC shall have contracts with authorised pilots, regulating the conditions under which they work – including procedures for resolving disputes.

Pilotage Organisation and Management Responsibility



Procedures, Plans, Codes and Guides for Pilotage

Standard Operating Procedure 22 – Harbour Emergency

Standard Operating Procedure 28 – Pilotage & Defective Vessel Notification

Standard Operating Procedure 23 – Harbour Master’s Directions

Standard Operating Procedure 47 – Security

Standard Operating Procedure 33 – Visiting Ships, Fishing Vessels, etc.

Tor Bay Harbour Emergency Plan – Dec 2015

The Port Marine Safety Code - A Guide to Good Practice on Port Marine Operations

3.2.6 Marine Services – Harbour Operations

Policy for Marine Services:

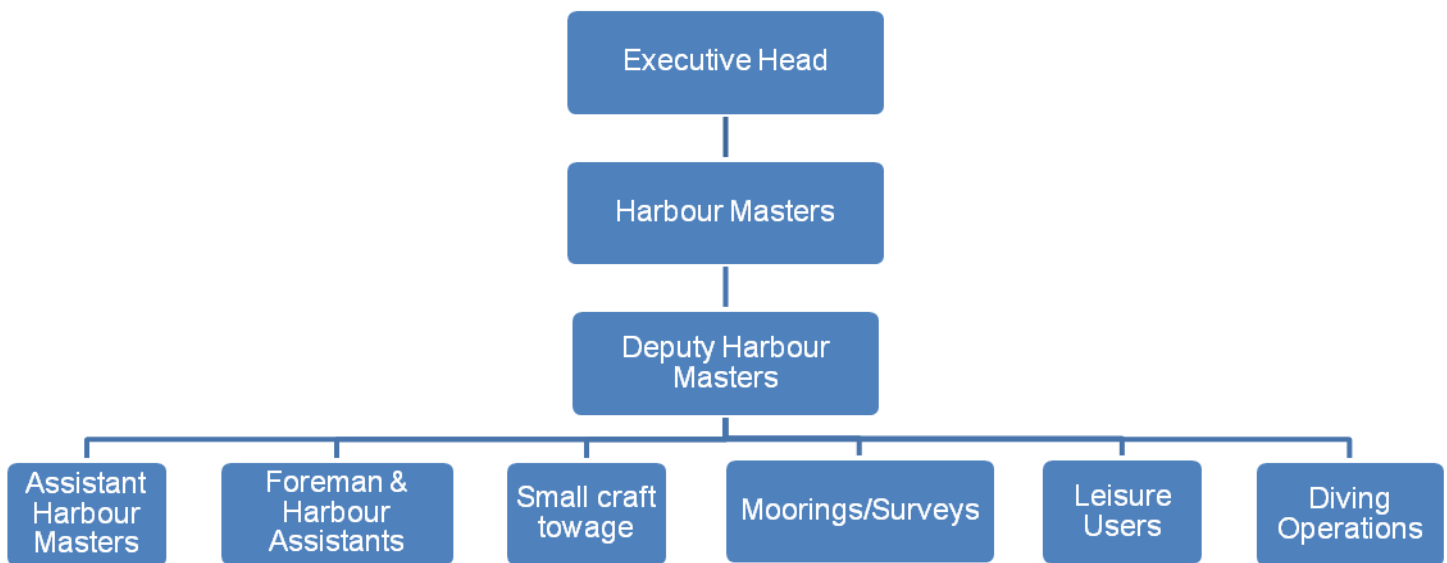
TBHC’s safety management system shall cover the use of harbour craft and the provision of moorings.

The formal safety assessment shall be used to identify the need for, and potential benefits of use of harbour craft for safety management,

TBHC shall ensure that harbour vessels or craft which are used in the harbour are fit for purpose and that crew are appropriately trained and qualified for the tasks they are likely to perform.

Byelaws and the power to give directions are available for these purposes.

Harbour Operations Organisation and Management Responsibility



Marine Services Procedures

Bunkering

Other than at an approved harbour fuel station, the Harbour Master’s approval is required before bunkering operations take place.

The Harbour Authority issues procedures for bunkering.

For any bunkering at anchor or cargo vessels alongside, or vessels taking bunkers direct from road tankers - there is a checklist.

Cargo Transfer

The Harbour Authority has various procedures in the Oil Spill Response Plan to control any oil cargo transshipment, following submission of a risk assessment.

Craft Regulation

For boats not subject to MCA licensing or coding conditions of operation are issued in accordance with the South West Regional Standing Committee on Safety of Small Craft.

Craft have to be surveyed, carry specific safety equipment and the boatman must be suitably qualified.

Towage

The staff operating harbour boats and pilot boats are experienced and suitably qualified to tow where and when necessary. Towage Guidelines were published in December 2016.

Work Boats

Operating Code of Practice for relevant TBHC harbour craft.
MCA and other relevant certification.

Commercial Diving

TBHC contracts commercial divers to inspect moorings and provide maintenance as needed.
A diving permit is required for all commercial diving operations - the operators' registration and safety policy are checked.

Dredging

TBHC has inconsequential levels of maintenance dredging. Capital dredging is the responsibility of approved contractors.
MFA licences are required for the disposal of dredged spoil. [See also Harbour Licences for Work]

Moorings/Buoy Maintenance

Moorings/Buoys are inspected annually by divers and there is a maintenance programme.
The adequacy of buoyage is regularly reviewed.
Navigational buoy casualties are reported to Trinity House, who still undertake annual inspections / audits.

Salvage

It is left to the owner to organise salvage of small craft except where safe navigation may be affected.
In such cases TBHC may use its powers to take possession of the vessel and arrange salvage. For large commercial vessels stranding or sinking within the harbour recovery measures will be supervised and approved as necessary.
The necessary consultation with the owners and public interests would be undertaken.

Procedures

Standard Operating Procedures - Appendix 3

4. MEASURING OF PERFORMANCE

Measuring Policy

TBHC will measure health and safety performance against predetermined standards.

Performance in complying with the TBHC safety management system will be required to meet the national standards as laid down in the Port Marine Safety Code.

Appropriate performance indicators will be set.

All accidents, incidents and near misses will be recorded and used to assist in assessment of the effectiveness of the Harbour Safety Management System.

Management of Standard Setting

Standards will be set for operations in the following areas :-

AREA	SET BY	REMARKS
Harbour Procedures & Operational Standards	Executive Head & Harbour Masters	PMSC Guide to Good Practice refers Internal Procedures
Pilot Boat Operations	Pilotage Contract	MCA Code of Practice. Torbay & Brixham Shipping Agents are the current service provider.
Harbour Launch Operations	Harbour Master	MCA Code of Practice. Internal Procedures
Maintenance of Infrastructure	Harbour Master	Internal Procedures
Hydrographic Surveys	Harbour Master	UKHO
Procedures	Executive Head	Part of Safety Management System
Financial Procedures	Torbay Council	Subject to Internal Audit

Performance indicators are to include the following :-

AREA	SET BY	REMARKS
Navigation Lights Availability	Trinity House	Records kept on the Trinity House software "PANAR" system. Also, on "SPAR.Net" – Torbay Council's Performance Management System ~ reviewed quarterly
Harbour Users Survey	Executive Head	On "SPAR.Net" – Torbay Council's Performance Management System ~ reviewed annually
Reduce the number of reportable accidents including RIDDOR	Executive Head	On "SPAR.Net" – Torbay Council's Performance Management System ~ reviewed quarterly
Implement the Safety Management System Improvement Plan	Harbour Committee	On "SPAR.Net" – Torbay Council's Performance Management System ~ reviewed annually
Incident Investigation	Executive Head	Data recorded and details reviewed bi-monthly
Response to Complaints	Torbay Council	Corporate complaints procedure
Enforcement Activity	Executive Head	Data recorded and details reviewed bi-monthly – no targets currently set

5. REVIEWING

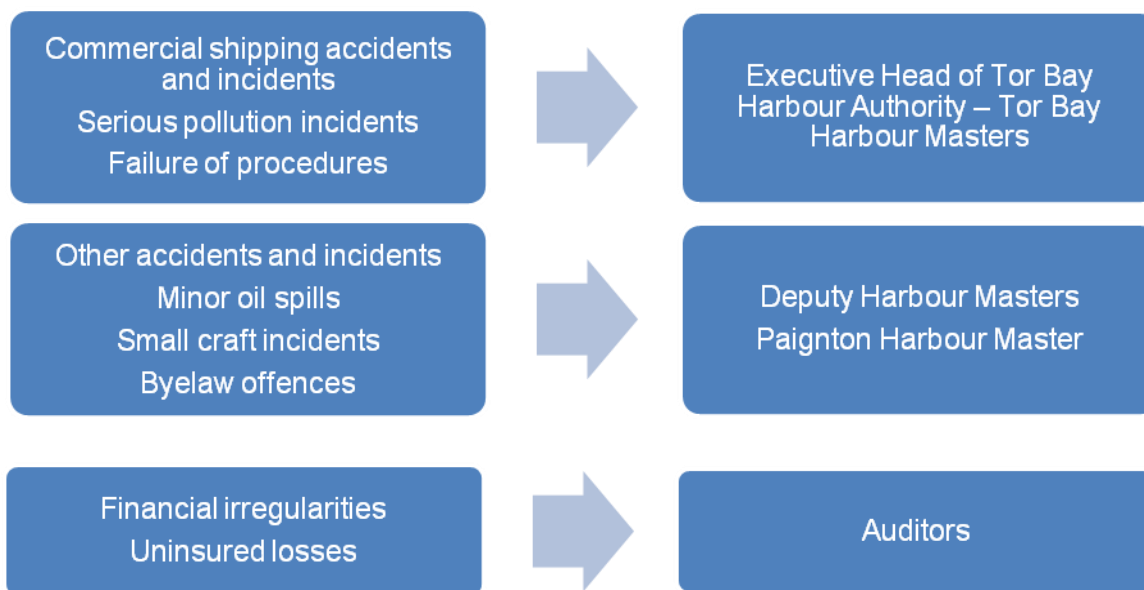
Reviewing Policy

TBHC will monitor, review and audit the marine safety management system on a regular basis so that lessons are learned from all the relevant experience and such lessons are effectively applied.

Performance of the system shall be assessed against internal performance indicators and where appropriate, by benchmarking against other ports that have adopted good practice.

In light of these reports the Executive Head of Business Services and the TBHC will consider whether their rules or working practices require amendment and will submit recommendations to Torbay Council.

The responsibility for investigations and reports is assigned as follows:



Procedure for Reviews

The Executive Head of Business Services will include in his bimonthly meeting of Harbour Masters a review of any accidents, incidents or near misses.

Investigations by the Harbour Master of marine incidents have two essential purposes :-

- a) to determine the cause of the incident, with a view to preventing a recurrence of that incident (or similar); and
- b) to determine if an offence has been committed: if so, there may be the need on the part of the harbour authority to initiate enforcement action that may lead to prosecution in our own right or through an agency of another authority such as the Police or the MCA.

By ensuring that a robust, rigorous, independent investigation has been carried out, the TBHC and the duty holder can be assured that their obligations for compliance have been addressed.

Any conclusions from investigations or lessons learned will be included in the minutes together with measures being taken to prevent a recurrence. If appropriate a more detailed report will be submitted to the Harbour Committee, the Councils Health and Safety Officer and/or the MAIB, to the Chief Police Inspector and any other appropriate authorities, by the quickest means available.

Where necessary the MCA may undertake a verification visit. These verification visits are usually arranged following an MAIB investigation into an incident, but could also be triggered by other indicators of non-compliance.

Further reviews are undertaken in the meetings of the Harbour Liaison Forums.

Once every three years, the MCA will ask the “duty holder” to confirm in writing if their harbour authority is complying with the Code.

6. RECORDING

Recording Policy

TBHC will maintain records of what has been done

- Safety controls and responsibilities

- Maintaining a record of due diligence

Publication of Plans and Reports

To demonstrate the authority's commitment to maritime safety and ensure the involvement of harbour users, the safety plan for marine operations shall be published every year at a TBHC meeting open to the press and the public and be available from the Harbour's web site. The plan shall illustrate how the policies and procedures will be developed to satisfy the requirements under the Code. It shall commit the authority to undertake and regulate marine operations in a way that safeguards the harbour, its users, the public and the environment. It shall refer to commercial activities in the harbour; the efficient provision of specified services and the effective regulation of shipping. It shall also explain how commercial pressures would be managed without undermining the safe provision of services and the efficient discharge of its duties.

The duty holder will also publish an assessment of the harbour authority's performance against the plan. Information gathered from the monitoring and auditing of the marine safety management system, shall be used to support the analysis and conclusions.

Appendix 1 RISK ASSESSMENTS - MarNIS Hazard (Scenario) List

ID	Scenario Name	Risk Score
NS0067	Other nautical safety: Diving commercial	2.5
PE0031	Road traffic congestion	3.13
NS0003	Fire/Explosion: Anchored or Underway	3.44
NS0063	Fire/Explosion: Berthed	3.56
NS0008	Collision - Multiple underway: Large Vessels - Underway and-or Anchor	3.63
NS0006	Capsizing/Listing: Large Vessels	3.94
NS0064	Vessel Wash: In harbours and shoreline	4.06
NS0062	Other nautical safety: Winter lift - towage and lifting	4.13
NS0012	Contact - Floating object: Buoyage or Debry	4.19
NS0069	Other nautical safety: Towage	4.31
NS0071	Flooding/Foundering: Large vessel	4.5
NS0009	Collision - Multiple underway: Small Vessels - Under 36m - Underway and-or Anchor	4.5
NS0001	Grounding/Stranding: Large vessels	4.56
NS0015	Equipment failure (Port): Cill Failure	4.63
NS0007	Capsizing/Listing: Small Vessels - under 36m	4.69
NS0065	Other nautical safety: Swimmers - In harbour and shoreline	4.81
NS0014	Contact - Fixed object: Heavy berthing - All vessel types	5.06
NS0024	Salvage: Large and small vessels	5.06
CM0044	Natural Emergency: Storm event - surge and wave	5.5
NS0002	Grounding/Stranding: Small vessels - under 36m	5.56
NS0070	Flooding/Foundering: Small Vessels - under 36m	5.69
NS0066	Other nautical safety: Diving recreation	5.75
NS0068	Other nautical safety: Event management - maritime	6.25

Number of Scenarios listed = 23

Average Risk Assessment Score = 4.50

RISK ASSESSMENTS - not listed on MarNIS

ID	Name	Status	Department
2	Angling	Active	Marine
3	Boatyard Working	Active	Marine
4	Car Parks & Boat Parks	Active	Marine
5	Cranes (Mobile, Static & Hoists)	Active	Marine
6	Harbour Events	Active	Marine
7	Harbour Office	Active	Admin
8	Harbour Workboats	Active	Marine
9	Licensed Works (e.g. Dredging, Sea Defences)	Active	Marine
10	Marina Working	Active	Marine
11	Mooring Maintenance	Active	Marine
12	Mooring & Unberthing	Active	Marine
13	Public Access to Quays	Active	Marine
14	Public Slipways & Launching Hards	Active	Marine
15	Scrubbing Grids	Active	Marine
16	Workshops	Active	Marine
125	Expectant Mothers RA Torquay Office	Active	Marine
145	Inspection and Maintenance of Aids to Navigation	Active	Maintenance

Appendix 2

RISK CONTROLS

- 1) Accurate tidal information - published & on internet
- 2) Aids to navigation, provision & maintenance - Trinity House inspected & audited, SMS 3.2.4
- 3) AIS coverage - public, on internet
- 4) Anchorage positions, designated - as per chart
- 5) Arrival/Departure, advance notice - AIS, CERS - SSOP 33
- 6) Availability of latest hydrographic information - Hydrographic Office, SMS 3.2.2
- 7) Availability of pollution response equipment - Tier 1 onsite, Tier 2 contracted - SSOP 46
- 8) Availability of suitably qualified workboat skippers - as recorded training
- 9) BSAC & PADI training schemes - public, SSOP 50 Diving Permit
- 10) Bunkering areas, restricted - directions
- 11) Bunkering vessel checklist - SSOP 31
- 12) Byelaws - 1994, and General Directions, SMS 2 - SSOP 52
- 13) CCTV coverage - Council policy and guidance
- 14) Codes of practice - use of gill nets
- 15) Codes of practice - Yacht Harbours Association
- 16) COLREGS, applied within port/harbour - public
- 17) Communications - Dock/Jetty and all traffic - voice & VHF
- 18) Communications - Port and Agents - phone & email
- 19) Communications - Stakeholder - consultancy, SMS 5
- 20) Communications equipment - radios, walky-talky, VHF and emails
- 21) Contingency plan exercises - Emergency, Oil Spill & Resuscitation , SMS 3.2.1
- 22) Contractors Pass - provides access to work on the harbour estate
- 23) Diving at work regulations, HSE - public
- 24) Diving permit - SSOP 50
- 25) Draught, accurate declared and within max limits - passage plans - SSOP 33
- 26) Dredging programme - 3 yearly surveys, SMS 3.2.6
- 27) Emergency Plan (Council/Regional) - Torbay Council & Devon County Council
- 28) Emergency power supply - for Cill - SSOP 17
- 29) Emergency services/ shoreside equipment - SMS 3.2.1
- 30) Environmental policy - SMS 3.2.3
- 31) Fatigue & health monitoring - as per Torbay Council Policy
- 32) General directions - Tor Bay Harbour Act 1970
- 33) Guidance for small craft - Stay Safe leaflet & Maritime Guide
- 34) Harbour Emergency Plan (local) - SMS 3.2.1
- 35) Harbour Master's powers of direction (Special Direction) - Tor Bay Harbour Act 1970
- 36) Hazardous cargoes, advance notice - CERS - SSOP 53

- 37) Health & Safety policy - SMS 1
- 38) Hot works permit - SSOP 24
- 39) Hydrocarbon tankers certified gas free - via ship's Agents
- 40) Hydrographic surveying program - SMS 3.2.2
- 41) Illness on board ship - SSOP 25
- 42) Injurious vessel notice (Sec.23 Tor Bay Harbour Act)
- 43) Lifting operations & lifting equipment Regs 1998 (LOLA) - SSOPs 19 & 42
- 44) Local authority petroleum licence - required for South Pier, Torquay
- 45) Local Port Services - SMS 3.2.4 - SSOP 33
- 46) LPS broadcast - VHF Radio Ch 14
- 47) Marine engineering support - public
- 48) Marine guidance notes (MCA MGNs) - public
- 49) Marine Safety Management System - SMS
- 50) MCA certificates of competency - training/manning requirement
- 51) MCA harmonised code of practice for commercial vessels - public document
- 52) MCA passenger vessel certification
- 53) Merchant shipping notices (MCA MSNs)
- 54) Monthly safety equipment checklist - internal control
- 55) Mooring plans - chartered and as directed
- 56) Notices to Mariners - emailed & social media - SSOP 51
- 57) Official warning - Enforcement Policy and SSOP
- 58) Oil spill contingency plans - SMS 3.2.1 - SSOP 46
- 59) PANAR Trinity House reports - online
- 60) Passage planning (Pilot/PEC) - Pilotage Manual, SMS 3.2.5
- 61) Passenger numbers declared - ferry operator MCA requirement
- 62) Patrol vessel - reactive, SSOP 53
- 63) PECs, authorisation and control of - Pilotage Manual, SMS 3.2.5
- 64) Personal protective equipment - SSOP 27
- 65) Personal safety risk assessment - Safety Policy SMS 1
- 66) Personal watercraft registration
- 67) Pilot boarding point, designated - marked on Chart 26
- 68) Pilot launch - licensed to contractor
- 69) Pilotage & Navigation procedure - Pilotage Manual, SMS 3.2.5
- 70) Pilotage directions - SMS 3.2.5
- 71) Pilotage service - SMS 3.2.5
- 72) PMSC compliance - Safety Management System (SMS) throughout.
- 73) Policy - Conservancy - SMS 3.2.2
- 74) Policy - Operational Moorings and Facilities - published annually
- 75) Port Equipment - SSOPS 17 & 19
- 76) Port state control inspection by MCA
- 77) Port waste management plan - SMS 3.2.3

- 78) Portable appliance testing records - covered by SLA with the TDA
- 79) Prohibited anchorage areas - as Byelaws and directions
- 80) Proof of third party liability insurance - Contractors pass/competence, SSOP 21
- 81) Provision & use of work equipment Regs 1998 (PUWER)
- 82) Public access to working quays procedure - SSOP 29
- 83) Requirement for notification of vessel defects - CERS - SSOP 33
- 84) Risk based monitoring and assessment - SMS 3.1
- 85) Safe allocation of berths (depth, available, suitable) - SSOP 33
- 86) Scrubbing grid/repair berth booking form - at Brixham, SSOP 51
- 87) Shoreside facility maintenance programme - planned maintenance
- 88) Standard Safe Operating Procedures - covering a range of activities
- 89) Tor Bay Harbour website - useful information & external links
- 90) Towage guidelines - SSOP 53
- 91) Towage, appropriate and available - by coded boats - SSOP 53
- 92) Towage SMS - third party operators
- 93) Training & authorisation of harbour personnel - SMS 2
- 94) Training & authorisation of pilots - Pilotage Manual, SMS 3.2.5
- 95) Training of pollution response personnel - SSOP 46
- 96) Weather forecast - public, on internet & posted in window
- 97) Weekly lifebuoy inspection - internal control
- 98) Workboats - maintained to certification standard - SSOP 53

99) Appendix 3

STANDARD SAFE OPERATING PROCEDURE

ID	Name
17	Bridge & Cill
18	Control of Substances Hazardous to Health (COSHH)
19	Crane and Davit Operations
20	Facility Audits
21	Contractors & Construction
22	Harbour Emergency
23	Harbour Master's Directions
24	Hot Work
25	Illness On Board Ship
26	Lone Working
27	Personal Protective Equipment (PPE)
28	Pilotage Directions (Defective Vessel Notification)
29	Public Access in Adverse Weather Conditions
30	Surge Barriers & Flood Defence
31	Taking on Fuel
32	Vehicles on Harbour Estates
33	Visiting Ships, Fishing Vessels etc.
34	Working at Height
42	Manual Handling
43	Abrasive Wheels
44	Induction
45	Harbour Events
46	Oil Pollution
47	Security
49	Mooring Maintenance
50	Diving Permit
52	Bye Law Enforcement
53	Working on Workboats
54	Boat Haul Out and Storage
55	Unexploded Ordinance
62	Accident and Incident Reporting
134	Laying Seasonal Marks
143	Inner Harbour and Town Dock Pontoon Maintenance
154	Dealing with Language Barriers
155	Navigational Aids - Inspection and Maintenance



Meeting: Harbour Committee

Date: 5th December 2017

Wards Affected: All wards in Torbay

Report Title: Tor Bay Harbour Authority Budget Monitoring 2017/18

Executive Lead Contact Details: Non-Executive Function

Supporting Officer Contact Details: Kevin Mowat

Executive Head of Assets and Business Services -
Tor Bay Harbour Master

☎ Telephone: 01803 292429 (Ext 2724)

✉ Email: Kevin.Mowat@torbay.gov.uk

Pete Truman

Principal Accountant

☎ Telephone: Ext 7302

✉ Email: Pete.Truman@torbay.gov.uk

1. Purpose

- 1.1 This report provides Members with projections of income and expenditure for the year 2017/18 compared with approved budgets.
- 1.2 This report identifies the overall budgetary position for Tor Bay Harbour Authority as at the end of October 2017 to enable appropriate action to contain expenditure and maintain reserves at appropriate levels.
- 1.3 The Committee is asked to note that the amended outturn projections of the harbour accounts and adjustments to the Reserve Funds shown in Appendix 1.
- 1.4 The Committee is asked to note the Executive Head of Assets and Business Services' use of delegated powers to make decisions in relation to the budget allocated to Tor Bay Harbour.
- 1.5 The Committee is asked to note the Harbour Master's use of delegated powers to waive certain harbour charges which to date amounts to £4,274.21

2.0 Summary

- 2.1 The Tor Bay Harbour Authority budget was approved by the Harbour Committee on 13th December 2016.
- 2.2 This is the second budget monitoring report presented to the Harbour Committee for the financial year 2017/18.
- 2.3 Fish tolls remain buoyant and are expected to exceed last year's record levels. Income from Marina rentals has exceeded the provision made in the previous

year's accounts. It is proposed to apply the in-year enhanced income levels to direct funding of new and current capital schemes.

Supporting Information

2. Position

3.1 The projected outturn at Appendix 1 reflects amendments to the budget made within the Executive Head of Assets and Business Services delegated powers. Details of each amendment can be found in the associated note.

3.2 The performance against budget is summarised below:

	£000
Original Budget 2017/18	0
Projected Surplus 2017/18	13

3.3 The current progress of Harbour capital schemes is detailed below:

	Total Budget	Actual to Date (including prior years)	Projected Outturn	Notes
	£000	£000	£000	
Environment Agency grant funding for Torquay Harbour – Haldon & Princess Piers	1,272	1,277	1,277	(i)
New Harbour Workboat	45	45	45	(ii)
Torquay Outer Harbour Town Dock Pontoons	220	15	220	(iii)

- (i) Work has now ceased on the underwater repairs to the inner walls of Princess Pier and Haldon Pier. These works were carried out in Phases over a number of years commencing in 2011, following a grant of £1.3m from the Environment Agency (EA). Before another phase of work can commence further grant in aid funding will need to be secured from the EA. However, as part of any revised bid to the EA, the Council will also be investigating other alternative sources of partnership funding.
- (ii) The new workboat has been delivered with just certification works to be completed
- (iii) Works have commenced on the project which will replace damaged pontoons and afford a better wave breaking capability.

3.4 The Harbour's liability for prudential borrowing is detailed in the following table, (the repayment instalment for 2017/18 will be made later in the year):

Capital Scheme	Amount Borrowed	Start of Repayments	Principal outstanding
Town Dock (Torquay Harbour)	£1,140,000	2008/09	£646,732
Haldon Pier (Torquay Harbour)	£1,200,000	2010/11	£946,255
Brixham Harbour New Fish Quay Development	£4,750,000	2011/12	£3,995,900
Torquay Inner Harbour Pontoons (Inner Dock)	£800,000	2014/15	£723,954
		TOTAL	£6,312,841

3.5 The Tor Bay harbour Authority debt position at the end of October 2017 is set out in the table below:-

	Corporate Debtor System		Harbour Charges	
	Unpaid by up to 60 days	Unpaid over 60 days	Unpaid by up to 60 days	Unpaid over 60 days
Debt outstanding	£23k	£25k	£29k	£101k
Bad Debt Provision	£37k			

The outstanding Harbour Charges debt largely reflects the uptake of payment by instalments and the overall figure is reducing.

3.6 Under the Council's Scheme of Delegation the Harbour Master can vary (by addition or waiver (in full or as to part)) the approved Schedule of Harbour Charges in such manner as shall be considered reasonable. However, the Harbour Master shall maintain a proper written record of all variations approved using the delegated powers and shall, at least twice a year, report to the Harbour Committee the total value of the additional charges levied and the total value of the charges waived (see paragraph 1.5).

3.7 Over recent years the Harbour Committee has agreed to make annual contributions to the Council's General Fund and the total figure reached £607,000 by 2016/17. The Committee understood that the recommendation relating to the cash contribution should then be reviewed.

3.8 The Harbour Committee's Budget Review Working Party initially considered a schedule of budget reductions/income generating proposals by the Executive Head of Assets and Business Services to achieve the corporate General Fund contribution target of an additional £276,000 over 2017/18 to 2019/20. The Working

Party initially made a counter offer of £137,500 and following further discussion a final figure of £223,000 was agreed with £50,000 applicable in the first year.

- 3.9 If the Council continues to request a significant contribution to the General Fund in the form of a cash dividend and asset rental fee there is a significant risk that the Harbour Authority will be unable to remain self-funding. In that situation the Harbour Authority would require a precept from the General Fund and this scenario would be contrary to government best practice for the management of municipal ports.

Appendices

Appendix 1 Harbour Revenue Accounts for 2017/18

Additional Information

None

HARBOUR REVENUE ACCOUNTS 2017/18 - BUDGET MONITORING

TORBAY HARBOUR AUTHORITY

Expenditure	2017/18 Original Budget £ ,000	2017/18 Current Budget £ ,000	2017/18 Profiled Budget £ ,000	2017/18 Actual to Date £ ,000	2017/18 Projected Outturn £ ,000	Notes
Harbour Employee Costs	589	589	284	283	615	1
Operations and Maintenance :-						
Repairs and Maintenance	229	331	158	198	331	2
Rent/User charges Concessions	17	11	11	11	11	3
Other Operating Costs	548	556	311	229	592	4
Management and Administration :-						
Internal Support Services	162	162	162	164	164	
External Support Services	50	50	50	9	50	
Other Administration Costs	79	79	38	8	74	5
Capital Charges	498	498	0	0	498	
Contribution to General Fund - EHO	25	25	25	25	25	
Contribution to General Fund - Cash Dividend	171	171	0	0	171	
Contribution to General Fund - Asset Rental	486	486	0	0	486	
Revenue Contribution to Capital	0	0	0	0	205	6
	2,854	2,958	1,039	927	3,222	
Income						
Rents and Rights :-						
Property and Other Rents/Rights	576	576	449	426	576	
Marina Rental	403	403	80	80	463	7
Operating Income :-						
Harbour Dues	144	134	134	153	154	8
Visitor and Slipway	54	54	54	54	54	
Mooring fees	212	212	206	202	208	8
Town Dock	306	296	296	301	301	9
Torquay Inner Harbour pontoons	258	258	258	258	258	
Fish Toll Income - Brixham Fish Market	636	750	290	403	950	10
Fish Toll Income - Other	4	4	4	10	15	
Boat and Trailer parking	42	42	42	42	42	
Recharged Services	79	79	48	50	74	11
Other Income	140	140	112	127	140	
Contribution from Reserve	0	73	0	0	0	12
	2,854	3,021	1,973	2,106	3,235	
Operating Surplus /(Deficit)	0	63	934	1,179	13	

RESERVE FUND	
Opening Balance as at 1st April	821
Interest Receivable	5
Net Surplus / (Deficit) from Revenue Account	13
Contribution to Revenue Account	0
Contributions from Revenue Account	0
Anticipated withdrawals in year	(230)
Expected Closing Balance as at 31st March	609

Note: In line with Harbour Committee minute 398 (5) December 2011 the minimum Reserve level at year end 2016/17 is **£530k**

HARBOUR REVENUE ACCOUNTS 2017/18 - BUDGET MONITORING (Quarter 2)

NOTES

- 1 Additional employee costs from a restructuring of the management of the Harbour function. The new Harbour Master is due to take position in mid-January 2018, slightly later than previously budgeted.
- 2 Repairs & Maintenance jobs totalling £73k have been brought forward from 2016/17. A corresponding contribution from carried forward funds in the Reserve (see note 12) is not now required.
- 3 The Projected Outturn reflects a reduction in the number of waivers granted over all three harbours.
- 4 Additional costs are expected including a re-fit of the Oscar-4 patrol boat. Additional security costs have been incurred to cover a Dockmaster absence. An increase in waste charges and cleaning of the fish market are being incurred as a result of the high volumes of fish being landed.
- 5 Communication costs have been reduced.
- 6 Direct funding of enhanced pontoon work and decking schemes at Torquay Harbour and improvements to the fendering of the north side of Brixham Fish Quay (subject to grant application and approval).
- 7 Actual turnover rent due for 2016/17, now finalised and has exceeded the provision made in last year's accounts resulting in a windfall in the current year. Based on these levels it is anticipated that the income due for the current year will exceed the budget target level.
- 8 Dues and mooring income at Brixham is currently below expected levels although anchorage income has been boosted by an increase in cruise ship traffic.
- 9 The original estimate was reduced to reflect a decision to replace 12m berths with 10m vessels. Some of the 12m berths are not yet been vacated.
- 10 Fish tolls are currently up by £290k on the same point last year. The projected outturn has been increased to reflect the improvement on the 2016/17 levels.
This level could be boosted by mussel landings later in the year.
- 11 Trade waste recharges are unlikely to hit target.
- 12 A contribution from the Reserve was previously approved by Committee to fund repairs & maintenance jobs carried forward from 2016/17 (see note 2). Due to the improved level of income in the current year the reserve contribution is no longer needed.
- 13 Reflects capital funding for pontoon replacement at Torquay and the residual costs of the new workboat at Brixham.