

## Record of Officer Decision

### Tor Bay Harbour Authority Operational Moorings and Facilities Policy 2025-26

#### Decision Taker and Date Decision Taken:

Interim Tor Bay Harbour Master, in consultation with the Chairman of the Harbour Committee, on 11 December 2024.

#### Summary of Matter or Issue Requiring Decision:

The Harbour Committee on 2 December 2024 considered the submitted report on the annual review of the Tor Bay Harbour Operational Moorings and Facilities Policy 2025/26 and noted that there were no changes to the previous year's Policy 2024/25, that had been approved on 4 December 2023 – see [Agenda for Harbour Committee on Monday, 2 December 2024, 5.30 pm](#)

Following consideration of the risk assessment arising from Storm Darragh, the Interim Harbour Master exercised his delegated powers to amend the Tor Bay Harbour Operational Moorings and Facilities Policy as follows:

#### ***Risk, Liability, Insurance Requirements and Recommendations (Facility Agreement Conditions 1, 2, 3, 4 & 5)***

*All reasonable care will be taken of the facility holder's property but whilst precautions will be taken to prevent loss and/or damage all vessels are berthed, moored, launched, moved and hauled out at the risk of the applicant. The applicant is therefore required to make sure that his/her vessel and property are adequately insured against all risks. Insurances shall be maintained and evidence that the vessel is insured shall be provided to Tor Bay Harbour upon request. Vessels found to be without insurances may have an allocated berth cancelled.*

*If the vessel sinks at the mooring or within the harbour limits it will have to be recovered and removed from the harbour by the vessel's owner. Failure to remove such a vessel from the harbour in such a period as shall be specified by the Harbour Master in his absolute discretion (including immediate notice) will result in the Council recovering and removing the vessel and the appropriate charges being made. Such charges shall be a debt due from the Facility Form Agreement holder to the Authority. It is therefore compulsory that your insurance policy includes a 'wreck removal' clause.*

#### Decision Taken:

That the Tor Bay Harbour Operational Moorings and Facilities Policy 2025-26 as attached at Appendix 1 to this Record of Decision be approved.

#### Summary of Reason(s) for Decision Taken:

To ensure that 'all' annual facility boat owners have insurance cover for wreck recovery from the Torbay Harbour Authority area.

#### Summary of Alternatives or Options considered and rejected and Background Papers:

That the Policy remains as noted by the Harbour Committee 2 December 2024. This was not recommended as it currently states that it is strongly recommended that annual facility boat

owners insurance cover includes a wreck recovery clause but it is not mandatory.

**Details of any conflict of interest and dispensation granted to the Officer taking the decision or by any Member of the Council in delegating responsibility for any specific express delegation:**

None.

**Implementation:**

Immediately.

A copy of this decision and any supporting documentation considered by the Officer taking this decision may also be available for inspection by the public at the Council's offices or posted upon payment of any copying and postage charges. Any member of the public wishing to take up either of these options is asked to please ring (01803) 207087 or email [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk)

Signed: \_\_\_\_\_ Date: 11 December 2024  
Interim Tor Bay Harbour Master