



Monday, 16 September 2019

HARBOUR COMMITTEE

A meeting of **Harbour Committee** will be held on

Tuesday, 24 September 2019

commencing at **5.30 pm**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,
Torquay, TQ1 3DR

Members of the Committee

Councillor Amil (Chairman)

Councillor Barrand

Councillor Bye

Councillor Carter

Councillor Dart

Councillor Dudley

Councillor O'Dwyer

Councillor Ellery

Councillor Mills

External Advisors

Mr Blazeby, Mr Buckpitt, Mr Day, Mr Ellis and Mr Stewart

A prosperous and healthy Torbay

For information relating to this meeting or to request a copy in another format or language please contact:

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HARBOUR COMMITTEE AGENDA

1. **Apologies**
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
2. **Minutes** (Pages 4 - 7)
To confirm as a correct record the Minutes of the meeting of the Committee held on 1 July 2019.
3. **Declarations of interest**
 - (a) To receive declarations of non pecuniary interests in respect of items on this agenda
For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
 - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda
For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
4. **Urgent items**
To consider any other items that the Chairman decides are urgent.
5. **Port Masterplan Addendum 2019-2024** (To Follow)
To consider the addendum to the Port Masterplan.
6. **Approach by FUGRO** (Pages 8 - 20)
To consider a report that seeks approval of the 'laying up' of vessels within Brixham Harbour.
7. **Tor Bay Harbour Authority Budget Monitoring 2019/20** (Pages 21 - 26)
To consider a report which provides projections of income and expenditure for the year 2019/20 compared with approved budgets.

- 8. Harbour Budget 2020/21 and Schedule of Fees and Charges** (Pages 27 - 34)
To consider a report that provides the opportunity to consider the level of harbour charges to be levied by Tor Bay Harbour Authority and the Tor Bay Harbour Authority budget for 2019/20.
- 9. Port Marine Safety Code** (Pages 35 - 52)
To consider a report regarding the Port Marine Safety Code.
- 10. Torquay/Paignton and Brixham Harbour Liaison Forums** (To Follow)
To note the minutes of the above Harbour Liaison Forums.



Minutes of the Harbour Committee

1 July 2019

-: Present :-

Councillors Amil, Bye, Carter, Dudley, O'Dwyer, Mills, Mandy Darling, Hill and Morey

External Advisors: Mr Buckpitt, Mr Day and Mr Stewart

51. Election of Chairman/woman

Councillor Amil was elected as Chairwoman for the 2019/2020 Municipal Year.

Councillor Amil in the Chair.

52. Appointment of Vice-Chairman/woman

Councillor Dudley was appointed Vice-Chairman for the 2019/2020 Municipal Year.

53. Apologies

It was reported that, in accordance with the wishes of the Conservative Group, Independent Group and Liberal Democrat Group, the membership of the Committee had been amended for this meeting by including Councillors Hill, Morey and Mandy Darling instead of Councillors Barrand, Ellery and Dart respectively.

Apologies for absence were received from External Advisors Mr Blazeby and Mr Ellis.

54. Minutes

The Minutes of the meeting of the Harbour Committee held on 18 March 2019 were confirmed as a correct record and signed by the Chairwoman.

55. Harbour Committee Terms of Reference

The Committee noted the current Terms of Reference for the Harbour Committee.

56. Harbour Appointment Sub-Committee

The Committee considered the submitted report on the appointment of the Harbour Appointments Sub-Committee which considers applications for External Advisors to the Harbour Committee and makes recommendations to the Committee on suitable appointments to those positions.

Resolved:

That the Harbour Appointments Sub-Committee be appointed to comprise five members of the Harbour Committee (The Chairwoman, Vice Chairman and Councillors Bye, Dart and Mills) with the following Terms of Reference:

To consider ad hoc applications for external advisor positions on the Harbour Committee and recommend to the Harbour Committee the persons who should be appointed to those posts as and when vacancies arise, and to determine the rolling programme for advisors tenure.

57. Harbour Asset Review Working Party

Members noted that the Harbour Asset Review Working Party was appointed, with the following Terms of Reference at the Adjourned Council meeting on 28 May 2019:

1. To review all assets within Tor Bay Harbour and the Harbour Estate.
2. To establish how each asset is performing.
3. To identify any assets that are surplus.

The working party was subject to political balance with nominations for elected members made by group leaders. Therefore nominations to fill the two External Advisor positions only were sought.

Resolved:

That the Harbour Asset Review Working comprise of elected members as nominated by group leaders and External Advisors Mr Day and Mr Stewart.

58. Harbour Budget Review Working Party

Members noted that the Harbour Budget Review Working Party was appointed at the Adjourned Council meeting on 28 May 2019, the working party was subject to political balance with nominations for elected members made by group leaders. Therefore nominations to fill the two External Advisor positions only were sought.

Resolved:

That the Harbour Budget Review Working Party comprise of elected members as nominated by group leaders and External Advisors Mr Ellis and Mr Stewart.

59. Pilotage Review Working Party

The Committee received the submitted report on the appointment of a Pilotage Review Working Party which reviews the Pilotage arrangements for Tor Bay Harbour.

Resolved:

That a Pilotage Review Working Party, comprising two of the External Advisors (Mr Buckpitt and Mr Stewart) be appointed to work alongside Officers to review the Pilotage arrangements for Tor Bay Harbour and to recommend to the Harbour Committee any amendments to the Pilotage Directions as and when appropriate.

60. Port Masterplan - Addendum 2019-2020

Members considered the addendum to the Port Masterplan, the Tor Bay Harbour Master informed Members that having reviewed the Port Masterplan the strategic direction continued to be relevant with the aims and aspirations requiring a refresh. Members were advised that a number of consultation events were held at the three harbours generating considerable feedback.

Members welcomed the refresh of the Port Masterplan, but felt the section on Paignton, whilst setting the scene, lacked clarity and aspiration for Paignton Harbour and requested the Tor Bay Harbour Master undertake further revisions.

Resolved:

That the Port Masterplan – Addendum 2019-2020 be revised further and presented to the Harbour Committee on 24 September 2019.

61. Request for allocation of reserves to progress Brixham Improvement Scheme

Members considered a report that sought to earmark up to £40,000 of Harbour Revenue Reserves to progress the proposed Brixham Harbour improvement scheme from the concept to the assessment phase.

Resolved:

That the Harbour Committee requests the Interim Director of Place to approve the allocation of a further £40,000 of Harbour Revenue Reserves for the purposes of undertaking wave modelling to inform a future detailed business case for the Brixham Harbour Improvement Scheme.

62. To Bay Harbour Authority Budget Monitoring 2019/20

The Committee noted a report that provided Members with details of the projected income and expenditure for the year 2019/2020 compared with approved budgets.

The Tor Bay Harbour Master advised Members the fish toll was down on this time last year as a result of the weather. However following the successful introduction of the online auction, resulting in a world-wide market, the price of fish had increased offsetting the fish toll.

63. Tor Bay Harbour Authority Revenue Outturn 2018/19

Members noted a report that provided details of the Tor Bay Harbour Authority final expenditure and income figures against budget targets for 2018/19. The Tor Bay Harbour Master informed Members that a break even budget had been forecast due to required maintenance to the mooring chains. However during the final quarter of the financial year an increase in fish tolls offset the maintenance costs, coupled with an insurance payment for storm damage, resulting in a £132,000 surplus.

64. Review of Harbour Pilotage Directions

Members considered the Tor Bay Harbour Authority Pilotage Directions which had been reviewed by the Pilotage Review Working Party and presented to the Harbour Committee for adoption.

Resolved:

That the Tor Bay Harbour Authority Pilotage Directions as set out in the submitted report be adopted.

65. Port Marine Safety Code

Members noted the report that set out the accident/incidents recorded across Tor Bay Harbour and harbour estate. The Tor Bay Harbour Master informed Members that the report was produced just prior to the recent tragedies, none the less these incidents would be recorded and investigated.

66. Torquay/Paignton and Brixham Harbour Liaison Forums

The Minutes of the Torquay/Paignton and Brixham Harbour Liaison Forum were noted.

Chairwoman



Meeting: Harbour Committee

Date: 24th September 2019

Wards Affected: All wards in Torbay

Report Title: Approach by FUGRO

Is the decision a key decision? No

When does the decision need to be implemented? 24 September 2019

Cabinet Member Contact Details: Councillor Mike Morey, Cabinet Member
Infrastructure, Environment and Culture

Supporting Officer Contact Details: Adam Parnell
Head of Tor Bay Harbour Authority
☎ Telephone: 01803 292429 (Ext 2724)
✉ Email: adam.parnell@torbay.gov.uk

1. Proposal and Introduction

1.1 The Harbour Authority has been approached by a company wishing to 'lay-up' vessels in Brixham Harbour. This will generate revenue but could be contentious given their size. This report seeks approval to undertake this on a 'trial' basis until the end of the financial year and to gauge public reaction prior before committing on a longer term basis.

2. Reason for Proposal and associated financial commitments

2.1 Along with other harbours, Tor Bay harbour has been asked if it would consider 'laying up' Fugro vessels (see appendices). Once in position these would be relatively immune to the environmental conditions experienced in Brixham Harbour and would be here for relatively short periods of time between commissions elsewhere.

2.2 This proposal does not present any financial commitment on behalf of the Harbour Authority or Torbay Council, but is instead a potential revenue generator. However, the vessels are visually intrusive and this could cause public consternation, hence the decision being brought to the Committee.

3. Recommendation(s) / Proposed Decision

- 3.1 The Harbour Committee is requested to approve the 'laying up' within Brixham Harbour of one or more of these vessels for short periods for a trial period not exceeding 01 April 2020 to gauge opinion prior to a longer-term decision being made.

Appendices

1. Aran-250
2. Excalibur
3. Fugro-1200
4. Wavewalker

Background Documents

None

Section 1: Background Information

1.	<p>What is the proposal / issue?</p> <p>To accommodate large laid up vessels on a trial basis.</p>
2.	<p>What is the current situation?</p> <p>Brixham recently accommodated a similar sized vessel to the Aran-250 as part of the Oxen Cove jetty development. There was no notable adverse comment.</p> <p>Following an approach by Fugro for the harbour to be a potential 'lay up' harbour for their vessels while between commissions it is proposed that this could be a small but potentially ongoing revenue generator for Tor Bay harbour so long as environmental and other considerations are taken into account</p>
3.	<p>What options have been considered?</p> <p>Not to accept the vessels; to accept only certain vessels, or to accept all of the vessels.</p> <p>It is not proposed that the largest vessel be accommodated as it would take up too much of the enclosed harbour</p>
4.	<p>What is the relationship with the priorities within the Partnership Memorandum and the Council's Principles?</p> <p>This supports the principle of a thriving economy</p>
5.	<p>How does this proposal/issue contribute towards the Council's responsibilities as corporate parents?</p> <p>Not applicable</p>
6.	<p>How does this proposal/issue tackle poverty, deprivation and vulnerability?</p> <p>Not applicable</p>
7.	<p>How does the proposal/issue impact on people with learning disabilities?</p> <p>Not applicable</p>

8.	<p>Who will be affected by this proposal and who do you need to consult with? How will the Council engage with the community? How can the Council empower the community?</p> <p>The visual impact of these could result in objections from residents and tourists. It is therefore proposed that a trial period only be agreed.</p>
<p>Section 2: Implications and Impact Assessment</p>	
9.	<p>What are the financial and legal implications?</p> <p>This proposal would generate a modest revenue return. No legal implications are foreseen.</p>
10.	<p>What are the risks?</p> <p>There is a risk that they are not accepted by residents or members of the public due to their imposing size. This is mitigated through a trial period.</p> <p>There is a risk that they deny part of the harbour to recreational and commercial vessels but this would be mitigated by their anchoring away from the main fairway.</p> <p>There is a risk that they damage the fundus or disturb natural habitats. This is mitigated through careful selection of anchorage sites.</p> <p>There is a risk that they will be too exposed to environmental conditions. This will be mitigated through comprehensive liaison with the company in advance to ascertain their environmental resilience prior to arrival.</p>
11.	<p>Public Services Value (Social Value) Act 2012</p> <p>Not applicable</p>
12.	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>Fees and charges set by neighbouring harbours have been studied, and Harbour Liaison Fora have been consulted to ensure that their presence would be accepted</p>
13.	<p>What are key findings from the consultation you have carried out?</p> <p>Broad agreement that they are allowed in so long as the environmental impacts are fully understood in advance</p>

14.	Amendments to Proposal / Mitigating Actions None



FUGRO ARAN 250

The Aran 250 is a medium sized, high payload, modular jack-up platform. Has low international transport costs coupled with high performance capabilities. The vessel has recently undergone works to provide more expansive use of deck space and hydraulic system enhancement to provide jacking speed 3 times faster than 'standard'.

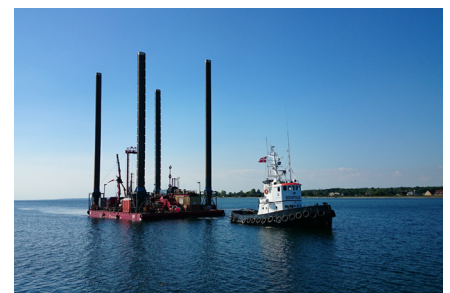
The jack-up's modular design allows the Aran 250 to provide a cost effective solution to perform a wide variety of functions from geotechnical investigations to excavation and construction.

With a large deck area, the Aran 250 can cater for a wide range of drilling, craneage and specialist in situ sampling and testing applications.

The Aran 250 has a rapid deck elevating system and is equipped with four legs to provide maximum strength and stability.

Assembly and commissioning of the jack-up superstructure is achieved in two or three days allowing a rapid mobilisation of the required plant, equipment and ancillaries.

The Aran 250 is equipped with three moon pools through the deck.



Tug boat towing Aran 250 to site.



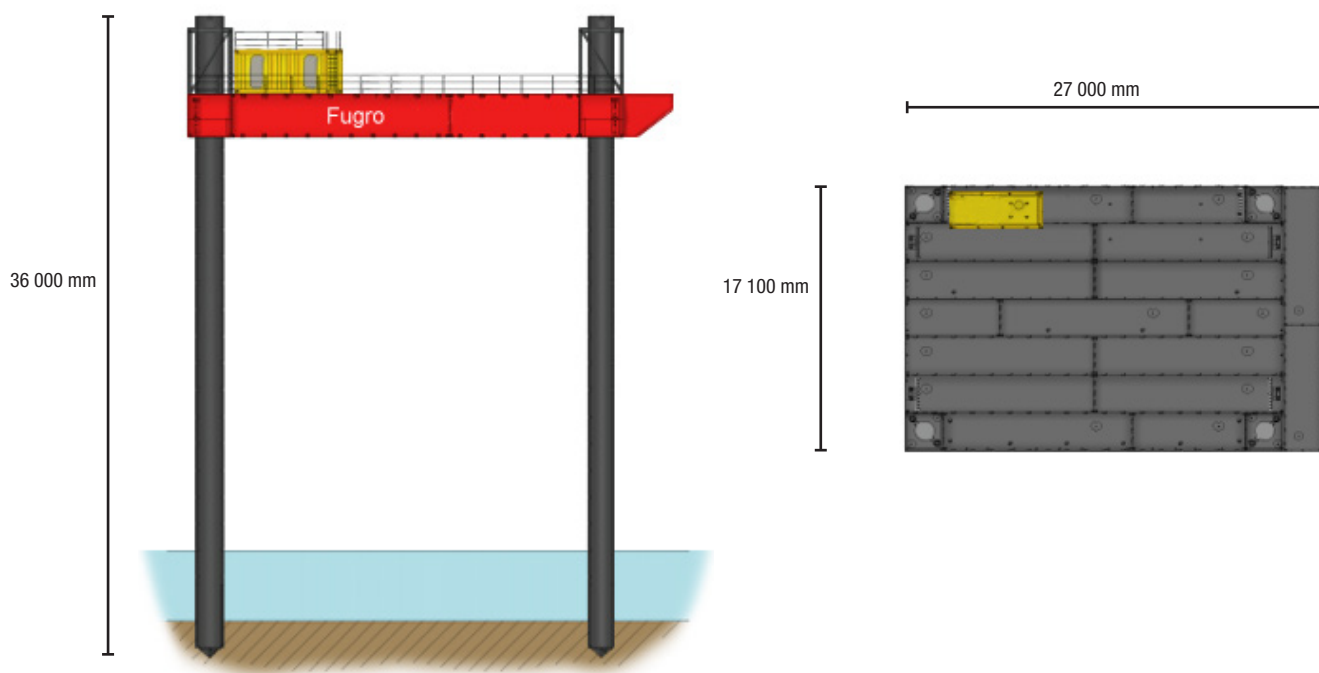
Aran 250 on site in Storstrom, Denmark.

SPECIFICATIONS

Aran 250 Jack-up Barge

Classification society:	GL (Germanischer Lloyd)
Notation:	Non propelled self-elevating unit
Build year:	2008 (full upgrade 2018)
Jacking system:	Hydraulic/leg pucks
Max. separation:	30 m (length of leg below hull)
Max. payload:	250 t
Gross tonnage:	275 t

Length:	27 m (total including scow ends)
Breadth:	17.1 m
Moulded depth:	2.44 m
Number of legs:	4
Max. leg length:	36 m (3 x 12 m sections)
Leg dia.:	1.220 m





FUGRO EXCALIBUR

Excilibur is the largest in the Fugro fleet of jack-up barges, in class with Germanischer Lloyd. This 8-legged barge is capable of working in water depths up to 40 m and has been used extensively for installing foundations for offshore wind farm projects and also can be equipped with an integral foundation drilling unit.

The jack-up provides a very stable working platform with accommodation for up to 40 personnel.

Facilities include:

- 20 two-man accommodation rooms complete with showers and toilets
- Galley
- Mess room
- Recreation room
- Laundry room
- Office
- Workshop
- Store rooms

It comes fully equipped with:

- Navigation and communication systems
- GMDSS radio room
- VHF
- INMARSAT
- NAVTEX

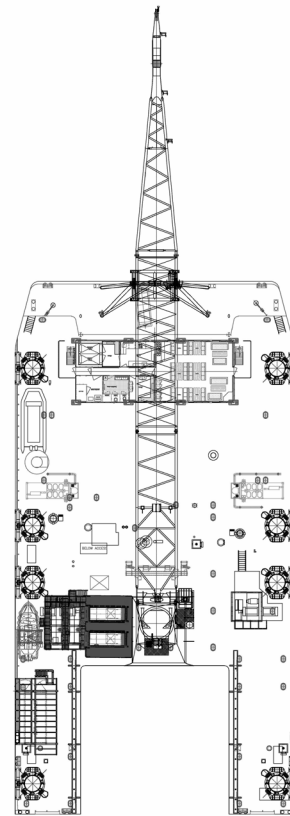
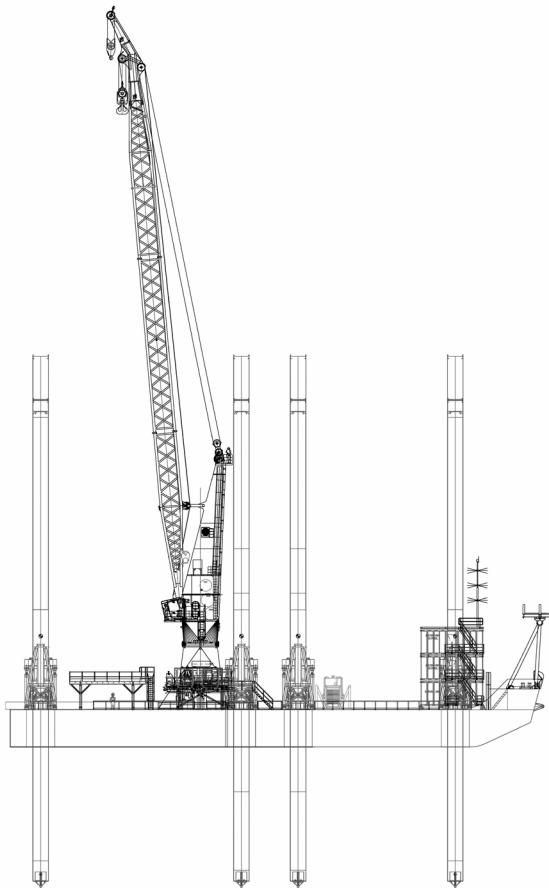


SPECIFICATIONS

Excalibur Jack-up Barge

Classification society:	DNVGL
Notation:	Non propelled self-elevating unit
Full refurbishment:	2018
Year of last class survey:	2018 (renewal every 5 years)
Flag:	The Republic of Vanuata
Jacking system:	Pneumatic/hydraulic
Power pack configuration:	Diesel hydraulic
Max. separation:	45 m (length of leg below hull)
Draft:	2.73 m
Max. payload:	1031 t
Max. deck load:	785 t @ 10 t/m2
Gross tonnage:	2390
Net tonnage:	717
Deck construction:	Steel monohull

Length:	60 m
Breadth:	32 m
Moulded depth:	4.24 m
Number of legs:	8
Max. operating water depth:	37.1 m (dependant on environmental conditions)
Main crane:	Huisman
Max. boom length:	62.4 m
Max. platform lift:	230 t @ 17.5 m
Marine lift (min. radius):	190 t @ 9 m
Auxiliary crane:	Hydralift (5 t)
Max. leg length:	55 m
Leg dia.:	1.8 m
Number accommodation:	40





FUGRO

FUGRO 1200

The Fugro 1200 is a sturdy jack-up platform for support of geotechnical investigation, foundation piling and general heavy lift marine construction operations. The fast jacking speeds and the wide envelope of the pile gate complete a package which, for the class of vessel, is hard to beat.

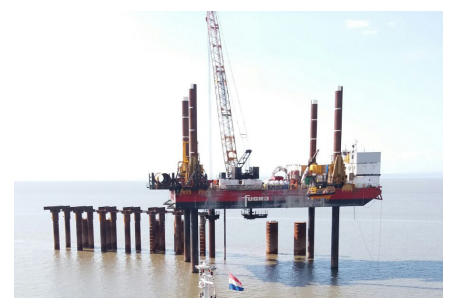
Fugro purchased this vessel in 2010 and upgraded the jacking system from a 0.25 m jacking ram stroke to an impressive 3.0 m, as well as installing a cantilvered pile gate currently set up for installing vertical and raked piles up to 1.8 m diameter.

The vessel has been mobilised for a number of projects including jetty piling and superstructure installation, wave energy pile installations and offshore desalination shafts.

The vessel has also been used for geotechnical investigation drilling in deeper water where smaller modular jack-up barges are not able to operate. Fugro own

and operate a wide array of drilling equipment with capabilities from 0.4 m to over 7.0 m diameter.

The Fugro 1200 is suitable for deployment to support drilling operations up to 3.5 m diameter. The vessel is able to operate in water depths up to 30 m and has a design payload of 1000 t with category four storm survivability in suitable water depths.



SPECIFICATIONS

Fugro 1200 Jack-up Barge

Specifications

Classification society:	Nippon Kaiji Kyokai, A1, A2, A3, N S (CS) (SEP), Offshore platform USL 2C. Also Certificated by DOT to operate in Australia
Year built and rebuild:	1974, major rebuild 2010
Registry:	SVG

Dimensions

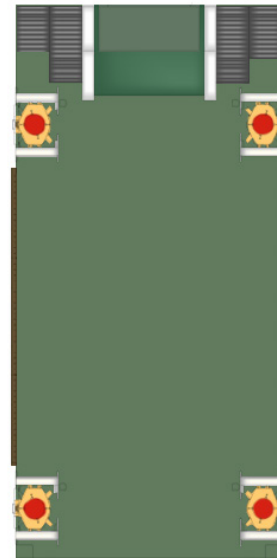
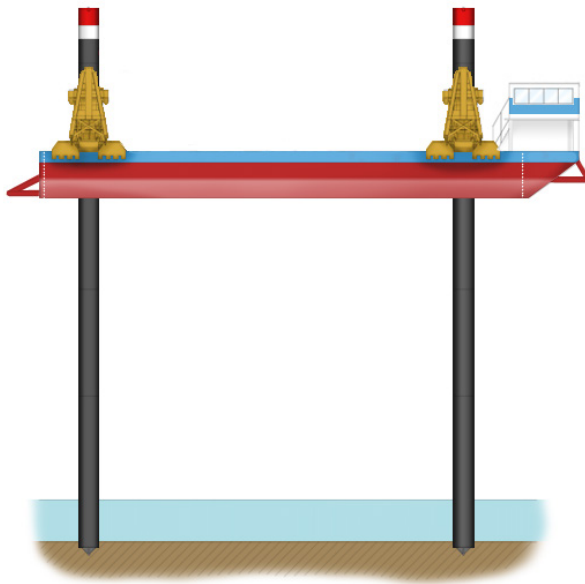
Barge length:	50 m
Beam:	24 m
Depth:	4.3 m
Legs / jacking system:	4 no. new 55 m legs, 1800 mm dia with Fugro gripper/bladder system
Payload:	1000 t
Deck loading:	15 tm ²

Jacking System

Jacking system replacement:	2010
Type:	Fugro / De long hydraulic system with pneumatic grippers
Stroke:	3 m
Jacking speed:	30 m p/h
Legs:	4
Leg length:	55 m
Leg diameter:	1.8 m
Leg weight:	100 t each - new in 2016

Other

Fuel capacity:	100 000 l
Fresh water capacity:	100 000 l
Reverse osmosis and sewage treatment plant	





WAVEWALKER 1

WaveWalker 1 is an innovative jack-up which can be operated in conventional 4-legged mode or as an 8-legged, self-contained walking jack-up barge, capable of safely operating bi-directional movement whilst elevated allowing the jack-up to move and relocate without floating.

This versatile jack-up can move and operate in rough seas, strong currents, on beaches and in other intertidal locations. This considerably boosts the productivity of a variety of traditional jack-up operations, such as geotechnical site investigation, drilling and blasting, trenching, pipeline and cable laying, marine construction and pile installation, offshore windfarm operations and maintenance and other marine and underwater work.

These are all areas where floating equipment or conventional jack-ups would experience extensive delays due to weather downtime, as well as the obvious safety implications of operating floating equipment in nearshore, large swell locations. The jack-up is also of sufficient size to support

live aboard applications, thus dramatically increasing operational productivity and reducing crew change downtime periods.

The Walking Jack-up Concept

WaveWalker 1 has 8 independently jackable legs. Each of these is carried in a leg bearing unit, which slides on bull rails built into the hull structure. Once on location, 4 legs on two opposite hull sides are lowered to seabed and the rig is jacked up in the conventional manner.

The other 4 legs in raised position are then slid to the end of the walking stroke by the walking cylinders. These legs are then lowered to the seabed and weight transferred to them. The initial 4 jacklegs are then retracted clear of the seabed and

the walking cylinders driven to the extent of their stroke, causing the hull to slide 4 m in the required direction. The raised legs are then lowered to the seabed and weight transferred to them.

Finally, the unloaded legs are jacked up clear of the seabed and reset to the start position. In this way, a 4 m “walk” is completed and the cycle can be repeated if required – overall walking speeds of up to 40 m per hour are achievable (bi-directionally) subject to favourable seabed conditions.

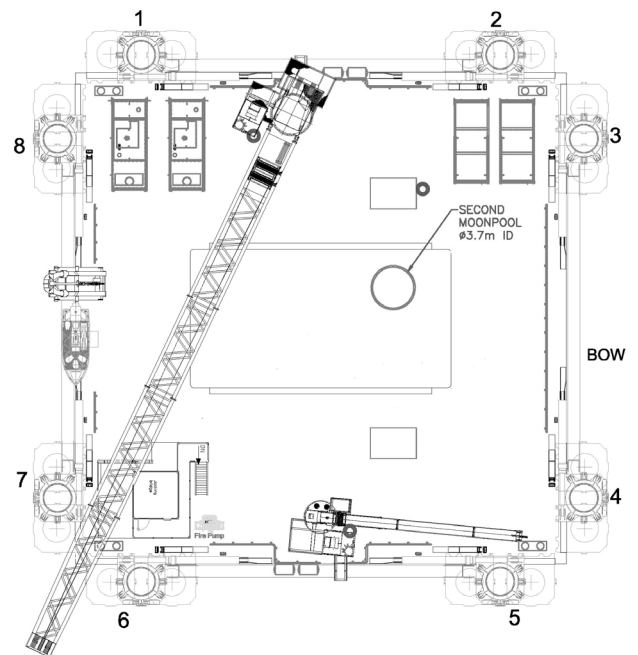
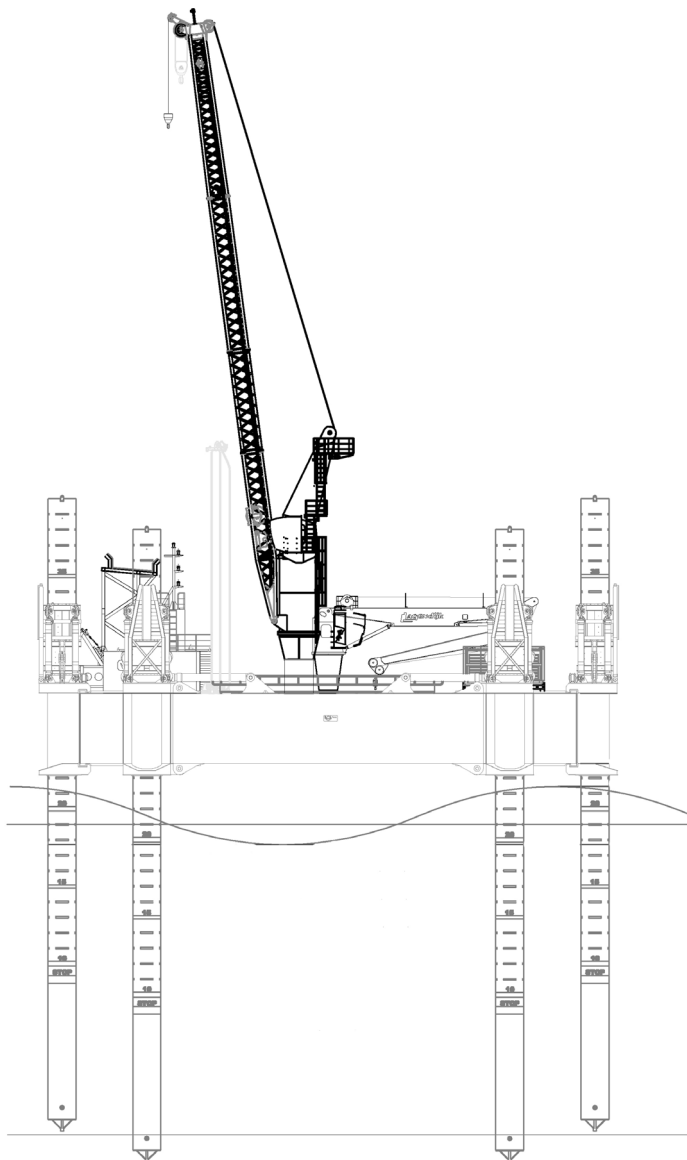


SPECIFICATIONS

WaveWalker 1 Jack-up Barge

Hull dimensions:	32 m x 32 m x 4.5 m
Max. displacement:	2400 t (includes payload)
Payload (8 leg walking mode):	400 t
Payload (4 leg conventional jack-up):	850 t
Deck Load:	8 t/m ₂
Number of legs:	8
Dimensions of legs:	1.8 m diameter x 40 m long
Max. separation:	29.5 m
Jacking system:	De Long / Fugro GeoServices hydraulic system with pneumatic grippers
Walking stroke:	4 m

Moonpool:	17 m x 9 m (covered if required)
Craneage:	- Lagendijk LWC900 offshore wire crane - 92.9 t @ 8 m operating radius - Lagendijk LKB 13.0/20.0-10.0 knuckle boom crane - 10 t @ 4 m operating radius - Both cranes suitable for manriding
Accommodation (optional):	32 POB
Classification:	Germanischer Lloyd
Built:	2012
Flag:	The Netherlands





Meeting: Harbour Committee

Date: 24th September 2019

Wards Affected: All wards in Torbay

Report Title: Tor Bay Harbour Authority Budget Monitoring 2019/20

Cabinet Lead Contact Details: Councillor Mike Morey, Cabinet Member for Infrastructure, Environment and Culture

Supporting Officer Contact Details: Adam Parnell
Head of Torbay Harbour Authority
Tor Bay Harbour Master
☎ Telephone: 01803 853321/851854
✉ E.mail: adam.parnell@torbay.gov.uk

Pete Truman
Principal Accountant
☎ Telephone: 10803 207302
✉ E.mail: pete.truman@torbay.gov.uk

1. Purpose

- 1.1 This report provides Members with projections of income and expenditure for the year 2019/20 compared with approved budgets.
- 1.2 This report identifies the overall budgetary position for Tor Bay Harbour Authority as at end of August 2019 to enable appropriate action to contain expenditure and maintain reserves at appropriate levels.
- 1.3 The Committee is asked to **note**:
 - a. the amended outturn projections of the harbour accounts and adjustments to the Reserve Funds shown in Appendix 1;
 - b. the Head of Torbay Harbour Authority's use of delegated powers to make decisions in relation to the budget allocated to Tor Bay Harbour;
 - c. the Harbour Master's use of delegated powers to waive certain harbour charges which to date amounts to £4,292.27.

2. Summary

- 2.1 The Tor Bay Harbour Authority budget was approved by the Harbour Committee on 17th December 2018

- 2.2 This is the second budget monitoring report presented to the Harbour Committee for the financial year 2019/20.
- 2.3 A slow start in levels of fish toll income is likely to result in a shortfall to the overall budget target for the year. Further pressure on the Harbour account exists from additional waste costs, increased security arrangements and higher insurance premiums. Some savings have been generated from staff vacancies.

Supporting Information

3. Position

- 3.1 The projected outturn at Appendix 1 reflects amendments to the budget made within the Head of Torbay Harbour Authority's delegated powers. Details of each amendment can be found in the associated note.
- 3.2 The performance against budget is summarised below:

	Original Budget £000	Revised Budget £000	Projected Outturn £000
Operational surplus/(deficit)	67	(58)	(90)
Gainshare* – General Fund	(42)	0	0
Gainshare* – Harbour Reserve	(25)	0	0
Net Surplus/(Deficit) 2019/20	0	(58)	(90)

* see paragraph 3.9

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

	Total Budget £000	Actual to Date (including prior years) £000	Projected Outturn £000	Notes
Oxen Cove Jetty	1,967	2,255	1,967	(i)
North Quay Brixham Fendering	300	317	317	(ii)
Victoria Breakwater	3,853	3,889	3,892	(iii)
Harbour Light Restaurant Redevelopment	600	106	800	(iv)

- (i) Works are nearing completion. The budget for this scheme is currently set at £1.97m but may increase to (worst case) £3.1m pending formal negotiations surrounding Compensation Event Notices issued by main contractor. The MMO is providing EMFF grant of £1.6m and it is now anticipated that the Council borrowing for the scheme may need to be £1.5m.
- (ii) Fenders have been delivered and installed. Project fees have increased the total cost of the scheme.
- (iii) Works have completed. Project fees have increased the total cost of the scheme.
- (iv) An increase to the project spend due to old lease surrenders and additional internal works has been approved by the Chief Executive. Works are expected to commence this month.

3.4 The Harbour's liability for prudential borrowing is detailed in the following table.

Capital Scheme	Amount Borrowed	Start of Repayments	Principal outstanding
Town Dock (Torquay Harbour)	£1,140,000	2008/09	£538,680
Haldon Pier (Torquay Harbour)	£1,200,000	2010/11	£867,749
Brixham Harbour New Fish Quay Development	£4,750,000	2011/12	£3,785,534
Torquay Inner Harbour Pontoons (Inner Dock)	£800,000	2014/15	£680,506
TOTAL			£5,872,469

3.5 The Tor Bay harbour Authority debt position (at early September 2019) 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	£12k	£44k	£47k	£76k
Bad Debt Provision	£23k			

The outstanding Harbour Charges debt largely reflects payment of user charges by instalments and the overall figure will reduce throughout the year.

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 Harbour Committee minute 398 (5) from December 2011 states the following:-

"That, as recommended by the Harbour Committee's Budget Working Party, each harbour reserve fund is split with 20% of budgeted turnover ring-fenced to meet any deficit in the revenue budget or winter storm damage and the balance ring-fenced to fund harbour related capital projects."

Consequently Committee is asked to note the obvious ongoing need for healthy Harbour Reserve Funds.

3.8 There is a significant risk that the Harbour Authority will cease to be self-funding given the continuing and forecast trend downwards of the Harbour Reserve. 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 2019/20

Additional Information

None

HARBOUR REVENUE ACCOUNTS 2019/20 - BUDGET MONITORING

Appendix 1

Sep-19

TOR BAY HARBOUR AUTHORITY

Expenditure	2019/20 Original Budget £ ,000	2019/20 Current Budget £ ,000	2019/20 Projected Outturn £ ,000	Notes
Harbour Employee Costs	630	613	589	1
Operations and Maintenance :-				
Repairs and Maintenance	319	319	342	
Rent/User Charges Concessions	11	11	14	
Other Operating Costs	585	668	784	2
Management and Administration :-				
Internal Support Services	175	181	181	3
External Support Services	47	47	47	
Other Administration Costs	95	95	87	
Capital Charges	498	498	498	
Contribution to General Fund - EHO	25	25	25	
Contribution to General Fund	171	171	171	
Contribution to General Fund - Asset Rental	631	631	631	
	3,187	3,259	3,369	
Income				
Rents and Rights :-				
Property and Other Rents/Rights	549	549	566	
Marina Rental	442	442	444	
Operating Income :-				
Harbour Dues	151	151	149	
Visitor and Slipway	64	64	64	
Mooring fees	203	203	218	
Pontoon Berths	588	587	588	
Fish Toll Income	978	925	925	4
Recharged Services	103	103	111	
Boat and Trailer parking	44	44	44	
Harbour Facilities charges	41	41	36	
Licences & Contractor passes	28	28	28	
Reserved Car Parking	37	37	37	
Miscellaneous & Administration charges	27	27	29	
Contribution from Reserve - Brixham Improvement Scheme	0	0	40	
	3,255	3,201	3,279	
Operating Surplus /(Deficit)	67	(58)	(90)	
Gain share contribution to General Fund	(42)	0	0	
Gain share Contribution to Harbour Reserve	(25)	0	0	
Net Surplus /(Deficit)	0	(58)	(90)	
RESERVE FUND				
Opening Balance as at 1st April			741	
Interest Receivable (estimated)			5	
Net Surplus / (Deficit) from Revenue Account			(90)	
Capital Funding			(187)	5
Expected Closing Balance as at 31st March			469	

Note: In line with Harbour Committee minute 398 (5) December 2011 the minimum Reserve level at year end 2019/20 is £637k based on 20% of budgeted turnover to meet any deficit in the revenue budget or winter storm damage. The balance is earmarked for harbour related capital projects.

HARBOUR REVENUE ACCOUNTS 2019/20 - BUDGET MONITORING

NOTES

- 1 Savings in the current year will be achieved by vacancy management.
- 2 Additional waste costs from the Fish Market have been incurred. The Head of Torbay Harbour Authority has implemented an increase in the level of external security to provide 24 hour cover. Further pressures arise from NNDR liabilities and rising insurance premiums.
- 3 Central support costs have risen by 2% on the 2018/19 actual.
- 4 The level of fish tolls achieved to date is significantly short on the levels of the same period last year and are unlikely to provide a sufficient platform to reach the budgeted target for the year. The target has therefore been adjusted down to the outturn achieved for 2018/19.
The projection makes no allowance for any potential negative impact arising from Brexit which could effect prices, tariffs and volume of landings.
- 5 Approved withdrawals for the balance of funding of Harbour Light redevelopment and installation of water meters at Brixham. Harbour Committee approved a withdrawal of £40,000 to fund initial feasibility costs of the Brixham Improvement Scheme.



Meeting: Harbour Committee

Date: 24th September 2019

Wards Affected: All wards in Torbay

Report Title: Harbour Budget 2020/21 and Schedule of Fees and Charges

Is the decision a key decision? Yes

When does the decision need to be implemented? 24 September 2019

Cabinet Member Contact Details: Councillor Mike Morey, Cabinet Member for Infrastructure, Environment and Culture

Supporting Officer Contact Details: Adam Parnell
 Head of Tor Bay Harbour Authority
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Pete Truman
 Principal Accountant
 ☎ Telephone: Ext 7302
 ✉ Email: Pete.Truman@torbay.gov.uk

1. Proposal and Introduction

- 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 2019/20. 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 2019/20, having considered the budgetary implications set out in this report.
- 1.3 The Committee is further asked to approve the 2019/20 budget for Tor Bay Harbour Authority.

2. Reason for Proposal and associated financial commitments

- 2.1 The Harbour Committee is required annually to approve the Harbour Authority revenue budget and to set the level of fees and charges levied.
- 2.2 This proposal commits the Harbour Authority financially to £3,381,000 expenditure from the revenue budget and an additional £74,000 net from the harbour reserves

which will primarily be used to replace worn mooring ground chain in Brixham harbour as well as fender replacements in each of the 3 enclosed harbours.

Recommendation(s) / Proposed Decision

3.1 The Harbour Committee is requested to:

- a. Approve the recommendation made by the Budget Review Working Party to increase harbour fees and charges by an representative average of 2.0% (Appendix 1);
- b. Approve the proposed Harbour Authority budget for 2020/21 (Appendix 2)
- c. Direct the Budget Review Working Party to continue to monitor the revenue budget and to recommend a budget for 2021/22.

Appendices

1. Proposed Tor Bay Harbour Schedule of Fees and Charges 2020/21.
2. Proposed Tor Bay Harbour revenue budget 2020/21.

Background Documents

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

Schedule of Tor Bay Harbour Charges 2018/19
Tor Bay Harbour Act 1970
Tor Bay Harbour (Torquay Marina Act &c.) Act 1983

Section 1: Background Information

1.	<p>What is the proposal / issue?</p> <p>The Council constitution requires the Harbour Committee on behalf of the Harbour Authority to annually set and approve a balanced revenue budget and to set the level of fees and charges accordingly.</p>
2.	<p>What is the current situation?</p> <p>Torbay Council's Revenue Budget and General Fund continue to face significant financial pressures and all council business units including the Harbour Authority have been asked to make further savings or increase revenue to help reduce the deficit. Over recent years the Harbour Authority have made increasing contributions to the General Fund which in 2018 was £959,000 (approximately 29% of income).</p> <p>In 2018 the Harbour Committee was concerned that any further raise in contribution to the GF would put the Harbour Authority at considerable financial risk given the variability in fish toll incomes which in the last 2 years have varied by £175,000 [2017: £1.1m; 2019: £959k forecast].</p> <p>The Committee thus agreed that the level of contribution to the GF remain static but any trading surplus would be split between the GF and the Harbour Reserves which currently stand at approximately 14% of income.</p> <p>This is significantly below the 20% minima that the Harbour Committee consider prudent to make up any in-year revenue shortfall and meet unforeseen expenditure such as storm damage.</p> <p>The Budget Review Working Party met 10 September to consider the in-year financial position and to set a budget for 2020/21 which can be found at Appendix 2. It also agreed the broad principles for the 2020/21 schedule of fees and charges (Appendix 1).</p>
3.	<p>What options have been considered?</p> <p>3 options have been considered:</p> <p>a. Increase the schedule of fees and charges by a representative 2.0% average to account for inflationary pressures – this is the recommended option</p> <p>b. Make no change to the level of harbour charges and accept reduced levels of revenue – NOT recommended as this would place the budget in a deficit position</p>

	c. To not agree the GF contribution in advance but instead wait until fish toll revenues are known in early 2021 – this is unlikely to be acceptable due to the council’s financial position
4.	<p>What is the relationship with the priorities within the Partnership Memorandum and the Council’s Principles?</p> <p>The proposal is for a representative 2.0% increase in fees and charges and is below the average rise of 3.0% applied to the remainder of the Council’s fees and charges. It thus seeks to balance the need to set a balanced budget with the need to <i>encourage a thriving economy</i> while making appropriate <i>adaptations for climate change</i></p>
5.	<p>How does this proposal/issue contribute towards the Council’s responsibilities as corporate parents?</p> <p>Not applicable</p>
6.	<p>How does this proposal/issue tackle poverty, deprivation and vulnerability?</p> <p>Price increases have been set at the minimum level necessary to deliver a balanced budget and thus attempts to minimise financial pressures to harbour users</p>
7.	<p>How does the proposal/issue impact on people with learning disabilities?</p> <p>The schedule of fees and charges has been reformatted to make it easier to read and is less confusing to comprehend</p>
8.	<p>Who will be affected by this proposal and who do you need to consult with? How will the Council engage with the community? How can the Council empower the community?</p> <p>Both the Torquay & Paignton and the Brixham Harbour Liaison Fora have been consulted.</p>
Section 2: Implications and Impact Assessment	
9.	<p>What are the financial and legal implications?</p> <p>The scale of the GF contribution could attract a challenge under the Local Authority Accountability Act which would require substantial administrative effort to rebut</p>
10.	<p>What are the risks?</p> <p>There is a significant risk that the budget will not be met due to the variability in fish tolls which accounts for 28% of the total income. This risk cannot be mitigated under the current paradigm.</p>

	<p>There is a risk that boat owners will relocate their vessel or business to other harbours which are cheaper. This has been mitigated by analysing the regional market to ensure that our prices are competitive.</p> <p>There is a risk that unforeseen expenditure eg to fix storm damage could deplete the Harbour Reserves to the point it can no longer be self-financing. In that instance any deficit would require a GF precept thus reducing the overall contribution to the GF. This can only be mitigated by increasing the reserves to the 20% agreed minima but this is not possible under the current budget model.</p>
11.	<p>Public Services Value (Social Value) Act 2012</p> <p>Not applicable</p>
12.	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>Fees and charges set by neighbouring harbours have been studied, and Harbour Liaison Fora have been consulted</p>
13.	<p>What are key findings from the consultation you have carried out?</p> <p>Harbour users broadly accept the financial position and the need for moderate contributions to the GF but there is annually increasing resistance from the Harbour Users that this should continue given the increasing dilapidation evidenced around the harbour.</p>
14.	<p>Amendments to Proposal / Mitigating Actions</p> <p>None</p>

Equality Impacts

15.	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people		Increased harbour costs will place disproportionate pressure on young people who may earn less than older workers	
	People with caring Responsibilities		Increased harbour costs will place disproportionate pressure on carers whose income is below that of non-carers	
	People with a disability		Increased harbour costs will place disproportionate pressure on disabled people whose income is below average	
	Women or men			Neutral
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			Neutral
	Religion or belief (including lack of belief)			Neutral
	People who are lesbian, gay or bisexual			Neutral
	People who are transgendered			Neutral

	People who are in a marriage or civil partnership			Neutral
	Women who are pregnant / on maternity leave		Increased harbour costs will place disproportionate pressure on this cohort as their income is below reduced	
	Socio-economic impacts (Including impact on child poverty issues and deprivation)		Cumulative effect of the above will have an adverse affect	
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)		Price rises will discourage take up of maritime activities which in general increase fitness	
16.	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)	None identified		
17.	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	None identified		

HARBOUR REVENUE ACCOUNTS 2019/20 to 2024/25

Summary of Harbour Contributions to General Fund						
	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25
Fixed Contribution to General Fund per year	802	802	802	802	802	802
Gain share additional contribution to General Fund	0	0	21	46	47	45

Expenditure	2019/20	2019/20	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	Notes
	Base Budget £ ,000	Revised Budget £ ,000	Projected Outturn £ ,000	Provisional Budget £ ,000	Provisional Budget £ ,000	Provisional Budget £ ,000	Provisional Budget £ ,000	Provisional Budget £ ,000	
Harbour Employee Costs	630	613	589	651	668	685	703	721	A
Operations and Maintenance :-									
Repairs and Maintenance	319	319	342	322	343	290	290	290	
Rent Concessions	11	11	14	14	14	14	14	14	
Other Operating Costs	585	668	784	689	703	713	723	737	B
Management and Administration :-									
Internal Support Services	175	181	181	185	188	192	196	200	
External Support Services	47	47	47	48	49	50	51	52	
Other Administration Costs	95	95	87	85	87	88	89	90	
Capital Charges	498	498	498	561	561	561	561	561	
Contribution to General Fund - EHO	25	25	25	25	25	25	25	25	
Contbn to General Fund (Asset Rental)	802	802	802	802	802	802	802	802	
	3,187	3,259	3,369	3,381	3,440	3,420	3,454	3,492	
Income									
Rents and Rights :-									
Property and Other Rents/Rights	549	549	566	607	607	607	607	603	C
Marina Rental	442	442	444	453	462	471	481	490	
Operating Income :-									
Harbour Dues	151	151	149	154	157	160	163	167	
Visitor and Slipway	64	64	64	65	66	67	68	69	
Mooring fees	203	203	218	207	211	215	219	223	
Pontoon Berths	588	587	588	599	611	623	636	649	
Fish Tolls	978	925	925	982	1,027	1,027	1,027	1,027	D
Recharged Services	103	103	111	136	139	141	144	147	
Boat and Trailer parking	44	44	44	45	46	47	48	49	
Harbour Facilities charges	41	41	36	37	37	38	39	40	
Licences & Contractor passes	28	28	28	29	29	30	30	31	
Reserved Car Parking	37	37	37	38	38	39	40	41	
Miscellaneous & Administration charges	27	27	29	30	30	31	31	32	
Contribution from Reserve - Northern Arm			40						E
	3,254	3,201	3,279	3,381	3,461	3,498	3,534	3,568	
Operating Surplus /(Deficit)	67	(58)	(90)	(0)	21	77	80	75	
Gain share contribution to General Fund	(42)	0	0	0	(21)	(46)	(47)	(45)	
Gain share contribution to Harbour Reserve	(25)	0	0	0	0	(31)	(33)	(30)	
Net (Deficit)	0	(58)	(90)	(0)	0	0	0	0	

RESERVE FUND								
Estimated Opening Balance as at 1st April			741	471	396	342	319	297
Interest Receivable			7	6	6	5	5	5
Net Surplus / (Deficit) from Revenue Account			(90)	(0)	0	31	33	30
Contingency from Revenue Account			0					
Withdrawals - Harbour Schemes			(187)	(80)	(60)	(60)	(60)	(60)
Expected Closing Balance as at 31st March			471	396	342	319	297	272

Minimum Reserve Level 656 676 692 700 707 714

- Notes
- A A restructure of the joint Harbour/Beach Service has been completed. Vacancy savings in 2019/20 but increasing to 'base' + 2% from 2020/21
 - B Increased costs in 2019/20 for commercial waste, 24 hour security cover at Brixham, insurance premiums and NNDR. 2019/20 forecast aslo includes £50k viability study for Brixham Northern Arm funded from Reserve (see E below). Expect to return to 'base' from 2020/21
 - C New rental agreements from 2019/20. Future years further include the Brixham Fish Market lease and a notional rent for the redeveloped Harbour Light building
 - D Fish Toll levels not expected to achieve the original target budget for 2019/20 but are expected to be supplemented by mussel landings in future years.
 - E Harbour Committee approved Reserve funding up to £50k for preliminary viability studies for the Brixham Northern Arm project.
 - F 2019/20 includes reserve funding for Brixham Northern Arm Project, water metering capital scheme at Brixham and the residual funding for the Harbour Light building re-development. In 2020/21 this returns to £80 for mooring ground chain replacement in Brixham and fendering in all 3 encl harbours



Meeting: Harbour Committee

Date: 24 September 2019

Wards Affected: All wards in Torbay

Report Title: Port Marine Safety Code

Is the decision a key decision? No

When does the decision need to be implemented?

Cabinet Member Contact Details: Councillor Mike Morey, Cabinet Member for Infrastructure, Environment and Culture

Supporting Officer Contact Details: Adam Parnell
Head of Torbay Harbour Authority
Tor Bay Harbour Master
☎ Telephone: 01803 853321/851854
✉ E.mail: adam.parnell@torbay.gov.uk

1. Proposal and Introduction

- 1.1 The Port Marine Safety Code (“the Code”) sets out a national standard for every aspect of port marine safety. Compliance is not statutory but there is a strong expectation that all harbour authorities will abide by the Code, which has been reinforced in case law.
- 1.2 Torbay Council is the statutory Harbour Authority for Tor Bay Harbour. The Code requires harbour authorities to formally identify and designate a 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.
- 1.3. The Council has appointed the Harbour Committee as the Duty Holder.
- 1.4 This report, which is a standing agenda item, updates Members on topical Port Marine Safety Code matters including accident or incident data.

2. Reason for Proposal and associated financial commitments

- 2.1 This report, which is a standing agenda item, updates Members on topical Port Marine Safety Code matters including accident or incident data.
 - 2.2 The proposals contained in this report does not commit the Council financially over and above the already-agreed Harbour revenue budget.
-

3. Recommendation(s) / Proposed Decision

3.1 The Harbour Committee is invited to:

- a. Note and approve the contents of the draft Maritime and Coastguard Agency PMSC Health Check report (Appendix 1) and the proposed response contained therein;
- b. Establish a Marine Safety sub-committee as recommended by the MCA; and'
- c. Note the contents of the MarNIS report.

Appendices

Appendix 1: MCA letter dated 29 August 2019 (PMSC Health Check Report), including proposed Tor Bay Harbour Authority response

Appendix 2: MarNIS report of incidents and accidents as at 13 Sept 19.

Background Documents

DfT, Port Marine Safety Code

Tor Bay Harbour Authority, Safety and Environmental Management System


Section 1: Background Information

1.	<p>What is the proposal / issue?</p> <p>The Port Marine Safety Code (“the Code”) sets out a national standard for every aspect of port marine safety. Compliance is not statutory but there is a strong expectation that all harbour authorities will abide by the Code, which has been reinforced in case law where non-compliance was cited as “failing to implement a Safe System of Work” contrary to the Health and Safety at Work Act 1974.</p>
2.	<p>What is the current situation?</p> <p>Port Marine Safety Code issues, including an update on accidents, incidents and near-misses are presented as a standing agenda item to each Harbour Committee meeting.</p> <p>Additionally, Brixham harbour was recently visited by Maritime and Coastguard Agency (MCA) representatives who conducted a ‘health check’. They ordinarily select up to 8 statutory ports or harbours annually but Brixham was specifically targeted following undisclosed “safety concerns raised in relation to Brixham Harbour.”</p> <p>The health-check was conducted over 22/23 August and a draft post-visit report issued 29 August with several items highlighted for consideration (Appendix 1).</p>
3.	<p>What options have been considered?</p> <p>The Harbour Authority undertakes to comply with the Port Marine Safety Code and thus the only sensible option would be to rectify any issues identified during the health-check. To do otherwise could be cited as grounds for non-compliance. Accordingly, the Harbour Committee Chair and the Harbour Master have agreed a plan to fully implement the health-check’s findings.</p>
4.	<p>What is the relationship with the priorities within the Partnership Memorandum and the Council’s Principles?</p> <p>Compliance with the Code ensures that the Harbour Authority meet their statutory and regulatory obligations as well as contributing to a safe and efficient harbour which contributes directly to the Council’s priorities of a thriving economy and a climate fit for the future.</p>
5.	

	<p>How does this proposal/issue contribute towards the Council's responsibilities as corporate parents?</p> <p>Not applicable</p>
6.	<p>How does this proposal/issue tackle poverty, deprivation and vulnerability?</p> <p>Ensuring a safe and efficient harbour will enable marine industry to thrive thereby indirectly tackling poverty and deprivation</p>
7.	<p>How does the proposal/issue impact on people with learning disabilities?</p> <p>Not applicable</p>
8.	<p>Who will be affected by this proposal and who do you need to consult with? How will the Council engage with the community? How can the Council empower the community?</p> <p>The plan developed in response to the health-check requires the Harbour Authority to implement some minor changes but more importantly will require some behavioural change from harbour users which may take time to 'bed in'. These include greater use of VHF and the issuing of Pilot Exemption Certificates (where appropriate) to ferry operators.</p>

Section 2: Implications and Impact Assessment

9.	What are the financial and legal implications? Additional staff training and the administration of issuing additional Pilot Exemption Certificates will accrue a minor cost to the Harbour Authority but this is insignificant compared to the potential legal and compensation costs if a serious incident were to occur. These costs can be absorbed from within the existing Harbour revenue budget There are no legal implications of undertaking this proposal
10.	What are the risks? If not implemented then there is an increased risk of an accident or incident occurring, the consequences of which would be compounded by deliberate non-compliance with the recommendations which would be cited as the Authority not providing a safe system of work. This could accrue unwanted adverse reputational effects, harm to persons property or planet, and financial losses
11.	Public Services Value (Social Value) Act 2012 Not applicable
12.	What evidence / data / research have you gathered in relation to this proposal? See report
13.	What are key findings from the consultation you have carried out? Not applicable
14.	Amendments to Proposal / Mitigating Actions See enclosure to appendix 1

 Maritime & Coastguard Agency	
Job Ref:	Tor Bay including Brixham, Paignton and Torquay Harbours
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Type: Port Marine Safety Code Health Check

Port: Tor Bay including Brixham, Paignton and Torquay

Purpose: External Visit


Authors:	Date	Signature
Bill Bennett Danny Hawkins	29 August 2019	

Version History	Date	Remarks
No1	29 August 2019	First Draft

 <p>Maritime & Coastguard Agency</p>	
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GLOSSARY

ALARP	As Low As Reasonably Practical
CHA	Competent Harbour Authority
CPD	Continuing Professional Development
DP	Designated Person
HM	Harbourmaster
GTGP	Guide to Good Practice
KPI	Key Performance Indicator
MPX	Master/Pilot Exchange
PMSC	Port Marine Safety Code
PEC	Pilot Exemption Certificate
MAIB	Marine Accident and Investigation Branch
MSMS	Marine Safety Management System
RA	Risk Assessment
SHA	Statutory Harbour Authority
VTS	Vessel Traffic Service
LPS	Local Port Services

 Maritime & Coastguard Agency	
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1. Background

This MCA visit was scheduled following safety concerns raised in relation to Brixham Harbour.

In advance of the visit the MCA sent an aide-memoire to the Tor Bay Harbour Master and requested he provide comments within the chapters that corresponded to the PMSC and reference the relevant section of the port's Safety Management System. The aide memoire was returned with relevant sections completed in addition to an organogram of the port management structure.

2. Introduction


The Maritime & Coastguard Agency (MCA) conducted a PMSC "Health Check" of Bixham Harbour on 22/23 August 2019 at the Brixham Harbour Office. The ports of Paignton and Torquay are also the responsibility of Tor Bay Harbour Master with deputies at each facility completing the immediate management structure. The deputy HM position at Brixham was vacant at the time of the visit adding to the workload of the remaining management organisation-. The MCA team comprised Bill Bennett and Danny Hawkins.

3. Scope

The purpose of a "Health Check" visit is to assess whether the port is, on the day in attendance, effectively implementing the PMSC. The PMSC applies to all Harbour Authorities in the UK with statutory powers and duties. The visit is designed to provide advice and to assist the port in implementing the Code and in so doing, enhance port safety.

The scope of this health check covered the following elements:

1, Port details	Y
2. Designated Person	Y
3. Duty Holders	Y
4. Duties and Powers	Y
5. Consultation and Information Dissemination	Y

 Maritime & Coastguard Agency	
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6. Risk Assessment	Y
7. Safety Management System	Y
8. Powers and Enforcement	Y
9. Pilotage and Passage Plans	Y
10. Tugs, Workboats and Marine Services	N/A
11. Conservancy Obligations	Y
12. Directions	Y
13. Training	Y
14. Vessel Traffic Services	N/A
15. Published Documents	Y
16. Final check	Y

4. Overview

Tor Bay Harbour includes all of the area contained within a line half a mile seaward of a line from Sharkam Point to a position approximately 2.5 miles north of Hope's Nose. Within this large area are the harbour facilities at Brixham, Paignton and Torquay. Brixham is the most significant of the three as a major fishing port in the South West of England with busy ferry services to Dartmouth and to the other ports of Tor Bay. In addition all three provide facilities for inshore fishing and code vessels. Tor Bay is also a destination for visiting cruise liners which anchor in the bay and land their passengers by tender at Torquay.

Torquay and Brixham have large marinas which are independently managed by MDL and are separately PMSC compliant. They are not included in this HC although because of their close proximity the associated marine traffic is considered.

Torbay Council are the established CHA under the terms of the Tor Bay Harbour Act 1970. The Tor Bay Harbour Bye-Laws were constituted under sections 45 and 48.

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Visit

The Bixham Harbour Office was visited on the 22 August by the MCA team. The Tor Bay Harbour Master and Deputy Harbour Master (Paignton) were in attendance. Although a representative of the Duty Holder was invited, unfortunately, no-one was available on the day of the visit.

The Health Check mainly focussed on the Brixham facility the harbours at Paignton and Torquay were considered as they are included in the MSMS. The MCA Team visited the harbours of Paignton and Torquay as conclusion to the HC.

The Duty Holder of Tor Bay is the Harbour Committee of Torbay Council comprising 9 Councillors and 5 Marine Advisors..

Torbay Council made a declaration of compliance with the PMSC to the MCA in Nov 2018.

Tor Bay Harbour attendees during the Health Check were as follows:-

Adam Parnell – Harbour Master
Simon Pinder– Deputy Harbour Master (Paignton)


This report summarises observations made during the visit and is not construed as a statement of compliance to all or part of the code.

Enhancements

A number of enhancements that would improve implementation of the code were identified.

Duty Holder

The Council is newly formed following recent local elections with changes to the make-up of the Harbour Committee. In the absence of the ability to attend an external training event the Harbour Master has delivered a professional PMSC presentation on the role of the Duty Holder to the Harbour Committee. However in

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their capacity as PMSC Duty Holders they may benefit from a programme of briefings and operational visits. Alternatively, the Committee may consider appointing a sub- group to bring more focus to Marine Safety responsibilities. (GTGP section 2.3.22 and PMSC executive summary paragraph 8).

Designated Person (DP)


It is the Duty Holder's responsibility to decide on the appointment of the DP to provide a level of assurance that they believe is necessary to comply with the Code. (GTGP 2.3.27).

The MSMS must incorporate a regular and systematic review of its performance. This should be based on information from monitoring the system itself and from independent audits of the whole system. (PMSC 2.24).

The current DP responsibility is invested in Devon Audit Partnership. The Devon Audit Partnership was formed as a high quality, public sector service to provide internal audit and assurance to manage risk and meet challenges of the collective of Plymouth, Torbay, Devon, Torridge and Mid-Devon councils.

An organisation must publicly report on the PMSC performance annually (GTGP 2.2.4). There was review in May 2019 which identified a number of serious issues including the fact that the PMSC was not specifically addressed on the Duty Holder's Agenda. A number of serious concerns were included in the report which, although, require immediate action they are not related to the requirements of the PMSC, e.g. the safety of forklift truck operations. (The latter was witnessed by the MCA team who shared the concerns of the DP). However this issue may be better dealt with outside of the PMSC review where a focus of marine/waterborne safety is required.

Although an expert auditor the DP does not have a marine background as suggested by the GTGP 2.3.27. A harbour master/ deputy at another port, perhaps under reciprocal arrangements, could provide responsibility as the DP or provide the appropriate support to the existing DP.

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Risk Assessment

Brixham Harbour has a significant number of domestic passenger ship operations including regular ferry services and coastal expedition boats. The services to Paignton, Torquay, River Exe and Dartmouth amount to a total of circa 4000 passenger journeys per day. During their visit the MCA team observed up to 4 passenger vessels manoeuvring, at one time, in the vicinity of the single landing pontoon. Brixham has a home fleet of beam trawlers adding a substantial number of ship vessel movements within the port. Torquay has a similar passenger schedule with an observed blind approach to the harbour. Both facilities are home to large marinas with uncontrolled leisure boat movements. This presents a significant risk which is currently not separately identified on the risk register. A risk assessment may point to a need to introduce appropriate directions to the MSMS.


The MSMS does not contain any weather criteria for operation. Each facility is conflicted by weather conditions differently depending mostly on the wind direction. It may be worthwhile considering introducing weather related operating protocols particularly in relation to the domestic passenger vessels. The assessment of visibility would be an important risk factor.

There were a number of waterborne activities by external contractors observed by the visiting MCA team associated with vessel maintenance and harbour infrastructure. These involved personnel working on exposed and unprotected platforms. There was no use of safety lines, lifejackets or other PPE in evidence posing a significant risk to those involved. Method statements should be supplied and approved for these operations or if submitted a level of oversight maintained by the Harbour until the operation is completed. The introduction of a Permit to Work system may be of use in these circumstances.

GTGP 4.2 and 8.11.4

Powers of Direction and MSMS

As a CHA Tor Bay Harbour has powers of direction and offers a pilotage service. Currently compulsory pilotage only applies to vessels over 80m in length entering the outer harbour area and to vessels over 24m accessing the enclosed harbours. In general the former requirement is exclusive to visiting cruise liners which anchor off Torquay to disembark passengers by ship's tender. The latter is seldom exercised. The pilotage service is delegated to Marine & Towing Services. There

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are no identified PEC holders. Pilotage services are decided by annual risk assessment. The issue of PECs may be a mitigating response to any risk identified when domestic passenger vessel movements are considered.

GTGP 9.5

There is no requirement for any vessel to communicate their movements to the port. This results in vessels relying solely on the International Prevention of Collision at Sea Regulations. Brixham VHF is manned 24/7 by certificated security personnel which could provide the facility to exercise appropriate powers of direction as required to control navigation within the enclosed harbours.

GTGP 8.8.1


In addition to the domestic passenger ships there are a considerable number of commercially operated angling and sight-seeing boats based in all three harbour facilities. These include 'heritage' vessels. It is important that these vessels' operations meet MCA legislative requirements. There is no system of checks found in relation to the legality of these operations.

GTGP section 5

Professional Qualifications and Competencies

The Harbour Master has the Lloyds Diploma in Port Operations however none of the deputies, although experienced in their current roles, have formal qualifications. Nor is there a programme of Continuous Professional Development in evidence. The UKHMA Certificate could be viewed as an option

GTGP 12.2.1

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Accident Reporting and Investigation

There have been a significant number of accidents, some resulting in fatalities, in Tor Bay in recent years. These are been generally associated with activities on the recreational beaches largely outside reasonable control of the Harbour Authority and addressed by other sections of the Council management. However one seaborne accident when 2 'heritage' vessels collided has not been addressed following investigation. A fatal accident involving a pleasure craft in 2015 was investigated by MAIB. There were no direct recommendations for the Harbour Authority outside of general advice presented by the RYA.

GTGP 13

Comment

Please be aware that our 'health check' was a sampling process and a snapshot of the port as it was found at the time of our visit.

The visiting MCA team are grateful for the co-operation, openness and hospitality shown to them during the 'health check' process.

Harbour Authority Comment.

[To be approved by the Harbour Committee] Tor Bay Harbour Authority wishes to record its thanks to Mr Bennett and Mr Hawkins for undertaking a thorough and comprehensive health check of Tor Bay's Safety Management System and for their observations contained within this report and helpful advice and support shown on the day.

The Authority accepts without reservation all of the observations contained herein and has developed an 'action plan' (see enclosure 1) to ensure that these are all addressed, and undertakes to inform the MCA once these have been put into place.

Enclosure: Tor Bay Harbour PMSC Health Check Report Improvement Plan

PORT MARINE SAFETY CODE HEALTH CHECK REPORT

IMPROVEMENT PLAN AS AT 12 SEPT 19

ITEM	IMPROVEMENT ACTION	PRIORITY	STATUS	ACTION TAKEN	OWNER
DH	Duty Holders they may benefit from a programme of briefings and operational visits. Alternatively, the Committee may consider appointing a sub- group to bring more focus to Marine Safety responsibilities.	Med	In Hand	Safety Committee to be proposed at Sept HC meeting	HM
DP	A harbour master/ deputy at another port, perhaps under reciprocal arrangements, could provide responsibility as the DP or provide the appropriate support to the existing DP.	Med	Not started	HM will contact Dart HM to request and arrange support for DP	HM
RA	During their visit the MCA team observed up to 4 passenger vessels manoeuvring, at one time, in the vicinity of the single landing pontoon. Brixham has a home fleet of beam trawlers adding a substantial number of ship vessel movements within the port. Torquay has a similar passenger schedule with an observed blind approach to the harbour. Both facilities are home to large marinas with uncontrolled leisure boat movements. This presents a significant risk which is currently not separately identified on the risk register. A risk assessment may point to a need to introduce appropriate directions to the MSMS.	High	In hand	Produce Risk Assessments for each of the enclosed harbours regarding ferry and trawler movements	AP/ SP/ NB
MSMS	It may be worthwhile considering introducing weather related operating protocols particularly in relation to the domestic passenger vessels. The assessment of visibility would be an important risk factor.	High	Not started		HM
RA	There were a number of waterborne activities by external contractors observed by the visiting MCA team associated with vessel maintenance and harbour infrastructure. These involved personnel working on exposed and unprotected	High	Partially able to comply	Permit to work system considered but there are insufficient staff in Brixham to administer such a system. Instead, propose that we direct all vessels to introduce a PtW system	HM

	platforms. There was no use of safety lines, lifejackets or other PPE in evidence posing a significant risk to those involved. Method statements should be supplied and approved for these operations or if submitted a level of oversight maintained by the Harbour until the operation is completed. The introduction of a Permit to Work system may be of use in these circumstances			for crews operating aloft, hot-work, operating over the side etc within their own SMS. This can be controlled by introducing a 'Permit to Refit' system in which Masters' sign to say they have such a system in place	
Powers of Dir'n	The issue of PECs may be a mitigating response to any risk identified when domestic passenger vessel movements are considered	Medium	Not started	Contact ferry operators and issue PECs subject to their meeting PEC criteria	HM
VHF	Brixham VHF is manned 24/7 by certificated security personnel which could provide the facility to exercise appropriate powers of direction as required to control navigation within the enclosed harbours.	High	50% complete	NtM issued directing ferries and commercial fishermen to hail on VHF #14 when entering/leaving Brixham/Torquay and when entering/leaving MFV basin. Mixed levels of compliance to date which is being addressed	HM
Comm Page 50	In addition to the domestic passenger ships there are a considerable number of commercially operated angling and sight-seeing boats based in all three harbour facilities. These include 'heritage' vessels. It is important that these vessels' operations meet MCA legislative requirements. There is no system of checks found in relation to the legality of these operations.	Med	Not started	Develop and introduce suitable system of checks	HM
Staff	None of the deputies, although experienced in their current roles, have formal qualifications. Nor is there a programme of Continuous Professional Development in evidence. The UKHMA Certificate could be viewed as an option	Low	Not started	Consider addition of HM Cert training for DHMs	HM
Acc Inv	However one seaborne accident when 2 'heritage' vessels collided has not been addressed following investigation. A fatal accident involving a pleasure craft in 2015 was investigated by MAIB. There were no direct recommendations for the Harbour Authority outside of general advice presented by the RYA.	High	Not started	Investigate and make appropriate recommendations	SP



Tor Bay Accident / Incident List








	Date	ID Code	Accident Category	Name		
	31/08/2019	TOR0867INV	Flooding/Foundering	Vessel Pandora sank on mooring		
	29/08/2019	TOR0866CLO	UXO landed ashore	UXO at Brixham harbour		
	25/08/2019	TOR0865INV	Near miss	Jet Ski near miss at St Marys Bay		
	11/08/2019	TOR0864INV	Drowned, asphyxiated or exposed to harmful substance	Female Body Found Astra Zenica		
	05/08/2019	TOR0862CLO	UXO landed ashore	Sea Wolf Missile Motor and Guidance Unit		
	05/08/2019	TOR0863REP	Fire/Explosion	Smoke and Flare Markers Brixham Harbour		
	02/08/2019	TOR0861IVD	Flooding/Foundering	17ft Fletcher Turned Upside Down In Marina		
	28/07/2019	TOR0859INV	Drowned, asphyxiated or exposed to harmful substance	Body found in Torquay Town Dock		
	23/07/2019	TOR0858IVD	Slip, trip, fall same level	MOP tripped on steps at Corbyns Head		
	15/07/2019	TOR0856CLO	Struck by moving vehicle	Car revering into pedestrian		
	05/07/2019	TOR0854CLO	Fire/Explosion	Vessel Betty on fire		
	02/07/2019	TOR0857CLO	Other nautical safety	Kayakers requiring rescue		
	27/06/2019	TOR0855CLO	Drowned, asphyxiated or exposed to harmful substance	Two persons drowned off Redgate Beach		
	15/06/2019	TOR0853CLO	Loss of control	MFV Sara Lena adrift		
	11/06/2019	TOR0851REP	Flooding/Foundering	Eva Doe Sunk On Mooring J18		
	11/06/2019	TOR0852INV	Breaking Free of Mooring	Vessel Pint Size Broke Free Mooring		
	10/06/2019	TOR0850REP	Other crisis management	Unexploded Ordinance Eastern Quay		
	02/06/2019	TOR0849CLO	Dive incident	Diver off Babbacombe Beach		
	22/05/2019	TOR0848CLO	Drowned, asphyxiated or exposed to harmful substance	Body found in water North Quay Torquay		
	17/05/2019	TOR0845CLO	Other crisis management	Cill Failure		
	16/05/2019	TOR0844CLO	Flooding/Foundering	Mysha Lucy		
	28/04/2019	TOR0838CLO	Breaking Free of Mooring	Challasis breaking free of mooring		
	27/04/2019	TOR0840CLO	Fall from height	Fall from Haldon Pier Wall		
	21/04/2019	TOR0839CLO	Vessel Wash	Wash from passenger vessel		
	20/04/2019	TOR0841CLO	Near miss	RIB near miss		
	20/04/2019	TOR0842CLO	Near miss	Near-miss between RIB and SUP users		
	20/04/2019	TOR0847CLO	Near miss	Jet Ski & Speedboats / Swimmers at Broadsands		
	19/04/2019	TOR0846CLO	Near miss	Jet Ski / swimmers off Torre Abey		
	19/04/2019	TOR0843CLO	Near miss	Jet Ski Near Miss		
	05/04/2019	TOR0837CLO	Breaking Free of Mooring	Caspa breaking free at Paignton		
	31/03/2019	TOR0835CLO	Vessel Wash	Personal watercraft in Brixham Marina		
	20/03/2019	TOR0834CLO	Pollution - Water	MV Accumulate diesel spill into Brixham Harbour		
	10/03/2019	TOR0833CLO	Flooding/Foundering	Picton sank on V Pontoon		
	03/03/2019	TOR0831CLO	Flooding/Foundering	Blue Tinny sinking in Inner Harbour		
	05/02/2019	TOR0832CLO	Dangerous occurrence	Breaking up/disposal of vessels in Brixham Harbour		
	01/02/2019	TOR0829CLO	Flooding/Foundering	Yacht Windfolia sinking on its mooring		
	27/01/2019	TOR0830CLO	Breaking Free of Mooring	Aquarian Quest break off and entanglement		
	27/01/2019	TOR0824CLO	Breaking Free of Mooring	Yacht Trianna break off and sinking		
	27/01/2019	TOR0825CLO	Flooding/Foundering	Bask Sinking on its mooring		
	27/01/2019	TOR0826CLO	Breaking Free of Mooring	Yacht Time Out break off		
	27/01/2019	TOR0827CLO	Breaking Free of Mooring	Wooden yach Sea Fish break off		

	27/01/2019	TOR0828CLO	Flooding/Foundering	Service Barge sinking on its mooring	 
	20/01/2019	TOR0823CLO	Fire/Explosion	IUD Caught In MFV Stella Maris Trawl Nets	 
	19/01/2019	TOR0822CLO	Fire / Explosion	Potential IOD East Quay Brixham Harbour	 
	28/12/2018	TOR0820CLO	Slip, trip, fall same level	Princess Promenade	 
	01/12/2018	TOR0819CLO	Fire / Explosion	Moter Cruiser Fire	 
	20/11/2018	TOR0816CLO	Equipment failure (Port)	X Pontoon finger failure	 
	18/11/2018	TOR0818CLO	Flooding/Foundering	Jessy 2 - Breaking free of mooring	 
	09/11/2018	TOR0817CLO	Flooding/Foundering	Man Alive - Sunk on mooring	 
	07/11/2018	TOR0815CLO	Pollution - Water	Bridge oil spill	 
	26/10/2018	TOR0814CLO	Breaking Free of Mooring	Delica contact with Simba 6	 
	24/10/2018	TOR0813CLO	Slip, trip, fall same level	North Quay slip on steps	 
	18/10/2018	TOR0811CLO	Other personnel or public safety item	Crewman suffered a fit onboard MFV	 
	15/10/2018	TOR0810CLO	Dangerous occurrence	Boat power lead, damaged and contact walkway.	 
	08/10/2018	TOR0821CLO	Breaking Free of Mooring	Post Script break off	 
	25/08/2018	TOR0808CLO	Vessel Wash	Boy Richard speeding in Torquay Harbour	 
	14/08/2018	TOR0807CLO	Other nautical safety	Report of Dart Princess speeding in 5 knots	 
	08/07/2018	TOR0805CLO	Dangerous occurrence	Jetski Complaints	 
	07/07/2018	TOR0806CLO	Grounding/Stranding	Western LadyVII Grounding	 
	28/06/2018	TOR0804CLO	Loss of control	MFV Emilia Jayne	 
	12/06/2018	TOR0802CLO	Fall from height	Mr Kimble	 
	07/06/2018	TOR0809CLO	Slip, trip, fall same level	Trip on North Quay	 
	27/05/2018	TOR0801CLO	Vessel Wash	Bears Watching	 
	15/05/2018	TOR0800CLO	Vessel Wash	Western Lady & BM110	 
	07/05/2018	TOR0799CLO	Vessel Wash	Skiwest	 
	03/05/2018	TOR0803CLO	Fall from height	Mr Robertson fall	 
	28/04/2018	TOR0798CLO	Slip, trip, fall same level	Dart Venturer Pax slip on Dep A	 
	14/04/2018	TOR0797CLO	Grounding/Stranding	MFV Ann Marie grounding	 

Number of Accidents listed = 68

Incident report status as follows;

Reported = 3; Investigating = 5; Investigation Complete = 2; Actioned-Closed = 58

Key	
Symbol showing the record type:	Symbol showing the record status:
 - Incident	 - Reported
 - Potential Incident	 - Investigating
 - Details not yet completed	 - Investigation Complete
	 - Actioned-Closed