

Friday, 11 December 2020

HARBOUR COMMITTEE

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

Monday, 21 December 2020

commencing at **5.30 pm**

The meeting will be held virtually via Zoom – the joining details are set out below:

<https://us02web.zoom.us/j/82457865463?pwd=bIBKZUdZMG1IOUcwbTUrVTBURk5Mdz09>

Meeting ID: 824 5786 5463

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Passcode: 370584

Members of the Committee

Councillor Amil (Chairwoman)

Councillor Barrand

Councillor O'Dwyer

Councillor Bye

Councillor Ellery

Councillor Carter

Councillor Mills

Councillor Dudley

External Advisors

Mr Blazeby, Mr Day, Mr Ellis, Mr Stewart and Mr Young

Together Torbay will thrive

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Amanda Coote, Town Hall, Castle Circus, Torquay, TQ1 3DR

Email: governance.support@torbay.gov.uk - www.torbay.gov.uk

HARBOUR COMMITTEE AGENDA

1. **Apologies**
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
2. **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.)
3. **Urgent items**
To consider any other items that the Chairman decides are urgent.
4. **Harbour Budget 2021/2022 and Schedule of Fees and Charges** (Pages 4 - 44)
To consider a report that seeks approval of the budget and harbour charges for Tor Bay Harbour.
5. **Tor Bay Harbour Budget Monitoring 2020-21** (Pages 45 - 51)
To note a report that identifies the overall budgetary position for Tor Bay Harbour Authority as at November 2020 compared with approved budgets.
6. **Port Marine Safety Code Compliance** (Pages 52 - 69)
To consider a report that updates Members on the annual Port Marine Safety Code (PMSC) compliance audit.
7. **Port Marine Safety Code and Health & Safety matters** (Pages 70 - 71)
To note the update.

8. **Harbour Committee Terms of Reference** (Pages 72 - 73)
To note an amendment that has been made to the Harbour Committee's Terms of Reference as set out in the Council's Constitution.
9. **Torquay/Paignton and Brixham Harbour Liaison Forums** (To Follow)
To note the minutes of the above Harbour Liaison Forums.

Instructions for the Press and Public for joining the meeting

If you are using an iPad you will need to install Zoom which can be found in the App Store. You do not need to register for an account just install the software. You only need to install the software once. For other devices you should just be taken direct to the meeting.

Joining a meeting

Click on the link provided on the agenda above and follow the instructions on screen. If you are using a telephone, dial the Zoom number provided above and follow the instructions. (**Note:** if you are using a landline the call will cost up to 13p per minute and from a mobile between 3p and 55p if the number is not covered by your inclusive minutes.)

You will be placed in a waiting room, when the meeting starts the meeting Host will admit you. Please note if there are technical issues this might not be at the start time given on the agenda.

Upon entry you will be muted and your video switched off so that only the meeting participants can be seen. When you join the meeting the Host will unmute your microphone, ask you to confirm your name and update your name as either public or press. Select gallery view if you want see all the participants.

If you have joined the meeting via telephone, your telephone number will appear on screen and will be displayed for all to see until the Host has confirmed your name and then they will rename your telephone number to either public or press.

Meeting Etiquette - things to consider when attending a virtual meeting

- Background – the meeting is public and people will be able to see what is behind you therefore consider what you will have on display behind you.
- Camera angle – sit front on, upright with the device in front of you.
- Who else is in the room – make sure you are in a position where nobody will enter the camera shot who doesn't want to appear in the public meeting.
- Background noise – try where possible to minimise background noise.
- Aim to join the meeting 15 minutes before it is due to start.

Meeting: Harbour Committee

Date: 21st December 2020

Wards Affected: All wards in Torbay

Report Title: Harbour Budget 2021/2022 and Schedule of Fees and Charges

Is the decision a key decision? Yes

When does the decision need to be implemented? 21 December 2020

Cabinet Member Contact Details: Not a Cabinet function

Supporting Officer Contact Details: Adam Parnell

Head of Tor Bay Harbour Authority

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Pete Truman

Principal Accountant

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1. Proposal and Introduction

- 1.1 The Torbay Council Constitution delegates the power to set a budget and determine fees and charges to the Tor Bay Harbour Authority, the statutory harbour authority for Tor Bay.
- 1.2 The Committee is asked to approve the budget and level of harbour charges for Tor Bay Harbour, having considered the budgetary implications set out in this report.

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 £3,413,000 expenditure from the revenue budget but assumes a £200,000 reduction in the contribution to the General Fund. An anticipated operating surplus of £44,000 will begin to rebuild the level of the Harbour Reserve.

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 in due course to recommend a budget for 2022/23.

Appendices

1. Proposed Tor Bay Harbour Schedule of Fees and Charges 2021/22.
2. Proposed Tor Bay Harbour revenue budget 2021/22.

Background Documents

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

Schedule of Tor Bay Harbour Charges 2020/21
Tor Bay Harbour Act 1970
Tor Bay Harbour (Torquay Marina Act &c.) Act 1983

Section 1: Background Information

1. What is the proposal / issue?

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.

It is proposed to raise fees and charges by an average of 2%, rounded up/down to the nearest £, particularly for those fees collected on slipways or areas where the carriage of change could be an issue.

Whereas at present most mooring fees are charged to the 0.1m of every individual vessel, it is proposed to simplify the charging structure by introducing 'banding' by length so that, for example, all vessels between 6-8m would pay the same rate. This banding concept is in use throughout many other harbours, and has the benefit of reducing the administration of moorings considerably. It also does not penalise owners who replace their vessel with a larger boat so long as it does not step up into another band. This banding structure is already in use for commercial fishing vessels.

Harbour dues and mooring fees are now charged separately, based on customer feedback who found the compound charge difficult to deconstruct.

Jet ski pod fees have risen by £100 rather than 2% after a review of other harbours' fees highlighted that our charges were significantly below market value.

2. What is the current situation?

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 2020 was £902,000 (approximately 28% of income).

In 2018 the Harbour Committee was concerned that any further raise in contribution to the General Fund would put the Harbour Authority at considerable financial risk given the variability in fish toll incomes which in the last 3 years have varied by £200,000 [2017: £1.1m; 2020: £900k forecast].

The Budget Review Working Party met 23 October to consider the in-year financial position and to set a budget for 2021/22 which can be found at Appendix 2. It also agreed the broad principles for the 2021/22 schedule of fees and charges (Appendix 1).

3.	<p>What options have been considered?</p> <p>2 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>
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 seeks to reconcile 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>All recreational and commercial maritime users will be affected since this report amends upwards the feeds and charges levied by the Harbour Authority.</p> <p>The Torquay & Paignton and the Brixham Harbour Liaison Fora were consulted 16th December.</p>

Section 2: Implications and Impact Assessment

9.	What are the financial and legal implications? There are no legal implications that arise as a result of this report. Financially the General Fund will receive £200,000 less pa than previously, but to do otherwise would prohibit the Harbour Authority from setting a balanced budget now that reserves are now depleted.
10.	What are the risks? There is a high risk that the budget will not be met due to the variability in fish tolls. This risk cannot be mitigated under the current paradigm. There is a moderate risk that unforeseen expenditure e.g. 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 General Fund precept thus reducing the overall contribution to the General Fund. This can only be mitigated by increasing the reserves to the 20% agreed minima but this is not possible under the current budget model. There is a low 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. There is a low risk that the scale of the General Fund contribution could attract a challenge under the Local Authority Accountability Act which would require substantial administrative effort to rebut.
11.	Public Services Value (Social Value) Act 2012 Not applicable
12.	What evidence / data / research have you gathered in relation to this proposal? Fees and charges set by neighbouring harbours have been reviewed, and Harbour Liaison Fora have been consulted
13.	What are key findings from the consultation you have carried out? Harbour users broadly accept the financial position and the need for moderate contributions to the General Fund but there is annually increasing resistance from the Harbour Users that this should continue given the increasing dilapidation evidenced around the harbour.

14.	Amendments to Proposal / Mitigating Actions None

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 have less disposable income than older workers	
	People with caring Responsibilities		Increased harbour costs will place disproportionate pressure on carers whose income is low compared to other industry norms	
	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 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	

TOR BAY HARBOUR
TORQUAY • PAIGNTON • BRIXHAM



Tor Bay Harbour Authority

Schedule of Charges, Dues & Fees 2021 – 2022

VAT Registration No. GB 142 2082 11

For the period commencing 1st April 2021 – 31st March 2022

Torquay Tel: 01803 292429

Brixham Tel: 01803 853321

Paignton Tel: 01803 208410

Email: harbour.authority@torbay.gov.uk Website: www.tor-bay-harbour.co.uk

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Section 1- Introduction

General

- 1.1.1 All charges, dues and fees are subject to the appropriate rate of Value Added Tax except where 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. The full annual charge will be charged for anyone accepting a facility in the first 3 months (1st April – 30th June). Anyone accepting a facility after 1st July will be charged at the appropriate pro rata rate through to 31st March.
- 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 within 14 days unless otherwise specified. Payment of charges listed may be required in advance of the service being taken up. Credit and debit card facilities are available for payments made online, 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 may 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 twelve months from the time of payment and, in default thereof, the claim shall cease to be enforceable. Refunds would normally only apply in exceptional circumstances and will incur an administration charge.
- 1.1.9 All lengths referred to are overall lengths which in the context of these charges includes bowsprit, push-pit, stern davit, and/or bumpkin etc. as determined by the Harbour Master.
- 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 Harbour Authority 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.
- 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 prior 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.

- 1.1.21 Harbour Dues are payable on **all** vessels entering, within or leaving the harbour. Harbour Dues relate to a particular vessel and are not transferable. Refunds are not normally given.
- 1.1.22 Vessels paying Annual Harbour Dues must display the Harbour Authority 'plaque' issued when payment is made. Failure to do so may result in daily charges being applied. Tenders must be registered with the Harbour Authority and display a tender plaque. The display of any plaque issued for another vessel will be taken as an attempt to evade the payment of harbour dues.
- 1.1.23 Vessels exempt from Harbour Dues are as follows:
- Small vessels < 3m LOA propelled solely by oars or paddles and which are not normally berthed within the harbour
 - Canoes < 4m LOA, sailboards and rowing skiffs
 - Tenders less than 4.3m LOA for parent vessels paying relevant annual harbour charges that are less than 10.0m LOA
 - Tenders less than 6.0m LOA for parent vessels paying relevant annual harbour charges less than 10.0m LOA
 - Safety/rescue vessels as agreed with the Harbour Master
 - All RNLI vessels
 - HM Ships, Customs and Excise vessels and craft in the service of Trinity House
- 1.1.24 Tenders must be clearly marked 'Tender to (the main vessel's name)' and must show the Harbour Authority 'plaque' issued when payment is made. 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. All tenders shall be stored within designated tender racks except by prior written agreement from the Harbour Master.

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.

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.

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 £12,000 in the previous year to meet the sole or main income test. 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

1.2.5 **Commercial Vessels**

Recreational vessels > 50m LOA 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 to 1.2.4 above.

1.2.6 **Heritage Vessel**

A limited number of 'Heritage' vessels are permitted, with the Harbour Master's consent, to berth on the Town Pontoon in Brixham Harbour. The Council's agreed criteria against which vessels could be measured for inclusion within the "fleet" of heritage boats based at Brixham Harbour is as follows :-

"that a heritage boat in Torbay be defined as a vessel which is British built, 40 feet or more in length and built prior to 31st December 1935 and that, at the absolute discretion of the Council, is considered to have an historical relevance to Tor Bay and its operation and general activity is considered to be beneficial to the local community; and that compliance with the approved definition of a heritage boat should form the basic criteria against which vessels can be measured for inclusion within the "fleet".

1.2.7 **Vessels**

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.

1.2.8 **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.

1.2.9 **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 SAR 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.

Section 2

Recreational Visitor Facilities



- 2.1.1 This section applies to visiting recreational vessels and to visiting non-commercial vessels under 50m LOA not undertaking work within the harbour.
- 2.1.2 These charges apply at each of the enclosed harbours and are **inclusive of VAT except where stated**. These charges include both harbour dues and mooring fees where applicable.
- 2.1.3 Visitor Pontoons are available, normally for Recreational Vessels during the summer months in Brixham and Torquay harbours.
- 2.1.4 Visitors staying more than three nights get one night free, only applicable for up to a three week stay, weekly charge for visitors staying five nights get two nights free (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.
- 2.1.5 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.
- 2.1.6 Use of harbour facilities will be denied or withdrawn if boats are not adequately insured.
- 2.1.7 Harbour visitors are permitted up to 2 hours alongside free of charge before the charges set out in this section become due. Slipway charges are payable in addition to visitor charges.
- 2.1.8 Maritime events using pontoon or visitor moorings will be charged at 50% for the duration of the event and thereafter full price. All other charges are at the discretion of the Harbour Master.

Visitor Charges (per night or over 2 hours)	Per Day	Per Week
Up to 5.5m (18ft)	£12.00	£60.00
Over 5.5m	£2.00 p/m	£10.00 p/m
Catamaran	£2.50 p/m	£12.50 p/m
Trimaran	£3.00 p/m	£14.50 p/m

Launch & Recovery Fees

2.1.9 Launching and recovering fees are charged per day. Vessels which frequently launch or recover may, at the Harbour Master's discretion, purchase an annual slipway pass subject to availability (see annual charges). **Trailer parking** charges (section 2.3) are **in addition** to these charges.

Daily Slipway Charges	Per Day
Up to 5.5m (18ft)	£12.00
Over 5.5m	£2.00 p/m
Canoes/Kayaks/Paddleboards	£2.50 p/m

Personal Watercraft (Jet Skis)

2.2.1 All personal watercraft (jet skis) must be registered with the Harbour Authority. Proof of insurance must be produced if so requested by the Harbour Office or Harbour Patrol.

2.2.2 Use of launching/recovery facilities is at the Harbour Master's discretion.

2.2.3 Launching/recovery charges **do not** include trailer parking.

2.2.4 To promote safety within the Bay, persons holding a recognised RYA Personal Watercraft Certificate will be charged the lesser 'qualified' rate shown below. Proof of such qualification will be required on each occasion.

Personal Watercraft (Jet Skis) Launching & Recovery	Standard Charge	Qualified Charge
Daily, per craft, per day	£20.00	£12.00
Weekly, per craft, per week	£100.00	£62.00
Registration Fee, per craft	£20.00	£20.00

Trailer Parking

2.3.1 Trailer parking is subject to availability.

Trailer Parking	Charge
Daily trailer parking	£10.00
Weekly trailer parking	£50.00

Quayside Berthing, Drying Out & Storage on Quays

2.4.1 Subject to availability

Quayside Berthing	
Use of slipway/beach to dry out/ and other quayside berths for repairs	£4.00 per m/per day
Use of Grids exclusive of harbour dues Brixham Harbour only	£5.00 per m/per day
Boat storage on the Quay (on or off a trailer)	£3.00 per m/per day

Recreational Annual Facilities



Berthing & Mooring

- 2.5.1 This section applies to vessels which are moored or berthed within Torquay, Paignton or Brixham harbours. Charges are levied per metre per annum or part thereof expiring 31st March following and are **inclusive** of VAT, **except where specified**.
- 2.5.2 Town Dock non-commercial facilities are charged per the allocated berth size, not vessel LOA.
- 2.5.3 Vessels owned by charities or charitable organizations, including bona fide local youth organisations are eligible for up to 50% reduction of this charge at the discretion of the Harbour Master.
- 2.5.4 Waiting lists exist for some moorings & facilities. The registration fee to join each waiting list is £25.00 (£50.00 for commercial waiting lists). **The fee is not refundable or transferable**.
- 2.5.5 Permanent moorings and berthing facilities are allocated on an annual basis, 1st April to the 31st of March following.
- 2.5.6 Vessels moored with raised outboard engines must cover the propeller and skeg with a bucket or similar to prevent damage to other boats. Vessels must be sufficiently fendered to prevent damage to other vessels, quays or other property (Tor Bay Harbour Byelaw 46).
- 2.5.7 All other charges **include** VAT except where specified.
- 2.5.7.1 Annual harbour dues at **£50.00** per metre per annum as set out in annual harbour due charges table, unless otherwise stated.

Annual Harbour Dues	
All Private and Commercial Vessels up to 6m	£300.00 per annum
All Private and Commercial Vessels up to 8m	£400.00 per annum
All Private and Commercial Vessels up to 10m	£500.00 per annum
All Private and Commercial Vessels up to 12m	£600.00 per annum
All Private and Commercial Vessels up to 14m	£700.00 per annum
All Private and Commercial Vessels up to 16m	£800.00 per annum
All Private and Commercial Vessels over 16m to be charged per m	£50.00 per m per annum

Annual Berthing Charges. Exclusive of Harbour Dues	
Torquay	
Town Dock – Private and Commercial Vessels up to 6m	£1242.00 per berth
Town Dock – Private and Commercial Vessels up to 8m	£1656.00 per berth
Town Dock – Private and Commercial Vessels up to 10m	£2070.00 per berth
Town Dock – Private and Commercial Vessels up to 12m	£2484.00 per berth
Inner Harbour Private & Commercial Vessel up to 6m	£864.00 per berth
Inner Harbour Private & Commercial Vessel up to 8m	£1152.00 per berth
Inner Harbour Private & Commercial Vessel up to 9.14m	£1324.00 per berth
Inner Harbour South Pier Pontoon (9.14m only)	£1324.00 per berth
Inner Dock – Specific charge for certain vessels	£47.00 per m per berth
Jet Ski pods	£950.00 per pod
Paignton	
Trot mooring (no risers provided) up to 6m Minimum charge	£570.00 per mooring
Trot mooring (no risers provided) up to 8m	£780.00 per mooring
Outhaul mooring up to 4.5m	£510.00 per mooring
Lying Along the Quayside	£56.00 per m LOA
Mooring Licence Fee	£5.00
Brixham	
Outer Harbour Swinging Mooring up to 6.4m	£614.00 per mooring
Outer Harbour Swinging Mooring up to 9.14m	£877.00 per mooring
Outer Harbour Swinging Mooring up to 12.19m	£1170.00 per mooring
Outer Harbour Swinging Mooring up to 6.4m	£1463.00 per mooring
Outer Harbour Swinging Mooring up to 18.29m	£1756.00 per mooring
Outer Harbour Swinging Mooring over 18.29 charged per m	£96.00 per m per annum
Inner Harbour Trot mooring (no risers provided) up to 7.62m	£411.00 per mooring
Inner Harbour Trot mooring (no risers provided) up to 9.14m	£494.00 per mooring
Inner Harbour Trot mooring (no risers provided) up to 10.67m	£569.00 per mooring
Inner Harbour Trot mooring (no risers provided) up to 13.71m	£740.00 per mooring
Inner Harbour Trot mooring (no risers provided) over 13.71m	£54.00 per m per annum
Lying Along the Quayside	£56.00 per m per annum
Use of Town Pontoon by Tenders (At Harbour Masters discretion)	£7.00 per m per annum

Parking, Quayside Storage Facilities

- 2.5.9 Annual charges for boat and trailer parking on quays are **inclusive** of VAT and **include** harbour dues. Charitable organisations, local yacht clubs, and recognised youth training organisations are invited (on an annual basis) to submit details of eligible young persons under 18 years old to be considered for the reduced rates highlighted below.
- 2.5.10 All Boat & Trailer parking is subject to availability. Annual trailer parking is only available when an annual launching and recovery pass is purchased.
- 2.5.11 The annual trailer parking identified in this section does not entitle permanent parking of the trailer in the parking area. Customers seeking continuous trailer storage should refer to Boat & Trailer parking.
- 2.5.12 All personal watercraft (jet skis) must be registered with the Harbour Authority. Proof of insurance must be produced if so requested by the Harbour Office or Harbour Patrol.
- 2.5.13 Use of launching/recovery facilities is at the Harbour Master's discretion.
- 2.5.14 Launching/recovery charges **do not** include trailer parking.
- 2.5.15 To promote safety within the Bay, persons holding a recognised RYA Personal Watercraft Certificate will be charged the lesser 'qualified' rate shown below. Proof of such qualification will be required on each occasion.
- 2.5.16 Charges for horizontal racks are **inclusive** of harbour dues.
- 2.5.17 Craft other than tenders to a larger vessel on a Council Mooring, will pay harbour dues in addition to the rack charge. Boat park charges will be based on the greater length of either boat or trailer - if not stored on a launching trolley.
- 2.5.18 Beacon Quay reserved car parking spaces: allocation of spaces is subject to their being required by the Authority for up to 14 days per year to accommodate maritime events.
- 2.5.19 Winter storage is only available at Paignton Harbour for the period 1st October to 31st March following only (in whole or in part) and no reduction will be allowed for any lesser period.

Car, Boat & Trailer Parking/Storage on Quayside	
Winter Storage Charge Paignton Harbour	£45.00 per m LOA
Boat storage on the Quay (on or off a trailer)	£3.00 per m/ LOA per day
Boat parking <u>under</u> 6m LOA Single hull (includes racks at Torquay) Reduced charge Multi hull (occupying more than one space)	£75.00 per m/LOA/per year £37.00 per m/LOA/per year £96.00 per m/LOA/per year
Boat parking <u>over</u> 6m LOA	£112.00 per m/LOA/per year
Use of Grids inclusive of harbour dues Brixham Harbour only	£5.00 per m per day

Use of slipway/beach to dry out/ and other quayside berths for repairs	£4.00 per m per day
Annual trailer parking (only available with private annual launch & recovery pass)	£100.00 per year or part
Summer storage of empty boat trailers (only available between May and October at Paignton Harbour)	£25.00 per month or part
Annual launching and recovery pass for private use of slipways.	£40.00 per m per year or part
Annual Jet ski launching and recovering pass per craft standard charge	£300 per year or part
Annual, Jet ski launching and recovering pass per craft qualified charge	£200.00 per year or part
Paignton horizontal racks, subject to availability (max, length 3.7m)	£180.00 per year or part
Kayak/Canoe rack (where available)	£120.00 per year or part
Dinghy/tender rack	£60.00 per year or part
Beacon Quay car parking (quayside level only)	£541.00 per year or part
Brixham parking permit (Oxen Cove only)	£340.00 per year or part

Section 3

Passenger & Commercial Visiting Facilities



- 3.1.1 This section applies to visiting Passenger Vessels (defined in 1.2.3) and commercial vessels (defined in 1.2.5). Prices are **exclusive** of VAT.
- 3.1.2 Where applicable, the charges in this section include mooring/quayside charges.
- 3.1.3 Visiting commercial vessels under 50m LOA not undertaking work within the harbour will pay the charges laid down in the recreational section.

Visiting Passenger & Commercial Vessels	Charge Round up/down near £
Commercial vessels visiting an enclosed harbour	£2.00 per m per day
Commercial vessels laid up un-laden (& gas free if applicable)	£9.00 per m/ LOA per day £16.00 per m LOA per week
Commercial vessels taking on or discharging fuel oil or supplies within an enclosed harbour (max stay 24 hours)	£30.00 per m LOA per month or part
Floating Docks (each vessel docked therein is also liable for Harbour Dues)	£10.00 per m per LOA day
Commercial vessels anchored in Tor Bay (those seeking shelter are exempt from this charge)	£132.00 per day or part
Vessels anchored in Tor Bay or underwater survey, hull cleaning or repairs	£260.00 per day or part

- 3.1.4 These charges apply at each of the enclosed harbours and are **inclusive of VAT except where stated**. These charges include both harbour dues and mooring fees where applicable.
- 3.1.5 Visitor Pontoons are available, normally for Recreational Vessels during the summer months in Brixham and Torquay harbours.

- 3.1.6 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.
- 3.1.7 To avoid the abuse of visitor moorings by local vessels, all craft using visitor mooring facilities will be charged as set out in the recreational section and are normally restricted to a maximum stay of three weeks (21 days) with no return within one week 7 days.
- 3.1.8 Use of harbour facilities will be denied or withdrawn if boats are not adequately insured.

Launch & Recovery Fees

- 3.2.1 Launching and recovering fees are charged per day. Vessels which frequently launch or recover may, at the Harbour Master's discretion, purchase an annual slipway pass subject to availability (see annual charges). Trailer parking charges (section 2.3) are in addition to these charges.

Daily Slipway Charges	Per day
Up to 5.5 m (18ft)	£15.00
Over 5.5 m	£25.00

Trailer Parking

- 3.3.1 Trailer parking is subject to availability.

Trailer Parking	Charge
Daily Trailer parking	£10.00
Weekly Trailer parking	£50.00

Goods and Cargo Dues

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

3.4.2 The payment of fish tolls includes alongside berthing charge.

Goods (Exclusive of VAT)	
Vessels undertaking fish and cargo trans-shipments Trans-shipment whether at anchor or under way within Harbour limits	Determined by the Harbour Master
General Cargo/Other Commodities	£3.00 per pallet
General Ships Stores/Spares etc.	£2.00 per tonne
Waste Bins (1100 litres)	£3.00 per unit

Annual Passenger & Commercial Facilities

Harbour Dues

3.5.1 This applies to Passenger Vessels (as defined in 1.2.7) and commercial vessels (as defined in 1.2.5) normally moored within an enclosed harbour regardless of whether they are carrying out work or not (other than passenger vessels). Prices are **exclusive** of VAT.

3.5.2 Charges are levied per metre per annum or part thereof expiring 31st March following.

Harbour Dues for Passenger & Commercial Vessels	
Commercial Vessels	£50.00 per m LOA unless otherwise stated
Passenger Vessels under 16.5m LOA or carrying 12 passengers or less	£64.00 per m LOA
Passenger Vessels over 16.5m LOA or carrying 12 passengers or more	£93.00 per m LOA

Berthing & Mooring

3.6.1 This section applies to vessels which are moored or berthed within Torquay, Paignton or Brixham harbours. Charges are levied per metre per annum or part thereof expiring 31st March following and are inclusive of VAT, except where specified.

3.6.2 Vessels owned by charities or charitable organizations, including bona fide local youth organisations are eligible for up to 50% reduction of this charge at the discretion of the Harbour Master.

- 3.6.3 Waiting lists exist for some moorings & facilities. The registration fee to join each waiting list is £50.00. The fee is not refundable or transferable.
- 3.6.4 Permanent moorings and berthing facilities are allocated on an annual basis, 1st April to the 31st of March following.
- 3.6.5 Vessels moored with raised outboard engines must cover the propeller and skeg with a bucket or similar to prevent damage to other boats. Vessels must be sufficiently fendered to prevent damage to other vessels, quays or other property (Tor Bay Harbour Byelaw 46).
- 3.6.6 All charges **include** VAT except where specified.
- 3.6.7 The annual berthing, mooring & lying along quayside **exclude harbour dues** unless otherwise stated.

Torquay Annual Berthing Charges exclusive of Dues	
Inner Harbour South Pier (includes harbour dues)	£144.00 per m per berth
Town Dock and Princess Pier Pontoon Commercial Vessels up to 6m	£1242.00 per berth
Town Dock and Princess Pier Pontoon Commercial Vessels up to 8m	£1656.00 per berth
Town Dock and Princess Pier Pontoon Commercial Vessels up to 10m	£2070.00 per berth
Town Dock and Princess Pier Pontoon Commercial Vessels up to 12m	£2484.00 per berth
Town Dock and Princess Pier Pontoon Commercial Vessels up to 14m	£2898.00 per berth
Lying along the Quay	£75.00 per m LOA
Paignton Annual Berthing Charges exclusive of Dues	
Trot mooring (no risers provided) up to 6m	£570.00 per mooring
Trot mooring (no risers provided) up to 8m	£780.00 per mooring
Outhaul mooring up to 4.5m	£510.00 per mooring
Lying Along the Quayside	£56.00 per m LOA
Mooring Licence Fee	£5.00
Brixham Annual Berthing Charges exclusive of Dues	
Outer Harbour Swinging Mooring up to 6.4m	£614.00 per mooring
Outer Harbour Swinging Mooring up to 9.14m	£877.00 per mooring

Outer Harbour Swinging Mooring up to 12.19m	£1170.00 per mooring
Outer Harbour Swinging Mooring up to 6.4m	£1463.00 per mooring
Outer Harbour Swinging Mooring up to 18.29m	£1756.00 per mooring
Outer Harbour Swinging Mooring over 18.29 charged per m	£96.00 per m per annum
Inner Harbour Trot mooring (no risers provided) up to 7.62m	£411.00 per mooring
Inner Harbour Trot mooring (no risers provided) up to 9.14m	£494.00 per mooring
Inner Harbour Trot mooring (no risers provided) up to 10.67m	£569.00 per mooring
Inner Harbour Trot mooring (no risers provided) up to 13.71m	£740.00 per mooring
Inner Harbour Trot mooring (no risers provided) over 13.71m to be charged per m	£54.00 per m per annum
Lying Along the Quayside	£56.00 per m per annum
Use of Town Pontoon by Tenders (At the Harbour Masters discretion)	£7.00 per m per annum

Use of Tor Bay Harbour Authority Landing/Embarkation Facilities

- 3.7.1 These charges apply to passengers embarking/landing within any of the enclosed ports, at piers, pontoons or any other fit-for-purpose harbour facility.
- 3.7.2 Passengers embarked as trainees aboard vessels owned and operated by a registered charity for the purpose of training people at sea for recreational purposes are exempt.

Passenger Vessels	
MCA coded vessels and MCA class V,VI, VIA vessels & EU classes & other passenger vessels; per passenger per visit	£3.00
Cruise ships; per passenger per visit	£4.00
MCA coded vessels and MCA class V,VI, VIA vessels & EU classes visiting Tor Bay Harbour (combined charge)	£318.00

- 3.7.3 Annual charges may instead be levied on passenger vessels which routinely land or embark within Tor Bay Harbour:

Passenger Vessels – Annual Compound Charges	
MCA coded vessels < 24m LOA	£100 per year or part
MCA class V,VI, VIA vessels, EU classes and coded vessels of 24m & over ; per licenced passenger capacity	£4.00 per person per year or part

Annual Slipway Charges

- 3.8.1 Annual slipway pass subject to availability. Trailer parking charges are **in addition** to these charges.

Passenger Vessels – Annual Compound Charges	
Launching & Recovery pass for commercial use of slipways	£50.00 per m/per year
MCA coded and MCA class V,VI, VIA Passenger vessels and EU classes visiting Tor Bay Harbour (combined charge)	£318.00

3.10.2 Passenger vessels other than MCA Coded and MCA class V, VI, VIA Passenger Vessels and EU Classes to be charged as commercial vessels.

Goods and Cargo Dues

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

3.9.2 The payment of fish tolls includes alongside berthing charge.

Goods (Exclusive of VAT)	
Vessels undertaking fish and cargo trans-shipments Trans-shipment whether at anchor or under way within Harbour limits	£0.005 per £
General Cargo/Other Commodities	£3.00 per pallet
General Ships Stores/Spares etc.	£2.00 per tonne

Parking, Quayside Storage Facilities

3.10.1 All Boat & Trailer parking is subject to availability. Annual trailer parking is only available when an annual launching and recovery pass is purchased.

3.10.2 The annual trailer parking identified in this section does not entitle permanent parking of the trailer in the parking area. Customers seeking continuous trailer storage should refer to Boat & Trailer parking.

3.10.3 All personal watercraft (jet skis) must be registered with the Harbour Authority. Proof of insurance must be produced if so requested by the Harbour Office or Harbour Patrol.

3.10.4 Use of launching/recovery facilities is at the Harbour Master's discretion.

3.10.5 Certificate will be charged the lesser 'qualified' rate shown below. Proof of such qualification will be required on each occasion.

3.10.6 Charges for horizontal racks are inclusive of harbour dues.

- 3.10.7 Craft other than tenders to a larger vessel on a Council Mooring, will pay harbour dues in addition to the rack charge. Boat park charges will be based on the greater length of either boat or trailer - if not stored on a launching trolley.
- 3.10.8 Beacon Quay reserved car parking spaces: allocation of spaces is subject to their being required by the Authority for up to 14 days per year to accommodate maritime events.
- 3.10.9 Winter storage is only available at Paignton Harbour for the period 1st October to 31st March following only (in whole or in part) and no reduction will be allowed for any lesser period

Car, Boat & Trailer storage	
Winter storage charge at Paignton Harbour	£45.00 per m LOA
Boat storage on the Quay (on or off a trailer)	£3.00 per m per day
Use of Grids inclusive of harbour dues - Brixham	£5.00 per m per day
Use of Slipway/beach to dry out/ other quayside berths for repairs	£4.00 per m per day
Dinghy/Tender racks	£60.00 per year
Beacon Quay car parking (quayside level only)	£541.00 per year or part
Brixham parking permit (Oxen cove only)	£340.00 per year or part

Section 4

Visiting Registered Fishing Vessels Facilities



- 4.1.1 This section applies to visiting Motor Fishing Vessels (defined in 1.2.3). Prices are **exclusive** of VAT.
- 4.1.2 Where applicable, the charges in this section include mooring/quayside charges.
- 4.1.4 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.
- 4.5.1 Use of harbour facilities will be denied or withdrawn if boats are not adequately insured.

Visiting Motor Fishing Vessel	
Motor fishing vessels landing fish which attract fishing tolls	Free for the day of landing, else: £30.00 per day for MFV < 20m £40.00 per day for MFV > 20m

Goods and Cargo Dues

- 4.2.1 Goods dues are levied on all vessels (VAT exempt for vessels of over 15 GRT) per occasion.
- 4.2.2 The payment of fish tolls includes alongside berthing charge at Brixham and water consumption where a recharge facility does not exist.

Goods (Exclusive of VAT)	
Fish (other than cured fish) 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.	£0.025 per £
Fish overlanded and sold on the Brixham Fish market	£0.015 per £
Fish overlanded onto the Harbour estate but not sold on the market	£0.005 per £
Fish and cargo trans-shipments at anchor or under way	£0.005 per £
General Cargo/Other Commodities	£3.00 per pallet
General Ships stores/Spares etc.	£2.00 per tonne

Annual Registered Fishing Vessel Facilities

Harbour Dues

4.4.1 Applies to Motor Fishing Vessels (as defined in 1.2.4) normally moored within an enclosed harbour regardless of whether they are carrying out work or not). Prices are **exclusive** of VAT.

4.5.3 Charges are levied per metre per annum or part thereof expiring 31st March the following year.

Harbour Dues – Motor Fishing Vessels MFV based in and working from Tor Bay Harbour	
Under 8m LOA	£10.00 per m per year
8m – 12m LOA	£12.00 per m per year
Over 12m LOA	£14.00 per m per year

Berthing & Mooring

4.5.1 This section applies to vessels which are moored or berthed within Torquay, Paignton or Brixham harbours. Charges are levied per metre per annum or part thereof expiring 31st March the following year and are **inclusive** of VAT, **however all vessels >15 GRT will be exempt and will have this removed at point of charging.**

4.5.2 Waiting lists exist for some moorings & facilities. The registration fee to join each waiting list is £50.00. The fee is not refundable or transferable.

Torquay Annual Berthing	
Princess Pier Pontoon See Private and Commercial Charges	Per Berth

Lying alongside the Quay	£75.00 per m LOA
Paignton Annual Berthing	
Trot mooring (no risers provided) up to 6m Minimum charge	£570.00 per mooring
Trot mooring (no risers provided) up to 8m	£780.00 per mooring
Outhaul mooring up to 4.5m	£510.00 per mooring
Lying Along the Quayside	£56.00 per m LOA
Mooring Licence Fee	£5.00
Brixham Annual Berthing Exclusive of Dues	
Outer Harbour Swinging Mooring up to 6.4m	£614.00 per mooring
Outer Harbour Swinging Mooring up to 9.14m	£877.00 per mooring
Outer Harbour Swinging Mooring up to 12.19m	£1170.00 per mooring
Outer Harbour Swinging Mooring up to 6.4m	£1463.00 per mooring
Outer Harbour Swinging Mooring up to 18.29m	£1756.00 per mooring
Outer Harbour Swinging Mooring over 18.29 charged per m	£96.00 per m per annum
Inner Harbour Trot mooring (no risers provided) up to 7.62m	£411.00 per mooring
Inner Harbour Trot mooring (no risers provided) up to 9.14m	£494.00 per mooring
Inner Harbour Trot mooring (no risers provided) up to 10.67m	£569.00 per mooring
Inner Harbour Trot mooring (no risers provided) up to 13.71m	£740.00 per mooring
Inner Harbour Trot mooring (no risers provided) over 13.71m to be charged per m	£54.00 per m per annum
Lying Along the Quayside	£56.00 per m per annum
Use of Town Pontoon by Tenders (At the Harbour Masters discretion)	£7.00 per m per annum

Goods and Cargo Dues

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

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

Goods (Exclusive of VAT)	
Fish (other than cured fish) 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.	£0.025 per £
Fish overlanded and sold on the Brixham Fish market	£0.015 per £
Fish overlanded onto the Harbour estate but not sold on the market e.g transhipped	£0.005 per £
Vessels undertaking fish and cargo trans-shipments, whether at anchor or under way	£0.005 per £
General Cargo/Other Commodities	£3.00 per pallet
General Ships stores/Spares etc.	£2.00 per tonne

Parking, Quayside Storage Facilities

- 4.7.1 Craft other than tenders to a larger vessel on a Council Mooring, will pay harbour dues in addition to the rack charge. Boat park charges will be based on the greater length of either boat or trailer - if not stored on a launching trolley.
- 4.7.2 Beacon Quay reserved car parking spaces: allocation of spaces is subject to their being required by the Authority for up to 14 days per year to accommodate maritime events.
- 4.7.3 Winter storage is only available at Paignton Harbour for the period 1st October to 31st March following only (in whole or in part) and no reduction will be allowed for any lesser period.

Car, Boat & Trailer storage on Quays	
Winter storage charge at Paignton Harbour	£45.00 per m LOA
Boat storage on the Quay (on or off a trailer)	£3.00 per m per day
Use of Grids inclusive of harbour dues - Brixham	£5.00 per m per day
Use of Slipway/beach to dry out/ other quayside berths for repairs	£4.00 per m per day
Dinghy/Tender racks	£60.00 per year
Beacon Quay car parking(quayside level only)	£541.00 per year or part
Brixham parking permit(Oxen cove only)	£340.00 per year or part

Section 5

Services and Other Charges

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.

Electric	
Level 1 card (available only at Torquay & Paignton)	£1.00 each
Level 1 card (10 kw - available only at Brixham)	£1.00 each
Level 5 card (50 kw - available only at Brixham)	£5.00 each
Level 10 card (100 kw - available only at Brixham)	£10.00 each
Smart card (available at Torquay only)	To be determined by the Harbour Master
Brixham Harbour KW charge for Motor Fishing Vessels	To be determined by the Harbour Master

5.1.3 Water taken in quantities of less than one tonne there is no charge except where a recharge facility exists.

5.1.4 For water supplied from the Council's standpipes the following charges apply:

Water	
Water charges (zero rates VAT)	
Up to 50 tonnes	£4.00 per tonne
50 tonnes and over	£3.00 per tonne
Fishing Vessels with fresh water tanks – 0m – 8m	£40.00 per annum
Fishing Vessels with fresh water tanks – 8m – 12m	£60.00 per annum
Fishing Vessels with fresh water tanks – 12m – 20m	£225.00 per annum
Fishing Vessels with fresh water tanks over 20m	To be determined by the Harbour Master
Brixham Harbour per cubic meter (where facility is in place)	To be determined by the Harbour Master

Crane, Labour and Equipment Hire Charges

- 5.2.1 The Tor Bay Harbour Authority mobile crane is primarily for use of the harbour, however, if there is sufficient capacity it can be hired at an hourly charge inclusive of VAT for a maximum weight of 10 tonnes.
- 5.2.2 Use of mobile commercial cranes or other lifting appliances (including Hiab's) on Harbour estate is at the Harbour Master's discretion. At least 48 hours advance notification must be provided for each operation

Crane	Charge Up 3% near £
Use of Tor Bay Harbour mobile crane	£165.00 per hour or part
Storage on the Quay	£3.00 per meter LOA per day or part
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)	£43.00 per crane
Use of mobile commercial crane and/or Hiab on Harbour Property/Estate over 4 hours (Inclusive of launch fee)	£86.00 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.
- 5.2.8 The boat pressure washing service includes the provision of an operator.

Labour & Equipment	
Labour charge (during normal working hours)	£45.00 per hour or part
Hire of workboat including skipper and crew	£160.00 per hour or part
Hire of workboat including skipper and crew	£750.00 per day 09.00-17.00 hours
Towing within enclosed Harbour	£27.00 per ½ hour or part
Towing outside enclosed Harbour to nearest enclosed Harbour within Tor Bay	£54.00 per ½ hour or part
Pumping out of vessels within the enclosed Harbours	£50.00 per hour or part
Hire of Forklift truck with driver	£55.00 per hour or part
Fork lift truck service to Ship's Agents (Exclusive of VAT)	£20.00 per pallet

Storage Space

5.3.1 **No unauthorised storage is permitted and may be removed and disposed of without warning.**

5.3.2 For authorised stores, a charge will be made (see table below).

5.3.3 Moving equipment into storage will be charged at the applicable rates in 4.2.

Storage	Charge
Unleased quay areas for fish boxes, fishing gear, cargo containers etc.	£2.00 per m2/per day
Unleased quay areas for fish boxes, fishing gear, cargo containers etc.(subject to availability and at Harbour Masters discretion	£100.00 per m2/per annum
Storage of Beams on unleased quay areas	£10.00 per set/per week
Storage of waste bins (1,100 litres)	£3.00 per bin per day
Unleased storage areas in Oxen cove, Brixham	£30.00 per m2/per annum
Lock up storage (ship stores only) (Equipment removal & transportation costs at applicable hourly rate)	To be determined by the Harbour Master
Storage lockers at Paignton Harbour (subject to availability)	£200.00 per annum

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).

Licences	Charge increase agreed HM
Fish Salesman's licence (includes use of Fish Market)	£335.00 per annum
Fish Buyer's licence (includes use of Fish Market)	£335.00 per annum
Harbour Estate trading licence (at the Harbour Masters discretion)	As per Council's Street Trading consent fee

Bunkering Charges (Exclusive of VAT)

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

Bunkering	Charge
For fuel oil delivered to vessels from tankers on shore or afloat up to 4,000 litres (minimum charge £30.00)	£0.04p per litre delivered
For fuel oil delivered to ships from tankers on shore or afloat over 4,000 litres (minimum charge £30.00)	£2.00 per 500 litres
For fuel oil delivered to ships from tankers on shore or afloat in Tor Bay	To be determined by the Harbour Master

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

Waste	Charge
Transportation to the Council refuse tip, Including attendants & use of Council transport etc.	£160.00 per truck load or part load Increase HM Decision
Council Tipping Charge	As per weighbridge load

Provision of skip for fishing vessels in refit	At cost + 10%
Unauthorised landing of commercial waste	£100.00
Authorised landing of commercial waste	£40.00 per dumpy bag
Passenger Craft Waste Reception Facilities	To be determined by the Harbour Master

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. 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%.

Miscellaneous Charges (inclusive of VAT unless 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.

5.7.6 A Payment Plan is available on a discretionary basis for annual facility charges only. The annual charge will remain the full amount payable and will not be subjected to a pro-rata basis. The payment plan can be set up for a maximum of six months, with April being the first month, ensuring all payments are complete by 1st October.

Other Charges	
Administration Charge (This charge is at the discretion of the Harbour Master)	£50.00 minimum
Officer Charge (For time spent by officers preparing reports or supervising work that is not the Harbour Authority's responsibility)	As per Torbay Council Employee Fee Tariff
Parking of an exhibition vehicle on Harbour Estate	£75.00 per day or part

Replacement of swipe card or Fob for controlled access/electricity meters	£10.00 per unit
Additional pontoon cleat (subject to Harbour Master's agreement)	£50.00 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) (ex VAT)	£330.00 per year or part
Daily Contractors Pass (ex VAT)	£10.00 per day or part
Advertising Charges	To be determined by HM
Salt Water extraction charge (Use of quays to pump water for commercial purposes) (At the Harbour Masters discretion)	£27.00 per day or part £1,072.00 per year or part
Payment Plan Administration charge (Direct Debit payments over monthly instalments for Annual facilities only) (All payment plans must be over 6 months maximum/completed by October)	£0.- £499 - £30.00 £500-£999 - £42.00 Over £1000 - £60.00

Section 6

Pilotage



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

Pilotage	Charge
From Sea to Brixham or Torquay Harbours	£78.00 per m draught
From Brixham or Torquay Harbours to Sea	£72.00 per m draught
Shift berth within Torquay or Brixham Harbours	£47.00 per m draught
From Sea to Tor Bay Harbour anchorage	£35.00 per m draught
From Tor Bay Harbour anchorage to Sea	£25.00 per m draught
Sea to Tor Bay Harbour & Tor Bay Harbour to Sea – (Surcharge for vessels over 150m LOA)	£1.80 per m for each m over 150m
Minimum charge (with or without a pilot on board)	£118.00
Detention, after 1 hour	£75.00 per hour or part of
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

Charges for Pilotage Exemption Certificates

5.2.1 Pilotage Exemption Certificate, per issue: £100.

Agenda Item 4 Appendix 2

HARBOUR REVENUE ACCOUNT BUDGETS 2019/20 to 2024/25

Appendix 2

Expenditure	2019/20 Final Outturn £ ,000	2020/21 Base Budget £ ,000	2020/21 Revised Budget £ ,000	2021/22 Proposed Budget £ ,000	2022/23 Provisional Budget £ ,000	2023/24 Provisional Budget £ ,000	2024/25 Provisional Budget £ ,000	
Harbour Employee Costs	612	651	652	731	750	769	788	A
Premises Costs:-								
Repairs and Maintenance	261	322	304	303	280	280	280	
Energy & Water	268	184	240	245	247	252	257	
Cleaning & Waste	124	107	90	99	101	103	105	
Other Premises & Insurance costs	130	115	134	126	128	131	133	
Operational Costs:-								
Security Services including CCTV	132	141	141	144	146	149	152	
Professional Services	69	59	59	60	61	63	64	
Equipment and V&P	91	45	45	49	50	51	52	
Other Services	108	108	110	112	113	115	118	
General & administration expenses	89	83	59	60	60	61	62	
Internal Support Services	181	185	239	244	248	253	258	B
User Charges Concessions	15	14	11	11	11	11	12	
Capital Charges								
Torquay Town Dock	81	81	81	81	81	81	81	
Torquay Inner Harbour pontoons	54	54	54	54	54	54	54	
Torquay Haldon Pier	81	81	81	81	81	81	81	
Brixham Harbour regeneration	282	282	282	282	282	282	282	
Other schemes	49	39	38	49	49	49	49	
Contribution to Multi-Agency funding	0	0	0	5	0	0	0	C
Contribution to General Fund - EHO	25	25	25	25	25	25	25	
Contbn to General Fund (Asset Rental)	852	802	852	652	652	652	652	
	<u>3,504</u>	<u>3,377</u>	<u>3,497</u>	<u>3,413</u>	<u>3,419</u>	<u>3,462</u>	<u>3,505</u>	
Income								
Rents and Rights :-								
Property and Other Rents/Rights	589	607	563	603	603	603	603	D
Marina Rental	461	453	453	462	471	481	490	
Operating Income :-								
Harbour Dues	172	154	58	158	161	164	167	
Visitor and Slipway	74	65	56	67	68	69	70	
Mooring fees	213	206	256	210	214	218	222	
Pontoon Berths	587	598	591	613	625	638	650	
Fish Tolls	993	982	900	1,000	1,000	1,000	1,000	E
Recharged Services	136	135	153	163	166	170	173	
Harbour Facilities charges	82	76	66	78	80	81	83	
Licences & Contractor passes	31	29	40	35	36	36	37	
Reserved Car Parking	43	44	30	40	41	42	42	
Miscellaneous & Administration charges	46	28	41	29	29	30	30	
Contributions from Reserve	11	0	0	0	0	0	0	
Covid-19 Grant	0	0	125	0	0	0	0	
	<u>3,438</u>	<u>3,377</u>	<u>3,332</u>	<u>3,457</u>	<u>3,494</u>	<u>3,531</u>	<u>3,569</u>	
Operating Surplus /(Deficit)	<u>(66)</u>	<u>(0)</u>	<u>(165)</u>	<u>44</u>	<u>75</u>	<u>69</u>	<u>64</u>	
RESERVE FUND								
Estimated Opening Balance as at 1st April	741		380	10	54	129	198	
Interest Receivable	6		1	0	0	0	0	
Net Surplus / (Deficit) from Revenue Account	(66)		(165)	44	75	69	64	
Withdrawals - Harbour Schemes	(301)		(206)					F
Expected Closing Balance as at 31st March	<u>380</u>		<u>10</u>	<u>54</u>	<u>129</u>	<u>198</u>	<u>262</u>	
Minimum Reserve Level			666	691	699	706	714	

Notes

- A The structure from 2021/22 includes a new health & safety related post together with an extra day capacity for administration
- B Charges for corporate and governance services have been discounted in previous years but are being applied in full from 2020/21.
- C Funding of a 12 month pilot for dedicated police support at Tor Bay Harbour locations.
- D The increased figure from 2021/22 reflects a full rental from harbour Light Restaurant
- E Fish toll income levels are based on industry forecasts
- F Funding of capital schemes e.g. Brixham H&S works, Brixham Water Metering, Paignton Harbour Light redevelopment

TORBAY COUNCIL

Meeting: Harbour Committee

Date: 21st December 2020

Wards Affected: All

Report Title: Tor Bay Harbour Budget Monitoring 2020-21

Is the decision a key decision? No

When does the decision need to be implemented? N/A

Cabinet Member Contact Details: Not a Cabinet function

Supporting Officer Contact Details: Adam Parnell, Harbour Master, 01803 853321, adam.parnell@torbay.gov.uk and Pete Truman, Principal Accountant, 01803 207302, pete.truman@torbay.gov.uk

1. Proposal and Introduction

1.1 This report identifies the overall budgetary position for Tor Bay Harbour Authority as at November 2020 compared with approved budgets.

2. Reason for Proposal and associated financial commitment

2.1 The 2020/21 Tor Bay Harbour Authority budget was approved by the Harbour Committee on 24th September 2019 and a report such as this is presented to each Harbour Committee meeting to enable appropriate action to contain expenditure and maintain reserves at appropriate levels.

3. Recommendation(s) / Proposed Decision

3.1 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. **that harbour reserves are forecast to be depleted by the end of this financial year;**
- c. the Head of Torbay Harbour Authority's use of delegated powers to make decisions in relation to the harbour budget;
- d. the Harbour Master's use of delegated powers to waive certain harbour charges which to date amounts to £11,448.79;
- e. that the loan made in November 2014 of £86,000 from Harbour Committee reserves to another Council department, which was due to be repaid between 2017 – 2019, remains outstanding.

Appendices

Appendix 1: Harbour Revenue Accounts 2020-21

Background Documents

DfT [Ports Good Governance Guidance](#)

Section 1: Background Information

1. What is the proposal / issue?

The 2020/21 Tor Bay Harbour Authority budget was approved by the Harbour Committee on 24th September 2019 and a report such as this is presented to each Harbour Committee meeting to enable appropriate action to contain expenditure and maintain reserves at appropriate levels.

2. What is the current situation?

The impact of Covid-19 has resulted in reduced income levels although we anticipate recovering a proportion of these losses through a government grant. Continuing levels of contribution to the General Fund, including an uplift to the level of recharged support services in-year, has had a significant effect on financial outcomes.

The latest budget forecast anticipates that the harbour account will be in a deficit position at year-end:

	Original Budget £000	Revised Budget £000	Projected Outturn £000
Operational surplus/(deficit)	0	(167)	(165)

Capital Schemes

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	2,500	2,482	2,482	(i)
Victoria Breakwater	3,893	3,784	3,784	(ii)
Harbour Light Restaurant Redevelopment	800	719	800	(iii)
Brixham Harbour Water Meters	110	117	128	(iv)
Brixham Harbour CCTV Upgrade	86	79	86	(v)

(i) The approved budget for this scheme increased to £2.5m following formal negotiations surrounding Compensation Event Notices issued by main

contractor. The MMO is providing a maximum EMFF grant of £1.6m and the Council has borrowed £1m.

- (ii) Project fees have increased the total cost of the scheme.
- (iii) Works are complete, on budget and the restaurant opened in March.
- (iv) Full implementation delayed due to furloughed contractors.
- (v) Installation is complete.

Prudential borrowing

The harbour's liability for prudential borrowing is:

Capital Scheme	Amount Borrowed	Start of Repayments	£ Principal outstanding
Town Dock (Torquay Harbour)	£1,140,000	2008/09	£481,058
Haldon Pier (Torquay Harbour)	£1,200,000	2010/11	£825,855
Brixham Harbour New Fish Quay Development	£4,750,000	2011/12	£3,673,231
Torquay Inner Harbour pontoons (Inner Dock)	£800,000	2014/15	£657,278
Brixham Harbour Jetty	£840,000	2020/21	£829,476
TOTAL			£6,466,898

Debt position

The debt position is:

	Corporate Debtor System		Harbour Charges	
	< 60 days	> 60 days	< 60 days	> 60 days
Debt outstanding	£23k	£165k	£52k	£84k
Bad Debt Provision	£14k			

	<p>Reserves In 2011 the Harbour Committee set a reserve target of 20% of budgeted turn-over. This has been missed for a number of consecutive years and it is now very likely that the Reserve will be depleted by the end of this financial year.</p>
3.	<p>What is the relationship with the priorities within the Partnership Memorandum and the Council's Principles?</p> <p>A safe, efficient and self-financing harbour positively contributes to the following priorities:</p> <ul style="list-style-type: none"> • A Thriving Economy • A Council Fit for the Future
5.	<p>How does this proposal/issue contribute towards the Council's responsibilities as corporate parents?</p> <p>N/A</p>
6.	<p>How does this proposal/issue tackle poverty, deprivation and vulnerability?</p> <p>Tor Bay harbour is a regional focus for maritime-related employment: it is a thriving maritime recreational and leisure hub of national renown and also accommodates the largest fishing port in England and Wales by value of catch landed.</p> <p>A healthy, safe and efficient Bay is also a key driver for non-maritime sectors such as tourism, environment, R&D etc.</p>
7.	<p>How does the proposal/issue impact on people with learning disabilities?</p> <p>No discernible impact</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>All harbour stakeholders, including maritime and non- maritime businesses are affected.</p> <p>Consultation is effected through regular harbour stakeholder liaison forums who are empowered to provide feedback via the Harbour Committee to the Council</p>

Section 2: Implications and Impact Assessment

<p>9.</p>	<p>What are the financial and legal implications?</p> <p>The Harbour account for 2020-21 is highly likely to be in a deficit position at year-end due to the impact of Covid-19 and the size of contribution to the General Fund.</p> <p>The DfT's Ports Good Governance Guidance (March 2018) provides guidance for how harbour finances should be operated. While not a statutory publication, this is considered national 'best practice' for the ports industry. Torbay Council do not currently adhere to this model.</p>
<p>10.</p>	<p>What are the risks?</p> <p>Given the forecast out-turn, there is a high risk that harbour reserves will be depleted by the end of this financial year, requiring a General Fund precept in future years to retain a balanced budget.</p> <p>If quayside facilities and services do not remained aligned with user need/requirements then there is a risk that incomes will decline.</p>
<p>11.</p>	<p>Public Services Value (Social Value) Act 2012</p> <p>N/A</p>
<p>12.</p>	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>Feedback from harbour users and liaison forums Feedback from Committee members Feedback from fishing industry leaders Previous Harbour Committee reports</p>
<p>13.</p>	<p>What are key findings from the consultation you have carried out?</p> <p>There is disquiet amongst harbour stakeholders that despite high revenue incomes the harbour budget is likely to be in deficit at year end</p>
<p>14.</p>	<p>Amendments to Proposal / Mitigating Actions</p> <p>Reduce the contribution to the General Fund.</p>

HARBOUR REVENUE ACCOUNTS 2020/21 - BUDGET MONITORING

TOR BAY HARBOUR AUTHORITY

	2020/21 Original Budget £ ,000	2020/21 Current Budget £ ,000	2020/21 Projected Outturn £ ,000	Notes
Expenditure				
Harbour Employee Costs	651	651	652	1
Premises Costs:-				
Repairs and Maintenance	322	304	304	2
Energy & Water	184	228	240	3
Cleaning & Waste	107	107	90	
Other Premises & Insurance costs	115	115	134	4
Operational Costs:-				
Security Services including CCTV	141	141	141	
Professional Services	59	59	59	
Equipment and V&P	45	45	45	
Other Services	107	110	110	
General & administration expenses	83	63	59	5
Internal Support Services	185	239	239	6
User Charges Concessions	14	14	11	
Capital Charges	537	539	536	
Contribution to General Fund - EHO	25	25	25	
Contribution to General Fund	802	802	852	7
	<u>3,377</u>	<u>3,442</u>	<u>3,497</u>	

	2020/21 Original Budget £ ,000	2020/21 Current Budget £ ,000	2020/21 Projected Outturn £ ,000	Notes
Expenditure brought forward	<u>3,377</u>	<u>3,442</u>	<u>3,497</u>	
Income				
Rents and Rights :-				
Property and Other Rents/Rights	607	563	563	8
Marina Rental	453	453	453	
Operating Income :-				
Harbour Dues	154	58	58	9/10
Visitor and Slipway	65	56	56	10
Mooring fees	206	256	256	9/10
Pontoon Berths	598	591	591	10
Fish Toll Income	982	900	900	11
Recharged Services	135	153	153	12
Harbour Facilities charges	82	66	66	10
Licences & Contractor passes	29	35	40	
Reserved Car Parking	38	30	30	10
Miscellaneous & Administration charges	28	39	41	
Covid-19 income grant	0	125	125	13
	<u>3,377</u>	<u>3,325</u>	<u>3,332</u>	
Operating Surplus /(Deficit)	0	(117)	(165)	
Gain share contribution to General Fund	0	0	0	
Gain share Contribution to Harbour Reserve	0	0	0	
Shortfall in Council contribution	0	(50)	0	7
Net Surplus /(Deficit)	<u>0</u>	<u>(167)</u>	<u>(165)</u>	

			Notes
RESERVE FUND			
Opening Balance as at 1st April	380	380	
Interest Receivable (estimated)	6	1	
Net Surplus / (Deficit) from Revenue Account	(167)	(165)	
Contribution to Revenue	0	0	
Capital Funding	(165)	(206)	
Expected Closing Balance as at 31st March	<u>54</u>	<u>10</u>	14

Note: In line with Harbour Committee minute 398 (5) December 2011 the minimum Reserve level at year end 2020/21 is **£675k** 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 2020/21 - BUDGET MONITORING

NOTES

- 1 Additional costs have been incurred on temporary staff to cover long term sickness absence.
- 2 A number of outer moorings have been removed at Brixham due to falling demand. Maintenance costs will reduce accordingly. Further savings are anticipated with fender maintenance being covered within spending on the health & safety capital scheme.
- 3 The budget for electricity charges has been re-based in line with previous year actuals and current year consumption.
- 4 There has been a rise in the marine insurance premiums together with additional NNDR liabilities on vacant units.
- 5 Expenditure moratorium savings are targeted over a number of headings.
- 6 Charges for corporate and governance services have been discounted in previous years but are being applied in full from 2020/21.
- 7 The financial performance is unlikely to generate sufficient surplus for a gain share contribution to the General Fund. However, the General Fund budget for 2019/20 approved by full Council included an additional £50k to the base Harbour Account contribution which will be required. The balance of this contribution was previously shown separately but has now been brought in to the overall contribution amount as it remains within the General Fund base budget. The additional contribution will significantly impact the Harbour Reserve.
- 8 There has been no take up to date of boat booking kiosk sites at Torquay Harbour for the current year tender with a resulting loss of income of £35k. The rent for Harbour Light at Paignton is reduced for the first year under the terms of the lease.
- 9 The income budget targets have been reallocated to reflect the inclusion of harbour dues within a single moorings charge as per the approved Schedule of Charges.
- 10 A shortfall is anticipated over a number of income headings following the impact of Covid-19. An allocation of government grant funding to be received by the Council is estimated at note 13.
- 11 Fishing and market operations were shut down during the first lockdown period. Fish toll levels may remain volatile subject to continuing Covid-19 developments and the final european trade agreement.
- 12 Further recharges for electricity usage are expected although implementation may be delayed until new systems are fully in place.
- 13 As part of it's Covid-19 financial assistance package the government is making ^{£26} grants to local authorities in respect of lost income from sales, fees and charges. The allocation of the estimated grant is based on an initial submission and is subject to change when the terms of the grant are finalised.
- 14 Residual funding of approved capital schemes - Brixham water metering (£56k), Brixham Northern Arm viability costs (£40k), Health & Safety works (£76k), Torquay South Pier Pontoon (£5k), Paignton Harbour Light Restaurant (£22k) and CCTV (£7k).

TORBAY COUNCIL

Meeting: Harbour Committee

Date: 21 December 2020

Wards Affected: All

Report Title: Port Marine Safety Code Compliance

Is the decision a key decision? No

When does the decision need to be implemented? N/A

Cabinet Member Contact Details: Not a Cabinet function

Supporting Officer Contact Details: Adam Parnell, Harbour Master, 01803 853321, adam.parnell@torbay.gov.uk

1. Purpose

- 1.1 This report updates Members on the annual Port Marine Safety Code (PMSC) 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* and the Devon Audit Partnership are the appointed *Designated Person*.
- 1.3 In its latest compliance audit, the Designated Person found that the Harbour Authority remained compliant with the PMSC.

2. Proposed Decision

- 2.1 That the Harbour Committee:
 - a. Note the PMSC compliance report; and
 - b. Note that our compliance will be reported to the Maritime and Coastguard Agency in time for their next triennial review of ports' compliance with the Code. This is expected to be in March 2021.
-

Supporting Information

3. Position

- 3.1 Torbay Council, the Statutory Harbour Authority for Tor Bay, has implemented the requirements of the PMSC which 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".
- 3.2 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.

- 3.3 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.

4. Consultation

- 4.1 The Brixham Harbour Liaison Forum and the Torquay/Paignton Harbour Liaison Forum will be consulted during their December meetings.

5. Risks

- 5.1 Without a regular compliance audit programme there is a risk that emergent issues are not identified or addressed and the Harbour diverges from the high standards expected by the MCA.

Appendices

Appendix 1 - Port Marine Safety Code - Compliance Audit Report - December 2020

Additional Information

Additional information on this topic can be found at:

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

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

A Guide to Good Practice on Port Marine Operations – April 2018 (DfT & MCA)

<https://www.gov.uk/government/publications/a-guide-to-good-practice-on-port-marine-operations>



Internal Audit Report

Port Marine Safety Code Follow up of 2019/20 Report

Tor Bay Harbour Authority

November 2020

Official



Support, Assurance & Innovation

Devon Audit Partnership

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We work with our partners by providing professional internal audit and assurance services 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 (PSIAS) 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.

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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.

2 Audit Opinion

Based upon progress made against previous recommendations and agreed actions, and the findings of last year's Audit against the revised code requirements, in our opinion the Tor Bay Harbour Authority remains compliant with the requirements of the Port Marine Safety Code.

3 Executive Summary

Due to the Covid-19 pandemic for the 2020/21 year, we have only undertaken a follow up of the previous findings and recommendations made in relation to 2019/20. This was undertaken remotely due to current Covid-19 restrictions and associated working practices, and as such we have not undertaken any site visits. Within the follow up we have examined a restricted sample of records relating to previous recommendation made in relation 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 confirm Management have actioned previous recommendation.

To the best of our knowledge and belief, having carried out appropriate checks within the remit of the follow up exercise, and considered responses provided to us by relevant Harbour staff, in our opinion the Tor Bay Harbour Authority remains compliant with the Port Marine Safety Code. We continue to have significant concerns in relation to land-based Health and Safety (H&S), however these are outside of the scope of the Code.

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

For completeness we have also attached a summary of the current status of previous actions including any arising land-based issues (please refer to Appendix B).

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 (please refer to Appendix C).

4 Added Value

Compliance against the requirements of the Port Marine Safety code.

5 Assurance Opinion on Specific Sections

The following table summarises our assurance opinions on each of the areas 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	Non-Compliance with Port Marine Safety Code	Compliant with the requirements of the Port Marine Safety Code (<i>note, this year's assurance is solely based upon the outcomes of the remote follow up exercise of recommendations made in 2019/20 and as such we have not undertaken any site visits</i>)

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.

6 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.

Following our review, we suggest that the ongoing land-based Health and Safety issues, although not relevant to Port Marine Safety code compliance, warrant inclusion within the Annual Governance Statement.

7 Scope and Objectives

Due to Covid-19 restrictions, Devon Audit Partnership as Designated Persons have undertaken a Port Marine Safety Code review in the form of a follow up of the 2019-20 Port Marine Safety Code report, and as such our conclusion is based upon that evaluation and associated outcomes.

To note, our original 2019/20 audit was undertaken based upon the Department for Transport's Port Marine Safety Code, and the associated Port Marine Safety Code Guide to Good Practice.

8 Inherent Limitations

The opinions and recommendations contained within this report are based on our follow up of previous recommendations made in the 2019/20 report, including review of related evidence, and discussions with responsible officers.

9 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

Risk Covered: Non-Compliance with Port Marine Safety Code	Level of Assurance
<p>Opinion Statement:</p> <p>Taking into account the opinion statement provided within the 2019-20 audit report, and the current status of actions against recommendations in appendices A and B, we consider the Tor Bay Harbour Authority remain compliant with the Port Marine Safety Code, subject to the limitations in our work as described in the level of assurance opposite and the Executive Summary and other relevant areas of this report.</p> <p>It was pleasing to note that a number of recommendations are either complete or remain in progress, however, there remain some areas where further action is required as outlined in the appendices A and B.</p> <p>These primarily relate to:</p> <ul style="list-style-type: none"> - approval of duty holder terms of reference and power of directions; - risk assessments and associated SOP for defective vessels; - evidence of training for lone working; - update SHE assure to reflect dates of all training undertaken by staff; - the need for a SOP for forklift use has not previously been accepted by management and therefore remains a risk; - edge protection policy has been subject to review and an update requested. The policy has been approved subject to strengthening of the section relating to alcohol use, however we have made an additional recommendation to strengthen this further by referral to substance abuse; - there remains a risk around access to MarNIS although we understand that resolution of this is cost prohibitive. <p>Although we recognise that Land based Health and Safety is outside of scope of Port Marine Safety Code, we continue to be concerned that related risks are not being adequately mitigated. Our opinion is based upon knowledge of ongoing issues and occurrences relating to poor H&S practices within Tor Bay Harbour Authority. As such we have made further recommendation that Health and Safety regarding land-based practices must be formally reviewed by an appropriately qualified body and an action plan drawn up to identify mitigating actions and associated costs. This should then be presented to Senior Management for a decision on remediation action to be taken.</p>	<p>Compliant with the requirements of the Port Marine Safety Code</p> <p><i>(note, this year's assurance is solely based upon the outcomes of the remote follow up exercise of recommendations made in 2019/20 and as such we have not undertaken any site visits)</i></p>

No.	Observation and implications		
1.1	AIS (automatic identification system) is available to the harbours however it is not currently used to determine the level of vessel movements on an annual basis.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.1.1	Given that vessel traffic is on the increase and the 3 ports are especially busy in the summer months it would be beneficial to have statistics relating to the level of vessel movements. This information could be used to determine if any action is required to minimise the risk of collision especially between vessels and people.	Medium	AIS is available to various Harbour staff. Greater use will be made of AIS as a vessel identification tool, especially vessel monitoring via a more frequent review of it. However meaningful statistical analysis will be problematic as the requirement to have it is based on factors such as vessel tonnage and as such many recreational vessels are not required to have AIS fitted (and thus do not) AIS use for collision avoidance is not allowed. Collision avoidance responsibility lies with the individual vessels.

Management response

We are making greater use of AIS to monitor vessel movements (for example, all managers have the free 'Marine Traffic' AIS viewer installed as an 'App' on their smartphone. The HA have additionally purchased a software licence for 2 commercial instances of the 'Marine Traffic' application and have requested 2 large screens from IT on which to show the AIS picture in both Brixham and Torquay main offices.

Internal Audit Comment – Partially complete and in progress.

AIS installation has progressed, and further installations planned - unable to evidence progress due to remote working.

ACTION: Progress AIS installation.

No.	Observation and implications		
1.2	As per the MCA Health check the Harbour Master was to arrange involvement of the Dartmouth Harbour Master in order to support Devon Audit Partnership in fulfilling the marine based aspects of their Designated Person role, however at the time of our review this remains outstanding.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.2.1	Tor Bay Harbour Master to pursue this support prior to the next PMSC compliance review.	Medium	Dart Harbour Master has agreed to this and their contact details have been passed to the DP

Management response

Due to Covid-19 a full audit is not being undertaken this year; it is anticipated this will be actioned in 2021/22. The Dart HM has retired, and a new HM is now in place. If they are suitably experienced, then an approach will be made to them in the New Year to see if they would be prepared to undertake this.

Internal Audit Comment – Not actioned. Re-reported for action in 2021/22

ACTION: Original agreed action to be undertaken in the New Year 2021.

No.	Observation and implications		
1.3	Within the Duty Holders terms of reference, the PMSC requires a statement regarding the Duty Holders accountability in that they cannot re assign or delegate their accountability. This is currently not detailed.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.3.1	Update Duty Holders terms of reference to include the statement that 'Duty Holders cannot re-assign or delegate their responsibilities in relation to PMSC'.	Low	Will be incorporated at the next published change - AP
<p>Management Response This has recently (November 2020) been completed by Governance Support who have made the changes after consultation with Members.</p> <p>Internal Audit Comment – Actioned ACTION: No further action required.</p>			
No.	Observation and implications		
1.4	The Harbour Authority has the power to make directions, this is detailed within the constitution under scheme of delegations. The terms of reference for the harbour committee states that once a year these will be reviewed with any changes referred to Council however this review has not been undertaken for the current year. The last review was undertaken in March 2018 where no changes were made. The next annual review would have therefore been due in March 2019 however at that time the Committee were awaiting the outcome of local elections prior to restructuring. We understand that the MCA have made some recommendations in relation to Powers of Direction within their report, which forms part of an overall action plan.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.4.1	As per Harbour Committee terms of reference, the power of directions should be reviewed and logged, and changes referred to Council.	Low	Will be incorporated at the next published change in March 2020 - AP
<p>Management response Reviews are undertaken every 2 years but are out of date (as the March 2020 meeting was cancelled. These will be brought to the March 2021 committee meeting.</p> <p>Internal Audit Comment – Actioned – awaiting response re approval of changes. We have viewed evidence that the request has been made to make the changes to the power of directions. Completion of the action is now reliant on the Committee response / Management approval which, we understand has been delayed due to Covid-19 – due March 2021.</p> <p>ACTION: No further action required by Harbour Master other than to ensure the changes are followed through and applied.</p>			

No.	Observation and implications		
1.5	A risk workshop was held with APBmer to review all current risk assessments, the causes and controls along with identifying a number of new / emerging risks. APBmer have taken these away to formulate then into completed risk assessments which they will then be returned to Harbours. It was agreed that the review / update of risk assessments would not be undertaken until the output from the workshops had been received from APBmer. As this process will have identified new/emerging risks and potentially updated existing risks, the supporting SOP's will also require further review and associated update or formulation.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.5.1	Once the new / reviewed risk assessments have been received and input into MarNIS, then the corresponding SOP's should be reviewed to ensure they align with them. Additionally, for any new risk assessments new SOP's should be drawn up where applicable	Medium	Will be actioned once feedback from APBMer received – AP/SP
<p>Management Response Marnis operational risk assessments have been updated and can be accessed therein. The H&S risk assessments have migrated to SHE Assure.</p> <p>IA Comment – Complete As above, we have been advised that the risk assessments and SOP's have been subject to update, and we can partially evidence a recent review. However, due to remote working we are unable to fully evidence that these updates include the outcomes of the APBmer risk workshop.</p> <p>ACTION: No further action required</p>			
1.5.2	We recommend that a risk assessment of the need for a Vessel Traffic Service be undertaken to support the current decision that one is not required and that AIS is sufficient.	Medium	Risk Assessment for VTS will be completed by end Dec 2019 - AP
<p>Management Response There is not a stand-alone risk assessment (RA) for the need for VTS. However, the choice to use VTS (or not) is implicit within every operational RA contained in Marnis: it is one of a 'suite' of control measures proffered by Marnis and if deemed necessary would have been selected. Unfortunately, Marnis does not permit reasons for non-selection to be recorded.</p> <p>IA Comment – Complete VTS has been considered and noted by Management per the above response.</p> <p>ACTION: No further action required</p>			

No.	Observation and implications		
1.6	A SOP has been established for 'Pilotage and Defective Vessel Notification' however this does not include details of reporting to MCA should there be a defective vessel. It was also noted that there is no risk assessment for defective vessels (injurious vessel) within the harbour limits, this was identified at the workshop and a new RA is being formulated with APBmer.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.6.1	Once the new risk assessment has been received and put into MarNIS it should be determined if a new SOP should be drawn up or the existing one amended. As a minimum the existing SOP will require updating to include reporting procedures.	Medium	Noted Will be actioned once feedback from APBMer received – AP/SP
Management Response Complete, risk assessment and SOP now done. IA Comment – Complete The risk assessment and associated SOP have been produced in December 2020 and now form part of the policy and risk assessment framework. ACTION: None			
No.	Observation and implications		
1.7	Harbour staff across all 3 harbours have undertaken various training courses and all details are logged in a training matrix. It was noted that whilst a number of staff had received training in manual handling / working at heights etc, however these were completed several years ago. H&S have confirmed that best practice is for this training to be refreshed every 3 years. It was also noted that the SOP for lone working states that staff are trained, and that refresher training should be undertaken at regular intervals. In addition, the training should be logged in the training matrix. Our review found that this was not undertaken or recorded.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.7.1	A full review should be undertaken to see what training / refresher training is required for all staff. Additionally, lone working training should be provided to and undertaken by all applicable staff, and the training matrix updated accordingly.	Medium	This is 'business as usual' and reviewed annually Individual training undertaken should be added as completed, with an annual review and consolidation exercise undertaken. The next review is due shortly – KA - end Dec 2019
Management Response Training in manual handling and working at height was provided to all Harbour Assistants in Dec 2019. More widely, all training has been migrated to SHE Assure (in fact the Harbour Authority is the first department so to do which has now been correctly configured to accept certification/training end-dates. The process of entering these dates has started and is expected to be complete by Jan 2021.			

IA Comment – Part actioned – re-report

SHE Assure has a risk assessment for Lone Working. We were unable to evidence that Lone Working training had been completed. In addition, although training records were transferred to SHE Assure, the individual staff training dates have yet to be migrated across.

ACTION: SHE Assure to be updated to reflect dates of training undertaken by staff. Evidence of Lone Working training to be recorded on SHE Assure.
Complete

Action Plan – status against 2018-19 actions and recommendations and any arising land-based issues in 2019-20

Previous Years (2018-19) Re-reports

No.	Recommendation	Priority	Management response / action plan / responsible officer
1.6.2	Further to the original recommendation regarding the forklift usage SOP and risk assessment, there is no mention of the limitations / restrictions on forklift use. We recommend that the SOP and risk assessment are updated accordingly to include any restrictions in relation to use.	Medium	NOT AGREED – the risk assessment is activity based rather than for an individual item of plant. As the staff might have occasion to use different FLT's and acquaint themselves with the limitations of each FLT on first and subsequent use. This information would be contained in the Operators manual, indications and limitations as signed on each FLT. This checking by the driver is not recorded.

Management Response

No change not agreed

IA Comment – Not agreed

ACTION: Risk remains – refer to Management response originally given

No.	Recommendation	Priority	Management response / action plan / responsible officer
1.6.6	The Edge Protection Policy includes a risk assessment. We would recommend that the assessment be put into a standard risk assessment format to enable monitoring, evidence actions needed / undertaken and define responsibility	Low	NOT AGREED – the existing risk assessment does not easily fit into the standard template and there is a significant risk that vital information will be lost during reformatting. The Policy itself is taken from the ACoP and the Edge Audit spreadsheet provides assessment at multiple locations with the risks being different for each, which would then require multiple risk assessments to address each. The Edge Protection Policy was approved by Committee in December 2019.

Management Response

Unfortunately, the edge protection RA does not lend itself to the SHE Assure format and will thus remain in a different format for readability. However, the point regarding substance abuse is agreed and the policy has been updated in December 2020.

IA Comment – Complete

ACTION: None

No.	Recommendation	Priority	Management response / action plan / responsible officer
1.9.2	As best practice, for completeness and ease, we would recommend that the Business Continuity Plan (BCP) contain a link to the physical and shared drive location of the Emergency Plan, as this is referenced frequently within the BCP.	Opportunity	Agreed – plan to be updated – LS/AP Nov 19

Management Response

HM holds a physical copy in his 'emergency' pack that he has at hand 24/7/365 in case of electrical/IT failure. Reference to the Emergency Plan and link to it now included in the BCP.

IA Comment – Complete

ACTION: No further action

No.	Recommendation	Priority	Management response / action plan / responsible officer
1.7.1 Page 66	As previously reported the MarNIS system used to record all risk assessments / accidents / incidents / training etc. has no system controls linked to access i.e. all staff have the same access. Tor Bay Harbour Authority should either continue to accept the risks (with the upgrade audit trail provision) or progress the modification to provide full system access controls	Medium	Risk accepted by management due to cost to update system

Management Response

No change risk accepted by management

IA Comment – Not agreed, risk accepted

ACTION: Risk remains – refer to Management response originally given

Arising Land Based Issues 2019-20

No.	Original observation and implications		
1.10	As previously noted, a Health and Safety (H&S) review of Tor Bay Harbours has been undertaken by the Council's H&S Team, and we understand that any arising issues are being progressed and managed separately. However, during our review of the Harbour's accident / incidents records as part of the PMSC Audit we noted that a drowning incident had occurred which instigated a subsequent review of practices. Measures had been put in place to reduce the risk of an occurrence and warnings had been issued and displayed to highlight the danger of alcohol consumption in conjunction with Harbour use. We are pleased to see that in this instance lessons have been learnt and steps taken to reduce the risk of further occurrence.		
	Recommendation	Priority	Management response / action plan / responsible officer
1.10.1	It is recommended that any supporting policies (both user and internal) related to trips and falls be updated to reflect any changes in Health and Safety practices.	Medium	Noted – this is a given that all related policies will be updated to cover H&S practices in relation to the hazards associated with trips and falls - AP

Management Response

A 100% review of all RAs and SOPS has been undertaken and they have migrated to SHE Assure. The council have recognised the dangers and risks inherent in the maritime domain and have agreed that the Harbour Authority recruit a dedicated H&S manager to bring additional focus to this important area. This person is expected to be in post by March 21.

IA Comment – Ongoing

Although outside of scope of Port Marine Safety Code, the risk remains regarding land-based H&S issues although we recognise that a H&S Officer will be in post by March 2021. We have based our opinion on knowledge of ongoing issues and occurrences relating to poor H&S practices within Tor Bay Harbours, and as such remain concerned regarding the ongoing risks posed to the public, staff and visitors to the Harbours.

ACTION: Health and Safety regarding land-based practices must be formally reviewed by an appropriately qualified body and an action plan drawn up to identify mitigating actions and associated costs. This should then be presented to Senior Management for a decision on remediation action to be taken.

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.
Official: Sensitive	A limited subset of OFFICIAL information could have more damaging consequences if it were lost, stolen or published in the media. This subset of information should still be managed within the 'OFFICIAL' classification tier, but may attract additional measures to reinforce the 'need to know'. In such cases where there is a clear and justifiable requirement to reinforce the 'need to know', assets should be conspicuously marked: 'OFFICIAL-SENSITIVE'. All documents marked OFFICIAL: SENSITIVE must be handled appropriately and with extra care, to ensure the information is not accessed by unauthorised people.

Meeting: Harbour Committee

Date: 21 December 2020

Wards Affected: All wards in Torbay

Report Title: Port Marine Safety Code and Health & Safety matters

Is the decision a key decision? No

When does the decision need to be implemented?

Cabinet Member Contact Details: Not a Cabinet Function

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 This is a standing Harbour Committee agenda item to update the Committee on PMSC and Health and Safety matters and topical issues.

2. Reason for Proposal and associated financial commitments

2.1 Torbay Council, as the Statutory Harbour Authority, adheres to the requirements of the PMSC (the national standard for port safety) to "improve safety for those who use or work in ports, their ships, passengers and cargoes, and the environment".

2.2 The Harbour Committee is the nominated *Duty Holder* and the Devon Audit Partnership are the appointed *Designated Person*.

2.3 Since the last Harbour Committee meeting, the Designated Person has completed a PMSC Compliance Audit, which is the subject of a separate report.

2.4 A 100% review of all Standard Operating Procedures has completed, and a new 'tool-box talk' regime introduced, based on the construction industry's "*CITB Toolbox Talks*" publication (also known as GT700). Additionally, the Harbour Authority has introduced a standard dynamic risk assessment tool for use by all staff, which is known as a "*Place of Work Safety Assessment*" or POWSA.

2.5 **PMSC incidents:** There are 3 of note:

- In early October a heavily-modified ex-MFV that had been used as floating storage broke free of its mooring in Brixham and grounded before being recovered. There was no pollution or infrastructure damage.
- In early November a recreational vessel sank at its mooring but was subsequently refloated. There was no infrastructure damage or pollution.
- In late November an open water swimmer sadly drowned off Torre Abbey sands.

- 2.6 **Health and Safety incidents:** There are 3 slip, trip and fall incidents: 2 at Torquay and one at Paignton, all by members of the public. None were 'lost time' incidents.
- 2.7 **Health and Safety Officer:** The recruitment of a dedicated Health and Safety Officer for the harbour authority is under way and we expect the successful applicant to be in post by March 2021.
- 2.8 **Maritime Support Officer:** The Harbour Authority is engaging with Devon and Cornwall police re the possibility of hosting a full time officer who will inter alia work to reduce ASB and other issues, thus directly contributing to improved safety outcomes.
- 2.8 This proposal does not commit the Harbour Authority to expenditure not already approved.
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3. Recommendation(s) / Proposed Decision

- 3.1 That the report is noted.

Appendices

None

Background Documents

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

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

A Guide to Good Practice on Port Marine Operations – April 2018 (DfT & MCA)

<https://www.gov.uk/government/publications/a-guide-to-good-practice-on-port-marine-operations>

Health and Safety Policy - April 2019 (Torbay Council)

<https://sheasure.net/TorbaySMS/Portal/TorbayCouncilPortalzzR23492wHT713D/ModuleDetail/6785346#/information>

Harbour Committee Terms of Reference

Terms of Reference:

To determine all matters relating to the strategic management of the Council's function as a Harbour Authority, in line with the Tor Bay Harbour Port Masterplan and the Council's Policy Framework. Specifically the Committee will:

1. Manage all of the Harbour's financial matters in accordance with approved financial procedures and the Council's aspirations for the harbour to be self financing as outlined in the Tor Bay Harbour Port Masterplan and including (but not limited to):
 - a. the setting of harbour charges from time to time (including in-year changes to the schedule) normally following consultation with the relevant Harbour Liaison Forums;
 - b. approving the annual revenue budgets within the ring-fenced harbour accounts;
 - c. receiving quarterly budget monitoring reports and to approve variances as appropriate; and
 - d. monitoring the harbour reserve funds to ensure that the funds are kept above an appropriate minimum contingency level and ensure the harbour remains self-financing.
2. To act as Duty Holder for the purposes of the Port Marine Safety Code. **The accountability for which cannot be assigned or delegated;**
3. Approve and monitor a business plan for Tor Bay Harbour, in line with the Council's policy framework, and address any issues relating to performance;
4. Review these terms of reference annually and request the Council to make any necessary amendments and/or additions;
5. Consider matters referred to the Committee by the Head of Tor Bay Harbour Authority;

Membership:

9 members of the Council in accordance with the political balance requirements, plus up to five external non-voting advisors appointed by the Committee on a four year term (maximum term as an advisor = 2 x 4 years).

Group Leaders will be asked to take account of the geographical spread of members in making appointments to the Committee

<p>6. Establish sub-committee or working parties as appropriate. In particular a Harbour Appointments Sub-Committee for the recruitment of advisors;</p> <p>7. Recommend the format, composition and governance of the Harbour Liaison Forums and keep the arrangements under review;</p> <p>8 To provide strategic direction to the Head of Tor Bay Harbour Authority and the Leader of the Council in relation to those assets within Tor Bay Harbour and the harbour estate that are managed by Tor Bay Harbour Authority.; and</p> <p>9. Appoint advisors following receipt of recommendations from the Harbour Appointments Sub-Committee and the Board of Torbay Economic Development Company Ltd. Appointments will be merit based and be in accordance with the Local Protocol for members of the Harbour Committee.</p>	
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