

Friday, 26 November 2021

**HARBOUR COMMITTEE**

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

**Monday, 6 December 2021**

commencing at **5.30 pm**

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

**Members of the Committee**

Councillor Amil (Chairwoman)

Councillor Barrand

Councillor Ellery

Councillor Brooks

Councillor O'Dwyer

Councillor Carter

Councillor Mills

Councillor Dudley

**External Advisors**

Mr Day, Mr Ellis and Mr Young

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**Lisa Antrobus, Town Hall, Castle Circus, Torquay, TQ1 3DR**

Email: [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk) - [www.torbay.gov.uk](http://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. **Minutes** (Pages 4 - 9)  
To confirm as a correct record the Minutes of the meetings of the Harbour Committee held on 28 June and 16 September 2021.
3. **Declarations of interest**
  - (a) To receive declarations of non pecuniary interests in respect of items on this agenda  
**For reference:** Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
  - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda  
**For reference:** Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.  
  
(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
4. **Urgent items**  
To consider any other items that the Chairman decides are urgent.
5. **Thank you to Retiring External Advisors**  
To give formal thanks to retiring External Advisors.
6. **Harbour Budget 2022/23 and Schedule of Fees and Charges** (Pages 10 - 47)  
To consider a report on the Harbour Authority revenue budget and to set the level of fees and charges, for the forthcoming year.
7. **Budget Monitoring December 2021** (To Follow)  
To consider a report on the above.
8. **Port Marine Safety Code Compliance** (Pages 48 - 61)  
To consider a report that updates Members on the annual Port Marine Safety Code (PMSC) compliance audit.

9. **Port Marine Safety Code** (Pages 62 - 63)  
For Members to note the latest accident statistics for the Harbour Authority's operational area.
10. **Torquay/Paignton and Brixham Harbour Liaison Forums** (Pages 64 - 72)  
To note the minutes of the above Harbour Liaison Forums.

### **Meeting Attendance**

Whilst national Covid-19 restrictions were lifted on 19 July 2021, Torbay Council has taken the decision to continue operating in a Covid-19 secure manner in order to protect staff and visitors entering Council buildings and to help reduce the spread of Covid-19 in Torbay. This includes social distancing and other protective measures (e.g. wearing a face covering (unless exempt), signing in and using hand sanitiser). Our public meetings will continue to operate with social distancing measures in place and as such there are limited numbers that can access our meeting rooms. Also, to help prevent the spread of the virus, anyone attending meetings is asked to take Covid lateral flow test the evening before - if you have a positive test result please follow the Government's guidelines and do not attend the meeting.

If you wish to attend a public meeting please contact us to confirm arrangements for your attendance.

**Minutes of the Harbour Committee**

**28 June 2021**

**-: Present :-**

Councillor Amil (Chairwoman)

Councillors Barrand, Brooks, Carter, Dudley (Vice-Chair), Morey, O'Dwyer and Mills

External Advisors: Mr Day

(Also in attendance: Councillors Cowell and Loxton)

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**109. Apologies**

It was reported that, in accordance with the wishes of the Independent Group, the membership of the Committee had been amended for this meeting by including Councillor Morey instead of Councillor Ellery.

**110. Minutes**

The Minutes of the meeting of the Harbour Committee held on 21 September, 21 December 2020 and 22 March 2021 were confirmed as a correct record and signed by the Chairwoman.

**111. Terms of Reference of Harbour Committee**

Members noted the Terms of Reference of the Harbour Committee.

**112. Harbour Asset Review Working Party**

Members were asked to receive nominations for the External Advisor positions on the Harbour Asset Review Working Party.

Resolved:

That Mr Mark Day be appointed to the Harbour Asset Review Working Party, that nominations for the remaining External Advisor position be considered at the Harbour Committee on 27 September 2021.

**113. Harbour Budget Review Working Party**

This item was deferred until the Harbour Committee on 27 September 2021.

**114. Pilotage Review Working Party**

Members received nominations for the External Advisor position on the Pilotage Review Working Party.

Resolved:

That Mr Mark Day be appointed as the External Advisor on the Pilotage Review Working Party.

**115. Tor Bay Harbour Authority Revenue Outturn 2020/21**

The Harbour Committee considered a report that provided Members with the details of the Tor Bay Harbour Authority final expenditure and income figures against budget targets for 2020/21. The Tor Bay Harbour Master informed Members that like many the Covid-19 Pandemic had impacted the Harbour Authority finances. Covid-19 grants had supported the Harbour Authority however the Harbour Reserve Fund level was now exceptionally low.

Resolved:

- i) That the final outturn as set out in Appendix 1 to the submitted report be noted;
- ii) That the Harbour Master's use of delegated powers to waive certain harbour charges during 2020/21 which amounts to £12,841.77 be noted; and
- iii) That the Chairwoman of the Harbour Committee write to the Leader of the Council to state that the Harbour Reserve Fund is significantly below the required level.

**116. Tor Bay Harbour Budget Monitoring 2021-22**

Members considered a report that provided an update on the overall budgetary position for Tor Bay Harbour Authority as at May 2021 compared against the budget approved on 21st December 2020.

Resolved:

That the Harbour Committee noted:

- i) The intended outturn projections and adjustments to the Reserve Funds as set out in Appendix 1 to the submitted report;
- ii) The low level of the harbour reserves in 2021;
- iii) The Head of Tor Bay Harbour Authority's use of delegated powers to make decisions in relation to the harbour budget;

- iv) The Harbour Master's use of delegated powers to waive certain harbour charges which to date amounts to £1,042.06.

**117. Port Marine Safety Code**

The Harbour Committee noted the submitted report that updated Members on Port Marine Safety Code issues and Health and Safety matters that had arisen between 4 March 2021 and 10 June 2021.

**118. Update to the Moorings Policy**

The Harbour Committee considered a recommendation which proposed an amendment to the current Operational Moorings Policy. The Director of Place informed Members that representatives of the Harbour Committee and representative of the Heritage fleet met on 3 June 2021 and agreed that the Operational Moorings Policy would be amended to the previously agreed version. Members were advised that the Heritage fleet representatives were concerned that the existing Operational Moorings Policy did not adequately meet their unique operating requirements. The outcome of the meeting was to revert to a previously agreed version of the Operational Moorings Policy and to consider how the Town Pontoon can be used by recognised local heritage vessels.

Resolved:

That the Tor Bay Harbour Authority Operational Moorings and Facilities Policy version 17 be replaced by the Tor Bay Harbour Authority Operational Moorings and Facilities Policy version 16 (as circulated with the Committee reports) and that the Director of Place to work with the heritage boat owners to agree a new and additional operational protocol for the mooring of heritage vessels in Brixham Harbour.

**119. External Advisor Vacancy**

The Harbour Master informed Members of the process that would be undertaken to recruit a new External Advisor, advising that the position would be advertised.

**120. Thank you for Service**

The Chairwoman informed the Committee that this was the last meeting for Mr Parnell, as the Tor Bay Harbour Master as he has resigned from his post. The Chairwoman thanked Mr Parnell for his service and support and wished him well for the future.

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Chairwoman

## **Minutes of the Harbour Committee**

**16 September 2021**

**-: Present :-**

Councillor Amil (Chairwoman)

Councillors Barrand, Brooks, Carter, Dudley (Vice-Chair), Ellery, Mills and Hill

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### **121. Apologies**

It was reported that, in accordance with the wishes of the Conservative Group, the membership of the Committee had been amended for this meeting by including Councillor Hill instead of Councillor O'Dywer.

### **122. Urgent items**

The Committee considered the items in Minutes 127 and not included on the agenda, the Chairwoman being of the opinion that they were urgent by reason of special circumstances i.e. the matters having arisen since the agenda was prepared and it was unreasonable to delay a decision until the next meeting.

### **123. Tor Bay Harbour Budget Monitoring 2020-21**

The Director of Place presented the submitted report which gave an overall budgetary position for Tor Bay Harbour Authority as of August 2021 compared against the budget approved on 21 December 2020. It was noted that the report gave an oversight and actions to contain expenditure to maintain the harbour reserve fund at an appropriate level. Members also noted:

1. the amended outturn projections and adjustments to the Reserve Fund as set out in Appendix 1 to the submitted report;
2. the low level of the harbour Reserve Fund in 2021;
3. the Head of Tor Bay Harbour Authority's use of delegated powers to make decisions in relation to the harbour budget; and
4. the Harbour Master's use of delegated powers to waive certain harbour charges, which to date amounts to £1,042.06.

**124. Performance of the Tor Bay Harbour Authority Business Unit**

Members considered and noted the submitted report which provided the latest information and statistics on the Tor Bay Harbour Authority risks and performance. Members requested the statistics and impact score for the following topics to be reviewed:

1. Financial sustainability;
2. Climate Change; and
3. Health and Safety

**125. Town Dock Infrastructure Improvements**

The Director of Place presented the submitted report which provided information for urgent and essential pontoon replacement and repair works to the Torquay Town Dock. Members noted that if the work was approved the project works would commence in winter 2021/22. The Committee noted when the pontoons were initially installed in 2007 and their current deterioration. It was also noted that improvements to the pontoons would provide fair justification for an increase in Town Dock charges. The Director of Place outlined the associated borrowing to fund the improvement works and the financial implications for the Harbour Authority.

Resolved:

1. that Council be recommended that borrowing is approved up to £1.2m for the Torquay Town Dock infrastructure improvements, as set out in the submitted report, and that the Harbour budget will meet the additional borrowing costs (expected to be £115,500 per annum) from increased revenue commencing in 2024/25; and
2. that the Torquay Town Dock Infrastructure Improvements Project be added to the Council's Capital Programme.

**126. Port Marine Safety Code and Health and Safety Matters**

Members noted the submitted report which set out the accident/incidents recorded across Tor Bay Harbour and harbour estate between January and August 2021.

**127. Minutes and Pilotage Update**

The Minutes of the meeting of the Harbour Committee held on 28 June 2021 were confirmed as a correct and signed by the Chairwoman.



The Director of Place provided Members with a verbal update on the pilotage contract and the provision of a new provider for this service.

Chairwoman

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**Meeting:** Harbour Committee

**Date:** 6<sup>th</sup> December 2021

**Wards affected:** All wards in Torbay

**Report Title:** Harbour Budget 2022/23 and Schedule of Fees and Charges

**Cabinet Member Contact Details:** Not a Cabinet function

**Director/Assistant Director Contact Details:** Kevin Mowat

Director of Place

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Principal Accountant

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## 1. Purpose of Report

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- 1.1 The Harbour Committee is required annually to approve the Harbour Authority revenue budget and to set the level of fees and charges, for the forthcoming year.

## 2. Reason for Proposal and its benefits

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- 2.1 This proposal commits the Harbour Authority financially to £3,552,000 expenditure from the revenue budget but proposes a £124,000 reduction in the contribution to the Council's General Fund. An anticipated operating surplus of £20,000 will maintain the Harbour Reserve at a base level but below the safe level recommended by the Harbour Committee.

## 3. Recommendation(s) / Proposed Decision

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- i. That the Tor Bay Harbour Authority Schedule of Charges, Dues & Fees for 2022/23, in line with the current level of inflation and the views of the Budget Review Working Party, being a representative average increase of 4.0%, as set out in Appendix 1 be approved; and
- ii. That the proposed Harbour Authority budget for 2022/23 as set out in Appendix 2 be approved.

## **Appendices**

Appendix 1: Proposed Tor Bay Harbour Authority Schedule of Charges, Dues & Fees 2022/23.

Appendix 2: Proposed Tor Bay Harbour Authority revenue budget 2022/23

## **Background Documents**

Tor Bay Harbour Authority Schedule of Charges, Dues & Fees 2021/22

Tor Bay Harbour Act 1970

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

### 1. Introduction

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- 1.1 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 (GF), which in 2021/22 was £752,000 (approximately 22% of income).
- 1.2 In 2018 the Harbour Committee was concerned that any further increase in the contribution to the GF would put the Harbour Authority at considerable financial risk given the potential volatility in fish toll incomes.
- 1.3 The Budget Review Working Party met on 16th November 2021 to consider the in-year financial position and to set a budget for 2022/23 which can be found at Appendix 2. It also agreed the broad principles for the 2022/23 schedule of charges, dues and fees as set out in Appendix 1 i.e. support for an increase that reflected the current level of inflation.

### 2. Options under consideration

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- 2.1 The Council's 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.
- 2.2 Fees and charges have been raised by an average of 4%, rounded up to the nearest £, based on the official CPI figure released in November 2021 and recognises the impact of financial pressures in 2022/23 e.g. the additional 1% on National Insurance contributions and significant increase in energy costs.
- 2.3 Charges for the Torquay Town Dock have been increased by 7.5% (an additional 3.5%) to commence the phasing-in of higher charges in recognition of enhanced facilities to be completed by 2024 and the associated capital investment.
- 2.4 Harbour dues and mooring fees, in respect of pontoon berths, are now reverting to being a single charge as in previous years based on customer feedback.
- 2.5 Jet ski pod fees have risen by £50 rather than 4% to reflect supply and demand in the market, although Tor Bay Harbour charges remain lower than that of some other harbours.

### 3. Financial Opportunities and Implications

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- 3.1 As a result of the recommended Harbour Authority revenue budget for 2022/23 the General Fund will receive £124,000 less per annum than previously, but to do otherwise would prohibit the Harbour Committee from setting a balanced budget now that the Harbour Reserve Fund is significantly below the recommended level.

### 4. Legal Implications

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- 4.1 There are no legal implications that arise from this report.

### 5. Engagement and Consultation

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- 5.1 The Harbour Committee's Budget Review Working Party has been consulted and have advised on the proposed Budget and Charges and the two Harbour Liaison Forums have also been consulted.
- 5.2 Harbour users broadly accept the financial position of an increase in the general level of inflation. There is however ongoing resistance from harbour user representatives to the ongoing and high level of contribution to the Council's General Fund from the Harbour Account.

### 6. Purchasing or Hiring of Goods and/or Services

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- 6.1 Not applicable

### 7. Tackling Climate Change

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- 7.1 Not applicable

### 8. Associated Risks

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- 8.1 There is a **high** risk that the budget will not be met due to the variability related to income from fish tolls. This risk cannot be mitigated under the current budget model.
- 8.2 There is a **moderate** risk that unforeseen expenditure e.g. to fix storm damage could deplete the Harbour Reserve Fund to the point that it can no longer be self-financing. In that instance any deficit would require a precept from the Council, thus reducing the overall contribution to the General Fund. This can only be mitigated by increasing the Harbour Reserve Fund to the agreed minimum (20% of turnover), but this is not possible under the current budget model.

8.3 There is a **low** risk that boat owners will relocate their vessels or business to other harbours which are cheaper. This has been mitigated by analysing the regional market to ensure that our prices remain competitive.

8.4 There is a **low** risk that the scale of the General Fund contribution could attract a challenge under the Local Authority Accountability Act which might require substantial administrative effort to rebut.

## 9. Identify the potential positive and negative impacts on specific groups

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|  | Positive Impact | Negative Impact & Mitigating Actions | Neutral Impact |
|--|-----------------|--------------------------------------|----------------|
| Older or younger people  |                 |                                      | X              |
| People with caring Responsibilities  |                 |                                      | X              |
| People with a disability   |                 |                                      | X              |
| Women or men   |                 |                                      | X              |
| People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community) |                 |                                      | X              |
| Religion or belief (including lack of belief)  |                 |                                      | X              |
| People who are lesbian, gay or bisexual  |                 |                                      | X              |
| People who are transgendered   |                 |                                      | X              |
| People who are in a marriage or civil partnership  |                 |                                      | X              |
| Women who are pregnant / on maternity leave  |                 |                                      | X              |
| Socio-economic impacts (Including impact on  |                 |                                      | X              |

|   |  |  |   |
|---|--|--|---|
| child poverty issues and deprivation)   |  |  |   |
| Public Health impacts (How will your proposal impact on the general health of the population of Torbay) |  |  | X |

## 10. Cumulative Council Impact

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10.1 None

## 11. Cumulative Community Impacts

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11.1 None

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**TOR BAY**  
**HARBOUR**



# Tor Bay Harbour Authority

## Schedule of Charges, Dues & Fees 2022 – 2023

VAT Registration No. GB 142 2082 11

For the period commencing 1<sup>st</sup> April 2022 – 31<sup>st</sup> March 2023

Email: [harbour.authority@torbay.gov.uk](mailto:harbour.authority@torbay.gov.uk) Website: [www.tor-bay-harbour.co.uk](http://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 VAT 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 fee will be charged for any person/s accepting a facility in the first 3 months (1st April – 30th June). Anyone accepting a facility after the 1st of 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, trailers and tenders paying Annual Harbour Dues must display their names as per Tor Bay Harbour Byelaw 34. Failure to do so may result in daily charges being applied.

### 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). 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.

#### 1.2.10 **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.

# 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**.
- 2.1.3 Visitor Pontoons are available, normally for Recreational Vessels during the summer months in Brixham and Torquay harbours.
- 2.1.4 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.
- 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. The weekly rate is only available for visiting vessels if payment is made in advance, the daily visitor rate will commence on the last day of the prepaid weekly rate.
- 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 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)          | £15.00  |
| Over 5.5m                  | £25.00  |
| Canoes/Kayaks/Paddleboards | £5.00   |

2.1.10 Launching from slipways in busy harbours is actively discouraged for safety reasons and is at the discretion of the Harbour Master which may be withdrawn at any time. Safer alternative sites for this type of craft can be found on the Tor Bay Harbour website.

## Personal Watercraft (Jet Skis)

2.2.1 All PWC must be registered with the Harbour Authority. Proof of insurance must be furnished upon request.

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, persons holding a recognised RYA PWC will be charged the lesser 'qualified' rate shown below. Proof of 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

| <b>Quayside Berthing</b>   |                     |
|--|---------------------|
| 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 31<sup>st</sup> of March the following year and are **inclusive** of VAT, **except where specified**.
- 2.5.2 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.
- 2.5.3 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.**
- 2.5.4 Permanent moorings and berthing facilities are allocated on an annual basis, 1<sup>st</sup> April to the 31<sup>st</sup> of March of the following year.
- 2.5.5 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).
- 2.5.6 All other charges **include** VAT except where specified.
- 2.5.7 Annual berthing and mooring facilities are **inclusive** of harbour dues at **£51.00** per metre per annum unless otherwise stated.

| Annual Berthing Charges. Inclusive of Harbour Dues             |                         |
|--|-------------------------|
| <b>Torquay</b> – minimum 5m charge                             |                         |
| Town Dock – Private and Commercial Vessels up to 6m            | £ 1658.00 per berth     |
| Town Dock – Private and Commercial Vessels up to 8m            | £2211.00 per berth      |
| Town Dock – Private and Commercial Vessels up to 10m           | £2763.00 per berth      |
| Town Dock – Private and Commercial Vessels up to 12m           | £3316.00 per berth      |
| Town Dock – Private and Commercial Vessels over 12m            | £275.00 per m per berth |
| Inner Harbour Private & Commercial Vessel up to 6m             | £1211.00 per berth      |
| Inner Harbour Private & Commercial Vessel up to 8m             | £1615.00 per berth      |
| Inner Harbour Private & Commercial Vessel up to 9.14m          | £1842.00 per berth      |
| Jet Ski pods   | £1000.00 per pod        |
| <b>Paignton</b> – minimum 5m charge                            |                         |
| Trot mooring (no risers provided) up to 6.1m<br>Minimum charge | 572.00 per mooring      |
| Trot mooring (no risers provided) up to 8m                     | £884.00 per mooring     |
| Lying Along the Quayside                                       | £110.00 per m LOA       |
| Mooring Licence Fee  | £5.00                   |
| <b>Brixham</b>   |                         |
| Outer Harbour Swinging Mooring up to 6.4m                      | £836.00 per mooring     |
| Outer Harbour Swinging Mooring up to 8 m                       | £1259.00 per mooring    |
| Outer Harbour Swinging Mooring up to 9.14m                     | £1274.00 per mooring    |
| Outer Harbour Swinging Mooring up to 10 m                      | £1456.00 per mooring    |
| Outer Harbour Swinging Mooring up to 11 m                      | £1610.00 per mooring    |
| Outer Harbour Swinging Mooring up to 12.19m                    | £1792.00 per mooring    |
| Outer Harbour Swinging Mooring up to 15.24m                    | £2188.00 per mooring    |
| Outer Harbour Swinging Mooring over 15.24 charged per m        | £152.00 per m per annum |
| Inner Harbour Trot mooring (no risers provided) up to 5 m      | £ 572.00 per mooring    |
| Inner Harbour Trot mooring (no risers provided) up to 6 m      | £609.00 per mooring     |
| Inner Harbour Trot mooring (no risers provided) up to 7 m      | £715.00 per mooring     |
| Inner Harbour Trot mooring (no risers provided) up to 8 m      | £823.00 per mooring     |
| Inner Harbour Trot mooring (no risers provided) up to 9 m      | £849.00 per mooring     |
| Inner Harbour Trot mooring (no risers provided) up to 10 m     | £1059.00 per mooring    |
| Lying Along the Quayside                                       | £110.00 per m per annum |
| Use of Town Pontoon by Tenders (At Harbour Masters discretion) | £8.00 per m per annum   |

## Parking, Quayside Storage Facilities

- 2.6.1 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.
- 2.6.2 All Boat & Trailer parking is subject to availability. Annual trailer parking is only available when an annual launching and recovery pass is purchased.

- 2.6.3 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.
- 2.6.4 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.
- 2.6.5 Use of launching/recovery facilities is at the Harbour Master's discretion.
- 2.6.6 Launching/recovery charges **do not** include trailer parking.
- 2.6.7 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.
- 2.6.8 Charges for horizontal racks are **inclusive** of harbour dues.
- 2.6.9 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.
- 2.6.10 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.
- 2.6.11 Winter storage is only available at Paignton Harbour for the period 1<sup>st</sup> October to 31<sup>st</sup> March following only (in whole or in part) and no reduction will be allowed for any lesser period.

| <b>Car, Boat &amp; Trailer Parking/Storage on Quayside</b>   |                               |
|--|-------------------------------|
| Winter Storage Charge Paignton Harbour   | £47.00 per m LOA              |
| Boat storage on the Quay (on or off a trailer)   | £3.00 per m/ LOA per day      |
| <b>Boat parking under 6m LOA at Torquay and Brixham Harbour where a facility exists</b>            |                               |
| Single hull (includes racks at Torquay)  | £77.00 per m/LOA/per year     |
| Reduced charge   | £39.00 per m/LOA/per year     |
| Multi hull (occupying more than one space)   | £100.00 per m/LOA/per year    |
| <b>Paignton Harbour</b>  |                               |
| Dingy Park Space (under 5m on hand launch trolleys)  | £333.00 per year or part      |
| Quay Boat Park Space (vessels under 6m on trailers)  | £79.00 per m per year or part |
| Multi Hull Spaces  | £100 per m per year or part   |
| PARC Coastal Boat  | £422 per year or part         |
| 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) | £26.00 per month or part      |
| Annual launching and recovery pass for private use of slipways.                                    | £43.00 per m per year or part |
| Annual Jet ski launching and recovering pass per craft standard charge                             | £300.00per 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)    | £188.00 per year or part |
| Kayak/Canoe rack (where available)                                       | £125.00 per year or part |
| Dinghy/tender rack   | £63.00 per year or part  |
| Beacon Quay car parking (quayside level only)                            | £563.00 per year or part |
| Brixham parking permit (Oxen Cove only)                                  | £354.00 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 £  |
|---|---|
| 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<br>£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) | £32.00 per m LOA per month or part                    |
| Commercial vessels anchored in Tor Bay (those seeking shelter are exempt from this charge)                      | £138.00 per day or part                               |
| Vessels anchored in Tor Bay or underwater survey, hull cleaning or repairs                                      | £271.00 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 |

## 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)   |                                  |
|--|----------------------------------|
| <b>Vessels undertaking fish and cargo trans-shipments</b><br>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

## 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 of the following year and are inclusive of VAT, except where specified.
- 3.6.2 Annual berthing, mooring facilities and lying along quayside are **inclusive** of harbour dues at **£51.00** per metre per annum unless otherwise stated.
- 3.6.3 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.
- 3.6.4 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.
- 3.6.5 There is very limited availability for commercial moorings within Tor Bay. The number of commercial mooring allocations is capped at each of the enclosed harbours. This cap is reviewed by the Tor Bay Harbour Master annually. When the cap has been reached a waiting list is created, anyone wishing to join the waiting list should contact the administration team.
- 3.6.6 Permanent moorings and berthing facilities are allocated on an annual basis, 1<sup>st</sup> April to the 31<sup>st</sup> of March of the following year.
- 3.6.7 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).
- 3.6.8 All charges **include** VAT except where specified.

| <b>Torquay Annual Berthing Charges exclusive of Dues</b>         |                      |
|--|----------------------|
| Inner Harbour pontoons Commercial Vessels (9.14m only)           | £1842.00 per berth   |
| Town Dock and Princess Pier Pontoon Commercial Vessels up to 6m  | £1658.00 per berth   |
| Town Dock and Princess Pier Pontoon Commercial Vessels up to 8m  | £2211.00 per berth   |
| Town Dock and Princess Pier Pontoon Commercial Vessels up to 10m | £2763.00 per berth   |
| Town Dock and Princess Pier Pontoon Commercial Vessels up to 12m | £ 3316.00 per berth  |
| <b>Paignton Annual Berthing Charges exclusive of Dues</b>        |                      |
|  | minimum 5m           |
| Commercial Trot mooring (no risers provided) up to 11m           | £1351.00             |
| Commercial Trot mooring (no risers provided) up to 14m           | £1717.00 per mooring |
| Lying Along the Quayside   | £110.00 per m LOA    |
| Mooring Licence Fee  | £5.00                |

| <b>Brixham Annual Berthing Charges exclusive of Dues</b>           |                         |
|--|-------------------------|
| Outer Harbour Swinging Mooring up to 6.4m                          | £836.00 per mooring     |
| Outer Harbour Swinging Mooring up to 8 m                           | £1259.00 per mooring    |
| Outer Harbour Swinging Mooring up to 9.14m                         | £1274.00 per mooring    |
| Outer Harbour Swinging Mooring up to 10 m                          | £1456.00 per mooring    |
| Outer Harbour Swinging Mooring up to 11 m                          | £1610.00 per mooring    |
| Outer Harbour Swinging Mooring up to 12.19 m                       | £1792.00 per mooring    |
| Outer Harbour Swinging Mooring up to 15.24 m                       | £2188.00per mooring     |
| Outer Harbour Swinging Mooring over 15.24 charged per m            | £152.00 per m per annum |
| Inner Harbour Trot mooring (no risers provided) up to 5 m          | £572.00 per mooring     |
| Inner Harbour Trot mooring (no risers provided) up to 6 m          | £609.00 per mooring     |
| Inner Harbour Trot mooring (no risers provided) up to 7m           | £ 715.00per mooring     |
| Inner Harbour Trot mooring (no risers provided) up to 8m           | £823.00 per mooring     |
| Inner Harbour Trot mooring (no risers provided) up to 9m           | £849.00 per mooring     |
| Inner Harbour Trot mooring (no risers provided) up to 10 m         | 1059.00per mooring      |
| Lying Along the Quayside   | £110.00 per m per annum |
| Use of Town Pontoon by Tenders (At the Harbour Masters discretion) | £8.00 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.

| <b>Passenger Vessels</b>  |         |
|---|---------|
| 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)         | £331.00 |

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

| <b>Passenger Vessels – Annual Compound Charges</b>   |                                   |
|--|-----------------------------------|
| MCA coded vessels < 24m LOA  | £104.00 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.

| <b>Passenger Vessels – Annual Compound Charges</b>  |                       |
|---|-----------------------|
| 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) | £331.00               |

3.8.2 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.

| <b>Goods (Exclusive of VAT)</b>  |                                |
|--|--------------------------------|
| Fish and cargo trans-shipments Transhipment of all cargo and or products within Tor Bay Harbour Jurisdiction | £0.015 per £ (1.5% Ad Valorem) |
| 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

| <b>Car, Boat &amp; Trailer storage</b>                             |                          |
|--|--------------------------|
| Winter storage charge at Paignton Harbour                          | £47.00 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  | £63.00 per year          |
| Beacon Quay car parking (quayside level only)                      | £563.00 per year or part |
| Brixham parking permit (Oxen cove only)                            | £354.00 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.
- 4.1.3 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.
- 4.1.4 Use of harbour facilities will be denied or withdrawn if boats are not adequately insured.

| <b>Visiting Motor Fishing Vessel</b>                           |  |
|--|--|
| Motor fishing vessels landing fish which attract fishing tolls | Free for the day of landing, else:<br>£30.00 per day for MFV < 20m<br>£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 within Tor Bay Harbour at a berth to be agreed by the Harbour Authority

| 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 £ (2.5% Ad Valorem) |
| Fish overlanded and sold on the Brixham Fish Market  | £0.015 per £ (1.5% Ad Valorem) |
| Fish overlanded onto the Harbour Estate but not sold on the market.<br>Fish, Shellfish (Overland) and all products brought onto the Harbour Estate via road                            | £0.015 per £ (1.5% Ad Valorem) |
| Fish and cargo trans-shipments<br>Transshipment of all cargo and or products within Tor Bay Harbour Jurisdiction   | £0.015 per £ (1.5% Ad Valorem) |
| General Cargo/Other Commodities  | £3.00 per pallet               |
| General Ships stores/Spares etc.   | £2.00 per tonne                |

# Annual Registered Fishing Vessel Facilities

## Harbour Dues

4.3.1 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.

4.3.2 Charges are levied per metre per annum or part thereof expiring 31<sup>st</sup> March of the following year.

| <b>Harbour Dues – Motor Fishing Vessels</b>   |                       |
|---|-----------------------|
| MFV based in and working from Tor Bay Harbour |                       |
| Under 8m LOA                                  | £11.00 per m per year |
| 8m – 12m LOA                                  | £13.00 per m per year |
| Over 12m LOA                                  | £15.00 per m per year |

## Berthing & Mooring

4.4.1 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 31<sup>st</sup> 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.**

4.4.2 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.

| <b>Torquay Annual Berthing</b>   |                         |
|--|-------------------------|
| Princess Pier Pontoon See Private and Commercial Charges (includes dues) | £275.00 per m per annum |
| <b>Paignton Annual Berthing</b>  |                         |
| Trot mooring (no risers provided) up to 6.1m<br>Minimum charge           | £52.0 per mooring       |
| Trot mooring (no risers provided) up to 8m                               | £364.00 per mooring     |
| Lying Along the Quayside Inclusive of dues                               | £110 .00 per m LOA      |
| Mooring Licence Fee  | £5.00                   |
| <b>Brixham Annual Berthing Exclusive of Dues</b>                         |                         |
| Outer Harbour Swinging Mooring up to 6.4 m                               | £316.00 per mooring     |
| Outer Harbour Swinging Mooring up to 8 m                                 | £739.00 per mooring     |
| Outer Harbour Swinging Mooring up to 9.14 m                              | £754.00 per mooring     |
| Outer Harbour Swinging Mooring up to 10 m                                | £936.00 per mooring     |
| Outer Harbour Swinging Mooring up to 11 m                                | £986.00 per mooring     |

|  |                         |
|--|-------------------------|
| Outer Harbour Swinging Mooring up to 12.19 m                       | £1168.00per mooring     |
| Outer Harbour Swinging Mooring up to 15.24m                        | £1356.00 per mooring    |
| Outer Harbour Swinging Mooring over 15.24 charged per m            | £100.00 per m per annum |
| Inner Harbour Trot mooring (no risers provided) up to 5 m          | £52.00 per mooring      |
| Inner Harbour Trot mooring (no risers provided) up to 6 m          | £89.00 per mooring      |
| Inner Harbour Trot mooring (no risers provided) up to 7 m          | £195.00 per mooring     |
| Inner Harbour Trot mooring (no risers provided) up to 8 m          | £303.00 per mooring     |
| Inner Harbour Trot mooring (no risers provided) up to 9 m          | £329.00 per mooring     |
| Inner Harbour Trot mooring (no risers provided) up to 10 m         | £539.00 per mooring     |
| Lying Along the Quayside Inclusive of dues                         | £110.00per m per annum  |
| Use of Town Pontoon by Tenders (At the Harbour Masters discretion) | £8.00 per m per annum   |

## Goods and Cargo Dues

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

4.5.2 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 £ (2.5% Ad Valorem) |
| Fish overlanded and sold on the Brixham Fish market  | £0.015 per £ (1.5% Ad Valorem) |
| Fish overlanded onto the Harbour Estate but <b>not</b> sold on the market.<br>Fish, Shellfish (Overland) and all products brought onto the Harbour Estate via road                     | £0.015 per £ (1.5% Ad Valorem) |
| Fish and cargo trans-shipments<br>Transshipment of all cargo and or products within Tor Bay Harbour Jurisdiction   | £0.015 per £ (1.5% Ad Valorem) |
| General Cargo/Other Commodities  | £10.00 per pallet              |
| General Ships stores/Spares etc.   | £2.00 per tonne                |

## Parking, Quayside Storage Facilities

4.6.1 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.

4.6.2 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.

4.6.3 Winter storage is only available at Paignton Harbour for the period 1<sup>st</sup> October to 31<sup>st</sup> March following only (in whole or in part) and no reduction will be allowed for any lesser period.

| <b>Car, Boat &amp; Trailer storage on Quays</b>                    |                          |
|--|--------------------------|
| Winter storage charge at Paignton Harbour                          | £47.00 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  | £63.00 per year          |
| Beacon Quay car parking (quayside level only)                      | £563.00 per year or part |
| Brixham parking permit (Oxen cove only)                            | £354.00 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.

| <b>Electric</b>                                     |  |
|---|--|
| Level 1 card (available only at Torquay & Paignton) | £2.10 each                             |
| Level 1 card (10 kw - available only at Brixham)    | £2.10 each                             |
| Level 5 card (50 kw - available only at Brixham)    | £10.50 each                            |
| Level 10 card (100 kw - available only at Brixham)  | £21.00 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.

5.1.5 Other charges below apply where water recharging facilities are not available through metered services.

| <b>Water</b>   |  |
|--|--|
| <b>Water charges (zero rates VAT)</b>                        |  |
| Up to 50 tonnes  | £4.00 per tonne                        |
| 50 tonnes and over   | £3.00 per tonne                        |
| Fishing Vessels with freshwater tanks – 0m – 8m              | £42.00 per annum                       |
| Fishing Vessels with freshwater tanks – 8m – 12m             | £63.00 per annum                       |
| Fishing Vessels with freshwater tanks – 12m – 20m            | £234.00 per annum                      |
| Fishing Vessels with freshwater 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   |  |
|---|--|
| 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) | £45.00 per crane                       |
| Use of mobile commercial crane and/or Hiab on Harbour Property/Estate over 4 hours (Inclusive of launch fee)  | £90.00 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 are 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 Forklift 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)                                | £47.00 per hour or part                 |
| Hire of workboat including skipper and crew                                | £167.00 per hour or part                |
| Hire of workboat including skipper and crew                                | £780.00.00 per day<br>09.00-17.00 hours |
| Towing within enclosed Harbour   | £29.00 per ½ hour or part               |
| Towing outside enclosed Harbour to nearest enclosed Harbour within Tor Bay | £57.00 per ½ hour or part               |
| Pumping out of vessels within the enclosed Harbours                        | £52.00 per hour or part                 |
| Hire of Forklift truck with driver   | £58.00 per hour or part                 |
| Forklift truck service to Ship's Agents<br>(Exclusive of VAT)              | £21.00 per pallet                       |

## Storage Space

5.3.1 **No unauthorised storage is permitted and items may and will 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.<br>(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                  |
| Secured Storage Torquay at the Harbour Masters Discretion,   | £10.00 per pallet per day              |
| Lock up storage (ship stores only)<br>(Equipment removal & transportation costs at applicable hourly rate)                             | To be determined by the Harbour Master |
| Storage lockers at Paignton Harbour (subject to availability)  | £208.00 per annum                      |

## Licences (Exclusive of VAT)

- 5.4.1 Fish salesmen's and buyer's licences are valid from 1<sup>st</sup> 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  |   |
|---|---|
| Fish Salesman's licence<br>(includes use of Fish Market)              | £349.00 per annum                           |
| Fish Buyer's licence<br>(includes use of Fish Market)                 | £349.00 per annum                           |
| Harbour Estate trading licence<br>(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  |  |
|--|--|
| 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   |                                     |
|---|-------------------------------------|
| Transportation to the Council refuse tip,<br>Including attendants & use of Council transport etc. | £160.00 per truck load or part load |
| Council Tipping Charge  | As per weighbridge load             |

|  |  |
|--|--|
| Provision of skip for fishing vessels in refit | At cost + 10%                          |
| 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 1<sup>st</sup> 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 1<sup>st</sup> October.
- 5.7.7 The Tor Bay Harbour Authority may from time to time apply a charge for officers time for work undertaken by officers preparing reports or supervising work that is not the Harbour Authority's responsibility.

| Other Charges   |   |
|---|---|
| Administration Charge (This charge is at the discretion of the Harbour Master)  | £50.00 minimum  |
| Parking of an exhibition vehicle on Harbour Estate  | £75.00 per day or part  |
| Unauthorised Parking Charge for parking without permission on Harbour Estate  | £25.00 per day or part there of                                 |
| Replacement of swipe card or Fob for controlled access/electricity meters   | £10.00 per unit   |
| Additional pontoon cleat<br>(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<br>(for Tradesmen working on the Harbour Estate) (ex VAT)  | £344.00 per year or part  |
| Daily Contractors Pass<br>(ex VAT)  | £11.00 per day or part  |
| Advertising Charges   | To be determined by HM  |
| Salt-water extraction charge<br>(Use of quays to pump water for commercial purposes)<br>(At the Harbour Masters discretion)   | £29.00 per day or part<br>£1115.00 per year or part             |
| Payment Plan Administration charge<br>(Direct Debit payments over monthly instalments for Annual facilities only)<br>(All payment plans must be over 6 months maximum/completed by October) | £0.- £499 - £30.00<br>£500-£999 - £42.00<br>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](http://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  | To Be Agreed |
| From Brixham or Torquay Harbours to Sea  | To Be Agreed |
| Shift berth within Torquay or Brixham Harbours   | To Be Agreed |
| From Sea to Tor Bay Harbour anchorage  | To Be Agreed |
| From Tor Bay Harbour anchorage to Sea  | To Be Agreed |
| Sea to Tor Bay Harbour & Tor Bay Harbour to Sea –<br>(Surcharge for vessels over 150m LOA) | To Be Agreed |
| Minimum charge<br>(with or without a pilot on board)                                       | To Be Agreed |
| Detention, after 1 hour  | To Be Agreed |
| Pilot Boat Charges<br>(Shipping or landing a local Pilot)                                  | To Be Agreed |

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

## Charges for Pilotage Exemption Certificates

6.2.1 Pilotage Exemption Certificate, per issue



# Internal Audit Report

## Port Marine Safety Code 2021-22

### Tor Bay Harbour Authority

*November 2021*

Official



Support, Assurance & Innovation



## **Devon Audit Partnership**

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Devon Audit Partnership has been formed under a joint committee arrangement comprising of Plymouth, Torbay, Devon, Mid-Devon, South Hams & West Devon, Torridge and North Devon councils and we aim to be recognised as a high quality public sector service provider.

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@devon.gov.uk](mailto:robert.hutchins@devon.gov.uk).

## **Confidentiality and Disclosure Clause**

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

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

## 1 Introduction

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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 Tor Bay Harbour Authority for 2021/22.

## 2 Audit Opinion

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

## 3 Executive Summary

---

We have undertaken a follow up of the previous findings and recommendations made in relation to 2020/21 and undertaken a current assessment of Tor Bay Harbour Authority against the requirements of the Port Marine Safety Code. We have examined a restricted sample of records relating to both previous recommendations made and current practices in relation to the Tor Bay Harbour Authority and its compliance with the requirements of the Code and obtained such explanations and carried out such tests as we consider necessary to confirm Management have actioned previous recommendations and remain compliant with the Code.

To the best of our knowledge and belief, having carried out appropriate checks within the remit of both the follow up and annual compliance exercise and considered responses provided to us by relevant Harbour staff, in our opinion Tor Bay Harbour Authority remains compliant with the Port Marine Safety Code. We continue to have concerns in relation to land-based Health and Safety (H&S), however these are outside of the scope of the Code and we understand are now being addressed following the appointment of a designated H&S Officer within the harbour team.

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

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

## 4 Added Value

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Compliance against the requirements of the Port Marine Safety Code.

## 5 Assurance Opinion on Specific Sections

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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 standard assurance opinion ratings can be found in the Appendices; however, these are not applicable for this compliance audit.

| Risks / Areas Covered |                                   | Level of Assurance   |
|-----------------------|-----------------------------------|--|
| 1                     | Breach of Port Marine Safety Code | Compliant with the requirements of the Port Marine Safety Code |

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**

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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 would suggest that the ongoing Health and Safety issues, although not relevant to Port Marine Safety Code compliance, may warrant continued inclusion, however, recognise the appointment of a dedicated Harbour H&S Officer within the harbour team.

## **7 Scope and Objectives**

---

Devon Audit Partnership as the 'Designated Person' undertook a review and assessment of Tor Bay Harbour Authority against the requirements as specified in the Department for Transport's Port Marine Safety Code, and the associated Port Marine Safety Code Guide to Good Practice. This did not include a physical walk round and inspection of the three Tor Bay Harbour sites for a number of reasons including key staff absence; no Harbour Master availability; and potential Covid risks.

## **8 Inherent Limitations**

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

## **9 Acknowledgements**

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

**Robert Hutchins**  
**Head of Partnership**

**Appendix A**

**Detailed Audit Observations and Action Plan**

| 1. Risk Area Covered: Breach of Port Marine Safety Code  | Level of Assurance   |
|--|--|
| <p><b>Opinion Statement:</b><br/>                     We note that there have been staffing issues this year with the loss of the Harbour Master, sickness and staff leaving. We understand that to compensate new rotas to ensure staffing is covered at all the harbours have been introduced. In our opinion, based upon the information and evidence provided we can confirm that Tor Bay Harbour Authority (TBHA) are in compliance with the majority of the requirements of the Port Marine Safety Code (PMSC) as outlined.</p> <ul style="list-style-type: none"> <li>- The Harbour Authority are aware of their existing powers and duties via their terms of reference and safety plan.</li> <li>- Devon Audit Partnership remain the appointed 'independent designated person' with direct access to the Board (Harbour Committee). A PMSC Health Check was undertaken in September 2019 by the Maritime &amp; Coast Guard Agency. In their findings / recommendations, it was noted that in relation to the Designated Person although the Devon Audit Partnership is an expert auditor, they do not have a marine background as suggested by the Guide to Good Practice, and their recommendation was that 'A Harbour Master / Deputy from another Port, perhaps under reciprocal arrangements, could provide responsibility as the Designated Person or provide the appropriate support to the existing Designated Person'. The action was that 'This arrangement will be progressed by the New Harbour Master once in post'.</li> <li>- An effective marine safety management system, which employs formal risk assessment techniques is in place through the MarNIS and SheAssure systems.</li> <li>- The people employed are competent and qualified for the positions they hold, as detailed within job descriptions and associated training records.</li> <li>- The Harbour Authority publish a comprehensive safety plan, along with regular assessment showing the authority's performance measured against the Code via Harbour Committee reports and minutes which are available online.</li> </ul> <p>Where actions are required to further improve compliance, we have made associated recommendations as detailed. Key risks and issues identified relate to the following:</p> <ul style="list-style-type: none"> <li>- Arrangement for support of the Designated Person in relation to marine knowledge.</li> <li>- The increase in marine use following more UK based holidays, as a result of the Covid-19 pandemic and the associated risks, for example we understand that there have been a number of near misses reported on MarNIS related to open water swimming.</li> <li>- Increased vessel traffic and associated risks. We understand progress has been made in relation to the AIS system but the status of this requires clarification.</li> <li>- The need for an operational Safety Committee.</li> </ul> | <p><b>Compliant with the requirements of the Port Marine Safety Code</b></p> |

Agreement of new pilotage and towage arrangements to replace the previous provision by MTS, to be supported by a Harbour Pilotage Review Working Party.

We understand that based on an assessment of the risk, TBHA does not provide a formal Vessel Traffic Service within the Harbour, instead choosing to provide a Local Port Service and provides information on request.

Although outside of the remit of the PMSC, we have previously reviewed land-based Health and Safety aspects, which had noted several serious issues. We are pleased to note that TBHA have now appointed a dedicated Health and Safety Officer to progress and resolve the issues identified. An example of which is the H&S risks and issues associated with the increase of traffic both pedestrian and vehicle at Brixham harbour, which we understand is being monitored and risk assessments undertaken.

| No.     | Observation and implications  |          |   |
|---------|---|----------|---|
| 1.1     | We understand that the actual number of vessel movements across the Bay is not precisely known or recorded. The previous Harbour Master agreed to introduce an AIS system, however the status of this is not known although we understand it had progressed. As vessel traffic is likely to have increased this year in line with a greater volume of UK based holidays and associated volume of visitors to the area and water-based activities, it may be prudent for TBHA to maintain a record of the exact numbers of vessel traffic movement. We understand that several near misses have been reported on MarNIS.   |          |   |
| Page 53 | Recommendation  | Priority | Management response and action plan including responsible officer   |
|         | Maintain a record of Tor Bay vessel traffic movement.   | Medium   | It is not practicable to record all vessel movements, both large and small, with the Tor Bay Harbour area. An AIS system will help to track and record the movement of larger vessels and smaller commercial traffic. |
| No.     | Observation and implications  |          |   |
| 1.2     | <p>A PMSC Health Check was undertaken in September 2019 by the Maritime &amp; Coast Guard Agency. The previous Harbour Master produced an action plan to address issues identified, however given that he recently left Harbour employment we were unable to obtain a current status of all the actions. In the findings / recommendation it was noted that in relation to the Designated Person (DP) 'although Devon Audit Partnership is an expert auditor, they do not have a marine background as suggested by the Guide to Good Practice', with their recommendation being 'A Harbour Master / Deputy from another Port, perhaps under reciprocal arrangements, could provide responsibility as the DP or provide the appropriate support to the existing DP'.</p> <p>The then Harbour Master drew up an action plan in response to the Health Check where it was stated that the Dartmouth Harbour Master would be contacted to provide support to the DP. This remains outstanding as for 2020/21 due to Covid a full audit was not completed, only a follow up of the previous audit. For the current year Dartmouth do not have a Harbour Master at present and therefore cannot provide the arrangement. We understand that the final report for 2021/22 will provided to the new Harbour Master who takes over in December 2021.</p> |          |   |

|       | Recommendation  | Priority | Management response and action plan including responsible officer   |
|-------|---|----------|---|
| 1.2.1 | The Harbour Committee / Senior Management should discuss as to how going forward they wish to address the issue around the appointment of the DP i.e., DAP will continue to provide the service with the aid of a Harbour Master / Deputy Harbour Master from another Port or to enter a reciprocal arrangement with another Port.  | High     | This matter will be a priority for the incoming Tor Bay Harbour Master – a recommendation will be made to the Harbour Committee in March 2022.  |
| 1.2.2 | Review and progress the MCA Health Check actions and provide a current status to Internal Audit (DAP as the DP) – See Appendix B  | Medium   | The incoming Tor Bay Harbour Master will provide an update to DAP by February 2022.   |
| No.   | Observation and implications  |          |   |
| 1.3   | Primarily, all duty holder requirements are in place. However, we note that a recommendation arising from the 2019 MCA PMSC health check identified a need for a Safety Committee. This requirement has been an agreed action which has been included on the associated improvement plan and was due to be proposed at the September Harbour Committee, however we are yet to be provided with a status.  |          |   |
|       | Recommendation  | Priority | Management response and action plan including responsible officer   |
| 1.3.1 | Formulation of a Safety Committee to be progressed and implemented as agreed within the MCA health check action plan to comply with the requirements of the PMSC.   | Medium   | The incoming Tor Bay Harbour Master will provide an update to DAP by February 2022.   |
| No.   | Observation and implications  |          |   |
| 1.4   | TBHA comply with a majority of the Code's requirements in terms of duties and powers. However, the Harbour terms of reference (ToR) confirms that they will review annually the powers delegated to the Executive Head of Business services. Our review of committee meeting records could not identify this as having been completed for 2021. This may be in part due to the current pandemic and/or the period between the previous Harbour Master leaving and the new appointment due to take up post in December 2021. |          |   |
|       | Recommendation  | Priority | Management response and action plan including responsible officer   |
| 1.4.1 | As defined within the ToR the delegated powers require annual review.   | Low      | Agreed. This requirement will be reintroduced to the annual cycle of Harbour Committee business and it will be reclassified as an ' <i>annual review of the powers delegated to the Head of Tor Bay Harbour Authority and Tor Bay Harbour Master</i> '. |
| No.   | Observation and implications  |          |   |
| 1.5   | Regarding employee consultation, we understand that there are regular 'tool box talks' with teams. The CITB toolbox talks publication is used which we understand contains 86 subject areas ranging from health and safety policies to manual handling techniques and an end of module question set to ensure understanding. Currently these talks are not formally recorded.   |          |   |

|         | Recommendation   | Priority       | Management response and action plan including responsible officer   |
|---------|--|----------------|---|
| 1.5.1   | In order to provide a clear record of toolbox talk subjects delivered to staff we would recommend that these be formally recorded, noting the staff names, dates of training and modules covered.  | Opportunity    | This is agreed and records of the training should be added to the training matrix for each individual employee. |
| No.     | Observation and implications   |                |   |
| 1.6     | Risk assessments related to Marine Operations / safety are held in MarNIS and everything else H&S related is held in She Assure. Whilst the majority of risk assessments were up to date, we identified a small number where the review is now overdue. We understand that the MarNIS based risks are usually the responsibility of the Harbour Master, however the Health and Safety Officer has advised that he is attempting to ensure that these are reviewed. The delay in review may be in part due to a combination of the impact of the Covid-19 pandemic and the period between the previous Harbour Master leaving and the new Harbour Master commencing employment albeit there has been interim cover. |                |   |
|         | Recommendation   | Priority       | Management response and action plan including responsible officer   |
| 1.6.1   | All overdue Risk Assessments should be reviewed and updated where necessary.   | Low            | Agreed. It is expected that these will be concluded by the end of March 2022.                                   |
| No.     | Observation and implications   |                |   |
| Page 55 | The Marine Safety Management Plan has recently been updated by the H&S Officer but will need a full review from the new Harbour Master once in post. The 3 yearly PMSC compliance letter has been provided and requires publication.<br>The Tor Bay Harbour Emergency Plan is available on the Harbour website, this needs review as the last review is dated 2015 and refers to MTS who are no longer supplying the pilotage service.   |                |   |
|         |  | Recommendation | Priority  |
| 1.7.1   | The Harbour Master should review the Marine Safety Plan and if necessary, make any amendments; the review should be recorded with the plan   | Low            | Agreed – to be completed by March 2022.   |
| 1.7.2   | The Emergency Plan should be reviewed and updated where appropriate, once completed this should then be published on the website and the old one removed   | Medium         | Agreed – to be completed by March 2022.   |
| 1.7.3   | The latest compliance letter requires publication on the Tor Bay Harbour website.  | Low            | Agreed – to be completed by December 2021.  |
| No.     | Observation and implications   |                |   |
| 1.8     | It was previously stated and agreed that the Harbour Masters Powers be reviewed annually, however the Safety Plan states every 5 years   |                |   |

|                   | Recommendation  | Priority | Management response and action plan including responsible officer  |
|-------------------|---|----------|--|
| 1.8.1             | Once in place the new Harbour Master should determine the frequency of the review of his Powers, this should then be formally approved by the Harbour Committee.  | Low      | See 1.4.1 above.   |
| No.               | Observation and implications  |          |  |
| 1.9               | <p>Some of the supporting governance aspects are in place in terms of Pilotage, such as pilotage directions, authorisation of pilots and training certification, and the templates for pilotage passage plan. However, some aspects are not immediately apparent and therefore require clarification from the Harbour Master, for example, service provision risk assessments, pilotage reviews, publication of passage plans, procedures for suspension and revocation of a pilot's authority.</p> <p>We can see from the Council's Committee details that a Harbour Pilotage Review Working Party has been formed, however there are no minutes available to review and there is only one individual named within the party membership.</p> <p>Pilotage was previously provided by MTS, however they have not renewed their contract and ceased service provision at the end of October 2021. The current acting Harbour Master advised that Teignmouth have licensed pilots and there is a local pilot boat, and consideration is being given to forming a pilotage arrangement with Teignmouth Harbour Commissioners.</p> |          |  |
|                   | Recommendation  | Priority | Management response and action plan including responsible officer  |
| Page 56<br>1.10.1 | Management should confirm if this working party has been set up, how often they meet, and any outcomes / decisions made by them. Once set up, the working party should also ensure that all of the pilotage requirements of the code are met.   | Medium   | Agreed. This requirement will be reintroduced to the annual cycle of Harbour Committee business and the Pilotage Review Working Party set up.              |
| No.               | Observation and implications  |          |  |
| 1.10              | The Towage guidelines are available on the Tor Bay Harbour website; however, these are now out of date as they refer to MTS who no longer provide this service. As previously noted, arrangements are currently under review.   |          |  |
|                   | Recommendation  | Priority | Management response and action plan including responsible officer  |
| 1.10.1            | The Towage Guidelines will need to be updated following the decision and agreement to the service provision.  | Low      | The incoming Tor Bay Harbour Master will undertake a review of the Towage Guidelines and provide an update to the Harbour Committee and DAP in March 2022. |
| No.               | Observation and implications  |          |  |
| 1.11              | We understand that Tor Bay Harbour Authority does not have the power for general directions, however the SOP does refer to the process regarding the Harbour Master's ability to issue general directions in an emergency only. Therefore, clarification is sought in relation to what powers of direction the Harbour Authority has. We also understand that the process already defined for issuing Harbour Directions would be used in relation to the issuing of Special Directions.  |          |  |



|        | Recommendation   | Priority | Management response and action plan including responsible officer   |
|--------|--|----------|---|
| 1.11.1 | Clarification is sought regarding the Harbour Authorities powers to issue special direction. Once clarified the SOP may require amendment.   | Low      | Agreed. This information can be obtained from previously commissioned reviews of the Harbour Authority's Powers of Direction.       |
| No.    | Observation and implications   |          |   |
| 1.12   | Training records are now held in SheAssure which details training that has been completed and any training needs that have been identified but not yet completed. We understand that there are plans to attach training certificates and training expiry dates into SheAssure, however this is yet to be fully completed. In addition, a previous recommendation remains outstanding in relation to evidencing training related to lone working. This will need to be recorded within SheAssure during the training record update noted above. |          |   |
|        | Recommendation   | Priority | Management response and action plan including responsible officer   |
| 1.12.1 | Training records (including lone working training) should be fully updated to record expiry dates, and where necessary training certificates attached to records.  | Low      | See 1.5.1 above.<br>This is agreed and records of the training should be added to the training matrix for each individual employee. |

**Appendix B****PORT MARINE SAFETY CODE HEALTH CHECK REPORT  
IMPROVEMENT PLAN AS AT 12 SEPT 19**

| ITEM | IMPROVEMENT ACTION  | PRIORITY | STATUS                   | ACTION TAKEN   | OWNER      |
|------|---|----------|--------------------------|--|------------|
| DH   | Duty Holders they may benefit from a programme of briefings and operational visits. Alternatively, the Committee may consider appointing a sub- group to bring more focus to Marine Safety responsibilities.  | Med      | In Hand                  | Safety Committee to be proposed at Sept HC meeting   | HM         |
| DP   | A harbour master/ deputy at another port, perhaps under reciprocal arrangements, could provide responsibility as the DP or provide the appropriate support to the existing DP.  | Med      | Not started              | HM will contact Dart HM to request and arrange support for DP  | HM         |
| RA   | During their visit the MCA team observed up to 4 passenger vessels manoeuvring, at one time, in the vicinity of the single landing pontoon. Brixham has a home fleet of beam trawlers adding a substantial number of ship vessel movements within the port. Torquay has a similar passenger schedule with an observed blind approach to the harbour. Both facilities are home to large marinas with uncontrolled leisure boat movements. This presents a significant risk which is currently not separately identified on the risk register. A risk assessment may point to a need to introduce appropriate directions to the MSMS. | High     | In hand                  | Produce Risk Assessments for each of the enclosed harbours regarding ferry and trawler movements   | AP/ SP/ NB |
| MSMS | It may be worthwhile considering introducing weather related operating protocols particularly in relation to the domestic passenger vessels. The assessment of visibility would be an important risk factor.  | High     | Not started              |  | HM         |
| RA   | There were a number of waterborne activities by external contractors observed by the visiting MCA team associated with vessel maintenance and harbour infrastructure. These involved personnel working on exposed and unprotected platforms. There was no use of safety lines, lifejackets or   | High     | Partially able to comply | Permit to work system considered but there are insufficient staff in Brixham to administer such a system. Instead, propose that we direct all vessels to introduce a PtW system for crews operating aloft, hot-work, | HM         |

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

## Definitions of Audit Assurance Opinion Levels

| Assurance             | Definition   |
|-----------------------|--|
| Substantial Assurance | A sound system of governance, risk management and control exists, with internal controls operating effectively and being consistently applied to support the achievement of objectives in the area audited.  |
| Reasonable Assurance  | There is a generally sound system of governance, risk management and control in place. Some issues, non-compliance or scope for improvement were identified which may put at risk the achievement of objectives in the area audited.                     |
| Limited Assurance     | Significant gaps, weaknesses or non-compliance were identified. Improvement is required to the system of governance, risk management and control to effectively manage risks to the achievement of objectives in the area audited.                       |
| No Assurance          | Immediate action is required to address fundamental gaps, weaknesses or non-compliance identified. The system of governance, risk management and control is inadequate to effectively manage risks to the achievement of objectives in the area audited. |

## 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

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| 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. |

# Agenda Item 9



## Tor Bay Accident / Incident List

|  | Date       | ID Code    | Accident Category                                    | Name  |  |  |  |
|--|------------|------------|--|---|--|--|--|
|  | 02/11/2021 | TOR0938INV | Fire/Explosion                                       | Hollie Mai Smoke in Eng Room  |  |  |  |
|  | 06/10/2021 | TOR0936CLO | Equipment failure (Vessel)                           | Failure of steering control   |  |  |  |
|  | 09/09/2021 | TOR0932CLO | Pollution - Water                                    | Paint spill Brixham Harbour   |  |  |  |
|  | 01/09/2021 | TOR0933INV | Pollution - Water                                    | Oil spill Brixham Harbour BM 27 Our Miranda                               |  |  |  |
|  | 30/08/2021 | TOR0931CLO | Pollution - Water                                    | Kelly Marina pollution  |  |  |  |
|  | 19/08/2021 | TOR0930CLO | Near miss  | Raptor near miss with swimmer Hollicombe                                  |  |  |  |
|  | 18/08/2021 | TOR0935CLO | Pollution - Water                                    | MFV Holly Anne BM128  |  |  |  |
|  | 14/08/2021 | TOR0929CLO | Dangerous occurrence                                 | Swimmers in ski-lane at Elberry   |  |  |  |
|  | 10/08/2021 | TOR0934CLO | Pollution - Water                                    | MFV Provider  |  |  |  |
|  | 24/07/2021 | TOR0926CLO | Dangerous occurrence                                 | Jetski and swimmers in ski lane Elberry Cove                              |  |  |  |
|  | 18/07/2021 | TOR0928REP | Vessel Wash  | Jet Ski Elbury Cove   |  |  |  |
|  | 16/07/2021 | TOR0927REP | Near miss  | C P PWC   |  |  |  |
|  | 03/07/2021 | TOR0925CLO | Near miss  | Dart Venturer / TYST fleet  |  |  |  |
|  | 15/06/2021 | TOR0924CLO | Near miss  | Queen Victoria / Vigilance  |  |  |  |
|  | 19/05/2021 | TOR0917REP | Contact - Floating object                            | ISHIKAWA hit by adjacent vessel   |  |  |  |
|  | 19/05/2021 | TOR0918REP | Contact - Floating object                            | Vessel GINA hitting adjacent mooring buoy                                 |  |  |  |
|  | 18/05/2021 | TOR0915CLO | Near miss  | Raptor 1 Brandy Cove report   |  |  |  |
|  | 17/05/2021 | TOR0920CLO | UXO landed ashore                                    | UXO landed to North Side landing berth Brixham                            |  |  |  |
|  | 14/05/2021 | TOR0914CLO | Flooding/Foundering                                  | TIKI Sinking  |  |  |  |
|  | 14/05/2021 | TOR0916CLO | Near miss  | Raptor 1 Hopes Nose   |  |  |  |
|  | 05/05/2021 | TOR0937REP | Near miss  | Near miss between heritage sailing vessel Vigilance and MFV Emily J E123. |  |  |  |
|  | 02/05/2021 | TOR0921CLO | Near miss  | Raptor 1 / OCRDA  |  |  |  |
|  | 01/05/2021 | TOR0922CLO | Near miss  | Raptor 1 / Cruise Ship  |  |  |  |
|  | 27/04/2021 | TOR0913INV | Collision - Not underway                             | Chloe of Ladrum Tow and Jade star   |  |  |  |
|  | 14/04/2021 | TOR0910CLO | Flooding/Foundering                                  | Sunken Vessel - Courageous Spirit   |  |  |  |
|  | 14/04/2021 | TOR0919REP | Contact - Floating object                            | Vessel Breaking Blues hitting adjacent mooring buoy                       |  |  |  |
|  | 08/04/2021 | TOR0912CLO | Near miss  | Raptor Goodrington (close to shore)                                       |  |  |  |
|  | 06/04/2021 | TOR0909CLO | Pollution - Water                                    | Cill hydraulic failure  |  |  |  |
|  | 04/04/2021 | TOR0911CLO | Near miss  | Jet ski and hover boards Torre Abbey                                      |  |  |  |
|  | 16/03/2021 | TOR0908CLO | Fire/Explosion                                       | Fire MTS Valonea  |  |  |  |
|  | 25/02/2021 | TOR0907CLO | Pollution - Water                                    | Oil slick reported on MDL Brixham wave screen                             |  |  |  |
|  | 17/02/2021 | TOR0906CLO | Equipment failure (Vessel)                           | MV Marella Explorer 2 loss of port anchor                                 |  |  |  |
|  | 30/01/2021 | TOR0905CLO | Hull failure   | Sea Beast   |  |  |  |
|  | 24/01/2021 | TOR0904CLO | Equipment failure (Vessel)                           | MV Marella Explorer 2 loss of port anchor                                 |  |  |  |
|  | 19/01/2021 | TOR0903CLO | Equipment failure (Vessel)                           | MV Marella Explorer 2 loss of anchor and chain                            |  |  |  |
|  | 24/12/2020 | TOR0901CLO | Breaking Free of Mooring                             | Rozela  |  |  |  |
|  | 24/12/2020 | TOR0902CLO | Breaking Free of Mooring                             | White Yacht   |  |  |  |
|  | 29/11/2020 | TOR0900CLO | Drowned, asphyxiated or exposed to harmful substance | Swimmer recovered from sea Torre Abbey Sands                              |  |  |  |




**Number of Accidents listed = 38**

Incident report status as follows;

Reported = 6; Investigating = 3; Investigation Complete = 0; Actioned-Closed = 29

**Key**

Symbol showing the record type:

-  - Incident
-  - Potential Incident
-  - Details not yet completed

Symbol showing the record status:

-  - Reported
-  - Investigating
-  - Investigation Complete
-  - Actioned-Closed

|                      |   |
|----------------------|---|
| <b>Meeting Title</b> | <b>Torquay &amp; Paignton Liaison Forum</b> |
| <b>Venue</b>         | Microsoft Teams                             |
| <b>Date</b>          | Tuesday 23 <sup>rd</sup> November 2021      |

|                |                      |                       |                   |
|----------------|----------------------|-----------------------|-------------------|
| <b>Present</b> | Nick Burns (NB)      | Nicole Amil (NA)      | Judith Mills (JM) |
|                | Jessica Marles (JM)  | Tim Allen (TA)        |                   |
|                | Karen Annis (KA)     | Christine Carter (CC) |                   |
|                | Marshal Ritchie (MR) | Nick Bright (NBr)     |                   |
|                | Ashley Lane (AL)     | Jason Bond (JB)       |                   |
|                | Micheal Ellis (ME)   | Andrew Barrand (AB)   |                   |

|                     |  |
|---------------------|--|
| <b>Agenda Items</b> | <ol style="list-style-type: none"> <li>1. Apologies</li> <li>2. Welcome</li> <li>3. Minutes from last meeting – 14<sup>th</sup> September 2021</li> <li>4. Torquay Town Dock Replacement</li> <li>5. The Sea Farm Proposal</li> <li>6. Winter Lift Out- Paignton</li> <li>7. Arrested Vessels – New Process</li> <li>8. Unauthorised Parking</li> <li>9. Staffing Update</li> <li>10. Safety Issues             <ul style="list-style-type: none"> <li>➤ Port Marine Safety Code</li> <li>➤ Dive Works Bridge and Cill</li> <li>➤ Lighting around the Quay</li> </ul> </li> <li>11. AOB</li> </ol> |
|---------------------|--|

|           |   |               |
|-----------|---|---------------|
| <b>1.</b> | <b>Apologies for Absence</b>                                      | <b>Action</b> |
|           | Tim Morris, Paignton Sailing club, MDL Marina                     |               |
| <b>2.</b> | <b>Welcome</b>  | <b>Action</b> |
|           | Nick Burns welcomed all   |               |
| <b>3.</b> | <b>Minutes from last meeting – 14<sup>th</sup> September 2021</b> | <b>Action</b> |
|           | Nick ran through previous minutes.                                |               |



|           |   |               |
|-----------|---|---------------|
| <b>4.</b> | <b>Torquay Town Dock Replacement</b>  | <b>Action</b> |
|           | <p>We are currently awaiting a commencement date from Walcon Marine for the works on Torquay Town Dock. This will be a 2 or 3 phase process that will most probably start in the New Year due to other commitments by Walcon.</p> <p>When this does commence we will have to accommodate 48 vessels moored on X pontoon. Within the visitor berthing area We have some vessels that have been lifted out for the winter so we are able to use these berths if required.</p> <p>NB advised that under the bridge the quayside is in need of some repairs. Colin Peters (TDA engineers) is looking at a contract for this, he has approached TMS who will hopefully be able to give us an estimate for the works soon. We intend to carry out the works whilst the access bridge is removed for re-furbishment.</p>   |               |
| <b>5.</b> | <b>The Sea Farm Proposal</b>  | <b>Action</b> |
|           | <p>NB said that we have had a number of requests for different aquaculture schemes within Tor Bay but this has been put on hold until the new Harbour Master is in position as it is important for him to meet with applicants to discuss a number of factors.</p>  |               |
| <b>6.</b> | <b>Winter Lift Out – Paignton</b>   | <b>Action</b> |
|           | <p>Winter lift in Paignton went well this year organised by Paignton Pleasure Cruises, all paperwork was completed prior to lifting and all vessels were lifted successfully. The tarmac around Harbour light will be monitored to check for damage throughout the winter period, NB advised some damage has been caused due to fresh tarmac being laid over the summer months which has left depressions in the location of Gabian benches.</p> <p>Next year applications for winter quayside storage will not be accepted for any vessels over 10m LOA at Paignton.</p>   |               |
| <b>7.</b> | <b>Arrested Vessels – New Process</b>   | <b>Action</b> |
|           | <p>NB Informed that we currently have 3 arrested boats in Torquay/ Paignton and 3 with potential to be arrested for non payment of visitor dues. We are finding a lot of customers are purchasing small boats in a poor condition, mooring them on the visitor pontoon and abandoning them.</p> <p>EBay has changed their policy and as a local government we no longer are able to sell through Ebay.It has been agreed that we can now sell vessels through Facebook Marketplace and these vessels will hopefully be put on to sell as soon as possible and recover costs owed to the authority.</p> <p>NB advised that to prevent boats in a bad condition being abandoned the Moorings Policy will be changed to state that if you are staying as a visitor for a longer period visitor dues must be paid in full in advance. After the three weeks have passed the daily fee will then be applied which is more expensive rate to promote early payment.</p> |               |
| <b>8.</b> | <b>Unauthorised Parking</b>   | <b>Action</b> |
|           | <p>NB advised that we will be implementing a new charge for unauthorised parking on the quayside. £25 has been set for invoicing purposes as we cant invoice anything under £25.</p> <p>The recent installation of a barrier in Paignton will assist in stopping unauthorised vehicles from parking on South and East Quays in Paignton.</p>  |               |

|           |  |               |
|-----------|--|---------------|
| <b>9.</b> | <b>Staffing Update</b>   | <b>Action</b> |
|           | <p>We have recently had two members of staff hand in their resignation, one in Brixham and one recently in Torquay. Both positions within the team have been advertised. Hopefully both positions should be re-recruited by end of January.</p> <p>The team are still working across all Harbours when needed. A lot of the Harbour Assistants have Lieu time to take and a lot of holiday days to take due to working a lot over the summer which was exceptionally busy, NB stated that we hope to get seasonal staff again next year as it worked really well both in terms of income and safety messaging.</p> <p>Rob Parsons the new Harbour Master is now due to start on 20<sup>th</sup> December the team are looking forward to working with him.</p> |               |

|            |  |               |
|------------|--|---------------|
| <b>10.</b> | <b>Safety Issues</b>   | <b>Action</b> |
|            | <p><u>Port Marine Safety Code audit</u><br/>NB informed that the Devon Audit Partnership is currently auditing our Port Marine Safety Code and a report is being compiled which will be returned in the near future.</p> <p><u>Dive Works Bridge and Cill</u><br/>Works on the linkage for the outer cill were carried out on Thursday 18<sup>th</sup> November and will continue with divers completing the same process for the inner cill gate on Thursday 25<sup>th</sup> November. This will alleviate any further issues with the cill gates which we have encountered recently.</p> <p><u>Lighting around the Quay</u><br/>It has been noted that there are a number of failing streetlights on harbour estate NB advised that we have been in talks with SEC and due to different factors it has been a slow process to get the piers in Torquay added to their contract and the quayside sufficiently illuminated. Engineers were on site last week and completed trials, a quote is due to follow.</p> <p>A recent police incident brought up lighting issues as it was impacting the clarity of the CCTV images in some areas of the estate.</p> <p>Navigation lights are all working fine at present and have passed a recent Trinity House audit.</p> <p>NBr warned about the decorative lights not working correctly in Paignton Harbour they keep tripping out and only stay on for a short amount of time. NB has raised this with Havills and is awaiting a repair.</p> |               |

|            |  |               |
|------------|--|---------------|
| <b>11.</b> | <b>Pollution Incidents</b>   | <b>Action</b> |
|            | <p>NB advised there has been a few minor oil spills in Brixham recently. Steve Poulton is completing the MCA 4p pollution management course so will be qualified to deal with this happening in the future. We now have 4 members of staff qualified to deal with oil spills throughout the management team.</p> |               |

|            |  |               |
|------------|--|---------------|
| <b>12.</b> | <b>Harbour Charges 2022/23</b>   | <b>Action</b> |
|            | <p>NB read statement on new charges advising due to inflation most of the fees and charges will be increased by 4% rounded up to the nearest £ other than the Town</p> |               |

|  |  |  |
|--|--|--|
|  | <p>Dock which will be raised by 7.5% with a phased increase until 2024. This is to facilitate the upgrades to the Town Dock. NB advised he does not have any further information on this and had been asked to raise it at the Liaison today. KA advised we will pass on any concerns.</p> |  |
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| 12. | AOB  | Action |
|-----|--|--------|
|     | <p><u>Maritime Events</u><br/>           NB confirmed we have already got 3-4 cruise ships booked in for next year and the maritime events list is quickly filling up. We have accommodated a large amount of events, throughout the 2021 summer season resulting in more than one event on most weekends.</p> <p>A member of Tor Bay Harbour staff will be attending an event in London next week to promote Tor Bay to the cruise ship industry in the hope of generating more cruise ship calls.</p> <p>MR raised concerns about the central council take on Tor Bay Harbours funds. NB advised this is out of our control unfortunately but we will obviously voice your concerns.</p> <p>ME also raised concerns that he was not aware of the fees and charges increase. NA advised that the 4% was agreed however she also was not aware for the 7.5% for the Town Dock. KA / NB let the group know that the decision was made after the Budget Working Party and NB was asked to raise it at today's Liaison Forum.</p> <p>All members advised that any concerns should be sent to Kevin.</p> <p>MR warned of seafarms taking up large areas of Tor Bay. NB said the safety of mariners is paramount and this will be discussed with the new HM on his arrival.</p> <p>AL raised concerns on the seafarms also mentioning the increase in Portuguese Oysters that are slowly taking over. He advised that the bottom of one of his vessels has a carpet forming. NB advised we are aware of issues and they are being monitored.</p> <p>MR asked about the parking situation at for Town Dock and Inner Harbour for loading and unloading. NB said that this is still permitted as long as you are seen to be loading / unloading and do not exceed the 20 minutes stay for the Town Dock. The Inner Harbour loading area is public highway and customers have been receiving parking penalty charges for short times whilst unloading. The area reverts into a taxi rank after a certain time and customers have received penalty charges as a result. Unfortunately this is public highway and not managed by the harbour authority.</p> <p>MR asked what plans we have for the future for the environment. NB stated that we do now have an electric forklift in Brixham, solar panels on the fish market and hoping in the near future to have a electric work van but at the moment there is no sign of a supplier for these vehicles. JB said that solar energy at this time would not be efficient enough to power anything of serious demand.</p> |        |

**Next Meeting  
Venue  
Future meetings**

**Dates of Harbour  
Committee Meetings**

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|-----|
| TBC |
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|                      |                                |
|----------------------|--------------------------------|
| <b>Meeting Title</b> | <b>Brixham Liaison Forum</b>   |
| <b>Venue</b>         | Teams                          |
| <b>Date</b>          | 15 <sup>th</sup> November 2021 |

|                |                    |                       |                        |
|----------------|--------------------|-----------------------|------------------------|
| <b>Present</b> | Kevin Mowat (KM)   | Cllr Nicole Amil (NA) | Robbie Richardson (RR) |
|                | Karen Annis (KA)   | Christine Carter (CC) |                        |
|                | Steve Poulton (SP) | David Range (DR)      | Apologies              |
|                | Sam Walker (SW)    | David Saunders (DS)   | Ray Longhurst (RL)     |
|                | Marie Angell (MA)  | Mike Morey (MM)       |                        |
|                |                    | Neil Murray (NM)      |                        |
|                |                    | James O'Dwyer (JOD)   |                        |

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| 1. | Welcome                            | Action |
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|    | Kevin welcomed all to the meeting. |        |

| 2. | Updates   | Action |
|----|---|--------|
|    | <p>In a previous meeting DS requested buoyage around Berry Head to discourage vessels entering Guillemot breeding areas, further to this last request, DS has asked for a contact number to alert authorities of disturbances. KM to discuss with the Police at their next meeting and confirm contact number.</p> <p><u>Brixham refurbishment update</u></p> <p>The small day boat pontoon has been removed and deconstructed as it is beyond repair.</p> <p>Discussion on sourcing replacements is taking place with SP and other Managers.</p> | KM     |

| 3. | The Economic Impact of the UK Leisure Marine Industry  | Action |
|----|--|--------|
|    | <p>JO'D has raised concerns over the reasons why we were not successful in bidding for the land reclaimant. He believes that we did not read the criteria properly to meet the requirements as it appeared to be about Town Centre regeneration. KM expressed that he was confident that the bid was forwarded correctly. However, if this is the case and this is the reason for missing the target then we would want to know why.</p> |        |

| 4. | Harbour Finances including out turn figures   | Action           |
|----|---|------------------|
|    | <p>The charges are set and agreed in December at the Harbour committee. KA and other managers are currently working very hard to produce the report. 2% 5% and 7% increases have been proposed and will be put forward at the budget monitoring working party meeting in November for agreement before consultation with the Harbour Committee in December.</p> <p>Harbour revenue 2022/23 accounts were displayed showing the £154K deficit, this is mainly due to the national utility increases in electricity, National Insurance Contribution increase recharging reduction and the general fund contribution.</p> <p>KM requested views from the boat owners in the meeting on the proposed charges. The forum were not unduly concerned about the increase in charges, however questions were raised as to whether there was an increased demand for moorings, to ensure that the moorings would be kept full if the prices increased.</p> <p>There was an observation that more boats are now coming back into England from Europe and can we investigate this as a way of improving the revenue. KM said that this is something that he will discuss with the new Harbour Master in the future.</p> <p>Concerns were raised as to why smaller moorings under 20f being taken out.</p> <p>The liaison forum was informed this is because after analysis it was calculated that it would take 15 years to make back the money that it cost to replace the ground chains and was therefore not viable. At present Tor Bay Harbour spends on average £90K a year for the mooring maintenance contract.</p> <p>DS requested to know what the waiting list numbers were for larger boats. KA to supply.</p> <p>KM is unable to attend the Torquay &amp; Paignton Liaison meeting on Tuesday 23<sup>rd</sup> November. He has requested that Nick asks the same question to the boat owners. Request their opinion on proposed increase in harbour charges.</p> <p><u>Budget monitoring</u><br/>There is a £63k deficit this year. We have had increase costs due to the work boat repairs.</p> <p>There has been a reduction in waste removal as Swisco are handling this directly with the tenants now.</p> <p><u>Reserve fund</u><br/>£122K wind fall given to the harbour account from the central fund.<br/>£150K for the dredging works at Brixham Harbour.</p> <p>Fishing Industry has been informed that dredging works will not go ahead within the next couple of years unless there is an urgent requirement to do so.</p> | <p><b>KA</b></p> |

| 5. | Safety Issues  | Action |
|----|--|--------|
|    | <p>SW has said that there are no pressing safety issues. He asks that if anyone has any safety issues including those involving the Town pontoon and railings, please contact him.</p> <p>SP has requested any problems using the pontoon please contact him.</p> <p>DR mentioned the Walcon report. AP commissioned it. Kevin to call AP and find out status.</p> <p>KM asked what the status was on the Rockfish pedestrian walkway in particular the area at the fish counter.</p> <p>SW said that he is waiting on Highways to put yellow lines down.</p> <p>SW also stated that he is working with the auditors to confirm if we comply with the Port Marine Safety Code. There are no major concerns at present.</p> <p>DS mentioned that it would be valuable to have a pontoon at the break water slipway to off load passengers from his ferry service.</p> <p>KM agreed that this is something we need to investigate and possibly recycle old ones.</p> | KM     |

| AOB |  | Action |
|-----|--|--------|
|     | <p>KM informed the last meeting that the Pilotage service was being withdrawn. MTS has now purchased a Pilot boat and is staying in Brixham. We have given them a mooring in the Brixham Harbour. This enables local pilots to reach the ships. Teignmouth are keen to have a working party contract with us, this will be investigated.</p> <p>SP/MA to send the report on the condition of the town pontoon to all members before the next meeting.</p> <p>Rob Parsons has now been confirmed as the new Harbour Master as of the 20<sup>th</sup> of December 2021. Rob is currently the Harbour Master at Newlyn and has been for the last 8 years, prior to that he had a Royal Navy career.</p> <p>Rob will be chairing the next liaison meeting. If anyone who does not wish to attend in person a team's link will be sent.</p> | SP/MA  |

**Next Meeting  
Venue  
Future meetings**

TBA  
Brixham Harbour

