

Tuesday, 6 December 2022

HARBOUR COMMITTEE

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

Wednesday, 14 December 2022

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 Brooks

Councillor Carter

Councillor Dudley

Councillor Ellery

Councillor O'Dwyer

Councillor Mills

External Advisors

Mr Day and Mr Young

Together Torbay will thrive

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Governance Support, Town Hall, Castle Circus, Torquay, TQ1 3DR

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

HARBOUR COMMITTEE AGENDA

1. **Apologies**
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
2. **Minutes** (Pages 4 - 5)
To confirm as a correct record the Minutes of the meeting of the Committee held on 26 September 2022.
3. **Declarations of interest**
 - (a) To receive declarations of non pecuniary interests in respect of items on this agenda
For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
 - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda
For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
4. **Urgent items**
To consider any other items that the Chairman decides are urgent.
5. **Port Marine Safety Code**
 - (a) **Tor Bay Harbour Master Update - Port Marine Safety Code** (Verbal Report)
To receive a verbal update on the latest safety activities that had been undertaken across the Harbour Authority's operational area.
 - (b) **Internal Audit Report - Port Marine Safety Code 2022-23** (Pages 6 - 22)
To consider a report that updates Members on the annual Port Marine Safety Code (PMSC) compliance audit.

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| 6. | Tor Bay Harbour Budget Monitoring 2022-23
To consider a report setting out the overall budgetary position for Tor Bay Harbour Authority as at November 2022 compared with approved budgets. | (Pages 23 -
28) |
| 7. | Harbour Budget 2023/24 and Schedule of Fees and Charges
To consider a report on the Harbour Authority revenue budget and to set the level of fees and charges, for the forthcoming year. | (Pages 29 -
67) |
| 8. | Torquay/Paignton and Brixham Harbour Liaison Forums
To note the minutes of the above Harbour Liaison Forums. | (Pages 68 -
75) |

Meeting Attendance

Please note that whilst the Council is no longer implementing Covid-19 secure arrangements attendees are encouraged to sit with space in between other people. Windows will be kept open to ensure good ventilation and therefore attendees are recommended to wear suitable clothing.

If you have symptoms, including runny nose, sore throat, fever, new continuous cough and loss of taste and smell please do not come to the meeting.

Minutes of the Harbour Committee

26 September 2022

-: Present :-

Councillor Amil (Chairman)

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

10. Apologies

Apologies for absence were received from Councillor Mills and Mark Day (external non-voting advisor).

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 Mills.

11. Minutes

The Minutes of the meeting of the Harbour Committee held on 8 June 2022 were confirmed as a correct record and signed by the Chairwoman.

12. To receive declarations of non pecuniary interests in respect of items on this agenda

None.

13. Port Marine Safety Code

The Head of Tor Bay Harbour Authority & Services provided a verbal update on the latest safety activities that had taken place across the Harbour Authority's operational area. Members were updated on the dredging activity planned for Brixham which had been booked to start in early 2023, with the allocated budget of £150,000 to be utilised.

An update was also provided on Pilotage and Members noted that a new Pilotage system would be in place by April 2023.

14. Tor Bay Harbour Budget Monitoring

1. The Head of Tor Bay Harbour Authority & Services presented the submitted report on the overall budgetary position for Tor Bay Harbour Authority as at August 2022, compared against the budget approved on 6 December 2021. 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 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 2022 (below the Committee's recommended level);
3. the Head of Tor Bay Harbour Authority & Services use of delegate 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 £497.86; and

Resolved:

That the Cabinet be requested to review the Harbour Reserve Fund to ensure that it is set at an appropriate minimum contingency level and make appropriate recommendations to the Council and the Director of Finance.

15. Torquay/Paignton and Brixham Harbour Liaison Forums

The Minutes of the Torquay and Paignton Liaison Forum, held on 23 June 2022, and the Brixham Harbour Liaison Forum, held on 20 June 2022, were noted.

Chairman



Internal Audit Report

Port Marine Safety Code 2022-23

Tor Bay Harbour Authority

November 2022

Official



Support, Assurance & Innovation

Devon Audit Partnership

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 tony.d.rose@devon.gov.uk.

Confidentiality and Disclosure Clause

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

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

1 Introduction

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

The Devon Audit Partnership is the appointed 'Designated Person' for Tor Bay Harbour Authority for 2022/2023.

2 Audit Opinion

Based upon 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 2021 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 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

Assurance regarding compliance with the Port Marine Safety Code.

5 Assurance Opinion on Specific Sections

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

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

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.

In terms of this review, we are able to report that there are no issues that are arising from the examination of systems and controls that warrant inclusion in the Annual Governance Statement.

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.

8 Inherent Limitations

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

9 Acknowledgements

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

Tony Rose
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>Opinion Statement: In our opinion, based upon the information and evidence provided we can confirm that Tor Bay Harbour Authority (TBHA) follow most of the requirements of the Port Marine Safety Code (PMSC) as outlined.</p> <ul style="list-style-type: none"> • The Harbour Authority are aware of their existing powers and duties via their terms of reference and safety plan. • An independent ‘Designated Person’ remains in place, although it is noted that this appointment will be changed for 2023 in line with the recommendations of the Maritime & Coast Guard Agency (MCA). • An effective marine safety management system, which employs formal risk assessment techniques is in place through the MarNIS and SheAssure systems. • The people employed are competent and qualified for the positions they hold, as detailed within job descriptions and associated training records. • 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. • The Harbours Powers are detailed within the safety plan which includes a policy on enforcement and prosecution • Conservancy obligations are met through annual inspection and undertaking any necessary actions <p>Where actions are required to further improve compliance, we have made associated recommendations as detailed. Key risks and issues identified not already mentioned above relate to the following:</p> <ul style="list-style-type: none"> • The need for an operational Safety Committee • A change to the Duty Holders Terms of Reference • A Legislation Register • Full review of the Marine Safety Management Plan (MSMP), Emergency Plan and Tor Bay Harbour website • Full review of all Risk Assessments and Standard Operating Procedures • Training records <p>We note that there is planned dredging for a small section of Brixham Harbour, affecting a small number of fishing vessels. It is acknowledged that dredging is covered in the MSMP, that it requires statutory consent from the MMO, and that it is yet to be decided how and when this will take place.</p>	<p>Compliant with the requirements of the Port Marine Safety Code</p>

Site visits identified the following since our previous visit:

Brixham

- improvements in amount of equipment quayside although there is still some work to be done in this area
- high number of vehicles especially around the fish market and associated risk where longer term it is hoped that levelling up funding will deliver improvements
- replacement of Dock Masters with a Security Team with the latter having less harbour / marine knowledge thereby increasing risk

Paignton

- the equipment that was held on the far side of the harbour has all been removed and the boat storage on that side has been reduced and sectioned off from the public.
- Walkways are in place around the boat storage near the harbour office; it was noted that the lines on these walkways are faded and would benefit from being re-painted.

Torquay

- Princess Pier remains closed due to the yacht fire and the ongoing repairs; this is sectioned off by fencing
- New pontoons have been installed and it was noted that some of the old ones remain in the inner harbour
- It was noted that there have been a significant number of near misses with jet ski's during the summer; to monitor / control this it may be beneficial to undertake more patrols, however this would be reliant on having enough resources to undertake this and a review as to whether the patrol boat is sufficient to meet the needs of this activity.

We also note the significant safety incident of the yacht fire. The Harbour Master has stated *'As a Harbour Authority I am content that both the system and our methods were fit for purpose for the day in relation to the yacht fire in May of this year. The main crux of the day was that the wind direction was in our favour, which allowed that Harbour Authority to contain the fire to one place, thus limiting the damage. The only criticism received by me was that I did not deploy a fire authority size three hose as part of the containment for pollution during the incident. My reasoning was that we had prepared our own absorbent booms, which proved effective. The deployment of an inflated fire hose is not an endorsed method of Oil Spill Control, and this has been raised at the washup and clarity sought on whether any such deployment could be endorsed. The ensuing salvage and pollution were without dilemma from an operational point of view.'* Given that lessons learnt are being considered and past events are considered in relation to risk assessments, we make no comment or related recommendation.

No.	Observation and implications						
1.1	<p>We understand that the actual number of vessel movements across the Bay is not precisely known or recorded. As vessel traffic may be increasing in line with a greater volume of UK based holidays and associated volume of visitors to the area and water-based activities, and the increased fishing activity, consideration should be given to maintaining a record of the exact numbers of vessel traffic movement to support examination of any increased risk.</p> <p>We understand that several near misses have been reported on MarNIS especially in relation to jet skis.</p>						
	<table border="1"> <thead> <tr> <th data-bbox="197 1359 1133 1414">Recommendation</th> <th data-bbox="1144 1359 1301 1414">Priority</th> <th data-bbox="1312 1359 2128 1414">Management response and action plan including responsible officer</th> </tr> </thead> <tbody> <tr> <td data-bbox="197 1420 1133 1420"></td> <td data-bbox="1144 1420 1301 1420"></td> <td data-bbox="1312 1420 2128 1420"></td> </tr> </tbody> </table>	Recommendation	Priority	Management response and action plan including responsible officer			
Recommendation	Priority	Management response and action plan including responsible officer					

1.1.1	Whilst we have previously been advised that <i>'it is not practicable nor are there the resources to record all vessel movements, both large and small, within the Tor Bay Harbour area. We have an AIS system in place that produces live information such as position, current speed and course and details of the vessel, however this does not provide info on smaller vessels'</i> , we continue to note that a record of vessel traffic movement is within the Code.	Medium	It remains not practicable nor are there the resources to record all vessel movements, both large and small, within the Tor Bay Harbour area. We have an AIS system in place that produces live information such as position, current speed and course and details of the vessel, however this does not provide info on smaller vessels.
No.	Observation and implications		
1.2	A PMSC Health Check was undertaken in September 2019 by the Maritime & Coast Guard Agency. In the findings / recommendations, it was noted that in relation to the Designated Person (DP) <i>'although Devon Audit Partnership is an expert auditor, they do not have a marine background as suggested by the Guide to Good Practice'</i> , with their recommendation being <i>'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'</i> . For the latest review, to address the shortfall in marine background, the Tor Bay Harbour Master accompanied the DP on the visits to all three harbours. Currently the DP does not attend Harbour Management Group meetings but does have access to the related information; this attendance requirement should be considered in any future arrangements.		
	Recommendation	Priority	Management response and action plan including responsible officer
Page 12	The Harbour Committee / Senior Management should discuss as to how going forward they wish to address the issue around the appointment of the DP and attendance at Harbour Management Group meetings.	High	Going forward the Harbour Master will appoint another Harbour Master as the Designated Person; it is hoped this will be on a reciprocal arrangement. DAP will continue to provide support if needed. Target Date: 01/09/2023
No.	Observation and implications		
1.3	The Harbour Committee is the Duty Holder. Details of each committee member are shown on Torbay Council's website under the Harbour Committee and are similarly shown on Tor Bay Harbour website. However, it was found that the Tor Bay Harbour website is out of date, as it refers to a councillor who on no longer on the committee and a recent appointment is not listed. In addition, there are five advisors, but the website is only showing two. This incorrect information is also recorded in the published Marine Safety Management Plan.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.3.1	The Tor Bay Harbour Authority website and the Marine Safety Management Plan should be updated to show the current Harbour Committee membership and advisors.	Low	Agreed - The Website and the Safety Plan will have a full review and be updated where necessary - RP & SW Target Date: 01/09/2023
No.	Observation and implications		
1.4	The Harbour Committees Terms of Reference confirms that as Duty Holder the Committee are accountable for PMSC and this cannot be assigned or delegated, however it does not confirm that they are collectively and individually responsible as required by the Code.		

	Recommendation	Priority	Management response and action plan including responsible officer
1.4.1	The Harbour Committee Terms of Reference should be updated to confirm that the committee as Duty Holders for PMSC are collectively and individually responsible.	Medium	HM has new agenda item where this will be highlighted at the quarterly meetings RP
No.	Observation and implications		
1.5	Performance against PMSC compliance is published on the Harbour Committee web page and the Tor Bay Harbour website. The MCA requires that a letter is sent every 3 years confirming compliance with code, however the letter published on the website is dated 2018. It has been confirmed that a letter was sent in 2021, however this has not yet been located and published		
	Recommendation	Priority	Management response and action plan including responsible officer
1.5.1	The latest letter to MCA confirming compliance with the Code should be found and published on the Tor Bay Harbour website	Low	Agreed - Letter to be found and published - RP November 2022
No.	Observation and implications		
1.6	As previously reported, a recommendation arising from the 2019 MCA PMSC health check identified a need for a Safety Committee. This requirement was agreed and included in the associated improvement plan. We understand that this remains outstanding.		
Page 13	Recommendation	Priority	Management response and action plan including responsible officer
1.6.1	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	We are looking to establish a Sea Safety Committee which will include all areas of Harbour users the aim is to have this in place by Summer 2023. RP Target Date: 01/08/2023
No.	Observation and implications		
1.7	The Marine Safety Management Plan states that the Harbour Master should maintain and annually review a Legislation Register. However, currently the Legislation Register as maintained by the previous Harbour Master cannot be located.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.7.1	If the Legislation Register cannot be located, a new one should be drawn up and then reviewed annually.	High	Agreed - The aim is to establish a PMSC folder which will hold various sections including a Legislation Register; a hard copy will be held in each Harbour office as well as held electronically. RP
No.	Observation and implications		
1.8	We understand that Tor Bay Harbour Authority does not have the power to make general directions, however the Standard Operating Procedure (SOP) does refer to the process regarding the Harbour Master's ability to issue general directions in an emergency only. This has been confirmed as incorrect during this audit.		

	Recommendation	Priority	Management response and action plan including responsible officer
1.8.1	The SOP should be updated to clarify that the Harbour Master does not have the power to make General Directions even in the event of emergencies.	Low	Agreed - This links to establishing a PMSC manual where all SOP's will be reviewed and updated where necessary and copies to be held within the manual as well as electronically - RP & SW Target Date: 01/08/2023
No.	Observation and implications		
1.9	We noted that whilst management meetings are held and incorporate discussion on safety matters, these meetings are not minuted to evidence this employee consultation and decision-making process. Similarly, meetings with stakeholders and for events involving safety matters are not consistently minuted.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.9.1	Meetings should be minuted where they discuss safety matters.	Low	Agreed and will be actioned. RP
No.	Observation and implications		
1.10	The Harbour Risk Assessments are held within their SharePoint folders, MarNIS, and are also now in SheAssure. It was noted that some needed review, although it is acknowledged that these were only a day or few days out of date. We found that the Aids to Navigation risk assessment requires review.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.10.1	A full review of all Risk Assessments should be undertaken.	Medium	Agreed - this links to the PMSC manual that is going to be set up, this will include a section on Risk Assessments which will all be reviewed and updated where necessary - RP & SW Target Date: 01/09/2023
No.	Observation and implications		
1.11	The Marine Safety Management Plan (MSMP) states that the Harbour Environmental Policy is on the Tor Bay Harbour website, however this could not be located. It also states that commitment to the environment is set out in our Environmental Policy Statement, which has been signed by the Chair of the Harbour Board. Again, this could not be located.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.11.1	The Environmental Policy and signed Environmental Policy Statement should be located and published on the Tor Bay Harbour website.	Low	Agreed - SP / SW Target Date: 01/01/2023
No.	Observation and implications		

1.12	There are several trained risk assessors who are either trained at Risk Assessment Level or IOSH Level 3 Health & Safety, however it was noted that at least two of these have now passed their review date.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.12.1	The H&S Manager should review the number trained risk assessors and where needed ensure training is renewed.	Medium	Agreed and will be actioned by Mar 2023 RP
No.	Observation and implications		
1.13	Toolbox Talks are delivered to staff and those attending are required to answer basic written questions and sign/date the sheet to confirm and evidence they have understood the talk delivered. Whilst Toolbox Talks along with SOPs are recorded in SheAssure, this recording does not include a record of individuals receiving the Toolbox Talks i.e., within the SheAssure training section.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.13.1	To provide a clear record of Toolbox Talk subjects delivered to staff, consideration should be given to adding this to SheAssure training section, i.e., names, dates of training and Toolbox Talks covered.	Opportunity	Agreed – RP & SW July 2023
No.	Observation and implications		
1.14	SOPs are held within the SharePoint folders and on SheAssure, however it was noted that a number of these require review. In particular, the SOPs for Pilotage and Defective Vessel Notifications has not been updated for several years and are not listed in the document library within SharePoint. We also found that the Inspection and Maintenance of Navigational Aids requires review.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.14.1	All SOPs should be reviewed, where necessary updated and appropriately listed in the document library.	Medium	Agreed - this links to the PMSC manual that is to be established, all SOPs will be reviewed and added to the manual - RP & SW Target Date: 01/09/2023
No.	Observation and implications		
1.15	As previously reported, the MSMP refers to a Harbour Pilotage Review Working Party, however this has yet to be formally established. This working party would be responsible for undertaking the risk assessment on pilotage service provision, decisions in relation to pilotage services and compliance with the pilotage elements of the Code. In addition, the MSMP refers to the previous provider for the Pilotage service. The existing Pilotage Directions and Pilotage Manual are out of date as they refer, and detail contact information for the previous provider. The Emergency Plan referred to within the MSMP similarly mentions the previous provider for the Pilotage service.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.15.1	Management should establish the Pilotage Review working party.	Medium	Agreed - HM to complete by Summer of 2023

1.15.2	The Pilotage Directions and Pilotage Manual should be updated for the new provider.	Low	In progress and will be published by April 2023 RP
1.15.3	The Emergency Plan should be fully reviewed and published once updated.	Medium	Agreed - all plans to have a full review - RP & SW Target Date: 01/09/2023
No.	Observation and implications		
1.16	We have reported a few issues regarding the currency of the MSMP at 1.3, 1.11 and 1.15. Another matter noted is the discrepancy of frequency of review of the Harbour Master's Powers. We understand that the MSMP is in the process of being reviewed and updated by the new Harbour Master.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.16.1	As intended, the MSMP should be subject to a full review.	Medium	Agreed - all plans to have a full review - RP & SW Target Date: 01/09/2023
No.	Observation and implications		
1.17	The Towage Guidelines are available on the Tor Bay Harbour website; however, these are now out of date as they refer to the previous provider.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.17.1	The Towage Guidelines need to be updated to reflect the new service provision.	Low	Agreed - Links to previous comments re the full review of the MSMP / website etc, links to establishing a new PMSC manual
No.	Observation and implications		
1.18	Work boats are required to be certified and certificates retained; one certificate expired in March 2022 and was not identified until this audit. This has now been completed and new certificate obtained.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.18.1	It would be prudent to keep a log of workboat certification to ensure certificates are kept up to date.	Medium	Agreed and will have immediate action RP
No.	Observation and implications		
1.19	Hydrographic Surveys are conducted at regular intervals, whilst we were informed by the previous Harbour Master that a risk assessment is also provided for each commission, he was unable to locate them.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.19.1	The Risk Assessments should be obtained linked to each survey and held with centrally.	Medium	The HM has confirmed that during 23/24 new surveys will be commissioned and these along with the associated Risk

			Assessments will be held within the PMSC manual that is being set up - RB Summer 2023
No.	Observation and implications		
1.20	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 fully completed. In addition, a previous recommendation remains outstanding in relation to evidencing training related to lone working; this should be recorded within SheAssure during the training record update noted here.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.20.1	Training records (including lone working training) should be fully updated to record expiry dates, and where relevant training certificates / evidence attached to records.	Medium	Agreed - all areas linked to PMSC will be fully reviewed and updated where necessary - RP & SW Target Date: 01/09/2023
No.	Observation and implications		
1.21	We have previously noted progress against the MCA Health Check actions and the status is detailed in Appendix B to this report.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.21.1	Progress agreed actions from the MCA Health Check as outlined in Appendix B.	Medium	Agreed RP
No.	Observation and implications		
1.22	Areas for improvement were identified during the site visit as follows: <ul style="list-style-type: none"> • Brixham: high levels of vehicles and the security team versus dock masters - review of increased risk • Paignton: it was noted that the lines on walkways are faded – re-paint • Torquay: old pontoons in inner harbour and significant number of near misses with jet ski's - review of increased risk 		
	Recommendation	Priority	Management response and action plan including responsible officer
1.22.1	The areas identified in the site visit should be considered for appropriate action to mitigate the identified risks.	Medium	Agreed will action RP

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

ITEM	IMPROVEMENT ACTION	PRIORITY	STATUS Nov 2022	ACTION TAKEN	OWNE R
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	Refer to Point 1.6	We are looking to establish a Sea Safety Committee which will include all areas of Harbour users the aim is to have this in place by Summer 2023.	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	Refer to Point 1.2	Going forward the Harbour Master will appoint another Harbour Master as the Designated Person; it is hoped this will be on a reciprocal arrangement. DAP will continue to provide support if needed.	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	Agreed Sept 2023 RP/SW	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	No Action RP	It is a standard daily protocol to monitor weather conditions and take any necessary actions i.e., restrict vessel movements, its felt that this is sufficient.	HM

ITEM	IMPROVEMENT ACTION	PRIORITY	STATUS Nov 2022	ACTION TAKEN	OWNE R
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 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	High	No Action RP	A permit to work is already in place, additionally site access & HS is constantly being reviewed, its felt that this is sufficient.	HM
Power s of Brixham	The issue of PECs may be a mitigating response to any risk identified when domestic passenger vessel movements are considered	Medium	No Action RP	A License to operate is already in place and it is felt this is sufficient.	HM
VHF 619	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	No change from previous comment RP	NtM was issued and ferries & commercial fisherman use VHF14 when entering / leaving Torquay & Brixham	HM
Comm vx	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	Agreed April 2023 RP	Develop a 'license to operate'	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	Agreed but cost dependent RP April 2023	HM to investigate the feasibility of the Harbour Masters Diploma	HM

ITEM	IMPROVEMENT ACTION	PRIORITY	STATUS Nov 2022	ACTION TAKEN	OWNE R
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 Agreed RP	The harbour received quarterly reports / best practice and as there was no direct recommendations for the Harbour, it is felt there is no need for further review.	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

Marking	Definitions
Official	The majority of information that is created or processed by the public sector. This includes routine business operations and services, some of which could have damaging consequences if lost, stolen or published in the media, but are not subject to a heightened threat profile.
Official: Sensitive	A limited subset of OFFICIAL information could have more damaging consequences if it were lost, stolen or published in the media. This subset of information should still be managed within the 'OFFICIAL' classification tier, but may attract additional measures to reinforce the 'need to know'. In such cases where there is a clear and justifiable requirement to reinforce the 'need to know', assets should be conspicuously marked: 'OFFICIAL-SENSITIVE'. All documents marked OFFICIAL: SENSITIVE must be handled appropriately and with extra care, to ensure the information is not accessed by unauthorised people.

Meeting: Harbour Committee **Date:** 14th December 2022

Wards affected: All wards

Report Title: Tor Bay Harbour Budget Monitoring 2022-23

Cabinet Member Contact Details: Not a Cabinet function

Director/Assistant Director Contact Details

Rob Parsons, Harbour Master, rob.parsons@torbay.gov.uk

Pete Truman, Principal Accountant, pete.truman@torbay.gov.uk

1. Purpose of Report

1.1 This report updates the Committee on the overall budgetary position for Tor Bay Harbour Authority as at November 2022 compared against the budget approved on 6th December 2021.

2. Reason for Proposal and its benefits

2.1 As a standing agenda item, this report is presented to each Committee meeting to enable appropriate oversight and action to contain expenditure and maintain reserve at appropriate levels.

3. Recommendation(s) / Proposed Decision

The Committee is asked to note:

- i. the amended outturn projections and adjustments to the Reserve Fund (Appendix 1);
- ii. the low level of the harbour reserves in 2022 (below the Committee's recommended level).
- iii. the Head of Torbay 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 £577.36

Appendices

Appendix 1: Harbour Revenue Account 2022-23

Background Documents

DfT [Ports Good Governance Guidance](#)

1. Introduction

- 1.1 The 2022/23 Tor Bay Harbour Authority budget was approved by the Committee on 6th December 2021. This is the second monitoring report for the 2022/23 financial year.

2. Options under consideration

- 2.1 Appendix 1 to this report provides the Harbour revenue account statement with projected outturns and associated notes.

3. Financial Opportunities and Implications

- 3.1 The original budget reflected the Committee's wish for a reduction in the annual contribution to the General Fund of £135k. The full Council budget approved on 6th March 2022 limited the reduction to £100k.
- 3.2 The Harbour Account will also be severely impacted by the energy crisis and an inflationary pay award for staff higher than originally budgeted. These increased costs will be partially offset by higher income from the property estate.
- 3.3 Fish toll levels remain buoyant and above the trend of prior years. However, the position is still subject to volatility from the major catches which occur during the winter months.
- 3.4 The harbour revenue account is now projected to be back in surplus albeit slightly below the original budget. The risks remain to the downside primarily due to energy costs and inflation but could be reversed if fish toll income levels continue.

	Original Budget £000	Previous Projected Outturn £000	Current Projected Outturn £000
Operational Surplus/(Deficit)	20	(8)	3

3.5 Prudential Borrowing

The Harbour's outstanding borrowing liability is:

Capital Scheme	Amount Borrowed	Start of Repayments	Principal outstanding
Town Dock (Torquay Harbour)	£1,140,000	2008/09	£358,087
Haldon Pier (Torquay Harbour)	£1,200,000	2010/11	£736,384
Brixham Harbour New Fish Quay Development	£4,750,000	2011/12	£3,433,307
Torquay Inner Harbour pontoons (Inner Dock)	£800,000	2014/15	£607,581
Brixham Harbour Jetty	£840,000	2020/21	£807,392
TOTAL			£5,942,751

3.6 Debt Position

The aged debt position as at late November is set out below. The outstanding Harbour Charges debt largely reflects payment of user charges by instalments.

	Corporate Debtor System		Harbour Charges	
	< 60 days	> 60 days	< 60 days	> 60 days
Debt outstanding	£52k	£49k	£39k	£36k
Bad Debt Provision	£18k			

4. Legal Implications

- 4.1 The Harbour finances are currently not being run in accordance with the DfT's Ports Good Governance Guidance (March 2018). While not a statutory publication this is considered national 'best practice' for the ports industry.

5. Engagement and Consultation

- 5.1 Feedback from harbour users and liaison forums

Feedback from Committee members

Feedback from fishing industry leaders

Previous Harbour Committee reports **Page 25**

6. Purchasing or Hiring of Goods and/or Services

6.1 Not applicable

7. Tackling Climate Change

7.1 Not applicable

8. Associated Risks

8.1 With the harbour reserve at a low level there is a risk that the Harbour will require a General Fund precept to retain a balanced budget.

8.2 If quayside facilities and services do not remain aligned with user need/requirements then there is a risk that incomes will decline.

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

9.1 Not applicable

10. Cumulative Council Impact

10.1 Not applicable

11. Cumulative Community Impacts

11.1 Not applicable

HARBOUR REVENUE ACCOUNTS 2022/23 - BUDGET MONITORING

TOR BAY HARBOUR AUTHORITY

Expenditure	2022/23 Original Budget £ ,000	2022/23 Projected Outturn £ ,000	Notes		2022/23 Original Budget £ ,000	2022/23 Projected Outturn £ ,000	Notes
Harbour Employee Costs	686	694	1	Expenditure brought forward	3,419	3,559	
Premises Costs:-				Income			
Repairs and Maintenance	307	340	2	Rents and Rights :-			
Energy & Water	267	327	3	Property and Other Rents/Rights	648	674	8
Cleaning & Waste	54	55		Marina Rental	498	498	
Other Premises & Insurance costs	170	158	4	Operating Income :-			
Operational Costs:-				Harbour Dues	55	39	
Security Services including CCTV	150	150		Visitor and Slipway	74	98	
Professional Services	72	71	5	Mooring fees	251	248	
Equipment and V&P	46	70		Pontoon Berths	681	675	
Other Services (SWISCo)	88	88		Fish Toll Income	1,000	1,000	9
General & administration expenses	86	84		Recharged Services	101	110	9
Internal Support Services	249	251		Harbour Facilities charges	54	65	10
User Charges Concessions	14	15		Licences & Contractor passes	10	47	10
Capital Charges	559	552	6	Reserved Car Parking	35	26	
IFCA Precept	28	27		Miscellaneous & Administration charges	32	37	
Contribution to General Fund - EHO	25	25		Contribution from Reserve		45	11
Contribution to General Fund	618	652	7		3,439	3,562	
	3,419	3,559		Operating Surplus /(Deficit)	20	3	

RESERVE FUND			
Opening Balance as at 1st April		481	
Interest receivable (estimated)		8	
Net Surplus / (Deficit) from Revenue Account		3	
Contribution to Revenue		(69)	11
Capital Funding		0	12
Expected Closing Balance as at 31st March		423	

Note: In line with Harbour Committee minute 398 (5) December 2011 the minimum Reserve level at year end 2022/23 is £687k based on 20% of budgeted turnover to meet any deficit in the revenue budget or winter storm damage. The balance is earmarked for harbour related capital projects.

HARBOUR REVENUE ACCOUNTS 2022/23 - BUDGET MONITORING

NOTES

- 1 An inflationary pay rise for staff for 2022/23 has been settled above the budgeted level.
- 2 The Projected Outturn includes costs carried forward from 2021/22 and funded from the Reserve - see note 11.
- 3 An initial estimated impact of the energy crisis has been built into the projected outturn. This position will be closely monitored throughout the year and is partially offset by reduced water consumption levels.
- 4 A refund for overpaid NNDR in prior years at Torquay has been received.
- 5 Works to the Brixham work boat, carried forward from 2021/22, which will be met from the earmarked provision within the Reserve (see note 11)

6

	Budget 2022/23 £k	Projected Outturn 2022/23 £k
Torquay Town Dock	81	81
Torquay Inner Harbour pontoons	54	54
Torquay Haldon Pier	81	81
Brixham Harbour Regeneration	282	282
Brixham Harbour Jetty	38	38
Harbour Light	16	16
Day Boat Pontoon-Brixham	2	
Princess Pier railings	5	
	559	552

- 3 The budget approved by Harbour Committee on 6th December 2022 included a request for a reduction in the general fund contribution of £134k. The full Council budget approved on 6th March 2022 limited the reduction to £100k.
- 8 The forecast has been revised and is based on the outturn for 2021/22.
- 9 An increase has been assumed in line with the estimated rise in energy prices but other recharge areas are likely to reduce.
- 10 A reduced level was budgeted for Fish Buyer Licences in light of discussions regarding online auctions. The licences have been now been issued and invoiced for 2022/23 and the position remains under review for 2023/24.
- 11 Earmarked funding for schemes deferred from 2021/22:

	£k
Town Dock gate	5
Workboat - balance of repairs	25
Tqy Harbour LED Upgrade	8
Brixham inner harbour moorings	7
	45

Other schemes deferred from 2021/22 and not yet committed e.g. Brixham inner harbour moorings may require a further call on the Reserve up to £24k

- 12 Specific funding of £150k held within the Reserve will be applied from 2023/24 for dredging works.

Meeting: Harbour Committee

Date: 14th December 2022

Wards affected: All wards in Torbay

Report Title: Harbour Budget 2023/24 and Schedule of Fees and Charges

Cabinet Member Contact Details: Not a Cabinet function

Director/Assistant Director Contact Details: Rob Parsons
Head of Tor Bay Harbour
Rob.parsons@torbay.gov.uk

Pete Truman, Principal Accountant

1. Purpose of Report

- 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

- 2.1 This proposal commits the Harbour Authority financially to £3,765,000 expenditure from the revenue budget in 2023/24. An anticipated operating deficit of £63,000 will be required from the Harbour Reserve which will remain below the safe level recommended by the Harbour Committee.

3. Recommendation(s) / Proposed Decision

- i. APPROVE the Tor Bay Harbour Authority Schedule of Charges, Dues & Fees for 2023/24, in line with the current level of inflation and the views of the Budget Review Working Party, being a representative average increase of 10.0%, as set out in Appendix 1.
- ii. APPROVE the proposed Harbour Authority budget for 2023/24 as set out in Appendix 2.

Appendices

Appendix 1: Proposed Tor Bay Harbour Authority Schedule of Charges, Dues & Fees 2023/24.

Appendix 2: Proposed Tor Bay Harbour Authority revenue budget 2023/24

Background Documents

Tor Bay Harbour Authority Schedule of Charges, Dues & Fees 2022/23

Tor Bay Harbour Act 1970

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

1. Introduction

- 1.1 The Budget Review Working Party met on 9th November 2022 to consider the in-year financial position and to consider a draft budget for 2023/24 finalised at Appendix 2. It also agreed the broad principles for the 2023/24 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

- 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 10%, rounded up to the nearest £, based on the official CPI figure released in November 2022 and recognises the impact of financial pressures in 2023/24 in particular the continuing significantly high level of energy costs.

3. Financial Opportunities and Implications

- 3.1 This budget is outside the Council's constitution as it is a negative budget. This has arisen due to the increase in income and subsequent pension contributions, increases in energy costs and the need for increased input into repairs and maintenance must be highlighted.
- 3.2 Recent levelling up applications are hoped to come to fruition and will provide an opportunity for growth within the fishing sector. If the application is unsuccessful a full assessment of the risk of income to the Harbour Authority should be undertaken.
- 3.3 Opportunities are available with applications to the Fisheries and Seafood Scheme administered by the Marine Management Organisation. Applications up to £150,000 can be offered that would assist in the need for increase repairs and could see the Harbour Authority improve its asset base in benefit to both Fishermen and Seafarers.

4. Legal Implications

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

5. Engagement and Consultation

- 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, however with concern, 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 and particular concern has been raised by way of concessions for youth groups and charities who already have budgetary concerns.

6. Purchasing or Hiring of Goods and/or Services

- 6.1 Not applicable

7. Tackling Climate Change

- 7.1 Nil

8. Associated Risks

- 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. Failure to achieve levelling up funds will increase the risk of income by way of slowing the growth of our tenant which in turn could remove both overland and sea borne landings. The retention of our agents within the Bay is of critical importance.
- 8.2 No provision has been entered for the replacement of the Harbour Authority's patrol vessel. Oscar 4 is aged and the potential for failure is **high**. The potential lead time for replacement can range from 6 months to a year.
- 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

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

10. Cumulative Council Impact

10.1 As a TBC service it is becoming increasingly concerning that maintenance is being delayed due to financial pressures. Due to the significant funds passed to centre the reasoning of delayed maintenance will have to be seen as a full council impact and the ensuing potential reputational damage.

11. Cumulative Community Impacts

11.1 None

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TOR BAY
HARBOUR



Tor Bay Harbour Authority

Schedule of Charges, Dues & Fees 2023 – 2024

VAT Registration No. GB 142 2082 11

For the period commencing 1st April 2023 – 31st March 2024

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

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Section 1- Introduction

General

- 1.1.1 All charges, dues and fees are subject to the appropriate rate of 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 9%	Per Day 10%	Per Week 9%	Per Week 10%
Up to 5.5m (18ft)	£13.00	£13.00	£66.00	£66.00
Over 5.5m (per meter)	£3.00	£3.00	£11.00	£11.00
Catamaran (per meter)	£3.00	£3.00	£14.00	£14.00
Trimaran (per meter)	£4.00	£4.00	£16.00	£16.00

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 9%	Per Day 10%
Up to 5.5m (18ft)	£17.00	£17.00
Over 5.5m	£28.00	£28.00
Canoes/Kayaks/Paddleboards	£6.00	£6.00

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 9%	Standard Charge 10%	Qualified Charge 9%	Qualified Charge 10%
Daily, per craft, per day	£22.00	£22.00	£14.00	£14.00
Weekly, per craft, per week	£109.00	£110.00	£68.00	£69.00
Registration Fee, per craft	£22.00	£22.00	£22.00	£22.00

Trailer Parking

2.3.1 Trailer parking is subject to availability.

Trailer Parking	9%	10%
Daily trailer parking	£11.00	£11.00
Weekly trailer parking	£55.00	£55.00

Quayside Berthing, Drying Out & Storage on Quays

2.4.1 Subject to availability

Quayside Berthing	9%	10%
Use of slipway/beach to dry out/ and other quayside berths for repairs Per m/per day	£5.00	£5.00
Use of Grids exclusive of harbour dues Brixham Harbour only Per m/per day	£6.00	£6.00
Boat storage on the Quay (on or off a trailer) Per m/per day	£4.00	£4.00

Recreational Annual Facilities



Berthing & Mooring

- 2.5.1 This section applies to vessels which are moored or berthed within Torquay, Paignton or Brixham harbours. Charges are levied per metre per annum or part thereof expiring 31st 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, 1st April to the 31st 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		
Torquay – minimum 5m charge – Per Berth	9 %	10%
Town Dock – Private and Commercial Vessels up to 6m	£1739.00	£1755.00
Town Dock – Private and Commercial Vessels up to 8m	£2319.00	£2340.00
Town Dock – Private and Commercial Vessels up to 10m	£2899.00	£2925.00
Town Dock – Private and Commercial Vessels up to 12m	£3478.00	£3510.00
Town Dock – Private and Commercial Vessels over 12m, Per M	£289.00	£292.00
Inner Harbour Private & Commercial Vessel up to 6m	£1320.00	£1333.00
Inner Harbour Private & Commercial Vessel up to 8m	£1761.00	£1777.00
Inner Harbour Private & Commercial Vessel up to 9.14m	£2008.00	£2027.00
Jet Ski pods	£1090.00	£1100.00
Paignton – minimum 5m charge - Per Mooring	9%	10%
Trot mooring (no risers provided) up to 6.1m Minimum charge	£624.00	£630.00
Trot mooring (no risers provided) up to 8m	£964.00	£973.00
Outhaul mooring up to 4.5m	£375.00	£379.00
Lying Along the Quayside, Per	£120.00	£121.00
Mooring Licence Fee	£6.00	£6.00
Brixham – minimum 5m charge – Per Mooring		
Outer Harbour Swinging Mooring up to 6.4m	£912.00	£920.00
Outer Harbour Swinging Mooring up to 8 m	£1373.00	£1385.00
Outer Harbour Swinging Mooring up to 9.14m	£1389.00	£1402.00
Outer Harbour Swinging Mooring up to 10 m	£1588.00	£1602.00
Outer Harbour Swinging Mooring up to 11 m	£1755.00	£1771.00
Outer Harbour Swinging Mooring up to 12.19m	£1954.00	£1972.00
Outer Harbour Swinging Mooring up to 15.24m	£2385.00	£2407.00
Outer Harbour Swinging Mooring over 15.24 charged per m	£166.00	£168.00
Inner Harbour Trot mooring (no risers provided) up to 5 m	£624.00	£630.00
Inner Harbour Trot mooring (no risers provided) up to 6 m	£664.00	£670.00
Inner Harbour Trot mooring (no risers provided) up to 7 m	£780.00	£787.00
Inner Harbour Trot mooring (no risers provided) up to 8 m	£898.00	£906.00
Inner Harbour Trot mooring (no risers provided) up to 9 m	£926.00	£934.00
Inner Harbour Trot mooring (no risers provided) up to 10 m	£1155.00	£1165.00
Lying Along the Quayside, per m	£120.00	£121.00
Use of Town Pontoon by Tenders (At Harbour Masters discretion) per m	£9.00	£9.00

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 1st October to 31st March following only (in whole or in part) and no reduction will be allowed for any lesser period.

Car, Boat & Trailer Parking/Storage on Quayside	9%	10%
Winter Storage Charge Paignton Harbour – per m LOA	£52.00	£52.00
Boat storage on the Quay (on or off a trailer) - Per m/ LOA per day	£4.00	£4.00
Boat parking under 6m LOA at Torquay and Brixham Harbour where a facility exists – Per m/LOA/per year		
Single hull (includes racks at Torquay)	£84.00	£85.00
Reduced charge	£43.00	£43.00
Multi hull (occupying more than one space)	£109.00	£110.00
Paignton Harbour - Per Year or Part		
Dingy Park Space (under 5m on hand launch trolleys)	£363.00	£367.00
Quay Boat Park Space (vessels under 6m on trailers)	£87.00	£87.00
Multi Hull Spaces	£109.00	£110.00
PARC Coastal Boat	£460.00	£465.00
Use of Grids inclusive of harbour dues Brixham Harbour only perm per day	£6.00	£6.00
Use of slipway/beach to dry out/ and other quayside berths for repairs – per m per day	£5.00	£5.00
Annual trailer parking (only available with private annual launch & recovery pass) - per year or part	£109.00	£110.00

Summer storage of empty boat trailers (only available between May and October at Paignton Harbour) per month or part	£29.00	£29.00
Annual launching and recovery pass for private use of slipways. per m per year or part	£47.00	£48.00
Annual Jet ski launching and recovering pass per craft standard charge - per year or part	£327.00	£330.00
Annual, Jet ski launching and recovering pass per craft qualified charge - per year or part	£218.00	£220.00
Paignton horizontal racks, subject to availability (max, length 3.7m) - per year or part	£205.00	£207.00
Kayak/Canoe rack (where available) - per year or part	£137.00	£138.00
Dinghy/tender rack - per year or part	£69.00	£70.00
Beacon Quay car parking (quayside level only) - per year or part	£614.00	£620.00
Brixham parking permit (Oxen Cove only) - per year or part	£386.00	£390.00

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	9%	10%
Commercial vessels visiting an enclosed harbour - per m per day	£3.00	£3.00
Commercial vessels laid up un-laden (& gas free if applicable) per m per day & week	£10.00	£10.00
	£18.00	£18.00
Commercial vessels taking on or discharging fuel oil or supplies within an enclosed harbour (max stay 24 hours) - per m LOA per month or part	£35.00	£36.00
Commercial vessels anchored in Tor Bay (those seeking shelter are exempt from this charge) - per day or part	£151.00	£152.00
Vessels anchored in Tor Bay or underwater survey, hull cleaning or repairs - per day or part	£296.00	£299.00

- 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	9%	10%
Up to 5.5 m (18ft)	£17.00	£17.00
Over 5.5 m	£28.00	£28.00

Trailer Parking

3.3.1 Trailer parking is subject to availability.

Trailer Parking	9%	10%
Daily Trailer parking	£11.00	£11.00
Weekly Trailer parking	£55.00	£55.00

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)	9%	10%
Vessels undertaking fish and cargo trans-shipments Trans-shipment whether at anchor or under way within Harbour limits	Determined by the Harbour Master	
General Cargo/Other Commodities - per pallet	£3.00	£4.00
General Ships Stores/Spares etc. - per tonne	£2.00	£3.00
Waste Bins (1100 litres) - per unit	£3.00	£4.00

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, 1st April to the 31st 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.

Torquay Annual Berthing Charges inclusive of Dues – Per Berth	9%	10%
Inner Harbour Pontoons Commercial Vessels (9.14m only)	£2008.00	£2027.00
Town Dock and Princess Pier Pontoon Commercial Vessels up to 6m	£1739.00	£1755.00
Town Dock and Princess Pier Pontoon Commercial Vessels up to 8m	£2319.00	£2340.00
Town Dock and Princess Pier Pontoon Commercial Vessels up to 10m	£2899.00	£2925.00
Town Dock and Princess Pier Pontoon Commercial Vessels up to 12m	£3478.00	£3509.00
Paignton Annual Berthing Charges inclusive of Dues - Per Mooring	9%	10%
Commercial Trot mooring (no risers provided) up to 11m	£1473.00	£1487.00
Commercial Trot mooring (no risers provided) up to 14m	£1872.00	£1890.00
Lying Along the Quayside Per m	£120.00	£121.00
Mooring Licence Fee	£6.00	£6.00

Brixham Annual Berthing Charges inclusive of Dues - Per Mooring	9%	10%
Outer Harbour Swinging Mooring up to 6.4m	£912.00	£920.00
Outer Harbour Swinging Mooring up to 8 m	£1373.00	£1385.00
Outer Harbour Swinging Mooring up to 9.14m	£1389.00	£1402.00
Outer Harbour Swinging Mooring up to 10 m	£1588.00	£1602.00
Outer Harbour Swinging Mooring up to 11 m	£1755.00	£1771.00
Outer Harbour Swinging Mooring up to 12.19 m	£1954.00	1972.00
Outer Harbour Swinging Mooring up to 15.24 m	£2385.00	£2407.00
Outer Harbour Swinging Mooring over 15.24 charged per m	£166.00	£168.00
Inner Harbour Trot mooring (no risers provided) up to 5 m	£624.00	£630.00
Inner Harbour Trot mooring (no risers provided) up to 6 m	£664.00	£670.00
Inner Harbour Trot mooring (no risers provided) up to 7m	£780.00	£787.00
Inner Harbour Trot mooring (no risers provided) up to 8m	£898.00	£906.00
Inner Harbour Trot mooring (no risers provided) up to 9m	£926.00	£934.00
Inner Harbour Trot mooring (no risers provided) up to 10 m	£1155.00	£1165.00
Lying Along the Quayside – per m per annum	£120.00	£121.00
Use of Town Pontoon by Tenders (At the Harbour Masters discretion) - per m per annum	£9.00	£9.00

Use of Tor Bay Harbour Authority Landing/Embarkation Facilities

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

Passenger Vessels	9%	10%
MCA coded vessels and MCA class V,VI, VIA vessels & EU classes & other passenger vessels; per passenger per visit	£4.00	£4.00
Cruise ships; per passenger per visit	£5.00	£5.00
MCA coded vessels and MCA class V,VI, VIA vessels & EU classes visiting Tor Bay Harbour (combined charge)	£361.00	£365.00

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

Passenger Vessels – Annual Compound Charges	9%	10%
MCA coded vessels < 24m LOA - per year or part	£114.00	£115.00
MCA class V,VI, VIA vessels, EU classes and coded vessels of 24m & over; per licenced passenger capacity - per person per year or part	£5.00	£5.00

Annual Slipway Charges

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

Passenger Vessels – Annual Compound Charges	9%	10%
Launching & Recovery pass for commercial use of slipways per m/per year	£55.00	£55.00
MCA coded and MCA class V,VI, VIA Passenger vessels and EU classes visiting Tor Bay Harbour (combined charge)	£361.00	£365.00

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.

Goods (Exclusive of VAT)	9%	10%
Fish and cargo trans-shipments Transhipment of all cargo and or products within Tor Bay Harbour Jurisdiction - per £ (1.5% Ad Valorem)	£0.015	
General Cargo/Other Commodities - per pallet	£4.00	£4.00
General Ships Stores/Spares etc. - per tonne	£3.00	£3.00

Parking, Quayside Storage Facilities

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

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

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

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

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

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

Car, Boat & Trailer storage	9%	10%
Winter storage charge at Paignton Harbour - per m LOA	£52.00	£52.00
Boat storage on the Quay (on or off a trailer) - per m per day	£4.00	£4.00
Use of Grids inclusive of harbour dues – Brixham - per m per day	£6.00	£6.00
Use of Slipway/beach to dry out/ other quayside berths for repairs - per m per day	£5.00	£5.00
Dinghy/Tender racks - per year	£69.00	£70.00
Beacon Quay car parking (quayside level only) - per year or part	£614.00	£620.00
Brixham parking permit (Oxen cove only) - per year or part	£386.00	£390.00

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.

Visiting Motor Fishing Vessel	9%	10%
Motor fishing vessels landing fish which attract fishing tolls - Free for the day of landing	£33.00 per day for MFV < 20m	£33.00
	£44.00 per day for MFV > 20m	£44.00

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)	9%	10%
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. 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 Transshipment of all cargo and or products within Tor Bay Harbour Jurisdiction	£0.015	
General Cargo/Other Commodities - per pallet	£4.00	£4.00
General Ships stores/Spares etc. - per tonne	£3.00	£3.00

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 31st March of the following year.

Harbour Dues – Motor Fishing Vessels - Per m per year MFV based in and working from Tor Bay Harbour	9%	10%
Under 8m LOA	£12.00	£13.00
8m – 12m LOA	£15.00	£15.00
Over 12m LOA	£17.00	£17.00

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 31st March the following year and are **inclusive** of VAT, **however all vessels >15 GRT will be exempt and will have this removed at point of charging.**

4.4.2 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.

Torquay Annual Berthing	9%	10%
Princess Pier Pontoon See Private and Commercial Charges (includes dues) - Per m per annum	£289.00	£292.00
Paignton Annual Berthing	9%	10%
Trot mooring (no risers provided) up to 6.1m - Per mooring Minimum charge	£57.00	£58.00
Trot mooring (no risers provided) up to 8m – Per mooring	£397.00	£401.00
Lying Along the Quayside Inclusive of dues – Per m LOA	£120.00	£121.00
Mooring Licence Fee	£6.00	£6.00
Brixham Annual Berthing Exclusive of Dues	9%	10%
Outer Harbour Swinging Mooring up to 6.4 m	£345.00	£348.00
Outer Harbour Swinging Mooring up to 8 m	£806.00	£813.00
Outer Harbour Swinging Mooring up to 9.14 m	£822.00	£830.00
Outer Harbour Swinging Mooring up to 10 m	£1021.00	£1030.00
Outer Harbour Swinging Mooring up to 11 m	£1075.00	£1085.00

Outer Harbour Swinging Mooring up to 12.19 m	£1274.00	£1285.00
Outer Harbour Swinging Mooring up to 15.24m	£1479.00	£1492.00
Outer Harbour Swinging Mooring over 15.24 charged Per m	£109.00	£110.00
Inner Harbour Trot mooring (no risers provided) up to 5 m	£57.00	£58.00
Inner Harbour Trot mooring (no risers provided) up to 6 m	£98.00	£98.00
Inner Harbour Trot mooring (no risers provided) up to 7 m	£213.00	£215.00
Inner Harbour Trot mooring (no risers provided) up to 8 m	£331.00	£334.00
Inner Harbour Trot mooring (no risers provided) up to 9 m	£359.00	£362.00
Inner Harbour Trot mooring (no risers provided) up to 10 m	£588.00	£593.00
Lying Along the Quayside Inclusive of dues – Per m per annum	£120.00	£122.00
Use of Town Pontoon by Tenders (At the Harbour Masters discretion) - per m per annum	£9.00	£9.00

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)	9%	10%
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. 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 Transshipment of all cargo and or products within Tor Bay Harbour Jurisdiction	£0.015 per £(1.5% Ad Valorem)	
General Cargo/Other Commodities - per pallet	£11.00	£11.00
General Ships stores/Spares etc. - per tonne	£3.00	£3.00

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 1st October to 31st March following only (in whole or in part) and no reduction will be allowed for any lesser period.

Car, Boat & Trailer storage on Quays	9%	10%
Winter storage charge at Paignton Harbour - per m LOA	£52.00	£52.00
Boat storage on the Quay (on or off a trailer) - per m per day	£4.00	£4.00
Use of Grids inclusive of harbour dues – Brixham - per m per day	£6.00	£6.00
Use of Slipway/beach to dry out/ other quayside berths for repairs - per m per day	£5.00	£5.00
Dinghy/Tender racks - per year	£69.00	£70.00
Beacon Quay car parking (quayside level only) - per year or part	£614.00	£620.00
Brixham parking permit (Oxen cove only) - per year or part	£386.00	£390.00

Section 5

Services and Other Charges

5.1.1 Electricity cards for electricity only, are available in the following denominations for the respective price (prices listed are inclusive of 5% REDUCED RATE VAT)

5.1.2 These utility charges are applicable only where a recharging facility exists, e.g. card/token meters or sub meters. Also, these charges are linked to the relevant energy prices at any given time.

Electric	9%	10%
Level 1 card	£3.00 each	£3.00 each
Level 5 card	£12.00 each	£12.00 each
Level 10 card	£23.00 each	£24.00 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.

Water	9%	10%
Water charges (zero rates VAT)		
Up to 50 tonnes - per tonne	£5.00	£5.00
50 tonnes and over - per tonne	£4.00	£4.00
Fishing Vessels with freshwater tanks – 0m – 8m - per annum	£46.00	£47.00
Fishing Vessels with freshwater tanks – 8m – 12m - per annum	£69.00	£70.00
Fishing Vessels with freshwater tanks – 12m – 20m - per annum	£256.00	£258.00
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	9%	10%
Storage on the Quay - per meter LOA per day or part	£4.00	£4.00
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) - per crane	£50.00	£50.00
Use of mobile commercial crane and/or Hiab on Harbour Property/Estate over 4 hours (Inclusive of launch fee) - per crane/per day	£99.00	£99.00

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	9%	10%
Labour charge (during normal working hours) - per hour or part	£52.00	£52.00
Hire of workboat including skipper and crew - per hour or part	£183.00	£184.00
Hire of workboat including skipper and crew - per day 09.00-17.00 hours	£851.00	£858.00
Towing within enclosed Harbour - per ½ hour or part	£32.00	£32.00
Towing outside enclosed Harbour to nearest enclosed Harbour within Tor Bay - per ½ hour or part	£63.00	£63.00
Pumping out of vessels within the enclosed Harbours - per hour or part	£57.00	£58.00
Hire of Forklift truck with driver - per hour or part	£64.00	£64.00
Forklift truck service to Ship's Agents (Exclusive of VAT) - per pallet	£23.00	£24.00

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	9%	10%
Unleased quay areas for fish boxes, fishing gear, cargo containers etc. - per m2/per day	£3.00	£3.00
Unleased quay areas for fish boxes, fishing gear, cargo containers etc. (subject to availability and at Harbour Masters discretion - per m2/per annum	£109.00	£110.00
Storage of Beams on unleased quay areas - per set/per week	£11.00	£11.00
Storage of waste bins (1,100 litres) - per bin per day	£4.00	£4.00
Secured Storage Torquay at the Harbour Masters Discretion- per pallet per day	£11.00	£11.00
Lock up storage (ship stores only) (Equipment removal & transportation costs at applicable hourly rate)	To be determined by the Harbour Master	
Storage lockers at Paignton Harbour (subject to availability) - per annum	£227.00	£229.00

Licences (Exclusive of VAT)

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

Licences	9%	10%
Fish Salesman's licence (includes use of Fish Market) per annum	£381.00	£384.00
Fish Buyer's licence (includes use of Fish Market) per annum	£381.00	£384.00
Harbour Estate trading licence (at the Harbour Masters discretion)	As per Council's Street Trading consent fee	

Bunkering Charges (Exclusive of VAT)

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

Bunkering	9%	10%
For fuel oil delivered to vessels from tankers on shore or afloat up to 4,000 litres (minimum charge £30.00) - per litre delivered	£0.04p	£0.04p
For fuel oil delivered to ships from tankers on shore or afloat over 4,000 litres (minimum charge £30.00) - per 500 litres	£3.00	£3.00
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	9%	10%
Transportation to the Council refuse tip, Including attendants & use of Council transport etc. per truck load or part load	£175.00	£177.00
Council Tipping Charge	As per weighbridge load	

Provision of skip for fishing vessels in refit	At cost + 10%	
Unauthorised landing of commercial waste	£109.00	110.00
Authorised landing of commercial waste - per dumpy bag	£44.00	£44.00
Passenger Craft Waste Reception Facilities	To be determined by the Harbour Master	

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

Miscellaneous Charges (inclusive of VAT unless stated)

- 5.7.1 The parking of exhibition vehicles on Harbour Estate is at the discretion of the Harbour Master.
- 5.7.2 Pleasure Boat Advertising Boards are licensed sites and are subject to a tendering process.
- 5.7.3 Vessels of exceptional construction or methods of propulsion, or not otherwise covered which include; sea planes, hovercraft, hydroplanes, hydrofoils and similar craft, rafts used for recreational purposes, etc.
- 5.7.4 The Harbour Authority may from time to time levy a charge on persons promenading on Quays and Piers of the Harbour Estate
- 5.7.5 Annual Contractors passes are valid from 1st April each year and are subject to Terms and Conditions of Use. To be determined by the Harbour Master using Powers Delegated by Torbay Council.
- 5.7.6 A Payment Plan is available on a discretionary basis for annual facility charges only. The annual charge will remain the full amount payable and will not be subjected to a pro-rata basis. The payment plan can be set up for a maximum of six months, with April being the first month, ensuring all payments are complete by 1st October.
- 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	9%	10%
Administration Charge (This charge is at the discretion of the Harbour Master)	£55.00	£55.00
Parking of an exhibition vehicle on Harbour Estate - per day or part	£82.00	£83.00
Unauthorised Parking Charge for parking without permission on Harbour Estate - per day or part there of	£28.00	£28.00
Replacement of swipe card or Fob for controlled access/electricity meters - per unit	£11.00	£11.00
Additional pontoon cleat (subject to Harbour Master's agreement) - per unit fitted	£55.00	£55.00
Vessels of exceptional construction or methods of propulsion, or not otherwise covered	Such charges as may from time-to-time be fixed	
Contractors Pass (for Tradesmen working on the Harbour Estate) (ex VAT) - per year or part	£375.00	£379.00
Daily Contractors Pass (ex VAT) - per day or part	£12.00	£13.00
Advertising Charges	To be determined by HM	
Salt-water extraction charge (Use of quays to pump water for commercial purposes) (At the Harbour Masters discretion) per day or part & per year or part	£32.00	£32.00
	£1216.00	1227.00
Payment Plan Administration charge (Direct Debit payments over monthly instalments for Annual facilities only) (All payment plans must be over 6 months maximum/completed by October)	£0.- £499 - £30.00 £500-£999 - £42.00 Over £1000 - £60.00	

Section 6

Pilotage



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

6.1.1 Extract from Tor Bay Harbour Pilotage Directions

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

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

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

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

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

Charges for Pilotage Exemption Certificates⁷

6.2.1 Pilotage Exemption Certificate, per issue

HARBOUR REVENUE ACCOUNTS 2022/23 to 2026/27

Expenditure	2021/22 Base Budget £ ,000	2021/22 Final Outturn £ ,000	2022/23 Cttee Budget £ ,000	2022/23 Projected Outturn £ ,000	2023/24 Provisional Budget £ ,000	2024/25 Provisional Budget £ ,000	2025/26 Provisional Budget £ ,000	2026/27 Provisional Budget £ ,000	Notes
Harbour Employee Costs	731	615	686	694	824	845	865	882	1
Premises Costs:-									
Repairs and Maintenance	303	388	307	340	332	332	332	332	2
Energy & Water	245	229	268	327	357	364	371	379	3
Cleaning & Waste	99	47	54	55	59	60	61	63	
Other Premises & Insurance costs	126	162	170	158	194	198	202	206	4
Operational Costs:-									
Security Services including CCTV	144	148	150	150	157	160	163	167	
Professional Services	60	66	72	71	75	77	78	80	5
Equipment and V&P	49	76	46	70	59	60	61	63	6
SWISCo	85	85	88	88	96	98	100	102	
General & administration expenses	60	85	86	84	87	89	91	92	
Internal Support Services	244	244	249	251	274	279	285	291	
User Charges Concessions	11	13	13	15	25	26	26	27	7
Capital Charges	547	552	559	552	552	630	630	630	8
Conservancy (Dredging)					50	100	0	0	9
IFCA Precept	27	26	28	27	28	29	29	30	
Contribution to Multi-Agency funding	5	0	0	0	0	0	0	0	
Contribution to General Fund - EHO	25	25	25	25	25	25	25	25	
Contbn to General Fund (Asset Rental)	652	752	618	652	652	652	652	652	
	3,413	3,513	3,419	3,559	3,846	4,023	3,971	4,018	
Income									
Rents and Rights :-									
Property and Other Rents/Rights	603	678	648	674	698	698	703	703	
Marina Rental	462	559	498	498	523	533	544	555	10
Operating Income :-									
Harbour Dues	158	342	55	39	43	44	45	46	11
Visitor and Slipway	67	97	74	98	98	99	100	102	11
Mooring fees	210	138	251	248	276	280	284	290	11
Pontoon Berths	613	462	681	675	749	787	803	819	11
Fish Tolls	1,000	1,069	1,000	1,000	1,000	1,000	1,000	1,000	
Recharged Services	163	94	101	110	131	134	136	139	
Harbour Facilities charges	78	73	54	65	60	61	62	64	11
Licences & Contractor passes	35	40	10	47	20	20	21	21	11
Reserved Car Parking	40	34	35	26	26	27	27	28	12
Miscellaneous & Administration charges	29	69	32	37	28	29	29	30	
Contributions from Reserve	0	282	0	45	50	100	0	0	13
	3,458	3,937	3,439	3,562	3,702	3,812	3,754	3,795	
Operating Surplus /(Deficit)	45	424	20	3	(144)	(211)	(217)	(223)	
Insurance claim settlement		60							
Contributions to Reserve/Impairment provision		(426)							
Net to/(from) Reserve	45	58	20	3	(144)	(211)	(217)	(223)	
RESERVE FUND									
Estimated Opening Balance as at 1st April		38		481	423	187	(116)	(325)	
Interest Receivable		1		8	8	8	8	8	
Net Surplus / (Deficit) from Revenue Account		58		3	(144)	(211)	(217)	(223)	
Contribution to/from Revenue account		252		(69)	0	0	0	0	
Earmarked contrbn re: dredging works		150		0	(50)	(100)	0	0	13
Withdrawals - Harbour Capital Schemes		(18)		0	(50)	0	0	0	
Expected Closing Balance as at 31st March		481		423	187	(116)	(325)	(540)	
Minimum Reserve Level			688		740	762	751	759	

Notes

1 An inflationary pay increase above the budgeted level has been agreed for the current year and is reflected in the 2023/24 budget along with higher pension costs. Future budgets assume a 2% pay increase year on year. The cost of the Health & Safety post, currently covered centrally, will pass to the Harbour Account from 2023/24.

2 The budget provision for repairs & maintenance has been increased from 2023/24 to maintain required health & safety standards.

3 Provision has been made for the significant impact of the energy crisis based on current information. This situation is being monitored carefully and further hikes cannot be ruled out. Water consumption in the current year is lower than anticipated this has been reflected in the 2023/24 base.

4 Premia on specialist marine insurance has risen in recent years and a further uplift occurred in 2022/23 following a full evaluation of the market. Future years premia will rise further on the back of claims history.

5 External service level agreements for Property and Estates services. Also includes project management costs.

6 The budget provision has been increased from 2023/24 to reflect costs of ageing plant.

7 Due to the cost of living crisis, reflected in the 10% increase in harbour user charges (see note 11), it is expected that charges concessions will need to increase for charities and youth organisations to ensure their continuing viability. This follows discussions at the Harbour Liaison Forums.

8	2021/22 £k	2022/23 £k	2023/24 £k	2024/25 on £k
Torquay Town Dock	81	81	81	20
Torquay Town Dock - replacement				96
Torquay Inner Harbour pontoons	54	54	54	54
Torquay Haldon Pier	81	81	81	81
Brixham Harbour Regeneration	282	282	282	282
Brixham Harbour Jetty	38	38	38	38
Harbour Light	16	16	16	16
Workboat				20
Day Boat Pontoon-Brixham				2
Princess Pier railings				5
Chiller replacement				16
	<u>552</u>	<u>552</u>	<u>552</u>	<u>630</u>

9 A programme of dredging will be implemented by the Head of Tor Bay Harbour Authority funded by the specific amount set aside within the Reserve (see also note 13).

10 Marina rentals have been based on the audited income for 2019/20 uplifted for assumed inflation year on year (the 2020/21 figures were impacted by Covid). The audited accounts for 2021/22 are unlikely to be received before the end of 2022.

11 The Provisional Budget 2023/24 assumes an inflationary increase of 10% on user charges. A comparison against a 9% increase is shown below.

	9% increase	10% increase
Harbour Dues	43	43
Visitor and Slipway	97	98
Mooring fees	274	276
Pontoon Berths	742	749
Other income	80	80
	<u>1,236</u>	<u>1,246</u>

An additional, above-inflation increase has been assumed for Torquay Town Dock users from 2024/25 to reflect the the costs of the enhanced facility.

12 Income from parking at Brixham has reduced due to users making use of Oxen Cove and flexible season tickets offered by Torbay Council.

13 Contribution of the specific provision within the Reserve for dredging works (see also note 9).

14 Provision is being earmarked from the Reserve for a program of maintenance of the chain moorings in Brixham Inner Harbour.

Meeting Title	Torquay & Paignton Liaison Forum
Venue	Torquay Harbour Office
Date	Thursday 24 th November 22

Present	Rob Parsons (RP)	John Dudley (JD)	Anne Brooks (AB)
	Nick Burns (NB)	Morgan Bingle (MB)	Bob Benfold (BP)
	Jessica Marles (JM)	Peter Bingle (PB)	Tim Allen (TA)
	Nicole Amil (NA)	Vanessa Ripley (VR)	Melanie Evans (ME)
	Jason Bond (JB)	Charles Eastwood (CE)	Warwick Saunders(WS)

Agenda Items	<ol style="list-style-type: none"> 1. Welcome & Apologies 2. Minutes from the last meeting 3. Actions from Minutes 4. Harbour Financial Update & Charges 5. Operational Update 6. Health and Safety 7. Staffing 8. Events 9. AOB
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1.	Welcome & Apologies	Action
	<p>RP welcomes all to the meeting and thanked forum members for their patience in relation to the cancellation of previous meetings during the high season.</p> <p>JM announced apologies tendered by: Christine Carter, Andrew Barrand, Tim Morris, James O'Dwyer and Judith Mills.</p>	
2.	Minutes from the last meeting	Action
	No comments on accuracy of minutes	
3.	Actions from minutes	Action
	<p>RP updated the forum on the status of TBHA's levelling up bid, which remained as nothing to report to date.</p> <p>ME asked about Paignton toilet redevelopment, RP advised that nothing has yet been formalised. AB said the toilets are an asset to Paignton Harbour.</p> <p>Harbour Master to raise with Director of Place</p>	RP

4.	Harbour Financial Update & Charges	Action
	<p>RP introduced the proposed increases in Harbour Charges that were to be delivered to the Harbour Committee on the 14th of December. RP raised the cost of living crisis and how that was to impact upon us all.</p> <p>RP opened to the floor for discussion or concerns they may have so these can be raised at the Harbour Committee.</p> <p>BP asked RP to clarify what the rate will be rather than reference to the Cost of Living.</p> <p>RP clarified that the rate is set from TBC finance team and any increase regarding inflation will be CPI as published in November 2022</p> <p>VR stated her concerns that putting the prices up by 10% will push club members over the edge and people will not be able to afford spaces or membership. VR continued that clubs are struggling for membership with the present climate and have already reduced the price of membership to encourage people to join. The question of concessions was raised to support struggling clubs.</p> <p>RP to go to Harbour Committee with potential of offering concessions to clubs. All in support of this.</p> <p>RP informed the forum that this is a low risk that financial pressures could cause customers to abandon vessels due to increases in mooring fees but this will be monitored. RP raised the issue that some customers again may feel unable to pay for sufficient insurance but again this has been highlighted as a risk</p> <p>General discussion over the potential of charging more for things that cause issues and therefore cost especially areas that encourage anti-social behaviour</p> <p>NB highlighted the present charging structure in relation to the points raised , RP supported the point and assured the forum this would be highlighted at the harbour committee.</p> <p>WS expressed his concerns on the fees going up and the lack of corporate understanding of the Harbour and why were the fees being raised when sums passed to centre were significant. WS informed all that if manning were available the income would not be lost.</p> <p>VR agreed and said often on weekends and evenings there are a lot of people launching from Paignton as they know that no one will be there to collect fees.</p> <p>RP accepted the concerns and said that the point is not one just of financial but one of safety and this will be passed to the duty holder.</p>	<p>RP</p>

5.	Operational Update	Action
	<p>NB provided an update on the operational matters at Torquay Harbour, highlighting the below points.</p> <ul style="list-style-type: none"> • The Town Dock replacement project is exceeding the completion date, it was forecasted to be completed in February however we are hoping for it to be completed and the end of next week November 30th. Next year the HA will be starting the wave screen, when this is finished the project will be fully completed. • Tor Bay have six cruise ships provisionally booked in for next year, normally this will be confirmed nearer to the time. • Occupancy for all facilities is at 100%. Harbour admin staff are turning berths around when we get cancellations to ensure full occupancy. 	

	<ul style="list-style-type: none"> • The barrier in Torquay is currently out of use due to a recent impact. In order to replace this we are looking at £4,200 however we are trying to salvage parts from a donor barrier retained by the HA. • Two new CCTV cameras have been installed in Torquay, thus adding to the council system and a better overlap for the purposes of security. • Tor Bay Vessel ' Our Fortune' Is under going some work and having the sufficient surveys to ensure compliance with the required coding. <p>RP provided an operational update for Paignton Harbour highlighting the below points.</p> <ul style="list-style-type: none"> • The barrier in Paignton started off working well, however a contractor has damaged the access loop and we are in the process of negotiating repairs and recover of costs. • The winter lift out in Paignton had been completed and RP paid particular praise to Mr A Lane who had coordinated the move. • ME mentioned the lights around South Quay are not working causing the area to be very dark, Action SP to check lighting and report back to RP • The visitor pontoon in Paignton will be removed next week, PB said that it is helpful to have the pontoon in place until completion of the annual lift out. Action RP confirmed that subject to weather the pontoon can remain in situ until completion of the lifts. 	SP
6.	Health & Safety	Action
	<p>RP gave a general overview of HSE and explained that the priority of the HA was to ensure that the culture across the board was to improve. RP informed the forum that it is intended for a newsletter to be sent from the HA every quarter, Starting in the New Year, to highlight any changes, Near misses so as improve the general culture but more importantly the reporting culture.</p> <p>RP informed the forum of the present PMSC Audit and the proposed changes that will need to be ratified by the committee.</p>	
7.	Staffing	Action
	<p>PB mentioned that there is no direct number for Paignton Harbour for operational matters, this would be helpful to have as the generic number goes to admin staff in any three harbour</p>	
8.	Events	Action
	<p>BP advised on a number of events for next summer and that he is using the new events system to input them, it is working fine however can find himself repeating information.</p> <p>VR run down on events for Paignton Sailing club, various events for next year booked in.</p>	

9.	AOB	Action
	<p>BP said about the barrier message in Torquay being confusing, NB informed this is now going through to Brixham Harbour security out of hours so should no longer have this issue. This will be the same for the Paignton barrier when it is operational.</p> <p>BP asked for dates of cruise ships so he is aware if there is one whilst there is an event on, NB to send a list.</p> <p>WS gave an update on the anti-social behaviour situation at Berry Head and Hopes Nose. A separate meeting was held recently to discuss this and they are looking at a possibility of a year ban on angling at the main sites whilst a system is designed for licensing. There is no money or resources and the people doing it know this. There is progress happening with this situation.</p> <p>NA advised Harbour Committee is Wednesday 14th December 5.30pm in Meadfoot room Town Hall.</p> <p>RP thanked all for attending the meeting, we will be keeping the meetings in person but will attempt a hybrid option for others who can't attend in person.</p> <p>Date of Next meeting TBC</p>	<p>NB</p> <p>NB</p>

Meeting Title	Brixham Liaison Forum
Venue	Brixham Harbour Office and Teams
Date	Wednesday 23 rd November 2022

Present	Rob Parsons (RP)	James O'Dwyer (JO)	Jessica Marles (JM)
	Nicole Amil (NA)	Neil Murray (NM)	Karen Annis (KA)
	David Faithful (DF)	Sacha Hagar (SH)	
	Ray Longhurst (RL)	Dave Saunders (DS)	
	David Range (DR)		

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| <ol style="list-style-type: none"> 1) Welcome and Apologies 2) Minutes from the last meeting 3) Actions from minutes 4) Harbour Financial Update & Charges 5) Operational Update 6) Health and Safety 7) Staffing 8) Events 9) AOB |
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1.	Welcome & Apologies	Action
	<p>RP welcomes all to the meeting and thanked forum members for their patience in relation to the cancellation of previous meetings during the high season.</p> <p>All introduced themselves and JM informed the forum on apologies tendered.</p>	

2.	Minutes from last meeting	Action
	No comments on the accuracy of the previous minutes or matter arising.	

3.	Actions from minutes	Action
	No actions from previous minutes	

4.	Harbour Financial Update & Charges	Action
	<p>RP introduced the proposed increases in Harbour Charges that were to be delivered to the Harbour Committee on the 14th of December. RP raised the cost of living crisis and how that was to impact upon us all. RP opened to the floor for discussion or concerns they may have so these can be raised at the Harbour Committee</p> <p>DS raised concerns in relation to Day boat businesses due to the strain already placed upon them.</p> <p>JO advised the forum on the present council financial position and how any shortfall will have to be covered by all services and what they contribute back to the centre to ensure a balanced budget. JO raised his concerns as to the Harbour Budget and that as a service we are at tipping point.</p> <p>RP agreed that we present financial situation is concerning and that a review of the financial situation is still underway and that the HA is looking at its risks to ensure that SLT are informed.</p> <p>DS asked if there is any update to the extension to the Northern Arm and levelling up fund. RP informed the forum as to the present position but made all aware of the fisheries funding available and open, which a list will be tendered to the duty holder so as to ratify a priority list.</p>	

5.	Operational update	Action
	<p>RP informed the forum on present fish tolls, landings and forecasts.</p> <p>RL enquired as to the reporting procedure for collisions as he was yet to receive a response to a near miss raised in the spring in 2022.</p> <p>RP advised that reports like this are passed to the MCA and or the MIAB who then advise as to the next steps. RP Apologised as to any delay in response and this will be chased up. RP advised further that the Harbour authority is the primary investigating or enforcement in these matters but it is still good practice to reply to customers.</p> <p>Action for RP to send a letter to the MCA advising we are not getting the information needed.</p> <p>SH mentioned that the north end of Goodrington washed up a lot of razor clams and giant cockles not long ago, there was no storm to cause this so unsure why it happened. Action for Rob to contact the EA for more information on this and pollution reports</p> <p>RP gave a general update on operations in particular the dredging and the potential costs associated with this and as to the present financial position. Further updates to follow.</p> <p>Discussion took place as to areas that the forum deemed were in need of dredging over dredging, between town pontoon and ferry pontoon and how the heritage vessels need sufficient clearance.</p> <p>RP advised that the need for dredging is to maintain the charted depth and prior to dredging the required surveys will take place and will be published in accordance with the code.</p> <p>RP updates the forum in relation to derelict vessels and that two vessels had recently been removed that were of high risk. The position with the Accumulate remains unchanged but efforts are still underway in partnership with our insurers.</p>	<p>RP Action</p>

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6.	Health and Safety	Action
	<p>RP gave a general overview of HSE and explained that the priority of the HA was to ensure that the culture across the board was to improve. RP informed the forum that it is intended for a newsletter to be sent from the HA every quarter, Starting in the New Year, to highlight any changes, near misses etc so as improve the general culture but more importantly the reporting culture.</p> <p>RP informed the forum of the present PMSC Audit and the proposed changes that will need to be ratified by the committee.</p>	

7.	Staffing	Action
	<p>DS mentioned that the Breakwater was better attended this year but there was still concerns as to manning over the high season,</p>	

8.	Events	Action
	<p>Lights and illuminations event is scheduled for this weekend, all going ahead and road closures in place.</p>	

9.	AOB	Action
	<p>JO brought up the potential road closure from windy corner to Lidl and asked why that the HA had not objected and despite the consultation requested that a letter to the director be sent to raise concerns the closure will have to the local businesses of Brixham.</p> <p>RP gave a brief presentation in relation to a proposal from 'Until The Coast is Clear' headed up by Gary Joliffe.</p> <p>DS mentioned that his mooring on the Brixham boat club moorings touches the rocks at low tide, asked for this to be taken into consideration</p> <p>JO asked how often it will be cleared and if the wind blows in different directions could this cause more mess. RP will encourage but will see how it goes, it can be removed if needed.</p>	

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ACTIONS	
Action for RP to send a letter to the MCA advising we are not getting the information needed.	
Action for Rob to contact the EA for more information on this and pollution reports	

Next Meeting
Venue
Future meetings

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